

5 Duties and Responsibilities of a Substitute Decision-Maker

Key Points

The new Advance Care Directive form (ACD) allows a person to make clear legal arrangements regarding their future care. In an ACD form a person can provide written instructions and appoint a person(s) to make health care, accommodation and lifestyle decisions on their behalf if necessary. It replaces the previous Enduring Power of Guardianship (EPG), Medical Power of Attorney (MPA) and Anticipatory Direction (AD) forms. A fully completed ACD will automatically revoke and replace all other EPG, MPA and AD documents previously completed. If you have already completed and executed an EPG, MPA or AD it is not necessary to complete an ACD but it would be advisable to do so.

The ACD form allows a person to write down what is important to them, what their wishes and values may be regarding their future care and how they would like to be cared for generally. These written instructions will inform any appointed Substitute Decision Maker(s) regarding what health care, accommodation and lifestyle decisions they should make on behalf of the person who appointed them. The ACD form also allows a person to set out written instructions regarding refusal of health care in relevant circumstances which must be followed by the Substitute Decision Maker(s) and Health Practitioners.

Role and Responsibilities of a Substitute Decision Maker

The Substitute Decision Maker(s) must make decisions the person who appointed them would have made themselves in the same situation. A person cannot appoint someone who is paid to care for them like their doctor, nurse or the Director of Nursing in an aged care facility they are residing in.

A Substitute Decision Maker cannot:

- Make decisions when the person who appointed them can still make decisions on their own behalf
- Make decisions that would be illegal, such as requesting voluntary euthanasia
- Refuse the provision of food and water that can be taken by mouth
- Refuse the provision of medication that would reduce pain or distress.

A Substitute Decision Maker(s) when asked to make a decision must:

- Try to enable the person who appointed them to make their own decision where ever possible
- Be in the position to produce a certified copy of the ACD as proof of their authority
- As far as possible make decisions that are consistent with the values and wishes contained in the ACD document
- Only make decisions on their own in an emergency situation and when other Substitute Decision Makers could not be contacted
- Inform other Substitute Decision Makers of any decision made on their own behalf

The Substitute Decision Maker(s) must not allow his/her own values and needs to influence decisions made. They must act as though they are standing in the shoes of the person who appointed them.

For further information go to

www.advancecaresdirectives.sa.gov.au

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

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