



Guardianship and Administration Board

Annual Report 2015 - 16

28 September 2016

The Hon. Vanessa Goodwin MLC
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 2015 to 30 June 2016.

PRESIDENT

Guardianship and Administration Board

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REPORT OF THE PRESIDENT

I am pleased to present this my first annual report for the Guardianship and Administration Board for 2015/2016, on behalf of all Board members and staff.

The Guardianship and Administration Act was given royal assent on the 22nd September 1995 and commenced on 1 September 1997. For 18 years the Board has worked to both empower and protect people living with disabilities. The Board respects the rights of people with disabilities to make their own decisions wherever possible, and when it is not possible, to ensure there is an effective, fair and accessible legal process to facilitate substitute decision-making. The Board appoints guardians and administrators as substitute decision makers to act in the best interest of people with disabilities.

Persons over 65 years of age continue to comprise a significant proportion of the persons about whom applications are made. A significant proportion of applications also relate to persons living with dementia. A major challenge into the future will be the impact on the increasing aging population on the need for guardianship and administration orders and the capacity of the Board to address this growing workload.

The reach of the Board's orders can be significant. It is not uncommon for Board members to hear positive feedback from people under orders, or from their families, carers and involved services. One such example in this last reporting year was when the Board reviewed a 3 year administration order for a person with a disability and comorbidity of alcoholism. Prior to the Order being made, the person's accommodation was at significant risk, he regularly didn't have funds for food or for other basic necessities and he was getting into regular trouble with the law for his aggressive behavior. The Board appointed the Public Trustee as administrator for this person. At the Review Hearing the person stated that he was thankful for the order which has resulted in him enjoying stable accommodation, regular meals and lesser funds for the consumption of alcohol. He stated that he felt "he had his life back." Statements like these clearly show that the Board's orders can play an important role in improving the lives of individuals with decision-making disability.

The Board does however recognise that not all persons under disability wish they were subject to the Board's Orders. The Board therefore always needs to be very considered when weighing up what is in a person's best interests, what the wishes of a person are and what is the least restrictive alternative.

It has been a year of change for the Board.

Ms Anita Smith resigned from her role as President of the Board effective 30th March 2016. Ms Smith was appointed President on the 1st January 2003. The Board has benefited greatly from Ms Smith's leadership, vision and commitment to the principles underpinning the operation of the Board and the work of the Board. Ms Smith has international and national recognition for her work in guardianship law and will no doubt continue this legacy of excellence in her new role at VCAT. On behalf of the members and staff of the Board I thank Ms Smith for her tireless and expert leadership as President over the last 12 years.

Mr Colin McKenzie acted as President from March 2016 to 30 June 2016. I wish to acknowledge Mr McKenzie's service to the Board throughout this time, and his ongoing contribution as Deputy President of the Board.

There has also been a significant turnover of members in the reporting year. The following members were reappointed to the Board: Sue Aylett, Sandra Taglieri, Ken Stanton, Leanne Topfer, Carolyn Wallace and Juanita Westbury. The Board extends its congratulation to all re-appointed members.

On 12 October 2015, the Governor appointed Dr. Matthew Fasnacht as a Board member. Dr Fasnacht brings a medical practitioner/psychiatrist expertise to the Board. On the 1st January 2016 the Governor appointed Mrs Melanie Bartlett back to the Board. Mrs Bartlett was previously a Deputy President of the Board and resigned to take up appointment as a Magistrate. Having retired as a Magistrate, she has now resumed appointment as a sessional member of the Board.

I would like to thank all members for their time, dedication and professionalism throughout the reporting period.

Following an open process of calling for expressions of interest in December 2015, the Governor approved the following Board appointments on the 27th June 2016: - Kate Brown, Colleen Check, Angela McKenzie, Justin Otlowski, and Michael Stoddart. These appointments include 3 legal members and 2 community members with a professional aged care/disability background. Congratulations to the new members who will undoubtedly make a significant contribution to the work of the Board.

I would also like to recognise the following Board members who ceased their role with the Board as sessional members in the reporting year, namely Abigail Bindoff, Catherine Gavin, Kim Barker (who was appointed the Public Guardian), Leon Peck, Phillipa Whyte, Elizabeth Dagleish and Elizabeth Love. Each member has served multiple terms of appointment. On behalf of the Board I thank them for their contributions to the Board and for their valued years of service.

The Board relocated its Registry office in June 2016 from Victoria Street, Hobart to Level 2, 144 Macquarie Street, Hobart. The relocation has gone well with very little disruption to our service.

It goes without saying that the Board would not function without our staff. While our staff has had to deal with increasing workloads, staff shortages, staff movements and the changes in leadership and work premises, they remain committed to delivering an efficient, timely and accessible service to people with decision-making disability. I would like to thank the Board staff for all their work throughout the year and for their forbearance and commitment during this period of change.

The ongoing work of the Board and its achievements this year has been possible because of the dedication of its staff and members. Their commitment to the principles in the Act and to ensuring the needs and interests of people with disabilities are appropriately met have ensured that the Board continues to meet its important statutory role.

I look forward to the year ahead and the opportunity to continue the work of the Board in 2016-2017.

Rowena Holder
President

WHO WE ARE

The Guardianship and the Administration Board

The Guardianship and the Administration Board is an independent statutory tribunal established under the Guardianship and Administration Act 1995 in Tasmania. The Board conducts hearings to determine applications about adults with a disability who are incapable of making their own decisions because of their disability and who may require a legally appointed substitute decision maker. The Board appoints substitute decision makers as a last resort when other forms of assistance have failed or are not available and where there are no appropriate decision-making arrangements in place. A substitute decision maker is a person who has been appointed with legal authority to make decisions on behalf of another person who is incapable of making a decision because of a disability.

The President and Deputy President

The President is responsible for the overall operation and administrative functions of the Board. The President has a leadership role for the Board in the development of policies and practices, direction for the registry staff, allocation of hearings, and reporting to Parliament. The President sits from time to time on hearings as the presiding member. The President is the only full-time member of the Board. The Deputy President may exercise the functions of the President if delegated by the President or if the President is absent from Tasmania, or is prevented by illness or incapacity from exercising those functions.

Board Members

Board members are appointed by the Governor on the recommendation of the Attorney General for a period of 3 years. Board members are appointed on a casual basis to conduct hearings and determine the applications made to the Guardianship and Administration Board. Board members are appointed on the basis of their understanding of the underlying principles of the Act, excellent oral and written communication skills and analytical skills.

Our Board Members have an extensive range of skills, qualifications and experience with people with disabilities across the health, disability, aged and community sectors, or have legal skills and experience. Having a multi-disciplined Board ensures that not only legal issues raised in the Applications before the Board are determined, but a holistic approach to decision-making can be achieved.

Appendix 1 provides names and a brief biography of Board members current at the close of the reporting year.

Board Staff

The Board has only 3 full-time staff members and has had up to 4 part-time staff during the reporting period.

In consultation with the President, the Registrar leads and manages the operations of the Board to ensure it achieves its legislative, policy, and public sector requirements and obligations.

Under the general control and direction of the President, the Registrar and staff of the Board investigate and list applications for hearing. 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.

The Board staff provides information to potential applicants and the community about the role of the Board, the application process and whether other least restrictive alternatives can be followed before invoking the jurisdiction of the Board.

The Board Investigators prepare matters for hearing and seeks as far as possible, to get the person, subject to the Application, views and promotes their attendance at the hearing. The investigation process is an important part of the Board's decision-making method. Where a proposed represented person has a disability which affects his or her ability to participate in the pre-hearing and hearing process, the investigators' role is to ensure that all relevant evidence is available to the Board members at the hearing and that the interests of the proposed represented person are fairly and accurately set out for the Board.

Investigators also provide assistance to members of the public who are considering an application to the Board, giving direction about whether such an application is necessary and what information may be useful to the Board if an application is submitted.

Where possible, staff assist with the informal resolution of matters which may result in an application being withdrawn prior to hearing. Staff are responsible for listing and scheduling applications and reviews for hearing, managing hearing venue arrangements and ensuring board member papers are disseminated to sitting members.

