

Dignity, Respect, Choice: Planning for the final chapter

Webinar Q & A

COTA NSW has a useful fact sheet about [Advance Care Planning](#).

It is great to have legal advice and input, but, frankly, a lot of people cannot afford it. What about DIY Guardianship, POA?

Yes, going to a lawyer can be expensive and if you do not have the means you can use DIY kits. However, these are not recommended if your will is complex – for example blended families or self-managed super funds.

Another alternative is free will days run by organisations such as the Salvation Army or Wesley Mission. You would need to contact them directly to find out when the next days and locations would be.

Choice has [reviewed a number of will kits](#).

Does a person have to have an Advance Care Directive before Enduring Guardians can make a direction?

My mother was diagnosed with Alzheimer's in 2001 and has been in care since August 2009. She appointed my brothers and me as her Joint Enduring Guardians in 2005 but did not prepare an Advance Care Directive.

We were not able to direct that she not be spoon-fed when she eventually lost the ability to feed herself, even though she had told all of us decades ago that she didn't want to be kept alive if she ever got dementia.

There are limitations to what an Enduring Guardian can do.

The Planning Ahead website has useful information on the [scope of Enduring Guardianship powers](#).

An Advance Care Directive can be much more detailed and prescriptive based on different medical scenarios.

Do we know how many older Australians have died from COVID-19 because their Advance Care Directive said not to be put on a ventilator etc?

That information is not available currently.

I came to Australia to work in my 60s and am now retired, living in Sydney. I have a son in Sydney and have all the legal documents you mention. I have UK bank account for my UK pensions. Do I need a separate UK will to deal with this, or can my executor son in Sydney deal with this under EPOA?

Generally, an [Enduring Power of Attorney made overseas can be used in NSW](#).

However, to determine whether the reverse is true it would be suggested that legal advice is necessary, as this is more a complex situation.

What do people do if they don't have any next of kin?

As mentioned by Paul during the webinar, [this flowchart](#) on the COTA NSW website explains the process of determining a responsible person.

Will my NSW EPA and POA apply if I move to Victoria?

[This document](#) outlines the comparative powers of planning documents with different states.

I am a member of compassionate communities and we are interested in promoting our voluntary organisation.

The Compassionate Communities Network aims to promote and integrate social approaches to dying, death and bereavement in the everyday life of individuals and communities. You can find out more on their [website](#).

Are there other programs that have been funded by government when Legal Pathways was defunded?

Not that we are away of, unfortunately.

We are currently discussing options for further funding with the Minister for Seniors, the Hon Geoff Lee. You might consider writing to your MP to urge the refunding of the program.

What are the health issues to consider when drawing up an Advance Care Directive?

This needs to be discussed with your doctor. Information relating to ADC's can be found on various websites, including [NSW Health](#), [Advance Care Planning](#), the [Central Coast Local Health District](#) and the NSW Government [Planning Ahead Tools](#).

Is Advance Care Directive a written document?

Yes, see the links in the question above.

What happens when a piece of paper with an advance care plan gets lost?

Advance Care Directives can now be uploaded to your [My Health Record](#). It is also a good idea to file with your other planning ahead documents, and let your family, enduring guardian and solicitor know where they are kept.

The Trustee and Guardian have a [Will Safe](#) service. You can deposit all of your planning ahead documents for a one-off fee.

Is this launch being recorded so we can share with family & friends?

Yes, it has been recorded and will be made available on the [COTA NSW YouTube](#) channel.