

# Make an APP checklist - NT



This checklist will guide you through the process of making an Advance Personal Plan (APP). It will show you what to think about and connect you to relevant information.

## HOW TO USE THIS CHECKLIST



**Think** about each point before you start to complete your enduring power of attorney form and make notes of your preferences, questions and decisions.



**Tick** the boxes once you've completed each step.



A **PDF version** is also available for you to download should you want to go through this process offline.

### 1 GET READY

Background information and resources to help you research and prepare to make an EPOA

### 2 GET STARTED

Practical information you will need to consider before completing the EPOA form

### 3 COMPLETE THE FORM

Helpful information to help you complete the EPOA form

### 4 SIGN AND WITNESS

Information about how to correctly sign and witness your EPOA

### 5 REGISTER AND STORE

Information about registration requirements and tips on where and how to store your EPOA

### 6 CHANGING OR REVOKING YOUR EPOA

Information to assist you should you want to change or revoke your EPOA

Please be aware this checklist is not a substitute for legal advice.



## 1 GET READY

Knowing as much as possible about an advance personal plan (APP) before you start to make one will make the process easier. (From 2014, APPs replaced 'enduring powers of attorney' in the Northern Territory. Enduring powers of attorney made before 17 March 2014 are still valid and do not need to be remade.)

### Have you read the information about APPs? Do you know where you can find out more?

- Compass [Introduction to enduring power of attorney](#)
- Compass [Powers of attorney in the Northern Territory](#)
- The Australian Guardianship and Administration Council's '[You Decide Who Decides](#)' [booklet](#) on the Compass website (PDF, 2.5MB)
- The Public Trustee [Advance personal plan](#) webpage
- Office of the Public Guardian '[Advance personal plans and adult guardianship](#)' fact sheets
- Council on the Ageing NT [Advance personal plans](#) webpage
- Darwin Community Legal Service [Advance personal plan](#)

**Do you understand the key terms that relate to APPs in the Northern Territory?**

If you're unsure about any of these, visit the Compass [Helpful terms to know](#) webpage or the other information sources listed above.

- **Advance personal plan** (a legal document that was known as an enduring power of attorney until 2014 and authorises someone to make health, finance and lifestyle decisions on your behalf if you lose capacity; sometimes called a 'living will')
- **Decision-maker** or **Substitute decision-maker** or **attorney** (the person you appoint under an APP to make decisions for you; sometimes called a 'donee')
- **Capacity** or **decision-making capacity** (your ability to understand and retain information about your decisions, assess that information to make decisions, and communicate your decisions)
- **Donor** (you, the person making the APP—called the **Principal** in some states)
- **Lose capacity** (you become unable to make your own decisions)
- **General power of attorney** or **Power of attorney** (a legal document that authorises someone to make certain or all decisions on your behalf while you still have capacity)
- **Jointly** (2 or more appointed decision-makers must all make decisions together)
- **Severally** (2 or more appointed decision-makers may make decisions on their own)
- **Revoke** (cancel)

**Are you confident that you understand the difference between the Northern Territory's general power of attorney (GPOA) and advance personal plan (APP) documents?**

- Compass [Powers of attorney in the Northern Territory](#) webpage
- The Public Trustee [Advance personal plan](#) webpage

**Have you decided that what you need is a document that will guide other people in making decisions for you if you become unable to make them yourself?**

- If so, an APP is the right option for your needs.
- If you want your financial decisions to be looked after while you still have capacity (for example, if you are in hospital or travelling overseas, or just want someone to look after specific financial tasks for you), you should make a GPOA. Forms and information are available from the [Northern Territory Government website](#)

*If you've ticked all those boxes, you should feel confident you have all the information you need. Move on to the next list.*

**All of the following statements must be true for you to be able to make your APP:**

- You are over 18 **and**
- you understand the effect of making an APP **and**
- you currently have capacity to make your own decisions.

There is a lot of support and assistance available to people who are making their APPs. The next list will help ensure that you know who you can contact for advice and help.

