

Enduring Power of Attorney Kit Do-it-yourself



Government of
South Australia



**Legal
Services**
Commission
South Australia

Enduring Power of Attorney Kit

This do-it-yourself kit includes detailed instructions on how to complete your own Enduring Power of Attorney.

The purchased hard copy of the kit also includes hard copies of all forms and wallet card. For those accessing the online version of this kit, the kit includes information about how to obtain the forms separately in hard copy or online.

Produced by the Legal Services Commission SA for use in South Australia.

© Legal Services Commission SA
May 2023

Contents

The information, statements, opinions and advice contained in this work have been prepared with due care and are believed to be accurate at the time of printing. However, the Legal Services Commission SA expressly disclaims any liability whatsoever to any person who suffers any loss arising from the contents of, errors in, or omissions from this publication. This kit is not intended as a substitute for legal advice.

1	Welcome How to use this kit	4 5
2	Legal terms Legal terms and what they mean	6 7
3	Powers of Attorney General or Enduring Powers of Attorney Legal capacity	8 9 10
4	Enduring Power of Attorney Why create one Powers and duties of a donee Ending an Enduring Power of Attorney	11 12 13 16
5	Create an Enduring Power of Attorney Forms and witnessing Completing the form – step by step Checklist and next steps	18 19 21 28
6	Revoking an Enduring Power of Attorney Completing the form – step by step Checklist and next steps	29 30 34
7	Contact list Where to get help	35 36

Welcome

1

How to use this kit

This kit explains the purpose of making an Enduring Power of Attorney and how it can be used.

Whilst life is full of surprises – many of them good – an accident or illness can throw our lives and the lives of our loved ones, into disarray. This kit has been produced to assist you to plan for your financial future, by making your wishes known and appointing people you trust to look after your financial affairs if and when you are unable to do so for yourself.

An Enduring Power of Attorney does not give someone the right to make decisions about your healthcare or medical treatment. It only deals with legal and financial matters.

For non-financial matters you should complete an Advance Care Directive.

More information about how to complete an Advance Care Directive is available at www.advancecaredirectives.sa.gov.au.

This 'do-it-yourself' kit will guide you through the process of creating an Enduring Power of Attorney legal document, easily and at little expense.

You can complete your own Enduring Power of Attorney by following the steps described in the 'Completing the form – step by step' section of this booklet.

If you are unsure about any step in the process or any of the implications of making an Enduring Power of Attorney, it is strongly recommended you seek legal advice.

The 'Contact list' at the end of this kit has details of where to get help.

Legal terms

2

Legal terms and what they mean

donor	An adult with legal capacity who makes the Enduring Power of Attorney.
donee	An adult who accepts the Power of Attorney - also called the 'agent' or 'attorney' or 'appointee' or 'grantee'.
general power of attorney	A legal document that allows another person, the donee/s, to make financial decisions on your behalf while you, the donor, have legal capacity.
enduring power of attorney	A legal document that allows one or more adults, the donee/s, to make financial decisions on your behalf including during periods of legal incapacity.
legal capacity	An adult who is capable of understanding the nature and effect of decisions concerning their own affairs and is able to communicate their decision.
donees jointly appointed	Where two or more donees are appointed jointly, they must make financial decisions together and each sign any necessary documents for them to have effect.
donees jointly and severally appointed	Where two or more donees are appointed jointly and severally, either one can make financial decisions and sign any necessary documents for them to have effect.
revoke	To cancel something, in this case to cancel a Power of Attorney.
witness authorised by law to take affidavits	An authorised witness includes a lawyer and Justice of the Peace.

Powers of Attorney

3

General or Enduring Powers of Attorney

What is a Power of Attorney?

A Power of Attorney is a legal document that allows you to appoint a person or people you trust to manage some or all your legal and financial affairs during your lifetime. This can include paying bills, buying and selling property (including real estate), managing investments and authorising legal proceedings. The person to whom you give your Power of Attorney can be called an agent, attorney, appointee, grantee or donee. In this kit, we call this person a donee.

