WRITTEN CONSENT

People and organisations making submissions

Inquiry into the Guardianship and Management of Property Act 1991 (ACT)

I have read and understood the Participant Information about the Inquiry that is at the back of this booklet.

I have had any questions and concerns about the inquiry addressed to my satisfaction.

I understand that there are a number of ways I can participate in the Inquiry, including making a submission, having an interview or participating in a group discussion.

Completing the questions in this booklet and forwarding my answers to the Council is one way of making a written submission.

I wish to participate through making a written submission. YES ☐ NO ☐

Please mail the submission to:
Guardianship Submissions
ACT Law Reform Advisory Council
c/o ANU College of Law
ANU CANBERRA ACT 0200

Or please email submissions to:
lrac@anu.edu.au

When the ACT Law Reform Advisory Council reports the findings from the various possible forms of participation, I understand that much of it may not be personally attributed. However, where it is, I agree to be identified in the following way:

Full name YES ☐ NO ☐ __________________________ Name

Pseudonym YES ☐ NO ☐

Complete confidentiality YES ☐ NO ☐

Signature:……………………………………………. Date:…………………………
INTRODUCTION

The ACT Law Reform Advisory Council (LRAC) has been asked by the Attorney-General, Simon Corbell MLA, to look at current guardianship arrangements in the ACT. If you want to look at the full terms of reference, they are set out in Appendix 1 below.

To reach as many people as possible, we are using this booklet. There are spaces for you to write in your ideas. If there is not enough space near a question, there are some blank pages at the back, which you can use to tell us more. Use the question number so we know which question you are responding to.

There will be meetings and sessions where you can talk with us or you can fill out the booklet with someone you trust or an organisation who is working with you.

Anyone can use this booklet – professionals working with guardianship, like lawyers and doctors, as well as people subject to guardianship, existing guardians, their friends and family.

If you would like to make a submission using the booklet, please complete the ANU Ethics Committee form on the opposite page and send it in to us with your submission.

I look forward to hearing from you.

Professor Simon Rice, OAM

Chair ACT Law Reform Advisory Council

If you want to find out more about the work of LRAC on the Guardianship review, please go to our website at:


If you want to talk to someone about the Guardianship review, please:

> call the Council’s Executive Officer, Fiona Tito Wheatland on +61 2 6125 0812; or
> email the Council at lrac@anu.edu.au
1. YOUR EXPERIENCE OF GUARDIANSHIP IN THE ACT

The current law is called the Guardianship and Management of Property Act 1991. Under that law, guardianship is a way of helping adult people who can have difficulty making decisions for themselves.

A person’s ability to make decisions for themselves is called ‘legal capacity’. The guardianship law uses the term ‘protected person’ to describe someone with ‘impaired decision-making ability’. This impaired ability can be the result of the person having, for example, a disability, an injury or an illness.

Guardianship occurs when the ACT Civil and Administrative Tribunal (ACAT) decides that someone requires this protection. ACAT will then decide who would make decisions for the ‘protected person’. ACAT will often choose a family member or carer, but if no one else is available or suitable it could be another trustworthy person or the public advocate.

When the chosen person has wide responsibilities for making decisions for someone, they are called a ‘guardian’. When the person is appointed to make decisions in relation to money or property, the law calls them a ‘manager’. When someone is appointed to make health care decisions, they are called a ‘health attorney’.

These are all ‘substitute decision-makers’ – they make decisions about the protected person instead of the person making those decisions. The substitute decision-makers must comply with a set of decision-making principles under the Act. These principles aim to fulfil the wishes of the protected person to the greatest extent possible, without going against the protected person’s interests. They also aim to maximise the protected person’s independence, lifestyle and participation in the community, within the protective framework.

