



# WILL APPLICATION FORM – Single Will

This form is **not** intended to be a statement of what you may be considering for your Will. Those details will be discussed at the appointment. Incorrect or misleading information may cause extra expense and delay.

## SECTION 1. Name

Surname	
First & Middle names	

## SECTION 2. Executor – Only spouse/partner and PTWA can be appointed

After you die, the executor you name under your Will is responsible for distributing your estate. For most clients, the Public Trustee of Western Australia (“PTWA”) only drafts Wills that either:

- nominate PTWA as your one and only executor; or
- nominate your spouse (or de facto partner) as your first executor and PTWA as your substitute executor.

Fees apply for PTWA to act as your executor. Please see “Deceased Estate Administration” leaflet for an indication of its fees, which will be deducted from your estate after you pass away.

2. Which executor option are you thinking of having?	<input type="checkbox"/> Option 1 - I am thinking of having PTWA as one and only executor, or my spouse/de facto partner as my first executor and PTWA as my substitute executor. <input type="checkbox"/> Option 2 - I am thinking of having someone else as executor. Eg. a child, grandchild, sibling, parent, nephew, niece, uncle, aunt, cousin or friend.
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**If you chose “Option 2”, then please stop filling out this form. Unfortunately PTWA is unable to help you with making a Will. Please contact a private lawyer to make a Will. You might want to try the Law Society of WA’s Find a Lawyer service.**

## SECTION 3.

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## SECTION 4. Fees

PTWA charges fees to make a Will or Enduring Power of Attorney. Please see the leaflet entitled “Wills and Enduring Powers of Attorney” for an indication of how much it charges.

PTWA charges fees to administer an estate. Please see “Deceased Estate Administration” leaflet for an indication of its fees, which will be deducted from your estate after you pass away.

4. Have you read the above leaflets and do you still want to proceed?	<input type="checkbox"/> Yes, I still want to proceed <input type="checkbox"/> No, I don’t want to proceed
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**If you chose “No, I don’t want to proceed”, then please stop filling out this form. Please contact a private lawyer to make a Will. You might want to try the Law Society of WA’s Find a Lawyer service.**

## SECTION 5. Your current situation / circumstances

PTWA will not write a Will if certain circumstances exist.

5. Please answer all the following questions/statements:	
(A) I am in a current relationship AND we have prepared a <b>binding financial / prenuptial agreement (“BFA”)</b> with a family lawyer that governs what happens to our assets should we separate. We call these “pre-separation BFAs”.	<input type="checkbox"/> Yes <input type="checkbox"/> No
(B) I married overseas, I have an antenuptial or prenuptial agreement in that overseas country AND I have assets in that overseas country.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>(C) My last Will was not made by PTWA AND I have in the past entered into a <b>‘Mutual Will Agreement’</b> with another person.</p> <p>A <b>Mutual Will Agreement</b> is a document separate from your Will under which you agree never to change your Will without the consent of that other person.</p> <p>A <b>Mutual Will Agreement</b> is more than just a <b>Mirror Will</b>. PTWA does not make <b>Mutual Will Agreements</b> but can make <b>Mirror Wills</b>.</p> <p>A <b>Mirror Will</b> is where both Wills contain gifts that are the same at all levels. An example of a <b>Mirror Will</b> is where A and B are married and their beneficiaries are C, D and E. A leaves everything to B and vice versa. If both A and B die, they want everything to go between C, D and E under both Wills. A’s and B’s Wills are mirrored.</p> <p>If you have a <b>Mutual Will Agreement</b>, then tick <b>“Yes”</b>. If you don’t have a <b>Mutual Will Agreement</b> but you have a <b>Mirror Will</b>, then tick <b>“No”</b>.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
(D) I have overseas assets held in a <b>Self Managed Superannuation Fund (“SMSF”)</b> , family/discretionary trust, unit trust or company.	<input type="checkbox"/> Yes <input type="checkbox"/> No
(E) I have a <b>SMSF</b> .	<input type="checkbox"/> Yes <input type="checkbox"/> No
(F) I have a business that will continue after my death.	<input type="checkbox"/> Yes <input type="checkbox"/> No
(G) I have a partnership business with my spouse/partner <u>and</u> a written partnership agreement exists.	<input type="checkbox"/> Yes <input type="checkbox"/> No
(H) I have a business with someone other than my spouse/partner.	<input type="checkbox"/> Yes <input type="checkbox"/> No
(I) I have a business operating through a unit trust, family/discretionary trust or a company.	<input type="checkbox"/> Yes <input type="checkbox"/> No
(J) I have an ownership interest in an overseas business, either directly or indirectly.	<input type="checkbox"/> Yes <input type="checkbox"/> No

