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National Law Firm

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legalconsolidated.com.au

Your Reference: Your Documents
Enquiries: Adj Professor, Dr Brett Davies
Direct Telephone: 1800 141 612
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Monday, 12 April 2022

Dorian Lee
5 Westralia Lane
Stuart Park NT 0820
Australia

Build this legal document at

<https://www.legalconsolidated.com.au/>

[enduring-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 your attached Northern Territory (NT) Enduring Power of Attorney - restricted to 'financial matters' (NT Financial POA).

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.)

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

A Power of Attorney ("POA") does not need to be lodged at the titles office. Sometimes a bank may wrongly ask for the titles office registration number. Registration at the titles office is not required. One day you may decide to buy or sell land. You may want your POA to do that. Only at that time do you need to lodge your POA at the titles office. Lawyers and the titles office charge for lodging each POA. Different government departments and institutions may require you to hand over your original POA and not return it to you. Therefore, make sure you print off and sign two copies of your POA.

This POA only works for assets in the NT. If there are assets in another Territory or State, then you need to also build and sign POAs for that State as well.

Does the Power of Attorney need to be stamped?

Your POA is not dutiable. It does not need to be lodged at the local stamp duty office.

Making copies

Don't let the original POA out of your hands. Ask the bank (or who ever 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 Power of Attorney override your wishes?

By law the POA can only be used by the persons you nominate for your best interests. It can't be used to benefit anyone else. It is not designed to help your spouse or children - it is in place to protect you. The POA can only be used to help you. If you lose confidence in the persons you appoint, then you need to revoke the POA. If the person you appoint does not act in your best interests then both civil and criminal actions may be taken against the person you appoint by you, your family and the government.

Can I revoke a Power of Attorney?

While you are of sound mind you can revoke your POA at any time. If you are of unsound mind then, obviously, you can't make any such decisions. While you are of unsound mind you can't revoke a legal document such as a POA. Your POA is revoked at death. (Conversely, your Will only takes effect at death.) The courts can also revoke your POA.

How do I revoke the Power of Attorney?

Firstly, tear up as many copies (originals and photocopies) as you can get your hands on and telephone us.

What happens if I separate, divorce or get married?

Changing your status does not affect the POA. You must revoke it, if you no longer want it to operate.

Can the persons I nominate resign?

The persons you appointed can renounce the POA. However, if you are of unsound mind, it is too late for those persons to renounce.

Who can witness my POA?

Only one witness is required. The witness is in the room with you when you sign your POA. The steps are:

1. Find an authorised witness. See the attached list.
2. Your donees (people you are appointing) 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 can leave the room. If you or your witness leaves the room during the signing process, then tear up the POA and print out another copy of the POA. And start the signing process again.
4. If reading glasses are required by either of you then put them on.
5. With a blue pen you sign your POAs. You sign first. Then your authorised witness witnesses your POA (WITH THE SAME BLUE PEN). If you signed with different coloured pens (e.g. a dark blue and a light blue) then tear up the POAs. Print out new POAs and start the process again.
6. Date the POA before either of you leave the room.

7. If you have issues reading English, then let me know. An interpreter may be required.
8. If your donees are close by then they can enter to room and accept your POA. Otherwise the donees can accept another day.

Do my donees need to sign with me – at the same time?

Your donees can sign on another day, in another country and with any coloured pen. They don't need to sign with you. And they don't need to be together when they sign.

How do the persons I nominate actually 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 with 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 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 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.

What are the limits of a Northern Territory Power of Attorney?

The POA is an "economic" document. It won't allow the persons you nominate to vote or make a Will for you. They can, however, open and close bank accounts, pay debts, and buy and sell land. For example, the Donor can't give you a POA to:

1. Vote in any government elections
2. Make a Will or sign another POA
3. Carry out Director Duties
4. Act as a Trustee
5. Control your body (you need to build a Medical POA on our website for that)

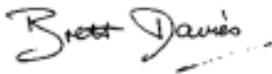
Does my donee need one of the original Power of Attorneys?

There is no legal requirement for a donee to accept your POA in any time frame. A donee 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. They don't need to accept your POA on the same day. Indeed, your attorneys may be living outside of Australia in different countries. However, your POA will not operate for that attorney until that attorney does sign. But the accepting of the POA can be done when the POA is actually needed.

Further, there is no legal requirement to hand over one of your original POAs to any of your donees. You may, however, wish to do so. At the very least:

1. Speak to your potential donees. This is to make sure they are happy to take on the onerous job of holding the position.
2. Let them know where the POA is kept "at my home in my grey filing cabinet and when it is needed you can get the POA and accept it then".
3. You may wish to email them a soft copy and this covering letter. This is so they can understand how it can be used in the future. (It can be a signed or unsigned copy, it is just a soft copy). If they need a hand, later, they can telephone us for advice.

