

# Enduring Power of Attorney / Advance Care Planning NZNO Library Resource Guide



The New Zealand Nurses Organisation library is often asked by members for information on responsibilities around Enduring Power of Attorneys. This list is a selection of resources that can be provided by the NZNO library, or located via the internet.

## **Advance care planning: A guide for the New Zealand health care workforce Ministry of Health, 2 August 2011**

The document is endorsed by the National Advance Care Planning Cooperative, the Ministry of Health's Palliative Care Advisory Group and the Palliative Care Council of New Zealand. The document is also endorsed by Age Concern New Zealand and GreyPower New Zealand. Advance care planning is a process of discussion and shared planning for future health care.  
<https://www.health.govt.nz/publication/advance-care-planning-guide-new-zealand-health-care-workforce>

## **Advance care planning Health Navigator New Zealand, 6 July 2020**

Advance care planning involves thinking and talking about what is important to you as you age, including your goals, values and preferences. If you wish, this can include creating an advance care plan as a way to record your wishes in terms of current and future medical care.  
<https://www.healthnavigator.org.nz/health-a-z/a/advance-care-planning/>

## **Aotearoa serious illness conversation guide HQSC, 6 Mar 2020 | [Advance Care Planning](#)**

This guide forms part of the Commission's serious illness conversation programme, supported by district health boards. The guide is a set of structured questions to help clinicians who do not come from a palliative care background, have conversations with seriously ill people and their whānau about what is most important to them if time were limited and/or their functional abilities were to change.  
<https://www.hqsc.govt.nz/our-programmes/advance-care-planning/publications-and-resources/publication/3950/>

## **The court & enduring power of attorney (EPA) Ministry of Justice, 24 April 2020**

An enduring power of attorney (EPA) is a legal document which sets out who can take care of your personal or financial matters if you can't. That person is called your attorney. You can set up an enduring power of attorney through a lawyer or trustee corporation.  
<https://www.justice.govt.nz/family/powers-to-make-decisions/the-court-and-enduring-power-of-attorney-epa/>

### **Enduring power of attorney**

**New Zealand Law Society, 30 January 2015**

Establishing an Enduring Power of Attorney (EPA) can be a complex area for legal professionals and clients alike. In New Zealand, Part 9 of the Protection of Personal and Property Rights Act 1988 (PPPR Act) sets out the law for EPAs. Under an EPA a person (the donor), gives another person<sup>1</sup> (an attorney) the power to act in relation to their personal care and welfare, their property affairs, or both.

<https://www.lawsociety.org.nz/lawtalk/lawtalk-archives/issue-857/enduring-power-of-attorney>

### **Enduring Power of Attorney: Protect your future**

**Ministry of Social Development**

Life can be fragile and you never know when the ability to make your own decisions could be taken from you through sickness or injury. Having an Enduring Power of Attorney (EPA) means you can have peace of mind that you have decided, ahead of time, who you trust to make decisions for you if you can't decide for yourself.

<http://superseniors.msd.govt.nz/finance-planning/enduring-power-of-attorney/>

### **Enduring Powers of Attorney**

**Richard Allen**

**Buddle Findlay, 1 September 2017**

The Enduring Power of Attorney (EPA) regime was introduced by the Protection of Personal and Property Rights Act 1988 (the Act) and provided for powers of attorney that continue notwithstanding the loss of mental capacity of the person granting the power (the donor), whereas powers of attorney previously came to an end as they required the continued mental capacity of the donor.

<https://www.buddlefindlay.com/insights/enduring-powers-of-attorney/>

### **Enduring Powers of Attorney: What you should consider**

**Eldernet, 12 June 2019**

With advances in medicine resulting in people living generally longer, there is a greater need for robust procedures to be in place to protect us as we age. Loss of capacity brought on by illness, especially in old age, is not at all uncommon and Enduring Powers of Attorney are a key safeguard to protect our wishes in relation to our care and property. There are two types of Enduring Powers of Attorney: one in relation to personal care and welfare, and one in relation to property.

<https://www.eldernet.co.nz/gazette/enduring-powers-of-attorney-what-you-should-consider/>

### **Ethical challenges in advance care planning**

**National Ethics Advisory Committee, June 2014**

NEAC's advice aims to provide practical assistance to help ensure good outcomes for consumers and health professionals from the advance care planning process.

<https://neac.health.govt.nz/publications-and-resources/neac-publications/ethical-challenges-advance-care-planning>

### **Informed consent: Helping patients make informed decisions about their care**

**Medical Council of New Zealand, September 2019**

The patient has the right to make an informed choice about their care and, in most instances, must give permission to proceed with treatment. That permission is called informed consent. It is an interactive process between the doctor, the patient and sometimes those close to the patient, such as their family or whanau.

