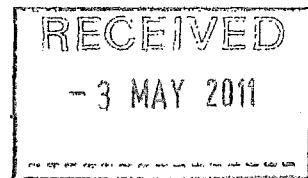


Submission No. 10a



3rd of May 2011

Victorian Law Reform Commission
GPO Box 4637
Melbourne
Victoria 3001

Public Submission Guardianship

My submission in short, is that the Office of the Public Advocate is stifling the contribution by Volunteer Guardians on the basis that such Volunteers are too independent. In fact such independence is the very requirement for guardianship.

Guardians by their very relationship become the voice of the Represented Person. Silence the Guardian and you are preventing the Represented Person from a fair outcome for their special circumstances.

As a Bail Justice, I have always endeavoured to let the defendant or parent/child have their say. Sometimes given this opportunity circumstances change. The Department of Human Services or Police may change their stance.

This is the first stage of the justice system and even if I get it wrong there will be other hearings with a magistrate and or Judge to ensure justice. A person can be committed to a life sentence by the Office of Public Advocate to a secure placement, and thereby does not receive the same fair treatment by our justice system. As the OPA is a statutory body and to a degree a law unto itself, my experience after ten years and many delegated guardianships is that the system requires change to ensure justice.

Management has told me they will not be accountable by Volunteers. Given this attitude and lack of protection Volunteers have for redress, there is a prevailing culture of insiders being indoctrinated, and part of a special social club; being in favour with the OPA.

Guardians need to be able to speak up for the Represented Person and not just be a subject of an organisation. The whole judicial system is in danger of being bypassed if the OPA is granted more power over Represented Persons.

Training, investigations and monitoring out of pocket expenses should be the responsibility of the OPA. A pool of trained qualified guardians should be allocated by VCAT, similar to a call out system for Bail Justices

This would ensure timely and independent guardianship with responsibility back to VCAT.

Only VCAT should directly appoint and change guardianships. I believe excellent independent Volunteer Guardians have been selectively diverted from the OPA's resources. This is a social and community loss. The pity is Represented Persons may only receive a very superficial or practically no type of guardianship due to the work load of Stipendiary Guardians, which could have been better facilitated and more cost effectively accomplished by dedicated Volunteers.

Bruce Levy JP