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Your Reference: Enduring Power of Attorney
Enquiries: Adj Professor, Dr Brett Davies
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Monday, 12 April 2021

Nathan Hughes
10 Senator Place
Mount Stuart TAS 7008
Australia

Build this legal document at

[https://www.legalconsolidated.com.au/](https://www.legalconsolidated.com.au/ending-poa-introduction/)

[ending-poa-introduction/](https://www.legalconsolidated.com.au/ending-poa-introduction/) –

telephone us, we can help you

complete the questions.

Adj Professor, Dr Brett Davies - Partner

Enduring Power of Attorney

Thank you for instructing us to prepare your attached Tasmanian (TAS) Enduring Power of Attorney - restricted to 'financial matters' (TAS Financial POA).

We enclose:

1. General Enduring Power of Attorney (Form 4)
2. Registration Application (Form 5)

When you are satisfied that the document is according to your instructions please:

1. Print out 2 copies
2. Arrange both copies to be signed

How to print your document

When you are satisfied that the document is according to your instructions please:

1. Download the PDF (Don't print directly from the browser.)
2. Print the PDF Printer settings: A4 paper
100% scale (turn off 'fit to page')
3. Print single sided (NOT duplex).
4. Once signed keep this covering letter with the document
(However, do not staple the covering letter to the document.)

What is a power of attorney?

A General Enduring Power of Attorney ("POA") is a legal document that allows you to choose another person to make a property or financial decision for you and act on your behalf ("Attorney"). **What decisions can my Attorney make?**

Your POA authorises your Attorney to make financial decisions if you are no longer able to make them for yourself.

An attorney cannot make personal, medical or lifestyle decisions for you. This is called a Medical Power of Attorney and you can build it here:

<https://www.legalconsolidated.com.au/medical-power-of-attorney-intro/>

What are the duties of my Attorney?

Your Attorney must exercise their power to protect your interests. This is to ensure that you enjoy a good standard of living. Your Attorney preserves accurate records and accounts of all dealings and transactions made under the POA.

Does my Power of Attorney have to be registered?

Your POA has no effect in Tasmania until it is registered in the Power of Attorney register. This is administered by the Recorder of Titles. You lodge:

1. General Enduring Power of Attorney (Form 4)
2. Registration Application (Form 5)
3. the fee

Either post the documents and fee to:

The Recorder of Titles
General Post Office Box 541
Hobart, Tasmania 7001

Or, lodge the documents and fee in person at:

Level 1, 134 Macquarie Street
Hobart, Tasmania 7000

The current fee is found here:

<https://dpipwe.tas.gov.au/Documents/LTO%20Gazetted%20fees%202019-20.pdf>

Make the cheque or money order payable to *The Recorder of Titles*

Do I have to lodge my POA immediately?

The POA does not have to be lodged immediately. In fact, it can be lodged in 10 years time or any timeframe that suits you. Obviously, your POA will not operate until it is lodged.

Does my POA work outside Tasmania?

This POA only works in the State of Tasmania. If there are assets in another State, then build and sign POAs for that State as well.

Who can witness my POA?

The 2 witnesses must be present in the room when you sign your POA. The steps are:

1. Find 2 people that are: over 18 years of age, of sound mind and (if possible) have an address in Australia. The witnesses can't be related to you or have any chance of being related to you (e.g. it can't be your son's girlfriend because your son could marry that person and then you would be related to the witness). Obviously, the witness can't be one of your Attorneys. The best witnesses are 'strangers' or the 'next door neighbour'.

2. Attorneys you have appointed must leave the room.
3. Get your 2 witnesses and yourselves in a room with at least 2 identical blue pens. Lock all the doors so that none of you leave the room. If you or either of your witnesses leave the room during the signing process then tear up the POA and print out another copy of the POA and start the POA signing process again.
4. If you or either of your witnesses need reading glasses, then don't sign the POA until you or your witnesses put on those glasses.
5. With a blue pen you sign your POAs. After you have signed your POA both witnesses (WITH THE SAME BLUE PEN) sign the POA. If you signed with different coloured pens (e.g. a dark blue and a light blue) then tear up the POAs. Print out new POAs and start the process again.
6. Date the POA the date the POA is signed.
7. If you have issues reading English, then let me know. An interpreter may be required.

Who needs to know about my POA?

After you have registered your POA tell the relevant people. Such persons include:

- (a) Family members
- (b) Associates
- (c) Local bank branch
- (d) Village community management
- (e) Doctor
- (f) Accountant
- (g) Government authorities

Can the Power of Attorney override your wishes?

By law the POA can only be used in your best interests. It can't be used to benefit anyone else. It is not designed to help your spouse or children - it is in place to protect you. If the person you appoint does not act in your best interests then both civil and criminal actions may be taken against the person by you, your family and the government.

How do I revoke the Power of Attorney?

If you lose confidence in the persons you appoint, then you need to revoke the POA. While you are of sound mind you can revoke your POA at any time. If you are of unsound mind then, obviously, you can't make any such decisions. While you are of unsound mind you can't revoke a legal document such as a POA.

