

FORM AG1

File No.

APPLICATION FOR A GUARDIANSHIP ORDER (INCLUDING AN INTERIM GUARDIANSHIP ORDER)

Guardianship of Adults Act

Important - This notice must be filed with NTCAT at agd.ntcat@nt.gov.au and carbon copied to the Public Guardian at OPG.Applications@nt.gov.au at the same time and in the same e-mail

PERSON YOU ARE APPLYING ABOUT

First Name/s:

Surname:

Is the person known by any other names? If so please specify:

Residential Address:

Current address if not the same as residential address:

Gender:

Identifies as Aboriginal or Torres Strait Islander

☐ Yes

☐ No

Is the person under 18 years of age?

☐ Yes

☐ No

Date of birth:

E-mail:

Phone:

Mobile phone:

Hospital Registration (HRN) No.:

Does the person require an interpreter?

☐ Yes, Language?

☐ No

Please specify if the person has any other needs or requirements which NTCAT may need to know about for the purposes of arranging a hearing.

APPLICANT'S INFORMATION

First Name/s:

Surname:

Postal Address:

E-mail:

Phone:

Mobile phone:

Your relationship to the person you are applying about:

Important: The use of electronic media for the exchange of documents and other important information in NTCAT proceedings is strongly encouraged. If you are able to provide an email address it will be used for the service of documents and notices. If you have provided a mobile phone number NTCAT may send you SMS text messages with notifications about your matter.

INTERIM GUARDIANSHIP ORDER¹

Interim guardianship orders may be made if the person is in urgent need of a guardianship order. Applicants should not request an interim guardianship order unless there is genuine urgency and not for reasons of convenience.

Is an interim guardianship order required before this application is determined?

☐ Yes ☐ No

Please set out your reasons why an interim guardianship order is required:

**** If requesting an interim guardianship order, complete as much of this form as possible and file it (along with any supporting evidentiary material you are able to provide) with NTCAT as soon as possible.***

¹ S 20 of the *Guardianship of Adults Act* sets out when NTCAT can make an interim guardianship order. NTCAT must reasonably believe the person has impaired decision making capacity and is in urgent need of a guardian.

DETAILS OF IMPAIRED DECISION MAKING CAPACITY² OF THE PERSON

Why does the person need a guardian?

Is a guardian needed for all or specific matters (eg. personal matters³ or financial matters⁴)?

Does the person know about the application?

☐ Yes ☐ No

If no, please explain why:

EVIDENCE OF IMPAIRED DECISION MAKING CAPACITY

Please provide NTCAT with evidence of the person's impaired decision making capacity. This may include (but is not limited to) a medical / psychological / other professional report(s) (see NTCAT form AG3).

Please indicate if you have:

- ☐ *included a copy of a recent a medical / psychological / other professional report*
- ☐ *requested a medical / psychological / other professional report. As soon as you receive it please provide the report to NTCAT*
- ☐ *requested a report from a medical / psychological / other professional but they will not provide it to you. Please provide details of the professional you requested the report from:*

Title and name:

² The meaning of 'Impaired Decision Making Capacity' is set out in s 5 of the *Guardianship of Adults Act*. Also see the Additional Information section of this form.

³ S3 of the *Guardianship of Adult Act* defines "**personal matters.**" Also see the Additional Information section of this form

⁴ S3 of the *Guardianship of Adults Act* defines "**financial matters.**" Also see the Additional Information section of this form

Address:

E-mail:

Phone:

PRIMARY CARER'S DETAILS

Does the person you are applying about have a primary carer or carers?

☐ Yes ☐ No

If 'yes' please provide details:

Title and name:

Organisation (if any):

Address:

E-mail:

Phone:

Please ask the primary carer to complete a Primary Carer's Report (see NTCAT Form AG4). The report should be attached to this application or provided to NTCAT when completed.

DOES THE PERSON HAVE AN ADVANCE PERSONAL PLAN OR ENDURING POWER OF ATTORNEY?

Does the person you are applying about have an advance personal plan within the meaning of the *Advance Personal Planning Act* or an enduring power of attorney?

☐ Yes ☐ No ☐ Unsure⁵

If yes, please provide details of the advance personal plan or enduring power of attorney or copies if you have them.

⁵ Have you conducted a search for an advance person plan with the Office of the Public Trustee (NT) and conducted a search for a registered enduring power of attorney with the Office of the Registrar-General (NT)?

INTERESTED PERSONS⁶ DETAILS

In deciding whether to make a guardianship order, NTCAT must take into account any views and wishes stated by an interested person.

Please complete the Interested Person's Schedule at the end of this form.

