

Enduring Power of Attorney (“EPA”) Instruction Checklist

Please provide us with the following information to assist in the drafting of your EPA. Also please advise us if you have a current EPA, and provide us with a copy for our review.

This information comprises part of your instructions to Murfett Legal and is therefore the subject of Solicitor/Client privilege. This information remains confidential and will be destroyed or returned to you at your request.

1	EPA Maker
	<i>Full Name:</i>
	<i>Address:</i>
	<i>Telephone Number: (H) (W) (Mobile)</i>
	<i>Facsimile Number: (H) (W)</i>
	<i>Occupation:</i>
2	Your EPA – What is it?
	<p>Unlike a Will, an EPA can and will be valid whilst you are alive.</p> <p>An EPA enables you to give another person the legal authority to make financial and/or property decisions on your behalf.</p> <p>An EPA continues to operate even if you become incapable of making decisions at some time in the future (eg travelling overseas, temporary unconsciousness, dementia).</p> <p>Note: an EPA can not be used to make personal, health or life-determining decisions. This must be dealt with by a “Living Will”.</p>
3	Your Attorney
	<p>Your Attorney (also known as the “Donee”) must act in accordance with the <i>Guardianship and Administration Act (1990)</i> and their duties include:</p> <p>(a) To act with reasonable diligence to protect your interests; and</p> <p>(b) To keep and preserve accurate records and accounts of all dealings under the EPA.</p> <p>You must appoint someone who you trust, as an EPA is a powerful instrument. Your Attorney will be responsible for your financial and property interests and as such you should have faith in their ability to manage them.</p> <p>Your Attorney may be any legally competent person/s over the age of 18 years.</p>

	<p>You can appoint any person of your choice (or more than one person) to be your Attorney. However, no more than two (2) Attorneys and one substitute attorney.</p> <p>Please indicate your choice of a person (or persons) who you wish to appoint as your Attorney.</p> <p><i>Full Name of Attorney 1:</i></p> <p><i>Address:</i></p> <p><i>Occupation:</i></p>
4	Joint/Alternative Attorney
	<p>Please indicate whether you wish to appoint a second person to be:</p> <p>(a) Joint Attorney (ie Attorney at the same time with the person you named in section 3); or</p> <p>(b) Alternative Attorney (ie if the person you named in section 3 is unable or unwilling to perform their duties for any reason).</p> <p>Note: Please Tick Joint or Alternative Attorney:</p> <p>Joint: <input type="checkbox"/></p> <p>Alternative: <input type="checkbox"/></p> <p><i>Full Name Attorney 2:</i></p> <p><i>Address:</i></p> <p><i>Occupation:</i></p>
5	Substitute Attorney
	<p>Please indicate whether you wish to appoint a third person to be a Substitute Attorney (ie they are your Attorney if the persons named in sections 3 or 4 are unable to perform their duties for any reason).</p> <p><i>Full Name of Substitute Attorney:</i></p> <p><i>Address:</i></p> <p><i>Occupation</i></p>

