

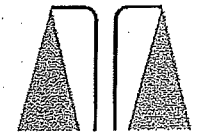
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Submission No. 39

Our Ref: QM:guardianship.may2011 Reply to:

- Head Office
- Bentleigh Branch
- Cranbourne Branch
- Rosebud Branch

Your Ref:



Peninsula Community
Legal Centre

19 May 2011

Victorian Law Reform Commission
Guardianship Consultation
PO Box 4637
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Dear Sir or Madam,

RE: Guardianship Consultation Paper March 2011

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Rosebud Branch
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- We gratefully acknowledge the financial assistance of:
- Commonwealth Attorney-General's Department
 - Department of Justice (Vic)
 - Consumer Affairs Victoria
 - Victoria Legal Aid
 - City of Casey
 - City of Glen Eira
 - City of Kingston
 - Frankston City Council
 - Mornington Peninsula Shire

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Service to the
Community
since 1977

Peninsula Community Legal Centre (PCLC) is a not-for-profit organisation that has been providing free legal services to its community for over 30 years, with a mission "To empower and support disadvantaged community members of the South East and Westport Region to use the law and legal system to protect and advance their rights and broaden their awareness of their rights and responsibilities."

PCLC's staff and volunteers provide clients with free and accessible legal services, particularly the most disadvantaged and marginalised members of our community who may otherwise be unable to access legal assistance. PCLC's client's life circumstances can be severely affected by their legal problems and they are often not able to access other legal services. Being able to obtain free legal assistance can often help our clients move on with their lives and become active participants in their local communities.

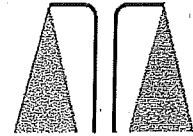
PCLC provides advice to many clients every year in relation to their obligations as an Attorney or Guardian and to clients who have appointed Guardians or Attorneys. PCLC is therefore well placed to provide recommendations, based on client experiences, for reform in this important area.

PCLC believes the proposal for the creation of new legislation rather than amending the existing legislation is the ideal manner to address the complexities surrounding the existing legal framework regarding administration and guardianship. The proposed statement of purpose for the new legislation is also supported:

The purpose of this Act is to protect and promote the dignity and human rights of people with impaired decision-making capacity. To this end, the Act establishes mechanisms to support and assist people to participate in decisions that affect their lives, realize their rights and protect their inherent dignity.

This statement significantly expands on the existing statement of purpose in the current legislation and adequately provides a broad vision.





Peninsula Community
Legal Centre Inc

A single body of legislation which consolidates all of the various substitute decision-making laws, coupled with a targeted community education program and the use of simpler terminology to describe appointments would, in the opinion of PCLC, result in the production of more user-friendly laws.

PCLC is generally supportive of the direction of the VLRC with regard to the changes proposed by the Commission. In particular, PCLC is pleased at the postulated improvements in accountability and safeguards and the concept of supported decision-making mechanisms, whereby there would be provision for people with some decision making capacity to make decisions with the support of another trusted person or together with another trusted person.

PCLC congratulates the VLRC on their comprehensive consultation paper and would welcome the opportunity to provide further input in the future stages of the review of the *Guardianship and Administration Act 1986 (Vic)*.

Yours faithfully,

HELEN CONSTAS
CHIEF EXECUTIVE OFFICER
PENINSULA COMMUNITY LEGAL CENTRE INC.

Enc.0