The principles mean that any person who is appointed as a substitute decision-maker under the ACT law must protect the interests of the protected person in any decision that they make for them. However, they must make decisions that are the least restrictive of the wishes of the protected person.
1. *Tell us about your experiences with the current Guardianship arrangements in the ACT: what has worked for you and/or what problems you have had with them?*
2. YOUR EXPERIENCE OF POWERS OF ATTORNEY

The guardianship law in the ACT is closely related to laws about ‘enduring powers of attorney’, made under the Powers of Attorney Act 2006.

A power of attorney is another form of substitute decision-making. It is a document, made by someone when their decision-making is not impaired, which appoints one or more people to make decisions for them if their decision-making ability becomes impaired in the future.

The person making the power of attorney is called the ‘principal’. The person appointed to be a future decision-maker is the attorney.

A power of attorney can cover financial and property decisions, personal care decisions such as where someone lives, and health care decisions. The attorney must make decisions in accordance with these principles:

- the person has a right to respect for their human dignity and worth as an individual
- the person has a right to be a valued member of society and to perform social roles
- the person should be encouraged and supported to live and participate in the general community
- the person’s need and wish for a reasonable quality of life is recognised and taken into account
- the person has a right to participate in decisions affecting them to the greatest extent possible, and
- the person has a right to access to family members and relatives, and to involve them in decision-making.

LRAC thinks that the experiences of people using powers of attorney may be useful in looking at the experiences of people using the guardianship legislation. It is also likely that any reform of the guardianship law will lead to changes in relation to powers of attorney.
2. *Tell us about your experiences relating to powers of attorney: what has worked for you and/or what problems have you had with them?*
3. PROPOSED NATIONAL DECISION-MAKING PRINCIPLES

On 13 December 2006, the United Nations (UN) adopted the Convention on the Rights of Persons with Disability, and Australia has been bound to comply with the Convention since August 2008. In the UN Convention, Article 12 states that

- people with disabilities have the right to ‘enjoy legal capacity on an equal basis with others in all aspects of life’
- countries who are bound by the UN Convention must ‘take appropriate measures to provide access to persons with disabilities to the support they may require in exercising their legal capacity’, and
- countries who are bound by the UN Convention must ensure that measures relating to the exercise of legal capacity:
  - respect a person’s rights, will and preferences;
  - are free of conflict of interest and undue influence
  - are proportional and tailored to the person’s circumstances
  - apply for as short a term as possible, and
  - are subject to regular, independent external review.

The Australian Law Reform Commission has examined the impact of the UN Convention on federal laws. The Commission's final report *Equality, Capacity and Disability in Commonwealth Laws*, and a summary of it, are available here:


The Australian Law Reform Commission recommends the approach of ‘supported decision-making’ the UN Convention, and that guardianship laws be consistent with four National Decision-Making Principles:

1. all adults have an equal right to make decisions that affect their lives and to have those decisions respected
2. people who require support in decision-making must be provided with access to the support necessary for them to make, communicate and participate in decisions that affect their lives
3. the will, preferences and rights of persons who may require decision-making support must direct decisions that affect their lives, and
4. there must be appropriate and effective safeguards for people who may require decision-making support, including to prevent abuse and undue influence.

The ACT is the first jurisdiction to consider implementing these National Decision-Making Principles.
3. What do you think about the National Decision-Making Principles proposed by the Australian Law Reform Commission? Are they the best way of designing a law that allows people to make decisions in a way consistent with the rights of people with disabilities under the UN Convention?
4. PROPOSED GUIDELINES FOR DECISION-MAKING SUPPORT

The Australian Law Reform Commission proposes Guidelines to help give effect to the four National Decision-making Principles. The first set of Guidelines helps give effect to the Principles that:

all adults have an equal right to make decisions that affect their lives and to have those decisions respected, and

people who require support in decision-making must be provided with access to the support necessary for them to make, communicate and participate in decisions that affect their lives.

General guidelines

a. persons who require decision-making support should be supported to participate in and contribute to all aspects of life.

b. persons who require decision-making support should be supported in making decisions.

c. the role of persons who provide decision-making support should be acknowledged and respected, including family members, carers and other people chosen to provide support.

d. persons who require decision-making support may choose not to be supported.

