

1 October 2007

The Hon Steve Kons, MHA,  
Attorney General  
Minister for Justice and Workplace Relations

In accordance with the requirements of Section 84 of the *Guardianship and Administration Act 1995*, I am pleased to submit the report of the performance of the functions of the Guardianship and Administration Board for the year 1 July 2006 to 30 June 2007.

Anita Smith  
**PRESIDENT**  
Guardianship and Administration Board

## **Table of Contents**

President’s Report .....	2
Role of the Board.....	4
Applications .....	6
Investigation and Case Management.....	7
Emergency Applications.....	8
Hearings .....	9
Reviews of Existing Orders.....	11
Client Profile .....	12
Guardianship .....	13
Registration of Enduring Guardianships .....	14
Reviews of Enduring Guardianships.....	14
Administration .....	14
Reviews of Enduring Powers of Attorney .....	16
Consent to Medical and Dental Treatment.....	17
Requests for Statements of Reasons and Appeals .....	18
Community and Professional Education .....	18
Office Administration .....	20
How to Contact the Board.....	21
Appendix 1 - Board Members at 30-6-07 .....	22
Appendix 2 - Statistical Summary.....	27
Appendix 3 - Community Presentations .....	28
Appendix 4 – Financial Statement 2006-07.....	30

## President's Report

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It is my pleasure to present my fifth annual report for the Guardianship and Administration Board. The membership of the Board has remained relatively stable during the reporting year, with only one new appointment, Dr Debra Wood. Melanie Bartlett was elevated to Deputy President as a consequence of Ruth Hanson's retirement last year. Together with Dr Morrissey, Dr Wood's appointment doubles the numbers of medical practitioners or psychiatrists on the Board.

The workload of the Board continues to grow, albeit this year only a steady increase of 3%. The Board members and staff were extremely pleased that this year's budget finally saw an increase in the recurrent funding of the Board to meet the demands of the last few years' major workload increases. Board members, too, have received a modest pay increase, now receiving \$290 per session rather than approximately \$170 per session. This is a welcome change, but the vast expertise and dedication of Board members is still not reflected in this sum. Board members continue to deliver high quality efficient and compassionate decision making for the various users of the Board.

As you will note from the report, the Board members hear more applications per sitting. The complexity of applications increases and, as a result, a number of hearings have not been concluded in a single hearing but have been adjourned to a second occasion, either to accommodate all of the witnesses and submissions, or to clarify expert opinions.

Amendments to the procedural aspects of the legislation during the reporting period with the passing of the *Justice and Related Legislation (Further Miscellaneous Amendments) Act 2006* and the *Guardianship and Administration Amendment Act 2006* have enhanced the certainty and efficiency of Board procedures.

As always, Board members are assisted by the expertise of a small group of staff in the Hobart office. We have consistently heard and determined around 95% of all matters within 45 days of receipt of the application and this has always been due to the efficient administration and investigation of guardianship and administration applications by the staff, most of whom now have many years of experience with us. Board members participated in a survey of facilities and services offered to them in decision-making processes. While facilities, particularly outside of Hobart, drew a number of suggestions for improvement, the Board members' responses showed that they were very satisfied with the service provided by the office staff and the quality of reports and preparation prior to hearings. I am certain that the Board members will join me in thanking the staff members for their work in preparation for and follow up after the hearings.

A major highlight for staff and Board members this reporting year was the Australian Guardianship and Administration Conference held in Melbourne and jointly hosted by the Victorian Office of the Public Advocate, the Victorian Civil and Administrative Tribunal and the State Trustees Ltd. This was the first such conference in 5 years and was an extremely valuable experience for all involved. The Board invested a significant proportion of its education budget into this event as it is the only opportunity to hear seminars and workshops exclusively on guardianship and administration work. It was an investment that was well rewarded.

At the end of 2006, Anne Perks, our Senior Investigation and Liaison Officer, undertook a secondment at the Royal Hobart Hospital in a medico-legal position. The Public Trustee graciously agreed to second Michael Condon to the Board to fill Anne's place during her secondment. The Board was extremely grateful for the cooperative manner in which the Public Trustee agreed to his

secondment and we found it a positive experience for sharing skills and expertise between all three organisations involved.

Three practice directions have been issued relating to: (i) Applications for Gifts, (ii) The Role of Guardians and Administrators in Litigation and (iii) Rejections pursuant to section 11 of the Act. In particular, the background information and the template for applications has clarified the complex issue of the role of guardians and administrators in litigation and is a credit to the subcommittee of Board members who were formed at the 2006 annual meeting.

The Board has been grateful for the cooperation of the Medical Council in an education campaign for medical practitioners about appropriate methods of determining consent for medical treatment with patients who are incapable of giving informed consent. Additionally the Board has worked with the national office of the Jehovah's Witnesses to develop an enduring guardianship document specific for the needs of practicing Jehovah's Witnesses to appoint a guardian with directions not to use blood transfusions, enhancing their existing use of advance directives.

With the assistance of KPMG the Board has upgraded the scrutiny of reports by administrators, with a 2-tiered system of checking and approval of annual reports. As a result the Board instituted its first formal 'show cause' action for an administrator pursuant to section 63 of the Act in this reporting year. The Board believes these procedures will enhance the protection offered by administration orders against financial abuse.

The Board has given law and policy reform submissions to the Queensland Law Reform Commission Inquiry into guardianship laws, the Uniform Succession Bills, Disability Services' *Guidelines Relating to the Reporting of Abuse Disclosed to Service Providers for People with Disabilities* and *Restrictive and Intrusive Treatment Practices in Services for People with Disabilities*, and the Recorder of Titles' review of the *Powers of Attorney Act 2000*. The Board has also actively contributed to any submissions made by the Australian Guardianship and Administration Committee towards national reforms.

In short, this reporting year has been a great success with (i) an increase in recurrent funds, (ii) welcome improvements to the legislation and (iii) the continuing efforts of experienced and dedicated staff and Board members.

Anita Smith  
**PRESIDENT**

## **Role of the Board**

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### **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 Division 9 of the *Wills Act 1992*, 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 guardians for adults with disabilities who do not have capacity to make important life decisions for themselves. Secondly, the Board can appoint administrators 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 and administrators, 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 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.

### **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.

On 30 June 2006 the Guardianship and Administration Board was comprised of 26 members. His Excellency, the Governor, appoints members on the recommendation of the Attorney-General. Doctor Debra Wood, who was appointed late in the reporting year, was the only new appointment this year. Melanie Bartlett was elevated to Deputy President, following the resignation of Ruth Hanson late in previous year.

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.

The Board members are grateful to the organisations that have provided training and professional development during 2006-07. Members of the Board are eligible to be members of the Australian Institute of Judicial Administration (AIJA) or the Council of Australasian Tribunals (COAT). The major educational opportunity for staff and Board members this reporting year was the Australian Guardianship and Administration Committee Conference in Melbourne, *Disability, Human Rights, Independence, Protection*, held on 22-23 March 2007.

## **The Legislation**

An amendment to the *Guardianship and Administration Act 1995* was passed on the 6<sup>th</sup> of September 2006 (the *Guardianship and Administration Amendment Act 2006*) to redress an irregularity in the provisions relating to emergency orders. As a result of the discovery of the irregularity, emergency orders were not made between the end of June 2006 and 13 September 2007 when that amendment received Royal Assent.

The *Justice and Related Legislation (Further Miscellaneous Amendments) Act 2006* passed shortly thereafter brought about some procedural amendments to provide more certainty in the Board's decision making processes. The major features of those amendments were:

### **Section 7A Role of President:**

The role of the President has been clarified to allow the President to undertake "administrative functions", to approve forms for applications and reports and to issue practice directions in relation to the conduct of hearings.

### **Section 11 Procedures:**

The Board now has the power to dismiss an application that is frivolous, vexatious or lacking in substance or where there has been no material change in circumstances since the Board last dealt with a matter. A person whose application is dismissed may have that decision reviewed by a panel of three (3) Board members.

### **Enduring Guardianships:**

The definition of a "represented person" in section 3 has been extended to include a person under an active Enduring Guardianship. Previously, some sections relating to the Board's powers over a person under guardianship did not include a person under enduring guardianship.

Section 32 has been amended to formally recognise the powers of an enduring guardian as a guardian for the purposes of section 25(3).

