Notification by an attorney Enduring Power of Attorney

You should fill out this form if:

- you (an individual or a trustee company) are no longer eligible to carry out your responsibilities as an attorney under an enduring power of attorney and your role as an attorney has been revoked (cancelled), or
- you are a trustee company who is an attorney under the enduring power of attorney and must give notice that a proceeding for winding up has commenced against the company or the company has been convicted or found guilty of an offence involving dishonesty.

Completing the form

To complete the form you may need:

- A printer to print out the form. Even if you fill the form out on a computer, you will need to print it for signing.
- The name and address (if known) of the people you want to provide notice to.
- A copy of the enduring power of attorney.
- The date the enduring power of attorney was made.

You can save the form to your computer or a portable drive at any time, and finish it later.

When you might become ineligible

As an individual attorney you are ineligible to act as an attorney, if after appointment as an attorney you:

- become an insolvent under administration
- become a care worker, health provider or accommodation provider for the principal
- are convicted or found guilty of an offence involving dishonesty (only if you are an attorney for financial matters).

A trustee company becomes ineligible to act as an attorney, if the company after its appointment as an attorney is:

- wound up
- no longer registered.

When a trustee company needs to give notice

A trustee company must give notice if, after appointment as an attorney:

- a proceeding for winding up has commenced against the company
- the company has been convicted or found guilty of an offence involving dishonesty.

Who should notice be given to?

If your appointment as an attorney is revoked (cancelled), you **must** give notice to:

- the principal, if the principal has decision making capacity for a matter for which you have power
- any other attorney or alternative attorney
- if the principal does not have decision making capacity for a matter for which you have power and there is no other attorney or alternative attorney, notify the principal's nearest relative. If you are not able to notify the nearest relative, notify the Public Advocate.

What to do with this form

You need to fill out the form, sign it and use the form to give notice.

Once completed, keep a copy of this form and a record of who you have given notice to.

Need more information or help?

More information about powers of attorney is available on the Office of Public Advocate website at publicadvocate.vic.gov.au.

You can also contact the Office of the Public Advocate advice service on 1300 309 337

Keep all pages of this form together.

For individuals

This notice is given under section 54 of the **Powers of Attorney Act 2014**.

Notice is given to:

Name of person or organisation to be notified

Address of person or organisation to be notified (if known)

Name of person or organisation to be notified (if applicable)

Address of person or organisation to be notified (if known)

Name of person or organisation to be notified (if applicable)

Address of person or organisation to be notified (if known)

Name of person or organisation to be notified (if applicable)

Address of person or organisation to be notified (if known)

Name of principal

Date appointment was made (if known)

Name of attorney giving notice

Residential address of attorney giving notice

I give notice that my appointment as an attorney under the enduring power of attorney is revoked because:

Select **all** that apply

I have become an insolvent under administration ..... ☐

I have become a care worker for the principal ..... ☐

I have become a health provider for the principal ..... ☐

I have become an accommodation provider for the principal ..... ☐

I have been convicted or found guilty of an offence involving dishonesty (if an attorney for financial matters) ..... ☐

Signature

✍

.....

Date

For trustee companies

This notice is given under section 54 of the **Powers of Attorney Act 2014**.

Notice is given to:

Name of person or organisation to be notified

Address of person or organisation to be notified (if known)

Name of person or organisation to be notified (if applicable)

Address of person or organisation to be notified (if known)

Name of person or organisation to be notified (if applicable)

Address of person or organisation to be notified (if known)

Name of person or organisation to be notified (if applicable)

Address of person or organisation to be notified (if known)

Name of principal

Date appointment was made (if known)

Name of trustee company giving notice

Business address of trustee company giving notice

The company, an attorney under the enduring power of attorney **gives notice** that:

Select **all** that apply

the company's appointment as an attorney under the enduring power of attorney is **revoked** because the company has been wound up or ceased to be registered ..... ☐

a proceeding for winding up has commenced against the company ..... ☐

the company has been convicted or found guilty of an offence involving dishonesty ..... ☐

Signature

✍

.....

Date