



Advance Care Planning by State and Territory

Advance care planning and advance care directives help people to make plans for their future end-of-life medical treatment and care needs. They explain how people want to be cared for if they reach a point where they cannot communicate decisions about their medical care.

Each state and territory has different names for the legal documents you can use to create an advance care plan. Below is a snapshot of state and territory requirements as of March 2017.





Australian Capital Territory

- Effective planning is the best way to ensure that family and health professionals respect a person's wishes. In an emergency situation it provides hospitals' treating teams with the necessary information to make decisions in the patient's best interest in consultation with their chosen attorneys.
- There are three ways choices can be recorded:
 1. Complete an Enduring Power of Attorney (EPA);
 2. Complete an Advanced Care Plan (ACP); and
 3. Complete a Health Direction under the *Medical Treatment (Health Directions) Act 2006*.

More information can be found at the:

- [Advance Care Planning Australia Website](https://www.advancecareplanning.org.au/)
(<https://www.advancecareplanning.org.au/>);
- [ACT Government Public Trustee and Guardian website](https://www.ptg.act.gov.au/)
(<https://www.ptg.act.gov.au/>);
- [ACT Government Respecting Patient Choices website](http://www.health.act.gov.au/public-information/consumers/respecting-patient-choices)
(<http://www.health.act.gov.au/public-information/consumers/respecting-patient-choices>); and
- [BeMyVoice website](http://www.bemyvoice.com.au/Home.aspx)
(<http://www.bemyvoice.com.au/Home.aspx>)





New South Wales

- In NSW Advance Care Planning can include one or more of the following:
 1. Conversations between you and your family, carer and/or health professional;
 2. Developing an Advance Care Plan on your own or with help from another person. An Advance Care Plan is the documented outcome of advance care planning. It records your preferences about health and treatment goals;
 3. Appointing an Enduring Guardian. An Enduring Guardian can legally make decisions on your behalf about medical and dental care, if you lose the capacity to make the decision; and
 4. Making an Advance Care Directive.

More information can be found at:

- [Advance Care Planning Australia website](https://www.advancecareplanning.org.au/)
(<https://www.advancecareplanning.org.au/>);
- [NSW Health website](http://www.health.nsw.gov.au/patients/acp/pages/default.aspx)
(<http://www.health.nsw.gov.au/patients/acp/pages/default.aspx>);
- [NSW Government Planning Ahead Tool website](http://planningaheadtools.com.au/)
(<http://planningaheadtools.com.au/>);
- [NSW Health South Western Sydney Local Health District](http://www.swslhd.nsw.gov.au/myWishes/default.html) –
(<http://www.swslhd.nsw.gov.au/myWishes/default.html>); and
- [NSW Trustee and Guardian website](http://www.tag.nsw.gov.au/enduring-guardianship.html)
<http://www.tag.nsw.gov.au/enduring-guardianship.html>



Northern Territory

- In the Northern Territory an Advance Personal Plan is a legal document that will set out your future health, financial and life choices should you be unable to make decisions for yourself.
- This can be due to age, illness or accident.
- It is also known as a living will and will only take effect when you lose decision-making capacity while you are still alive. It does not replace your will.
- Advance Personal Planning replaces enduring power of attorney in the Northern Territory (NT).
- By completing an Advance Personal Plan a person can choose to include any or all of the following parts to ensure your choices are heard and respected:
 1. A legally binding Advance Consent Decision about your future health care
 2. An Advance Care Statement about your views, wishes and beliefs as to how you want to be treated in relation to any future health, financial or lifestyle matter; and
 3. Appoint a substitute decision maker/s to make decisions on your behalf about any matter relevant to your health, financial, legal or lifestyle matters.

More information can be found at:

- [Advance Care Planning Australia website](https://www.advancecareplanning.org.au/)
(<https://www.advancecareplanning.org.au/>);
- [NT Government Advance Personal Plan website](https://nt.gov.au/law/rights/advance-personal-plan)
(<https://nt.gov.au/law/rights/advance-personal-plan>);
- [NT Government Power of attorney website](https://nt.gov.au/law/processes/power-of-attorney)
(<https://nt.gov.au/law/processes/power-of-attorney>); and
- [NT Government Office of the Public Guardian website](https://health.nt.gov.au/professionals/office-of-the-public-guardian)
<https://health.nt.gov.au/professionals/office-of-the-public-guardian>



Queensland

- In Queensland, the components of an Advance Care Plan include:
 1. An Enduring Power of Attorney to appoint a substitute decision maker;
 2. An Advance Health Directive, which is a legal document where a person's wishes on future medical treatments is recorded in an approved form; and
 3. A Statement of Choices, which is a document that outlines a person's wishes regarding future medical treatments and informs their substitute decision maker and doctor in making decisions on a person's behalf.

