

Guardianship & Administration Campaign

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The days of Government just taking over and destroying the lives of older people and people with disabilities in Tasmania are finally nearing their end.

Our years of advocacy campaigning alongside the fearless voices of people speaking up about the injustices inflicted on them have forced the Government to act. Tasmania will have new laws that require guardians and administrators to listen and then act based on what the people they represent want and decide. Government agents will no longer be able to do whatever they think is best, without care or consequence for the harms they cause.

Vulnerable people have always been able to make their own decisions, with the right support, and we hope those in power will now care enough to actually listen to what they have to say.

There is so much work still to be done, and we will be there every step of the way, fighting for individuals whose voices and rights are being ignored. But these new laws are a chance to stop and reflect on how far we have come, and where we must go next. To make Tasmania a fairer place, where everyone can enjoy their right to dignity and choice, regardless of their disability or age.

Why This Campaign?

Tasmania had the oldest and most archaic guardianship and administration laws in the country. These laws came from a time when people with disabilities were viewed as mere objects of charity, to be protected at all costs, without dignity, agency, or choice in their own lives.

State Government agents were empowered to make all the choices for people, and that is exactly what they did. Even where they were required to consider the wishes of people, we saw time and again those wishes being entirely ignored. Instead, people would be lucky to hear once a year from the people who had nearly absolute control over their lives, who were making decisions about them without knowing them.

Through our advocacy work, we saw people being absolutely crushed by these guardianship and administration systems. Again, and again, and again. These were people who knew exactly what they wanted but had fallen foul of a system that simply did not care. We saw people being detained indefinitely, forced into aged care, and subjected to involuntary and invasive medical procedures. People had their whole lives and treasured possessions cleared out and trashed without a second thought, their precious animals rehomed, all without even the courtesy of a phone call first.

We saw people left with a sense of bewilderment and betrayal, asking how this could possibly happen, and how on earth was this legal? Only to discover they were gagged from even talking about their experiences, and that there would be a mammoth David and Goliath fight ahead to win back the right to even start putting the pieces of their lives back together.

We knew this needed to change and we have been fighting tirelessly to make it so ever since.

The Path Here

Our campaign to end abhorrent guardianship and administration practices has been the longest, largest, and most time, emotion, and labour-intensive campaign for systemic change we have ever undertaken. So much of the work has been undertaken by employees volunteering their time and hearts, as we are not funded for systemic work of this scale. But it has been worth all the sleepless nights fighting for the rights of people who have been ignored and harmed by these systems for far too long.

Our campaign started in 2021. Throughout the campaign, we have worked to amplify the voices of people who bravely spoke out about what was happening to them behind closed doors. We have engaged with politicians at every level of government, worked with media to tell people's stories, and tirelessly sought to change the fundamentals of these systems from being coercion and state control to choice and dignity.

We succeeded in having an independent review called into Tasmania's Public Trustee that made clear what we already knew – that these government agencies fundamentally misunderstood their own job, and we successfully campaigned for the rights of people to share their own stories.

We are now embarking on a new chapter, with better laws and protections that we have helped influence and shape, with more tools to fight for the rights and decisions of people throughout the state. But this new chapter is not the end, there is so much further to go. And we will be there, standing alongside everyone who deserves better, for as long as it takes.

You can read more about our campaign below.

2021

People's Voices

We knew that the voices and experiences of people being harmed by guardianship and administration would be absolutely central to opening hearts and minds to change. We helped amplify the voices of Michael Burles, Gil Barnard, Arthur Nash and Christine Underhayes across the year through media, online and our individual advocacy. These four people were all being catastrophically failed by guardianship and administration systems and deserved so much better.

Michael was unceremoniously dumped in aged care after having a stay in hospital. No one ever told him anything would be permanent. They sold and trashed his belongings, got rid of his accommodation, cancelled his funeral plan, and never once bothered to speak to him. As Michael said: **"They never even left me a cup"** let alone any dignity of choice about what was done to him. [Michael's Story](#)

Arthur was left with no access to his money for four months. No one bothered to talk to him, but yet they still found the time to sell all of his treasured belongings. In Arthur's words: **"I feel like I've been thrown on the human scrap heap"**. [Arthur's Story](#)

Christine just wanted to buy Christmas presents for her grandchildren. You would think this would be a simple ask, but not when you have an administrator appointed. Christine and her supporters had to fight for funds, or even a meeting with the Public Trustee after they took over. [Christine's Story](#)

Gil is a volunteer fundraiser for Multiple Sclerosis research, and she was trapped in what she calls a rehab prison. She had no opportunity to speak, and she was put on an emergency order when she just wanted to go home and ended up trapped instead. In Gil's words: **"This archaic guardianship system has cost me four months over my life I can't ever get back"**. It's cost her much more since. [Gil's Story](#)

SUNDAY JUNE 13 2021

NEWS 07

Charity worker's heartbreak as outsider takes control of her life

I have never cried so much

Bridget Wallbank, left, from Advocacy Tasmania, is lending support to Gill Barnard while she is in hospital and disputing the appointment of a stranger to run her affairs.

SUE BAILEY

JOIN THE DEBATE
themercury.com.au

GILL Barnard just wants to escape her "rehab prison" and go home.

The volunteer fundraiser for MS research is devastated that after a fall put her in hospital, the Guardianship and Administration Board is now running her life.

"This archaic guardianship system has cost me four months of my life that I can't ever get back," Ms Barnard told the Sunday Tasmanian.

"I've now got a guardian making decisions about my life for the next two years and I haven't heard from her since that order was made.

"Friends say to me, 'All you did was hurt your back, how come you've ended up stuck in a system like this?'"

"If people know this is what can happen, they just won't come to hospital if they get treated like this.

"Will I still be in this rehab prison for Christmas?"

Until March, when she fell and hurt her back, Ms Barnard, 74, of Derwent Park, was a familiar sight in Salamanca Place on her red mobility scooter collecting donations for MS – an illness she was diagnosed with in 1980.

An MRI showed she had crushed a nerve so she was sent to the acute rehabilitation unit where her pain was managed.

She attempted to discharge herself but "a guardianship order was slapped over me."

"I was stuck in rehab, allowed to go nowhere. I was having physio but it wasn't helping the fact that now I could no longer walk.

"A date was announced for a hearing to be held with the Guardianship and Administration Board which was daunting enough to send shivers up my spine, certainly enough to make me very nervous.

"I felt like I had done a Dr Who and slipped from 2021 back to 1921 – was this really happening in this century?"

"I guess depression set in, I was begging to be allowed to go home, in my frustration I was throwing things, something I have never done before. And I have never cried so much in all my life and am still doing so."

Ms Barnard said as well as not being able to return to the home she shares with her son, she lost control of her money.

"I'm going to fight it."