A Power of Attorney does not authorise the donee to make decisions concerning your medical treatment or other aspects of your health and welfare.

If you would like to authorise someone to make health and welfare decisions on your behalf should you lose legal capacity, you can make an Advance Care Directive. For more information, visit www.advancecaredirectives.sa.gov.au.

A Power of Attorney ceases to have legal effect upon your death. If you have made a will, the executor of your estate will become responsible for the administration of your estate. For general advice about making a will, call the free Legal Help Line on 1300 366 424.

What is the difference between a General and an Enduring Power of Attorney?

A General Power of Attorney is usually for a specific purpose and for a limited period and will cease to have legal effect once the specific task has been completed or the donor loses legal capacity.

An Enduring Power of Attorney can have legal effect straight away or only have effect when you lose legal capacity. It will continue to have legal effect (endure) even if you lose legal capacity.

Who can make a Power of Attorney?

In South Australia, any person who is over 18 years of age and who has legal capacity can make a Power of Attorney. No one else can make a Power of Attorney for you.

Can a Power of Attorney be used interstate or overseas?

Authorities in some other states and countries will recognise a valid Power of Attorney made in South Australia, but only if it complies with the laws of the state or country in which it will be used. You should check with the Attorney-General's Department of the particular state or with the consulate of the country concerned. It may be necessary to have a Power of Attorney prepared in that other state or country.

Legal capacity

What does having legal capacity mean?

An adult is presumed to have legal capacity. In the context of making a General or Enduring Power of Attorney, legal capacity means that you understand the nature and effect of making the document.

Legal capacity may also be relevant to determining when a donee should commence managing your legal and financial affairs in accordance with your Enduring Power of Attorney.

If due to injury or illness your legal capacity is in doubt, it is best to seek legal advice and/or a written medical opinion, preferably from a doctor who is familiar with you.

For free legal advice, call the Legal Help Line on 1300 366 424.

What if I have already lost legal capacity?

If medical opinion suggests that you do not have legal capacity to make a Power of Attorney, and it is necessary for someone to handle your affairs, an application should be made to the South Australian Civil and Administrative Tribunal (SACAT) for an Administration Order. A family member or friend could apply to be your administrator.

The Public Trustee produces a South Australian Private Administrator's Guide, visit their website at www.publictrustee.sa.gov.au.

Enduring Power of Attorney

4

Why create one

It is helpful to have an Enduring Power of Attorney if you lose the capacity to make day-to-day financial decisions. You may have an injury or illness which may prevent you from making these decisions. If there is no Enduring Power of Attorney, your family or friends may have to apply to SACAT for the appointment of an administrator to manage your affairs. If you have already made an Enduring Power of Attorney, the donee/s you have selected will be the ones making financial decisions on your behalf and can do so immediately.

Who can I appoint as my donee?

A donee is an adult who accepts the responsibility of the Power of Attorney – also called the agent or attorney or appointee or grantee. In this kit we call this person the donee.

Any adult who has legal capacity can be your donee. It could be someone in the family, a friend, or you may wish to appoint an independent person like your lawyer, your accountant, or a trustee company.

Whatever your decision, it is important to choose your donee very carefully. It should be someone you can trust to always act in your best interests. If you make a Power of Attorney with no conditions, your donee can sell, mortgage, or give away

all that you own. Ideally, you should choose a trusted family member or friend who is capable of handling financial matters and knows your affairs.

However, be sure that the person you choose has the time and ability to carry out the duties of a donee. Being a donee can be a complex, time-consuming job, and sometimes it can include responsibilities that last for years. You should always discuss the role with the person in advance so that they know what is involved with the job. Your donee should be able and prepared to keep careful records and to obtain financial and legal advice for the more difficult matters.

Remember that you can nominate more than one donee if you like. If you choose to have two or more people, you can specify that they act jointly (all donees must make financial decisions on your behalf and sign any financial documents together) or jointly and severally (either of the donees can make financial decisions on your behalf or sign financial documents independently of each other). If you want to appoint more than one donee, there is a place on the form where you can select in which of these ways you want them to operate.

