

A Lawful assessment of a person's capacity

A comparison of an assessment of capacity and an assessment of conduct

Following is a comparison of:

- a. Dr Kershaw's assessment of a person's capacity that guards the person's (adult's) rights and
- b. the Queensland Guardianship's assessment of a person's conduct that extinguishes the person's (adult's) rights.

The Bar Association of Queensland (BAQ) expressed concern the Guardianship and Administration Bill contains excessively general statements and assertions of rights. In Hansard 11 April 2000: The Deputy Leader of the Opposition Mr Springboarg stated at Page 715, at 2:

"BAQ is concerned the Bill contains excessively general statements of purpose and principle, and assertions of 'rights' ..."

Recent Supreme Court rulings have converted general 'assertions of rights' to specific 'legal rights'.

Related item	The FCAI assessment conducted by one interviewer.	The Tribunal assessment conducted by three interviewers.
Does the assessment comply with the Queensland Supreme Court ruling that a person is presumed to have capacity?	Yes	No
Does the assessment comply with N.S.W Supreme Court Chief Justice Young's ruling that a person can do whatever they want with their money as long as they are capable?	Yes	No
Does the assessment comply with Queensland law?	Yes	No
Does the assessment comply with the Cooper Review recommendations that Government should not mandate investment decisions?	Yes	No

Does the assessment require Queenslanders answer questions about their past private financial affairs?	No	Yes
Does the assessment make personal opinion value judgements about Queenslanders' past private financial affairs by people with no financial qualifications?	No	Yes
Does the assessment assess the person's capacity at the time of the assessment?	Yes	No. The Tribunal assesses the person's <u>conduct</u> at any time prior to the assessment.
Does the assessment assess the person's current IQ?	Yes	No
Does the assessment comply with professional requirement to enhance capacity?	Yes There is only one interviewer, the assessment is conducted in private and the public cannot attend.	No Minimum of three interviewers, the assessment is conducted in public and anyone can attend.
Does the assessment rely on the disproved medical science of brain assignment?	No	Yes
Does the assessment rely on the unproven medical science of a correlation between neuropsychological test data and functional financial competency?	No	Yes
Have all the relevant and necessary Australian professionals, specialising in capacity, been actively involved in developing the assessment of capacity?	Yes. 180 professionals with a combined total of 2,340 years of <u>capacity</u> assessment experience. 22 lawyers, 27 medical professionals, 20 social workers/case managers and	No. 4 professionals with an unknown number of years of <u>conduct</u> assessment experience. 2 lawyers, 1 medical professional, 1 social worker/case manager and

	<p>21 financial administrators, 23 financial counsellors, 23 accountants, 23 psychologists, 21 miscellaneous plus 23 university students.</p> <p>Total 203</p>	<p>0 financial administrators, 0 financial counsellors, 0 accountants, 0 psychologist, 0 miscellaneous plus 0 university students.</p> <p>Total 4</p>
Has the assessment been benchmarked against world best practice for assessing capacity?	<p>Yes. The FCAI has been approved by a number of respected capacity specialists including Thomas Grisso in the USA who is considered by many to be the world leader in competency research.</p>	<p>No. No professional evaluation of the Tribunal assessment.</p>
Has the assessment been tested on the Australian population and proven to be a valid and reliable predictor of capacity and proven to be able to distinguish between Australians with different levels of capacity?	<p>Yes. The results have been published in the Australian and New Zealand Psychiatry, Psychology and Law journal in 2008? (Refer: Kershaw, M.M. & Webber, L. S. (2008). Assessment of financial competence. <i>Psychiatry, Psychology and Law, Volume 15 (1) pp. 1 – 16.</i>)</p>	<p>No. No professional testing of the Tribunal assessment.</p>
Has the assessment been subjected to amongst other things multivariate analysis, factor analysis, univariate analysis, mean rating, standard deviation, principal components factor analysis, rotated component matrix, item loadings, measure of internal consistency, one way analysis and overall internal reliability?	<p>Yes. All of the stated analytical measures plus other additional testing measures.</p>	<p>No. No analytical or other testing measures used.</p>
Have the questions in the assessment been tested on	<p>Yes.</p>	<p>No.</p>

the Australian population to ensure comprehensibility and remove ambiguity?		
Has approval been granted from the relevant ethics committee to conduct the research project?	Yes.	Na.

