

Witnessing

What you need to know

A witness's role is to be present and observe the person signing their document and then sign to confirm they watched (witnessed) the signing.

When making an **Enduring Power of Attorney (EPA)** and/or **Enduring Power of Guardianship (EPG)** two witnesses must both be present when you sign the document(s).

Information for the person making an EPA/EPG

A witness must be 18 years of age or older.

When making an EPA/EPG you must have two witness signatures, signed at the same time as you sign the document(s).

One of the two witnesses must be a person authorised to witness statutory declarations under the *Oaths, Affidavits and Statutory Declarations Act 2005*. See **Appendix B** in the EPA/EPG kits for more information.

The authorised witness must be registered/employed in the role listed at the time of signing.

For example: a registered teacher can be a witness (i.e. a person registered under the *Teacher Registration Act 2012*), but a retired teacher cannot.

A Justice of the Peace is an authorised witness.

To search for a Justice of the Peace in your local area visit:

wa.gov.au/service/justice/civil-law/find-justice-of-the-peace-your-area

Witnessing - the acceptance

The acceptance (i.e. person accepting role) can be signed at a later date.

For example: a person living in a different state can accept the role of enduring guardian or attorney and complete the form without being present at the original signing.

The acceptance for an EPG needs to be witnessed.

The acceptance for an EPA does not.

Information for the person witnessing an EPA/EPG

A person making an EPA/EPG is called the donor/appointor.

If you have concerns about the donor/appointor's capacity or if you believe they are making the power(s) under duress, the Public Advocate recommends you decline being a witness.

When witnessing an EPA/EPG being signed, you must physically be present and watch the donor/appointor actually signing the documents.

If you are an authorised witness, be sure to include the current occupation which makes you authorised.

As well as your signature, be sure to include any additional information required in the witnessing section, such as full name, address and date.

Witnessing - interested parties:

Interested parties should not witness an EPA/EPG. These can include:

- the person(s) being appointed
- other person(s) named in the EPA/EPG
- a person involved in a marksman or read over clause.

Witnessing outside Western Australia:

If you are not in Western Australia when you make your EPA/EPG, you should seek advice about who can witness the documents in the place where you are making them.

For further information:



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