If you decide to have more than one donee, make sure you choose people who will work well together.

Powers and duties of a donee

As a general rule, a donee can do anything the donor can do, except things a donor must do personally such as marrying, voting or making a will.

For example, a donee has the power to:

- Enter into contracts for goods and services;
- Buy, sell, rent, lease and invest in property;
- Operate bank accounts and borrow money; and
- Commence and defend legal proceedings.

You may wish to provide conditions or instructions in your Enduring Power of Attorney to guide your donee. See 'Safeguarding my interests' on page 14 for more information about possible conditions.

Duties and obligations of the donee

A donee is a representative of the donor and should where possible make financial decisions that are consistent with known wishes and instructions of the donor.

A donee has an absolute and unconditional duty to always act in the best interest of the donor. It is an offence to act against the interests of the donor [Powers of Attorney and Agency Act 1984 (SA) – section 7].

Other duties and responsibilities of a donee:

- The donee must always make decisions in the best financial interest of the donor.
- The donee must find out the financial obligations, income and assets of the donor.
- The donee must pay the donor's bills and accounts when they fall due from the donor's money.
- If the donor has insufficient funds to pay for any debts, then the donee should inform the creditors of the donor's financial circumstances as soon as reasonably practical.
- The donee may have to sell property on behalf of the donor to fund the cost of a nursing home. Before selling any real estate, the Power of Attorney must be lodged at Land Services SA. See 'Do I have to register the Power of Attorney anywhere?' on page 20.
- The donee must keep and preserve accurate records and accounts of all dealings and transactions in the exercise of their power. Failure to do so is an offence [Powers of Attorney and Agency Act 1984 (SA) – section 8].

Powers and duties of a donee

What the donee must not do

A donee cannot be paid for work done on behalf of the donor, except for any out-of-pocket expenses directly connected with carrying out the Power of Attorney, such as travel expenses. The donee must retain receipts for these expenses.

A donee does not have any right to claim part of the donor's estate before they die. A donee cannot prematurely distribute bequests under the donor's will or change a donor's will.

A donee must therefore not be seen to be 'preserving' any anticipated inheritance to the detriment of the donor. For example, if the donor's house is required to be sold to meet the donor's debts, then it should be sold even if the house has been promised to the donee under the donor's will.

A donee cannot authorise any health care or medical treatment under the Power of Attorney. An advance care directive may provide for who may make those decisions. If the donor does not have an advance care directive in place, the normal medical consent laws would apply.

If a donee acts improperly, the donee can be held personally and criminally liable for any losses caused. This means that a donee may have to pay back any monies lost by the donor.

Safeguarding my interests

You should always be careful when giving someone the power to act on your behalf. It may be difficult for you to know whether your donee is acting improperly or against your interests. This is particularly so if you lose legal capacity.

It is an offence for a donee to misuse a Power of Attorney by acting against your interests. However, no one is responsible for checking that donees are doing their job properly.

Remember - if you make a Power of Attorney with no conditions, the donee can sell, mortgage or give away all that you own.

The following suggestions may help you safeguard your interests:

- Let other people know who your donee/s is/are.
- If practical, appoint more than one person to be your attorney and require that they act jointly.
- You may wish to make it a condition of your Enduring Power of Attorney that you or someone other than your donee (for example, another family member) must receive regular copies of your account statements from your financial institution and regular reports of work done by the donee.
- You may wish to make it a condition of your Enduring Power of Attorney that your affairs are independently audited every year and that you or someone else receive copies of the audited accounts. Remember that there will be a cost involved in doing this.
- You may wish to limit the donee's power to deal with major assets such as your home. For example, it could be a condition of your Enduring Power of Attorney that your donee cannot sell or mortgage your home. If you do this, be aware that it could make it difficult to arrange other accommodation for you.
- If you choose to make your Enduring Power of Attorney come into legal effect only in the event that you lose legal capacity, you may wish to make it a condition of your Enduring Power of Attorney that this must be certified in writing by a qualified medical practitioner.

