

FACT SHEET

POWERS OF ATTORNEY AMENDMENT BILL 2013

The *Powers of Attorney Act 2000* allows a person (the donor) to appoint another person (an enduring guardian) to make property and financial decisions on behalf of the donor if the donor loses the capacity to do so. These types of arrangements are frequently utilised by older people, and some nursing homes now require residents to have an enduring power of attorney in place.

The *Powers of Attorney Amendment Bill* makes a number of amendments to the *Powers of Attorney Act 2000* in relation to enduring powers of attorney. Essentially, the amendments set down in legislation what is already the common law position in relation to the operation of enduring powers of attorney.

The amendments also add a number of further protections which aim to stop misuse of these documents, such as amended witnessing requirements and a prohibition on the attorney entering into conflict transactions unless the enduring power of attorney document specifically permits this.

With an ageing population this is an important area of law reform.