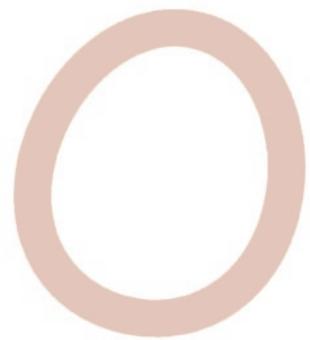


Taking Care of Business

Planning Ahead in Aboriginal & Torres Strait Islander Communities

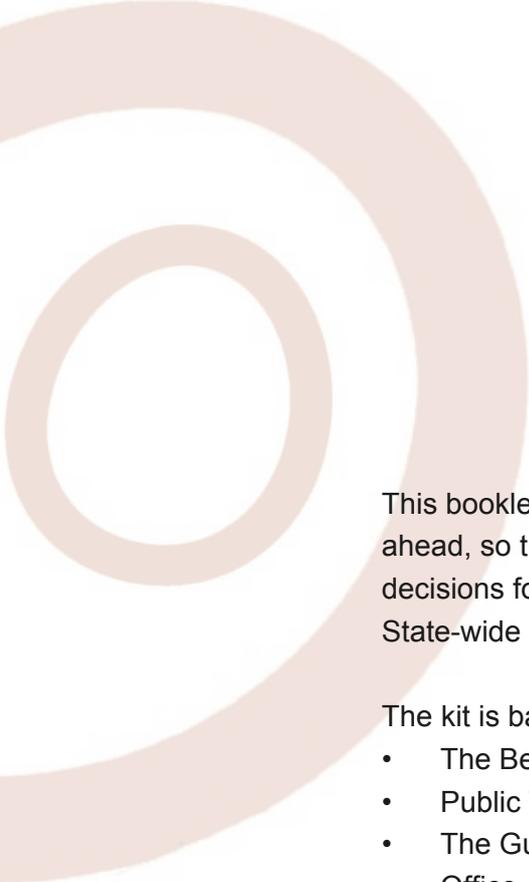




Taking Care of Business

Planning Ahead in Aboriginal and
Torres Strait Islander Communities





This booklet is part of a kit developed to help people talk about planning ahead, so they are prepared for times when they are not able to make decisions for themselves. There is also contact information for local and State-wide services that can provide further advice.

The kit is based on information produced by:

- The Benevolent Society
- Public Trustee NSW
- The Guardianship Tribunal
- Office of Fair Trading
- Centrelink.

Disclaimer

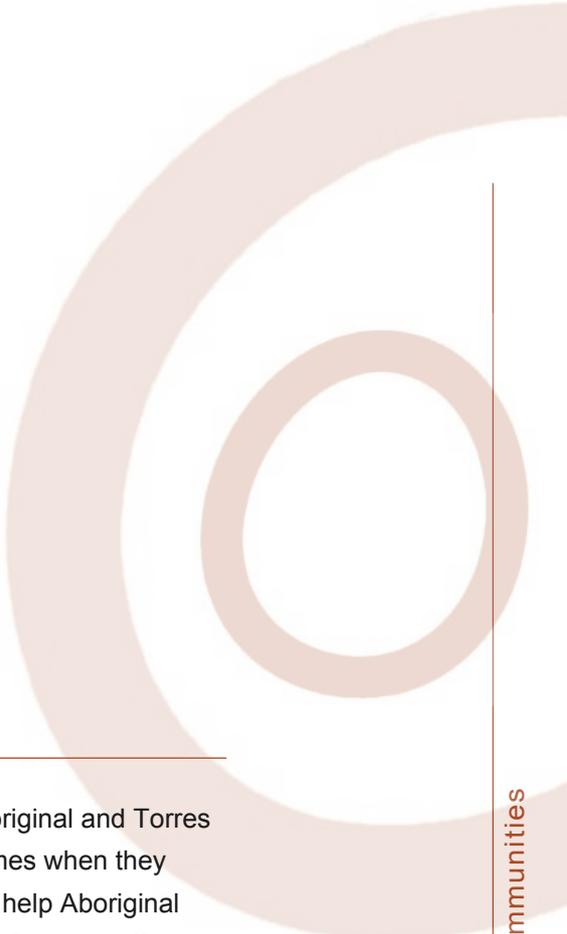
This is a plain English guide. Great care has been taken to make it as accurate and relevant as possible. However, it should not be relied on as the only source of advice when making decisions that could affect a person's rights or responsibilities.

The NSW Department of Ageing, Disability and Home Care cannot accept responsibility for the ways the document is used. Professional advice should be obtained when making decisions about how to use the information contained in it.



