

Similar to making a will, undertaking a care planning process can allow you to communicate preferences for treatment and care. Advance Health Directives and Enduring Powers of Guardianship assist in planning for future personal, lifestyle and treatment decision-making. These documents can ensure that in the event of incapacity, all aspects of an individual's life can be managed by those they wish to empower. We explore these legal documents in further detail.

Advance Health Directive

Sometimes called a 'living will', an Advance Health Directive is a document which outlines decisions about future medical, surgical or dental treatment and other health care, such as palliative care and life-sustaining measures. The directive is only used if and when you become unable to make a treatment decision for yourself. It can also cover treatment decisions that you do not want to undertake in the future.

Any decisions must be followed by health professionals except in very limited circumstances. Without an Advance Health Directive in place, the relevant legislation establishes who is required to make treatment decisions.

It is important to note that the Advance Health Directive overrules any healthcare decision that can be made by the Enduring Guardian therefore providing greater control over medical treatment.

Enduring Power of Guardianship

An Enduring Power of Guardianship is a document which appoints a trusted person to make personal, lifestyle and medical decisions in the event that you lose the capacity to make such decisions for yourself. You can appoint more than one enduring guardian. Similar to the above, the Enduring Power of Guardianship will only be used if and when you become unable to make decisions for yourself.

An Enduring Power of Guardianship gives the authority over a range of issues, including:

- deciding where you live and who you will live with
- deciding if you work and if so, any matters related to that work
- providing or refusing consent, on your behalf, to any medical care
- deciding what education and training you receive
- determining who you will associate with
- advocating for and making decisions about the support services you will have access to seek.

Conclusion

Alongside an Enduring Power of Attorney, Advance Health Directives and Enduring Powers of Guardianship are individual but complementary documents. You can elect to complete all or any combination of these depending on your desires and preferences. Specific estate planning advice should be obtained if you feel strongly about such matters so that consideration can be made to your wishes and intentions. Your adviser is able to provide an appropriate referral as required.

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