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## A GENERAL POWER OF ATTORNEY

### AN INTRODUCTION

A Power of Attorney is a document that appoints and authorises a person, the attorney, to act on behalf of another person or company, the principal. The power can be:

- To act generally on the principals behalf, or
- To act in a specific manner, such as within a certain area, for a particular time or for a specific purpose.

A Power of Attorney is advisable to be given in many circumstances. They include:

- If you are planning a long overseas trip and you need a trusted person to run your affairs at home.
- If you are bedridden or physically incapacitated.
- If you require someone to manage your affairs for a limited time or for a limited purpose.

If you are uncertain about your future mental capacity, and you wish somebody to manage your affairs if you unable to do so, then you should consider an **Enduring Power of Attorney**. This must be witnessed by and certified by a solicitor who explains it to you.

The person who is made an Attorney must act in good faith and must tell the principal about any conflict of interest. They cannot delegate their powers to another person unless the Power of Attorney authorises them to do that. Unless there are restrictions within the Power of Attorney, then they will have the same capacity to act on behalf of the principal as the principal themselves. In other words, they can do anything that you can do in managing your own finances, assets or property.

Powers of Attorney are generally registered, both so that they can be more easily proven, and also because under the *Conveyancing Act* they must be registered if they are going to affect land. There is a fee (currently \$136.30) for the registration of the Power of Attorney.

In order to revoke or end the Power of Attorney that has been registered, then the revocation must be in writing and can be from either the principal or the Attorney. A further registration fee does apply. However anything done by the Attorney on behalf of the principal before they receive notice of the revocation will be valid.

**Martin Bullock Lawyers** provides Powers of Attorney for their clients very quickly and at reasonable rates. We recommend a General Power of Attorney if you will be require someone else to manage your affairs in the future, possibly because you are leaving the state or country, or an Enduring Power of Attorney if you wish someone else to manage your affairs in the future due to any possible mental incapacity.

Principal: **Greg Martin B.A LL.B**  
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