

Notes to Enduring Power of Attorney (EPA)

In relation to property

Please read these notes BEFORE completing the form.

(See the Glossary at the end of these notes for the meanings of terms set out in ***bold italics***. In these notes, "attorney" includes each attorney if you have appointed more than one, and each successor attorney.)

Setting up your EPA

1

Your ***EPA property*** authorises the ***attorney*** that you (the ***donor***) have appointed to make decisions on your behalf about your ***property***, particularly when you cannot do so for yourself because you have become ***mentally incapable***. Your attorney can act for you while you are mentally capable if you authorise them to do so. You can appoint more than one attorney. You can also appoint a ***successor attorney*** who can act if a previous attorney's appointment ends. You can appoint more than one successor attorney.

2

Your attorney can be anyone you trust to understand and respect your wishes and feelings and who is able to manage your property provided they are aged 20 or older, not bankrupt, and not mentally incapable themselves. This can be a friend or family member, a work colleague or a professional person for example, a lawyer or accountant. An attorney for property can also be a ***Trustee Corporation***.

3

Your EPA should be filled in, signed and witnessed in the presence of your lawyer or another ***authorised witness*** who will explain the effects and implications of the EPA and answer any questions you may have. The signature of each attorney (and successor attorney) you appoint needs to be witnessed by someone other than you or your witness. The witness must be an adult, and should not be a relative of the attorney, the attorney's spouse or partner, or live at the same address as the attorney.

4

Note: Your EPA will not be valid until signed by all parties. This includes you (the donor) and your attorney(s).

Options in your EPA

5

There are various options that you can have in your EPA; for example, if you appoint more than one attorney whether they must act together (jointly) or can act separately (severally), appointing successor attorneys, cancelling (***revoking***) previous EPAs, the extent of your attorney's authority to act and who they must ***consult***. See sections B to L of the EPA form for these options.

You and your attorney need to understand what an attorney's role is

6

An attorney's authority under the EPA is governed by both the EPA and the Protection of Personal and Property Rights Act 1988 (***the Act***). These notes are a summary of the main requirements of the Act. Attorneys and successor attorneys should ask for legal advice on their role from a lawyer if they are unclear about how to act.

When an attorney can act

7

If you choose that your EPA comes into effect only if you become mentally incapable, your attorney cannot act under the EPA without a ***medical certificate*** or a Family Court decision that you are mentally incapable.

8

If you choose that your EPA comes into effect while you are mentally capable, your attorney can act under it as soon as it is signed and witnessed and can continue to act if you become mentally incapable.

9

Your attorney cannot act if they have received notice of an ***event revoking or suspending the EPA***.

What an attorney must do

10

If you become mentally incapable, your attorney must use your property to promote and protect your best interests. Wherever possible your attorney must encourage you to develop your own competence to manage your own property affairs.

11

When acting on your behalf, your attorney must, as far as practicable, seek advice from you (**consult**) and from the persons you have asked to be consulted in section H of the EPA form before making decisions. Your attorney must also consult with any other attorney under any other EPA you have. Your attorney is entitled to follow advice received from consultation if they act in good faith and with reasonable care. Your attorney can also apply to the Family Court for directions on how to act (for example, if they receive conflicting advice from **consultation**). If you have made provision for celebratory gifts or donations, your attorney must consider whether you can continue to afford making them having regard to your overall financial circumstances and commitments.

12

If you have appointed someone else to be your attorney for your **personal care and welfare**, your attorneys must regularly consult to ensure there is no breakdown in communication. Your property attorney should provide your personal care and welfare attorney with any financial support (out of your property) they require to carry out their duties in relation to your personal care and welfare.

How your property can be used

13

Unless you have explicitly stated that your attorney can do so in your EPA, your attorney must not **act to the benefit** of any attorney or any person other than you, or recover expenses from your property. However, unless you have explicitly stated in your EPA that they cannot, your attorney can:

- recover reasonable **out-of-pocket expenses**, and reasonable professional fees and expenses (if your attorney has accepted appointment or done work on your property in a professional capacity)
- deal with any property that you and your attorney jointly own if you and your attorney are married or in a civil union or de facto relationship, are living together and sharing your incomes
- make a loan, advance or other investment of your property that a trustee could make under the Trustee Act 1956.

