



**LEGAL**  
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Tuesday, 13 April 202

Dorian Lee  
12 Myra Place  
Tara QLD 4421  
Australia

Dear Dorian,

Build this legal document at  
[https://www.legalconsolidated.com.au/  
ending-poa-introduction/](https://www.legalconsolidated.com.au/ending-poa-introduction/) –  
telephone us, we can help you  
complete the questions.

*Adj Professor, Dr Brett Davies – Partner*

## Enduring Power of Attorney

Thank you for instructing us to prepare the attached Enduring Power of Attorney – restricted to 'financial matters' (QLD Financial Power of Attorney). It is only valid in the State of Queensland.

### How to print your document

When you are satisfied that the document is according to your instructions please:

1. Download the PDF (Don't print directly from the browser.)
2. Print the PDF Printer settings: A4 paper  
100% scale (turn off 'fit to page')
3. Print single sided (NOT duplex).
4. Once signed keep this covering letter with the document  
(However, do not staple the covering letter to the document.)

### Free and ongoing advice for your attorney

The advantages of having our law firm prepare your QLD Financial POA:

1. Included in the cost of your POA, is free advice for your attorney. They are not alone. Our law firm forever and as often as needed, helps your attorneys and shows them how to use the POA. We give you and your family ongoing support.
2. When a parent loses mental capacity, the children are welcome to telephone us for help and assurance. There is no additional cost.
3. Many homemade POAs are incorrect. Sadly, it is only after they are needed does this become apparent. Your POA is protected by our law firm's professional indemnity insurance.
4. There is information on how to use the document in this covering letter. (Keep this letter with the POA after you sign the POA.)
5. Finally, there are unlimited updates on the POA. The POA can be updated as often as you wish for free.

## **Medical POAs and Financial Matters POAs – look identical**

In Queensland you can put both the 'personal/health' and 'financial' POA in the same document. Only one tick is all that is required. However, do not do this.

It is legally better to have a separate Medical POA and a separate Financial POA. This is because:

1. There is ambiguity as to whether you can have two QLD POAs. However, there is no ambiguity as to having one for medical purposes, and another for financial purposes.
2. When a doctor or nursing home reads your QLD Medical POA, there is no reason for them to know who holds your financial POA. Privacy and information are protected.
3. Similarly, when you hand over a QLD POA dealing with only 'financial matters' to a government department, they do not find out who holds your QLD Medical POA.
4. Finally, there have been occasions where a nursing home has seen fit to keep the original QLD Medical POA. Sometimes, as well as refusing to hand it back, it has been lost. Because you have two POAs, you have kept the financial POA out of the clutches of the nursing home and medical facility.

If the person witnessing your POA has a different view, they can telephone me personally. My after-hours number is 0477 796 959.

### **1. Couples Package**

For a Couples Package, on our website, you can build all your estate planning documents at the same time: Wills, Financial POAs and Medical POAs. This is called a 'Couples Package'. If you are building the Couples Package, then you don't get the option of a 2nd or 3rd primary attorney. In your Queensland POAs, for example, Mum just appoints Dad. And Dad just appoints Mum. There are no children.

This is because it is generally unpalatable to have the children involved in your affairs while you can look after each other. (However, if you are unhappy with this in your 'Couples Package', let us know and we will send you vouchers to build POAs separately, for free. That way you, can have not just Dad as the attorney, but you can have up to two additional people. These can be additional primary attorneys of equal rank. So you can appoint Dad and two children as your primary attorneys.

### **2. Single Bundle or standalone POA**

If you are building this POA as a standalone document, or you are building a 'Singles Package', you can appoint three attorneys comprised of primary and substitute attorneys for your QLD POA. For example, you can appoint your spouse and up to two children to hold your Power of Attorney. But the children have the same power as your spouse.

**Does my Power of Attorney have to be lodged or registered anywhere?**

There is no lodgement required. It is valid once it is signed.

**Does the Power of Attorney need to be stamped?**

Your POA is not dutiable.

