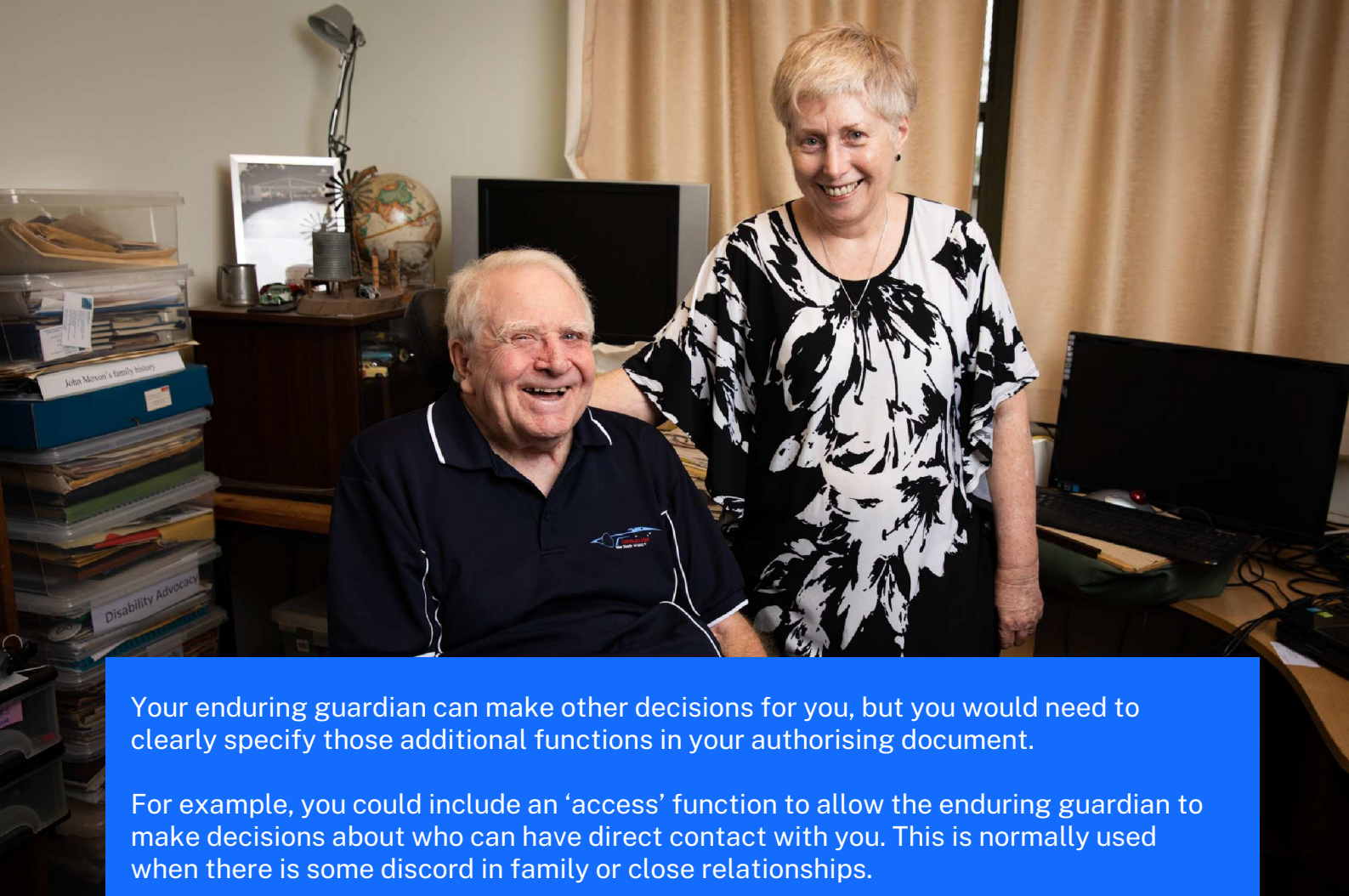




The difference between Powers of Attorney and Enduring Guardians

We receive reports about abuse, neglect and exploitation of older people and adults with disability in their family, home, and community. Many instances of financial and psychological abuse result from the misuse of Powers of Attorney, and confusion about the roles of attorneys and enduring guardians.

What to consider	General Power of Attorney	Enduring Power of Attorney	Enduring Guardian
Can only be appointed by you while you have capacity.	✓	✓	✓
You can appoint more than one person.	✓	✓	✓
You can appoint substitutes.	✓	✓	✓
The person appointed manages your assets and makes financial and legal decisions on your behalf (e.g. paying bills, managing your bank accounts, investments, buying or selling property).	✓	✓	
Helps if you are overseas for an extended period of time, are busy or unwell, and need your finances managed by another person.	✓	✓	
Can be in effect while you have capacity.	✓	✓	
Is in effect when you lose capacity.		✓	✓
The person appointed may make decisions about where you are to live.			✓
The person appointed may make health care decisions for you.			✓
The person appointed may make decisions about other kinds of personal services you are to receive (e.g. support services).			✓
The person appointed may consent to medical or dental treatment for you.			✓
You can impose limits and/or conditions on the authority.	✓	✓	✓



Your enduring guardian can make other decisions for you, but you would need to clearly specify those additional functions in your authorising document.

For example, you could include an 'access' function to allow the enduring guardian to make decisions about who can have direct contact with you. This is normally used when there is some discord in family or close relationships.

If you have not included this in your authority document, your enduring guardian(s) does not have the right to make decisions about who can have contact with you.

For more information about Powers of Attorney and Enduring Guardians, visit:

[NSW Trustee and Guardian – What is a Power of Attorney?](#)

[NSW Trustee and Guardian – What is an Enduring Guardian?](#)

[Justice Connect – Cancelling a Power of Attorney](#)

[Justice Connect – Enduring Guardianship Appointments in NSW](#)

Ageing and Disability Abuse Helpline

1800 628 221 (M-F 9-4)

adc.nsw.gov.au