

## POWER OF ATTORNEY

The appointment of a power of attorney allows someone else to make decisions on your behalf. To appoint a Power of Attorney you need to be able to understand the implications and consequences of what you are doing. If you do not have the capacity to understand this, the appointment will not be legally valid.

There are four types of Powers of Attorney:

### **General Power of Attorney**

This is where you appoint someone, usually for a specific period of time, to make financial or legal decisions for you. If you appoint a General Power of Attorney and then lose legal capacity at a later stage the appointment will no longer be valid and the person you have appointed will no longer be able to make decisions on your behalf.

### **Enduring Power of Attorney (Financial)**

This is where you appoint someone to make financial or legal decisions for you in the event of you losing, at some time in the future, the capacity to make those decisions for yourself. These can also be used when you are away on holiday or on business.

### **Enduring Power of Attorney (Medical Treatment)**

This is where you appoint someone to make medical treatment decisions for you in the event of you losing, at some time in the future, the capacity to make those decisions yourself.

### **Enduring Power of Guardianship**

This is where you appoint someone to make lifestyle decisions for you, such as where you will live, in the event of your losing, at some time in the future, the capacity to make those decisions yourself.

### **Deciding Who to Appoint**

You need to make this decision for yourself. You should try to appoint someone who you have grounds for believing is trustworthy and who both knows you well enough, and is objective enough, to make the decisions that are best for you. With a General Power of Attorney and an Enduring Power of Attorney (Financial) you can appoint joint decision makers and stipulate, if you wish, that both of them have to agree for their decisions to be valid.

### **Appointing an Attorney or Guardian**

You need to complete the Power of Attorney document and then give it to the person you have appointed and keep a copy for yourself. The signing of some of these documents will need to be witnessed by a qualified witness.

### **Revoking the Appointment**

You can revoke the appointment by telling the attorney or guardian that their power is withdrawn, and by destroying the document and any copies.

This article contains general information only and is not provided as legal advice. Professional advice should be taken before any course of action is pursued, or any information here is relied upon.

For advice about Powers of Attorney contact Sharon McRae, Caroline Symington or Anna Vadaketh on 9890 3321.



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