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Your Reference: James Smith - MPOA NSW
Our Reference: bkd:79005
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Monday, 11 May 2020

James Walker Smith
225 George Street
Sydney NSW 2000
Australia

Enduring Guardianship NSW (power of attorney for medical and lifestyle decision)

Dear James,

Thank you for instructing us to prepare your attached Enduring Guardianship for New South Wales.

When you are satisfied that the document is according to your instructions please print it out. Sign it in front of the witness. (The people you appoint can sign another time. They don't need to sign with you. Your Guardians can accept another day.)

Who can witness your Enduring Power of Guardianship?

The list of who can witness an NSW Power of Guardianship is attached. Basically:

1. Any of the 135 Courts in NSW can witness your document for free (I attach a list of all the NSW Courts).
2. Any Australian lawyer can witness your document. However, rarely would a lawyer witness another lawyer's Enduring Power of Guardianship.

Do my Guardians need to be present when I sign?

The persons you nominate are called 'Guardians'. The Guardians do **not** need to be with you when you sign the Power of Guardianship. They may be in different States or even different countries and sign another time.

Let's say you appointed your two children to hold the Power of Guardianship. You may live in Sydney. Child one lives in Melbourne. And child two lives in London. That is fine. You sign and then post the document to Melbourne. Your Melbourne child then posts the document to London. This can be done over months or even years.

Free and ongoing advice for your attorneys on how to use the Medical POA

Included in the cost of your Enduring Guardianship is free advice for your guardians. Your

guardians are not alone. Firstly, there is information about how to use the Enduring Guardianship in our covering letter. The letter comes with the Enduring Guardianship. Secondly, our law firm, at any time, helps them and shows them how to use the Enduring Guardianship. We are only ever a telephone call away.

We give you and your family ongoing support on the Enduring Guardianship. Often when a parent loses mental capacity the children telephone us for help and assurance. We, at no further cost, explain how to use the Enduring Guardianship and what they need to do.

Further, there are unlimited updates on the Enduring Guardianship so they can be updated as often as you wish.

What is an Enduring Guardianship?

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

Don't my spouse and children make decisions for me - anyway?

Yes, to a limited extent your spouse and children do have some rights to protect you. However, the Enduring Guardianship gives greater rights.

Your Guardians have greater rights.

When does the document come into effect?

The document only comes in to effect when you cannot communicate with your doctor, nursing home and similar.

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

This document is only valid if you have:

1. legal capacity at the time you sign; and
2. evidence that you had legal capacity

Get a Doctor's Certificate to say you are of sound mind. Ask your doctor to give you a written note to say you are of sound mind. Keep the Doctor's note with the Power of Guardianship. Without a Doctor's note your Enduring Guardianship may not be valid.

Making copies

Protect and carefully store your Enduring Guardianship. Ask whoever needs it to take a copy. They can then "certify" (confirm it is a true copy) the document and keep the copy. Always get your original document back. Telephone us if someone is refusing to hand you back the original.

Can a Guardian override my wishes?

This document only operates when you cannot communicate. By law it is only used for **your best interests**. It cannot be used to benefit anyone else. It is in place to protect you. If you lose confidence in your guardian then revoke the Enduring Guardianship, 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.

The court can also revoke this document.

While you are of unsound mind you cannot revoke a legal document.

Your document is revoked at death. (Conversely, your Will only takes effect at death.)

How do I revoke this document?

Telephone us, immediately.

What happens if I separate, divorce or get married?

Telephone us, immediately.

If I can further clarify the above, you are welcome to contact me on my direct telephone number 1800 141 612.

Yours sincerely,



Adjunct Professor, Dr Brett Davies, CTA, AIAMA, BJuris, LLB, LLM, MBA, SJD
LEGAL CONSOLIDATED BARRISTERS & SOLICITORS

Who can witness an NSW Enduring Guardianship?

1. Any of the 135 Courts in NSW can witness your document for free (see list below).
2. Any Australian lawyer can witness your document. However, rarely would a lawyer witness another lawyer's Enduring Power of Guardianship.



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Do my Guardians need to be present when I sign?

The persons you nominate are called 'Guardians'. The Guardians do not need to be with you when you sign the Enduring Guardianship.

