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Submission No. POA/30
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Law Reform Committee

Mr Scheffer
Executive Officer
Victorian Parliament Law Reform Committee
Parliament House
Spring Street
EAST MELBOURNE VIC 300

Dear Mr. Scheffer,

Southern Health is grateful for this opportunity to provide a submission to the Law Reform Committee in its inquiry into Powers of Attorney ("POA").

Southern Health is the largest health service in Melbourne and provides comprehensive integrated health care services to over 750,000 people in the south-eastern suburbs of metropolitan Melbourne and nearby catchment populations.

Our facilities consist of:

In-patient acute services: Monash Medical Centre, Dandenong Hospital, Casey Hospital, Moorabbin Hospital

In-patient Aged Care, Rehabilitation and Mental Health services: Dandenong Hospital, Casey Hospital and the Kingston Centre

Extensive Ambulatory Services: Rehabilitation in the Home (RITH), Community Rehabilitation Centres (CRC's) and Community Mental Health

As the largest public healthcare employer in Victoria, Southern Health employs approximately 13,000 employees.

Southern Health is affiliated with Universities for teaching medical nursing and allied health undergraduate students. Southern Health also provides extensive postgraduate study and medical research.

We have consulted a number of our staff who regularly deal with vulnerable and/ or elderly patients and their families, and who are often exposed to issues relating to POA. They report that there is much confusion amongst patients and their families regarding POA in general and the different types that are available to them. Many patients are not even aware of the existence of POA, or what they are for. Southern Health believes that government resources should be deployed to conduct targeted education campaigns in particular to the vulnerable/ elderly about the uses, benefits and disadvantages of POA in the planning of their future - something similar to the campaign that was run a few years ago regarding the making of a will would be ideal. A clear understanding by this cohort of the population of POA would allow them to have more control over their future financial and lifestyle choices.

Southern Health submits that there be established a central official register of POA. This would assist health professionals in determining whether a POA is valid and current. Currently, it is difficult for staff to know for certain whether a valid POA is in place. This is especially difficult when more than one POA is presented to staff by different members of the family. Making enquiries of the patient and family regarding these issues is often time-consuming and unproductive. It would also be helpful if disputes regarding POA could be referred to an arbiter like an "Ombudsman". This would be a simpler and more efficient process than having to apply to VCAT.

Finally, we submit that it would be helpful to introduce standard assessment guidelines and criteria for health professionals to adhere to when assessing a person's capacity. Our experience has found that many GP's are unsure how to assess capacity. Consequently, they often refer the patient to a neuropsychologist for a formal assessment. This takes time and costs money. More formal training and clearer, consistent guidelines would allow a broader range of health professionals, including GP's, to accurately determine a patient's capacity without further referral or delay.

We would like to commend two publications to the committee for consideration as to their utilisation in the process of establishing a POA.

- Take Control Kit - a kit for making powers of attorney and guardianship
Produced by Victoria Legal Aid and the Office of the Public Advocate 2007
- "Who Can Decide? The six step capacity assessment process" Edited by Peteris Darzins, William Molloy, David Strang. ISBN 0-646-40343-5 Published 2000
Memory Australia Press, Alzheimer's Association (SA)

We again thank the Committee for this opportunity to provide input to the inquiry.

If you have any queries regarding our submission, please contact Ms Kate MacRae Director of Acute Allied Health during business hours on 03 9554 1104.

Regards,

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