

TAKE FIVE

...minutes now to plan ahead for the unexpected



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PLANNING AHEAD

We make decisions about our own lives all day, every day. But what would happen if for some reason you were unable to make decisions for yourself?

It is very important that you understand what the law provides. You might need to use the information for yourself or someone close to you one day.

There are three areas of the law you should know about:

- **Decisions about personal and lifestyle issues especially medical/dental consent**
- **Decisions about finances**
- **Wills**

Generally informal means of making decisions are preferred. Families, close friends and carers make decisions for each other all the time and whenever things go smoothly that's a great approach. However, sometimes formal processes need to be used.

This booklet has been created to give you a clear understanding of what the law says about making decisions. It has been developed by ACON in partnership with the Office of the Public Guardian.



DECISIONS ABOUT PERSONAL AND LIFESTYLE ISSUES

The Guardianship Act 1987 (NSW) provides for the appointment of a substitute decision maker & *Person Responsible* under Part 5. This outlines what happens in relation to decision making about lifestyle issues other than finances for people over 16 years of age. A guardian can be appointed to make decisions for someone else in a wide range of areas such as where they live, what personal services they receive and even who has access to them.

A very important area of the law but one which is not well known is in relation to consent to medical and dental treatment. When a doctor or dentist wishes to treat you or prescribe medication for you they need to ask your permission. This is known as "seeking your consent". You need to say yes to what they propose before they can act. Most of the time that consent is implied by compliance with the doctors directions.

However, strictly speaking, for consent to be valid it needs to involve a number of things. You must:

- understand the proposed treatment,
- understand the alternative treatments available,
- understand the pros and cons of the proposed treatment and
- freely give consent.

Sometimes people are unable to provide consent to treatment because they are unable to communicate or they are unable to make an informed decision. That might be because they are comatose, or they might have a decision making disability such as mental illness, dementia, a brain injury or an intellectual disability.

It is important to note that just because someone has one of these disabilities it does not mean that they are incapable of making any decisions. Decision making is decision and time specific. People can make certain decisions at different times, so we must be careful not to make assumptions.

If someone is unable to provide valid consent the Guardianship Act provides solutions.



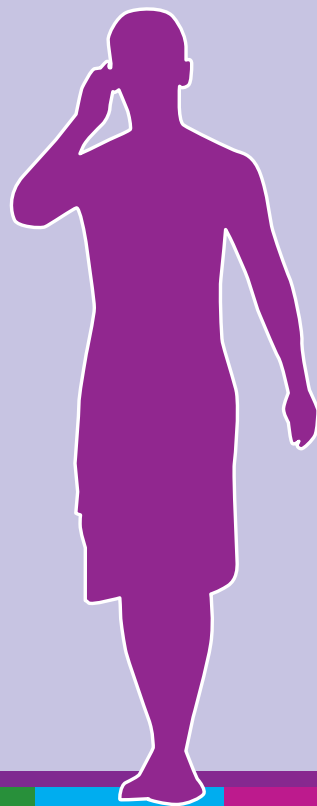
In most cases, where the patient is unable to provide valid consent, that consent can be provided by another person. When performing that role the person is referred to as the *Person Responsible*. There is a hierarchy of people who can act as the *Person Responsible*. It is possible to have more than one *Person Responsible* who can provide valid consent in some situations. In the end it is up to the doctor or dentist to determine who the *Person Responsible* is and to obtain valid consent when it is required.

WHO IS THE PERSON RESPONSIBLE?

A *Person Responsible* is not necessarily the patient's next of kin. There is a hierarchy of people who can be the person responsible. They are in order of authority:

1. A guardian (including an *Enduring Guardian*) who has the function of consenting to medical and dental treatments.
2. A spouse or de facto spouse or same sex partner where there is a close, continuing relationship.
3. A carer who provides or arranges for domestic support on a regular basis and is unpaid. (Receiving the carers pension is still considered unpaid). If the person is in residential care, then the carer before the person went into residential care.
4. A close personal friend or close relative where there is a close personal relationship, frequent personal contact and a personal interest in the patient's welfare, on an unpaid basis.