The Sunday Tasmanian first highlighted problems with the Public Trustee and guardianship laws after pensioner Michael Burles complained to the Ombudsman about his "inhuman treatment".

The government has announced an inquiry into the Public Trustee with Premier Peter Gutwein also saying the guardianship system needed to be "fair and reasonable and workable".

Advocacy Tasmania chief Leanne Groombridge said many people such as Ms Barnard, whose lives have been taken away from them after going to hospital, say they wish they had never gone for treatment.

"It is unbelievable that these abuses are continuing to occur in our public hospitals," she said.

"A patient can be placed on an order at the request of a social worker or doctor, and it is simply approved by the Guardianship and Administration Board on the applicant's opinion.

"It is shocking that the removal of a person's rights can occur in such a cavalier manner and that the threshold for granting such an order can be so very low."

Ms Groombridge said the current legislation must be immediately changed, and not in a staged way, to stop Tasmanians suffering needlessly.

She will meet Attorney-General Elise Archer and Health Minister Jeremy Rockliff on Thursday to discuss her concerns.

susan.bailey@news.com.au

Meeting with the Premier and Attorney General

We met with both the Premier and the Attorney General in 2021, calling for urgent action to address problems at the state's hospitals and the underlying guardianship systems that were

enabling abuses to occur. We also sought to escalate these issues up to the CEO within each hospital. We saw people being treated against their will and others being permanently placed into residential aged care after short admissions to hospitals again and again, regardless of what the person wanted. We were being pushed back at every step. No one in the system was listening, so the only option left was to go to the top.

The Premier was understandably horrified about what was happening through the states' health systems, but the unfortunate reality was that it was legal. You had a system running rampant over people's rights, particularly older people, because it was in chaos.

SUNDAY JUNE 6 2021

NEWS 15

Patient control push grows

SUE BAILEY

Health minister agrees to meet advocacy group

THE public hospital system needs to be reformed to give patients more control and stop their lives being ruined, Advocacy Tasmania says.

Chief executive Leanne Groombridge has written to state Health Minister Jeremy Rockliff asking for training on patient and human rights for hospital staff and social workers who interact with older people, people living with disability or mental illness to be prioritised.

"The public hospital system must operate on a patient-centred and recovery-focused model," Ms Groombridge said.

"What we are asking for is not radical or unreasonable, it is what we all deserve, and what the Premier has committed to."

Ms Groombridge said weaknesses in the Guardianship and Administration Act deprived patients of their fundamental rights.

"They need to receive open and honest communication from their substitute decision makers, to be made to feel safe,

and to be treated with dignity and respect," she said. "Lives are being ruined and often ended prematurely because of the state government's failure to address these matters."

"We are calling on the Minister to take immediate action to reform the public hospital system from its current model which disempowers and deprives Tasmanians of their rights and the quality of life that they deserve."

Mr Rockliff has agreed to meet with the organisation.

Advocacy Tasmania also wants all patients who request it to be granted access to a phone to enable them to contact external supports when they want to.

"They should not have their phones removed and if they do not have their own mobile phone then they should be provided with a landline in a private setting," Ms Groombridge said.

"We also want the discontinuation of threats to have an emergency order made,

threats to call police or a code black, when a patient expresses their wish to leave the hospital."

Ms Groombridge wants the government to act on the recommendations of a review of the Guardianship and Administration Act.

"To realise these recommendations requires a major overhaul of the Act, and doing so is a significant undertaking, but one that is long overdue and a matter of absolute necessity," she said.

"What our clients are telling us is that they want systemic change, so that no one else must go through what they have experienced."

Advocacy Tasmania says it has been overwhelmed with complaints since the Sunday Tasmanian reported on pensioner Michael Burles and his hospital experience and dealings with the Public Trustee, which are being investigated by the Ombudsman.

Ms Groombridge said the story had been shared 138 times on Facebook and she had received countless calls and emails.

We called on them to prioritise guardianship and administration law reform, to put some dignity back into these systems, and to end the practices of hospitals trying to put people on emergency orders for their own convenience. No one should ever have their life permanently changed based on someone else's convenience, or without an actual chance to speak.

We met with the President of the Tasmanian Civil and Administrative Tribunal. Our advocacy successfully changed the Tribunal practices that makes decisions about appointing emergency guardians and administrators for up to two months. Previously, the Tribunal would make decisions over the phone, that could strip people's autonomy, with no notice or chance for the person to speak. The Tribunal now always holds hearings, so the person and representatives have a chance to speak, not just the doctors who already hold all the power.

The power of Facebook and substantial media work

We started our campaign through Facebook posts that we boosted for greater coverage. It was crucial to tell our clients' stories in a way the public could understand. It was a challenge to get the messaging right as it is a complex subject and, unless you have direct experiences of the system, most people thought this was only something that could happen to others and there was a real need for such a system to 'protect' the vulnerable.

Even though gag orders were in place we continued regardless. We visited our clients in aged care and in hospital and made videos for Facebook. This made it real for the public. And for the media. They could see and hear from people trapped in the guardianship system and they could see they were people just like themselves or members of their own family. There were thousands of Facebook comments and reactions from all around the country and our CEO responded or liked each of them. The campaign was gaining momentum. The only push back was from one of the public hospitals and we received correspondence stating that we were not able to film on their premises without first seeking their approval.

We campaigned across the year through media, seeking to draw attention to what was happening in Tasmania. We know that wrongs fester in the darkness and we were determined to bring these wrongs into the light. Our CEO spoke regularly on ABC Radio Mornings with Leon Compton and helped The Mercury and The Examiner shine a light on the tsunamis of suffering happening within Tasmania across the year.

'This is what happens when people are stripped of their human rights and when the vulnerable have no voice': Leanne Groombridge

We also launched influential ad campaigns to help get the message out, helping Tasmanians understand just how quickly they could end up trapped like Gil or lose their possessions like Arthur or Michael.

**In
some
parts of the world**

if you experience a setback,
you are sent for treatment.

In some parts of the world
that treatment can mean losing your home,
having your possessions sold without your permission,
and having your finances taken charge of,
with no access to them.
You are rendered powerless. You have no say.
And neither do the people who care about you.

In some parts of the world
doctors, attorneys and the authorities
carry on as usual,
unaware, unwilling or unable to help,
as you sink.

So, in some parts of the world
a temporary setback can mean
you lose control of your life.
You experience permanent disempowerment.

There aren't many
parts of the world like this.
But one of them
is Tasmania.

We are working
and will continue to work
until this treatment no longer goes on
in this part of the world.

