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Case number 2024/00324093

Barran Dodger (also known as Richard McLean)
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18 March 2026

Application concerning: Barran Dodger (also known as Richard McLean)

Please find enclosed a copy of the written statement of reasons for the decision of the Tribunal made on 9 October 2025.

Registrar
msavag0



Civil and Administrative Tribunal New South Wales

Case Name: Barran Dodger (also known as Richard McLean)

Medium Neutral Citation:

Hearing Date(s): 9 October 2025

Date of Orders: 9 October 2025

Date of Decision: 9 October 2025

Jurisdiction: Guardianship Division

Before: S L Handebo, Principal Member

Decision: **REVIEW OF GUARDIANSHIP ORDER**

The guardianship order for Barran Dodger (also known as Richard McLean) made on 16 October 2024 has been reviewed. The order now is as follows:

1. The Public Guardian is appointed as the guardian.
2. This is a continuing guardianship order for a period of 3 years from 09 October 2025.
3. This is a limited guardianship order giving the guardian(s) custody of Barran Dodger (also known as Richard McLean) to the extent necessary to carry out the functions below.

FUNCTIONS:

4. The guardian has the following functions:

a) Accommodation

To decide where Barran Dodger (also known as Richard McLean) may reside.

b) Health care

To decide what health care Barran Dodger (also known as Richard McLean) may receive.

c) Medical/Dental consent

To make substitute decisions about proposed minor or major medical or dental treatment, where Barran Dodger (also known as Richard McLean) is not capable of giving a valid consent.

d) Services

To make decisions about services to be provided to Barran Dodger (also known as Richard McLean).

e) Legal services

To make decisions for Barran Dodger (also known as Richard McLean) in relation to access to legal services, including authority to instruct legal representatives on Barran Dodger's behalf.

CONDITIONS:

5. The condition of this order is:

a) Standard Condition

In exercising this role the guardian shall take all reasonable steps to bring Barran Dodger (also known as Richard McLean) to an understanding of the issues and to obtain and consider his views before making significant decisions.

REVIEW OF FINANCIAL MANAGEMENT ORDER

The Financial Management order for Barran Dodger (also known as Richard McLean) made on 16 October 2024 has been reviewed. The order now is as follows:

1. The estate of Barran Dodger (also known as Richard McLean) is subject to management under the NSW Trustee and Guardian Act 2009.

2. The management of the estate of Barran Dodger (also known as Richard McLean) is committed to the NSW Trustee and Guardian.

Parties:

003: Review of Guardianship Order

Barran Dodger (also known as Richard McLean) (the person)

Public Guardian (appointed guardian)

004: Review of Reviewable Financial Management Order

Barran Dodger (also known as Richard McLean) (the person)

NSW Trustee and Guardian (appointed financial manager)

File Number(s): NCAT 2024/00324093

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REASONS FOR DECISION

- 1 Barran Dodger, also known as Richard McLean ("Barran"), is a 52 year old man who, at the time of the Hearing, had no fixed place of abode.
- 2 Barran has been known to the Tribunal since 2024, at which time he applied to the Tribunal himself for a guardian and a financial manager to be appointed for him.
- 3 On 16 October 2024 the Tribunal made a guardianship order for Barran for an initial period of twelve months appointing the Public Guardian with the functions of accommodation, services, health care and legal services. The Tribunal also made a financial management order, appointing the NSW Trustee and Guardian as Barran's financial manager, with the order to be reviewed by the Tribunal within twelve months.
- 4 These Reasons for Decision relate to the end of term review of the guardianship order and financial management order made on 16 October 2024.
- 5 Since the making of the order Barran has been in consistent communication with the Tribunal, having sent thousands of pages of emails to the Tribunal, totalling approximately eighteen volumes. As a consequence of this, on 4 August 2025 the Tribunal made directions to the effect that such material would not be considered by the Tribunal unless resubmitted to the Tribunal in accordance with the Tribunal's directions, to ensure that only current and relevant material is before the Tribunal on review.
- 6 On 12 September 2025 the Tribunal considered an application for a confidentiality order from the Public Guardian. As a consequence of orders made on this date, the Tribunal will not refer to the name, position location or identifying information of any employee of the Public Guardian in these Reasons for Decision. Although not captured by the orders dated 12 September 2025, the Tribunal has elected to refer to other professionals involved in the Hearing in a similar way in these Reasons for Decision.

7 The Hearing was listed on 9 October 2025 and was conducted remotely from the Tribunal's Sydney Registry. The Hearing was attended by the following people:

- (1) The representative from the Public Guardian;
- (2) The representative from the NSW Trustee and Guardian;
- (3) The Separate Representative (being a solicitor employed by Legal Aid);
- (4) The professionals from the same organisation providing Support Coordination to Barran; and,
- (5) Barran's friend, Paul.