**Get a Doctor's Certificate to say you are of sound mind**

1. You must have full legal capacity to sign a legal document such as a POA or Will.

2. Also, your attorneys must be able to prove you were of sound mind when you signed the POA.

Ask your doctor to give you a note to say you are of sound mind. Keep the doctor's note with the POA. (Do not staple the doctor's note to the POA). Without a doctor's note your POA may not be valid. Doctors usually have their preferred wording, or they can use:

*I have examined my patient, Dorian Lee. I am satisfied my patient has full mental capacity to sign legal documents.*

You can get the doctor's note either before or after you sign the POA. Usually, you do not need to get the note on the day that you signed the POA.

### **Making copies**

Don't let the original POA out of your hands. Ask the bank (or whoever needs it) to take a copy. The bank can then "certify" (confirm it is a true copy) the POA and keep the copy on the bank's file.

### **Can the 'attorney' override my wishes?**

By law the QLD Financial POA can only be used for your **best interests**. It cannot be used to benefit anyone else. It is in place to protect you. If you lose confidence in your 'attorney' then you need to revoke the POA. You can do this while you remain of sound mind.

### **Can I revoke a Power of Attorney?**

While you are of sound mind, you can revoke a QLD Financial POA at any time. If you are of unsound mind then, obviously, you can't make any such decisions.

Your document is revoked at death. (Conversely, your Will only takes effect at death.) The Court can also revoke a POA.

### **How do I revoke the Power of Attorney?**

Telephone us if you wish to revoke the Power of Attorney.

### **What happens if I separate, divorce or get married?**

Telephone us if your status changes.

### **Who can witness my POA?**

Your witness must be present in the room when you sign your POA. The steps are:

1. Find:
  - a justice of the peace;
  - a commissioner for declarations;
  - a notary public; or
  - an Australian lawyer.
2. Your attorneys leave the room.
3. Get your witness and yourself in a room with at least 2 identical blue pens. Lock all the doors so that neither of you leave the room. If you or your witness leaves the room during the signing process, tear up the POA and print out another copy of the POA and start the POA signing process again.

4. If you or your witness needs reading glasses, then don't sign the POA until you or your witness puts on those glasses.
5. With a blue pen, sign your POAs. After you have signed your POA, your witness (WITH THE SAME BLUE PEN) signs the POA. If you signed with different coloured pens (e.g. a dark blue and a light blue), tear up the POAs. Print out new POAs and start the process again.
6. Date the POA the date it is signed.
7. If you have issues reading, writing or understanding English, let me know. An interpreter or additional wording may be required.

### How do I remove a section?

For every section that you do not want to include, please mark the document as follows:

Terms and instructions (notifications for financial matters)

If you have appointed one or more attorney(s) for financial matters, you can nominate one or more people who your attorney(s) must provide information to. Attorney(s) can be required to provide this information on request or at regular times (e.g. on an annual or quarterly basis). Refer to section 3, pages 13–14 of [Form 9 – Enduring power of attorney explanatory guide](#). Cross out this part if you do not want to complete it. If you do complete this part cross out any space in the box that you do not use.

**Who to notify**

My attorney(s) for financial matters must notify the following person(s) when exercising power for financial matters in writing:

- me (the principal)
- my other current attorney(s)
- the nominated person below

Full name			
Address			
	Suburb	State	Postcode
Phone number			
Email			

I need more space to include additional nominated person(s).

Attach any additional pages to this form and tick the box to indicate that extra pages are attached.

**What to notify**

My attorney(s) for financial matters must provide the following to the person(s) nominated above:

- written notice that my attorney(s) intend to begin exercising power for financial matters under this enduring power of attorney before exercising the power for the first time.
- all financial records and accounts
- records relating to transactions above a nominated amount: \$ \_\_\_\_\_  
(You must specify an amount here if you select this option)
- records and accounts for all assets including property, investments and vehicles
- summaries of income, expenditure and assets
- copies of financial management plans and financial advice obtained
- other: (Provide details)

Please ensure that the crossed-out information is initialled by you and your witness.