The main Local Courts are:

1. Albion Park	46. Fairfield	91. Moss Vale
2. Albury	47. Finley	92. Mt Druitt
3. Armidale	48. Forbes	93. Moulamein
4. Assessors - Small Claims	49. Forster	94. Mudgee
5. Ballina	50. Gilgandra	95. Mullumbimby
6. Bankstown	51. Glen Innes	96. Mungindi
7. Batemans Bay	52. Gloucester	97. Murrurundi
8. Bathurst	53. Gosford	98. Murwillumbah
9. Bega	54. Goulburn	99. Muswellbrook
10. Bellingen	55. Grafton	100. Narooma
11. Belmont	56. Grenfell	101. Narrabri
12. Bidura Children's Court	57. Griffith	102. Narrandera
13. Blayney	58. Gulgong	103. Narromine
14. Blacktown	59. Gundagai	104. Newcastle
15. Boggabilla	60. Gunnedah	105. Newtown
16. Bombala	61. Hay	106. Northern River's Children's
17. Bourke	62. Hillston	107. Court Circuit
18. Brewarrina	63. Holbrook	108. Nowra
19. Broadmeadow Children's	64. Hornsby	109. Nyngan
20. Court Circuits	65. Hunter Children's Court	110. Oberon
21. Broken Hill	66. Circuit	111. Orange
22. Burwood	67. Illawarra Children's Court	112. Parkes
23. Byron Bay	68. Inverell	113. Parramatta
24. Camden	69. Junee	114. Parramatta Children's Court
25. Campbelltown	70. Katoomba	115. Peak Hill
26. Campbelltown Children's	71. Kempsey	116. Penrith
27. Casino	72. Kiama	117. Picton
28. Central	73. Kurri Kurri	118. Port Kembla
29. Cessnock	74. Kyogle	119. Port Macquarie
30. Cobar	75. Lake Cargelligo	120. Queanbeyan
31. Coffs Harbour	76. Leeton	121. Quirindi
32. Condobolin	77. Lightning Ridge	122. Raymond Terrace
33. Cooma	78. Lismore	123. Rylstone
34. Coonabarabran	79. Lithgow	124. Scone
35. Coonamble	80. Liverpool	125. Singleton
36. Cootamundra	81. Lockhart	126. Sutherland
37. Corowa	82. Macksville	127. Tamworth
38. Cowra	83. Maclean	128. Taree
39. Crookwell	84. Maitland	129. Temora
40. Deniliquin	85. Manly	130. Tenterfield
41. Downing Centre	86. Mid North Coast Children's Court	131. Toronto
42. Dubbo	87. Milton	132. Tumbarumba
43. Dunedoo	88. Moama	133. Tumut
44. Dungog	89. Moree	134. Tweed Heads
45. Eden	90. Moruya	135. Wagga Wagga

At the end of your Enduring Guardianship, there is the witness certificate. The certificate states that the witness:

1. explained the effect of the Enduring Guardianship directly to you before it was signed
2. was satisfied that you appeared to understand the effect of the Enduring Guardianship.

Who can witness an NSW Enduring Guardianship?

This witness certificate is only completed by:

1. Registrar of the NSW Local Court
2. Any Australian lawyer
3. Overseas-registered foreign lawyer
4. Approved employee of NSW Trustee & Guardian/Service NSW

Obviously, your witness cannot be your Guardian. The witness must be independent and not involved with you or your family.

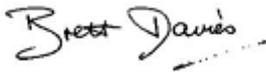
Each person accepting your appointment must get their signature witnessed in the same way. However, the persons accepting can accept anytime, even years after you have given them the NSW Enduring Power of Guardianship. However, they are not bound until they accepted.

How does the Enduring Guardianship work?

See our covering letter to you.

Please telephone me or my lawyers if you need further help in signing or using this document.

Kind regards,

A handwritten signature in black ink that reads "Brett Davies".

Adjunct Professor, Dr Brett Davies, CTA, AIAMA, BJuris, LLB, LLM, MBA, SJD
LEGAL CONSOLIDATED BARRISTERS & SOLICITORS

Enduring Guardianship in New South Wales

APPOINTMENT OF ENDURING GUARDIAN FORM

Revised March 2018

Each state has its 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.

