

Fact Sheet

Advance Care Directive Fast Facts

From 1 July 2014, the Advance Care Directives Act 2013 will come into play in SA as well as changes to the Consent to Medical Treatment and Palliative Care Act 1995 and the Guardianship and Administration Act 1993. This changes who can consent to or refuse healthcare on a patient's behalf so it is important that we all have some understanding of what this means for us.

Key points to know before 1 July 2014:

- > There will be a new Advance Care Directive Form on which a person can appoint a substitute decision maker and/or write instructions about their future healthcare, and their wishes for their living arrangements and personal matters.
- > This new Advance Care Directive applies at any time that the patient has impaired decision-making capacity in relation to the decision— not just at end of life.
- > A key principle of these changes is that everyone making decisions for a patient with impaired decision-making capacity must act as if “they are in the patient's shoes” and make decisions as they would have done in the same circumstances. This is the case whether or not the patient has an Advance Care Directive.
- > A refusal of treatment which is relevant to the situation must be complied with (binding refusal).
- > Wherever possible, a patient's wishes and values should be complied with as appropriate (non-binding requests).
- > There are protections for those complying with an ACD in good faith and without negligence.
- > There are protections for providing health care against a refusal of health care but only when acting in urgent and uncertain emergencies.
- > There is no requirement to provide treatment that will not benefit the patient in the terminal phase of an illness.
- > There is a clear hierarchy of who to obtain consent from when a patient's decision making capacity is impaired.



- > Enduring Power of Guardianship, Anticipatory Directions and Medical Power of Attorney still have legal effect which means the protections apply. But there are some changes in how these apply. The new Advance Care Directive Form, if the patient has one, supersedes any pre-existing forms.
- > There is a simplified dispute resolution process that is provided by the Public Advocate (24/7) should disputes not be resolved at the hospital or health service.
- > An Advance Care Directive can't be used to demand health care and for anything illegal such as euthanasia, assisted suicide or refusal of mandatory treatment such as mental health orders.

For more information visit:

www.advancecaredirectives.sa.gov.au

For more information

SA Health
Policy and Commissioning Division
Email: policy&legislation@health.sa.gov.au
Subject line: Advance Care Directive



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