



# Have you planned ahead?

**It's easier than  
you think to:**

- Appoint an Enduring Guardian**
- Discuss Advance Care Planning**
- Make a Power of Attorney**
- Prepare a Will**

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# **An Enduring Guardianship, Advance Care Plan, Power of Attorney and Will help you provide for your future legal, health and financial decisions.**

## **Why is it important to plan ahead?**

When you have planned ahead you can rest assured that you and your loved ones will be looked after if circumstances change through your life. Your rights and wishes can be respected if they are properly documented.

If you do not have planning ahead documents prepared when they are required, a court or tribunal may need to make decisions for you. Decisions may need to be made on your behalf that could be against your wishes. It is definitely better to plan ahead.

## **Who needs to plan ahead?**

Anybody over the age of 18, with capacity, should consider planning ahead. Capacity refers to a person's ability to understand and appreciate the significance of the decision they are making. If a person does not have capacity the decision they are making may not be legally recognised.



## **Appoint an Enduring Guardian**

An Enduring Guardian can make health and lifestyle choices for you if you lose the ability to make decisions for yourself at some time in the future. It is important to have both an Enduring Guardian and an Enduring Power of Attorney because your attorney cannot make decisions about:

- accommodation
- medical/dental consent
- health care
- services e.g. meals on wheels

An Enduring Guardian should understand your values and wishes and have the skills to make good decisions for you.

## **Discuss Advance Care Planning**

Advance Care Planning is a process that helps you to plan for future medical care. This process involves thinking about your values, beliefs and your wishes in relation to the type of medical and health care you would like to have if you cannot make your own decisions. An important part of the planning process is to discuss your wishes with people who are close to you, as well as **talking to your doctor**.

## **What is an Advance Care Directive?**

As part of the Advance Care Planning process, you may decide to write an Advance Care Directive. This document records your specific wishes about treatment that you would like to have in the event of life-threatening illness or injury, and any treatments you would refuse. You generally write an Advance Care Directive yourself in consultation with your doctor and family. If done correctly they are legally binding.

## **Make an Enduring Power of Attorney**

An Enduring Power of Attorney is a legal document appointing a person or trustee organisation of your choice to manage your financial and legal affairs. This person or organisation is then known as your attorney. If you're no longer able to manage your financial affairs and you don't have an Enduring Power of Attorney then an application to a court or tribunal may be required to appoint a financial manager of your affairs.

## **Prepare a Will**

A Will is a legal document that sets out who you want to receive your assets when you die. By making a Will you help to ensure your assets will be distributed according to your wishes. Even if you think you don't have much it is still recommended that you make a Will.



## **Where can I start the process of planning ahead?**

Your Will, Enduring Power of Attorney and Enduring Guardianship should be prepared with a legal professional like a solicitor or NSW Trustee & Guardian. To get started simply contact:

**NSW Trustee & Guardian**  
**Phone 1300 364 103**  
**[www.tag.nsw.gov.au](http://www.tag.nsw.gov.au)**

**The Law Society of New South Wales**  
**to find a solicitor**  
**Phone 02 9926 0300 (Sydney) or**  
**1800 422 713 (outside Sydney)**  
**[www.lawsociety.com.au](http://www.lawsociety.com.au)**

**Advance Care Planning can be discussed**  
**with people who are close to you and**  
**your doctor.**

For further information about planning ahead documents visit **[planningaheadtools.com.au](http://planningaheadtools.com.au)** or **[facebook.com/planningaheadtools](https://facebook.com/planningaheadtools)** or call **1300 887 529**

If you need an interpreter, please call the Translating and Interpreting Service (TIS National) on **131 450** and ask them to telephone the Planning Ahead Tools information line on **1300 887 529**

# Planning ahead checklist

This checklist will help you think about what to consider before planning ahead.

## Enduring Guardianship

- Choose the person(s) you want to make health and lifestyle decisions for you
- Decide on the decision making areas your guardian will have authority over
- Consider any specific directions you would like to give your guardian

## Advance Care Planning and Directives

- Discuss your future health and medical care wishes with your family and doctor
- Ask your doctor to document your Advance Care Plan in your medical records
- Write down any specific health care directives you may have that relate to treatment

## Enduring Power of Attorney

- Attorney – name of the person or trustee organisation you want to make property and financial decisions for you

## Will

- Details of your assets
- Beneficiaries – who will receive your assets?
- Name(s) of those you wish to appoint as guardian for your children
- Executor – name of organisation/ individual who will carry out the wishes in your Will
- Details of your funeral arrangements

## Storage of your planning ahead documents

- Decide where to store your planning ahead documents. Consider the NSW Trustee & Guardian Will Safe [tag.nsw.gov.au/willsafe](http://tag.nsw.gov.au/willsafe)
- Advise loved ones of their location so they can be easily found if and when required.