

ENDURING POWERS OF ATTORNEY

1069. Hon TJORN SIBMA to the parliamentary secretary representing the Attorney General:

My question is from 31 August and I hope the parliamentary secretary has it with him.

Hon Matthew Swinbourn: I imagine I do.

Hon TJORN SIBMA: Splendid! It is question 1095, by the way, just to be helpful.

Hon Matthew Swinbourn: I have got it.

Hon TJORN SIBMA: Fantastic!

I refer to the use of enduring powers of attorney documents in Western Australia.

- (1) Can the Attorney General estimate the number of such documents that are presently active within this jurisdiction?
- (2) Can the Attorney General advise how the revocation of such documents is recorded within this jurisdiction?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. The following answer has been provided by the Attorney General.

- (1) Enduring powers of attorney are private documents that the maker is not required to register in Western Australia. People making an EPOA can, if they choose, lodge their EPOA with Landgate. People may also choose to lodge copies with relevant financial institutions. As per the response to question 961, the Standing Council of Attorneys-General is deliberating on the development of a national register and the options will need to be considered by cabinet once SCAG has made a decision. The Department of Justice is currently working on scoping a state-based register in the event a national register of enduring powers of attorney is not developed.
- (2) To revoke an EPOA, the maker must have full legal capacity and revocation is not in effect until the attorney has been advised by the maker that the EPOA is revoked. That is not the attorney general, by the way; that is the attorney under the EPOA. The Public Advocate recommends that the maker give written notification of the fact they are revoking their enduring power of attorney to all attorneys and substitute attorneys, any financial institutions where the EPOA has been lodged and any other people or organisations who have been given a copy of the EPOA. Landgate has specific requirements for the revocation of an EPOA that has been lodged with Landgate.