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Enduring Power of Attorney Medical Treatment (Victoria)

Medical Power of Attorney by David Andrew Thompson

Legal Consolidated's Reference: bkd:13696
Your Reference: CR1349

Each State has it's own Medical Power of Attorney.

This is a sample document of the Enduring Power of Attorney Medical Treatment for Victoria. 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 - telephone us. We can help you complete the questions.

Dr Brett Davies
Partner
Legal Consolidated Barristers &
Solicitors

Enduring Power of Attorney (Medical Treatment) from David Andrew Thompson to Mary Susan Thompson

This Enduring Power of Attorney (Medical Treatment) is made under section 5A of the *Medical Treatment Act 1988* (VIC). This Enduring Power of Attorney is given on the

 day of month 20 ...

1. I David Andrew Thompson of 14 Leopold Street, South Yarra, Victoria 3141 Australia appoint Mary Susan Thompson of 14 Leopold Street, agent and Linda Daniella Wallace of 36 Grant to be my alternate agent.
2. I authorise my agent or, if applicable, my alternate agent to make decisions about my medical treatment on my behalf.
3. I revoke all other enduring powers of attorney (medical treatment) previously given by me.

You can appoint 1 person as your medical agent and 1 person as your alternate medical agent. They need to be able to make decisions in your best interests.

Signed sealed and delivered by:

 _____

David Andrew Thompson – usual signature

Witness Declaration:

We, the witnesses as signed below, each believe that David Andrew Thompson's enduring power of attorney (medical treatment) is of sound mind and of this document. WITNESSED by:

Witnessed by a person authorised to witness statutory declarations on the above date:		Witnessed
Signature		Signature
Full Name <i>Print</i>		Full Name <i>Print</i>
Address		Address
Qualification		

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On law firm's website you:

- 1. retain legal professional privilege*
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- 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.

Dr Brett Davies, Partner

Persons who may witness statutory declarations

Who can witness a Victorian Medical Power of Attorney?

Two witnesses are required. Both must be 18 years of age or older and one must be someone authorised to witness statutory declarations.

Under Section 107A of the *Evidence (Miscellaneous Provisions) Act 1958*, (previously *Evidence Act 1958*), the list of persons who may witness statutory declarations includes:

- a justice of the peace or a bail justice
- a public notary
- an Australian lawyer (within the meaning of the *Legal Profession Act 2004*)
- a clerk to an Australian lawyer
- the prothonotary or a deputy prothonotary of the Supreme Court, the registrar or a deputy registrar of the County Court, the principal registrar or a registrar or deputy registrar of the Magistrates' Court or the principal registrar or a registrar or deputy registrar of the Children's Court
- the registrar of probates or an assistant registrar of probates
- the associate to a judge of the Supreme Court or of the County Court
- the associate of an Association Judge of the Supreme Court or of an associate judge of the County Court
- a person registered as a patent attorney under Chapter 20 of the *Patents Act 1990* of the Commonwealth
- a police officer
- the sheriff or a deputy sheriff
- a member or former member of either House of the Parliament of Victoria
- a member or former member of either House of the Parliament of the Commonwealth
- a councillor of a municipality
- a senior officer of a Council as defined in the *Local Government Act 1989*
- a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)
- a person registered under the Health Practitioner Regulation National Law to practise as a dentist (other than as a student), and in the dentists' register
- a registered veterinary practitioner within the meaning of the *Veterinary Act 1992*
- a person registered under the Health Practitioner Regulation National Law to practise as a health practitioner (other than as a student)
- a principal within the meaning of the *Education and Children Services Act 2017*
- the manager of an authorised deposit-taking institution
- a person who holds a prescribed membership of a prescribed organisation
- the secretary of a building society
- a minister of religion authorised to celebrate marriage
- a Victorian Inspectorate Officer within the meaning of the *Inspectorate Act 1997*
- a person employed under Part 3 of the *Public Administration Act 2004* in a prescribed classification to which this section applies
- an Independent Broad-based Anti-corruption Commissioner
- a fellow of the Institute of Legal Executives (Victoria)

Both witnesses must:

- not be a supportive attorney under the appointment
- not be a person who is signing at the direction of the enduring power of attorney themselves).

In addition, one witness must:

- not be a relative of the principal or relative of the supportive attorney
- not be a care worker or accommodation provider for the principal

An Enduring Power of Attorney Medical Treatment - 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.

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.

Dr Brett Davies, Partner

Your Reference: CR1349
Our Reference: bkd:13696
Enquiries: Dr Brett Davies
Direct Telephone: 08 6389 0400
Email: brett@legalconsolidated.com



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Tuesday, 27 September 2016

David Andrew Thompson
14 Leopold Street
South Yarra VIC 3141
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
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