**Your
Say**
Advocacy
Tasmania

There was also a national Crikey investigation into State Control, and the 60,000 Australians who were being abused through a system that pretended to be there to protect them: [More than 60,000 Australians are touched by state control](#)

Independent Review Called Into The Tasmanian Public Trustee

Raising people's horrific experiences led to an independent review being called into the Tasmanian Public Trustee. We supported people to tell their stories to this process and made our own submissions about what we were seeing go so wrong.

**The system is in
poor health.**

**Your say
can breathe
new life into it.**

**The Public Trustee
review is now open.
But only until
August 20th.**

Have your say now.

**Call 1800 005 131, email contact@yoursaytas.org
or say it here on Facebook.**

The independent review found exactly what we had been saying. That the Public Trustee was an organisation that focused on money, not on people, and that it had fundamentally misunderstood its own responsibilities for 26 years. As our CEO said at the time: **“The Reports’ findings have now confirmed what has been known for years. It’s a total embarrassment for our government – they’ve not done the right thing by Tasmanians despite knowing about these problems for decades and, all that time, Tasmanians have suffered immensely.”**

Tasmania's Public Trustee found to have 'genuinely misunderstood' its duties for 26 years

By [Rebecca Hewett](#)

Posted Thu 2 Dec 2021 at 8:30am, updated Thu 2 Dec 2021 at 12:55pm



One man while in hospital was asked if he wanted anything items from home. He answered no — with the Public Trustee taking that to mean they could clear out his residence. (ABC News: *Natasha Johnson*)

These findings were a turning point in the campaign. The government was forced to recognise that its own agencies were failing to talk to the very people they were representing and did not even bother to understand they had a legal obligation to do so. They were just making decisions for people, without bothering to listen to them.

The review and the continued stories being amplified resonated with the Tasmanian community, with thousands of people engaging with us, sharing their own experiences and their horror that this could happen here – let alone in this day and age.

We pleaded with the Attorney General not to limit the review to the Public Trustee, as we knew issues were also happening through the guardianship system. Unfortunately, these pleas fell on deaf ears, but we continued campaigning for the broader systemic change that included the wrongs caused by guardianship and the Public Guardian.

Parliamentary Attention

We sought support from politicians who could keep attention on this issue and create pressure for law reform to happen and happen now. The Government had known about the need for reform since 2007 and had done nothing apart from commission a law reform

inquiry in the decade after government had signed up to fix this. We knew without pressure the issue would end up again on the backburner and people were suffering now.

Ella Haddad MP, Dr Rosalie Woodruff MP, Andrew Wilkie MP, and Cassy O'Connor MP all worked tirelessly to bring attention to this issue. Guardianship and administration and our campaign was now being discussed in both State and Federal Parliament.

As Ella Haddad MP Said: **“After the CEO of Advocacy Tasmania raised some particular cases in the media, they have been inundated with heartbreaking stories of people in Tasmania who had their personal affairs and their lives essentially taken over by the Public Trustee.”**

Dr Rosalie Woodruff MP further said: **“We recently met with Ms Groombridge. We have met and spoken to other people who have made allegations of mistreatment and really appalling breaches of human rights that they allege in the way the Guardianship and Administration Act has been mismanaged by, they allege, the board but particularly in hospitals, in rehabilitation centres, and in aged care places across Tasmania. This is a breadth which really takes your breath away.**

What I found very compelling from Ms Groombridge's comments was that when, as the CEO of Advocacy Tasmania, she bravely went public with comments she has been talking about for years, they were not surprised but disturbed nonetheless at the avalanche of response in the community. This has touched a chord so deep and strong from people who have had their rights deprived and from family members who have had to watch powerless from the sidelines.”

Greens spotlight 'abuse'

SUE BAILEY

SOME Tasmanians subject to guardianship orders have suffered “state-sanctioned human rights abuse”, the Greens say.

In a submission to the independent review of the Public Trustee, Greens leader Cassy O'Connor said she had been “deeply disturbed” by reports from advocates and individuals with negative experiences with the guardianship system.

Ms O'Connor said the review's scope was also far too narrow.

“In some instances, we believe that what has occurred

under guardianship orders amounts to state-sanctioned human rights abuse,” she wrote.

“Very serious allegations have been made in respect of the system's failings, and these failings extend beyond the Public Trustee. They require investigation.”

Ms O'Connor said it had been alleged some people under orders had been banned from contacting their administrator and guardian.

“If true – and we have no reason to disbelieve these firsthand accounts or the testimony of Advocacy Tasmania –



these are egregious and potentially unlawful actions,” she said.

“It is disappointing that this issue, of not properly consulting people on guardianship

order, has not been explicitly named-up in the terms of reference for examination by the review.”

The review was called after the Sunday Tasmanian highlighted several cases including pensioner Michael Burles who, Advocacy Tasmania said, was treated “inhumanely” by the Public Trustee while he was hospitalised.

Advocacy Tasmania welcomed the extension for submissions to the review by Damian Bugg AM until Friday.

However, Advocacy Tasmania chief executive Leanne Groombridge said she had

received many calls from people who were “afraid to tell of their horror stories”.

“There is such a power imbalance and once you're in the guardianship system you've lost control of your life and finances so it's understandable that people are fearful of consequences,” Ms Groombridge said.

“Our entire guardianship system is broken.”

Attorney-General Elise Archer said the extension for submissions would allow people to have a say on the administrative and operational practices of the Public Trustee.

Calls for Compensation

After the Independent Public Trustee Report came out, we knew that the wrongs happening needed to be compensated. There is no justice in simply giving an apology, as the Attorney General did after our prompting, not when people have had their whole lives turned upside down. The community services sector joined us and called for compensation.

The Public Trustee has taken a lot from Tasmanians.

It's right that they now
pay for it.

Compensating victims is the right
thing for the Government to do.

But they need to act decisively and
move swiftly, because as it says on
the Public Trustee's website,
'Every moment counts'.

Call **1800 005 131**, email **contact@yoursaytas.org**
or **say it here on Facebook.**

As our CEO said: **"Many Tasmanians' lives have been ruined and our government must now take action to make things right. Attorney General Elise Archer's apology, which came after prompting, is of course appreciated. But there must now be compensation for those who have lost so much.**

Only then can they regain their dignity and the lives they would have had but for the actions of the Public Trustee and Tasmania's broken guardianship and administration system that has allowed such behaviours to flourish without accountability or redress."

We have successfully advocated for several individuals who have received some compensation, but these wrongs have still not been remedied. We continue to advocate for there to be an appropriate redress for people harmed by guardianship and administration.

2022

People's Voices

Amplifying the voices of people being harmed by these systems remained a core strategy through 2022. We organised for one of our clients anonymously to speak with the ABC News, he said: **'I had no power, I knew I was dead. I was a lump of meat they didn't care about. My rights were taken away completely. I had no life. Can you imagine? Everything taken off you and you're grieving for your wife. They totally destroyed me, and I couldn't understand why. I still don't. I'm not angry, I'm just upset. I just can't grasp the inhumane treatment I received ... there was no consolation, no treatment, no nothing.'** [His Story](#)

Their experience spoke to the experiences of so many. Of being treated without any respect and just having your autonomy scrapped, often at the hardest point of our life.