Guidelines for assessing support needs

In assessing what support is required, the following must be considered:

a. all adults must be presumed to have ability to make decisions that affect their lives.

b. a person must not be assumed to lack decision-making ability on the basis of having a disability.

c. a person's decision-making ability must be considered in the context of available supports.

d. a person's decision-making ability is to be assessed, not the outcome of the decision they want to make.

e. a person's decision-making ability will depend on the kind of decisions to be made.

f. a person's decision-making ability may evolve or fluctuate over time.
4. What you think about the Australian Law Reform Commission’s Guidelines for Decision-Making Support. Do you think they are useful? Is there anything else that should be there?
5. PROPOSED GUIDELINES FOR GIVING EFFECT TO WILL, PREFERENCES AND RIGHTS

The Australian Law Reform Commission proposes Guidelines to help give effect to each of the four National Decision-making Principles.

The second set of Guidelines helps give effect to the Principle that the will, preferences and rights of persons who may require decision-making support must direct decisions that affect their lives.

The Guidelines set out two tiers of decision-making support. The first is when a person is able to make a decision for themselves with the help of a ‘supporter’. The second is when a person is not able to make a decision for themselves even with support, and requires a ‘representative’ to make the decision for them.

Supported decision-making

a. In assisting a person who requires decision-making support to make decisions, a person chosen by them as supporter must:
   (i) support the person to express their will and preferences, and
   (ii) assist the person to develop their own decision-making ability.

b. In communicating their will and preferences, a person is entitled to:
   (i) communicate by any means that enable them to be understood, and
   (ii) have their cultural and linguistic circumstances recognised and respected.

Representative decision-making

When a representative is appointed to make decisions for a person who requires decision-making support:

a. The person’s will and preferences must be given effect.

b. When the person’s current will and preferences cannot be determined, the representative must give effect to what the person would likely want, based on all the information available, including by consulting with family members, carers and other significant people in the person’s life.

c. If it is not possible to determine what the person would likely want, the representative must act to promote and uphold the person’s human rights and act in the way that is least restrictive of those rights.

d. A representative may override the person’s will and preferences only where necessary to prevent harm.
5.1. What do you think about the Australian Law Reform Commission’s Guidelines for Giving Effect to Will, Preferences and Rights? Do you think they are useful? Is there anything else that should be there?
5.2. What evidence should a supporter be required to keep to show that they provided support to help the person make a decision? Should this vary with different types of decisions?

5.3. What evidence should a representative be required to keep about how they made a decision that gave effect to the person’s will, preferences and rights? Should this vary with different types of decisions?
5.4. *How will a representative work out what the person would likely want when the person is unconscious or otherwise unable to communicate their wishes and preferences?*

5.5. *What if the people consulted by a representative do not agree about what the person would want? Should a representative’s decision be able to be challenged – how and by whom?*
6. PROPOSED GUIDELINES FOR SAFEGUARDS

The Australian Law Reform Commission proposes Guidelines to help give effect to each of the four National Decision-making Principles.

The third set of Guidelines helps give effect to the Principle that there must be appropriate and effective safeguards for people who may require decision-making support, including to prevent abuse and undue influence.

General

Safeguards should ensure that interventions for persons who require decision-making support are:

a. the least restrictive of the person's human rights
b. subject to appeal, and
c. subject to regular, independent and impartial monitoring and review.

Support in decision-making

a. Support in decision-making must be free of conflict of interest and undue influence.
b. Any appointment of a representative decision-maker should be:
   (i) a last resort and not an alternative to appropriate support
   (ii) limited in scope, proportionate, and apply for the shortest time possible, and
   (iii) subject to review.
6. What you think about the Australian Law Reform Commission’s Guidelines for Safeguards. Do you think they are useful? Is there anything else that should be there?
7. OTHER APPROACHES FOR SUPPORTED DECISION-MAKING

There are ways of providing support for decision-making that do not rely on the law, and many options have been proposed. The names and exact nature of these options vary (such as mini-boards, or circles of friends or peers).