Attorneys must keep records

14

Your attorney must keep records of each financial transaction they enter into on your behalf while you are mentally incapable. Failure to do so is an offence for which they can be prosecuted and fined. If an application is made to the Family Court under the Act about you or your EPA, your attorney must supply these records on request to the lawyer appointed by the court to represent your interests.

15

If you have named a person or people to be supplied with information on your attorney's actions under your EPA in section I of the form, your attorney must promptly supply them with the stated information when they request it.

Revoking or suspending an EPA

16

While you are mentally capable, you can cancel (**revoke**) your EPA or an attorney's appointment at any time by giving written notice to your attorney (you should also give notice to any successor attorneys).

17

If you chose the option that your EPA revokes your previous property EPAs, but

	do not give notice of revocation to the previous attorneys, your attorney under this EPA or your lawyer can give your previous attorney that notice by providing them with a copy of this EPA, including after you become mentally incapable.
18	If you become mentally incapable but recover your mental capacity, you can put on hold (suspend) your attorney's authority to act by giving them written notice. The EPA is only put on hold by the suspension, which means your attorney cannot act under it again unless a medical certificate states, or the Family Court declares, that you are mentally incapable again.
19	If you are mentally incapable and your attorney's authority is questioned, they can certify on a prescribed form (available on the Ministry of Justice website) that they have not received notice of an event revoking or suspending the EPA. This means your attorney can continue to act.
	Involving the Family Court
20	The Family Court can be asked to review your attorney's actions under the EPA if you or someone else has concerns about them. An application to the court is required for this purpose. The court must appoint a lawyer to represent your interests.
21	Your attorney may apply to the Family Court for directions on how to act if they are not sure about the most suitable action to take in your best interests. For example, where they receive conflicting advice from consultation.
22	Unless you have expressly stated in your EPA that your attorney cannot, your attorney may apply to the Family Court for authorisation to sign a will for you (in a form approved by the Court) in the event you are not capable of making a will .
23	For matters involving the Family Court, an application to the Family Court is required. The application form can be found at the Ministry of Justice website.

Glossary of terms

Act	The Protection of Personal and Property Rights Act 1988. Part 9 of the Act sets out the law on EPAs.
Act to the benefit	Give a profit or advantage (for example, the attorney could live in or use the donor's house without paying rent; use money in the donor's bank account to pay for goods or services to be used by the attorney or someone else other than the donor).
Attorney	A person appointed by the donor to act on behalf of the donor on some or all of the donor's property affairs.
Authorised witness	<p>The donor's signature to an EPA must be witnessed by one of the following who must be independent of the attorney and any successor attorney named in the EPA:</p> <ul style="list-style-type: none"> • a lawyer • a legal executive who is member of, and holds a current annual registration certificate issued by, the New Zealand Institute of Legal Executives Inc, has 12 or more months' experience as a legal executive, and is employed by and supervised by a lawyer • an authorised officer or employee of a trustee corporation.
Capable of making a will	The law requires that anyone making a will must have testamentary capacity; that is, they must understand the nature and effect of what they are doing, who might have a claim to their estate, and what they are disposing of and how they are disposing of it.