It is important to understand that should the treatment proposed need to be provided to save someone's life or to prevent significant injury, the Guardianship Act 1987 (NSW) provides for urgent treatment under Part 5, which says a doctor can treat without consent. If that is not the situation, consent is required. Similarly if the treatment is minor in nature and the patient is not objecting and consent from a *Person Responsible* is not obtainable the doctor can treat without consent if it is to promote the patient's health and wellbeing.



HOW DOES IT APPLY TO THE LESBIAN, GAY, BISEXUAL & TRANSGENDER (LGBT) COMMUNITY?

The Guardianship Act recognises the role of same sex partners and close personal friends in the absence of a guardian. If there has been no guardian appointed the same sex partner is the *Person Responsible* to the exclusion of everyone else.

As you can see even without a same sex partner the diverse nature of relationships in the LGBT community are also catered for. A carer providing or arranging domestic support on a regular basis is at category 3 and a close personal friend is at category 4 – the same level as a relative. You will note in particular that there needs to be a close relationship with frequent contact to satisfy the requirements of category 4. Someone with whom there has been little personal contact may not be considered as a *Person Responsible*. It is essentially the Doctor's decision to determine who is the *Person Responsible*.

WHAT CAN YOU DO TO ENSURE YOUR RIGHTS ARE PROTECTED?

The most important thing to do is know what the law says. Not every doctor understands the details of the Guardianship Act. Sometimes they need to be reminded of the concept of *Person Responsible* and how someone might be eligible to be identified as that person for the patient they are treating. Doctors want to do the right thing and provide the best possible treatment. You will usually find they will respond positively. Using the term *Person Responsible* and referring to the Guardianship Act will let the doctor know you have an understanding of the law as it relates to medical and dental consent.



WHAT TO DO IF THERE IS A PROBLEM?

Despite everyone's best efforts sometimes there may be problems. That might be due to a misunderstanding of the law or disagreements about who the *Person Responsible* is. It is not uncommon to find people operating from the incorrect assumption that a person who is traditionally known as the "Next of Kin" can provide valid consent.

As you now know the *Person Responsible* may not be the "Next of Kin". Sadly there can also be situations where people who have not maintained a close personal relationship with the patient wish to make decisions to the exclusion of others. You need to know what you can do to help resolve those issues.

Of course the first step is to try to get agreement about who the *Person Responsible* is, based on the rules provided in the Guardianship Act. Remember, the doctor is the one who needs to make the decision and seek the consent. So, your job may be to help the doctor make that decision by outlining your reasoning behind who should be considered the *Person Responsible*.

If after you have discussed the issue with the doctor, you are not satisfied that the correct person has been identified as the *Person Responsible*, you can contact the Guardianship Tribunal. The Tribunal might decide to speak with the doctor directly. There is also the option for you to make an application to the Guardianship Tribunal to consider appointing you as the guardian with authority to provide consent to medical and dental treatment. If you are appointed you then fall into category 1 of the hierarchy, to the exclusion of everybody else.

Of course the doctor can also contact the Tribunal to seek assistance and if necessary secure consent for treatment.

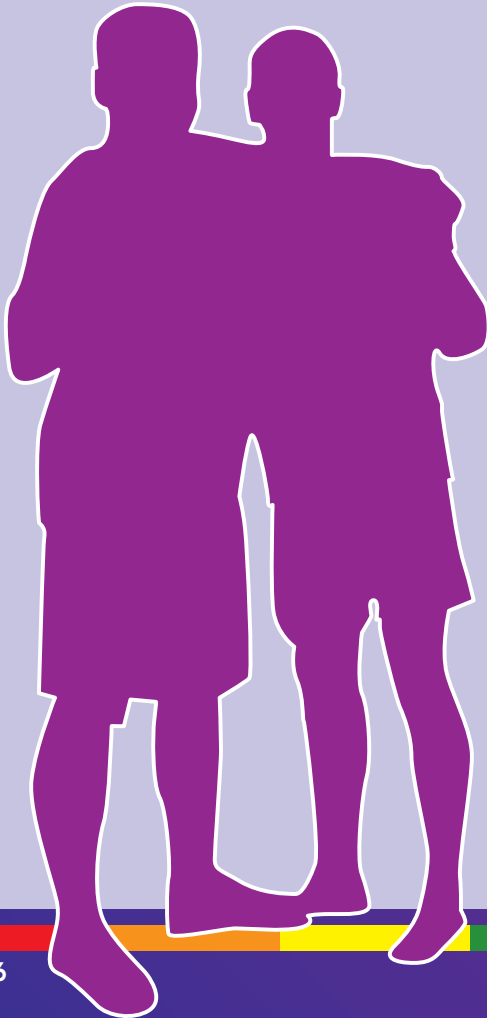
ANOTHER SOLUTION – PLANNING AHEAD WITH ENDURING GUARDIANSHIP

Whilst the Guardianship Act provides for *Persons Responsible* to make decisions for someone else, there is another solution – appointing an *Enduring Guardian*.

