

WOLLERMAN SHACKLOCK LAWYERS

Your voice through our values of equality, respect and integrity.

Information for witnesses

You may be asked to act as witness for a person completing:

- an enduring power of attorney appointment
- a supportive attorney appointment
- an advance care directive
- appointment of medical treatment decision maker
- appointment of support person.

Witnesses must certify that the person making the appointment has decision-making capacity to do so, and that they acted freely and voluntarily.

If a person cannot physically sign the form

If the person has decision-making capacity to make the document but cannot physically sign the form, another person can sign the form at their direction and in their presence. This person must be over the age of 18 years, not a witness and not someone being appointed. There is a specific witnessing page for this.

Who can be a witness?

Click on the name of the document below for who can be a witness.

Enduring Power of Attorney

Two witnesses are required when a person makes an enduring power of attorney. The witnesses both need to be over the age of 18 years.

One witness must be:

- someone authorised to witness affidavits; or
- a medical practitioner.

In addition, both witnesses must:

- not be an attorney under the enduring power of attorney

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- not be a relative of the principal (the person making the enduring power of attorney) or relative of an attorney (the person or people appointed by the principal)
- not be a care worker or accommodation provider for the principal.

Supportive Attorney Appointments

Two witnesses are required. Both must be 18 years of age or older and one must be someone authorised to witness statutory declarations.

Both witnesses must:

- not be a supportive attorney under the appointment
- not be a person who is signing at the direction of the principal (because the principal is unable to physically sign the enduring power of attorney themselves).

In addition, one witness must:

- not be a relative of the principal or relative of the supportive attorney and
- not be a care worker or accommodation provider for the principal.

Advance care directive

For an advance care directive, two adult witnesses are required.

One must be a registered medical practitioner.

Neither witness can be an appointed medical treatment decision maker for the person.

Appointment of medical treatment decision maker

For an appointment of medical treatment decision maker, two adult witnesses are required.

One must be:

- a registered medical practitioner or
- authorised to witness affidavits.

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Neither witness can be a person who is being appointed in the document.

Advance care directive

For an advance care directive, two adult witnesses are required.

One must be a registered medical practitioner.

Neither witness can be an appointed medical treatment decision maker for the person.

Reference:

<https://www.publicadvocate.vic.gov.au/power-of-attorney/advice-for-witnesses>