Section 34 has been amended to ensure that the Board may, after a hearing, amend an instrument of enduring guardianship, whereas previously the only remedy to a defective enduring guardianship was revocation unless the enduring guardian made an application for directions.

Section 81A ensures the facility for mutual recognition of enduring guardianships from interstate or documents with a similar effect.

### **Interim Orders on Amendment:**

Section 73A means that it is now possible for the Board to make an interim order or direction, even where the hearing has not concluded, on similar tests to an emergency order.

### **Control during a hearing:**

Section 74A gives the Board authority to remove a person who is contemptuous or otherwise attempts to undermine the conduct of a hearing.

Persons being rude to Board members, staff and guardians and administrators are now potentially committing an offence under the amended section 87.

### **Restraint orders:**

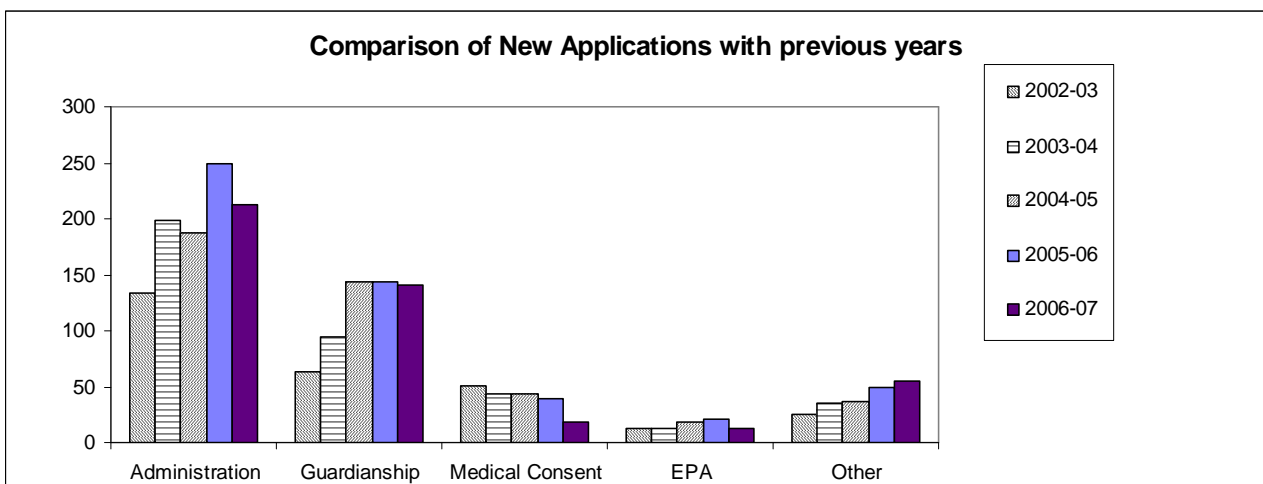
A guardian or an administrator is now recognised as having the authority to apply for a restraint order on behalf of another person under section 106B of the *Justices Act 1959*.

## **Applications**

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### **Applications received**

The total number of applications (including the triennial review of orders) received for the period 1 July 2006 to 30 June 2007 was 647. Of these 444 were new applications with the remainder being reviews of existing orders.



The total number of applications (including triennial reviews) in 2006-07 has increased by 3%. This small, but significant increase builds on increases of 25%, 18% and 5% in the past three reporting years respectively, meaning that the Board received more applications this reporting year than ever before.

Due to the period where emergency orders were not available because of an irregularity in the legislation, this reporting year saw a drop in the numbers of emergency applications for guardianship and administration.

While there were slightly fewer new applications this reporting year, there was an increase in triennial reviews, therefore an increase in the numbers of applications overall. The increase in triennial review applications reflects the 25% increase in new applications 3 years ago, given most orders are made for the statutory maximum of 3 years.

The increase overall in applications may be due to (i) greater community awareness through education programs promoted by the Board, (ii) community awareness through the Act having been in operation for a decade, or (iii) the ageing population. If it is due to one or all of those factors, it is most likely that the numbers of applications will continue to increase.

## **Application Forms**

Applications must be in writing and in accordance with requirements in the regulations. Customised forms are available from the Board. The staff members of the Board endeavour to discuss the issues with potential applicants prior to the lodgement of an application. The application form has been under review for a significant period of time and was finalised late in the reporting year. A new format is being trialled in the early part of the new reporting year.

Once the new application format has been in use, the Board intends to publish the application forms on the website to promote accessible operations. This is a break with our historical procedures, where applications were only available upon request from staff of the Board in an effort to ensure that applications are only made as a last resort. This function will, in future, be addressed through the summary rejection processes made possible by the amendments discussed above.

## **Investigation and Case Management**

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Under the general control and direction of the President, the registrar and staff members of the Board receive applications, refer them for investigations, seek specialist reports and list applications for hearing. The legislation requires that the hearing of an application must commence within 45 days of receipt of the application. Administrative staff members ensure that such timelines are efficiently adhered to, and their high level of organisation is largely responsible for the timely delivery of outcomes to applications.

The investigation by the Board's staff members has two functions. One is to prepare a case for hearing, ensuring all the relevant evidence is placed before the Board. The other function is to ensure that, wherever possible, less restrictive options are pursued when it is apparent that the issues that prompted an application can be resolved without a formal appointment. The Board's investigative staff members consistently take the approach that formal appointments and orders are a "last resort".

After investigation, staff members of the Board may find that applications have been sought in an excess of caution or where other avenues of support have not been attempted. Investigators and administrative staff assist people to access other means of assistance wherever possible. This work involves much time and effort, but is valuable in protecting the rights of people with disabilities as well as promoting the underlying principles of the *Guardianship and Administration Act 1995* (the Act).

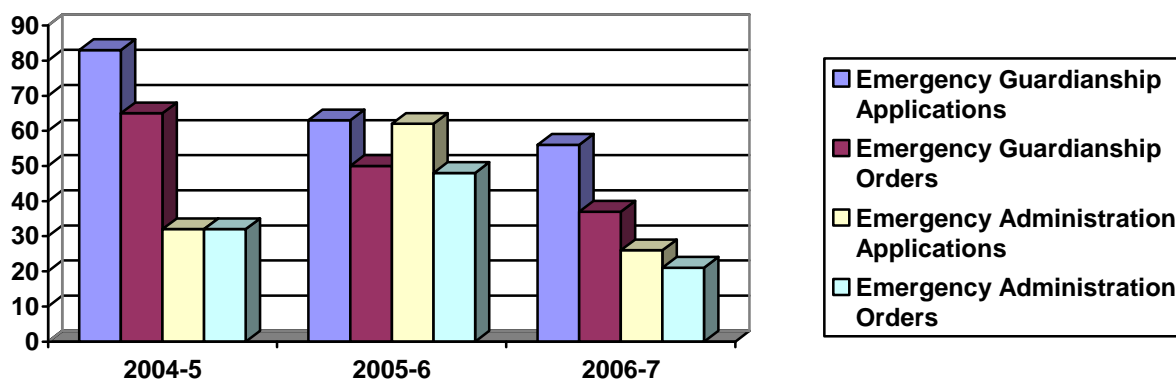


The Board’s investigative and administrative staff members spend considerable time and effort in finding a solution to the problem before a matter reaches crisis point. This work can include arranging meetings of interested parties who may have been in dispute or conflict, contacting service providers directly - including Aged Care Assessment Team (ACAT) staff, social workers in hospitals or the directors of nursing in aged care facilities, to offer support and suggest solutions. Discussion will often take place with the person who has a disability, or his or her advocate, to attempt to settle “lifestyle” issues and avoid guardianship orders.

## Emergency Applications

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. Because the evidence supplied with an application for an emergency order is not usually tested in a hearing, the orders are limited in their operation in that only the two statutory agencies, the Public Guardian and the Public Trustee may be appointed and such appointments are only valid for 28 days and may only be renewed once for a further 28 days. If an order is needed beyond that time, a full application and hearing is required.

As noted above the facility of emergency orders was absent for a part of the reporting period after a legislative irregularity was discovered. While the Board’s staff members worked hard to ensure that where emergency situations arose in that period, the impact upon potential clients was reduced, a surprising impact of the hiatus was that where the facility of emergency orders was unavailable, it reportedly made the appointments of guardians and administrators much more difficult because preventative decisions could not be made prior to the hearing. This demonstrated the importance of an emergency function in the legislation.



