

INQUIRY INTO SUBSTITUTE DECISION-MAKING FOR PEOPLE LACKING CAPACITY

Organisation: Oppressed People of Australia (Inc)
Name: Mr Michael Vescio
Position: National President
Date received: 25/09/2009

O. P. A.
Oppressed People of Australia (Inc.)
(AUSTRALIA'S ESTABLISHMENTS PERSECUTES CITIZENS' RIGHTS)

September 2009

The Secretary Standing Committee On Social Issues NSW

Ms Rachel Simpson

Parliament House , Macquarie Street Sydney 2000

Ph. 9230 2898

Fax . 9230 2981

RE: INQUIRY INTO THE NSW TRUSTEE & GUARDIANSHIP ACT 2009

The Dehumanizing Process in New South Wales / Australia, based on Social Issues that continue to be inappropriately Governed under British Colonial Law through :

1) The Courts .

2) The Tribunals (In Particular GUARDIANSHIP TRIBUNAL NSW)

THIS ROT HAS TO STOP !

NSW Legislative Council Standing Committee On Social Issues:

Members : Chair: The Hon. Ian West MLC

Deputy Chair :The Hon. Trevor Khan MLC

The Hon. Greg DONNELLY (ALP, LC Member)

The Hon. Marie FICCARRA (Lib, LC Member)

Dr. John KAYE (The Greens, LC Member)

The Hon. Trevor KAHN (Nat. LC Member)

The Hon Mick VEITCH (ALP , LC Member)

The Hon. Ian West (ALP , LC Member)

Based on the request from the Attorney General dated 30th June 2009 :

(a) whether NSW legislation requires amendment to make better provision for: (I) the management of the estate of people incapable of managing their affairs :and (ii) the guardianship of people who have disabilities.

(b) As part of the reference the Committee could consider whether the following amendements should be made: (i) Amend the NSW Trustee & Guardianship Act 2009 to allow the relevant Court or tribunal to exclude parts of an estate from financial management(similar to section 25E of the Guardianship Act 1987) (ii) Amend the NSW Trustee & Guardianship Act 2009 to allow the Supreme Court or the MHRT to vary or revoke an order (even where the person remains incapable of managing their affairs) on the application of a person who in the opinion of the Supreme Court or the MHRT : ha a genuine concern for the welfare of the protected.

(iii) Amend the NSW Trustee & Guardianship Act 2009 the MHRT to appoint a private manager.

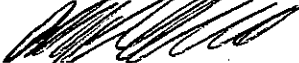
THE ABOVE TERMS OF REFERENCE MUST BE BROADENED IN ORDER TO PROVIDE SOME LONG AWAITED RELIEF . In Particular, recommendations as made in the Inquiry held by the Commonwealth in 2007 " The Elderly and the Law " Whereby the Guardianship Tribunal and the OPC were heavily criticized, see 3.229.

I use a real life examples to prove the failures within the system.

Yours sincerely,

Michael Vescio

National President O.P.A



(THE TRUTH SHALL SET YOU FREE)

(John 8:32)

I N D E X

TOPIC	Page
1.01 . The Government	4
1.02. Reasonable Government	4
1.03. Reasonable Belief	4
2.01. The Premier	5
2.02. The Attorney General	5
3.01. The Minister for Ageing	6
3.02. The Guardianship Tribunal	6,7

ANNEXURE LIST:	Page
1) Letter To The PREMMIER	8
2) Letter To The ATTORNEY GENERAL	9
3) OPEN LETTER SENT TO ALL MEMEBERS OF N.S.W.PARLIAMNET. 1.5.09	10
4) LETTER FROM THE ATTORNEY GENERAL	16
5) LIST OF 31 COURT APPLICATIONS DISMISSED WITHOUT A HEARING.	17
6) RALLY NOTICE OCTOBER 2000	19
7) OPEN LETTER – CITIZE’S OF AUSTRALIA	20
8) WARNING CORRUPTION CONDUCT AS DEFINED BY I.C.A.C.	22
9) WARNING PERVERTING AND PREVENTING NOTICE	23
10) JUDJEMENT FROM Palmer J. (Judge refuses to do his job when it does not suit)	24
11) THE ELDERLY UNDER ATTACK – “ GUARDIANS NOT ANGELS “	26
12) Dr Natale’s Letter as REQUESTED BY THE GUARDIANSHIP TRIBUNAL	27
13) LETTER FROM THE MINISTER FOR AGEING The Hon. Paul Lynch.	28
14) Guardianship Tribunal Section 57 – PUBLICTION OF NAMES.	29
15) GUARDIANSHIP ADVERTISEMENT	30
16) PROCEDURAL FAIRNESS	31

It must be understood that there has been a long opposition in the running of the Guardianship Tribunal and its Colleagues , The O.P.C. and the O.P.G. as seen on Annexure 6 as well as a Commonwealth Inquiry , with heavy criticism of the Guardianship Tribunal and Office of the Protective Commissioner.

