
SUMMARY

I give my attorney/s the power to do anything I can lawfully authorise them to do on my behalf. This power continues even if I lose mental capacity.

ENDURING POWER OF ATTORNEY NEW SOUTH WALES

ENDURING POWER OF ATTORNEY

Important information

An enduring power of attorney is a legal document that allows you (the principal) to nominate one or more persons (referred to as attorneys) to act on your behalf. An enduring power of attorney gives the attorney the authority to manage your legal and financial affairs, including buying and selling real estate, shares and other assets, operating your bank accounts and spending money on your behalf.

The attorney's power continues even if for any reason you lose your mental capacity to manage your own affairs. Once you lose your mental capacity you cannot revoke this power of attorney. If you want the power of attorney to cease if you lose your mental capacity, you must nominate an attorney in a separate power of attorney form. An attorney under an enduring power of attorney cannot be appointed if you are of a lifestyle or health. These decisions can only be made by you or a guardian appointed by the Court).

The prescribed witness certificate in clause 6 of this document, the attorney (including any substitute attorney) must sign this form.

Please read the Important information set out at the beginning of this document and more fully explain your reasons for appointing an attorney in clause 7.

1 Appointment of attorney by the principal

Principal—The person who appoints the attorney.

Attorney—The person you nominate to look after your affairs.

You can appoint more than one attorney.

I, PERSON FROM NEW SOUTH WALES, appointed FREDDY FIRST SON of 2 DRURY STREET, SYDNEY NSW 2000 to be my attorney.

If my attorney vacates office, I appoint the following persons as my substitute attorneys:

1. FREDDY FIRST SON of 2 DRURY STREET, SYDNEY NSW 2000; and
2. DEIDRE DAUGHTER of 17 UPPER WAY, SYDNEY NSW 2000; and
3. LARA LISBERT of 34 THE CRESCENT, BYRON BAY NSW 2482.

My substitute attorneys are appointed:

Jointly.

- Jointly and severally—my substitute attorneys may act individually or can act together with my other substitute attorneys if they choose.

If no option is selected or the option chosen is unclear or inconsistent, I intend my substitute attorneys to act jointly and severally.

2 Powers

My attorney may exercise the authority conferred by Part 2 of the *Powers of Attorney Act 2003 (NSW)* to do anything on my behalf I may lawfully authorise an attorney to do.

I give this power of attorney with the intention that it will become operative through loss of mental capacity after its execution.

SAMPLE

Additional powers (optional)

- I authorise my attorney to give reasonable financial assistance as provided by section 26 of the *Powers of Attorney Act 2003*.
- I authorise my attorney to confer benefits or medical expenses as provided by section 26 of the *Powers of Attorney Act 2003*.
- I authorise my attorney to confer benefits or medical expenses as provided by section 26 of the *Powers of Attorney Act 2003*. My friend Ned Flanders

3 Conditions and limitations

I place the following conditions and/or limitations on the power of attorney:

Nil.

4 Commencement

This power of attorney operates:

- Once the attorney has accepted their appointment by signing this document.
- Once a medical practitioner considers that I am unable to manage my affairs (and provides a document to that effect).

~~Once my attorney considers that I need assistance managing my affairs.~~

Other.

If no option is selected or the options chosen of attorney will operate once my attorney document.