**If you chose “Yes” to any one or more of the above questions then please stop filling out this form. Unfortunately PTWA is unable to help you with making a Will. Please contact a private lawyer to make a Will. You might want to try the Law Society of WA’s Find a Lawyer service.**

## SECTION 6. Required Details

Some client's circumstances are simple, some have complicated circumstances. PTWA needs to know some of these details upfront. Please answer all the following questions/statements:

6(1). I live permanently in WA right now.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure
6(2). I intend to continue living permanently in WA.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure
6(3). I don't intend to relocate overseas.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure
6(4). Do any of the following apply: (A) I am single and never been in a relationship; OR (B) I am in a relationship or have been in a relationship in the past but have never entered into a <b>BFA</b> nor an antenuptial or prenuptial agreement.	<input type="checkbox"/> Yes, (A) applies. <input type="checkbox"/> Yes, (B) applies. <input type="checkbox"/> No, I'm in a relationship and there is a <b>BFA</b> or a prenuptial agreement that was drawn up by family lawyers in Australia. <input type="checkbox"/> No, I married overseas and I have an antenuptial or prenuptial agreement in that overseas country.
6(5). Which of the following apply: (A) I have never made a Will before. (B) My last Will was made with PTWA. (C) I have a Will either made privately or through a private lawyer. However I have never entered into a <b>Mutual Will Agreement</b> with another person, agreeing never to change the Will.	<input type="checkbox"/> Yes, (A) applies. <input type="checkbox"/> Yes, (B) applies. <input type="checkbox"/> Yes, (C) applies. <input type="checkbox"/> No, I have made a <b>Mutual Will Agreement</b> in the past.
6(6). Do either of the following apply: (A) I don't have any superannuation (B) I have superannuation with a retail, industry or government fund. It's not a <b>SMSF</b> where I am trustee (or I have a company which is trustee, for which I am director).	<input type="checkbox"/> Yes, (A) applies. <input type="checkbox"/> Yes, (B) applies. <input type="checkbox"/> No, I have a <b>SMSF</b> .
6(7). I don't have any businesses.	<input type="checkbox"/> Yes, I don't have any businesses. <input type="checkbox"/> No, I have at least one business.
6(8). I don't have any involvement in family/discretionary trusts, unit trusts or companies.	<input type="checkbox"/> Yes, I am not involved in any of those entities. <input type="checkbox"/> No, I am involved in at least one of these entities.
6(9). I don't have any overseas assets. An overseas pension is an overseas asset.	<input type="checkbox"/> Yes, I don't have any overseas assets. <input type="checkbox"/> No, I have overseas assets.

**Have you answered "Yes" to ALL of the above questions, if so then SKIP Sections 7 and 8.**

## SECTION 7. Details regarding Superannuation and Businesses

Some clients have an interest in superannuation and/or one or more businesses. PTWA may or may not be able to assist in preparing a Will, depending on how that superannuation or business is set up. Please answer all the following questions/statements.

### Superannuation

7(1). Do any of the following apply: (A) I do not have any superannuation at all (B) I have superannuation with a retail, industry or government fund. (C) I have a SMSF. I, as an individual, am the trustee of the SMSF. (D) I have a SMSF. The SMSF has a Pty Ltd company as trustee, and I am one of the directors of that company.	Tick all that apply: <input type="checkbox"/> (A) applies. <input type="checkbox"/> (B) applies. <input type="checkbox"/> (C) applies. <input type="checkbox"/> (D) applies.
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**If you ticked “(C) applies” or “(D) applies”, then please stop filling out this form.** Unfortunately PTWA is unable to help you with making a Will. Please contact a private lawyer to make a Will. You might want to try the Law Society of WA’s Find a Lawyer service.

