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## Enduring Guardianship (New South Wales)

## Medical Power of Attorney by David Andrew Thompson

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*Each State has it's own Medical Power of Attorney. They are generally called Enduring Guardianship*

*This is a sample document of the New South Wales Enduring Guardianship. When you select another jurisdiction the document will be built for that State.*

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

*Build the legal document at [legalconsolidated.com.au](http://legalconsolidated.com.au) - telephone us. We can help you complete the questions.*

**Dr Brett Davies**

**Partner**

**Legal Consolidated Barristers &  
Solicitors**

Legal Consolidated's Reference: bkd:13693  
Your Reference: CR1348

### Appointment of Enduring Guardians


I David Andrew Thompson of 214 Hamilton Street, Riverstone, New South Wales 2765 Australia, Warehouse Manager, appoint Louise Anna Thompson of 214 Hamilton Street, Riverstone, New South Wales 2765 Australia, William Joseph Thompson of 214 Hamilton Street, Riverstone, New South Wales 2765 Australia and Simon Daniel Wallace of 214 Tankstream Way, Sydney, New South Wales 2000 Australia as my enduring guardians.

I appoint my enduring guardians to act jointly.

I authorise my enduring guardians to exercise the following powers:

- a. to decide where I live,
- b. to decide what health care I receive,
- c. to decide what other kinds of personal services I receive,
- d. to consent to the carrying out of medical or dental treatment (in accordance with Part 5 of the *Guardianship Act 1987*).

The death, resignation or incapacity of any of my joint enduring guardians does not affect the appointment of each of my other joint enduring guardians.

  
 \_\_\_\_\_  
 David Andrew Thompson – usual signature

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*On law firm's website you:*

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- 4. get a signed letter on our law firm's letterhead with the legal document.*

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*Dr Brett Davies, Partner*

### Acceptance by Enduring Guardians


I, Louise Anna Thompson, accept my appointment as enduring guardian.

  
 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Louise Anna Thompson – usual signature

I, William Joseph Thompson, accept my appointment as enduring guardian.

  
 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 William Joseph Thompson – usual signature

I, Simon Daniel Wallace, accept my appointment as enduring guardian.

  
 \_\_\_\_\_  
 Simon Daniel Wallace – usual signature


*You can appoint 1, 2 or 3 people as your enduring guardians. However, it is best practice to appoint only two people. They can act together or separately on all decisions made. They need to be able to make decisions in your best interests.*

## Acceptance by Substitute Enduring Guardians


I, Linda Daniella Wallace, accept my appointment as enduring guardian.

 \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
Linda Daniella Wallace— usual signature

I, Daniel Louis Stevens, accept my appointment as enduring guardian.

 \_\_\_\_\_  
Daniel Louis Stevens— usual signature

I, Margaret Edna Stevens, accept my appointment as enduring guardian.

 \_\_\_\_\_  
Margaret Edna Stevens— usual signature

*An Enduring Guardianship - otherwise more commonly known as a 'Medical Power of Attorney' allows a person to appoint someone to make personal, lifestyle and medical decisions. The Medical Power of Attorney is about your body, lifestyle and medical choices. All States have a Medical POA. Choose which State you mostly live in. If you live in two states then you need two Medical POAs, one for each State.*

*Build the legal document at [legalconsolidated.com.au](http://legalconsolidated.com.au) - telephone us. We can help you complete the questions.*

*Dr Brett Davies, Partner*

### Certificate of Witness

I, .....  
[Print your full name here]

of, .....  
[Print your address here]

certify that David Andrew Thompson appeared to understand the effect of this instrument and in my presence executed the instrument voluntarily

 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

I am a:

- Australian legal practitioner
- Registrar of the Local Court
- Foreign lawyer – within the meaning of
- Approved employee of NSW Trustee and
- Approved Service NSW employee

*How to build this document:*

1. **Register** – for free
2. **Build** – get legal advice as you build. Pay for the document with your credit card.
3. **Download** – Print, email and sign your legal document.

*There is a 100% money back guarantee.*

*Build the legal document at [legalconsolidated.com.au](http://legalconsolidated.com.au) – telephone us. We can help you complete the questions.*

### Certificate of Witness

I, .....  
[Print your name here]

of, .....  
[Print your address here]

certify that Louise Anna Thompson appeared to understand the effect of this instrument and in my presence executed the instrument voluntarily.