Glossary of terms continued

Consult, consultation and consulting	To consult means to ask for advice and give that advice proper consideration before making a decision in the donor's best interests. This includes making sure the person being asked for advice has all the information they need to base their advice on.
Donor	The person setting up the EPA who is giving the appointed attorney or attorneys authority to act.
EPA	An enduring power of attorney under Part 9 of the Protection of Personal and Property Rights Act 1988.
Event revoking or suspending the EPA	<p>Any of the following events:</p> <ul style="list-style-type: none"> the donor (while mentally capable) revokes the EPA by written notice to the attorney the donor having recovered mental capacity suspends the attorney's power to act by written notice to the attorney the EPA is revoked by giving a copy of a later EPA containing a revocation-of-prior-EPAs clause to the attorney the donor dies any of the following events if there is no successor attorney who can act: <ul style="list-style-type: none"> the donor (while mentally capable) revokes the attorney's appointment by written notice to the attorney the attorney gives written notice to the donor (or to the Family Court if the donor is mentally incapable) that the attorney disclaims the right to act under the EPA the attorney dies or becomes bankrupt the attorney becomes subject to compulsory treatment or special patient status under the Mental Health (Compulsory Assessment and Treatment) Act 1992 the Family Court makes a personal or property order under the Act in respect of the attorney the attorney becomes unable to act (eg because of serious illness) the Family Court makes an order revoking the attorney's appointment if the EPA appoints more than one attorney with joint authority and there is no successor attorney who can act: <ul style="list-style-type: none"> the donor, while mentally capable, revokes the appointment of one of the attorneys one of the attorneys dies or becomes bankrupt one of the attorneys becomes subject to compulsory treatment or special patient status under the Mental Health (Compulsory Assessment and Treatment) Act 1992 the Family Court makes a personal or property order under the Act in respect of one of the attorneys one of the attorneys becomes unable to act (eg because of serious illness) the Family Court makes an order revoking the appointment of one of the attorneys if the EPA appoints more than one attorney with several authority or with joint and several authority and there is no successor attorney who can act: <ul style="list-style-type: none"> the donor, while mentally capable, revokes the appointment of the last remaining attorney the last remaining attorney dies or becomes bankrupt the last remaining attorney becomes subject to compulsory treatment or special patient status under the Mental Health (Compulsory Assessment and Treatment) Act 1992 the Family Court makes a personal or property order under the Act in respect of the last remaining attorney the last remaining attorney becomes unable to act (eg because of serious illness) the Family Court makes an order revoking the appointment of the last remaining attorney.

Glossary of terms continued

Independent	<p>Independent means having no connection with each attorney and each successor attorney.</p> <p>The requirement that the witness must be independent of the attorney is modified where two people appoint each other as attorney to allow:</p> <ul style="list-style-type: none"> • two lawyers or legal executives from the same firm or two officers or employees of the same trustee corporation to witness the respective donors' signatures • the same authorised witness to witness both donors' signatures if the witness is satisfied and certifies that doing so does not constitute more than a negligible risk of conflict of interest. <p>If the attorney is a lawyer appointed in his or her capacity as a lawyer, the witness may belong to the same firm as the attorney.</p> <p>If the attorney is a trustee corporation, the witness may be an officer or employee of that corporation.</p>
Medical certificate	<p>A certificate given by a relevant health practitioner on whether the donor is mentally incapable. The certificate must contain the information required by regulations under the Act.</p>
Mentally incapable	<p>Under the Act, the donor is mentally incapable in relation to their property if they are not wholly competent to manage their own affairs in relation to their property.</p> <p>Everyone is presumed to have the competence to manage their property affairs until the contrary is shown. A person is not to be presumed to lack competence just because the person makes imprudent decisions, is subject to compulsory treatment or has special patient status under the Mental Health (Compulsory Assessment and Treatment) Act 1992.</p>
Out-of-pocket expenses	<p>Things that your attorney needs to pay for from their own resources in order to carry out their role, such as postage and stationery costs, bank fees, travel costs, phone bills, and legal fees. This does not include lost wages or payment for your attorney's time.</p>
Personal care and welfare	<p>The donor's health, well-being, and enjoyment of life.</p> <p>Includes matters such as where the donor lives and medical treatment they may need.</p>
Prescribed form	<p>A form set out in the Protection of Personal and Property Rights (Enduring Powers of Attorney Forms and Prescribed Information) Regulations 2008.</p>
Property	<p>Property is anything you own, lease or hire or hold on hire purchase and includes any land and buildings, money, investments, goods, shares, stock, machinery, businesses, household effects or other property (such as vehicles, boats, aircraft and caravans) and any interest in them or right in respect of them.</p>
Relevant health practitioner	<p>A health practitioner in New Zealand who is authorised to make assessments of mental capacity (for example, a New Zealand general medical practitioner [GP]).</p> <p>For a medical certificate given overseas, a registered medical practitioner in the country where the certificate is issued who is authorised to make assessments of mental capacity.</p>
Revoke and revoking	<p>To cancel or make an EPA or an attorney's appointment invalid by:</p> <ul style="list-style-type: none"> • sending a written notice to the attorney stating that the EPA or their appointment is revoked, or • an order of the Family Court.

