

NT Public Guardian Beth Walker issues funding plea to ensure adults are not unnecessarily living under guardianship

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Beth Walker manages the Northern Territory's Office of the Public Guardian and Trustee.
(ABC News: Dane Hirst)

The expert overseeing care of the Northern Territory's most vulnerable adults says there is a risk some people may be living under guardianship orders unnecessarily.

It comes after [the ABC revealed an Aboriginal woman](#) with a traumatic brain injury was forced to live beneath the poverty line for years in a remote NT community while under financial guardianship.

During that time, she was asked to perform a cognitive test usually reserved for dementia patients to assess her decision-making capacity.

The test included questions such as "Name the US President who was assassinated in the 1960s" and "Name the current NSW Premier", raising concerns that culturally biased cognitive screens could be resulting in misdiagnoses of Indigenous people.

Key points:

- The NT's Public Guardian Beth Walker says a shortage of funding and allied health staff is risking the wellbeing of people under guardianship
- Since 2016, the number of adults under guardianship in the NT has grown from 890 to 1,300
- Motor vehicle accidents and violence are contributing to a

It's an issue that Beth Walker, the NT's first public guardian, has partly attributed to a lack of allied health specialists in the territory.

surge in demand for guardianship orders in the NT

"The lack of professionals who are able to do this type of work and this type of testing in the territory means that the information that's available for ... the Public Guardian and Trustee, or the Tribunal, is not as good as it could be," she said.

"So we run the risk of people being involved with guardianship when potentially they shouldn't be.

"Having a guardian appointed does impact on someone's human rights and all of us need to make sure that we're only using guardianship when it's absolutely necessary."

In her role as the Public Guardian, Ms Walker leads a team which manages the personal affairs and finances of adults who have impaired decision-making capacity due to brain injuries, dementia, mental illness or intellectual disabilities.

Since the office was created in 2016, Ms Walker said the number of people living under some form of guardianship in the NT, including private guardians such as a family member, had increased from about 890 to 1,300.

"During that time, we've seen a steady increase annually (five to 10 per cent) of the number of people involved with guardianship, which has created a large demand," she said.

Yet Ms Walker said the NT government's funding of the Office of the Public Guardian and Trustee had "essentially remained unchanged".

This is despite a growing caseload of people being placed under guardianship orders, with three-quarters of all adults under care of the public guardian identifying as Indigenous.

"My number one priority would be to create an Aboriginal team within the Public Guardian and Trustee and have them be responsible for some really important areas like quality, customer service, engagement and education," Ms Walker said.

"Ideally, we'd be looking for between \$4 million to \$6 million additionally to meet the current demand, and to also put some innovative practices in place."



olent assaults and road accidents can sometimes leave patients with cognitive impairment. (*ABC News: Michael Anchi*)

The ABC has contacted the offices of Attorney-General Chansey Paech and Disabilities Minister Ngaree Ah Kit for comment.

A nationwide issue facing an ageing population

Ms Walker said motor vehicle accidents and [violence were key contributing factors](#) leading to people acquiring brain injuries and requiring guardianship in the NT.

Terry Carney, emeritus professor at Sydney University and [former member of Australia's Administrative Appeals Tribunal](#), has spent decades researching adult guardianship and health law.

He said under-funding of public guardians and tribunals was a nationwide issue — particularly considering Australia's ageing population — although "they might not have the same level of domestic violence or motor vehicle accident and brain injuries".



erry Carney says Australians will suffer as a consequence of under-funded public guardians. (*ABC News*)

"As a consequence, people are being put under orders when they don't need them," Dr Carney said.

"People are being put under orders that restrict too much of their money, or their personal affairs when they're not needed.

"It's really an appalling outcome around the country. The Northern Territory is not alone."

In a statement, Australian Psychological Society president Catriona Davis-McCabe said she recognised Indigenous Australians were "at a disadvantage" due to cultural bias in some screening tools.

"It is critical that cognitive screening tools are administered by properly trained and qualified health workers, including registered psychologists who have completed many years of postgraduate education and training," Dr Davis-McCabe said.

"With just five neuropsychologists in the Northern Territory, access to psychologists is very limited and without an increase in workforce numbers patients will continue to fall through the cracks."