

## What is an Appointment of Medical Treatment Decision Maker?

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- An Appointment of Medical Treatment Decision Maker enables a person to legally authorise another person to make medical treatment decisions on their behalf when they can no longer make those decisions (be it due to illness or injury). This person is termed a 'Medical Treatment Decision Maker'.
- In Victoria, the Appointment of Medical Treatment Decision Maker regime replaces Medical Enduring Powers of Attorney.
- An appointment of a Medical Enduring Power of Attorney made before 12 March 2018 remains valid; however, any new appointment is required to be compliant with the new legislation.

## When can the document be relied on?

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- The document only becomes operative when the person who made the appointment (the Appointor) no longer has decision making capacity to make their own medical treatment decisions.
- For instance, if the Appointor were to be in an accident and lose capacity for a period of time, the Medical Treatment Decision Maker would then be authorised to step in and make medical treatment decisions for the Appointor. If the Appointor later on regains capacity to make medical treatment decisions then the Medical Treatment Decision Maker no longer has authority to make medical treatment decisions on behalf of the Appointor.

## What are medical treatment decisions?

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- A medical treatment decision relates to a decision to either consent to or refuse medical treatment.
- This could be for treatment of an injury, an operation, dental treatment and/or treatment for mental illness.

## Who is a person's Medical Treatment Decision Maker?

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- There is a decision maker hierarchy for a person who no longer has capacity to make medical treatment decisions. It can be summarised as follow:
  1. The person appointed in a validly executed Appointment of Medical Treatment Decision Maker document;
  2. A guardian appointed by VCAT;
  3. The first of the following who is in a close and continuing relationship with the person:
    - a. spouse or domestic partner of the person;
    - b. the primary carer of the person;

- c. an adult child of the person;
- d. a parent of the person;
- e. an adult sibling of the person

## How are decisions made?

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- It is for the Medical Treatment Decision Maker to make a decision that they believe the person would have made if they had capacity.
- The Medical Treatment Decision Make must consider any values directive and/or any relevant preferences the person may have expressed in the decision making process.
- It is important that the person consults with their Medical Treatment Decision Maker to convey their wishes and values so that, if required, they can make an informed decision as to treatment.

## Have any questions?

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We are more than happy to assist regarding any of the above matters.

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