

## **Final Report**

Mission to Sydney and Melbourne, Australia

January 31 to February 12, 2006

---

### **Executive Summary:**

Mrs. Cindy Ady, MLA for Calgary Shaw, travelled to Sydney and Melbourne, Australia to meet with government officials and an Australian researcher about special purpose tribunals for appointing private guardians and trustees. Australia is considered a leading jurisdiction in guardianship and trusteeship tribunal systems. Australia has used this process for the past 17 years as the legal mechanism for appointing guardians and trustees.

Mrs. Ady observed tribunal hearings conducted by the Victorian Civil and Administrative Tribunal in Melbourne and the New South Wales Guardianship Tribunal in Sydney. Mrs. Ady was generally impressed with Australia's tribunal system for appointing guardians and trustees. At the hearings, she observed that the informal, client-centered and non-adversarial approach of tribunals provided a suitable legal environment for dependent adults.

Mrs. Ady traveled with her husband, Mr. Don Ady, who paid for his own expenses.

### **Mission Objectives:**

- To investigate and understand the role of special purpose tribunals in Australia and evaluate costs versus benefits compared to a court system.
- To meet with key staff from the Victoria Public Advocate Office, the Victorian Civil and Administrative Tribunal and the New South Wales Guardianship Tribunal to discuss the tribunal process for appointing guardians and trustees.
- To observe hearings conducted by the Victorian Civil and Administrative Tribunal and the New South Wales Guardianship Tribunal.

### **Outcomes:**

Melbourne, Australia

- Mrs. Ady met with Mr. Julian Gardner, Public Advocate for the State of Victoria, to discuss the role of the Office of the Public Advocate (Australia's equivalent to Alberta's Office of the Public Guardian) and the support it provides to the Victorian Civil and Administrative Tribunal.
- Mrs. Ady had the opportunity to review the Community Visitors program, a unique volunteer program under the auspices of the Office of the Public Advocate. Community visitors are independently appointed by the Governor of Victoria to assess whether the rights and needs of residents, primarily persons with disabilities and seniors, are being met and that appropriate quality standards are observed.

- Mrs. Ady met with Mr. John Billings, Deputy President of the Victorian Civil and Administrative Tribunal, to discuss Victoria's experience with tribunals and to observe hearings. They discussed the role of the Victorian Civil and Administrative Tribunal as a quick, easy and low-cost system to adjudicate on matters pertaining to guardianship and trusteeship. The hearings are conducted within a court setting presided over by one tribunalist in an environment that is intimate and not intimidating. Mrs. Ady noted that this approach was effective and efficient and that orders can be written at the end of the hearing.
- Mrs. Ady also had an opportunity to meet with staff from the Department of Human Services, which has responsibility for health and aged care services within the state of Victoria. Conversations with staff revolved primarily around the pressing issues impacting seniors and persons with disabilities, including those who lack capacity, and those living in long-term care and supportive living settings.

#### Sydney, Australia

- While in Sydney, Mrs. Ady met with Professor Terry Carney, University of Sydney Law Faculty, who has conducted extensive research on Australian tribunals. These discussions revolved around Australia's overall experience with tribunal systems, and advantages and disadvantages compared to court systems.
- Mrs. Ady met and attended hearings with Ms. Dianne Robinson, President of the New South Wales Guardianship Tribunal. Mrs. Ady noted that Guardianship Tribunal hearings are centered on the dependent adult. As well, the dependent adult and interested parties are involved as much as possible in the process. Mrs. Ady was impressed with the diverse backgrounds and composition of the tribunals, which usually consist of a lawyer, medical/social sciences member and a public member.

As the Chair of the legislative review of the *Dependent Adults Act* and *Personal Directives Act*, Mrs. Ady will work closely with department officials to evaluate Australia's research and experience in the area of tribunals to further inform the work of the legislative review of the *Dependent Adults Act* and *Personal Directives Act*. It is anticipated that the revised Acts will be introduced in the Alberta Legislature in the spring of 2007.