

INQUIRY INTO SUBSTITUTE DECISION-MAKING FOR PEOPLE LACKING CAPACITY

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Hon Ian West MLC
Committee Chair
Standing Committee on Social Issues

Dear Mr West

Inquiry into substitute decision-making for people lacking capacity

Thank you for the opportunity to make a submission to the Inquiry into Substitute Decision-Making for People Lacking Capacity

General Comments

Riverina Financial Counselling is a service of Mission Australia Wagga Wagga and offers free and confidential information, support and advice to a wide cross section of the community, both rural and regional. We assist financially disadvantaged people who experience issues ranging from credit and debt related stress to more basic problems associated with inadequate income due to loss of employment, family breakdown etc.

Specific Comments

A significant proportion of these financial difficulties can be traced back to a lack of financial literacy and/or basic money management skills of the individual concerned. In limited cases there is a need to make provision for the management of the income/finances of people unskilled or incapable of managing their affairs using external support services and/or systems.

However rather than apply to appoint a substitute decision maker for people lacking capacity in every instance, Riverina Financial Counselling service first works closely with the individual so they can learn and develop such skills of their own – before making any application to have them to be placed under a Financial Management Order with the Office of Protective Commissioner. To date no applications have been necessary.

An important aspect of our alternative is to teach people how to budget and set up automatic mechanisms for direct debits that enable them to responsibly

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manage their money, save for emergencies and at the same time honour their debt commitments in the future.


There are several other services we liaise and work with that provide case management support and individual mentoring towards helping the person maintain their independence within the community

Recommendation

Whilst we recognise that there is a need to balance the protection of a person with impaired capacity with the person's exercise and enjoyment of their human rights, we believe that every effort should be made to maintain the person's dignity and individual autonomy.

To protect this fundamental freedom where ever possible and to respect the persons' right to self determination, we recommend that every effort is made in the first instance to allow the person to have control over the resources they require to live; but with the support of such services as our own within their local community.

Yours sincerely



Chris Heckenberg
Financial Counsellor