### How do the persons I nominate use the Power of Attorney?

Here are some examples:

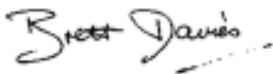
**Example 1 - Using your bank account:** The persons you appoint walk into the bank and present to the bank clerk your Savings Account book and an original POA. The bank

clerk stares blankly at them. The bank clerk goes to see the bank manager. The bank manager explains to the bank clerk that those persons "now stand in your shoes". They can do whatever you could do with the bank account. The bank manager asks to take a copy of the POA for future reference. The bank manager tries to keep the original POA, but the persons you nominate decline and they get back the original POA. The transaction on the bank account takes place.

**Example 2 – Signing your legal documents:** You have asked the persons that you nominated to sign a lease agreement as you are on holidays overseas, and email is unavailable. They contact the landlord and tell the landlord that there is a POA. They tell the landlord that they are signing the lease on your behalf. They sign in their usual signature area and hand write under the signature "signed as attorney for [your name] under a POA dated ## Month, year". You are now bound to the lease. The landlord may photocopy the POA to attach to the lease.

This now concludes the matter. Thank you for your instructions.

Yours sincerely,



Adj Professor, Dr Brett Davies, CTA, AIAMA, BJuris, LLB, LLM, MBA, SJD  
National Taxation Partner  
LEGAL CONSOLIDATED BARRISTERS & SOLICITORS

*This is a sample of the document you are building on our law firm's website.*

*Depending how you answer the questions the document and our letter may be different.*

*We have a 100% money back guarantee. For any reason you can return the document to us for a full refund.*

*Dr Brett Davies  
Partner  
Legal Consolidated Barristers & Solicitors*

## Who can witness a Queensland Enduring Power of Attorney?

One eligible witness is required. Your eligible witness must:

1. Be 18 years of age or older, and
2. Meet the requirements pursuant to section 31 of the of the *Powers of Attorney Act 1998* (Qld). People who meet this statutory requirement include:
  - a justice of the peace;
  - a commissioner for declarations;
  - a notary public;
  - an Australian lawyer

A witness who does not fall into these categories is NOT an eligible witness. The witness cannot include (but is not limited to) the following people:

- The person signing the document for the principal
- An attorney of the principal
- A relation of the principal
- A relation of an attorney of the principal
- A paid carer in the past three years (for a document giving power for a personal matter)
- A health provider of the principal

Build the legal document at <https://www.legalconsolidated.com.au/enduring-poa-introduction/> – telephone us. We can help you answer the questions.

On our law firm's website, you:

1. Retain legal professional privilege
2. Receive legal advice
3. Get a signed letter on our law firm's letterhead with the legal document
4. We take responsibility for the legal document

Only a law firm provides the above. We also offer a 100% money back guarantee on every document you build.

*Adj Professor, Dr Brett Davies - Partner*



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## **Enduring Power of Attorney – Queensland (Financial Power of Attorney)**

**Dorian Lee**

# Form 2

Powers of Attorney Act 1998 (section 44(1))

Version 4: approved for use from 30 November 2020.

For patient record purposes, health services can affix identification label here

## Enduring power of attorney –short form (Queensland)

This form allows you to appoint someone you trust (an 'attorney') to make decisions on your behalf during your lifetime. Use this form to appoint:

- » attorney(s) for personal (including health) matters only
- » attorney(s) for financial matters only
- » the same attorney(s) for both personal (including health) matters and financial matters

Before you complete this form, read [Form 9 – Enduring power of attorney](#) and carefully consider who you want to appoint and talk to them.

This is a legal document that can significantly affect your legal rights. It is important that you seek independent legal advice before completing this form.

An Enduring Power of Attorney (POA) is a legal document. It allows you to appoint a person to make decisions about your assets. The POA deals with your assets e.g. real estate and bank accounts.

Forms and explanatory guides are available at [www.qld.gov.au/guardianship-planahead](http://www.qld.gov.au/guardianship-planahead)



## Is this the right form for you?

- » Use Form 2 — Enduring power of attorney – short form (this form) to appoint:
  - » attorney(s) for personal (including health) matters only
  - » attorney(s) for financial matters only
  - » the same attorney(s) for both personal (including health) matters and financial matters.
- » Use Form 3 — Enduring power of attorney – long form to appoint different attorneys for personal (including health) matters and for financial matters.