SAMPLE

END OF THIS PAGE

INITIALS OF NEW SOUTH WALES



INITIALS OF PRESCRIBED WITNESS



SIGNATURE OF [PRINCIPAL] FROM NEW SOUTH WALES

Signed by NEW SOUTH WALES

SIGNATURE OF [PRINCIPAL] FROM NEW SOUTH WALES

HAND WRITE THE DATE OF SIGNING

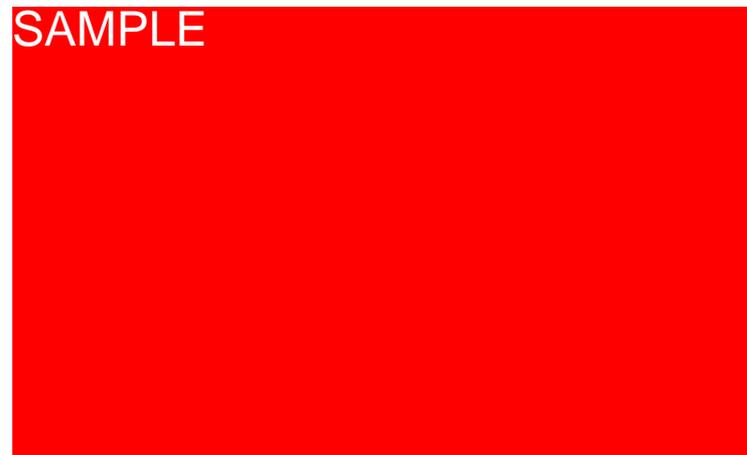
Signature of prescribed witness

SIGNATURE OF THE WITNESS

HAND WRITE THE FULL LEGAL NAME OF THE WITNESS

HAND WRITE THE STREET ADDRESS OF THE WITNESS

SAMPLE



CERTIFICATE UNDER SECTION 19 OF THE ACT

I certify the following under section 19 of the *Powers of Attorney Act 2003 (NSW)*:

- (a) I explained the effect of this power of attorney to the principal before it was signed.
- (b) The principal appeared to understand the effect of this power of attorney. **SAMPLE**
- (c) I am a prescribed witness.
- (d) I am not an attorney under this power of attorney.
- (e) I have witnessed the signature of this power of attorney.

Signature of prescribed witness

SIGNATURE OF THE WITNESS

HAND WRITE THE DATE OF SIGNING

HAND WRITE THE FULL LEGAL NAME OF THE WITNESS

A prescribed witness must complete this certificate. Please note that a Justice of the Peace (i.e. a J.P.) is not a prescribed witness.

Tick the appropriate category

- Australian legal practitioner (solicitor or barrister)
- Registrar of a Local Court
- Licensed conveyancer who has successfully completed a course of study approved by the Minister
- NSW Trustee and Guardian employee who has successfully completed a course of study approved by the Minister
- A trustee company employee who has successfully completed a course of study approved by the Minister or
- Legal Practitioner qualified in a country other than Australia who is instructed and employed independently of any legal practitioner appointed as an attorney under this power of attorney

ACCEPTANCE BY ATTORNEY: LORETTA LAIN

I, LORETTA LAIN, accept that:

- (a) I must always act in the principal's best interests.
- (b) as attorney I must keep my own money and property separate from the principal's money and property.
- (c) I should keep reasonable accounts and records
- (d) unless expressly authorised, I cannot gain a benefit
- (e) I must act honestly in all matters concerning the

Failure to do any of the above may incur civil and/or

SAMPLE

Signed by LORETTA LAIN

SIGNATURE OF LORETTA LAIN

HAND WRITE THE DATE OF SIGNING

ACCEPTANCE BY ATTORNEY: FREDDY FIRST SON

I, FREDDY FIRST SON, accept that:

- (a) I must always act in the principal's best interests.
- (b) as attorney I must keep my own money and pr
property.
- (c) I should keep reasonable accounts and records
- (d) unless expressly authorised, I cannot gain a be
- (e) I must act honestly in all matters concerning the

Failure to do any of the above may incur civil and/or

SAMPLE

Signed by FREDDY FIRST SON

SIGNATURE OF FREDDY FIRST SON

HAND WRITE THE DATE OF SIGNING

ACCEPTANCE BY ATTORNEY: DEIDRE DAUGHTER

I, DEIDRE DAUGHTER, accept that:

- (a) I must always act in the principal's best interests.
- (b) as attorney I must keep my own money and pr
property.
- (c) I should keep reasonable accounts and records
- (d) unless expressly authorised, I cannot gain a be
- (e) I must act honestly in all matters concerning the