Contents

Introduction	5
Making a will	8
Funeral funds	10
Making decisions about my health and lifestyle	12
Other decisions about my health	14
Making decisions about my finances	16
Where can I get legal help?	20
Getting more information	21
Community legal centres	22
Glossary of terms	23



Introduction

This booklet provides information designed to help members of Aboriginal and Torres Strait Islander communities plan ahead, so they are prepared for times when they are not able to make decisions for themselves. The booklet aims to help Aboriginal people to make their wishes known about their personal, health and financial affairs. It suggests ways they can make arrangements for a trusted relative or friend to make decisions on their behalf if the need arises.

The authors have consulted organisations providing aged care and legal advice to people of Aboriginal and Torres Strait Islander heritage, and have met with members of Aboriginal communities in six locations in New South Wales. Issues raised in the consultations are summarised below.

Older Aboriginal people understood the need for families to talk about, and make plans for, a time when they might not be able to make decisions for themselves. However, it was acknowledged that Aboriginal people have often been reluctant to discuss these matters. Some people said it was not part of Aboriginal culture to plan ahead, but not everyone agreed with this view.

Reasons people gave for not planning ahead included:

- We've got nothing, so there's nothing to plan ahead for. Having few material assets was the most commonly cited reason for lack of interest in making a will and more generally not planning ahead.
- Some people saw it as important to be able to look after yourself without asking for help. Others said there was a sense of shame in having to ask for help, particularly if they had to put a loved one into care.

- Some people said there was an understanding in their family that one family member would have the duty of taking care of an older person should their health deteriorate and so it was unnecessary to formalise the arrangement. People in communities where families live in close proximity were more likely to express this view.
- Dealing with legal and financial language and complex forms was alienating for most people, and this made them reluctant to deal with the legal system. Overall, Aboriginal people consulted for this project had little understanding of the situations that require legal authority for someone to act on their behalf.

Very few participants in the focus groups had made a will. Reasons cited included: being alienated by legal jargon; not having any assets to leave; the cost of making a will; and the difficulty of getting a will made (including transport in remote communities). There was a lack of clarity about how to make a valid will, about the function of an executor and about whether a will can be contested.

A practical way of planning ahead discussed in the consultations was to join a funeral fund. People saw this as one way they could relieve the family of financial concerns during a time of grieving. Many people consulted were either currently paying into a funeral fund or actively considering doing so.

Poorer health and higher levels of disability in Indigenous communities make health a critical planning issue. Health-related issues raised were:

- Increasing numbers of Aboriginal people are choosing to die at home; they and their families want to know what palliative care support is available and how they can make their wishes known.
- Some people wanted information on the early signs of dementia and how to broach the subject without causing anxiety.

- Participants in the consultations talked of the shame and anxiety they, or others they know, had faced in having to put a family member into a nursing home. NSW has only two Indigenous residential aged care services (in Nowra and Kempsey). Although staff from some aged care services undertake cultural awareness training, there is still concern in Aboriginal communities about the lack of cultural understanding in mainstream services.

Because Aboriginal and Torres Strait Islander people tend to have poorer health and more disability than non-Indigenous Australians, it may be better in the Indigenous context to emphasise planning ahead for possible incapacity rather than for “old age”. The information in this booklet may become relevant earlier in Indigenous communities than in mainstream contexts. As one person put it: “the whole family should be talking about these things.”

A word about language:

Although this booklet is intended for the use of people providing services to Aboriginal or Torres Strait Islander people, it mostly addresses the Aboriginal or Torres Strait Islander person directly. This is to avoid repeated cumbersome references to “Aboriginal and Torres Strait Islander clients” or “Aboriginal and Torres Strait Islander people using your services”. It may also mean that the book is directly accessible to the people whom it is meant to help.

Making a will

A will is a legal document that says who you wish to leave your money and belongings to, after you die. It also helps your friends and family know of any special funeral arrangements you want.

Why do I need a will?

Most people agree that having a will is a good idea. If you pass away without having made a will, an administrator will be appointed to decide how your money and belongings will be divided among your family and the government. This means that the people you wanted to get your things may not get them.

Who should make a will?

Every one over 18 who is of sound mind should make a will. It is particularly important to make a will after you get married or divorced, or if you begin a de-facto relationship.

How do I make a will?

Making a will can be easy and it doesn't have to be expensive. A will can be short or long and it can use simple and clear language. Some of the things you need to think about are:

- Who do you want to name as a beneficiary? (A beneficiary is a person who receives something in your will.) If you want more than one beneficiary, which assets do you want each of them to receive?
- Are any of your beneficiaries minors (under 18 years old)? The law stops minors from inheriting anything until they reach 18 years of age. Your will can make special arrangements for them.
- Who do you want as your executor? (The executor is the person responsible for administering your estate until your assets are distributed to the beneficiaries.) Your executor will have a lot of responsibility so if you choose a friend or family member make sure they understand what they will have to do. Some people choose a professional to help. When the Public Trustee NSW is appointed as executor or co-executor, they prepare and update the will free of charge. However, they charge for their work in administering the estate.