An American Tri-State study of assessing capacity for financial matter recommends progressive statutory guidance:

<http://gerontologist.gerontologyjournals.org/cgi/reprint/47/5/604.pdf>

“Conclusions

A comparison of three states with varying degrees of statutory reform suggests that clinical and juridical practice is improved in states with more progressive statutory guidance.”

Dr Kershaw conducted two lengthy assessments of Ms Bucknall over two days. Dr Kershaw complied with legislation, the law and professional standards for assessments. Dr Kershaw found Ms Bucknall has capacity. Dr Kershaw assessed Ms Bucknall’s capacity at the time of the assessment.

The Tribunal conducted only one assessment of Ms Bucknall on one day. The Tribunal did not comply with legislation, the law and professional standards for assessment. The Tribunal found Ms Bucknall did not have capacity. The Tribunal assessed Ms Bucknall’s conduct at any time prior to the assessment.

In the GAAT’S transcript dated 19 September 2006 at page 18, at 10 it states:

“MS ENDICOTT: ---your response, what you remember about some of these things that happened 18 months ago now, about March or so last year.”

When Ms Endicott asked Ms Bucknall the above question on 19 September 2006 Ms Bucknall’s IQ was 92, which is average intelligence. The March Ms Endicott refers to is March 2005. Ms Bucknall’s IQ in March 2005 was 83, this is dullness. The GAAT never assesses Queenslanders’ current abilities.

Ms Endicott’s question to Ms Bucknall raises a number of other issues. Ms Endicott is a lawyer with no finance qualifications. Ms Endicott said Dr Curtis is an excellent doctor to assess Ms Bucknall’s capacity and Ms Endicott was in possession of Dr Curtis’ expert witness report stating Ms Bucknall has capacity. The issues:

1. how was Ms Endicott to judge Ms Bucknall’s answers regarding her previous financial affairs (no Tribunal member has finance qualifications) and
2. was Ms Endicott aware or ought to have been aware of N.S.W Chief Justice Young’s ruling a person can do whatever they want so long as they capable and

3. how are Queenslanders to know how to answer questions regarding their previous financial affairs when the Queenslanders know the people asking the questions have no way of knowing what is the correct answer and
4. why did Ms Endicott use the unlawful assessment of Ms Bucknall's conduct to deny her a declaration of capacity?

The American Tri-State Study recommends progressive statutory guidance:
<http://gerontologist.gerontologyjournals.org/cgi/reprint/47/5/604.pdf>

“Conclusions

A comparison of three states with varying degrees of statutory reform suggests that clinical and juridical practice is improved in states with more progressive statutory guidance.”

The GAAT assessment of Queenslanders' conduct gives only the illusion the Queensland Guardianship system is acting in the best interests of the Queensland public.

The table below shows the difference between a lawful assessment of capacity and an unlawful assessment of conduct. Please also refer to the attachment named Capacity vs conduct.

Assessor	Date/s of assessment	Range of IQ assessed by number	Range of IQ assessed by category	Is the assessment lawful?
Dr Kershaw	17 and 18 March 2009	110	Superior intelligence	Yes
GAAT	29 August 2008	85 to 104	Dullness to average intelligence	No
Dr Kershaw	28 and 29 March 2007	96	Average intelligence	Yes
GAAT	19 September 2006	74 to 92	Borderline deficiency to average intelligence	No

Following are some of Dr Kershaw's details: (Full details are at www.fc.ai.net.au).

PUBLICATIONS:

Kershaw, M. M. & Webber, L. S. (2008). Assessment of financial competence. *Psychiatry, Psychology and Law*, (in press).

Kershaw, M. M. & Webber, L. S. (2007). *Financial Competence Assessment Inventory*, Melbourne: Matek P/L.

Kershaw, M. M. & Webber, L. S. (2006). Evaluating financial competence. *Parity*, April, 21.

Kershaw, M. M. & Webber, L. S. (2004a). Dimensions of financial competence. *Psychiatry, Psychology and Law*, 2, 338 - 349.

Kershaw, M. M. (2004). Financial competency research, *Inpsych*, 26, 41.

Kershaw, M. M. & Webber, L. S. (2004b). *Assessing financial competence in older adults with cognitive impairment*. Abstracts and Proceedings of ERA 2004: The 3rd National Conference for Emerging Researchers in Ageing. Australasian Centre on Ageing, The University of Queensland: Queensland, Australia.