If you do not understand something in this kit, seek legal advice. See the 'Contact list' at the end of this kit.

Ending an Enduring Power of Attorney

How long does it last?

An Enduring Power of Attorney lasts until you die unless:

- you decide to revoke it;
- an administrator appointed by SACAT revokes it;
- the Supreme Court revokes it;
- your donee/s, die.

If you have a will in place when you die, the donee/s should provide all financial records and accounts to the executor of your estate.

Can I revoke it?

Yes, but you can only revoke an Enduring Power of Attorney while you still have legal capacity.

You must write to your donee/s to tell them that the Power of Attorney has been revoked. There is more information about revoking an Enduring Power of Attorney as well as a step-by-step guide on completing the revocation form (Form RP approved by the Registrar-General) on page 30.

You should give a copy of this revocation form to the donee/s and ask them to return any Power of Attorney forms signed by you. It is also a good idea to notify your bank or building society or any other relevant group, such as a share register, of the revocation. Remember that your donee/s' actions will be binding on you until they are notified that their power has been revoked.

If you have lodged the Power of Attorney at Land Services SA, you must also lodge the revocation form there.

Can the donee stop being a donee?

A donee must continue to act for you if you lose legal capacity. In this circumstance, a donee cannot give up the power without the permission of the Supreme Court.

If a donee simply stops managing your legal and financial affairs, they run the risk of being personally liable for any financial losses incurred by your estate.

In some circumstances, a donee could apply to the South Australian Civil and Administrative Tribunal (SACAT) after you have lost legal capacity to appoint an administrator instead. The administrator could then revoke the Enduring Power of Attorney.

Any member of the family or any other interested party may also apply to SACAT for an administrator to be appointed. This normally occurs when there is some concern about the donee's management of your finances.

The Supreme Court can revoke the Power of Attorney if you did not have legal capacity when it was signed, or because it is being improperly administered, for example, if the donee is not acting in your best interests.

Create an Enduring Power of Attorney

5

Forms and witnessing

To create an Enduring Power of Attorney, you can fill in one original Enduring Power of Attorney form (Form P2 approved by the Registrar-General), and then make a certified copy for each donee.

For example, if you appoint two donees you should fill out one original form and make two copies. A photocopy can be used if it is certified by a Justice of the Peace or lawyer that it is a true copy of the original document. You may wish to keep the original copy and then give each of your donees a certified copy.

Note that, if you are lodging the Power of Attorney at Land Services SA, you will need to show the original document.

Who can sign the form as a witness?

To have legal effect, an Enduring Power of Attorney must be witnessed by a person authorised by law to take affidavits.

In South Australia, an authorised witness includes a lawyer and Justices of the Peace (JP). Your donee/s cannot be a witness.

The authorised witness must be satisfied that you are making the Power of Attorney of your own free will and that you understand the nature and effect of the document.

You can find a JP by visiting the Justice of the Peace service page on the SA Attorney-General's website www.agd.sa.gov.au or you can call Justice of the Peace Services at Consumer and Business Services on 131 882.

If you wish to complete a Power of Attorney form outside of South Australia, it must be witnessed by a person authorised by law to take an affidavit at that location. As a general rule, a lawyer or a Justice of the Peace in another State is able to witness a South Australian Power of Attorney.

Does the donee's signature need to be witnessed?

No. The acceptance of a Power of Attorney by a donee does not need to be witnessed. The person being appointed simply signs the Form of Acceptance.

Forms and witnessing

Does the donee need to sign at the same time as I do?

Although it is not a requirement that the donor and donee sign at the same time, it is advisable for the donee to sign the acceptance within a reasonable time.

Do I have to register the Power of Attorney anywhere?

