



QLD Enduring Powers of Attorney



Attwood Marshall
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Coolangatta Office (Head Office)
Suite 1 – Level 2 Showcase on the Beach
Cnr Marine Parade & Warner Street
PO Box 334 Coolangatta QLD 4225

Robina Office
Suite 5010 – Level 4 Arbour Lane Terraces
Robina Town Centre
PO Box 3089 Robina 4230

Kingscliff Office
1b Pearl Street
PO Box 1413 Kingscliff NSW 2487

Telephone: +61 7 5536 9777 | Facsimile: +61 7 5536 9755

info@attwoodmarshall.com.au
www.attwoodmarshall.com.au

QLD Enduring Powers of Attorney

What is a Power of Attorney?

It is a legal document made by one person, known as the “principle” that authorises another person, known as the “Attorney” to do certain things and make certain decisions on behalf of the principle. Powers of Attorney are commonly used when a person is unable to manage his or hers affairs such as when he or she is overseas or becomes physically or mentally incapable of attending to such matters.

Appointment of an Attorney

The Attorney can be any adult person such as a relative, trusted friend or professional advisor. In addition, the law provides that you must be able to fully understand the nature and effect of the document. The Attorney must not be your health care provider (for example—your doctor) or your paid carer of a bankrupt person. It should be someone you trust and someone who is capable of looking after your affairs

Types of Powers of Attorney

There are two types of Powers of Attorney, General and Enduring.

Why have an Enduring Power of Attorney?

If you lose your mental capacity through injury or the onset of a medical condition (e.g. Alzheimer's or dementia) your spouse/partner/family cannot conduct your affairs on your behalf unless they hold an Enduring Power of Attorney. This is required to deal with Banks, Centrelink, transferring property or dealing with hospitals and nursing homes. Please note the Power of Attorney must be an *Enduring* Power of Attorney and not a General Power of Attorney.

In the event that no Enduring Power of Attorney is held and you lose your mental capacity, your affairs would be handled by the Public Trust Office. Although your family could apply to the Guardianship Tribunal to be appointed as an Attorney or Guardian for you, the easier solution is to have the documents in place now.

What is an Advanced Health Directive?

An Advanced Health Directive is a document that states your wishes or directions regarding your future health care for various medical conditions. It comes into effect only if you are unable to make your own decisions.

You may wish your directive to apply at any time when you are unable to decide for yourself, or you may want it to apply only if you are terminally ill.

The purpose of an Advance Health directive is to give you confidence that your wishes regarding health care will be carried out if you cannot speak for yourself. However, a request for euthanasia would not be followed, as this would be in breach of the law. Under the Queensland Criminal Code, it is a criminal offence to accelerate the death of a person by an act of omission. It is also an offence to assist another person to commit suicide.

For enquiries regarding QLD Enduring Powers of Attorney, please contact Lesley Barnes on (07) 5506 8241 or by email lbarnes@attwoodmarshall.com.au.



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