For example, in the ACT, Advocacy for Inclusion has outlined a range of possible approaches, such as:

- support networks
- single supporters
- co-decision-making agreements
- representation agreements, where someone nominates a trusted person to help with specific decisions at specific times.

Most options recognise that support may be needed at different stages and in different areas of a person's life, from recognising that a decision needs to be made, through gathering information, to making the decision and following it up.
7. *What suggestions do you have for ways of providing decision-making support?*
8. WHEN AND HOW TO GIVE SUPPORT FOR DECISION-MAKING

Changing from substitute decision-making to supported decision-making would involve a lot of changes for everybody involved. Everybody would have to think and work differently: people with disabilities, families, carers, advocacy organisations, and government and private organisations.

People who are used to relying on the existing guardianship arrangements would need to think and act differently when, for example, someone signs a contract or makes decisions about their money. One of the challenges would be to respect a person’s right to make their own decisions, even to make poor decisions.

There are, however, already many examples of people working with supported decision-making. Family members who are guardians often help a person to make their own decisions. Adult children acting as guardians for an elder parent talk through options for health and personal care with their parent to see what their preference is.

So, while a change to a supported decision-making legal framework would be a significant change in the law, it may not be too different for some families in practice.
8.1. *How can a person’s need for support be balanced with the person’s right to independent decision-making?*
8.2. *How can we know what level of support a person needs, and when they need it?*
9. Have you had any experience with supported decision-making? If so, tell us about what worked well and what didn’t.
10. STAGES IN SUPPORTED DECISION-MAKING

There have been a number of trials of supported decision-making in Australia and overseas. One result of an ACT trial was the production of a web-site to help people who require decision support and their families. The website, www.support-my-decision.org.au, was developed by the ACT Disability, Aged and Carer Advocacy Service (ADACAS).

Many of the trials of supported decision-making have involved people with intellectual disabilities becoming decision-makers. There have been fewer trials involving those who may need support because their decision-making ability is reduced by illness or frailty.

Often people with mental illness or older people have had the ability to make decisions without support, but they now need support. Their need for decision-making support may vary at different times.

The pilots suggest that several stages are necessary to help supported-decision-making work:

1. First, it is necessary to raise the awareness of people with disabilities who have not had much current decision-making experience (called potential decision-makers here), and those who share their lives that the person has a right to make decisions

2. Then, because making decisions is a learned skill, the next step is to help people to become ‘decision-ready’, by helping them understand decision ideas like options, risks, and to develop skills like how to approach a decision

3. A supporter needs to be identified from available supporters, who could be from a trusted group of friends, peers and family, or be a specific trusted person (including a family or paid carer) or an organisation

4. The supporter needs to work out the person’s wishes in relation to the decisions they want to be involved in and what sort of support is needed

5. The potential decision-maker and the supporter have to work out how to work together, so that the potential decision-maker’s own capacity to make independent decisions is improved

6. Finally, the decision is made and then carried out, with support as necessary to also monitor and review the decision and its impact.
10. *Trials of supported decision-making have identified stages in the process of supported decision-making.*

*Do you have any comment about how these stages might work in practice?*
11. ISSUES RAISED BY SUPPORTED DECISION-MAKING

The results of the trials of supported decision-making have generally been positive for the participants and their families. Some of the issues which have arisen include:

> supporters and representatives need training in their new roles, and to understand the fundamental differences between guardianship and supported decision-making

> family members fear that, if someone who needs support in making decisions can choose not to use support at any time and is making their own decisions, they will be exploited or ‘ripped off’ by unscrupulous people, sometimes posing as friends

> there is a risk from unsolicited marketing, for example, mobile phone companies and insurance companies, who call people at home and try to enrol them in contracts over the phone; if everyone is assumed to have legal capacity, how can people’s financial position be adequately safeguarded?