Your POA is revoked at death (conversely, your Will only takes effect at death.) The courts can also revoke your POA.

Should you require decide to change your POA please telephone us immediately.

What happens if I separate, divorce or get married?

Changing your status does not affect the POA. You must revoke it, if you no longer want it to operate.

Can the persons I nominate resign?

The persons you appointed can renounce the POA. However, if you are of unsound mind, it is too late for those persons to renounce.

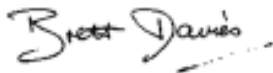
How do the persons I nominate use the Power of Attorney?

Here are some examples:

Example 1 - Using your bank account: The persons you appoint walk into the bank and present to the bank clerk with your Savings Account book and an original POA. The bank clerk stares blankly at them. The bank clerk goes to see the bank manager. The bank manager explains to the bank clerk that those persons "now stand in your shoes". They can do whatever you could do with the bank account. The bank manager asks to take a copy of the POA for future reference. The bank manager tries to keep the original POA but the persons you nominate decline and get back the original POA. The transaction on the bank account takes place.

Example 2 – Signing your legal documents: You have asked the persons that you nominated, to sign a lease agreement as you are on holidays overseas and email is unavailable. They contact the landlord and tell the landlord that there is a POA. They tell the landlord that they are signing the lease on your behalf. They sign in their usual signature area and write under the signature "signed as attorney for *your name* under a POA dated ## Month, year". You are now bound to the lease. The landlord may photocopy the POA to attach to the lease.

Yours sincerely,



Adj Professor, Dr Brett Davies, CTA, AIAMA, BJuris, LLB, LLM, MBA, SJD

National Taxation Partner

LEGAL CONSOLIDATED BARRISTERS & SOLICITOR

This is a sample of the document you are building on our law firm's website.

Depending how you answer the questions the document and our letter may be different.

We have a 100% money back guarantee. For any reason you can return the document to us for a full refund.

Dr Brett Davies

Partner

Legal Consolidated Barristers & Solicitors

Build the legal document at <https://www.legalconsolidated.com.au/enduring-poa-introduction/> – telephone us. We can help you answer the questions.

On our law firm's website, you:

1. Retain legal professional privilege
2. Receive legal advice
3. Get a signed letter on our law firm's letterhead with the legal document
4. We take responsibility for the legal document

Only a law firm provides the above. We also offer a 100% money back guarantee on every document you build.

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Enduring Power of Attorney – Tasmania (Financial Power of Attorney)

Nathan Hughes

• **FORM 4**

Powers of Attorney Act 2000

Page 1 of 2 pages

• **GENERAL ENDURING POWER OF ATTORNEY**

THIS GENERAL ENDURING POWER OF ATTORNEY is made under the
Powers of Attorney Act 2000.

Name of donor: Nathan Hughes

Address of donor: 10 Senator Place, Mount Stuart TAS 7000, Australia

1. I APPOINT

Name of attorney: Jacinta Walters

Address of attorney 4 Garden Street, Moonah TAS 7009, Australia

to be my attorney jointly and severally

2. I AUTHORISE my attorney to do on my behalf anything that I

3. I DECLARE that this general enduring power of attorney will have full force and effect upon any subsequent mental incapacity I may

An Enduring Power of Attorney (POA) is a legal document. It allows you to appoint a person to make decisions about your assets. The POA deals with your assets e.g. real estate and bank accounts.

Signature of donor: Date:

We certify that the donor has signed this general enduring power of attorney in our presence.

I certify that I am not a party to this general enduring power of attorney nor a close relative to a party to it.

Signature of first witness: Date:

Name of first witness:

Address of first witness:

Signature of second witness: Date:

Name of second witness:

Address of second witness:

• **STATEMENT OF ACCEPTANCE OF GENERAL ENDURING
POWER OF ATTORNEY**

I the above named attorney under the power created by this general enduring power of attorney on which this acceptance is endorsed (or to which this acceptance is annexed) accept the appointment and acknowledge –

- (a) that this general enduring power of attorney is a general power of attorney and may be exercised by me in the event of my subsequent mental incapacity of the donor; and
- (b) that I will, by accepting this general enduring power of attorney, be subject to the requirements of the *Power of Attorney Act 2000*.

Signature of attorney: Date:

The POA is an “economic” document. Your POA does not deal with your health, medical treatment or lifestyle. To do this, instead build a [Medical POA](#) on our website.

• **FORM 5**

Powers of Attorney Act 2000

• **REGISTRATION APPLICATION**

To: The Recorder of Titles;

I apply to register the following instrument:

Type of instrument: General Enduring Power of Attorney

Number of pages (excluding this form): 2

Name of donor: Nathan Hughes

Name of attorney:

Jacinta Walters

Identification number (if applicable):

I certify that the information contained in this registration application is correct to the best of my knowledge.

Signed:

Date:

Name:

Capacity: (*donor, attorney, legal practitioner, other*):

Address:

You can build this document here:

[https://www.legalconsolidated.com.au/
ending-poa-introduction/](https://www.legalconsolidated.com.au/ending-poa-introduction/)