6	<p>When do you want your EPA to commence?</p>
	<p>You must specify whether the EPA is to come into effect:</p> <p>(a) immediately upon signing; or</p> <p>(b) if and when you lose your decision making capacity.</p> <p>If you choose immediate effect then your Attorney must follow your decisions until you have lost decision making capability.</p> <p>If your EPA is to come into effect after the loss of your decision making capabilities, a ruling from the State Administrative Tribunal is required to that effect.</p> <hr/> <p><i>Please Tick if you would like your EPA to come into effect:</i></p> <p>(a) immediately, <input type="checkbox"/> or</p> <p>(b) if and when you lose your decision making capacity. <input type="checkbox"/></p>
7	<p>Do you intend for your Attorney to deal with any land transactions now or in the future?</p>
	<p>If there is the likelihood of land transactions now or in the future(eg buying or selling property), your EPA should be registered. Such registration is effected by lodging the EPA with the Landgate, as soon as possible after the EPA is signed.</p> <p>The acceptance of the EPA by Landgate ensures that the Attorney can act, if required, in respect to any land dealing, providing it is in accordance with the EPA.</p> <hr/> <p>Landgate Lodging Fee: \$135.00</p> <hr/> <p>Note: It is strongly recommended you lodge the EPA at Landgate <u>within 3 months of signing EPA</u>. If you lodge the EPA after 3 months, you will be required to prepare and swear a Statutory Declaration stating that the EPA has not been revoked.</p> <hr/> <p><i>Please advise if you would like us to lodge your EPA with Landgate?</i></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
8	<p>Signing your EPA</p>
	<p>Please make an appointment at our office to sign your EPA and we will arrange for your EPA to be witnessed.</p> <p>Alternatively, if you do not want to sign your EPA at our office, you <u>must</u> sign your EPA in the presence of two authorised, independent witnesses in accordance with the <i>Oaths, Affidavits and Statutory Declarations Act 2005</i> (“the Act”).</p>

	Please see the <u>attached</u> list of persons who can witness your EPA and note that, if your EPA is not witnessed in accordance with the Act, it will be <u>invalid</u> .
9	Revoking your EPA
	<p>If you no longer require your EPA to apply, you must do the following:</p> <ul style="list-style-type: none"> (a) Inform your Attorney and Substitute Attorneys and all other relevant agencies in writing of your revocation of your EPA; and (b) Lodge a formal revocation form with Landgate with the relevant fee (if you have lodged your EPA with Landgate).

LIST OF WITNESSES

Item	Witness Formal Description	Informal Description
1.	<p>A member of the academic staff of an institution established under any of the following Acts:</p> <ul style="list-style-type: none"> • <i>Curtin University of Technology Act 1966;</i> • <i>Edith Cowan University Act 1984;</i> • <i>Murdoch University Act 1973;</i> • <i>University of Notre Dame Australia Act 1989;</i> • <i>University of Western Australia Act 1911;</i> • <i>Vocational Education and Training Act 1996.</i> 	Academic (post-secondary institution)
2.	<p>A member of any of the following bodies:</p> <ul style="list-style-type: none"> • <i>Association of Taxation and Management Accountants (ACN 002 876 208);</i> • <i>CPA Australia (ACN 008 392 452);</i> • <i>The Institute of Chartered Accountants in Australia (ARBN 084 642 571);</i> • <i>National Institute of Accountants (ACN 004 130 643);</i> • <i>National Tax & Accountants' Association Limited (ACN 057 551 854).</i> 	Accountant
3.	A person who is registered under the <i>Architects Act 2004</i> .	Architect
4.	An Australian Consular Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Consular Officer
5.	An Australian Diplomatic Officer within the meaning of the <i>Consular Fees Act 1955</i> of the Commonwealth.	Australian Diplomatic Officer
6.	A bailiff appointed under the <i>Civil Judgments Enforcement Act 2004</i> .	Bailiff
7.	A person appointed to be in charge of the head office or any branch office of an authorised deposit-taking institution carrying on business in the State under the <i>Banking Act 1959</i> of the Commonwealth.	Bank manager
8.	A member of Chartered Secretaries Australia Limited (ACN 008 615 950).	Chartered secretary
9.	A pharmaceutical chemist within the meaning of the <i>Pharmacy Act 1964</i> .	Chemist
10.	A chiropractor within the meaning of the <i>Chiropractors Act 1964</i> .	Chiropractor
11.	A person registered as an auditor or a liquidator under the <i>Corporations Act 2001</i> of the Commonwealth.	Company auditor or liquidator
12.	A judge, master, magistrate, registrar or clerk, or the chief executive officer, of any court of the State or the Commonwealth.	Court officer

