



Review of Guardianship 2010
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Generally the processes work very well, and we are fortunate to be able to protect people at risk through an independent process.

It is important that the principles around Guardianship encompass human rights and respect. In practice they do this well now but the human rights framework may need to be incorporated in a more clear way.

It would appear that the issue of capacity to decide is more relevant than disability, and many disabled people can hold and convey their views and wishes, but may need assistance to carry them out. More frameworks could be offered of ways to avoid formal guardianship, ie to assist those in conflict to reach agreement, to be encouraged to find ways to reach decisions **with** the person, to delegate the role. Most guardians who are appointed attempt to do this, and with the client or next of kin.

Responsiveness could be improved. For those at risk or in hospital the time taken from referral to appointment and action by a guardian may be 6 weeks which is a very long time for a vulnerable person. There are emergency clauses but only a few issues fall into this category. It would be beneficial to be able to improve responsiveness.

The notion of being able to appoint a guardian for those aged 17 is a good suggestion for exceptional cases as child protection services do not act at that point and many young people at that age are no longer under parental control or living with parents. I am aware of a number of cases where a young person could have been protected if this was in place.

The ability to seek a second opinion sounds a good idea, but a legal process that is expensive should be avoided at all costs!

Sometimes VCAT appears cumbersome, bureaucratic and unhelpful but in general, it works very well. The public advocates undertake a difficult job which they complete conscientiously and effectively.

Thankyou for the opportunity for input,

Glenda Bawden
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AASW