

*An Advance Health Directive is a formal way of giving instructions for your future health care. It comes into effect **only** if you are unable to make your own decisions.*

Why should I make an Advance Health Directive?

When someone is seriously ill, unconscious or incapable of communicating their health care wishes, critical decisions may need to be made. It is wise to make your wishes known in case you are in this situation.

When should I make one?

The best time to make an Advance Health Directive is now, before any urgent matters arise. However, it is particularly important to make 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 or a heart or renal condition.

Can anyone make an Advance Health Directive?

Yes, as long as you are over 18 and have the capacity to make an Advance Health Directive. This means that you:

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

How does the Advance Health Directive work?

Fill out the Advance Health Directive form stating what type of medical treatment you want or do not want. This may be a general statement of your wishes, or it can give specific instructions about certain medical conditions or types of treatments. It can also instruct about specific life sustaining measures, if any, that you would want or not want.

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

What kind of things should I put in the Advance Health 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), and
- 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).

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

- 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.

If I have an Advance Health Directive, do I 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 Advance Health 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 don't have an attorney for personal/health matters (appointed under an Enduring Power of Attorney), the Advance Health Directive form contains a section for appointing one.

For more information, please read the fact sheet on Enduring Power of Attorney.

What happens if I do *not* have an Advance Health Directive and I become so ill that I cannot make decisions or speak for myself?

Without an Advance Health Directive, 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, he/she 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, includes a spouse, primary unpaid carer (this includes someone receiving a carer's pension), family member or close friend, or the Adult Guardian (as a last resort). There is no need to appoint a Statutory Health Attorney because the person automatically acts in this role when the need arises.

For more information, read the fact sheet on Statutory Health Attorney.

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 Advance Health Directive, you can ask to be given only palliative care.

Who can help me with my Advance Health Directive?

Your doctor is the best person to talk to because he/she knows 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.

It is also important to discuss the Advance Health 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 Advance Health Directive.

Who else is involved in completing the Advance Health Directive 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 he/she is responsible for making sure that your signature is genuine and that you understand the decisions you have made in the Directive.

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.

Where do I get an Advance Health Directive form?

Purchase the form from newsagencies, GoPrint bookshops and legal stationers; or download it from the Department's website.

Other information resources

The relevant Acts are the *Powers of Attorney Act 1998* and the *Guardianship and Administration Act 2000*. Both are posted on the Queensland Parliamentary website www.legislation.qld.gov.au or are available from GoPrint.

Contact details:

Office of the Adult Guardian
PO Box 13554 GEORGE STREET QLD 4003
Phone: (07) 3234 0870 or
1300 653 187 (outside Brisbane)
Fax: (07) 3239 6367
Email: adult.guardian@justice.qld.gov.au
Web: www.justice.qld.gov.au/guardian/