Someone can legally appoint another person to make decisions for them in the event that they cannot make decisions for themselves due to disability or incapacity. The person appointed to this role is called an *Enduring Guardian*. You must be over 18 to appoint an *Enduring Guardian*. To appoint an *Enduring Guardian* is relatively simple. You need to fill in a form found at the back of this booklet and have yourself and the proposed *Enduring Guardian* sign it in the presence of a legal practitioner or registrar at a local court. Before you appoint your *Enduring Guardian* you need to decide what areas of decision making you want them to be able to make for you. They can potentially make decisions about your lifestyle, health and medical and dental treatments. Your *Enduring Guardian* can only start making decisions once you have lost capacity.

An *Enduring Guardian* appointed to give medical consent is at the top of the *Person Responsible* hierarchy.

Plan ahead and appoint an *Enduring Guardian*.



WHY IS ALL THIS IMPORTANT?

The most important reason to know about these things is to ensure the best possible decisions are made for you should you not be able to make the decision yourself. Knowing who your *Person Responsible* is enables you to discuss with that person your wishes and preferences about treatment. Your *Enduring Guardian* is then in a position to liaise with doctors about what your treatment preferences are. You can also write your wishes down for future reference.

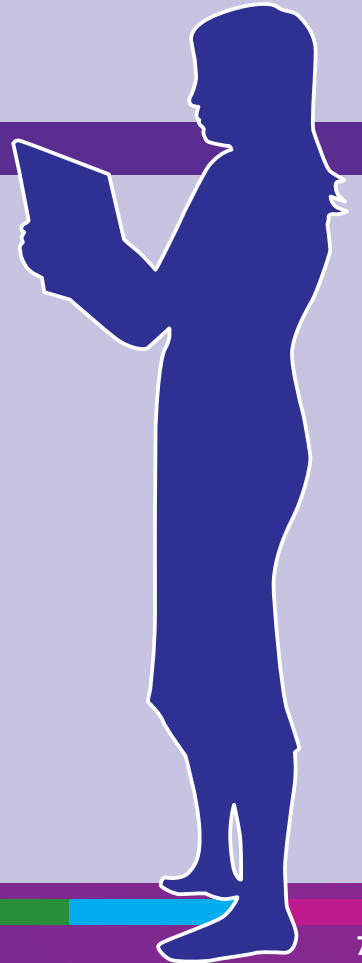
The other reason to appoint an *Enduring Guardian* is to provide the person with access to information about your condition and treatment options, as well as the doctor providing treatment.

Where hospital policy allows access for *Persons Responsible* and family, *Enduring Guardians* are also provided with access to the patient.

Knowing a little bit about the law and a little planning can help ensure your rights are protected and the person you want to make decisions for you can do so.

DECISIONS ABOUT FINANCES

Unlike the arrangements for medical and dental consent, there is no equivalent of a *Person Responsible* for making financial decisions for someone else. However, there is a need for a way to have decisions made when someone is unable to make decisions for themselves. Therefore, the appointment of an Enduring Power of Attorney should be considered to make financial decisions.



POWERS OF ATTORNEY

The law has provided a way of someone making a decision about another person's estate (or finances). The primary way of arranging this is for a person to appoint someone else by way of a general power of attorney. The relevant law is outlined in the Powers of Attorney Act 2003 (NSW).

The power of attorney is a legal document through which you provide authority for another person to make all the decisions you can make about your estate. Given that they are very powerful documents, you need to be careful about who you appoint.

A general power of attorney can be signed (also known as 'donated') by someone (the 'donor') at any time. Sometimes they are used when a person is going overseas and someone has to transact business on their behalf at home. The donor can stipulate conditions on the form. The general power of attorney operates until such date as specified in the form, or until or unless the donor becomes incapable of making decisions.

