



**LEGAL**  
CONSOLIDATED  
BARRISTERS & SOLICITORS

National Law Firm

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Your Reference: Medical Power of Attorney  
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*Build this Western Australia Medical POA (Power of Guardian) at <https://www.legalconsolidated.com.au/medical-power-of-attorney-intro/> – the building process is free. The building process educates and empowers you.*

Wednesday, 18 January 20

Chris Anthony Peterson  
18 Ridge Street  
Wembley Downs WA 6019  
Australia

*Read the free hints and training videos.*

Dear Chris,

*If after reading the free hints you need help, telephone us.*

## Medical Power of Attorney

### Enduring Power of Guardianship (WA)

Thank you for instructing us to prepare the attached **Western Australia Medical Power of Attorney**.

#### 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.)

#### How to sign your Enduring Power of Guardianship

1. Read the document to ensure it complies with your instructions.
2. Print out two copies and arrange for all parties to sign and date all copies of the POA. Print the document single sided.

You need two witnesses. They **cannot** be:

1. related to you; or
2. one of your Attorneys

The best witnesses are 'strangers' or the 'next door neighbour'.

3. **First witness:** Find someone that is authorised to witness affidavits (see the attached list). They are your first witness.
4. **Second witness:** This is any person over 18 years of age.

5. Attorneys you are appointing must leave the room.
6. Lock the doors so that you and your two witnesses cannot 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.)
7. 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.
8. With a blue pen sign your POAs. After you have signed your POA, both witnesses (WITH THE SAME BLUE PEN) sign the POA.
9. Date the POA the date the POA is signed.
10. If you have issues reading English, then let me know. An interpreter may be required.

**Get a Doctor's Certificate to say you are of sound mind.**

Get a Doctor's Certificate to say you are of sound mind. You must have full legal capacity to sign this document. Ask your doctor to give you a written note to say you are of sound mind. Keep the doctor's note with the Medical Power of Attorney. Without a doctor's note your Medical Power of Attorney may not be valid.

**Do my attorneys need to sign with me – at the same time?**

The answer is 'no'. Your attorneys can sign on another day, in another country and with any coloured pen. They don't need to sign with you. They also don't need to be together when they sign.

**Is my Power of Guardianship lodged or registered anywhere?**

There is no lodgement or registration possible or required in Western Australia.

**Does the WA Power of Guardianship work outside of Western Australia?**

This POA only works in Western Australia. If you live or are holidaying in another State or country, then you need to also prepare POAs for those jurisdictions as well.

**Does the Power of Attorney need to be stamped?**

Your POA is not dutiable. It does not need to be lodged at the local stamp duty office.

**Making copies**

Don't let the original POA out of your hands. Ask the doctor or nursing home (or whoever needs it) to take a copy. They can "certify" (confirm it is a true copy) the POA and keep the copy for their records.

**What is a Medical Power of Attorney?**

You empower your attorneys to decide how your future personal, lifestyle and healthcare decisions are made. This is if you become unable to make those decisions yourself in Western Australia.

**Wouldn't my spouse make my decisions for me?**

The Medical Power of Attorney gives greater rights. If you wish your spouse, de facto partner, children or others you choose to make your decisions if you become unable, then

you should name them as your guardian. If you want it to be someone else, name them instead.

### **When does the document come into effect?**

This document **ONLY** comes into effect when you have lost capacity to make decisions for yourself such as being in an accident. There are no circumstances where it would be used while you are still able to make reasonable judgements about the matters covered by this document.

### **What decisions can the person receiving my Medical Power of Attorney make?**

The person or persons you have appointed can make decisions on your behalf.

Some of these decisions can include:

- where you live, whether permanently or otherwise
- who you live with
- whether you work and under what circumstances
- consent to, or refuse any medical, surgical or dental treatment or care – this includes palliative care and end of life care
- what education and training you receive

### **Can the person receiving my Medical Power of Attorney make decisions on my behalf?**

By law it can only be used for **your best interests** and not for anyone else. It is in place to protect you. If you lose confidence in the person receiving the Medical Power of Attorney, you can revoke the Medical Power of Attorney, if you are still of sound mind.

