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National Law Firm

Head Office

39 Stirling Highway
Nedlands WA 6009

T: 1800 141 612

legalconsolidated.com.au

Your Reference: Jordan Smith - MPOA
Our Reference: bkd:68881
Enquiries: Adjunct Professor, Dr Brett Davies
Direct Telephone: 1800 141 612
Email: brett@legalconsolidated.com

Tuesday, 2 April 2019

Jordan Gregson Smith
2 Park Street
Tuart Hill WA 6060
Australia

Medical Power of Attorney Enduring Power of Guardianship (WA)

Dear Jordan,

Thank you for instructing us to prepare your attached Western Australian Medical Power of Attorney (**POA**).

How to sign your Enduring Power of Guardianship

1. Read the document to ensure it complies with your instructions.
2. Print out two copies and arrange for all parties to sign and date all copies of the POA. Print the document single sided.

You need two witnesses. They **cannot** be:

1. related to you
2. one of your Attorneys

The best witnesses are 'strangers' or the 'next door neighbour'.

3. **First witness:** Find someone that is authorised to witness affidavits (see the attached list). They are your first witness.
4. **Second witness:** This is any person over 18 years of age.
5. Attorneys you are appointing must leave the room.
6. Lock the doors so that you and your two witnesses cannot see each other or either of your witnesses leave the room during the signing of the POA and print out another copy of the POA and start again.)
7. If you or either of your witnesses need reading glasses, until you or your witnesses put on those glasses.
8. With a **blue** pen sign your POAs. After you have signed your POA both witnesses (WITH THE SAME **BLUE PEN**) sign the POA.

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/>

9. Date the POA the date the POA is signed.
10. If you have issues reading English, then let me know. An interpreter may be required.

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.

Do my attorneys need to sign with me – at the same time?

The answer is 'no'. Your attorneys can sign on another day, in another country and with any coloured pen. They don't need to sign with you. They also don't need to be together when they sign.

Is my Power of Guardianship lodged or registered anywhere?

There is no lodgement or registration possible or required in Western Australia.

Does the WA Power of Guardianship work outside of Western Australia?

This POA only works in Western Australia. If you live or are holidaying in another State or country, then you need to also prepare POAs for those jurisdictions as well.

Does the Power of Attorney need to be stamped?

Your POA is not dutiable. It does not need to be lodged at the local stamp duty office.

Making copies

Don't let the original POA out of your hands. Ask the doctor or nursing home (or whoever needs it) to take a copy. They can "certify" (confirm it is a true copy) the POA and keep the copy for their records.

What is a Medical Power of Attorney?

You empower your attorneys to decide how your future personal, lifestyle and healthcare decisions are made. This is if you become unable to make those decisions yourself in Western Australia.

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.

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

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.

Does my Attorney need one of the original Power of Attorneys?

There is no legal requirement for an attorney to accept your POA in any time frame. An attorney can accept your POA many years later. And if you have appointed more than one attorney, they can accept many years apart from each other. They don't need to accept your POA on the same day. Indeed, your attorneys may be living outside of Australia in different countries. However, your POA won't come into operation for that attorney until that attorney does sign. But the signing can be done when the POA is needed.

Further, there is no legal requirement to hand over one of your original POAs to any of your attorneys. You may, however, wish to do so. At the very least:

1. You should speak to your potential attorneys to make sure they are happy to take on the onerous job of holding the attorney position

2. Let them know where the POA is kept "at my home in my grey filing cabinet and when it is needed you can get the POA and accept it then"
3. You may wish to email them a soft copy and the covering letter that we provide so they can understand how it can be used in the future (it can be signed or unsigned, it is just a soft copy). If they need a hand, later, they can telephone us for advice.

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

Yours sincerely,



Adjunct Professor, Dr Brett Davies, CTA, AIAMA, BJuris, LLB, LLM, MBA, SJD
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How to sign your Western Australian Enduring Power of Guardianship



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You need two witnesses. They **cannot** be:

1. related to you
2. one of your Attorneys

1. **First witness:** Find someone that is authorised to witness affidavits (see the list below). He or she is your first witness.