## What is an enduring power of attorney?

Your enduring power of attorney allows you to appoint someone you trust to make decisions for you during your lifetime. The person you appoint is called your 'attorney'. Your attorney does not have to be a lawyer. As the person who is making this enduring power of attorney, you are referred to as the 'principal'.

## What types of decisions can your attorney make for you?

Your attorney can make decisions about:

- » **personal (including health) matters**

Personal matters relate to personal or lifestyle decisions. This includes decisions about support services, whom you live, health care and legal matters that do not relate to your financial or property matters.

- » **financial matters**

Financial matters relate to your financial or property affairs including paying expenses, making investments and carrying on a business.

## Important information about your enduring power of attorney

- » You can decide when your attorney(s)' power to make decisions for **financial matters** begins. Your power to make decisions for **personal matters** operates during times when you do not have capacity to make those matters.
- » During those times your attorney(s) will have full powers to make decisions unless you set terms in this form.
- » This form can only be completed by an adult who has capacity to make an enduring power of attorney. You must fully understand the nature and effect of this document and the powers it gives. You must be making this document freely and voluntarily, not due to pressure from someone else.
- » You must sign this form in the presence of an eligible witness (a justice of the peace (JP), commissioner for declarations, lawyer or notary public).
- » If an interpreter is required to interpret or translate this document, they should complete [Form 7 – Interpreter's/translator's statement](#).

The POA is an "economic" document. Your POA does not deal with your health, medical treatment or lifestyle. To do this, instead build a [Medical POA](#) on our website.

What to do with this enduring power of attorney once complete:

- » keep the original in a safe place
- » give a certified copy to your attorney(s), doctor, other health provider(s), bank or lawyer
- » notify your close family and friends that you have made an enduring power of attorney and where to find the document
- » if your attorney(s) wish to deal with land in Queensland on your behalf, your enduring power of attorney must first be registered with the Queensland Titles Registry by lodging a [Form 16 – Request to register power of attorney](#), together with a single-sided certified copy of the enduring power of attorney.

## SECTION 1: YOUR PERSONAL DETAILS

You must fill in your full name and address.

Refer to section 1, page 6 of [Form 9 – Enduring power of attorney explanatory guide](#).

Full Name: Dorian Lee		
Address: 12 Myra Place		
Suburb: Tara	State: QLD	Postcode: 4421
Phone number:		
Email:		

## SECTION 2: YOUR VIEWS, WISHES AND PREFERENCES

Your attorney(s) must consider your views, wishes and preferences when making decisions for you but these are not instructions to your attorney(s).

Section 2 allows you to provide information about yourself, including what is most important to you in life now and into the future.

Refer to section 2, [Form 9 – Enduring power of attorney explanatory guide](#)

Cross out this section if you do not want to complete it. If you do complete this section cross out any space in the box that you do not use.

This is what I want my attorney(s) to know about me when (e.g. your views about where you would prefer to live, your other views, wishes and preferences you would like your attorney(s) to know)

I authorise my attorney(s) to make decisions on my behalf concerning me, to the most appropriate and highest standard. I expect that these decisions will be made in my best interests and they be fair and transparent.

Also, the person receiving your EPA cannot:

- vote in any elections
- make a [Will](#) (but you can [build a Will for your parents](#))
- sign another POA
- act as a [Trustee](#)
- control your body (instead, you need a [Medical POA](#))

## SECTION 3: YOUR ATTORNEY(S)

This section allows you to appoint one or more attorneys to make decisions for you. You can also choose the types of decisions your attorney(s) can make and how they make these decisions (e.g. jointly, severally or by a majority).

There is no limit on the number of attorneys you can appoint, except that you can only appoint a maximum of four joint attorneys for a matter (i.e. you can only appoint a maximum of four people who must agree on all decisions).

You can set terms on their decision-making powers or provide instructions on how they exercise their powers.

### WHO ARE YOU APPOINTING AS YOUR ATTORNEY(S)?

You must fill in the name and address of your attorney(s).