 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

I am a:

- Australian legal practitioner
- Registrar of the Local Court
- Foreign lawyer – within the meaning of the *Legal Profession Uniform Law (NSW)*
- Approved employee of NSW Trustee and Guardian or the Office of the Public Guardian
- Approved Service NSW employee

### Certificate of Witness

I, .....  
[Print your full name here]

of, .....  
[Print your address here]

certify that William Joseph Thompson appeared to understand the effect of this instrument and in my presence executed the instrument voluntarily

 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

I am a:

- Australian legal practitioner
- Registrar of the Local Court
- Foreign lawyer – within the meaning of the *Legal Profession Uniform Law (NSW)*
- Approved employee of NSW Trustee and Guardian or the Office of the Public Guardian
- Approved Service NSW employee

### Certificate of Witness

I, .....  
[Print your full name here]

of, .....  
[Print your address here]

certify that Simon Daniel Wallace appeared to understand the effect of this instrument and in my presence executed the instrument voluntarily

 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

I am a:

- Australian legal practitioner
- Registrar of the Local Court
- Foreign lawyer – within the meaning of the *Legal Profession Uniform Law (NSW)*
- Approved employee of NSW Trustee and Guardian or the Office of the Public Guardian
- Approved Service NSW employee

### Certificate of Witness

I, .....  
[Print your full name here]

of, .....  
[Print your address here]

certify that Linda Daniella Wallace appeared to understand the effect of this instrument and in my presence executed the instrument voluntarily

 \_\_\_\_\_

I am a:

- Australian legal practitioner
- Registrar of the Local Court
- Foreign lawyer – within the meaning of the *Legal Prof*
- Approved employee of NSW Trustee and Guardian
- Approved Service NSW employee

### Certificate of Witness

I, .....  
[Print your full name here]

of, .....  
[Print your address here]

certify that Daniel Louis Stevens appeared to understand the effect of this instrument and in my presence executed the instrument voluntarily

 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

I am a:

- Australian legal practitioner
- Registrar of the Local Court
- Foreign lawyer – within the meaning of the *Legal Profession Uniform Law (NSW)*
- Approved employee of NSW Trustee and Guardian or the Office of the Public Guardian
- Approved Service NSW employee

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*Dr Brett Davies, Partner*

## Certificate of Witness

I, .....  
[Print your full name here]

of, .....  
[Print your address here]

certify that Margaret Edna Stevens appeared to understand the effect of this instrument and in my presence executed the instrument voluntarily

 \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

I am a:

- Australian legal practitioner
- Registrar of the Local Court
- Foreign lawyer – within the meaning of the *Legal Profession Uniform Law (NSW)*
- Approved employee of NSW Trustee and Guardian or the Office of the Public Guardian
- Approved Service NSW employee

Your Reference: CR1348  
Our Reference: bkd:13693  
Enquiries: Dr Brett Davies  
Direct Telephone: 08 6389 0400  
Email: brett@legalconsolidated.com



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Nedlands WA 6009**

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T: 08 6389 0100

legalconsolidated.com

Tuesday, 27 September 2016

David Andrew Thompson  
214 Hamilton Street  
Riverstone NSW 2765  
Australia

## **Your Medical Power of Attorney**

Dear David,

Thank you for building your Medical Power of Attorney on our website.

When you are satisfied that the document is according to your instructions please print out two copies and arrange for all parties to sign and date all copies of the document.

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

This document is designed to empower you to decide how your future personal, lifestyle and healthcare decisions are made, if you become unable to make those decisions yourself.

### **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.

### **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.



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

The person or persons you have appointed can make personal, lifestyle and health care decisions.

Some of these decisions can include:

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

## **Making copies**

Don't let the original Medical Power of Attorney out of your hands. Ask whoever needs it to take a copy. They can then "certify" (confirm it is a true copy) the document and keep the copy on file. Get your original document back.

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

By law it can only be used for **your best interests**. It can't be used to benefit anyone else. It is in place to protect you. If you lose confidence in your guardian then you need to 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 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 this one. Your document is revoked at death. (Conversely, your Will only takes effect at death.) The court system can 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 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.

If I can further clarify the above, you are welcome to contact me on my direct telephone number (08) 6389 0400.

Yours sincerely,



Dr Brett Davies, CTA, AIAMA, BJuris, LLB, Dip Ed, BArts(Hons), LLM, MBA, SJD  
LEGAL CONSOLIDATED BARRISTERS & SOLICITORS