Can I change my will?

You can change your will as often as you want. It is a good idea to review your will when things in your life change.



Where should I keep my will?

You should keep your will in a safe place, but where it can be found after your death. It's a good idea to tell someone where your will is stored as it often happens that family and friends know that a person made a will but they cannot find it.

If you make your will with the Public Trustee's office, the original is held free of charge in their safe and you receive a copy.

Grace

Grace is 70. Two years ago she suffered a stroke. Her 51 year old daughter Lyn now lives with her and cares for her full time.

Grace owns her own home in a small country town. She and her husband bought it years ago when their children were small. Grace also has a few odds and ends that are of value to her that she would like to leave to specific family members.

While still very alert Grace has noticed she is getting a little forgetful and she has also noticed that the effects of the stroke are taking their toll on her body.

While she is still alert and of sound mind Grace decides to put her will together so that her children and grandchildren are clear about who gets the house and other important items. Last time she saw her doctor she asked him if he could give her some information about how to make a will. He told her to talk to the local Community Legal Centre who could help her.

Grace has now made a will and had it signed by an appropriate witness. She asked her eldest son to be the executor of her will and he agreed.

Grace feels at peace. If anything happens to her, her affairs are in order and someone she trusts will take care of everything.

Funeral funds

We've seen so many people in our community pass away where the family found it hard to find the money to pay for the funeral.

At the community consultations with Aboriginal people in NSW, many people said that paying into a funeral fund was a way they could plan to relieve their family of the financial burden of their passing.

There are a number of ways to make advance payments towards the cost of your funeral:

- You can make small regular payments to a funeral fund. Contributions to some funds go towards payment for a funeral service with a particular funeral director. Others provide a cash benefit which can be used to pay the funeral director you choose.
- You can have a pre-paid funeral. You select a funeral director, make decisions about the type of funeral you would like and then pay for that funeral at today's prices, usually in a lump sum or a few large instalments.

The Office of Fair Trading regulates these funds. You can phone them on 1800 502 042 for a list of registered funds.

Did you know?

Some airlines provide a compassionate airfare for passengers flying to attend a funeral. They may have special conditions such as needing to see a letter from a funeral director or doctor.

Simon and his family

Simon is 32 and recently married. He recently lost his mother to cancer. When his mother passed away it was a huge financial strain on the family. None of his brothers or sisters had much money to put towards the funeral and his dad and mum had used up most of their savings when they had to travel to the city for his mother's treatments. Simon and his wife Laura had a little bit of money saved but not enough to cover the whole funeral. So Simon's dad ended up having to take out a small loan to cover the rest of the funeral expenses which the whole family are helping to pay off.

A few weeks after the funeral a close friend of Simon's, who knew how expensive the funeral had been and the strain it had put on the entire family, suggested that they look into a funeral fund for themselves and other members of the family.

Simon and Laura thought it was a fantastic idea. They had seen an ad on TV and they had heard that a local Aboriginal organisation offered a fund. They looked into both and chose the one that suited them. They also encouraged other family members to join. Simon's dad was one of the first to sign up.

Simon and Laura now have peace of mind. If anything were to happen to them they will not put a financial strain on the rest of the family. Their funerals will be taken care of and people can grieve instead of having to worry about money.

Making decisions about my health and lifestyle

Sometimes a person is not able to make decisions about their own life. This could be because of dementia, a brain injury or severe physical injury. You can arrange for a family member or friend to make decisions on your behalf just in case this happens to you.

Often we have a family member in mind who can take on the role of making these decisions. We have told them what we would like to happen to us if we start to lose our memory or have a bad accident or illness and can't make our own decisions. It can make things much easier if we make our wishes clear to everyone. A way of doing this is to appoint an enduring guardian.

An enduring guardian is someone you appoint to make personal and health decisions on your behalf when you are not capable of doing it for yourself. You can decide what decisions you want your enduring guardian to make. You can also appoint more than one person if you want.

The types of decisions (called "functions") you might ask your enduring guardian to make are:

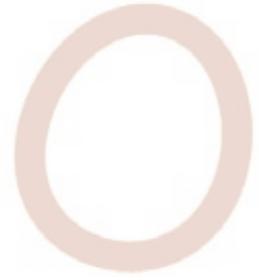
- to decide where you live
- to consent to treatment prescribed by your doctor
- to decide what personal services you receive (such as Meals on Wheels, Home Care)
- to decide what medical or dental treatment you receive.