> it is not always obvious to someone that the person they are dealing with has memory or perception problems which can interfere with their ability to make decisions; how will someone know the person needs support in making a decision?

> people with disabilities need training to provide them with the skills necessary to make decisions, and sometimes the need to ‘practise’ in a safe way before becoming fully responsible for their own decision-making

> there is a risk of over-regulation of support processes which may put an added burden on the relationships between people with disabilities and their carer/family

> there is a lack of resources and time to assess the needs of someone for support in decision-making and then to provide adequate support.
11. Trials of supported decision-making have raised some issues about how supported decision-making works in practice, such as training and skills, risk of exploitation, timing of support, burdensome regulation, and lack of resources. Tell us what you think about these issues.
12. OTHER AREAS FOR REFORM

A change from substitute decision-making to supported decision-making has wide implications for the law, underpinned by a recognition of all people having a right to autonomy and a right to make their own decisions. This has implications for areas of law other than guardianship, such as:

- voting
- marriage and parenting
- capacity to be a witness, to be a juror and to take legal actions
- employment arrangements
- being a board member or holding official positions
- fitness to plead in criminal matters.
12. What areas of life do you think will be affected by such a commitment to a person’s autonomy, and right to make their own decisions, and what changes should be made to decision-making in these areas of life?
Thank you for telling us what you think!
This page is for you to tell us more information. If its relates to a specific question in the Booklet, just put the question number in this box.
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APPENDIX 1:

Terms of Reference for the Guardianship reference of the ACT Law Reform Advisory Council

The Law Reform Advisory Council is asked to inquire into the terms and operation of the Guardianship and Management of Property Act 1991, to ensure that the Act reflects best practice in guardianship law relating to adults. The review does not include consideration of guardianship of children which is primarily a parental responsibility.

In making any recommendations, the Council should have regard to the General Principles established in the United Nations Convention on the Rights of Persons with Disabilities focusing on the principle of respect for individual autonomy and dignity of persons, which is reflected in supported decision making frameworks.

The review will include consideration of:

1. The impact of the United Nations Convention on the Rights of Persons with Disabilities and other international human rights instruments, on principles for guardianship and management of property in the ACT;
2. The Act’s consistency with other relevant ACT legislation, in particular the Human Rights Act 2004, the Mental Health (Treatment and Care) Act 1994; the Powers of Attorney Act 2006 and the Disability Services Act 1991; and
3. Current policy trends in the area of guardianship and substitute decision-making in the ACT.

The Council will report to the Attorney General on its findings by 30 September 2015.
APPENDIX 2:

ANU Ethics Committee Participant Information

Researchers

This research is being conducted by the ACT Law Reform Advisory Council (the Council). The Council is a collaboration between the ACT Government and the ANU College of Law at the Australian National University (ANU). Because of this, it is considered ANU Research.

The Council’s role is to provide expert advice and recommendations to the Attorney-General on matters of legal policy. It carries out inquiries into issues referred to by the ACT Attorney-General.

The Council is chaired by Professor Simon Rice, Director for the Law Reform and Social Justice at the ANU College of Law, where the Council is based. The Principal Investigator for this Inquiry is Fiona Tito Wheatland, one of the Executive Officers of the Council. The other researchers for this Inquiry are Laura Sweeney and Christina Karolis.

Project Title

ACT Law Reform Advisory Council’s Inquiry into the Guardianship and Management of Property Act 1991 (ACT) (ACT Guardianship Act)

General Outline of the Project

Description and Methodology

The Council will be looking at whether the ACT Guardianship Act is consistent with the United Nation’s Convention on the Rights of People with Disabilities and other ACT laws relating to people with disabilities. The ACT Guardianship Act was created before the Convention and the other laws were put in place, and the Government wants to see whether the ACT Guardianship Act needs to be changed. The terms of reference for the inquiry were provided by the ACT Attorney General. These are set out in full on page 4 below.

