



The Law Reform Commission

AN COIMISIÚN UM ATHCHÓIRIÚ AN DLÍ

Annual Conference 2005

Guardianship: A New Structure for Vulnerable Adults

Friday 2 December 2005

O'Reilly Hall
University College Dublin,
Belfield, Dublin 4

PROGRAMME

8:30 – 9:30	Registration
9:30 – 9:35	Chairperson's Address The Hon Mrs Justice Catherine McGuinness President of the Law Reform Commission
9:35 – 9:45	Government Proposals for an Age Friendly Society Mary Harney Tánaiste and Minister for Health and Children
9:45 – 10:25	Keynote Address Capacity in the Context of Human Rights The Rt Hon The Baroness Hale of Richmond House of Lords, UK
10:25 – 11:00	Care Structures for Older People Professor Des O'Neill Trinity College Dublin and Tallaght Hospital
11:00 – 11:30	Coffee
11:30 – 12:10	Law Reform Commission's Recommendations Patricia T Rickard-Clarke Commissioner, Law Reform Commission
12:10 – 12:45	Mental Capacity Act 2005 (UK) Denzil Lush Master of the Court of Protection of England and Wales
12:45 – 12:55	Questions and Answers
12:55 – 2:00	Lunch
2:00 – 2:40	Canadian Trends: Guardianship in British Columbia and Other Provinces Jay Chalke Public Guardian and Trustee of British Columbia, Canada
2:40– 3:15	From Wardship to Guardianship: Preparing for Change Noel Rubotham Director of Reform and Development, The Courts Service
3:15– 3:45	Panel Discussion and Questions
3:45 - 4.00	Concluding Remarks by Chairperson

BIOGRAPHIES

The Hon Mrs Justice Catherine McGuinness
Mrs Justice Catherine McGuinness is a Judge of the Supreme Court and the President of the Law Reform Commission. Mrs Justice McGuinness was called to the Irish bar in 1977 and in 1989 she was called to the Inner Bar. In addition to her Judicial career, Mrs Justice McGuinness has served on An Bord Uchtála (the Adoption Board), the Voluntary Health Insurance Board, the National Economic and Social Council, the Second Commission on the Status of Women, and has chaired the National Social Services Board, the Board of National College of Art and Design, the Employment Equality Agency, the Kilkenny Incest Investigation and the Forum for Peace and Reconciliation.

Mary Harney

Mary Harney is the Tánaiste and Minister for Health and Children. She entered political life as a Senator in 1977 and was elected to the Dáil in 1981. Mary Harney was a founder member of the Progressive Democrats party in 1985 and has been leader of the party since October 1993. She served as Tánaiste from 1997 and previously served as Minister for Enterprise, Trade and Employment from 1997 to 2004. She was appointed as Minister for Health and Children in September 2004.

The Rt Hon The Baroness Hale of Richmond
Baroness Hale was appointed to the House of Lords in 2003 having previously served as a judge in the Family Division of the High Court and as a judge of the Court of Appeal and the Privy Council. She was previously a Queen's Counsel specialising in family law and social welfare law and was Professor of Law at Manchester University. As a member of the Law Commission of England and Wales, Baroness Hale was involved in the publication of its Report on Mental Incapacity and many other projects. She is the author of *Mental Health Law* (1st ed 1975, now in its 4th edition), *The Family, Law and Society* (with David Pearl, 1st ed 1982, now in its 5th edition) and *Women and the Law* (with Susan Atkins, 1984).

Patricia T Rickard-Clarke

Patricia Rickard-Clarke was appointed a full-time Commissioner of the Law Reform Commission in 2001, having worked as a part-time Commissioner since 1997. Patricia worked in the Institute of Public Administration, before being admitted as a solicitor in 1982. She became a partner in McCann FitzGerald where she remained until 2002 specialising in Taxation and Trusts. Patricia Rickard-Clarke is a member of STEP (Society of Trust and Estate Practitioners) and a consultant to the Law Society's Taxation Committee. She has contributed to Butterworths Irish Conveyancing Precedents, the Irish sections of Sweet and Maxwell's International Trust Precedents, Tolley's STEP International Succession Laws and co-author of Tolley's STEP Planning and Administration of Offshore and Onshore Trusts.

Denzil Lush

Denzil Lush is the Master of the Court of Protection of England and Wales since April 1996. He was admitted as a solicitor in 1978, and was formerly a partner in Anstey & Thompson (now Foot Anstey Sargent), Solicitors, Exeter. He was appointed as a part-time chairman of Social Security Appeals Tribunals in 1994. He is the author of *Elderly Clients: A Precedent Manual* (1996, 2nd edition 2005), *Cohabitation: Law Practice and Precedents* (3rd edition, 2005), and *Cretney & Lush on Enduring Powers of Attorney* (5th edition, 2001), and the general editor of *Heywood & Massey: Court of Protection Practice* (looseleaf). He was a member of the joint BMA/Law Society Committee which wrote *Assessment of Mental Capacity: Guidance for Doctors and Lawyers* (1995), the BMA committee that drew up the code of practice for advance statements about medical treatment, and the Master of the Rolls' working party on structured settlements (2002).