You can appoint one or more attorneys.

Your attorney(s) must:

- » have capacity to make decisions for the matter they are being appointed for
- » be 18 years or older
- » not be a service provider for a residential service if you are a resident there
- » for a financial matter, not be bankrupt or taking advantage of the laws of bankruptcy
- » not be your paid carer in the previous three years or your health provider.

Note: a paid carer is someone who is paid a fee or wage to care for a person but not someone receiving a carer's pension or benefit.

Refer to section 3, [Form 9 – Enduring power of attorney explanatory guide](#).

I appoint the person(s) listed below as my attorney(s): (in no particular order)

Full Name: Tommy Zhang

Address: 23 Rothwell Drive

Suburb: Mount Gravatt East State: QLD Postcode: 4122

Phone number:

Email:

However, the person receiving your Enduring Power of Attorney, can open and close bank accounts, pay debts, and buy and sell land. This is provided it is in your 'best interests' to do so.

## WHAT DECISIONS CAN YOUR ATTORNEY(S) MAKE?

You must complete this part.

[Use Form 2 — Enduring power of attorney — short form](#) (this form) to appoint:

- » attorney(s) for personal (including health) matters only
- » attorney(s) for financial matters only
- » the same attorney(s) for both personal matters and financial matters.

To appoint an attorney(s) for personal (including health) matters and a different attorney(s) for financial matters you should use [Form 3 — Enduring power of attorney — long form](#).

Refer to section 3, page 9 of [Form 9 — Enduring power of attorney explanatory guide](#)

I authorise my attorney(s) to exercise power for:  
(Tick one box only)

**personal (including health) matters only**  
Personal matters relate to personal or lifestyle decisions about support services, where and care and legal matters that do not relate to matters.

OR

**financial matters only**  
Financial matters relate to your financial or paying expenses, making investments, selling business.

OR

**personal (including health) matters and financial matters**

Included in the cost of your Power of Attorney is free advice for your attorneys. Your attorneys are not alone:

- there is information about how to use the POA in our covering letter. The letter comes with the POA.
- our law firm helps them and shows them how to use the POA. We are always available to them.

## WHEN DOES YOUR ATTORNEY(S)' POWER BEGIN FOR FINANCIAL MATTERS?

Your attorney(s)' power to make decisions for personal matters begins if and when you do not have capacity to make decisions.

If a person is unsure whether you have capacity, they can seek a report from a medical practitioner or a declaration from the Queensland Civil and Administrative Tribunal (QCAT) or the Supreme Court.

Refer to page 4 of [Form 9 — Enduring power of attorney explanatory guide](#) and [the Queensland Capacity](#)

[Assessment Guidelines 2020 for information](#) about capacity to make a decision for a matter.

Refer to section 3, page 9 of [Form 9 — Enduring power of attorney explanatory guide](#) for information about when your attorney(s)' power for financial matters will begin.

If you do not complete this part, your attorney(s)' powers to make decisions about financial matters begins immediately.

I authorise my attorney(s) to exercise power for financial matters:

(Tick one box only)

when I do not have capacity to make decisions for financial matters

OR

immediately

OR

at this time, or in this circumstance, or on this occasion:  
(You must specify the time, circumstance or occasion)

Not Applicable.

## HOW MUST YOUR ATTORNEYS MAKE DECISIONS?

Only complete this part if you are appointing more than one attorney.

Refer to section 3, [page 8 of Form 9 — Enduring power of attorney explanatory guide for information](#) about how many attorneys you can appoint.

Refer to section 3, pages 10-11 of [Form 9 — Enduring power of attorney explanatory guide](#) for information about the options for choosing how your attorneys must make decisions (e.g. jointly, severally, by a majority, successively or alternatively).

If you do not complete this part, your attorneys must make decisions jointly.

I authorise my attorneys to make decisions:

*(Tick one box only)*

jointly (all of my attorneys must agree on all decisions)  
OR

severally (any one of my attorneys may decide)  
OR

by a majority (more than half of my attorneys must agree on all decisions)  
OR

other: (e.g. jointly and severally, or appointing an alternative attorney)

*(If you choose 'other', please specify how you want your attorneys to make decisions)*

We give you and your family ongoing support on the POA. Often when a parent loses mental capacity the children telephone us for help and assurance. For free, we explain how to use the Enduring POA and what they need to do.

