

Some Handy Information On Advance Care Directives

What is an Advance Care Directive?

An Advance Care Directive is a legal form which allows people over the age of 18 years to:

- write down their wishes, preferences and instructions for future health care (including medical, dental, life sustaining and surgical treatment), end of life care (including palliative care wishes), accommodation and living arrangements (including preferences as to future nursing home/supportive care arrangements etc.) and personal matters (including an individual's dying wishes, dress standards, personal grooming, cultural or spiritual matters, care of pets etc.);
- appoint one or more Substitute Decision-Makers to make these decisions on their behalf when they are unable to do so themselves; and
- record any health care they refuse to undertake.

Advance Care Directives now replace Enduring Powers of Guardianship, Medical Powers of Attorney and Anticipatory Directions but these remain effective if they were signed before 1 July 2014.

When will an Advance Care Directive be used?

Your Advance Care Directive only takes effect and can only be used if you are unable to make your own decisions (that is, you are considered to have impaired decision making capacity), whether temporarily or permanently.

It would take effect if you are unable to:

- understand information regarding a decision;
- understand and appreciate the risks and benefits of a particular choice;
- retain information; and
- explain what your decision is and why you've made it.

Who will make decisions for you when you cannot?

It is your choice whether you appoint one or more Substitute Decision-Makers. They will be legally able to make decisions for you about your health care, living arrangements and other personal matters if you are unable to.

Substitute Decision-Maker(s) cannot:

- make an illegal decision (e.g. to request voluntary euthanasia); or
- refuse food and water to be given via an individual's mouth; or
- refuse medicine for pain and distress – i.e. palliative care.

If you do not wish to appoint anyone to be your Substitute Decision-Maker you can still record your wishes and directions, and health care providers are then required to observe your wishes and directions.

You can change your Advance Care Directive at any time while you are still able to by completing a new Advance Care Directive Form.

Mellor Olsson has experienced practitioners who can discuss this document with you.

To find out more about our services & experience visit www.mellorolsson.com.au

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