

Advance health directive

If you become seriously ill, unconscious or are unable to communicate your health care wishes, critical decisions may need to be made. You can make an advance health directive to make your wishes known in case you are in this situation.

The best time to make an advance health directive is now, before any urgent matters arise. However, it is particularly important to make one 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 or a heart or renal condition.

You can make a directive if you are over 18 and have the capacity to do so. This means that you:

- understand the nature and consequences of your health care decisions
- understand the nature and effect of the directive
- freely and voluntarily make these decisions
- communicate decisions in some way.



Why would I need one?

If you do not have an advance health directive and become so ill you cannot make decisions or speak for yourself, you have no legal way of making your wishes known about when to withdraw or withhold life-sustaining treatment.

If you have appointed a personal attorney under an enduring power of attorney, that person can make medical decisions on your behalf. Alternatively, your statutory health attorney will make decisions about your health care.

Your statutory health attorney, in order of priority, could be:

- a spouse or de facto partner
- primary unpaid carer (this includes someone receiving a carer's pension)
- family member or close friend
- the Adult Guardian, as a last resort.

You do not need to appoint a statutory health attorney because the person automatically acts in this role when the need arises.

More information about [statutory health attorneys](#).

Do I still need to have an attorney for personal matters?

There are advantages to having both an advance health directive and an attorney for personal matters. If you become so ill that your directive is in force but doesn't cover all the health conditions you suffer, then your attorney can make decisions on your behalf and in your best interests.

If you haven't appointed an attorney for personal or health matters under an enduring power of attorney, the advance health directive [form](#) contains a section for appointing one.

More information about [enduring power of attorney](#).



What should I include in my directive?

You can express your wishes in a general way. For example, you can state:

- particular treatment you do not want
- special medical conditions that your doctor or other medical staff should know about (such as diabetes or allergy to certain medications)
- religious, spiritual or cultural beliefs that could affect your treatment (such as a blood transfusion).

What are life-sustaining measures?

These are measures used to sustain or prolong life artificially, and include:

- cardio pulmonary resuscitation or other emergency treatment to keep your heart beating
- a machine to keep you breathing because your lungs have stopped working (assisted ventilation)
- artificial feeding and artificial hydration (administered through a tube into the stomach called a PEG).

You can give specific instructions about the withholding or withdrawing of life-sustaining measures if you have any of the medical conditions listed below:

- you have a terminal illness for which there is no known cure or there is no possibility that you will recover; and doctors believe you have only 12 months or less to live. (While this is written in the law, medical opinions differ as to what a terminal illness is and how long it is predicted to last.)
- you are in a persistent vegetative state. This means you have severe and irreversible brain damage with some other characteristics
- you are permanently unconscious from severe brain damage
- you have an illness or injury that is so severe that there is no reasonable prospect that you will recover and be able to live without continuing life sustaining measures.

What about palliative care measures?

You can also specify your wishes about palliative care which offers comfort, support and adequate pain relief to people who are dying - even if treatment is futile or a life sustaining measure is withheld or withdrawn.

Can I give instructions to my doctor to help me die?

No. Euthanasia is illegal. Nobody, including your doctor, may give you anything that is intended to hasten your death or to assist you to hasten your death.

Your doctor can only give treatment that aims to maintain or improve your health and wellbeing. If treatment cannot achieve this, a doctor can lawfully and ethically withdraw or withhold treatment provided this is not inconsistent with good medical practice. This is not euthanasia. In your directive, you can ask to be given only palliative care.



Making a directive

Fill out the advance health directive form stating what type of medical treatment you want or do not want. This can be a general statement of your wishes, or it can give specific instructions about certain medical conditions or types of treatments.

You can also instruct about specific life-sustaining measures, if any, that you would or would not want.

Medical staff will refer to your directive if you become so ill that you can no longer make decisions for yourself.

Who can help me with my directive?

Your doctor is the best person to talk to because they know your medical background and can explain any terms you do not understand. There is a section in the form that must be completed by a doctor.

You should also discuss the directive with your family. If you have already made an enduring power of attorney, talk to your attorney appointed to make decisions for you regarding personal matters. If you do not have an enduring power of attorney, discuss issues with the person you want to act as personal attorney under the directive.

Who else is involved in completing the form?

Besides you and your doctor, there must be a witness who is aged 21 or over and is a justice of the peace, commissioner for declarations, lawyer or notary public.

Your witness must not be:

- your attorney for personal matters
- your relative or a relative of your attorney
- a current health provider
- a current paid carer (this does not include a person on a carer's pension)
- a beneficiary under your will.

The role of the witness is very important because they are responsible for making sure that your signature is genuine and that you understand the decisions you have made.

If you are using the form to appoint someone as an attorney for personal and health matters, this person will also have to sign the advance health directive.

What do I do with the completed form?

Keep the original in a safe place and give a copy to your doctor, your attorney for personal matters (if you have appointed one) and a family member or friend.

It is a good idea to carry a card stating that you have made an advance health directive, where it can be found, and contact details of your personal attorney or a family member or friend.

Can I change or revoke my directive?

Yes. Your wishes as stated in a directive are not final. You can change them at any time provided you still have the decision-making capacity to do so.

You should review your directive every two years or if your health changes significantly.

If you do want to make changes to your directive, you should destroy the current one (and any copies) and make a new one.

You may also revoke your directive at any time. This must be done in writing. No specific form is required and the person witnessing your signature does not need to be a justice of the peace, commissioner for declarations or a lawyer.