



Submission No. PA/13

Received 12/08/2009

Law Reform Committee

Bundoora Extended
Care Centre
1231 Plenty Road
Bundoora Vic 3083
Telephone 03 9495 3100
Facsimile 03 9467 4365
ABN 42 986 169 981
www.nh.org.au

Executive Officer,
Victorian Parliament Law Reform Commission,
Parliament House,
Spring Street,
EAST MELBOURNE. 3002

5th August 2009

Dear Sir/Madam,

Re: Inquiry into Powers of Attorney

I am writing on behalf of the Respecting Patient Choices – Advance Care Planning program at Northern Health. Our experience of Powers of Attorney is mainly with the Enduring Power of Attorney – Medical Treatment and we would like to draw the attention of the Commission to several issues:

1. We believe that the Victorian legislation for Powers of Attorney is very useful legislation, but there could be some improvement in its application as described in the following points.
2. We have observed frequent errors in Enduring Powers of Attorney – Medical Treatment completed by legal practitioners, who style this form after the Financial Enduring Power of Attorney with appointment of two attorneys. Also, the original document is sometimes retained by the legal practitioner, leaving the person appointing the attorney with only an uncertified photocopy. This is an area requiring education.
3. Greater community education about Powers of Attorney would possibly encourage increased self-initiated use of the appointments. It may also encourage uptake of these documents at a time when the person making the appointment is more well and when there is more certainty about their capacity to appoint an attorney.
4. Clarification about reciprocal recognition of Powers of Attorney across state boundaries would be very helpful.

Thankyou for considering this submission.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Anne Marie Fabri".

Anne Marie Fabri
Program Manager
RPC – Advance Care Planning



Northern Health