



Toolkit for the future

This fact sheet has information on why you should plan for the future, the most common legal tools to help you plan for the future, and how Legal Aid WA can help.

Why should you plan for the future?

Planning ahead for the future while you are still well and able to do so is important. This is because things can sometimes happen that mean you are no longer able to make your own decisions. For example: you might be involved in a bad accident, have a stroke, develop dementia or get very sick with an illness.

By planning ahead you can control, and have a say in, what happens to you and your property. It also helps the people you care about know what you want to happen and avoid stressful and expensive legal action.

What happens if you do not plan for the future?

If you do not plan ahead, other people may end up making decisions on your behalf on things like where you live, what happens to your home, whether you are placed in a nursing home, and what medical treatment you receive.

Sometimes the people who make these decisions will not be who you would have chosen, or who you want to make these decisions.

What are the most common legal tools to help you plan for the future?

The most common legal tools to help you plan for the future are wills, Enduring Powers of Attorney, Enduring Powers of Guardianship, and Advance Health Directives.

There are special rules you must follow to make valid legal documents. You can find more information on the Legal Aid WA website.



What is a will?

A will is a legal document that sets out what you want to happen with your property after you die.

For example: your will might say that you want all of your property to go to a partner after you die, or it might say you want your property divided among many different people.

A will also sets out who will carry out your wishes. This person is called the “executor”.

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What is an Enduring Power of Attorney?

An Enduring Power of Attorney is a legal document that allows someone else to make decisions about your finances and property before you die.

It can start immediately, or only after you become incapable of making decisions (which is sometimes called “incapacity”).

If you choose to have it start after you lose capacity, the State Administrative Tribunal will decide when someone else can make these decisions for you.



To speak with a lawyer from Elder Rights WA, call the Legal Aid WA Infoline on 1300 650 579.



What is an Enduring Power of Guardianship?

An Enduring Power of Guardianship is a legal document that allows someone else to make decisions about your personal, lifestyle and medical treatment matters before you die.

It can only start if you become incapable of making decisions for yourself.

What is an Advance Health Directive?

An Advance Health Directive is a legal document which lets you say what specific treatment and health care you want. For example: you might decide to consent to or refuse future medical treatment in certain circumstances.

Doctors and other health professionals are obliged to respect the Advance Health Directive.

If you do not have an Advance Health Directive, and you do not have capacity, a treatment decision will be made on your behalf.

How can Legal Aid WA help?

Legal Aid WA has a specialist service called Elder Rights WA that can give advice to older Western Australians about planning for the future.

To speak with a lawyer from Elder Rights WA, call the Legal Aid WA Infoline on 1300 650 579.