



# FTL Estate Services

## Powers of Attorney

**If you lose the ability to make decisions due to an accident, illness or advancing years, someone will be required to manage your financial and personal affairs.**

All States and Territories of Australia have legislation in place to accommodate the arrangements when a person no longer has the capacity to conduct his or her own affairs. The scope and processes vary in each location.

### Enduring Powers of Attorney (EPA)

These documents allow a person to nominate one or more attorneys to manage their financial affairs in the event of capacity. Generally, you are able to elect whether the EPA:

- Can be used by you now (e.g. if you are absent, busy or are otherwise not able to carry out tasks) but will also endure if you ever lose capacity in the future; or
- Will only be in force if you lose capacity.

In the event of a sudden loss of capacity such as an accident, then your nominated attorney can immediately continue your affairs. Where no EPA is in place, then your next-of-kin may suffer considerable delays and may need to report regularly to the relevant State authority.

### Enduring Powers of Guardianship

Subject to local legislation, provision can be made to appoint one or more guardians to make decisions on your health, accommodation and lifestyle issues. Your guardian can be the same person as your attorney under an EPA or you may appoint someone else.

Further details can be found in our brochure “Estate and Succession Planning services” or by contacting your local FTL Estate Services office or national free-call 1800 623 530.

[www.flinderstrustees.com.au](http://www.flinderstrustees.com.au)

*The above is intended to provide general information only and must not be taken or used as advice when preparing any document.*

A guardian may provide regular information to your attorney such as the costs of accommodation so that your attorney can make the necessary arrangements to meet the costs from assets under his/her control.

### Medical Powers of Attorney

The legislation to recognize these documents is not available in all States of Australia. Where it does exist, provision can be made under nominated guidelines, to authorize a person to arrange for the non-continuance of any treatment that would prolong life, where proper medical reports give a terminal prognosis.

### Specific and General Powers of Attorney

These documents are primarily used for business matters or for specified tasks. Often, the purposes under which they are granted are limited as to their nature, circumstances and time.

None of these documents will endure in the event of the loss of capacity of the person giving the power.

They may not be restricted to persons as companies or other entities may grant powers under the document, particularly if matters need to be attended in another domicile.