



Let's talk about Enduring Powers of Attorney

What is an enduring power of attorney?

An enduring power of attorney sets out who you would like to manage your financial and personal affairs, should you no longer be able to make decisions for yourself.

Why do I need an enduring power of attorney?

If you are over the age of 18, you should have an enduring power of attorney to ensure you have somebody (at least one nominated attorney) to make decisions on your behalf in case you lose capacity.

A serious illness, disability, or an accident can happen at any time and people can lose the ability to make decisions due to an intellectual or psychiatric disability, acquired brain injury, dementia or a temporary illness.

Losing the ability to make decisions doesn't just happen to people who are ageing. It can happen at any time in a person's life and it may be temporary or permanent.

What happens if I don't have an enduring power of attorney?

If you've lost the ability to make decisions for yourself and you don't have an enduring power of attorney in place, the Queensland Civil and Administrative Tribunal (QCAT) can appoint an Administrator to manage your financial and legal matters, and a Guardian for health and personal matters, to make sure you are being looked after and your rights are protected.

If this is the case, it could take some time before arrangements are made. It can also mean the person that you would have liked to manage your affairs may not be the person or organisation who QCAT appoints.

What is an attorney?

An attorney is the person you nominate to manage your affairs. You can have more than one attorney. Attorneys can be appointed to manage your financial matters and /or your personal and health matters.

Who should I nominate as my attorney?

When deciding who to appoint, it's important to choose someone you can trust who understands your needs, interests and values – and someone who will do what's best for you and make decisions in your best interests.

To help safeguard your interests, you may wish to appoint two people and direct them to consult with one another and keep each other informed when carrying out duties.

What does an attorney for financial matters take care of?

A financial attorney can do things such as:



ensuring your bills are paid



managing your investments



preparing your tax returns

What does an attorney for personal and health matters take care of?

An attorney for personal matters can attend to things such as where you will live, who you will live with and your recreational activities.

An attorney for health matters can attend to certain medical decisions, treatment options and medicines.



This is **NOT** the same as an advance health directive, which is something you can make in consultation with your doctor.

What should I consider when I choose an attorney?

When deciding who to appoint, it's important to choose someone you can trust who understands your needs, interests and values. To help safeguard your interests, you may wish to appoint two people and direct them to consult with one another and keep each other informed when carrying out duties.

Some of the things you may wish to consider are:

- Is the person 18 years of age or older?
- Is the person trustworthy and likely to act in my best interests?
- Is the person willing to take on the responsibility?
- Is the person competent to deal with all financial and property matters relating to my estate?
- Is the person competent to take on the task of keeping and preserving accurate records and accounts of all dealings and transactions made under the enduring power of attorney?
- Does the person live close enough to me to be able to discharge his or her responsibilities under the enduring power of attorney?
- Could the choice of attorney create conflict within the family?
- Should conditions or restrictions be placed upon the attorney?

What should I consider when I make my enduring power of attorney?

Some of the things you may wish to consider when making your enduring power of attorney are:

- How would I like to live my life if I was unable to make my own decisions?
- What things would be most important to me?
- Are there other people I would like involved in discussions about my care?
- What religious or cultural matters have significance for me?

How do I make an enduring power of attorney?

To make your enduring power of attorney you can visit your local solicitor or Queensland Public Trustee. If you nominate a professional organisation such as your solicitor or Queensland Public Trustee to act as your attorney, fees will apply once your enduring power of attorney is active.

Queensland Public Trustee's full schedule of fees is available on our website: www.pt.qld.gov.au/about/fees-and-charges

To learn more about Wills, executor services, or to book an appointment, you can:

call us on
1300 360 044

visit our website
www.pt.qld.gov.au