The Registrar is responsible for distributing Orders and Reasons for Decision. The Registrar represents the Board on a range of external committees and other formal appointments.

The position of Executive Officer, which was filled on the 31st March 2016 for a period of 12 months, is to assist with case management, record keeping and development of systems.

Appendix 2 provides names of Board staff at the close of the reporting period.

WHAT WE DO

Statutory Functions

The principal role of the Board is to hear and determine applications for the appointment of guardians and administrators. The Board can appoint guardians for adults with disabilities who do not have capacity to make important personal decisions. The Board can appoint administrators to manage the financial estates of adults with disabilities who cannot manage their estates because of their disabilities. Importantly, appointments of guardians and administrators are periodically reviewable and persons appointed as guardians and administrators are required to report to the Board annually, which means the Board has a compliance function with respect to appointees.

With the exception of treatment for a mental illness, 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.

Under the *Disability Services Act 2011* the Board assesses and approves applications for restrictive interventions (personal restraints) for people with disabilities.

Legislation

The functions of the Guardianship and Administration Board (the Board) are established by the *Guardianship and Administration Act 1995*. Additional functions are established in Part 3 of the *Wills Act 2008*, Part 4 of the *Powers of Attorney Act 2000* and Part 6 of the *Disability Services Act 2011*.

Amendments to Legislation

During the reporting year amendments to the Guardianship and Administration Act 1995 were enacted and became operative as of 6th October 2015. The amendments enlarged the group of people who could be considered 'person responsible.' The amendments also enabled a 'person responsible' to give consent to taking DNA samples from incapacitated persons who may be a victim of a crime and enabling the Public Guardian to act as 'person responsible of last resort'. This now avoids police or medical staff having to apply for an emergency guardianship order to obtain consent to taking a sample if the victim lacks capacity and will ensure samples are taken in a timely way.

Guardianship

The Board may appoint 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 Board will only appoint a guardian after there has been evidence that a person, about whom an application has been made, is a person with a disability, and is incapable, because of the disability, of making reasonable judgments about their personal circumstances, and is in need of a guardian.

The guardian may be appointed to make a range of personal decisions for example, where a person with a disability lives, temporarily or permanently, or what health care and support services the person with a disability will receive and restriction of visitors. The duration of the order and the specific decision-making authority of the guardian is set out in the guardianship order.

A guardian must act at all times in the best interests of the person under Guardianship, consult with that person, taking into account, as far as possible, his or her wishes, advocate for that person, encourage that person to participate as much as possible in the life of the community, encourage and assist that person to become capable of caring for himself or herself and of making reasonable personal judgments and protect that person from neglect, abuse or exploitation.

Before appointment as a guardian, a person must meet criteria set out in the *Guardianship and Administration Act*. If there is no family member or friend who meets those criteria, the Board can appoint the Public Guardian as the guardian for the person. Under an emergency guardianship order, only the Public Guardian can be appointed.

Following are 2 decisions made during the reporting year that demonstrates a range of issues that might lead to the appointment of a guardian. All decisions are available in full at:

<http://222austlii.edu.au/au/cases/tas/TASGAB/>

MD (Guardianship) [2015] TASGAB 23

MD has been diagnosed by Dr Dunbabin as having advanced and deteriorating Alzheimer's dementia. MD was unable to manage her personal care or hygiene and unable to attend to many activities of daily living. MD has been cared for at home by her husband. The Applicant, MD's case manager outlined that MD needs a guardian to authorise formal support arrangements beyond what MD's husband was capable of providing. This would include assistance with showering and washing, organising respite care when needed and the provision of appropriate aids for the activities of daily living. The Applicant contended that the daily care arrangements would allow MD to stay safely at home for as long as possible. MD's husband objected to any level of support by services being provided to MD. His response to the concerns around MD's care indicated a lack of insight into the issues raised and his refusal to accept that MD's disability is totally incapacitating in respect of self-care. The Board appointed the Public Guardian limited to assessing the need for and arranging services, including respite care, as is required to promote MD's health, safety and hygiene.

LX currently resides at the secure facilities at the Roy Fagan Centre. Roy Fagan Centre applied for the appointment of a guardian for LX. The Board received evidence from Dr Sivasankaran that LX has chronic paranoid psychosis and dementia and is unable to process or understand her circumstances. LX's liberty is restricted and if she were to attempt to leave the secure facility, she would be prevented from doing so. As discussed in the Board's publication, *Detention of people with dementia in secure facilities in State care in Tasmania* 31 July 2012, there may be a defence of necessity for such a measure where the proposed represented person's disability creates a risk of harm to herself, but such a defence is not absolute and does not protect the rights of the proposed represented person to have her detention monitored and supervised. Accordingly, the applicant has adopted a policy of regularising the practice of housing residents in secure premises by applying for the appointment of a guardian to ensure that the resident's rights are protected and monitored. LX is 'in need of a guardian' to ensure that her detention in a secure facility promotes her personal safety and is applied in the least restrictive manner as is possible. The Board was satisfied that LX is so in need, but such a need is limited to decisions about where she lives temporarily or permanently.

Administration

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. The Board must be satisfied that the person about whom an application has been made, is a person with a disability, incapable because of the disability of making reasonable judgments about his or her estate or finances, and is in need of an administrator. The need for an order can arise where a person has not made, or has been unable to make, prior arrangements such as an enduring power of attorney. The duration of the order and whether the administrator is responsible for the whole estate or only a limited part of the estate, is set out in the order. An administrator must act at all times in the best interests of the person with a disability, consult with that person, taking into account, as far as possible, his or her wishes.

Before appointment as Administrator a person must meet criteria set out in the *Guardianship and Administration Act*. If there is no family member or friend who meets those criteria, the Board can appoint the Public Trustee as the administrator for the person. Under an emergency administration order, only the Public Trustee can be appointed.

The Board publishes a Handbook for Private Administrators on its website to ensure that administrators appointed under an order understand their duties and powers as an administrator.

The Public Trustee has a statutory advantage over private individuals seeking appointment as administrator. This is discussed in past reports and decisions of the Board: BND (*Review of Administration*) [2012] TASGAB 3 and HFO (*Review of Administration*) [2012] TASGAB 6.

Following are 2 decisions made during the reporting year that demonstrates a range of issues that might lead to the appointment of an administrator. All decisions are available in full at

<http://222austlii.edu.au/au/cases/tas/TASGAB/>

SHD (Administration) [2015] TASGAB 14

SHD, the proposed represented person, is a 70 year old man who is resident at an Aged Care Facility. Medical evidence was received as to disability and incapacity. Dr Nagel reported that SHD lacks capacity to make decisions about his finances, in particular he is unable to make a reasonable decision about how much alcohol to buy and that it would be in his best interests to reduce consumption. The circumstances of the application were that the proposed represented person's residence in the facility is jeopardised because his consumption of alcohol outside of the facility has led to certain incidents which cause concern about risks to himself and other residents of that facility. The Board was satisfied that SHD is in need of an administrator because direct access to his money leads to excess alcohol consumption and poor behaviour, which is jeopardising his residential support at the Aged Care Facility.

TNC (Guardianship and Administration) [2016] TASGAB 1

TNC is a 71 year old woman who has lived alone. Her GP applied for the appointment of an administrator because she was unable to undertake financial transactions and was placing herself at risk due to memory problems. Dr. Alison Cleary gave evidence that TNC has multiple cognitive deficits as a result of her secondary progressive multiple sclerosis and has significantly impaired capacity to make financial decisions. Treating professionals and care services expressed concern about TNC's ongoing personal and financial vulnerability. She was relying on a system of *sticky notes* in her home, but was so overwhelmed by the masses of sticky notes that many were out of date and most were of no use in prompting her to complete essential tasks of daily living. There was evidence that TNC forgets how she pays her accounts, whom she holds accounts with and what she spends her money and was vulnerable to financial abuse because she was handing her written PIN number to sales assistants. TNC's view, expressed through her advocate, is that she is not in need of an administrator and that the whole situation causes her distress. The Board notes that TNC's statements of her competence are at odds with the factual evidence of independent third parties and they also confirm the statements by Dr Cleary to the effect that she lacks insight into her own functional deficits. The Board is satisfied that TNC is in need of an administrator and appointed the Public Trustee.