This reporting year there were fewer applications and orders than in previous years because of the legislative difficulties noted above. Nineteen (19) of the fifty-six (56) emergency guardianship applications were refused. Five (5) of the twenty-six (26) emergency administration applications were refused. Because the legislation has been amended, it is expected that the next reporting year will show a return to usual rates of emergency applications and orders.

## Hearings

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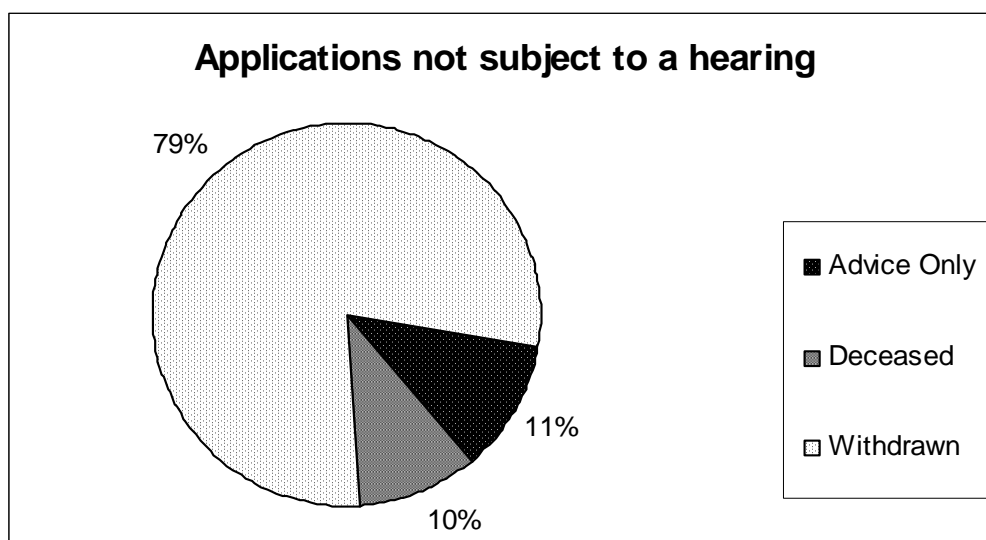
The Board may sit in a Division of three (3) members or one (1) member. A hearing usually takes approximately 45 minutes. Hearings that take significantly longer than 45 minutes usually involve a protracted dispute between parties who disagree about what is in the best interests of the person with the disability. Each hearing is assisted by evidence from the proposed represented person, his or her close associates, carers and health care professionals. Evidence is often presented to Board members in writing, including the health care professional reports and the report of the Investigation and Liaison Officers. Wherever possible, the proposed represented person attends and contributes to the hearings.

The Board conducted 477 hearings during the year. Ninety five percent (95%) of matters were finalised 45 days after receipt of the application. Two percent (2%) of matters were finalised between 45 and 50 days after receipt of the application and the remaining three percent (3%) of matters were finalised after 50 days. Matters taking longer than 45 days were generally particularly complex cases or matters where relevant witnesses were unavailable for a period.

Four hundred and seventy-seven (477) hearings were held over 143 sittings in this reporting year, whereas in the immediate past year 417 hearings were held in 140 sittings, hence the number of applications heard in each sitting increased this reporting year.

While in the 2006-7 reporting year there was an increase of 3% in applications, curiously this translated to an increase of 15% in the numbers of hearings. There are three relevant factors to explain this effect: (i) emergency applications do not require a hearing, (ii) reviews applications do require a hearing and (iii) there was a drop in emergency applications but a significant increase in review applications.

One hundred and seventy four (174) applications received during the year did not proceed to a hearing. Eighty-two (82) of these were emergency matters and decided by the Board without a hearing pursuant to section 65. The remainder did not proceed to hearing either because after receiving advice the applicant withdrew the application (11%) or because the person subject to the application died (10%).

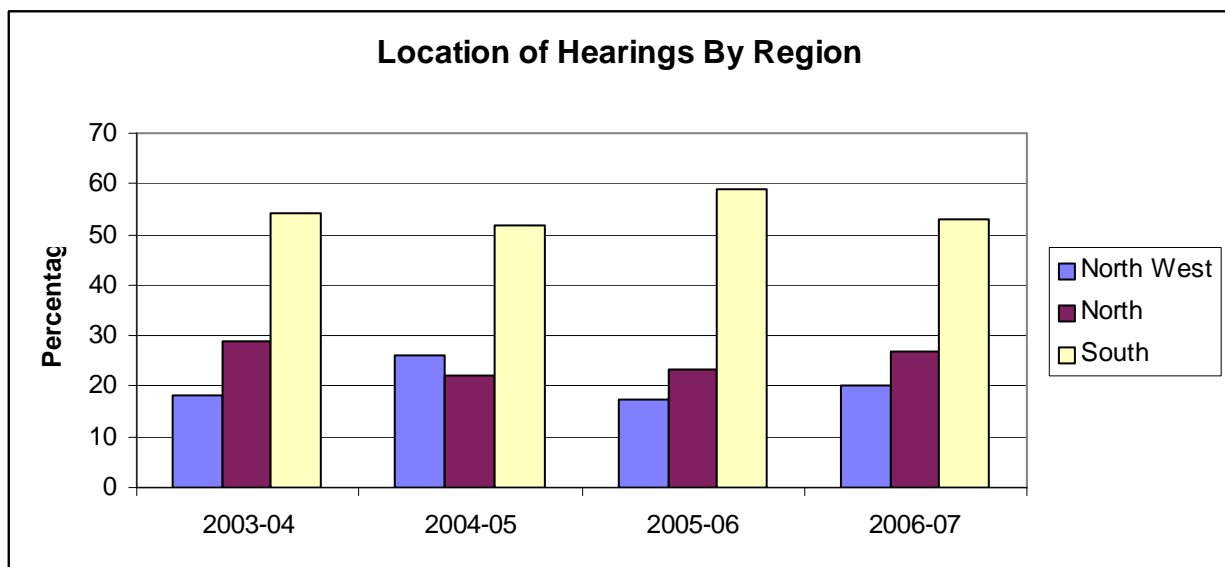


## Location of Hearings

It is policy of the Board that, as far as possible, hearings should be held in the place that causes the least inconvenience to the proposed represented person and other interested parties. As the Board's hearing process is relatively informal, hearings can and have been held in hospitals and nursing homes as well as the Board's designated hearing room in Hobart. Because the majority of medical consent applications involve persons refusing treatment for psychiatric illnesses, and these people are frequently also subject to a continuing care order under the *Mental Health Act 1996*, most medical consent applications are heard in the departments of psychiatric medicine or the psychiatric intensive care units in public hospitals. This enables the treating doctor to attend to present oral evidence and, most importantly, enables the patient to give his or her views on the application.

The Board expresses its thanks to the Department of Justice Victims Assistance Unit (Launceston), Community and Health Services (Devonport), the Launceston General, Royal Hobart and North West Regional Hospitals and to Family Based Care Inc (Burnie) for the provision of hearing rooms.

The following graph shows the apportionment of sittings in the three regions of the State in the last four years. Of the 477 hearings held in 2006-07, 246 were held in the South, 98 in the North and 73 in the North West. North West hearings are held in either Devonport or Burnie.



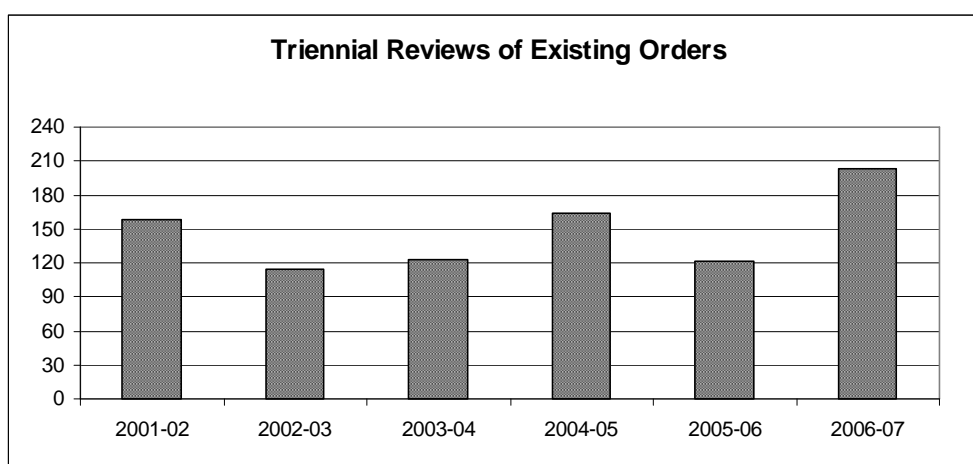
## Reviews of Existing Orders

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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. Most often, applications for review arise from the expiry of the term set by the Board.