1.01

THE GOVERNMENT is the Structure set up by the constitution of a society for regulating that Society.

It consists of: 1) The Legislature - ELECTED MEMEBERS - Law Makers

2) The Executive – Public Servants which carries out and enforces the Law.

3. The Judiciary which declare what the law is and what people's legal rights and discerns disputes to make a reasonable judgement.

1.02

REASONABLE GOVERNMENT : Means Government that is responsible to the People.

The Heads Of the Executive Ministers / Members of Parliament are thus Responsible to the People.

1.03

REASONABLE BELIEF : The word ' REASONABLE ' is often used in the COMMON LAW and STATUTE LAW and in legal documents it can apply to many matters , such a BELIEF , an OPINION or a period of TIME.

The concept of REASONABLENESS involves an objective test of what a REASONABLE LAWYER consider is fair , proper and appropriate having regard to all the circumstances.

From the above it must be understood that common people expect Governments / Parliaments to act with some understanding and dignity. We are continually told of the gratitude we are supposed to have for the elderly but in reality the Governments use NEW TERMS such as " DEMENTIA " to demean and take full control of many elderly with no recourse or mechanism for appeal.

It is obvious that the Attorney General has requested this inquiry to ensure the rigid control of the Guardianship tribunal especially under *section 25E of the Guardianship Act 1987* is continued in the new *NSW Trustee & Guardianship Act 2009*.

This is a law act by the Attorney General to attempt to have the new act amended to suit the Bureaucrats' ambitions so they may continue to fully control, administer and steal from the elderly as noted in the Telegraph see (Annexure 8) He in particular mentions such terms as (1) "*the management of estates of people incapable of managing their affairs*" and (2) *the guardianship of people who have disabilities* . These two terms are the most widely used terms by the Guardianship Tribunal in order to gain CONTROL.

The Guardianship Tribunal does not operate under required conditions of the RULES OF EVIDENCE they decide what information they can best use in order to place the person into Guardianship

It must be understood that there has been a long opposition in the running of the Guardianship Tribunal and its Colleagues , The O.P.C. and the O.P.G. .

2.01

The Premier / Department : Knows of the problems (I personally Challenged the ILLAWARRA Regional Cabinet Meeting on the 16th March 2009 and asked :

1.“ What right has NSW to imprison the elderly so it can steal their HOME ? ”

2.“ What right has NSW to make disposes People?

3.”What right has NSW to make people HOMELESS?

The Premier responded on the 15th July and assumed that all the problems had been addressed, the letter has been replied to but no response has been received. . As usual nothing is done other than the continual making of ORDERS and SEQUESTERING PROPERTIES and ASSETS

The Premier and Cabinet believes that the relavant departments will solve their own problems for this reason I have informed him of the underhanded attempt by the Attorney to have this inquiry with a limited agenda.

2.02

The Attorney General

The request by the Attorney General for a review of the *NSW TRUSTEE Act 2009* is clear indication that the infringement of our natural rights are continually being abused and undermined by the Government.

It is specially pointed out that the committee should be looking into whether parts of an estate should be excluded from financial management. This sort of legislation is precursors for additional ABUSE to an already DEFUNCT SYSTEM.

The system is so bad that It is clear that no one seems to know or wants to know of any complaints or is prepared to listen to any rational reasoning.

Rational reasoning is expected from elected members like you but you all ignore our complaints and such as the one I sent to you in May 2009 (Please se attached Annexure 1) which I did not get any response from any one of you?

As indicated by the Attorney General his letter to the Chair he does accept the fact that these issues involve the Supreme Court ,The Guardianship Tribunal and the Mental Health Review Tribunal these are all LAW decision making bodies in which once orders are made individuals have NO RIGHT OF APPEAL. However see his reply to me (Annexure 2) letter directed to me he states that my matters have been dealt with by the Supreme Court , they HAVE NOT BEEN DEALT (Please see Annexure 6) List of 31 appearances without trial which clearly shows the perservirance have the matter dealt with

One can only assume that these tactics are employed in order for the Government to steal the Family Homes. As in this case the Home had been built and paid for aver a period of 52 years. To achieve this NSW Guardianship Tribunal ordered to imprison the person from her HOME and escorted by ARMED POLICE AT 9.30pm on 20.9.09.