<https://www.mcnz.org.nz/assets/standards/79e1482703/Statement-on-informed-consent.pdf>

## **New Zealand Legislation: Protection of Personal and Property Rights Act 1988**

### **Part 9: Enduring powers of attorney**

#### **93A Purpose of this Part**

<http://www.legislation.govt.nz/act/public/1988/0004/64.0/DLM127554.html>

#### **Policy brief: Advanced care planning**

##### **The Royal New Zealand College of General Practitioner (RNZCGP), September 2017**

Advance Care Planning (ACP) is an ongoing conversation patients have with their friends, whānau and health care team about what they would want for their end-of-life care. It is important that GPs have the skills and resources to undertake these conversations effectively and with empathy.

<https://rnzcgp.org.nz/gpdocs/New-website/Publications/Policy/PB10-2017-Sep-Advanced-Care-Planning.pdf>

#### **What is an Enduring Power Of Attorney (EPA)?**

##### **Trustees Executors Ltd**

Who will be able to make important decisions about your affairs if you are unable to? Protecting yourself also helps to protect your family; appointing an attorney under an EPA may be just as important as your will. An Enduring Power of Attorney (EPA) is a power of attorney created under a New Zealand Act of Parliament. Unlike standard power of attorney, an EPA will remain legally effective should you later lose your capacity.

<https://www.trustees.co.nz/PrivateWealth/FamilyEstatePlanning/EnduringPowersofAttorney>

#### **What is “power of attorney”?**

##### **Consumer New Zealand**

Power of attorney is an authority by which one person (the “donor”) gives authority to someone else (the “attorney”) to act in their name. If you lose the capacity to handle your own affairs, you’ll need someone to do it on your behalf. But you need to arrange this ahead of time. We explain what a power of attorney is, how you set it up, what to look out for, and what your obligations are if you become an attorney for someone else.

<https://www.consumer.org.nz/articles/power-of-attorney>

#### **Why you need an Enduring Power of Attorney**

##### **Age Concern New Zealand**

Are you confident other people will know how to look after you and your property if you become unable to do so yourself, such as through accident, illness or incapacity?

There may come a time when you become unable to make or communicate decisions yourself. Therefore, it is crucial that someone you trust knows how you want your life and property handled.

[https://www.ageconcern.org.nz/ACNZ\\_Public/Enduring\\_Power\\_of\\_Attorney.aspx](https://www.ageconcern.org.nz/ACNZ_Public/Enduring_Power_of_Attorney.aspx)

## **Journal Articles**

#### **How Enduring Power of Attorney can go wrong**

By Donna Chisholm

*North and South*, Apr 9, 2019

you’ve given Enduring Power of Attorney (EPA) to someone who can make decisions for you when you no longer can, and signed an [advance care plan](#) outlining the sort of treatment you want near the end of your life. Although new rules were introduced in 2017, giving more detailed explanations – and ostensibly more protection – to people appointing an EPA, and to the “attorneys” themselves, legal experts say the changes, although well-intentioned, have made the process more complicated.

<https://www.noted.co.nz/health/health-health/how-enduring-power-of-attorney-can-go-wrong-new-zealand>

**Prevalence of enduring power of attorney and barriers towards it in community geriatric population in Counties Manukau Health**

So-Jung Park, Heather Astell

*NZMJ*, 7 April 2017, 130(1453), 35-45.

Enduring power of attorney (EPA) is a simple and easy-to-set-up legal document which protects the wishes of the donor, as well as preventing significant psychological and social cost for the patient and their family when long-term residential care needs to be arranged due to the patients increasing care requirements. This study aims to identify the barriers in obtaining an EPA in this population.

<https://www.nzma.org.nz/journal-articles/prevalence-of-enduring-power-of-attorney-and-barriers-towards-it-in-community-geriatric-population-in-counties-manukau-health>

**Protecting patients with diminished competence**

Lorraine Ritchie and Anne O'Brien

*Kai Tiaki Nursing New Zealand*, April 2015, 21(3), 42-43.

Nurses often care for patients where a family member has an enduring power of attorney. Ensuring such patients are involved in decisions affecting their well-being is an important role.

**Book**

**Keenan, R (Ed.). (2016). Health care and the law (5th edition). Thomson Reuters New Zealand Ltd, Wellington; NZ**

Health care and the law is recognised as one of the leading texts setting out basic principles of the law relating to health care.

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NZNO Library

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**Website:** [https://www.nzno.org.nz/resources/library/resource\\_lists](https://www.nzno.org.nz/resources/library/resource_lists)