



ANNUAL REPORT

2005-06

28 September 2006

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 2005 to 30 June 2006.

Anita Smith
PRESIDENT
Guardianship and Administration Board

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President's Report

I have great pleasure in presenting my fourth report to Parliament as President of the Guardianship and Administration Board ('the Board').

As I said in my previous reports, during my Presidency, I have been privileged to work with dedicated, intelligent and compassionate staff members, Board members and delegates appointed as guardians and administrators. An exemplar of these qualities is Ruth Hanson, the inaugural Deputy President of the Board. Ruth decided to retire from the Board this year to embrace the challenges of the next part of her life. On behalf of the Board, I record our thanks for the guidance Ruth provided in establishing a tribunal that embraces accessibility and justice. The Attorney General marked Ruth's contribution to the development of the Board in a speech on 8 September 2006. That speech is attached at Appendix 5. The Board wholly endorses the contents of the speech.

John de Jong, a member of the Board since 2000 resigned this year, as did Carleen Bailey, more recently appointed in 2005. The Board thanks them for their contributions and wishes them well in their future endeavours. Mary Davies, appointed as a member on 21 February 2005, was honoured with a medal of the Order of Australia in the Queen's birthday honours for her work for people with dementia.

Board members received a 15.9% increase in fees since 8 May 2005. Board members now receive \$174 per session. A session, including preparation and follow-up work, involves about approximately 6 hours work, so it is still not remunerative. Members participated in an annual meeting on 29 June 2006 where important administrative matters were discussed. Members also attended formal and informal (known as "GABfests") training sessions throughout the year. Their attendance at these events is paid at \$50 per hour. Fortunately, no Board member is involved with the Board for financial reasons, but the complexity of the work and the experience and expertise of the members is not adequately recognized at this rate. The anticipated review mentioned in my report last year is still required.

The Board was privileged in November 2005 to host the meeting of the Australian Guardianship and Administration Committee in Hobart. Hobart turned on its most spectacular weather and the delegates had a very productive meeting. The Board is particularly grateful to His Excellency the Governor for hosting a reception for delegates, creating a very warm welcome for their stay in Hobart.

Further development of the *Manual for Members of the Guardianship and Administration Board* has proceeded with new chapters on applications for statutory wills and gifts by administrators. An evaluation process has commenced whereby Board members can provide feedback on the materials, facilities and processes of the hearings that they convene. This has proven a valuable communication tool between Board members, the President and the Board's office. A particular concern raised in those evaluations has been the adequacy of hearing facilities in Launceston. We are grateful to the Department of Justice for steps taken recently to allay those concerns.

The standards forms used by the Board for applications and Health Care Professional Reports were revised this year, hopefully producing more accessible formats for the assistance of applicants and the Board.

The Board was pleased to receive one-off funding from the Department this year that enabled the appointment of a short-term project officer to rewrite the Board's Facts Sheets and other publicly available materials. We were fortunate to retain the services of Anna Curtain, a newly admitted

legal practitioner, for this purpose and she also undertook some investigation work. Anna showed such aptitude in her short appointment that she has since been employed in the short-term by the Office of the Public Advocate in Victoria and will take up a longer-term position with the State Trustees in Victoria soon.

Also included in the one-off funding has been an extension of my role as President from part-time (65%) to full-time work. This extension has enabled me to provide a more comprehensive support role to members, both in being available for education opportunities, developing the manual and standard forms and absorbing more of the complex applications. Part of that extra time has been taken up with new responsibilities since the creation in early 2006 of the *ex officio* role in the Forensic Tribunal under the *Mental Health Act 1996*.

There has been a further increase in workload, together with greater complexity in cases coming before the Board. These factors necessitate a significant increase in the recurrent funding of the Board. With the underpayment of Board members, greater numbers of applications and complex applications requiring extended investigation and hearing time, the resources of the Board need a long term review.

This funding Output received an additional \$120,000.00 one-off fund to be shared between the Mental Health Tribunal, the Guardianship and Administration Board and the Forensic Tribunal. The Board acknowledges that the Department is funding this division to the best of its ability by providing stop-gap funding and has provided every support in promoting the need for additional recurrent funding for the Board to Treasury. However, we look forward to the time when recurrent funding has been increased to appropriately meet the level of demand upon our staff and Board members.

Anita Smith
PRESIDENT

Role of the Board

Major Statutory Functions

The functions of the Guardianship and Administration Board (the Board) are established by the *Guardianship and Administration Act 1995*. Supplementary functions are established in 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, to order 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.

Investigation and Case Management

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, if the issues that prompted an application can be resolved without a formal appointment, then those less restrictive options are pursued. 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').

Composition of the Board

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. No new members were appointed in 2005-06.

Sadly, Ruth Hanson, the inaugural Deputy President of the Board, tendered her resignation prior to the end of the financial year after a distinguished and highly valued period of service in that role. At the end of the financial year, that role was vacant.

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 2005-06. Members of the Board are eligible to be members of the Australian Institute of Judicial Administration (AIJA) or the Council of Australasian Tribunals (COAT) and were therefore able to take advantage of training offered by those organisations. This included a conference for AIJA in Perth on Therapeutic Jurisprudence and COAT activities. The President also offered training for Board members during the term, particularly in relation to the Board's role in Part 6 of the Act.

Long-term member John de Jong resigned during the reporting period as did member, Carleen Bailey. The Board extends its thanks for their service to the Board and best wishes for their future endeavours.

Current members of the Board (at 30.6.06) are listed in Appendix 1.

The Legislation

Following consideration of the procedural aspects of the *Guardianship and Administration Act 1995* by the Supreme Court, some new interpretations emerged of the administrative aspects of the legislation. These interpretations were the subject of requests for clarification from the Office of the Solicitor General. What emerged was that the use of the word 'board', where it appears in the Act outside of hearing functions, meant the full Board (i.e. a meeting of 25-7 members) not just a division of one or three members. It also emerged that the Board has no powers to limit reviews of its own orders, even where such reviews are tantamount to an internal quasi-appeal against a decision. This had serious implications for the Board's ability to undertake its functions within the resources afforded to it.