Appointment of Enduring Guardian

For New South Wales
(Guardianship Regulation 2016, Schedule 1)

Important information to read before completing the Enduring Guardianship appointment form

- An Enduring Guardianship appointment is an important document. It allows someone else to make medical and lifestyle decisions on your behalf. You should get legal or medical advice (or both) before you sign it.
- It is important that you trust the person you appoint as your Enduring Guardian to make appropriate lifestyle decisions on your behalf. It is recommended you inform this person of your wishes about lifestyle decisions and involve them in discussions about your views or goals. If these change, it is important to let your Enduring Guardian know.
- An Enduring Guardian can only make lifestyle decisions such as health decisions. You should make an Enduring Power of Attorney if you want someone to make financial decisions on your behalf if you lose capacity.
- If you appoint more than one Enduring Guardian, you should indicate whether the Enduring Guardians are to act jointly, severally or jointly and severally. Enduring Guardians who are appointed jointly are only able to make decisions if they all agree about the decision. Enduring Guardians who are appointed severally or jointly and severally are able to make decisions independently of each other.
- If you appoint a substitute Enduring Guardian*, they will only have authority to act as your guardian if the first appointed enduring guardian/s dies, resigns or becomes incapacitated.
- Each Enduring Guardian must sign their acceptance on the appointment for it to be effective.
- If someone signs the appointment on your behalf, they must be at least 18 years old. They must not be the person being appointed as an Enduring Guardian. They cannot also witness the execution of the appointment.
- If you marry after you appoint an Enduring Guardian then the appointment will automatically be revoked (unless you married your Enduring Guardian).
- Your Enduring Guardian can resign at any time, by giving you notice in writing. If you have lost capacity to make decisions at that time then your Enduring Guardian can only resign with the approval of the NSW Civil & Administrative Tribunal.

You can build this document here:

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

For a full list of documents you can build on our law firm's website see here:

<https://www.legalconsolidated.com.au/areas-of-law/>

Guardianship appointments are not automatically accessible on any public website. Therefore, it is important that key people are aware of the appointment so you can contact the Enduring Guardian if required. You should provide a copy of the Enduring Guardianship appointment to your Enduring Guardian and keep a copy in a safe place. You should also let close friends or family know about it and give a copy to your doctor, doctor and health service provider.

For more information:

The NSW Office of the Public Guardian can provide information on guardianship, call 1300 6070.

The NSW Trustee & Guardian can prepare and witness your Enduring Guardianship, call 1300 364 103.

NSW Civil & Administrative Tribunal Guardianship Division should be contacted if a person does not have legal capacity or there are concerns about whether someone had capacity when an Enduring Guardianship or Power of Attorney was prepared, call 1300 006 228.

*previously referred to as alternate guardian

Appointment of Enduring Guardian

For New South Wales

(Guardianship Regulation 2016, Schedule 1)

Complete your details in the space provided.

Appointor – The person who makes an Enduring Guardian appointment is known as the appointor.

Enduring Guardians – You may appoint one or more people to be your Enduring Guardian/s.

If you are appointing more than one Enduring Guardian complete details for each guardian.

Note: an Enduring Guardian must be 18 years of age and not have any connection with those who provide you with accommodation, health care or services for a fee.

1. Appointment of Enduring Guardian/s

I, *[your full name]*: James Walker Smith

Of *[your address]*: 225 George Street, Sydney, New South Wales 2000

Australia

Occupation: Lawyer

Phone number: 0423 120 992

Date of birth: 01/08/1945

Appoint *[guardian's name]*: Sally Smith

Of *[guardian's address]*: 225 George Street Sydney New South Wales 2000

Australia

Phone number: 0432 812 991

Occupation: Teacher

Appoint *[guardian's name]*: Paul Windsor

Of *[guardian's address]*: 60 Margaret Street Sydney New South Wales 2000

Australia

Phone number: 0411 912 022

Occupation: Salesperson

Appoint *[guardian's name]*: _____

Of *[guardian's address]*: _____

Phone number: _____

Occupation: _____

to be my Enduring Guardian/s.

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.

Complete this section if you wish to appoint a substitute guardian.

A substitute guardian is someone you appoint to be your Enduring Guardian if your Enduring Guardian/s dies, resigns or becomes incapacitated.

Note: Cross out this section if you do not wish to appoint a substitute guardian.

2. Optional – substitute guardian

I appoint [*substitute Enduring Guardian's name*]: Jacob Smith

Of [*address*]: 416 Pitt Street Haymarket New South Wales 2000 Australia

Phone number: 9432 1234

Occupation: Welder

to be my substitute Enduring Guardian/s.

An Enduring Guardianship – otherwise known as a allows a Medical Power of Attorney allows a person to appoint someone to make personal, lifestyle and medical decisions.

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.

