



Maddens Managing Partner Fiona Giblin.

Appointing a

POWER OF ATTORNEY

- IT'S NOT ABOUT BEING OLD. IT'S ABOUT BEING CERTAIN.

HAVING A VALID WILL AND APPOINTING A POWER OF ATTORNEY ARE MATTERS THAT EVERY LIVING PERSON SHOULD ADDRESS; IT'S SURPRISING HOW MANY PEOPLE AREN'T ACROSS WHAT IT MEANS TO HAVE THESE - AND WHAT IT COULD MEAN IF THEY DON'T. FIONA GIBLIN, MANAGING PARTNER OF MADDENS LAWYERS OUTLINES WHAT IS INVOLVED.

While a Will itself is, in theory, a straight forward concept – it is a document that determines what happens with your most treasured possessions when you pass away – what a Power of Attorney can and should do on your behalf tends to be less known and understood.

A Power of Attorney is about what happens when you're alive, and grants another person (or people) permission to manage certain affairs, if and when necessary. This usually relates to financial matters, medical affairs or living arrangements that have to be managed in the event you are too unwell to make the decisions yourself.

It is something that provides you, and the important people in your life, direction, certainty and peace of mind - it's effectively saying that

someone else can manage your life and personal affairs when you're not able to. That's a big thing!

That is why on 1 September this year, new legislation has come in to play to better protect the person donating the Power of Attorney, referred to as 'the Principal'.

What the new legislation now makes clear, is, among other details, what Power of Attorney cannot do.

For example, they can't dissolve a marriage. A Power of Attorney cannot revoke a will. And they can't control a Principal's children. As strange as it may seem, before 1 September 2015, it was never made explicit that a Power of Attorney could not do this (although one would have hoped common sense and ethics always prevailed!)

The changes also clarify what a Power of Attorney is required to

do in carrying out this role. One of the duties is that if and when you are required to act as a Power of Attorney, you must keep meticulous records of all you do on behalf of the Principal.

Payments you make, transactions undertaken on behalf of the Principal, or arrangements you might make to help the Principal in their day to day life (such as appointing a cleaner, or renting a new property) must be carefully and meticulously noted – and penalties apply if they are not.

Similarly, a person being appointed Power of Attorney cannot have been found guilty of a dishonesty offence, or have been bankrupt. They also can't be the Principal's care worker, health provider or accommodation provider (eg: their landlord.) These circumstances would make a Power

of Attorney invalid, putting us right back where we started – no Power of Attorney, no certainty.

Importantly, having a Power of Attorney is not just a duty or role that should be considered when one is old or has been diagnosed with an illness.

We never know when something is going to happen – being prepared is important for the peace of mind of yourself, and those you love.

Maddens Lawyers has a large team of experienced legal professionals who are here to help explain the new laws, and if and how they affect your personal situation. We can also review what you currently have in place, to ensure everything is in order in case the unthinkable ever happened.



MAKING A WILL AND GRANTING POWER OF ATTORNEY

Personal
Professional
Efficient
Essential

Maddens Lawyers offers unparalleled experience and expertise when it comes to preparing a Will and Power of Attorney.

We can make it a simple and efficient process, that will provide you with peace of mind.

Contact Maddens today – we're here to help.



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