**Getting legal advice from a solicitor about making your APP is highly recommended. They can also help you complete the APP form. Fees will apply.**

- If you don't currently have a solicitor, you can find one via the [Current NT legal practitioners](#) page on the Law Society NT website.

**You may also be able to get information and help from these services:**

- [NT Legal Aid Commission](#), which may be able to provide legal help if you can't afford a private lawyer
- [The Public Trustee](#)
- [Darwin Community Legal Service](#)
- [Council on the Ageing NT's Advance care planning advisory service](#)—phone [1300 208 582](#)

*Now you should be ready to start making your APP.*





## 2 GET STARTED

The best way to make your APP is to complete the official form, which you can download from the Northern Territory Government website.

**Download the APP form and save a copy to your computer. Print off a copy if you'd like to fill it in by hand. (If you'd like to fill it in on the computer, you'll need to print it for signing once it's complete.)**

- Visit the Public Trustee's [Advance personal plan](#) webpage.
- Click on the downward arrow next to 'How to make an Advance Personal Plan'.
- Under 'Step 1. Fill in the form', click on either the PDF or DOCX (Word) link to download the APP form. The DOCX is easier to use if you want to add extra pages to your APP (for example, if you want to appoint more than 3 decision-makers).

Before you start filling in the form, read through it and the information attached to it. The form includes explanations and tips to help you complete it, but you may still think of questions you want answered. Write down any questions you have if they're not answered in the form.

**Look for answers to your questions. These resources may be helpful:**

- Compass [Powers of attorney](#) webpage
- Compass [Powers of attorney in the Northern Territory](#) webpage
- [You Decide Who Decides](#), a booklet compiled by the Australian Guardianship and Administration Council
- The Public Trustee [Advance personal plan](#) webpage
- Office of the Public Guardian [Advance personal plans and adult guardianship](#) fact sheet (PDF, 883 KB)
- your doctor
- your solicitor
- your accountant
- trusted family members
- close friends whom you trust.

You'll need to decide who you'd like to be decision-maker(s). Remember that in the Northern Territory you can appoint more than one person to act as your decision-maker. To appoint someone, you must get their written acceptance of the role in the APP form.

**Read about how to [choose an attorney](#) (or decision-maker) on Compass.**

**There are lots of people you can consider to be your decision-maker, but whoever you choose should be someone you trust**

- Family members (it doesn't have to be your closest relative, if you don't believe they are suitable)
- Close friends
- Neighbours
- Your partner (however, you should consider their own age and decision-making capacity; [read more about partners as decision-makers here](#))
- Your solicitor or accountant

**If you believe you don't have anyone suitable to ask, there are other options you can consider. Fees may apply.**

- [The Public Trustee](#)

- Check that your chosen person(s) meets the criteria for being your appointed decision-maker:**
  - They are over 18 years old.
  - They have full decision-making capacity.
  - You trust them.
  
- Talk to your chosen decision-maker(s) about what the role would involve and how you would like your decisions to be made. Do they listen to and understand what you want?**
  
- Make sure they understand what the job will involve. You could look at these resources together:**
  - Compass [Being an attorney](#) webpage
  - You Decide Who Decides booklet, [section 1 'Choose someone you trust'](#) pages 15–20
  
- Now that you've had the discussion, has the person agreed to be your decision-maker?**
  - If the person you've chosen doesn't agree, consider someone else and talk to them about it.
  
- If you chose more than one decision-maker, decide how you'd like this to work and whether you want to include any specific instructions for sharing the role. You'll need to indicate in section D of the APP form whether you want your decision-makers to act:**
  - jointly (all must make decisions together and all sign any document)
  - severally (any one can make decisions independently of the others)
  - in other or specific circumstances (for example, if one decision-maker is outside the Northern Territory when a something needs to be done, do you want one of the others to act in that matter instead?)

