

4.9 Witnessing general powers of attorney, enduring powers of attorney and advance health directives

General powers of attorney

What is a general power of attorney?

A general power of attorney (GPA) is a formal agreement in which a person grants a person they trust (the attorney) the power to make decisions on their behalf about financial matters.

The person making the GPA is called the principal.

The principal can only grant this power if they have the capacity to make that decision for themselves.

If the GPA is made under the *Powers of Attorney Act 1998* (the POA Act), it must be in the approved *Form 1 – General Power of Attorney*. Only the principal and a witness sign this form.

GPA's can be made in other forms, such as by deed or under common law. Individuals or corporations can also make GPA's.

Sometimes the GPA specifies a time or a circumstance when the attorney can begin to make decisions on the principal's behalf. Unless this is specified in the GPA, the power begins as soon as the GPA is signed.

Generally, a GPA for an individual may be revoked (cancelled) if the:

- principal dies
- terms of the GPA provide for its revocation
- principal revokes it – for example by signing a *Form 5 – Revocation of General Power of Attorney*
- principal has impaired capacity for financial matters.

A GPA may also be revoked, to the extent that it gives power to an attorney, if the attorney:

- dies
- resigns
- does not have capacity for the matter for which they have been appointed
- is declared bankrupt – to the extent it gives power for financial matters to the attorney.

Why would someone make a GPA?

A person may decide to make a GPA for the following reasons:

- they want someone to handle their financial affairs while they are absent
- they are travelling overseas for an extended period
- companies also regularly use GPA's to authorise particular people to sign documents for the company.

Who can witness a GPA?

Generally, any independent adult may witness a GPA (i.e. the witness does not have to be a JP or Cdec). However, if the GPA is required to be registered under the *Land Title Act 1994* (LTA) with the Titles Registry Office so it can be used for a land transaction, section 161 of the LTA requires the GPA to be witnessed by certain qualified witnesses, including JPs and Cdecs as outlined in chapter 4.11.

Some people consider having a GPA witnessed by a JP or Cdec adds legal weight to the document and may therefore request you to witness it even though it is not strictly required.

If you are asked to witness a GPA, follow the general procedure for witnessing documents as outlined in chapter 4.1.

Enduring documents – enduring powers of attorney and advance health directives

This section should be read in conjunction with:

- *Queensland Capacity Assessment Guidelines 2020* (capacity guidelines)
- *Form 9 – Enduring power of attorney explanatory guide* (EPA guide)
- *Form 10 – Advance health directive explanatory guide* (AHD guide).

Enduring powers of attorney

What is an enduring power of attorney?

An enduring power of attorney (EPA) is a legal document which allows a person to appoint a person they trust (the attorney) to make decisions on their behalf about personal (including health) matters and/or financial matters.

The person making the EPA is called the principal.

The approved *Form 2 – Enduring Power of Attorney – short form* (EPA short form) or *Form 3 – Enduring Power of Attorney – long form* (EPA long form) must always be used.

Subject to its terms, an EPA may continue even if the principal has impaired capacity for the matter.

An attorney may be appointed under an EPA to make decisions about:

- personal (including health) matters only
- financial matters only
- personal (including health) matters and financial matters.

The terms of the EPA set out the types of decisions which an attorney can make.

Personal matters relate to the principal's care and welfare, for example:

- where they live and who they live with
- services and supports provided to them
- whether they work and, if so, their role, their workplace location and employer
- who they have contact with
- whether they apply for a license or permit
- day to day issues (e.g. diet and dress, daily activities)
- legal matters (e.g. seeking legal advice) other than financial or property matters.

Health care is a type of personal matter. Decisions about health matters relate to the principal's health care including medical treatments, procedures and services to treat both physical and mental conditions. Most commonly, decisions about health matters are about consenting to or refusing health care.

For example, health decisions might include deciding whether or not to go to hospital, to have surgery, or to take a medication.

When the principal is nearing the end of their life, health care also includes stopping treatments aimed at keeping them alive or delaying their death (life-sustaining treatments).

Financial matters relate to the principal's finances and property, for example:

- paying everyday expenses, such as rent and bills for electricity, gas and water
- arranging deposits or withdrawals from their bank account
- paying rates, taxes, insurance premiums or other outgoings for their property
- making or seeking advice about investment decisions
- seeking legal advice in relation to their financial or property matters
- carrying on a business or trade
- signing contracts on their behalf and performing contracts they have entered into (e.g. signing agreements relating to aged care homes)
- selling, mortgaging or purchasing their property.