Item	Witness Formal Description	Informal Description
13.	A member of the Australian Defence Force who is: <ul style="list-style-type: none"> • <i>an officer within the meaning of the Defence Force Discipline Act 1982 of the Commonwealth;</i> • <i>a non-commissioned officer within the meaning of that Act with 5 or more years of continuous service; or</i> • <i>a warrant officer within the meaning of that Act.</i> 	Defence force officer
14.	A dentist within the meaning of the <i>Dental Act 1939</i> .	Dentist
15.	A medical practitioner within the meaning of the <i>Medical Act 1894</i> .	Doctor
16.	A person appointed under the <i>Parliamentary and Electorate Staff (Employment) Act 1992</i> section 4(1)(b)(i) or (2)(b)(i)	Electorate officer of a member of State Parliament
17.	A member of the Institution of Engineers, Australia, other than at the grade of student.	Engineer
18.	The secretary of an organisation of employees or employers that is registered under one of the following Acts: <ul style="list-style-type: none"> • <i>Industrial Relations Act 1979;</i> • <i>Workplace Relations Act 1996 of the Commonwealth.</i> 	Industrial organisation secretary
19.	A member of the National Insurance Brokers Association of Australia (ACN 006 093 849).	Insurance broker
20.	A Justice of the Peace.	Justice of the Peace
21.	A legal practitioner within the meaning of the <i>Legal Practice Act 2003</i> .	Lawyer
22.	The chief executive officer or deputy chief executive officer of a local government.	Local government CEO or deputy CEO
23.	A member of the council of a local government within the meaning of the <i>Local Government Act 1995</i> .	Local government councillor
24.	A member of the Australasian Institute of Chartered Loss Adjusters (ACN 074 804 167).	Loss adjuster
25.	An authorised celebrant within the meaning of the <i>Marriage Act 1961</i> of the Commonwealth.	Marriage celebrant
26.	A member of either House of Parliament of the State or of the Commonwealth.	Member of Parliament
27.	A minister of religion registered under Part IV Division 1 of the <i>Marriage Act 1961</i> of the Commonwealth.	Minister of religion
28.	A nurse within the meaning of the <i>Nurses Act 1992</i> .	Nurse
29.	A registered optometrist within the meaning of the <i>Optometrists Act 1940</i> .	Optometrist

Item	Witness Formal Description	Informal Description
30.	A registered patent attorney under the <i>Patents Act 1990</i> of the Commonwealth.	Patent attorney
31.	A physiotherapist within the meaning of the <i>Physiotherapists Act 1950</i> .	Physiotherapist
32.	A podiatrist within the meaning of the <i>Podiatrists Registration Act 1984</i> .	Podiatrist
33.	A police officer.	Police officer
34.	The person in charge of an office established by, or conducted by an agent of, Australia Post within the meaning of the <i>Australian Postal Corporation Act 1989</i> of the Commonwealth.	Post office manager
35.	A registered psychologist within the meaning of the <i>Psychologists Registration Act 1976</i> .	Psychologist
36.	A public notary within the meaning of the <i>Public Notaries Act 1979</i> .	Public notary
37.	An officer of the Commonwealth public service.	Public servant
38.	A person who is employed under the <i>Public Sector Management Act 1994</i> Part 3.	Public servant (State)
39.	The licence holder under the <i>Real Estate and Business Agents Act 1978</i> .	Real estate agent
40.	The holder of a licence under the <i>Settlement Agents Act 1981</i> .	Settlement agent
41.	The Sheriff of Western Australia and any deputy sheriff appointed by the Sheriff of Western Australia.	Sheriff or deputy sheriff
42.	A licensed surveyor within the meaning of the <i>Licensed Surveyors Act 1909</i> .	Surveyor
43.	A person employed as a member of the teaching staff within the meaning of the <i>School Education Act 1999</i> or as a teacher of a non-government school within the meaning of that Act.	Teacher
44.	A member, registrar or clerk, or the chief executive officer, of any tribunal of the State or the Commonwealth.	Tribunal officer
45.	A registered veterinary surgeon within the meaning of the <i>Veterinary Surgeons Act 1960</i> .	Veterinary