Any increase in orders made results in an eventual increase in the number of reviews. Historically there has been a 3-year cycle effect arising as an “echo effect” of the Board’s first year of operation in 1997. With the 25% increase in new applications in 2003-4, there is now an “echo effect” from that year also. This is evident in this year’s numbers of reviews.

The following graph provides a comparison with previous years:

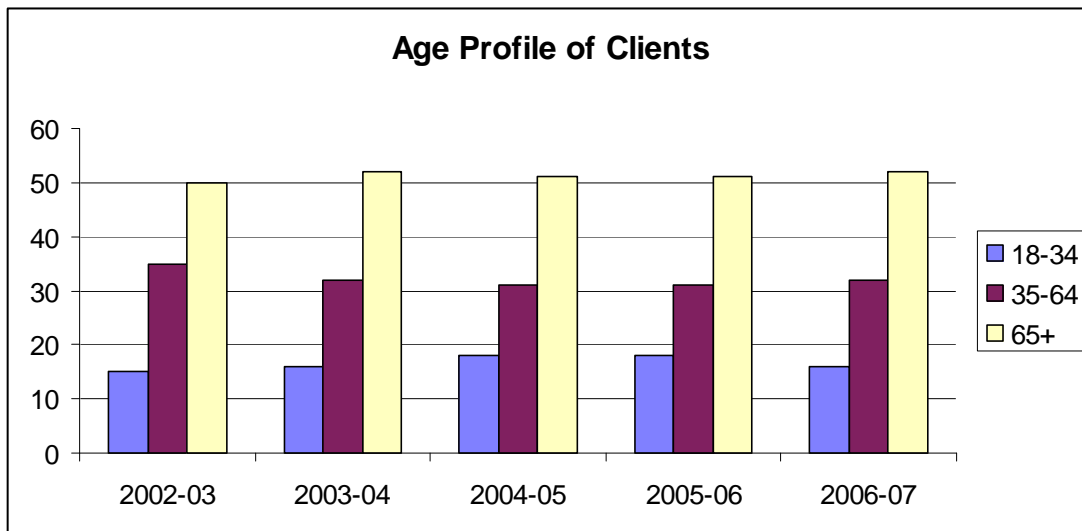


Review hearings have a very important function for the Board. Firstly, they serve the intentions of the 1995 legislators who saw regular reviews as essential to a modern guardianship system; it is a fundamental aspect of serving the “least restrictive alternative”. Secondly, reviews are a great learning tool for the Board to witness first hand the aspects of their orders that were successful or unsuccessful in the lives of represented persons. Very often we are able to witness the effect of an order in redressing abuse and reducing family conflicts and hostilities.

## Client Profile

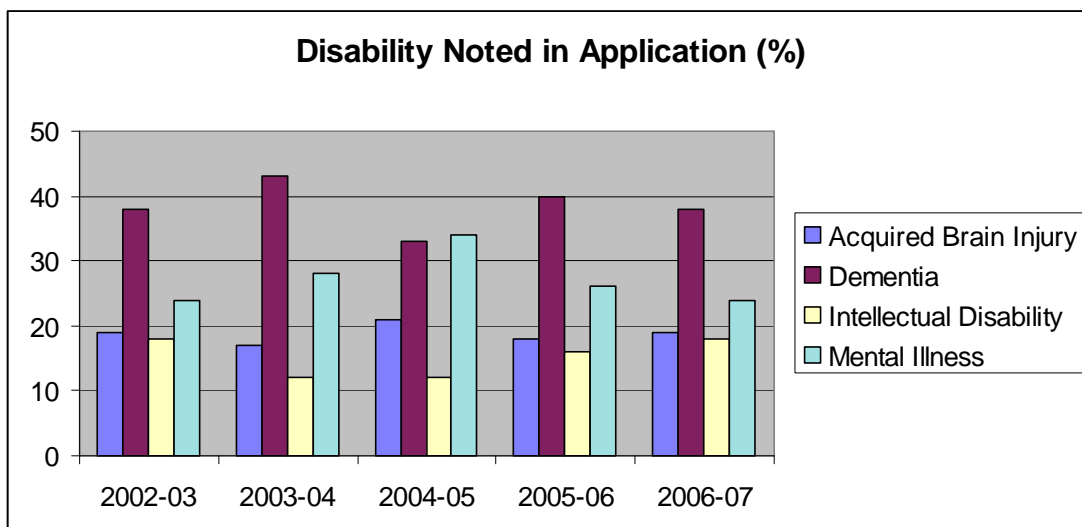
### Age Profile

Persons over 65 years of age continue to comprise a significant proportion at 52% of the total client group. This figure has been reasonably steady over the last five years.



### Disability Profile

According to data received with the applications, in 2005-06 38% of the Board's new applications relate to people who have dementia as their primary disability, 18% of new applications relate to people who have an intellectual disability, 19% have a brain injury and 24% have a mental illness. These categories are broad to enable data to be used in national comparisons. However, many persons present with multiple disabilities or disabilities that do not necessarily fit easily into one of these four categories. It is interesting to note that the ratio of persons with intellectual disabilities to persons with dementia in 2003-4 was roughly 1:4, whereas in 2006-7 it was roughly 1:2.



## Guardianship

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The Board appoints guardians to make personal and lifestyle 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*.

Most people with disabilities remain capable of making and enforcing reasonable decisions about their accommodation, health care, relationships and other personal issues. Even a person who is not capable of making reasonable decisions about their finances (e.g. because of the effects of short term memory loss) can still be capable of making reasonable personal decisions. A guardian is only required where a person lacks capacity to make such personal decisions and there is a need for clear legal authority in making such decisions.

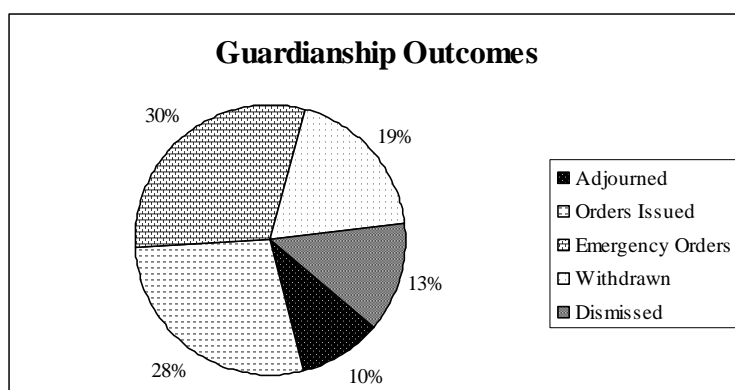
A guardian may be needed when assistance from family or friends is not working or not available, when there is a dispute within a family or between family and service providers about what is in the person's best interests, or when the person is at risk of neglect or abuse for any reason which clearly demonstrates the need for the formal intervention of a guardian. Guardianship is only used when there are no less restrictive alternatives available.

One hundred and forty one (141) new applications for guardianship were received during the year. Of these, 56 were applications for emergency orders where the Public Guardian is appointed as guardian for a maximum period of 28 days. Thirty-Seven (37) emergency orders were granted, 19 were refused. The making of an emergency guardianship order - effective for 28 days - will often enable the Public Guardian to resolve an issue (e.g. achieve successful transition of a person with dementia from home to an Aged Care facility) without the need for a subsequent formal application.

Twenty-three (23) applications were withdrawn prior to a hearing. The Board issued thirty-four (34) new orders appointing a guardian. The Public Guardian was appointed in all of these orders. Sixteen (16) applications were dismissed or refused and twelve (12) were adjourned.

In addition, there were reviews of twenty-nine (29) guardianship orders, sixteen (16) of which were continued for a further period.

At any given time guardianship orders will be approximately 15% of the number of administration orders. Additionally, guardianship orders are generally made for shorter periods of time and with greater limitations than administration orders.