You can tell your guardian how you want them to go about carrying out these directions. For example, you can tell them that you'd like them to talk to another member of your family about decisions whenever possible.

If something goes wrong with the appointment of the enduring guardian (eg. if they get sick or are not acting in the best interests of the person) the Guardianship Tribunal can review the appointment and change it to protect the person with the disability.

What decisions can't an enduring guardian make?

There are some decisions that enduring guardians can't make for you. They can't manage your finances, make a will for you, vote on your behalf, or consent to you getting married.



How do I appoint an enduring guardian?

You need to talk to the person you have chosen to be your enduring guardian and make sure they are willing to take on the responsibility and that they understand your wishes. It is also a good idea to talk to other important people in your life about this.

You need to fill in an Appointment of an Enduring Guardian form and have a solicitor, barrister or Registrar of the Local Court witness you and your enduring guardian signing the form. Keep the form in a safe place and tell someone where it is. Give a copy to your enduring guardian.

You can get more information and an Appointment of Enduring Guardian form from the Office of the Public Guardian or the Guardianship Tribunal. (See page 21.)

The appointment of your enduring guardian will only take effect if you are no longer able to make your own personal or lifestyle decisions. Your guardian should talk to your doctor about your capacity to make decisions before acting on your behalf.

Ellen

Ellen has recently been diagnosed with the early signs of dementia, which has made her have a good think about her future.

Ellen always knew her eldest daughter would take care of everything if she could no longer make decisions for herself or care for herself. She had talked to her daughter about what she wants on many occasions.

Ellen has a close friend Lois who also suffers from dementia and is at the point where she can no longer care for herself. Lois thought her daughter would take care of everything but when her memory got so bad she couldn't do anything for herself anymore the family started arguing and challenged the daughter and her decisions. It caused all sorts of mess and now Ellen doesn't want the same thing to happen to her when she can no longer function properly. She asked around about how she can prevent an uncomfortable situation and make sure her daughter is the only one who can make decisions for her.

Ellen made her daughter her enduring guardian. She talked it all through with her daughter and made sure her daughter is clear on her wishes. She then had the Appointment of Enduring Guardian formed signed by an appropriate witness.

Other decisions about my health

One thing that's important to me is to be able to die at home where I have my family around me. I want to know what support I can get from doctors and the health system.

Some people have got strong ideas about what they'd like to happen to them if they get ill and can't communicate their wishes, or if they lose the ability to make decisions for themselves. Other people don't want to think about these things and would rather leave them up to their family or carer. The important thing is to talk with your family and doctor about what you want to happen. Some people choose to write down their wishes in an advance care directive.

An advance care directive (sometimes called a **living will**) is a way of recording your wishes or instructions for the future for doctors and health care workers. It's only used when you are unable to communicate or have lost the ability to make decisions for yourself.

There is no special form for that you have to use. You can write down your wishes in a letter. The NSW Department of Health has published recommendations on the best way to write an advance care directive. An advance care directive should follow these four principles:

- It needs to be specific: it can include your preferences for treatment for a health condition you have now or one you may develop in the future.
- It needs to be kept current: it is important to review your advance care directive regularly or if there is a big change in your health.
- You must be mentally competent: you can only make an advance care directive while you still have the mental ability to understand the choices you are making,
- It is a good idea to have it witnessed.

Leanne

Leanne is 35 years old and has uncontrolled diabetes. She is married with three children – a five year old, a two year old and a six-month-old baby.

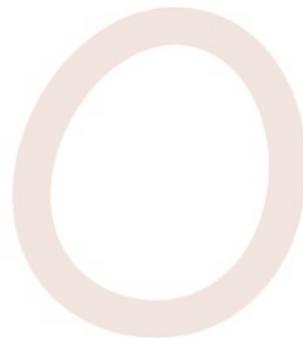
Having her last baby really put a strain on her kidneys. With her sugars all over the place, the doctor has said it won't be long, maybe another three years, and she'll be on dialysis. He's also warned there could be other complications like strokes and heart attacks.

Leanne and her husband have decided it's important to look at their family's future and how Leanne's health could affect them.

When they told their doctor of their concerns he talked to them about an advance care directive (sometimes called a living will). He told them that Leanne could say how she would like to be treated if a time came when she couldn't make those decisions herself.

Once Leanne and her husband put the advance care directive together they had it signed by an appropriate witness.

Knowing that her husband and doctor are aware of what kind of health care she wants in the future should she become unable to make decisions for herself makes Leanne feel at ease. She knows that for now she can just focus on her children and whatever happens with her health in the future is already taken care of.



