

**NORTHERN TERRITORY OF AUSTRALIA**

**ADVANCE PERSONAL PLANNING REGULATIONS 2014**

As in force at 1 July 2024

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 July 2024

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## ADVANCE PERSONAL PLANNING REGULATIONS 2014

### Regulations under the *Advance Personal Planning Act 2013*

#### **1 Citation**

These Regulations may be cited as the *Advance Personal Planning Regulations 2014*.

#### **2 Requirements for advance personal plan**

- (1) For section 9(2)(b) of the Act, an advance personal plan made by an adult must contain the information required by this regulation.
- (2) The advance personal plan must contain the adult's:
  - (a) full name; and
  - (b) date of birth; and
  - (c) residential address.
- (3) If the advance personal plan appoints one or more decision makers, it must contain each decision maker's:
  - (a) full name; and
  - (b) residential address; and
  - (c) phone number (if any); and
  - (d) email address (if any).

#### **3 Authorised witnesses**

- (1) For section 10(5)(b) of the Act, each of the following is an authorised witness:
  - (a) an accountant;
  - (b) the chief executive officer of a local government council;

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- (c) a health practitioner;
  - (d) a social worker;
  - (e) the principal of a Northern Territory school.
- (2) In this regulation:

**accountant** means one of the following:

- (a) a member of the Institute of Chartered Accountants in Australia who holds a current Certificate of Public Practice issued by the Institute;
- (b) a member of the CPA Australia who holds a current Public Practice Certificate in accordance with the by-laws of CPA Australia;
- (ba) a member of the Institute of Public Accountants ACN 004 130 643 who holds a current Certificate of Professional Practice issued by the Institute;
- (c) a person who holds a current Public Practising Certificate issued by the Association of Taxation and Management Accountants;
- (d) a registered tax agent;
- (e) a person registered as an auditor under the Corporations Act 2001.

**health practitioner**, see section 5 of the Health Practitioner Regulation National Law.

**principal**, see section 5 of the *Education Act 2015*.

**social worker** means a person who is eligible for full membership of the Australian Association of Social Workers.

## **5 Record keeping requirements**

- (1) For section 30(1)(b) of the Act, a decision maker must, at all times while the decision maker has authority to exercise financial management powers for the adult, keep complete and up-to-date records of the adult's assets and liabilities.
- (2) The records must include:
  - (a) sufficient information to identify each of the adult's assets and liabilities; and

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- (b) for each asset and liability, information related to:
    - (i) all dealings and transactions with the asset or liability;  
and
    - (ii) the condition and management of the asset or liability;  
and
  - (c) any other information reasonably necessary to demonstrate that the adult's property and financial affairs are being managed in accordance with the Act.

## **6 Advance Personal Planning (Part 4A) Register**

For section 55C of the Act, the Registrar-General may register a certified copy of the part of an advance personal plan that authorises a decision maker to enter into a dealing in relation to land.

## **7 Notices**

A notice mentioned in section 55C(1)(c) or (d) of the Act must be:

- (a) in a form approved by the Registrar-General; or
- (b) if the Registrar-General has not approved a form, in writing.

## **8 Recognised interstate documents**

- (1) For the definition **corresponding law** in section 88(6) of the Act, each law listed in the Schedule is a corresponding law.
- (2) For the definition **recognised interstate document** in section 88(6) of the Act, each document listed in the Schedule in respect of a corresponding law is a recognised interstate document.

## **9 Exercise of rights and powers under recognised interstate documents**

For section 88(5) of the Act, a person appointed by a recognised interstate document to make decisions for the maker of the document cannot make a decision of a kind that a decision maker is prohibited from making by section 24 of the Act or section 30 of the *Health Care Decision Making Act 2023*.

## **10 Certified copies of advance personal plans**

- (1) A document purporting to be a copy of an advance personal plan is taken to be a true copy of the plan if it is certified in accordance with this regulation.

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- (2) The last page of the document must be certified to the effect that the document is a true and complete copy of the original advance personal plan.
  - (3) Each other page must be certified to the effect that it is a true and complete copy of the corresponding page of the original advance personal plan.
  - (4) Certification must be made by one of the following:
    - (a) the adult who made the plan;
    - (b) a commissioner for oaths;
    - (c) a justice of the peace;
    - (d) a public notary within the meaning of the *Public Notaries Act 1992*.
  - (5) A document purporting to be a copy of a certified copy of an advance personal plan is also taken to be a true copy of the plan if the document is certified under this regulation.

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**Schedule Recognition of interstate documents**

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Jurisdiction	Corresponding law	Recognised interstate document
Australian Capital Territory	<i>Medical Treatment (Health Directions) Act 2006</i>	Health direction
	<i>Powers of Attorney Act 2006</i>	Enduring power of attorney
New South Wales	<i>Guardianship Act 1987</i>	Appointment of enduring guardian
	<i>Powers of Attorney Act 2003</i>	Enduring power of attorney
Queensland	<i>Powers of Attorney Act 1998</i>	Advance health directive
		Enduring power of attorney
South Australia	<i>Advance Care Directives Act 2013</i>	Advance care directive
	<i>Consent to Medical Treatment and Palliative Care Act 1995</i>	Anticipatory direction
	<i>Guardianship and Administration Act 1993</i>	Instrument appointing enduring guardian
	<i>Powers of Attorney and Agency Act 1984</i>	Enduring power of attorney
Tasmania	<i>Guardianship and Administration Act 1995</i>	Appointment of enduring guardian
	<i>Powers of Attorney Act 2000</i>	Enduring power of attorney
Victoria	<i>Powers of Attorney Act 2014</i>	Enduring power of attorney

	<i>Medical Treatment Act 1988 (repealed)</i>	Refusal of treatment certificate
	<i>Medical Treatment Planning and Decisions Act 2016</i>	Advance care directive Appointment of appointed medical treatment decision maker
Western Australia	<i>Guardianship and Administration Act 1990</i>	Enduring power of attorney Enduring power of guardianship Advance Health Directives

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

### 2 LIST OF LEGISLATION

***Advance Personal Planning Regulations (SL No. 4, 2014)***

Notified	17 March 2014
Commenced	17 March 2014

***Statute Law Revision Act 2014 (Act No. 38, 2014)***

Assent date	13 November 2014
Commenced	13 November 2014

***Education Act 2015 (Act No. 28, 2015)***

Assent date	10 December 2015
Commenced	pt 6, divs 2 and 4 and pt 7: 1 April 2016; pt 3: 1 July 2016; rem: 1 January 2016 (s 2)

***Advance Personal Planning Amendment Regulations 2016 (SL No. 8, 2016 )***

Notified	27 April 2016
Commenced	27 April 2016

***Advance Personal Planning Amendment Regulations 2020 (SL No. 26, 2020 )***

Notified	5 August 2020
Commenced	5 August 2020

***Health Care Decision Making Act 2023 (Act No. 19, 2023)***

Assent date	17 August 2023
Commenced	1 July 2024 ( <i>Gaz G13, 20 June 2024, p 2</i> )

### 3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 3 and 10.

**4 LIST OF AMENDMENTS**

r 3 amd Act No. 38, 2014, s 2; Act No. 28, 2015, s 195  
r 4 rep Act No. 19, 2023, s 77  
r 9 amd Act No. 19, 2023, s 78  
sch amd No. 8, 2016, r 3; No. 26, 2020, r 4