



Guardianship and Administration Board

Annual Report 2010 - 11

30 September 2011

The Hon Brian Wightman, MP,
Attorney General
Minister for Justice

In accordance with the requirements of Section 84 of the *Guardianship and Administration Act 1995*, I am pleased to submit this report on the administration of the Act and the financial statements for the Guardianship and Administration Board for the year 1 July 2010 to 30 June 2011.

Anita Smith
PRESIDENT
Guardianship and Administration Board

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Report of the President

I am pleased to present this Annual Report on behalf of the Board members and staff.

A major milestone for the year was the production of the video, *Are You Attending a Hearing?* As detailed in Appendix 5 of this report, the production of the video involved the cooperation of the Board, the Law Foundation, Nexus Inc (a provider of supported accommodation for people with disabilities), Mental Health Services, The Public Trustee, The Public Guardian, Advocacy Tasmania (a disability advocacy organization) and Digital Suite (a local production company). The result is a 14 minute web-based video designed to familiarise people with disabilities and their support persons with the language and environment of a hearing.

The numbers of applications continues to increase annually demonstrating the dynamic reach of the Board's education and networking activities as well as significant demographic change in the community. This is positive in the sense that (i) applicants who have an interest in the well being of people with disabilities can access our facilities and (ii) persons who require the assistance available under the legislation are able to obtain that assistance. In the majority of cases, the appointment of an administrator or a guardian has the effect of either saving the person's life, or preserving or dramatically improving their quality of life.

An increase in applications may also be viewed as a negative, in the sense that there are not sufficient intensive support services (for instance, financial counseling and one-to-one budgeting support) available for people with disabilities to access less restrictive alternatives than administration or guardianship. The experience of Australians with disabilities might significantly alter if two reports of the Productivity Commission released just after the reporting period are implemented by the Federal Government.

The *Disability Care and Support Inquiry* report was released on 10 August 2011 and the *Caring for Older Australians Inquiry* report was released on 8 August 2011. The first report has recommended a comprehensive scheme, like Medicare, to fund the costs of disability and a National Injury Insurance Scheme to provide lifetime support for people acquiring a catastrophic injury (similar to Tasmania's MAIB scheme). The second report provided options to redesign and reform Australia's aged care system and recommended a transition path to a new system. Together, these two reports could positively transform the lives of the people who currently require guardianship and administration orders.

The Board was fortunate to be spared the worst of financial cut-backs in the current budget, as we have for a number of years been described by the Department as 'critically underfunded'. However, the Board is unlikely to be able to sustain current activities in the medium term without a significant revision of funding. Already, we have experienced a drop in the timeliness of determining applications. In previous years, discretionary spending has been pared back to being almost non-existent. Sadly such spending included professional development opportunities for Board members and staff which is essential to the ongoing performance of high quality decision-making functions.

Abuse of Elderly Persons:

In the reporting year, the Board was invited to participate in the Statewide Elder Abuse Advisory Committee and some associated Working Groups. This was a welcome development, as Tasmania has lacked the comprehensive preventative strategies which have been developed in other States and Territories.

The Advisory Committee was established as part of a four-year \$2.6 million strategy to:

1. Provide strategic advice to Government on the direction of *Protecting older Tasmanians from abuse*, including the review and comment on relevant plans, strategies, activities and policies developed as part of the strategy.
2. Serve a governing function by monitoring the implementation of Tasmania's whole-of-government elder abuse strategy and ensuring that the activities, policies and solutions developed as part of the strategy effectively incorporate the needs of the elderly and service providers.
3. Ensure that the perspectives of older Tasmanians who have experienced abuse are reflected in the advice provided to Government and that emerging elder abuse issues are taken into consideration.
4. With the approval of the Chair, facilitate community consultation and input in regard to major policy initiatives referred to it by Government.
5. Submit through the Minister for Human Services an annual report to Cabinet on issues arising from the implementation of *Protecting older Tasmanians from abuse*.
6. Establish Working Groups to assist the development of components of the strategy for *Protecting older Tasmanians from abuse*.

This invitation reflected the Board's key position to observe and attempt redress of elder abuse. The following are some (but by no means all) examples of abuse noted in applications before the Board in recent years:

- Mrs. B. is 87 years old and has dementia. When she was admitted to Residential Aged Care in February 2011, carers reported that she was in a neglected state and had not been afforded the dignity of appropriate self-care or hygiene. Sadly, her family refused to make arrangements to pay her Aged Care accommodation fees. When the Public Trustee commenced management under an emergency administration order, they discovered that her daughter and granddaughter continued to live in Mrs B.'s Housing Department home. Mrs. B's house had been cleared of all her personal effects. Using Mrs. B's PIN number, her daughter had paid her own rent, electricity and living expenses. Mrs. B's bank account was in debit and she owed a significant sum in Aged Care fees.
- NSG lived in a small unit with her daughter TG. TG controlled all visitors to the unit. She refused to admit nursing staff who wished to assist with diabetes care, hygiene and nutrition. She refused to have NSG admitted to respite care. NSG had lost weight and her health and

general well-being was deteriorating. An emergency guardianship and administration order was made. The Public Trustee discovered that TG had been accessing large sums of NSG's funds. The Public Guardian authorized her move to full time residential aged care where her health and wellbeing improved significantly. *NSG (Guardianship and Administration)* [2010] TASGAB 1

- Tom* was an administrator for his 87 year old mother, Evelyn, and held enduring power of attorney for his elderly father, Stan. As attorney, Tom severed his parents' joint tenancy in the family home, meaning that the property was now held as tenants in common between Evelyn and Stan. Stan died and Tom stood to inherit from Stan's estate in equal shares with his brother. If the joint tenancy had not been severed, Evelyn would have been entitled to the value of the whole property. Because the title had been severed, Evelyn only received half the sale proceeds and Tom and his brother a quarter each. The Board made Tom liable to Evelyn's estate for the half share of the sale proceeds and replaced him as administrator with the Public Trustee. *EKN (Administration)* [2010] TASGAB 9 (* All names have been changed.)
- BKQ is an 88 year old man who lives alone. He appointed NT and BX as joint Enduring Guardians and Enduring Powers of Attorney. BKQ did not have capacity to make those appointments. Additionally NT was undermining the activities of the professional carers by provoking conflict with carers who attended his house. NT intended to sell BKQ's house contrary to his wishes. NT's management of his money on a day to day basis did not demonstrate an appropriate understanding of her responsibilities as guardian and attorney. The Board revoked the instruments and appointed the Public Trustee and the Public Guardian as his administrator and guardian. *BKQ (Guardianship)* [2010] TASGAB 10
- EKI is a 93 year old widow who lives in an Aged Care Facility in Hobart. NX had been appointed as her administrator by VCAT and then the Board. NX used EKI's estate for her own benefit in the following unauthorised transactions which were subsequently disallowed:
 - Body corporate fees of \$797.84 and rates of \$450.00
 - Legal fees expended for NX's family law proceedings to a total of \$1017.91
 - A loan of \$528 to NX's mother dated 23 September 2004
 - A gift of \$72,000 to NX's mother dated 1 August 2006
 - NX's motor vehicle expenses

NX was required to return all of the funds to EKI's estate. The Public Trustee has been appointed as EKI's administrator. *EKI (Statutory Will)* [2010] TASGAB 12

- ZK is a 79 year old man suffering from moderate to severe dementia recovering from a fall in which he sustained a broken hip. A medical report by Dr. P referred to "neglect at home", "unexplained bruises", "poor hygiene", "wound infections" and instances of ZK being left in the sun too long. Dr P reported that on one occasion when he visited, he found ZK locked in the toilet. ZK's wife and son, with whom he lived, provided no assistance

with hygiene although he was doubly incontinent. ZK had a deep laceration above his right eye. His wife stated that she had put pepper on the wound to stop it bleeding and this had caused it to become infected. It was noted that ZK had faeces on his hands and legs and the risk of infection of that wound was very high. His family could not explain how he had broken his hip. They said that they had initially treated him with Panadol and did not call an ambulance for 24 hours as they did not believe the fall to be serious. The Board appointed the Public Guardian to make future decisions about ZK's health care and accommodation. *ZK (Guardianship and Administration)* [2009] TASGAB 10

By far the most prevalent form of elder abuse disclosed in applications before the Board is financial abuse. Detection of elder abuse can be very difficult, especially where the abuser has an enduring power of attorney or other authority such as a Centrelink nomination, or bank authorities.

