



What decisions can my attorney make?



VERONICA AND HER TWO DAUGHTERS

- Veronica appointed her daughter **Samantha** → **enduring Power of Attorney.**
- When Veronica lost her decision-making capability, Samantha organised for her to go into a care facility.
- Samantha never got on with her sister Jane.
- Samantha instructed the facility that Jane couldn't visit her mother.
- Veronica wanted a relationship with both her daughters.



▶ Consider our daily decisions and actions re...

Financial decisions

- Money – what is spent on what/whom?
- Investments
- Buying gifts
- Selling assets
- Donations
- Electronic banking



Personal decisions

- Where you live
- Access to services
- Who can visit you
- Who you can see
- What you buy
- Gifts you give



WHOEVER YOU APPOINT FOR YOUR PoA

- ▶ Needs to **know you pretty well** so they can make the correct decisions that you would want
- ▶ You need to think about **what limitations** you might need to put on that Power of Attorney

POWER OF ATTORNEY – ONE PERSON?



OR



You can appoint the **same person** to make decisions both of a financial and personal nature.

You can appoint **one person** to make financial decisions and maybe **another person** to make personal decisions.

▶ Revoking the Power of Attorney (PoA)

- 'Marty' went into hospital for a minor ailment.
- He disappeared – his friends lost contact with him for 10 days.
- He had been moved to an aged care hostel by his daughter who had his PoA.
- She took his wallet and phone, sold his car, put his house on the market.
- He was stranded, borrowed a phone and a friend rescued him.
- He went to a solicitor and had the Power of Attorney quashed.

He could **revoke the Power of Attorney because
had decision-making capacity**

Unhappy with decisions your attorney is making?

- You can revoke the Power of Attorney if you have decision-making capacity.
- If you lack the decision-making capacity, it can be referred to **Victorian Civil and Administrative Tribunal (VCAT)**.
- VCAT have power to:
 - ✓ Suspend a power of attorney
 - ✓ Revoke a power of attorney
 - ✓ Investigate the actions of an attorney
 - ✓ Ask an attorney to provide an account
 - ✓ Order an attorney to pay compensation if money has been misappropriated

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