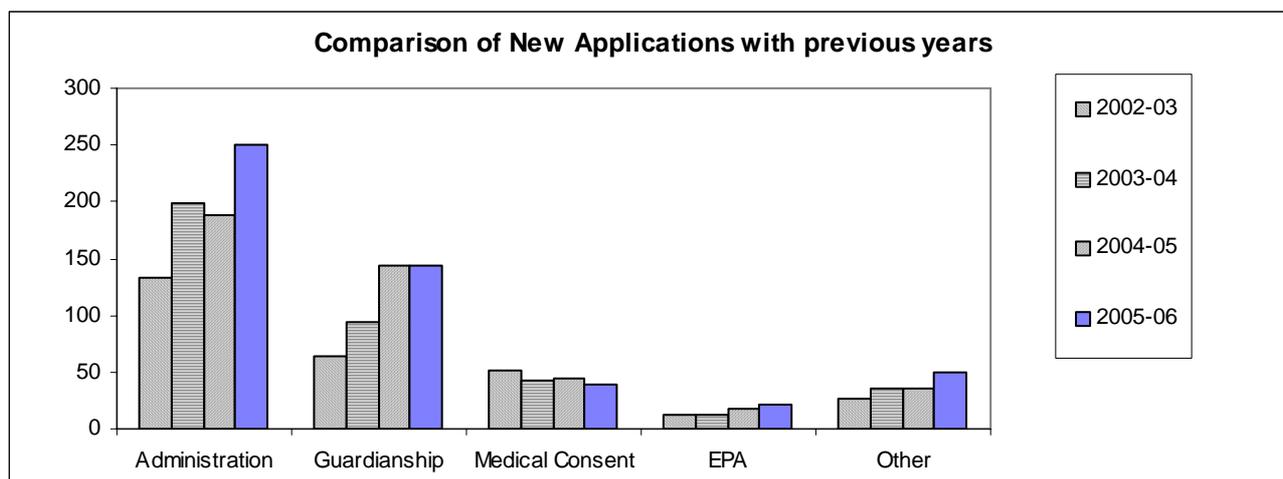
The new interpretation had particularly serious implications for the making of emergency orders pursuant to section 65 of the Act. As a consequence, the facility of making emergency orders was not available to the Board after the receipt of legal advice on the 26th June 2006.

Applications for emergency orders often present urgent life and death decisions and the need for authority to keep people safe against their own worst impulses. It is an important function of the Board and one that protects the most vulnerable of the vulnerable persons in our community. The Act has now been amended to resolve these problems.

Applications

Applications received

The total number of applications (including the triennial review of orders) received for the period 1 July 2005 to 30 June 2006 was 626. Of these 504 were new applications with the remainder being reviews of existing orders.



The total number of applications (including triennial reviews) in 2005-06 has increased by a further 5% and was the highest since the Board's inception. This small, but significant increase builds on increases of 25% and 18% in the past two financial years respectively. Most significant has been the rapid increase in guardianship applications, which have increased by 125% over the period. This financial year saw a drop off in emergency applications for guardianship, but a significant increase in emergency applications for administration. A drop in the triennial reviews was more than matched by an increase in the number of new matters.

The increase overall in numbers of applications has been partly attributed to an increasing level of community knowledge of the Board's processes, due to the increased focus on education.

The numbers of applications for persons with mental illnesses has dramatically risen, having more than doubled in 4 years.

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

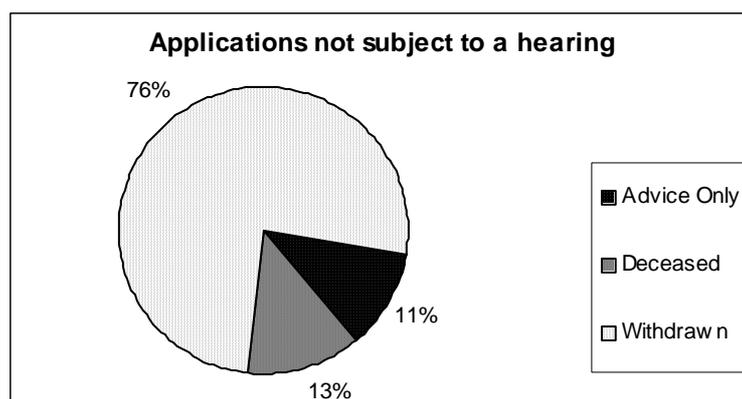
discuss the issues with potential applicants prior to the lodgement of an application. This advisory process helps people understand the role of the Board and ensures that applications processed by the Board are appropriate applications. This practice also allows the Board staff to assist potential applicants to explore less restrictive options.

The application form has been under review for a significant period of time. A new format will be available shortly into the 2006-07 financial year.

Hearings

The Board may sit in a Division of 3 members or 1 member. A hearing usually takes approximately 45 minutes. Hearings that take 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 417 hearings during the year. Ninety four percent (94%) of matters were finalised 45 days after receipt of the application. Three percent (3%) 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. In 2005-06 the number of applications increased 5% but this resulted in the number of hearings being increased by only one percent. Two hundred and twenty one (221) applications received during the year did not proceed to a hearing. One hundred and twenty five (125) of these were emergency matters and decided by the Board ex parte 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 (13%).



Location of Hearings

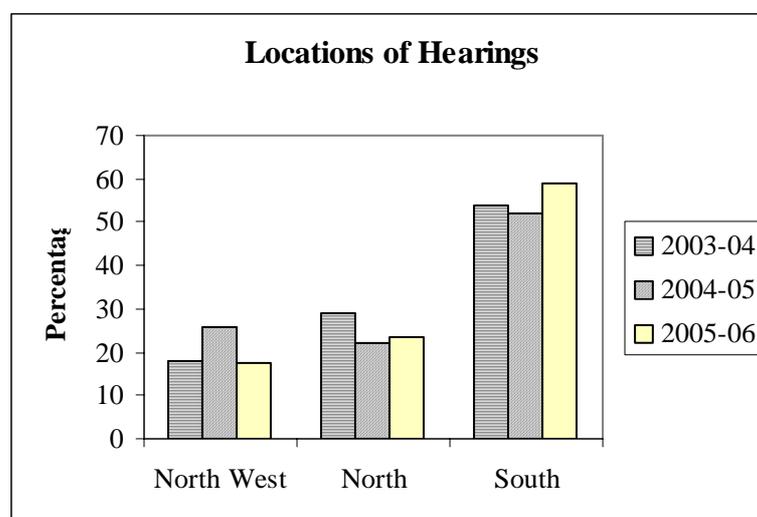
It is policy of the Board that, as far as possible, hearings should be held in the place that causes the least inconvenience to the proposed represented person and other interested parties. As the Board's hearing process is relatively informal, hearings can and have been held in hospitals and nursing 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.