As seen above (in EKI and Evelyn's example), even appointment as an administrator is not a guarantee against financial abuse. However, appointment as an administrator does enhance one's chances of detection of abuse by the Board (see pages 13-14 of this report). It is significant that all of the above examples of abuse, but one (BKQ), were perpetrated by close family members. A study of elder abuse released in Victoria in the reporting period¹ made the following key finding:

“The sense of entitlement felt by family members and others towards older people's assets is outstanding. Impatient children will actively seek to obtain an early inheritance, or will interfere in the parents' management of their assets to protect what they see as their entitlement.”

Financial abuse of elderly persons can have a direct negative impact upon their ability to access essential care and support. Not only wealthy elderly persons are subject to such abuse. As seen in the example of Mrs. B above, elderly pensioners with very few assets can still be the victim of devastating financial abuse.

Sadly, due to budget cuts, the Statewide Elder Abuse Advisory Committee's four-year \$2.6 million strategy has now been reduced, by 42 percent, to a 3 year \$1,080,000.00 strategy. The reduction in funding has meant that proposed new dedicated phone help-line, advocacy and counseling services will now not proceed. The Advisory Committee is assessing means to use existing help-lines, advocacy and counseling services in a coordinated way.

The Board continues to see examples of ruinous financial abuse of incapacitated elderly persons, who ought to be at an age where they can reap the rewards of hard work and prudent investments but instead are reduced to crippling poverty by the very people that they trusted the most.

As no single agency is yet charged with the standardised collection of data about elder abuse, it is difficult to quantify how much abuse is occurring. The phrase “tip of the iceberg” is used often, but the Board is not in a position to say whether that is the case. What we can say is that every example is one example too many. The Board is optimistic that when the State's financial outlook improves,

¹ King, Wainer, Lowndes, Darzins and Owada, *For love or money: intergenerational management of older Victorians' assets Protecting Elders' Assets Study*, Monash University May 2011

providing adequate resources towards the protection of elderly persons against abuse, and the detection and redress of abusive practices will be a high priority for the State Government.

I commend this report of the Board's activities to you.

Anita Smith
PRESIDENT

Role of the Board

Major Statutory Functions

The functions of the Guardianship and Administration Board (the Board) are established by the *Guardianship and Administration Act 1995*. Supplementary functions are established in Part 3 of the *Wills Act 2008*, Part 4 of the *Powers of Attorney Act 2000* and section 32 of the *Mental Health Act 1996* (MHA).

The Board has three major areas of activity. Firstly, the Board can appoint (including appointment on review) guardians for adults with disabilities who do not have capacity to make important personal decisions for themselves. Secondly, the Board can appoint administrators (including appointment on review) to manage the financial estates of adults with disabilities who cannot manage their estates because of their disabilities. Thirdly, the Board can make substitute decisions to consent to medical treatment on behalf of people with disabilities who lack the capacity to authorise such treatment themselves.

Other statutory functions of the Board include giving advice and directions to guardians, administrators, enduring guardians and enduring attorneys, registration of enduring guardianships, reviewing and, if necessary, revoking or altering an existing enduring power of attorney or enduring guardianship, creation of statutory wills and, in the case of unlawful detention of persons with a disability, ordering their removal to a safe place.

Because an adult's right to make financial and lifestyle decisions is a fundamental human right, such powers are only invoked where they represent the least restrictive alternative and where they will protect the best interests of the person. Consultation with the person with a disability to ascertain his or her wishes, if possible in the hearing, is fundamentally important to the decisions of the Board.

The Board operates as an independent statutory tribunal. Hearings are conducted as much as possible in an informal, inquisitorial style primarily to facilitate the meaningful inclusion of people with disabilities into the process of taking evidence. The informal style encourages participation wherever possible. The inquisitorial functions ensure that all of the necessary factual materials relevant to an application are compiled and presented to the Board to be tested in the hearing.

A video demonstration of the Board's procedures, called *Are You Attending a Hearing?*, can be found on the Board's website.

Composition of the Board

Names and brief biographies of the Board members current at the close of the reporting year are listed in Appendix 1.

Board members are selected for their understanding of the underlying principles of the Act and excellent communication and analytical skills. They are drawn from a wide range of disciplines including occupational therapy, nursing, psychology, social work, accounting, medicine and law and are particularly selected for their understanding of the issues facing people with disabilities.

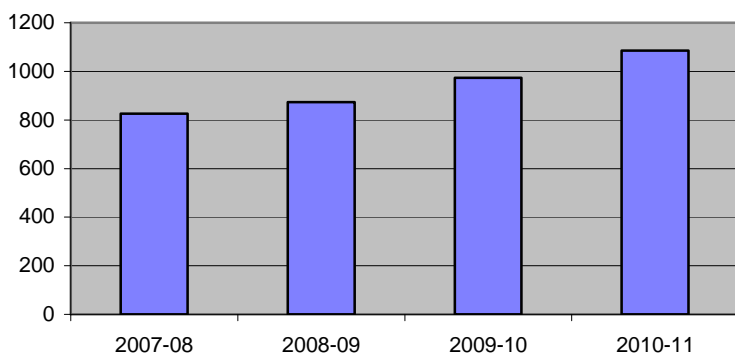
Due to reduced funding, internal and external training for Board members has diminished. Board members attended one training session combined with the Board's annual meeting during the reporting period. In addition some members were able to attend an Oral Decisions Program organised by the Chief Magistrate.

Processing of Applications

Applications Received

The total number of applications (including the triennial review of orders) received for the period 1 July 2010 to 30 June 2011 was 1085. Of these 744 were new applications with the remainder being reviews of existing orders.

New Applications for Last 4 years



For reasons expressed in previous years' reports, the Board anticipates that the numbers of applications will continue to grow for the foreseeable future.

Investigations – Parts 2 and 3 Guardianship and Administration Act

The legislation and regulations require that the hearing of an application must commence within 45 days of receipt of the application and the Health Care Professional Report. Registry staff members ensure that timelines are efficiently adhered to. Their high level of organisation is largely responsible for the timely delivery of outcomes to applications. Additionally, registry staff field thousands of telephone enquiries each year which are not statistically recorded.

Under the general control and direction of the President, the registrar and staff members of the Board register applications, investigate them, seek specialist reports and witness statements and list applications for hearing.

Hearings - Parts 2 and 10 Guardianship and Administration Act

Section 72 of the *Guardianship and Administration Act 1995* requires that the Board commence to hear an application within 45 days after the application is received by the Board. The Board is 85% compliant with section 72. This is the lowest level recorded in annual reports and largely due to significant changes in staffing in the reporting period.

The overwhelming majority of applications are not only heard but determined within 45 days. Matters determined later than 45 days (7%) were generally particularly complex cases or matters where relevant witnesses were unavailable for a period. One application for consent to medical

treatment (special treatment) has remained undetermined for over 1 year as counsel assisting the Board has obtained agreement from the parties to trial less invasive medical intervention which is consistent with the principles in the Act. (This figure of 7% includes 286 emergency applications which are determined without a hearing and not included in the 85% figure above.)

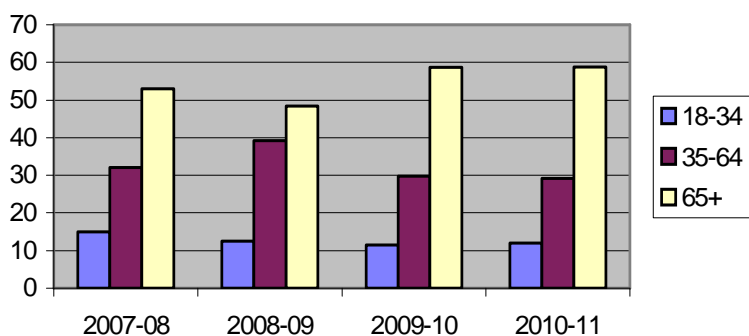
Board members heard an average of 5 applications per session this reporting year, whereas last reporting year they heard an average of 4.6 applications per session. This number represents an increase on previous years, meaning that each year Board members are doing more work for a set session fee.

