

: Powers of Attorney, Guardianship and Medical documents

A summary of each state and territory

Introduction

An enduring power of attorney and medical and guardianship documents are legal documents that allow you (the Donor) to give someone else (the Attorney) the authority to make decisions such as financial, lifestyle, health or medical, on your behalf.

These documents are important to ensure that you have decided who can make decisions for you.

There are different legal documents applicable to each state or territory allowing you to appoint someone to manage your affairs, including when you no longer have capacity to do so i.e., they are enduring beyond your loss of capacity.

Australian Capital Territory

1. Financial, health care and personal care matters

An Enduring Power of Attorney is a legal document appointing someone to manage your financial, health care and personal care matters should you become incapacitated.

New South Wales

1. Financial

An Enduring Power of Attorney is a legal document appointing someone to manage your assets and financial affairs. This document only deals with property and financial matters.



2. Lifestyle, medical treatment or welfare

An Enduring Guardian is a legal document appointing someone to make decisions about your lifestyle, medical treatment or welfare.

Queensland

1. Financial, personal and health matters

An Enduring Power of Attorney is a legal document appointing someone to manage your affairs, such as when you no longer have capacity to do so. These can cover three different types of matters:

- personal matters, such as where you live and who you have contact with
- health care, including choosing medical and dental treatments
- financial matters, like paying bills and taxes or selling your home.

South Australia

1. Financial

An Enduring Power of Attorney (Financial) is a legal document appointing someone to manage your assets and financial affairs if you are unable to do so due to illness, an accident or your absence.

Tasmania

1. Financial

A power of attorney is a legal document appointing someone to make property

and financial decisions for you and to act on your behalf.

2. Personal, medical and lifestyle matters

An Enduring Guardianship is a legal document appointing someone to make personal, medical and lifestyle decisions for you when you are no longer able to make those decisions for yourself. An enduring guardianship can cover issues such as medical treatment, accommodation, access to visitors and any personal (non-financial) matters.

Victoria

1. Financial & personal

An Enduring Power of Attorney is a legal document appointing someone to undertake actions covering personal matters, financial matters or both. The principal can appoint different attorneys to handle different matters. For example, they may appoint someone to manage their financial or property affairs and someone else to manage their personal or lifestyle matters (not medical).

A principal can also appoint an eligible person as a supportive attorney to assist them in making decisions. It is expected this Supportive Power of Attorney will be used for example, by clients who have legal capacity but a disability and need assistance.

2. Medical treatment decision maker appointment

This is a legal document appointing someone to make medical treatment decisions on your behalf when you have lost the capacity to do so.

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3. Medical treatment support person appointment

This is a legal document giving someone of your choice the authority to access, or help you access, health information relevant to your medical treatment. This will commonly be used when you still have decision-making capacity but require assistance. They do not have the power to make medical treatment decisions on your behalf.

4. Nomination of a restrictive practices substitute decision maker

This is a legal document giving someone of your choice the authority to consent to the use of restrictive practices on you, if you live in residential aged care and do not have capacity to provide informed consent.

Western Australia

1. Financial

An enduring power of attorney is a legal document appointing someone to make financial and/or property decisions on your behalf

2. Personal, medical and lifestyle matters

An Enduring Power of Guardianship is a legal document appointing someone to make personal, lifestyle and treatment decisions on your behalf in the event that you lose the capacity to make such decisions for yourself.

Summary

Enduring powers of attorney, medical and guardianship documents are important because they allow you to decide who can make decisions for you when you are no longer able to.

Many people assume that their spouse has the legal right to act on their behalf. This is not always the case especially when dealing with financial matters.

If you do not have a spouse it is important to consider who would make personal, medical and lifestyle decisions for you when you are no longer able to make those decisions for yourself.

Contact us

For more information on these legal documents please call us for an obligation free chat on **03 8621 9000** or email us info@irongrouplawyers.com.

With our depth of experience, fixed prices and focus on providing positive outcomes for clients, we would be pleased to help.