Making decisions about my finances

A power of attorney is a document you can sign to appoint another person (called your attorney) to look after your financial affairs if you aren't able to do so. The document outlines what the attorney is authorised to do.

The attorney can be a family member, a close friend or the Public Trustee NSW.

Some of the reasons you may want to appoint an attorney are:

- you are going to hospital
- you are physically unable to look after your affairs
- you want a particular matter dealt with in some other part of the country
- you are going to another state or overseas
- you are worried that you may lose your capacity to manage your finances in the future.

Enduring power of attorney

You can make either an ordinary power of attorney or an enduring power of attorney. The difference is that an ordinary power of attorney is no longer effective if the person loses mental capacity but an enduring power of attorney continues to have force after that time.

Why have an enduring power of attorney?

Having an enduring power of attorney is a way for you to legally appoint a person of your choosing to manage your financial affairs even if you later lose the capacity to make these decisions for yourself.

What else you need to know about power of attorney

- You should appoint a person you trust and you should be sure they will do all the things you want.
- You can appoint more than one attorney if you want but you should choose people who can work together.
- You can give the attorney the widest possible powers or limit them to specific powers such as paying certain kinds of bills.
- You can cancel your power of attorney at any time as long as you have the mental capacity to understand what you are doing. You need to tell your attorney in person, over the phone or in writing.

How do I appoint my attorney?

To make an enduring power of attorney, you should contact the local community legal centre, the Public Trustee NSW, or a solicitor and complete the form. They can tell you more about how the power of attorney can be used to help organise your financial affairs if you lose the ability to manage them yourself.

Peter

Fifteen years ago Peter was injured in a cotton chipping accident, which left him in a wheelchair. As a result of the accident Peter received a large compensation payout. He bought a house and was advised to invest some of the money so that he was financially secure, especially now he could no longer work.

Peter has two sons, Jason who lives only a few streets away and Adam who lives interstate.

Recently at the age of 60 Peter was diagnosed with cancer. Although he wanted to stay at his home for as long as possible, he realised that one day he might need to move to some type of supported accommodation and his house and investments might need to be sold.

Peter wanted to make sure that if he ever became incapable of making his own financial decisions, they would be in the hands of someone he trusted who could do the work. He told both of his sons that he was going to make Jason his enduring power of attorney.

Adam was upset at first because he thought his father was favouring Jason, but Peter explained that it was easier to give Jason enduring power of attorney as he lives in the same town. Adam then understood the reasoning behind his father's decision. Peter is now satisfied that he and his finances will be taken care of properly.

Dealing with Centrelink

It is possible for a person to nominate an individual to act on their behalf in their dealings with Centrelink. A Centrelink customer can do this by obtaining an Authority for a Nominee form.

A customer can nominate the following types of nominee:

Person Permitted to Enquire: An individual can contact Centrelink to discuss a customer's details and make some updates.

Correspondence Nominee: An individual will have any letters and correspondence directed to them rather than the Centrelink customer.

Payment Nominee and Correspondence Nominee: All Centrelink letters and correspondence will be directed to the nominated individual rather than the Centrelink customer and payments will also be direct credited to a bank account as directed by the nominated person.

This website link provides information:

<http://www.centrelink.gov.au/internet/internet.nsf/services/nominee.htm>

Where can I get legal help?

Chamber Registrar

The chamber registrar provides information about legal options and court proceedings, but cannot represent people appearing before the court. In smaller courts, the chamber registrar service is often provided by the registrar of the court. Local court registrars can witness enduring guardianships and powers of attorney documents. The service is free. Local Courts can be found in the White Pages Business and Government under L. You'll need to phone your local court to check available times.

Community Legal Centres

Community Legal Centres are independent community organisations providing free legal advice and information. Centres provide legal advice and assistance on a wide range of issues, including general information on planning ahead tools. Anyone who needs legal advice or assistance but can't afford the services of a private solicitor can contact a CLC. Contact details for local Community Legal Centres are listed on page 22.

LawAccess NSW

LawAccess NSW is a free government service that provides legal information, advice and referrals for people who have a legal problem in NSW. They have Indigenous Customer Service Officers who can speak to you about your legal problem and refer you to the most appropriate service. They are aware of the range of Aboriginal Legal Services available in NSW and can help you to get in touch with these services.

If you are going to court, have a legal problem or have a question about the law, LawAccess NSW can help you to get the assistance you need. They have Customer Service Officers who can:

- Give you legal information to assist you with your legal problem.
- Arrange for one of their Legal Officers to provide you with legal advice over the telephone if you, meet their guidelines for getting legal advice.
- Refer you to another legal or related service that will be best able to help you.
- Refer you to your nearest Aboriginal Legal Service or Legal Aid office.
- Send you out information that can help you with your legal problem.

