

Newsletter

Happy New Year

Wills -v- Intestacy

A valid Will gives you control over what happens to your estate. Intestacy occurs when a person dies without a valid Will. In that case, the law decides how their estate is distributed.

Issue	With a Will	Intestacy
Who Inherits?	You choose	Law decides
Executor	You choose	Court appoints an administrator
Children's guardianship	You nominate	Court decides
Specific gifts	Allowed	Not possible
Charities/friends	Allowed	Not included under intestacy
Speed & cost	Usually faster and cheaper	Often slower, more expensive

2026

*Step into 2026
with purpose*

Our team is buzzing with excitement for the new year! It's the perfect time to spruce up your estate planning and make sure everything's in tip-top shape.

Enduring Power of Attorney -v- QCAT Application

An Enduring Power of Attorney (EPOA) : lets you choose who will make decisions for you for both financial and health matters. You have the power to appoint your attorney: immediately, on loss of capacity etc: whilst QCAT is available to make an application by an eligible person on your behalf for appointment as guardian and/or administrator (two different roles of appointment) where there is no valid EPOA.



The key difference is you decide who to appoint as your attorney; OR decision made for you via a QCAT application (via formal appointment).

What an Enduring Power of attorney does

An Enduring Power of Attorney is a legal document you create while you still have decision-making capacity. It allows you to appoint someone to make financial, personal, and health decisions. You can give immediate power or limited say if you later lose capacity.

- You can revoke or change it any time while you still have capacity.
- Your attorney's authority over personal matters only operates during periods of impaired capacity.
- Your EPOA - your choice who to trust!

When to apply to QCAT

The Queensland Civil and Administrative Tribunal (QCAT) steps in only when and application is made and:

- There is no EPOA, and someone needs authority to make decisions.
- A guardian (health) and/or administrator (financial) needs to be appointed because the adult lacks capacity and no attorney has been appointed.

QCAT's decision-making replaces personal choice—the tribunal decides who will act, and the appointee must follow QCAT orders.

EPOA vs QCAT: Clear Comparison

Feature	Enduring Power of Attorney	QCAT Appointmnet
Who chooses the decision maker?	You choose your attorney	QCAT chooses a guardian/administrator
When created	While you have capcity	After capacity is impaired or a dispute arises
When used?	Only during impaired capacity	When no valid EPOA exists or issues arise
Flexibility	Can be revoked/changed while you have capacity	Orders remain until reviewed or revoked
Typical Triggers	Planning ahead	Conflict, abuse concerns, no EPOA or unclear authority
Oversight	Minimal unless complaints arise	QCAT monitors and can require reports



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