The Board expresses its thanks to the Department of Justice (Launceston and Ulverstone), the Burnie City Council, the Roy Fagan Centre, the Launceston General, Royal Hobart and North West Regional Hospitals for the provision of hearing rooms at little or no cost.

Of the 719 hearings held in 2010-11, 57% were held in the South, 27.5% in the North and 15.5% in the North West.

Age Profile

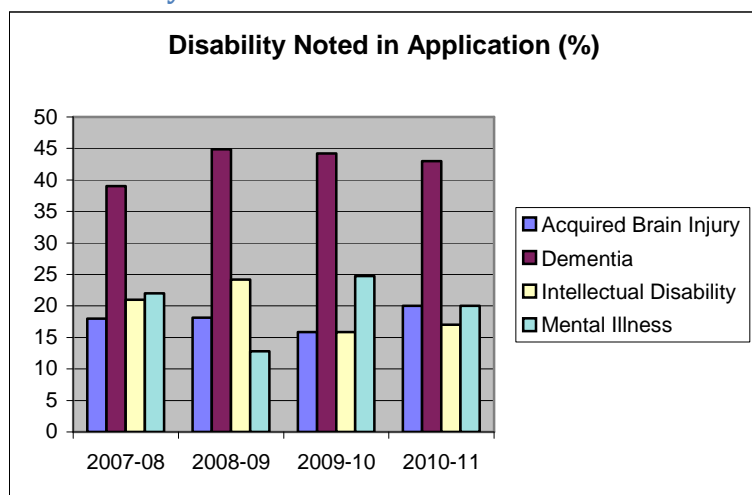
Age Profile of Clients (%)



Persons over 65 years of age continue to comprise a significant proportion at 58.8% of the total client group.

Disability Profile

Disability Noted in Application (%)

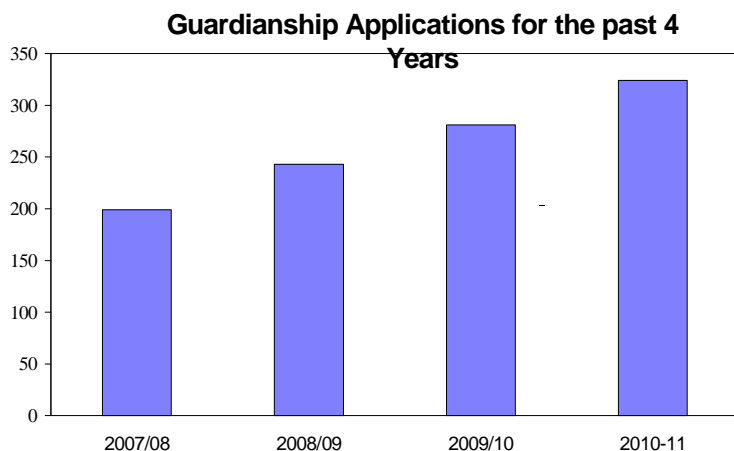


The categories of disability for the purpose of this graph are deliberately broad to enable data to be used in national comparisons. Where a person has multiple diagnoses, only the primary diagnosis is counted.

As with all previous years of reporting, the most prevalent disability noted in applications, by a significant margin, is dementia. This continues to have an impact for projected numbers of applications in an ageing population.

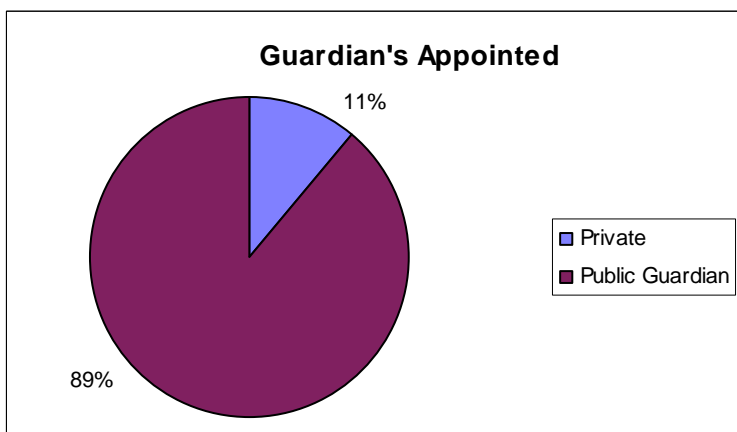
Performance of Functions by Category

Applications for Guardianship Orders – Part 4 *Guardianship and Administration Act*



The Board appoints a guardian to make personal decisions for an adult with a disability who, because of that disability, is incapable of making those decisions. This power arises from Part 4 of the *Guardianship and Administration Act 1995*.

The majority of guardianship appointments have traditionally been appointments of the Public Guardian.



The average duration of the appointment of a guardian during the reporting period (including emergency appointments) is less than 6 months.

The Public Guardian – Parts 3 and 4 *Guardianship and Administration Act*

In the last Annual Report, the Board expressed serious concerns that:

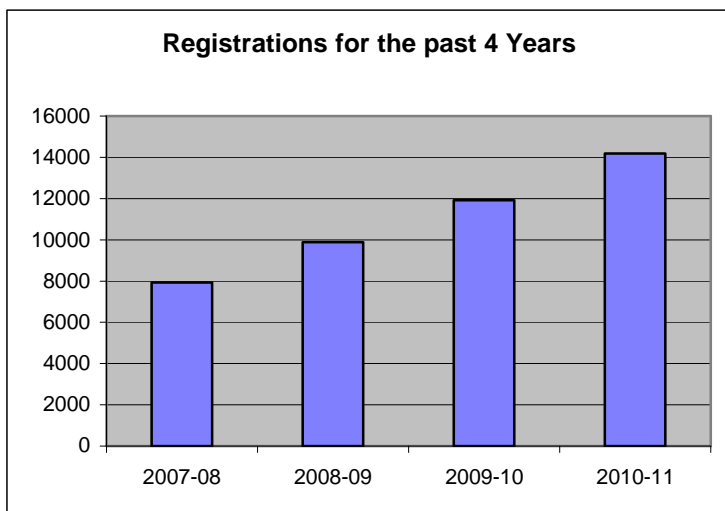
- (i) The Public Guardian has at least 12 statutory functions but directs the majority its resources to only one – section 15(1)(h) – “to act as a guardian or administrator when so appointed by the Board.”
- (ii) That within its activities as a guardian when so appointed by the Board it was not compliant with minimum *National Standards of Public Guardianship* as endorsed by the Australian Guardianship and Administration Council.

An attempt by the Board to direct the Public Guardian’s compliance with the *National Standards* failed when the decision of the Board was successfully appealed to the Supreme Court in *Public Guardian v Guardianship and Administration Board* [2011] TASSC 31.

A Departmental review anticipated in last year’s report has now been received by the Board and has validated the Board’s concerns. The Board looks forward to the implementation of appropriate recommendations in that report.

Registrations of Instruments Appointing Enduring Guardians – Part 5 *Guardianship and Administration Act*

Part 5 of the *Guardianship and Administration Act 1995* enables a person to appoint an enduring guardian to make personal decisions for him or her in the event that the person is no longer capable of making those decisions. An instrument appointing an enduring guardian must be registered with the Board.



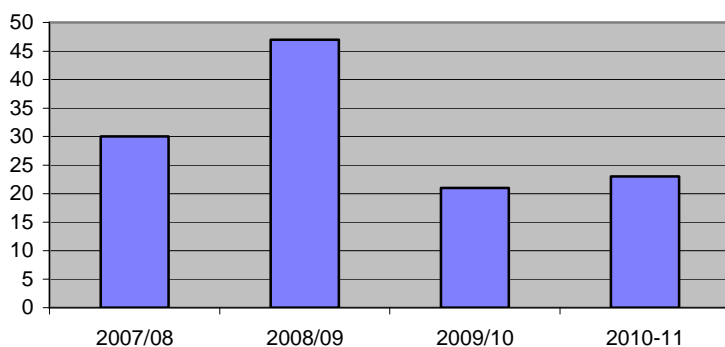
An information sheet and pro forma enduring guardianship instrument is available for download from the Board's website: www.guardianship.tas.gov.au.