### Businesses

7(2). Do any of the following apply: (A) I do not have a business at all. (B) I have a sole trader business that ceases on death. (C) I have a sole trader business that will continue after my death. (D) I have a partnership business with my spouse/partner. No written partnership agreement exists. The business ceases on the death of either or both of us. (E) I have a partnership business with my spouse/partner. Either a written partnership agreement exists or the business will continue after death. (F) I have a partnership business with someone other than my spouse/partner. (G) I have a business operating through a unit trust, family/discretionary trust or a company. (H) I have an ownership interest in an overseas business, either directly or indirectly.	Tick all that apply: <input type="checkbox"/> (A) applies. <input type="checkbox"/> (B) applies. <input type="checkbox"/> (C) applies. <input type="checkbox"/> (D) applies. <input type="checkbox"/> (E) applies. <input type="checkbox"/> (F) applies. <input type="checkbox"/> (G) applies. <input type="checkbox"/> (H) applies.
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**If you ticked “(C) applies”, “(E) applies”, “(F) applies”, “(G) applies” or “(H) applies” then please stop filling out this form.** Unfortunately PTWA is unable to help you with making a Will. Please contact a private lawyer to make a Will. You might want to try the Law Society of WA’s Find a Lawyer service.

## SECTION 8. Details regarding Family/Discretionary Trusts, Unit Trusts and Companies

Some clients have an interest in family/discretionary trusts, unit trusts or companies. PTWA may need to know more about these before an appointment can be booked. Please answer all the following questions/statements.

### Family/discretionary trusts, unit trusts and companies

<p>8. Do any of the following apply:</p> <p>(A) My last Will was made with PTWA.</p> <p>(B) I do not have any involvement in a family/discretionary trust, unit trust or company.</p> <p>(C) I am involved in a family/discretionary trust but I am just a mere beneficiary and I only get distributions if the trustee decides. Neither of us hold any of the following roles: trustee; director of the corporate trustee; appointor; or guardian.</p> <p>(D) I am involved in a listed public company "Ltd" company, but only as a minority shareholding via the Australian Stock Exchange (ASX). I am not a director.</p> <p>(E) Any of the following:</p> <p>a) I am involved in a private unit trust as a unitholder (directly or indirectly);</p> <p>b) I am involved in a private "Pty Ltd" company, either as shareholder (directly or indirectly), director or both;</p> <p>c) I am involved in an unlisted public "Ltd" company, either as shareholder (directly or indirectly), director or both;</p> <p>d) I am involved in a listed public company "Ltd" company, more than just holding a minority shareholding via the ASX; or</p> <p>e) I am involved in a family/discretionary trust for which I hold one or more of the following roles: trustee; director of a corporate trustee; appointor; or guardian.</p>	<p><i>Tick all that apply:</i></p> <p><input type="checkbox"/> (A) applies</p> <p><input type="checkbox"/> (B) applies</p> <p><input type="checkbox"/> (C) applies</p> <p><input type="checkbox"/> (D) applies</p> <p><input type="checkbox"/> (E) applies</p>
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**If you ticked "(E) applies" but you did not tick "(A) applies" then please stop filling out this form. PTWA is unable to help you with making a Will. Please contact a private lawyer to make a Will. You might want to try the Law Society of WA's Find a Lawyer service.**

### **If you ticked "(A) applies" AND "(E) applies"**

If your last Will was made with PTWA, you may be eligible for a Will even though "(E) applies" though an assessment of your circumstances will still apply before PTWA decides whether it can assist you.

A limited review of documentation of the relevant entities listed in (E) above will be required and further charges will apply in addition to the Will preparation fees. The limited review will need to be conducted before an appointment can be booked. Some clients have very complicated arrangements and if this applies to you, then PTWA may be unable to assist you in making a Will.

Please write in the box below the names of each of your trusts, companies and partnerships. If any of them operate a business, please include the name of business, who is the owner and whether it will continue to operate after death. A Legal Officer will contact you for more information.

