



# SAT

State  
Administrative  
Tribunal

Western Australia

## **HUMAN RIGHTS**

### **DECISIONS BULLETIN**

**for the period 1 March 2009 - 31 March 2009**

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This Bulletin contains summaries of all written reasons for decisions published by the Tribunal in the Human Rights stream for the period 1 March 2009 - 31 March 2009. The full text of decisions and reasons can be found on the Tribunal's website at [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au). If you would like the monthly bulletin emailed to you directly, please enter your email address and details at our subscription page.

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**GUARDIANSHIP AND ADMINISTRATION ACT 1990 (WA)** **1**  
DY [2009] WASAT 43 1

### **GUARDIANSHIP AND ADMINISTRATION ACT 1990 (WA)**

**DY [2009] WASAT 43**  
**13 MARCH 2009**  
**MS F CHILD (MEMBER)**

**Guardianship and administration - Review of orders - Diagnosis of longstanding mental illness - Disposal of assets when mentally unwell - Involuntary status under the *Mental Health Act 1966 (WA)* - Fluctuating condition - Whether less restrictive alternatives of support and supervision in the community adequate to meet needs - Whether a guardian needed to make decisions about accommodation and services - Whether administrator needed to safeguard estate - Public Advocate and Public Trustee reappointed guardian and administrator**

A 71-year-old woman with a diagnosis of longstanding mental illness sought revocation of the orders which appointed the Public Advocate as her guardian and the Public Trustee as the administrator of her estate. The woman was represented by the Mental Health Law Centre.

At the time of the review of the orders she had been a patient at an acute psychiatric hospital for many months. For much of that time she had been an involuntary patient.

The woman had a fluctuating psychiatric condition with frequent regular deteriorations in her mental state and, it was said, her condition was likely to progress with age. A trial of living at home was attempted during an adjournment of the review hearing but the woman again refused to accept services to support her living at home and her mental state had again deteriorated. Only days after discharge, she was again readmitted to hospital. When final submissions were received from the Mental Health Law Centre she had again been discharged from hospital.

The Tribunal determined that the woman remained a person for whom orders could be made. The nature and severity of her psychiatric condition meant that she was unable to make reasonable judgments about her person or about her estate. The frequency of the fluctuations, and the severity of the deterioration in her mental health, placed her at risk without care and supervision but she had consistently refused services necessary to support her living in the community and refused to move to residential care.

The Tribunal decided that a guardian was needed to consent to treatment and services on her behalf and ultimately to decide where she was to live. As no family members proposed their appointment, the only possible appointment as guardian was the Public Advocate.

The Tribunal heard that the woman had given away a large part of an inheritance some years before with the effect that her pension had been significantly reduced by Centrelink. The psychiatric opinion before the Tribunal was that this was consistent with the mental illness that the woman suffered. The woman said that she planned to give more money away if she resumed control of her financial affairs. The Tribunal determined that she was not capable of managing her financial affairs and reappointed the Public Trustee as the administrator of her estate.