<p>Successor attorney</p>	<p>A person appointed by the donor to be their attorney if a previous attorney's appointment ends.</p> <p>An attorney's appointment ends if:</p> <ul style="list-style-type: none"> • the donor (while mentally capable) cancels (revokes) the EPA by written notice to the attorney (the EPA ceases to have effect if this occurs) • the donor (while mentally capable) revokes the attorney's appointment by written notice to the attorney • the donor dies (the EPA ceases to have effect if this occurs) • the attorney gives written notice to the donor, or to the Family Court if the donor is mentally incapable, that the attorney disclaims the right to act under the EPA • the attorney dies or becomes bankrupt • the attorney becomes subject to compulsory treatment or special patient status under the Mental Health (Compulsory Assessment and Treatment) Act 1992 • the Family Court makes a personal or property order under the Act in respect of the attorney • the attorney becomes unable to act (eg because of serious illness).
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Glossary of terms continued

Suspend and suspension	<p>The donor of an EPA that has come into effect because the donor is mentally incapable can, if the donor is no longer mentally incapable, suspend the attorney's power to act by giving written notice to the attorney.</p> <p>The EPA is not revoked by the suspension but the attorney cannot act again unless and until a relevant health practitioner has certified, or the court has determined, that the donor is (again) mentally incapable.</p>
Trustee Corporation	<p>The Māori Trustee, Public Trust, and every trustee company within the meaning of the Trustee Companies Act 1967 (Trustees Executors Limited, AMP Perpetual Trustee Company N.Z. Limited, PGG Trust Limited, New Zealand Permanent Trustees Limited, and The New Zealand Guardian Trust Company Limited).</p>

Enduring Power of Attorney (EPA)

In relation to property

Under the Protection of Personal and Property Rights Act 1988

My details (donor)

A

My details (donor):

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Other	
First and middle names				
Surname or family name				
Known by any other name				
Contact details				
Flat/House number			Street name	
Suburb				
Town/City				
Email				
Phone				

Cancelling previous EPAs

You can cancel (revoke) your previous EPAs in relation to your property.

B

Do you want to cancel any previous EPA in relation to your property? (tick one)

- ☐ No – I have no previous EPA in relation to property
- ☐ No – My previous EPA gives the attorney(s) authority to act in relation to some matters relating to property that I want to continue
- ☐ Yes – I revoke any previous EPA I have given in relation to my property affairs.

Note: If you revoke any previous EPAs, you should send notice to the attorney(s) named in the EPAs that you have done this. That notice can be given by giving them a copy of this EPA. Until notice is received the attorney(s) named in the EPAs can continue to act.

Attorney Details

You can appoint one or more attorneys to act for you on property matters. These can be individuals or a trustee corporation. This form allows for two attorneys but you can appoint more if you wish. An attorney must be at least 20 years old and not bankrupt or mentally incapable themselves. (see Note 2).

C

I appoint as my attorney:

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Other	
First and middle names				
Surname or family name				
Relationship to donor				
Contact details				
Flat/House number			Street name	
Suburb				
Town/City				
Email				
Phone				
If a trustee corporation				
Full name of corporation				
Contact details				
Street address				
PO Box				
Town/City				
Email				
Phone				

