206. D Young

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From: D Young

Sent: Tuesday, 13 December 2016 7:12 AM

Subject: Elder Abuse Inquiry

Please consider the attached document as a submission to the Elder Abuse Inquiry. It clearly demonstrates the utter ineptitude and studied bastardry typical of civil and administrative tribunals, especially the Queensland Civil and Administrative Tribunal. This is exactly why the ALRC suggestion that civil and administrative tribunals should be given more authority is hopelessly ill-conceived and an affront to common sense and the dignity of all sentient beings.  Not also that my group, which currently numbers in the thousands, will be taking all possible steps to ensure that not only are these kangaroo courts brought to account in the short term, but that they are ultimately destroyed completely.

After reading the latest discussion paper, I'm EXTREMELY angry (understatement of the century).  Quite obviously ALRC staff are completely clueless regarding the unbelievable ineptitude and brutality of civil and administrative tribunals.  It appears that the ALRC is hell-bent on recommending destruction of even more lives than the civil and administrative tribunals and their incestuous bedmates presently manage to do.  My partner submitted an application for a declaration of capacity and was viciously interrogated by an uber-arrogant quasi-judge, in ignorance of a number of submissions from medical and allied health professionals and with no regard for relevant legislation. She was left catatonic for days and a psychologist reported she had been severely traumatized.  The object of the exercise was to create negative evidence since she had tendered no less than seven positive reports. This kind of abuse is commonplace in QCAT (numerous examples can be demonstrated)  and as far as I can ascertain, every other civil and administrative tribunal. Needless to say, abuse is not to be tolerated in any court or quasi-court but the over the top protection enjoyed by quasi-judges means they can, and do, get away with it daily.  These entities are totally unaccountable, they have been endowed with immunity to any form of review, they have the ability to ignore all legislation and evidence and they have incestuous relationships with Adult Guardians / Public Trustees. Giving these criminal entities ANY power is to be condemned, increasing what power they already have is unforgiveable.  Brain-dead politicians were responsible for legislation allowing civil and administrative tribunals to ignore rules of evidence and to inform themselves any way they wish. The consequence is that they willingly accept lies and innuendo, but ignore cogent and probative evidence. There can be only one solution ... demolish all civil and administrative tribunals and ensure that everybody currently employed in any capacity is absolutely prohibited from future employment in a comparable capacity. Kindly do not reply with suggestions that tribunals are a 'cheap' option because destruction of a persons life with no real avenue to challenge tribunal decisions is extremely costly to the victim. The senior member who runs the guardianship racket in Queensland has managed for many years to avoid embarrassment further to the Court of Appeal 'quality of decision-making in QCAT is deplorable' ruling by tweaking the rules to block subsequent attempts to get a matter into a proper court.

Countless other examples of impossibly poor decision-making in QCAT and its equivalents can be shown.  Firstly, a young man of aboriginal ancestry who prior to QCAT intervention owned his own unit, a bush block for the walkabout bit, and several hundred thousand dollars in a high interest deposit, is now penniless due wholly to Public Trustee mismanagement.  Secondly, a man in  his seventies who prior to QCAT involvement owned his home and a commercial property worth in the millions is now in serious debt and confined to a dementia facility despite ample proof that he does not suffer dementia (check 'cruel, inhuman and degrading treatment').  Thirdly, the 50's beneficiary of a will worth $1.3 million found it had all been dissipated in Public Trustee fees.  Fourthly, another beneficiary of a will worth approximately $130,000 and who runs a successful business, has been refused her distribution until she provides the Public Trustee with proof of capacity. The fact that it isn't the job of the Public Trustee to impose that condition hasn't been mentioned, although there is no doubt that the Public Trustee tells QCAT what to do and when to do it. Last but not least, the beneficiary of a very substantial distribution of discontinued company proceeds was declared incompetent without a scrap of evidence. QCAT not only over-ruled his Last Will and Testament, Enduring Power of Attorney, binding death nomination and atteregularly accepted in QCAT. mpted unsuccessfully to annul his marriage. All these were transacted several years before the QCAT decision that the victim lacked capacity. There was no cogent evidence of abuse, but unsubstantiated accusations are regularly accepted in QCAT.

