

# Advance Care Directive

## Information Sheet

### What is advance care planning?

Advance care planning is a process of considering, discussing and planning future health care decisions in case you become unable to make or communicate these decisions yourself. Decisions about advance care planning are documented on an advance care directive.

### What is an advance care directive (ACD)?

An ACD is a set of instructions about health care and treatment that you accept or refuse in the future. It is an opportunity to write down your wishes and directions, in advance, in case you lose the ability to make and communicate these decisions yourself. An ACD allows your health care professionals, and others who support you, to understand what is important to you and what you do and don't want. The ACD only comes into effect if you become unable to make decisions about health care and treatment, either permanently or temporarily.

### What are the requirements for writing an ACD?

You must have the ability to make your own health care decisions when completing an ACD; it is, in effect, your consent or refusal for treatment at a later date. If you or anyone else has concerns about your ability to make these decisions, please seek further medical advice. Your ACD must be made freely, without any undue influence by anyone else. It is preferable for your ACD to be written in English, otherwise your treating health professional may not understand your instructions. An interpreter should be used if you need one.

If you are unable to complete the form yourself, a trusted person can do so on your behalf, but it must be written at **your** direction and reflect **your** wishes. The signatures should reflect if someone else has filled out the form at your direction.

Ideally, your ACD should be witnessed by an independent person - not the person who has completed this form at your direction. This will assist in verifying your wishes and directions so that doctors and health professionals can rely on it in the future.

### What should I include in my ACD?

You can include any information that is important to you about your values, wishes, beliefs and things that are important for your quality of life. This might include your spiritual, religious or cultural beliefs, practices or requirements, your preferred place of care, your preferred place to die, and any other things that give your life meaning. If you identify as Aboriginal and / or Torres Strait Islander, you have an opportunity to state what else is important to you. This information can be used to guide your overall care. **Your values and wishes should be detailed in Section 1 of the ACD form.**

You can nominate any specific health care and treatments you do not want, and in which circumstances you refuse this treatment. You should provide very clear instructions. There are several excellent resources listed at the end of this sheet which provide further information and examples of things you might want to consider. You can access these through the web addresses listed. **Any refusal of treatment should be detailed in Section 2 of the ACD form.**

## Who needs to be involved in writing my ACD?

It is highly recommended that you discuss your wishes and your ACD with important people such as your family or friends, doctors and others involved in your care. If you have complex or chronic medical conditions or are nearing the end of your life, ideally that would include your treating doctor or other health professionals.

## Is an ACD legally binding and do my doctors have to follow my directions?

In Tasmania, you can make a legally valid ACD under common law. In general, doctors are required to follow your directions if medically appropriate, and if they are sure your refusal of treatment was intended to apply in the circumstances at hand. However, medical and health practitioners are not obliged to provide treatment that would result in ineffective health care or would violate health care standards.

An ACD written under other state legislation or common law will normally be recognised and followed if considered accurate and where it provides valid instructions for your treatment or care. An appointment of an enduring guardian or other substitute decision-maker made in another state is valid in Tasmania only if it is registered with the Guardianship and Administration Board - contact the Board to find out if the interstate instrument can be recognised in Tasmania.

Whilst you may choose to, there is no need to consult a lawyer when completing your ACD.

## What do I do with my completed ACD?

Keep the original with you in an easily accessible place in your home.

Give a copy to important people such as your family or friends, GP, your local hospital and others involved in your care. A resource has been developed to allow you to [record in one place people who are important to you](http://www.dhhs.tas.gov.au/palliativecare/advance_care_planning_for_healthy_dying/advanced_care_directive_pamphlet). ([www.dhhs.tas.gov.au/palliativecare/advance\\_care\\_planning\\_for\\_healthy\\_dying/advanced\\_care\\_directive\\_pamphlet](http://www.dhhs.tas.gov.au/palliativecare/advance_care_planning_for_healthy_dying/advanced_care_directive_pamphlet)). It also allows you to identify who holds a copy of your ACD.

