

Enduring Power of Attorney and Other Decision- Making Provisions

Planning for the future includes making provision for the possibility of reduced decision-making capacity, be it the result of cognitive decline, the onset of dementia, or incapacity due to illness or accident. Each State and Territory government has legislation which can help to make sure that your wishes are understood and decisions about your care, finances and how you live are made by people that you trust.

In Western Australia, an [enduring power of attorney](#) is a legal agreement that enables a person to appoint one or two trusted people as attorneys to make financial and/or property decisions on their behalf. This enables the appointed person or people of your choice to access your bank accounts; pay bills and undertake property transactions on your behalf.

An enduring power of attorney relates to financial decisions only – an [enduring power of guardianship](#) enables you to appoint someone to make personal, lifestyle and treatment decisions on your behalf if you lose capacity to make these decisions yourself. This can include decisions about where you live, who you live with, the support services that you receive or who provides care to you.

[Advance care planning](#) helps to plan for future health care when you may not be able to communicate your wishes at the time. In Western Australia an [advance health directive](#) enables you to make decisions about your future health care, including providing or withholding consent to receive treatment of your choice. This document will be followed if you ever lose capacity to make decisions about treatment.

In circumstances where a person has reduced decision making capacity but has not put in place an enduring power of attorney – or the person who has been appointed as an attorney is not acting in your best interests - then an application can be made to the responsible State or Territory government agency (the [State Administrative Tribunal](#) in Western Australia) which has a role in overseeing the use of these powers. This could mean ending the power of the appointed administrator, or the appointment of a court approved administrator to manage your finances.

In Western Australia, [the Public Advocate](#) is responsible for protecting the rights of people with decision making disabilities to reduce their risk of neglect, exploitation and abuse. [Advocare](#) is an independent community organisation which supports older adults who are being abused or at risk of being abused by family and friends. The Elder Abuse Helpline WA 1300 724 679 provides free, confidential advice and support.