

Enduring Guardian

<http://www.tag.nsw.gov.au/enduring-guardianship.html>

What is an Enduring Guardian?

Many people focus on planning ahead for their financial and business affairs by making a Will and a Power of Attorney but do not consider what will happen if they find themselves unable to make lifestyle and medical decisions due to illness or accident.

An Enduring Guardian is someone you appoint to make lifestyle, health and medical decisions for you when you are not capable of doing this for yourself. Your Enduring Guardian may make decisions such as where you live, what services are provided to you at home and what medical treatment you receive.



Enduring Guardianship only comes into effect if or when you lose capacity and will only be effective during the period of incapacity, therefore, it may never become operational. However, it is a good way to plan for the future, particularly for unforeseen situations.

An **Enduring Guardian** and **Enduring Power of Attorney** are complementary documents. They can be made separately or together giving you the choice as to who you want to have the authority to make decisions across all areas of your life, if you are unable to make these decisions for yourself.

An **Advance Care Plan** and **Advance Care Directive** are other important planning ahead documents that do not require a witness but give guidance to those around you when difficult health decisions need to be made.

Appointing an Enduring Guardian may give you a sense of security knowing that if anything happens and you are no longer able to make decisions for yourself you have appointed someone you trust to make medical, health and lifestyle decisions on your behalf. If you lose capacity and have not appointed an Enduring Guardian to make important health and lifestyle decisions, an application will need to go to the Guardianship Division, NSW Civil & Administrative Tribunal to have a Guardian appointed for you. If no one suitable is available to be your guardian the Tribunal may appoint an independent Public official called the Public Guardian.

<http://www.tag.nsw.gov.au/what-is-an-enduring-guardian.html>

March 2018

(Enduring) Powers of Attorney

<http://www.tag.nsw.gov.au/powers-of-attorney-landing.html>

What is a Power of Attorney?

A Power of Attorney is as important for life planning as making a Will. Many people prepare a Will but do not give the same consideration to appointing an attorney until it is too late. Appointing an attorney gives your attorney the legal authority to look after your financial affairs on your behalf.

You can appoint an attorney to act for you in a variety of circumstances such as an extended interstate or overseas trip, or for a time when you are no longer able to manage your own affairs.



NSW Trustee & Guardian can prepare your Power of Attorney and act as your attorney under a Power of Attorney. When NSW Trustee & Guardian prepares your Power of Attorney, you can appoint either:

- NSW Trustee & Guardian to act as your attorney
- a person of your choosing to act as attorney and NSW Trustee & Guardian as substitute attorney
- a person of your choosing to act as attorney.

When you appoint NSW Trustee & Guardian as attorney we offer either Future Assist or Active Assist:

- **Future Assist:** A Power of Attorney designed to provide you with a safety net should unforeseen events occur.
- **Active Assist:** A Power of Attorney where you are able to choose the level of assistance you require.

There are many reasons to consider using a Power of Attorney; you may:

- wish to be free of the day to day demands of financial paperwork and record keeping
- want to place funds in a secure account with interest calculated daily and flexible access
- be going overseas or around Australia and don't want to deal with these affairs while you're away
- not wish to burden a family member or friend with the responsibility of looking after your financial affairs
- find the demands of financial management have become too much for you to handle on your own.

Where Do I Start?

Start your **Power of Attorney online** or call 1300 364 103 to make an appointment.

<http://www.tag.nsw.gov.au/what-is-a-power-of-attorney.html>

March 2018

Advanced Care Directive

An Advance Care Directive is an important way of letting people know your wishes about your healthcare and treatment should you find yourself in a position where you are seriously ill or injured and not able to make decisions. Having an Advance Care Directive will make it easier for your loved ones and health staff if they need to make decisions for you.

An Advance Care Directive is an important result of Advance Care Planning.

For more information about Advance Care Planning, please see <http://www.health.nsw.gov.au/patients/acp/Pages/default.aspx>



What is an Advance Care Directive?

An Advance Care Directive is a way to say what healthcare treatments you would like to have or refuse, should you be in a position where you are seriously ill or injured and unable to make or communicate decisions about your care and treatment.

An Advance Care Directive can only be made by you as an adult with decision-making capacity. If it is valid, it must be followed. Health professionals and Persons Responsible have

no authority to override a valid Advance Care Directive.

An Advance Care Directive may include one or

more of the following:

- the person you would like to make medical decisions for you if you are unable to make decisions
- details of what is important to you, such as your values, life goals and preferred outcomes
- the treatments and care you would like or would refuse if you have a life-threatening illness or injury.

Why is an Advance Care Directive important?

Making an Advance Care Directive is an important part of Advance Care Planning. None of us know what will happen in the future or can predict what might happen with our health.

Medical advances mean that there are treatments which can keep you alive when you are seriously ill or injured, and which may prolong your life. Some people have firm ideas about how they want to live the rest of their life, including conditions or treatments that they might find unacceptable.

In a crisis your family may find it difficult to decide what treatment is best for you. An Advance Care Directive will help your family and doctors to know what you would want when you are not

able to tell them yourself. It's best to write your Advance Care Directive so that your wishes are clearly recorded.

NSW MINISTRY OF HEALTH www.health.nsw.gov.au May 2017

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