

Agency Documents

including:

- Enduring Power of Attorney
- Enduring Power of Guardianship
- Medical Power of Attorney
- Anticipatory Directions

Agency Documents

At the same time that you make or revise your Will it is also appropriate to give consideration to appointing a person or persons to act on your behalf during your lifetime should illness, accident, age or absence from the country prevent you from looking after your own affairs. This can be done through the appropriate agency documents as described inside.

These documents are not something that should concern only older people. They should be put in place as part of the prudent management of your personal affairs. Like term life insurance, one hopes that they won't be required – but it makes sense to have them just in case. The various agency documents can be altered or revoked if your circumstances change and you are not suffering from legal incapacity.

Enduring Power of Attorney

An attorney is a trusted person appointed to look after your legal and financial affairs.

It is prudent to appoint more than one attorney. Consideration needs to be given to whether your attorneys can act independently of each other or whether joint decisions are required and also whether their appointment commences immediately or only if you become incapable of looking after your own affairs.

'Home made' powers of attorney should be avoided unless there is a thorough understanding of the nature and effect of this simple looking document.



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Enduring Power of Guardianship

An Enduring Power of Guardianship appoints a nominated person (the Guardian) to make decisions about your 'lifestyle' matters (e.g. level of medical care and treatment and other health, safety and welfare matters) if you are unable to make those decisions yourself. However, your Guardian, unlike your Attorney, will have no say in the daily running of your financial affairs.

Medical Power of Attorney

You may wish to appoint a person as your Medical Attorney to make decisions about your day to day medical treatment in circumstances where you are unable to make such decisions yourself. A Medical Power of Attorney, unlike an Enduring Power of Guardianship, cannot make other 'lifestyle' decisions.

Anticipatory Directions

Anticipatory Grants are similar to the old directions under the now revoked 'Natural Death Act' but have a much broader scope.

By executing such an instrument you can make legally binding directions as to your future medical treatment which will come into effect if you contract a terminal illness and are then unable to make or communicate such decisions.

For example you can make a binding direction that you do not wish to be kept alive by artificial means if you become terminally ill with no prospect of recovery.



For more information

Have a look at the 'Wills and Probate' section of our website at www.mouldens.com.au which has a series of easily accessible articles on Wills and Probate.



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