Generally a division of the Board is convened to hear three to four applications in each sitting.

The following graph shows the apportionment of sittings in the three regions of the State for 2003-04, 2004-05 and 2005-06. Of the 417 hearings held in 2004-05, 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.



Four hundred and seventeen (417) hearings were held over 140 sittings in 2005-06, whereas in 2004-05 409 hearings were held in 137 sittings, hence the number of matters per sitting has dropped slightly this financial year.

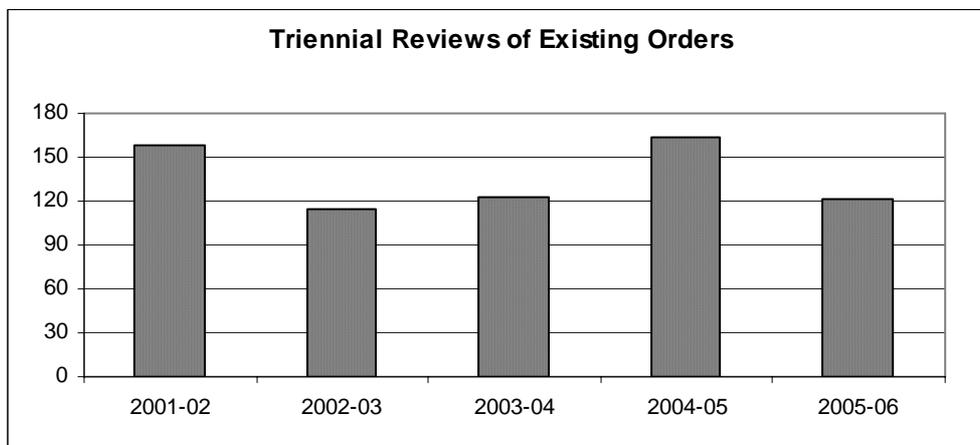
Reviews of Existing Orders

An order for guardianship or administration can be made for a maximum of 3 years. Shortly before their expiry, such orders are listed for a review hearing to determine whether renewal of the order is appropriate. An application of the Board's own motion or by any person for review of an order can be made at any time. A decision of the Supreme Court this year confirmed that the Board has no authority to refuse to hear an application for review. This limitation is presently subject to a proposed legislative amendment.

Any increase in orders made results in an eventual increase in the number of reviews. There is a three-year cyclical effect for the numbers of reviews related to the orders made in the first year of operation of the Board in 1997. Therefore it is statistically most accurate to compare this financial year to 2002-03. A small increase in reviews (up 4% from 2002-03) is noted. The Board

anticipates that, with the combined effects of increased orders and the 3-year cycle, in the 2007-08 financial year, there will be close to 180 reviews.

The following graph provides a comparison with previous years:

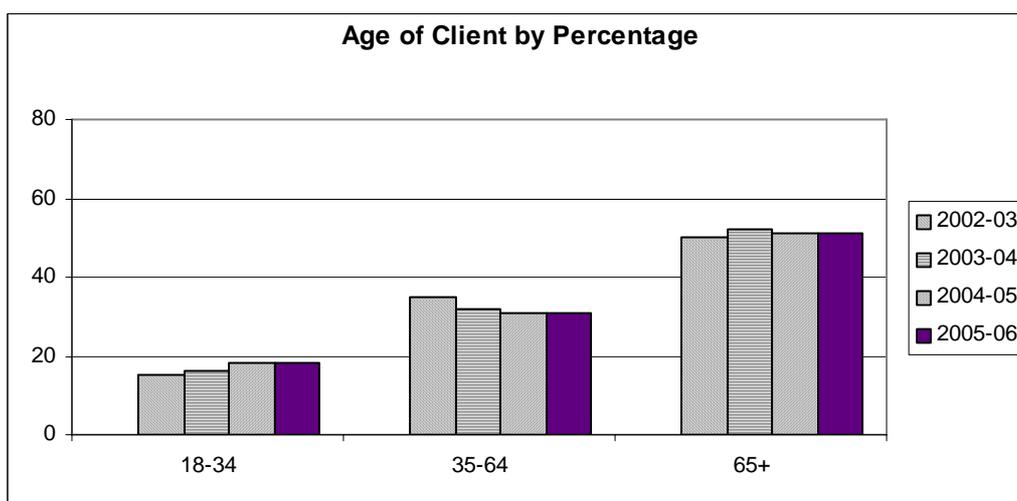


While a hearing to review an order is usually simpler and quicker than an initial application, it still requires consideration of the material presented at the time the order was made together with reports about the progress of the represented person and the relative effectiveness of the order.