When can an attorney begin making decisions?

An attorney appointed by an EPA can only start to make decisions as an attorney when:

- the attorney has signed the Attorney(s) acceptance in section 5 of the EPA
- for personal matters – during times when the principal does not have capacity to make decisions about the matters the attorney is appointed for
- for financial matters – unless the principal has specified under section 3 *'When does your attorney(s) power begin for financial matters?'*, decisions can be made as soon as the EPA is signed.

What terms or instructions can a principal give to their attorney(s)?

A principal can set terms on how their attorney(s) are required to make decisions and/or give specific instructions that their attorney(s) must follow.

The following are some examples of terms or instructions a principal may place on their attorney(s).

For personal (including health) matters:

- My attorney can make all decisions about personal matters except for decisions about the friends and family members I have contact with.
- I do not consent to my children or their families living in my home, with or without me.

For financial matters:

- My attorney is not to sell my house unless they have exhausted all other options to pay for my aged care accommodation and services.
- My attorney must not make any investments with my money.

Who can make an EPA?

To make an EPA, the principal must be at least 18 years old and have capacity to understand the EPA they are signing and the powers it gives. They must also be capable of making the EPA freely and voluntarily, not due to pressure from someone else. To find out more about the capacity to make an EPA, see the capacity guidelines.

Why would someone make an EPA?

An adult with decision-making capacity, can make their own decisions about personal, health or financial matters.

At any point in life, situations can arise where someone is unable to make their own decisions about these matters. This might be because of an accident, a medical condition or a mental illness. An EPA allows them to appoint people they trust to make decisions for them if they are unable to. It is a legal document that can significantly affect their legal rights. It is recommended they seek independent legal advice before completing an EPA form.

Who can a principal appoint as their attorney under an EPA?

To be eligible to be an attorney, a person must:

- have capacity to make the decisions they are appointed for
- be 18 years or older
- not be a paid carer or have been a paid carer in the last three years for the principal
- not be a health provider for the principal
- not be a service provider for a residential service where the principal lives
- not be bankrupt or taking advantage of the laws of bankruptcy, if appointed for financial matters.

An attorney does not have to be a lawyer to carry out this role.

How many attorneys can a principal appoint under an EPA?

There is no limit on the number of attorneys a principal can appoint in an EPA but can only appoint a maximum of four joint attorneys for a matter (i.e. they can only appoint a maximum of four people who must agree on all decisions).

Having more than one attorney may be helpful, as it means more than one person may be able to make decisions for them if needed. If one of their attorneys is unavailable, another attorney could make the decision.

Examples of joint attorneys:

- The principal appoints their spouse and four children and then specifies their spouse is appointed first and their children will become appointed jointly if their spouse is unwilling or unable to act.
- The principal appoints four people to act jointly for financial matters and another four people to act jointly for personal matters.

If the principal does appoint more than one attorney, they need to decide how those attorneys exercise their power (e.g. jointly, severally, by a majority, successively or alternatively) – see '*How must your attorneys make decisions?*' in the EPA guide for more information.

If they need more space to appoint additional attorney(s), they can attach another page with those details to the form. See '*How to add additional pages*' in the EPA guide for more information on how to do this.

It is recommended *Form 8 – Additional page* be used to insert additional pages.

Advance health directives

What is an advance health directive?

At some point in the future, a person may be unable to make decisions about their health care and special health care, even temporarily. This might be due to an accident, dementia, a stroke or a mental illness.

An advance health directive (AHD) lets a person give directions about their future health care. It allows their wishes to be known and gives health professionals direction about the treatment they want.

The person making the AHD is called the principal.

The principal can also use an AHD to appoint someone they trust to make decisions about their health care for them. That person is called their attorney and they can appoint more than one if they choose. They don't need any legal experience to carry out this role.

Who can make an AHD?

To be eligible to make an AHD, the principal must:

- have capacity to understand the document they are signing and the powers it gives
- be 18 years or older
- not pressured into making it by someone else.

To find out more about capacity to make an AHD see the capacity guidelines.

When will an AHD be used?

An AHD can be used only during times when the principal does not have capacity to make their own healthcare decisions.

Having capacity to make a decision for a health care matter means they are capable of:

- understanding the nature and effect of decisions about the matter
- freely and voluntarily making decisions about the matter
- communicating the decisions in some way.

