

Policy: Power of Attorney Active Assist

Purpose

To provide a policy for when a Power of Attorney is activated and NSW Trustee & Guardian is taking up appointment as Attorney.

Policy statement

Prior to activating the Power of Attorney, NSW Trustee & Guardian must have the customer's written request or medical evidence that the customer lacks capacity.

A delegated officer of NSW Trustee & Guardian approves the activation of the Power of Attorney and signs the Power of Attorney document accepting appointment on behalf of NSW Trustee & Guardian.

Where the customer is capable, NSW Trustee & Guardian is to act on the customer's instructions. If the customer is incapable, NSW Trustee & Guardian is to act in the best interest of the customer.

Scope

Staff administering Power of Attorney Active Assist matters

Legislative context

- [NSW Trustee and Guardian Act 2009](#)
- [Powers of Attorney Act 2003](#)
- [Powers of Attorney Regulation 2016](#)

Document information

Title:	Power of Attorney Active Assist Policy
Owner:	Knowledge & Support, Estate Planning & Administration
Approver:	Director Estate Planning & Administration
Date of Effect:	13 April 2023