

## **Submission**

**Professor John Carter**

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Even though all the points that I wished to make are recorded in my formal submission as well as in the oral submission, I would like to see a clearer definition of the word "health" with respect to the paragraph relating to "serious damage to health". The Guardianship Board of NSW has, on occasions, interpreted this to only apply to physical health but I strongly believe the Act should more clearly indicate that this applies to psychological (or mental) health as well as physical health as per the Supreme Court of Canada summarised below:

In its decision in *Re Eve*, the Supreme Court of Canada defined a "therapeutic procedure" as "a surgical operation that is necessary for the health of the person" & indicated that, by health, the court meant "mental as well as physical health".

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