We continued with our Facebook stories. Jean, another of our clients, was imprisoned in aged care by her guardian. Jean just needed a little help at home, and instead, she was lied to and put permanently into residential aged care. No assessment, no due process, no information she could use to make an informed decision for herself. Jean's out now because she reached out for support, but her story might have had a different ending if she had not.

4 Corners State Control

We were involved in a 4 Corners expose on Public Trustees titled State Control. Our CEO appeared in the promotional materials for the episode saying: **"It could happen to you, it could happen to me, it can happen to anybody. I've seen it."** The truth is that anyone can be captured by state control. There is no protection, which needs to be changed nationwide.



The Tasmanian Public Trustee Chairperson quit the day promotion of the episode began, with continued pressure on the Public Trustee to stop harming people following the release

of the damning report into their practices. A new Public Trustee was also appointed after the previous CEO retired early. We hoped this would be the start of a new approach at the Public Trustee, one that put its clients back at the heart of what it does.

Unfortunately, many of the changes promised by the CEO have yet to be realised and people continued to come to us about their issues. But we are hopeful that the culture of the Public Trustee can fundamentally shift, as it so desperately needs to.



Media Work

We continued to work hard to ensure guardianship and administration reform was front and centre in media throughout the year. Our CEO continued to be a regular presence on ABC Radio Mornings with Leon Compton. We also worked through news and advertising across the state and nationally and launched our [Gag Orders Campaign](#).

Public Trustee must be completely replaced, says Advocacy Tasmania Call to fix 'broken system'

SUE BAILEY

ADVOCACY Tasmania continues to lobby for urgent changes to the state's guardianship and administration laws as the government considers whether to compensate hundreds of people for their "pain and loss" at the hands of the Public Trustee.

In a letter to Advocacy Tasmania on Friday, Attorney-General Elise Archer said she was awaiting advice from the Department of Justice, the Treasury Department and Public Trustee on how best to respond to last year's Public Trustee's Review findings and the best way to implement its "detailed recommendations and make the necessary improvements to better meet clients' needs".

"I will then be in a position to make a public statement in response to the Bugg Review on behalf of the government, on this incredibly important matter," she said.

Ten community organisations wrote to Ms Archer last year seeking the urgent appointment of an independent assessor to review Public Trustee compensation cases.

Advocacy Tasmania CEO



Leanne Groombridge welcomed Ms Archer's update but said measures needed to be implemented now so Tasmanians did not continue to "get trapped in our guardianship and administration sys-

tem which is clearly not fit for purpose and from which they can't escape."

"Making change to a completely broken system as proposed by the Attorney-General is simply not good

enough," she said. "It must be completely replaced with a human rights-based, supported decision-making scheme ... designed to empower and help people when they need additional supports."

She said it was also "incredibly difficult to get out from guardianship and administration under the existing review provisions."

"The government has known what's wrong, in de-

tail, since 2008 and what is needed to fix the broken system since 2018," Ms Groombridge said.

"It needs to act urgently to prevent further harm to Tasmanians and implement a streamlined and fair process that allows for the review of people already in the system."

"This new review process must embed human rights principles with updated decision-making ability provisions."

"If people currently seek a review under the existing legislation, they will inevitably fail as the threshold that must be met is far too onerous including appeals to the Supreme Court which are an inaccessible option for most people."

"A ... simplified review process must be implemented ... without delay."

She also wants the gag provisions removed.

"With the gag provisions in place there is no transparency or accountability, Tasmanians must have the right to be heard," she said.

The community groups want compensation paid to victims straight away.

susan.bailey@news.com.au



Payment delay leaves elderly man without replacement false teeth

SUE BAILEY

AN elderly man was left without dentures for two weeks because the Public Trustee delayed agreeing to pay for new ones, his daughter and Advocacy Tasmania say.

However, new Public Trustee chief executive Todd Kennedy intervened on Friday after Advocacy Tasmania raised the issue and he organised immediate payment.

The man's daughter said her father, aged in his 80s, broke his dentures in his nursing home.

"We took him to the denture specialists for repair and had to send the bill on to the Public Trustee, who took a week to agree to pay and then another week went by and the denture prosthodontist was still waiting to hear from them, before the job could be completed for Dad," she said. "This resulted in Dad being without his dentures for two whole weeks and forced to eat pureed nursing home food."

In an email Mr Kennedy said a letter of apology would be sent to the man's family and changes would be

made to how payments were managed internally.

Advocacy Tasmania chief executive Leanne Groombridge welcomed Mr Kennedy's intervention.

"Of course, it's great that the Public Trustee responded to our request for urgent action to fix this issue but, yet again, it just shouldn't have happened," she said.

"Imagine being without teeth? Who knows how long this would have continued had we not raised it directly with the Public Trustee's CEO and how many others are still suffering?"

Parliamentary Attention

There was considerable parliamentary attention throughout the year. The Attorney General accepted all the recommendations from the independent review into the Public Trustee, and Ella Haddad HP and Andrew Wilkie MP continued to raise questions in Parliament about these systems and what needed to happen.

Ella Haddad MP scrutinised the Public Trustee, putting matters to them about what people were experiencing with them today, and what had really changed in many areas.

Unfortunately, there is limited time for scrutiny of organisations like the Public Trustee, but her efforts and the efforts of other parliamentarians continued to send a clear message that what these systems are doing to people are no longer happening out of sight and out of mind.

Andrew Wilkie MP also asked the Prime Minister: “**Prime Minister, imagine being under the control of a state appointed guardian, or public trustee and not being allowed to grab an iced coffee for a treat, or buy presents for the grandkids or to replace your ill-fitting underwear. Sadly, this is the reality for many Australians.**

No wonder a Tasmanian enquiry concluded that the public trustee misunderstood their duties for the last 26 years. Or that Four Corners recently documented a number of injustices inflicted by public trustees across Australia.

Prime Minister, do you agree that it’s an inherent right to exercise as much control over your life as possible, and will you help develop a new national framework for supported decision making?”

