

22nd June, 2005

Ms Diane Robinson  
President  
Guardianship Tribunal  
2A Rowntree Street  
Balmain 2041

Dear Ms Robinson

Thank you for providing the Mental Health Co-ordinating Council (MHCC) with the opportunity to contribute to the review of the draft of the Guardianship Regulation 2005.

MHCC is the state peak body for non-government organisations (NGOs) working for mental health throughout NSW. MHCC represents the views and interests of over 150 NGOs in the formation of policy and acts as a liaison between the government and non-government sectors. Our member organisations specialise in the provision of services and support for people with a disability due to mental illness.

MHCC considers that the existing provisions which relate to substitute consent for medical and dental treatment for people who are unable to give their own consent and the provisions relating to enduring guardians are clear and reasonable. The provisions consider the welfare and interests of people with a disability and help to protect them from abuse, exploitation and neglect.

MHCC notes that the Guardianship Tribunal supports the remaking of the provisions of the existing regulation and is not suggesting any changes. We further note that the Tribunal states that it has not had any issues raised or complaints made in relation to the existing Regulation and that the reason for reviewing and remaking the Regulation is that the Subordinate Legislation Act requires that all Regulations must be reviewed each 5 years.

We note that the Medical Superintendent and Mental Health Review Tribunal will continue to be able to provide substitute consent for people who are under the Mental Health Act and who are unable to provide their own consent for medical and dental treatment.

MHCC has received positive feedback from some of our member organisations in relation to the issues of substitute consent for medical and dental treatment and enduring guardianship under the Guardianship Regulation. It was felt that these parts of the Guardianship Act are working well and that change would be unnecessary and undesirable.



*Working For  
Mental Health*

*MHCC is the peak  
Body for mental health  
Organisations in NSW*

In view of all the above factors, MHCC supports the Guardianship Tribunal's intention to remake the provisions of the existing regulation.

Thank you for seeking our involvement in this important area. If you would like to discuss any of the issues surrounding this submission, please do not hesitate to contact Ann MacLochlainn [ann@mhcc.org.au](mailto:ann@mhcc.org.au) at MHCC on (02) 9 555 8388. MHCC would be happy to review further drafts.

Yours sincerely

Jenna Bateman  
Executive Officer  
Mental Health Coordinating Council

