



MAKING HEALTH AND MEDICAL DECISIONS

Everyone should have the freedom to make informed decisions about their healthcare. This includes denying or withdrawing consent from treatment.

This factsheet discusses advocacy services which support decision making and help resolve issues with health, disability and other services. It also provides information about advance care planning and appointing a Power of Attorney.

ADVOCACY SERVICES

Advocates ensure an individual's rights are upheld and support people to make decisions affecting their lives.

An advocate can:

- Provide information about rights and responsibilities
- Listen to concerns
- Help resolve problems or complaints with services

Situations where people might seek an advocate include where there are concerns about the quality of a health, aged care or disability service; experience of discrimination or the inability to access appropriate services and support.

Advocacy services in Australia:

- Disability Advocacy Network Australia - dana.org.au
- Community Legal Centres - naclc.org.au
- Aged Care Advocacy - myagedcare.gov.au/quality-and-complaints/advocacy-services
- People with Disability Australia Incorporated - pwd.org.au/about-us/about-pwda.html
- Vision Australia - visionaustralia.org/about-us/advocacy

ADVANCED CARE PLANNING

Advanced care planning involves thinking about, discussing and documenting what types of healthcare someone may or may not wish to receive if they become seriously ill and/or are unable to communicate. This may involve choosing a substitute decision maker to act on the person's behalf if they become too ill to express their wishes.

Without a clear statement of a person's wishes, doctors will make decisions based on their best interests from a medical perspective. This can mean undergoing treatments which are not what the person might have wanted, e.g. life prolonging measures including ventilation and tube feeding.

By creating a plan in advance, doctors and family members can understand how the person would like to be cared for.

These plans become effective when a person is unable to make or communicate decisions concerning their medical care. The plan would guide the decision making of medical staff, family and if appointed, a substitute decision maker.

Ideally, an advanced care plan should be reviewed annually or after any changes to healthcare preferences.

To find out more, speak to your GP or visit advancecareplanning.org.au

GUARDIANSHIP AND POWER OF ATTORNEY

A Power of Attorney is a legal document that appoints someone to make decisions on one's behalf in legal, financial and medical matters. An attorney can act on these matters in specified circumstances, e.g. if the person becomes too ill to manage their own affairs. An attorney may be a family member, close friend or trustee organisation. A General Power of Attorney ceases to be in effect if the person loses the mental capacity to make decisions, whereas an Enduring Power of Attorney continues until the person passes away.

If someone does not have a valid Enduring Power of Attorney and loses their capacity for decision-making, the relevant state or territory authority will appoint a financial manager or a Guardian. The Guardian may not be the desired person or organisation. It is important to appoint an Enduring Power of Attorney whilst you have the capacity to make decisions.

Find out more at:

NSW - tag.nsw.gov.au/powers-of-attorney-landing.html

ACT - ptg.act.gov.au/powers-of-attorney

QLD - pt.qld.gov.au/enduring-powers-of-attorney/about-enduring-powers-of-attorney

VIC - publicadvocate.vic.gov.au/power-of-attorney

SA - publictrustee.sa.gov.au/wills-services/power-of-attorney

WA - publicadvocate.wa.gov.au/E/enduring_power_of_attorney.aspx

TAS - publictrustee.tas.gov.au/enduring-power-of-attorney

NT - nt.gov.au/law/processes/power-of-attorney

Disclaimer: Information contained in this fact sheet is intended to provide general information only. The Mito Foundation recommends seeking individual medical and legal advice.