You can call LawAccess NSW on 1300 888 529 for the cost of a local call between 9am and 5pm, Monday to Friday (excluding public holidays). They also have a website at www.lawaccess.nsw.gov.au that contains plain language factsheets about the law.

Legal Aid NSW

Legal Aid NSW provides a range of services to people in NSW. It's head office is in Haymarket and there are 21 regional offices.

Legal advice is free and available to everybody in family, civil and criminal law. Grants of legal aid are available in accordance with Legal Aid NSW's policies and guidelines. Legal Aid NSW also provides community legal education and publishes pamphlets and tool kits to assist people deal with various legal problems.

Legal Aid NSW also works closely with the Aboriginal Legal Service (ALS). For example, legal aid lawyers visit some ALS offices to provide advice in civil law (such as problems with credit and debt, social security, discrimination, mental health and guardianship, and housing law). You can call LawAccess NSW on 1300 888 529 for a referral to your nearest Legal Aid office. You can also find the contact details for the Legal Aid regional offices on the Legal Aid NSW website at www.legalaid.nsw.gov.au.

PIAC Talkin' Justice

The Public Interest Advocacy Centre is a legal and policy centre. PIAC works to protect and promote the rights of Aboriginal and Torres Strait Islander people through its Indigenous Justice Program: Talkin' Justice, particularly in the following areas: Stolen Wages and Stolen Generations, Discrimination, Policing and Consumer issues. PIAC has Indigenous Justice Program Lawyers who can provide legal advice, explain options and how legal and complaint systems work, and represent people in these areas. PIAC works across NSW and is involved in national campaigns for Stolen Wages repayment and Stolen Generations reparations. The contact number for this program is 02 8898 6527.

Private solicitors

Many private solicitors will prepare a will, power of attorney and enduring guardianship appointment for a fee. The Law Society can give you a list of lawyers in your area (see page 21).

Public Interest Law Clearing House (PILCH)

PILCH can help by finding free legal assistance from its members (mainly private law firms and barristers) for individuals and community organisations. In particular, PILCH is working with PIAC to assist Aboriginal people in NSW make claims for the repayment of withheld wages under the Aboriginal Trust Fund Repayment Scheme. The contact number for PILCH is 02 8898 6505.

The Public Trustee NSW

The Public Trustee will prepare a will or power of attorney at no cost on the condition that they are appointed as the executor or attorney. The Public Trustee will charge a fee for acting as your executor or attorney, but not for arranging to have the document signed.

Getting more information

Alzheimer's Australia NSW

Dementia Helpline: 1800 100 500

Website: www.alzheimers.org.au

Department of Ageing, Disability and Home Care (DADHC)

Phone: 02 8270 2000

Email: info@dadhc.nsw.gov.au

Website: www.dadhc.nsw.gov.au

Guardianship Tribunal

Toll free: 1800 463 928

Phone: 02 9555 8500

Fax: 02 9555 9049

Email: gt@gt.nsw.gov.au

Law Society of NSW

Phone: 02 9926 0333

Email: lawsociety@lawsocnsw.asn.au

Website: www.lawsociety.com.au

NSW Department of Health

Phone: 02 9391 9000

Fax: 02 9391 9101

Email: nswhealth@doh.health.nsw.gov.au

Website: www.health.nsw.gov.au

Office of Fair Trading

Toll free: 1800 502 042

Phone: 02 9895 0111

Fax: 02 9895 0222

Website: www.fairtrading.nsw.gov.au

Office of the Public Guardian

Phone: 02 9265 3184

Fax: 02 9283 2645

Website: www.lawlink.nsw.gov.au

(Numbers for Blacktown & Gosford offices available on website)

Public Trustee NSW (Head Office)

Phone: 02 9252 0523

Fax: 02 9231 4527

Website: www.pt.nsw.gov.au

Seniors Information Service

Phone: 13 12 44

Website: www.seniorsinfo.nsw.gov.au

Community legal centres

**Albury Wodonga
Community Legal
Service**

Phone: 02 6056 8210

**Elizabeth Evatt
Community Legal Centre**

(Blue Mountains)