For more information about capacity to make a decision for a health care matter, refer to the capacity guidelines.

Who can a principal appoint as their attorney under an AHD?

To be eligible to be an attorney a person must:

- have capacity to make healthcare decisions
- be 18 years or older
- not be a paid carer or health provider for the principal
- not be a service provider for a residential service where the principal lives.

How many attorneys can a principal appoint under an AHD?

A principal can appoint more than one attorney for health matters under an AHD. Having more than one attorney may be helpful, as it means more than one person may be able to make decisions if needed. If one of their attorneys is unavailable, another attorney could make the decision.

If the principal does appoint more than one attorney, they will need to decide how those attorneys exercise their power (e.g. jointly, severally, by a majority, successively or alternatively) – see *'How must your attorneys make decisions?' in the AHD guide for more information.*

If they need more space to appoint additional attorney(s), they can attach another page with those details to the form – see *'How to add additional pages'* in the AHD guide for more information on how to do this.

It is recommended *Form 8 – Additional page* be used to insert additional pages.

How do I assess an adult's capacity to make an enduring document?

It is recommended you refer to the capacity guidelines, section 6 *'Assessing capacity to make an enduring document'*. The following information has been extracted from these guidelines.

The legal test to apply

Under Queensland's guardianship legislation there is a specific legal test of capacity for making an enduring document'. In general terms the principal must be capable of:

- a. understanding the nature and effect of the document
- b. making the document freely and voluntarily.

Both criteria must be met for the principal to be considered to have capacity to make an enduring document. To revoke (cancel) an enduring document, the adult must have capacity to make the enduring document that would give the same powers.

(a) Understanding the nature and effect of the document

It is not enough for the principal to have a general understanding of the enduring document.

The law requires them to actually understand the nature and effect of the document, the powers it gives, when it operates and how and when they can revoke (cancel) it.

For an EPA, the level of understanding required will also depend on the specific powers given under the EPA and the complexity of the principal's financial and personal affairs. They don't need to know all the complexities of the types of transactions the attorney could undertake on their behalf.

However, they should be able to generally understand:

- their own personal and financial affairs that will be managed by the attorney(s)
- the types of decisions which are likely to be made by the attorney(s)
- the scope of the power given to the attorney(s).

Generally, the more complex the principal's personal and financial affairs are, the greater their understanding must be.

For an AHD, the principal must have the same capacity for making an EPA giving the same type of power.

(b) Making the document freely and voluntarily

It must be clear the principal is freely and voluntarily making the EPA and/or AHD and is not being pressured or coerced. If you feel a family member, friend or carer is behaving in a way that is domineering or overbearing it is best practice to speak to the principal alone.

The legal test in Queensland's guardianship legislation

The POA Act sets out the test of capacity for making an EPA and an AHD. These tests are reflected in the summary checklists in section 6 of the capacity guidelines.

Witnessing procedures


It is a good idea to keep a copy of the capacity guidelines with you when conducting a capacity assessment and use the summary checklists from the guidelines.

Follow the general procedure for witnessing signatures as outlined in chapter 4.1 then:

1. Ideally, meet with the principal alone. This allows you to have a discussion, develop a rapport with them and ensure they are not being pressured into making the document. It is a good idea to directly ask them if they feel they have been pressured into making the enduring document.

Ask the principal if they have an existing enduring document in Queensland or in another State or Territory. If the answer is yes, it is best to recommend the principal seeks independent legal advice about the effect of making a new EPA or AHD will have on any existing enduring document.

2. Determine if the document is a GPA, an EPA or an AHD and whether it must be in an approved form.

 **Note:** You can witness a document that has additional pages attached to it or is formatted in a way that increases the total number of pages, provided you follow the ordinary witnessing guidelines.

3. Make sure you are eligible to witness the document. You must not be:
 - the eligible signer (the person signing the document on the principal's behalf)
 - an attorney for the principal (someone appointed under this EPA, AHD or another power of attorney)
 - related to the principal or to the principal's attorney
 - the principal's paid health carer or health care provider (if the EPA or AHD appoints an attorney for personal matters)
 - if the document is an AHD – a beneficiary under the principal's will.