	<p>Attorney 2: (optional)</p> <p> <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other <input type="text"/> </p> <p>First and middle names <input type="text"/></p> <p>Surname or family name <input type="text"/></p> <p>Relationship to donor <input type="text"/></p> <p>Contact details</p> <p> Flat/House number <input type="text"/> Street name <input type="text"/> </p> <p>Suburb <input type="text"/></p> <p>Town/City <input type="text"/></p> <p>Email <input type="text"/></p> <p>Phone <input type="text"/></p>
<p>When your EPA comes into effect</p> <p>You must decide when you want your EPA to come into effect; that is if you want your attorney to act for you only if you become mentally incapable, or while you are mentally capable, continuing if you become mentally incapable.</p>	<p>D This enduring power of attorney comes into effect: (tick one)</p> <p> <input type="checkbox"/> Only if I become mentally incapable <input type="checkbox"/> While I am mentally capable, continuing in effect if I become mentally incapable </p>
<p>Successor attorney details (optional)</p> <p>You have the option to appoint one or more successor attorneys, to act if your attorney's appointment ends. This form allows for two successor attorneys, but you can name as many as you like.</p> <p>Note: if your attorneys are to act jointly (and there is no successor attorney) if one of your attorneys dies or is unable to act, your EPA will come to an end.</p>	<p>E Do you want to appoint a successor attorney? (tick one)</p> <p> <input type="checkbox"/> No – go to section F <input type="checkbox"/> Yes – in the event the appointment of an attorney named in section C ends, I appoint as my attorney the person below </p> <p> <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other <input type="text"/> </p> <p>First and middle names <input type="text"/></p> <p>Surname or family name <input type="text"/></p> <p>Relationship to donor <input type="text"/></p> <p>Contact details</p> <p> Flat/House number <input type="text"/> Street name <input type="text"/> </p> <p>Suburb <input type="text"/></p> <p>Town/City <input type="text"/></p> <p>Email <input type="text"/></p> <p>Phone <input type="text"/></p>

	<p>If a trustee corporation</p> <p>Full name of corporation</p> <p>Contact details</p> <p>Street address</p> <p>PO Box</p> <p>Town/City</p> <p>Email</p> <p>Phone</p> <p>Do you want to appoint a second successor attorney? (tick one)</p> <p><input type="checkbox"/> No – go to section F</p> <p><input type="checkbox"/> Yes – in the event the appointment of any other attorney named above ends, I appoint as my attorney the person named below</p> <p><input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other</p> <p>First and middle names</p> <p>Surname or family name</p> <p>Relationship to donor</p> <p>Contact details</p> <p>Flat/House number Street name</p> <p>Suburb</p> <p>Town/City</p> <p>Email</p> <p>Phone</p> <p>Do you want to appoint an additional successor attorney? (tick one)</p> <p><input type="checkbox"/> No – go to section F</p> <p><input type="checkbox"/> Yes – in the event the appointment of any other attorney named above ends, I appoint as my attorney the person named below</p>
<p>How your attorneys are to act</p> <p>If you appoint more than one attorney in your property EPA, you must state whether they are authorised to act:</p> <p>a. Jointly - when they must act together to manage your affairs and agree on all decisions, or</p> <p>b. Severally – when each attorney has a separate set of powers and can act individually without the agreement of the other, or</p> <p>c. Jointly and severally, where they can act together or individually.</p>	<p>F If I have appointed more than one attorney, they are authorised to act: (tick one)</p> <p><input type="checkbox"/> Jointly</p> <p><input type="checkbox"/> Severally</p> <p><input type="checkbox"/> Jointly and severally</p>

What your attorney can act on

Do you want your attorney to act for you on all matters relating to your property affairs, or only some matters?

You must list what those matters are.

You can also state any conditions you want to place on your attorney's authority to act.

G My attorney can act on my behalf on: (tick one)

- ☐ All my property affairs
- ☐ Only the part of my property affairs I have listed below

My attorney's authority to act is subject to the following conditions and restrictions (optional)

Consultation (optional)

You have the option to name a person or people who, as far as is practical, your attorney must seek advice from (consult) about your property affairs before making decisions.

Note: your attorney can only consult on the matters you specified in section G.

This form allows for two names but you can name as many people as you like.

You also have the option to limit the consultation requirement to your successor attorney(s).

H Do you want to name someone your attorney or successor attorney need to consult with about your property matters? (tick one)

- ☐ No – go to section I
- ☐ Yes – I have named the people below

Tick all that apply

- ☐ When acting under my EPA, my attorney must consult with the following people:
- ☐ When acting under my EPA, my successor attorney must consult with the following people:

Person 1:

☐ Mr ☐ Mrs ☐ Miss ☐ Other

First and middle names

Surname or family name

Relationship to donor

Contact details

Flat/House number

Street name

Suburb

Town/City

Email

Phone

Person 1 must be consulted about: (tick one)

- ☐ All my property matters listed in section G
- ☐ Only matters relating to my property affairs I have listed below:

