

ESTATE PLANNING

Advance Health Directives

What is an Advance Health Directive?

An Advance Health Directive is a formal way of giving instructions about your future healthcare.

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 about your healthcare 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- specify whether life sustaining measures are to be withheld or withdrawn in different health situations;
- appoint an attorney for health and personal matters.

Who can make an Advance Health Directive?

An Advance Health Directive can be made by any person who lives in Queensland, 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 an Advance Health Directive?

The best time to make an Advance Health Directive is now before any urgent health condition arises or an unforeseen accident occurs. 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; or
- 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:



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- your personal/health attorney appointed under an Enduring Power of Attorney
 - your statutory health attorney (who is a person who automatically acts in this role because of their relationship with you, such as 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 an Advance Health 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, a Commissioner for Declarations, Lawyer or Notary Public.

The completed form does not need to be lodged with any authorities. However, the original 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. We recommend that the original Advance Health Directive be placed in our safe custody on your behalf.

Can I change or revoke the Advance Health Directive?

You can make changes to the Advance Health Directive or revoke it at any time, provided that you have the decision-making capacity to do so. It is important that if you cancel your directive or make any changes, you do so in writing and have them witnessed. You can do this 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. Alternatively, please feel free to contact a member of our Wills, Trusts and Estate Planning Team on (07) 5597 3366 or at law@belllegal.com.au.

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