Webber, L. S., Reeve, R. A., Kershaw, M. M., & Charlton, J. L. (2002). Assessing financial competence. *Psychology, Psychiatry & Law*, 9, 248 - 256.

CONFERENCE PRESENTATIONS:

Kershaw, M. M. (2005). *Assessing Financial Competence in Adults with Cognitive Impairment*. Paper presented at the Public Advocates Forum, Melbourne, Australia. February.

Kershaw, M. M. (2004). *The trouble with Frank: Making decisions about the financial competence of others*. Paper presented at the meeting of the Research in Health and Social Development Seminar, Deakin University, Melbourne, Australia. October.

Kershaw, M. M. (2004, April). *A Model for Assessing Financial Competence*. Paper presented at the School of Psychology Colloquium, Deakin University, Melbourne, Australia.

Kershaw, M. M. (2002, April). *Assessing Financial Competency in Older Adults*. Paper presented at the Australian Psychological Society, College of Educational and Developmental Psychologists seminar. Melbourne, Australia.

Kershaw, M. M. (2001, October). *Assessment of financial competence*. Paper presented at the National Guardianship and Administration Conference, Melbourne, Australia.

The GAAT used disproved medical science

The GAAT used the disproved 400 year old brain science theory of assignment to deny Ms Bucknall a declaration of capacity for life.

In the GAAT'S Reason For Decision dated 16 October 2006 at [57] it states;

"...the Tribunal has decided that the deficits of functioning identified by neuropsychological testing are permanent features..."

Consultant Psychiatrist in Clinical and Forensic Psychiatry and capacity specialist expert witness Dr F I Curtis explained to the GAAT in 2006 and 2009 the human brain is plastic and can change. In his expert witness report for the Queensland Supreme Court dated 5 April 2009 Dr Curtis states at 3.1 para 4:

"Therefore, eight years after the brain injury Ms Hisako Bucknall was demonstrating clearly the compensatory abilities of the human nervous system. When I commenced medical training in the 1960s we were taught that the human brain was endowed with a certain number of giant cell neurones from birth which then declined in number and effectiveness throughout the life cycle.

During the last two decades, neurological rehabilitation has been revolutionised by the scientific revelation that the brain is an organ of great plasticity which is capable of reorganising itself and reassigning functionality between modules at any time in the life cycle. (Doidge, N. M.D.2007) Ms Bucknall is a good example of such neurological recovery and I pointed this out in August 2006.”

Dr Curtis and Dr Kershaw did not rely on disproved medical science to assess Ms Bucknall for their expert witness reports for the Supreme Court.

The Tribunal used 400 year old disproved medical science to deny Ms Bucknall a declaration of capacity for life. The Tribunal’s assessment will result in Queenslanders with capacity being unlawfully denied their lawful right to a declaration of capacity.

The GAAT used unproven medical science

The GAAT used the unproven medical science of a relationship between neuropsychological test data and functional financial competency to deny Ms Bucknall a declaration of capacity for life.

In the GAAT’S RFD dated 16 October 2006 at [55] it states;

“The Tribunal noted deficits in Ms Bucknall’s responses at the hearing that corresponded with the stated findings of the examining neuropsychologists...”

In Assessing Financial Competence 2004, Dr Webber, Associate Professor Reeve, Dr Kershaw and Dr Charlton state at p 251, para 2:

“...While Todd and Lipton’s suggestions provide a useful perspective on financial competence assessment in older adults, we have two concerns about their views. First, the relationship between neuropsychological test data and functional financial competency needs to be established empirically, rather than just assumed to exist.”

Dr Curtis and Dr Kershaw did not rely on unproven medical science to assess Ms Bucknall for their expert witness reports for the Supreme Court.

The Tribunal used unproven medical science to deny Ms Bucknall a declaration of capacity for life. The Tribunal’s assessment will result in Queenslanders with capacity being unlawfully denied their lawful right to a declaration of capacity.

The Queensland Guardianship system denies Queenslanders their basic human rights

The GAAT mandated how Ms Bucknall must conduct her financial affairs and demanded she answer questions about her past private financial affairs. In the GAAT Reasons for Decision dated 16 October 2006 it states at [79]:

“... the more widely accepted investment theory of diversified asset allocation and a spread of risk across a portfolio.”

And at [37]

“...The Tribunal asked questions as to past events...”

