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Enduring Power of Guardianship
(Western Australia)
Medical Power of Attorney by
John Simon Williams

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

This is a sample document of the Western Australian Enduring Power of 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:9984
Your Reference: mfc1214

Enduring Power of Guardianship from John Simon Williams to Louise Tara Williams, Simon Joseph Williams and Laura Jessica Williams

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 John Simon Williams of 234 Vincent Street, North Perth, Western Australia, born on 4 May, 1970. This Enduring Power of Guardianship is made any time I am unable to make reasonable judgments in relation to my personal care.

1. Appointment of Enduring Guardians - Joint enduring guardians

I appoint Louise Tara Williams of 234 Vincent Street, North Perth, Western Australia, Simon Joseph Williams of 234 Vincent Street, North Perth, Western Australia and Laura Jessica Williams of 234 Vincent Street, North Perth, Western Australia 6006 Australia to be my joint Enduring Guardians.

2. Death of joint enduring guardian - Surviving joint enduring guardian

If one of my joint enduring guardians die, I want the surviving joint enduring guardian to be my sole enduring guardian.

3. Functions of Enduring Guardian - All Functions and Powers

I authorise my Enduring Guardian to perform in relation to my personal care all the functions and powers of an Enduring Guardian, including making all decisions about my personal care.

4. Circumstance in which my Enduring Guardian may exercise powers

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

5. Directions about how my Enduring Guardian to perform functions and powers

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

6. Appointment of Substitute Enduring Guardians

If all of my joint enduring guardians are unable to carry out their functions and powers, I appoint substitute enduring guardians David Jason Smith of 27 Vincent Street, North Perth, Western Australia 6000 Australia, Linda Grace Smith of 27 Vincent Street, North Perth, Western Australia 6000 Australia and Peter James Wallace of 64 Vincent Street, North Perth, Western Australia 6007 Australia are to take the place of the joint enduring guardians.

Signed by the Appointor.

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Dr Brett Davies, Partner








 _____

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

Acceptance of Appointment as Enduring Guardians of the John Simon Williams Enduring Power of Guardianship by Louise Tara Williams, Simon Joseph Williams and Laura Jessica Williams





I, Louise Tara Williams, accept the appointment as an enduring guardian

 _____ on20.....

| 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 Print |  | Full Name Print |  |
| Address |  | Address |  |
| Qualification |  | | |





I, Simon Joseph Williams, accept the appointment

 _____

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

I, Laura Jessica Williams, accept the appointment

 _____





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

An Enduring Power of 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. 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

Acceptance of Appointment as Substitute Enduring Guardians of the John Simon Williams Enduring Power of Guardianship by David Jason Smith, Linda Grace Smith and Peter James Wallace








I, David Jason Smith, accept the appointment of substitute enduring guardian

 _____ on20.....

| | | | |
|--|---|---|--|
| Witnessed by a person authorised to witness statutory declarations on 20.... | | Witnessed by another person on 20.... | |
| Signature (use same blue pen) |  | <p>You can appoint 1, 2 or 3 people as your enduring guardians. However, it is best practice to appoint only two people. They are required to act together and agree on all decisions made. They need to be able to work together to make decisions in your best interests.</p> | |
| Full Name Print |  | | |
| Address |  | | |
| Qualification |  | | |





I, Linda Grace Smith, accept the appointment of substitute enduring guardian

 _____ on20.....

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

I, Peter James Wallace, accept the appointment of substitute enduring guardian

 _____ on20.....

| | | | |
|--|---|---|--|
| Witnessed by a person authorised to witness statutory declarations on 20.... | | Witnessed by another person on 20.... | |
| Signature (use same blue pen) |  | <p>How to build this document:</p> <ol style="list-style-type: none"> 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. <p>There is a 100% money back guarantee. Build the legal document at legalconsolidated.com.au – telephone us. We can help you complete the questions.</p> | |
| Full Name Print |  | | |
| Address |  | | |
| Qualification |  | | |

Your Reference: mfc1214
Our Reference: bkd:9984
Enquiries: Dr Brett Davies
Direct Telephone: 08 6389 0400
Email: brett@legalconsolidated.com



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Wednesday, 28 September 2016

John Simon Williams
234 Vincent Street
North Perth WA 6006
Australia

Your Medical Power of Attorney

Dear John,

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 (Enduring Power of Guardianship)?

This document is designed to empower you to decide how your future personal, lifestyle and healthcare decisions will be 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. Ask your doctor to give you a written note to say you are of sound mind. Keep this with the Medical Power of Attorney.

What decisions can an enduring guardian 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 will live with
- whether you work and related decisions
- 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
- commence, defend, conduct or settle any legal proceedings on your behalf, except proceedings that relate to your property or estate

Witnessing requirements

All signatures must be witnessed. The witnesses must be at least 18 years old. One of the witnesses must be a person authorised to witness statutory declarations. This includes a doctor.

Making copies

Don't let this original document 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.

Can the enduring guardian override your 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 Power of Attorney.

What happens if I separate, divorce or get married?

Changing your status does not affect the Power of Attorney.

Can my guardian resign?

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

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