

FACT SHEET— Important questions about Enduring Power of Attorney and Enduring Guardianship

1. Why do I need an Enduring Power of Attorney and Guardianship?

- a) A will ensures your assets are distributed according to your wishes.
- b) An Enduring Power of Attorney enables your affairs to be managed when you are unable to manage them and:
- c) Privacy laws prevent your relatives or friends from obtaining information about your health, medical condition and general care; and from making decisions for you when you are unable to do so. Only an Enduring Guardianship will give this authority to someone to manage your general care and well being and to carry out **your wishes** on vital decisions such as what to do if you are on life support.

2. If my partner or I suffer from aged dementia or lose mental capacity, can the Enduring Power of Attorney be used to instruct doctors and nurses regarding our health and welfare?

No—the only authority that will enable the person of your choice to look after you and your health care and welfare is an Enduring Guardianship.

3. Can my partner or I use Enduring Power of Attorney (POA) to handle our financial and legal affairs if the other suffers dementia?

Yes—that is its purpose—your adult child or your children can be appointed to manage your financial and legal affairs and to fully care for you should you also have an Enduring Guardianship.

4. If my partner dies can I use the Enduring Power of Attorney to withdraw money for the funeral and other death expenses?

No—the bank usually allows an executor access to the deceased's account to pay urgent expenses. The bank may need to sight a copy of the will. The Enduring Power of Attorney enables you to attend to these matters only while the appointer is alive.