Tick applicable box/es to indicate how you wish your Enduring Guardians to make decisions on your behalf.

Jointly

This means the Enduring Guardians must agree and make all decisions together.

If you have appointed your Enduring Guardians to act jointly your Enduring Guardianship appointment will automatically terminate if one of your Enduring Guardians dies, resigns or becomes incapacitated. If you do not want the appointment to terminate but want the remaining Enduring Guardian/s to continue in their role then tick the appropriate box.

Severally

This means the Enduring Guardians can make decisions separately of each other.

If you have appointed your Enduring Guardians to act severally your Enduring Guardianship appointment will automatically continue if one of your Enduring Guardians dies, resigns or becomes incapacitated.

Jointly and severally

This means the Enduring Guardians can either make decisions together or separately.

If you have appointed your Enduring Guardians to act jointly and severally your Enduring Guardianship appointment will automatically continue if one of your Enduring Guardians dies, resigns or becomes incapacitated. If you do not want the appointment to continue but want it to terminate then tick the appropriate box.

3. How I wish my Enduring Guardians to act

[Complete only if more than one Enduring Guardian has been appointed]

Tick the applicable box below to indicate whether you are appointing your Enduring Guardians to act jointly, severally or jointly and severally.

Also indicate by ticking the appropriate box whether you want your jointly/ jointly and severally appointed Enduring Guardian/s to continue in their role in the event of death, resignation or loss of capacity.

3a) Joint appointment

- I appoint my Enduring Guardians to act jointly and *[tick applicable box below]*
- I want the appointment to be terminated if one of my Enduring Guardians dies, resigns or loses capacity.
- OR
- I do not want the appointment to be terminated if one of my Enduring Guardians dies, resigns or loses capacity.

3b) Several appointment

- I appoint my Enduring Guardians to act severally.

3c) Joint and several appointment

- I appoint my Enduring Guardians to act jointly and severally and *[tick applicable box below]*
- I want the appointment to be terminated if one of my Enduring Guardians dies, resigns or loses capacity.
- OR
- I do not want the

If you have multiple attorneys, you can choose whether they can act together or separately on all decisions made. They need to be able to make decisions in your best interests.

Enduring Guardian/s can only make health and lifestyle decisions. You should make an Enduring Power of Attorney if you want someone to make financial decisions on your behalf.

Select what functions you wish your Enduring Guardian/s to have should you lose capacity to make decisions yourself.

You may place limits on these functions. If you wish to place a limit on the function provide details in the space below each function.

Note:
Your Enduring Guardian/s can only exercise these functions if you have lost the capacity to make decisions yourself.

You may add any additional functions you wish your Enduring Guardian/s to exercise on your behalf.

For example other functions could include:

- access (making decisions about who you should have contact with).
- restrictive practices (deciding whether to consent to the use of physical restraint for a limited period to protect you from self harm).

4. Functions and limits of my Enduring Guardian/s

Should I become incapable of making my own personal decisions I authorise my Enduring Guardian/s to exercise the following functions: *[tick any one or more boxes below]*

to decide where I live

Limits on authority of Enduring Guardian: _____

to decide what health care I receive

Limits on authority of Enduring Guardian: _____

to decide what other kinds of personal services I receive

Limits on authority of Enduring Guardian: _____

to consent to the use of my body (in accordance with the law)

Limits on authority of Enduring Guardian: _____

to decide: _____

Build the legal document at legalconsolidated.com.au – telephone us. We can help you answer the questions.

On our law firm's website, you:

- 1. Retain legal professional privilege*
- 2. Benefit from the law firm's professional indemnity insurance*
- 3. Receive legal advice*
- 4. Get a signed letter on our law firm's letterhead with the legal document*

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

Adjunct Professor, Dr Brett Davies- Partner

You and your Enduring Guardian can sign this page at the same time, in front of the same witness.

If your Enduring Guardian's signature is witnessed at a different time or by a different witness, they will need a separate witness certificate. Complete additional signature and witness certificate pages.

Note:

Before you sign here you must arrange for a witness to watch you sign this appointment and certify that you appear to understand this appointment. Your witness needs to complete their details in section 6d) below.

If you are physically unable to sign ask the person signing for you to sign and complete their details opposite. The person must be over 18 years and must not be the person being appointed or the witness as described below.

The witness cannot be the Enduring Guardian, or a substitute Enduring Guardian.

