

Audio Submission for Victorian Law Reform Commission from Troy Huggins

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Hi, my name is Troy Huggins. I was at the Peninsula ABI group that you paid the taxi for, I believe as far back as May the 3rd. I'm doing this by audio because I can and because you can, unusually. The reason is because I want to respond, giving you more bang for your buck basically because you paid for it and I've heard the recording back twice and I've read through the brochure, and I believe that a third to a half of the conversation from the ABI group was largely about explanation: explaining about powers of attorney and about executors. Well, I'm one of the few that was under administration so I'm fully aware of what the parameters are.

So as today is the last day that you receive submissions, even though I probably could put this together for another 6 months, I thought I'd send this now, or at least today, to give you some further input I guess. Even though I didn't get a [inaudible], I won't feel as guilty about you paying for taxi fare.

In determining need for guardianship or administrator, I don't believe the word 'disability' should be used. 'Disability' gets my back up straight away (and it's mentioned in this lots of times) because 90 per cent of what I go through isn't visible, [inaudible]: lack of feeling, lack of taste, lack of balance, I mean you can't see any of that really. There are lots of other things, I won't go into it now.

Basically you want answers to some questions, though, and the terms 'guardian' and 'administrator' shouldn't be retained in my view as they give people the wrong idea. As mentioned, (this is in reference to question 22 I guess) it should be like a "lifestyle directionist", I guess, for a guardian; and administrator should be something with the word 'financial' in it, just so people know straight away by hearing the term [inaudible....].

Is a system of guardianship and administration the best way to ensure the needs of people with impaired decision-making ability are met and their rights are protected?

This is question 2, general questions. I think it is once it's determined, [but] who determines it? In other words, who gives whom administration or guardianship? I didn't have guardianship. My criticism of VCAT and the appeals and tribunal process is that it's far too formal. Even though it's less formal than a court without the wigs [and] there isn't the procedure, people still sit at different levels, so there's a definite amount of intimidation there even though there doesn't mean to be. It's not a roundtable discussion where everyone's placed on equal footing.

Specific questions from terms of reference, number 6, disability: concepts such as lack of capacity or vulnerability are much better than disability.

Best interests, number 9: Does the notion of best interests in decision-making allow for the right for a person to take risks and make bad decisions? Should it?

I think so. Once, for example with me, once the right administrator was there, I was pretty much given free reign, but it was a long process through State Trustees first to get to that stage.

To what extent should a guardian or administrator be required ... [to identify the represented person's wishes and to follow them wherever [possible]? (10):

Well that was determined by the administrator and I was given free reign, which I guess it relates to person, not necessarily State Trustees as I was kept outside the realm of State Trustees pretty much. I wasn't charged the administration fee of 5 per cent, which I keep that money [inaudible] because it was higher from the interest rate I was earning at the time. (These are only partial replies as it doesn't need to be a full answer to every question I've read).

Do we need two types of substitute decision-makers, financial and/or personal decisions?

I believe yes. So I don't believe that one person who is in charge or directing lifestyle necessarily has financial ability. Case in point at the moment is my carer who, unlike my carer when I lived in Brunswick [who] was an auditor previously, but the financial skills aren't necessarily with my carer at the moment who advises me pretty much like a guardian I guess.

Would it be preferable for VCAT to have a range of financial, medical and lifestyle powers it could provide to one decision-maker?

I don't think so. Two heads are better than one.