	<p>Person 2:</p> <p><input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other <input type="text"/></p> <p>First and middle names <input type="text"/></p> <p>Surname or family name <input type="text"/></p> <p>Relationship to donor <input type="text"/></p> <p>Contact details</p> <p>Flat/House number <input type="text"/> Street name <input type="text"/></p> <p>Suburb <input type="text"/></p> <p>Town/City <input type="text"/></p> <p>Email <input type="text"/></p> <p>Phone <input type="text"/></p> <p>Person 2 must be consulted about: (tick one)</p> <p><input type="checkbox"/> All my property matters listed in section G</p> <p><input type="checkbox"/> Only matters relating to my property affairs I have listed below: <input type="text"/></p> <p>Any other person to be consulted <input type="text"/></p> <p>What they are to be consulted about: (tick one)</p> <p><input type="checkbox"/> All my property matters listed in section G</p> <p><input type="checkbox"/> Only matters relating to my property affairs I have listed below: <input type="text"/></p>
<p>Providing information (optional)</p> <p>You have the option to name one or more people to keep an eye on your attorneys' actions. Your attorney must provide them with the information (as listed) about how they are carrying out their EPA duties.</p> <p>This is information about your attorney's decisions and actions on your property affairs (for example, a copy of the records of financial transactions that your attorney must keep).</p> <p>This information must be provided straight away when requested.</p> <p>You should give a copy of this EPA to any people named in this section.</p>	<p>I Do you want to name someone your attorney needs to give information to about how they are carrying out their role as your attorney? (tick one)</p> <p><input type="checkbox"/> No – go to section J</p> <p><input type="checkbox"/> Yes – I have named the person/people below</p> <p>My attorney must give to the person(s) I have named here, the information I have listed below:</p> <p>Person 1:</p> <p><input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Other <input type="text"/></p> <p>First and middle names <input type="text"/></p> <p>Surname or family name <input type="text"/></p> <p>Relationship to donor <input type="text"/></p> <p>Contact details</p> <p>Flat/House number <input type="text"/> Street name <input type="text"/></p> <p>Suburb <input type="text"/></p> <p>Town/City <input type="text"/></p> <p>Email <input type="text"/></p> <p>Phone <input type="text"/></p> <p>Information to be given to Person 1: <input type="text"/></p>

	<div><div>Person 2:</div><div><div><input type="checkbox"/> Mr</div><div><input type="checkbox"/> Mrs</div><div><input type="checkbox"/> Miss</div><div><input type="checkbox"/> Other</div><div></div></div><div>First and middle names</div><div></div><div>Surname or family name</div><div></div><div>Relationship to donor</div><div></div><div>Contact details</div><div><div>Flat/House number</div><div></div><div>Street name</div><div></div><div>Suburb</div><div></div><div>Town/City</div><div></div><div>Email</div><div></div><div>Phone</div><div></div></div><div>Information to be given to Person 2:</div><div></div><div>Any other person:</div><div></div></div>
<div><div>Authorising a will (optional)</div><div>If you are not capable of making a will, your attorney may apply to the Family Court to get authorisation to sign a will on your behalf (in a form that the Court approves). You have the option to not authorise this.</div></div>	<div><div>If I am not capable of making a will: (tick one)</div><div><div><input type="checkbox"/> I do not authorise my attorney to apply to the Family Court for authorisation to sign a will for me</div><div><input type="checkbox"/> I do authorise my attorney to apply to the Family Court for authority to sign a will for me</div></div></div>

Attorney's and other benefits (optional)

You should think very carefully about what rights you want to give your attorney to act for their own benefit or for the benefit of other persons when you are mentally incapable.

It is recommended you clearly state here what your attorney can or cannot do.

Unless your EPA states otherwise, your attorneys are authorised to:

- recover from your property their out-of-pocket expenses and their professional fees and expenses
- deal with any property that you and the attorney own jointly (and not as tenants in common) if you and the attorney are married, in a civil union, or in a de facto relationship and you live together and share your incomes.

