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## Enduring Guardianship (Tasmania)

## Medical Power of Attorney by Michael Robert Chen

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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 Tasmanian Enduring Guardianship. When you select another jurisdiction the document will be built for that State.*

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**Dr Brett Davies**

**Partner**

**Legal Consolidated Barristers &  
Solicitors**

Legal Consolidated's Reference: bkd:13889  
Your Reference: CR1352

## Appointment of Enduring Guardians

1. I Michael Robert Chen of 29 Morrison Street, Hobart, Tasmania 7000 Australia, Software Engineer, appoint Paloma Anna Chen of 29 Morrison Street, Hobart, Tasmania 7000 Australia, Retail Assistant, Sabrina Pamela Chen of Tasmania 7000 Australia, Student and Jessica Cade Hobart, Tasmania 7000 Australia, Teacher to be my act jointly.
2. I authorise my guardians, in the event that I become unable to make reasonable judgements in respect of matters relating to exercise the powers of a guardian under section 2 of the Administration Act 1995 (TAS).
3. If my original enduring guardians die, resign, or become incapable, I substitute enduring guardian Samantha Francine Ba Tasmania 7000 Australia, Shop Assistant to take the
4. The death, resignation or incapacity of any of my joint guardians terminate the appointment of each of my other joint
5. This is an appointment of an enduring guardian made under the Administration Act 1995 (TAS).



Michael Robert Chen – usual signature

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*Dr Brett Davies, Partner*

### Acceptance by Enduring Guardians

I, Paloma Anna Chen of 29 Morrison Street, Hobart, Tasmania 7000 Australia, Retail Assistant accept appointment as a guardian under this instrument and undertake to exercise the powers conferred honestly and in accordance with the provisions of the *Guardianship and Administration Act 1995* (TAS).

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

Paloma Anna Chen— usual signature

I, Sabrina Pamela Chen of 29 Morrison Street appointment as a guardian under this instrument honestly and in accordance with the provisions (TAS).

 \_\_\_\_\_

Sabrina Pamela Chen— usual signature

I, Jessica Cadence Bao of 42 Elizabeth Street, appointment as a guardian under this instrument honestly and in accordance with the provisions (TAS).

 \_\_\_\_\_

Jessica Cadence Bao— 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*

### Acceptance by Alternate Enduring Guardian

I, Samantha Francine Baker of 12 Campbell Street, Hobart, Tasmania 7000 Australia, Shop Assistant accept appointment as an alternate guardian under this instrument and undertake to exercise the powers conferred honestly and in accordance with the provisions of the *Guardianship and Administration Act 1995* (TAS).

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

Samantha Francine Baker— usual signature

### Certificate of Witness

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

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

certify

- a) that the appointor has signed this instrument freely and voluntarily in our presence.
- b) that the appointor appeared to understand the effect of this instrument.

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

I am a .....  
[Print your occupation here]

*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

of, .....  
[Print your

certify

- a) that the appointor has signed this instrument freely and voluntarily in our presence.
- b) that the appointor appeared to understand the effect of this instrument.

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

I am a .....  
[Print your occupation here]

# Appointment of Enduring Guardian Registration Application

Deliver to Service Tasmania Shop in person

Transaction Type  
Payment  
 Application  
 Revocation  
 Waiver \*

Number of pages (excluding this form) \_\_\_\_\_

Name of Appointer Michael Robert Chen

Address  
29 Morrison Street  
Hobart  
TAS 7000  
Australia

Contact Number \_\_\_\_\_

Date of Birth 6 September, 1970

Name of Enduring Guardian(s)  
Paloma Anna Chen  
Sabrina Pamela Chen  
Jessica Cadence Baker

Name of Alternative Enduring Guardian  
Samantha Francine Baker

\*I am seeking a waiver of fees for  
 Registration  
 Revocation (tick one).

Please attach the Waiver of Fees application form.

Name of person lodging the form Michael Robert Chen

Address for return of  
Registered Enduring Guardian  
29 Morrison Street  
Hobart  
TAS 7000  
Australia

Signature \_\_\_\_\_

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Dr Brett Davies, Partner*

### Receipt Details

Your Reference: CR1352  
Our Reference: bkd:13889  
Enquiries: Dr Brett Davies  
Direct Telephone: 08 6389 0400  
Email: brett@legalconsolidated.com



**39 Stirling Highway  
Nedlands WA 6009**

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T: 08 6389 0100

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Friday, 30 September 2016

Michael Robert Chen  
29 Morrison Street  
Hobart TAS 7000  
Australia

## **Your Medical Power of Attorney**

Dear Michael,

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