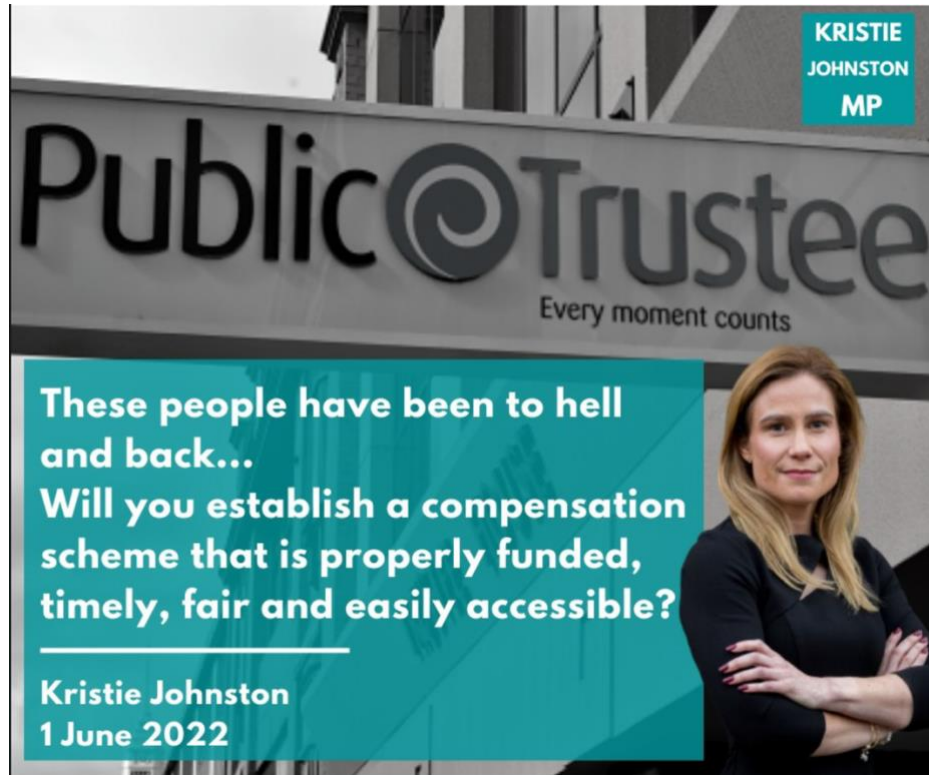
This Parliamentary attention on this issue was continued and tireless and put pressure on the Government to act and make law reform in this area an urgent priority.

Put the ‘trust’ back into the Trustee system

We need a new guardianship regime that enshrines an individual’s right to exercise control over their lives, writes **Andrew Wilkie**

Continued Calls for Compensation

We continued our calls for compensation for victims of the Public Trustee across the year. The Attorney General continued to fight against starting to right some of the wrongs caused by government businesses in their name. We were supported by Kristie Johnston MP, who reiterated calls from the community sector at large.



One of our clients, Michael, successfully sought compensation through the courts after the Public Trustee settled with them, but he received a pittance. It did not do him any true justice for all the harm he suffered. In Michael's words: **"Where's the justice here – there is none."**



We continued to call for an accessible compensation scheme and penalties for those who abuse their statutory powers through these systems.

'Victims have lost so much'

SUE BAILEY

Call for compensation in Public Trustee cases

THE decision not to set up a compensation system for Tasmanians who suffered pain and loss due to the actions of the Public Trustee is causing "outrage" in the community, Advocacy Tasmania says.

Chief executive Leanne Groombridge said she was "bitterly disappointed" that the government had decided there would be no compensation scheme.

"We have been inundated with emails, phone calls and Facebook messages calling for public meetings or rallies to object to Attorney-General (Elise) Archer's decision,"

Ms Groombridge said. "Tasmanians expressed their disgust that the government would 'invest' \$8.6m in the Public Trustee, an organisation that had destroyed lives and caused great suffering, while leaving victims with nothing.

"There were also calls for a class action."

However, she said in a letter from Ms Archer she said it seemed she may have left the door open for redress.

Ms Archer said the independent review by Damian Bugg QC did not suggest that

there were any fundamental failings or individual harms that would warrant a special compensation scheme to be established.

"As a government, we will of course always consider appropriate ex gratia or other payments in circumstances where there are instances of actual loss," she said.

Ms Groombridge said it was "a bizarre response".

"The Bugg Review contained example after example of fundamental failings, individual harm and told of lives destroyed," she said.

"These instances outlined immeasurable loss and trauma at the hands of the government's own Public Trustee.

"If this was not the case, why did the Bugg Review find that 'for 26 years the Public Trustee had genuinely misunderstood the duties of administrator'?"

"Or, is our government saying that this treatment must simply be endured by Tasmanians?"

"No government should have systems in place that destroy the lives of its citizens and, if they do, they must be

made accountable and compensate victims without them going through arduous legal processes.

"Of course, we were bitterly disappointed that the request for a compensation scheme was denied, but having received written confirmation from Attorney-General Archer that government will consider payments for victims, we are now working on how we can assist those wanting to make applications."

Last December Hobart Community Legal Service lawyer Ben Bartl lodged a

claim in the Hobart Magistrates Court seeking \$5500 in compensation for pensioner Michael Burles, arguing the Public Trustee did not act in Mr Burles's best interests and did not provide "adequate care or management" of his estate.

Ms Groombridge said thousands of Tasmanians had their lives destroyed by the actions of the Public Trustee.

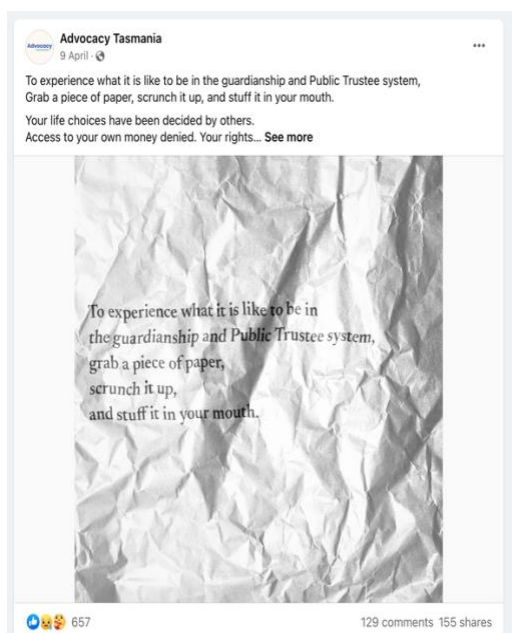
"These victims have lost so much and, in some cases, everything," she said.

"Their treasured possessions, homes and their dignity, with their assets stripped and no way to rebuild their lives." susan.bailey@news.com.au

Gag Order Campaign

Throughout our campaign, we came face-to-face with people fearful about speaking out. Both individuals and in media. They were afraid because guardianship and administration systems gag people from telling their own stories and there are significant fines and jail time attached to identifying those in the system. Much like victims of sexual violence, many of the most vulnerable in our community were being gagged by the same system that was harming them in the first place. We knew this practice had to end. Over a period of several months, we ran an online and media campaign to help Tasmanians realise what was happening out of sight in our own state.