The law has also taken care of the often unexpected event of incapacity. It introduced the enduring power of attorney. The enduring power of attorney is very similar to a general power of attorney, but its authority and legal force continues despite the donor being unable to make decisions. It endures past and despite that event.

Given the importance of the document and what one can do with it, a special form needs to be completed and witnessed by a lawyer. The lawyer needs to check that the donor understands, both what they are doing as well as the power and trust they are vesting in the other person.

Once appointed, the person can operate bank accounts, sell assets and operate a business as if the donor was doing so, on presentation of the power of attorney document. If however, the appointed person wants to sell real property the power of attorney document needs to be registered with Land and Property NSW. Unless that is anticipated there is no need to register the document.

It is important to note that the law imposes special duties on a person appointed under a power of attorney to act in the interests of the donor and to keep funds separate and accounted for.



WHAT IF I CHANGE MY MIND?

People sometimes change their mind and wish to withdraw an appointment and/or appoint someone else as their Attorney or *Enduring Guardian*. If you have the relevant capacity to make that decision you only have to complete the form of Notice of Revocation on page 15 of this booklet. However, if you lack the capacity the only way that things can be changed is to seek an order from the Guardianship Tribunal or the Supreme Court appointing a guardian or financial manager. When a financial manager is appointed, the operation of any power of attorney is suspended for the duration of the order. In a similar way, the appointment of a guardian suspends the operation of an *Enduring Guardianship* appointment.

FORMAL ORDERS

In the absence of people planning ahead and appointing someone to make decisions for them should they lose the ability to do so, the Guardianship Tribunal and Supreme Court can make orders appointing guardians and financial managers. However, most orders are made by the Guardianship Tribunal. Same sex partners, close personal friends and relatives can all be proposed and appointed as the guardian or financial manager. In the absence of those people or where there is significant dispute about what should happen there is a public official who can be appointed as a last resort. That official is the Public Guardian, for personal and lifestyle decisions, and the Protective Commissioner for financial decisions.

In certain circumstances only the Guardianship Tribunal can provide consent to treatment. The Guardianship Tribunal can be contacted and make decisions 24 hours a day, 7 days a week. Their phone number is 02 9552 8888 or Tollfree 1800 463 928.

Guardianship Tribunal of NSW

1800 463 928
www.gt.nsw.gov.au

Office of the Public Guardian

02 8688 2650 (In Sydney)
1800 451 510 (Outside Sydney)
www.lawlink.nsw.gov.au/opg



WILLS - WHAT HAPPENS WHEN I DIE?

It is very important for all adults to consider making a *Will*, particularly when they own assets.

A *Will* outlines what you would like to happen to your estate when you die. It also allows you to appoint someone to make sure your wishes are followed – the Executor.

In the absence of a *Will* your estate *Will* be dealt with in accordance with the law – the *Wills, Probate and Administration Act 1898 (NSW)* and the *Succession Act 2006 (NSW)*. In those situations someone can apply to be the Administrator of the estate. The Administrator is appointed by the Supreme Court and ensures that your estate is dealt with according to the law. The law outlines the way in which your estate is divided should you not have a valid *Will*. That may not be the way you wish your estate to be dealt with, so it is a motivator for many to make a *Will*.

It is important to note that a *Will* does not come into force until you die and the Supreme Court gives its approval, known as granting probate. That means you can, and should, make a new *Will* whenever your life circumstances change.

Your *Will* should be kept in a safe place known to the Executor.

Most suburban legal practices write *Wills* every day and can draft one for you. It is important to make sure a *Will* is written properly to prevent problems later on.

More information

Office of the Protective Commissioner

02 8688 2600 (In Sydney)
1300 360 466 (Outside Sydney)
www.lawlink.nsw.gov.au/opc

Public Trustee NSW

1300 364 103
www.pt.nsw.gov.au

Law Access NSW

1300 888 529
www.lawaccess.nsw.gov.au

Law Society of NSW

02 9926 0333
www.lawsociety.com.au



FORMS

1. Form of appointment of Enduring Guardian

This form is used to appoint an Enduring Guardian.

