



Speech by

Mark McArdle

MEMBER FOR CALOUNDRA

Hansard Thursday, 30 March 2006

WORTH, MR M

Mr McARDLE (Caloundra—Lib) (10.20 pm): Mark Worth is a man aged 49 years who has suffered a number of injuries, the last of which occurred in 1992 in New South Wales. He then commenced legal proceedings in that state and engaged the services of a legal practitioner in Queensland. Mr Worth's concerns commenced when the Guardianship and Administration Tribunal made an order on 13 May 2004 placing his financial affairs under the control of the Public Trustee of Queensland. Mr Worth has told me that he was advised that the application made on his behalf to the tribunal was purely to facilitate a solution to the personal injuries matter he was involved in in New South Wales. That has been verbally confirmed by Cecilia Ann Bendall, a psychologist, who also stated that her report to the tribunal was only on the basis that Mr Worth needed assistance purely in relation to the personal injuries action in New South Wales and not for any other purpose.

A short time later Mr Worth came to realise that his full financial affairs had been placed into the hands of the Public Trustee of Queensland. Since that time, Mr Worth has made two separate applications to the tribunal seeking to have the order overturned. On both occasions, Cecilia Bendall has given evidence that Mr Worth is quite capable of looking after his own financial affairs, both of a simple and complicated nature. Yet the tribunal refuses to permit Mr Worth the right to look after his own affairs. In fact, the final order made in July of 2005 contains this comment—

In view of the long standing nature of his impediment, the tribunal will require evidence of a change in Mr Worth's cognitive abilities before his capacity for financial matters will be reviewed again.

Again, I repeat that Cecilia Bendall has made it very clear in evidence to the tribunal that Mr Worth does have the capacity to handle his own financial affairs, whether such affairs are simple or complex. There is a real question here as to why the tribunal has not released Mr Worth's affairs to his own control.

Tonight I spoke to Cecilia Bendall and I asked her to clarify her position. She did not deviate from her belief that Mr Worth has the capacity to handle his own financial affairs. She referred me to a letter she gave to the tribunal, a copy of which I table. I draw the attention of the House to the first paragraph of the letter. The first sentence is very clear, but it was the second sentence that concerned me. She stated that it referred to the stress of a courtroom situation only and again emphasised that Mark Worth has capacity to handle both simple and complicated financial matters and she had made this very clear to the tribunal. She, in fact, had made that clear on at least two occasions. Again, I ask why this man's financial affairs have not been returned to him. I advise the House that Mr Worth intends to pursue this matter to a satisfactory conclusion.