Reviews

Reviewing Enduring Guardians

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.

The Board has power under the Guardianship and Administration Act 1995 to review the appointment of an enduring guardian. An application can be made to the Board to review an enduring guardianship if a person believes that:

- An instrument appointing an enduring guardian is not valid, or
- A guardian is not capable or willing to perform the functions of a guardian
- A guardian acting under an enduring guardianship is not acting in the best interests of the person who appointed the guardian or has been incompetent or negligent as a guardian.

The Board can make an order to revoke an enduring guardianship, or vary a term of the enduring guardianship, including appointing a new guardian, dismiss the application to review the enduring guardianship or give advice and direction to a guardian.

Review Enduring Power of Attorney

The Board can make orders and declarations and give advice and directions in relation to enduring powers of attorney created under the Powers of Attorney Act 2000. These 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.

The Board may declare:

- the enduring power of attorney is invalid, because:
 - the donor did not have the mental capacity to make the enduring power of attorney; or
 - it does not comply with other requirements of the Act for example, it was not witnessed correctly; or
 - the donor was induced to make it because of dishonesty or undue influence.

The Board may make a range of orders concerning the making or operation and effect of an enduring power of attorney:

- vary a term or a power granted by the enduring power of attorney
- appoint a substitute attorney
- revoke the enduring power of attorney
- appoint an administrator of the donor's estate under the Guardianship and Administration Act 1995.

In emergency circumstances, the Board can suspend an enduring power of attorney and may appoint the Public Trustee as attorney or administrator for up to 28 days without a hearing.

The Board may direct or offer advice to an attorney about any matter arising under the enduring power of attorney.

Reviews of Existing Orders

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.

Consent to Medical and Dental Treatment

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* for people who are incapable of consenting themselves. After hearing an application for consent to medical or dental treatment the Board may consent to the proposed treatment if it is satisfied: that the treatment is lawful; and that the patient does not have capacity to consent; and the treatment is in the patient's best interests.

The Board can provide consent to Regulation 7 treatments for an adult with a disability. Regulation 7 treatments include: - electroconvulsive therapy (ECT); the removal of all or a substantial number of teeth; treatment with a drug where the primary purpose is to control the conduct of the person to whom it is given; treatment with a drug of addiction other than in association with the treatment of cancer or palliative care of a terminally ill patient; the treatment involves a substantial risk of death, brain damage, paralysis, permanent loss of function of any organ or limb, permanent and disfiguring scarring, or extreme pain or distress to the person.

Only the Board can give consent to Special Treatments which are defined under the *Guardianship and Administration Act 1995* as: treatments likely to lead to permanent infertility; termination of pregnancy; removal of tissue for transplant; psychosurgery; any treatment involving an aversive stimulus.

Applications

Applications for Approval of a Restrictive Intervention

The Board has jurisdiction to determine applications for approval of restrictive interventions of persons with disabilities in Disability Services funded facilities pursuant to Part 6 of the *Disability Services Act 2011*. An approval for the carrying out of a type of restrictive intervention in relation to a person with disability may only be granted by the Guardianship and Administration Board if the Board is satisfied that –

- a) the type of restrictive intervention will be carried out only for the primary purpose of ensuring the safety, health or wellbeing of the person or other persons; and
- b) the restrictive intervention is the type of restrictive intervention that is the least restrictive of the person's freedom of decision and action as is practicable in the circumstances.

The Guardianship and Administration Board must have regard to –

- a) the best interests of the person with disability; and
- b) the consequences to the person with disability if restrictive intervention of that type is carried out in relation to the person; and
- c) the consequences to the person with disability, or other persons, if restrictive intervention of that type is not carried out in relation to the person with disability; and
- d) any alternative method reasonably suitable and able to be used in relation to the person with disability to control the behaviour for which the type of restrictive intervention has been proposed; and
- e) the nature and degree of any significant risks to the person with disability if the restrictive intervention is carried out; and
- f) whether, and the extent to which, carrying out the restrictive intervention will promote or reduce the safety, health and wellbeing of the person with disability.

The Board will either approve or not approve the restrictive intervention or give directions about whether that intervention is lawful for other reasons. If a restrictive intervention is approved, for 90 days or 6 months, the Board will conduct another hearing on application of the parties when that time expires. The approval can be reviewed before the expiry. The Board can also appoint a guardian after hearing an application or give directions about the use of a restrictive intervention.

Statutory Will

The Guardianship and Administration Board can make a statutory will for a person who lacks testamentary capacity and has not made a prior will or purported will. The Board must be satisfied that –

- a) that the person making an application for a statutory will is an ‘appropriate person’ to do so.
- b) that proposed testator is incapable of making a will; and
- c) having made reasonable enquiries, that the proposed testator has not made a will or any purported will; and
- d) that adequate steps have been taken to allow representation of all persons with a legitimate interest in the application, including persons who have reason to expect a benefit from the estate of the proposed testator; and
- e) that it is appropriate to make an order for the execution of a will for a proposed testator; and
- f) that the proposed will is or is reasonably likely to be one that would have been made by the proposed testator if he or she had had testamentary capacity.

If the Board is not satisfied of the above criteria, then the Board will dismiss the Application.

Emergency Applications

Pursuant to section 65 of the Guardianship and Administration Act, the Board may, in circumstances of urgency, make an emergency guardianship or administration order without the need for a hearing. Most emergency applications are received from the State's three major hospitals. An emergency order can be made for 28 days and can be extended only once for a further 28 days.

The Board publishes guidelines: *Applying for an Emergency Guardianship or Administration Order*, and a practice direction: *Processing of Emergency Applications*, on its website to assist applicants for emergency orders.

Following the Board's request to the Departmental Secretary in May 2013, the Public Guardian accepts referrals out-of-hours for emergency applications and the Board provides a contact list of available Board members should an order be required. Consistent with the Board's experience of offering an out-of-hours service, there have been few if any orders made as a result of this service. The Board extends its gratitude to the Public Guardian for performing this role.

Register of Enduring Guardians

Registrations of Instruments Appointing Enduring Guardians

Part 5 of the *Guardianship and Administration Act 1995* enables a person with decision-making capacity, 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.

HOW WE WORK

Principles

In all of its operations, the Board must observe the principles which are set out in Section 6 of the Guardianship and Administration Act 1995. These principles state that where a *function or power conferred, or duty imposed*, by this Act is to be performed so that:

- the means which is the least restrictive of a person's freedom of decision and action as is possible in the circumstances is adopted; and
- the best interests of a person with a disability or in respect of whom an application is made under this Act are promoted; and
- the wishes of a person with a disability or in respect of whom an application is made under this Act are, if possible, carried into effect.

Principles

The Board receives an application and most applications need to include a Health Care Professional Report from a medical practitioner or psychologist which provides evidence about the capacity of the person with a disability to make decisions about the issues raised in the application. The Board's investigative staff contact persons relevant to an application and obtain copies of relevant documents.

The investigators assist the Board to operate in an 'inquisitorial' model rather than making proceedings adversarial between the parties. Information can be requested and supplied to the Board (via the investigators) without the usual privacy restrictions because of the operation of sections 11 and 85 of the Act. External agencies are generally highly compliant with requests for financial statements, copies of Wills, medical records, rehabilitation notes and personal histories which supplement the information provided by the applicant. Investigators assess the accuracy and the adequacy of the information presented in the application and provides succinct and professional reports to the Board.

Section 72 of the *Guardianship and Administration Act 1995* requires that the Board commence to hear an application within 45 days after the application under that Act is received by the Board. Applications under other enactments (*Powers of Attorney Act 2000, Disability Services Act 2011, Wills Act 2008*) are not subject to this requirement.