Phone: 02 4782 4155

**Central Coast
Community Legal
Service**

Phone: 02 4353 4988

**Far West Community
Legal Centre**

Phone: 08 8088 2020

Toll free: 1800 300 036

**Hawkesbury/Nepean
Community Legal Centre**

Phone: 02 4588 5618

**Hunter Community Legal
Centre**

Phone: 02 4926 3220

Toll free: 1800 650 073

**Illawarra Legal Centre
Inner City
Legal Centre**

Phone: 02 4276 1939

TTY: 133 677

Phone: 02 9332 1966

Kingsford Legal Centre

Phone: 02 9385 9566

TTY: 02 9385 9572

Macarthur Legal Centre

Phone: 02 4628 2042

TTY: 02 4620 0348

Macquarie Legal Centre

Phone: 02 9760 2211

(admin)

Phone: 02 9760 0111

(advice line)

TTY: 02 9760 1190

Marrickville Legal Centre

Phone: 02 9559 2899

Mt Druitt and Area

Community Legal Centre

Phone: 02 9675 2009

**North and North West
Community Legal
Service**

Phone: 02 6772 8100

Toll free: 1800 687 687

**Northern Rivers
Community Legal Centre**

Phone: 02 6621 1000

Toll free: 1800 689 889

Redfern Legal Centre

Phone: 02 9698 7277

TTY: 02 9699 8037

**Shoalcoast Community
Legal Centre**

Phone: 02 4422 9529

Toll free: 1800 229 529

(Ulladulla to Bega)

**South West Sydney
Legal Centre**

Phone: 02 9601 7777

**Western NSW Comm
unity Legal Centre**

Phone: 02 6884 9422

Toll free: 1800 655 927

**The Aged-Care Rights
Service**

Phone: 02 9281 3600

Toll free: 1800 424 079

(country callers)

**Public Interest Advocacy
Centre**

Phone: 02 8898 6500

Welfare Rights Centre

Phone: 02 9211 5300

Hotline: 1800 226 028

**Wirringa Baiya
Aboriginal Woman's
Legal Centre**

Phone: 02 9569 3847

Toll free: 1800 686 587

(NSW only)

**Indigenous Women's
Legal Contact Line**

Toll free: 1800 639 784

Glossary of terms

Advance care directive is a way to record your future wishes or instructions to health care workers. It is for situations where you are unable to communicate with them or have lost the ability to make decisions for yourself. It is sometimes called a living will.

Dementia is an acquired, progressive impairment of intellectual functioning sufficient to interfere with social, occupational or family functioning.

Enduring guardian is someone you appoint to make personal or lifestyle decisions and/or decisions about medical treatment on your behalf, when you are not capable of making those decisions for yourself.

Enduring power of attorney is a legal document signed by a person appointing someone else as their agent with authority to conduct their business, property or financial affairs (eg. bank accounts or property or shares).

Estate refers to the entire property, in land and other things, owned by a person.

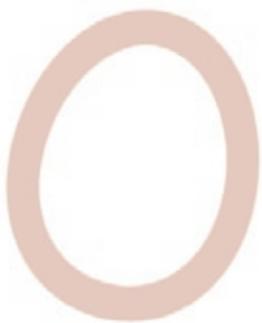
Executor is the person appointed to carry out the wishes in your will.

Guardian is a person appointed to make certain lifestyle decisions for an adult with decision making disabilities.

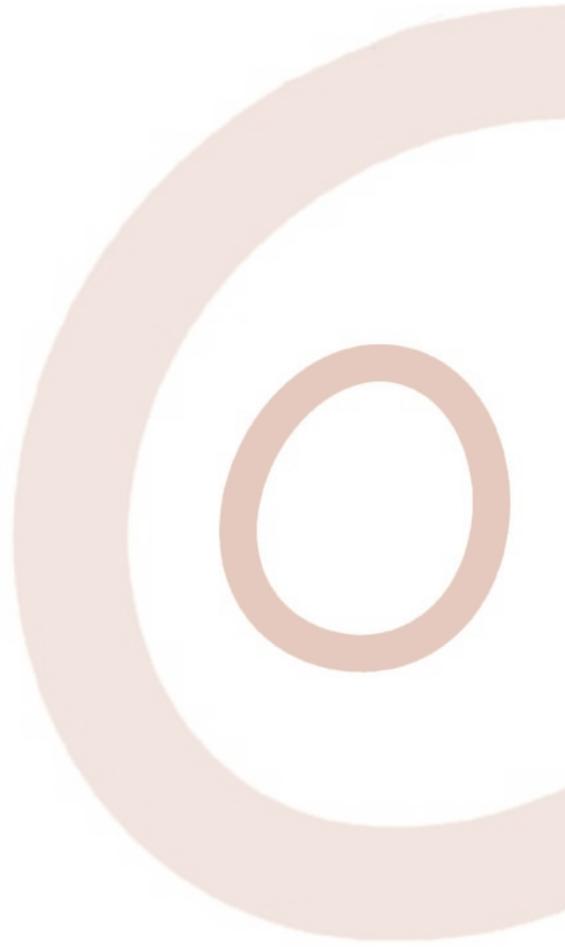
Guardianship Tribunal is a legal tribunal. It appoints guardians and financial managers for people aged 16 years and over who are incapable of managing themselves or their affairs and who have no appropriate or safe informal mechanisms in place for this purpose.

