



What happens if I can no longer make decisions for myself?

You may be faced with a situation where – due to accident or illness – you can no longer make decisions about things like where you live, how you spend your money and what support services you receive.

An enduring power of attorney is a legal document that lets you choose someone to make decisions for you. This person is called your attorney.

How it works

Attorneys can make a range of decisions on your behalf. In Victoria, these include –

- o Financial decisions – such as paying bills and other expenses, making investments, and selling or buying property
- o Personal decisions – such as access to support services, healthcare, and decisions about where and with whom you live.

You also have the option to limit your attorney's power to certain matters (such as the sale of a business, sale of specific property or shares, or finding a suitable place for you to live).

Your attorney cannot make medical treatment decisions for you unless they are also formally appointed as your 'medical treatment decision maker'.

Who should be your attorney?

An attorney must be 18 years old or over. They should be someone that you trust to make sound decisions on your behalf. This is because you are giving them power to make important decisions for you at a time when you are vulnerable.

You can appoint more than one attorney.

How to set up an enduring power of attorney

You must have capacity to make decisions when you nominate your attorney.

First, you need to complete an 'appointment form'. This sets out:

- o Who you are appointing as your attorney/s
- o What decisions you want them to make
- o Whether there are any decisions you do not want them to make



A quick guide to... Enduring Powers of Attorney



- o When the appointment will start (for example, this could be straight away, or only once you have lost capacity).

The appointment form can be accessed on the Office of the Public Advocate's website. There are legal requirements for signing this form that you need to follow in order for it to be valid, so remember to read the instructions carefully.

Note: It's a good idea to get legal advice about appointing an attorney. A solicitor can consider your circumstances and advise you about which powers to give to an attorney and the consequences of making the appointment.

Cancelling an enduring power of attorney -

You can cancel an enduring power of attorney at any time, as long as you have capacity. This is done by signing another form, called a 'revocation form'.

Other types of powers of attorney

In addition to enduring powers of attorney, other powers of attorney are available – these are suited to different situations.

A **general non-enduring power of attorney** is usually set for a specified period of time. In this case, the attorney only makes financial decisions.

A **supportive attorney** is someone who can support you to make, and act on, decisions. Your supportive attorney cannot make decisions for you.

Help is available

For more information about powers of attorney, including appointment forms –
Office of the Public Advocate (OPA)

Phone: 1300 309 337

Website: <https://www.publicadvocate.vic.gov.au/>

For specific information about enduring power of attorney: <https://www.publicadvocate.vic.gov.au/your-rights/enduring-power-of-attorney/making-a-power-of-attorney>



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