

Antippa Lawyers

since 1961

DUTIES OF ATTORNEYS

Foreword:

This brochure is a basic guide of the duties of Attorneys who are appointed under an enduring Power of Attorney. ANTIPPA LAWYERS can guide you with the details.

INTRODUCTION

The Powers of Attorney Act 2014 (Vic) (the 'Act') allows Principals to make a consolidated enduring power of attorney ('EPoA') for financial and for personal matters. Financial or property matters include establishing an investment. Personal or lifestyle matters include where a person lives. A separate Medical treatment power of attorney is required to assist someone who may experience medical needs.

DUTIES

An Attorney appointed under an EPoA must:

1. Act honestly, diligently and in good faith;
2. Exercise reasonable skill and care;
3. Not use the position for personal profit;
4. Avoid acting where there is or may be a conflict of interest;
5. Must keep the Attorney's property separate from the Principal's property, except for jointly owned property;
6. Not disclose confidential information and
7. Keep accurate records and accounts as required.

An enduring Attorney is not entitled to remuneration unless authorised by the

EPoA or by the Victorian Civil and Administrative Tribunal ('V.C.A.T.').

QUERIES

An application can be made to the V.C.A.T. to clarify, consider or determine issues relating to conflicts, permissions and validity

TO ACT IN THE BEST INTEREST OF THE PRINCIPAL

It is an indictable offence for an individual to obtain a financial advantage for that person or another person or cause loss to the Principal or another person. This is punishable by up to 5 years' imprisonment or a fine of \$91,000 or both.

FURTHER READING

<http://www.antippa.com.au>

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