
Planning Ahead Kit

Resources for managing
financial, health and
lifestyle decisions into
the future

May 2006



**Department
of Ageing,
Disability &
Home Care**

Planning Ahead Kit

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NSW Department of Ageing, Disability and Home Care

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This publication is available on the Department's website, and can also be made available through the post on request. To obtain a copy, please contact the Department on 02 8270 2000.

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The Department has carefully prepared this document so that it is as accurate and relevant as possible. However, the document should not be used as the only source of advice when making decisions that could affect a person's rights or responsibilities.

The Department cannot accept responsibility for the way in which the document is used. Professional advice should be obtained when making decisions about how to use the information contained in the document.

Introduction

About the Planning Ahead Kit

The *Planning Ahead Kit* has been developed to help you choose someone to make financial, health and lifestyle decisions for you if you lose the capacity to make decisions yourself. The kit suggests different options to help you appoint someone to act on your behalf.

While no one expects to lose the capacity to manage their own affairs, many people feel comfort from knowing that they have planned ahead and made arrangements for a trusted relative or friend to make decisions on their behalf if something does happen.

The first step in planning ahead is talking to significant people in your life to explain your wishes to them. The second step involves identifying a suitable person who you trust to act for you. The third step is to decide whether you need to make any formal arrangements, or whether your trusted friends and family could make the decisions you would make, if you lose the capacity yourself.

You should be aware, however, that there are some situations which require legal authority for someone to act on your behalf. For example, accessing your bank account to pay your bills, updating your investments, or in some circumstances, consenting to medical treatment.

In some cases, if you lose your decision making capacity without having made any arrangements, it may become necessary for an application to be made to the Guardianship Tribunal or the Supreme Court to appoint someone to act on your behalf.

This kit provides information about:

- ◆ An **enduring power of attorney** which allows you to give authority to someone you nominate, to make decisions regarding financial issues on your behalf;
- ◆ **Enduring guardianship** which allows you to give authority to someone you nominate, to make decisions regarding personal, health and lifestyle matters on your behalf; and
- ◆ An **advance health care directive**, which allows you to provide clear guidance to your doctors about your intentions for medical treatment in the future.

The kit also explains how to organise these options and where to go for more information.

This kit is based on information produced by:

- ◆ The Guardianship Tribunal
- ◆ Public Trustee NSW
- ◆ The Office of the Public Guardian
- ◆ The Benevolent Society
- ◆ The NSW Ministerial Advisory Committee on Ageing

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Planning ahead for financial decisions

A power of attorney is a document you can sign to appoint another person (called your attorney) to act for you in relation to financial affairs. The document states what the attorney is authorised to do. This can be quite narrow and specific, or as general as desired. Any lawful action taken by the attorney under the power of attorney is binding on you. It is therefore important to appoint someone you can trust.

When the power of attorney is signed, the document can be given to the attorney or you can hold onto it until the need arises. When it is provided to your attorney, it can be used to prove that he or she is authorised to act on your behalf. Even though you have appointed an attorney, you can still personally carry out any transactions, such as banking and the sale of property, while you retain the ability to do so.

Duration of the Power of Attorney

A power of attorney is in effect as long as you want it, and can be cancelled at any time while you have the capacity to do so. It may also be set for a particular period of time, for example a period while you are ill or while you are overseas.

By law, a power of attorney ceases to operate if you lose the ability to make decisions or when you die.

Enduring Power of Attorney

If you want the power of attorney to continue, even if you lose the capacity to make your own decisions, you need to sign an **enduring power of attorney**.

An enduring power of attorney differs from a power of attorney in that:

- ◆ The intention for the enduring power of attorney to continue is stated in the document;
- ◆ Your signature on the document is appropriately witnessed; and
- ◆ A certificate is attached to the document declaring that the witness explained the effect of the document to you before you signed and that you appeared to understand it.

An appropriate witness, in this case, is:

- ◆ A solicitor, barrister or a Registrar of the Local Court; or
- ◆ A licensed conveyancer, employee of the Public Trustee, or of a trustee company, who has completed an approved course of study.

The witness cannot be the person you propose to act as your 'enduring attorney'.

Why have an Enduring Power of Attorney?

Making an enduring power of attorney is a way for you to legally appoint a person of your choosing to manage your financial affairs even if you later lose the capacity to make these decisions for yourself.

