

by **Rebekah Sanfuentes**



What is an enduring power of attorney and why should I have one?

Nobody knows what is just around the corner. Accidents and illness occur every day and you may not be prepared for the effect that a loss of capacity might have on you and your family.

People think that losing the capacity to make decisions only happens to elderly people but it can happen to anyone.

An enduring power of attorney (EPA) is a document allowing you to give authority to a person or persons that you trust to make decisions for you if you become incapable of making them for yourself. An EPA can take effect as a general power of attorney while you are still able to make your own decisions and where you might need someone to act while you are overseas, but it is 'enduring' because the power continues even if you lose capacity.

If you lose capacity and you do not have an attorney appointed to act for you, an application would need to be made to the Queensland Civil and Administrative Tribunal (QCAT) for someone to be appointed. Not only can this process take months, you won't get to decide who is appointed to act for you. In many cases QCAT will appoint the Public Guardian and the Public Trustee to manage people's personal and financial affairs. In the meantime, your affairs are not being taken care of, bills aren't getting paid and the people who rely on you do not have any authority to take control of your decision making.

If only you had made an EPA – your attorney would have had the power to make decisions immediately.

It is important that you have an attorney appointed for you in case of an unexpected accident or illness including brain diseases leading to dementia. People think ‘it will never happen to me’ but why risk it?

Contact one of our expert Wills and Estates lawyers on 07 3816 9555 or by email rsanfuentes@mcna.com.au if you would like to make an EPA or you would like any advice about how an EPA can work for you as part of your estate planning.

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