The Cooper Review states Government should not mandate investment decisions and the member can choose to be undiversified. In the Cooper Review final report it states at:

“Recommendation 6.18

The government should not mandate that superannuation fund trustees participate in any particular investment class or vehicle, including infrastructure.”

and at:

“Recommendation 1.27

Choice trustees must offer a range of options sufficient to allow members to obtain a diversified asset mix if they choose, but members can choose to be undiversified and the trustee would have no obligation to assess the appropriateness of the investment strategy chosen by the member.”

The Tribunal creates incapacity

The Queensland Guardianship Tribunal creates incapacity by negating its professional obligation to enhance capacity.

In the American Bar Association Commission on Law and Aging handbook at page 27: para 7 it states:

“V. Techniques Lawyers Can Use to Enhance Client Capacity

Attorneys can take steps to build the trust of older clients, allowing them to be at their best during the interview process and bolstering their decision-making ability.

...

Interview the client alone to ensure confidentiality and to build trust.”

Refer: <http://www.apa.org/pi/aging/resources/guides/diminished-capacity.pdf>

(NB: Highlight **already existed**)

The Queensland Tribunal has three members, two lawyers and one doctor. At Ms Bucknall's first Tribunal assessment 12 people attended her assessment. The Tribunal assessment was open to the public for anyone to attend.

The Tribunal's assessment diminishes not enhances capacity. Therefore the Tribunal's assessment will result in Queenslanders with capacity being unlawfully denied their lawful right to a declaration of capacity. Refer attachment named Capacity vs conduct.

The GAAT only has to state it presumes influence to hand control of Queensland's financial affairs to the State trustees

The GAAT lawyers and doctors need only say they presume there is influence in a relationship to hand control of Queensland's financial affairs to the State trustees.

The standard in the rest of Australia is that the State carries the burden of proof and cost and must prove undue influence.

Definition of undue influence (*Spar & Garb, 1992*)

“To be considered undue, influence must contain an element of “coercion, compulsion or restraint.”

In the NSW Law Link ‘Capacity Toolkit’ at Section 5 page 70 it gives guidelines for assessing undue influence:

[http://www.lawlink.nsw.gov.au/lawlink/diversityservices/LL_DiversitySrvces.nsf/vwFiles/capacity%20toolkit%20final.pdf/\\$file/capacity%20toolkit%20final.pdf](http://www.lawlink.nsw.gov.au/lawlink/diversityservices/LL_DiversitySrvces.nsf/vwFiles/capacity%20toolkit%20final.pdf/$file/capacity%20toolkit%20final.pdf) at Section 5 page 70 it states.

“Avoid undue influence

Decisions must be made freely and voluntarily. The person making the decision must not feel pressured or deceived into making a decision they would not otherwise make.

People who have difficulty making decisions, or who are dependent on others financially, physically or emotionally, are more at risk of being unduly influenced.

To find out whether the person’s decision is what they wanted, start by asking them who else was involved in the decision-making process. Seek to determine whether the involvement amounted to supporting the person through the decision-making process, or whether the involvement has been overbearing and has distorted the person’s real wishes.

This is difficult where there may be an established or assumed power difference or where there is an on-going pattern of interaction between two people.

If you suspect undue influence, try communicating with the person making the decision, without the other person present. Ask questions that will separate the views of the person from the views of others.

You may also need to suggest that the person obtain some independent advice from a lawyer, accountant or financial advisor depending on the nature of the decision.”

The GAAT tested Ms Bucknall for *undue* influence on 19 September 2006 and found Ms Bucknall was not subject to *undue* influence. A month earlier the GAAT approved capacity specialist Dr Curtis also tested Ms Bucknall for *undue* influence and also found Ms Bucknall was not subject to *undue* influence.

The GAAT then used the unlawful concept of it presumed there was influence to deny Ms Bucknall a declaration of capacity.

During the 19 September 2006 GAAT hearing Ms Bucknall requested everyone, including her husband, leave the hearing so she could speak to the three Tribunal members alone. In the GAAT supplied transcript of the closed period of the 19 September 2006 GAAT hearing it states at:

P 60 at 25

“MS BUCKNALL: I’m sorry, Clara – before just starting can I just ask one---

MS ENDICOTT: Yes certainly.

MS BUCKNALL: Are there any chance that – sorry, to just in and out so often, but can we just – Jim and Clare and Janene and myself just talk also without anyone else?”

Following is the closed session, only Ms Bucknall was present.