## TERMS AND INSTRUCTIONS FOR YOUR ATTORNEY(S)

This part allows you to provide terms and instructions for your attorney(s). You can provide:

- » general terms and instructions
- » terms and instructions about who your attorney(s) must notify when exercising a power for personal (including health) matters
- » terms and instructions about who your attorney(s) must notify when exercising a power for financial matters.

### Terms and instructions (general terms and instructions)

Only complete this part if you want to set terms on the exercise of powers by your attorney(s) or provide instructions to your attorney(s) about the exercise of their powers.

Refer to section 3, [page 12 of Form 9 — Enduring power of attorney explanatory guide](#) about terms and instructions (general terms and instructions).

Refer to [page 12 of Form 9 — Enduring power of attorney explanatory guide](#) about conflict transactions (e.g. if you are appointing your spouse as your attorney).

Cross out this part if you do not want to complete it. If you do complete this part cross out any space in the box that you do not use.

*Write the terms and instructions for your attorney(s) here:*

I authorise my attorney(s) to make decisions on my behalf in all actions concerning me, to the most appropriate and highest standard.

I expect that these decisions will be made in my best interest at all times, and that they be fair and transparent.

If you have appointed one or more attorney(s) for personal (including health) matters, you can nominate one or more people who your attorney(s) must provide information to.

Refer to section 3, pages 12-13 of [Form 9 – Enduring power of attorney explanatory guide](#).

Cross out this part if you do not want to complete it. If you do complete this part cross out any space in the box that you do not use.

### Who to notify

My attorney(s) for personal (including health) matters must notify the following person(s) when exercising power for personal (including health) matters in writing:

- me (the principal)
- my other current attorney(s)
- the nominated person below

Full Name:		
Address:		
Suburb:	State:	Postcode:
Phone number:		
Email:		

- I need more space to include additional nominated persons

Attach any additional pages to this form and tick the box to indicate that you have done so.

### What to notify

My attorney(s) for personal (including health) matters must notify the person(s) nominated above:

- written notice that my attorney(s) intend to begin exercising power for personal matter (including a health matter) under the enduring power of attorney before exercising the power for the first time
- other information: (Provide details about the information to be provided including how often your attorney(s) must provide the information)

You can update your POA for free. If you ever want to update your POA just email us and we send you a voucher. With the voucher, you can change the POA as you want. You can update your POA as often as you wish for free.

## Terms and instructions (notifications for financial matters)

If you have appointed one or more attorney(s) for financial matters, you can nominate one or more people who your attorney(s) must provide information to.

Attorney(s) can be required to provide this information on request or at regular times (e.g. on an annual or quarterly basis).

Refer to section 3, pages 13-14 of [Form 9 – Enduring power of attorney explanatory guide—Enduring power of attorney explanatory guide.](#)

Cross out this part if you do not want to complete it. If you do complete this part cross out any space in the box that you do not use.

### Who to notify

**My attorney(s) for financial matters must notify the following person(s) when exercising power for financial matters in writing:**

- me (the principal)
- my other current attorney(s)
- the nominated person below

Full Name:		
Address:		
Suburb:	State:	Postcode:
Phone number:		
Email:		

- I need more space to include additional nominated persons.  
*Attach any additional pages to this form and tick the box to indicate this.*

### What to notify

**My attorney(s) for financial matters must provide the following information to the nominated person(s):**

- written notice that my attorney(s) intend to begin exercising power for financial matters in writing for a personal matter (including a health matter) under the enduring power of attorney before exercising the power for the first time
- all financial records and accounts
- records relating to transactions above a nominated amount (you must specify an amount here if you select this option)
- records and accounts for all assets including property
- summaries of income, expenditure and assets
- copies of financial management plans and financial advice obtained
- other information: *(Provide details about the information that must be provided including how often your attorney(s) must provide the information)*

There is no legal requirement for an attorney to accept your POA within 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.