### **Can I revoke this document?**

While you are of sound mind you can revoke this document. If you are of unsound mind then, obviously, you can't make an appointment. If you are of unsound mind you can't revoke a legal document. This document is not revoked at death. (Conversely, your Will only takes effect after you die and also revoke this document.)

### **How do I revoke this document?**

Firstly, tear up as many copies (originals and photocopies) as you can get your hands on.

Build a Revocation of a Power of Attorney and letter at our website. You then complete and sign the letter and send it via registered mail to your Guardian telling them that the Power of Attorney is revoked and ask for all copies to be posted back to you (if any). It is then illegal if they use your Medical Power of Attorney.

### **What happens if I separate, divorce or get married?**

Changing your status does not affect the Medical Power of Attorney.

### **Can the person receiving my Medical Power of Attorney resign?**

Yes, they can, but only if you are still of sound mind. If you are of unsound mind then it is too late for them to resign.

*This is a sample of the Western Australian Power of Guardianship you are building on our law firm's website.*

*The building process is free. Only after you get to the "Lock and Build" are you invited to buy the POA.*

*Depending how you answer the questions the cover letter and Power of Guardianship may be different.*

*Dr Brett Davies*

*Partner*

*Legal Consolidated Barristers & Solicitors*

### **Does my Attorney need one of the original Power of Attorneys?**

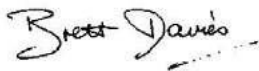
There is no legal requirement for an attorney to accept your POA in any time frame. An attorney can accept your POA many years later. And if you have appointed more than one attorney, they can accept many years apart from each other. They don't need to accept your POA on the same day. Indeed, your attorneys may be living outside of Australia in different countries. However, your POA won't come into operation for that attorney until that attorney does sign. But the signing can be done when the POA is needed.

Further, there is no legal requirement to hand over one of your original POAs to any of your attorneys. You may, however, wish to do so. At the very least:

1. You should speak to your potential attorneys to make sure they are happy to take on the onerous job of holding the attorney position;
2. Let them know where the POA is kept "at my home in my grey filing cabinet and when it is needed you can get the POA and accept it then"; or
3. You may wish to email them a soft copy and the covering letter that we provide so they can understand how it can be used in the future (it can be signed or unsigned, it is just a soft copy). If they need a hand, later, they can telephone us for advice.

This now concludes the matter. Thank you for your instructions.

Yours sincerely,



Adj Professor, Dr Brett Davies, CTA, AIAMA, BJuris, LLB, LLM, MBA, SJD  
National Taxation Partner  
LEGAL CONSOLIDATED BARRISTERS & SOLICITORS

## Who can witness a Western Australian Power of Guardianship?

Get in front of two witnesses:

1. This first witness is 'Authorised'. (E.g. accountant, financial planner and local chemist.)
2. The second witness is any person over 18 of age.

However, both witnesses must be of sound mind, 'disinterested', 'independent' and not witness the Power of Guardianship and not related to you or your family.

### Financial Advisers can witness Legal Consolidated Western Australian

- A person can witness a Western Australian POA if they can witness Commonwealth statutory declarations: Schedule 2 Oaths, Affidavits and Statutory Declarations
- The *Statutory Regulations 2018* (Cth) allows licensed financial planners to witness Commonwealth statutory declarations.
- Therefore, financial planners are in the List of Authorised Witnesses
- A Financial Planner can witness both Western Australian Enduring Powers of Attorney (POAs) (Power of Guardianship) prepared by Legal Consolidated.

### List of Authorised witnesses

An Academic (post-secondary institution)	Local govt CEO,
Accountant	Loss adjuster
Architect	Marriage celebrant
Australian Consular Officer and Diplomatic Officer	Member of Parliament
Bailiff	Minister of Religion
Bank Manager	Nurse
Chartered secretary, governance adviser & risk manager	Optometrist
Chemist	Patent Attorney
Chiropractor	Physiotherapist
Company auditor or liquidator	Podiatrist
Court officer	Police officer
Defence force officer	Post office manager
Dentist	Psychologist
Doctor	Public notary
Electorate officer of a member of State Parliament	Public servant (both Commonwealth & State)
Engineer	Real estate agent
Financial Planner	Settlement agent
Industrial organisation secretary	Sheriff or Deputy Sheriff
Insurance broker	Surveyor
Justice of the Peace	Registered teacher
Landgate officer	Tribunal officer
Lawyer	Veterinary surgeon