When can an Enduring Power of Attorney be given?

An enduring power of attorney must be made when you are of sound mind. It is too late to make this appointment after you have lost the capacity to manage your own affairs. If there is a doubt, you should seek a medical opinion.

You can make enduring power of attorney arrangements, which come into effect immediately, or one that remains 'dormant' and only comes into effect in particular circumstances. For example, you could decide to complete an enduring power of attorney that becomes active only when you are unable to manage financial matters for yourself.

It is usual to give your enduring attorney power to deal with all your assets, as you cannot predict exactly how your needs should be met after you have lost your capacity. This means it is very important for you to choose the right person to be your attorney.

Who can I appoint as my attorney?

The person you appoint should be someone you trust. He or she must be 18 years or over.

If you have no one like this or they are too busy or do not have the required skills, the Public Trustee NSW or private trustee companies can be appointed as your attorney. They will charge a fee for handling your affairs.

How do I appoint my attorney?

To make an enduring power of attorney, you should see your solicitor, a community legal centre, the Public Trustee, a private trustee company or a licensed conveyancer, and complete the form. They can tell you more about how the power of attorney can be used to help organise your financial affairs should you lose the ability to manage them yourself. They can also prepare the power of attorney document for you to sign and can witness your signature.

The Public Trustee can act as attorney for those with or without capacity to make decisions for themselves. The Public Trustee has regional offices throughout NSW to provide local assistance.

Public Trustee NSW

Address: 19 O'Connell Street, Sydney NSW 2000

Phone: (02) 9252 0523 or 1300 364 103

Website: www.pt.nsw.gov.au

The Registrar of a Local Court can also witness the appointment of an enduring power of attorney. This service is free.

New form

There is a new form that must be used to make an enduring power of attorney after 16 February 2004. Prior forms cannot be used. The new form allows you to choose when you want the power of attorney to start. For example, it can start immediately or on a set date or when your attorney considers that you need assistance managing your affairs.

Your attorney must sign the enduring power of attorney form to show that he or she consents to act, so before filling in the form you need to ask the person you choose as your attorney if they agree to be appointed. The attorney can sign the form at the same time as you or at a later time, but it will not start to operate until he or she signs it.

The new form also requires you to decide the powers you want your attorney to have to use your money for the attorney's benefit, for the benefit of other people, or to give gifts.

Attorney's authority to use your money or give gifts

An attorney cannot give away your money or property unless the power of attorney form specifically allows the attorney to do so. The new form contains a clause (Clause 5) authorising an attorney to give reasonable gifts. If that clause is not crossed out, the attorney will be able to use your money to make certain types of gifts. Allowable gifts are gifts to your relatives or close friends of a seasonal nature (eg. birthday, Christmas or other religious holiday) or because of a special event (eg. birth or marriage). Also permitted are donations of a kind that you used to make or might reasonably be expected to have made (eg. to a favourite charity). However, the value of the gift or donation must be reasonable, having regard to your financial circumstances.

If you do not want your attorney to have the power to make such gifts, you should cross out Clause 5 on the form. If you want your attorney to have a wider power to give gifts, you need to set this out in the form.

Attorney's authority to use your money for the attorney's benefit or the benefit of others

As with gifts, an attorney cannot use your money for his or her own benefit, or the benefit of any other person, unless the power of attorney form specifically allows the attorney to do so. Again, there are clauses in the form (Clauses 6 and 7), which, if left in, will allow an attorney to use your money for housing, food, education, transportation and medical care for the attorney or a person nominated in the power of attorney (eg. your children). Again, the amount of the benefit must be reasonable, having regard to your financial circumstances.

If you do not want your attorney to have these powers, you should cross out the relevant clause (6 and 7) on the form. If you want your attorney to have wider powers, you need to set this out in the form.

Registering your Enduring Power of Attorney

If you want your attorney to be able to sell or deal with real estate on your behalf, the power of attorney must be registered with the Department of Lands, Lands and Property Information Division, 1 Prince Albert Road, Queens Square, Sydney NSW 2000 (Phone:(02) 9228 6666). This Department provides a telephone enquiry service to answer questions and provide information about registering a power of attorney and the fees involved. Information on powers of attorney is available on their website: www.lands.nsw.gov.au.