Reviews of Enduring Guardianships – Part 5 *Guardianship and Administration Act*

The function of reviewing an enduring guardianship under Part 5 of the Act has proven to be a particularly complex area of work for the Board. The Board received 3 applications to review enduring guardianships during the reporting period. There were no applications for advice and direction by an enduring guardian received during this reporting period.

Consent to Medical and Dental Treatment – Part 6 *Guardianship and Administration Act*

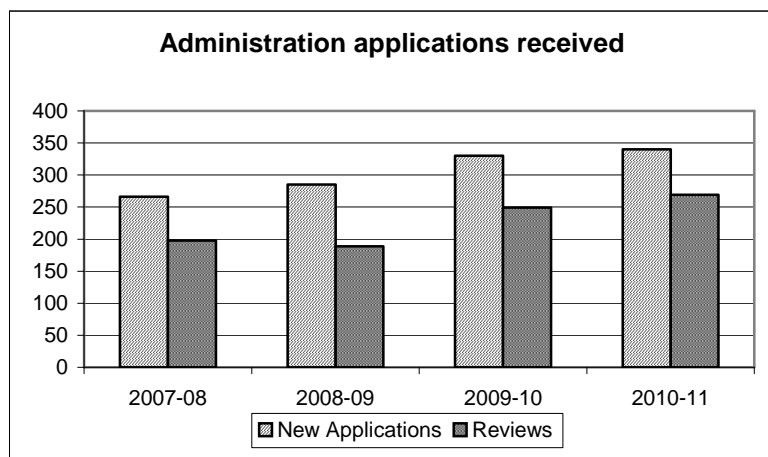
Medical Treatment Applications received in the past 4 Years



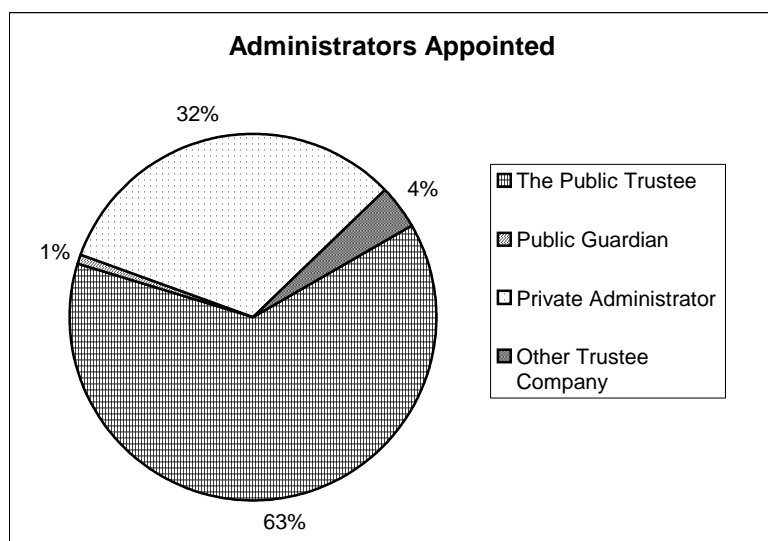
The Board has jurisdiction to determine applications for consent to medical and dental treatment pursuant to Part 6 of the *Guardianship and Administration Act 1995* and section 32 of the *Mental Health Act 1996*. Note the comments below (page 14) with regard to the correlation between the decline in these applications and the increase in emergency guardianship orders

Applications for Administration Orders – Part 7 *Guardianship and Administration Act*

Part 7 of the *Guardianship and Administration Act 1995* provides the framework for the appointment of administrators who undertake financial management on behalf of people who, by reason of disability, are incapable of making reasonable financial judgments.

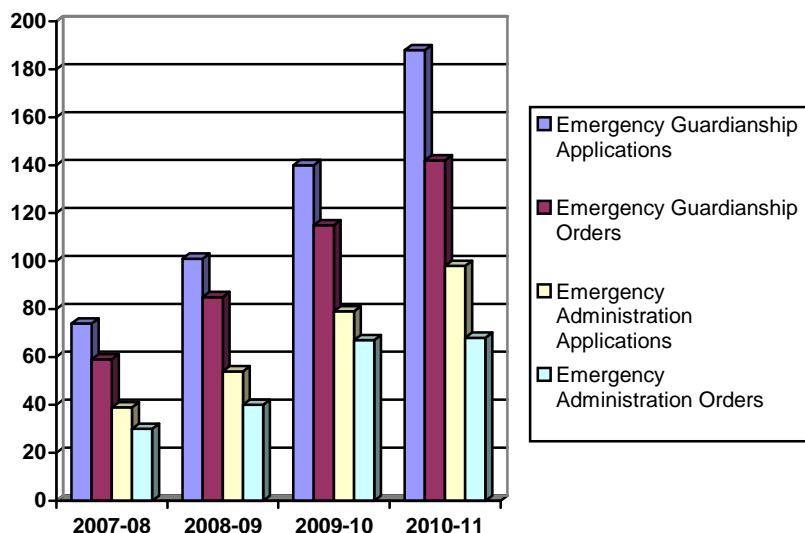


An administrator is a person appointed by the Board to make legal and financial decisions for an adult with a disability who is unable to make reasonable judgments in respect of matters relating to his or her estate.



Emergency Applications - Part 8 *Guardianship and Administration Act*

Pursuant to section 65 of the Act, the Board may, in circumstances of urgency, make an emergency guardianship or administration order without the need for a hearing.



There has been a rise in applications for the appointment of guardians under emergency orders. This appears to correlate to a reduction in numbers of applications for the Board's consent to medical treatment. Anecdotally, applicants have informed the Board that this reflects their preference to have an appointed delegate rather than a one-off consent to a particular treatment. 27% of the applications were rejected by the Board, mostly for a lack of demonstrated urgency.

Post-hearing procedures and support – Part 9 Guardianship and Administration Act

Post-hearing procedures represent a significant function of the Board and its officers. The Board received and scrutinized approximately 1230 annual reports submitted by appointed guardians and administrators in the reporting year. It is likely that this figure will continue to increase with increasing numbers of applications.

In recent years, the Board has undertaken significant work towards improving accountability of guardians and administrators, with a particular focus on the financial accountability. The following procedures have resulted from the improvements:

- A person applying for appointment as administrator must sign a declaration in the application acknowledging their duties under the Act
- The publication *Information for Private Administrators – A Handbook for Private Administrators* was revised and republished with stronger emphasis on issues of probity.
- Upon appointment administrators are required to sign an acknowledgement of their duties and receipt of the Handbook.
- Administrators are required to submit receipts of expenses and statements from financial institutions to reconcile/verify balances claimed in the annual statements.
- A failure to provide an annual statement or receipts and statements within 3 months of the first request will trigger an automatic review hearing.
- The Board actively considers an administrator's competence in reporting at review hearings. Administrators whose reports are inadequate have been replaced by the Public Trustee, or another suitable administrator, even where no fraud has been alleged.
- The process of reviewing administrator's annual statements was previously performed by the Investigation Officer who also had responsibilities for investigating new applications as well as monitoring existing appointments. That role has been restructured and the Board now has a

dedicated full-time Compliance Office whose duties centre upon the receipt, reconciliation and verification of reports submitted by administrators and guardians.

- All reports by guardians and administrators are firstly reconciled and verified by the Compliance Officer and then submitted to a Board member for approval. It is usually the President who reviews these reports. Where an annual report is not approved, the Board member will either seek more information or require a review of the order 'of Board's own motion'. There have been a considerable number of such reviews.

As a result of these changes, the Board pays much closer attention to the behaviour of administrators and the management of estates. Sadly, through these processes we have uncovered a number of administrators who have not adhered to their duties.

