

Changing your EPA

You can change your Enduring Power of Attorney if you still have mental capacity. If you have lost capacity and there are problems with your attorney(s), the Guardianship Board of South Australia can appoint an administrator to take over.

Change your EPA if:

- One or more of your attorney's say they are unwilling to act or one dies.
- Your relationship changes and you no longer trust your attorney(s) and do not want him/her involved.
- You want to change the written instructions.

Notify anyone who is no longer your attorney(s).

Other things to consider:

- Where to keep your EPA.
- Who to give a copy.
- Who to tell about your EPA.
- How often to review it.

APEA Members

Legal Services Commission

Information, legal advice, and preparation of Enduring Powers of Attorney and Guardianship.
Tel. 1300 366 424 for Legal Help Line
Mon to Fri 9am to 4:30pm
Tel. 8463 3555 for free half hour appointments.
www.lsc.sa.gov.au

Office of the Public Advocate

Promotes and protects the rights of people with mental incapacity.
Tel. 8269 7575 or 1800 066 969
General enquiries Mon to Fri 9am to 5pm
www.opa.sa.gov.au

South Australia Police (SAPOL)

Prevents, detects and investigates reports of crime.
Tel. 131 444 to report a crime or for police assistance.
www.police.sa.gov.au

SAPOL's Home Assist Scheme

Provides crime prevention advice and services to assist older people and those with a disability, to safely remain in their own home.
Tel. 8204 2817
www.police.sa.gov.au

Public Trustee

Advice preparation and management of Enduring Powers of Attorney and Wills.
Tel. 8226 9200 or Toll free 1800 673 119
www.publictrustee.sa.gov.au

Aged Rights Advocacy Service

Provides support to uphold the rights of older people who are at risk of, or experiencing abuse by family or friends.
Tel. 8232 5377 or Toll free 1800 700 600
www.sa.agedrights.asn.au

Disclaimer: Information in this pamphlet is of a general nature to be used as a guide only. It is not a substitute for legal advice.

Appointing an Enduring Power of Attorney



APEA

Alliance for the Prevention of Elder Abuse

Legal Services Commission
Office of the Public Advocate
SA Police
Public Trustee
Aged Rights Advocacy Service

Why appoint an Attorney?

You can appoint someone you know and trust and who understands and is capable of managing your financial affairs, if you are unable or do not wish to do so yourself. This is the best way of ensuring that your bills and assets continue to be managed.

An Enduring Power of Attorney (EPA) is a legal document signed by you appointing another person(s) called an attorney to make financial decisions if necessary. This document can be drawn up by a solicitor or a 'do it yourself kit' with instructions that can be purchased from Service SA*.

Your attorney(s) cannot make medical, health care, accommodation or lifestyle decisions. You can sign an Enduring Power of Guardianship to appoint a guardian to make these decisions.

***Purchase an EPA kit from Service SA**

Telephone 132 324

www.service.sa.gov.au

Who decides when the Attorney(s) takes responsibility?

You can choose to have your attorney(s) manage your finances immediately or only if you lose mental capacity*. You write what you want in the EPA. A doctor or neuropsychologist assesses whether you have lost the ability to make financial decisions in order to activate your EPA.

Your attorney(s) can pay your bills, manage investments, bank accounts, transfer or sell your property, and meet other expenses.

Your attorney(s) must manage in your financial best interest, consult with you whilst you are able to understand financial matters, take into account your written instructions and keep records of what he/she is doing.

***Mental capacity refers to the ability to understand the nature and consequences of a decision and the alternative choices and consequences available or likely.**

What to consider in an EPA?

Q1: Who to appoint?

- Who do you trust?
- Does that person have the skills to manage your finances?
- Is he/she a good money manager?
- Do you want more than one attorney?

Q2: Instructing your attorney(s)

- Do you want to limit the type of financial decisions your attorney(s) can make?
- Do you want another person to monitor your attorney's work by getting regular financial statements?
- Do you want your attorney(s) to consult with other family or friends?
- Do you want your assets or income managed in a special way?
- Do you want to continue to give donations or gifts?

You can write special instructions in your EPA and your attorney(s) should follow them.