

# Unwilling ward of the state

CourierMail

September 1, 2007 12:00am



A MAN who spent \$200,000 over 10 years on phone sex lines had his affairs taken over by the state after relatives claimed he was suffering dementia.

The 76-year-old retiree is now fighting the long-term guardianship and financial administration orders under which he was placed by the Guardianship and Administration Tribunal in June.

"They have kept me under orders without (sufficient) medical proof that I'm not capable of making my own decisions," he said.

The case raises more concerns about Queensland's guardianship system – which is already the subject of a review by the Queensland Law Reform Commission – including whether the tribunal should be required to seek expert medical opinions when placing people alleged to have diminished capacity under long-term orders.

Carers Queensland, one of two advocacy groups now trying to help the man, said it remained concerned about a number of aspects of the guardianship regime, "particularly about procedures that declare an adult incapable of making his or her own personal and financial decisions".

"It is the most extreme and serious action that can be taken by the state . . . There must be extreme caution taken in exercising such a power," the agency's Brendan Horne said.

In the man's case, the orders made by the tribunal mean the Office of the Adult Guardian and the Public Trustee can control every facet of his life, from where he lives and who he has contact with, to what he can spend money on.

The tribunal's reasons for the November 2006 decision show members of the man's family variously alleged he'd made \$20,000 worth of 1902 calls a month over two years, or that he'd spent \$200,000 over several years, that he was delusional, had mood swings, practised poor personal hygiene, was incapable of looking after himself and that he had been diagnosed with dementia.

affairs".

"But at the last hearing in June, the tribunal said that if I wasn't demented, maybe I was psycho – that's the offensive term the woman chair of the tribunal used," the man said.

"So now I'm arranging to be examined by a psychiatrist and because I don't have control of my finances, I'm putting a bit by each week out of the allowance the Public Trust gives me to live on to pay for it."

Tribunal documents from the April and June hearings show the tribunal members raised the possibility of the man having a psychiatric illness, ruling he was of diminished capacity and extending the guardianship order for two years and the administration order indefinitely.

In its reasons it said: "Whilst the tribunal accepts that (the man) does not have a diagnosis of dementia, there is evidence of cognitive dysfunction which impacts on the nature and effect of his decision-making in respect of the 1902 calls."

The reasons do not show the tribunal recommending the man undergo psychiatric testing to back that finding.

A spokesperson for the family said they supported the tribunal processes and the appointment of the Adult Guardian and the Public Trustee.

Adult Guardian Dianne Pendergast, when asked whether she had concerns about the tribunal's decision to place the man under orders, said she was unable to comment about individual cases because of confidentiality provisions.

The man said he could not remember when exactly he began making the 1902 calls, which can cost up to \$5 a minute.

"(It was) 1999 I think. It started out as a bit of fun for me," he said. "It averages, for around 40 years of married life, about \$5000 a year and that's a pittance because I never spent any money on myself and I was a very good provider to my family."

When the Public Trustee arrived to physically take his cheque books and freeze his bank accounts, he said he was "shattered".

"I cried all night that night – I had been writing out cheques for 50 or more years and I just couldn't believe this was happening to me," he said.

The man, who is now estranged from his family, said he felt "foolish" about his use of the 1902 numbers. "Look where that's got me," he said.

Originally published as [Unwilling ward of the state](#)

# er Mail

Search 



**NEWS**

BREAKING

LOCAL

QUEENSLAND

OPINION

CRIME & COURT