## **PRESENTERS**



## Jane Goodwin, Canterbury Initiative Advance Care Planning Facilitator, Christchurch Hospital

Jane, BN (1st Class Hons), MHealSc, is a registered nurse who has been in the role of Advance Care Planning (ACP) Facilitator in Waitaha/Canterbury since 2013. She has a strong involvement with ACP nationally: chairing the national ACP Steering Group; working as an L3 advanced communication trainer and L4 national advanced communication train-the-trainer with the ACP programme; and contracted to the Health Quality and Safety Commission (HQSC) as the National ACP Implementation Consultant. More recently Jane has been working with The HQSC to introduce the Serious Illness Conversation Guide (SICG) to Aotearoa.



## Nick Laing, Duncan Cotterill, Nelson

Nick specialises in litigation and dispute resolution with a particular focus on the health sector. His areas of practice include insurance matters, health and safety, medico-legal matters, professional indemnity, commercial and business disputes. Nick's experience includes matters relating to health practitioner discipline and negligence claims (including the Coroner, Health and Disability Commissioner, Privacy Commissioner and Ombudsmen), duty of care, patient consent, privacy and treatment issues. He recently completed a Masters in Law specialising in health law. Nick regularly advises health providers, DHBs, and primary health organisations on a wide range of medico-legal matters, including in relation to Advance Care Planning.



## **CONTENTS**

1.	INTRODUCTION	1
	WHAT ADVANCE CARE PLANNING (ACP) IS WHO IS ACP FOR? WHY IS ACP IMPORTANT?	2 2
	WHY ACP IS RELEVANT TO LAWYERS AND LEGAL PROFESSIONALS	
2.	RELEVANT LEGAL FRAMEWORKS FOR ACP	5
	INTERNATIONAL LAW	5
	DOMESTIC LAW	
	ADVANCE DIRECTIVES	6
3.	ADVANCE DIRECTIVES – IN ACCORDANCE WITH THE COMMON LAW	9
	CAPACITY TO MAKE A DECISION	9
	1. Comprehending and retaining information	10
	2. Belief in the information	
	3. Weigh in the balance and arrive at a choice	
	INTENDED TO APPLY TO THE CIRCUMSTANCES.  FREE OF THE UNDUE INFLUENCE OF OTHERS.	
	VALIDITY	
4.	ACP AND ITS INTERPLAY WITH "LIVING WILLS" AND ENDURING POWERS	13
+.	OF ATTORNEY	15
	LIVING WILLS	15
	ENDURING POWERS OF ATTORNEY	
	WHAT IF YOU HAVE CONCERNS ABOUT A CLIENT'S CAPACITY?	16
5.	WHERE TO DIRECT YOUR CLIENT FOR MORE INFORMATION ABOUT ACP?	19
	QUALITY OVERSIGHT	19
	OPPORTUNITIES FOR LAWYERS AND LEGAL PROFESSIONALS TO INCORPORATE ACP INTO THEIR	
	PRACTICE	20
6.	APPENDIX 1: MY ADVANCE CARE PLAN & GUIDE	21