If you want your attorney to be able to sell or deal with shares on your behalf, it is a good idea to register the power of attorney as outlined above, as some brokers or companies may require this, even though the law does not.

What safeguards are there?

In addition to the limitations on the powers of an attorney under an enduring power of attorney set out in 1.8 and 1.9, there are a number of safeguards in place about enduring powers of attorney. The Guardianship Tribunal and the Supreme Court may review the making, operation and effect of an enduring power of attorney at the request of an “interested person”. “Interested persons” are an attorney under any current power of attorney made by the principal, any guardian of the principal, an enduring guardian of the principal or any other person who, in the opinion of the Guardianship Tribunal (or Supreme Court), has a proper interest in the proceedings or a genuine concern for the welfare of the principal.

If an application is made, the Guardianship Tribunal (or the Supreme Court) may, after conducting a hearing, make a declaration that the person who made the enduring power of attorney under review (the principal), was incapable of making a valid power of attorney and that the enduring power of attorney was invalid for that reason or for any other reason.

If the Guardianship Tribunal reviews the operation and effect of an enduring power of attorney and is satisfied that it is in the best interests of the principal, or that it would better reflect their interests, the Guardianship Tribunal may do a number of things, including:

1. Reviving the enduring power of attorney and appointing a new attorney;
2. Removing or replacing an attorney;
3. Varying a term of an enduring power of attorney; and
4. Requiring attorneys to furnish records and accounts for auditing.

The Guardianship Tribunal (and the Supreme Court) may also make a declaration that the principal lacks capacity for the time being. The effect of this declaration is that only the attorney, and not the principal, may manage the principal’s financial affairs.

The Guardianship Tribunal (and the Supreme Court) may make other orders set out in s.37 of the *Powers of Attorney Act*.

An attorney under an enduring power of attorney may apply to the Guardianship Tribunal (or the Supreme Court) for advice or direction relating to the scope of the attorney’s appointment or the exercise of any function under the enduring power of attorney.

Although these new powers or jurisdiction of the Guardianship Tribunal (and the Supreme Court) are found in the *Powers of Attorney Act 2003*, which commenced 16 February 2004, they apply to all enduring powers of attorney made in NSW, whether made before or after the commencement of that Act.

In addition, the Guardianship Tribunal (and the Supreme Court) retains its jurisdiction to make a financial management order in relation to a principal’s estate, provided that the Guardianship Tribunal is satisfied that the principal is not capable of managing his or her financial affairs, that there is a need for another person to manage those affairs and that it is in the principal’s best interests that the financial management order be made. The effect of such a financial management order is to suspend any power of attorney the principal has made for the time the financial management order is in force.

The Guardianship Tribunal may treat an application for review of an enduring power of attorney as an application for a financial management order and may proceed to make a financial management order if the tests for doing so, set out above, are met. The

Guardianship Tribunal may appoint either a private person as manager of the principal's estate (subject to the supervision of the Protective Commissioner) or the Protective Commissioner.

Guardianship Tribunal

Address: 2a Rowntree Street, Balmain NSW 2041

Phone: (02) 9555 8500 or 1800 463 928

Website: www.gt.nsw.gov.au

In addition, the Supreme Court has the power to change the arrangements. The attorney could be replaced, their powers could be altered or the power of attorney could be revoked altogether. However, this is likely to be expensive and underscores the importance of choosing someone you can trust.

In situations where there is no other person suitable or able to assist, the Protective Commissioner can be legally appointed to protect and administer the financial affairs and property of people unable to make financial decisions for themselves.

Where can I obtain Power of Attorney forms?

A pdf version of the appointment form and revocation form can be downloaded from the NSW Department of Ageing, Disability and Home Care's website at Publications and Policies > *Ageing*.

Additional forms can be obtained from legal stationers and from the Guardianship Tribunal website at *Plan for your future*. Some newsagents also sell power of attorney forms.

Where can I go for more information?

Further information can be obtained from the organisations listed above or those on page 17.

Planning ahead for personal, health and lifestyle decisions

Enduring guardianship

What is an enduring guardian?

An enduring guardian is someone you appoint, at a time when you have capacity, to make personal, health or lifestyle decisions on your behalf should you lose the capacity to make them for yourself. The appointment of an enduring guardian takes effect only if you lose the capacity to make your own decisions. You can appoint more than one enduring guardian if you wish.

