**POWER OF ATTORNEY**

 ***What is ‘Power of Attorney’?*** Power of Attorney documents are signed instructions which communicate your wishes in the event you are severely incapacitated and unable to administer your own affairs. They are the means of letting another person know how you want your life and business affairs conducted should you lose the ability to make decisions through a medical condition such as a serious accident, stroke, heart attack or through a degenerative debilitating condition etc. Power of Attorney documents could be called into play, suddenly, at any time.

It is important to advise at the outset, that the Power of Attorney guides/advice contained in this package are provided in a Victorian context. There are some differences in approach between the various states of Australia. If you live outside Victoria you should identify appropriate documents and forms relevant to your state.

***Included in this Package***
The Office of the Public Advocate (Victoria) is the lead agency in Victoria for this topic and have produced the following publications. We have arranged for these publications to be printed for ease of use by our Members. These publications, including forms, cover most of the requirements for the majority of our members.

* ***‘Take Control’*** - Office of the Public Advocate (March 2018)
This document is your self-help guide to appointing a medical treatment decision maker, or alternatively, allows you to make an advance care directive through to the making of an enduring Power of Attorney.

The booklet *Take Control*, when used in conjunction with *Your Voice*, will assist you as you work through the various guides from Medical Treatment Decision Makers, Advance Care Directives to Powers of Attorney. The booklet contains all the guidance, information and relevant forms required.

Additionally the booklet contains information for the Attorneys outlining their powers.

* ***‘Your Voice - Trust your choice’*** – ***Tips for seniors making enduring powers of attorney***. (June 2017)
This booklet, released by the Office of the Public Advocate, is a comprehensive guide with tips for seniors making an enduring Power of Attorney. Included in this Guide is advice on who you choose to make decisions for you, as well as what powers to give, and when those powers will start.

This booklet goes through what happens after having made your enduring power of attorney together with sample wording, checklists and where to get help.

*‘Your Voice’* is a companion to the other booklet in this package – ‘*Take Control*.’

* ***Brochures***The following 3 brochures, dated March 2018, have been provided courtesy of the Office of the Public Advocate.
	+ *making an* ***enduring power of attorney***
	+ *making an* ***advance care directive***
	+ *appointing a* ***medical treatment decision maker***

Also included in this package

* ***‘Planning Ahead’*** ***– A Guide to Putting Your Affairs in Order*** Department of Veterans’ Affairs (January 2019)
* Power of Attorney – Pages 9-11
* Advance Health Care Planning – Pages 12 to 13

***Witnesses and Decision Makers and Communicating your Instructions***
Information for people you choose to witness your documents, and for people you nominate to administer your affairs, appears on pages *28* through to *40* of ‘Take Control’. Make sure they familiarise themselves with the details. This includes information for the Attorneys outlining their powers, decision making, the do’s and don’ts, together with their duties.

***If This Isn’t For You***

* **Using a Lawyer**If you feel this is a bit difficult, you may wish to engage a lawyer. Most law firms can prepare the documentation and the Law Institute of Victoria can refer you to a local registered Law firm in your area. The Law Institute of Victoria can be contacted on 96079550 or [www.liv.asn.au](http://www.liv.asn.au)

**or**

* **Using a Trustee Company**
You may choose a trustee company (such as State Trustees on 96676444 or Equity Trustees on 1300133472).

Check whether the trustees will allow you to appoint your own attorney – using theirs will incur additional costs.

We recommend when using lawyers or trustee organisations, to always obtain a written quote or estimate.

***How Do I Make a Start?***The following would seem a logical approach to getting your Power of Attorney document/instructions completed.

**Complete the Enclosed Forms**
Firstly, we suggest you acquaint yourself with what is involved, and think about what you feel is right for you and your loved ones. A good approach may be to firstly skim through the three publications identified in our ‘*Included in this Package’* paragraph.

Having a basic idea of what is involved, we suggest you use the *‘Take Control’* publication as your primary guide in working through the forms. However, don’t forget to also consult the *‘Your Voice’* publication at the same time. It contains lots of tips, sample wording and useful case studies, to help make the process easier.

Read pages 4 and 5 of the *‘Take Control’* publication then begin completing your forms.

* **Appointment of Medical Treatment Decision Maker Form**.
Read pages *7 and 8* then complete the form.
	+ As an extension to your medical treatment decision making we suggest you also complete the ‘***Advance care for directive for adults’*** form. Pages 10 and 11can help with this decision. Pages 12 to 15 will assist you in completing this form.
* **Enduring Powers of Attorney.**
Read the introduction pages *18 to 21*.
Then fill in the form using pages *22 to 27* as a guide.

***Completion***Once your forms have been completed, check that all details, including signatures, dates etc, have been included.

It’s usually a good idea to make copies for those other people that have been involved in preparing your documents.

It is recommended that you advise those closest to you of your *Power of Attorney* details, and advise them where your copies of the documents are stored.

Review your documents annually to address any changes in your wishes, or circumstances.

***Further Information and Assistance***
If you have any questions, or require further information on what is provided, please consult the contacts identified in the *‘Help List’* on page *65* of the *‘Take Control’* publication.

***Disclaimer****The publications and forms are covered for copyright and disclaimer purposes through their originating organisations. The additional notes are a guide only and not intended to be advice on any particular matter. You should use your own judgment, when making use of the material available, as to whether it is appropriate to your circumstances. While all due care has been taken to ensure the accuracy of material contained, the OEMVVAA cannot take responsibility for the accuracy, reliability, currency or completeness of any material contained, nor do the references and web links to products or services or other organisations constitute endorsement. We expressly disclaim all and any liability in respect of anything done or omitted to be done by any such person in reliance, whether whole or partial, upon the whole or part of the contents of this document.*