You can appoint one or more Enduring Guardians with the same functions on the same form. However, if you want to appoint two or more Enduring Guardians with different functions, you will need to fill out separate forms for each Enduring Guardian appointed.

All signatures on the form must be witnessed by an eligible witness.

There is no requirement to lodge the form with any agency or office.

The Enduring Guardianship form is an important legal document. The original should be kept in a safe place, possibly where you keep other important legal documents such as your Will and your enduring power of attorney. It is important that your Enduring Guardian has a copy of the form of appointment. Where possible this should be a certified copy, that is, a copy signed by the legal practitioner as being a true copy of the original. Your Enduring Guardian may be required at some time in the future to produce evidence of his or her appointment. The Enduring Guardian might need to know where the original is kept and be able to access it if needed.

2. Form of revocation of appointment of Enduring Guardian

This form should be used to revoke the appointment of an Enduring Guardian, should circumstances change.

The revocation of the Enduring Guardian will not be effective unless the Enduring Guardian has been given written notice of the revocation.

All signatures on the form must be witnessed by an eligible witness.

3. Form of notice of resignation of appointment of Enduring Guardian or alternative Enduring Guardian

You can resign your appointment as an Enduring Guardian or alternative Enduring Guardian by giving written notice to the person who appointed you using this form. However, you can only do this if that person is not in need of a guardian at the time you give this notice. If the person is in need of a guardian at that time, you can resign only with the approval of the Guardianship Tribunal.

All signatures on the form must be witnessed by an eligible witness.

FORM OF APPOINTMENT OF ENDURING GUARDIAN/S

1. Appointment of *Enduring Guardian* or *Enduring Guardians*

Name:
Address:
Occupation:

(a) appoint

Name:
Address:
Occupation:

and

Name:
Address:
Occupation:

to be my *Enduring Guardian* or *Enduring Guardians* if because of a disability I am partially or totally incapable of managing my person.

NOTE: You may appoint one or more than one *Enduring Guardian*.

If you want to appoint more than one *Enduring Guardian* and you want your *Enduring Guardians* to have the same functions, then you should fill out this form by inserting the names of all your proposed *Enduring Guardians* in the place indicated. Each person must sign this form to show that he or she accepted the appointment. However, if you want to appoint more than one *Enduring Guardian* and want your *Enduring Guardians* to have different functions and act separately, you should fill out a different form for each *Enduring Guardian* appointed.

(b) I appoint my *Enduring Guardians* to act jointly OR severally OR jointly and severally

NOTE: This relates to the appointment of two more *Enduring Guardians*. If you are only appointing one *Enduring Guardian*, then cross out this section and put your initials beside any writing you have crossed out. If you want to appoint more than one *Enduring Guardian* and you want your *Enduring Guardians* to have the same functions, then, you should also indicate whether you want them to act jointly, severally or jointly and severally. If you specify that they are to act jointly, they will only be able to act if they all agree on the course of action. If you specify that they are to act severally or jointly and severally, they will be able to act independently of each other. (Cross out whichever does not apply and put your initials beside any writing you have crossed out.)

(c) The death, resignation or the incapacity of one or more of my joint *Enduring Guardians* does not operate to terminate the appointment of any other of my joint *Enduring Guardians*.

NOTE: If you appoint one *Enduring Guardian*, or if you appoint more than one *Enduring Guardian* and direct that they act severally or jointly and severally, then cross out this section and initial it. If you appoint two or more *Enduring Guardians* jointly, you may state that the death, resignation or incapacity of one *Enduring Guardian* will not terminate the appointment of the other *Enduring Guardians*. However, if you cross the section out and one of your joint *Enduring Guardians* dies, resigns or becomes incapacitated, the appointment of the other joint *Enduring Guardian(s)* will be terminated.

2. Functions

I authorise my *Enduring Guardian* or each of my *Enduring Guardians* to exercise the following additional functions:

- (a) to decide where I live.
- (b) to decide what health care I receive,
- (c) to consent to the carrying out of medical or dental treatment on me (in accordance with Part 5 of the Guardianship Act)
- (d) to decide what other kinds of personal services I receive

NOTE: Your *Enduring Guardian* or *Enduring Guardians* will automatically exercise all of the functions listed above unless you cross out the functions you do not want your *Enduring Guardian* to exercise. You can cross out any or all of the above functions. You need to put your initials beside any writing you have crossed out. If you cross out all the functions, you need to list the functions that you want your *Enduring Guardian* or *Enduring Guardians* to exercise. If you would prefer, you can give your *Enduring Guardian* or *Enduring Guardians* power to exercise only part of any function.

