

Information Sheet

Protecting the human rights of adults with decision-making disabilities

10. Planning for the future

The Public Advocate provides a telephone advisory service (1300 858 455) that provides information about enduring powers of attorney and enduring powers of guardianship. Recorded information, including answers to a range of common questions regarding enduring powers of attorney and enduring powers of guardianship, is available 24 hours a day. To speak to an advisory officer, call the service between 9am and 4.30pm, Monday to Friday.

Why do I need to plan for future decision-making?

Throughout our lives we make decisions about how we live based on our personal preferences, beliefs and values. If an accident or illness resulted in some form of decision-making disability that prevented you from making your own decisions you might want to have some control over how these were made.

Planning for the future will enable you to choose how treatment decisions are made in the future and/or who will make personal, lifestyle and treatment decisions on your behalf, if you are ever unable to do so. By preparing for the future you will also have the opportunity to give those people you appoint as decision-makers some guidance about what your personal preferences are which will assist them in making decisions in your best interests.

What planning options are available to me?

In Western Australia there are three legal tools which may assist you to plan for how decisions are made on your behalf in the future. These are an:

- **Enduring power of attorney:** which enables you to appoint someone to make financial and property decisions
- **Enduring power of guardianship:** which enables you to appoint someone to make personal, lifestyle, treatment and medical research decisions
- **Advance health directive:** which enables you to write down your decisions about the specific treatment and health care you would want in certain medical circumstances.

Do I have to register any of the documents?

There is no need to register any of these powers. However, to ensure that your wishes are followed, the Public Advocate recommends that you give your enduring guardian and/or attorney, your general practitioner, any other health professionals and family members certified copies of these documents. If you have property and you make an enduring power of attorney, you will need to consider whether you lodge it with Landgate. For more information about this, refer to [Information Sheet 8 – Enduring Powers of Attorney](#) or the [Enduring Power of Attorney Information Kit](#).



Do I need to have legal capacity?

To appoint an enduring guardian or attorney and/or make an Advance Health Directive, you must have what is referred to in the legislation as 'full legal capacity'. This means you must be capable of making reasoned decisions and therefore be able to make a formal agreement and understand the implications of statements contained in that agreement, at the time of completing the form/s.

If there is any doubt about the decision-making capacity of a person at the time they wish to make any of these powers, the written opinion of a doctor or other medical/health professional should be sought.

Where can I find more information to assist my planning?

More information about how to complete an enduring power of guardianship and enduring power of attorney is available on the Office of the Public Advocate's website, where you will find:

- A Guide to Enduring Power of Attorney in Western Australia
- Enduring Power of Attorney Information Kit.
- A Guide to Enduring Power of Guardianship in Western Australia
- Enduring Power of Guardianship Information Kit

All of these publications can be downloaded for free from the Office's website:
www.publicadvocate.wa.gov.au

More information on advance health directives is available from the Department of Health.
Telephone: 9222 2300
Email: acp@health.wa.gov.au
Web: www.healthywa.wa.gov.au/advancecareplanning

For further information contact

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