K

Do you want to give your attorney authority to use your property for their own benefit or for the benefit of any other person? (tick one)

- ☐ No – go to section L
- ☐ Yes – I have listed their authority below

My attorney can do the following when acting on my behalf when I am mentally incapable:

☐ Act to their own benefit as stated here:

Person 1:

☐ Mr ☐ Mrs ☐ Miss ☐ Other

First and middle names

Surname or family name

Relationship to donor

Contact details

Flat/House number

Suburb

Town/City

Email

Phone

My attorney can give these benefits to Person 1:

Person 2:

☐ Mr ☐ Mrs ☐ Miss ☐ Other

First and middle names

Surname or family name

Relationship to donor

Contact details

Flat/House number

Suburb

Town/City

Email

Phone

My attorney can give these benefits to Person 2:

Celebratory gifts and donations (optional)

You can authorise your attorney to provide, out of your property, celebratory gifts to children and grandchildren, etc. and to make modest charitable donations.

Your attorney is not required to make these gifts and must only do so having regard to your overall financial circumstances and commitments.

Do you want your attorney to use your property to provide celebratory gifts or charitable donations? (tick one)

- ☐ No - go to section L
- ☐ Yes - I authorise my attorney to provide out of my property celebratory gifts of not more than the following maximum value to the following people including any that are born after the date on which this EPA was signed: (tick those that apply)
- ☐ My children
- ☐ My grandchildren
- ☐ My nieces and nephews
- ☐ My great-grandchildren
- ☐ Other people (specify)

Maximum value of each gift \$

I authorise my attorney to make out of my property annual donations of the following amounts to the following charities:

	Amount \$
	Amount \$
	Amount \$
	Amount \$
	Amount \$
	Amount \$
	Amount \$
	Amount \$

Additional terms and conditions (optional)

You have the option to specify additional terms and conditions of your EPA.

L

My EPA is subject to the following additional terms and conditions:

Signatures M

The donor signature must be witnessed by an **authorised witness** (a lawyer, legal executive who meets certain requirements, or an authorised officer or employee of a trustee corporation).

An attorney's (or successor attorney's) signature can be witnessed by any person who is not the donor or the person who witnessed the donor's signature.

Dated:

Donor:

I am the donor. I appoint the attorney(s) and successor attorney(s) described in this EPA as my attorney(s) for my property for the purposes of Part 9 of the Protection of Personal and Property Rights Act 1988, the appointment of any successor attorney being conditional upon the ending of the appointment of my attorney and (if more than one successor attorney is described) any prior successor attorney.

Signature of donor:

Witness for donor – must be an authorised witness – see Glossary

In the presence of: Witness signature:

I confirm I am an authorised witness and that I have completed the relevant certification (attached)

First and middle names and surname (family name)

Occupation

Address

Attorney 1: (If an individual)

I am the attorney named in section C of this form. I accept the appointment as attorney in this EPA.

I have read and understood the notes about what is expected of me in this role.

Signature of attorney:

Attorney 1: (If a trustee corporation)

The

is the attorney named in section C of this form. It accepts the appointment as attorney in this EPA. It has read and understood the notes about what is expected of it in this role.

The common seal of:

was affixed in the presence of:

Witness for Attorney 1:

In the presence of: Witness signature:

First and middle names and surname (family name)

Occupation

Address

Attorney 2: (If applicable)

I am the attorney named in section C of this form. I accept the appointment as attorney in this EPA.

I have read and understood the notes about what is expected of me in this role.

Signature of attorney 2:

Witness for Attorney 2:

In the presence of: Witness signature:

First and middle names and surname (family name)

Occupation

Address

Successor Attorney 1: (If an individual)

I am the successor attorney named in section E of this form. I accept the appointment as successor attorney in this EPA. I acknowledge that my appointment does not come into effect unless the appointment of an attorney named above ends. I have read and understood the notes about what is expected of me in this role.

Signature of attorney:

Witness for Successor Attorney 1:

In the presence of: Witness signature:

First and middle names and surname (family name)

Occupation

Address

Successor Attorney 2: (If an individual)

I am the successor attorney named in section E of this form. I accept the appointment as successor attorney in this EPA. I acknowledge that my appointment does not come into effect unless the appointment of an attorney named above ends. I have read and understood the notes about what is expected of me in this role.

Signature of attorney:

Witness for Successor Attorney 2:

In the presence of: Witness signature:

First and middle names and surname (family name)

Occupation

Address