



# Advance Care Planning Factsheet

## What is Advance Care Planning?

Advance Care Planning gives you peace of mind – knowing that the people you trust understand what is important to you if you were too unwell to make your own decisions about your healthcare. It can relieve your loved ones from the burden of having to make decisions without knowing your wishes.

This could happen if you had an accident, a condition like dementia or a stroke and became too ill to communicate. Advance Care Planning is for everyone, but particularly for people with progressive or life-limiting conditions. Having early and repeated conversations about end of life care is useful. It does not necessarily mean that you will die soon.

## What are the benefits of advance care planning?

- Your wishes will be known if future decisions about your healthcare need to be made by others.
- Helps you to talk about sensitive issues with people you trust.
- Assists in relieving emotional distress of the people you love when having to make important decisions on your behalf.
- Reduces confusion or conflict at a time when making difficult decisions.



## What does advance care planning involve?

- ✓ Talking to the people you trust about what is important to you.
- ✓ Having open discussions with your doctor and your healthcare team about your possible health needs.
- ✓ Identifying your *Person Responsible*, also known as your *Substitute Decision-Maker*.
- ✓ Including your *Person Responsible* in discussions about your healthcare.
- ✓ Considering writing your values and wishes in a document as during times of stress it may be hard for your *Person Responsible* to recall your wishes. These documents can be changed at any time.
- ✓ Continuing these discussions and update your document as your wishes or situation changes.

## Who is my Person Responsible?

In NSW the treating doctor will decide your *Person Responsible* according to the following hierarchy, from the NSW Guardianship Act:

- 1 An Enduring Guardian (a person legally appointed by you) or a guardian appointed by the NSW Guardianship Tribunal.
- 2 Your spouse or de facto partner with whom you have a close ongoing relationship.
- 3 Your carer. This is a person who provides ongoing, regular care (not a care worker or volunteer).
- 4 A close friend or relative (with whom you have an ongoing relationship).

If you have any doubts or want to change this order, you should legally appoint the person/s you prefer as your Enduring Guardian (the first person in the hierarchy).

## There are 2 types of documentation that you could consider:

### Advance Care Plan (ACP)

This is a document **written by you, for you or with you** about your values and preferences for healthcare. There is no formal template for this document; it could be written as a letter or a plan. It is written from your perspective and used as a guide for future healthcare decision-making if you are unable to speak for yourself. This type of document is not legally binding.

### Advance Care Directive (ACD)

This is a document **written by you** and is recognised by common law in NSW so is legally binding. It is also known as a “living will”. There are many ACD forms available, all of which are acceptable as legal documents, however, Sydney Local Health District (SLHD) recommends you consider using the SLHD ACD form available from your GP or on the *My Wishes* website [www.slhd.nsw.gov.au/myWishes/](http://www.slhd.nsw.gov.au/myWishes/).

An ACD can include the following:

- Identification of your Enduring Guardian (if formally appointed) or *Person Responsible* so they can make decisions on your behalf.
- Directions about healthcare in the event of a life-threatening illness or accident.
- A record of your wishes, including cultural, spiritual and social needs that are important to you.
- Any combination of the above.

### Legal Considerations:

**It is highly recommended that you include your treating doctor in your planning discussions.**

The following things are necessary for your ACD to be legally valid and enforceable in NSW when you cannot speak for yourself:

- 1 You had capacity when you wrote it.

*Capacity means that you understand the facts and choices involved, can weigh up the consequences and communicate your decision.*

- 2 It was made voluntarily (a witness to your signature is recommended)
- 3 It has clear and specific details about treatments that you would accept or refuse.
- 4 It is current and applicable to the situation.

### Where should you keep it?

Make sure you keep the original documentation and give copies to:

- Your Doctor
- Your Person Responsible
- The hospital where you receive most of your healthcare.

### Further information:

- Sydney Local Health District My Wishes website [www.slhd.nsw.gov.au/myWishes/](http://www.slhd.nsw.gov.au/myWishes/)
- NSW Ministry of Health: 1300 887 529 or online at [www.planningaheadtools.com.au](http://www.planningaheadtools.com.au)
- Advance Care Planning Australia: <http://advancecareplanning.org.au/>
- Enduring Guardian 1300 00 228, or 02 955 7634 or online [www.ncat.nsw.gov.au/Pages/guardianship/publications\\_resources/gd\\_fact\\_sheets.aspx](http://www.ncat.nsw.gov.au/Pages/guardianship/publications_resources/gd_fact_sheets.aspx)
- For translation fact sheets about Enduring Guardian <http://planningaheadtools.com.au/planning-ahead-publications/>