

Talking Law Article – July 2009

What is an Advance Care Directive?

An Advance Care Directive (ACD), also known as a Living Will, refers to a written statement that provides guidance as to the type of medical treatment a person may wish to receive or refuse in the future, should they become unable to make decisions for themselves.

In Victoria there are three ways in which a person may record their wishes regarding medical treatment or appoint a person to make such decisions for them. These are an Enduring Power of Attorney (Medical Treatment), a Refusal of Treatment Certificate and an Advance Care Directive.

An effective ACD may help to encourage discussion between families and patients about important health care issues and are a useful tool for advising an attorney, a family member or a medical practitioner of personal preferences regarding medical treatment. Unlike some other states, in Victoria an ACD is not legally binding, however medical professionals endeavour to respect the wishes stipulated in the document.

This article is for general information and is not to be taken as specific legal advice. If you require advice on any matters relating to Wills and Powers of Attorney, please contact Racheal Despotellis at Dawes and Vary Kyabram on 5851 0200, Lesley Hart at Shepparton on 5820 0200, Trish Vigliaturo at Tatura on 5824 0300 or Terry McKiterick at Echuca on 5482 2555.

Dawes & Vary Pty Ltd – Offices at:

147 Fenaughty Street
(PO Box 300)
Kyabram 3620
Tel: 03 5851 0200

145 Hogan Street
(PO Box 212)
Tatura 3616
Tel: 03 5824 0300

26 Gillies Street
(PO Box 207)
Rochester 3561
Tel: 03 5484 1800

159 Welsford Street
(PO Box 2272)
Shepparton 3630
Tel: 03 5820 0200

51-55 Heygarth Street
(PO Box 378)
Echuca 3564
Tel: 03 5482 2555

Email: service@dawes-vary.com.au