## SECTION 9. Personal details

Title (e.g. Mr, Mrs, Ms ...)	
Surname	
First & Middle names	
Any other name/s you are known by (ie. alias names)	
Date of birth	
Occupation	
Residential address	
Postal address (if different to residential address above)	
Telephone contact (best two – home, work or mobile)	
Email address	
Currently single?	<input type="checkbox"/> Yes, I am not in a current relationship
Currently in a relationship? If so, please list name of current spouse/partner.	Name:  Date & place: <input type="checkbox"/> Married. <input type="checkbox"/> De facto partner <input type="checkbox"/> Other
Any prior relationships? Tick all that apply and provide details of all prior relationships.  <i>(please include name/s and dates)</i>  <i>(if you require more space, please add an additional sheet listing these details)</i>	Name:  Date & place: <input type="checkbox"/> Widowed on <input type="checkbox"/> Divorced on <input type="checkbox"/> Married but separated from <input type="checkbox"/> De facto but separated from
	Name:  Date & place: <input type="checkbox"/> Widowed on <input type="checkbox"/> Divorced on <input type="checkbox"/> Married but separated from <input type="checkbox"/> De facto but separated from
	Name:  Date & place: <input type="checkbox"/> Widowed on <input type="checkbox"/> Divorced on <input type="checkbox"/> Married but separated from <input type="checkbox"/> De facto but separated from

## SECTION 10. Your Assets and Liabilities

It is essential that you provide us the details requested below. Doing so now helps minimize the amount of time and expense at your appointment as we will need these details to complete a Will.

Please provide only the requested documents and details.

**DO NOT** write down who is to get what under your Will. Doing so risks an informal Will which may apply if you die before signing a formal Will. This may add considerable cost and delay when administering your estate.

<p><b>Assets in joint names</b> <i>e.g. House address/es, all bank account/s, car/s, caravans, boats, etc, other investments/share portfolio/cryptocurrency – that you own jointly with another</i></p> <p><i>Please include values</i> <i>If assets are located overseas, please indicate which country and approximate value in AUD</i></p> <p><i>Also please write down the name of the other owner</i></p>	
<p><b>Liabilities in joint names</b> <i>e.g. mortgage/s, personal loans, credit card/s</i></p> <p><i>Please include values</i></p>	

<p><b>Assets in your sole name</b> <i>e.g. see above</i></p> <p><i>Please include values</i> <i>If assets are located overseas, please indicate which country and approximate value in AUD</i></p>	
<p><b>Liabilities in your sole name</b> <i>e.g. see above</i></p> <p><i>Please include values</i></p>	

## SECTION 11. Your Family Details

It is essential that you provide us the details requested below. These details are necessary to complete your Wills. Without this information we cannot proceed with making your Wills.

Please provide only the requested documents and details.

**DO NOT** write down who is to get what under your Will. Doing so risks an informal Will which may apply if you die before signing a formal Will. This may add considerable cost and delay when administering your estate.

<p><b>All children and grandchildren</b></p> <p>Provide these details for each person:</p> <ul style="list-style-type: none"><li>• The parent of the child</li><li>• First names</li><li>• SURNAME</li><li>• Gender</li><li>• Date of Birth</li><li>• Address</li><li>• If grandchild – name of their parent</li><li>• Please advise if not biological. Eg. "stepchild", "adopted in" or "adopted out".</li></ul>	<p><i>Example:</i></p> <p><i>Children from my wife MELINDA CITIZEN:</i></p> <p>1. John Arthur CITIZEN. M. 1/1/1950. 123 Hay Street Perth. Fred Arthur CITIZEN. M. 2/2/1980. Address same as John. Parent – John. Michael John CITIZEN. M. 2/2/1981. Address same as John. Adopted in by John.</p> <p>2. Mary Winifred CITIZEN. F. 2/2/1952. 456 Hay Street Perth. No biological children. She has stepchildren.</p> <p><i>Children from my former partner MIKIKO WATANABE:</i></p> <p>1. Shunsuke CITIZEN. M. 3/3/1948. 789 Adelaide Street Perth. Daisuke CITIZEN M 5/5/1978. 111 Adelaide Street Perth.</p>
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## SECTION 12. Guardians for children under 18

If you have children under 18, please consider who you might want to appoint as guardian/s of your children. You can name substitute guardians if the first named guardian is unwilling or unable to act. Please discuss this with your proposed guardian/s before making an appointment. At the appointment, we will need the full name, address and contact details of the proposed guardian/s.

