

# Criminal records and Enduring Powers of Attorney

## What is an Enduring Power of Attorney?

An enduring power of attorney is a legal document that lets you give somebody else the power to make decisions for you.

These powers can start straight away or at a later date. The powers 'endure', which means they continue when you are not able to make decisions about certain matters for yourself, for example if you are too ill.

## What types of enduring powers of attorney are there?

You can use an enduring power of attorney to choose somebody to make decisions for you about **financial** and **personal** matters, like where you live or what support services you might need.

You can also use a medical enduring power of attorney to choose somebody to make decisions about your **medical treatment**.

## If I have a criminal record, can somebody choose me to be their attorney?

Yes. Having a criminal record will not stop somebody from being able to choose you as their attorney for **personal** or **medical** matters.


If somebody wants to choose you to be their attorney for **financial** matters under an enduring power of attorney there might be some extra steps you need to take.

If you have been found guilty of a crime that involves **dishonesty** that is punishable by **at least 3 months** in prison, then:

- you must **tell the person** who wants you to be their attorney about the crime, and
- **make sure they make a note of it** on the enduring power of attorney form.

This applies even if you were found guilty in another state or overseas.





Offences involving dishonesty include theft, burglary, robbery, fraud and handling stolen goods. Most offences involving dishonesty are punishable by **at least 3 months** in prison.

### **Guardianship and administration**

The Victorian Civil and Administrative Tribunal (VCAT) can appoint guardians and/or administrators for people who are unable to make decisions about matters.

When appointing someone to the role of guardian or administrator VCAT must consider if the person is **suitable** for the role. In some cases they may take a person's criminal record into account.

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#### **For more information, contact:**

##### **Office of the Public Advocate**

[www.publicadvocate.vic.gov.au](http://www.publicadvocate.vic.gov.au)  
1300 309 337

##### **Peninsula Community Legal Centre**

[www.pclc.org.au](http://www.pclc.org.au)  
(03) 9783 3600

##### **Victoria Legal Aid**

[www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)  
1300 792 387

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Funded by  
a grant from

**Victoria Law  
Foundation**

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