*Next, decide on the details of your APP and how you would like it to work for you.*

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- Think which decisions you might need your decision-maker(s) to look after and consider how you'd like each of them to be made.**
    - Are they to handle personal matters: for example, where you live, who you see, what care services you receive, what cultural or spiritual practices and values should be considered when making decisions for you? (This will help you complete section B.)
    - Are they to handle specific financial matters: for example, paying bills, transacting real estate, managing investments, carrying on a business? (This will help you complete section D.)
    - Are they to handle health and medical matters: for example, consent to treatment, end-of-life decisions, religious or ethical considerations relating to treatment? (This will help you complete sections B and C.)
    - Would you like certain decision-makers to manage personal matters and/or health matters, while others manage financial matters? Or can they all make any of the decisions? (You'll indicate this in section D.)



**Are there any particular conditions, limits or instructions you'd like to record? If so, you will need to note them in question 3 of section D. Here are some examples, but you may think of others that are relevant to your circumstances.**

- Should your decision-maker(s) notify someone (e.g. your lawyer, your bank) that the APP is taking effect before they make any of your decisions?
- Can your money be used to meet the needs of your dependants, such as paying for rent, food, education or medical care?
- Should your decision-maker(s) submit your accounts to your accountant every year?

**Have you gathered the names and addresses of all your chosen decision-makers?**

- You will need to have the details of the people you are appointing to record on the form.

*Once you have thought through all your preferences and found answers to your questions, you should be ready to fill in the APP form.*





### 3 COMPLETE THE FORM

The APP form is in PDF and Word (DOCX) format. You can complete your form on a computer if you have a PDF-editing program, such as [Adobe Acrobat Reader](#) (a free program—download from the Adobe website or Microsoft Word, but you'll need to print the completed form when you are ready to sign it.

Alternatively, you can print the blank form to fill it in by hand with a pen. If you are completing the form on paper, you might like to think about printing 2 copies: one as a draft that you can change and make mistakes on, the other to become the final, unaltered copy.

#### Read the whole form, including the notes on page 2, before you start completing it.

- The form has 5 sections.
- You must complete sections A and E for your APP to be valid.
- You only need to complete sections B, C and/or D if you have specific wishes, instructions and preferences to record.

#### Turn to section A, 'Personal details'.

- This section must be completed for your APP to be valid.
- Write your full name, home address and date of birth in the appropriate spaces. (If you are completing the form onscreen in Word, you may replace the blank lines with your typed text.)

#### Section A is complete. Turn to section B, 'Advance care statement'.

- The advance care statement records your personal views, wishes and beliefs to guide decision-makers on how you would want decisions made for you.
- You do not have to complete section B, but it's highly recommended that you do. It will give your family, friends and health or care providers a clear understanding of your values and what is important to you when making decisions.
- Answer each question to indicate how you would like your decisions to be made according to your views, wishes or beliefs. (If you are completing the form onscreen in Word, you can replace the blank lines with your typed text.)
- It is recommended you discuss this section with your decision-maker(s) so they thoroughly understand what you have written here and what your values and preferences are.

## Section B is complete. Turn to section C 'Advance consent decision'.

- The advance consent decision maximises your control over the medical treatments you receive if you lose mental capacity and cannot make the decisions yourself.
- Completing Section C is not compulsory for your APP to be valid. However, completing it will allow your family, friends and carers to know your wishes and preferences about decisions like cardiopulmonary resuscitation (CPR), life support, blood transfusions and other medical treatments, palliative care and organ transplants.
- Any instructions you give in section C are legally binding, so it's a very good idea to discuss your options with a doctor who knows your medical history and views before completing this section.
- Answer each question to indicate what medical treatments and options you would or would not want to receive and any religious or ethical beliefs that should inform these decisions. (If you are completing the form onscreen in Word, you can replace the blank lines with your typed text.)

