

## **Submission to the Guardianship and Administration Board Act:**

There have been significant changes to this Act since 1986. But recently the changes all reflect an anti family viewpoint by Government.

Gone are the wishes of the family, the right of families to be involved, and the old Sec 10 that the rules of Natural Justice should apply.

Person Responsible has been one of the worst changes to this Act because no one knows what a Person Responsible is. It carries no authority and when one states they are the Person Responsible the standard response is that I can't do this unless I have a guardian to give permission.

This causes huge costs because families have to keep applying for guardianship and are always forced to take a temporary order.

Last time I checked, there had for the whole year, been nine plenary guardians appointed who were family members.

The view of the Guardianship List is that all families are bad families. But in fact Bad families are rare. The AIHW government figures are that 90% of people with disabilities live in the family home because there is nowhere else for them to live! Yet these full time caring families have NO guardianship rights.

And many aged pensioners are still contributing \$100 a month out of their pensions to keep their children with disabilities in Shared Supported Accommodation. Are these bad families????

Do we say that many parents are bad parents so we will take away their parental rights. In that event the State could assume responsibility for all children as they do with intellectual disability via the Guardianship List. That is how ludicrous the situation is. Because there are a few bad families!

### **ARGUMENTS AGAINST APPOINTING FAMILY MEMBERS.**

The Guardianship List insist it is restrictive to appoint a guardian. But in my sister's case she was living in a DHS supported accommodation house and she had de-facto guardians making decisions for her all the time.

Where she went to a day program, where she went on holidays and with whom, how she would get about (they got a cab charge system going which was abused) what supplies she would buy on her CASS incontinence allowance (They bought things for everyone in the house like soap on tap, powdered bleach, washing powder etc). They forced her into the shower when she liked the bath and they forced her to say she was having a bath when she spoke to me, they manipulated medical appointments to suit their requirements and the list goes on an on.

My sister was unable to speak for herself and without a guardian she was open to abuse from these de-facto guardians.

In fact my sister could not make her wishes known at all except by having me as her guardian. This was the very thing that gave her freedom of decision and action. How could this be restrictive?????

THE OPA.

The Office of the Public Advocate are a disgrace.

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In my case they rang the Nurses Board to check on me and then trotted out the fact I could not get on with people because I had changed my work situation a lot. In fact I had done this so I could visit and care for my sister when she was in crisis. That is the pressure they put families under.

They "Mud Rake." They never follow the rules of natural justice that is innocent until proved guilty and one is presumed guilty from the start. In my case I was having my sister home from her institution at weekends and the guardian wrote to say I could not take my sister to a doctor or hospital unless she was in danger of imminent morbidity. I think it was supposed to mean imminent mortality. The Judge asked the guardian what was wrong with doctors and hospitals?

At this stage my sister was ill and not being able to take her to the doctor or hospital made it dangerous for me to have her at home and I was unable to bring her home again. This is the outcome they wanted. Anything to separate a person with a disability, who is loved and adored by her sister, from her sister.

In fact at this application I proved there were eight medical guardians and none of them had any medical qualifications and yet they ran a 24 hour help line and gave advice over the phone without even seeing the client. The Judge dropped his glasses and said this is a disaster waiting to happen. This was in 1996 and the situation has not changed today.

I had a proposed guardian say that I was too stressed to be a guardian!!! I wrote and asked what qualifications she had to make this judgement? Needless to say there was no response because she was NOT qualified to make this decision. I am just disgusted at the attitude of the OPA.

There is another problem. When are they acting as advocates for the person with the disability and when are they acting as guardians? This is not clear in the legislation and needs to be addressed.

In my case I wanted to bring my sister home to live but the OPA did everything in their power to prevent this. My sisters last four years were the happiest in her life and she always asked "When me coming home to live? That is all she wanted. She was afraid to say too much about it in DHS care because she was scared of the response if she said it. She had been abused in this facility. She would wring her hands every time I returned her. One staff member used to scream at her until she shook with fright. I have been told this by a staff member who left.

And I always won plenary guardianship and then after the one year or previously three year review it was always rescinded. Then I had to apply again and then I was treated with disdain and called litigious because I believed it was my right to be my sister's guardian.

I note that this Act indemnifies members from suit. It is just as well because there would be hundreds of cases where members would lose a case because they had been negligent.

What one should be looking at is NOT a review of this Act but whether it should be repealed.

It is extremely expensive to keep these bureaucrats in their positions and they make as much work as they can for themselves to propensiate their jobs.

In more enlightened societies people who have not reached intellectual maturity by the age of eighteen years automatically have their parents remain as guardians. This is far less expensive.

Any abusive parents would be brought to the attention of the authorities by the local community policing squad. They could even have a special department at far less cost.

Local solicitors licensed to handle finances or Chartered Accountants and auditors would be better than the current system. It would be easier and more local and avoid the huge expense of the guardianship and Administration Board. I understand they spend around 6 million a year and the outcomes are very poor.

The traditional appointments by the list for State Trustees to manage finances disadvantages people with disabilities because State Trustees are profit motivated being a State owned Company and their costs are exorbitant. This system is not working. There must be an alternative.

The Act needs to be repealed, and at the least they need to be accountable to Parliament. They should not have autonomy.

The State Trustees and the Office of the Public Advocate and the Guardianship List and the DHS have an incestuous relationship. They are drinking mates. They speak of clients and relatives in the halls of the VCAT and recently I rang VCAT about a building matter and was switched mid sentence to the Guardianship List. How would this ~~switchboard~~ switchboard operator know I had anything to do with the Guardianship List?

Just take a look at the Annual conference of the Guardianship List hosted by State Trustees!!! My case rests there. They are not at "Arms Length."

In a 1985 report into Social Services in Australia, the steering committee advised government to try to re-establish family cohesion and to promote families to reduce the Social Security bill. No notice was ever taken of this excellent steering committee report.

