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Widower loses right to support girlfriend

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A LAKE Macquarie man wants an inquiry into the guardianship system after losing control of his finances during a stay at Belmont Hospital.

Although the man, a widower and aged pensioner, wants the details of his case made public, the NSW Guardianship Act has wide restrictions on the publication of details of its activities.

On legal advice, the Newcastle Herald has agreed to withhold his identity.

The man told the Herald this week that he had a girlfriend in south-east Asia and had been sending “\$500 or \$600 a month” to help support her and some children.

His only child, an adult daughter, and her partner objected to this.

In February this year he had a stroke and was taken to hospital.

“While I was in Belmont Hospital my daughter got the Guardianship Tribunal involved, and they set up a hearing in this room in the hospital that has a video link straight to the tribunal’s rooms at Balmain,” the man said.

“There were three women on the tribunal panel and they listened to my daughter and her partner.

“They decided I was not capable of looking after my own finances and they put a three-month ban on me using my own accounts.”

He said the NSW Trustee and Guardian had control of his affairs until June 22 and would only give him \$50 every few days.

“I told them I will fight this down to the wire. I will stand up for what I believe in,” the man said.

“I don’t smoke, and I’m not much of a drinker, so if I want to spend my money this way, I should be able to.”

Asked what he wanted to happen, the man said: “I want them to give me back the power over my finances and to admit they made a mistake and let me get on with my life.

“While I was in the hospital I saw an old guy bawling his eyes out and he said you won’t believe what my family have done to me. I said I do, because that’s what’s just happened to me.

“I think it’s time someone looked into the whole thing.”

The man’s de facto son-in-law confirmed the basics of the account, but said the man “might appear to be speaking fairly normally [but] he’s just not rational”.

“He’s had a massive brain-stem stroke,” the son-in-law said.

“He won’t ever improve, the central part of his brain has been so badly damaged.”

The son-in-law initially denied that the south-east Asian spending was the reason for their action, although he later said: “If it was ... money [from his superannuation] that he had worked for and was sending it overseas I wouldn’t mind but I would hate to see him drawing a pension from Centrelink and sending that overseas.”

Questioned on this, the man said he had used his saved money, not his pension.

Hunter New England Health confirmed it provided video conference links and private meeting rooms for patients “not well enough to travel and appear in person at the guardianship tribunal”.

The health service and the NSW Trustee and Guardian referred the Herald to the tribunal.

A spokesperson for the tribunal said it did not comment on “individual matters” or “matters before the tribunal” and advised the Herald of Section 57 of the Guardianship Act, which relates to publication restrictions.



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