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## Registration of Enduring Guardianships

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Part 5 of the *Guardianship and Administration Act 1995* enables a person to appoint an enduring guardian to make personal and lifestyle decisions for him or her in the event that the person is no longer capable of making those decisions. If the appointor loses capacity to make decisions about his or her person and circumstances (health care, accommodation, access to visitors etc.), the enduring guardian can make such decisions on his or her behalf.

An instrument appointing as enduring guardian must be registered with the Board. As at the 30<sup>th</sup> of June 2007 the Board had registered 4936 enduring guardianships, which includes 1667 new registrations this reporting year. At the start of 2003, the ratio of adult Tasmanians with registered enduring guardianships was approximately 1:1000. It is now around 1:100. An information sheet and pro forma enduring guardianship instrument is available for download from the Board's website: [www.guardianship.tas.gov.au](http://www.guardianship.tas.gov.au).

The Board continues to hold comprehensive workshops on *Writing and Registering Your Enduring Guardianship* through the Adult Education calendar.

The Board notes that approximately half of all enduring guardianships registered with the Board have been prepared and submitted by legal practitioners. Presumably this reflects a responsible practice of legal practitioners in encouraging their clients to execute an enduring guardianship as part of their client's estate management and planning, along with wills and enduring powers of attorney.

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## Reviews of Enduring Guardianships

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Two applications for revocation of an appointment of an Enduring Guardian were received in the year. The Board ordered the revocation in both applications and made an order substituting the Public Guardian.

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## Administration

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### Administration Applications

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 has consistently received more applications (now 60%) for the appointment of an administrator than any other kind of application. In 2006-07 there was a significant increase in the number of triennial administration reviews and a significant decline in the number of emergency administration applications, whereas new administration applications remained steady.

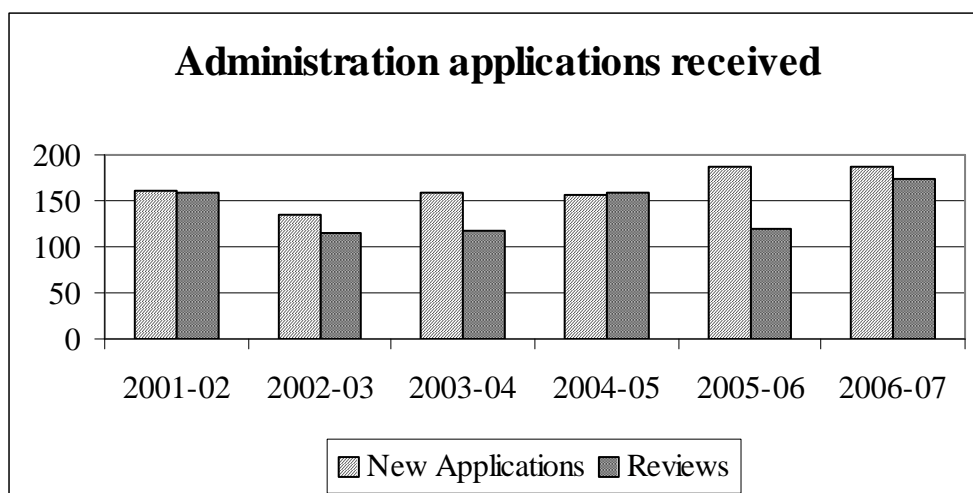
An administrator is a person appointed by the Board to make legal and financial decisions for an adult with a disability who is unable to make reasonable judgements in respect of matters relating to his or her estate. Many are appointed for elderly persons with dementia who require maintenance of

their regular accounts and protection of their income. Other common applications are for younger people with disabilities who are unable to control spending due to impulsiveness or addiction to alcohol, cigarettes and other drugs or gambling.

Administration applications differ from guardianship applications in that, because of the operations of probity and privacy principles, less restrictive alternatives are not effective or acceptable in many circumstances. Financial institutions cannot accept informal arrangements for management of a person's estate; therefore administration orders are required more frequently than guardianship orders.

### Administration applications received

Three hundred and eighty six (386) applications for administration were received during the year, which included twenty-six (26) applications for emergency orders and one hundred and seventy-four (174) reviews of existing administration orders.

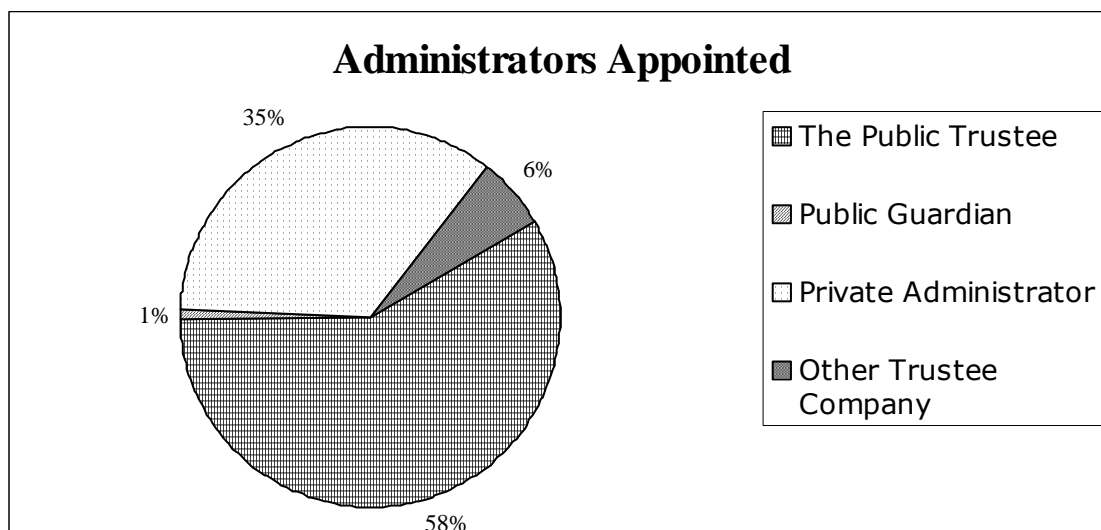


The Board subsequently issued three hundred and thirty-three (333) orders of which two hundred and ninety-two (292) appointed an administrator, fourteen (14) revoked the existing appointment of an administrator, and on seven (7) occasions dismissed the application. The Board made twenty-one (21) emergency orders appointing the Public Trustee as administrator. Thirty-two (32) applications were withdrawn prior to hearing and eight (8) applications lapsed due to the death of the person who was the subject of the application.

### Types of Administration Appointments

Section 54 of the Act enables the Board to appoint The Public Trustee, a trustee company or the Public Guardian as an administrator. Where it is satisfied that another person is a suitable person to perform the role, has sufficient expertise and will act in the represented person's best interests it can also appoint that person as an administrator (private administrators). During the reporting year, the Board appointed private administrators in 35% of cases. The Public Trustee absorbed 58% of all appointments of administrators.





## Reviews of Enduring Powers of Attorney

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During the year to 30 June 2007, the Board received 13 applications for review of enduring powers of attorney under the provisions of the *Powers of Attorney Act 2000*. These provisions allow the Board to:

- vary the enduring power of attorney;
- appoint a substitute attorney or an administrator;
- declare that the donor did or did not have mental capacity to make a valid enduring power of attorney;
- declare that the enduring power of attorney is invalid;
- revoke the enduring power of attorney and appoint an administrator; or
- make such other order as to the exercise of the power, or the construction of its terms, as the Board thinks fit.

The Board revoked four (4) enduring powers of attorney, appointing an administrator. One (1) application resulted in the Board giving advice and direction to the attorney, one (1) application was dismissed, one (1) was refused and six (6) applications were withdrawn.

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.

Two particular aspects of the *Powers of Attorney Act 2000* continue to impress the Board as being of great practical value and highly protective of incapacitated donors who come to the attention of the Board. They are subsection 32(3) (the ability of an attorney to assign the power to the Public Trustee) and the relationship between subsection 30(2)(b) and 33(2)(e)(ii). In light of experiences in hearing the applications that allege incapacity or coercion in execution of the instruments, the Board endorses the prohibition of relations of parties to the instrument being witnesses to the instrument.

