

Appointing a Substitute Decision-Maker

Why appoint a Substitute Decision-Maker(s)?

There may come a time when due to an illness, disability or injury you are unable to make decisions or properly communicate your decision regarding how you would like to be medically treated or generally cared for.

An Advance Care Directive (ACD) is a legal document signed by you appointing another person(s) called a Substitute Decision-Maker(s) to make health care, accommodation and lifestyle decisions on your behalf. This document can be;

- completed on line at no cost to you at www.advancecaredirectives.sa.gov.au, or
- a 'do it yourself kit' with instructions that can be purchased from Service SA, or
- you can seek the assistance of a solicitor in completing one.

Your Substitute Decision-Maker(s) cannot make financial decisions on your behalf. You would have to appoint an Enduring Power of Attorney to make financial decisions for you.

Purchase an ACD kit from Service SA. Telephone 132 324

www.service.sa.gov.au

When do the Substitute Decision-Maker(s) take responsibility?

Your Substitute Decision-Maker(s) is only called upon to make decisions on your behalf during periods that you do not have decision making capacity*. This may be temporary or permanent depending on your circumstance.

***You may not have decision making capacity if you cannot:**

- Understand the information about the decision you are asked to make
- Understand and appreciate the risks and benefits of the choices available to you
- Remember the information for a short time, and
- Communicate your decision and why you made the decision

What to consider in an ACD?

Q1: Who to appoint?

- Who do you trust?

- Does that person understand your values and wishes and will he/she try to follow these?
- Do you want more than one Substitute Decision-Maker?

Q2: Instructing your Substitute Decision-Maker(s)

- Do you want to limit the type of personal decisions your Substitute Decision-Maker(s) can make?
- Do you want your Substitute Decision-Maker(s) to consult with other family or friends?
- Do you want your health and life managed in a special way?
- Do you want to continue to act on certain beliefs? (eg your faith)
- Do you want to limit contact with anyone?

You can write special instructions in your ACD and your Substitute Decision-Maker(s) should follow them.

Changing your ACD

You can change your ACD if you still have mental capacity. If you have lost capacity and there are problems with your Substitute Decision-Maker(s), the South Australian Civil and Administrative Tribunal (SACAT) can appoint a Guardian to take over.

Change your ACD if:

- One or more of your Substitute Decision-Maker(s) informs you that they are no longer willing to act or one passes away.
- Your relationship changes and you wish to appoint other people to be your Substitute Decision-Maker(s).
- You want to change your written instructions.

Other things to consider:

- Where to keep your ACD.
- Who to give a copy.
- Who to tell about your ACD.
- How often to review it.

Disclaimer: Information provided is of a general nature to be used as a guide only. It is not a substitute for legal advice.

APEA MEMBERS

Legal Services Commission
159 Gawler Place
Adelaide SA 5000
Ph: 8111 5555
www.lsc.sa.gov.au

Office of the Public Advocate
7th Floor, ABC Building
85 North East Road
Collinswood SA 5081
Ph: 8342 8200
www.opa.sa.gov.au

SA Police
100 Angas Street
Adelaide SA 5000
Ph: 7322 3211
www.police.sa.gov.au

Public Trustee
Cnr Grote & Morialta Streets
Adelaide SA 5000
Ph: 8226 9200
www.publictrustee.sa.gov.au

Aged Rights Advocacy Service
16 Hutt Street
Adelaide SA 5000
Ph: 8232 5377
www.sa.agedrights.asn.au