Client Profile

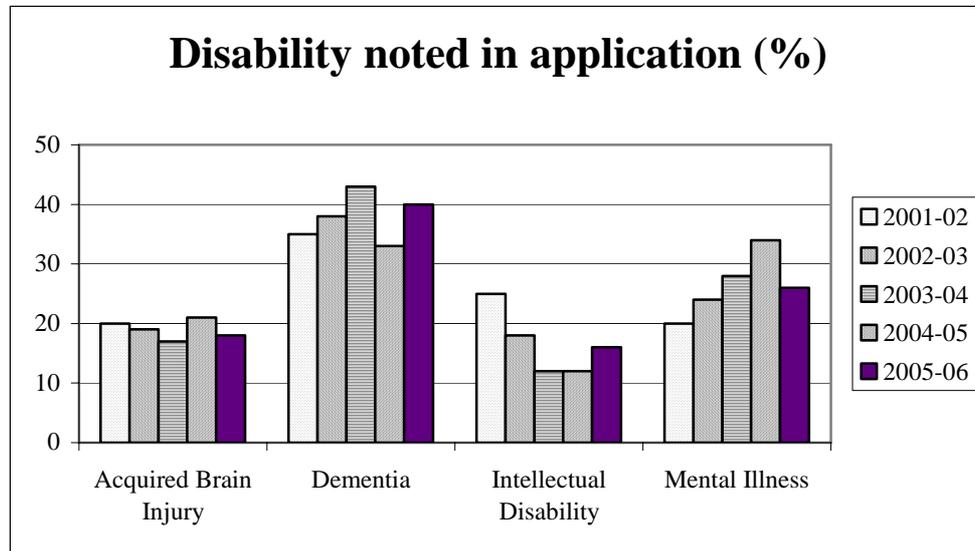
Age Profile

As the following chart indicates, the age of the Board's clients has remained constant since the Board commenced operations. Persons over 65 years of age comprise a significant proportion at 51% of the total client group. This figure has been reasonably steady over the last four years.



Disability Profile

According to data received with the applications, in 2005-06 40% of the Board's new applications relate to people who have dementia as their primary disability, 16% of new applications relate to people who have an intellectual disability, 18% have a brain injury and 26% have a mental illness.



Guardianship Orders

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*. 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. The Board only appoints a guardian where there is a clearly demonstrated need and does not make 'just in case' orders.

One hundred and forty four (144) new applications for guardianship were received during the year. Of these, 63 were applications for emergency orders where the Public Guardian is appointed as guardian for a maximum period of 28 days. Fifty (50) emergency orders were granted, 13 were refused.

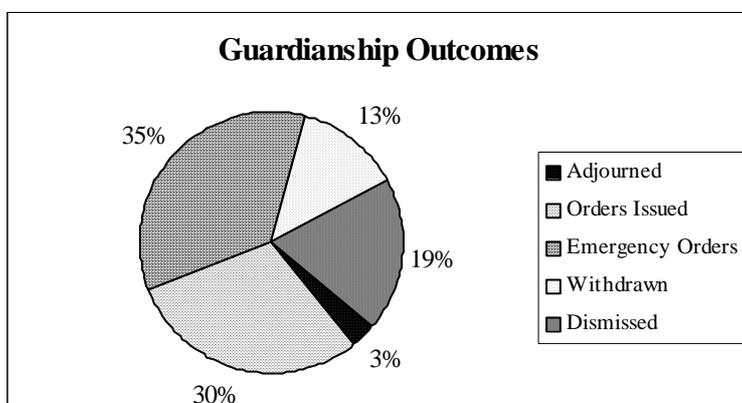
Eighteen (18) applications subsequently were withdrawn and did not proceed to hearing. The Board issued 42 new orders appointing a guardian. The Public Guardian was appointed in all of these orders. Thirteen (13) applications were dismissed or refused and four (4) were adjourned.

In addition, there were 15 reviews of guardianship orders. In ten (10) of these the order was continued for a further period.

The Board's investigative and administrative staff members spend considerable time and effort in finding a solution to the problem before the 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.

Staff members of the Board and the Office of the Public Guardian expend considerable time and effort in attempting to resolve guardianship issues before they proceed to an application or a hearing. The making of an emergency guardianship order - effective for 28 days - will often enable the Public Guardian to resolve the issue without the need for a formal application. As a result of this proactive approach, the number of guardianship orders in operation at any given time 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. These statistics, more than any others, demonstrate the principle of the 'least restrictive alternative' in operation.



Registration of Enduring Guardianships

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 30 June 2006 the Board had registered 3269 enduring guardianships, which includes 1928 new registrations this financial year. At the start of 2003, the ratio of adult Tasmanians with registered enduring guardianships was approximately 1:1000. Since the publicity campaign it is now over 1:100. Staff generously assisted the publicity campaign by supplying thousands of information kits, conducting education sessions and answering hundreds of enquiries from members of the public. Over 5000 kits were issued in 2005-06 and the kit is now available for download from the Board's website: www.guardianship.tas.gov.au.

The education program has now been extended to include regular sessions "*Writing and Registering your Enduring Guardianship*" as part of the Adult Education program, and these sessions are run in all three regions of the State. The focus of the Board's education program with respect to enduring guardianships has moved away from promotion of the instrument itself and towards encouraging

appointors to consider very carefully the person they choose to appoint as an enduring guardian. Experience of the Board in reviewing enduring guardianships has shown that some guardians have accepted appointment without understanding the full range of responsibilities that the role imposes.

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.

Reviews of Enduring Guardianships

Five (5) applications to review the appointment of an Enduring Guardian were received in the year.

Of these, two were applications to revoke the appointment, the Board ordered the revocation in one and in the other made an order substituting the Public Guardian.

The other three matters were applications for advice and direction, and the Board gave advice in all three and direction in one of the three.

Administration Orders

Administration Applications

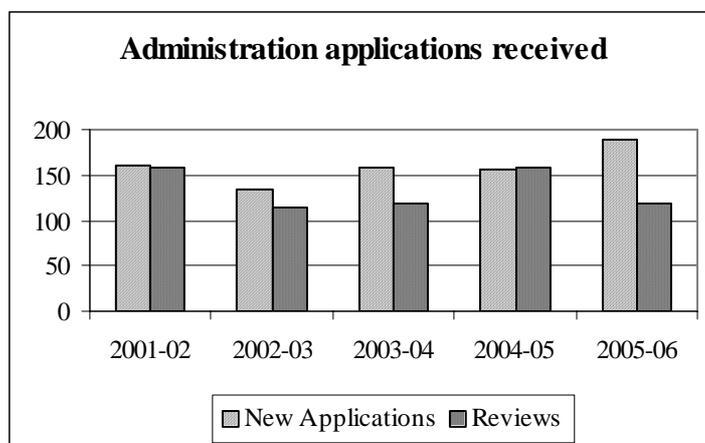
Part 7 of the *Guardianship and Administration Act 1995* provides the framework for the appointment of administrators to undertake financial management on behalf of people who, by reason of disability are incapable of making reasonable financial judgments. The Board has consistently received more applications for the appointment of an administrator than any other kind of application. In 2004-05 the proportion of administration applications fell significantly below 50% for the first time in the Board's history, the proportion in 2005-06 was again near its historical proportion at 58% of matters. In 2005-06 there was a significant increase in both the number of new full applications and emergency applications and a cyclical decline in the number of triennial reviews.