The Board has conducted proceedings pursuant to section 63(4), (5) and (6) which have resulted in disallowance proceedings (i.e. where the administrator is required to compensate for monies lost to the represented person's estate). See for instance (available on Austlii):

NBD (Review of Administrator)[2010] TASGAB 20

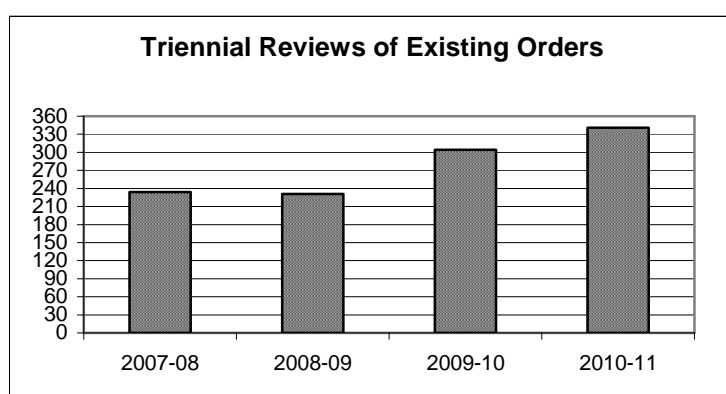
EKN (Administration) [2010] TASGAB 9

EKI (Statutory Will) [2010] TASGAB 12

Our procedures are still evolving. The recent decision in *Public Guardian v Guardianship and Administration Board* [2011] TASSC 31 places some limitations upon the Board's ability to direct and monitor appointees through reporting systems. However, none of the above measures will be affected by this decision.

Reviews of Existing Orders – Part 9 Guardianship and Administration Act

The following graph provides a comparison with previous 4 years:



Applications for reviews of guardianship or administration orders are made pursuant to section 67 of the Act, either as a consequence of the expiry of the order or because a person believes an order or a term of the order is no longer appropriate to the circumstances.

Applications to Review Enduring Powers of Attorney – Parts 4 and 5 Power of Attorney Act 2000

During the year to 30 June 2010, the Board received 27 applications for review of enduring powers of attorney under the provisions of the *Powers of Attorney Act 2000*.

The Board granted four (4) applications by the attorney of enduring powers of attorney for advice, revoked nine (9) enduring powers of attorney, appointing an administrator. One (1) application was

dismissed, six (6) applications were withdrawn, two (2) were adjourned, three (3) enduring powers of attorney were suspended and in one (1) the Board appointed a substitute attorney.

Applications relating to enduring powers of attorney are among the most complex applications that the Board receives, particularly where the Board is required to judge, in retrospect, whether the donor had capacity to execute the document or whether the transactions by an attorney were appropriate and in the best interests of the donor.

Applications under other legislation

The Board did not receive any fresh applications for statutory wills pursuant to the *Wills Act 2008*.

No applications were received pursuant to section 32 of the *Mental Health Act 1996*.

Requests for Statements of Reasons and Appeals – Part 10 Guardianship and Administration Act

Statements of reasons are produced upon request by a party pursuant to section 74 of the Act or where the Board members determine that reasons ought to be produced. All statement of reasons covers are de-identified and published on the Australian Legal Information Institute website: www.austlii.edu.au .

Twenty-three statements of reasons were written during the reporting year, 3 more than the last reporting year. An increase in the numbers of statements of reasons written also represents an increase in workload for Board members.

There was one appeal from a decision of the Board that is currently pending

Community Outreach

User Satisfaction Surveys

The Board publishes a User's Satisfaction Survey on its website. Parties are informed of the survey when a copy of the Board's order is sent to them. The response rate to the survey is very low to non-existent.

Law and Policy Reform

The Board participates in law reform activities where it is appropriate and consistent with its role. We continue to be in discussion with the Department of Justice about a significant review of Parts 4 and 5 of the *Powers of Attorney Act 2000*. Additionally, the Board contributed to the following law reform processes during the reporting year:

DHHS – Review of the *Disability Services Act 1992*

DHHS – Review of the *Mental Health Act 1996*

DHHS – Review of the *Alcohol and Drug Dependency Act 1968*

VLRC – Review of the *Guardianship and Administration Act 1986* (Vic)

The President is part of an Independent Working Party working towards unification of Tasmania's tribunal system. The Independent Working Party hopes to present an Options Paper to Government for consideration in the next reporting year.

The Board has been an active participant in the following policy developments:

Department of Justice – Disability Working Group

DHHS – Elder Abuse Prevention Advisory Committee

DHHS – Elder Abuse Prevention Referral Pathways Working Group

DHHS – Elder Abuse Prevention Law Reform Working Group

Cradle Coast Electronic Health Information Exchange (eHIE) Project

The President has been an active member of the Elder and Succession Law Committee of the Law Society, the Elder and Succession Law Committee of the Law Council (National) and a presenter at the annual Tribunals Conference of the Australian Institute of Judicial Administration. She is also involved in the Aged Care and Rehabilitation Network, Medico Legal Society and the Pro Bono Committee of the Law Society to assist in the development of the law in these relevant areas. The President is the current Chair of the Australian Guardianship and Administration Council and the Convenor of the upcoming World Congress on Adult Guardianship to be held in Melbourne in October 2012.

Community and Professional Education Program

The Board has in the past provided education on request to community, government and professional bodies in the interests of promoting access to justice. Community education is technically a function of the Public Guardian pursuant to section 15(1)(h) of the Act but the Board has taken the view that this does not preclude education activities by the Board.

Members and staff of the Board delivered 24 education sessions to 945 people. Due to funding pressures the Board has decided to limit the provision of community education to opportunities for the professional development of persons employed in nursing, medical, legal or disability fields. In future, presentations to community and interest groups will be declined. A list of organisations that the staff members or members of the Board have addressed during the reporting year is attached at Appendix 3.

In addition to the presentations by the Board, the Board also participated in the Menzies Research Institute *Carers' Care* self help video program.

Where it is able to, the Board promotes understanding of the Act through professional development organisations such as medical and nursing associations and the Law Society of Tasmania.

In the reporting year the Board was involved in the filming, production and publication of our web-based video: *Are You Attending a Hearing?* This film was made with the assistance of funding from

the Tasmanian Law Foundation. Appendix 5 of this report records the speeches of the President of the Law Foundation and the Attorney General on the occasion of the launch of the video.

Website and Publications

The Board's website includes application forms, health care professional report pro formas, facts sheets, process information and annual reports. All the Board's publications can also be downloaded from the website. The website address is www.guardianship.tas.gov.au

The Board has prepared the following fact sheet publications as educational tools:

- 1 What is the Guardianship and Administration Board?
- 2 Guardianship
- 3 Administration
- 4 Consent to Medical or Dental Treatment
- 5 Consent to Medical or Dental Treatment (Guide for Medical Practitioners)
- 6 Are you a Person Responsible?
- 7 The Public Guardian
- 8 Reviews of Enduring Powers
- 9 What if I Don't Agree With the Board's Decision?
- 10 Statutory Wills
- Enduring Guardian Form
- Enduring Guardianship Info Sheet
- Community Education Request Form

The Board publishes a range of information booklets and policies:

- Private Administrators Handbook
- Private Guardian's Handbook
- Enduring Guardian's Handbook

- Person Responsible Guidelines Issued October 2008 pursuant to section 4(5) *Guardianship and Administration Act 1995*
- Litigation by Administrators and Guardians, Background Information
- National Guardianship Standards (By the Australian Guardianship and Administration Council)
- Management of Resident's Funds in a Supported Accommodation Facility – A Legal Perspective
- What is an Emergency? Applying for an emergency guardianship or administration order.

The Board has the following Practice Directions available on the website”

- Who is a party for GAB Proceedings?
- Requests for Transcripts
- Gifts and Settlements
- De-identification of Decisions for Publication

De-identified statements of reasons are available on the Australasian Legal Information Institute website (<http://www.austlii.edu.au/au/cases/tas/TASGAB/>). As at the time of reporting there are 133 decisions spanning from 2002 to 2011.

The President published the following articles in external publications during the reporting period:

The Law Society of Tasmania, Law Letter - *Out of the Frying Pan – Forensic Mental Health Orders – Have changes to the review processes for people found ‘unfit to plead’ or ‘not guilty by reason of insanity’ enhanced the liberty of the subject?* Issue 107.

