

## *How do I find out more?*

Your solicitor can provide you with more information concerning enduring guardianships and advance health care directives.

The Benevolent Society of N.S.W can also be contacted on 02 9339 8000.

Many sporting and social clubs provide special access for their members to legal advice.

Legal Aid centres may also be able to assist.

At the most simple and informal level, people may make their wishes about lifestyle and health known to people who they trust would act in their best interests if the need arose.

These may include their doctor, family members and friends.

The choice is yours.

August 2002

## *Glossary of Terms*

### *Advance health care directive:*

Any written statement that expresses in advance a person's wish about their medical or lifestyle affairs.

### *Enduring guardian:*

Someone a person appoints to make personal, medical or lifestyle decisions on their behalf, when they are not capable of making those decisions themselves.

### *Enduring power of attorney:*

Someone a person appoints as their agent with authority to carry out instructions relating to business, property and financial affairs.

### *Will:*

A legal document that a person capable of making decision signs to express how they wish their property and other assets to be disposed of after they die.

This pamphlet was adapted from "Taking Charge - Making Decisions for Later Life" prepared by the Benevolent Society Of N.S.W. and the Centre for Education and Research on Ageing. Dec 1999.



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*"GPs caring for South East NSW"*

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## *Enduring Guardians*

*and*

## *Advance Health Care Directives*

*Looking after your  
future health and lifestyle*

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## Looking after your future health and lifestyle

Many people take action to ensure that their finances will be looked after when they are no longer able to make decision, or when they are no longer around to make decisions.

Making a will and/or signing a power of attorney are the most common ways of doing this.

It is less common for people to take actions to make sure that their future health and lifestyle wishes are known.

Some people argue that patients are the people that must live with the consequences of their medical treatment. They have a right to make their own choices and to make their choices known.

The choice is yours. And a valid choice is to do nothing at all. This pamphlet only presents some options for your consideration, including

- Appointment of an enduring guardian; and
- Development of an advance health care directive.,

## What is an enduring guardian?

If you choose to appoint an enduring guardian, this person can make personal, lifestyle and health decisions on your behalf when you are no longer capable of doing so.

You choose what sort of decisions you want this person to be able to make. They can, for example, if you choose, make decisions relating to the type of medical treatment you receive, or for how long the medical treatment can continue.

They have no control over your financial affairs.

You can, if you want, rely on the guardian to make decisions in your best interests. Or you can write down and give specific directions concerning your future health and lifestyle.

An Enduring Guardian must be at least 18 years of age and cannot be involved in your medical care. Two or more people may be appointed jointly.

The appointment of an enduring guardian must be witnessed before a solicitor or Clerk of the Local Court. This can be revoked subject to certain conditions.

## What is an advance health directive?

Advance health care directives (sometimes called living wills) contain written instructions about a person's care in case they cannot make those decision for themselves.

In NSW these directives are not backed by legislation, unless they form part of the appointment of an enduring guardian.

In practice, however, doctors take them into account when treating the patient .

Advance health care directives may also help family and friends know your wishes. Family and friends may be more comfortable knowing that you are receiving the treatment that you want.

An advance health care directive can be a formal document, attached to an enduring guardianship. Or you may prefer to keep your directive as an informal document