You might consider appointing an enduring guardian if you want to specify that a particular person, for example, a particular friend or relative, has authority to make decisions for you.

What sort of decisions can an enduring guardian make?

You choose which decision-making areas you want your enduring guardian to have. These are called functions. You can give your enduring guardian as many or as few functions as you like. For example, you can authorise your enduring guardian to decide such things as where you may need to live or what medical treatment you should receive.

You may give the enduring guardian directions about how to exercise the decision-making functions you give them. You cannot give your enduring guardian the authority to override your objection to medical treatment. Only the Guardianship Tribunal can do this.

Your enduring guardian must act within the principles of the Guardianship Act, in your best interests and within the law. You cannot give your guardian a function or a direction that would involve them in an unlawful act, such as euthanasia.

What sort of decisions is an enduring guardian unable to make?

An enduring guardian cannot make a will for you, vote on your behalf, consent to marriage, manage your finances or override your objections, if any, to medical treatment. He/she cannot consent to treatments that are defined as “special” medical treatments, for example, treatments such as new or experimental treatments. Only the Guardianship Tribunal can consent to special medical treatments.

Who can appoint an enduring guardian?

If you are 18 years or over, you can appoint one or more people to be your enduring guardian. When you appoint an enduring guardian you must have the capacity to understand what you are doing.

Who can be an enduring guardian?

The person you appoint as your enduring guardian must be 18 years or over. He or she should be someone you trust to make decisions in your best interests should you not be able to make these decisions for yourself.

He or she cannot be a person providing services to you on a professional or paid basis at the time of appointment. However, this does not exclude a person receiving a Carers Allowance.

In deciding who to appoint, it is worth considering the willingness and availability of the person to take on the role, as well as their age and health. You can appoint more than one enduring guardian and you can appoint them in a number of ways. This is set out below.

Recent changes to the law about enduring guardianship

The law in relation to enduring guardianship changed on 1 January 2003. The changes allow greater flexibility in appointing multiple enduring guardians and allow for different signatures to be witnessed by different witnesses. This is helpful to people wanting to appoint someone as his or her enduring guardian who lives some distance away or interstate.

Appointing more than one enduring guardian

It is possible to appoint more than one enduring guardian. There are now a number of ways that this can be done. You can appoint enduring guardians to act jointly (the enduring guardians must agree on all decisions), severally (each enduring guardian can make decisions separately from the others), or jointly and severally (the enduring guardians can act together or separately).

Enduring guardians appointed jointly

This means that the enduring guardians are appointed with the same decision-making functions. In making decisions they must agree and act together. You can choose to have the remaining joint enduring guardian(s) continue even though one or more of the others die, resign or become incapacitated.

Enduring guardians appointed severally

A number of enduring guardians can be appointed severally. This means that the enduring guardians appointed have the same decision-making functions with the intention that they are able to make decisions independently of each other. The death, resignation or incapacity of one of the enduring guardians does not automatically terminate the appointment of the other enduring guardians.

Enduring guardians appointed separately

A number of enduring guardians can be appointed separately. This means that the enduring guardians have different decision-making functions. This may be best done using separate forms for each enduring guardian appointed.

Alternative enduring guardian

It is now possible to appoint an alternative enduring guardian. The alternative enduring guardian steps in as ensuring guardian, only if an original enduring guardian or all of the joint enduring guardians die, resign, or become incapacitated.

Revocation on marriage

The appointment of an enduring guardian is automatically revoked if the appointer marries after the date on which the enduring guardian was appointed.

Resignation of enduring guardians

It is now possible for an enduring guardian to resign his or her appointment. There is a form of resignation. If the appointer still has capacity, then the enduring guardian can resign by giving the appointer written notice. If the appointer has lost capacity, then the enduring guardian can only resign with the approval of the Guardianship Tribunal.

How do I appoint an enduring guardian?