First, we placed a full-page advertisement - 'Scrunch' - in 3 newspaper and followed it with Facebook posts. Our CEO was again interviewed on ABC radio about this new campaign.



To experience what it is like to be in the guardianship and Public Trustee system, tear out this sheet of newspaper, scrunch it up, and stuff it in your mouth.

Your life choices have been decided by others. Access to your own money denied. Your rights have been violated repeatedly. But worst of all, you are prevented from speaking out. You have no voice.

Too many Tasmanians have had their voices silenced by gag provisions in legislation that threaten fines and jail. We call for those provisions to be removed. It's time to scree them up and throw them out.

Your Say
Advocacy Tasmania

AdvocacyTasmania advocacytasmania.org.au

Within months we followed this with further full-page ads - 'They Would Tell You' and Facebook posts.

~~They~~ ~~would~~ ~~tell you~~

They would tell you their possessions have been sold off without their permission.

They would tell you their pets have been taken away and sometimes, euthanised.

They would tell you that they are forced to live in their car, when they have a home.

They would tell you that their money, their money, is now not under their control. As it steadily disappears.

They would tell you that they are denied sight of invoices for their money spent on their assets.

They would tell you that they are ignored when they ask questions.

They would tell you that they have been intimidated.

They would tell you that they feel shut away, commoditised, anonymised, predated upon.

Stripping away their humanity.

And they would tell you that they cannot believe this, is Australia.

They would tell you this, and more, much more,

if they were allowed to speak.

'They' are the thousands of people in the Public Trustee and Guardianship system who are threatened into silence.

We speak for them and we will continue to speak for the removal of the 'gag' provisions that silence them.

**Your
Say**

Advocacy
Tasmania

advocacytasmania.org.au

 AdvocacyTasmania

Our campaign was successful, and the Attorney General committed to removing gag orders within the state, which has since happened. People are now free to use their stories to help fight for a better world for others, as so many have courageously done already.

Disability Royal Commission

The Disability Royal Commission held public hearings over a week into guardianship and administration. We provided a written submission, highlighting all the experiences and problems we were seeing that you can read: [DRC Submission](#)

We tried to tell the stories of our clients, who said: **“No one spoke to me, just about me. All these huge decisions were being made about my life and I wasn’t involved at all. It was so shocking how quickly I lost my independence.”**

We tried to make the dehumanisation experienced through these systems real, and to name it up for what it really is: **Abuse**.

As we said: **“We need to name up what has happened through substituted decision-making systems as being categorically wrong. There has been a gross and long-term denial of rights, freedoms, and too often profound discrimination, torture, cruel, and inhumane conduct. It is a national shame, that must end and never occur again.”**

We also published an opinion piece in The Mercury on the reckoning that is coming. As we said then: **“We have heard the powerful stories of people from across the nation who have been completely stripped of their dignity and choice. People who feel like just a number, who have been silenced and gagged, and who have been made invisible and completely disempowered.**

Guardianship and administration systems are inherently cruel and dehumanising. They treat people as less than human and make them fight, often for years, to enjoy the basic rights and liberties that you and I enjoy.”

Stripped of dignity and choice

Guardianship and administration systems are always wrong, writes Leanne Groombridge

Accounting is coming. We have lesser witness to the immense suffering of people across Australia this week as the Disability Royal Commission has publicly investigated guardianship and administration.

We have heard the powerful stories of people from across the nation who have been completely stripped of their dignity and choice. People who feel like just a number, who have been silenced and gagged, and who have been made invisible and completely disempowered.

Guardianship and administration systems are inherently cruel and dehumanising. They treat people as being less than human and make them fight, often for years, to enjoy the basic rights and liberties that you and I enjoy.

In these systems, other people choose where you live, what you do, who you see, and how your money is spent. The people making choices for you often don't bother to talk to you, or get to know you, and what's important to you. They have unchecked power over your life and holding them to account and getting back some control can take years or be practically impossible.



Advocacy Tasmania chief executive Leanne Groombridge.

We have heard the stories of beautiful people placed under guardianship to separate them from the LGBTQIA+ community where they felt they belonged. We have heard of young people stripped of their rights because they wanted to buy a video game. I am not exaggerating. And of people who were never told what was happening to them or given a chance to speak, who have been treated as children to be protected when, in reality, they are

powerful advocates who know what they want.

Their stories are our stories and I see the exact same suffering happening within Tasmania.

This is a true national shame. I don't doubt that one day soon, governments across Australia will apologise for the immense harm they have caused. They will acknowledge that how they subjected people to guardianship and administration was wrong. They will try to make amends and claim they didn't know better. But they are now on notice. They cannot claim ignorance of the harm they are causing at this very moment.

These harms are real, visceral, and drive a need for urgent and transformational reform.

In reflecting on the royal commission this week, I can't help but draw parallels with the experience of others subjected to significant harms. Both throughout our recent history and those that continue to this day, here and overseas.

Guardianship of women is and always was abhorrent. It made women completely subject to the whims of men in their lives and denied their dignity and humanity. But society justified it was based on



“We must move away from the lie that people with disability cannot be supported to make decisions about their own lives.”

LEANNE GROOMBRIDGE

Many people with disabilities spoke out at last week's Disability Royal Commission and we must now listen and act on the concerns raised, according to Advocacy Tasmania's Leanne Groombridge.

the same lie they do now for disabled and older people – that women needed to be protected from themselves and could not make reasonable choices. When Australia stole legal guardianship over First Nations

children, horrific cultural genocide was committed, the blood and trauma of which is still on our hands. But as we have heard this week, those violations of Aboriginal and Torres Strait Islander people continue today. In Western Australia, First Nations

people comprise 17 per cent of people on guardianship orders compared with 3.3 per cent of the population. Guardianship of women is, and always was, wrong. Guardianship of First Nations people is, and always was, wrong. Guardianship of people

with disability and older people is, and always was, wrong. We must move away from the lie that people with disability cannot be supported to make decisions about their own lives. They can, and they do, whether with family, friends, or

the advocates they choose. At the Disability Royal Commission people are speaking. We must listen. We must act. Leanne Groombridge is the chief executive of Advocacy Tasmania Inc.

Draft Laws Consultation

In late 2022, the Government released draft legislation to reform Tasmania's laws in this area, giving only three weeks for consultation on the Bill. This was complex and technical legislation, and the people most impacted by it were those with disabilities. We successfully advocated for more time to hear from the community on these significant changes.

While the draft laws were an improvement in many ways, they were still riddled with compromises that traded away the rights of people based on what others thought was best. As we said at the time: **“There has been no direct input from Tasmanians affected, or likely to be affected, by guardianship. It does not provide the necessary protections to make guardianship a very last resort.**

There are no supported decision-making provisions embedded, no criminal provisions for abuse of guardianship/admin orders including by public bodies, no compensation provisions, no independent oversight, gag provisions remain, emergency orders are still in place and there is even a new provision which allows guardians the right to authorise medical research on a person without their consent!”

