

2.Important Documents

Death and Dying Matters

These information sheets have been created to demystify some beliefs and misconceptions around dying, death and funerals. They are designed to inform and empower individuals as well as communities, by providing practical information to help make better decisions and more considered choices in relation to end of life matters. This is not anything new, rather a return to a traditional approach, where families and friends are involved at every stage. Choices may be influenced by culture, beliefs, community, finances or sustainability issues.

These sheets may assist you to:

- better understand what is involved in the process of dying, death and bereavement
- participate more fully in any of the stages
- complete the relevant and important legal paperwork
- talk to others about your or their wishes and needs
- clarify your or their instructions around dying and after death
- create a more meaningful funeral to honour and celebrate a life
- have an easier and healthier bereavement

It is important to be familiar with and understand the legal documentation involved in your health care and end of life. There are other non legal but helpful documents you may also want to consider. All these documents are of assistance to carers, the dying and those left behind. Every person over 18 years of age should at least consider these documents, and we recommend that all adults complete them. You can download copies of all of these documents online; there are many versions available.

Legal documents valid while you are alive (until the time of your death):

- I. Advance Health Care Plan (AHCP)
- II. Enduring Guardianship (EG)
- III. Power of Attorney (POA)

Legal documents valid when you have died (not while you are alive):

- IV. Last Will

Non legal documents:

- V. Legacy and love documents

In addition, you may also want to create a Care Plan, a Death Plan, or a Funeral Plan. It is always practical and helpful to keep your documents in order and in one, easy to find place.

I. Advance Health Care Plan (AHCP)

An Advance Health Care Plan (AHCP) is a document that sets out what quality of life would be acceptable to you and what treatments you would or would not agree to for your medical or health care. It is sometimes

referred to as a Living Will.

There is no standard document in NSW, and there are many variations. We suggest you read through a few, to get an understanding of the choices, involved before you complete one for yourself. Your GP will be able to help and advise you, and must also sign it. An AHCP is completed when you have capacity, meaning you are of sound mind. It enables you to consent to medical treatment and to refuse medical treatment, even if it is life saving. It is made in preparation for a time when you may be confused or unable to communicate, due of illness or accident . To be a legally binding document, it needs to demonstrate that your capacity was present, be dated and witnessed, and be specific about medical and health choices.

An AHCP can:

- involve talking with your family, health care providers, and other significant people, to work out what is important to you and write it down.
- relieve your family or friends of making difficult decisions about your health care, because your wishes are known.
- guide health care providers in making critical decisions about your care.
- ensure your wishes regarding your care are respected.
- greatly reduce your chance of having unwanted treatment.

Common treatment choices may include decisions regarding artificial feeding and hydration, cardiopulmonary resuscitation, assisted ventilation, antibiotics, kidney dialysis and blood transfusions. Your quality of life may inform these decisions, such as the ability to:

- get around by yourself
- recognise family
- be able to communicate
- wash yourself
- feed yourself
- have control of bladder or bowels
- remain in your own home

You cannot refuse basic comfort care, or leave instructions about current illegal activities such as euthanasia or assisted suicide.

An AHCP takes precedence over family wishes, is only legally valid while you are alive, and only comes into effect if you lose capacity.

II. Enduring Guardianship (EG)

In NSW an Enduring Guardianship (EG) is a standard legally binding document, made while you have capacity. It follows the same principles as the AHCP, except you are appointing a guardian or guardians to act on your behalf after you lose capacity. It can be revoked before you lose capacity, but not after. Most people should have both an AHCP and a EG.

Your EG can make decisions regarding:

- personal matters
- quality of life
- what medical and health care you do and do not receive
- minor or major treatments, under provisions of part 5 of the Guardianship Act
- what support services you receive
- where you live

An EG cannot:

- be under 18 years of age

- break the law
- override your objections to medical treatment
- consent to special medical treatments
- make a will for you
- vote on your behalf
- Consent to marriage on your behalf
- Manage your finances

If you complete an AHCP and/or an EG, inform your doctor and your family and tell them where it is. Give your doctor, nursing home a copy, and your family if you choose. You may want to keep a card in your wallet with this information. The AHCP informs the EG, who should follow your instructions.

III. Power of Attorney (POA)

A Power of Attorney (POA) is a standard document that appoints another person or persons to act on your behalf in your administrative or financial matters. A POA can not make quality of life or health and medical decisions, such as placing you in a nursing home. A POA can be revoked at anytime while you have capacity. A general POA ceases when you lose your capacity. An enduring POA which has an extra clause and is witnessed by a lawyer, continues when you have lost capacity.

IV. Last Will

A Will is a written document that appoints an Executor/s to manage your affairs after your death. It sets out your wishes and instructions. It needs to be signed, dated and witnessed by two people who do not stand to benefit from the Will.

V. Legacy and Love Documents

You may want to write letters to loved ones – your partner, children or parents, for example – while you can, for them to read after you have died. This is often particularly important if you are leaving young children behind. You may want to write a series of cards for significant future events, such as a twenty-first birthday, a marriage, or the birth of a child.

You may also choose to leave a written legacy of your life, to share your beliefs, understandings, or lessons from life. This can also be done by slideshow or video recording, which may be played at the funeral if you choose.

On a spiritual or religious note, it can be really helpful to those you leave behind to share your views and beliefs about what will happen to you after you die, and how you feel about it.



Natural Death
Care Centre



The Natural Death Care Centre and Tender Funerals are both not-for-profit organisations based in NSW, committed to informing, educating and empowering individuals, communities, and medical and health professionals. We have a natural, holistic and respectful approach to dying, death, disposal, ceremony and bereavement.

This information sheet was prepared by the Natural Death Care Centre and Tender Funerals, with the support of the Trust Company © July 2013