Resignation

Enduring Power of Attorney

For an attorney or alternative attorney who wants to resign

You should fill out this form if you want to resign from your role as an attorney or alternative attorney under an enduring power of attorney.

If you have been given permission to resign by the Victorian Civil and Administrative Tribunal (VCAT) or the Supreme Court, you do not need to fill out this form.

The person who appointed you to make decisions on their behalf is called 'the principal'. Whenever you see the word 'principal' in this form, it means them.

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.
- 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.

If principal has decision making capacity

You may resign as an attorney or alternative attorney at any time while the principal has decision making capacity for a matter for which you have power.

If principal does not have decision making capacity

If the principal no longer has decision making capacity for a matter for which you have power, you may only use this form to resign as an attorney, if one of the following applies to you:

- there is another attorney under the enduring power of attorney who has power for the same matter as you, or
- there is not another attorney but there is an alternative attorney who has power for the same matter as you who is able and willing to act.

You may only use this form to resign as an alternative attorney, if you are not acting as an attorney under the enduring power of attorney.

What to do with this form

You need to fill it out and sign it. You must take reasonable steps to inform the person who appointed you (the principal), as well as any other attorney(s) or alternative attorney(s) under the same enduring power of attorney (where required), of your resignation. You can do this by providing them with a copy of this completed form.

Once completed, keep the original and a record of who you have informed of your resignation.

Need more information or help?

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

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

Resignation
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I resign under the enduring power of attorney as an:

attorney: ..... ☐

or

alternative attorney..... ☐

for the following attorney(s)

OR

The trustee company resigns under the enduring power of attorney as an:

attorney: ..... ☐

or

alternative attorney..... ☐

for the following attorney(s)

Name of principal

Date of appointment (if known)

Name or position of attorney or alternative attorney (you)

Residential or business address of attorney or alternative attorney (your address)

The following section of the **Powers of Attorney Act 2014** applies to this resignation:

Please select **one** option:

Section 56 ..... ☐

The principal has decision making capacity for a matter for which I have power.

Section 59(1)(a) ..... ☐

I am an attorney under the enduring power of attorney.

The principal does not have decision making capacity for a matter for which I have power.

There is another attorney who has power for the same matter as me.

Section 59(1)(b) ..... ☐

I am an attorney under the enduring power of attorney.

The principal does not have decision making capacity for a matter for which I have power.

There is no other attorney who has power for the same matter as me.

There is an alternative attorney who has power for the same matter as me and is able and willing to act.

Section 59(3) ..... ☐

I am an alternative attorney under the enduring power of attorney.

The principal does not have decision making capacity for a matter for which I have power.

I am not currently acting as an attorney under the enduring power of attorney.

Signature

Date