

Are there any risks associated with appointing a Power of Attorney and/or an Enduring Guardian?



Yes, we can advise you on safeguards which can be implemented but it is extremely important for you to have complete and absolute trust in the person or people that you appoint.

The best measure that can be taken by you to prevent any abuse or irregularities in the future is to choose the right person or people to be your Attorney and/or Enduring Guardian in the first place.

What do you do now?



As you can see these documents are extremely important to yourself and your family – so don't delay, call today !!!!!



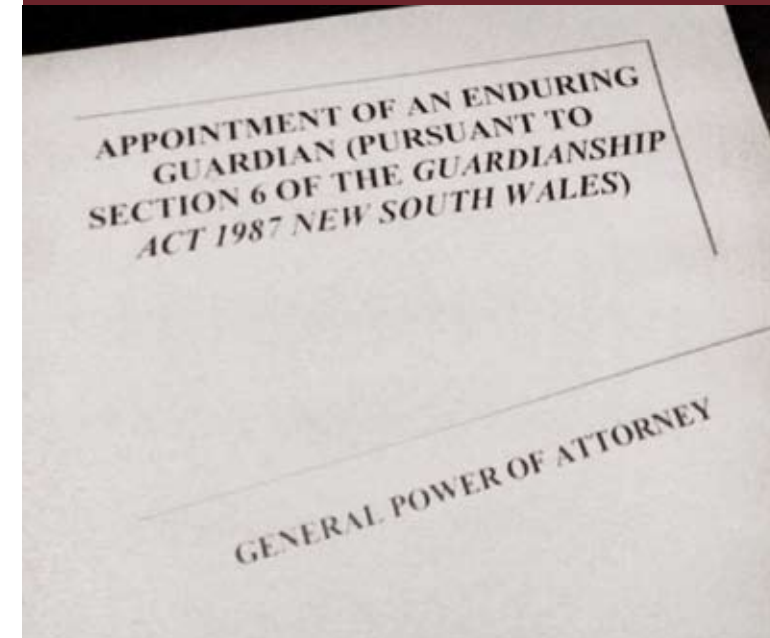
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POWER OF ATTORNEY and ENDURING GUARDIANSHIP

What you need to know



Protect Your Family



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Plan for the future

What is Power of Attorney?



A Power of Attorney is a document by which you can appoint someone else to perform FINANCIAL tasks on your behalf.

Why do you need Power of Attorney?



In the future, either through accident or illness, you may be unable to manage your financial affairs. Unless you have made valid arrangements for an Enduring Power of Attorney, your bank accounts and other assets may be frozen. This can necessitate your family having to make an application to the Guardianship Board for a financial management order. This could result in someone not of your choice, having control over your financial affairs.

What is an Enduring Power of Attorney?



An Enduring Power of Attorney has a clause added to it that says "I give this Power of Attorney with the intention that it will continue to be effective if I suffer loss of capacity through unsoundness of mind". This form must be signed by a solicitor and by the attorney accepting the appointment. You can still manage your own finances and can revoke the power at any time whilst you have the mental capacity to do so.

If the Certificate is not signed at the time of the Power of Attorney is signed then the Power of Attorney ceases to have any legal validity after you lose capacity or are otherwise unable to manage your affairs.

What can an Attorney do? Should there be any restrictions or limitations?



This is one of the most important considerations to be made when preparing Power of Attorney.

Without any restrictions or limitations it is possible for an Attorney to operate all bank accounts, take out loans, buy, sell, mortgage, transfer or lease properties.

If the Power of Attorney is required for limited purposes or for a limited period then it is appropriate for conditions to be included in the document.

We will be able to advise you what is appropriate when you provide us with instructions.

What is an Appointment of Enduring Guardianship?



Similar to Powers of Attorney, these documents are designed to help you retain control of your affairs. Whilst Powers of Attorney are limited to matters of a financial nature, Enduring Guardianship appointments relate to lifestyle and medical choices but only when you are incapable of making your own decisions.

If you are unable to manage your own affairs, then issues such as providing medical consent to non urgent surgery may mean that you could have to wait for the appointment of the Public Guardian before medical consent can be given on your behalf.

Similarly, if there is a dispute in your family or between medical advisors and your family as to what arrangements are appropriate for your care, then if you have appointed an Enduring Guardian, your Enduring Guardian has legal authority to make these decisions on your behalf.

What is the role of an Enduring Guardian?



An Enduring Guardian has the power to make lifestyle and health choices on your behalf. This is only when you have lost the ability to make those decisions for yourself.

These decisions can include whether you continue to live in your home or whether based on medical advice other accommodation is needed.

An Enduring Guardian can also provide medical consent for any medical procedure. If the appointment is appropriately worded, the Enduring Guardian can authorise the termination of life support of you are in a coma or vegetative state and the medical opinion is that there is no reasonable prospect of you recovering.

Who should you appoint as your Power of Attorney and/or Enduring Guardian?



In most cases the same person or people will be the Attorney and Enduring Guardian. They need to be over the age of eighteen years, preferably local to you and in good health.

It is important that you have complete and absolute trust in them.

Is it possible to change the Power of Attorney and Enduring Guardian?



Yes, provided that you are still of sound mind.

There are certain legal requirements that need to be complied with to validly revoke the documents.

Only the Guardianship Tribunal can make any change of Guardian once you have lost the mental capacity to do so yourself.