

## Advance Care Directive

An Advance Care Directive (ACD) is a legal document in which you write down your preferences for your future health and personal care.

It lets other people know what your wishes are should you be unable to make health and personal care decisions for yourself.

You can:

- specify your preferences and instructions for health care, end of life, living arrangements and personal matters, or;
- appoint one or more Substitute Decision-Makers to make these decisions on your behalf, or;
- include both.

Your ACD will only take effect if you are unable to make your own decisions. This may be the result of an illness, such as dementia, an accident or a stroke.

### What the Advance Care Directive is Not

An ACD is not a Will. It also cannot be used to make financial or legal decisions. You will need to appoint an Enduring Power of Attorney to make decisions about your future finances and legal matters (see *Information Guide 1* for more information).

### When will it be Used?

Your ACD only takes effect if you are unable to make your own decisions, whether temporarily or permanently.

You may be considered unable to make your own decisions if you cannot:

- understand information about the decision;
- understand and appreciate the risks and benefits of the choices;
- remember the information for a short time; or
- tell someone what the decision is and why you have made the decision.

### Who will Make Decisions for You when You Cannot?

You can appoint one or more Substitute Decision-Makers in your ACD to make health and personal care decisions on your behalf. You can also specify the types of decisions you want them to make.

If you have not appointed any Substitute Decision Makers, others close to you may be asked to make decisions for you (as a 'Person Responsible'). They must follow any relevant wishes or instructions you have written in your ACD.

Anyone making a decision for you will need to make the decision they think you would have made in the same circumstances.

### Refusals of Health Care

You may have written in your ACD that you do not want certain types of health care. This is also known as a refusal of health care. It is important to make sure you have written down when or under what circumstances any refusals of health care apply.

If you have refused specific health care in your ACD, your Substitute Decision-Maker or Person Responsible, and your health practitioner, must follow that refusal if it is relevant to the current circumstances.

This means that your health practitioner will not be able to give you health care treatment you have refused.

If you refuse health care but do not write down when the refusal applies, it will apply at all times.

A health practitioner can only override a refusal of health care if there is evidence to suggest you have changed your mind but did not update your ACD, or the health practitioner believes you didn't mean the refusal of health care to apply in the current circumstance.

### Important

This document is only a guide to the Government's law and policies and does not take into account your individual circumstances. Senexus Aged Care Solutions recommends that you seek appropriate professional advice relevant to your particular situation.

# *Simplifying access to aged care*

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Should this happen, the health practitioner will need consent from your Substitute Decision-Maker or a Person Responsible, prior to providing care.

You cannot refuse compulsory mental health treatment as listed in a community or involuntary treatment order if you have one.

### **Who can write an Advance Care Directive?**

You can write an ACD at any time. However it must be your choice and you must:

- be 18 years old or over;
- know what an ACD is;
- know what it will be used for; and
- know when it will be used.

No one can force you to have an ACD or to write things you do not want. These are offences under the law.

Senexus Aged Care Solutions recommends you consult a legal professional to ensure your ACD is fully considered, accurate and valid.

### **What if I have other documents in place?**

The Advance Care Directive has replaced the Enduring Power of Guardianship, Medical Power of Attorney and Anticipatory Direction.

However if you have already completed an Enduring Power of Guardianship, a Medical Power of Attorney or an Anticipatory Direction, these will continue to be legally effective unless you complete a new Advance Care Directive.

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

You can change your ACD at any time while you are still able by completing a new ACD Form.

### **Important**

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