8 Barran did not participate in the Hearing. The Tribunal was informed by Paul that Barran had left his home earlier in the day with the apparent intention of travelling to another State. Paul indicated that Barran was aware of the scheduled Hearing and was clear in his views against participating in the Hearing. In these circumstances the Tribunal was satisfied that Barran had been afforded the opportunity to participate in the Hearing and had declined to do so. In circumstances where it appeared to the Tribunal that Barran would be driving at the time of the Hearing, and did not wish to engage with the Tribunal, for his own safety the Tribunal decided not to place a call to Barran. Ultimately, the Tribunal decided to proceed with the Hearing in Barran's absence.

9 At the conclusion of the Hearing the Tribunal decided:

- (1) To reappoint the Public Guardian as Barran's guardian for a period of three years with the functions of accommodation, services, health care, medical/dental consent and legal services; and,

- (2) To confirm the appointment of the NSW Trustee and Guardian as Barran's financial manager, removing the requirement for the order to again be reviewed by the Tribunal.

REVIEW OF GUARDIANSHIP ORDER

- 10 On reviewing the current guardianship order the Tribunal may renew, renew and vary the order or determine that the order is to lapse.
- 11 The Tribunal may only make a guardianship order for a person if it is satisfied that the person is "a person in need of a guardian".¹ In deciding this, the Tribunal must be satisfied that the person lives with a disability that results in them being "totally or partially incapable of managing their person"² and that the disability restricts the person in one or more major life activities to the extent that they require "supervision or social habilitation"³.
- 12 If a person is "a person in need of a guardian" the Tribunal has a discretion as to whether or not to make a guardianship order, and the terms of such an order. This discretion is guided by the principles of the Act and a number of equally important mandatory considerations.⁴
- 13 When considering the suitability of a proposed private guardian the Tribunal must be positively satisfied that they have a personality genuinely compatible with the person under guardianship, that there is no undue conflict of interest in their appointment, and that they are able and willing to exercise the functions of guardianship in a manner consistent with the principles of the Act and with insight and objectivity.⁵ The Tribunal must not appoint the Public Guardian if there is a suitable private person who may be appointed.⁶

¹ Section 14 Guardianship Act 1987 ("the Act").

² Section 3(1) the Act.

³ Section 3(2) the Act.

⁴ Section 14(2) the Act; s4 the Act; *IF v IG* [2004] NSWADTAP 3.

⁵ Section 17(1) of the Act; *Re B* [2011] NSWSC 1075; *P v D1 & Ors* [2011] NSWSC 257.

⁶ Section 15(3) of the Act.

- 14 On review, a guardianship order can be made for a period of up to three years from the date on which it was made. However, an order of up to five years can be made, if the person under guardianship has permanent disabilities, is unlikely to become capable of managing his or her person and there is the need for an order longer than three years.⁷
- 15 The Tribunal has previously determined that Barran is a person in need of a guardian based on the medical and allied health evidence presented to it, as summarised at paragraphs [21] – [28] of the Tribunal’s Reasons for Decision dated 16 October 2024. In summary, the Tribunal was satisfied that Barran lives with schizophrenia, with prominent entrenched chronic persecutory delusions, against a background of other concerns, including methamphetamine dependence, ADHD, and a possible brain injury. The evidence was such that Barran’s disabilities result in compromised cognitive functioning and extremely poor insight and judgment.
- 16 There was no medical or allied health evidence before the Tribunal on review that was inconsistent with the Tribunal’s previous findings. Those participating in the Hearing were in agreement that Barran continues to be a person in need of a guardian. Absent evidence to disturb the Tribunal’s previous findings, the Tribunal is satisfied that Barran continues to be a person in need of a guardian. He is, accordingly, a person for whom the Tribunal could make a further guardianship order.
- 17 The Public Guardian provided a report in support of the continuation of a guardianship order, with the following recommendations:
- (1) The accommodation and authorise others functions could be permitted to lapse. The Public Guardian have no made decisions under these functions during the course of the order, and Barran’s insistence on making his own accommodation decisions has made the function unworkable.

⁷ Section 18 the Act.