Yours sincerely,



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

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*



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Who can witness a Northern Territory Enduring Power of Attorney?

One authorised witness is required:

This must be by a qualified witness, such as:

- Justice of the Peace
- Commissioner for Oaths
- Solicitor
- Police Officer

A JP and police officer witness your POA for free.

Lawyers generally only witness their own POAs. They generally won't witness another lawyer's POA.

We can witness your POA over Skype. See here: <https://www.legalconsolidated.com.au/our-law-firm-witnessing-your-poa-from-anywhere-in-australia/>

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 – Northern Territory (Financial Power of Attorney)

Dorian Lee

NORTHERN TERRITORY OF AUSTRALIA

P	A	No:
IMPORTANT NOTICE		
Please Note Privacy Statement Overleaf		

POWER OF ATTORNEY

The donor appoints the donee as his or her attorney and authorises him or her to execute all or any instruments that may be necessary for giving effect to any dealing with any property of the donor, including any land, estate or interest of which the donor is or may become the registered proprietor, with such specific additional powers as are set out or referred to on the back of this document. (NOTES 1 -2)

DONOR OF POWER

<p>Dorian Lee 5 Westralia Lane, Stuart Park NT 0820, Australia</p>
--

(NOTE 3)

DONEE OF POWER (ATTORNEY)

<p>Tommy Zhang of 10 Lampe Road, Fannie Bay NT 0820, Australia</p>
--

(NOTE 4)

<p>..... Signed by the donor Do on (Date) In the presence of: Signature of qualified wi</p>	<p>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.</p>
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(NOTE 5)

SPECIMEN
SIGNATURE OF
DONEE

.....
Tommy Zhang

(NOTE 6)

SPECIFIC POWERS (NOTE 7)

1. To comply with provisions contained in a memorandum of Common Provisions recorded in the Register as No.....
2. Additional Powers:
None

SCHEDULE OF NOTES

1. This form may be lodged in duplicate. The original must be printed, typed or completed in ink and contain the signatures of all parties and their witnesses, if any, in ink, as shall any duplicate. Alterations to information entered on the form should be crossed out (not erased or obliterated by painting over) and initialled by the parties. This form has been developed taking into account the provisions under the *Powers of Attorney Act*.
2. If there is insufficient space in any panel use the space above or any annexure sheet (Form 95).
3. Insert the donor of the power's full name and an address, which may be the service of notices.
4. Insert the Donee of the power's full name and an address, which may be the service of notices. If more than one donee state whether they are severally.
5. Persons who may witness this document are a Commissioner for Oaths, a Member of the Legislative Assembly, a legal practitioner within the meaning of the *Legal Practitioners Act*, a person holding office under the *Supreme Court Act*, the *Justices Act*, the *Registration Act*, a member of the Police Force, a person licensed under the *Agents Licensing Act*, a Notary Public or a real estate agent under the *Agents Licensing Act*, a Notary Public or a person approved by the Registrar-General.
A witness to an instrument executed by an individual must first:
 - take reasonable steps to ensure that the individual is the person who executed the instrument;
 - have the individual execute the document in the presence of the witness;
 - not be a party to the instrument; and
 - if witnessing more than one signature, clearly state that he/she has witnessed more than one signature. (ie I have witnessed the two signatures appearing above).After signing, witnesses must legibly write, type or stamp their names and contact address or telephone number below their signature.
For a corporation, an instrument must be executed in a way permitted by law or sealed with the corporation's seal in accordance with the *Law of Property Act*, Section 48.
6. The original shall contain a specimen signature of the donee, except if the donee is specified by reference to a named position. Where the original purports to have been signed by a body corporate, it shall be authenticated by or on behalf of the corporation in a manner permitted by law.
7. A power of attorney may incorporate any common provision contained in a Memorandum of Common Provisions retained by the Registrar, by reference to the provision in a way sufficient to clearly identify it - eg. by reference to the number of the memorandum. If not all the provisions of that memorandum are to apply, the numbers of the provisions that are to apply should be specified.
The Memorandum of Common Provisions are a guide only and may be added to or deleted.

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.

Advance Personal Plan

EXPLANATORY NOTES

Completing an Advance Personal Plan should help you to engage in a discussion with your loved ones about your values and wishes. It will help to provide evidence of these wishes. If difficult decisions need to be made about your care or finances in circumstances where you cannot make these decisions for yourself.