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. Most proposed represented persons are over 65 years of age with dementia. 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.

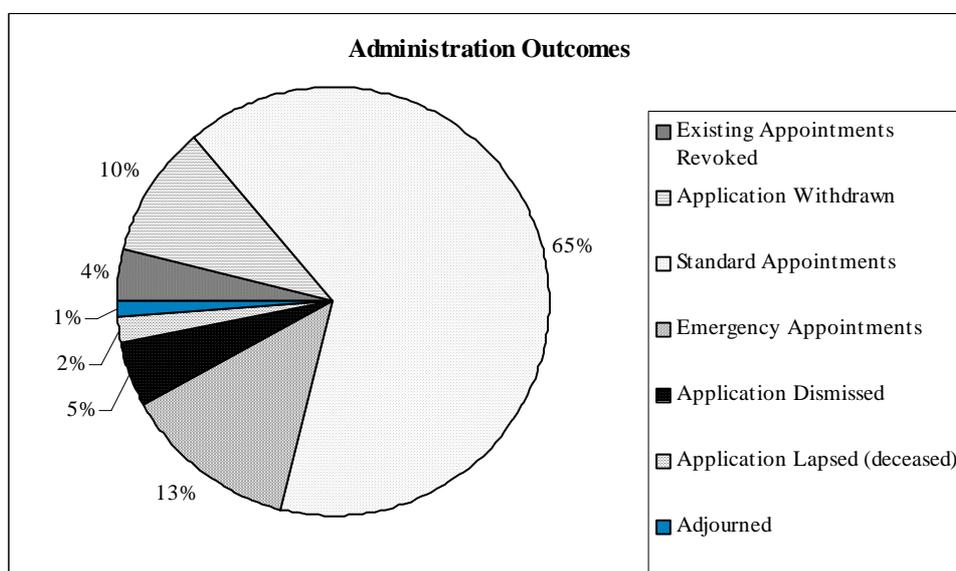
Administration applications differ from guardianship applications in that, because of the operations of probity and privacy principles, less restrictive alternatives are not effective or acceptable in many circumstances. Financial institutions cannot accept informal arrangements for management of a person's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

Administration applications received

Three hundred and sixty nine (369) applications for administration were received during the year, which included 62 applications for emergency orders and 119 reviews of existing administration orders.

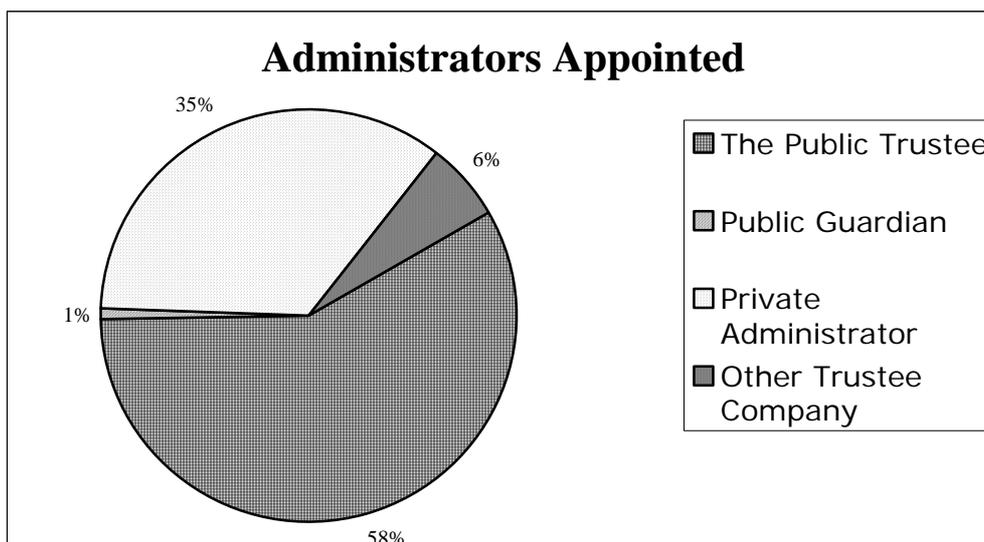


The Board subsequently issued 312 orders of which 242 appointed an administrator, 14 revoked the existing appointment of an administrator, and on eight (8) occasions dismissed the application. The Board made 48 emergency orders appointing the Public Trustee as administrator. Thirty-five applications were withdrawn prior to hearing and eight 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, compared to 33% in 2004-05. The Public Trustee absorbed 58% of all appointments of administrators.



Reviews of Enduring Powers of Attorney

During the year to 30 June 2006, the Board received 21 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
- 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 six (6) enduring powers of attorney, appointing an administrator. The Board appointed one (1) substitute attorney. Five (5) applications resulted in the Board giving advice and direction to the attorney, one (1) application was dismissed, one (1) was refused and seven (7) 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 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

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:

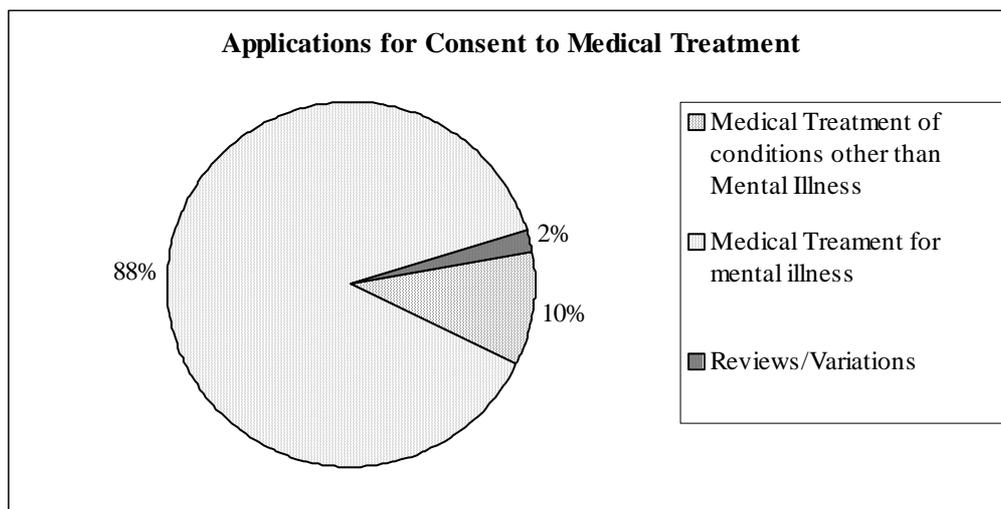
- It is unlawful to carry out medical or dental treatment on a person with a disability who is incapable of consenting to the proposed treatment unless either a substitute consent for the treatment has been given or the circumstances are such that consent is not legally required (eg emergency situations).
- 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 39 applications for consent to medical treatment for persons with a disability who were incapable of consenting to treatment. The vast majority of applications (34 or 87%) 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 application was for variation of an existing order. Of the 39 applications, 24 resulted in a determination for the Board's consent, the balance were refused following a hearing or withdrawn after the applicant received advice from staff of the Board.

Most medical and dental treatment of persons with disabilities that impair their ability to understand the nature and effect of medical or dental treatment, can be treated with the substitute consent of their 'person responsible' and need not come before the Board. Hence the proportion of applications made for medical or dental consent is relatively low compared to the assumed number of such treatments that occur. As discussed in previous year's reports, the Board has concerns about the extent to which medical practitioners understand or comply with the requirement to seek consent from a 'person responsible'. The Board has approached the Medical Council, the Aged

Care Standards and Accreditation and the Aged and Community Services Tasmania to work towards better professional education in this regard.



Requests for Statements of Reasons and Appeals

The Board received 8 requests for statements of reasons.

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. 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.

Following receipt of statements of reasons 3 matters were appealed to the Supreme Court. Of those matters 2 appeals were dismissed and one was successful, but overturned on Appeal to the Full Court. Although it overturned the original decision, the Full Court's decision, together with resultant advice from the Solicitor General, had a significant impact upon the Board's interpretation of administrative provisions under the Act. These have also been the subject of a proposal for legislative amendment to enable the Board to continue smooth administration of applications that come before the Board.

Community and Professional Education

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 59 education sessions to the Tasmanian community. Of these, approximately half 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 financial year is attached at Appendix 4.

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.

Web site

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 2005-2006 there has been continued updating and improvement to the content of the website.

This new web site is more accessible and includes a 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

Publications

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.

- What is the Guardianship and Administration Board?
- Administration
- Guardianship
- Person Responsible
- Consent to Medical or Dental Treatment
- The Public Guardian
- Enduring Guardianship
- Test for assessing competence for appointing an enduring guardian
- Test for assessing competence for appointing an enduring power of attorney
- Grievance Procedures
- Making a Statutory Will
- Private Administrators Handbook

The *Private Administrators Handbook* was re-written in 2005-06. The new version is more comprehensive and has more accessible formats available for the requisite annual reporting by administrators.

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, and by the end of the financial year a

new accessible set of fact sheets had been approved by the Board. These will be printed and made available in the first quarter of 2006-07.

Administration

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. In addition, a project officer was employed for a short term as part of the review of the board's publications. The senior staff members assisting the Board as at 30 June 2006 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 from September 2005.

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

Year	Total application s	% Increase	Recurrent Funding	% Incr. 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%
Compare 2002/03-2005/06	+237	+61%	+\$18496	+4%

The Department of Justice also provided the Board with an additional fulltime staff member from January to June 2006.

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.

A full financial report is at Appendix 4.

How to Contact the Board

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

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

Telephone Number: (03) 6233 3085

Facsimile Number: (03) 6233 4509

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

Website: 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 30-6-06

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 state-wide 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 Anti Discrimination 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. Prior to accepting a position as a temporary Magistrate in May 2005, 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.

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 Dalglish Appointed: 27 June 2003

Elizabeth Dalglish 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. She is currently employed in a part time occupational therapy position working closely with general practitioners and their patients in a specified area of northern Tasmania. Past experience includes employment with organizations involving people with disabilities – Aged Care Assessment Team, Vocational Rehabilitation Service, St Giles in the north of Tasmania and other Hobart based facilities. Mrs. Lester is a member of the Mental Health Tribunal and the allied health representative on the Chronic Disease and Integration Taskforce for the General Practitioner Partnership Advisory Council.

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 practise, with Fuller and Stace, Doolan and Brothers, James Crotty, Piggott, Wood and since 1994 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 Tasmanian 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.