3. Additional Functions

I also authorise my *Enduring Guardian* or each of my *Enduring Guardians* to exercise the following additional functions:

NOTE: You can add any additional functions here or leave this blank by crossing it out and putting your initials beside it.

4. Directions

I require that my *Enduring Guardian* (or each of my *Enduring Guardians*) exercise his or her functions subject to the following directions:

NOTE: You can add any specific requirements or limitations here or leave this blank by crossing it out and putting your initials beside it.

5. Alternative Enduring Guardian

I also appoint

Name:

Address:

Occupation:

to be an *alternative Enduring Guardian*.

NOTE: You can choose to appoint an *alternative Enduring Guardian* to exercise the functions of your *Enduring Guardian* if the *Enduring Guardian* dies, resigns or becomes incapacitated. An *alternative Enduring Guardian* is not authorised to exercise these functions until (or unless) that happens. If you do not want to appoint an *alternative Enduring Guardian*, cross this out and put your initials beside any writing you have crossed out.

6. Your signature to make the appointment

Signature:

Date:

--	--

I directed

Name:

Address:

to sign this document on my behalf.

NOTE: If needed, you can direct a person to sign the document on your behalf. This person must be at least 18 years of age, not a witness to this form of appointment, and not someone you are appointing as your *Enduring Guardian* or *alternative guardian*. You should give this direction to sign on your behalf in the presence of the person who is witnessing the signatures. If you are signing this document yourself, then this statement does not apply. Cross it out and put your initials beside any writing you have crossed out.

7. Acceptance of appointment

I accept my appointment as *Enduring Guardian/alternative Enduring Guardian*

Signature:

Name:

Date:

I accept my appointment as *Enduring Guardian/alternative Enduring Guardian*

Signature:

Name:

Date:

I accept my appointment as *Enduring Guardian/alternative Enduring Guardian*

Signature:

Name:

Date:

NOTE: Each *Enduring Guardian* and *alternative Enduring Guardian* needs to sign here in the presence of the witness. Cross out and initial whichever does not apply.

8. Certificate of witness

I, of

being a NSW solicitor/NSW barrister/Registrar of a Local Court/interstate legal practitioner/prescribed person
certify that:

(a) I witnessed the execution of this instrument by/for (name of appointer)

and by (name of appointee or appointees)

and

(b) this/these person(s) executed the instrument voluntarily and each appeared to understand the effect of the instrument, and

(c) the appointor in my presence instructed the person named in the instrument to sign the instrument on the appointor's behalf.

NOTE: A person may witness both the signatures of the appointor and the appointee or appointees. Where the signatures of the appointor and appointee are witnessed by different persons, each witness should sign a certificate in respect of the signatures witnessed.

If an appointor has instructed another person to sign the instrument on his or her behalf, the witness must certify the matter referred to in (c). Cross out and initial if this does not apply.

Signature of witness:

State or Territory where signature witnessed (if witnessed outside NSW):

Date:

FORM OF NOTICE OF REVOCATION OF APPOINTMENT OF ENDURING GUARDIAN

I,

Name:

Address:

Occupation:

revoke the appointment of (insert the name of your *Enduring Guardian* or *Enduring Guardians*)

Name:

I understand that this revocation will not be effective unless the *Enduring Guardian* or *Enduring Guardians* have been given written notice of this revocation.

Signature:

Date:

NOTE: If you cannot sign for yourself, you can direct a person to sign the document on your behalf. This person must be at least 18 years of age, not a witness to this form of revocation, and not your *Enduring Guardian* or *alternative Enduring Guardian*. You should give this direction to sign on your behalf in the presence of the person who is witnessing the signatures.

Because I cannot sign, I direct

Name:

Address:

to sign this document on my behalf.

NOTE: If this statement does not apply, cross it out and put your initials beside any writing you have crossed out.

