



Advance Personal Plans

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About an Advance Personal Plan

While you are legally capable you can sign an Advanced Personal Plan (“APP”). This document allows you to make decisions about your future health, financial and lifestyle preferences should you lose your decision making capacity. (In other states known as an Enduring Power of Attorney, an Enduring Power of Guardianship or an Advance Health Directive/Plan).

In an APP you can:

1. Make decisions in advance about your health and lifestyle matters (referred in this document as personal matters);
2. Appoint decision makers for your finances and personal matters;
3. Make a statement about your views, wishes and beliefs as to how you wish your affairs to be managed.

An APP has 3 operative sections:

1. Appointment of decisions makers;
2. Advance Consent Decisions;
3. Advance Care Statements.

Appointment of Decision Makers

Previously in the Northern Territory you were able to appoint an Enduring Power of Attorney. This was someone of your choice who would look after your financial, property or legal matters if you are not able to do so because you are suffering incapacity from an illness or an accident.

An APP expands upon this to allow you to appoint someone of your choice who would look after your personal matters if you are not able to do so because you are suffering incapacity.

You may make appointments for decision makers as follows:

1. For your financial matters only;
2. For your personal matters only;
3. Both financial and personal matters;
4. Limited aspects of the above matters.

This appointment will only take effect when your decision making capacity is impaired.

An APP has effect whilst you are living. When you die, an APP is no longer valid.

Advance Consent Decisions

An Advance Consent Decision (ACD) provides your instructions as to what medical treatment and palliative care you wish to receive or not to receive in certain circumstances.

Your Advance Consent Decisions only comes into effect when your decision making ability is impaired.

Your ACD will take priority over decisions made by your decision-makers appointed under the APP or other laws.

Advance Care Statement

You may also make an Advanced Care Statement (ASC), which is a statement of your views, wishes and beliefs about how you would like your appointed decisions makers, health care professionals and any other person providing care for you to act.

In most circumstances persons making decisions on your behalf should give effect to your statement.

Why Make an APP?

By making an APP appointing a decision maker you are choosing the person look after your affairs (personal and/or financial) when you are no longer able to do so. Without an APP the Court may nominate a person to be your Manager. This may not be the person whom you wish to have control of these matters.

By making an APP with an ACD you are providing directions about what treatment you wish to receive or not to receive. By making an APP and nominating your preferred treatment, you can relieve your loved ones of having to make this decision. Also, if your wishes are different to those of your loved ones, your wishes will prevail.

You must be at least 18 years old and have full legal capacity to be able to execute these documents.

When should you update your APP?

You should review your APP every 3 to 5 years or when there is a change in your personal or financial situation, such as separation or acquiring or selling assets.

If your APP still reflects your wishes, nothing needs to be done at the time.

The Decision Makers

This person must be over 18 years of age and have full legal capacity to act as an attorney.

In the NT, you can appoint someone who assumes the responsibility when they turn 18.

Your attorney must be someone you trust to carry out your wishes and look after your personal and financial affairs.

Your decision maker for your financial affairs and your personal affairs may be the same person(s) or they may be different persons.

With an APP you may appoint as many decision makers that you wish. However, if you have more than one decision maker in most circumstances their decisions must be unanimous.

(If you wish to appoint someone to look after your financial affairs whilst you have capacity you need to make a Power of Attorney, which will cease to operate when you lose decision making capacity. Previously you could make an Enduring Power of Attorney which could operate immediately as well as when you lost capacity)

Why Pay a Lawyer to Draw up your APP?

You could use forms and kits to draw up your own APP. Whilst this may seem to be less costly, if the APP is not properly prepared, it could lead to invalidity of the document, increased costs, delay and anxiety of family members to remedy the problems, if even possible and if time permits.

Having an APP prepared by an experienced lawyer will give you peace of mind that your family will not have unnecessary problems looking after your personal and financial affairs when you are no longer about to do so yourself.

Our Fees

The cost of preparation of your APP will depend upon the components you wish to include. The cost of our APP includes taking instructions, preparing the APP and attending to signing and witnessing the APP at our office and registering your APP at the Lands Title Office (registration fee extra).

For multiple basic documents (including a basic Will), we will provide a discount depending upon the number and type of documents prepared) on the combined cost of these documents (excluding disbursements).

Disbursements, including registration costs and Office costs are in addition to this fee.

For information on a Wills, please see our other brochure about Wills.

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