Participants:

Any person or organisation interested in the Inquiry can participate. The Inquiry may be of most interest to people with experience of guardianship or with concerns about it. This could include:

> People with physical, mental or intellectual disabilities;
> People with impairments arising with age or illness;
> Carers and families who may have been guardians;
> Advocacy organisations for people with disabilities or carers;
> Legal and medical practitioners;
> Community sector agencies working with people subject to guardianship;
Organisations with a role in current guardianship arrangements; and
ACT and other government bodies and agencies.

Use of Data and Feedback

Information provided by you will help us write a report to the ACT Attorney General that is informed by the experiences and ideas of those with who know about the operation of the current guardianship system in the ACT. You may also provide comments and ideas on possible directions for change. The Report will include advice and recommendations on potential modifications to the Guardianship and Management of Property Act 1991. The Attorney General decides if the Report will be made public, and if so, it will be published on the Council’s website. At that point, only material included in the Report may be used for other publications eg explanatory articles, journal articles.

Participant Involvement

Voluntary Participation & Withdrawal: Participation in the Inquiry is entirely voluntary. Participation can be by written or phone submission, by group discussion or interview.

If you make a written submission, you will need to sign the submission consent form. If you make a phone submission, the recording of the submission will commence with a “consent to participate” message. If you decide not to participate after hearing the message, simply hang up.

If you participate in a group discussion, your consent will be sought to record the discussion. If you do not want to be recorded, you will not be able to participate in the group discussion but you can choose to have an interview or provide a submission. In the case of an interview, your consent will be sought to recording the interview. If you do not consent hand-written notes will be kept instead. You may also choose to leave a discussion or interview at any time and terminate your involvement.

If you participate in a group discussion, and you decide to leave, you can decide if you are happy to let us continue to use the information provided before your departure. If you want us to withdraw the information provided in the group, we will attempt to do so, but it may not be possible to identify the different speakers to do this.

You can decline to take part, or decide to withdraw your comments or submission. If you choose to withdraw within a month of the close of submission, your submission or interview record will be destroyed and not be used in the research. After that, the report of the Inquiry will be in final stages of preparation and, while reasonable efforts will be made to remove such material from the Report, this may not be possible.

What does participation in the research request of you? If you want to participate in the Inquiry, you are welcome to contribute in a number of ways, including having an interview, participating in a group discussion or making a submission. Information about interviews and group discussion will be posted on the Council’s website at


You can contact the Council in a number of ways:

by email to irac@anu.edu.au; or
by phone on (02) 6125 0812; or
by mail to: Submissions—Guardianship
ACT Law Reform Advisory Council
c/o ANU College of Law
The Australian National University
5 Fellows Road
Acton ACT 2601
Please don’t be daunted about the idea of making a submission – you can simply tell us about the good and bad experiences you have had with current Guardianship arrangements or any ideas you have that might improve them.

Location and Duration

The interviews and group discussions will be held between March and May 2015, and submissions will be accepted until the end of June 2015. If you decide to participate in an interview or small group discussion, it will take place in an accessible location agreed by the participants and the Council and should last no longer than 1.5 hours. Submissions can any length you want.

Risks

Even where you request the Council not identify you, there remains a small risk that others may be able to guess who has provided certain information due to the personal nature of the information or other identifying characteristics. Therefore, if you agree to participate in this reference you should be mindful of this risk.

If you decide to participate in a small group discussion, it is possible that others will disagree with your views or raise issues that you are not comfortable discussing. The researchers are experienced facilitators and will promote a culture of respect so that everybody has the opportunity to present their own views.

Another possible risk relates to confidentiality. While the Council requires participants in group discussions to maintain confidentiality of these, it cannot guarantee that this request will be respected. You can avoid these risks by instead participating in a one-on-one interview or making your own written or telephone submission, or by choosing not to participate at all.

