

<p style="text-align: center;"><b>Fact Sheet</b> <b>Advance Health Care Directive</b> <i>(for use in Residential Aged Care Facilities)</i></p>
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Every competent adult has the legal right to accept or refuse any recommended health care. This is relatively easy when people are well and can speak for themselves. Unfortunately, during severe illness people are often unconscious or otherwise unable to communicate their wishes – at the very time when many critical decisions need to be made. By completing an Advance Health Care Directive, you can make your wishes known before this happens.

**What is an Advance Health Care Directive?**

An Advance Health Care Directive is a document that states your wishes or directions regarding your future health care for various medical conditions. It comes into effect *only* if you are unable to make your own decisions.

The purpose of an Advance Health Care Directive is to give you confidence that your wishes regarding health care will be carried out if you cannot speak for yourself. However, a request for euthanasia would not be followed, as this would be in breach of the law. It is a criminal offence to accelerate the death of another person by an act or omission. It is also an offence to assist another person to commit suicide.

**Can I change my Advance Health Care Directive?**

Yes, your wishes as stated in an Advance Health Care Directive are not final; you can change them at any time while you remain mentally capable of doing so. It is wise to review your Directive every 6 months or if your health changes significantly. If you do want to make major changes to your Directive, you should destroy the current one and make a new one. If you make minor changes, make sure you sign and date alongside the change. If you make any changes, make sure that you give a copy of the new document to anyone who has a copy of your current Advance Health Care Directive.

**Where can I get help with my Advance Health Care Directive?**

Nursing staff of your Residential Aged Care Facility or your General Practitioner may be able to assist you.

**What do I do with the completed document?**

A copy will be put into your medical record in the Residential Aged Care Facility where you live. You should give a copy to your doctor, to your Enduring Guardian if you have appointed one, to a family member or friend and, if you wish, to your solicitor.

If you are admitted to hospital, ask the staff in your Residential Aged Care Facility to ensure that your Advance Health Care Directive is sent to the hospital, along with your other records.

## Fact Sheet

### Appointing an Enduring Guardian

*(for use in Residential Aged Care Facilities)*

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#### **What is an Enduring Guardian?**

An Enduring Guardian is someone you can appoint to make decisions on your behalf about your health-care and other personal matters if you are no longer able to do so. The person must be over 18 years of age and needs to agree to the appointment; they should be someone you trust, who is prepared to carry out your wishes as far as is possible. Most people appoint a close family member or friend as their Enduring Guardian.

#### **How do I appoint an Enduring Guardian?**

If you have not yet appointed anyone and you wish to do so, you will need to complete an Appointment of Enduring Guardian form. You should ask a staff member in the Residential Aged Care Facility where you live to obtain a form for you, or you may wish to ask a family member or friend to do so. The forms are available from the following website: [www.aslarc.scu.edu.au/downloads](http://www.aslarc.scu.edu.au/downloads)

#### **What happens if I have not appointed an Enduring Guardian?**

If you do not appoint your own Enduring Guardian, the law provides that someone called the Person Responsible can make health care decisions for you if you lose the capacity to make your own decisions. The Person Responsible is the first, in order of authority, of the following people:

- Your spouse or partner (including same sex partner).  
If you do not have a spouse or partner
- Your carer (This would be the person who looked after you before you came to live at the Residential aged Care Facility, or who most often comes to visit you and looks after your needs.) This does not include someone who was being paid to care for you but it could include someone who was receiving a Carer's Pension.  
If there is no carer
- A close relative or friend of yours. Sometimes there will be more than one person in this category and if they cannot agree about what treatment you should receive, the Facility staff may have to organise mediation to solve the dispute.

Note: The Person Responsible is not necessarily your Next-of-Kin.

#### **Enduring Power of Attorney (for money or property)**

You may also wish to give someone Enduring Power of Attorney for financial matters in case you need someone to manage your property or money. If you wish to do that, you will need to complete a separate Enduring Power of Attorney form.