

ADVANCE CARE PLAN: Information Sheet (Australian Capital Territory)

The Respecting Patient Choices Program is promoting advance care planning in the Australian Capital Territory. This program is about the promotion of autonomy and dignity and not about euthanasia or suicide. You have the right to make decisions about your health care, now and for the future. Medical treatment should only be given with your fully informed consent and you have the right to refuse treatment. If, in the future, you become unable to express your choices for treatment, your doctors and family/friends may not know what you would want. An Advance Care Plan gives you the opportunity to record, ahead of time, your choices. An Advance Care Plan ONLY comes into effect if you lose legal capacity to make decisions about your medical treatment.

The three ways to record your choices in an Advance Care Plan are:

1. Appointing an Enduring Power of Attorney (EPA)
2. Documenting your wishes in the Statement of Choices
3. Completing a Health Directive under the Medical Treatment (Health Directions) Act 2006.

Before completing the Advance Care Plan, take time to read the following information carefully. It is important that you discuss your values and beliefs and the content of this Advance Care Plan with the person/s whom you wish to appoint as your attorney/s under an EPA. It is important that you involve your attorney /s , and you discuss your Advance Care Plan together so that they understand and respect your choices.

1. Enduring Power of Attorney (EPA)

Referred to as an Enduring Power of Attorney (EPA), this is a legal document that enables you to appoint another person/s to make medical treatment decisions on your behalf, including consenting to treatment or consenting to withholding treatment. This person/s, referred to as your attorney/s under the EPA can make health care decisions on your behalf **only** if you are not able to make or communicate decisions.

Your *attorney* must be at least 18 years of age and mentally competent to make decisions. You may choose to appoint more than one *attorney* . You can limit your attorney decisions to medical issues only, unless you choose to complete the entire Enduring Power of Attorney document that will allow your attorney(s) to make decisions in all areas of your life.

When selecting someone to be your *attorney* it is important to choose someone who:

- You trust and who knows you well
- Is willing to respect your views and values
- Is able to make decisions under circumstances that may be difficult or stressful.

Often a family member is a good choice as an *attorney*, but not always. Make sure that you choose someone who will closely follow what you want and will be a good advocate for you.

Please note - Two witnesses, over the age of 18 years . One witness must be a person authorised to witness the signing of statutory declaration .

- By law your nominated *attorney* cannot also be a witness to your EPA form.

If you choose not to complete an Enduring Power of Attorney and you become unable to legally make or communicate decisions for yourself, any medical decisions that need to be made will be made by an appointed Guardian as determined by the Guardianship and Management of Property Act 1991.

2. The Statement of Choices

You may choose to record your wishes regarding future medical treatments on the *Statement of Choices* form. It is still most important to discuss your wishes with your *attorney* (if appointed), family and doctor. You should note that the Statement of Choices is designed to inform your *attorney* and the doctors of your medical treatment wishes. It is not legally binding, unlike an Enduring Power of Attorney or a Health Direction under the Medical Treatment Act 2006. If you become unable to make decisions this information will assist your attorney/s and doctors in making decisions that are in accord with your expressed views and best interests.

3. Health Direction under the Medical Treatment (Health Directions) Act 2006

In the ACT you may also give legally binding directions about medical treatment that you do not want now, and for the future, by completing a Health Direction under the Medical Treatment Act 2006 . This document is valid even if in the future you cannot make decisions yourself. If you want to refuse certain medical treatment for your current illness and you want that refusal to be binding you should complete a Health Direction under the Medical Treatment Act 2006. A Health Direction under the Medical Treatment Act 2006 allows you to refuse current and future treatments generally or of a particular kind , except palliative care (relief of pain and suffering). Your Respecting Patient Choices Consultant and doctor can discuss these issues with you if you are not sure.

How do I change or revoke my Advance Care Plan?

There are a number of reasons why you might want to change or revoke your EPA, your Statement of Choices, or your Health Direction under the Medical Treatment Act 2006 . Maybe your relationship with your *attorney* has changed, or the person you appointed is no longer appropriate for the role. Your medical and other circumstances or wishes may have changed. You can change or revoke these documents by completing a new document. The most recent dated document overrides the older document. It is also important to inform your *attorney(s)* of the changes and provide them with copies of the new documents.

After completing the Advance Care Plan the original remains with you and copies can be given or sent to:

- Your *attorney(s)*
- Your local doctor (GP)
- The medical records department at the organisation where you have completed the documents
- Other hospitals/clinics you normally attend (with a covering explanatory letter)

You may wish to share extra copies with others (eg. next of kin, your minister or your solicitor).

Need further information?

If you need assistance in completing this document or would like more information please contact a Respecting Patient Choices Consultant:

Name

Telephone