If you have an Enduring Guardian, give them a copy.

If an ambulance is called, make this form immediately available to them.

Your ACD can be uploaded to your My Health Record through MyGov – for information about registering go to [My Health Record](http://www.myhealthrecord.gov.au/for-you-your-family) ([www.myhealthrecord.gov.au/for-you-your-family](http://www.myhealthrecord.gov.au/for-you-your-family)).

## Can I change or cancel my ACD?

You can only change or cancel your ACD if you are able to make and communicate these decisions yourself. It is recommended that you review your ACD as needed, especially if your health or medical conditions are changing.

You can change your ACD by completing a new one which will override any older one. Remember to give a copy of your new ACD to the people, services or organisations you provided copies to.

You can cancel your ACD if you no longer want one in place. You can do this by letting people, service and organisations know that you no longer wish to have an ACD. In this case it is important to try to retrieve or destroy any copies.

## What else do I need to know, and what other planning can I do?

The law provides for other people to step in to make decisions on your behalf if you lose the ability to make and communicate decisions yourself. Your ACD will guide and direct anyone making decisions for you. The alternate decision makers are outlined below:

**Person Responsible** – if you lose capacity to make your own health care and treatment decisions, your enduring guardian, spouse, unpaid carer, or close friend or relative (in that order) can consent to medical treatment on your behalf. This person is known as the *person responsible* and should know your values, wishes, and your health care and treatment preferences. Ideally this information would be contained in an ACD.

**Enduring guardian** - you can appoint a guardian to consent to health care and treatment, and to make other personal decisions such as where you should live and what support services you should receive. This is called an enduring guardian. You can only appoint an enduring guardian if you have the capacity to understand the nature and effect of the appointment. The enduring guardian will only be able to make decisions on your behalf if you become unable to do so yourself, because of a disability, injury or illness. The appointment requires a separate form to be completed and to be registered with the Guardianship and Administration Board. The form and other information about enduring guardianship is available on the [Board's website](http://www.guardianship.tas.gov.au) ([www.guardianship.tas.gov.au](http://www.guardianship.tas.gov.au)).

**Money and Property Matters** - guardians and persons responsible cannot make financial and property decisions and cannot manage your money or your estate. ACDs cannot give directions about financial or property decisions. You may want to consider appointing an Enduring Power of Attorney to manage your finances if you lose capacity and making a will for the distribution of your assets after death. You should consider seeking legal advice if you wish to appoint an Enduring Power of Attorney or to make a will.

## More information

For more information on Advance Care Planning please refer to:

- [Advance Care Planning Australia](http://www.advancecareplanning.org.au) ([www.advancecareplanning.org.au](http://www.advancecareplanning.org.au))
- [Dying to Talk](http://dyingtotalk.org.au/aboriginal-torres-strait-islander-discussion-starter/) ([dyingtotalk.org.au/aboriginal-torres-strait-islander-discussion-starter/](http://dyingtotalk.org.au/aboriginal-torres-strait-islander-discussion-starter/))
- [Palliative Care Tasmania](http://www.pallcaretas.org.au) ([www.pallcaretas.org.au](http://www.pallcaretas.org.au))
- [Guardianship and Administration Board](http://www.guardianship.tas.gov.au) ([www.guardianship.tas.gov.au](http://www.guardianship.tas.gov.au))
- [Office of the Public Guardian \(Tasmania\)](http://www.publicguardian.tas.gov.au) ([www.publicguardian.tas.gov.au](http://www.publicguardian.tas.gov.au)) on (03) 6165 3444

For more information on Organ and Tissue Donation please refer to:

- [DonateLife Tasmania](http://donatelife.gov.au) ([donatelife.gov.au](http://donatelife.gov.au)) or call on (03) 6270 2209 (Monday-Friday) or email [donatelife.tasmania@ths.tas.gov.au](mailto:donatelife.tasmania@ths.tas.gov.au)