

ADVANCE CARE PLANNING REFORM IN VICTORIA

Information sheet | September 2016

In mid-2016, the Victorian Parliament's Legal and Social Issues Committee reported on an inquiry into end of life choices, recommending that Victoria make changes to how Advance Care Plans work. The Victorian Government is now deciding whether to implement the recommended reforms.

Inquiry into end of life choices

In May 2015, the Legal and Social Issues Committee was asked to conduct an inquiry into end of life choices. The aim of the inquiry was to consider the need for laws to allow Victorians to make informed decisions about their own end of life choices.

The inquiry received more than 1,000 submissions from individuals and organisations, and heard evidence from over 150 experts and citizens at public hearings.

The Committee analysed this evidence and, in June 2016, released a final report with its findings and recommendations. The report recommended a number of changes to how Advance Care Planning works in Victoria.

Advance Care Planning

Advance Care Plans are used to record a person's wishes for their end of life care, in case they later become too unwell to make decisions for themselves. In their Advance Care Plan, the person records their personal values and wishes in order to guide doctors family and substitute decision-makers.

Making Advance Care Plans binding

While Advance Care Plans are already being used in Victoria, they vary across the state and are not legally binding. People can get legally-binding 'refusal of treatment' certificates, but only for conditions that have already been diagnosed.

The Committee recommended that Advance Care Plans be made legally binding and that they apply to both current and future medical conditions. The Plans would also record people's values about what level of medical treatment or intervention they would want.

Reducing confusion and disputes

The laws about substitute decision-makers (known as 'enduring medical power of attorney') are confusing. This has caused legal disputes between doctors, family members and substitute decision-makers about end of life care decisions.

The Committee recommended legal changes to streamline and formalise Advance Care Plans to reduce confusion and ensure that people's end of life wishes are respected.

Encouraging people to make Advance Care Plans

Currently, very few people make Advance Care Plans. This is partly because as a society, we are reluctant to talk about death and deal openly with its inevitability.

To encourage more people to make Advance Care Plans, the Committee recommended that 'trigger points' (such as diagnosis with a terminal illness) be used to increase understanding and use of the Plans.

What happens next?

The Victorian Government has six months – until December 2016 – to respond to the Committee's recommendations.

While the government does not have to accept any of the recommendations, it is likely to make at least some changes.

Find out more

The report

Download the **final report** or **summary booklet** from the Parliament of Victoria website.

Assisted dying

See our Information Sheet *Assisted dying reform in Victoria* for information about the inquiry's recommendations on assisted dying.

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