When the investigation is complete, all of the relevant persons (including the person with a disability) will be invited to a hearing. The Board must give all relevant persons not less than 10 days' notice of the hearing, as required by Section 69(1) of the *Guardianship and Administration Act 1995*.

Hearing Process

Hearings of the Board 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. The Board is not bound by the rules of evidence however it must act in accordance with procedural fairness.

The Board is able to make arrangement for parties with particular needs. Where appropriate, interpreter services are used to assist parties participating in the hearing.

Hearings vary in length, depending on their complexity. Generally however hearings are completed within 45-60 minutes. Typically extended hearings relate to reviews of enduring instruments with respect to significant estates where multiple parties are legally represented.

In an emergency, a short term (up to 28 days) order may be made without a hearing. In these circumstances, only the Public Guardian or the Public Trustee can be appointed as a substitute decision maker.

The Board expresses its thanks to the Magistrates Court (Launceston and Burnie), the Burnie City Council, the Roy Fagan Centre, the Launceston General, Royal Hobart, Campbell Town Hospitals for the provision of hearing rooms at no cost.

Post-hearing Procedures and Support

To ensure the accountability of guardians and administrators, the Board implements the following procedures:

- 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* instructs administrator with regard to their duties, with an emphasis on probity. A similar publication exists for Private Guardians.
- Upon appointment administrators are required to sign an acknowledgement of their duties and the 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. Guardians are required to submit annual reports of the health and wellbeing of the represented person.
- 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 Board 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 who can either approve the report or submit it to a Board member for approval. 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'.

The Board pays close attention to the management of estates by administrators.

COMMUNITY ENGAGEMENT

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 too low to produce any statistical analysis. However, the Board does receive some qualitative feedback that is useful in continually improving our processes.

Law and Policy Reform

The Board participates in law reform consultations where it is appropriate and consistent with its role.

The President provided responses to round 1 of the Department of Justice consultations in relation to the development of a Single Tribunal in Tasmania.

Community and Professional Education Program

The Board promotes understanding of relevant legislation by providing training to professional development organisations such as the University, medical and nursing associations and the Law Society of Tasmania. In recent years, in response to budgetary restrictions, the Board has withdrawn from many community education events in favour of targeted professional development programs in disciplines related to the work of the Board.

A list of the Board's education activities is attached at Appendix 4.

Website and Publications

The Board's website includes application forms, health care professional report pro formas, facts sheets, policies, 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

In the interests of transparency and accountability, the Board publishes details of upcoming hearings on our website. This assists legal practitioners, advocates and support persons to assist a represented person to attend a hearing and be heard on crucial issues.

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 by a Personal Responsible
- 7 Review of Enduring Guardians
- 8 Statutory Wills
- 9 Approval of Restrictive Interventions
- 10 What if I don't agree with the Board's decision?
- 11 Enduring Guardianship Info-sheet

The Board publishes a range of information booklets and policies:

- Private Administrator's Handbook
- Private Guardian's Handbook
- Enduring Guardian's Handbook
- What is an Emergency? Applying for an emergency guardianship or administration order
- Understanding the 'person responsible'
- The role of Advocacy Services in the Tasmanian Disability Sector (by the DHHS)
- Registration of Instruments Appointing an Enduring Guardian
- Practice Direction Emergency Guardianship
- National Guardianship Standards (By the Australian Guardianship and Administration Council)
- Management of Residents' Funds in a Supported Accommodation Facility – A Legal Perspective
- Litigation by Administrators and Guardians – Guidelines for Applicants and Templates for Applicants
- Litigation by Administrators and Guardians – Background Information
- Detention of People with Dementia in Secure Facilities
- Amendments to Legislation relating to Enduring Instruments

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

- Who is a party for GAB Proceedings?
- Requests for Transcripts
- Registration of Instruments Appointing an Enduring Guardian (where there is a current application or order for appointment of a guardian)
- Practice Direction Emergency Guardianship
- Gifts and Settlements
- De-identification of decisions for publication

The Board publishes the following videos on its website:

- Attending a Hearing at Guardianship and Administration Board
- What happens at the Hearing
- After the Hearing
- Are you attending a Hearing?
- Are you attending a Hearing? (subtitles)

Easy Read Fact Sheets

The Board has completed the process of converting some of its web-based Facts Sheets to 'Easy Read' English to enable persons with disabilities to be better informed about guardianship and administration laws. Easy Read presents information in a way that is very easy to understand. It uses images to support text and large font sizes. This represents the Board's commitment to upholding Article 9 of the United Nations Convention on the rights of persons with disabilities which states:

To promote the design, development, production and distribution of accessible information.

THE YEAR IN REVIEW - Statistics

Applications Received

The total number of applications (including the review of orders) received for the period 1 July 2015 to 30 2016 by the Board was 1186. Of these 783 were new applications with the remainder being reviews of existing orders.

Disclaimer: This reporting year, due to changes in key personnel, new systems of counting have been adopted. There may be some discrepancies in reporting this year which may not be due to changes in case flow but due to changes in the counting of applications and outcomes. For this reason, sudden numerical changes noted in this year's annual reports may not be a reliable indicator of changes in case-flow or a reliable predictor of future trends.

Hearings

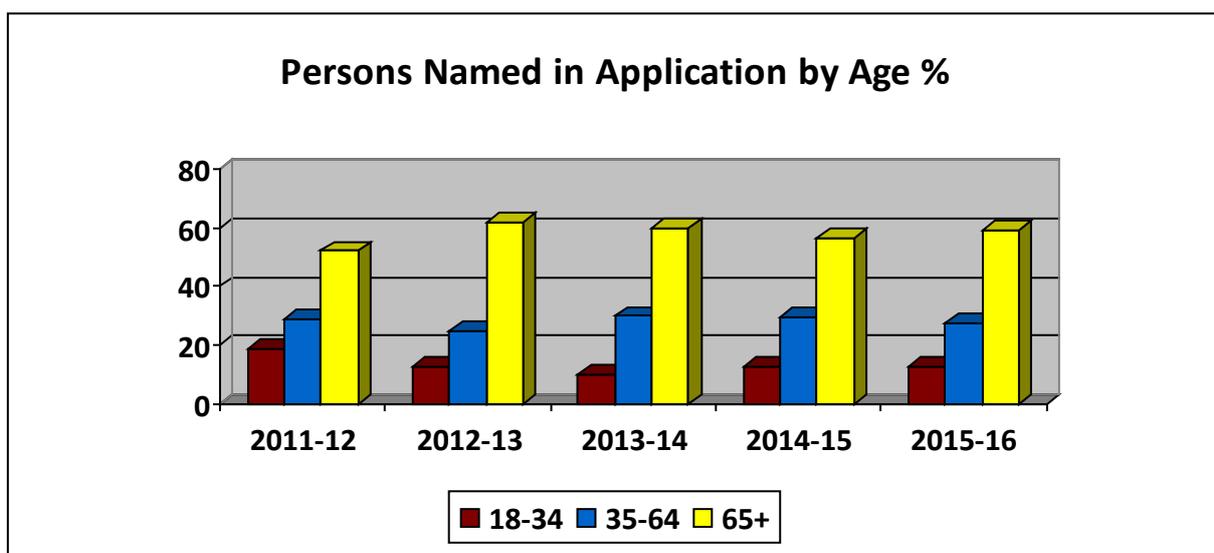
The Board conducted 139 hearing sessions with a total of 679 hearings this year. This represents less sessions with more hearings. The Board heard an average of 4.1 matters per sitting.

Of the 679 hearings held in 2015-16, 54.7% were held in the South, 28.8% in the North and 16.5% in the North West.

This year the Board finalised 1284 matters. Hearings were conducted by single member panels or panels constituted by 3 members.