20.9 Guardianship and Administration or Management of Property Division in Chapter 20 The Laws of Australia, Thomson Reuters (Professional) Australia Limited

Mediation in Guardianship Proceedings for the Elderly: An Australian Perspective (with Professor Robyn Carroll) The Windsor Yearbook of Access to Justice, Vol. 28(1) 2010, Ontario, Canada

Office Administration

Appointments

The following members were reappointed during the reporting year:

Sue Hill
Rod Lester
Marguerite Lester
Grant Kingston

The following members' appointments expired without reappointment during the reporting year:

Kereth West
Keith McArthur

The Board wishes to express its thanks to Ms. West and Dr. McArthur for their contribution to the work of the Board. Ms. West was a founding member of the Board and has been a very active member since 1997. The Board will continue to reduce membership where possible to save on costs of training and support of members.

Human Resources

The Board had available to it a Registrar and five other staff members; two staff members undertake investigative work and the balance undertake registry responsibilities in conjunction with the Mental Health Tribunal and, since February 2006, the Tasmanian Forensic Tribunal.

Two staff members have received recognition for 25 years of Public Service during the reporting year. Jane Bliss and Andree Feil have each given 25 years service to the Tasmanian community. Congratulations, Jane and Andree, on your commitment to service and the recognition of your contribution to this State.

Finances

A full financial summary is at Appendix 4. The Board was pleased that amendments have been made to the Budget Papers format to more appropriately describe and acknowledge the work of the Board and related agencies.

How to Contact the Board

The Board's offices are located at: First Floor, Department of Justice Building
54 Victoria Street, Hobart

Postal address: GPO Box 1307, Hobart, TAS, 7001.

Telephone Number: (03) 6233 3085 or 1300 799 625

Facsimile Number: (03) 6233 4509

Email Address: guardianship@justice.tas.gov.au

Website: www.guardianship.tas.gov.au

Appendix 1 - Board Members at 30-6-11

Anita Smith – President

Appointed: 1 January 2003 (5 year term)

Anita Smith was admitted as a legal practitioner in 1992. Anita graduated from Law at the University of Tasmania and has a Masters in Law from Monash University. She has practised law in private practice and community legal centres in Tasmania and New South Wales. She was a policy advisor to the Human Rights and Equal Opportunity Commission and a Chief of Staff to the Tasmanian Attorney General.

Anita is an *ex-officio* member of the Forensic Tribunal (*Mental Health Act 1996*). She was previously the Chair of the Professional Review Tribunal under the *Nursing Act 1995*, and a member of the Anti Discrimination Tribunal. Anita is the Chair of the Australian Guardianship and Administration Council and the Convenor of the 2012 World Congress on Adult Guardianship.

Colin McKenzie – Deputy President

Colin McKenzie was admitted as a legal practitioner in 1983. Colin graduated from Law at the University of Tasmania in 1982 and qualified as a LEADR accredited mediator in 2004. He has practised law in private practice since his admission in a wide range of litigation areas in Hobart, served on the committee that established the Hobart Community Legal Service and from 1986 practised on the North and Northwest Coast of Tasmania. He is a partner of the firm of McLean McKenzie & Topfer based in Burnie. He was member of the board of Lifeline North West Tasmania from 2002-2008 and served as its president and national delegate. He has been a member of Ability Tasmania Group Inc Board since 2002, and a member of Marist Regional College Board of management from 2002 to 2008.

Board Members (In alphabetical order)

Kellie Ashman

Appointed: 21 February 2005 and 30 June 2008

Kellie Ashman was a member of the Disability Services Ministerial Advisory Council (now known as the Ministers Disability Advisory Council) from 2002 to 2008 and served as the Deputy Chair of that Council. She is a former member of the Committee of Management for Tasmanian Acquired Brain Injury Services in Launceston. She has developed and maintained extensive interests within the disability sector. Kellie served as a volunteer for St Michaels Association in Launceston as well as serving on their Board of Management between 2006 and 2009. She was a member of the Tasmanian Women's Council for two years until 2008 and was also a finalist in the Community Achievement Awards of 2007 and again in 2008 in the category of MAIB Disability Achievement. She is currently working towards her BA at the University of Tasmania.

Kim Barker

Appointed: 27 June 2003, reappointed August 2006 and February 2010

Kim Barker worked for many years with people with disabilities, as a rehabilitation consultant and counsellor. She is Deputy President of the Mental Health Tribunal and a member of the Social Security Appeals Tribunal. She undertakes dispute resolution as Chair of the Tasmanian Training Agreements Committee, and is a Director of the Motor Accident Insurance Board. Kim's qualifications include a Bachelor of Arts Degree (Psychology), Diploma of Education and a Graduate Certificate in Counselling and Development.

Wendy Hudson Appointed: 21 February 2005 and reappointed 30 June 2008

Wendy Hudson (Beveridge) graduated with a degree in Law at the University of Tasmania in 1990. She practised as a solicitor with Jennings Elliot until 1996, when she took up practice at Dobson Mitchell and Allport until 2001. Since that time she has been the Commissioner's delegate with the State Service Commission, Commissioner for Criminal Injuries Compensation, sessional mediator with the Supreme Court, the Anti Discrimination Tribunal and Relationships Australia. Wendy is currently employed with the Commonwealth Department of Health.

Abigail Bindoff Appointed: 21 September 2009

Abigail spent 12 years working in disability services including in staff training and service management roles before qualifying as a legal practitioner in 2006. She is presently an employed solicitor at Walsh Day James Mihal Pty in Ulverstone practising in wills and estates, family law and criminal law.

Kate Brown Appointed: 21 February 2005, reappointed 30 June 2008

Kate Brown graduated with a degree in Arts Law at the University of Tasmania in 1995 and was admitted as a Barrister and Solicitor of the Supreme Court of Tasmania in 1996. Since that time she has worked in private practice, with Clarke & Gee and Dobson Mitchell & Allport. She has practised mostly in litigation, including criminal law, family law and personal injuries litigation. Kate is also a member of the Forensic Tribunal and the Mental Health Tribunal, a Director of the Motor Accidents Insurance Board and is the Chair of the Integrity Assurance Board under the *Racing Regulations Act*.

Elizabeth Dalgleish Appointed: 27 June 2003, reappointed August 2006 and September 2009

Elizabeth Dalgleish graduated from the University of Tasmania with a Bachelor of Arts and Law in 1991. She was admitted as a Barrister and Solicitor of the Supreme Court of Victoria in 1992 and then worked at the Consumer Credit Legal Service (Vic) the following year. Upon returning to Tasmania she worked as a Legal Officer for the Australian Securities Commission and then worked as the Child Support Solicitor at the Hobart Community Legal Service. In 1994, she commenced work at the Legal Aid Commission of Tasmania providing legal advice on a range of topics through the telephone legal advice and community education service.

Mary Davies Appointed: 21 February 2005, reappointed 30 June 2008

Mary Davies graduated in 1971 with degrees in Arts and Social Work from the University of Queensland. She has been employed as a social worker in both government and community based organisations since that time. She is Team Leader of the Dementia Carer Support Service in the North West area of Tasmania. Mary was a founding member of the Alzheimer's Association, North West Tasmania.

Gerard Dibley Appointed: 21 February 2005 and reappointed 30 June 2008

Gerard Dibley has extensive experience in public sector programs that support people with disabilities. He is currently a Company Director of PDF Management Services. He has formerly held positions as Coordinator Disability Services Unit, Manager of Children's Services, Acting State Program Co-ordinator for Aged and Disability Services and as the Deputy Director of Housing Tasmania. He is a current Board member of Nexus Inc Residential Services.

William Downie Appointed: 21 September 2009

William has an accounting and finance background and has extensive commercial experience across a number of industries, specialising in retail and retail marketing. William is a Director of TOTE Tasmania, a member of the University Foundation Board of Governors, and the Director of a number of health and optical organisations.

Catherine Gavan (Wilding) Appointed: 27 June 2003, reappointed August 2006 and February 2010

Catherine is employed by the Department of Education as the Legal Services Advisor within the Legal Services Unit. She is also Legal Officer with the Specialist Reserve of the Royal Australian Air Force in Hobart.

Susan Hill Appointed: 11 August 1997, reappointed October 2000, April 2004, June 2007 and July 2010

Sue Hill holds a Bachelor of Laws degree and was admitted as a barrister and solicitor of the Supreme Court of Tasmania in 1978. Sue worked in private practice from 1981 until 1993. Sue has lectured and tutored in Business Law at the Hobart TAFE and the University of Tasmania in Launceston. Sue was instrumental in establishing the Northern Community Legal Service in Launceston. She is a member of the Mental Health Tribunal and the Standards Panel of the Local Government Association. She is the Convenor of the Women's Council of Tasmania and a volunteer legal advisor for Citizens Advocacy. Sue was a member of the Social Security Appeals Tribunal for 15 Years.

