

Putting Your Affairs in Order

By preparing a few simple documents, you can make sure that your wishes are followed, and you will make things easier for your family at a difficult time. 'Getting your affairs in order' usually means.

- Making a Will
- Preparing documents that will help others to make decisions for you if you're not able to make them yourself
- Nominating a beneficiary for your superannuation and insurance
- Sorting out legal and financial paperwork
- Placing important documents together in a safe place

A Will

A Will is a legal document that records what you want to happen to your assets after you die. These assets are called your estate.

Even if you don't own much, making a Will is a good idea. Having a Will makes it easier for your family and friends to make legal and financial arrangements after you die. Without a Will, these arrangements can be complicated and expensive with the court appointing an Administrator (often a relative) to act as your Executor, and providing a formula for the distribution of your assets. This may not work out the way you would have wanted.

There are a number of ways to make a Will.

- Talk to an expert – A lawyer can help you draft a Will. Lawyers charge different fees to draft Wills. Ask around to make sure you get the best deal
- Use the Public Trustee in your State or Territory – This is a government body that can help you draw up a Will for free, but you must appoint them as Executor of your estate. They will charge fees to administer the estate after you die.
- Some people draft their own Wills using kits bought from a newsagency or post office. However, there are certain requirements for a Will to be valid and using a lawyer ensures you get it right. Will Kits cannot provide the expert advice which a skilled Estate Planning Lawyer can give and this is particularly important if a person's affairs are complicated, for example, blended families, multiple beneficiaries, beneficiaries with disabilities etc. Mistakes may impose an added cost and burden on your beneficiaries, and be aware that not all mistakes can be fixed.

Keep your Will in a safe place. Your lawyer will usually hold the Will for you, or you could keep it with your other important documents. It's important you tell your Executor where your Will is kept.

For more detailed information, please see our website – [Your Life Assist – Preparing a Will](#)

Enduring Power of Attorney & Enduring Guardianship

A Power of Attorney gives another person/s (known as the Attorney/s), the power to make financial and legal decisions for you. An Enduring Power of Attorney is similar to an ordinary (or 'general') Power of Attorney, except that it 'endures' beyond a loss of capacity. This means that if you lose consciousness, or you're too sick to make decisions, the Enduring Power of Attorney still operates.

There are a number of different types of 'Powers of Attorney/Guardian' (with different names), and there are differences between each State and Territory in Australia, as to how and when they are used. For more detailed information, please see our website - [Your Life Assist – Types of Powers of Attorney](#).

Decisions that can be made depending on the type of Power of Attorney, include what medical or dental treatment you should receive, where you should live, what kinds of personal services you should receive, and what health care you should receive. You do not need to register your completed document unless it is likely to be used in transactions related to buying or selling land. If it is to be used for land transactions it should be registered with the Land Titles Office or its equivalent in your State or Territory.

You can appoint any person you trust who is aged 18 years or over as your Attorney. You can appoint more than one person if you would prefer, and you can specify that they must act jointly (make all decisions together), or severally (decisions can be made by either person).

A solicitor can help you complete a Power of Attorney, and provide you with a document tailored to your individual circumstances and wishes. It is possible to download a form from the internet or purchase a kit with instructions on how to complete a Power of Attorney, though the best way to ensure that your individual circumstances are taken into account, and given effective expression, is to consult a solicitor.

You should leave your original document in a safe place, such as with your lawyer or bank, but it's important to keep a copy to refer to.

You should also give a copy to anyone else who may need to be involved, such as your doctor, solicitor, accountant, bank and the nominated Attorney/s.

Note: The Power of Attorney ceases to operate on your death. Your Will then becomes the legal document to dispose of your assets

Advance Care Plan

It is important to have an Advance Care Plan in place before it is needed. If there is not a clear statement of a person's wishes, doctors must treat a patient in the most appropriate way. This can mean invasive treatments that the patient might not have wanted. With advances in medical science, people are sometimes kept alive under circumstances that are not dignified, and this can cause unnecessary discomfort.

