

## SCALES OF JUSTICE


# Tasmania's guardianship board was right to decide a mature-aged man needed a guardian after surgery, court told

**The Guardianship and Administration Board was correct in deciding to exercise power over a mature-aged man's living arrangements following a leg amputation, a court has heard.**

LORETTA LOHBERGER, Mercury

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 The Tasmanian Health Service is appealing against a court decision that set aside a guardianship order.

THE Tasmanian Health Service is appealing against the Supreme Court's setting aside of a guardianship order that could have stopped a mature-aged man from living aboard his yacht for six months after he was discharged from the Royal Hobart Hospital.

In April, Justice Helen Wood said while there were "legitimate medical concerns about the [man's] safety", the Guardianship and Administration Board did not satisfy the requirements to make an order that would give it power over where the man, planning to return to living aboard his yacht, was to live.

Representing the Tasmanian Health Service before the Full Court in the Supreme Court in Hobart today, Paul Turner, SC, said although the man's issues had been resolved — the order was for six months from November 2 — the health service wanted to right some errors of law it says were made.

Mr Turner said the Tasmanian Health Service believed a wrong approach had been adopted in the decision to set aside the order.

He said it was open to the Guardianship Board, in determining whether to make an order, to find the man had a disability that affected his ability to make reasonable judgments.

The appeal will be decided by Justice Michael Brett, Justice Gregory Geason and Acting Justice Brian Martin.

Acting Justice Martin said he was curious about the man's living arrangements after the guardianship order was made.

Mr Turner said the man "went and lived on the yacht before the order was set aside".