Rowena Holder Appointed: 21 September 2009

Rowena Holder graduated from the University of Tasmania with a Bachelor of Arts and Law in 1995. She was admitted as a Barrister and Solicitor of the Supreme Court of Tasmania in 1996. Since that time she has worked in private practice practicing in litigation, including criminal law, personal injuries law and family law. Rowena is currently employed as a Senior Associate at Rae and Partners Pty and specialises in family law property matters. Rowena is also a member of the Board of Directors of Presbyterian Care Tasmania.

Patricia King Appointed: 21 February 2005 and reappointed 30 June 2008

Patricia King obtained a Bachelor of Social Work at the University of Tasmania in 1992. Since that time she has worked with Children's Services, the Launceston General Hospital and Disability Services (North). In the past Patricia has worked as a State Enrolled Nurse in Victoria. Patricia is a past board member of Independent Services, a day support service for people with a disability. She has served as an authorised officer for the predecessor of the current Board and as a nominated officer for this Board from 1997 to 2003.

Grant Kingston Appointed: 17 December 2007 and March 2011

Grant Kingston has an extensive background in the welfare and trust industry. Prior to joining the Board he was employed for 20 years at Centrelink in Tasmania and Western Australia, being Branch Manager at Broome, Port Hedland and Kununurra. In 1990 Grant became the NW Regional Manager for the Public Trustee. He retired from this position in 2006.

Toni Law Appointed: 21 September 2009

Toni Law completed a Bachelor of Social Work from the University of South Australia in 1992 and a Post Graduate Diploma of Social Welfare from James Cook University (Townsville) in 1995. Toni has worked as a social worker across South Australia, Queensland and Tasmania in a range of settings including hospitals, mental health, aged care and alcohol and drug dependency. Toni is an active member of the Tasmanian Elder Abuse Partnership and was appointed to Council on the Ageing Inc Tasmania Policy Council February 2010. Toni commenced as the Policy and Research Officer for the Mental Health Council of Tasmania (MHCT) during June 2010.

Marguerite Lester Appointed: 11 August 1997, reappointed October 2000, May 2004, June 2007 and July 2010

Marguerite Lester holds a Bachelor of Applied Science (Occupational Therapy) and a Master in Business Administration. Employment and community involvements in the north, south and northwest of Tasmania include acute care and community based allied health services, the Aged Care Assessment Team, Vocational Rehabilitation, paediatrics including physical disability. Mrs. Lester has represented allied health, and the aged care sector on advisory committees at state and national levels. Mrs. Lester is a member of the Mental Health Tribunal and other community groups.

Rodney Lester Appointed: 16 October 2000, reappointed May 2004, June 2007 and July 2010

Rodney Lester holds a Bachelor of Business (Accounting) from the University of Tasmania, a Master of Taxation from the University of New South Wales and a Company Director Diploma from the University of New England. Rodney has worked in private accounting practice for several years specialising in small business taxation and project development. He has held a number of directorships in both public and private companies, and currently is a director of Giant Steps Tasmania and the Meander Valley Enterprise Centre.

Elizabeth Love Appointed: 4 February 2002, reappointed August 2005, April 2009

Elizabeth Love, who holds a Bachelor of Arts (Social Work) UTAS, has worked as a social worker for over 30 years in a variety of State and Federal government agencies and in the non-government sector. She has worked as a private rehabilitation consultant and currently works in private practice as an accredited mental health counsellor.

Martin Morrissey Appointed: 23 March 2005 and reappointed 30 June 2008

Martin Morrissey completed his training as a psychiatrist in 1996 at Westmead and associated hospitals. He was awarded the Fellowship of Old Age Psychiatry in the same year and the Fellowship of the Royal Australian and New Zealand Institute of Psychiatry in 1997. He practised in Northumberland, England until 2002 when he commenced a position as Consultant Old Age Psychiatrist with the Department of Health and Human Services in Tasmania.

Tony O'Neill Appointed October 2000, reappointed February 2005 and June 2008

Tony O'Neill has an extensive background in health and human services. His former positions included Manager, Individual Child and Family Services and North West Regional Program Manager, Child, Family and Community Support Services with the Department of Health and Human Services. Tony holds a Bachelor of Arts (Community Social Services) from Charles Sturt University.

Leon Peck Appointed: 22 March 1999, reappointed October 2002, February 2006 and September 2010

Leon Peck has a background in health services, having served some 20 years with the now Department of Health and Human Service, predominantly in health care administration. Since leaving the Department Leon has been involved with non-government not for profit organizations, currently provides a consultancy service and has successfully owned and operated a hospitality business on Tasmania's east coast. Leon holds a Bachelor of Arts Degree from the University of Tasmania and is a Justice of the Peace.

Andrea Schiwy Appointed: 21 September 2009

Andrea Schiwy graduated from the University of Tasmania with a Bachelor of Commerce in 1983 and worked for many years in taxation and corporate regulation. Andrea is a member of the Social Security Appeals Tribunal, Nursing Board Tribunal (until 30 June 2010) and Legal Professional Disciplinary Tribunal. She is Deputy President of the Retirement Benefits Fund Board and a Director of Diabetes Australia (Tas).

Eric Smith Appointed: 21 September 2009

Between 1991 and 2008, Eric had 17 years experience as a Client Account Manager at the Public Trustee, being elevated to the position of Senior Trust Officer in 2001. He has had firsthand experience administering deceased estates and trusts, as well as the estates of persons with a disability who are the subject of orders by the Board. In that role, Eric had a great deal of experience in appearing before the Board in new applications, reviews, and applications for gifts and statutory wills.

Leanne Topfer Appointed: 21 September 2009

Leanne is a legal practitioner with 26 years experience in civil and estate litigation and family law. She is a partner of McLean McKenzie and Topfer in Burnie. She has been a member of the Council of the Law Society since 1999 and was President of the Society in 2005-6. Leanne is a Director of the Law Council of Australia. She is also a member of the Cancer Council Board, the Tasmanian University Union Board and the Advance Burnie Board.

Lindi Wall Appointed: 21 February 2005 and reappointed 30 June 2008

Lindi Wall graduated with a degree in Law at the University of Tasmania in 1989 and was admitted as a Barrister and Solicitor of the Supreme Court of Tasmania in 1990. She has 18 years experience in civil litigation with the firm of Wallace Wilkinson and Webster. In 2008 she was appointed to the position of temporary magistrate and currently works as a conciliator. She is a founding Board member of the Environmental Defenders Office (Tas).

Philippa Whyte Appointed: 22 March 1999, reappointed October 2002, February 2006 and September 2009

Philippa Whyte graduated with a degree in Law from the University of Tasmania in 1978 and was admitted as a Barrister and Solicitor of the Supreme Court of Tasmania in 1980. Since that time she has worked as a lawyer in private practice for over 22 years, in both litigation and commercial law. In 2002 she started work as the inaugural conciliation officer within the Office of the Health Complaints Commissioner and in 2009 was appointed to the position of Principal Officer within that office. Philippa is a trained mediator and also a member of the Mental Health Tribunal. She was a member of the Social Security Appeals Tribunal for 6 years.

Appendix 2 – Statistical Summary

	2006-07	2007-08	2008-09	2009-10	2010-11
Applications received					
Total applications rec'd	647	826	873	974	1085
Guardianship normal	85	125	142	141	136
Guardianship emergency	56	74	101	140	188
Administration normal	186	266	215	251	242
Administration emergency	26	39	54	79	98
Medical consent	19	30	47	21	23
Statutory Will	4	1	6	1	0
Other (EPA's, gifts, advice etc)	68	57	77	37	57
Triennial review of existing orders	203	234	231	304	341
Hearings conducted					
Total hearings	477	583	611	643	719
Guardianship	64	82	117	111	105
Administration	150	200	167	212	205
Medical consent	15	24	44	15	16
Statutory Will	1	2	3	0	1
Other	39	30	36	21	52
Reviews	219	245	244	284	340
Hearings by region					
South	253	346	369	332	410
North	128	147	150	186	198
North West	92	89	92	125	111
Outcomes					

Guardianship orders	56	67	118	101	91
Administration orders	296	345	330	386	436
Medical consent orders	14	21	30	13	14
Other orders (EPA's gifts, etc)	21	22	17	13	12
Statutory Will orders	1	1	0	0	0
Applications dismissed	30	39	37	48	45
Matters adjourned	29	33	30	40	47
Applications lapsed/ withdrawn/ advice only	92	136	87	78	73
Community & Professional Education Sessions	52	41	37	48	24

Appendix 3 - Community Presentations

Staff and Board members delivered education to over 945 people in the reporting year. The average length of a session was 1.5 hours. All sessions were provided on request from the organisations mentioned below.

