

# General Power of Attorney

## Part 1: General

This power of attorney is made on the ..... day of ..... 20 ..... by—

..... (“the principal”)  
(Name)

of .....  
(Street address)

### 1. I appoint—

.....  
(Name)

of .....  
(Street address)

and I appoint—

.....  
(Name)

of .....  
(Street address)

to be my attorney(s). My attorney may exercise the authority conferred on my attorney by Part 2 of the Powers of Attorney Act 2003 to do on my behalf anything I may lawfully authorise an attorney to do. My attorney’s authority is subject to any additional details specified in Part 2 of this document.

### 2. I give this power of attorney with the intention that it will continue to be effective if I lack capacity through loss of mental capacity after its execution.

**Note to clause 2:** You can cross out clause 2 if you do not want it to apply. If you want clause 2 to apply, then you need to see a solicitor, barrister, registrar of a Local Court or other prescribed witness referred to in section 19 of the Powers of Attorney Act 2003 who must complete the certificate that is required under that section.

### 3. This power of attorney operates—

- immediately
- when my attorney accepts (or as each of my attorneys accept) the appointment
- on and from .....  
up to and including .....  
(specify dates)
- when my attorney considers that I need assistance managing my affairs
- other.....

If no option is selected or the options chosen are unclear or inconsistent, I intend that the power of attorney will operate immediately or, if clause 2 is not crossed out, when my attorney accepts, or each of my attorneys accepts, the appointment.

**Note to clause 3:** Cross out the options that you do not want.  
If you include clause 2 above, the power of attorney will not operate to confer any authority on an attorney until the attorney accepts the power of attorney by signing this document.

### 4. If I appoint more than one attorney, then I appoint them jointly and severally.

**Note to clause 4:** Cross out “and severally” if you want your power of attorney to operate only when both attorneys act together and are both living. You should get legal advice on changing this clause.



# Certificate under section 19 of the Powers of Attorney Act 2003

*Note: This certificate is to be completed only if clause 2 is retained and you want to create an enduring power of attorney.*

I .....  
(Name)

of .....  
(Street address)

being a:

- Solicitor  
 Barrister  
 Licensed conveyancer  
 Registrar of a Local Court  
 Employee of the Public Trustee  
 Employee of a trustee company within the meaning of the Trustee Companies Act 1964  
 Other (specify) .....

*Note: Tick the appropriate category from the above list.*

certify the following—

1. I explained the effect of this power of attorney to the principal before it was signed;
2. The principal appeared to understand the effect of this power of attorney;
3. I am a witness prescribed by section 19(2) of the Powers of Attorney Act 2003;
4. I am not an attorney under this power of attorney;
5. I have witnessed the signing of this power of attorney by the principal.

Dated .....  
(Signature)

## Acceptance by Attorney

*Note: To be used for enduring powers of attorney only. It must be signed before the power of attorney can be used by the attorney.*

I accept my appointment as an attorney under this enduring power of attorney.

Dated .....  
(Attorney's signature)

Dated .....  
(Attorney's signature)

### Lodged for registration at the Department of Lands, Land and Property Information Division (LPI) by—

*(see paragraph 7 in the publication "Important Information for Principals and Their Attorneys" provided with this form)*

LPI Delivery Box No.	Name, Address or DX and Telephone Number

# **Important Information for Principals and Their Attorneys**

## **For principals**

1. A power of attorney is an important and powerful legal document. You should get legal advice before you sign it. A power of attorney gives the attorney the authority to buy and sell your real estate, shares and other assets, to operate your bank accounts, to spend your money on your behalf and to exercise many other powers.
2. A power of attorney cannot be used for health or lifestyle decisions. If you want a particular person to make these decisions you should appoint an enduring guardian under the Guardianship Act 1987. For further information, contact the Guardianship Tribunal on toll free 1800 463 928 or [www.gt.nsw.gov.au](http://www.gt.nsw.gov.au) or the Public Guardian (02) 9265 3184 or 1800 451 510 or [www.lawlink.nsw.gov.au/opg](http://www.lawlink.nsw.gov.au/opg).
3. Part 2 of the power of attorney will permit the attorney to use your money and assets for the attorney or anyone else as provided by clauses 5, 6 and 7. If you do not want this to happen you should delete the powers from Part 2 that you do not want to give the attorney.
4. This power of attorney is for use in New South Wales only. If you need a power of attorney for interstate or overseas, you may need to make a power of attorney under their laws. The laws of some other States and Territories in Australia may give effect to this power of attorney, however you should not assume this will be the case. You should confirm whether the laws of the State or Territory concerned will in fact recognise this power of attorney.

## **For attorneys**

5. You must always act in the best interests of the principal. Unless you are expressly authorised, you must not gain a benefit from being an attorney.
6. Your own money and property must be kept separate from the principal's money and property unless you and the principal are joint owners or operate joint bank accounts. You must keep reasonable accounts and records concerning the principal's money and property.
7. If you are to use the power of attorney to sign documents affecting real estate, the power of attorney must be registered at the Department of Lands, Land and Property Information Division (LPI).
8. You must not continue to use the power of attorney if the principal dies.

For further information on powers of attorney, the attorney's duties and registration contact LPI on (02) 9228 6713 or at [www.lands.nsw.gov.au](http://www.lands.nsw.gov.au) (a fact sheet is available), or a solicitor, a trustee company, or the Public Trustee at [www.pt.nsw.gov.au](http://www.pt.nsw.gov.au).