



Application for Review of an enduring power of attorney

GUARDIANSHIP DIVISION

Before completing this application form, refer to the fact sheet 'Review of an enduring power of attorney'. If you need more information, contact NCAT's Guardianship Division on (02) 9556 7600 or 1300 006 228.

IMPORTANT INFORMATION

- The NSW Trustee and Guardian is a statutory party to all reviews of an enduring power of attorney.
- All parties will receive a copy of this application and all documents unless the Tribunal orders otherwise. For more information refer to the fact sheet 'Providing information to the Guardianship Division'.

1. Details of person who made the enduring power of attorney ('The Principal')

Who is this application about?

given names _____

family name _____

other names by which
this person is known _____

date of birth _____

gender male female

What is the person's usual permanent address?

Where does the person usually live? at home, provide details below

at the home of a family member or friend, provide details below

at a care facility, provide details below

no fixed address

name of family member,
friend or care facility _____

street _____

suburb/town, state, postcode _____

phone _____ mobile phone _____

fax _____

email _____

What is the person's current location? (if different from above)

name of family member,
friend or care facility _____

street _____

suburb/town, state, postcode _____

name of contact
(if applicable) _____

phone _____ mobile phone _____

fax _____

email _____

What is the person's mailing address? (if different from either address above)

street / PO Box

suburb/town, state, postcode

Other details about the person

What disabilities or other health-related factors affect the person's decision-making capacity?

- dementia
- intellectual disability
- brain injury
- other, provide details:
- advanced age
- neurological
- mental illness

Is there anyone who disputes the person's disability or incapacity?

- No Yes

If Yes, provide details:

- the person themselves
- health professional, provide name
- other person, provide name

Does the person regard themselves as belonging to any ethnic, cultural or religious group?

- No Yes, please specify:

Does the person speak a language other than English at home?

- No Yes, what other language:

Have you told the person that you are making this application?

- Yes, and he or she: Supports or Opposes the application
 No

The Tribunal must consider the views of the Principal before making its decision. As applicant you have an obligation to tell the Principal about your application.

Does the person have a spouse?

- No Yes

Spouse means a husband, wife or de facto partner and includes same sex relationships.

The relationship must be close and continuing.

given names:

family name:

street / PO Box:

suburb/town, state, postcode:

daytime phone:

mobile phone:

fax:

email:

Does the person have a carer?

No Yes

A carer is someone who provides domestic services and support to the person, or arranges services and support for the person.

A carer does not include professional carers who receive remuneration for their services. However, a carer's pension does not exclude someone from being a carer.

If the person resides at a facility (such as a nursing home or group home), the carer is the last person to have cared for the person before they became a resident at the facility.

given names: _____

family name: _____

street / PO Box: _____

suburb/town, state, postcode: _____

daytime phone: _____

mobile phone: _____

fax: _____

email: _____

2. Other current decision-making arrangements

Does the person have a guardian or enduring guardian?

No Yes, - If yes please provide details below and attach a copy of the guardianship order or enduring guardianship appointment

Does the guardian/enduring guardian know about your application? No Yes

guardian's name _____

street _____

suburb/town, state, postcode _____

daytime phone _____

mobile phone _____

email _____

relationship to principal _____

details of appointment _____

3. Your details ('the Applicant')

As the person making this application you have responsibilities that go beyond completing this form. You should be prepared to carry out these responsibilities before proceeding with this application. See the information sheet for more detail.

given names _____

family name _____

street / PO Box _____

suburb/town, state, postcode _____

daytime phone _____ after hours _____

mobile phone _____

fax _____ pager _____

email _____

What is your relationship to the person? _____

How long have you known the person? _____

Are you the person's: Attorney Enduring Guardian Guardian appointed by a Court or Tribunal

If yes, to any of the above attach a copy of the enduring power of attorney or enduring guardianship appointment or the Court or Tribunal order.

