



**Australian  
Nursing &  
Midwifery  
Federation**  
Tasmania

# SUBMISSION: ADVANCED CARE DIRECTIVES BILL 2020

**AUSTRALIAN NURSING AND MIDWIFERY FEDERATION TASMANIAN BRANCH**

**PREPARED: 16 OCTOBER 2020**



## AUSTRALIAN NURSING AND MIDWIFERY FEDERATION TASMANIAN BRANCH

### Organisation Overview

The Australian Nursing and Midwifery Federation (ANMF) is both the largest nursing and midwifery union and the largest professional body for the nursing and midwifery teams in Tasmania. We operate as the State Branch of the federally registered Australian Nursing and Midwifery Federation. The Tasmanian Branch represents around 8000 members and in total the ANMF across Australia represents over 250,000 nurses, midwives and care staff. ANMF members are employed in a wide range of workplaces (private and public, urban and remote) such as health and community services, aged care facilities, universities, the armed forces, statutory authorities, local government, offshore territories and more.

The core business of the ANMF is the industrial and professional representation of nurses, midwives and the broader nursing team, through the activities of a national office and branches in every state and territory. The role of the ANMF is to provide a high standard of leadership, industrial, educational and professional representation and service to members. This includes concentrating on topics such as education, policy and practice, industrial issues such as wages and professional matters and broader issues which affect health such as policy, funding and care delivery. ANMF also actively advocates for the community where decisions and policy is perceived to be detrimental to good, safe patient care.

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The Australian Nursing and Midwifery Federation Tasmanian Branch (ANMF) welcome the opportunity to provide a response to the public consultation on the Advanced Care Directives Bill 2020 (the Bill). The need for every individual to have the opportunity to participate in decisions regarding their care and treatment throughout and at the end of their life is one that the ANMF and its members respect and value. The ANMF have chosen not to address the specific elements of the Bill due to broad support of the Bill and the associated changes to the *Guardian and Administration Act 1995*.

The ANMF broadly have supported the inception of Advanced Care Directives into the varied clinical practice environments that ANMF members work. However, since their introduction, there has been overwhelming feedback from ANMF members that the use of Advanced Care Directives is sporadic, there is often confusion when they are presented by a patient or their loved ones at the point of care and there have been times when the Advanced Care Directives are not followed at all.

ANMF members working in the residential Aged Care sector generally see more consistent use of Advanced Care Directives and upholding of residents wishes. Often, these Advanced Care Directives are completed at the time or just prior to entering into residential aged care and therefore they have been completed in a methodical manner and involved transparent communication between all key family members and those involved in care delivery. However, there have also been reports from members where residents' wishes are not adhered to, particularly when the resident is transferred to the acute care setting.

Many ANMF members in the Acute Care setting have raised concerns about the ability to uphold the wishes of the patients contained in an Advanced Care Directive in the Acute Care setting. The instances that members have raised include confusion about the legal standing, the ramifications if treatment isn't initiated as the clinical situation doesn't neatly fit into the wishes outlined in the Advanced Care Directive and also blatant disregard. There was one instance shared by a member who faced disciplinary action for refusing to initiate treatment on a patient due to that member's belief that to do so would be directly violating the patient's wishes in the Advanced Care Directive.

It is therefore due to these concerns and the cumbersome process currently in place where a person is required to make a legally binding Advanced Care Directive under common law along with the additional process to appoint a person responsible or enduring guardian that the ANMF are broadly supportive of the Advanced Care Directive Bill 2020 and the associated change required to the *Guardian and Administration Act 1995*.

Document Information	
Owner	Developed by the Australian Nursing and Midwifery Federation Tasmanian Branch
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