



ADLV LAW

FIERCELY ON YOUR SIDE

SOLUTION BRIEF

Acting as your General or Enduring Attorney

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When life throws the unexpected your way, whether it's illness, an accident, or being overseas, it helps to have someone you trust managing your financial affairs. Appointing a General or Enduring Attorney ensures that your legal and financial matters continue to be looked after, even when you can't do so yourself.

Why Appoint an Attorney?

If you're temporarily interstate, overseas, or simply unavailable, signing legal documents or managing financial transactions may be inconvenient. If you become permanently or temporarily incapacitated, for example, due to dementia, a stroke, or an accident, your affairs could be effectively frozen unless someone is legally authorised to act for you.

Appointing an attorney means:

Your financial matters can continue uninterrupted;

Decisions are made by someone you chose, not the government; and

You retain control over the scope and timing of the appointment.

We're often asked: Can ADLV Law act as my attorney?

Yes, we're happy to assist. However, it's important to understand the scope of our role and your options.

Please note: *We act only in relation to financial and property matters, not medical or lifestyle decisions.*

01

When will our appointment take effect?

You can choose when our authority begins:

Immediately (General Power of Attorney): We can act at your direction, even while you still have mental capacity. For example, you might ask us to sign a document while you're overseas or pay bills while you're unwell.

Only if you lose capacity (Enduring Power of Attorney): We act only if a doctor certifies that you've lost the ability to make decisions for yourself.

02

Can You Place Limits on Our Authority?

Absolutely. You're in control. You can:

Limit our role to a specific purpose (e.g. signing a property sale contract);

Cap the value of transactions we can approve;

Require us to follow a process before we make a decision;

Restrict the timeframe during which we act (e.g. during your absence overseas).

Unless you specify otherwise, our legal authority mirrors your own, but always within the strict duties imposed on attorneys. One key limitation: we cannot benefit personally unless you give express permission.

03

Who Will Act for You?

A Principal of ADLV Law, currently Louise May Craven, will be appointed as your attorney.

Please note that you cannot appoint a corporation other than the Public Trustee and Guardian or a trustee company.

04

What Are Our Legal Duties?

As your attorney, we are legally bound to:

Act in your best interests at all times;

Keep accurate records of all transactions we carry out on your behalf;

Avoid any personal gain unless expressly authorised by you; and

Seek to preserve and manage your financial affairs with care and diligence.

05

Some issues you should consider

When appointing us, we suggest giving written instructions about:

Any restrictions on our authority;

Whether we may benefit your spouse, children, or other family members, and to what extent;

Your preferred lifestyle and comfort levels if you lose capacity (e.g. type of care, where you live, access to luxuries); and

Authority to manage your trusts, superannuation, and insurance—often critical for tax efficiency and asset preservation.

06

What Does It Cost?

We do not charge an initial fee to be appointed as your attorney. However, we do charge our standard fee to prepare the document. This is currently \$1,500 (plus GST).

If and when we act as your attorney, we charge our standard hourly fee for the services we provide. This is currently set at a flat fee of \$500 per hour for all work performed by us under your power of attorney, (plus GST in each case). This covers our time, as well as our internal administration costs and insurance. This amount is indexed against inflation from the time you make the appointment.

Importantly, we do not charge a percentage of the value of the transactions that we carry out for you, nor do we charge a percentage of the value of your overall assets. We simply charge a transparent agreed professional fee.



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TALK TO US

Do you have more questions?

It's very important that you fully understand that nature of any appointment you make. Please feel free to contact us on 1300 654 590 or email us at wehelp@adlvlaw.com.au if you have any more specific questions, or if you would like to begin the process of appointing a General and/or Enduring Attorney.

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