

Fact Sheet

Transitional provisions for Enduring Powers of Guardianship forms post 1 July, 2014

Prior to 1 July, 2014, competent adults could complete an Enduring Power of Guardianship form to appoint a person of their choice to make medical and lifestyle decisions on their behalf upon losing decision-making capacity.

Enduring Powers of Guardianship completed prior to 1 July, 2014, are considered to be Advance Care Directives under the *Advance Care Directives Act 2013* (Part 8, s35).

Eligibility Criteria for recognition before December 31, 2015

To be recognised under the *Advance Care Directives Act 2013* Enduring Powers of Guardianship forms must be signed by the person making the form (the appointer) prior to 1 July, 2014, but they also must be signed and accepted by Enduring Guardians prior to 31 December, 2015.

For an Enduring Power of Guardianship to be given legal effect after 1 July, 2014, two criteria must be met:

1. Sections 1 to 4 of the Enduring Power of Guardianship form must have been completed and signed by the appointer **before 1 July, 2014** and
2. The remainder of the form must be completed in full before **31 December, 2015**.

If the above two criteria are not met, the appointer will need to complete a new Advance Care Directive to authorise a person of their choice to make health and lifestyle decisions on their behalf upon losing decision-making capacity. The Advance Care Directive form and Do-it-Yourself Kit can be found here:

www.advancecaredirectives.sa.gov.au

Need help?

If you have any concerns or you are not sure if an Enduring Power of Guardianship form is recognised under the *Advance Care Directives Act 2013*, please contact:

Legal Services Commission: 1300 366 424

Office of the Public Advocate: 8342 8200 or for country callers only – 1800 066 969

For more information

SA Health
Policy and Legislation
Email: HealthPolicyLegislation@sa.gov.au
Subject line: Advance Care Directives

Or go to:
www.advancecaredirectives.sa.gov.au
www.sahealth.sa.gov.au

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