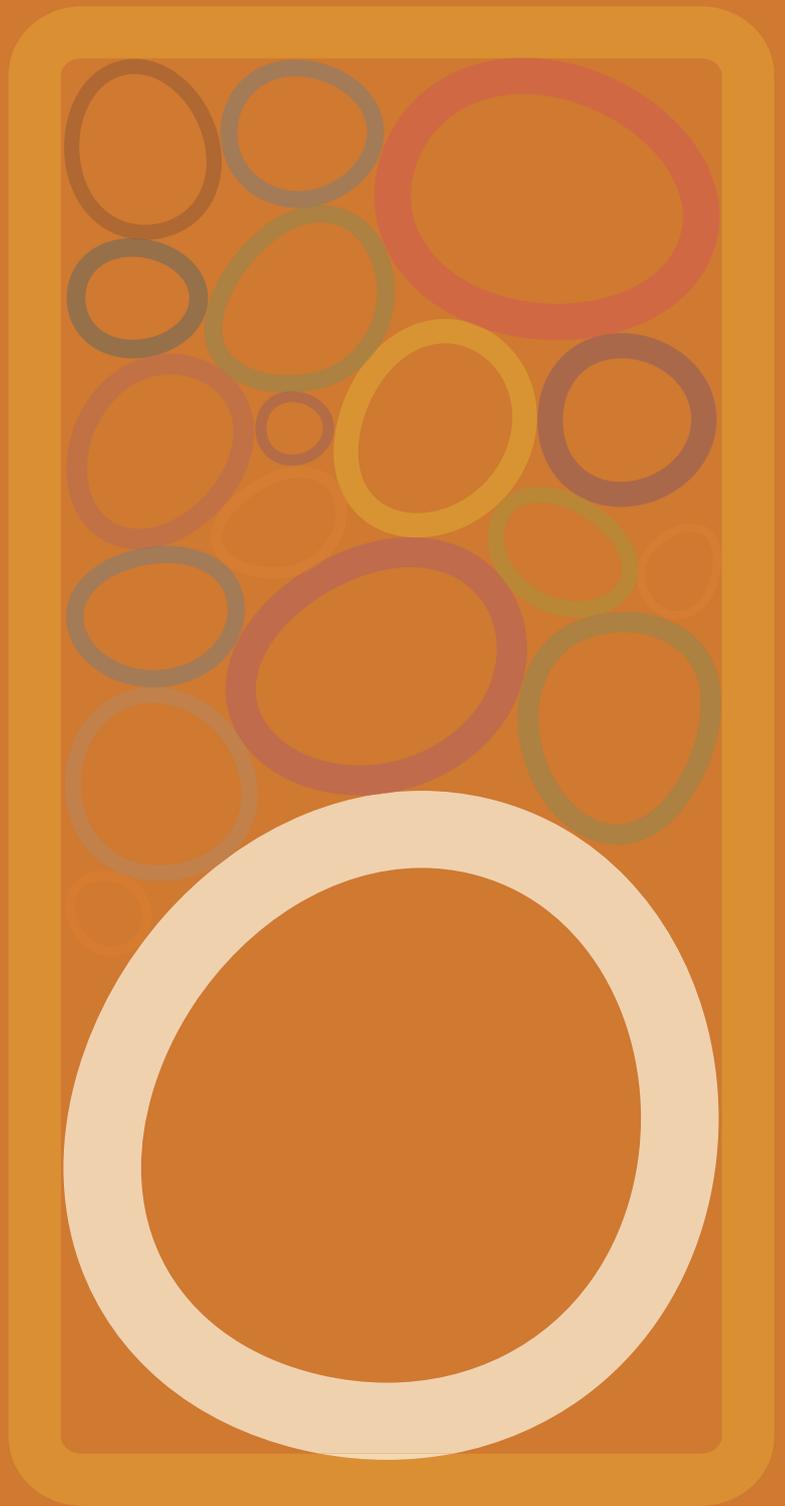
Power of attorney is a legal document by which a person appoints someone else as their agent with authority to carry out those transactions to do with their business, property and financial affairs that the person has asked them to carry out. It ceases to have effect when the person loses the capacity to make decisions for themselves, unless it is an enduring power of attorney.

(This glossary has been reproduced with kind permission of The Benevolent Society from the booklet *Your Future Starts Now: a Guide for the over 50s.*)



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