- Step 1:** You need to discuss the appointment with your chosen enduring guardian and make sure they are willing to take on this responsibility if you were no longer capable of making decisions for yourself. You should discuss the functions in detail and ensure that your guardian clearly understands your wishes.
- Step 2:** You may also wish to discuss the appointment with family or other significant people in your life.
- Step 3:** You need to complete an Appointment of Enduring Guardianship form (available from any of the three organisations listed on pages 14 - 15) or a document containing the same information. The form has to be signed by:
- a) You or an eligible signer on your behalf;
 - b) The enduring guardian(s); and
 - c) The witness for each signature.

Who can be an eligible signer or witness?

If you are competent to make an enduring guardianship application but you are not able to sign the form, an eligible signer can sign for you. An eligible signer must be 18 years or over and cannot be the enduring guardian or a witness. You must be present when the eligible signer signs on your behalf.

A witness must be a NSW barrister, a NSW solicitor, a clerk of the Local Court, or an interstate legal practitioner. Every signature on the form must be witnessed. The different signatures can be witnessed by different people at different times and places. For example, your signature can be witnessed in NSW and the enduring guardian's signature can be witnessed in another state.

What should I do with the appointment?

It is a good idea to keep the appointment form in a safe place. Tell someone else where it is. Give a copy to your enduring guardian. You may wish to give copies to significant people in your life (e.g. your doctor).

When does it take effect?

The appointment of your enduring guardian takes effect only if you become unable to make your own personal or lifestyle decisions. Your enduring guardian may wish to seek the opinion of a medical practitioner about your capacity to make decisions before acting on your behalf.

If there is any doubt about your capacity to make decisions, a medical practitioner may have to assess your capacity.

Can I change my mind?

While you are capable of making your own decisions, you can revoke the appointment of an enduring guardian. To do this you need to complete a *Revocation of Appointment of Enduring Guardian* form. This form will also need to be witnessed by an eligible witness. You have to advise the enduring guardian in writing that their appointment has been revoked.

You can appoint a new person as your enduring guardian, or change the functions or directions given to your enduring guardian. You will need to complete a new form of appointment to achieve any of these things.

Only the Guardianship Tribunal can make changes to the appointment if you have lost the capacity to do this for yourself.

What if someone is worried about what my enduring guardian is doing?

Anyone with a genuine concern for your welfare can apply to the Guardianship Tribunal for a review of the appointment if they feel that your enduring guardian is not making appropriate decisions on your behalf. The Tribunal can revoke the appointment or confirm it. It may also change the functions in the appointment or make a guardianship order.

The Tribunal does not supervise enduring guardians. It will act only if it receives an application from a concerned person or receives information which leads it to review the enduring guardian appointment.

What happens if my enduring guardian cannot continue?

If the person you have appointed dies, resigns or becomes incapacitated, the Guardianship Tribunal can, in limited circumstances, order another person to be appointed as enduring guardian on your behalf. Someone will need to lodge an application on your behalf.

When does enduring guardianship end?

Enduring guardianship ends when you die, or when you revoke the appointment. A joint enduring guardianship will also end if one of the guardians dies, resigns or becomes incapacitated, unless you provide otherwise in the form. An enduring guardianship appointment is suspended if the Guardianship Tribunal makes a guardianship order. The Tribunal may revoke the appointment.

Where can I get legal assistance?

- ◆ **Community legal centres** – some will assist you for free or at low cost.
- ◆ **Private solicitors** – can draw up forms for the appointment of an enduring guardian. Private solicitors charge for their services.
- ◆ **Registrar of the Local Court** – can witness the appointment of an enduring guardian for free.

Sources of advice

Guardianship Tribunal

The Guardianship Tribunal is a legal tribunal. It appoints guardians for people with disabilities aged 16 years and over who are incapable of making their own decisions, and need a legally appointed substitute decision maker because no appropriate or safe informal arrangements are in place, or for some other reason.

Address: Level 3, 2a Rowntree Street, Balmain NSW 2041

Phone: (02) 9555 8500 or 1800 463 928

Website: www.gt.nsw.gov.au

Office of the Public Guardian

In some situations where suitable arrangements for an enduring guardian have not been made, or arrangements are not adequate, the Guardianship Tribunal may appoint the Office of the Public Guardian to act as a guardian. The Public Guardian makes decisions in areas such as accommodation and consenting to medical and dental treatment. The Public Guardian also advocates for the services and support needed by people under guardianship. For more information or to obtain a copy of the guide *Enduring Guardianship in NSW: Your Way to Plan Ahead*, contact the Office of the Public Guardian or visit their website.

