

### ESTATE PLANNING

#### Advance Health Directives

##### What is an Advance Health Directive?

An Advance Health Directive is a formal way of giving instructions in respect of your future health care.

##### What does an Advance Health Directive cover?

An Advance Health Directive allows you to plan what medical treatment or healthcare you would like in the event that you cannot make decisions for yourself. In particular, you can use the directive to:

- express your wishes in a general way;
- provide information about yourself such as health conditions, allergies, or religious, spiritual or cultural beliefs that could affect your care;
- outline your views about the quality of life that would be acceptable to you;
- specify whether life sustaining measures are to be withheld or withdrawn in different health situations.

##### Who can make this directive?

The Directive can be made by any person who is over 18 years of age and who has the capacity to understand the nature and effect of their health care decisions.

##### When should I make the directive?

The best time to make an Advance Health Directive is now, before any urgent health condition arises. You should also consider making an Advance Health Directive if:

- you are about to be admitted to hospital;
- your medical condition is likely to affect your ability to make decisions;
- you have a chronic medical condition that could result in serious complications such as diabetes, asthma, and heart or kidney disease.

##### What happens if I don't have an Advance Health Directive?

If you do not have an Advance Health Directive, health care decisions can be made by:

- your personal/health attorney;
- your statutory health attorney (who could be your spouse or de-facto partner, a person who is responsible for your care but is not a paid carer, or a close friend or relative over the age of 18); or
- a guardian appointed for you by the Queensland Civil and Administration Tribunal (QCAT).

## **How do I make the directive?**

You must complete the approved Advance Health Directive form, which will involve:

- attendance with your doctor, so that the doctor can complete part of the form and explain to you your options, any unfamiliar terms and provide you with any further information you may need; and
- signing the approved form (after attendance with your doctor) in the presence of a witness who is over the age of 21 and is either a Justice of the Peace, Lawyer or Notary Public.

The completed form does not need to be lodged with any authorities. However, the document should be kept in a safe place and a copy provided to your doctor, attorney for personal matters, and any appropriate family members or friends.

## **Can I change or revoke the Advance Health Directive?**

You can make changes to the directive at any time, provided that you have the decision-making capacity to do so. You can also cancel your instructions by revoking the Advance Health Directive in writing at any time.

## **What do I do if I need more information?**

Further Information on Advance Health Directives can be found on the Department of Justice and Attorney General's website at [www.justice.qld.gov.au](http://www.justice.qld.gov.au). Alternatively, please feel free to contact a member of our Estate Planning and Asset Protection Team on (07) 5597 3366 or at [law@belllegal.com.au](mailto:law@belllegal.com.au).

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