Adult Education Classes - *In the Event of Incapacity or Death* - with the Public Trustee (x3)

Australian Institute of Judicial Administration Tribunals Conference

Essential Elements of a Super-Tribunal

Claremont College - Disability Support Students

Devonport Polytechnic – Aged Care Students

DHHS – Nubeena Community Health Centre – Staff Training

DHHS – Statewide Mental Health Service Legal and Legislative Training Program

DHHS – Wilfed Lopes Centre Staff

General Practitioner Registrar Training

Latrobe Adult Day Centre – Day Centre Clients

Office of the Public Guardian – Staff Training

Official Visitors – Office of the Ombudsman – Staff Training

RANZCP Faculty of Psychiatry of Old Age Conference – Professional Development

Star Tasmania – Staff and Families of Residents

Tas Care Point – Staff Training

Tasmanian Perpetual Trustees – Staff Training

Tasmanian Training Institute – Legal Lunch Box

University of Tasmania – Intellectual Disability, Legal Perspectives (x2)

University of Tasmania - Perspectives on Ageing – Medicine and Nursing Students

Victorian Office of the Public Advocate – Mental Health Consumers

World Congress on Adult Guardianship – Yokohama, Japan (funded by hosts)

Personal Affairs and Consent to Medical Treatment

The Essential Elements of Effective Guardianship - An examination of the appointment, monitoring and review of effective guardians.

Young Lawyers Association – Professional Development

Appendix 4 – Financial Summary 2010 - 2011

Guardianship and Administration Board			
	Budget	Actual Expend	Variation
EMPLOYEE RELATED			
	548,377	521,247	27,130
TRAVEL AND TRANSPORT			
	30,600	16,962	13,638
MATERIALS, SUPPLIES & EQUIPMENT			
	13,550	24,936	-11,386
PROPERTY EXPENSES			
	46,700	47,533	-833
FINANCE EXPENSES			
	0	0	0
INFORMATION TECHNOLOGY			
	15,664	16,775	-1,112
CONSULTANTS			
	0	0	0
OTHER EXPENSES			
	49,088	31,532	17,476
TOTAL	703,979	659,026	44,913

Full Financial Reports for the Board are encompassed in the Department of Justice Annual Report in Output 1.6.

Appendix 5 – Speeches on the Launch of *Are You Attending a Hearing?*

Launch of “*Hearings of the Guardianship and Administration Board*” a video presentation funded by the Law Foundation of Tasmania

Bill Griffiths, President of the Law Foundation

Many Tasmanians might live their whole lives without ever appearing in a court or a tribunal. To suddenly have the need to appear before an unknown court or tribunal can anxiety and uncertainty (sometimes even for lawyers!).

Although the work of the Guardianship and Administration Board has effectively doubled over the past 6 years, it is still a jurisdiction of which many people are unaware until they suddenly need the appointment of a guardian or an administrator for an elderly relative with dementia, or a friend or client with a disability, who is facing some personal or financial crisis.

Conscious that people with disabilities who receive an invitation to attend a hearing of the Board: (i) have most likely never heard of the Guardianship and Administration Board and (ii) will suffer some anxiety about that prospect, the Board set out to create a video that will give guidance to people who will attend the hearings.

Many such videos already crowd the bookshelves of law firms, Government and non-Government agencies and are rarely watched. It's not really anyone's idea of a good Saturday night in. Therefore this project was designed as a video that will be hosted on the Board's website and available for people to download on an “as needed” basis. The Board will, in future, refer to the web-based video in Notices of Hearings, meaning everyone will have the opportunity to familiarise themselves with the language and environment of a Board hearing.

This project has been very “Tasmanian” in its use of local networks and resources in an environment where Government resources are scarce. It started with the Board offering an internship to students of the Business School of the University of Tasmania to develop a funding submission to access external funding for the development of such a video. Jazz Yap accepted that offer and developed the submission for funding on behalf of the Board. I am pleased to say that our organization, The Law Foundation of Tasmania, granted funding based on that submission.

The Law Foundation of Tasmania makes grants for law related projects which are in accordance with the Foundation's objects which include:

- Promoting legal education in any subject or field which in the opinion of the Foundation is likely to promote the efficient practice of law;
- Promoting or undertaking community education in law and the legal system;
- Publishing materials relating to these objects.

We were impressed that the submission from the Board clearly met these objectives.

After funding had been secured, the Board selected the production company: a local Hobart firm called Digital Suite headed by Dan Broun. Dan and his team are here tonight. As you will see, the quality of the video easily matches interstate rivals who were going to cost a great deal more.

Aside from Board members and staff, and Jazz Yap, actors were fielded from local organisations on a voluntary basis. The actors are also here tonight and represent:

- Nexus Inc (a provider of supported accommodation for people with disabilities)
- Mental Health Services
- The Public Trustee
- The Public Guardian
- Advocacy Tasmania (a disability advocacy organization)

Some features of the video are that:

- It is deliberately only 12 minutes long to assist people with memory problems and attention deficits to take in the information
- It is web based to ensure its reach to a wide range of applicants and attendees at Board hearings
- It has a subtitle facility for people with hearing impairments
- It uses voice, vision and text to convey the messages according to a range of learning styles
- It uses plain English to explain the processes of the Board

All of this is aimed at making the Board's processes more accessible to its users.

We believed that such a collaborative local effort by local volunteers deserved the recognition of a proper launch. Hence we have pleasure in welcoming you to this event tonight.

It is now my pleasure to launch this video presentation on behalf of the Law Foundation of Tasmania.

Thank you.

The Hon. Brian Wightman MP, Attorney General

The Guardianship and Administration Board was established in 1997. Since then, it has been a leader in the development of laws and practice that enhance the rights and welfare of people with disabilities.

Because of its unique informal and inquisitorial practice, the work of our local Board has been the subject of addresses by its President to recent international guardianship and elder law conferences in the Netherlands, Canada and Japan.

There are two reasons for the Board's sustained approach to innovation:

- One is a multidisciplinary Board. That is: a Board made up of a range of legal, medical, financial and social welfare practitioners.
- The other is a small and dedicated group of long-serving public servants in the Board's office.

Together they adopt an approach of continuous improvement, not just in the Board's practices, but in the advancement in the rights of people with disabilities generally. To this end the Board invests a great deal of energy and commitment to education in the community in addition to its functions as a statutory tribunal. One example of that educative approach is this video project that we will see today.

Now I have three presentations to make:

Firstly to Jazz Yap:

Jazz was a student at the University Business School. In the first semester of 2010 she completed an internship at the Board to develop a funding submission to attract external sponsorship for this video project (which was obviously successful). Long after she handed in the final assignment, and graduated, Jazz has remained involved in the script development, filming and editing of this video. This presentation recognises her dedication as a volunteer in this project.

Secondly to Dan Broun:

Dan's team at Digital Suite not only came in "on time and within budget" but he has provided additional services in providing subtitles, adapting the material to website format and given extensive advice and assistance to the Justice Department IT section to enable this site to be ready today.

Thirdly to Gerard Dixon:

Gerard is considered by all of the cast and crew to be the star of the show. Gerard is a veteran of 3 or 4 videos on everything from cooking to exercise. He was selected for the video because of his demonstrable talent in previous presentations. It has been reported to me that Gerard went out of

his way to put all of the amateur members of the cast at ease with his natural friendliness and professional approach.

Finally, congratulations to the Law Foundation for funding such a worthy project and well done to the cast and crew.

Thank you.