## SECTION 13. Other potential beneficiaries

Please provide only the requested documents and details.

**DO NOT** write down who is to get what under your Will. Doing so risks an informal Will which may apply if you die before signing a formal Will. This may add considerable cost and delay when administering your estate.

<p><b>Names of other potential beneficiaries (other than children or grandchildren already mentioned above)</b></p> <p>Provide these details for each person:</p> <ul style="list-style-type: none"><li>• First names</li><li>• SURNAME</li><li>• Gender</li><li>• Date of birth or approximate age</li><li>• Address</li><li>• Relationship to you</li><li>• If including children of a potential beneficiary, please advise if not biological. Eg. "stepchild", "adopted in" or "adopted out".</li></ul>	<p><u>Example:</u> 1. Joe William CITIZEN. M. About 50 yrs. 123 St Georges Terrace, Perth. Brother. 2. David BLOGGS and Kathleen BLOGGS. Both about 50yrs. M and F. 456 St Georges Terrace. Perth. My wife's brother and his wife. 3. Winston SMITH. M. About 25. 123 The Esplanade, Perth. Friend. Adopted out by David Bloggs.</p> <p><b>Do any of the above persons act as a paid carer or paid support worker?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes. If so, who:</p>
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<p><b>Charities/organisations you may wish to include in your Will.</b> <i>Include charity's full name.</i></p> <p><i>Additional charges may apply if you name more than 3 Australian charities.</i></p> <p><i>Additional charges may apply and your Will might not be completed at your first appointment if you name any of the following: overseas charity; or an Australian charity that is not registered with ASIC, the ACNC or listed in legislation.</i></p>	
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## SECTION 14. Enduring Powers of Attorney (EPA)

It is important to understand an EPA is a separate document from your Will:

- **Will** – operates after your death to distribute your assets. You appoint an executor to administer the estate after your death.
- **EPA** – operates while you are alive to manage your financial affairs when you have lost capacity. You appoint a donee to administer your financial affairs while you are alive.

Please note:

- (1) PTWA only prepares the following EPAs:
  - a. EPA appointing your spouse / de facto partner, with no substitute donees; or
  - b. EPA appointing PTWA as sole donee effective immediately;
- (2) PTWA only prepares these EPAs during a Wills appointment;
- (3) PTWA does not prepare Enduring Powers of Guardianship nor Advance Health Directives.

14(1). Do you already have an EPA?	<input type="checkbox"/> No <input type="checkbox"/> Yes, prepared by PTWA <input type="checkbox"/> Yes, other EPA
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14(2). Do you wish to make an EPA appointing your spouse/partner?
<input type="checkbox"/> No <input type="checkbox"/> Yes and I have read the attached brochure on EPAs

14(3). Do you wish to make an immediate EPA appointing PTWA as the donee to administer your affairs whilst you are alive? Annual fees will apply, effective immediately.
<input type="checkbox"/> No. <b>If you ticked NO, then IGNORE the rest of this section. Please go to Section 15.</b>
<input type="checkbox"/> Yes. <b>If you ticked YES, then please provide the following details:</b>

If you ticked YES, are you currently involved in any legal disputes?	<input type="checkbox"/> No <input type="checkbox"/> Not sure <input type="checkbox"/> Yes, please provide details.
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If you ticked YES, how much income do you get per year before tax  (including all sources. Eg. Wages, superannuation pensions, Centrelink pensions, etc):	
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## SECTION 15. Your health and your English fluency

We need certain information about your health and your ability to communicate. This information assists us in determining how best to conduct an appointment and whether we need to book an interpreter.