The witness must be an Australian legal practitioner/ Registrar of the NSW Local Court/overseas-registered foreign lawyer or approved employee of NSW Trustee & Guardian. Only these persons can witness the execution of this appointment.

Each Enduring Guardian must sign their acceptance on the appointment for it to be effective.

6. Appointor's signature and witness certificate

(Option – for Enduring Guardian signature/witness)

6a) My signature

Signature _____ Date _____

6b) Optional – signature on my behalf

The appointor instructed me to sign this appointment on their behalf.

Signature on behalf of appointor _____ Not Applicable _____

Date _____ Not Applicable _____

Signer's full name _____ Not Applicable _____

Signer's address _____ Not Applicable _____

Signer's phone number: _____ Not Applicable _____

6c) Acceptance by Enduring Guardian

[Complete only if witnessed at the same time and by the same witness as appointor. Cross out if this does not apply]

I accept my appointment as Enduring Guardian.

Full name _____

Signature _____ Date _____

6d) My witness certificate

I, *[your full name]*: _____

Of *[your address]*: _____

Phone number: _____

- Occupation: Australian legal practitioner
 Registrar of the NSW Local Court
 Overseas-registered foreign lawyer
 Approved employee of NSW Trustee & Guardian

Certify that *[Tick applicable boxes below, cross out those which do not apply]*

The appointor appeared to understand the effect of this instrument and voluntarily executed the instrument in my presence.

The appointor voluntarily instructed *[insert signer's full name]*

_____ to sign the instrument on their behalf and that person executed the instrument in my presence.

[insert name of person accepting appointment as Enduring Guardian] appeared to understand the effect of this instrument and voluntarily executed the instrument in my presence.

Signature _____ Date _____

Note:

Before the substitute Enduring Guardian signs here they must arrange for a witness to watch them sign this form. The witness needs to complete their details in section 7b) below.

The witness cannot be the Enduring Guardian, or a substitute Enduring Guardian/s.

The witness must be an Australian legal practitioner/ Registrar of the NSW Local Court/overseas-registered foreign lawyer or approved employee of NSW Trustee & Guardian. Only these persons can witness the execution of this appointment.

7. Optional - substitute Enduring Guardian's acceptance and witness certificate

7a) Acceptance by substitute Enduring Guardian

[Complete only if substitute Enduring Guardian appointed]

I accept my appointment as Enduring Guardian.

Full name Jacob Smith

Signature _____ Date _____

7b) Substitute Enduring Guardian's witness certificate

I, *[full name]*: _____

Of *[address]*: _____

Phone number: _____

- Occupation: Australian legal practitioner
 Registrar of the NSW Local Court
 Overseas-registered foreign lawyer
 Approved employee of NSW Trustee & Guardian

Certify that _____

[insert name of person accepting appointment as substitute Enduring Guardian]

appeared to understand the effect of this instrument and voluntarily executed the instrument in my presence.

Signature _____ Date _____

Note:
Before the Enduring Guardian signs here they must arrange for a witness to watch them sign this form. The witness needs to complete their details in section 8b) below.

The witness cannot be the Enduring Guardian, or a substitute Enduring Guardian/s.

The witness must be an Australian legal practitioner/ Registrar of the NSW Local Court/overseas-registered foreign lawyer or approved employee of NSW Trustee & Guardian. Only these persons can witness the execution of this appointment.

Your Enduring Guardian/s can resign at any time by giving you notice in writing. If you have lost capacity at that time, then your Enduring Guardian/s can only resign with the approval of the NSW Civil & Administrative Tribunal.

8. Enduring Guardian's acceptance and witness certificate

8a) Acceptance by Enduring Guardian

[Cross out if Enduring Guardian has already signed and Enduring Guardian's witness certificate has been completed]

I accept my appointment as Enduring Guardian.

Full name Sally Smith

Signature _____ Date _____

8b) Enduring Guardian's witness certificate

I, *[full name]*: _____

Of *[address]*: _____

Phone number: _____

- Occupation: Australian legal practitioner
 Registrar of the NSW Local Court
 Overseas-registered foreign lawyer
 Approved employee of NSW Trustee & Guardian

Certify that _____

[insert name of person accepting appointment as Enduring Guardian]
appeared to understand the effect of this instrument and voluntarily executed the instrument in m

Signature _____

How you witness the document is set out in our Letter of Advice which comes with the document you are building. Build the legal document at legalconsolidated.com.au – telephone us. We can help you complete the questions.