More information can be found at:

- [Advance Care Planning Australia website](https://www.advancecareplanning.org.au/)
(<https://www.advancecareplanning.org.au/>);
- [My Care, My Choices Advance Care Planning](https://metrosouth.health.qld.gov.au/acp)
(<https://metrosouth.health.qld.gov.au/acp>);
- [Queensland Government Office of the Public Guardian website](http://www.publicguardian.qld.gov.au/adult-guardian/our-decisions/health-care-decisions/statutory-health-attorney)
<http://www.publicguardian.qld.gov.au/adult-guardian/our-decisions/health-care-decisions/statutory-health-attorney>
- [Queensland Government Power of attorney website](https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/power-of-attorney-and-making-decisions-for-others/power-of-attorney/)
(<https://www.qld.gov.au/law/legal-mediation-and-justice-of-the-peace/power-of-attorney-and-making-decisions-for-others/power-of-attorney/>); and
- [Queensland Government Understanding advance care planning website](https://www.qld.gov.au/health/support/end-of-life/advance-care-planning/understanding/index.html)
(<https://www.qld.gov.au/health/support/end-of-life/advance-care-planning/understanding/index.html>);





South Australia

- In South Australia, the new Advance Care Directive empowers people to make clear legal arrangements for your future health care, end of life, preferred living arrangements and other personal matters. It replaces the existing Enduring Power of Guardianship, Medical Power of Attorney and Anticipatory Direction with a single, Advance Care Directive Form.
- An Advance Care Directive is a legal form that allows people over the age of 18 years to:
 1. Write down their wishes, preferences and instructions for future health care, end of life, living arrangements and personal matters; and/or
 2. Appoint one or more Substitute Decision Makers to make these decisions on their behalf when they are unable to do so themselves.

More information can be found at:

- [Advance Care Planning Australia website](https://www.advancecareplanning.org.au/) (<https://www.advancecareplanning.org.au/>);
- [South Australian Government Advance Care Directives website](http://www.advancecaredirectives.sa.gov.au/forms-and-guides) (<http://www.advancecaredirectives.sa.gov.au/forms-and-guides>); and
- [South Australian Government Advance Care Directive Factsheet](#) ([Advance Care Directive Factsheet](#))



Tasmania

- In Tasmania, an Advance Care Plan involves completing:
 1. An Advanced Care Directive form, which is a document stating a person's wishes regarding future medical treatments.
 2. The form also includes a component where a person can identify an Enduring Guardian with the authority to make health and lifestyle decisions for another person.
 3. Unless it is registered as part of the Enduring Guardianship process an Advance Care Directive does not have any legal standing but it does serve to represent your wishes for care.

More information can be found at:

- [Advance Care Planning Australia website](https://www.advancecareplanning.org.au/)
(<https://www.advancecareplanning.org.au/>);
- [Tasmanian Government Department of Health and Human Services Palliative Care website](http://www.dhhs.tas.gov.au/palliativecare/publications2/fact%20sheets/end%20of%20life/fact%20sheet%20-%20advanced%20care%20planning)
(<http://www.dhhs.tas.gov.au/palliativecare/publications2/fact sheets/end of li fe/fact sheet - advanced care planning>), and
- [Tasmanian Government Enduring Guardianship infosheet](http://www.guardianship.tas.gov.au/data/assets/pdf_file/0010/251776/Infosheet%20Enduring%20Guardians%20Jan%202014.pdf)
([http://www.guardianship.tas.gov.au/ data/assets/pdf file/0010/251776/Infosheet Enduring Guardians Jan 2014.pdf](http://www.guardianship.tas.gov.au/data/assets/pdf file/0010/251776/Infosheet Enduring Guardians Jan 2014.pdf))



Victoria

- In Victoria Advance Care Planning can be verbal or written. Ideally the plan is a combination of both in order to strengthen its influence on clinical decision-making.
- In Victoria, an advance care plan consists of :
 1. An Enduring Power of Attorney (Medical Treatment) – for appointing a substitute decision maker;
 2. An Advance Care Plan/Directive – a document that informs the substitute decision maker and doctor in making decisions; and
 3. A refusal of Treatment Certificate for a Competent or Incompetent Person. This document sets out the conditions for the legal refusal of medical treatment generally or of a particular kind.

More information can be found at:

- [Advance Care Planning Australia website](https://www.advancecareplanning.org.au/) (<https://www.advancecareplanning.org.au/>); and
- [Victorian Government Department of Health Advance care planning and the law website](https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/advance-care-planning/acp-law) (<https://www2.health.vic.gov.au/hospitals-and-health-services/patient-care/end-of-life-care/advance-care-planning/acp-law>)





Western Australia

- In Western Australia, an Advance Care Plan involves the completion of:
 1. An Advance Care Plan form, including an Enduring Power of Guardianship component which allows a person to appoint a substitute decision maker; and
 2. An Advance Health Directive, which is a legal record of a person's wishes regarding future medical treatments.

More information can be found at:

- [Advance Care Planning Australia website \(https://www.advancecareplanning.org.au/\)](https://www.advancecareplanning.org.au/); and
- [Western Australian Department of Health Advance care planning website \(http://healthywa.wa.gov.au/Articles/A_E/Advance-care-planning\)](http://healthywa.wa.gov.au/Articles/A_E/Advance-care-planning)