This form has five sections. Sections A and E must be completed in order. All of sections B, C and D can be completed, depending on what you want.

1. [Section A](#) - Your details
2. [Section B](#) - Advance Care Statements about your views, wishes and preferences to be treated in relation to any future health, financial or lifestyle matters.
3. [Section C](#) - Legally binding Advance Consent Decision about your preferences for future medical treatment.
4. [Section D](#) - Appoint decision maker(s) to make decisions on your behalf in relation to your health, financial or lifestyle matters.
5. [Section E](#) - Signing clause

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 A: PERSONAL DETAILS

THIS IS A COMPULSORY SECTION

TO MY FAMILY, FRIENDS AND HEALTH-CARE PROVIDERS

I, Dorian Lee

(Print your full name here)

of 5 Westralia Lane Stuart Park,

(Print here the number of your house, name of your street and suburb)

State: NT

Postcode: 0820

(Print here the name of the State where you live)

Born: 18 April 1970

(Print here the date of your birth)

being over the age of eighteen years, who has decision-making capacity as a guardian appointed under the *Guardianship of Adults Act*, make this Advance Plan, in consideration, voluntarily and without coercion or other undue influence.

If at any time I am unable to take part in decisions about my care or welfare, property or financial affairs, let this document stand as evidence of my wishes and beliefs and/or who I nominate as my decision maker(s).

I request that all who are responsible for my care respect the decisions in this document.

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.

Note: Please seek the assistance of an interpreter if you have trouble understanding the contents and requirements of this form.

SECTION B: ADVANCE CARE STATEMENT

THIS IS NOT A COMPULSORY SECTION

An Advance Care Statement is a statement of your views, wishes and beliefs about how you would like your appointed decision maker(s), health professionals and any other person providing care for you to act.

It is recommended that you discuss this section with your decision maker(s), family or doctor as it is important that anything you write should be readily understood by the people who are supporting and treating you.

1. What gives your life meaning? What do you value most in life? For example, being on country/at home, being able to work, food, family etc.

2. a) If nearing death, what are your goals/priorities? What is most important to you? For example, dignity, to be comfortable, and to have my friends and family around.

b) If nearing death, what is unacceptable to you? What do you NOT want? For example, not wanting particular family or people to visit or see me, being alone and not being able to communicate.

c) Consent to palliative and comfort care so that you can feel better, even though it won't cure you:

Yes, I would like to receive palliation and comfort care

3. Where would you like to die/finish up?

- at home / on country (list location)
- in hospital or hospice
- other (please provide details)

4. Any other information that may help with medical 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.

5. Any cultural or spiritual requests?

6. After death, what is important to you? For example, a ceremonial smoking pipe to be returned to my birth country, blessings, cremation, burial etc.

Note to section B, question 5 – if these details of burial/cremation are already provided in section A, please do not restate them here

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.

SECTION C: ADVANCE CONSENT DECISION

THIS IS NOT A COMPULSORY SECTION

Advance Consent Decisions are legally binding on your health care provider and can include decisions about organ transplants, palliative care, instructions not to be put on life support, or directions about not receiving blood transfusions.

Cardio Pulmonary resuscitation (CPR): refers to medical procedures that may be used to restart your heart or breathing if they stop due to severe illness. It usually involves very strong pumping on your chest, electric shocks to your heart, medications injected into your veins and breathing tubes being put into your throat to allow a machine to breath for you.

1. If my heart stops and CPR is an option:

Please try to restart my heart or breathing (attempt CPR)

Except if it results in an unacceptable outcome. Refer to what you wrote in section 2b above and describe unacceptable outcomes, for example, I will live independently or go home.

Unacceptable outcomes include:

Please allow me to die a natural death. Do not restart my heart or breathing

2. Are there specific medical treatments that you DO NOT want?

Artificial feeding/tube feeding:

Renal dialysis:

Blood transfusions;

Other:

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.

3. Do you have any religious or ethical beliefs that may affect your treatment? If yes, describe how your beliefs might affect your treatment:

For example: *'Because of my religious beliefs, I do not want to receive any organ transplants'*.

Note: It is strongly recommended that before completing this document you discuss with your doctor who knows your medical history and views. The doctor will also be able to explain the terms that you are unsure about and will confirm that you were able to understand the terms made in the document and that you made those decisions voluntarily. You can have a witness witness your signature.

Note: It is your legal right to refuse any medical treatment. However, you may not be able to refuse receiving a particular treatment (if, for example, your health-care provider's professional opinion is that the treatment would not be of benefit to you).