We fought hard for there to be more time to hear directly from people impacted by these laws, and prepared our own submission that you can read here: [Submission](#)

ADVOCACY GROUP RAPS LACK OF TRANSPARENCY

Guardianship law anger

SUE BAILEY

THE basic human rights of Tasmanians would not be protected under proposed new guardianship and administration laws, Advocacy Tasmania says.

Chief executive Leanne Groombridge is disappointed with the draft and wants the government to extend the consultation period beyond Friday "for legislation that denies Tasmanians' liberty".

"We cannot compromise and trade away Tasmanians' rights," Ms Groombridge said.

"Those caught in these processes will still need to endure



Leanne Groombridge

lengthy battles to try to remain living in their own homes.

"They will still have their treasured possessions destroyed and people will continue to impose their will over others when they disagree with how others live."

The concerns come after Hobart pensioner Michael Burles was awarded \$10,000 compensation after taking the Public Trustee to court for cancelling a funeral plan he had been paying into for nine years.

But Attorney-General Elise Archer said the Bill had "involved extensive input from stakeholders already".

"The draft Bill entrenches further supports for vulnerable Tasmanians who require decision-making assistance, and continues the transition away from 'best interest' approaches towards an approach that emphasises the 'will and preference' of people

within the guardianship system," Ms Archer said.

Ms Groombridge said there was no support in the Bill for people to exercise their rights.

"It misses the fundamental heart of the changes those affected, and organisations like ours, have called for over decades," she said.

"Thousands of Tasmanians have had their lives and dignity destroyed by guardianship legislation.

"These are people who have committed no crime, yet they've had their freedom and life taken from them - often arbitrarily and without due process or support."

Advocacy Tasmania is worried about gag provisions in the draft Bill.

"Without transparency there is no accountability and gag provisions in guardianship continue to allow terrible truths to remain concealed and that silence begets suffering," Ms Groombridge said.

"Tasmanians expect their government to ensure that no one who can make decisions about their own lives, with or without support, can have those decisions arbitrarily trashed and overruled."

She wants the government to ensure guardianship "is a last resort" and only be consid-

ered when supported decision-making processes have been trialled and failed. She said the decision-making process was "unclear, discretionary and needs clear prioritisation".

"It places too much power in the hands of doctors making assessments and makes minimum standards into guides for decision making," she said.

Ms Archer said as part of the government's consultation letters were sent to key stakeholders.

She said the Department of Justice was offering briefings on the Bill to all interested parties.

susan.bailey@news.com.au

We engaged at length with the Department of Justice throughout the process and drafted an explanation of the bill for the community in plain English.

“
Vulnerable Tasmanians deserve to be properly consulted and have input into a bill which will have life-changing implications for them...
”

Kristie Johnston
25 October 2022

KRISTIE JOHNSTON MP

The feedback given on the draft laws was consistent across the community sector and from people who had lived experience of these systems. They wanted more. More rights, more choice, less government control, and definitely no new involuntary medical research. The message was clear that there must be consequences when things go wrong, and people's rights and choices must not be overridden for the convenience of other. People wanted support and dignity, not more substituted decision making. The message to Government was clear and unequivocal, do better and do not compromise.

2023

People's Voices:

The voices and experiences of people being harmed continued to be central to the campaign across 2023. We posted our clients' stories on Facebook, sometimes through video and continued to tell their stories directly to politicians and parties, to help them understand and advocate for better laws.

Caroline and Andrew thought that the doctors were there to help, but instead, they barked "Guardianship" and said Andrew would have to stay in the hospital. A diagnosis had, again, become an imprisonment sentence. Andrew and Caroline managed to fight this through the tribunal, to the shock of the doctors who thought they had all the power.

Max wanted some help with his finances, but what he got was his finances entirely taken over. No help, just coercion. Max had no money, even to go out with his family. Whatever he needed he would have to beg and fight for. Max found the experience devastating, and he discovered that getting out of an order was far from easy. You can listen to our Advocate Lisa talking about Max's experience here: [Max's Story](#)

Continued Media

We continued to put pressure on the government through the media and to highlight the stories that were continuing to happen. We called for there to be effective penalties when things go wrong, which they so often do, and for legislators to rise to the challenge of giving human rights a central focus in Tasmania.



Our media work on gag orders won a media Diemen Award, highlighting how disempowering it is not just to be actively harmed, but also gagged from even speaking about it.

The New Laws

In the lead-up to the debate on new laws through the Tasmanian Parliament, we reached out to all members of the Lower House offering briefing on our clients' experiences of

guardianship and administration and how the laws could be improved to ensure the worst experiences do not continue.

While the laws are a substantial improvement in many ways, and focus much more on the rights, choices and voices of the people themselves, there is still more to be done. It is still possible for Tasmania to be an Australia-wide leader in this area, and we hope government will rise to this challenge.

Throughout the debates, we met with representatives from Labor, the Greens and Independents, and provided an in-person briefing to the whole Upper House. Unfortunately, the Liberals did not want to hear further about the lived experiences of people harmed through these systems and did not accept our request to meet.

Dr Rosalie Woodruff MP, Ella Haddad MP and Meg Webb MLC spoke to the Bill's remaining issues and sought to move amendments to address core issues.

Comments about our work in the Tasmanian Parliament's second reading of the Guardianship and Amendment Bill are below:

Dr Rosalie Woodruff, Leader of the Greens:

'I also thank and honour the tireless work of staff at Advocacy Tasmania, as well as those with experience of the guardianship and administrative systems, the advocates and the other stakeholders. They have come forward over years to expose the issues in this system.

Most of all, I acknowledge the suffering of people and their families who have been cruelly affected by the failures of justice in our guardianship and administrative system. Their courage in speaking up to expose the issues of the current laws and structures that govern how people are treated has been integral in bringing us to the bill we have here today. There is no doubt in my mind that without the tireless work and advocacy of those people - and particularly I mention Advocacy Tasmania - this bill would not be before us today, certainly not in the form it is in.

I have had detailed conversations with members of Advocacy Tasmania and I thank them for the conversations and the time they have given to us and other members relaying their experiences. I also want to recognise the great anguish of people, particularly Leanne Groombridge, who brought her to make the public statement she did in the media several years ago that really gave rise to an outpouring of feeling amongst people in the community providing their experiences, the experiences of families, the suffering and the injustices that led to the Damian Bugg report.'

And, Ella Haddad, MP:

‘I also want to recognise the work of Advocacy Tasmania and the strength of the people working there but also of their clients who have shared their stories with Advocacy Tasmania, parliamentarians, the Government, and the community. Without that very public campaign and the generosity of those people sharing their stories, I am not certain that these reforms would have progressed with the speed that they have, albeit that TLRI review was a long time ago, but these things have all contributed to the fact that we are here debating the bill today.