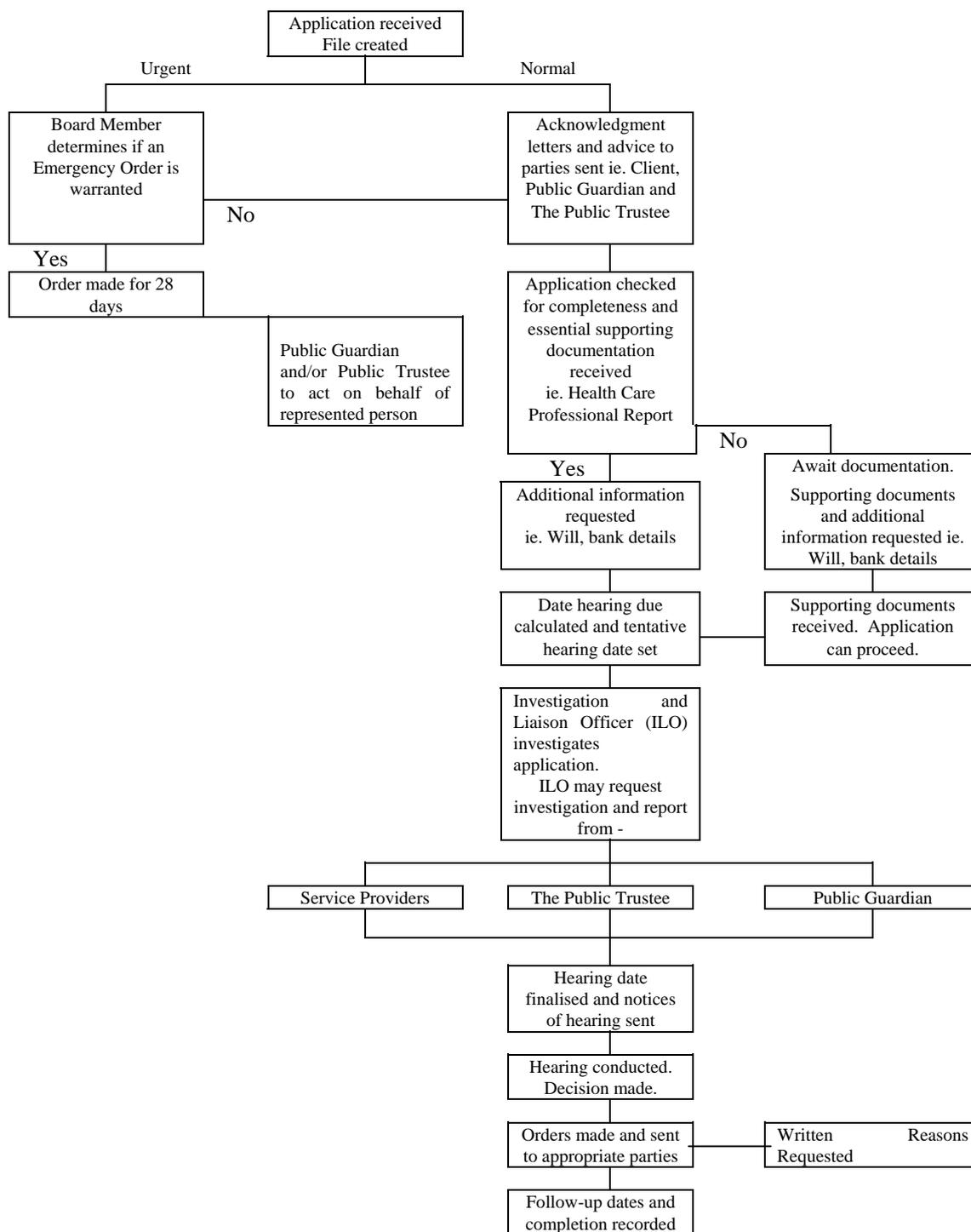
Catherine Wilding Appointed: 27 June 2003

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.

Appendix 2 - Statistical Summary

	2002-03	2003-04	2004-05	2005-06
Applications received				
Total applications rec'd	403	504	594	626
Guardianship normal	53	51	49	81
Guardianship emergency	23	43	83	63
Administration normal	132	158	156	188
Administration emergency	4	40	32	62
Medical consent	53	43	44	39
Statutory Will	5	2	4	1
Other (EPA's, gifts, advice etc)	29	44	56	71
Triennial review of existing orders	115	123	170	121
Hearings conducted				
Total hearings	288	362	409	417
Guardianship	44	36	41	60
Administration	108	131	136	149
Medical consent	53	35	38	30
Statutory Will	2	3	2	1
Other	9	18	17	34
Reviews	115	139	175	143
Hearings by region				
South	183	193	209	246
North	65	105	92	98
North west	40	64	108	73
Outcomes				
Guardianship orders	56	70	105	103
Administration orders	206	268	316	273
Medical consent orders	38	38	32	24
Other orders (EPA's gifts, etc)	12	37	25	31
Statutory Will orders	2	2	2	1
Applications dismissed	38	12	26	49
Matters adjourned	12	13	15	8
Applications lapsed/ withdrawn/ advice only	57	48	79	127
Matters outstanding	12	16	10	20
Community & Professional Education Sessions	27	44	43	59

Appendix 3 - Dealing with an Application



Appendix 4 - Community Presentations

11/7/05	Probus Club (Wynyard)
12/7/05	TAFE (Smithton)
12/7/05	Aust Nursing Federation (Hobart)
13/7/05	Aust Nursing Federation (Launceston)
13/7/05	Alzheimer Australia (Hobart)
14/7/05	Adult Education Workshop (Hobart)
27/7/05	Dementia Carers Support Service
10/8/05	Carers Support Group (Glenorchy)
17/8/05	Oakdale Services
23/8/05	Burnie Community Nursing
6/9/05	Citizen Advocacy (Launceston)
19/9/05	Tasmanian Acquired Brain Injury Service (Launceston)
22/9/05	Rotary Club of Devonport
30/9/05	Housing Options Providing Extra Support (HOPES) (Glenorchy)
3/9/05	Medico-Legal Society of Tasmania
3/10/05	Adult Education Workshop (Ulverstone)
4/10/05	Adult Education Workshop (Launceston)
6/10/05	Adult Education Workshop (Hobart)
6/10/05	Law Society of Tasmania (Devonport)
12/10/05	Law Society of Tasmania (Launceston)
12/10/05	National Seniors (Ulverstone)
13/10/05	Law Society of Tasmania (Hobart)
17/10/05	APW Training (Launceston) (Certificate 3 Course)
27/10/05	University of the Third Age U3A (Kingston)
27/10/05	Village Life Social Club (Claremont)

28/10/05 Midcity School for Seniors (Hobart)

1/11/05 Community Dementia Team (Launceston)

2/11/05 Supported Housing (Rosny)

9/11/05 Alzheimer's Association

10/11/05 Rotary (Howrah)

15/11/05 Community Dementia Team (Launceston)

16/11/05 Carers Tasmania

18/11/05 Bellview Manor Nursing Home

21/11/05 Hobart City Council Hypothetical Panel

24/11/05 Royal Hobart Hospital Delirium Education Seminar

25/11/05 Royal Hobart Hospital Grand Round

2/12/05 Aged Care Assessment and Case Management Services (Hobart)

7/12/05 Aged Care Assessment and Case Management Services (Deloraine)

25/1/06 Coastal Residential Services Inc.