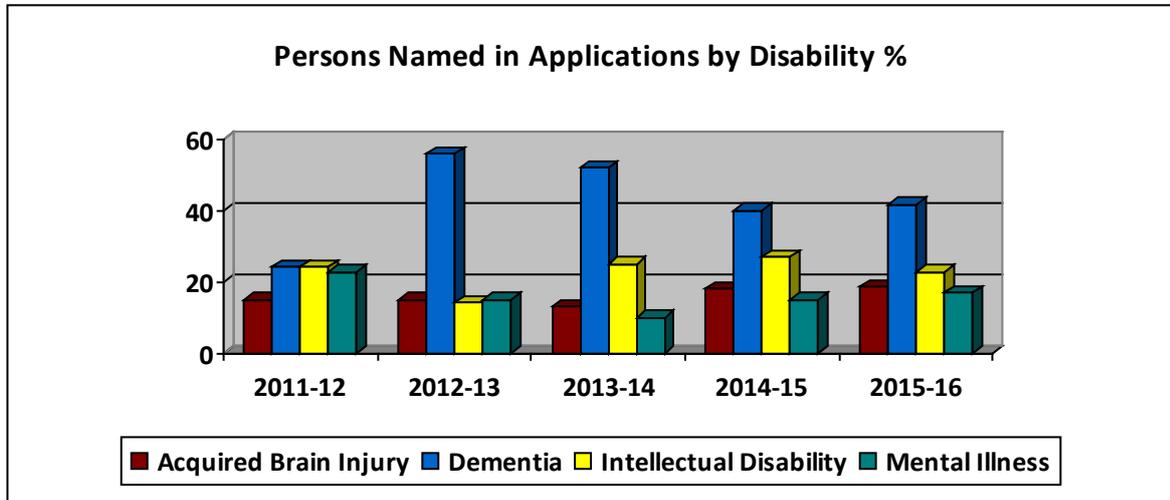
Age demographic of people the subjects of applications to the Board in 2015/2016

Persons over 65 years of age continue to comprise a significant proportion of the persons about whom applications are made representing 59.21% of the total group.



Disability Profile

The categories of disability for the purpose of the following 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.



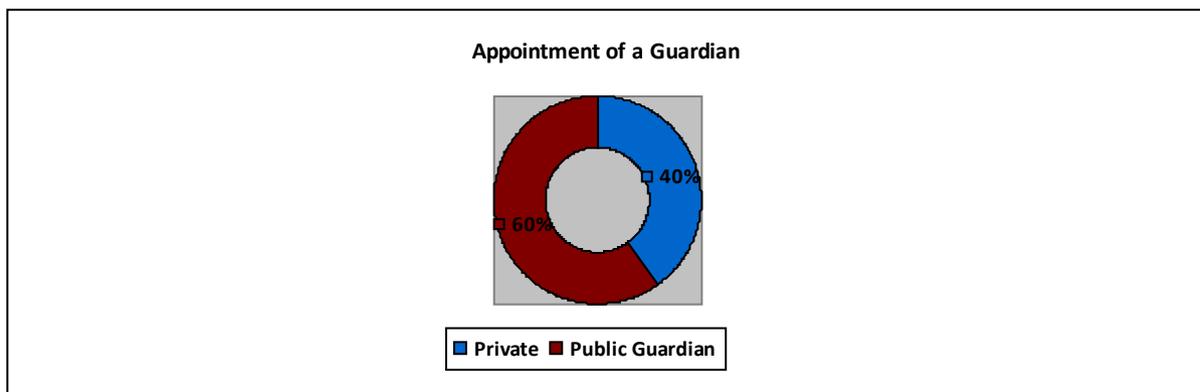
Dementia is the most frequently identified disability in applications before the Board. It is anticipated that the impact of aging of the population and increasing incidence of dementia will continue to grow the number of applications to the Board who have as their primary diagnosis dementia.

Applications for Guardianship Orders – Part 4 Guardianship and Administration Act

The Board received 207 applications for guardianship and 249 applications for emergency guardianship, for the reporting year.

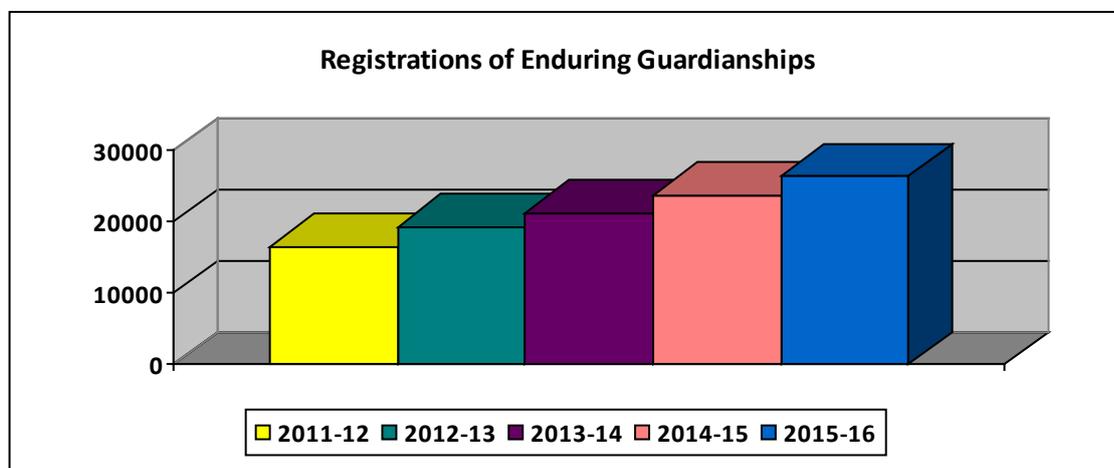
The Board appointed the Public Guardian as guardian in 60% of matters and a private guardian in 40% of matters.

This reporting year appointments shows Public Guardian appointments has increased in comparison to the appointment of Private Guardians.



Register of Enduring Guardianship Instruments

On 30 June 2016 the register included 26,389 Instruments Appointing an Enduring Guardian.



The Board collects fees for registration of enduring guardianships pursuant to the *Guardianship and Administration Amendment (Fees) Regulations 2012*. The Board has registered 2581 instruments in the reporting year. Fees have been waived on 29 occasions in this reporting year. The Board charges \$68 for registration of enduring guardianships and \$48 for revocation. The Board collected \$167,816 in the reporting year from registrations of enduring guardianships or revocations.

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

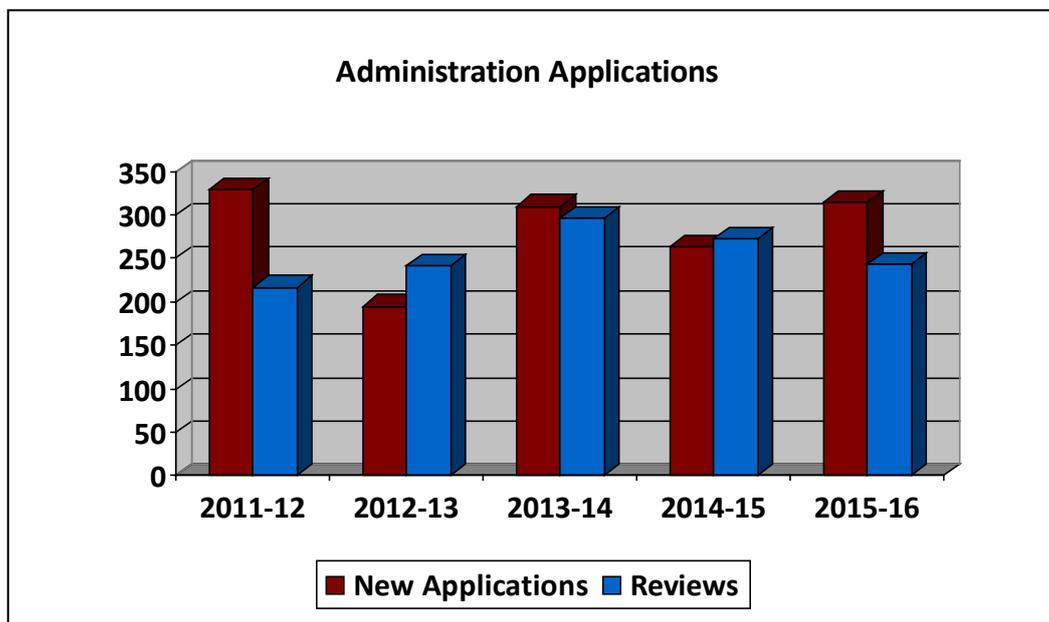
The Board received 10 applications to review enduring guardianships during the reporting period.

