

Let's talk about **Enduring Powers of Attorney**

A loss of capacity can happen at any time. Protect you and your loved ones by planning for your future



How can the Public Trustee help?

We give peace of mind.

The Public Trustee has more than 100 years of experience in Wills, enduring powers of attorney and estate law.

Losing capacity can be temporary or permanent and doesn't just happen to people who are ageing—therefore it is important to plan for your future and know who you can trust to help make decisions for you.

At the Public Trustee, we understand the law and our expertise has been gained from a century of helping Queenslanders over the emotional and legal hurdles that come with safeguarding your future.

Make an appointment

You can book an appointment with a professional at a network of offices across the State.

Visit our website at www.pt.qld.gov.au or call us on **1300 360 044**.

Contents

How can the Public Trustee help?	1
What is an enduring power of attorney?	3
Who should make an enduring power of attorney?	4
What is an attorney?	5
What does an attorney for financial matters take care of?	5
The Public Trustee as your attorney for financial matters	6
What does an attorney for personal and health matters take care of?	6
An attorney is accountable	7
Safeguard your future by appointing an attorney you can trust	7
Making an enduring power of attorney with the Public Trustee	9
Protecting your privacy	9



**We care about
your rights**

The Public Trustee places the human rights of individuals at the heart of our service delivery.



What is an enduring power of attorney?

A serious illness, disability, or an accident can happen at any time.

An enduring power of attorney is a legal document that outlines who you would like to manage your affairs, if you no longer have the capacity to do so.

People can lose capacity for decision making due to intellectual or psychiatric disability, acquired brain injury, dementia or temporary illness such as delirium.

Who should make an enduring power of attorney?

You should.

Losing capacity does not just happen to people who are ageing. A loss of capacity can happen at any time in a person's life and this loss may be temporary or permanent.

If you are over 18 and have capacity to understand the nature and the effect of the power you are giving an attorney, it's important you plan for your future by making an enduring power of attorney.

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.

You can specify when your attorney's powers begin and you can also specify what powers they will have. This is often referred to as the 'limits of your attorney's powers'.

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

The Public Trustee as your attorney for financial matters

When we manage your financial affairs, you can be sure that we are impartial and have your best interests at heart.

You can choose to appoint us as your financial attorney, or we may be appointed as your financial administrator by the Queensland Civil and Administrative Tribunal.

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 advanced health directive, which is something you can make in consultation with your doctor.

An attorney is accountable

An attorney is personally accountable for their actions. If your attorney mismanages your affairs whether deliberately or by negligence, they can be held liable for their actions. This can include facing court proceedings to recover money and even criminal charges.

The Public Guardian has powers to investigate complaints if somebody with an enduring power of attorney, for financial, health or personal matters is acting improperly.



Safeguard your future by appointing an attorney you can trust

Unfortunately, there have been many cases of family or friends mismanaging or abusing their role as attorney.

This can include selling a person's assets and keeping the money for themselves or transferring ownership of assets.

When investigated, common responses are:

- 'Mum wanted us to have the money.'
- 'Dad doesn't need the money and we do.'
- 'The money is not doing them any good in the nursing home and we have a mortgage to pay.'

These types of reasons are generally not accepted by QCAT and they, or the Supreme Court can remove or revoke an enduring power of attorney. These actions may also result in legal action to recoup the money.

Making an enduring power of attorney with the Public Trustee

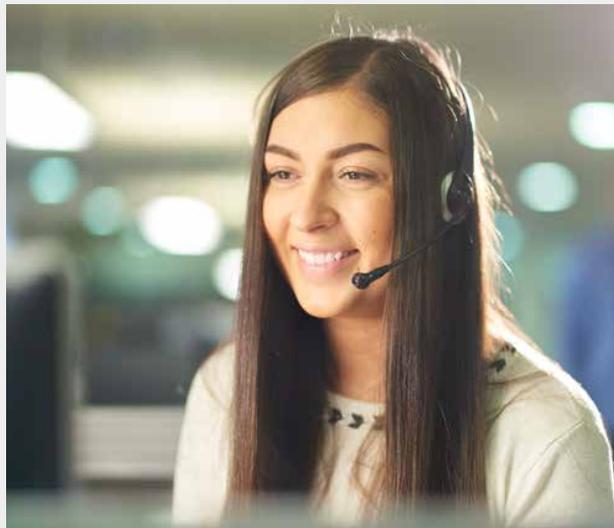
We can help you to make your enduring power of attorney for a competitive fee. To make an enduring power of attorney, you need to be able to:

- understand the nature and effect of a decision
- freely and voluntarily make those decisions, and
- communicate the decisions in some way.

At the Public Trustee, we are able to witness your enduring power of attorney and supply you with a certified copy.

And, if you haven't already, you can choose to make a Will (for free) at the same time.

Book an appointment today by calling us on **1300 360 044**, or through our website: **www.pt.qld.gov.au**



Protecting your privacy

The Public Trustee collects and manages personal information in the course of performing its activities, functions and duties in accordance with the *Public Trustee Act 1978*.

The way in which the Public Trustee manages personal information is governed by the *Information Privacy Act 2009*.

This means there are restrictions on how we can use, and when we can disclose, your personal information.

We do not disclose your personal information outside of the Public Trustee unless we are required to do so by law or unless you have given us your consent to such disclosure.

If you would like to read our Privacy Statement, please visit our website at: **www.pt.qld.gov.au/site-footer/privacy**

Your nearest Public Trustee office

Birtinya

Brendale

Brisbane

Bundaberg

Cairns

Gladstone

Ipswich

Mackay

Maryborough

Mount Isa

Redcliffe

Rockhampton

Southport

Toowoomba

Townsville

We also offer a range of outreach services in other areas of Queensland. Go to www.pt.qld.gov.au/contact/locations to find your nearest service location.

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

call us on

1300 360 044

visit our website

www.pt.qld.gov.au

Human Rights

Respect · protect · promote