

by Rebekah Sanfuentes



The consequences of not making an enduring power of attorney

Imagine you are travelling through India on holiday. You are on a bus tour in a remote area and the driver gets into an accident.

You are seriously injured and taken to hospital. For a few days you are unconscious and unable to make decisions for yourself. Your family and friends know you are there and they are trying to make arrangements to get you home for medical treatment. They call your travel insurer but they have no authority to make a claim on your behalf so that your medical costs can be paid for and a flight can be booked for you.

Meanwhile, back home your bills are coming in. The bank is asking why you haven't paid your mortgage. Your family rings up to let the bank know what has happened but they won't speak to them because they don't have any authority. The bank asks if you have an attorney who can come in and sign hardship forms so that your payments can be placed on hold, but you didn't think about making an enduring power of attorney before you left.

What a mess! Your family and friends have to put the funds up to pay your costs and get you home. Your bills are piling up and debt collectors are now calling. Nobody has any authority to manage your affairs.

What about if the accident is so serious that you are no longer capable of making decisions for yourself? An application is made to the court for a guardian and financial administrator to be appointed for you. You don't get to decide who that is going to be. It's possible that there is no one suitable in your family or the court considers that members of your family are in conflict with one another so it is best to appoint someone independent. Now all your financial affairs are being managed by the Public Trustee and decisions about where you live are being managed by the Public Guardian. Your family doesn't get to make any decisions for you and they know you best. If only you had appointed one of them as your attorney before you went overseas – all of this could have been avoided.

Don't realise that you have made this mistake once it is already too late! Let us help you with an enduring power of attorney to avoid this scenario happening to you.

Contact us today on 3816 9555 or email rsanfuentes@mcna.com.au to arrange an appointment with one of our lawyers who practise exclusively in this area.

Our Offices:

Liability limited by a scheme approved under professional standards legislation.

Springfield
PO Box 4629
IPSWICH QLD 4300
Ph: 07 3470 3600
Fax: 07 3470 1300

Ipswich Central
PO Box 359
IPSWICH QLD 4305
Ph: 07 3812 2300
Fax: 07 3812 2340

Gatton
PO Box 116
GATTON QLD 4343
Ph: 07 5462 1566
Fax: 07 5462 3087