Failure to do any of the above may incur civil and/or

SAMPLE

Signed by DEIDRE DAUGHTER

SIGNATURE OF DEIDRE DAUGHTER

HAND WRITE THE DATE OF SIGNING

ACCEPTANCE BY ATTORNEY: LARA LISBERT

I, LARA LISBERT, accept that:

- (a) I must always act in the principal's best interests.
- (b) as attorney I must keep my own money and property separate from the principal's property.
- (c) I should keep reasonable accounts and records of my dealings as attorney.
- (d) unless expressly authorised, I cannot gain a benefit from my position as attorney.
- (e) I must act honestly in all matters concerning the principal.

Failure to do any of the above may incur civil and/or criminal liability.

Signed by LARA LISBERT

SIGNATURE OF LARA LISBERT

HAND WRITE THE DATE OF SIGNING

IMPORTANT INFORMATION & NOTES FOR COMPLETION

1. IMPORTANT INFORMATION

A power of attorney is an important and powerful legal document. You should get legal advice before you sign it.

It is important that you trust the person you are appointing as attorney to make financial decisions on your behalf. Your attorney must be over 18 years old and must not be bankrupt or insolvent. If your financial affairs are complicated, you should appoint an attorney who has the skills to deal with complex financial arrangements.

A power of attorney cannot be used for health or lifestyle decisions. You should appoint an enduring guardian under the Guardianship Act 1987 if you want a particular person to make these decisions. For further information, contact the Civil and Administrative Tribunal or NSW Trustee and Guardian.

Clause 2 of the power of attorney contains powers which will permit your attorney to use your money and assets for the attorney or anyone else as provided. You should only tick a box (or make a selection) in clause 2 if you want your

This power of attorney is for use in New South Wales. If you are using it in another State, Territory or overseas, you may need to make some other States and Territories in Australia you should not assume this will be the case. or Territory concerned will in fact recognise the

Your attorney must keep the attorney's own records of property, unless you are joint owners, or operating reasonable accounts and records about you maintaining these records by the attorney making

If your attorney is signing certain documents be registered at Land and Property Information whether the power of attorney must be registered

An attorney must always act in your best interest or does not act in your best interest, you should will only be able to do so while you retain attorney you should notify the attorney, prior to attorney. The attorney must stop acting in your revocation.

This power of attorney does not automatically revoke if you have made an earlier power of attorney to the earlier power of attorney. It is advisable to revoke the revocation, if you have not already done so with anyone who is aware of the earlier power of a

SAMPLE

2. NOTES FOR COMPLETION

Joint attorneys

If you appoint more than one attorney, you should indicate whether the attorneys are to act jointly or jointly and severally. Attorneys who are appointed jointly are only able to act and make decisions together.

Attorneys who are appointed jointly and severally (ie together or separately) are able to act and make decisions independently of each other. However, you can specify that a simple majority (if you appoint 3 or more attorneys) must agree before they can act.

Substitute attorneys

If you appoint a substitute attorney, the substitute attorney will only have authority to act as your attorney if the first appointed attorney dies, resigns or vacates their position.

You can specify for whom the substitute is to act (eg if you appoint A and B as attorneys and X and Y as substitutes, you can specify that X takes A's place if A vacates office).

Attorney vacates office

Section 5 of the Powers of Attorney Act 2006 provides that the power of attorney if the attorney dies, resigns, becomes incapable or the power to act is revoked.

If you have appointed a substitute attorney, it is important to evidence the vacation of the original attorney's office when a vacancy happens. This will assist to satisfy a court if the substitute attorney is asked to act for you.

Further information

For information on powers of attorney, the attorney's duties and the Property Information (www.lpi.nsw.gov.au) and the Trustee Information (www.tag.nsw.gov.au), a solicitor or a trustee.

The NSW Government's Planning Ahead provides up-to-date information and resources on wills and advanced care planning.

SAMPLE