Address: Level 15, 133 Castlereagh Street, Sydney NSW 2000

Phone: (02) 9265 3184 or 1800 451 510

Website: www.lawlink.nsw.gov.au/opg

Private Guardian Support Unit

The Private Guardian Support Unit (PGSU) provides an information, support and referral service to enduring guardians. Staff assist enduring guardians with questions about their role as a legally appointed guardian. The PGSU does not supervise enduring guardians.

Address: Level 15, 133 Castlereagh Street, Sydney NSW 2000

Phone: (02) 9265 1441 or 1800 451 510

Website: www.lawlink.nsw.gov.au/opg

Advance Care Directives

What is an advance care directive?

An advance care directive (sometimes called a ‘living will’) is a way of recording your wishes or instructions for the future for doctors and health care workers. It is only used in situations when you are unable to communicate or have lost the ability to make decisions for yourself. It can provide a way of setting out exactly what you want done in particular circumstances or it could be used to provide a general description of how you would like to be treated.

How should I record or communicate my wishes?

Unlike enduring powers of attorney and enduring guardianship, there is no special form that you must use. However, the NSW Department of Health has published guidelines called *Using Advance Care Directives (NSW)* on the best way to document an advance care directive (see http://www.health.nsw.gov.au/pubs/2004/adcare_directives.html or contact the Better Health Centre – Publications Warehouse on (02) 9816 0452).

These guidelines recommend that an advance care directive should follow these four principles:

1. It needs to be specific – it can include your preferences for treatment for a health condition you have now or one you may develop in the future. It is a good idea to talk to your doctor about your wishes.
2. It needs to be kept current – your wishes may change in the future, so it is important to review your advance care directive regularly or if there is a big change in your health. It is a good idea to note on it when you last reviewed it and whether or not you made any changes.

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-
3. You must be mentally competent – you can only make an advance care directive while you still have the mental ability to understand the choices you are making.
 4. It is good idea to have it witnessed. If you choose to make an advance care directive as part of appointing an enduring guardian, it will need to be witnessed by a solicitor, barrister or Registrar of the Local Court.

If you choose to make a “stand alone” advance care directive, you can choose who you ask to witness it.

Does the doctor have to follow my wishes?

Yes. Although there is no special legislation in NSW which deals with advance care directives, the NSW Health Department’s guidelines to doctors make it clear that if an advance care directive meets the four principles set out above, doctors are legally bound to follow it.

For example, you may say in your advance care directive that if you are unable to communicate with or recognise your family, and there is no possibility that you will ever improve or recover, you do not want CPR (Cardio Pulmonary Resuscitation) if your heart stops, but you only want to be kept comfortable and free from pain.

However, you cannot use your advance care directive to demand treatment that your doctors think would be futile (e.g. a heart transplant). Nor can you ask someone to actively and deliberately end your life. That would be euthanasia, which is illegal in all Australian states and territories, and has nothing to do with advance care directives.

Does everyone need an advance care directive?

No. It is up to you. Everyone is different, and you may not want to think about what may happen to your health in the future. You may prefer to leave such decisions to your partner, a person caring for you, or a relative or close friend who knows you well and you trust to make decisions for you. Talking over what you want will at least help them to know what you would have wanted if they ever have to make such decisions for you.

Where can I get a form?

There is no special form that you must use. You could write your advance care directive as an open letter, or use a form produced by one of a number of organisations (see page 17). What is important is that however you write it, your advance care directive should meet the NSW Health Department’s four principles set out on the previous page.

*This section has been reproduced with kind permission of The Benevolent Society from the booklet *Your Future Starts Now: A Guide for Over 50s*.*

More information

The Benevolent Society

The Benevolent Society has produced a booklet called *Your Future Starts Now: A Guide for Over 50s*. It is a plain English guide to wills, powers of attorney, enduring guardianship and advance care directives. It has information on planning your future and where to get more information and assistance. The booklet is free and can be obtained by either calling the Society or downloading it from their website.

Address: Level 1, 188 Oxford Street, Paddington NSW 2021

Phone: (02) 9339 8000

Fax: (02) 9360 2319

Website: www.bensoc.org.au (> ageing> future planning
or http://www.bensoc.org.au/programs/future_planning.html).