Certificate of witness

I, of

being a NSW solicitor/NSW barrister/Registrar of a Local Court/interstate legal practitioner/prescribed person certify that:

- (a) I witnessed the execution of this instrument by/for (name of appointor) revoking the appointment in my presence, and
- (b) the appointor executed this instrument voluntarily and appeared to understand the effect of the instrument, and
- (c) the appointor in my presence instructed the person named in this instrument to sign the instrument on the appointor's behalf

NOTE: If an appointor has instructed another person to sign the instrument on his or her behalf, the witness must certify the matter referred to in (c). Cross out and initial if not applicable.

Signature of witness:

State or Territory where signature witnessed (if witnessed outside NSW):

Date:

FORM OF NOTICE OF RESIGNATION OF APPOINTMENT AS *ENDURING GUARDIAN* OR *ALTERNATIVE ENDURING GUARDIAN*

I,

Name:

Address:

Occupation:

resign my appointment as an *Enduring Guardian* or *alternative Enduring Guardian*
(cross out and initial which does not apply)

of

Name of appointer:

Address:

NOTE: You can resign your appointment as an *Enduring Guardian* or *alternative Enduring Guardian* by giving written notice to the person who appointed you. However, you can only do this if that person is not in need of a guardian at the time you give this notice. If the person is in need of a guardian at that time, you can resign only with the approval of the Guardianship Tribunal.

Signature:

Date:

NOTE: If you cannot sign for yourself, you can direct a person to sign the document on your behalf. This person must be at least 18 years of age and not a witness to this instrument. You should give this direction to sign on your behalf in the presence of the person who is witnessing the signature.

Because I cannot sign, I directed

Name:

Address:

to sign this document on my behalf.

NOTE: If this statement does not apply, cross it out and put your initials beside any writing you have crossed out.

Certificate of witness

I,

of

being a NSW solicitor/NSW barrister/Registrar of a Local Court/interstate legal practitioner/prescribed person
certify that:

- (a) I witnessed the execution of this instrument by or for the person resigning the appointment in my presence, and
- (b) the person in my presence instructed the person named in this instrument to sign the instrument on his or her behalf.

NOTE: If an appointee (*Enduring Guardian* or *alternative Enduring Guardian*) has instructed another person to sign the instrument on his or her behalf, the witness must certify the matter referred to in (b). Cross out and initial if not applicable.

Signature of witness:

State or Territory where signature witnessed (if witnessed outside NSW):

Date:

Person Responsible

When a person is unable to give valid consent to treatment, medical and dental practitioners have a responsibility to obtain consent from the patient's *Person Responsible*.

The *Person Responsible* is not necessarily the person's next of kin but is either:

- A guardian who has the function of consenting to medical, dental and health care treatments;
Or, if there is no guardian appointed with this authority:
- A spouse, de facto or same sex partner with whom the person has a close, continuing relationship
Or, if there is no spouse, defacto or same sex partner:
- An unpaid carer who is providing support to the person or if the person is in residential care, provided support before the person entered residential care
Or if there is no carer:
- A relative or friend who has a close personal relationship with the person.

It is up to the medical or dental practitioner to determine who is the *Person Responsible*. A person who is considered to be the *Person Responsible* can decline in writing, to have the responsibility of consenting to a particular medical or dental treatment. The medical practitioner must then request consent from the next person down on the list of people who qualify to be *Person Responsible*.

Next of Kin

A person's closest relative by blood, marriage or other category as defined under the Guardianship Act 1987 (NSW). This includes a same sex partner.

Enduring Guardian

A substitute decision-maker of your choice to make lifestyle and health care decisions should you lose the capacity to make your own decisions at some time in the future.

Power of Attorney

A power of attorney is a legal document made by one person, who is called the *Principal*, that allows another person to do things with the *Principal's* money, bank accounts, shares, real estate and other assets. It does not allow anyone to make medical or lifestyle decisions on your behalf. The attorney is someone you trust - usually a family member or close friend.

Enduring Power of Attorney

Whereas a power of attorney exists until a time specified on the legal document, or until such time that the principal is no longer able to make decisions, an enduring power of attorney is a legal document that allows for a person to act as a power of attorney for another person, even when that person has become incapacitated or is unable to make decisions.



Office of the
Public Guardian
Attorney General's
department of nsw

acon

BUILDING OUR COMMUNITY'S
HEALTH & WELLBEING

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