

Planning Ahead

Advance Care Directives



Many of us don't consider what might happen to us as we grow older or become unwell. However, planning ahead and getting legal help while you are fit and healthy, allows you to choose who makes decisions for you well into the future.

As you get older, you will need to prepare legal documents for:

- **Legal and financial decisions** (e.g. paying your bills, managing your bank accounts)
- **Health and lifestyle decisions** (e.g. where you live, medical treatment you receive)
- How you want **your property** to be divided after you pass away.

What is an Advance Care Directive?

An Advance Care Directive is a way for you to say what healthcare treatments you want (or do not want) if you ever become very ill or injured and you are unable to make or communicate your decisions about your care and treatment.

For example, in an Advance Care Directive you can say:

1. whether or not you want to go on life support if your doctor does not expect you to recover from a serious illness or injury
2. whether or not you want a blood transfusion because of your religious beliefs.

Other factsheets to help you plan ahead:

- Planning Ahead: **Enduring Power of Attorney**
- Planning Ahead: **Enduring Guardian**
- Planning Ahead: **Wills**

justicesupportcentre.org.au/free-services/factsheets-and-resources/

Your Advance Care Directive **must** be followed by health professionals, Enduring Guardian and family members.

You can only make an Advance Care Directive if you have mental capacity and you are over 18 years of age.

An Advance Care Directive may include the person you would like to make medical and lifestyle decisions for you if you are unable to and details of what is important to you, such as your values, life goals and preferred outcomes.

Disclaimer: This factsheet gives general information only. It is not legal advice. If you have a legal problem, always get advice from a lawyer. This information only applies in New South Wales. Information accurate as of Jan 2023.

How can I make an Advance Care Directive?

In NSW, there is no specific form and an Advance Care Directive can be spoken or written. However, you should **always try to have your Advance Care Directive in writing** so as to avoid problems in the future: for example, if the person you told is not available when needed or if treatment providers do not accept instructions from that person without any written evidence that it is really what you wanted.

You can use the [NSW Health Advance Care Directive \(ACD\) form](#) prepared by NSW Health.

An Advance Care Directive concerns medical and treatment decisions, so you should talk to your doctor about what would be best for you.

What is the difference between an Advance Care Directive and an Appointment of an Enduring Guardian?

An Advance Care Directive is something you should consider, even if you have already appointed an Enduring Guardian. This is because the powers given to an Enduring Guardian are quite broad. This allows an Enduring Guardian a wide discretion to make decisions about what they think is in your best interests, but which may not be what you want, in particular situations.

For example, if treatment is likely to result in you being permanently unable to communicate, you may not wish to have the medical treatment, even though it will prolong your life. However, your Enduring Guardian can still give consent for such treatments if they believe they are necessary for your wellbeing.

By making an Advance Care Directive, you decide what medical treatment you have or do not have.

You can also include your values, beliefs and wishes for treatment outcomes, to guide how decisions are made. These are sometimes called value statements. Some examples of these include:

- I don't want to be bed-bound or placed in a chair all day, or be dependent on others to get around.
- I value my cultural identity and enjoy the company of those who speak my first language.
- I prefer my pets to be near me or continue to be able to see them.

For more information about Advance Care Directives, see [NSW Health Making an Advance Care Directive.](#)



Checklist

- Have I spoken to my GP about my future health care?
- Do my family know my specific medical care wishes?
- Are my wishes written down & documented in my health care records?

Who can help?

Justice Support Centre

We can support you with free legal advice over the phone.

When to call:

If you call at the following times and give your details, a lawyer will aim to call you back within 7 working days:

Tuesday: 11.30 am – 1.30 pm

Thursday: 11.30 am – 1.30 pm

Phone: (02) 9601 7777

Email: info@justicesupportcentre.org.au

Seniors Rights Service

1800 424 079 | 02 9281 3600

NSW Trustee and Guardian

02 8688 2600

You can also contact [LawAccess](#) for legal help in NSW: 1300 888 529

You can contact the [NSW Law Society](#) for referrals to private solicitors: 9926 0300