Thanks to their work, the laws are now clear that people have a right to dignity of risk in the choices they make and that emergency orders are limited in their application. They also make it crystal clear that people who can make decisions with the provision of access to appropriate support cannot be subject to orders.’

Meg Webb MLC championed the cause in the Tasmanian Legislative Council and made several amendments. She said in her second reading speech: **“This reform simply is about justice. Our guardianship and administration systems are areas in which, undeniably, injustice has occurred, and harm has been done. We should not now fall short in responding to that injustice.”** and **“It is unfortunate to note in finalising the bill and bringing it to this place, it would appear the will and preference of key stakeholders and advocates on the level of protection needed in the bill was not necessarily supported to the full extent it could and should have been.”**

The laws have now received Royal Assent and there will be a transition period over the next year. This period is an opportunity to realise the cultural change needed to make these laws work. No longer can medical practitioners, government representatives or others completely overrule the will of the people they interact with. Instead, they will need to stop, listen, and support the decisions people can, and do, make for themselves, to the greatest extent possible.

What has changed in the legislation?

- **Focus on Choice and Rights:** All actions taken through guardianship and administration systems must now promote the person’s personal and social well-being, including respecting their dignity, autonomy, right to independence and the dignity of taking their own risks.
- **Support People to Make Their Own Choices:** No one can be subjected to a guardianship or administration order if they can make their own decisions. This includes ensuring people receive the appropriate support they might need to make or communicate their choices before considering guardianship or administration.

- **Access to Independent Support:** No one can assess a person's decision-making ability without giving them information about legal and advocacy supports and helping them to access those independent supports if they want.
- **Disability Does Not Negate Will:** No one can be subjected to a guardianship or administration order simply because they have a disability.
- **The Standard Has Increased:** Guardianship and administration orders can only be made when there is a significant decision-making impairment, even after providing access to support, and each guardianship area must be independently justified.
- **Appointments Must Support Dignity and Choice:** There must be a solid need for a guardianship or administrator. Making an appointment must support the person's personal and social well-being, including their autonomy and dignity, rather than detracting from them.
- **No More 'Best Interests':** In the exceedingly rare circumstances a guardian or administrator might still be appointed, they must give effect, as far as possible, to the views, will and preferences of the person. Guardians and administrators can no longer just do what they think is best, they must do what the person would have decided for themselves.
- **They Must Find Out What's Important First:** If a guardian or administrator does not know what would have been important to the person, or their will and preferences, they need to find out and then act accordingly while supporting the person to exercise their own autonomy and build their decision-making ability.
- **The People You Care About Before State Control:** The Tribunal can no longer treat close family relationships, potential family conflicts, or potential benefits to children as a default reason to appoint the Public Guardian and Public Trustee.
- **They Must Tell You What They Decide:** Guardians and administrators will be legally required to communicate with the person directly, in a way they best understand, and keep them informed about their decisions.
- **Can Only Override Choice to Prevent Serious Harm:** If the person's will and preferences are ever overridden, which can only be legally done where there is a serious and significant risk of harm, the guardian or administrator must talk to the person about why they have acted as they did.
- **No More 'Emergencies' for Others' Convenience:** Emergency/interlocutory orders can no longer be made unless there is an immediate risk of harm, a hearing, and a full and complete application for orders has been made.
- **Emergency Orders Limited to The Actual Emergency:** Emergency/interlocutory orders can only be made to directly manage the immediate risk of harm, not for other considerations or to authorise long-term decision-making.
- **More Ways to Appeal:** People can appeal orders because the Tribunal misunderstood the situation, rather than just misunderstood the law.
- **Complaint Standards Increasing:** The Public Trustee and Public Guardian must publish legally mandated complaint processes with minimum standards set through regulations.
- **People Can Tell Their Own Stories:** People will no longer be gagged and can agree for their own stories of guardianship and administration abuse to be published.

2023 Australian Human Rights Awards

From over 260 nominations across the country, Advocacy Tasmania was selected as a finalist in the 2023 Australian Human Rights Award (Community). Our nomination was also covered in local media and in online news sites.

Tough fight recognised

Advocacy body in running for award

Sue Bailey

A campaign to change Tasmania's "broken" guardianship and administration system has been recognised nationally with Advocacy Tasmania selected as a finalist in the prestigious Australian Human Rights Awards.

It is the only Tasmanian finalist and one of just 21 selected from more than 260 nominations for the annual awards, which recognise human rights "heroes" across the country.

Advocacy Tasmania CEO Leanne Groombridge said the organisation was proud to be honoured in what was a landmark year for human rights with the 75th anniversary of the Universal Declaration of Human Rights.

She said the organisation was one of four finalists in the community award category.

"This is fabulous recognition of our work and our entire team is incredibly proud of their achievements," she said.

"Our work is so important, as without our support, our cli-



Leanne Groombridge

ents' rights would likely continue to be ignored.

"It's also recognition of our unrelenting campaign to change Tasmania's broken guardianship and administration system – the oldest and most archaic in the country.

"We're all so proud to represent Tassie in this special national award and to show the rest of the country that we really do value human rights and can make change here for the better."

In the entry, Advocacy Tasmania said the campaign to "end abhorrent guardianship and administration practices has been the longest, largest, and most time, emotion, and

labour-intensive campaign for systemic change we have ever undertaken".

"So much of the work has been undertaken by employees volunteering their time and hearts, as we are not funded for systemic work of this scale," it said.

"But it has been worth all the sleepless nights fighting for the rights of people who have been ignored and harmed by these systems for far too long."

Advocacy Tasmania successfully lobbied for an independent review into Tasmania's Public Trustee by former commonwealth Director of Public Prosecutions Damian Bugg AM, which found it had misunderstood its role for 26 years and lacked empathy with many people.

Australian Human Rights Commission president Emeritus Professor Rosalind Croucher AM said the judging panel was "very impressed by the calibre and variety of the 263 nominations we received".

The winners will be announced in December.

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Where To Now?

There is still work to be done. A range of issues remain unresolved, and we will continue to advocate for improvement in the upcoming tranche of reforms including to:

1. further, reduce the scope and time of emergency orders
2. implement criminal provisions for abuse of guardianship and administration
3. provide accessible pathways for compensation
4. remove all involuntary medical research provisions
5. require written statements of reasons and transcripts of hearings; and
6. provide funding for independent medical reports.

We will also continue to advocate for a fully funded supported decision-making scheme for Tasmania, that operates instead of guardianship and administration. Until people with disabilities and older people have the support they need to make their own decisions, the fight will continue on.

30 October 2023