Seniors Information Service

Free fact sheets are available on Preparing for your funeral, Guardianship and Power of Attorney, Wills and other issues.

Phone: 13 12 44

Alzheimer's Australia NSW

Alzheimer's Australia publishes Help Notes for people with dementia and their families about planning ahead, health and legal matters, and powers of attorney. They are available in several languages.

Address: Macquarie Hospital Campus, Cox's Road Entrance, 1 Norton Road, North Ryde NSW 2113

Phone: (02) 9805 0100

Fax: (02) 9805 1665

Website: www.alzheimers.org.au

NSW Ministerial Advisory Committee on Ageing (MACA)

A discussion paper, *Taking Charge: Making Decisions for Later Life*, written for MACA is available on the Committee's website.

Address: Level 4, 83 Clarence St, Sydney NSW 2000

Phone: 02 8270 2154

Fax: 02 8270 2460

Email: maca_info@dadhc.nsw.gov.au

Website: www.maca.nsw.gov.au

Legal assistance

- ◆ **Community Legal Centres** - Some community legal centres will assist you for free or at low cost.
- ◆ **Private solicitors** - can draw up forms for the appointment of an enduring guardian and enduring power of attorney. They can also witness the appointments. Private

solicitors charge for their services. Useful information for your solicitor can be found at: www.cle.unsw.edu.au.

- ◆ **NSW Legal Aid** – The Legal Aid Help Line (1300 888 529) provides easy access to information about legal aid and related services. Callers who cannot visit a Legal Aid office because of distance, urgency or disability, are given legal advice over the phone on civil and family matters. For more information go to www.legalaid.nsw.gov.au.

Spreading the word about planning ahead

The information in this kit will be very valuable for many older people, their families and friends. However, it could also be useful for other groups and individuals. The kit provides a focus for engaging groups in discussions about planning ahead. If you are a member of an older persons' organisation or work with older people, you may like to help by making the kit more available in your community. You could do this through your own personal or professional network or more widely. Below are some ideas which may be useful in helping you to help others plan ahead.

Copy and distribute

Make copies of this kit and distribute them to friends, colleagues and other members of the local community.

Copies are also available on the NSW Department of Ageing, Disability and Home Care's (DADHC) website at www.dadhc.nsw.gov.au.

Assistance to copy

- ◆ Local Members of Parliament are often willing to assist local constituents by photocopying important resources like these.
- ◆ Local councils or shires often assist groups in the community. They may be prepared to make copying facilities available.
- ◆ Local community or health service organisations may also be willing to make copies of the kit.

Ideas on distribution

Places to distribute the kit could include:

- ◆ Local clubs (such as bowling, RSL or workers clubs);
- ◆ Your community or neighbourhood centre;
- ◆ A local chemist may be happy to act as a distribution point;
- ◆ The local council or shire.

Many of these organisations have newsletters in which you may be able to spread the word that the kit is available. The local Member of Parliament sometimes writes to the voters of the electorate and may be prepared to publicise the kit.

Organise a meeting

To focus people's attention on the kit, you could organise a meeting to discuss the kit and the issues contained within it. You could approach a local club or community centre for a free venue.

You might approach your local council or shire who often has community services staff who may be able to help to organise and publicise such an event.

Arrange for a speaker

One or more of the following people or organisations could be approached to provide a speaker to address your meeting:

- ◆ The **Public Trustee** has offices in a range of locations and is often willing to provide a speaker to discuss the power of attorney provisions. Contact 1300 364 103.
- ◆ You may have a **community legal centre** in your area. If so, staff may be willing to address your meeting.
- ◆ A local **solicitor** may be prepared to address a meeting about the power of attorney and enduring guardianship options.
- ◆ The **Aged and Extended Care Team**, sometimes called an Aged Care Assessment Team (ACAT), works with older people and is often based at your local hospital. A member of the team may be prepared to address your meeting.
- ◆ **Dementia support services** are found in a number of areas and could be approached to provide a speaker.
- ◆ A local **Division of General Practice** has been established in many areas of NSW to provide support for General Practitioners. The local division may be prepared to provide a speaker.
- ◆ A local **medical practitioner** may also be willing to attend a meeting to speak about advance health care directives.

By involving local legal and medical practitioners, you will be able to identify the range of local supports available.