The Department of Primary Industries and Water consulted the Board in relation to the review of the *Powers of Attorney Act 2000*. To address some significant issues of financial abuse of elderly persons, the Board's recommendations to the Department of Primary Industries and Water included

a change to the provisions relating to gifts to an attorney from a donor's estate along the lines of provisions in similar legislation in Queensland, or the provisions in section 58 of the *Guardianship and Administration Act 1995*. It has also recommended an amendment to enable the Board to give directions to an attorney pursuant to section 11(11) of the *Guardianship and Administration Act 1995* to produce statements and accounts during proceedings and should an attorney breach that direction, their role as attorney can be suspended and the Public Trustee appointed until such time as the Board is satisfied with the attorney's compliance. Such a provision would assist in addressing situations of suspected financial abuse of the donor.

## **Consent to Medical and Dental Treatment**

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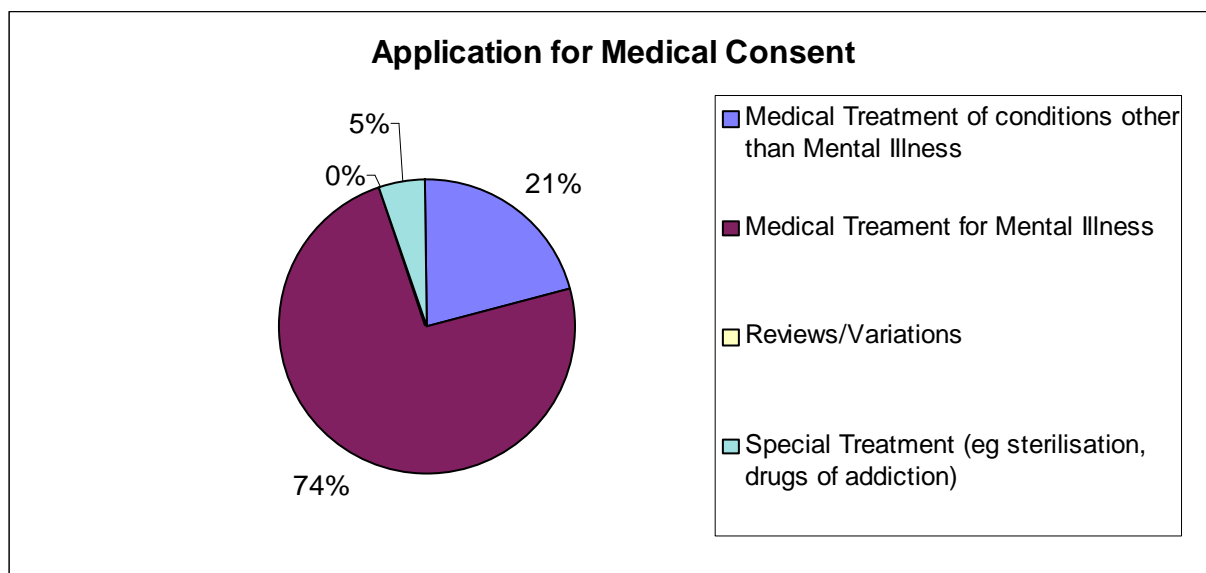
The Board has jurisdiction to determine applications for consent to medical and dental treatment pursuant to Part 6 of the *Guardianship and Administration Act 1995* and section 32 of the *Mental Health Act 1996*.

The *Guardianship and Administration Act 1995* ensures that a person with a disability who cannot give informed consent for medical or dental treatment is assisted in obtaining appropriate treatment. The essential elements of the legislation in this regard are:

- It is unlawful to carry out medical or dental treatment on a person with a disability who is incapable of consenting to the proposed treatment unless either substitute consent for the treatment has been given or the circumstances are such that consent is not legally required (eg emergency situations).
- In most cases where substitute consent is needed, another adult person who meets the criteria as the "person responsible" under the Act can provide such consent.
- If the proposed medical or dental treatment is classified as "special treatment" only the Guardianship and Administration Board can consent.
- Some medical or dental treatment will not require consent. Urgent treatment and some minor treatment such as non-intrusive examinations are examples.

### **Applications received**

The Board received 19 applications for consent to medical treatment for persons with a disability who were incapable of consenting to treatment. The vast majority of applications (14 or 74%) were applications for consent to psychiatric treatment for persons with a mental illness who were unable to consent to treatment or were refusing treatment. One matter dealt with was an application for special treatment. Of the 19 applications, 14 resulted in a determination for the Board's consent, the balance were refused following a hearing or withdrawn after the applicant had received advice from staff of the Board.



## Requests for Statements of Reasons and Appeals

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Statements of reasons may be requested pursuant to section 74 of the Act. Preparation of statements of reasons has a range of benefits in the appropriate delivery of justice and the professional development of Board members and the education of the community. It is advisable to seek a statement of reasons before appealing a decision of the Board to the Supreme Court.

Where a statement of reasons covers interesting or novel issues, it will usually be de-identified and then published on the website which gives access to members of the community and the legal profession to the processes and interpretations employed by the Board.

Eleven (11) statements of reasons were prepared during the reporting period. Two (2) matters were appealed to the Supreme Court. Both were dismissed.

## Community and Professional Education

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### Community Education Programme

Greater knowledge and understanding of the operations of the Board and the legislation that we administer has enormous benefits for the community and people with disabilities. Therefore, the Board promotes and provides education on request to community, government and professional bodies.

Members and staff of the Board delivered 52 education sessions to the Tasmanian community. Of these, approximately a third were for the professional development of persons employed in nursing, medical or disability fields. The remainder were presentations to community and interest groups. Sessions average between 1 and 2 hours. A list of organisations that the staff members or members of the Board have addressed during the reporting year is attached at Appendix 3.

Organisations seeking education sessions are encouraged to contact the Board and ask for a Community Education Program Request Form to be faxed, emailed or mailed to them.

From October 2006 the Board developed and offered a calendar of education session, some of which are professional development and are delivered on a fee for service basis and other are community education and delivered without charge. The Calendar of Education is available via the Board's website and is also mailed out to a broad stakeholder list.

## **Web site and Publications**

The Board's web site was completely redesigned and modernised in 2004-05 as part of a review of all websites connected to the Department of Justice. During 2006-2007 there has been continued updating and improvement to the content of the website.

This new web site is more accessible and now includes a large range of de-identified decisions, which are representative of the Board's decision-making. All the Board's publications can also be downloaded from the website. The website address is [www.guardianship.tas.gov.au](http://www.guardianship.tas.gov.au)

In addition to the website, the Board has prepared the following fact sheet publications as educational tools. The fact sheets are distributed through the Board's enquiry service, at community education seminars and on request.

- 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 Guardianship Info Sheet
- Private Administrators Handbook

From January to June 2006, through resources made available by the Department of Justice, the Board undertook a major project to review all its publications. New facts sheets numbered 1-10 were printed and made available in the first quarter of 2006-07.

## Office Administration

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### Human Resources

The Board had available to it a Registrar and six 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. The senior staff members assisting the Board as at 30 June 2007 are:

Registrar: Dale Webster

Executive Officer: Jane Bliss

Senior Investigation and Liaison Officer: Anne Perks

### Finances

The Board was unable to meet its budget target and was provided with support from the Department of Justice to cover this overspend. This assistance allowed the Board's President to work fulltime throughout the year.

Changes in total number of applications and recurrent funding over the past 4 reporting years (or part) are as follows:

Year	Total applications recieved	% Increase in applications	Recurrent Funding	% Change in Recurrent Funding
2002/03	389		\$466,385	
2003/04	504	30%	\$490,505	+5%
2004/05	594	18%	\$470,169	-4%
2005/06	626	5%	\$484,881	+3%
2006/07	647	3%	\$486,181	+1%
<b>Compare 2002/03-2006/07</b>	<b>+258</b>	<b>+66%</b>	<b>+\$19796</b>	<b>+4%</b>

The Department of Justice also provided the Board with an additional part-time staff member from September 2006 to June 2007.

The Board's financial position is a direct consequence of the increased demand and it is a credit to the commitment of staff that the Board's performance and the services provided to the public have not declined in the face of this marked increase in their workloads.

In the State Budget handed down in June 2007 the Board secured an additional 26.6 % in recurrent funding. This additional funding is vital to the proper functioning of the Board, particularly when it is faced with the likelihood of further increases in workload over future reporting years.

A full financial report is at Appendix 4.

