

What is a Power of Attorney?

A power of attorney is a document empowering a person (or persons) to act on behalf of another with respect to the giver's proprietary rights, i.e. anything to do with the giver's property, assets, rights with respect to property, etc.

Powers of attorney can be:

- General** - the attorney is able to do nearly all things the person giving the power could legally do.
- Limited** - the power is limited by, for example, time or limited to a specific act.

Enduring Power of Attorney

Powers of attorney generally cease to be effective when the giver loses mental capacity.

An enduring power of attorney is one that remains effective after the giver has lost mental capacity. It will remain in force until death.

A power of attorney should only be given to someone you trust completely. They are extremely useful documents in the right hands but very dangerous in the wrong hands.

Do I need an Enduring Power of Attorney?

If you own assets and lose mental capacity, someone will have to be appointed to look after your affairs. If you have granted an Enduring Power of Attorney, you will have chosen that person (or persons) yourself.

If you have not granted an Enduring Power of Attorney, someone (e.g. your spouse, son or daughter) will need to apply to the Court or the Guardianship Tribunal to be appointed. It is likely that an officer from the Protective Commissioner's Office will also need to be involved in the management of your affairs.

Reference: *ãEstate Planning Specialists Pty Limited and AMP Limited*

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