

# Before you sign



As part of planning for your future decision-making you may decide to complete legal documents.

For example, in Victoria you may choose to complete an:

- appointment of medical treatment decision maker
- advance care directive
- enduring power of attorney.

Alternatively, or in addition, you may choose to appoint someone to support you to make decisions by appointing a:

- supportive attorney
- medical support person.

See the *Side by Side* guide for more information about supported decision-making appointments.

Some people will choose to complete a combination of these documents. Others may choose to complete none.

Do what is best for you; this will depend on your circumstances.

## If you choose to complete legal documents

If you choose to complete legal documents, you may want to get help from a lawyer to complete the forms, or complete the forms yourself.

If you choose to go to a lawyer, look for one who understands this area of law. If you go to a lawyer, there will be a cost.

The Office of Public Advocate (OPA) has a checklist called 'Questions for your lawyer' that can help you prepare for your appointment. (Find this checklist on the OPA website).

## If you choose to do-it-yourself

If you choose to complete the form(s) yourself, make sure you understand the powers you are giving, how to complete the form(s), and the witnessing requirements.

Below is a checklist with some things to think about before you sign. It is not a complete list, but is to help you think carefully before you sign.

If there is a question you do not feel able to answer, you may wish to get more information.

Find information about planning for your future decision-making on the OPA website ([publicadvocate.vic.gov.au](http://publicadvocate.vic.gov.au)) in:

- the *You Decide Who Decides* guide
- the *Side by Side* guide
- OPA's advance planning fact sheets.

You might also choose to get advice from a lawyer.

## Supported decision-making

- Have you thought about appointing someone who can support you to make decisions, including the benefits and risks of this?
- For example, do they have the skills, time and interest, and are you comfortable with them accessing personal information to support you?

## Medical treatment decision maker

- Do you know what happens if you do not appoint a medical treatment decision maker — do you know who, by law, would be able to make decisions for you?
- Do you know what types of medical treatment decisions your medical treatment decision maker could make?

## Advance care directive

- Do you know the difference between a values directive and an instructional directive in an advance care directive?
- If you make an instructional directive, do you know whether your health practitioners are required to follow it?
- Have you discussed the benefits/risks in making an instructional directive with your health practitioner(s)?
- Are there really any risks in making a values directive?
- If you make an advance care directive, do you know who you should give copies to and where you should keep the originals?
- If you have previously had mental health concerns, have you considered documenting your preferences and values for any treatment for mental illness in an advance statement as well as in an advance care directive?

## Enduring power of attorney

Enduring power of attorney forms can be complex to complete as there are many options to consider.

The checklist below is to help you make an enduring power of attorney that:

- reflects your wishes
- includes conditions to reduce the risk of things going wrong.

Find helpful tips for making an enduring power of attorney in the *You Decide Who Decides* guide on the OPA website.

### Where to start

- Have you had a discussion with those close to you?
- Have you decided that making an enduring power of attorney is right for you?

### Choosing someone you trust to make decisions for you

- Have you considered what qualities are important to you when choosing an attorney?

- Do you trust the person to make decisions as you would like them to?
- Have you discussed the appointment and your wishes with that person?
- Is that person willing to take on the role and listen to what you want?

### Deciding what powers to give

- Have you decided what powers to give to your attorney?


### Deciding when the powers should start

Have you decided when the powers will start?

### Helpful tips

Have you considered:

- appointing more than one attorney to act jointly (together)?
- appointing more than one attorney to act jointly and severally (together or alone) or as a majority?
- including an instruction that your attorney provide reports to another trusted person?
- authorising your attorney to disclose confidential information?
- including an instruction requiring your attorney to obtain an independent assessment of your decision-making capacity?
- including an instruction that another person is notified before the power is used for the first time?
- including other conditions and instructions to your attorney?
- whether you want to authorise a conflict transaction? For example, allowing a person to live in your house free of charge.
- whether you want to place any limits on the gifts that your attorney can make?

Find more information on the OPA website or call OPA's Advice Service.   
**publicadvocate.vic.gov.au**  
Phone: 1300 309 337.