Professor Des O'Neill

Des O'Neill is Professor of medical gerontology at Trinity College and a consultant geriatrician at the Adelaide and Meath Hospital, Dublin Incorporating the National Children's Hospital. Professor O'Neill chaired the Working Group on Elder Abuse which led to the publication of the report *Protecting Our Future* (2002) and currently chairs the National Implementation Group in respect of the report's recommendations. He is Secretary of the Irish Gerontological Society and has written widely on healthcare issues affecting the older person. His research work on neuroscience and ageing focuses on recovery following a stroke.

Jay Chalke

Jay Chalke is Public Guardian and Trustee of British Columbia, Canada. He was appointed Public Trustee of British Columbia in 1999 and became Public Guardian and Trustee in 2000 with the coming into force of the *Public Guardian and Trustee Act*. Formerly the Deputy Public Trustee of British Columbia, he brings an extensive background in health and guardianship law to the position. Prior to coming to British Columbia, Jay Chalke was Deputy Public Guardian and Trustee in Ontario where he played an instrumental role in the implementation of new guardianship legislation in that province. His background includes positions as Head of the Review of Certain Practices in New Brunswick Correctional Institutions, and various positions with the Ministry of Attorney General in Ontario. Jay is a graduate of the University of Ottawa Law School and a member of the Law Society of B.C.

Noel Rubotham

Noel Rubotham is Director of Reform and Development in the Court Service. He joined the High Court as a court officer in 1975, serving as Official Assignee in Bankruptcy from 1989 until 1999, and thereafter as Registrar of Wards of Court. He was appointed as Director of Reform and Development in the Courts Service in March, 2002. Noel Rubotham is the Courts Service's representative on the courts rules committees, and is a member of the Company Law Review Group and the Working Group on Legal Costs. He is a graduate of the Law School, Trinity College Dublin, and was called to the Bar in 1985.

REGISTRATION

Please complete in full and in BLOCK CAPITALS only. Please use for one person only. For additional people please photocopy or book online at www.lawreform.ie

First Name
Last Name
Organisation/Firm
Address
Telephone
E-mail Address
Fax

CONFERENCE FEE

€100 per delegate to include lunch
€50 per delegate to include lunch (senior citizens)

To facilitate the organisation of the Conference and to ensure allocation of a place, bookings should be made by Friday 18 November 2005

Please forward cheque or draft payable to the Law Reform Commission with completed registration form to:

Annual Conference
Law Reform Commission
35-39 Shelbourne Road
Ballsbridge
Dublin 4

Or register and pay online by credit card
www.lawreform.ie

T: +353 1 6377600 F: +353 1 6377601

Contact numbers for O'Reilly Hall on 2nd September 2005
T: +353 1 716 2189, +353 1 716 2827, +353 1 716 2826
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SUBSTITUTE ATTENDANCE:

If you are unable to attend, a substitute can attend in your place. Notification of any substitution should be made in advance of the Conference.

CANCELLATION:

A cancellation received in writing before 18 November 2005 will be subject to a cancellation fee of €50. There will be no refund of fee for any cancellation received after 18 November 2005.

UNAVOIDABLE CHANGES:

It may be necessary to make changes to the content and timing of the Conference Programme or to substitute speakers.

VENUE:

The O'Reilly Hall is on the UCD campus at Belfield. Please use main University entrance from the Stillorgan Road. Note signage (right turn, then a left turn).

CAR PARKING:

Please use Car Park Number 2. A map of the Belfield campus indicating location of Car Park 2 is available on the Commission's website at www.lawreform.ie

ABOUT THE CONFERENCE

Guardianship: A New Structure for Vulnerable Adults is the second Annual Conference of the Law Reform Commission. The Law Reform Commission's inaugural Annual Conference in 2004 was entitled Modernising Irish Land Law and Conveyancing Law.

The theme of this year's Conference was chosen to reflect the Commission's work in the area of vulnerable adults and the law as part of its Second Programme for Law Reform (2000 – 2007). In June 2003, the Commission published a *Consultation Paper on Law and the Elderly* (LRC CP 23-2003) which made recommendations for the protection of older people including the establishment of a new substitute decision-making regime to replace wardship and the establishment of an Office of the Public Guardian as an independent supervisory body for vulnerable adults. In May 2005, the Commission published a *Consultation Paper on Vulnerable Adults and the Law: Capacity* (LRC CP 37-2005) containing recommendations for law reform in the area of legal capacity. Following the receipt of submissions from the public in respect of the two consultation papers, the Commission is in the process of preparing a final report on *Vulnerable Adults and the Law* which will include draft legislation dealing with matters raised in the consultation papers.

The *Guardianship: A New Structure for Vulnerable Adults* Conference, to be held on Friday 2 December 2005 at the O'Reilly Hall in UCD, will be addressed by national and international guest speakers on topics relating to capacity and substitute decision-making.

The Conference is open to all those with an interest in law and practice in relation to adults with limited decision-making ability including persons who have an intellectual disability, mental illness, dementia, or have experienced a decline in capacity due to the impact of a stroke or other form of acquired brain injury. The Conference will also be of interest to those concerned with the care of older persons.