

# It is important to prepare for the unexpected



legal

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LIFE THROWS us curveballs when we least expect it — one moment, we're living our normal everyday life and the next, we could be incapacitated due to an accident, stroke, or another unexpected medical event.

We live in a society where we live longer; however, due to an ageing population, there is a growing epidemic of people living with Dementia or Alzheimer's, and as this disease progresses, you may no longer be able to make your own decisions.

Many of us don't plan for such a prospect and don't stop to think intimately about this.

Who would care for you and decide where you lived?

Who would pay your household bills?

Who would pay for your care?

If you operate a business, who will take care of this for you?

Who will look after your investments and other financial interests?

We often think we are immune to this, that it happens to others, but the reality is that it can happen to anyone.

It's important to put in place the appropriate Power of Attorney documents to ensure that you are covered for such an eventuality.

Think you only have to put these documents in place when you get older?

You are wrong.

Many young people end up incapacitated, and their lives are changed forever.

The unimaginable can happen to you and your family, so it pays to be prepared.

So, let's take a look at the important documents that everyone over the age of 18 should have in place.

## ***Enduring Power of Attorney***

This document allows you to appoint someone to make financial, legal and guardianship decisions on your behalf.

You may select whether you would like this document to come into effect immediately or to come into effect when you no longer have the legal capacity to make your own decisions.

If this document is to come into effect immediately, it may only be used in accordance with your instructions to your attorney.

By putting this document in place, you are entrusting your attorney to take care of your bank accounts and investments, sell any assets, including property, if required, and choose where you live and who cares for you.

As your attorney is entrusted with significant power over your affairs, you must choose an attorney you trust and who will manage your financial, legal, and personal matters responsibly.

Most people choose a close family member or a trusted friend to undertake the role of their attorney, and all appointed attorneys must be over 18.

## ***Appointment of Medical Treatment Decision Maker***

The *Appointment of Medical Treatment Decision Maker* allows you to appoint someone to make medical decisions on your behalf in the event that you are unable to do so.

If you are unable to make medical decisions, your medical practitioner

will need to obtain the consent of your medical treatment decision maker prior to providing any medical treatment to you.

Choosing whom to appoint as your medical treatment decision maker is very personal.

It comes down to whom you trust to make the best decisions for you in accordance with your wishes.

## ***Advance Care Directive***

To provide your medical treatment decision maker with guidance, you may consider putting in place an *Advance Care Directive*, which allows you to stipulate which medical treatment you consent to and the medical treatment that you do not consent to.

If you have strong wishes concerning resuscitation or life support, you may list these wishes in this document.

This document also allows you to list other people you would like involved in your care, together with specific wishes that you may have if you were nearing the end of your life.

It's important that you chat with the people that you appoint as your attorney and medical treatment decision maker

to obtain their approval, that they are willing to undertake these roles and let them know your wishes.

If you lose capacity and do not have your Power of Attorney documents in place, then someone would need to make an application to VCAT to be appointed your guardian and administrator to enable them to legally care for you and manage your financial and legal matters.

This may not be the person you would choose to undertake this role.

By putting your Power of Attorney documents in place, you will have the peace of mind of knowing that if you can no longer make your own decisions, the people whom you would like to make decisions for you in accordance with your wishes will be the ones making those decisions.

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