

ATTORNEY SUPPORT

Are you currently acting
as an Attorney and unsure
of your role?

Are there disagreements
between Attorneys where
2 or more have been
appointed to act?

Duncan.Legal can provide
guidance and reassurance
with the (often) enormous
job of acting as a
Financial, Personal or
Medical Power of
Attorney.

Call: 9077 7731

or

Email:

reception@duncanlegal.com.au

MEDICAL SUPPORT PERSON

Recent changes in laws under the *Medical Treatment Planning and Decision Act 2016* (Vic) mean that should a person wish to use a Support Person for a medical supported decision, they need to have an 'Appointment of Medical Support Person' document in place. A Supportive Attorney document can no longer be used for medical supported decisions.

The Medical Support Person document is very similar in appearance to the Supportive Attorney document and does not replace that document. A Medical Support Person is someone who supports medical decisions. They are not a substituted decision maker. The appointment gives the Support Person the legal authority to access the Principal's health information to help the Principal make and/or implement a decision.

The role of the support person is to help the principal to:

- make
- communicate, and
- act on the Principal's medical treatment decisions, when the Principal wants this support.

Support may include:

- additional time to make the decision
- someone who helps them by discussing the decision
- someone to assist them to communicate the decision
- use of technology that assists them
- information explained in an appropriate way, using modified language or visual aids.

A support person also represents the person in relation to medical treatment, even if that person does not have the decision-making capacity to make those decisions at the time.

For further information on creating an Appointment of Medical Support Person document, contact Duncan.Legal.

*Everyone with decision-making capacity has the
right to make their own medical treatment
decisions*



**LAW
INSTITUTE
VICTORIA**



OVARIAN CANCER AUSTRALIA FUNDRAISER

On Thursday, February 28, **Duncan.Legal** was proud to be one of the sponsors for a fundraiser lunch for Ovarian Cancer Awareness. February is Ovarian Cancer Australia's Awareness Month.

The event was hosted by Va Tutto in Ivanhoe and 150 people took time from their busy schedules to support Ovarian Cancer Australia. This fantastic event, organised by Donna Santilli (Santilli Jewellers) and Karen Nichol (Aktifstyles), raised over \$13,000!

(Pictured: M. Duncan, K. Nichol & D. Santilli)

GUARDIANSHIP & ADMINISTRATION – WHAT IS THE DIFFERENCE?

The role of a **Guardian** is to make personal and lifestyle decisions for a person with a disability such as accommodation, access to services, medical treatment & restricting who can visit the person.

A Guardian cannot make financial decisions on behalf of the person unless they are also the Administrator.

The role of an **Administrator** is to make financial decisions on behalf of a person with a disability such as buying or selling property, banking and investing, paying bills and managing debts.

An Administrator cannot make personal and lifestyle decisions for the person unless they are also the person's Guardian.

The appointment of a Guardian and/or Administrator is made by VCAT upon application. VCAT only makes these orders if there is need – i.e. there are no other legal means available to safeguard the interests of an adult with disability.

“DISABILITY” DEFINITIONS

A number of definitions of “disability” exist in law. The definition applicable depends on the context in which it is used.

Falling within a definition of disability can sometimes mean that the person can claim more favourable superannuation, taxation or means tested benefits.

The *Social Security Act 1991* (Cth) defines disability for the purposes of ascertaining whether a person is eligible as a beneficiary of a Special Disability Trust.

Superannuation Laws also applies the definition of “disability” in the *Disability Services Act 1986* (Cth) for the purposes of identifying whether a dependant can receive superannuation death benefits as an income stream.

To check whether your family member may qualify as having a disability, visit the Duncan.Legal website (under Helpful Info), and view the legislative definitions in full:

www.duncanlegal.com.au

ABOUT US

Duncan.Legal is a small law firm based in Surrey Hills. We offer personalised, caring service with an interest in assisting families with disability. Each of us are parents of children with autism and bring our life experience to our work.

We operate from a home office in the eastern suburbs in a quiet back street. There is easy access with all day parking (no permits or tickets required), or we are a short walk from Tram Route 109, stop 50. Our meeting room can seat up to 12 people, so family conferences can be accommodated.

We invite you to consider Duncan.Legal when you need advice with your Estate Planning.

Contact Us

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