4. Details about the enduring power of attorney

Date of the enduring power of attorney: _____

Details of Attorney appointed under the enduring power of attorney

name _____
street _____
suburb/town, state, postcode _____
daytime phone _____ mobile phone _____
email _____
relationship to principal _____

Details of Attorney appointed under the enduring power of attorney (if more than one)

name _____
street _____
suburb/town, state, postcode _____
daytime phone _____ mobile phone _____
email _____
relationship to principal _____

Details of Attorney appointed under the enduring power of attorney (if more than two)

name _____
street _____
suburb/town, state, postcode _____
daytime phone _____ mobile phone _____
email _____
relationship to principal _____

If there were 2 or more attorneys, how were they appointed to act? Jointly Severally Jointly and Severally

Details of Substitute Attorney appointed under the enduring power of attorney (if any)

name _____
street _____
suburb/town, state, postcode _____
daytime phone _____ mobile phone _____
email _____
relationship to principal _____

If there were more than 2 attorneys or more than 1 substitute attorney, please provide contact details in a cover sheet

Details of Prescribed Witness – section 19 certificate

name _____
occupation _____
name of firm (if lawyer) _____
street _____
suburb/town, state, postcode _____
daytime phone _____ mobile phone _____
email _____

Has the principal made any other enduring power of attorney? No Yes, provide details of new attorney and attach a copy of the power

New attorney name _____

street _____

suburb/town, state, postcode _____

daytime phone _____ mobile phone _____

email _____

relationship to principal _____

Please note that if you wish the Tribunal to review a new or previous enduring power of attorney, you must submit an application form for each power of attorney. There is a separate application form to review a revocation of an enduring power of attorney.

5. Need for a review of an enduring power of attorney

What type of review of the enduring power of attorney are you seeking?

- review of the making of the enduring power of attorney
- review of the operation and effect of the enduring power of attorney
- both

Please identify any current risks to the principal in relation to his or her finances	No	Yes
Is the person's money about to be spent or their assets sold or transferred in a way that is not in their best interests?	<input type="checkbox"/>	<input type="checkbox"/>
Have services been or are they about to be discontinued? <i>Services may be home care and support services or gas, power, phone.</i>	<input type="checkbox"/>	<input type="checkbox"/>
Is there a pending financial transaction?(e.g. selling property)	<input type="checkbox"/>	<input type="checkbox"/>

Why do you think a review of the enduring power of attorney is needed?

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What attempts have been made to resolve these problems?

Are you asking the Tribunal to review the making of the enduring power of attorney? If yes, please indicate which orders you are seeking:

- the principal did have the mental capacity to make the enduring power of attorney
- the principal did not have the mental capacity to make the enduring power of attorney and the enduring power of attorney is invalid
- the enduring power of attorney is invalid for any other reason (for example, non compliance with the requirements of the *Powers of Attorney Act* or that the principal was induced to make the enduring power of attorney by dishonesty or undue influence)

Are you asking the Tribunal to review the operation and effect of the enduring power of attorney? If yes, please indicate which orders you are seeking:

- vary a term of power
- remove an attorney from office
- appoint a substitute attorney for an attorney who has been removed or where the office has become vacant
- reinstate a lapsed enduring power of attorney
- order an attorney to:
 - furnish accounts and other information to a person nominated by the Tribunal or to the Tribunal
 - lodge with the Tribunal a copy of all records and accounts kept by the attorney of dealings made by the attorney under the power
 - that those records or accounts be audited and the report of the auditor be furnished to the Tribunal
 - that the attorney submit a plan of financial management to the Tribunal for approval
- revoke all or part of the enduring power of attorney
- declare a principal incapable of revoking the power of attorney for a specified time
- any other order (please specify):

Please note: The Tribunal can decide to make none of the orders sought and decide to treat an application for review of an enduring power of attorney as an application for a financial management order, if the Tribunal decides that this is appropriate in the circumstances. This means that the Tribunal may then decide to appoint a financial manager for the principal – either the NSW Trustee and Guardian or a private manager who is subject to the authority and direction of the NSW Trustee and Guardian.