4. Set the scene and develop a rapport with the principal. Tell them you will be conducting a capacity assessment. In your own words, let them know the following.
 - As the witness, you must be satisfied the principal has the capacity to make the document. This means they must:
 - understand the nature and effect of the document
 - be capable of making the document freely and voluntarily.
 - You will be asking questions to ensure they have capacity to make the document and:
 - a written record of the process will be made
 - a decision about the person’s capacity will be made at the end of the process
 - if you conclude they have the capacity to make the document you may sign it as the witness
 - if you conclude they do not have capacity to make the document you will not sign it
 - your conclusion is your opinion only. They can seek a second opinion if they do not agree with your conclusion. This could mean seeking a finding by a tribunal (applying to the Queensland Civil and Administrative Tribunal) or seeking an opinion or assessment from a medical professional.
5. Explain to the principal the document will need to be read through to ensure it is correctly completed. Ask them to show you each page. If there are any unanswered questions ask the principal to either complete them or cross them out. Ensure you both initial them and any other changes made in the document.
6. Check the principal is not being pressured in any way to make the document.
7. If the document is an AHD, ensure a doctor or nurse practitioner has already signed the doctor’s certificate.
8. Determine if the principal is physically capable of signing the document or if an eligible signer is to be used. Ensure the eligible signer meets the criteria specified.
9. Ensure everyone who needs to be present is present (e.g. the principal, witness (you) and the eligible signer or interpreter/translator, if required). If the principal is unable to read or understand the English language, you should ensure the interpreter/translator completes *Form 7 – Interpreter’s/Translator’s Statement*. The attorney need not be present. In fact, ideally you should meet with the principal alone.

Principals who are unable to sign the document themselves may instruct an ‘eligible signer’ to sign on their behalf. An eligible signer must:

 - confirm the principal instructed them to sign the document
 - be 18 years or older
 - not be either the witness or an attorney for the principal.

The eligible signer must sign the document in the presence of the principal and you as the witness at the same time, and must complete the ‘*Person signing for the principal*’ section of the form which also must be witnessed by you.
10. If you are satisfied the principal has capacity to make the document, observe them (or the eligible signer) sign and date the document and any additional pages attached to it.

Ensure the document is signed in front of you. You are witnessing a signature, not someone telling you the signature on a document is theirs. If someone approaches you with a document already signed, ask them to cross out the signature already there and sign it again in front of you. Ensure both you and the principal initial this alteration.
11. Complete the witness’s certificate, and sign and date the document, including any additional pages. Remember to insert the total number of pages in the witness certificate section of the document, before signing.

12. Remind the principal the nominated attorney(s) must read and complete the attorney's acceptance section, as soon as possible after the document has been signed and witnessed by both you and the principal for the document to be valid.
 - If the principal or their attorney has any questions, refer them to the EPA or AHD explanatory guides or the capacity guidelines or recommend they seek independent legal advice.
13. Record all relevant information in your logbook as outlined in chapter 2.4.

Things to bear in mind

- An EPA must be in the approved form and an AHD must be in writing and may be in the approved form.
- Enduring documents must comply with the POA Act, contain all the required information and be executed in accordance with the POA Act.
- The POA Act places a very serious responsibility on the witness, one that far exceeds your normal duty in witnessing other types of documents.
- If, as the witness, you are not satisfied the principal has the capacity to make the EPA or AHD, you should refuse to witness the document and refuse to sign the witness's certificate.
- Record all relevant information in your logbook. If a principal's capacity to make an EPA is called into question, after the document has been made, you may be required to provide evidence to either the Supreme Court or QCAT of the steps you took to assess their capacity to understand the document.
- Due to the nature of the document, you must satisfy yourself the person asking you to witness it is the principal by asking for proof of identification prior to witnessing the document.
- You may be called upon to certify a copy of an EPA or AHD as a true and complete copy of the original as outlined in chapter 3.1.

Frequently asked questions

What's the difference between a GPA and EPA?

The important difference is a GPA generally comes to an end if the principal has impaired capacity for the matter. An EPA carries more significant legal consequences because a principal cannot effectively oversee the exercise of power by their attorney once they have lost capacity.

The attorney has signed the document before the principal and witness, what should I do or say to the principal?

If the attorney has already signed the document, you should not witness it.

When signing an EPA an attorney is stating they have read the EPA and understand they must make decisions in accordance with the EPA. They can only do this once the document has been finalised, signed and witnessed.

Let the principal know the attorney must only sign the original document, after both the principal and the witness have signed it.

The principal may wish to complete the document again and have it witnessed before the attorney signs it.

If the principal requires further information about making the document, refer them to the EPA or AHD guide, or suggest they seek independent legal advice.

