

Legal Aid ACT

‘Legal Health’ Checklist

This information was prepared for ACT readers so it addresses ACT and Commonwealth laws unless otherwise specified. Interstate readers should check their own state or territory laws to ensure compliance and identify differences. Help and advice can be sought from the legal aid commission in each state or territory capital city.

People realise that maintaining their health requires regular, methodical checking. You should also check your ‘legal health’ to ensure that your legal affairs are in order.

The following are some of things you should check. Not all of them are purely legal issues, but they could have legal implications if things are not in order.

Wills

A will is a written legal document setting out how you want your property distributed when you die.

If you die without a will your property will be distributed according to laws of intestacy; meaning it will either go to relatives or, if you have none, your property will go to the ACT government.

To make a will:

- you must be 18 years or older
- it must be in writing
- you must sign it in the presence of two witnesses, preferably people who aren’t beneficiaries
- you must have the mental capacity to understand what you are doing
- you should check your will regularly to ensure it reflects your current circumstances and wishes.

While it is possible to make your own will it is advisable to seek legal advice, or contact the Public Trustee. www.publictrustee.act.gov.au/wills.

Powers of Attorney

If you are incapacitated, disabled or seriously ill, you may not be able to make important financial or lifestyle decisions. To guard against this the following will be useful:

- A **general power of attorney** is a legal document appointing someone else to act on your behalf regarding property and financial matters. It only operates while you are capable of making decisions, and ceases to have effect if your decision making capacity is impaired. It is useful when you are going overseas for example.
- An **enduring power of attorney** is similar to a power of attorney except that it is not revoked if

your decision making capacity is impaired. It is useful as people get older.

- A **health attorney** is authorised to give substitute consent to medical treatment for a person with impaired decision making capacity.

There are requirements to be met for these powers to be valid, and there are differences between them that need to be understood. See the Public Advocate's free publication *The Power to Choose: Your Guide to Completing an Enduring Power of Attorney*. This booklet addresses all the issues involved and includes forms and advice on the topic www.publicadvocate.act.gov.au. Legal Aid does not prepare wills or powers of attorney however we may be able to advise you in relation to any matters of concern arising for you.

Life, household and contents insurance

It is important to have adequate insurance and ensure that:

- payment of premiums is kept up to date;
- each policy covers your current needs;
- if your circumstances change you contact your insurer to check that your coverage is adequate;
- if you move into a smaller place, decide to live in a caravan, or sell any of your possessions you check with your insurer whether this affects your policies or premiums;
- you keep a record of your policy numbers separate from where the policies are stored in case the policies are lost or destroyed.

Medical insurance

Medical insurance coverage should be regularly checked to ensure you are adequately covered, especially if your circumstances have changed. You should understand the extent of your coverage and the treatments or services for which you are covered. If you are travelling, make sure your insurers are aware.

International travel health insurance is a separate issue, and should be checked with your travel agent or health fund.

Mobile telephones

The various cost and usage plans for mobile telephones can be confusing. Ask yourself:

- Is a pre-paid phone adequate for your needs? Starting with a pre-paid phone helps you decide how often you'll use it and if you might need a fixed term mobile phone plan. You cannot incur large, unexpected debts with a pre-paid mobile.
- The contract conditions and payment schedules for fixed term plans vary greatly. The contract should be read carefully before you agree. Seek advice if you are unsure.
- Compare pre-paid and fixed terms in the light of what kind of calls you make - voice or SMS (text) - the duration of most of your calls, and if they're local or international. Call charges can vary greatly.



You should also consider network coverage, warranties and insurance when making your choice. You can get further information at www.phonechoice.com.

Financial advice

Disputes over investments, trust funds, superannuation and other financial matters can often end up in a court or tribunal.

- If you have a private financial advisor, it's important they are familiar with your circumstances now; not how they were when you were working.
- Budgeting changes with your financial circumstances: debts that were manageable when you were employed may become burdensome with a restricted income.
- Care Inc offers financial counselling and other services to people on low to moderate incomes. If you need help with financial matters, call 6257 1788 to determine if you're eligible

Legal advice

If you are unsure about anything discussed in this pamphlet or want legal advice on other matters, ACT Legal Aid can provide free information and advice on a range of matters in civil, criminal and family law areas. It will also provide grants of legal assistance to eligible people for ongoing legal matters. Call 1300 654 314 for further information, or go to www.legalaidact.org.au.

