



Anniversary
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PRICE & ROOBOTTOM
SOLICITORS

POWERS OF ATTORNEY

What are Powers of Attorneys?

A Power of Attorney is a legal document that authorises another person, such as your spouse or a trusted friend or relative, to act on your behalf in your affairs. This person is known as your "attorney".

A Power of Attorney is just as important as a Will. While a Will operates on your death, a Power of Attorney operates during your life.

Why should you appoint an Attorney?

Appointing someone as your Attorney is a beneficial method of permitting someone to manage your affairs if you go overseas, take an extended holiday, suffer poor health or reach an age when you need greater assistance. Knowing you have an Attorney who is capable of handling your affairs when you are absent or unwell gives you peace of mind.

Everyone is at risk of accident or unexpected illnesses. If you lose your mental capacity and do not have an Enduring Power of Attorney, your personal and business affairs will be handled by a government official, for a fee. You can not make a Power of Attorney once this happens.

Who should you appoint as your Attorney?

Your appointed Attorney must be at least 18 years old, must not be your health care provider (such as your doctor), must not be bankrupt and must not be a paid carer (such as a nurse). However, receiving a carer's pension does not stop a person from being an Attorney.

It is important that you choose somebody who you trust and who is capable of looking after your affairs. You may also wish to appoint more than one Attorney.

By law, to appoint an Attorney you must be able to fully understand what the appointment means.

Types of Powers of Attorney

Enduring Power of Attorney

Under an Enduring Power of Attorney you may give your attorney the power to deal with all or any part of your financial, personal and health matters.

An Enduring Power of Attorney for financial matters comes into effect on the date or event that you elect and continues to operate when you lose capacity to make decisions. Your attorney can deal with your financial affairs at the same time as yourself unless you specify otherwise.



For personal and health matters, your power of attorney comes into effect on the date that you lose the capacity to make decisions for yourself.

If your Enduring Power of Attorney was prepared prior to 1998, you should consider making a new one because your current one is unlikely to cover personal and health matters.

General Power of Attorney

A General Power of Attorney is usually used in a business situation by a company or by an individual. For example, when a company director is absent the Power of Attorney can authorise the attorney to deal with personal or financial matters or both. A General Power of Attorney comes into effect on the date you elect, but it may limit the extent to which your attorney may deal with your matters.

A General Power of Attorney becomes invalid when you lose your capacity to make decisions.

Advance Health Directives

An Advance Health Directive allows you to give directions about your future health care should you lose capacity to make these decisions. It can include instructions to withdraw certain medical treatment designed to prolong life.

Your Advanced Health Directive only comes into effect after you have lost your decision-making capacity.

Revoking a Power of Attorney

Your Power of Attorney is automatically revoked:-

- > On your death
- > When you marry (unless your new spouse is your existing attorney)
- > When you divorce (if your attorney was your spouse)
- > When you appoint a new power of attorney
- > If your attorney dies or loses decision making capacity
- > If your attorney becomes unqualified (becomes bankrupt or becomes a paid health care provider).

You can also revoke your Power of Attorney at any time. This must be done in specific way to be valid.