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

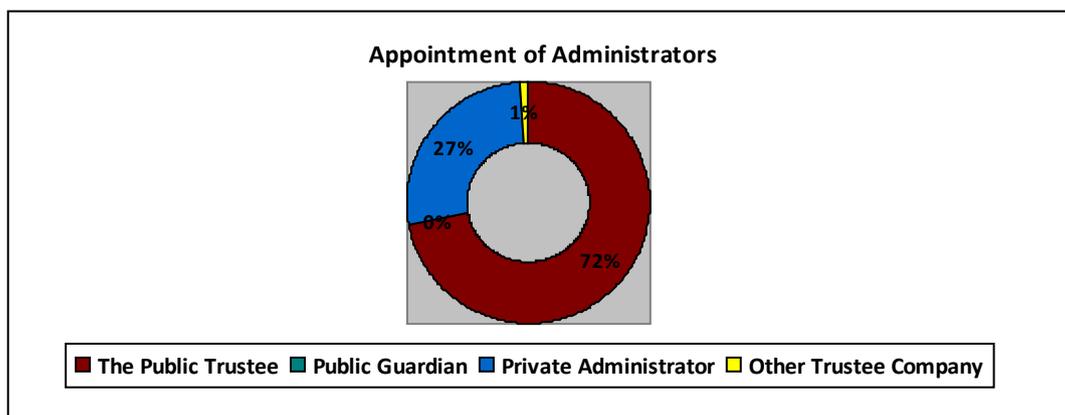
The Board received 1 such application in the reporting year. The numbers of such applications has been declining in recent years and the Board anticipates very few of these applications in the future.

Applications for Administration Orders – Part 7 Guardianship and Administration Act

The Board received 239 new administration applications and 205 applications to review current administration orders in the reporting year, set out in the table below.



The Public Trustee was appointed under 72% of orders for administration. Of the balance of appointees 27% were private administrators (family or friends), 1% Tasmanian Perpetual Trustees.



Emergency Applications - Part 8 Guardianship and Administration Act

The Board has made 153 emergency guardianship orders appointing the Public Guardian and 65 emergency administration orders appointing the Public Trustee. The Board can make emergency orders for 28 days and can extend them for a further 28 days. The Board extended 47 Emergency Guardianship Orders and 24 Emergency Administration Orders.

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

Post-hearing procedures represent a significant area of activity for the Board and its officers. The Board received and scrutinized approximately 1660 annual reports submitted by appointed guardians and administrators in the reporting year.

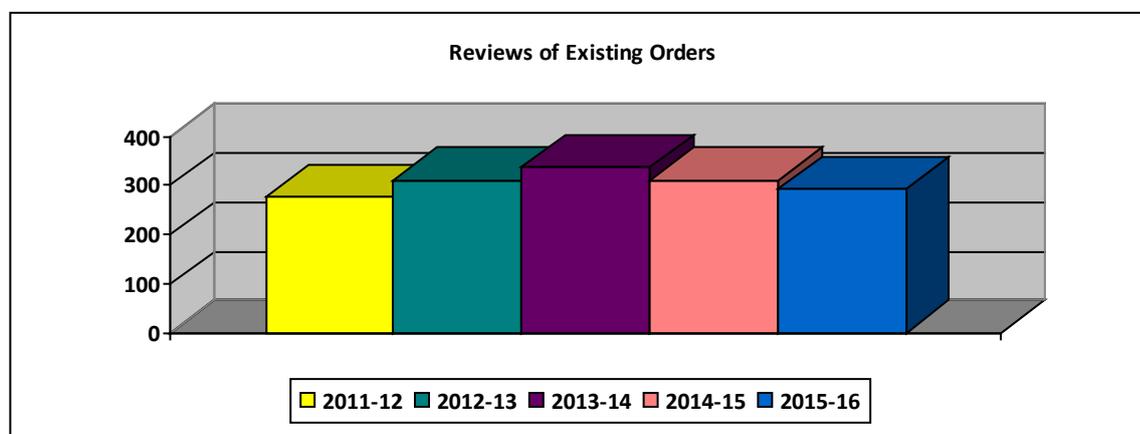
The Board receives fees for examination of administrator's annual reports pursuant to the *Guardianship and Administration Amendment (Fees) Regulations 2012*. The Board charged \$172 for review of a private administrator's report and \$121.91 for review of a report by the Public Trustee, where the assets of the represented person are above \$50,000. Fees charged to private administrators have generated \$10,591. A total of \$31,331 has been collected from Trustee companies.

Reviews of Existing Orders – Part 9 Guardianship and Administration Act

The following graph provides a comparison of the number of review hearings conducted this reporting year against the previous reporting years.

The Board heard 30 applications for the Review of Guardianship Orders and 198 applications for the Review of Administration Orders.

293 review orders were made that include statutory reviews, applications to review by an administrator or guardian or upon the Boards own motion.



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

During the year to 30 June 2016, the Board received 41 applications for review of enduring powers of attorney under the provisions of the *Powers of Attorney Act 2000*. The number of these applications has increased in this reporting year.

The applications were as follows:

Review of a power (incl. 7 applications of Board's own motion)	22
Emergency suspension	15
Advice and direction	4

The outcomes of those applications were as follows:

Emergency suspension of EPA	9
Advice Given to attorney	3
EPA suspended	1
Withdrawn	2
Refused	2
Application Granted	4
PA Revoked/ Administration Order	9
Deceased	2
Revoked EPA	3
Adjourned	3
Dismissed	1
Invalid	1

Applications for Approval of a Restrictive Intervention

7 applications for approval of restricted intervention and 5 applications for ninety day approvals under the *Disability Services Act 2011* have been received in this reporting year.

Applications under other legislation

The Board received 4 new applications for statutory wills pursuant to the *Wills Act 2008*.

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 are de-identified and published on the Australian Legal Information Institute website: www.austlii.edu.au . As at the time of publishing this report there are 260 decisions spanning from 1998 to 2015. Publishing de-identified statements of reasons is important because it enhances the Board's accountability for decision-making and because it gives persons appearing before the Board an opportunity to understand the decision-making processes of the Board.

31 statements of reasons were written during the reporting year.

There were no appeals from Board decisions in the reporting year.

STATISTICAL SUMMARY

	2011-12	2012-13	2013-14	2014-15	2015-16
Applications received					
Total applications rec'd	1029	1104	1230	1192	1186
Guardianship normal	148	152	198	231	207
Guardianship emergency	205	311	288	239	249
Administration normal	235	195	247	263	239
Administration emergency	81	75	63	57	65
Medical consent	23	11	4	1	1
Statutory Will	0	0	1	0?	2
Other (EPA's, gifts, advice etc.)	60	50	92	73	82
Review of existing orders	277	310	337	301	293
Applications yet to be listed for hearing					94
Hearings conducted					
Total hearings	669	657	735	649	679
Guardianship	120	116	142	142	158
Administration	220	168	192	201	196
Medical consent	16	12	3	1	1
Statutory Will	0	0	0	0	3
Other	34	25	46	12	23
Reviews	277	336	352	293	298

Hearings by region					
South	370	363	432	374	361
North	188	170	200	177	191
North West	106	124	103	98	127

Outcomes					
Guardianship orders including orders made on review, but not emergency orders	81	107	130	143	152
Administration orders including orders made on review, but not emergency orders	389	371	441	455	376
Emergency Guardianship orders including renewed orders			253 for 168 persons	208	247
Emergency Administration orders including renewed orders			51 for 28 persons	39	89
Medical consent orders	15	6	2	1	1
Other orders (EPA's, EG, gifts, RI etc.)	14	22	30		31
Statutory Will orders	0	0	0	0	2
Applications dismissed	77	87	69	75	63
Matters adjourned	48	41	32	19	39
Applications lapsed/refused/withdrawn/ advice only	77	111	188		114
Community and Professional Education Sessions	28	15	12	15	19

FINANCES

A full financial summary is at Appendix 3.