## Section C is complete. Turn to section D 'Appoint decision-maker(s)'.

- Completing Section D is not compulsory, but if you don't complete it no one will be authorised to make your decisions in a way that respects your wishes, instructions and preferences if you lose mental capacity. If you wish to appoint decision-makers to manage matters for you, you need to complete this section.
- Fill in your full name and address at question 1.
- At question 2, record the full name and address your first decision-maker, then tick a box to indicate which matter they may look after for you. (If you have decided to limit the matters they can decide, list the details.)
- If you are appointing only one decision-maker, cross out questions 2b and 2c.
- If you are appointing 2 decision-makers, complete 2b in the same way and cross out 2c. Have the decision-maker sign the page if they will be managing financial matters for you.
- If you are appointing more than 2, complete 2c in the same way and use extra pages to list the details of each additional decision-maker. Have each decision-maker sign the page if they will be managing financial matters for you.
- For each additional decision-maker, tick a box to indicate which matters you want them to act on.
- Next, at question 3 record whether they are to act severally, jointly or in other or specific circumstances such as absence.
- You can attach more pages to this section if required.

## Section D is now complete. Turn to section E, 'Signing and witnessing'.

# NOTES

Lined area for taking notes, consisting of horizontal lines spaced evenly down the page.



## 4 SIGN AND WITNESS

Section E 'Signing and witnessing' must be completed for the form to be valid, but don't sign it yet! You must sign your APP in front of an authorised or 'qualified' witness, who cannot be your relative or your appointed decision-maker.

The APP form includes a list of authorised witnesses, including school principals, accountants and nurses, on the last page of the form. Fees may apply for the service.

### Arrange to meet face-to-face with the witness to sign your APP.

- In front of the authorised witness, write your full name in the first space in section E and sign in the space beside it.
- Have your witness write their full name, address and qualification as an authorised witness (for example, 'school principal' or 'accountant') in the spaces provided after 'Witness'.
- The witness then signs and dates the form in the last spaces on this page.
- Leave the shaped spaces at the bottom of the page blank.

Your APP form is complete! There are a few more steps to finalise it.

*Once your APP has been correctly witnessed, the last step is to decide where to keep it.*





## 5 REGISTER AND STORE

In the Northern Territory, you do not have to register your APP and you may store it at home yourself. You can also register it with the Public Trustee's free service, which can be helpful later if your spouse/partner, children, medical attendants or other relevant people need to find it.

### Would you like to register your APP with the Public Trustee? Follow these steps.

- Visit the Public Trustee's [Advance Personal Plan](#) webpage and download the 'Application to register an Advance Personal Plan' form. The form is available in either PDF or DOCX (Word) formats.
- On the first page, indicate whether you are registering a new APP or adding a subsequent APP by ticking the appropriate box.
- In the 'Personal details of person who made the APP (Applicant)' section, provide all your details as the donor.
- In the 'APP identification details' section, record the date the APP was signed and witnessed. If you prepared your APP yourself, tick the box for 'Self' and write your name as 'Preparers name'. (If a solicitor or other party prepared the APP for you, give their details and tick the appropriate box.)
- In the 'APP components' section, tick the boxes that indicate the sections you completed in your APP.
- The form then provides spaces for you to list up to 3 decision-makers and indicate which matters you have authorised them to deal with. Complete these details for each decision-maker and cross out any spaces you don't need.
- Sign and date the form as the applicant.
- Post this form and the original APP to the Public Trustee, GPO Box 470, Darwin, 0801. The APP will be returned to you.



**Make several copies of your APP and have them certified.**

- Visit the Northern Territory Government [Justice of the Peace and Commissioner for Oaths](#) webpage for more information about this process and to find a person authorised to certify documents.

**Distribute the certified copies of the original, signed APP.**

- If you want to store the original APP yourself, keep it in a safe place at home—perhaps with your will and other important papers.
- Give certified copies to your decision-maker(s).
- Give certified copies to any other relevant people, such as your solicitor, bank, care provider, accountant, family members and trusted close friends.
- You might like to keep a copy of this checklist with the certified copies of your APP.

