

**Contact
OPA**



Office of the
Public Advocate

Role of the Medical Support Person

 Office of the
Public Advocate

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Everyone with decision-making capacity has the right to make their own medical treatment decisions, and to receive the support they require to do so.

A person has decision-making capacity to make a particular decision if they can:

- understand the relevant information
- retain that information to make their decision
- use or weigh the information
- communicate their decision in some way, including by speech, gestures or other means.

The law says if a person is able to make a decision with support, then they have decision-making capacity for the decision.

Support may include:

- additional time to make the decision
- someone who helps them by discussing the decision
- someone to assist them to communicate the decision
- technology that assists them
- information explained in an appropriate way, using modified language or visual aids.

Appointing a support person

In Victoria, a person, including a child who has decision-making capacity, can appoint another person as their support person.

This appointment, made under the *Medical Treatment Planning and Decisions Act 2016*, gives your support person the legal authority to access your health information to help you make a decision.

Role of the support person

The role of the support person is to help you:

- make
- communicate, and
- act on your medical treatment decisions, when you want this support.

Your support person also represents your interests in relation to medical treatment, even if you do not have the decision-making capacity to make these decisions yourself.

However, your medical support person cannot make medical treatment decisions for you, unless they are also your medical treatment decision maker.

More information about supported decision making and the form to appoint a support person is available on the OPA website.