2. **Second witness:** This is any person over 18 years of age.

First witness is 'authorised' if they come from the following:

An Academic (post-secondary institution)	Local government councillor
Accountant	Loss adjuster
Architect	Marriage celebrant
Australian Consular Officer	Member of Parliament
Australian Diplomatic Officer	Minister of Religion
Bailiff	Nurse
Bank Manager	Optometrist
Chartered secretary, governance adviser or risk manager	Patent Attorney
Chemist	Physiotherapist
Chiropractor	Podiatrist
Company auditor or liquidator	Police officer
Court officer	Post office manager
Defence force officer	Psychologist
Dentist	Public notary
Doctor	Public servant (Commonwealth)
Electorate officer of a member of State Parliament	Public servant (State)
Engineer	Real estate agent
Industrial organisation secretary	Settlement agent
Insurance broker	Sheriff or Deputy Sheriff
Justice of the Peace	Surveyor
Landgate officer	Registered teacher
Lawyer	Tribunal officer
Local government CEO or deputy CEO	Veterinary surgeon

Under Schedule 2 of the *Oaths, Affidavits and Statutory Declarations Act 2005* witnesses that are authorised by law to take declarations include:

If you wish, upload your logo at **Your Profile** page.

YOUR
LOGO
HERE

Your logo will then appear above.



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Enduring Power of Guardianship (Western Australia)

Medical Power of Attorney by Jordan Gregson Smith

Each state has its own Medical Power of Attorney. They are generally called Enduring Power of Guardianship. This is a sample document of the Western Australia Enduring Power of 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.

Legal Consolidated's Reference: bkd:68881
Your Reference: Jordan Smith - MPOA

Enduring Power of Guardianship from Jordan Gregson Smith to Julie Lin and Xie Hong

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 Jordan Gregson Smith of 2 Park Street, Tuart Hill, Western Australia 6060 Australia born on 01/04/1959. This Enduring Power of Guardianship has effect, subject to its terms, at any time I am unable to make reasonable judgments in respect of matters relating to my person.

1. Appointment of Enduring Guardians - Joint enduring guardians

I appoint Julie Lin of 426 George Street Sydney New South Wales 2000 Australia, and Xie Hong of 76 Pitt Street Sydney New South Wales 2000 Australia to be my joint Enduring Guardians.

2. Death of joint enduring guardian - Surviving joint enduring guardians to act

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

3. Functions of Enduring Guardian - All Functions authorised

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

4. Circumstance in which my Enduring Guardian may act

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

5. Directions about how my Enduring Guardian to perform

I do not direct how my Enduring Guardian is to perform the functions authorised.

6. Appointment of Substitute Enduring Guardians

If all of my joint enduring guardians are unable to continue to act, I appoint Lucas Walker of 80 Tree Street Katanning Western Australia 6317 Australia and Sheryl Walker of 80 Tree Street Katanning Western Australia are to take the place of the enduring guardians.

7. 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.

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.

Signed by the Appointor.

 _____

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	

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

Acceptance of Appointment as Enduring Guardians of the Jordan Gregson Smith Enduring Power of Guardianship by Julie Lin and Xie Hong

I, Julie Lin, 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 <i>Print</i>		Full Name <i>Print</i>	
Address		Address	
Qualification			

I, Xie Hong, 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 <i>Print</i>		Full Name <i>Print</i>	
Address		Address	
Qualification			

An Enduring Power of 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.

Acceptance of Appointment as Substitute Enduring Guardians of the Jordan Gregson Smith Enduring Power of Guardianship by Lucas Walker and Sheryl Walker

I, Lucas Walker, 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 <i>(use same blue pen)</i>		Signature <i>(use same blue pen)</i>	
Full Name <i>Print</i>		Full Name <i>Print</i>	
Address		Address	
Qualification			

I, Sheryl Walker, 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 <i>(use same blue pen)</i>		Signature <i>(use same blue pen)</i>	
Full Name <i>Print</i>			
Address			
Qualification			

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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