DETAILS OF PROPOSED GUARDIAN

Do you want NTCAT to appoint the following as guardian (may be more than one):

- ☐ you
- ☐ another person
- ☐ the Public Guardian
- ☐ the Public Trustee only for financial matters (consent of the Public Trustee is required and must be attached)

If you want NTCAT to appoint you or another person please complete the following details of the proposed guardian:

Guardian 1

Title and name:

Organisation (if any):

Address:

Relationship or interest with respect to the person (if any):

E-mail:

Phone:

Guardian 2

Title and name:

⁶ 'Interested Person' is defined in section 3 of the *Guardianship of Adults Act*. Also see the Additional Information section of this form.

Organisation (if any):

Address:

Relationship or interest with respect to the person (if any):

E-mail:

Phone:

Is the proposed guardian or guardians aware of this application? ☐ Yes ☐ No

Does the proposed guardian or guardians consent to act as guardian? ☐ Yes ☐ No

For each proposed guardian (apart from the Public Guardian or the Public Trustee) attach a completed 'Proposed Guardian Eligibility Declaration' (see NTCAT form AG2) to this application.

PERSON'S ATTENDANCE AT THE HEARING

In making a decision about this application, NTCAT will be required, as far as practicable, to take into account the person's views and wishes. NTCAT therefore strongly prefers that the person attends the hearing of the application. If you consider the person should NOT attend the hearing please state why:

SIGNATURE

Signature of applicant or applicant's representative:⁷ _____

Name:

Date:

⁷ A person signing as representative of a party warrants to NTCAT that he/she has the lawful authority to do so.

ADDITIONAL INFORMATION

Below is a list of some frequently used words in this application.

Meaning of '**decision-making capacity**' and '**impaired decision-making capacity**' (see section 5)

- (1) An adult has **decision-making capacity** if the adult has the capacity to:
 - (a) understand and retain information about the adult's personal matters and financial matters; and
 - (b) weigh the information in order to make reasoned and informed decisions about those matters; and
 - (c) communicate those decisions in some way.
- (2) An adult is presumed to have decision-making capacity until the contrary is shown.
- (3) An adult has **impaired decision-making capacity** if the adult's decision-making capacity is impaired.

Definition of '**financial matter**' and '**personal matter**' (see section 3)

financial matter, for an adult, means a matter relating to the adult's property or financial affairs.

*Examples for definition **financial matter***

- 1 *Receipt and payment of money.*
- 2 *Banking.*
- 3 *Property (including real estate) ownership.*
- 4 *Investment and management of assets.*
- 5 *Carrying on a trade or business.*
- 6 *Insurance for an adult or the adult's property.*
- 7 *Legal matters relating to a financial matter, other than as mentioned in section 24(e).*

personal matter, for an adult, means a matter relating to the adult's personal affairs (including health care) or lifestyle.

*Examples for definition **personal matter***

- 1 *Accommodation.*
- 2 *Health care.*
- 3 *The provision of care services to the adult.*
- 4 *Employment.*
- 5 *Education and training.*
- 6 *Day-to-day living matters, such as diet and daily activities.*
- 7 *Relationships with other people, including decisions about who may or may not visit the adult.*
- 8 *Legal matters relating to a personal matter, other than as mentioned in section 24(e).*

Definition of 'interested person' (see section 3)

interested person, for an adult, means any of the following:

- (a) a relative of the adult;
- (b) a guardian for the adult;
- (c) the Public Guardian;
- (d) the Public Trustee;
- (e) an agent for the adult;
- (f) a person who is primarily responsible for providing support or care to the adult;
- (g) any other person who has a genuine and sufficient interest in protecting the adult's best interests.

INTERESTED PERSONS SCHEDULE

Interested Person 1

First Name/s:

Surname:

Postal Address:

E-mail:

Phone:

Mobile phone:

Relationship or interest with respect to the person you are applying about:

Is the interested person aware of this application? ☐ Yes ☐ No

Interested Person 2

First Name/s:

Surname:

Postal Address:

E-mail:

Phone:

Mobile phone:

Relationship or interest with respect to the person you are applying about:

Is the interested person aware of this application? ☐ Yes ☐ No

Interested Person 3

First Name/s:

Surname:

Postal Address:

E-mail:

Phone:

Mobile phone:

Relationship or interest with respect to the person you are applying about:

Is the interested person aware of this application? ☐ Yes ☐ No

Interested Person 4

First Name/s:

Surname:

Postal Address:

E-mail:

Phone:

Mobile phone:

Relationship or interest with respect to the person you are applying about:

Is the interested person aware of this application? ☐ Yes ☐ No

Interested Person 5

First Name/s:

Surname:

Postal Address:

E-mail:

Phone:

Mobile phone:

Relationship or interest with respect to the person you are applying about:

Is the interested person aware of this application? ☐ Yes ☐ No

Add more interested persons as required.