- (2) Barran is a participant under the NDIS. The NDIA have appointed a support coordinator for Barran in Western Australia due to safety concerns arising from previous aggressive behaviour and threats made against NDIS supports. Barran regularly approaches other services, and the continued appointment of a guardian with a services function is necessary for continuity of services.
 - (3) Barran has complex health concerns. He is meant to be subject to an involuntary treatment order in South Australia but was lost to follow up. Similarly, Barran was subject to a Community Treatment Order in NSW, but that order was discharged due to practical difficulties with implementation arising from Barran's transience. The continuation of this function, and the inclusion of a medical and dental consent function, may allow Barran to be supported with respect to his health care and medical treatment.
 - (4) There are ongoing proceedings being conducted on Barran's behalf in the Administrative Review Tribunal regarding his access to support under the NDIS. The Public Guardian have engaged Legal Aid to act on Barran's behalf and are instructing Legal Aid in those proceedings. There is an ongoing need for the inclusion of this function.
- 18 The Public Guardian's recommendations were largely supported at Hearing, save for the proposal that the accommodation function be lapsed. Concerns were identified that Barran continues to believe that he is eligible for Supported Independent Living, and approaches providers misrepresenting that he is so funded. It was proposed that the accommodation function continue under a further order to enable a guardian to veto any decisions made by Barran that may have subsequent financial implications for him. Upon hearing these concerns, the representative from the Public Guardian supported the inclusion of an accommodation function in a further order.
- 19 Barran did not participate directly in the Hearing. The Separate Representative indicated that he had spoken to Barran for approximately two minutes, however

Barran felt that the separate representative was working against him and declined to engage further. During that brief conversation Barran made clear that he opposed the making of further orders, though this was largely in the context of the financial management order.

- 20 Whilst the Tribunal appreciates that Barran opposes the making of a further order, the evidence suggests that on account of his ongoing persecutory beliefs it is unlikely that Barran will be able to make and implement necessary decisions about his accommodation, services, legal services, health care and medical treatment.
- 21 Aside from Barran's opposition to an order and the difficulty arising regarding service provision in the absence of an order, there are no other factors under s14(2) of the Guardianship Act relevant to the Tribunal's current decision.
- 22 The Tribunal decided to appoint a guardian with the functions of accommodation, services, health care, medical/dental consent and legal services. In the absence of a suitable private guardian, the Tribunal decided to appoint the Public Guardian to this role. There would appear to be an ongoing need for a guardian to make decisions regarding these matters, and accordingly the Tribunal decided to renew the order for a further period of three years.

REVIEW OF FINANCIAL MANAGEMENT ORDER

- 23 On reviewing the financial management order the Tribunal must confirm, confirm and vary or revoke the financial management order.
- 24 The Tribunal may revoke the financial management order only if:
 - (a) it is satisfied that Barran is capable of managing his/her affairs; or
 - (b) it considers that it is in the best interests of Barran that the order be revoked.

- 25 The Tribunal may also review the appointment of the manager if it considers it appropriate to do so.
- 26 The Tribunal was provided with a Financial Management Report summarising the NSW Trustee and Guardian's engagement with Barran during the course of the existing order.
- 27 The report identifies that engagement with Barran is "consistently difficult and complex". This has included Barran being banned from attending particular NSW Trustee locations, and reports made to the police and mental health services on account of Barran's threats against staff and political figures. The NSW Trustee and Guardian have attempted to take steps to unravel Barran's complex financial circumstances, however their ability to do so effectively has been compromised by Barran's limited engagement and unwillingness to cooperate with the NSW Trustee and Guardian.
- 28 On account of Barran's complex circumstances, it is reported that he is given access to the majority of his fortnightly pension income, with a portion being retained to fund, when appropriate, costs associated with securing Barran stable accommodation.
- 29 There are a number of matters that further complicate the management of Barran's affairs, including:
- (1) Barran has an outstanding tax debt of approximately \$90,000. Owing to this debt having been accumulated prior to Barran coming under financial management, there are limited opportunities for this debt to be waived. To explore these options further there is a need for Barran to cooperate with the NSW Trustee to assist them in gathering necessary information to support such requests.
 - (2) Barran reports wanting to pursue compensation claims, and the NSW Trustee and Guardian have indicated a willingness to assist in exploring

potential claims, however Barran has been unable or unwilling to provide necessary information to progress these matters further.

- 30 There was no evidence before the Tribunal on review to suggest that Barran has become capable of managing his affairs. There is also ne evidence before the Tribunal to ground a finding that it would now be in Barran's best interests for the financial management order to be revoked.
- 31 In these circumstances the Tribunal could not be satisfied that there is a proper basis for the financial management order to be revoked. Absent any clear evidence to support that Barran is working towards capacity building, the Tribunal formed the view that there is no basis for any further order to be made on a reviewable basis. Accordingly, the Tribunal varied the previous financial management order by removing the requirement for it to be reviewed. The practical effect of this decision is that the order will continue to operate unless a further application is made to the Tribunal, supported by appropriate evidence, to vary or revoke the order.