## How to Contact the Board

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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

Facsimile Number: (03) 6233 4509

Email Address: [guardianship@justice.tas.gov.au](mailto:guardianship@justice.tas.gov.au)

Website: [www.guardianship.tas.gov.au](http://www.guardianship.tas.gov.au)

The Board, via the Registrar and Senior Investigation and Liaison Officer, also provides after hours services which are accessed by ringing the daytime number.

## Appendix 1 - Board Members at 30-6-07

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### **Anita Smith – President**

Appointed: 1 January 2003 (5 year term)

Anita Smith was admitted as a legal practitioner in 1992. Anita practised at Archer Bushby in Launceston and then established the statewide Disability Discrimination Legal Advocate service at the Launceston Community Legal Centre.

In 1995, Anita was seconded to the Human Rights and Equal Opportunity Commission in Sydney as a policy adviser to the Disability Discrimination Commissioner. She was then appointed as the Principal Solicitor at the New South Wales Disability Discrimination Legal Centre, a position she held until 1998. Anita then returned to Tasmania to take up a position as the Senior Adviser and Head of Office for the Tasmanian Attorney General.

Anita is also 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 AntiDiscrimination Tribunal.

### **Board Members (In alphabetical order)**

#### **Kellie Ashman**

Appointed: 21 February 2005

Kellie Ashman was a member of the Disability Services Ministerial Advisory Council from 2002 to 2006 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 provides volunteer services for St Michaels Association in Launceston.

#### **Kim Barker**

Appointed: 27 June 2003

Kim Barker has extensive experience working with people with disabilities. She currently has a small private practice as a rehabilitation consultant, counsellor and mediator, and is a member of the Mental Health 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.

#### **Melanie Bartlett**

Appointed 22 March 1999, reappointed 28 October 2002 & 16 February 2006

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. Other than working for the Australian Legal Aid Office in the late 1970's, Melanie has worked mainly in private practice. She was previously a member of the Council of the Law Society of Tasmania and was President of the Society in 1999/2000. Melanie was a partner in a legal firm based in Burnie, a Commissioner of the Legal Aid Commission, a member of the Mental Health Tribunal and a member of the Disciplinary Tribunal under the Legal Profession Act. She has been a member of the Anti-Discrimination Tribunal since 1999 and a temporary magistrate.

**Wendy Beveridge** Appointed: 21 February 2005

Wendy 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, undertaken formal training as a mediator and operates her own mediation and facilitation business. She is also a sessional mediator with the Supreme Court, the Anti Discrimination Tribunal and Relationships Australia. Recently Wendy was appointed a Commissioner for Criminal Injuries Compensation.

**Catherine Blackmore** Appointed: 21 February 2005

Catherine Blackmore holds degrees in Arts and Science and was awarded a doctorate from Macquarie University in 1994. She was a consultant to the Department of Health and Human Services in 2004 developing the Tasmanian Mental Health and Wellbeing Educational Framework. She has held positions as a Principal Research Fellow at the University of Wollongong and Associate Professor at the University of Tasmania. She has been a principal investigator in numerous research projects and consultancies. She has published in the fields of ethics, suicide prevention and public health.

**Kate Brown** Appointed: 21 February 2005

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 and Gee, Dobson Mitchell and Allport and Simon Brown. She has practised mostly in litigation, including criminal law, family law and personal injuries litigation. Kate is a Committee member of the Tasmanian Bar Association, a Director of the Motor Accidents Insurance Board and a member of the Racing Regulatory Panel.

**Elizabeth Dagleish** Appointed: 27 June 2003

Elizabeth Dagleish obtained combined Bachelor of Arts and Bachelor of Laws degrees. She has worked as a part-time solicitor with the Legal Aid Commission for the past seven years providing community advice on a wide range of legal and social issues. Elizabeth has also worked as a child support solicitor with the Hobart Community Legal Service and has had personal exposure to working with people with disabilities and mental illness.

**Mary Davies** Appointed: 21 February 2005

Mary Davies qualified as a social worker in 1971. She has been employed as a social worker in both government and community based organisations since that time. She is a coordinator with the Dementia Carer Support Service in the North West area of Tasmania. Mary was a founding and ongoing member of the Alzheimer's Association, North West Tasmania.

**Gerard Dibley** Appointed: 21 February 2005

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.



**Susan Hill** Appointed: 11 August 1997, reappointed October 2000 and April 2004

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, the Standards Panel of the Local Government Association and the Tasmanian Library Advisory Board. Sue was a member of the Social Security Appeals Tribunal for 15 Years.

**Patricia King** Appointed: 21 February 2005

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.

**Marguerite Lester** Appointed: 11 August 1997, reappointed 16 October 2000 and May 2004

Marguerite Lester holds a Bachelor of Applied Science (Occupational Therapy) degree and a Master in Business Administration. Employment and community involvements have included community based allied health services, the Aged Care Assessment Team, Vocational Rehabilitation Services, St Giles in the north of Tasmania and other Hobart based facilities. Mrs. Lester is a member of the Mental Health Tribunal and other community groups.

**Rodney Lester** Appointed: 16 October 2000, reappointed May 2004

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

Elizabeth Love, who holds a Bachelor of Arts (Social Work), is a rehabilitation consultant who has over 20 years experience in social work, a large proportion of which involved clients with intellectual disability, acquired brain injury, psychiatric disorders and substance dependency. Her work in both public and private practice includes extensive experience in isolated and rural regions of Tasmania.

**Paul Mayne** Appointed: 4 February 2002, reappointed August 2005

Paul Mayne holds diplomas in Developmental Disability and the Management of Disability Services. He has worked in the disability/mental health field for over 16 years having trained initially as an auxiliary nurse at the Royal Derwent Hospital and subsequently managed group homes for the intellectually disabled.

**Martin Morrissey** Appointed: 23 March 2005

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.

**Terry McGuire** Appointed: 21 February 2005

Terry McGuire graduated with a degree in Philosophy in 1980 and in Arts Law in 1983 and was admitted as a Barrister and Solicitor of the Supreme Court of Tasmania in 1984. He has worked in private practice since 1994, with Fuller and Stace, Doolan and Brothers, James Crotty, Piggott, Wood and Baker and with Temple-Smith Barclay where he is a partner. He has practised primarily in family law and criminal law. He has formal training in mediation and has been active in the Family Law Practitioners Association of Tasmania and the Law Council of Tasmania.

**Tony O'Neill** Appointed 16 October 2000, reappointed 21 February 2005

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.

**Anne Parker** Appointed: 21 February 2005

Anne Parker is a legal practitioner. She is currently the Senior Adviser to the Office of the Governor of Tasmania. She has been admitted to practise since 1994 and has worked with Marstrand and Ayling, Ogilvie McKenna and the Legal Aid Commission of Tasmania. She has experience in the Magistrates Court and Family Court and in legal education and mediation.

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

Leon Peck has a background in health services. He has held the positions of District Manager (West/North West) Aged, Rural and Community Health, Director of Administrative Services, North West Regional Hospital, and Deputy Administrator, Mersey General Hospital. Leon holds a Bachelor of Arts degree from the University of Tasmania. More recently he was the Chief Executive Officer, Rheumatism and Arthritis Foundation of Tasmania.

**Malcolm Schyvens** Appointed: 27 June 2003

Malcolm Schyvens has combined Bachelor of Commerce and Bachelor of Laws degrees and has been a practicing solicitor in private practice since 1996 with substantial experience in legal matters relating to the Board's activities. Malcolm is the Chairperson of the Board of Cosmos Incorporated, an organisation for the intellectually disabled, is an officer in the Australian Army Reserve and is an Official Visitor appointed under the *Mental Health Act 1996*. Malcolm is a member of the Executive of the Law Society of Tasmania.

**Lindi Wall** Appointed: 21 February 2005

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 14 years experience in civil litigation and is an associate at Wallace Wilkinson and Webster. She is a Board member of Nexus Inc and the Environmental Defender's Office.

**Kereth West** Appointed: 11 August 1997, reappointed 16 October 2000 and May 2004

Kereth West is a graduate of the University of Tasmania having gained a Bachelor of Arts with Honours in 1983 and a Master of Psychology in 1989. Kereth has worked as a Clinical Psychologist since 1984 in both Mental Health Services and Intellectual Disability Services. She currently holds the position of Principal Clinical Psychologist with Mental Health Services.