Adjunct Professor, Dr Brett Davies- Partner

Note:

Before you sign here you must arrange for a witness to watch you sign this form. The witness needs to complete their details in section 9b) below.

The witnesses cannot be the Enduring Guardian, or a substitute Enduring Guardian/s.

The witness must be an Australian legal practitioner/ Registrar of the NSW Local Court/overseas-registered foreign lawyer or approved employee of NSW Trustee & Guardian. Only these persons can witness the execution of this appointment.

9. Additional Enduring Guardian’s signature and witness certificate/s

.....
[Cross out if Enduring Guardian has already signed and Enduring Guardian’s witness certificate has been completed]

9a) Acceptance by Enduring Guardian

I accept my appointment as Enduring Guardian.

Full name Paul Windsor

Signature _____ Date _____

9b) Enduring Guardian’s witness certificate

[Cross out if Enduring Guardian’s signature already witnessed]

I, *[full name]*: _____

Of *[address]*: _____

Phone number: _____

- Occupation: Australian legal practitioner
 Registrar of the NSW Local Court
 Overseas-registered foreign lawyer
 Approved employee of NSW Trustee & Guardian

Certify that _____

[insert name of person accepting appointment as Enduring Guardian]
appeared to understand the effect of this instrument and voluntarily executed the instrument in my presence.

Signature _____ Date _____

Note:

Before you sign here you must arrange for a witness to watch you sign this form. The witness needs to complete their details in section 9bb) below.

The witnesses cannot be the Enduring Guardian, or a substitute Enduring Guardian/s.

The witness must be an Australian legal practitioner/ Registrar of the NSW Local Court/overseas-registered foreign lawyer or approved employee of NSW Trustee & Guardian. Only these persons can witness the execution of this appointment.

9aa) Acceptance by Enduring Guardian

[Cross out if Enduring Guardian has already signed and Enduring Guardian's witness certificate has been completed]

I accept my appointment as Enduring Guardian.

Full name _____

Signature _____ Date _____

9bb) Additional Enduring Guardian's witness certificate

[Cross out if Enduring Guardian's signature already witnessed]

I, *[full name]*: _____

Of *[address]*: _____

Phone number: _____

- Occupation: Australian legal practitioner
 Registrar of the NSW Local Court
 Overseas-registered foreign lawyer
 Approved employee of NSW Trustee & Guardian

Certify that _____

[insert name of person accepting appointment as Enduring Guardian]
appeared to understand the effect of this instrument and voluntarily executed the instrument in my presence.

Signature _____ Date _____

Enduring Guardianship Checklist

Checklist

Please read below and tick to ensure you have completed all details of your Enduring Guardianship appointment correctly.

- 1. I have spoken to my proposed Enduring Guardian/s and discussed this appointment with them to ensure they are willing and able to take on this role and exercise the functions I wish to give them as described in sections 3 and 4.
- 2. I trust my Enduring Guardian/s and have spoken to them about the kind of lifestyle decisions I wish them to make on my behalf should I lose capacity. If these change, I understand it is important to let my Enduring Guardian/s know.
- 3. I have discussed the appointment of my Enduring Guardian/s with my close friends/family to let them know of my decision to appoint an Enduring Guardian.
- 4. I have considered the option in section 2 of appointing a substitute guardian should my first appointed Enduring Guardian die, resign or become incapacitated.
- 5. I have indicated how I wish my Enduring Guardians to act (i.e. jointly, severally or jointly and severally) by completing section 3.
- 6. I understand I can ask someone to sign this appointment on my behalf in section 6 if I am physically unable to sign. This person must be over the age of 18 and cannot be my Enduring Guardian/s or a witness to this appointment.
- 7. I understand the certificate of witness needs to be completed by an eligible witness, i.e. an Australian legal practitioner/Registrar of the NSW Local Court/overseas-registered foreign lawyer or approved employee of NSW Trustee & Guardian.
- 8. I understand my Enduring Guardian/s need to sign their acceptance of the Enduring Guardian appointment before it can operate.
- 9. I understand it is important to give a copy of this Enduring Guardianship appointment to my Enduring Guardian/s and other relevant people, such as my GP and attorney, and I will keep a copy in a safe place. There is no public register for Enduring Guardianship appointments.
- 10. I understand that if I marry, the Enduring Guardianship appointment will be revoked unless I am marrying my Enduring Guardian.
- 11. I understand it is advisable to get medical and legal advice before signing my Enduring Guardianship appointment.