<p>Do you have issues with any of the following? If so, tick all that apply and please describe the issue.</p>	<p><input type="checkbox"/> Eyesight (other than glasses):</p> <p><input type="checkbox"/> Hearing:</p> <p><input type="checkbox"/> Speech:</p> <p><input type="checkbox"/> Writing:</p> <p><input type="checkbox"/> Mobility:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Wheelchair</li> <li><input type="checkbox"/> Walker</li> <li><input type="checkbox"/> ACROD pass</li> <li><input type="checkbox"/> Taxi subsidy</li> <li><input type="checkbox"/> Family/friends/carers drive me</li> <li><input type="checkbox"/> Unable to leave the house</li> </ul> <p><input type="checkbox"/> No issues with any of the above</p>
<p>What is the level of your English fluency for conversations and reading legal documents?</p> <p>If you are unable to converse, read and understand English legal documents without assistance, please write down all languages and dialects that you can converse fluently in.</p> <p><i>If necessary and possible, we will provide a professional independent interpreter free of charge. We cannot use your spouse/partner, friends or relatives.</i></p>	<p><b>English:</b></p> <p><input type="checkbox"/> I can converse, read and understand legal documents in English without assistance</p> <p><input type="checkbox"/> Conversational fluency only. I can speak English but I am not fluent in reading or understanding legal documents in English.</p> <p><input type="checkbox"/> Not fluent speaking or reading English.</p> <p><b>Other languages:</b></p> <p><input type="checkbox"/> Preferred language, for which I have conversational fluency (please include dialect):</p> <p><input type="checkbox"/> Other languages for which I have conversational fluency (please include dialect):</p>

## SECTION 16. Medical conditions relevant to the making of a Will

When instructions are taken for a Will, PTWA needs to assess your testamentary capacity. The existence of certain health conditions may result in the Court calling into question your testamentary capacity, since those conditions may appear on your death certificate. We need to know about these conditions in advance of your appointment, so we can determine how best to conduct your appointment. If you have a spouse or partner who wants to make a Will with PTWA and either of you have such a condition, PTWA will likely require that you each be seen separately. Please continue to fill out this form.

<p>Do you have or suspect that you have any of the following conditions relating to memory?</p>	<p><input type="checkbox"/> Alzheimer's Disease  <input type="checkbox"/> Dementia  <input type="checkbox"/> Memory loss  <input type="checkbox"/> <b>None of the above</b></p>
<p>Have you been diagnosed with any of the following conditions, or suspect that you could be diagnosed with any of the following conditions?</p>	<p><input type="checkbox"/> Acquired brain injury (eg. accident)  <input type="checkbox"/> Brain cancer  <input type="checkbox"/> Epilepsy  <input type="checkbox"/> Motor Neuron Disease  <input type="checkbox"/> Multiple Sclerosis  <input type="checkbox"/> Parkinson's Disease  <input type="checkbox"/> Stroke, minor or major, even if it occurred in the past  <input type="checkbox"/> <b>None of the above</b></p>
<p>Have you ever had any of the following conditions (even if they occurred in the past)?</p>	<p><input type="checkbox"/> Anxiety  <input type="checkbox"/> Asperger's Syndrome  <input type="checkbox"/> Attention Deficit Hyperactivity Disorder (ADHD)  <input type="checkbox"/> Autism Spectrum Disorder (ASD)  <input type="checkbox"/> Bipolar Disorder  <input type="checkbox"/> Borderline Personality Disorder  <input type="checkbox"/> Delusions  <input type="checkbox"/> Depression  <input type="checkbox"/> Hallucinations  <input type="checkbox"/> Obsessive Compulsive Disorder (OCD)  <input type="checkbox"/> Paranoia  <input type="checkbox"/> Psychosis  <input type="checkbox"/> Post-Traumatic Stress Disorder (PTSD)  <input type="checkbox"/> Schizoaffective Disorder  <input type="checkbox"/> Schizophrenia  <input type="checkbox"/> <b>None of the above</b></p>
<p>Do you have or suspect you have any other condition concerning your brain function, memory or mental health?</p>	<p><input type="checkbox"/> No  <input type="checkbox"/> Yes, details:</p>
<p>Have you ever seen a psychiatrist, geriatrician, memory specialist, neurologist or psychologist (even if you are not doing so currently)?</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes, currently.  <input type="checkbox"/> Yes but only in the past.  Name:</p>
<p>Is there an administration order or guardianship order over your affairs from the State Administrative Tribunal of any state or territory?</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes, currently.  <input type="checkbox"/> Yes but only in the past.  Details:</p>

