

# 及早規劃

CANTONESE | ENGLISH

本須知單討論了及早規劃和安排財務和法律事務的各種方法，列出了可以提供幫助的人士和機構。

痴呆症對病人的影響各不相同。某個病人可能在較早階段就開始失去處理財務或做出適當商業決定的能力，而另一個病人保持這些技能的時間可能會長得多。

但是，痴呆症病人的能力遲早都會下降，到時候就無法對財務和法律問題自行做出決定。

## 及早規劃

及早規劃可讓痴呆症病人的家人和照顧者更容易管理病人的各項事務。這也意味著痴呆症病人可以參與規劃，確保按照自己希望的方式來實現自己的願望。

在痴呆症病人仍然可以參與討論並具備簽署任何文件的法律行為能力時，要盡量獲取其意見。

## 財務事宜

如果是聯名銀行帳戶，痴呆症病人的配偶可以繼續掌管帳戶而不需要對相關安排做任何改變。但如果痴呆症病人對帳戶使用不當，或者存在僅以其名義開立的帳戶，就可能會出現問題。為了避免這些問題，痴呆症病人可以在有法律行為能力時，授權他人來操控帳戶。請務必記住，如果授權書是在病人不再具備法律行為能力時填寫的，那麼這項授權就是無效的。如果病人拒絕對有關安排做出改變，不妨找銀行經理商談可能的解決方法。

### 及早規劃意味著：

- 在所有財務帳戶上都有聯合簽名
- 與財務顧問討論將來的財務事宜
- 對痴呆症病人使用其資金的方式和時間做出安排

### 誰可以提供幫助？

- 銀行經理
- 認證財務顧問
- 律師
- 澳洲痴呆症協會

## 永久授權書

在大多數州和領地，如果人們在簽署時具備法律行為能力，就可以簽署一份稱為永久授權書的文件。永久授權書是一項讓指定的人士在某人無法管理自己的財務時代為照管的法律協定。許多人不管是否有任何疾病或診斷，都有永久授權書。

另外還可以使用一種普通或一般授權書，但這種授權書祇是在當事人具備法律行為能力時才有效。除非永久授權書被撤銷，否則永久授權書將一直有效，直至當事人死亡為止。

具有永久授權書有許多益處，其中之一就是這種授權書讓痴呆症病人在自己不再有處理法律 and 財務事宜的能力時，選擇某人代表自己來進行處理。

### 及早規劃意味著：

- 確保痴呆症病人有機會考慮在診斷之後而且自己有能力做到時，在還沒有永久授權書的情況下，儘快訂立一份永久授權書。
- 確保家人和照顧者也有自己的永久授權書，如果他們也失去能力，永久授權書就可確保其事務得到妥善管理。
- 保留一份永久授權書副本並知道保管在甚麼地方。

National Dementia Helpline 1800 100 500

[dementia.org.au](http://dementia.org.au)

## 誰可以提供幫助？

- 律師
- 法律協會或法律援助署
- 公共代言人或公共監護人
- 澳洲癡呆症協會

## 遺囑

遺囑是對死者的財產應如何分配所做出的指示。祇有當事人明白遺囑的含義，遺囑才屬於合法。因此，如果癡呆症病人希望訂立或更新自己的遺囑，務必要在自己還有簽署的法律行為能力時做好。

及早規劃意味著：

- 有一份現時有效的遺囑
- 知道誰是遺囑執行人以及遺囑保管在甚麼地方

## 誰可以提供幫助？

- 律師
- 法律協會或法律援助署
- 澳洲癡呆症協會

## 醫療決定

如果癡呆症病人失去做出醫療決定的法律行為能力，其他人就需要為他們做出這些決定。在大多數州和領地都可以指定所信任的親友來做出這些決定。如果沒有做出這一安排，每個州和領地的法律都允許由特定法院指定某人代癡呆症病人做出決定。

## 有兩種工具可以幫助對醫療決定及早規劃：

- 涵蓋健康事宜的永久授權書。這讓癡呆症病人可以指定某個人代為做出醫療決定。
- 預先指示。這是表達癡呆症病人對醫療的意願的書面文件。

有些州和領地可能使用不同名稱，但這種文件的功能大同小異。

## 及早規劃意味著：

- 確保癡呆症病人有機會做出涵蓋健康事宜的永久授權書或預先指示。
- 保留一份文件副本並知道保管在甚麼地方。

## 誰可以提供幫助？

- 律師
- 法律協會或法律援助署
- 公共代言人或公共監護人
- 澳洲癡呆症協會

## 監護與管理

大多數州和領地都有監護委員會或仲裁法庭，可為不再有能力自行做出決定的人指定監護人或管理人。如果處理癡呆症病人的事務時出現問題，或者對病人的最佳利益存在衝突，可能就需要考慮申請指定監護人或管理人。

你可以聯絡澳洲癡呆症協會，討論是否可能需要申請指定監護人或管理人以及申請方法。

## 詳情

澳洲癡呆症協會提供支持、資訊、教育和輔導。請聯絡全國癡呆症幫助熱線：**1800 100 500**，或瀏覽我們的網站：[dementia.org.au](http://dementia.org.au)。



若需要語言方面的幫助，請致電口筆譯服務處電話：**131 450**。

# Early planning

This Help Sheet discusses ways to plan ahead and organise financial and legal affairs and lists people and organisations that can help.