You do not have to register your Enduring Power of Attorney anywhere. Once it is completed it is a legal document and able to be used. However, before your donee/s can deal with your real estate, the Power of Attorney must be lodged at Land Services SA. It does not have to be lodged immediately, it need only be lodged if the necessity to deal with real estate arises. However, if your donee/s wait until you lose legal capacity to lodge it and it is misplaced or proves to be unacceptable for any reason, there is then no way you can make another.

If you own shares, a Power of Attorney may have to be lodged with the share register, but you should make enquiries with the registers concerned.

How do I lodge a Power of Attorney with Land Services SA?

It is only necessary to lodge the Power of Attorney if the donee/s must buy or sell real estate in the name of the donor. The last page of the Enduring Power of Attorney is a lodgement form for Land Services SA.

You must take both the original Power of Attorney form and a general photocopy to Land Services SA. Land Services SA will check the copy against the original and then keep the copy and return the original to you. A fee is payable for lodgement.

Completing the form – step by step

The following pages will show you, the donor, how to fill in the form (Form P2 approved by the Registrar-General) to create an Enduring Power of Attorney. Simply follow the instructions numbered on the sample form. If you purchased the hard copy of this kit, then you can find blank forms inside the back cover.

If you are accessing the online version of this kit, then you can obtain these blank forms:

- in hard copy from any ServiceSA centre or through the online shop for a small fee at www.shop.service.sa.gov.au; or
- online from the Land Services SA website at www.landservices.com.au/land-division/fees,-guides-and-forms/forms-and-guidance-notes.

Type or fill out the form in black or blue pen so nothing can be erased or changed. Write clearly and use BLOCK LETTERS so the form can be easily understood.

Please note that while the form can be used to make an Enduring Power of Attorney for more than one donor, this is not a common practice.

It is strongly suggested that each person giving a Power of Attorney complete their own.

This will reduce the difficulties that could occur should there be a death of one party or a dispute between donors, or donees and donors.

If you cross out anything on the form, you and the witness should initial and date these crossings.

Completing the form – step by step

1

Fill in your full name and address. Do not use abbreviations. For example, write 'STREET' not 'St' and write in full 'SOUTH AUSTRALIA', not 'SA'.

2

Print the full name/s and address/es of the person/s who will be your donee/s. Again, do not use abbreviations.

3

Read the information titled 'Who can I appoint as my donee?' in this kit. If you want the donees to act **jointly**, cross out the words 'JOINTLY AND SEVERALLY'. Alternatively, if you wish your donees to act **jointly and severally**, cross out the word 'JOINTLY'. If there is only one donee, cross out 'JOINTLY/ JOINTLY AND SEVERALLY', so you leave 'TO BE MY ATTORNEY(S)'.

4

This is to declare from when you would like the power to operate. Your donee/s can use the document from either:

- A. the date the document is signed, or
- B. when you lose legal capacity.*

* Please note that there can sometimes be complications as to when you in fact lose legal capacity. For example, it may be that you are physically incapacitated because of a paralysis, but legally you are still competent to make decisions and can still communicate in some way. In this case, the power would not be effective if you chose option B. Option A would cover every eventuality, including when you travel overseas.

5

This is where you can write in any instructions or conditions on the Enduring Power of Attorney. See the 'Safeguarding my interests' section in this kit for possible conditions. If you would like to write in any instructions or conditions, it is recommended you seek legal advice. The choice is yours and it will depend on your needs.

After you have completed any wording in 5 you will need to cross out the rest of the page so no alterations can be made. This is done by ruling a 'Z' as shown, both on the remainder of page one of the form and through page two of the form. You and the witness should initial the beginning and end of the crossing.

6

This is the date the document is signed.

7

Remember to cross out 'we' and cross the 's' off 'Donor/s' if necessary.

A. Fill in the date the document is signed.

B. You sign here.

C. The witness signs here, and usually prints their full name and title.
(See the 'Who can sign the form as a witness?' section of this kit).

8

This is the part of the form where your donee/s sign to accept the Enduring Power of Attorney.