*In Western Australia the Statutory Regulations 2018 (Cth) allows licensed financial planners to witness Commonwealth Statutory Declarations.*

*Therefore, financial planners are in the List of Authorised Witnesses*

*A financial planner can witness both Western Australian Enduring POAs and Lifestyle/Medical POAs (Power of Guardianship) when prepared by Legal Consolidated*



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**Enduring Power of Guardianship –  
Western Australia  
(Medical Power of Attorney)**

Chris Anthony Peterson

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## Enduring Power of Guardianship from Chris Anthony Peterson to Katherine Peterson

This Enduring Power of Guardianship is made under the *Guardianship and Administration Act 1990 (WA)* Part 9A on the:

day of month 20 ...

by me, Chris Anthony Peterson of 18 Ridge Street, Wembley Downs WA 6019, Australia 1980. This Enduring Power of Guardianship has effect, subject to its terms, at any reasonable judgments in respect of matters relating to my person.

**1. Appointment of Enduring Guardians – Sole Enduring guardian**

I appoint Katherine Peterson of 18 Ridge Street, Wembley Downs WA 6019, Australia as my sole Enduring Guardian.

**2. Functions of Enduring Guardian - All Functions authorised**

I authorise my Enduring Guardian to perform in relation to me all of the functions of an Enduring Guardian including making all decisions about my health care and lifestyle.

**3. Circumstance in which my Enduring Guardian may act**

I do not direct or limit in any way the circumstances in which my Enduring Guardian may act.

**4. Directions about how my Enduring Guardian to perform functions**

I do not direct how my Enduring Guardian is to perform their functions.

**5. Appointment of Substitute Enduring Guardians**








If my sole Enduring Guardian is unable to continue in the role for any reason, the following persons: Luke Peterson of 18 Ridge Street, Wembley Downs WA 6019, Australia and 15 Bellingen Street, Urunga NSW 2455, Australia are to take the place of the Enduring Guardian.

**6. Witnessing requirements**

All signatures must be witnessed. The witnesses must be at least 18 years old and must not be a person authorised to witness statutory declarations. This includes a doctor.

Signed by the Appointor.



Witnessed by a person authorised to witness statutory declarations on ..... 20....		Witnessed by another person on .....	
Signature		Signature	
Full Name <i>Print</i>		Full Name <i>Print</i>	
Address		Address	
Qualification			

*Who looks after you when you cannot?*

*The government, retirement home or doctors?*

*Should the government and doctors control your body?*








*Do you trust your family more?*

*If so build this Legal Consolidated Western Australian Medical POA.*

## Acceptance of Appointment of the Chris Anthony Peterson Enduring Power of Guardianship by Katherine Peterson

I, Katherine Peterson, accept the appointment as an Enduring Guardian

 \_\_\_\_\_ on .....20.....

Witnessed by a person authorised to witness statutory declarations on ..... 20....		Witnessed by another person on ..... 20....	
Signature <i>(use same blue pen)</i>		Signature <i>(use same blue pen)</i>	
Full Name <i>Print</i>		Full Name <i>Print</i>	
Address		Address	
Qualification			










Acceptance of Appointment as Substitute Enduring  
Peterson Enduring Power of Guardianship by Luke Peterson

I, Luke Peterson, accept the appointment of substitute Enduring Guardian







Build this Western Australian  
Power of Guardianship here:  
<https://www.legalconsolidated.com.au/medical-power-of-attorney-intro/>

 \_\_\_\_\_ on \_\_\_\_\_ 20....

Witnessed by a person authorised to witness statutory declarations on ..... 20....		Witnessed by another person on ..... 20....	
Signature <i>(use same blue pen)</i>		Signature <i>(use same blue pen)</i>	
Full Name <i>Print</i>		Full Name <i>Print</i>	
Address		Address	
Qualification			

I, Darryl Peterson, accept the appointment of substitute Enduring Guardian

 \_\_\_\_\_ on ..... 20....

Witnessed by a person authorised to witness statutory declarations on ..... 20....		Witnessed by another person on ..... 20....	
Signature <i>(use same blue pen)</i>		Signature <i>(use same blue pen)</i>	
Full Name <i>Print</i>		Full Name <i>Print</i>	
Address		Address	
Qualification	