The Attorney General does concede that only some of the decisions can be appealed in most cases NO DECISION ARE ALLOWED TO BE APPEALED. Although the original decision were wrong and most of the information that had been filed (mainly verbal) in not made available to all parties.

It appears that the Attorney General can instigate an Inquiry when he is told / believes that in the interest of control there must be an Inquiry such as this. However he like most elected members continue to ignore the *Complaints, Attroceties, Hardships and Mojor Social Problems you Create all in the Name of GRABBING the assets of the ELDERLY.*

3.01

The Minister for Ageing: In the Reply REF. EA 1409918 (SEE COPY 10) The Minister acknowledges the fact that I have been in correspondence not only with him but also with previous Ministers and departments to no avail, because no one will listen and the **COURTS COLLUDE WITH THE TRIBUNAL** by either preventing the application to be lodged or if it gets through the JUDGE deals with the application by dismissing it without a TRIAL THE Courts are suppose to be independent BUT THEY ARE NOT.

(This is another area that Elected members are responsible for) It is of no assistance to TAXPAYER to simply say " The Judges are independent " YES they are INDEPENDENT but they are not carrying out their sworn functions. Judges are appointed by Parliament and we do expect some degree of accountability.

So there we have it there is no appeal mechanism contrary to what the Minister is lead to believe.

Social Committee Submission Sep. 2009

By Michael Vescio -

3.02

GUARDIANSHIP TRIBUNAL: The Guardianship Tribunal is a constituted body and (appears to have been established for the purpose of placing people against their will in order for the State to take control of their ASSETS) by infringing on set procedures and colluding and collaborating to PERVERT THE COURSE OF THE COURSE OF JUSTICE

(1) " *the management of estates of people incapable of managing their affairs* " and

(2) *the guardianship of people who have disabilities.*

The Guardianship Tribunal is a hideous keniving department that does not serve the people of NSW as outlined in the ACT . This is clearly identified in the Commonwealth Report 2007 " Elderly and the Law"

3.229.states" *The Guardianship Tribunal makes orders/ decisions based on its own internal interests and that is to seize as many individuals and their asset base in order that they may be a viable agency and to create other beauractic bodies such as OPC and OPG which are entirely funded by seized assets.*

The Guardianship Tribunal: Believes that it is above the Law and that it is there to continue in raking funds in for the Government as pointed out in the Inquiry " Older people and the Law " conducted

From the above it can be clearly seen that the Government/ Parliament is abusing the power that the people has entrust in them for a long time. It is absurd to say the least when members of Parliament are aware that matters are not being handled to the best interest of the community by may Government bodies and yet some bodied are given more powers (One such case was when amendements were passed on a BI- Partisan basis that the Guardianship Tribunal Secretary have the power to make arbitrary decisions in certain cases) This matter was passes with my member of parliament Ms Angela D'Amore speaking in favor of the Motion. Ms D'Amore knows only too well of my complaints but refuses to do anything about it and then speaks in favor to make matters more difficult for common people to have any say into how their affairs are decided upon. and It is a shameful act o bastardry that is allowed to continue .

Other matters of concern :

1. section 57 as note on (see Annexure 13)
2. No requirement to adhere to the RULES OF EVIDENCE
3. The meting out information that suites
4. The continual lies and inuendos
5. The setting up of family members in order to gain orders.
- 6) The advertising indicting Members must place applicant into GUARDIANSHIP see Annexure 15
- 7) The collusion that goes on between the Guardianship Tribunal and other stakeholders such as:
Doctors (see Annexure 11) ,
other colluding departments :
- 8) The Office of The Protective Commissioner
- 9) The Office of the Public Guardian
- 10) TARS (*The Aged Care service.*)
- 11) *The Office of the Ombudsman .*
- 12) *The Administrative Decision Tribunal*
- 13) *The Courts.*

All of the above impinge into Corruption as outlined by I.C.A.C. (see Annexure 7)

We demand a complete Transparent System with a combined inquiry by the Law and Justice Committee and Social Issues Committee into all aspects of LAW and SOCIAL REFORM.



Michael Vescio