What is the person's current financial situation?

Income	type of income	amount	how often received

Expenses Is the person's spending causing difficulty? No Yes, provide details

Major expense	value \$

Assets	Major asset	value \$

Debts	Major debt	value \$

6. Other people involved

- You should have included details for the person's spouse and the person's carer in section 1 above. Any guardian and/or enduring guardian should have been identified in section 2 above.
- You must tell the Tribunal about people who may have a legitimate interest in this application, including people who may oppose the application.
- Please also include other interested people (e.g. social workers, doctor, family members).
- Attach an additional page of contacts if necessary

given names _____

family name _____

relationship to the person _____

organisation (if applicable) _____

street / PO Box _____

suburb/town, state, postcode _____

daytime phone _____ mobile phone _____

email _____

fax _____

Have you spoken to this person about the application No Yes

given names _____

family name _____

relationship to the person _____

organisation (if applicable) _____

street / PO Box _____

suburb/town, state, postcode _____

daytime phone _____ mobile phone _____

email _____

fax _____

Have you spoken to this person about the application No Yes

given names _____

family name _____

relationship to the person _____

organisation (if applicable) _____

street / PO Box _____

suburb/town, state, postcode _____

daytime phone _____ mobile phone _____

email _____

fax _____

Have you spoken to this person about the application No Yes

7. Supporting information

You must provide a copy of the enduring power of attorney. You should provide a copy of any other enduring power of attorney, revocation of enduring power of attorney, enduring guardianship appointment or court or tribunal order appointing a guardian or financial manager (where applicable).

As the person completing this form, you are responsible for ensuring that the Tribunal receives at least two (2) reports that provide professional opinions in support of the application.

The Tribunal may be unable to schedule a hearing until these reports have been received.

The report(s) may be prepared by:

- a medical, health or other professional
- a lawyer or accountant involved in the person's financial affairs
- the provider of accommodation or services
- a counsellor or financial counsellor
- a social worker.

Professional opinions

title of report

author & organisation

- I have attached the report to this application
 I have arranged for the report to be sent separately

title of report

author & organisation

- I have attached the report to this application
 I have arranged for the report to be sent separately

title of report

author & organisation

- I have attached the report to this application
 I have arranged for the report to be sent separately

Additional support documents

Please list below any additional documents (e.g. medical report, rent invoice, Power of Attorney, ACAT Assessment) that you have attached.

title of document:

author & organisation:

title of document:

author & organisation:

title of document:

author & organisation:

title of document:

author & organisation:

title of document:

author & organisation:

title of document:

author & organisation:

8. The hearing

Is there any reason why the person cannot attend the hearing?

No

Yes, briefly explain why

The Tribunal wants the person to attend the hearing unless that is impossible due to the person's ill health or some other special circumstance.

Does anyone associated with the application require special assistance at the hearing?

No

Yes, provide names and indicate the type of assistance required.
For language interpreter, specify the language(s) required.

For example, wheelchair/mobility access, hearing loop, signing interpreter or language interpreter.

9. Applicant's declaration

Declaration Having read through this completed application:

- I consider that, to the best of my knowledge, all of the information is true and accurate.
- I have not intentionally left out important information or the names of people who are likely to have a legitimate interest in this application.
- I understand that it is an offence to make a false or misleading statement in an application.

Signature of applicant

Date

To lodge your application

To lodge your application, return all pages of the form to NCAT's Guardianship Division. Check that you have completed all relevant items and signed the application form.

NCAT Guardianship Division

Postal address: PO Box K1026, Haymarket NSW 1240

DX 11539 Sydney Downtown

Street address: Level 6 John Maddison Tower, 86-90 Goulburn Street, Sydney

Telephone: (02) 9556 7600 or 1300 006 228

Interpreter Service (TIS) 13 14 50

National Relay Service for TTY Users 13 36 77

Email: gd@ncat.nsw.gov.au

Website: www.ncat.nsw.gov.au