

Tasmanians under guardianship orders to be allowed to speak out under proposed reforms

By state political reporter [Adam Langenberg](#)

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Elise Archer says the laws had always been seen as a protection. (ABC News: Luke Bowden)

People under guardianship orders in Tasmania would be able to speak publicly for the first time under potentially groundbreaking and nation-leading changes being considered by the state's attorney-general.

Legislation currently prevents people under guardianship and administration orders from being identified publicly, [restricting them from speaking out in the media](#).

But Attorney-General Elise Archer said she had asked her department to look into lifting the restrictions following a campaign for change, including a series of full-page newspaper advertisements from Advocacy Tasmania.

The changes are not part of draft amendments to the state's Guardianship and Administration Act but could be included in laws set to be tabled in state parliament early next year.

"The draft bill didn't currently contain that but I have expressed the view to my department to look at that in a very ... positive way of ensuring that this is removed in circumstances where obviously people wish to speak," she said.

"It's always been seen as a protection, it's not been seen to be a prohibiting type of section, but that's how it's worked in effect, so my department is currently looking at that provision."

As part of the process to draft the legislation, people under guardianship or administration orders have been asked whether they should be able to share information with others and whether they should be able to allow media outlets to run stories about them.

It also asks them what information they would not like others to know, and whether they would be happy to be identified in the media without approval.

System a 'massive power imbalance'

Advocacy Tasmania chief executive Leanne Groombridge said the current laws had "very effectively stopped Tasmanians from telling their own stories" and she welcomed any move to get rid of them.

"This silencing has removed all transparency and accountability in the system, and allowed suffering and abuse to continue behind closed doors, out of sight and out of view of all Tasmanians," she said.

"The entire system is one of a massive power imbalance where the state controls all your money and the critical decisions about your life.

"It's outrageous and it shouldn't have taken us campaigning to get a commitment to have them removed."

She said any new laws should explicitly allow people to talk publicly about their own experiences.

"This means they shouldn't have to go through complex processes — no medical hoops to jump through, and no applications to courts or tribunals," she said.

"Everyone must have the right to tell their own stories with dignity. Nothing less will be acceptable."

Public Trustee chief executive Todd Kennedy told a parliamentary scrutiny hearing that the process of rebuilding the organisation was continuing, after [a report found it had "genuinely misunderstood" its role for more than 20 years](#).

Key points:

- People under guardianship and administration orders are unable to be publicly identified
- Attorney-General says she has asked her department to look into lifting the restrictions
- The changes may be included in laws set to be tabled in state parliament early next year

Woman stopped from buying Christmas presents, man's lease terminated

The review was commissioned by Ms Archer after a slew of disturbing cases made their way into the media and to the state government.

In one case, a woman was prevented from using her own money to buy her family Christmas presents.

In another, a man who went into care straight from hospital after the appointment of the Public Trustee found his lease had been terminated and his home cleared without his explicit knowledge.

Mr Kennedy said the organisation had implemented 15 of the review's 28 recommendations and would act on the rest prior to the September deadline.

Ms Archer also said the Public Trustee was on a recruitment drive to try to dramatically reduce the number of clients each case manager dealt with, from about 150 to 50, in a bid to see better results.

Four clients have asked the Public Trustee for compensation, with Mr Kennedy saying three matters have been settled, and another claim is ongoing.

Ms Groombridge said the cultural shift was "long overdue" but the change was yet to be experienced by clients.

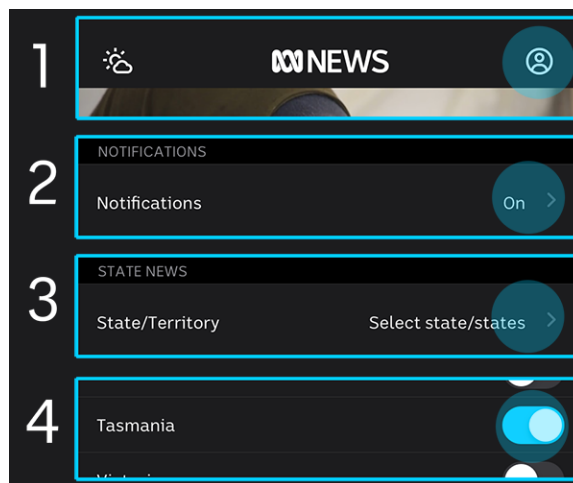
"In this sense, very little has actually changed and the suffering is continuing," she said.

"What we hear, day in and day out is that people can't reach their account manager or don't even know who they are, there is no proactive contact, and they need to really fight and advocate for themselves to get their needs met by the Public Trustee.

"The Public Trustee must do so much more as the people caught up in this system are suffering right now. We urgently need to move away from talk and get to real, meaningful action."

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