



Talkin' about **LAW**

An Aboriginal and Torres Strait Islander Legal Service (QLD) project

LOOKING AFTER YA RIGHTS IN SICKNESS

Heart disease, cancer, kidney disease and diabetes are all too common in Aboriginal and Torres Strait Islander communities. For some of our mob that means ongoing health care to manage the disease or worse, early death.

If you're about to undergo medical treatment or any form of health care, what plans have you made about your future health treatment if you lose the ability to speak for yourself?

You could make an "advance health directive". This is a legal document that states your wishes regarding your future health care for various medication conditions.

It only comes into affect if *you are unable to make your own decisions* regarding health care. For example, if you become seriously ill and unable to communicate, you have no legal way of making your wishes known about your health care.

Anyone over 18 years of age can make an advance health directive as long as they are capable of understanding the nature of their wishes and its impact.

You should make a health directive now before any urgent health condition comes up or if you are likely to be admitted to hospital in the near future. Anyone with a chronic medical condition or disease that is likely to affect their ability to make decisions should also consider making a health directive.

The directive allows you to state things like a particular treatment you don't want, existing medical conditions, your doctor's details



or your religious, spiritual or cultural beliefs that may affect your health care.

You can also give specific instructions about withholding or withdrawing life-sustaining measures e.g. assisted ventilation, but only for certain medical conditions like a terminal illness where there is no known cure or possibility that you will recover.

It's important to talk to your doctor and family before taking out an advance health directive. It might also be useful to seek legal advice too. ***The Aboriginal and Torres Strait Islander Legal Service have lawyers who can help. Check the directory on the next page for your nearest office.***

If you have an advance health directive you should carry a card stating you have one, so medical staff can refer to the document if needed. You should also give copies of your advance health directive to your doctor, family or friends.

Remember your wishes as stated in an advance health directive are not final. You can change them at any time provided you still have the decision-making capacity to do so. It's a good idea to review your directive every two years or if your health changes dramatically.

Pictured is a sample of an advance health directive form (Form 4) which can be accessed from the Department of Justice and Attorney-General website

> About the project

Talkin' About Law is a community legal education project aimed at the Aboriginal and Torres Strait Islander community in Queensland.

Its purpose is to provide general legal advice on criminal and civil matters affecting Indigenous Queenslanders and promote the services provided by the Aboriginal and Torres Strait Islander Legal Service throughout the state.



Tracklist

1. Pedestrian road rules
2. What is a health directive?
3. How will a criminal record affect my future?
4. Smoke-free cars
5. What is QCAT?

PEDESTRIAN RULZ

Just like drivers of trucks, motorbikes and cars, pedestrians have to obey the rules of the road.

In Queensland there are specific laws for pedestrians under the Act, **Transport Operations (Road Use Management - Road Rules) Regulation 1999**.



Here are some important rules to remember:

- Always use a pedestrian crossing to cross a road if there is one available within 20 metres. If a crossing isn't available, cross the road by the shortest and safest route
- Only cross at pedestrian lights when the "little man" in the pedestrian light is green. If you're crossing with a green light and it starts flashing red, you must cross to the other side of the road or nearest traffic island designated for pedestrians, as quickly and safely as possible
- If you're on a scooter, skateboard, rollerblades or other types of wheeled recreational devices, you must give pedestrians right of way
- On separated paths, walk on the side of the path designated for pedestrians



Crossing against pedestrian lights is sometimes referred to as "jaywalking" and if you're caught committing this type of offence you may receive an on-the-spot fine up to a maximum of \$200 from the police. If you receive a fine take it seriously. An unpaid fine could result in further penalties for you and you could end up in court.

No more smoking in cars with kids

Did you know it is now against the law to smoke in cars carrying children under the age of 16 years in Queensland?

From January 1 2010, smoking in cars carrying children under the age of 16 years in Queensland is banned.

Police will be enforcing this law and anyone caught smoking in a vehicle where a child is present will be issued with an on-the-spot fine of \$200.00.

The levels of tobacco smoke in a vehicle can be very high. Young children involuntarily exposed to tobacco smoke in very confined environments such as cars, may have significantly increased health risks. A ban on smoking in all cars where children are present will protect young people, particularly those who are not in a strong position to object to an adult smoking in this environment.

The new ban on smoking in cars where children are present sends an additional, and vital, message about the impact of exposure to tobacco smoke on children and Queenslanders are encouraged not to smoke around children at all.

> Directory of Offices

Beenleigh (Regional Office)

Address Suite 118, 101A Main Street, Beenleigh 4207
Telephone (07) 3804 5033 Facsimile (07) 3804 5202

Palm Island (Satellite Office)

Address Lot 47, Cnr Main Street and Police Lane
Telephone (07) 4770 1222 Facsimile (07) 4770 1501

Charleville (Regional Office)

Address 51 Wills Street, Charleville 4470 (PO Box 51)
Telephone (07) 4654 1721 Facsimile (07) 4654 3182

Brisbane (Head Office)

Address 183 North Quay, Brisbane 4000
Telephone (07) 3025 3888 Facsimile (07) 3025 3800

Cairns (Regional Office)

Address 78 Spence Street, Cairns 4870
Telephone (07) 4046 6400 Facsimile (07) 4031 5397

Rockhampton (Regional Office)

Address 89 Bolsover Street, Rockhampton 4700
Telephone (07) 4927 5711 Facsimile (07) 4922 4487



Aboriginal & Torres Strait Islander
Legal Service (Qld) Ltd

Queensland-wide Freecall
1800 012 255



Produced by Brisbane Indigenous Media Association. To subscribe or to unsubscribe from Talkin' About Law, please contact (07) 3892 0100