

Enduring Power of Guardianship - A Fact Sheet

What is an Enduring Power of Guardianship?

An Enduring Power of Guardianship (or 'EPG' for short) is a legal document that allows you (the donor) to choose someone else (the guardian) to make personal, lifestyle, and medical decisions on your behalf. It only comes into effect when you no longer have mental capacity to make those decisions yourself.

What does an enduring guardian do?

An enduring guardian makes medical and lifestyle decisions.

What types of lifestyle decisions can my guardian make?

Your guardian can make day-to-day decisions such as where you live, who can visit you, what type of medical treatment you can receive, for how long and so on.

When can I make an Enduring Power of Guardianship?

You can make an EPG at any time, as long as you have mental capacity.

Can I restrict the power of my guardian?

Yes, you can place restrictions on your guardian. You can also specify which kinds of lifestyle decisions your guardian can or cannot make for you when you no longer have mental capacity.

Who can I appoint as my guardian?

You can appoint anyone over 18 who has mental capacity, is trustworthy, and will always act in your best interests. They could be someone like your spouse/partner, child, or another family member. You should get their permission beforehand for them to act as your guardian.

How many guardians can I appoint?

There is no limit to how many guardians you can appoint. But think carefully of the practicality of appointing too many guardians as all your guardians must act jointly.

Must my guardians act together?

Yes, they must act together if they are appointed as guardians. You can specify that if one joint guardian dies, the other can act.

Can I appoint a substitute guardian?

It is advisable to appoint a substitute guardian to take over if your sole institute guardian cannot act.

Do I have to register my Enduring Power of Guardianship?

No, you don't have to register it, but it's a good idea to give copies to your family members and your doctor or any medical professionals you consult on a regular basis.

Can I revoke my Enduring Power of Guardianship?

You or your guardian can revoke your EPG at any time, as long as you have mental capacity. All you need to do is inform your guardian and any relevant authorities that you've revoked your EPG. It's the same process if your guardian wants to revoke their appointment, but you must have mental capacity when they renounce their appointment.

How long does an Enduring Power of Guardianship last?

An EPG lasts as long as you're alive. It expires when you die.

What happens once the Enduring Power of Guardianship has been drafted?

To make your Enduring Power of Guardianship legal, it needs to be signed by you and your guardian(s).

Your signature must be witnessed by two independent witnesses. One should be someone who can legally witness a statutory declaration, such as a Justice of the Peace, lawyer, doctor, teacher, police officer, pharmacist, nurse or so on. The other witness can be anyone who is over 18.

Need Advice? Call Citizens Advice Bureau on **(08) 9221 5711**, or visit **www.cabwa.com.au**



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Enduring Power of Guardianship - A Fact Sheet Continued

Your attorney must accept their appointment by signing the Enduring Power of Guardianship. Their signature must also be witnessed by two independent witnesses. One should be someone who can legally witness a statutory declaration, such as a Justice of the Peace, lawyer, doctor, teacher, police officer, pharmacist, or nurse. The other witness can be anyone who is over 18.

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