### When to notify

**My attorney(s) must be given the information:**

*(Tick one or more of the boxes below)*

- on request at any time by the nominated person
- on a regular timeframe: *(State the timeframe, e.g. annually on 1 July of each year or quarterly starting on 1 July)* \_\_\_\_\_
- other: *(provide details)*

# SECTION 4: DECLARATIONS AND SIGNATURES

## PRINCIPAL'S SIGNATURE

As the principal, you must sign this part in front of an eligible witness.

Refer to section 4, pages 15-16 of [Form 9 – Enduring power of attorney explanatory guide— Enduring power of attorney explanatory guide](#) and the [Queensland Capacity Assessment Guidelines 2020](#).

An eligible witness must be a:

- » justice of the peace (JP)
- » commissioner for declarations
- » notary public
- » lawyer.

The witness must not be:

- » the person signing for you
- » your attorney (e.g. under an enduring power of attorney or advance health directive)
- » related to you or your attorney
- » a paid carer or health provider for you (i.e. your health provider).

By signing this document, I confirm that:

- » I am making this enduring power of attorney freely and voluntarily.

AND

» I understand the nature and effect of this enduring power of attorney

- » that I may specify or limit my attorney(s)' power and in writing about the exercise of the power

- » when the power given to my attorney(s) begins

- » that once the power for a matter begins, my attorney(s) has/have power to make decisions about the matter, subject to any limitations included in this enduring power of attorney

- » that I may revoke this enduring power of attorney at any time by making another enduring power of attorney giving the same or different powers

- » that the power I am giving to my attorney(s) continues until I lose my capacity to make decisions about the matter

- » that if I am not capable of revoking the enduring power of attorney, I am unable to effectively oversee the use of the power given to my attorney(s) by this document.

People think when you appoint someone under a POA you give them 'power'. It is quite the opposite. Your enduring attorney is in a fiduciary relationship with you.

**ONLY SIGN THIS PART IN FRONT OF AN ELIGIBLE WITNESS**

Principal's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Witness must also sign page 10)

## Person signing for the principal

If you are physically unable to sign this form, another person who is eligible must sign the form for you.

Refer to section 4, page 16 of [Form 9 – Enduring power of attorney explanatory guide](#)

By signing this document, I confirm that:

- » the principal instructed me to sign this document
- » I am 18 years or older
- » I am not a witness for this enduring power of attorney
- » I am not an attorney of the principal.

Name of the person signing for the principal:		
Address:		
Suburb:	State:	Postcode:
Phone number:		
Email:		

**ONLY SIGN THIS PART IN FRONT OF THE PRINCIPAL AND AN ELIGIBLE WITNESS**

Person signing for the principal signs here: \_\_\_\_\_ Date: \_\_\_\_\_

Witness's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Witness must also sign page 10)



## WITNESS CERTIFICATE

This part must be filled in and signed by an eligible witness at the same time that you sign the enduring power of attorney.

### INFORMATION FOR THE WITNESS

As a witness you are not simply witnessing the principal's signature.

You must also be satisfied that the principal appears to have capacity to make the enduring power of attorney.

Refer to section 4, page 16 and page 20 of [Form 9 – Enduring power of attorney explanatory guide explanatory guide and the Queensland Capacity Assessment Guidelines 2020](#).

**By signing this document, I certify that:**

*(Tick on box only)*

the principal signed this enduring power of attorney in

**OR**

in my presence, the principal instructed another person to sign this enduring power of attorney for the principal, and that person signed it in the presence of the principal.

**AND**

» I am a:

*(Tick one box only)*

- justice of the peace (JP)
- commissioner for declarations
- lawyer
- notary public.

» I am not:

- » the person signing the document for the principal
- » an attorney of the principal
- » a relation of the principal or relation of an attorney of the principal
- » if this enduring power of attorney appoints an attorney for personal (including health) matters, a paid carer or health provider of the principal.
- » At the time of making this enduring power of attorney the principal appears to me to have the capacity to make the enduring power of attorney. The principal appears to:
  - » understand the nature and effect of this enduring power of attorney
  - » be capable of making the enduring power of attorney freely and voluntarily.

