



# Limitations or conditions

## for appointed medical treatment decision makers

This fact sheet is to assist you to decide whether to include limitations or conditions when you appoint your medical treatment decision maker.

The *Medical Treatment Planning and Decisions Act 2016* enables you to appoint someone to be your medical treatment decision maker.

If you choose to appoint a medical treatment decision maker, you can set limitations and conditions in the document of appointment.

An appointed medical treatment decision maker has the powers set out in the Act, subject to any limitations or conditions you specify in the document of appointment.

The Act sets out how a medical treatment decision maker must make a medical treatment decision.

### When to include limitation or conditions

The Office of the Public Advocate (OPA) does not suggest you would ordinarily need to include limitations or conditions.

OPA provides the following examples so that you can consider if doing so would be relevant to your personal circumstances and preferences.

It could be relevant if:

- You wish to specify that the appointed medical treatment decision maker consult with particular people (noting that a medical treatment decision maker is

required by the Act to consult with any person they reasonably believe you would want them to consult with in the circumstances).

- You wish to specify that the appointed medical treatment decision maker not consult with particular people or inform particular people about your health condition and medical treatment.
- You wish to specify that the person is only empowered to make certain types of decisions. However, if the appointed medical treatment decision maker is not empowered to make the decision (and a medical treatment decision needs to be made) whoever else would be your medical treatment decision maker would be empowered by the legislation to make the decision.
- You wish to set an expiry date for an appointed medical treatment decision maker to be in the role. However, if the appointed medical treatment decision maker's appointment has expired (and a medical treatment decision needs to be made) whoever else would be your medical treatment decision maker would be empowered by the legislation to make the decision.
- You wish to specify that the medical treatment decision maker is to seek advice from the Victorian Civil and Administrative Tribunal (VCAT) in relation to specific medical treatment decisions.

## When your medical treatment decision maker is not appointed by you

It is important to understand that while you can set conditions and limitations when you appoint your medical treatment decision maker, you cannot set conditions and limitations in relation to any other type of medical treatment decision maker.

For information about who your medical treatment decision maker is if the person you appoint is not available (or you do not appoint anyone), see [the medical treatment decision maker page](#) of the OPA website.

It is possible to express your preferences and values in relation to medical treatment in an advance care directive. If you do this, your medical treatment decision maker must consider your values directive. (See [the advance care directive page](#) of the OPA website for more information.)

Your advance care directive would need to be considered by any medical treatment decision maker, regardless of whether they are:

- your appointed medical treatment decision maker
- a guardian appointed by VCAT to make medical treatment decisions for you or
- your relative or primary carer as described in the Act.

Contact the Office of the Public Advocate on 1300 309 337 for more information or at:

**[www.publicadvocate.vic.gov.au](http://www.publicadvocate.vic.gov.au)**