



SAT

State
Administrative
Tribunal

Western Australia

Guardianship and Administration Act 1990

DECISIONS BULLETIN

No 18 March 2008

This Bulletin contains summaries of written reasons published by the Tribunal in March 2008. The full text of decisions and reasons can be found on the Tribunal's website at www.sat.justice.wa.gov.au

**HL and DC [2008] WASAT 50
4 MARCH 2008
MR M ALLEN (SENIOR MEMBER)**

Guardianship and administration - Review of an administration order made in July 2006 and consideration of whether a guardianship order should now be made - Represented person suffering from many physical ailments but much improved physically and mentally since the time of the making of the administration order - Finding that represented person still suffers from some decision-making disabilities but able to make decisions concerning financial affairs and personal lifestyle matters, and able to call on friends to assist in these regards, including the ability to appoint an enduring attorney - Finding that there was no longer a need for an administration order and no need for a guardianship order - Revocation of administration order and dismissal of application for guardianship order

This matter concerned the review of an administration order made in July 2006 and consideration of whether a guardian should now be appointed for the represented person (a 62-year-old man). The Tribunal was satisfied that since the making of the administration order the man's physical and mental health had improved to such an extent that, whilst he still suffered from some residual decision-making disabilities, he was generally able to make reasonable judgments about his own affairs and make decisions about his life and matters relating to his person. The Tribunal was also satisfied that he could call upon the assistance of many friends to assist in managing his affairs generally, including the appointment of an enduring attorney.

The Tribunal was not satisfied that the administration order was still needed and revoked the order. The Tribunal was not satisfied that a guardianship order was needed and dismissed the application.

**JV [2008] WASAT 53
6 MARCH 2008
MS D DEAN (MEMBER)**

Section 86 application to review administration order - Capacity of the represented person - Need for an order - Best interests of the represented person - Public Trustee confirmed as administrator

The represented person was a young man with a longstanding psychiatric illness compounded by an acquired brain injury. He was a long-term resident of a psychiatric hospital.

In 1997, the Guardianship and Administration Board made an order appointing the Public Trustee plenary administrator of his estate. The order was subsequently reviewed and renewed several times, most recently in June 2005.

The represented person applied for the order to be reviewed on the basis that he was engaged with a child due and wished to marry his pregnant girlfriend and take on his parental responsibilities when the baby was born.

The Tribunal found that the represented person had both a psychiatric illness and cognitive deficits. He had no insight into his illness or his own needs and he continued to be in need of an order.

The Tribunal confirmed the order appointing the Public Trustee for a further five years.