The Board collects fees for the following activities:

Function	Fee Units	Fee @ \$1.46 per fee unit
Registration of an enduring guardianship	45	\$68.00
Registration of revocation of an enduring guardianship	32	\$48.00
Search for an enduring guardianship	19	\$30.60
Examination of an administrator's annual statements of account	118	\$180.54
Examination of the Public Trustee's annual statements of account	83	\$127.76
Photocopies of documents	2	\$3.06

There is no fee for making any application to the Board. Examinations of statements of accounts are subject to a generous means test. Additionally, the regulations enable the Board to waive fees in circumstances of hardship.

Fees are collected by Service Tasmania who process lodgments and searches of enduring instruments. Further information about the fees is available at: http://www.guardianship.tas.gov.au/new_fee_structure

Or view the regulations at: <http://www.thelaw.tas.gov.au>

Fees generated by the Board are applied directly back to fund the functions of the Board.

HOW TO CONTACT THE BOARD

The Board's office is located at: Department of Justice
Second Floor, 144 Macquarie Street, Hobart

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

Telephone Number: (03) 6165 7500 or 1300 799 625

Facsimile Number: (03) 6173 0211

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

Website: www.guardianship.tas.gov.au

Appendix I - Board Members at 30 June 2016

Anita Smith – President Appointed: 1 January 2003, 1 January 2008 and 16 April 2013
(5 year term)

Anita Smith was admitted as a legal practitioner in 1992. Anita graduated from Arts and 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 was previously the Chair of the Professional Review Tribunal under the *Nursing Act 1995*, an *ex-officio* member of the Forensic Tribunal (*Mental Health Act 1996*) and a member of the Anti-Discrimination Tribunal. She is a Criminal Injuries Commissioner and a member of the Resource Management and Planning Appeals Tribunal. Anita is the Chair of the Australian Guardianship and Administration Council and was the Convenor of the 2012 World Congress on Adult Guardianship.

Rowena Holder – Appointed President 8th August 2016

Appointed Member: 21 September 2009 and 18 February 2013

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. She worked in private practice practicing in criminal law, personal injuries law and family law up to 2011. Rowena was then employed as a legal practitioner and as the Manager of Advice and Legal Services at the Legal Aid Commission of Tasmania till July 2016. In February 2014 she was appointed as a member of the Mental Health Tribunal. Rowena is an accredited LEADR mediator and family dispute resolution practitioner. Rowena was appointed President of the Guardianship and Administration Board and commenced on the 8th August 2016.

Colin McKenzie – Deputy President: Appointed: 21 September 2009 and 13 October 2014
(5 year term)

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) (3 year terms)

Susan Aylett Appointed: 18 February 2013 and 27 June 2016

Sue Aylett is currently employed as a Mental Health Nurse Practitioner in general practice in collaboration with general practice GP's. She is also a Credentialed Mental Health Nurse and a current member of the Mental Health Tribunal. She has previously worked in acute, rehabilitation, forensic and community mental health. She has a Graduate Diploma in Mental Health, a Graduate Certificate in Initiatic Art Therapy, a Graduate Certificate in Forensic Nursing, a Masters degree in Forensic Mental Health and a Masters degree in Nurse Practitioner specialising in Mental Health. She has been recently been appointed as Adjunct Lecturer at the University of Tasmania in the Faculty of Nursing and Midwifery. Sue is the first Mental Health Nurse Practitioner to work in a clinical setting in Tasmania.

Melanie Bartlett Appointed: 22 March 1999, reappointed October 2002 and February 2006
(Ceased work for the Board when appointed a Magistrate in 2009).
Re-appointed January 2016.

Melanie graduated with a Law degree from the University of Tasmania in 1975 and was admitted to the Supreme Court of Tasmania as a Barrister and Solicitor in 1978. Melanie worked at Simmons Wolfhagen in Hobart and then at the Australian Legal Aid Office in the late 1970's, before working for McLean Phillips and Bartlett until 1996 when she set up the firm of Bartletts Barristers and Solicitors in Burnie with her husband Chris. Between 2005 and 2008 she had 3 periods as a temporary Magistrate and was appointed as a Magistrate in 2009. She resigned from that role in December 2015. Melanie was previously a member of the Council of the Law Society of Tasmania and was President of the Law Society in 1999/2000. She has been a Commissioner of the Legal Aid Commission, a member of the Mental Health Tribunal, a member of the Disciplinary Tribunal under the Legal Profession Act and a member of the Anti-Discrimination Tribunal. Melanie is currently in partnership with her husband Chris in their firm in Burnie.

Elizabeth (Libby) Beyerle Appointed: 1 June 2015

Libby Beyerle has worked in the Community Sector for the past 20 years having completed a Diploma of Community Services in 1995 and a degree in Social work from Deakin University in 2002. In 2007 Libby completed a Graduate Diploma in Family Therapy. Libby has worked in both the Community and Government sectors and currently works as a 'Specialist Rural Social Worker' employed by the THO and based out of the Deloraine District Hospital.

Kate Brown Appointed: 27 June 2016

Kate Brown was admitted as a Barrister and Solicitor of the Supreme Court of Tasmania in 1998 and since that time has worked in the Office of the Director of Public Prosecutions prosecuting in the Courts of Petty Sessions and Supreme Court. She has dealt with many serious matters, frequently prosecuting crimes of a sexual nature and crimes involving violence. During the course of her work she has specialised in cases involving witnesses who are vulnerable.

Colleen Cheek Appointed: 27 June 2016

Colleen Cheek graduated as a registered nurse in 1986, and has practised clinically in hospital and community settings in New Zealand, England, and in Queensland, Victoria, Western Australia and Tasmania. Colleen attained a Bachelor of Science from Massey University and a Master's degree from the University of Tasmania and has led projects implementing health information systems, including piloting the sharing of advance care planning information. Since 2012 Colleen has been a research fellow at the University of Tasmania Rural Clinical School, conducting research into issues which affect the health and well-being of rural communities. Colleen is a member of the University of Tasmania Health and Medical Higher Research Ethics Committee.

Mary Davies Appointed: 21 February 2005, reappointed 30 June 2008, 19
December 2011 and 1 June 2015

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. Mary was a founding member of the Alzheimer's Association, North West Tasmania, and has worked in the area of dementia care for the past 20 years. She currently holds the position of Senior Counsellor with Alzheimer's Australia Tasmania, North West.

Gerard Dibley Appointed: 21 February 2005, reappointed 30 June 2008, 19 December 2011
and 1 June 2015

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.

Dr Matthew Fasnacht Appointed: 12 October 2015

Matthew Fasnacht graduated from the University of Tasmania with a medical degree in 2001. He was admitted as a fellow of the Royal Australian and New Zealand College of Psychiatrist in 2010 and worked as a general psychiatrist for Mental Health Services for one year before completing further subspecialty training in Psychiatry of Old Age. He has worked since 2011 in the Older Person Mental Service where he is now the Senior Psychiatrist, the Huntington's Disease Service, and is also the Director of ECT at the Royal Hobart Hospital.

Wendy Hudson Appointed: 21 February 2005 reappointed 30 June 2008, 19 December 2011 and 1 June 2015.

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 University of Tasmania.

Donald Jones Appointed: 1 June 2015

Donald Jones was a partner of Shields Heritage for 7 years and a sole practitioner for 10 years. He recently retired as a Magistrate after having served for 20 years in Burnie. During his time as a Magistrate he sat on the Mining Tribunal and he was the Coroner for the North-West and West Coast of Tasmania for 18 years. Donald has been an officer for numerous community groups and an honorary solicitor to various sporting clubs.

Grant Kingston Appointed: 17 December 2007, 21 February 2011 and 2 December 2013

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. Grant is a Justice of the Peace.

Rodney Lester Appointed: 16 October 2000, reappointed May 2004, June 2007, July 2010 and 2 December 2013.