This document (including any additional pages) has \_\_\_\_\_ pages.

Witness's signature: \_\_\_\_\_ Date: \_\_\_\_\_

*(Witness must also sign page 9)*

Witness's name: \_\_\_\_\_

*Fiduciary relationships are where the person acts in your best interest. They put your interest above their own. A financial planner, accountant, lawyer, director and trustee all bear that difficult burden.*

If an interpreter assisted in the preparation of this document or if an interpreter is present when this document is witnessed, complete [Form 7 – Interpreter's/translator's statement](#) at [www.publications.qld.gov.au](http://www.publications.qld.gov.au)

## SECTION 5: ATTORNEY(S)' ACCEPTANCE

Your attorney(s) must sign this section of the original form after you and the witness have signed section 4.

It does not matter which order your attorney(s) sign this section.

### INFORMATION FOR ATTORNEYS

An attorney has important duties and obligations.

Refer to pages 21–24 'Information for Attorneys' in [Form 9 – Enduring power of attorney explanatory guide](#) [attorney explanatory guide](#).

Note: a paid carer is someone who is paid a fee or wage to care for a person but not someone receiving a carer's pension or benefit.

In signing this enduring power of attorney I accept the appointment in accordance with the terms of this enduring power of attorney and confirm that:

» I have read this enduring power of attorney and I understand that I must make decisions and exercise power in accordance with this enduring power of attorney, the Powers of Attorney Act 1998 and the Guardianship and Administration Act 2000.

I understand:

- » in exercising my powers I must apply the general principles for healthcare matters, the health care principles under the [1998](#) and the [Guardianship and Administration Act 2000](#)
- » the obligations of an attorney under an enduring power of attorney and the consequences of failing to comply with those obligations.
- » I declare that:
  - » I have capacity for the matter that I am appointed for
  - » I am 18 years or older
  - » I am not a paid carer for the principal and have not been a paid carer for the principal within the previous three (3) years
  - » I am not a health provider for the principal
  - » I am not a service provider for a residential service where the principal is a resident
  - » if I am appointed for financial matters, I am not bankrupt or taking advantage of the laws of bankruptcy as a debtor under the Bankruptcy Act 1966 (Cwlth) or a similar law of a foreign jurisdiction.

Your enduring attorney does not profit from their role as your enduring attorney. They cannot gain a personal benefit. They cannot benefit to a third party.

Signature: \_\_\_\_\_

Full name: Tommy Zhang

Date: \_\_\_\_\_

## SECTION 6: WHAT TO DO WITH YOUR COMPLETED ENDURING POWER OF ATTORNEY

You are not required to register this enduring power of attorney anywhere.

You should:

- » keep the original in a safe place
- » give a certified copy to your attorney(s), doctor, other health provider(s), bank or lawyer
- » if your attorney(s) wish to deal with land in Queensland on your behalf, register your enduring power of attorney with the Queensland Titles Registry by lodging [Form 16 – Request to register power of attorney](#) together with a single-sided certified copy of the enduring power of attorney
- » notify your close family and friends that you have made an enduring power of attorney and where to find the document
- » review your enduring power of attorney if your personal circumstances change.

Refer to 'Further information' on pages 18–19 of [Form 9 – Enduring power of attorney explanatory guide](#) for how to make a certified copy.

### My Health Record

If you wish your document to be in My Health Record you can upload it via the My Health Record website at [www.myhealthrecord.gov.au](http://www.myhealthrecord.gov.au). Your document will be valid regardless of whether it is uploaded.

### Office of Advance Care Planning

You are able to have your enduring power of attorney uploaded to your Queensland Health electronic record. To do this, send a copy of your document to the Office of Advance Care Planning. This way it will be easily available to authorised clinicians involved in your care when it is required. A copy of your documents can be sent to the Office of Advance Care Planning at [acp@health.qld.gov.au](mailto:acp@health.qld.gov.au), PO Box 2274, Runcorn, Queensland 4113 or fax 1300 008 227.

*You can build this document here:*

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