P 66 at 40

“MS SUTTIE: That’s good. It puts me to sleep. It gives you energy. This is a very personal question, I hope you don’t mind me asking it: do you feel more comfortable talking to us with Ray in the room as well?

MS BUCKNALL: To answer honestly?

MS SUTTIE: Yes.

MS BUCKNALL: Not necessarily.

MS SUTTIE: Okay.

MS BUCKNALL: I really always feel more comfortable with Ray.

MS SUTTIE: Okay, that’s fine.

MS BUCKNALL: Not just finance, just any matters.

MS SUTTIE: Okay. I apologise for asking it, but it’s good for us to hear.”

P 67 at 40

“MS SUTTIE: Yes, I’m thinking about it. I don’t think I could even re-phrase it myself. Isn’t that dreadful? What I’m thinking about is, given that you need to keep your money for as long as you can, are you able to express that to Ray, that you want a balance, that you want your money lasting a long time? Can you stress that to Ray?

MS BUCKNALL: Yes, yes.

MS SUTTIE: And he listens?

MS BUCKNALL: Yes”

Ms Bucknall made certain the GAAT inquisitorial system knew she wanted her husband’s support. In her letter to the GAAT dated 14 April 2006 Ms Bucknall states at page 13 para 6:

“My views were and still are:

- 1. I have absolute faith in my husband’s integrity and financial management ability and absolutely NO faith in Perpetual Trustees’ integrity and financial management ability.*

2. *my husband has mine and our families interests at heart Perpetual Trustees has its shareholders interests at heart*

And at page 14 para 3:

“My wishes were and still are that I want myself and my husband to be involved in my financial matters to the greatest extent possible.”

And at page 19 last para:

*“The reason my husband requested money from my settlement sum was because Perpetual Trustees reversed its decision to pay for the Lexus and Bushtracker. My husband knew this would create financial difficulties for us later on.
I fully support my husband’s request for money from my settlement sum.”*

A month before the GAAT assessment the GAAT approved capacity specialist Dr Curtis also tested Ms Bucknall for *undue* influence and also found Ms Bucknall was not subject to *undue* influence. In his expert witness report to the GAAT dated 14 August 2006 Dr Curtis states at page 12 para 2:

“... With the husband and the room, there were no signs that Hisako deferred to him in any way. They did appear as a couple to be mutually supportive and cooperative.”

At the time of the GAAT 29 August 2008 hearing Ms Bucknall had been assessed by Dr Kershaw as having an IQ of 100 which is in the middle of the average intelligence range.

The capacity specialists Dr Curtis and Dr Kershaw found Ms Bucknall was not subject to *undue* influence. The GAAT also found Ms Bucknall was not subject to *undue* influence. The GAAT then used the one unlawful concept of it presumed there was influence to override:

1. legal requirements;
2. the GAAT’S own testing,
3. Ms Bucknall’s expressed views,
4. Dr Curtis’ expert witness evidence,
5. Dr Kershaw’s expert witness evidence and IQ test results and
6. Mr Bucknall’s expressed views.

This one unlawful presumption resulted in Ms Bucknall losing control of her financial affairs to the State trustee.

In the GAAT Reasons for Decision dated 27 October 2008 it states at:

“[67] The evidence of Mrs Bucknall confirms the statement of her husband in relation to his influence, or the lack thereof....”

...

CONCLUSION

[86] After consideration of all the evidence, on balance the Tribunal is of the view that Mrs Bucknall’s ability to make decisions freely and voluntarily is still

compromised by her disability. In coming to this decision the Tribunal also has taken account of Mrs Bucknall's very high level of dependence on her husband and the significant role he has played in the past.

[87] *Mr Bucknall has asserted that he doesn't want to influence Hisako in decisions she makes and therefore won't interfere in financial decisions. While that may be intention at this point, in the view of the Tribunal, the practical reality is that in major decisions Mrs Bucknall is not able to act independently. The proposition that he would not be involved is untenable. Were he to do so, she would be left dependent on others such as financial advisors."*

Note how the GAAT inquisitorial system can simply say it presumes influence exists in a relationship to hand control of Queenslanders's financial affairs to the State trustee. We put forward the proposition there is influence in every relationship. Therefore any Queenslanders in a relationship can unlawfully lose control of their financial affairs to the State trustees. It is more likely than not many already have.