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 is a member of the Tasmanian Racing Appeal Board.

Angela McKenzie Appointed: 27 June 2016

Angela has spent her working life overseas and in Australia both in urban and remote settings working with predominantly with people who are frail and aged. For the last 20 years Angela has worked in the community and residential age services sector and developed a strong interest and expertise in working with people with dementia. Angela has formal education in nursing and primary health care

Justin Otlowski Appointed: 27 June 2016

Justin Otlowski graduated with a combined degree in Economics (major in Accountancy) and Law from University of Tasmania in 1979. He was admitted as a Barrister & Solicitor of the Supreme Court of Tasmania in 1982. Justin was the Managing Partner of Simmons Wolfhagen and is currently a Consultant with that firm.

For over twenty years Justin has been practising in the contentious and non-contentious aspects of the administration of estates. Justin has a keen interest in the Board's jurisdiction to overview the use of Enduring Powers of Attorney and also the Board's jurisdiction in respect of Statutory Wills.

Michael Stoddart Appointed: 27th June 2016

Mike has been involved in the law for 44 years. He was a Stipendiary Magistrate in Papua New Guinea, a Senior Crown Counsel in the State Solicitor-General's Office, Principal Crown Counsel in the Office of Public Prosecutions and finally post retirement, served as Senior Prosecutor in the Northern Territory for three years. He has been particularly involved in prosecuting sexual crime and child abuse. Mike is a member of the State Mental Health Tribunal and the Tasmanian Police Review Board. He is also on the board of Cerebral Palsy Tasmania. He is a trained mediator working in the area of child protection at the Magistrates Court.

Muriel Rollins Appointed: 1 June 2015

Muriel Rollins graduated as a Registered Nurse in 1974. She worked for more than 20 years in both private and public sectors of service provision to people with intellectual disabilities in New South Wales till moving to Tasmania in 1988. She also worked for Disability Services North as a Registered Nurse and Clinical Nurse Consultant. Muriel attained a Graduate Diploma of Mental Health Nursing (Griffith University) in 1998 and has been a Credentialed Mental Health Nurse since 2009. She has worked in various mental health settings such as acute care, rehabilitation, community forensic mental health, and correctional health. She currently works on and off shore as a mental health nurse for International Health & Medical Services.

Ken Stanton Appointed: 18 February 2013 and 27 June 2016

Ken Stanton was admitted as a legal practitioner in 1990. He has a Bachelor of Science, Bachelor of Laws and Master of Laws from Monash University. He practised as a barrister in Melbourne for approximately 5 years before moving to Launceston where he practised law in a wide range of litigation areas at the firm Shields Heritage where he was a partner for approximately 7 years. Since 2004 he has practised as a barrister in Launceston. He has served in many community organisations and is currently a board member of the Launceston Community Legal Centre. In February 2014 he was appointed as a member of the Mental Health Tribunal.

Sandra Taglieri Appointed: 18 February 2013 and 27 June 2016.

Sandra is a Barrister specialising in injury compensation law, personal injuries damages, administrative law, anti-discrimination, coronial, insurance, industrial and civil law generally. Prior to commencing practice at the Independent Bar in 2009, Sandra was a partner at Phillips Taglieri, Barristers and Solicitors. She has worked as a lawyer in many areas of civil law and also criminal, family and commercial law. Sandra has been a member of the Supreme Court Rules Committee since 2011, a member of the Legislative Review Anomaly Committee of the Work Cover Board of Tasmania since 2007, a lecturer in industrial law at the Legal Practice Course of the University of Tasmania since 2009, Commissioner on the Legal Aid Commission of Tasmania 2009 to 2012 and was a Trustee of a charitable fund established to assist miners affected by the Beaconsfield Mine disaster in 2006. She has recently been appointed as a Part-time member of the Administrative Appeals Tribunal.

Leanne Topfer Appointed: 21 September 2009, 18 February 2013 and 27 June 2016.

Leanne is a legal practitioner with 29 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 on the Executive of the Law Council of Australia. She is also a member of the Cancer Council Board and the Advance Burnie Board.

Lindi Wall Appointed: 21 February 2005, reappointed 30 June 2008, 19 December 2011 and 1 June 2015.

Lindi Wall graduated with a degree in Politics in 1974 at the University of Nottingham and a degree in Law at the University of Tasmania in 1989. She 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 within the Department of Justice. She is a founding Board member of the Environmental Defenders Office (Tas) and was a member the Anti-Discrimination Tribunal from 2011 - 2015.

Carolyn Wallace Appointed: 18 February 2013 and 27 June 2016.

Carolyn Wallace graduated as a Registered Nurse in 1980 and has a wide range of experience in acute care, both in the public and private sector, and in aged care. She has been employed by Southern Cross Care (Tas) Inc for the last 19 years and is currently the Director of Clinical Services for SCC (Tas). She has a Bachelor of Applied Science (Nursing) from UTAS and Master of Health Management from UNE.

Juanita Westbury Appointed: 18 February 2013 and 27 June 2016.

Juanita Westbury has practiced as a community pharmacist since 1992 in New South Wales, South Australia, England, and Scotland; registering in Tasmania in 2006. Juanita has a particular interest in older people's mental health and medication use in aged care. She completed a Master's degree in England on medication use in older people and was awarded her PhD at the University of Tasmania in 2011 on the use of sedatives in aged care homes. Juanita is currently appointed as a Senior Lecturer in Dementia Care at the Wicking Dementia Research and Education Centre and continues to research and promote optimal medication use in aged care facilities.

Appendix 2 – Board Staff at 30 June 2016

Registrar:	Donna Spong
Executive Officer:	Rebecca Howard from 30/3/16
Compliance Officer:	Lee Perry
Investigator:	Elizabeth Dalglish
Investigator:	Liz Love until 9/3/16
Investigator:	Jessica Watson commenced a short term contract from 5/4/16 to 5/8/16
Registry Clerk:	Lindy Wall
Administration Officer:	Bree Cleaver

Appendix 3 – Financial Summary 2015 - 2016

Appropriation ¹	980,407
Fees and other revenue collected ²	211,102
Total Revenue	1,191,509
Employee related	801,356
Other employee related expenses	8,316
Travel related	23,416
Materials, supplies and Equipment	29,763
Property expenses	99,262
Information technology	33,579
Other expenses	27,262
Total Expenses	1,022,954
Increase in trust fund balance ³	168,555

¹On 31 January 2012 the Department of Justice received official confirmation from Treasury that the revenue from the fees will be retained by this output and there will be no reduction in the existing budget allocation due to the collection of fees.

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

Appendix 4 – Professional Development seminars provided by the Board

The following professional development events were presented by Board & staff members in 2015- 2016.

Anita Smith President:

- Adult Community Mental Health – North Hobart
- Beaconsfield Community District Health Service
- THS, Northern Region, Launceston General Hospital
- Beauty Point Probus Club
- Tasmanian Health Service – North West Primary Health
- THS – North – Launceston General Hospital and Primary Health
- Centre for Education and Research Nursing and Midwifery, Clarence Integrated Care Centre
- Centre for Education and Research Nursing and Midwifery, Mistral Place
- Centre for Education and Research Nursing and Midwifery, Terry Street
- THS Holman Clinic, Launceston General Hospital
- Primary Health Services, THS – Community Nursing Forum- Palliative Care

Colin McKenzie – Deputy President

- AHPRA Tasmania – Tasmania Board of the Nursing and Midwifery Board of Australia

Liz Love – Investigator

- Primary Health Tasmania, Care Coordination Program Hobart

Carolyn Wallace

- UTAS, School of Medicine Year 3 Primary Care 2016 Medical Students

Elizabeth Dagleish, Investigator

- Primary Health Service & Central Highlands Community Health Centre- Lake Leake
- Aged Care Assessment Team – South

Mary Davies:

- NW Tas TAFE - Aged care/Cert III Aged care and HACC students
- Westbury Community Health Centre (THS: North – Primary Health)

Conference Presentations

Rowena Holder

- Aged & Community Services Tasmania Conference