

18/07/2019

Attention: AGAC Project

C/O Malcolm Schyvens

Guardianship division

NCAT

PO Box K1026

Haymarket NSW 1240

Dear Mr Schyvens,

Thank-you for the opportunity to participate in comment for the draft guidelines on the participation of the proposed represented person in guardianship and financial management hearings (draft guidelines). My comments in relation to this are as follows:

Guidelines 1

I recommend adding/considering: or a carer or person of trust.

Who would provide case management? Would this be the tribunal or from other agencies?

Guideline 2

Will the notification have -

- a) how long the pre-hearing is expected to take?
- b) how long the hearing is expected to take?

Guideline 3

I recommend adding a letter to be provided in translated language (non English) where appropriate

Guideline 5

I recommend adding/considering: Medical/biological symptoms/behaviours e.g. sundowners

I recommend adding/considering: Time to brief the interpreter in the persons context/situation.

Also consider cultural safety when organising an interpreter e.g. male/female, tribes within various countries of culturally and linguistic backgrounds (CALD) as this can impact on anxiety, stress and presentation of the person

Guideline 6

I recommend adding/considering: Braille, CD-audio, pictorial (on easy read guide)

Section 4.24 page 15 Consider –

Aboriginal and Torres Strait Islander (ATSI) and CALD friendly facts sheets to explain the process of self – application.

ATSI and CALD fact sheets providing a list of legal and other assistance

Section 4.24 page 15 Consider –

Following the prehearing if the case is not considered ‘unmeritorious’ will the hearing proceed following?

Section 4.28 page 16

1) Consider – (for example consider adding ‘sundowners’)

Guideline 7

I recommend adding/considering: Where possible tribunal hearings to be held on a ground floor and close to the access door (page 18)

I recommend adding/considering: Where possible the tribunal hearings to be held in rooms that are less judicial in presentation with window views where possible to minimise stress with confinement (as per draft guideline 13)

Guideline 10

5.4 page 18

I recommend that the consideration be given in relation to rural and remote areas where often only one tribunal member may preside over a large rural and/or remote region, which may skew the data collection of the rate of appointments of representatives

Guidelines 14

I recommend adding/considering: or a carer (in easy read page 11),

I recommend adding/considering: (in draft guidelines) carer, case manager or person of trust

Guideline 17

I recommend adding/considering: Waiting areas have disability friendly, CALD and ATSI friendly décor, where possible e.g. a painting that encompasses some or all of these elements or ATSI chair coverings

Guideline 19

Should read: and/or (in easy read page 7)

Guideline 21

I recommend adding/considering: remote and rural regions

Guideline 26

I recommend adding/considering: where possible a representing person from the Aboriginal and Torres Strait Islander (ATSI) (family member or a carer, case manager or person of trust) attend the guardianship and administrative hearings

Guideline 27

I recommend adding/considering: Cultural safety/competence training for all tribunal staff

Furthermore:

Section 3. 3.2 page 7

I recommend adding/considering: and Advanced Care Planning (ACP) documents.

6.16 page 29. This is a welcomed change

7.9 page 31. I agree however the hearing occurring in a hospital ward at times is a very useful and expedient way to include the patient that might otherwise be excluded e.g due to an absconding/wandering risk/sundowners

Thank-you for this opportunity to provide comment and I look forward to the outcome of the final guidelines.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Michelle Butler'.

Michelle Butler

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