The principal has approached me to make changes to their signed enduring document. Can they attach a statutory declaration to do this?

No. An enduring document should not be amended after it has been signed and witnessed. It is not recommended to write on an EPA or AHD once it has been signed and witnessed. If changes are required, the principal should make a new enduring document and revoke the old one.

For minor changes, like updating an address, the principal may not need to make a new document.

What if the principal has an existing EPA or AHD in Queensland or another jurisdiction?

The first step in witnessing an enduring document requires you to ask the principal if they have an existing enduring document in Queensland or in another State or Territory. An interstate enduring document may be recognised in Queensland. Also, if they make a new EPA or AHD, the new EPA or AHD may fully or partially revoke the existing enduring document to the extent of any inconsistency.

There may be reasons why the principal needs multiple enduring documents to operate in different jurisdictions. This can sometimes be complex, and it is best to recommend that the principal seeks independent legal advice about the effect of making a new EPA or AHD on any existing enduring document.

When inserting additional pages in an enduring document, must *Form 8 – Additional page* be used?

No. It is not essential *Form 8 – Additional page* be used. The principal can add additional pages to the form on any document.


If the additional pages are not on *Form 8 – Additional page*, the principal should still sign, and you should still witness each additional page. You should also ensure the additional page contains the name of the enduring document it relates to, the name of the principal and which part of the enduring document it provides additional information for.

Remember to insert the total number of pages (including any additional pages) in the witness certificate section of the document, before signing.

While certifying a copy of an enduring document I have found what I believe to be a discrepancy. Can I give them advice about what I think they should do?

When certifying a copy, you are simply certifying the document is a true and complete copy of the original document. If there is a discrepancy between the original and the copy, you must not certify the copy.

If there is an obvious error in the original document that would render it and any certified copies invalid for their original purpose, you could suggest the person consider seeking independent legal advice to ensure the original document is valid.


 **Note:** You cannot provide legal advice about the validity of a document.

When Solicitors and Public Trustee prepare enduring documents for the principal, sometimes the documents are different in page length. Can I still witness the enduring document if the number of pages is not the same as the form on the website?

Yes. You can witness a document that has additional pages attached to it or is formatted in a way that increases the total number of pages, provided the document is substantially compliant with the approved form. This may occur because the terms and conditions are longer than the space allocated in the approved form which push back the remaining sections in the document, or if the principal appoints more than four attorneys. You must follow the general procedure as outlined in chapter 4.1.

As with any enduring document, you should ensure the total number of pages is inserted in the witness certificate section of the document, before signing.

If you are concerned the form does not meet the legislative requirements, you could suggest the person consider seeking independent legal advice about the validity of the document.

 **Note:** You cannot provide legal advice about the validity of a document.

Is the witnessing officer required to keep a copy of the capacity assessment checklist?

The capacity guidelines provide useful information, checklists, hints and tips for assessing the capacity of a person to make an enduring document. There is no requirement to use the checklists or keep them. However, you may choose to do so if you wish. You should make notes about how you conducted the assessment, the conclusion you reached and the reasons for that decision in your logbook.

If the principal is accompanied by someone who I feel is trying to influence or pressure the principal, can I tell them I would like to be alone with the principal?

Yes. Ideally, you should meet with the principal alone. This allows you to have a discussion and develop a rapport with the principal, assess their capacity to make the enduring document and satisfy yourself they are making it freely and voluntarily.

If you believe the principal is being pressured into making the document, you should not sign it.

If you suspect the principal is being physically, financially or emotionally abused or pressured to make the enduring document, the priority must be to ensure the principal's health, safety and well-being.

See Appendix A of the capacity guidelines for information about support services, including elder abuse support services. **If you think the principal is in immediate danger, call the police.**

Which form should be used for an EPA?


There are two types of EPA forms and all pages must be present at the time of witnessing:

- The EPA short form is used when the principal wishes to appoint the same attorney(s) for both financial and personal matters (including health care). This form can also be used to appoint an attorney(s) for financial matters only or for personal (including health) matters only.
- The EPA long form is used when the principal wishes to appoint more than one attorney for financial and/or personal matters or appoint separate attorneys for personal and financial matters, or even for specific matters.

Can I refuse to witness a GPA, an EPA or an AHD?

You should refuse to witness if you are not satisfied:

- the correct form has been used (for EPA and AHD)
- the principal has the capacity to make a GPA, EPA or AHD
- the principal is not making the GPA, EPA or AHD freely (i.e. you believe the principal is under some form of pressure to sign the document).

