



Submission No. 24

Free legal advice | Law reform | Community legal education | Community development | Drug outreach lawyer

14 May 2010

The Victorian Law Reform Commission  
Inquiry into Guardianship  
Level 3, 333 Queen Street  
Melbourne

Dear Sir / Madam,

St Kilda Legal Service is grateful for the opportunity to provide our views on what does or does not work well in the area of Guardianship law. The Legal Service also welcomes the inquiry focus on human rights.

St Kilda Legal Service provides free and accessible legal services to members of the community within the Cities of Port Phillip, Bayside, Stonnington and parts of Glen Eira. The Legal Service is committed to redressing inequalities within the legal system through casework, legal education, community development and law reform activities. The Legal Service conducts a Night Service three nights a week, staffed entirely by volunteer lawyers, and employs an administrator, a casework lawyer, a community legal education lawyer, a volunteer coordinator and a community drug outreach lawyer. The Legal Service also conducts a duty solicitor service at the Moorabbin Justice Centre one day per week for applicants in family violence intervention order matters.

The Legal Service wishes to take the opportunity here to briefly flag the primary issue impacting upon clients of the Legal Service in the area of Guardianship and Administration law. The Legal Service intends to provide a submission to the Commission following the release of the Commission's Consultation Paper later this year.

The primary issue reported by clients relates to the area of Administration, and specifically, to where an administrator has been appointed, generally the State Trustees. Clients of the Legal Service have reported difficulties in accessing funds for items they view as basic necessities, such as clothing, despite having savings that could be used to make these purchases. The feedback of clients of the Legal Service suggests that while section 49 of the *Guardianship and Administration Act 1986* (Vic) requires the administrator to, "... tak[e] into account as far as possible the wishes of the represented person" the perception of at least some represented persons is that this is not always occurring.

The Legal Service looks forward to the release of the Commission's Consultation Paper later this year.

For any queries in relation to the above, please contact Emma Asscher

Yours faithfully,

Emma Asscher  
Community Lawyer

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