A. Write the full names of all donee/s.

B. The donee/s sign the document and write the date it was signed.

9

This page is mostly for office use by Land Services SA if the document is deposited with them for the purpose of dealing with real estate.

You do not have to fill out anything on this page.

ENDURING POWER OF ATTORNEY

(Pursuant to section 6 of the Powers of Attorney and Agency Act 1984)

PRIVACY COLLECTION STATEMENT: The information in this form is collected under statutory authority and is used for maintaining publicly searchable registers and indexes. It may also be used for authorised purposes in accordance with Government legislation and policy requirements.

DONOR(S) (Full name and address)

1 JOAN CITIZEN
15 BLACKS ROAD
ADELAIDE 5000 SOUTH AUSTRALIA

DO HEREBY NOMINATE CONSTITUTE AND APPOINT

DONEE(S) (Full name and address)

2 PETER FRED CITIZEN
9 RED ROAD, ADELAIDE 5000 SOUTH AUSTRALIA
AND
RUTH LEE SMITH
21 WHITE STREET, NORWOOD 5067 SOUTH AUSTRALIA

LB JP
JC

3 (*Delete the inapplicable) ~~JOINTLY~~ / *JOINTLY AND SEVERALLY TO BE MY ATTORNEY(S)

I DECLARE THIS POWER TO BECOME EFFECTIVE (*Delete the inapplicable)

4 *UPON THE EXECUTION OF THIS DEED AND REMAIN EFFECTIVE NOTWITHSTANDING THAT I MAY SUFFER ANY
SUBSEQUENT LEGAL INCAPACITY.

JC LB JP

*ONLY IN THE EVENT OF MY SUFFERING ANY SUBSEQUENT LEGAL INCAPACITY.

B

AND I AUTHORISE MY ATTORNEY(S) TO DO ON MY BEHALF ANYTHING I CAN LAWFULLY DO BY AN ATTORNEY

THIS AUTHORITY IS SUBJECT TO THE FOLLOWING CONDITIONS, LIMITATIONS OR EXCLUSIONS:

(If none show "Not Applicable")

5 MY LEGAL INCAPACITY MUST BE CERTIFIED IN
WRITING BY A QUALIFIED REGISTERED MEDICAL
PRACTITIONER.

JC LB JP

LB JP
JC

5

JC LB JP

LB JP
JC

6 DATED 1ST MARCH 2022

EXECUTION

IN WITNESS WHEREOF I/~~We~~ the Donor(~~s~~) have hereto set my/~~our~~ hand and seal

A DATED 1ST MARCH 2022

SIGNED BY THE DONOR(~~s~~) AS A DEED

B Joan Citizen

(Signature of Donor(~~s~~))

IN THE PRESENCE OF JP NO 1234 **A Justice of the Peace**
Lucy Brown JP **For the State of South Australia**

(Witnessed by a person authorised at law to take affidavits).

FORM OF ACCEPTANCE

I/~~We~~

PETER FRED CITIZEN
AND RUTH LEE SMITH

A

the person(s) appointed to be the donee(s) of the power of attorney created by the instrument on which the acceptance is endorsed accept the appointment and acknowledge:

- a) that the power of attorney is an enduring power of attorney and as such may be exercised by me/us not withstanding any subsequent legal incapacity of the donor or in the event of any subsequent legal incapacity of the donor

AND

- b) that I/~~We~~ will, by accepting this power of attorney, be subject to the requirements of the *Powers of Attorney and Agency Act 1984*.

SIGNED P. F. Citizen DATED 7/3/2022

SIGNED Ruth Lee Smith DATED 7/3/2022

B

SIGNED..... DATED.....

SIGNED..... DATED.....

