

Let's talk about Enduring Powers of Attorney



“ A loss of capacity can happen
at anytime in a person's life. ”

100
YEARS
since 1916



Our vision

The independent trustee for Queenslanders providing security and peace of mind.

Our purpose

Lead the evolution and delivery of trustee, estate and administration services that make a positive difference in the lives of Queenslanders.

About the Public Trustee

We deliver a range of specialist services to the Queensland community including:

- Enduring Powers of Attorney
- Deceased Estate Administration
- Executor Services
- Will making
- Financial Administration for people with incapacity.





What is an Enduring Power of Attorney?

An Enduring Power of Attorney is a legal document that outlines who you would like to manage your affairs, such as when you no longer have the capacity to do so. People can lose capacity for decision making for reasons such as intellectual or psychiatric disability, acquired brain injury, dementia or temporary illness such as delirium.

Who should make an Enduring Power of Attorney?

Losing capacity does not just happen to people who are ageing. A loss of capacity can happen at any time in a person's life and this loss may be temporary or permanent.

If you are over 18 and have capacity to understand the nature and the effect of the power you are giving an Attorney, it's important you plan for your future by making an Enduring Power of Attorney.

What is an **Attorney**?

An Attorney is the person you nominate to manage your affairs. You can have more than one Attorney. Attorneys can be appointed to manage your financial matters and/or your personal and health matters.

You can specify when your Attorney's powers begin and you can also specify what powers they will have. This is often referred to as the 'limits of your Attorney's powers'.

What does an Attorney for **financial matters** take care of?

A financial Attorney can perform a range of duties such as:

- ensuring your bills are paid
- preparing your tax returns
- managing your investments.

“ You can be sure that we are impartial and have your best interests at heart. ”

The Public Trustee as your **Attorney for financial matters**

When we manage your financial affairs, you can be sure that we are impartial and have your best interests at heart.

You can chose to appoint us as your Attorney, or we may be appointed as your financial administrator by the Queensland Civil and Administrative Tribunal.





What does an **Attorney for personal and health matters** take care of?

An Attorney for personal matters can attend to things such as where you will live, who you will live with and your recreational activities.

An Attorney for health matters can attend to certain medical decisions, treatment options and medicines.

An Attorney is **accountable**

An Attorney is personally accountable for their actions. If your Attorney mismanages your affairs whether deliberately or by negligence, they can be held liable for their actions. This can include facing court proceedings to recover money and even criminal charges.

The Public Guardian has powers to investigate complaints if somebody with an Enduring Power of Attorney, for financial, health or personal matters is acting improperly.

“ An Attorney is personally accountable for their actions. ”





Attorneys have been known to mismanage finances

There have been many instances of family or friends mismanaging their role as Attorney. This can include selling a person's assets and retaining the money for themselves and/or transferring ownership of assets into their names.

When investigated, common responses are 'Mum wanted us to have the money', 'Dad doesn't need the money and we do', and 'The money is not doing them any good in the nursing home and we have a mortgage to pay'.

Experience shows these types of reasons are generally not accepted by the Queensland Civil and Administrative Tribunal and may result in legal action against the Attorney to recoup money on behalf of the person with incapacity.

Making an **Enduring Power of Attorney** with the Public Trustee

The Public Trustee is able to assist you to make your Enduring Power of Attorney for a competitive fee. To make an Enduring Power of Attorney you must be an adult capable of making your own personal and financial decisions. You need to be able to:

- understand the nature and effect of a decision
- freely and voluntarily make those decisions; and
- communicate the decisions in some way.

An Enduring Power of Attorney must also be witnessed correctly.

At the Public Trustee we are able to witness your Enduring Power of Attorney and supply you with a certified copy. It's as simple as making an appointment to visit your nearest Public Trustee Office.

“
The Public Trustee is able to assist you to make your Enduring Power of Attorney for a competitive fee.
”

Protecting your **privacy**

The Public Trustee collects and manages personal information in the course of performing its activities, functions and duties in accordance with the *Public Trustee Act 1978* (QLD).

We respect the privacy of the personal information held by us. The way in which the Public Trustee manages personal information is governed by the *Information Privacy Act 2009* (QLD).

This means there are restrictions on how we can use, and when we can disclose, your personal information. When you supply us with your personal information as part of providing us with feedback or lodging a complaint, we will generally use this information only to assist us to address your concerns.

We generally do not disclose your personal information outside of the Public Trustee unless we are required to do so by law or unless you have given us your consent to such disclosure.

If you would like to read our Privacy Statement, please visit our website at **www.pt.qld.gov.au**



Contact us

The Public Trustee

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Web www.pt.qld.gov.au

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Your nearest Public Trust Office

Brendale

Brisbane

Bundaberg

Cairns

Gladstone

Ipswich

Mackay

Maryborough

Mount Isa

Nambour

Redcliffe

Rockhampton

Southport

Sunshine Coast

Toowoomba

Townsville

We also offer a range of outreach services in other areas of Queensland. Phone us to find out about your nearest service centre.

1300 360 044

www.pt.qld.gov.au

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