

CONTENTS

1. INTRODUCTION.....	1
2. WHAT IS CAPACITY?	3
3. WHEN DOES A TRUSTEE OR APPOINTOR LOSE CAPACITY?.....	5
4. ETHICAL ISSUES WHEN ACTING FOR TRUSTEE/APPOINTOR OF QUESTIONABLE COMPETENCE?	7
5. THE ROLE OF HEALTH PROFESSIONALS	9
6. THE NEED TO REMOVE A TRUSTEE OF QUESTIONABLE COMPETENCE AND THE RISKS OF NOT DOING SO.....	13
7. WHAT TO DO	17
POWER TO REMOVE WITHOUT COURT ASSISTANCE.....	17
POWER TO APPOINT AND REMOVE WITH COURT ASSISTANCE – s 51(1) TRUSTEE ACT.....	21
VESTING ORDERS – s 52.....	22
8. HOW CAN YOU GET AROUND THESE PITFALLS?.....	25
9. CONCLUSION.....	27