**If your APP includes medical and health care instructions, you could provide a copy to your health professionals and update your eHealth record.**

- eHealth (or My Health Record) is an Australian Government online service that gathers all your health information securely in one place, so that you don't have to provide health records over and over again to different medical providers.
- For more information, visit the [My Health Record website](#)
- If you don't already have an eHealth record, you can register online, by phone or by going to a Medicare centre.

**Does your APP authorise decisions about property or land? If so, it must be registered with the Land Titles Office before your decision-makers can take any action for you.**

- A registration fee will apply.
- Submit the original APP and lodgement fee to the Land Titles Office by post or in person (between 8 am and 4 pm Monday to Friday).
- Contact the [Land Titles Office](#) to find out the current fee and to check the postal or physical address.

And finally ...

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**Make a diary note to review your APP in 2 to 3 years.**

- Circumstances and relationships change, so it's wise to review your plans regularly and make adjustments if needed.

*Sometimes things change, and you may decide later that you want to appoint a different decision-maker, alter the preferences that you recorded in your APP, or revoke (cancel) your APP completely.*





## 6 CHANGING OR REVOKING YOUR APP

In the Northern Territory, you may change or revoke (cancel) your APP at any time as long as you still have capacity. If you no longer have capacity, only the Northern Territory Civil and Administrative Tribunal can revoke or change your plan.

### Think through why you want to change your APP and what the changes will be.

- Has an appointed decision-maker become lost decision-making capacity, died or changed their mind about being your decision-maker?
- Has your good relationship with your decision-maker changed, or do you now have doubts that the person you appointed will act in your best interests?
- Will someone else now be better to handle your financial decisions for you?
- Have your financial circumstances or living arrangements changed?
- Do you now want your future decisions to be made differently if you should lose capacity?

### Have you read the available information about changing or revoking an APP in the Northern Territory?

- Compass [Powers of attorney in the Northern Territory: can I change or cancel my power of attorney?](#)

### Have you discussed the changes you want to make with other people, such as family members, your decision-makers, friends, your doctor, your solicitor, or a professional trustee or legal advisory service?

*Now you should be prepared to make the changes that you want.*

To **revoke** an existing APP, you must still have decision-making capacity and you must make the revocation in writing.

**Tell all your decision-makers that you are revoking your APP.**

- Write and send them a letter stating that you are revoking your current APP. Make a note of when you send it and keep a copy for your records.
- Ask to have their copies of the previous APP back, if possible.

**Tell other relevant people that you are revoking your APP. These might be:**

- family members
- your doctor
- your solicitor or accountant
- your bank

**If you registered your previous APP with the Public Trustee, notify them in writing of the revocation.**

- You will need to contact the [Public Trustee](#) by email to ask the best way to advise them.

**If you registered your previous APP with the Land Titles Office, complete a 'Form 99A – Revocation of advance personal plan' and lodge it.**

- You can download this form from the [Land Titles Office: forms and fees](#) webpage.
- Read the notes on page 2 before completing the boxes on page 1.
- You will need to sign the form in front of a qualified witness, who must provide their details in the large box, under your signature.
- A lodgement fee applies, and the current fee is shown alongside the link to Form 99A on the website.

To change your existing APP, you may simply write the amendments on the original document. However, creating a new APP is a much better idea because it will be less likely to lead to mistakes and confusion later.

**To make a new APP, follow this checklist again to complete the form.**

**Provide your decision-makers with certified copies of the new APP.**

**Provide certified copies of the new APP to any other relevant people, such as your solicitor and bank. Ask for their copies of the previous APP back.**

**If you registered your previous APP with the Public Trustee, repeat the deposit process with your new one.**

**If your new APP authorises decisions about property and land, you must lodge a copy with the Land Titles Office. Follow the steps above to do this.**

**File a certified copy for yourself with your other important paperwork.**

**Disclaimer:** The information provided on this website is not a substitute for individual legal advice.

