

Signing Your Victorian Power of Attorney Documents Overseas

Ensuring overseas legal documents are signed correctly is essential to make them valid in Victoria.

Are you overseas and need to sign important Victorian legal documents like an Enduring Power of Attorney or an Appointment of a Medical Treatment Decision Maker? It's essential to have them signed correctly to ensure they are legally valid back home.

Here's a simple guide to getting it right.

Contact Us

If you need further assistance or advice, please do not hesitate to contact our Wills, Estate Planning and Structuring team on (03) 9843 2169.

The Witnessing Rules

Both your Enduring Power of Attorney (for financial and personal decisions) and your Appointment of a Medical Treatment Decision Maker must be signed in front of two adult witnesses.

- Witness 1 must be a person who can witness an affidavit.
- Witness 2 can be any other adult, provided they are not excluded (see the list below).

Important: *There are rules about who can be a witness. For both witnesses, they cannot be:*

- A person you are appointing in the document.
- A relative (like a spouse, child, or parent).
- *Your care worker or accommodation provider.*

Who can be your "Affidavit Witness" Overseas?

When you are outside of Australia, finding the right person for your first witness is crucial. The simplest and most reliable options are:

- **An Australian Consular/Embassy Officer:** Staff at an Australian Embassy, High Commission, Representative Offices, or Consulate can witness your signature. You will likely need to book an appointment for this service.
- **A Local Notary Public:** A person who is authorised to administer oaths or witness official documents in the country you are in (e.g., a Notaio in Italy) is an acceptable witness.

A quick note on doctors: *While a medical practitioner can be a witness in Australia, this rule generally does not apply overseas unless that doctor is also registered to practice in Australia or is able to witness official documents in their country. The safest option is to use an Australian Consular Officer or a local Notary Public.*

Your Checklist for Signing Overseas

- Have your unsigned Power of Attorney or Medical Treatment Decision Maker forms ready.
- Arrange for your oath taking witness (a Consular Officer or Notary Public) and your second adult witness to be present at the same time.
- You and both of your witnesses must sign the documents in the presence of each other.
 - (a) Make sure both parties date the document the same date
 - (b) Make sure the witness completes their full name and address, and the authorised witness details their qualification.
- After you have signed the documents, each appointed person will need to also sign them in the presence of an independent adult witness.

Following these steps will help ensure your important legal documents are correctly signed and legally binding in Victoria.