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ENDURING GUARDIANSHIP

AN INTRODUCTION

An Appointment of Enduring Guardian is a document that appoints and authorises a person, the guardian, to act on behalf of another person, the donor. The enduring guardian is appointed to make personal and lifestyle decisions on behalf of the donor should the donor lose the capacity to make those decisions themselves. The decision-making areas (called "functions") are:

- Where you live.
- What health care you receive.
- What services you should have.
- To give or withhold consent to medical and dental treatment on behalf of the donor.

This does not mean that the donor has to give the enduring guardian all of these functions. The donor can delete any function that they do not wish to give to the enduring guardian. They can also add other functions if they wish.

It is also possible to give directions about how to exercise the particular function, for example to continue to receive medical services from your current general practitioner.

The appointment of your enduring guardian takes effect only if you lose the capacity to make your own personal or lifestyle decisions.

The aim of the enduring guardian is to consider your thoughts and opinions, the views of professionals and other people important in your life, to take into account the circumstances and then make decisions on your behalf. If you are over 18 and have the necessary legal capacity then you can appoint an enduring guardian. You must be able to understand the nature and effect of the documents you are signing. You can revoke the appointment and make another appointment at any time, provided you continue to have capacity.

When deciding upon a guardian, it cannot be someone who is involved in a professional or administrative way in providing medical treatment to you, such as your doctor, community nurse, etc. You must consider whether or not the person would be willing to take on the role, their availability and their age and health.

You can also appoint more than one enduring guardian if you wish. However, you generally should limit possible conflict between the guardians if you appoint more than one.

You cannot appoint your enduring guardian to make any decisions that are contrary to the law. For example, euthanasia is illegal in all states and territories of Australia.

Enduring guardianship ends when you die. It may also end if it is revoked by the person who made the appointment, the Guardianship Tribunal or the Supreme Court.

Principal: **Greg Martin**
BA LLB

Martin Bullock Lawyers provides Appointments of Enduring Guardianship to their clients very quickly and at reasonable rates. We recommend a guardian be appointed if you have any fears that you will not be able to make your own lifestyle decisions because of accident, illness or mental capacity.