

Fact Sheet

Transitional provisions for Enduring Power of Guardianship forms post 1 July 2015

Prior to 1 July 2014, competent adults could complete an Enduring Power of Guardianship form to appoint one or more Enduring Guardians to make medical and lifestyle decisions on their behalf upon losing decision-making capacity.

Enduring Powers of Guardianships completed prior to 1 July 2014 are considered to be Advance Care Directives under the *Advance Care Directives Act 2013* (Part 8, s35).

Eligibility Criteria for recognition before December 31, 2015

To be recognised under the *Advance Care Directives Act 2013*, Enduring Power of Guardianship forms must be signed by the person making the form (the appointer) prior to 1 July 2014, and must be signed and accepted by the Enduring Guardians prior to 31 December 2015.

For an Enduring Power of Guardianship to be given legal effect after 1 July 2015, two criteria must be met:

1. Sections 1 to 4 of the Enduring Power of Guardianship form must have been completed and signed by the appointer **before 1 July 2014** and
2. The remainder of the form must be completed in full before **31 December 2015**.

If the above two criteria are not met, the person will need to complete a new Advance Care Directive to appoint one or more substitute decision-makers to make health and lifestyle decisions on their behalf if they are unable to do so themselves in the future.

The Advance Care Directive form and Do-it-Yourself Kit can be found here:

www.advancecaredirectives.sa.gov.au

Need help?

If you have any concerns or you are not sure if an Enduring Power of Guardianship form is recognised under the *Advance Care Directives Act 2013*, please contact:

Legal Services Commission: 1300 366 424

Office of the Public Advocate: 8342 8200 or for country callers only – 1800 066 969

More information can be found here: www.advancecaredirectives.sa.gov.au

For more information

**SA Health
Policy and Legislation**
Email: HealthPolicyLegislation@sa.gov.au
Subject line: Advance Care Directives

www.sahealth.sa.gov.au

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