The Queensland Tribunal does not have to prove undue influence. The Queensland Tribunal shifts the burden of proof and cost from the State to the Queensland public to prove there is no undue influence even though there is no formal psychological test for undue influence.

In Dr Kershaw's report dated 23/3/2009 at page 12 last para it states:

"Assessment of 'undue influence'

To the best of the author's knowledge there is no formal psychological test for 'undue influence'. Therefore, on 18 th March, a structured interview format was used to assess Mrs Bucknall for undue influence according to the guidelines described in the NSW Toolkit for Capacity (page 70)."

Dr Kershaw found Ms Bucknall acted freely and voluntarily using the N.S.W Toolkit for Capacity guidelines.

The GAAT tested Ms Bucknall in 2006 using the N.S.W Toolkit for Capacity guidelines and found she acted freely and voluntarily but then stated she did not act freely and voluntarily. The GAAT mislead the Queensland public and sought to discredit Ms Bucknall.

Queenslanders may allocate certain roles for each person in their relationship or they may support each other to make decisions jointly, but if the State Government lawyers and doctors simply say they presume there is influence in the relationship then one or both parties could lose control of their financial affairs to the State trustee.

How normal Queenslanders want their relationship to function is irrelevant. The State will dictate how their relationship is to function.

Queenslanders must be made aware how very easy it is to lose control of their financial affairs to the State trustee under the QLD inquisitorial Guardianship system.

The Queensland GAAT inquisitorial system misled the Queensland public and clearly violated Ms Bucknall's human rights and Australian law and sought to discredit Ms Bucknall. Ms Bucknall was therefore required to have the Supreme Court of Queensland impose Australian law on the Queensland GAAT inquisitorial system.

Ms Bucknall's Supreme Court case reinstated every Queenslanders' democratic right to a presumption of capacity for financial matter and blocked the GAAT from relying on its earlier decisions based on the unlawful principle of influence.

The first GAAT assessment used the unlawful principle of influence to deny Ms Bucknall a declaration of capacity for financial matter. The GAAT then relied on its unlawful use of influence from its first assessment to deny Ms Bucknall a declaration of capacity at the second GAAT assessment. The Supreme Court ruling prevented the GAAT from using its unlawful ruling from its first and second assessments to deny Ms Bucknall a declaration of capacity at the GAAT'S third assessment.

Documents available on line:

The GAAT'S Reason for Decision dated 16 October 2006:
<http://www.austlii.edu.au/au/cases/qld/QGAAT/2006/66.html>

The GAAT'S Reason for Decision dated 27 October 2008:
<http://www.austlii.edu.au/au/cases/qld/QGAAT/2008/74.html>

The GAAT'S Reason for Decision dated 31 August 2009:
<http://www.austlii.edu.au/au/cases/qld/QGAAT/2009/68.html>

The QCAT Reason for Decision dated 23 April 2012:
<http://www.austlii.edu.au/au/cases/qld/QCAT/2012/179.html>

Ms Bucknall's successful Supreme Court action against the GAAT.
<http://archive.sclqld.org.au/qjudgment/2009/QSC09-128.pdf>

N.S.W Supreme Court landmark decision.
<http://www.lawlink.nsw.gov.au/scjudgments/1999nswsc.nsf/aef73009028d6777ca25673900081e8d/2bd668cb9704373cca256773007a031b?OpenDocument>

Australian Federal Government funded Cooper Review:
http://www.supersystemreview.gov.au/content/downloads/final_report/part_one/Final_Report_Part_1_Consolidated.pdf

American Tri-State Study and attachment "Moye et al 2007":
<http://gerontologist.gerontologyjournals.org/cgi/reprint/47/5/604.pdf>

NSW Law Link 'Capacity Toolkit':
[http://www.lawlink.nsw.gov.au/lawlink/diversityservices/LL_DiversitySrvces.nsf/vwFiles/capacity%20toolkit%20final.pdf/\\$file/capacity%20toolkit%20final.pdf](http://www.lawlink.nsw.gov.au/lawlink/diversityservices/LL_DiversitySrvces.nsf/vwFiles/capacity%20toolkit%20final.pdf/$file/capacity%20toolkit%20final.pdf)

Dr Kershaw's FCAI:
www.fcai.net.au

Associate Professor Moye:

www.apa.org/pi/aging/

American Bar Association:

<http://www.apa.org/pi/aging/resources/guides/diminished-capacity.pdf>