

Advance Care Planning (ACP) is a process of thinking about what is important to you and your lifestyle then discussing these things with your family, friends, doctor, spiritual advisor and/or legal representative.

ACP should become part of your regular discussions with those closest to you. It may result in a written record of your preferences in either an Advance Care Plan or an Advance Care Directive.

Why is it important?

Most people would like to have control over what health care they receive but may not always be able to speak for themselves. However, you can take steps to ensure that people close to you know your wishes in advance, just in case. ACP encourages you to discuss your overall health condition with your doctor - leading to a better understanding of your treatment goals. With this knowledge you are more able to communicate your treatment choices with future health care providers.

ACP is about taking control, discussing and having a voice in health care decision-making. Undertaking ACP now, when you are able, gives you and your family time to talk and better understand what gives your life meaning. It is usually difficult to explore your values, beliefs and preferences in a health care crisis. Discussing your preferences and writing down what is and is not acceptable to you, can be seen as a gift to your family. They will not be left second guessing what you really want. Your wishes are used to guide care when you are alive, so they will not serve a purpose in your Will, which is read after your death.

Advance Care Plan

An Advance Care Plan can be written by you, for you or with you and it documents your values and preferences for health care and preferred health outcomes. The plan is prepared from your perspective and used as a guide for future health care decision making, if you are unable to speak for yourself.

Advance Care Directive (ACD)

This is a written directive made by a competent person (i.e. someone with “capacity”) and is recognised by common law.

The ACD can:

1. Record your values, life goals and preferred outcomes;
2. Provide directions about care in the event of life-threatening illness or injury;
3. Identify your Enduring Guardian (if formally appointed) or “Person Responsible” to make decisions on your behalf; or
4. Be any combination of the above three.

What is “Person Responsible”?

In NSW, legislation contained in the NSW Guardianship Act determines who can legally consent or decline treatment being offered to you, if you are unable to speak for yourself. This is “Person Responsible”. The treating doctor will decide “Person Responsible” according to a hierarchy, as follows:

- a. An Enduring Guardian (a person legally appointed by you) or a guardian appointed by the NSW Guardianship Tribunal
- b. Your spouse, de facto or same sex partner with whom you have a close ongoing relationship
- c. Your carer – a person who provides ongoing, regular care (not a care worker or volunteer)
- d. A close friend or relative with whom you have an ongoing relationship.

It is in your best interest to understand this process of selecting a Person Responsible. Ensure that you have considered who would be the best person to make decisions for you. Discuss your wishes with that person. If you have any doubts you should legally appoint the preferred person/s as your Enduring Guardian (the first person in the hierarchy).

What is Capacity?

The ability to make your own decisions is called “capacity.” When a person has capacity to make decisions they can:

- understand the facts and choices involved
- weigh up the consequences, and
- communicate the decision

Frequently Asked Questions:

What if I change my mind?

You can change or revoke your ACD at anytime while you have capacity. Ensure that old documents are destroyed and replaced with the new.

When will the ACD be used?

Only when you are unable to speak for yourself.

Is an ACD permission or consent for euthanasia?

No. You cannot request or direct a doctor to end your life in an ACD (or by any other means). Euthanasia is illegal in Australia.

Where should I keep the ACD?

Make sure a copy goes to your doctor, Enduring Guardian, family and those closest to you. If you come to hospital, bring a copy with you on each admission.

Can my Power of Attorney give health consent?

No their role is to manage your business, property & financial affairs.

Need more information?

Talk to your GP – consider your thoughts beforehand then discuss your ideas during an extended appointment.

Visits the NSW Health website www.health.nsw.gov.au/pubs

Contact the Office of the Public Guardian for information on the appointment of an Enduring Guardian on 1800 451 510 or www.publicguardian.lawlink.nsw.gov.au

The Capacity Toolkit is a free resource available from Department of Justice and Attorney General, Diversity Services www.lawlink.nsw.gov.au/diversityservices or 8688 8460

Planning Ahead Tools website contains information on all aspects of planning ahead. It has comprehensive information on Wills, Powers of Attorney, Enduring Guardianship and Advance Care Planning <http://www.planningaheadtools.com.au/>