LANDS TITLES REGISTRATION OFFICE

SOUTH AUSTRALIA

ENDURING POWER OF ATTORNEY

FORM APPROVED BY THE REGISTRAR-GENERAL

SERIES NO	PREFIX
	PA

AGENT CODE

LODGED BY:

CORRECTION TO:

SUPPORTING DOCUMENTATION LODGED WITH APPLICATION
(COPIES ONLY)

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

CORRECTION	ENTERED
------------	---------

DELIVERY INSTRUCTIONS (Agent to complete)
PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE
UNDERMENTIONED AGENT(S)

ITEM(S)	AGENT CODE

(*Delete the inapplicable)

*DUPLICATE
*ATTESTED PHOTOCOPY

DEPOSITED

DATED.....

.....
REGISTRAR-GENERAL

Checklist and next steps

Checklist

- ☐ Have I written in my full name and address?
- ☐ Have I signed the document in front of an authorised witness?
- ☐ If I have made any changes or crossings, are they initialled by my witness and I?
- ☐ Have I written in the full names and addresses of my donee/s?
- ☐ Have I arranged for my donee/s to sign?
- ☐ If a photocopy is used as a duplicate, has it been certified to be a true and correct copy?

What words does a donee use when signing on my behalf?

A document could be signed something like “Ruth Smith, as attorney for Joan Citizen”.

What next?

Make sure you have a completed or certified a form for each of your donee/s, and that they ensure the form is kept in a safe place so it can be produced as necessary. Most financial institutions such as banks will take a photocopy of the document for their records. Remember that the original form must be lodged with Land Services SA in order to deal with real estate.

If you have purchased the hard copy of this kit, you can complete the small card provided with it and place it in your wallet. In emergency situations, this card will alert people to who your appointed donee/s are and how they can be contacted.

If I change my name or address, do I have to change the form?

No. As long as you give the correct details at the time, that is sufficient. If the Power of Attorney has been lodged with Land Services SA, you can notify them by letter (Land Services SA may then require other appropriate evidence).

Revoking an Enduring Power of Attorney

6

Completing the form – step by step

The following pages will show you how to fill out a 'Revocation of Power of Attorney' form (Form RP approved by the Registrar-General). This can be used to revoke either a General or Enduring Power of Attorney. Remember that you can only revoke an Enduring Power of Attorney if you have legal capacity.

This form has been drawn up for specific use by Land Services SA. It formally notifies them that a Power of Attorney that has been lodged with them is now revoked. However, it is also necessary to revoke any Power of Attorney in writing to your donee/s. Therefore, it is suggested this form can be completed and sent to donee/s as a formal notice of revocation, regardless of whether the Power of Attorney was lodged with Land Services SA.

You should lodge the revocation form at Land Services SA as soon as possible if a Power of Attorney has been lodged with them.

Type or fill out the form in black or blue pen so nothing can be erased or changed. Write clearly and use BLOCK LETTERS so the form can be easily understood.

1

Clearly print the deposited Power of Attorney number. If you are uncertain what this is, contact Land Services SA for help. (See the 'Contact list' at the end of this kit). The number is only available if the Power of Attorney has been lodged with Land Services SA. If this has not happened, print 'NOT APPLICABLE'.

2

Clearly print your name and address, making sure not to use any abbreviations. For example, write 'STREET' not 'St', 'SOUTH AUSTRALIA' not 'SA'.

3

Write clearly the full names and addresses of all the donees, again not using any abbreviations.

4

This is the date the document is signed.

5

This is where you sign.

6

The witness signs here and prints their full name and address. The witness can be any disinterested adult. This means that they are not related to you or affected by your Enduring Power of Attorney. They do not have to hold any special position.

7

This page is mostly for use by Land Services SA if the Power of Attorney has been lodged with them for the purpose of dealing with real estate.

You do not have to fill out anything on this page.

REVOCATION OF POWER OF ATTORNEY

PRIVACY COLLECTION STATEMENT: The information in this form is collected under statutory authority and is used for maintaining publicly searchable registers and indexes. It may also be used for authorised purposes in accordance with Government legislation and policy requirements.

