



Submission No. 016

(Dementia)

Date: 25/04/2012

Dear Mr Georganas

My interest in this area is my professional experience as a lawyer practicing in elder law and seeing the dramatic increase in need. I am a member of the Elder & Succession Law Committee of the Law Society of Tasmania. but these comments are my own.

The problems of picking up and responding to dementia are well known.

There has been improvement in response to dementia and capacity issues more generally

Some valuable tools are already at hand , e.g. the NSW capacity checklist

The challenge is to increase broad distribution in the professions of the relevant knowledge and the tools and increase skill levels in use of the tools.

More investment is needed on practical training for lawyers and health professionals on dealing with capacity issues. perhaps workshop based.

I think the NSW capacity toolkit is a sufficient guide/ tool for its purpose. No further work of that nature is urgent.

Use of the capacity toolkit as a practice ready support tool needs support to .

1. assist and train lawyers so they and their office precedent systems are ready to use the capacity toolkit.
2. assist and educate health professional on the law , the role of lawyers and health professionals in matters of capacity and the use the capacity toolkit.

I recently held a workshop with some of my staff and a couple of aged care home managers and someone from Advocacy Tas on the issue of identifying and responding to dementia which highlighted the different responses, regulations and objectives of the several professions. E.g. my recent letter of advice to a capable but impaired client was withheld by the nursing home till the doctor was able to go through the letter of advice with the client. When would that be valid? What authority did the nursing home have to do so ?

I wish you success in this important work.

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