
Interaction with health services - using the legislation

Public Trustee and Guardian
ACT Disability, Aged and
Carer Advocacy Service
(ADACAS)



What do we have?

Legislation
Narrative
Process



PUBLIC TRUSTEE
AND GUARDIAN



ADACAS
A D V O C A C Y

We've come some way.....

PTG

ACT Legislative Environment

- ❖ Duty of care
- ❖ Supported decision making
- ❖ Advance consent/health direction
 - ❖ EPoA
 - ❖ Health Attorney
 - ❖ Guardianship

- ❖ So what happens?
- ❖ Individual with disability requires procedure
- ❖ Information is made available in accessible format - plain language or easy read, with support of a trusted or familiar person/s, with time to consider and weigh the consequences
- ❖ Consent is provided through the primary carer/family member in the presence of the individual
- ❖ Procedure is denied because the authority of health attorney is not recognised

“After all the work we had done to explain, enable and support - all that effort they just wanted us to get a guardianship order to make it easier for the practitioner.”

Obstacles

- ❖ “Never heard of it”
- ❖ “How can we trust it?”
- ❖ “They don’t believe us”
- ❖ “An order for every procedure or “just in case”?”
- ❖ “The order should make it easier..” but for whom?

Re-stating the principles

- ❖ Principle 1 Every adult has the right to make decisions that affect their life and to have those decisions respected.
- ❖ Principle 2 Persons who may require support in decision-making must be provided with the support necessary for them to make, communicate and participate in decisions that affect their lives.
- ❖ Principle 3 The will, preferences and rights of persons who may require decision-making support must direct decisions that affect their lives.
- ❖ Principle 4 Decisions, arrangements and interventions for persons who may require decision-making support must respect their human rights.

What could we do?

Utilise the existing framework better
Embed a change in expectation,
administration and practise
Formulate a new process to inform
legislative reform

