

FACTSHEET 01: Living Wills and Medical Agents

A Living Will is the popular name for a written statement of your wishes for health care should you become no longer competent to take part in decisions about your medical treatment. By making a Living Will you plan ahead for your future health care. You take responsibility and protect your interests should that happen.

A Living Will is sometimes called an Advance Directive. In South Australia's Natural Death Act 1983 it was called a Notice of Direction. In SA's Consent to Medical Treatment and Palliative Care Act 1995, which replaced the 1983 Act, it is called an Anticipatory Direction, and the prescribed form is headed Schedule 2 Direction under Section 7.

A Living Will may include the appointment of a Medical Agent (also referred to as a proxy) to make medical treatment decisions on your behalf on the basis of your Living Will. Provision for such an appointment is made in Schedule 1 of SA's Consent to Medical Treatment and Palliative Care Act 1995 under the title, Medical Power of Attorney.

SAVES has prepared [guidelines](#) for completing a Living Will and appointing a Medical Agent under the 1995 Act. The guidelines summarise the main features of the Act and include suggestions for completing and locating the documents to best effect. They are available free to members on request with a large stamped self addressed envelope to the Hon. Secretary at the address below. The cost is \$5 to non-members in addition to the stamped addressed envelope. (Requests from overseas should include a bank draft or international postage coupons to cover costs.)

A Living Will can also be made under SA's Guardianship and Administration Act 1993 by completing the Schedule headed Instrument Appointing an Enduring Guardian. As well as making decisions on medical treatment, the person appointed can exercise general powers of guardianship. The Act allows you to express wishes that go beyond medical treatment.

You should consider appointing an Enduring Power of Attorney for the management of your financial and legal affairs under the Powers of Attorney and Agency Act 1984.

"Do It Yourself" kits to appoint an Enduring Guardian and an Enduring Power of Attorney are available from Service SA, EDS Centre, 108 North Terrace, Adelaide, SA 5000, ph. 132324
<http://www.sa.gov.au/government/entity/58/>.

See also [Fact Sheet 8](#) which deals with medical treatment and the law in SA, [Fact Sheet 5](#) Appointing Your Own Legal Agent in SA and [Making an Advance Directive for Health Care in South Australia](#).