An Advance Care Plan allows everyone involved to know the wishes of the person in regards to their end of life care. It can be a valuable guide should the person reach a point where they are no longer able to speak for themselves.

A good way to start is to write down your future health care wishes in a formal document – which is generally called an Advance Health (or Care) Directive. You may want to do this, even if you have appointed a substitute decision maker. You may also want to tell your substitute decision maker how closely you want them to follow your wishes, or whether you allow them to use their own judgement in coming to a decision, in certain circumstances.

For more detailed information, please see our website - [Your Life Assist – Advance Care Plan](#)

Advance Health (or Care) Directive

An Advance Health Directive is a document that sets out your wishes for your future medical care. This is sometimes called a Living Will. Types of issues it covers – Whether you want to receive artificial nutrition or hydration, whether you want to be resuscitated, or whether you want to receive antibiotics as part of your treatment. The more guidance you provide on your preferences, the more likely your family and health care providers will make decisions that respect your wishes.

If you have particular religious beliefs that impact on your health care decisions, you can also record these in your Advance Health (or Care) Directive. The Directive only comes into effect if you become unable to make your own decisions, but to be valid it needs to be made while you have the capacity to make your own decisions. This means understanding what the documents are and communicating what you want to include in them, and the reasons why. If there could be any doubt about your capacity, it's a good idea to get a doctor's certificate to prove you have capacity.

In an emergency, where the medical practitioner or hospital is unaware of an Advance Health (or Care) Directive, and it is not possible to obtain consent for treatment, medical intervention may be carried out in what the medical practitioner or hospital believes to be in your best interests.

Most lawyers will help you draft an Advance Health (or Care) Directive, but it doesn't need to be witnessed by a lawyer. You can also prepare one by simply writing down your wishes.

You should keep the original and give a copy to your doctor, medical specialist, solicitor, enduring attorney/guardian and a family member or friend. Whatever your wishes are, you should inform your family members and carers.

For more detailed information, please see our website - [Your Life Assist – Advance Health Directive](#)

Superannuation Death Benefit Nominations

When a member of a superannuation fund dies, the fund pays out their death benefit to one or more of their dependants. This includes the preserved amount (the contributions the member made while they were working), and any insurance benefit. You can tell your superannuation fund who you would like to receive your death benefit. You can do this by completing a death benefit nomination or a binding death benefit nomination.

The binding nomination means the fund trustee must follow your wishes. Binding death benefit nominations must be updated every three years. Contact your superannuation fund for a nomination form. You can only nominate someone who is a financial dependant (or interdependant), such as a spouse, de facto partner or child. If you have another life insurance policy (not connected to your superannuation account), you will need to nominate the beneficiary of that policy separately. Contact your insurer to do this.

For more detailed information, please see our website - [Your Life Assist – Your Superannuation](#)

Disclaimer - This fact sheet provides general information only and is not a substitute for legal advice. You should talk to a lawyer about your specific situation.

ITEM	Name	Phone Number	Email
Doctor			
Solicitor/Lawyer			
Accountant			
Financial Advisor			
Bank Manager			
Stockbroker			
Employer			
Super Fund			
Insurance Broker			
Clergy			

ITEM	Name	Phone Number	Email
Power of Attorney			
Enduring Power of Guardianship			
Advance Care Plan			
Advance Health Directive			
Estate Plan			
Funeral Plan/Bonds			
Organ, Tissue or Body Donor Declaration			
Home Care Package Agreement			
Aged Care Home Agreement			
Retirement Village Contract			
Share Certificates			

ITEM	Name	Phone Number	Email
Investment Certificates			
Insurance Policies			
Health Insurance			
Centrelink/Medicare Card			
Property Titles/Lease Docs			
Birth Certificate			
Marriage Certificate			
Citizenship Certificate			
Passport			

Please Note - not all of the above suggested documents may apply to your personal circumstances.