Implications of Participation

If you choose to participate, you will get to have your say about a topic that may be important to you. Should you decide not to participate in the inquiry, there will no negative impact on you.

Confidentiality – submissions and interviews

When you make your submission or comments to the Council, you will be asked to complete a Consent Form. On that form you can agree to your submission or comments being published on the Council’s website and in the Council’s report with or without your full name. Submissions and comments published on the website will be available for any members of the public to view.

Alternatively, you can elect for your submission or comments and any personal details you have provided to remain confidential to the Council, so far as the law allows. In this case, your information will only be known to members of the Council and its Executive Officer. You also have the option of remaining anonymous by making a submission without any identifying information. This means that Council will not be able to identify you. If you make an anonymous submission your submission will not be published online or in the Council report. You will not be able to withdraw your submission at a later stage.

Confidentiality – Group discussions

If you participate in a group discussion, other group members will witness your contributions and it is possible that you will know other group members. As part of the consent process, the Council will request that focus group members maintain the confidentiality of group discussions and are respectful of other participants.
Data Storage

Any information we collect during the group discussion, interviews or submissions, which you have asked to be kept confidential, will be stored in a locked filing cabinet and/or stored securely on a computer. All submission, interviews, and records of group discussions will be kept for a minimum of five years at the ANU after publication of the Report or any article produced by the Council after that date. At the conclusion of the storage period, all data collected will be destroyed and will not be available for future research projects.

Queries and Concerns

Contact Details for More Information: If you have any questions about the research, please contact the Principal Investigator or the Chair of the Council:

Professor Simon Rice OAM
Chair
ACT Law Reform Advisory Council
c/o ANU College of Law
The Australian National University
5 Fellows Road
Acton ACT 2601
T +61 2 6125 7845
E irac@anu.edu.au

Fiona Tito Wheatland
Executive Officer - Guardianship
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5 Fellows Road
Acton ACT 2601
T +61 2 6125 0812
E fiona.tito-wheatland@anu.edu.au

Contact Details if in Distress:
In the unlikely event that your participation in this research causes you to feel distressed in any way, or raises concerns that you would like to talk to someone about, you can contact Lifeline’s 24 hour crisis line on 13 11 14.

Alternatively, if you are currently assisted by a support service, counsellor or case manager, you might like to talk with them.

If you are a carer and would like to talk to someone about any issues raised by this consultation relating to your role as a carer, you can contact the Carers ACT Advisory Service on 1800 242 636.
Ethics Committee Clearance

The ethical aspects of this research have been approved by the ANU Human Research Ethics Committee. If you have any concerns or complaints about how this research has been conducted, please contact:

Ethics Manager
The ANU Human Research Ethics Committee
The Australian National University
T +61 2 6125 3427
E Human.Ethics.Officer@anu.edu.au

Inquiry Terms of Reference

The ACT Attorney General, Simon Corbell MLA requested the ACT Law Reform Advisory Council to undertake an inquiry into the terms and operation of the Guardianship and Management of Property Act 1991 (ACT), to ensure that the Act reflects best practice in guardianship law relating to adults. The review does not include consideration of guardianship of children which is primarily a parental responsibility.

The Council will conduct the inquiry into this reference in accordance with the following terms of reference:

In making any recommendations, the Council should have regard to the General Principles established in the United Nations Convention on the Rights of Persons with Disabilities focusing on the principle of respect for individual autonomy and dignity of persons, which is reflected in supported decision making frameworks.

The review will include consideration of:

1. The impact of the United Nations Convention on the Rights of Persons with Disabilities and other international human rights instruments, on principles for guardianship and management of property in the ACT;
2. The Act’s consistency with other relevant ACT legislation, in particular the Human Rights Act 2004, the Mental Health (Treatment and Care) Act 1994; the Powers of Attorney Act 2006 and the Disability Services Act 1991; and
3. Current policy trends in the area of guardianship and substitute decision-making in the ACT.

The Council will report to the Attorney General on its findings by 30 September 2015.