

**INQUIRY INTO SUBSTITUTE DECISION-MAKING FOR
PEOPLE LACKING CAPACITY**

Name: Name suppressed

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Partially Confidential

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To whom it may concern,

Sirs, we have read with interest the article regarding the Guardianship in the Senior News September issue and it was about time the State Government took action.

The Guardianship is part of the Supreme Court.

In many cases when they are sued by their clients you will find that their legal costs are drawn from the clients accounts. So unless their clients have wealthy parents, that can meet the legal cost then what chance do they have in getting a fair hearing?

The Guardianship is supposed to be a non profit organization. However about 18 years ago one of their representative was boasting that that year they made a profit of (or shall we say they had in the kitty) about ten million dollars. Who knows how much is in the kitty today, and may we ask what happened to that money?

In 2005 they issued a bulletin to all their clients advising them that the State Government had donated nine (9) million dollars to enable them to reduce the charges. So far in our daughter's instance, we have not seen any reductions. She is still being charged \$750 a month on an investment of less than \$80,000.

God help the disabled who have no parents or no immediate relations to care for them.

Our daughter's accident was settled out of court. The settlement money was transferred to the Public Trustee till I, the father, applied to the court to manage her estate. The settlement money was accruing interest (compounded) at the rate of 13.5% per annum so we were told. No money was withdrawn for her expenses for 18 months. We eventually went to court and the judge made the wrong decision denying me control of her estate. To our surprise we were told the money held by the Public Trustee was earning 11% not the 13.5% as first advised. Why? Because it was invested on behalf of the Supreme Court. The judge reason for appointing the Guardianship was because I was too old (57 years) and my choice of investment was mostly real estate which the judge said was Speculative. We also offered to guarantee her investment against our own assets. Consequently our daughter lost \$4 million dollars in the deal.

The Guardian doesn't want to listen to the parents and treat their client as being a ward of the state. In our daughter's case we found that she can make her own decisions, she has a good knowledge of money and we are sure, according to her doctors, she can manage her own affairs.

Parents are treated like outsiders. They should realize that we love our children and we are not there to benefit from their disability.

They (the Guardian) like to spend their client's money. With no accountability. In one instance which required a building inspector report. It ended costing our daughter \$8000 against a total cost of repairs \$36000.

These repairs have now risen to \$73000 plus cost of consulting engineers of \$2500. You judge for yourselves.

The builder failed to make good all the faults and was denied the last payment. Subsequently the builder went into liquidation. Consequently the kitchen manufacturer removed the kitchen doors, drawers, etc. because he was owed money.

The Guardian failed to protect the client's assets. The new house being vacant was vandalized. The stove cook top, dishwasher, exhaust fan plus the spa pump went missing. Surprisingly the house was not covered by insurance. The Guardian said cost of these (supposedly stolen) items is not recoverable.

Initially we were told by one of the Guardians manager that in order to complete the new dwelling they would have to place a claim with consumer affairs. Because during that period HIH insurance went into liquidation and the State Government was to allocate funds to help home owners that were left without home Building Insurance.

We contacted the Guardian to arrange for a contractor to cut the grass in the new house and remove broken concrete and excess soil that was left, during construction, in the old house backyard and side passage.

The work was estimated to cost approximately \$1000.

The grass area, without next door, was approximately 60m². The contractor employed by the Guardian, carried out the work for a handsome sum \$500. Reeds were still standing after they finished the work. Next door was left untouched. This was the most important area that required cleaning because it had old broken concrete. We pointed out that this area could be very dangerous when my wife, who lives with my daughter as an unpaid carer, uses the backyard.

We do not consider the new house next door to be an investment. It becomes an investment when it earns a return.

This property is at present a liability it was not properly managed by the Guardian in the first place. For the sake of our daughters health a full investigation will have to be carried out by independent body. This issue has created additional stress causing my daughter to have seizures, which the doctor is very worried about.

Although the new house is not habitable, they (the Guardian) consider it as an investment. The Guardian, at first, valued the house at \$400,000. Later they revalued it at \$700,000. Why of course? To charge more fees. Now these Lords want to sell both houses and buy her only one in lieu. They were always against building my daughter a second house.

The idea of building a new house was to cater for her disability which the old house does not provide. Eg: no provision of a separate shower recess. The shower is within the bathtub and to get in and out, she risks slipping and sustaining serious injuries. This is something we dread happening.

Furthermore the old house would be leased once she moves into the new one. That would provide her with regular earnings, something which she has been denied for the last 9 years.

We cannot understand how the Guardian could ignore these issues. Unless major changes to the system we cannot see much improvement for the future. Perhaps your investigation should include an input from the parents. There is room for change and would not necessarily cost a lot of money if other resources, already in place, could be used.

Of course the Guardian would most likely object to changes. But they have to realize they are dealing with human beings and not just numbers.

This is only a fraction of our complaints against the Guardian.