Dementia affects people differently. One person may begin to lose the ability to handle money or make competent business decisions at an early stage, while another person may keep these skills much longer.

However, sooner or later their abilities will decline and the person with dementia will be unable to make their own decisions about their financial and legal matters.

## Planning ahead

Planning ahead can make it easier for families and carers to manage the affairs of a person with dementia. It may also mean that the person with dementia can participate in the planning and make sure that their wishes are carried out in the way that they would like.

Wherever possible, get advice while the person with dementia can still participate in the discussion and is legally competent to sign any documents.

## Money matters

If a bank account is in joint names, the partner of the person with dementia can continue to operate it without any change in arrangements. However problems can occur if the person with dementia uses the account inappropriately or has accounts in their name only. To avoid these difficulties the person with dementia can give authority, while legally competent, for another person to operate the account. It is important to remember that this authority will be invalid if completed when the person is no longer legally competent. If they are unwilling to agree to a change of arrangement it may be helpful to consult the bank manager about a possible solution.

### Planning ahead means:

- Having joint signatures on all financial accounts
- Discussing future financial affairs with a financial adviser
- Arranging how and when the person with dementia will access their finances

### Who can help?

- Bank manager
- Accredited financial adviser
- Solicitor
- Dementia Australia

## Enduring Power of Attorney

In most States and Territories a person can sign a document called an enduring power of attorney if they are legally competent at the time of signing. An enduring power of attorney is a legal arrangement that enables a nominated person to look after the financial affairs of another person should they become unable to do so. Many people have enduring powers of attorney regardless of any illness or diagnosis.

An ordinary, or general, power of attorney is also available but is only valid while a person is legally competent. An enduring power of attorney continues until the person's death, unless revoked.

One of the benefits of having an enduring power of attorney is that it allows the person with dementia to choose someone to act on their behalf in legal and financial matters when they are no longer able to do so themselves.

### Planning ahead means:

- Ensuring that the person with dementia has the opportunity to consider making an enduring power of attorney if they don't already have one, as soon as possible after diagnosis and whilst they have the capacity to do so
- Ensuring that family and carers also have their own enduring powers of attorney to ensure that their affairs are well managed in case they also become incapable
- Having a copy of the enduring power of attorney, and knowing where it is kept

National Dementia Helpline 1800 100 500

[dementia.org.au](http://dementia.org.au)

## Who can help?

- Solicitor
- The Law Society or Institute, or Legal Aid
- The Public Advocate or Public Guardian
- Dementia Australia

## Wills

A will gives instructions as to how the estate of a deceased person should be distributed.

A will is only legal if the person understands its implications, so it is essential that if the person with dementia wishes to make, or update their will, they do so while they are still competent to sign.

Planning ahead means:

- Having an up-to-date will
- Knowing who the executor is, and where the will is kept

## Who can help?

- Solicitor
- The Law Society or Institute, or Legal Aid
- Dementia Australia

## Decisions about medical treatment

If a person with dementia loses the legal capacity to make decisions about their medical treatment, someone else needs to make those decisions for them. In most States and Territories a trusted relative or friend can be appointed to make these decisions. If this has not been put in place, the law in every State and Territory allows a particular court to appoint someone to make decisions on behalf of the person with dementia.

### Two types of tools are available to help plan ahead for decisions about medical treatment:

- An enduring power of attorney covering health matters. This allows the person with dementia to appoint a person to be a substitute decision-maker for medical decisions
- An advance directive. This is a written document expressing the wishes of the person with dementia about medical treatment

Different names may be used in some States and Territories, but the function of the document is much the same.

## Planning ahead means:

- Ensuring the person with dementia has the opportunity to make an enduring power of attorney covering health matters or an advance directive
- Having a copy of the document, and knowing where it is kept

## Who can help?

- Solicitor
- The Law Society or Institute, or Legal Aid
- The Public Advocate or Public Guardian
- Dementia Australia

## Guardianship and Administration

In most States and Territories there is a Guardianship Board or Tribunal that can appoint a guardian or administrator for a person who is no longer able to make decisions for themselves. If there are problems dealing with the affairs of the person with dementia, or there is conflict about the person's best interests, an application for the appointment of a guardian or administrator may need to be considered.

Dementia Australia can be contacted to discuss whether an application to appoint a guardian or administrator may be needed, and how to go about it.

## FURTHER INFORMATION

Dementia Australia offers support, information, education and counselling. Contact the National Dementia Helpline on **1800 100 500**, or visit our website at [dementia.org.au](http://dementia.org.au)



For language assistance phone the Translating and Interpreting Service on **131 450**