1 POWER OF ATTORNEY BEING REVOKED: 9364567

DONOR(S) (Full name and address)

2 JOAN CITIZEN
15 BLACKS ROAD
ADELAIDE 5000
SOUTH AUSTRALIA

HEREBY FULLY REVOKE THE SAID POWER OF ATTORNEY GIVEN BY ME TO

DONEE(S) (Full name and address)

3 PETER FRED CITIZEN AND RUTH LEE SMITH
9 RED ROAD ADELAIDE 21 WHITE STREET ADELAIDE
5000 SOUTH AUSTRALIA 5000 SOUTH AUSTRALIA

4 DATED 7TH MARCH 2023

EXECUTION

5 SIGNED IN MY PRESENCE Joan Citizen (Donor(s) to sign)

6 BY THE DONOR(S) MARTIN ROBBINS (Witness to sign)

MARTIN ROBBINS (Witness printed name)

25 NOWHERE ROAD (Witness address)

GLANDORE 5037

SOUTH AUSTRALIA

LANDS TITLES REGISTRATION OFFICE
SOUTH AUSTRALIA
**REVOCATION OF POWER OF
ATTORNEY**
FORM APPROVED BY THE REGISTRAR-GENERAL

7

SERIES NO	PREFIX
	RP

AGENT CODE

LODGED BY:

CORRECTION TO:

SUPPORTING DOCUMENTATION LODGED WITH APPLICATION
(COPIES ONLY)

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....

CORRECTION	ENTERED

POWER OF ATTORNEY NO

IS REVOKED

FILED THIS.....

.....
REGISTRAR-GENERAL

Checklist and next steps

Checklist

- ☐ Have I written in my full name and address?
- ☐ Have I signed the document in front of an appropriate witness?
- ☐ If I have made any changes, are these initialled by my witness and I?

What next?

Send a copy of this form to all donees.

Lodge this form at Land Services SA if the Enduring Power of Attorney has been lodged with them. A fee is payable for lodgement. You should also provide a copy of this form to anyone who has an interest in your legal or financial affairs, for example your bank or building society or share register. This should be done as soon as possible, as your donees' actions will be binding on you until they are notified that their power is revoked.

Contact list

7

Where to get help

Legal Services Commission SA

Free Legal Helpline 1300 366 424

www.lsc.sa.gov.au

www.lawhandbook.sa.gov.au

- **Adelaide Office**
159 Gawler Place, Adelaide SA 5000
Telephone 8111 5555
- **Elizabeth Office**
Suite 2 Windsor Building
1 Windsor Square (off Playford Boulevard)
Elizabeth Shopping Centre
Elizabeth SA 5112
Telephone 8111 5400
- **Noarlunga Office**
Noarlunga House
Colonnades Shopping Centre
Noarlunga Centre SA 5168
Telephone 8111 5340
- **Port Adelaide Office**
263 St Vincent Street, Port Adelaide SA 5015
Telephone 8111 5460
- **Port Augusta Office**
34 Flinders Terrace, Port Augusta SA 5700
Telephone 8686 2200
- **Whyalla Office**
17A Forsyth Street, Whyalla SA 5600
Telephone 8620 8500

Public Trustee

211 Victoria Square, Adelaide SA 5000

Telephone 8226 9200

Toll Free 1800 673 119

www.publictrustee.sa.gov.au

Office of the Public Advocate

211 Victoria Square, Adelaide SA 5000

Telephone 8342 8200

Toll Free 1800 066 969

opa@agd.sa.gov.au

www.opa.sa.gov.au

South Australian Civil and Administrative Tribunal (SACAT)

Level 4, 100 Pirie Street, Adelaide 5000

Telephone 1800 723 767

sacat@sacat.sa.gov.au

www.sacat.sa.gov.au

Land Services SA

Level 9, 101 Grenfell Street, Adelaide SA 5000

Telephone 8423 5000

Toll Free 1800 648 176

customersupport@landservices.com.au

www.landservices.com.au

Service SA

Telephone Orders 13 10 84

www.service.sa.gov.au

For locations and opening hours please visit
the Service SA website or phone 13 10 84