Your attorneys may be living outside of Australia in different countries. However, your POA won't come into operation for that attorney until that attorney does sign. But the signing can be done when the POA is actually needed.

SECTION D: APPOINT DECISION MAKER(S)

THIS IS NOT A COMPULSORY SECTION

1. Appointment of a decision maker is made by me, the Adult:

(Complete if you wish to appoint a decision maker)

Dorian Lee

(Print your full legal name)

(Print your address)

2.

(a) To appoint as my decision maker:

Tommy Zhang

(Print full legal name of decision maker)

10 Lampe Road, Fannie Bay NT 0820, Australia

(Print address of decision maker)

(Email address of your decision maker)

(Mobile number of your decision maker)

- all matters
- financial matters (including dealing in property)
- personal/health matters
- limited matters (specify)

(Specimen signature of decision maker if appointing for financial matters)

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.

3. How do you prefer your decision maker(s) to make decisions?

(Tick one box only)

- Severally (any one of them may decide)
- Jointly (unanimously)
- Other or specific circumstances (for example, if one decision maker appoints the other), please list:

Note: You may attach more pages if required. Please number each page.

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.

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SECTION E: SIGNING AND WITNESSING

THIS A COMPULSORY SECTION

ADULT MAKING THE ADVANCE PERSONAL PLAN

Dorian Lee

(Print name)

(Adult signs here or, if the adult is unable to sign a person acting on the direction, and in the presence of the adult, must sign)

If you are signing for the adult

I, _____
(Full name)

am at least eighteen years old and not appointed as a decision maker for the adult.

WITNESS

I, _____ of _____
(Full name)

(Address)

A qualified witness

(State qualifications as authorised witness)

certify that the person making this document is who they purport to be, has attained t years, appears to understand the nature and effect of the Advance Personal Plan, ap voluntarily without coercion or other undue influence and that the plan was signed by or by their representative, in my presence.

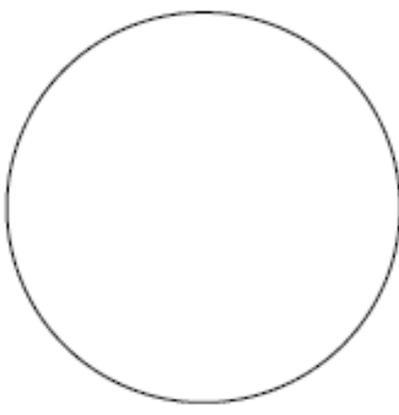
Your enduring attorney does not profit from their role as your enduring attorney. They cannot gain a personal benefit. They cannot benefit to a third party.

(Witness signs here)

(Insert date)

Please refer to next page for a list of people who are authorised witnesses and are able to witness the making of an Advance Personal Plan

Office use only

	
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Note: The following people are authorised witnesses and are able to witness the making of an Advance Personal Plan:

- Commissioner for Oaths, including legal practitioners, Justices of the Peace and Police Officers.
- Doctors, Nurses, Pharmacist, Aboriginal and Torres Strait Islander health practice and other health practitioner (as defined in the Health Practitioner Regulation National Law).
- Accountants.
- Chief Executive Officers of Local Government Authorities.
- Social Workers.
- Principals of Northern Territory schools.

Note: You may register your Advance Personal Plan with the Public Trustee for safe keeping without any fee:

Fill out the Application to Register Form

(https://nt.gov.au/data/assets/pdf_file/0017/170432/application-to-register-advance-personal-plan.pdf) and post or email to:

Public Trustee

GPO Box 470

Darwin NT 0801

Phone: (08) 8999 7271

Fax: (08) 8999 7882

agd.publictrustee@nt.gov.au

You can build this document here:

<https://www.legalconsolidated.com.au/enduring-poa-introduction/>

Note: If your advance personal plan is not registered with the Land Titles Office for any dealings to occur, you must pay the lodgement fee (for details of fees please contact the Land Titles Office on 8999 6520) and the original form must be lodged by mail or in person to at the following address:

Land Titles Office

Darwin

GPO Box 3021

Darwin NT 0801

Nichols Place, Corner Cavenagh and Bennett Streets

Darwin NT 0800

Phone: (08) 8999 6520

Fax: (08) 8999 6239

AGD.RegistrarGeneral@nt.gov.au

Alice Springs

PO Box 8043

Alice Springs NT 0871

Centrepont Building

Corner Gregory Terrace and Hartley Streets

Alice Springs NT 0870

Phone: (08) 8951 5339

Fax: (08) 8951 5340

AGD.RegistrarGeneral@nt.gov.au