 **Note** If you are not satisfied the principal understands the content or is not making the document freely and voluntarily decline to witness it and explain why.

If you suspect the adult is being abused, neglected or exploited, you can make a referral to the Office of the Public Guardian. See Appendix A in the capacity guidelines for information about support services, including elder abuse support services.

Where can I find more information?

The Queensland Capacity Assessment Guidelines

www.publications.qld.gov.au/dataset/capacity-assessment-guidelines

EPA and AHD explanatory guides

www.qld.gov.au/planahead-forms

Queensland Government Power of Attorney and making decision for others website

www.qld.gov.au/guardianship-planahead

Office of the Public Guardian

www.publicguardian.qld.gov.au

Queensland legislation

www.legislation.qld.gov.au

Forms

Power of attorney and advance health directive forms

www.qld.gov.au/planahead-forms

4.9 Quick guide

Witnessing general powers of attorney

Follow the general procedure for witnessing signatures as outlined in chapter 4.1 then:


-
- ① Check the document is in the approved form.

 - ② Make sure you meet the criteria of an eligible witness.

 - ③ Question the principal on their understanding of the document, including the power being given to the attorney and when the power begins.

 - ④ Confirm for yourself the principal has capacity to make the document and can physically sign the form.
 - If they are not physically capable of signing, do they have an eligible signer?

 - ⑤ Check the principal is making the document freely and voluntarily.
 - It must be clear the principal is freely and voluntarily making the document and is not being pressured or coerced. If you feel a family member, friend or carer is behaving in a way that is domineering or overbearing it is best practice to speak to the principal alone.

 **Note:** If you are not satisfied the principal understands the content or is not making the document freely and voluntarily decline to witness it and explain why.

 - ⑥ Ask the principal to show you each page. If there are any unanswered questions have the principal complete or cross them out, and ensure both you and the principal initial any changes.

 - ⑦ Have the principal sign the document and witness their signature.

 - ⑧ Record all relevant information in your logbook as outlined in chapter 2.4.
-

4.9 Quick guide

Witnessing enduring powers of attorney and advance health directives

Follow the general procedure for witnessing signatures as outlined in chapter 4.1 then:

It is a good idea to have a copy of the capacity guidelines with you when conducting a capacity assessment and to use the summary checklists from the guidelines.

-
- ① Try to meet with the principal alone. Ask the them if the have an existing enduring document in Queensland. If they do, recommend they seek independent legal advice about the effect of making a new one.


 - ② Determine what type of document the principal is asking you to witness.

 - ③ Make sure you meet the criteria of an eligible witness.

 - ④ Set the scene and try to develop a rapport with the principal. Let them know you will be conducting a capacity assessment.

 - ⑤ Ask the principal to show you each page of their document.
If there are any unanswered questions have the principal complete or cross them out, and ensure both you and the principal initial any changes.

 - ⑥ Check the principal understands the nature and affect of the document and is making the document freely and voluntarily.
 - It must be clear the principal is freely and voluntarily making the document and is not being pressured or coerced. If you feel a family member, friend or carer is behaving in a way that is domineering or overbearing it is best practice to speak to the principal alone.

 **Note:** If you are not satisfied the principal understands the content or is not making the document freely and voluntarily decline to witness it and explain why.

 - ⑦ If the document is an AHD, check to see if a doctor or nurse practitioner has signed the doctor's certificate.

 - ⑧ Determine if the principal is physically capable of signing the document.
 - If they are not physically capable of signing, do they have an eligible signer?

 - ⑨ Ensure everyone who needs to be present is present (e.g. the principal, witness (you) and the eligible signer or interpreter/translator, if required). If the principal is unable to read or understand the English language, you should ensure the interpreter/translator completes *Form 7 – Interpreter's/Translator's Statement*. The attorney need not be present.

 - ⑩ If you are satisfied the principal has capacity to make the document observe them, or the eligible signer sign the document.

 - ⑪ Complete the witness certificate, including the total number of pages. Remember to sign and date the document.

 - ⑫ If the attorney is not present, remind the principal the attorney should read the notice and complete the acceptance as soon as possible after it has been witnessed.
If the principal or their attorney has questions, refer them to the capacity guidelines, explanatory guide or suggest they seek independent legal advice.

 - ⑬ Record all relevant information in your logbook as outlined in chapter 2.4.
