Advance care planning is about your future health and personal care. It gives you the opportunity to plan for what you would want, if you were unable to say it yourself. This fact sheet is about advance care planning and Australian Capital Territory (ACT) law.

Why should I think about advance care planning?
If illness or serious injury (temporary or permanent) prevents you from making decisions about your health or personal care, advance care planning makes sure that your beliefs, values and preferences for treatment and care are understood and respected.

How to do advance care planning
Advance care planning is an ongoing process with a number of steps.

Be open
- Think about your beliefs, values and preferences for current and future health and personal care.
- Choose a substitute decision-maker: someone to speak for you if you become very sick and are not able to speak for yourself.

Be ready
- Talk about your beliefs, values and preferences for current and future health and personal care: talk with your substitute decision-maker(s), family, friends, carers and doctors.
- Write your plan (a Health Direction) and/or formally appoint your substitute decision-maker (an attorney).

Be heard
- Share your document(s) with others: a written plan makes sure that your substitute decision-maker(s), family, friends, carers and doctors know what you want.
- Review your plan regularly: consider if it needs to be updated and where it is stored.

You may choose to do some or all of these steps. For more information, please visit advancecareplanning.org.au

Who will speak for you?
If you are unable to make decisions about your own health care, substitute decision-makers can make decisions on your behalf.

Your substitute decision-maker may be:
- nominated by you (an attorney)
- appointed by a tribunal (a guardian), or
- appointed by default under legislation (a health attorney).

Attorney
You can appoint one or more adults as your attorney by completing an Enduring Power of Attorney form.
- Your attorney must be a person. You cannot appoint a corporation.
- Your attorney can make decisions relating to refusal/withdrawal of treatment and give consent for procedures.
- They cannot give consent for a medical research matter or a ‘special health care matter’ (e.g. abortion, reproductive sterilisation, removal of non-regenerative tissue for transplantation).

Guardian
A guardian is a person appointed by the Australian Capital Territory Civil and Administrative Tribunal.
A guardian can make decisions relating to health care. They cannot consent to ‘prescribed medical procedures’ (e.g. abortion, reproductive sterilisation, removal of non-regenerative tissue for transplantation).
**Health attorney**

A health attorney is the person designated under ACT law to make decisions if there is no attorney or guardian.

Your health attorney would be chosen on your behalf in the following order:

1. your domestic partner
2. your carer
3. a close relative or close friend.

(This means your carer would be chosen as your health attorney if you don’t have a domestic partner, and a close relative or friend would be chosen if you don’t have a domestic partner or a carer.)

**Informal advance care planning documents**

The ACT also allows for informal advance care planning documents such as an advance care plan statement of choices, as a written plan and/or an oral plan.

**What about mental health matters?**

In the ACT, a person with a mental illness can make an ‘advance agreement’ about their care and treatment preferences, and/or an ‘advance consent direction’ in relation to consent or refusal for treatment.

**Your formal advance care planning document: Health Direction**

A **Health Direction** is a formal document recognised by law. It only comes into effect if you are unable to make your own decisions.

Your Health Direction allows you to refuse or withdraw medical treatment (but not palliative care) and consent to commencement of treatments.

You must use the **recommended form**, unless you make your Health Direction orally (by saying what you want).

To be legally binding, the Health Direction must be signed by two witnesses. An oral Health Direction must be witnessed by two health professionals (one of whom is a doctor), who are present at the same time.

We recommend that you regularly review your Health Direction. Usually, health professionals are obliged to comply with the preferences stated in your Health Direction, so ensure it is kept up to date.

If you want to change your Health Direction, make a new one to revoke the existing Health Direction. We encourage you to upload your Health Direction to My Health Record and give a copy to your substitute decision-maker, GP and/or hospital.

**Will my Health Direction apply in other states?**

A **Health Direction** made in the ACT will apply in:

- South Australia (if it complies with South Australian law).
- Northern Territory (as long as the substitute decision-maker works within Northern Territory requirements).
- Queensland (if it meets the Queensland Advance Health Directive requirements).
- Western Australia (if an order is made by the State Administrative Tribunal to recognise the plan).
- Victoria (from 12 March 2018) (if it complies with Australian Capital Territory and Victorian law it will be recognised as a values directive).

Please contact the Office of the Public Advocate for more information if you wish.

**Where can I get more information?**

Advance Care Planning Australia: [advancecareplanning.org.au](http://advancecareplanning.org.au)

National Advisory Service: 1300 208 582