23/2/05 Presbyterian Homes, Legana

2/3/06 Australian Nursing Federation (Hobart) (Certificate 3 Course)

8/3/06 TAFE (Burnie) (Certificate 4 and Diploma Courses)

16/3/06 Adult Education Workshop (Hobart)

20/3/06 Adult Education Workshop (Ulverstone)

21/3/06 Adult Education Workshop (Launceston)

22/3/06 University of the Third Age U3A (Clarence)

10/4/06 Probus Club (St Helen's)

26/4/06 Alzheimer's Association

8/5/06 Rotary (Kingston)

10/5/06 Esperance Multi Purpose Health Centre (Dover)

17/5/06 One Care Ltd, Umina Park, (Burnie)

23/5/06 Hobart Private Hospital

23/5/06	ADARDS Nursing Home (Warrane)
25/5/06	Masonic Homes of Northern Tasmania
30/5/06	APW Training (Certificate 3 Course)
31/5/06	Carers Association
14/6/06	Australian Nursing Federation (Ulverstone) (deferred)
15/6/06	Launceston General Hospital
15/6/06	Australian Nursing Federation (Launceston) (deferred)
21/6/06	Australian Nursing Federation (Hobart)
28/6/06	Alzheimer's Association

59 Sessions delivered, average length of the sessions was 1.5 to 2 hours

Appendix 5 – Financial Statement 2005-06

Guardianship and Administration Board

	Budget	Actual Expend	Variation
EMPLOYEE RELATED			
Salaries (incl Rec/LSL)	279,967	294,624	-14,657
Board Member Fees	48,225	58,148	-9,923
Other	0	3,616	-3,616
Work Comp Ins	600	531	69
Payroll Tax	21,660	24,313	-2,653
FBT	5,600	4,848	752
Superannuation	32,916	36,449	-3,533
Training	3,669	2,888	781
Total Employee Related	392,637	425,417	-32,780
TRAVEL AND TRANSPORT			
Travel	8,400	15,105	-6,705
Overnight Accommod	1,000	2,136	-1,136
Vehicle leases	9,000	14,063	-5,063
Vehicle other	4,160	7,562	-3,402
Total Travel & Transport	22,560	38,866	-16,306
ADVERTISING / PROMOTION			
Advertising	1,500	514	986
Printing	1,525	1,657	-132
Total Advertising	3,025	2,171	854
COMMUNICATIONS			
Postage	2,000	664	1,336
Telephone	7,800	6,394	1,406
Other		0	0
Total Communications	9,800	7,058	2,742

CONSULTANCIES

Consultant (non IT)	507	0	507
Total Consultancies	507	0	507

ACCOMMODATION

Office Rental	31,000	27,036	3,964
Other	0	1,132	-1,132
Total Accommodation	31,000	28,168	2,832

INFORMATION TECHNOLOGY

Other Op leases	14,633	15,728	-1,095
Office equip under \$5000	1,200	1,628	-428
Comp hardware under \$5000	0	721	-721
Software licences	3,500	2998	502
Other computers	0	0	0
Total Information Technology	19,333	21,075	-1,742

OTHER EXPENSES

Other admin	0	2,550	-2,550
Office requisites	4,200	4,634	-434
Maintenance	0	220	-220
Legal Costs	0	2228	-2,228
Miscellaneous	1,819	2,117	-298
Total Other Expenses	6,019	11,749	-5,730

TOTAL	484,881	534,504	-49,623
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Appendix 6 – Attorney General, the Hon. Steven Kons MHA – Speech Recognising the Contribution of Inaugural Deputy President, Ruth Hanson, 8 September 2006

After qualifying as a teacher in 1962, Ruth Hanson quickly became specialised in education for children with disabilities and has dedicated all of her career to working for the improvement in the lives of people with disabilities. Since her alleged ‘retirement’, Ruth has devoted her energies to the most vulnerable in the community by being an active member of the Guardianship and Administration Board and the Mental Health Tribunal.

Ruth has been the Deputy President of the Guardianship and Administration Board since the Board was established in 1997. Prior to that she was a member of the Board’s predecessor, the Guardianship Board since 1987 and was pivotal in the development of the new Board and the legislation that underpinned it.

The resultant legislation and the new Board reflected a major change that occurred in the 1990’s about the way Australian society thought about and protected people with disabilities. Historically the approach had been towards isolation and ‘protection’ from the community meaning that people with disabilities lived in institutionalised environments and accorded few basic rights. The emergent trend was one of promoting self-determination for people with disabilities and de-institutionalisation. Ruth’s career was part of that emergent trend and this is reflected in the rights-based nature of the legislation that she and others influenced.

Despite living in Smithton, Ruth has been ready and willing to attend hearings of the Board and the Tribunal in Devonport and Burnie, even Launceston and Hobart on occasions. When conducting hearings for the Board and the Tribunal, Ruth has always shown great compassion and enormous common sense.

I believe that much of the informal structure and accessible character of the Board is attributable to the firm hand of Ruth Hanson as Deputy President guiding it thus far.

Modern commentators have collected a group of attributes that make for a good judge. Given that the Board assumed, after the passing of the Act, roles that were once in the purview of the judges, such attributes are still relevant to a Board member. A good judge, and therefore a good Board member, possesses:

- The courage of his or her convictions
- Sound judgment and decisiveness
- Independence of mind and moral courage
- The ability to deal with matters impartially, fully and dispassionately whilst displaying empathy and sensitivity

One of the advantages of moving the decisions about appointment of guardians and administrators from the Court to the Board is that we can recognise that these important skills are not only possessed (and maybe arguably are rarely possessed!) by lawyers. Ruth Hanson has brought these skills to the Board because of her background in teaching and Disability Services. She has fostered these skills in other Board members and she has helped to create an important arm of the Tasmanian community that encourages the most vulnerable and disadvantaged members of our community to participate as much as possible in the life of the community.

Ruth, we wish you the very best in your retirement and thank you for your significant contribution as a member of the Mental Health Tribunal and as the Deputy President of the Guardianship and Administration Board.
