

15 June 2016

Mr Paul McKnight
Executive Director
Justice Strategy and Policy
Department of Justice
GPO Box 31
SYDNEY NSW 2001



New South Wales Branch

By email: policy@justice.nsw.gov.au

Dear Mr McKnight

Re: Consultation on the repeal of the Guardianship Regulation 2010

Thank you for alerting the Royal Australian and New Zealand College of Psychiatrists (RANZCP) to the repeal of the above *Guardianship Regulation 2010* (NSW) (the Regulation) and for the invitation to respond to the proposed changes.

The RANZCP is the principal organisation representing the medical specialty of psychiatry in Australia and New Zealand and has responsibility for setting the training program, examining and providing access to Fellowship of the College to medical practitioners. The NSW Branch represents 1,500 NSW members of the 5,500 College members across Australia and New Zealand.

The NSW Branch has reviewed the set of changes, and has the following comments:

- Clause 4 - The NSW Branch supports changes to include overseas lawyers to enable NSW citizens or their proposed guardians who are overseas to have their enduring guardianship instruments witnessed appropriately. The NSW Branch also supports the inclusion of employees of the Office of the Public Guardian or the NSW Trustee and Guardian to be eligible witnesses once they have completed an approved course.
- Clause 8 – The NSW Branch supports the changes to Clause 8 to include legislation from the Northern Territory and to update the South Australian provisions. This will allow enduring guardians from all other states and territories to be recognised and eliminates the need to make another appointment under the NSW law when enduring guardians subsequently move to NSW.
- Clauses 10 and 11 – The NSW Branch notes that changes are to be made that provide for the declaration of particular treatments as major medical treatments and major dental treatments. In our reading, the impact of this change is not clear in the Regulatory Impact Statement (RIS), especially under what circumstances an application for consent is required from the Civil and Administrative Tribunal rather than from the person responsible. This needs to be made clearer.

We have reviewed the RIS and agree that the most effective course to update the administrative amendments is to remake the proposed Regulation, rather than allow the existing Regulation to lapse or address the matters dealt with in the proposed Regulation through the Act.

If you have any questions related to this response, please contact Penny Adams, NSW Branch Policy Officer on either penelope.adams@ranzcp.org or on (02) 9352 3604.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gary Galambos', written over a horizontal line.

Dr Gary Galambos
Chair, RANZCP NSW Branch Committee