

The Committee has asked me several questions on notice. My answers to these questions are set out below.

Q7, In my view, proactive investigative powers may be useful in certain instances, provided that there is appropriate oversight. Much will depend upon the circumstances of any given matter.

Q.8, In my view, mechanisms of assisted-decision-making should be at the forefront of the guardianship scheme. The proposal here has some merit, however, I would like to see a much greater emphasis on assisted decision-making. In particular, schemes of assisted-decision-making should be set up where friends and family members who assist with decision-making would be registered etc and where appropriate oversight operated.

Q10, I regard this type of program to be beneficial indeed. Persons of the same cultural and linguistic group as persons under substituted-decision-making orders are likely to better understand one another. However, without undue repetition, any mechanism of substituted-decision-making must be in accordance with article 12 of the United Nations Convention on the Rights of Persons with Disabilities.

Additional information regarding a question asked in evidence.

In all of the circumstances reiterated in the extract of the submission of the Public Guardian, her or his suggested amendment is an appropriate one. However, let me reiterate that the use of reasonable force to remove a person should only be used as a last resort. It is essential that such orders be immediately appealable and that there is strict judicial oversight.

Sincerely

Professor Ron McCallum AO

University of Sydney

Thursday 26 November 2009