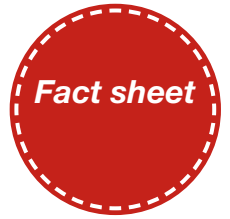




Information for witnesses



Appointment of medical treatment decision maker

This fact sheet explains your role if you act as witness for a person appointing their medical treatment decision maker under Victoria's *Medical Treatment Planning and Decisions Act 2016*.

To appoint a medical treatment decision maker, a person must have decision-making capacity to do so. You must be satisfied the person is acting freely and voluntarily.

Contact the Office of the Public Advocate on 1300 309 337 if you have any concerns or for more information or at:

publicadvocate.vic.gov.au



Your role as witness involves three steps.

Step 1: Check you are the right person to witness the document

For an appointment of medical treatment decision maker, two adult witnesses are required.

One must be:

- a registered medical practitioner or
- authorised to witness affidavits.



Neither witness can be a person who is being appointed in the document.

Step 2: Ask questions

The Medical Treatment Planning and Decisions Act sets out what witnesses certify. (See below and the table overleaf).

You will need to be able to communicate with the person in a language they understand. If an interpreter is needed, it is preferable that they are accredited by the National Accreditation Authority for Translators and Interpreters (NAATI).

You should ask questions to make sure you are satisfied of the following things.

Decision-making capacity to make the document

When you act as witness, you certify that the person appeared to have decision-making capacity to make the appointment. They have this if they are able to:

- understand the information relevant to their decision to make the appointment and the effect of this decision
- retain that information to the extent necessary to make the decision
- use or weigh that information as part of the process of making the decision and
- communicate the decision, and their views and needs in relation to the decision in some way, including by speech, gestures or other means.

If a person is able to make a decision with practicable and appropriate support, then they have decision-making capacity to make that decision. For example, they may need extra time, or someone present who supports them to talk to you about their decision to appoint a medical treatment decision maker.

What to check

The person should be able to tell you:

- what sorts of decisions their medical treatment decision maker will be able to make, and when they will have the authority to make these decisions
- the effects that these decisions could have
- that they know they can cancel the appointment while they have decision-making capacity to do so.

Step 3: Witnessing

If you are satisfied of the things set out in the table below, the person signs in front of you and the other witness. You both then sign and date the witness certification.

Interpreters

If you use an interpreter to communicate with the person, there is a place in the witnessing section of the form for the interpreter to sign. For this reason, you will need to use a face-to-face interpreter. Contact the OPA Advice Service for more information if this is not possible.

What witnesses certify	Appointment of medical treatment decision maker
Decision-making capacity	That the person appears to have decision-making capacity at the time of signing in relation to making the appointment
Understands nature and consequences	That the person appears to understand the nature and consequences of making the appointment
Freely and voluntarily signs	That the person appears to freely and voluntarily sign the document, and in the presence of the witnesses
Eligibility to be a witness	That you are eligible to be a witness