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

Philippa Whyte holds a Bachelor of Laws degree and was admitted as a Barrister and Solicitor of the Supreme Court of Tasmania in 1980. Since then she has worked as a lawyer in private practice for over 22 years. In 2002 she was appointed to the position of Conciliation Officer within the office of the Health Complaints Commissioner. Philippa is a trained mediator and also a member of the Mental Health Tribunal and the Social Security Appeals Tribunal.

**Catherine Wilding** Appointed: 27 June 2003

Catherine Wilding has qualifications as a registered nurse and has attained a Bachelor of Laws degree. After a career in nursing for eight years, Catherine was admitted as a solicitor and practised for 4 years in private practice. Between December 1999 and August 2004 she was employed as Nurse Advisor – Professional Conduct with the Nursing Board of Tasmania. Catherine now works in aged care in the area of dementia care and is a legal officer with the Specialist Reserves of the Royal Australian Air Force in Hobart.

**Debra Wood** Appointed: June 2006

Debra is a psychiatrist, currently Clinical Director of Tasmania's Forensic Mental Health Service. She is a new recruit from Victoria where she spent the last three years with the Victorian Institute of Forensic Mental Health (Forensicare). Prior to this late-life transition to forensic work, she held positions in civil mental health services and with the Chief Psychiatrist's Office of Victoria. Debra was a member of the Mental Health Review Board of Victoria from 2002-2007. She's completing a Bachelor of Arts from the University of Melbourne, and is in training for the Wildside Mountain Bike Challenge.

## Appendix 2 - Statistical Summary

	2003-04	2004-05	2005-06	2006-07
<b>Applications received</b>				
Total applications rec'd	504	594	626	647
Guardianship normal	51	49	81	85
Guardianship emergency	43	83	63	56
Administration normal	158	156	188	186
Administration emergency	40	32	62	26
Medical consent	43	44	39	19
Statutory Will	2	4	1	4
Other (EPA's, gifts, advice etc)	44	56	71	68
Triennial review of existing orders	123	170	121	203
<b>Hearings conducted</b>				
Total hearings	362	409	417	477
Guardianship	36	41	60	64
Administration	131	136	149	150
Medical consent	35	38	30	15
Statutory Will	3	2	1	1
Other	18	17	34	39
Reviews	139	175	143	219
<b>Hearings by region</b>				
South	193	209	246	253
North	105	92	98	128
North West	64	108	73	92
<b>Outcomes</b>				
Guardianship orders	70	105	103	56
Administration orders	268	316	273	296
Medical consent orders	38	32	24	14
Other orders (EPA's gifts, etc)	37	25	31	21
Statutory Will orders	2	2	1	1
Applications dismissed	12	26	49	30
Matters adjourned	13	15	8	29
Applications lapsed/ withdrawn/ advice only	48	79	127	92
Matters outstanding	16	10	20	10
<b>Community &amp; Professional Education Sessions</b>	44	43	59	52

## **Appendix 3 - Community Presentations**

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Fifty-two (52) sessions were delivered. The average length of a session was 1.5 to 2 hours. Sessions marked “(Education calendar)” below were designed, promoted and delivered by the Board for a broad community audience. All other sessions were provided exclusively on request from the organisations mentioned below.

04/07/06	Adult Education – Enduring Guardianship Workshop
09/07/06	Devonport Association of Independent Retirees
13/07/06	Residential Services for Intellectually Disabled
08/08/06	Adult Education – Enduring Guardianship Workshop
09/08/06	Carers Association of Tasmania
10/08/06	The Law Society of Tasmania
19/08/06	Adult Education – Enduring Guardianship Workshop
31/08/06	Anglicare Financial Advisers
6/09/06	Hobart Ambulance Staff
8/09/07	Mersey Branch – Association of Independent Retirees
20/09/06	APW Training
20/09/06	Medical Registrar’s Training – Medical Consent
05/10/06	Masonic Peace Haven
16/10/06	Calvary Health Care Tasmania
31/10/06	Freemasons’ Home – Lindisfarne
07/11/06	Royal Hobart Hospital
07/11/06	Repatriation Ward
09/11/06	Disability Services – North – Resource Team
13/11/06	GP North
20/11/06	APW Training – Launceston
25/11/06	Devonfield
08/12/06	Montagu Community Living Inc.
11/01/07	Glenview Home for the Aged
13/02/07	Montagu Community Living

14/02/07	Aged Care Facilities – Hobart (Education Calendar)
21/02/07	Private Administrators – Hobart (Education Calendar)
23/02/07	Glenview Home for the Aged
14/02/07	Enduring Guardianships – Hobart (Education Calendar)
16/03/07	Association of Independent Retirees
19/03/07	Adult Education – Enduring Guardianship Workshop
21/03/07	TAFE Burnie
30/03/07	Relationships Australia
03/04/07	Adult Education – Ulverstone – Enduring Guardianship Workshop
11/04/07	Making An Application (Education Calendar)
16/04/07	Adult Education – Launceston
26/04/07	Department of Emergency – Royal Hobart Hospital
10/05/07	How to Make an Application (Education Calendar)
15/05/07	Glenview Nursing Home
15/05/07	APW Training – Moonah
16/05/07	General Overview (Education Calendar)
21/05/07	Cosgrove Park Aged Care Facility
21/05/07	APW Training
23/05/07	Private Administrators (Education Calendar)
04/06/07	Older Person’s Reference Group
05/06/07	Family Based Care North
06/06/07	Medical Consent (Education Calendar)
13/06/07	Enduring Guardianships (Education Calendar)
13/06/07	Ravenswood Community Health Centre
16/06/07	Supported Housing
20/06/07	Wynyard/Somerset Legacy
26/06/07	Kings Meadows Health Centre
26/06/07	Adult Education, Hobart, Enduring Guardianship Workshop
28/06/07	Oncology Ward 1B – Royal Hobart Hospital

## Appendix 4 – Financial Statement 2006-07

<b>Guardianship and Administration Board</b>			
	<b>Budget</b>	<b>Actual Expend</b>	<b>Variation</b>
<b>EMPLOYEE RELATED</b>			
Salaries (incl Rec/LSL)	269,896	261,223	8,673
Board Member Fees	55,955	54,025	1,930
Other	0	6,816	-6,816
Work Comp Ins	600	531	69
Payroll Tax	20,856	20,353	503
FBT	5,600	4,962	638
Superannuation	29,850	28,364	1,486
Training	1,341	7,267	-5,926
<b>Total Employee Related</b>	<b>384,098</b>	<b>383,541</b>	<b>557</b>
<b>TRAVEL AND TRANSPORT</b>			
Travel	9,409	9,200	209
Parking	5,000	6,012	-1,012
Vehicle leases	13,000	13,395	-395
Vehicle other	4,160	5,020	-860
<b>Total Travel &amp; Transport</b>	<b>31,569</b>	<b>33,627</b>	<b>-2,058</b>
<b>ADVERTISING / PROMOTION</b>			
Advertising	0	624	-624
Printing	7,025	6,653	372
<b>Total Advertising</b>	<b>7,025</b>	<b>7,277</b>	<b>-252</b>
<b>COMMUNICATIONS</b>			
Postage	2,000	3,042	-1,042
Telephone	7,800	6,703	1,097
Other		0	0
<b>Total Communications</b>	<b>9,800</b>	<b>9,745</b>	<b>55</b>
<b>ACCOMMODATION</b>			
Office Rental	24,000	31,000	-7,000
Other	2,000	2,958	-958
<b>Total Accommodation</b>	<b>26,000</b>	<b>33,958</b>	<b>-7,958</b>
<b>INFORMATION TECHNOLOGY</b>			
Other Op leases	16,100	16,991	-891
Office equip under \$5000	1,200	100	1,100

Comp hardware under \$5000	0	81	-81
Software licences	3,500	0	3,500
Other computers	0	771	-771
<b>Total Information Technology</b>	<b>20,800</b>	<b>17,943</b>	<b>2,857</b>
<b>OTHER EXPENSES</b>			
Security	600	2,952	-2,352
Transcription/Translation	0	2,601	-2,601
Other admin	0	923	-923
Office requisites	4,000	2,234	1,766
Maintenance	0	586	-586
Legal Costs	0	2,046	-2,046
Miscellaneous	2,290	2,599	-309
<b>Total Other Expenses</b>	<b>6,290</b>	<b>8,388</b>	<b>-2,098</b>
<b>TOTAL</b>	<b>485,582</b>	<b>494,479</b>	<b>-8,897</b>