

Appointment of Enduring Guardian

(Guardianship Regulation 2010, Schedule 1)

I, _____
[insert name, address and occupation]

Appoint _____
[insert the name, address and occupation of each proposed enduring guardian]

to be my enduring guardian/s.

I appoint my enduring guardians to act jointly/severally/jointly and severally.

The death, resignation or incapacity of any of my joint enduring guardians does/does not terminate the appointment of each of my other joint enduring guardians.

I authorise my enduring guardian/s to exercise the following functions:

- a) to decide where I live
- b) to decide what health care I receive
- c) to decide what other kinds of personal services I receive
- d) to consent to the carrying out of medical or dental treatment on me (in accordance with Part 5 of the *Guardianship Act 1987*)
- e) *[Insert any additional functions]*

I place the following limits on the authority of my enduring guardian/s:

[insert any limits]

The functions of my enduring guardian/s must be exercised in accordance with the following directions:

[insert any directions]

Signature: _____

Date: _____

AND if a person signs this instrument on another person's behalf

[insert name and address of the person who signs the document]

Acceptance by enduring guardian

I accept my appointment as enduring guardian.

Name: _____

Signature: _____

Date: _____

Certificate of witness

I, _____

[insert name, address and occupation]

certify that:

a) _____

[insert name of person appointing enduring guardian]

appeared to understand the effect of this instrument and in my presence:

(i) executed the instrument voluntarily, or

(ii) voluntarily instructed _____

[insert name of person signing on behalf of person appointing enduring guardian]

to sign the instrument on his or her behalf and that person executed the instrument in my presence, and

b) _____

[insert name of person accepting appointment as enduring guardian] appeared to understand the effect of this instrument and in my presence executed the instrument voluntarily.

Signature: _____

Date: _____

Australian legal practitioner/Registrar of the Local Court / overseas-registered foreign lawyer/approved employee of NSW Trustee and Guardian or the Office of the Public Guardian

Note. Important information

An enduring guardianship appointment is an important document. It allows someone else to make medical and lifestyle decisions on your behalf. You should get legal or medical advice (or both) before you sign it.

It is important that you trust the person you appoint as your enduring guardian to make appropriate lifestyle decisions on your behalf. It is recommended you inform this person of your wishes about lifestyle decisions and involve them in discussions about your views or goals. If these change, it is important to let your enduring guardian know.

An enduring guardian can only make lifestyle decisions such as health decisions. You should make an enduring Power of Attorney if you want someone to make financial decisions on your behalf if you lose capacity.

If you appoint more than one enduring guardian, you should indicate whether the enduring guardians are to act jointly, severally or jointly and severally.

Enduring guardians who are appointed jointly are only able to make decisions if they all agree about the decision. Enduring guardians who are appointed severally or jointly and severally are able to make decisions independently of each other.

If you appoint an alternative enduring guardian, they will only have authority to act as your guardian if the first appointed enduring guardian/s dies, resigns or becomes incapacitated.

Each enduring guardian must sign their acceptance on the appointment for it to be effective.

If someone signs the appointment on your behalf, they must be at least 18 years old. They must not be the person being appointed as an enduring guardian. They cannot also witness the execution of the appointment.

If you marry after you appoint an enduring guardian then the appointment will automatically be revoked (unless you married your enduring guardian).

Your enduring guardian can resign at any time, by giving you notice in writing. If you have lost capacity to make decisions at that time then your enduring guardian can only resign with the approval of the Guardianship Tribunal.

Enduring guardianship appointments are not automatically accessible on any public register. Therefore, it is important that key people are aware of the appointment so they can contact the enduring guardian if required. You should provide a copy of the enduring guardianship appointment to your enduring guardian and keep a copy in a safe place. You should also let close friends or family know about it and give a copy to your solicitor, doctor and health service provider.

For further information about enduring guardianship, contact the NSW Trustee and Guardian, the Office of the Public Guardian or the Guardianship Tribunal.