



ADVANCE DIRECTIVES

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Powers of Attorney & Agency Act 1984
Advance Care Directives Act 2013

Advance Directives are legal documents that people over 18 can make to express their instructions, wishes and preferences in relation to the future management of their finances and legal matters and their health, accommodation and personal matters.

In South Australia there are two types of Advance Directives under two different Acts of Parliament. These are:

- Advance Care Directive made under the *Advance Care Directives Act 2013*; and
- Enduring Power of Attorney made under the *Powers of Attorney and Agency Act 1984*.

ADVANCE CARE DIRECTIVES (*Advance Care Directives Act 2013*)

An Advance Care Directive is a legal document in which a person over 18 years of age is able to write down his or her instructions, wishes and preferences for future health care, accommodation and personal matters. It can also be used to appoint one or more substitute decision makers to make decisions on the person's behalf in any period of impaired decision making capacity, or at times as determined by the person.

An Advance Care Directive replaces three different documents:

- Enduring Power of Guardianship,
- Medical Power of Attorney
- Anticipatory Direction

Any of these documents made prior to July 1st 2014 will continue to be valid and will be treated as if they were made under the *Advance Care Directives Act 2013*.

COMPLETING AN ADVANCE CARE DIRECTIVE FORM

1. The Advance Care Directive Form and Guide can be downloaded online (at no cost) at: www.advancecaredirectives.sa.gov.au. You can also complete an interactive version of the form online. A hard copy of the Form and Guide can be ordered on the Advance Care Directives website. The Advance Care Directives website has additional information, fact sheets, resources and links to help you complete your Advance Care Directive Form.
2. The Advance Care Directive Form and Guide can also be obtained from Service SA offices. You can phone Service SA on 13 23 24 during business hours to have a Form and Guide delivered.
3. The Legal Services Commission can give you advice on the Advance Care Directives Form and also witness it once it is completed. The Legal Services Commission can be contacted on 1300 366 424. You will find more information on their website www.lsc.sa.gov.au

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ENDURING POWER OF ATTORNEY (*Powers of Attorney and Agency Act 1984*)

An Enduring Power of Attorney enables a person over 18 years of age to appoint a person (or persons), called an Attorney, to act on his or her behalf to make decisions about their financial, property and legal matters should there come a time when the person is unable to do so themselves due to “legal incapacity”. An Enduring Power of Attorney does not give any authority to make health, accommodation or personal decisions.

A person can make an Enduring Power of Attorney in two ways:

1. An Enduring Power of Attorney Do-It-Yourself Kit which contains a form and instructions on how to complete it and have it properly witnessed, can be purchased from:
 - Service SA: on-line from <http://shop.service.sa.gov.au>, or during business hours by telephoning 13 23 24, or by going to a Service SA Centre.
 - The Legal Services Commission, during business hours, by telephoning 1300 366 424 or going to a Legal Services Commission Offices. You can phone the number above to find the Office located nearest to you.
2. Enduring Power of Attorney documents can be drawn up by a legal practitioner.