



THE WILL PROFESSIONALS

*Your Will, Your Way*

## ***Enduring Power of Attorney (EPA)***

### ***What is an EPA?***

An EPA is a legal agreement whereby a person (the attorney) is appointed to act on your behalf (as the donor) in relation to your assets, property and financial affairs.

### ***Why make an EPA?***

By making an EPA, you are choosing who you want to manage your financial and legal affairs when you need them to and/or when you lose mental capacity.

It is important to know that if you become mentally incapacitated your spouse/partner or close family member is not automatically entitled to act on your behalf. If you do not have an EPA and you lose capacity, there may be no one with legal authority to manage your financial affairs. This may mean that the State Administrative Tribunal will need to appoint a financial manager for you.

### ***When does an EPA commence?***

An EPA can commence when you decide. It can commence:

- at the time you make it and continue in force if you lose mental capacity; or
- only where the State Administrative Tribunal declares you do not have legal capacity.

### ***What can your attorney do?***

Your attorney can lawfully do anything that you can do in relation to management of your property or finances, in accordance with your best interests.

These broad powers include selling, buying or leasing property (such as your house), making investments, accessing cash (including bank accounts) and buying or selling shares.

**An EPA is an important document and should be prepared and signed while you are in good health and can take the time to consider who will be your attorney.**

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