

# Advance Care Planning & Advance Care Directives

## Resource Links and State Based Differences

### State Based Differences

Each state and territory has a slightly different process governed by their own law or act of parliament the main differences are outlined below. South Australia's system is often considered simpler administratively because the single ACD form captures instructions, values, and substitute decision-makers together, whereas other states often require multiple documents to achieve the same outcome

Feature	South Australia	Victoria	Queensland	New South Wales
Main document	Advance Care Directive	Instructional + Values Directive	Advance Health Directive	Various templates
Appointment of decision-maker	In same document	Separate appointment	Enduring Power of Attorney	Enduring Guardian
Legislative framework	Dedicated ACD Act	Medical Treatment Planning Act	Powers of Attorney Act	Guardianship Act + common law
Form structure	Single integrated form	Multiple documents	Multiple documents	No single standard form
Legal force of instructions	Binding	Binding (instructional)	Binding	Recognised under common law

### Changing Location

When travelling valid statutory documents should be recognised in other parts of Australia when the content is in line with the laws in the receiving state or territory. General statements about a person's values and preferences are not legally binding but should still be taken into account by substitute decision makers in making decisions on behalf of a person

However, if moving permanently to another State or Territory it's best to complete the legal forms for that state or territory to avoid potential delays in care.

### Informal documentation

Whilst a document can be created without using the legal form (often known as a common law document) in practice, it can be difficult if doctors aren't sure whether the instructions in a document are legally binding or not. If you have very strong feelings about treatments or have very specific requirements, it's best to complete the Legal and statutory advance care directive in your state or territory.

## Useful Resources

### Advance Care Planning Australia (ACPA)

**National resources** – Information on ACP documents and state/territory differences. Call the free National Advance Care Planning Advisory Line [1300 208 582](tel:1300208582) or email [acpa@advancecareplanning.org.au](mailto:acpa@advancecareplanning.org.au). Available from 8am to 4pm (AEST), Monday to Friday.

### OPAN

**Toolkit: Guardians and Substitute Decision Makers** – Overview of SDM roles across jurisdictions. [Advance care planning – OPAN Self-Advocacy Toolkit](#)

### Office for the Public Advocate (OPA)

Each state/territory has an OPA, however they may be named or collated with different services in different states. Where the name of the main office is different to Office for the Public Advocate, the alternative name is provided below. Core functions are broadly consistent: guardianship, advocacy, investigations, and consent for medical treatment where required.

- **Australian Capital Territory (ACT):** [Public Advocate ACT](#) Phone: (02) 6205 2222
- **New South Wales (NSW) Office: Public Guardian:** [NSW Public Guardian](#) Phone: (02) 9692 1533
- **Northern Territory (NT) Office: Public Guardian / Public Trustee (combined functions)** [NT Public Trustee & Guardian](#) Phone: 1800 810 979
- **Queensland (QLD):** [QLD Public Advocate](#) Phone: (07) 3738 9513
- **South Australia (SA) Office:** [SA Office of the Public Advocate](#) Phone: 1800 066 969 Email: [opa@agd.sa.gov.au](mailto:opa@agd.sa.gov.au) (Office of the Public Advocate) Useful resources [Substitute Decision-Maker Toolkit \(OPA SA\)](#) – practical tools for SDMs and appointers to uphold wishes. [Download the toolkit guide \(PDF\)](#)
- **Tasmania (TAS) In Office of the Public Guardian:** [Tasmania Public Guardian](#) Phone: (03) 6165 3444
- **Victoria (VIC) Office:** [Victoria Office of the Public Advocate](#) Phone: 1300 309 337
- **Western Australia (WA):** [WA Office of the Public Advocate](#) Phone: 1300 858 455

### Legal Services

Each state/territory has a Legal Aid Commission (or SA's Legal Services Commission) providing free or low-cost legal advice, representation, and information including about Wills, Enduring Powers of Attorney and Advance Care Directives.

- **Australian Capital Territory (ACT) Legal Aid ACT** <https://www.legalaidact.org.au/> Phone: (02) 6243 3411

- New South Wales (NSW): <https://www.legalaid.nsw.gov.au/> Phone: 1300 888 529
- Northern Territory (NT) <https://www.legalaid.nt.gov.au/> Phone: 1800 019 343
- Queensland (QLD): <https://www.legalaid.qld.gov.au/> Phone: 1300 651 188
- South Australia (SA): <https://www.lsc.sa.gov.au/> Phone: 1300 366 424
- Tasmania (TAS) <https://www.legalaid.tas.gov.au/> Phone: 1300 366 611
- Victoria (VIC): <https://www.legalaid.vic.gov.au/> Phone: 1300 792 387
- Western Australia (WA) <https://www.legalaid.wa.gov.au/> Phone: 1300 650 579

## Palliative Care Services

The National body (e.g. Palliative Care Australia) focus on policy, advocacy, and resources. State organisations provide local navigation, education, and sector coordination.

- Palliative Care Australia <https://palliativecare.org.au/> Phone: (02) 6232 0700. Email: [pca@palliativecare.org.au](mailto:pca@palliativecare.org.au)
- Palliative Care ACT <https://www.pallcareact.org.au/> Phone: (02) 6255 5771
- Palliative Care NSW <https://palliativecarensw.org.au/> Phone: (02) 8076 5600
- Palliative Care Northern Territory <https://palliativecarent.org.au/> Phone: (08) 8920 8400
- Palliative Care Queensland <https://pcq.org.au/> Phone: (07) 3842 3242
- Palliative Care South Australia <https://palliativecaresa.org.au/> Phone: (08) 8271 1643
- Palliative Care Tasmania <https://pct.org.au/> Phone: (03) 6231 1111
- Palliative Care Victoria <https://pallcarevic.asn.au/> Phone: (03) 9662 9644
- Palliative Care Western Australia <https://palliativecarewa.asn.au/> Phone: (08) 9222 2300

## **OTHER**

**Cognitive Decline Partnership Centre (CDPC): Advance Care Planning and Dementia** gives guidance on assuming capacity, supporting SDMs, and tailoring ACP for dementia.

**National Compassionate Communities** <https://compassionatecommunities.au> official national site for building and supporting Compassionate Communities (end-of-life care, caregiving, dying, grief, and community support networks).

*Disclaimer: This document provides general information only and does not constitute legal advice. Developed as a Sector Support and Development initiative, under the Australian Government Department of Health, Disability and Ageing, to support providers across Australia delivering CHSP. This document is developed by the City of Onkaparinga, the Grampians Sector Development Team, the Hills Positive Ageing Project and the Southern Services Reform Group it does not necessarily represent the views or policies of the Australian Government.*

For additional free resources, the Exploring Diversity & Wellness Toolkit offers guidance and reflective activities to support diversity, inclusion, wellness, and reablement. Developed by the Grampians Sector Development Team, it includes practical tools and case studies to support culturally responsive practice. [www.csdgrampians.org.au/exploring-diversity-and-wellness](http://www.csdgrampians.org.au/exploring-diversity-and-wellness)