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Name: Doug Young

I understand there will be public consultations in respect of the elder abuse inquiry to be held in all capital cities. Please register myself and five others for a session in Brisbane. We are flexible on date and time but would appreciate advice ASAP so that we do not double book. The specific matters of concern are to do with the suggestion that civil and administrative tribunals should be given more power over elder abuse and guardianship matters. We oppose that vehemently due to the thousands of cases of which we are aware where civil and administrative tribunals abused their victims and appointed adult guardian / public trustee which exploited / defrauded them. Personally I wish to see the civil and administrative tribunals banned in perpetuity from any involvement in potentially life-changing matters unless genuine independence, openness, fairness, accountability and natural justice can be absolutely guaranteed. There is no place in society for entities ostensibly established to ensure the welfare of vulnerable people but which prey on them. There are no words in the english language to describe my disgust and contempt for the actions of these official entities.

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According to ALRC blurb; 'Tribunal-appointed substitutes are subject to considerable scrutiny; and guardianship laws contain a range of accountability mechanisms that seek to ensure decision-makers exercise their powers appropriately. Tribunals have responsibility for overseeing the activities of decision-makers by reviewing guardianship and administration orders, assisted by Public Advocates or Public Guardians.'

Guardians and administrators may be subject to statutory or requested tribunal reassessments of their appointments. Administrators are usually required to lodge a financial statement and plan, detailing how the represented person’s estate will be managed, as well as annual reporting. Public guardians or administrators are also accountable for their activities to their employers.

Whoever dreamed up that nonsense needs to take a long hard look at what REALLY happens in kangaroo courts / civil and administrative tribunals. Firstly, legislation and policy ensures that there is absolutely no semblance whatever of accountability. The kangaroo courts and their incestuous bedmates the Adult Guardians / Public Trustees are protected against all forms of review, oversight, or investigation. Both the appeal process and judicial review have been rendered ineffective and all watchdogs, media, and Attorneys General refuse to take an interest.

There is no point requesting the kangaroo court review its appointed guardian / financial administrator as the typical response is 'blah is competent' despite damning evidence to the contrary. Furthermore, kangaroo courts have authority to dispense with the need to file reports, and this occurs more often than not. The consequence is that the Public Trustee regards the estate of its victim as the property of the Public Trustee, to be exploited at will. Make no mistake, the triune beast (kangaroo court / Adult Guardian / Public Trustee) was deliberately conceived as a criminal entity which has an obsession with defrauding its victims of their assets.

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I note a report in The Guardian attributed to Professor Rosalind Croucher, calling for review of legislation concerning Enduring Power of Attorney. Whilst I agree that amendments to this legislation is essential, it is critical that an EPOA enacted when an adult had capacity, cannot be over-ruled at the whim of a kangaroo court (AKA civil and administrative tribunal) with no evidence whatever of misuse of said EPOA. This is normal practice in kangaroo courts in every state and territory due to the ability of these utterly evil organizations to ignore rules of evidence and to inform themselves any way they wish. This means that kangaroo courts can and do willingly accept lies and innuendo, whilst blissfully ignoring cogent and probative evidence. As the law stands, an EPOA is absolutely meaningless to a kangaroo court which invariably appoints the avaricious public trustee to MIS-manage its victim's affairs, giving no thought to the clearly expressed wishes of the adult. By MIS-manage, I refer to thousands of cases known to me where the public trustee in whatever state not only proved hopelessly inept, but imposed extortionate fees sufficient to wipe out most estates within a few years. Kangaroo courts and public trustees enjoy an incestuous relationships and neither are even remotely accountable. Involvement in an adults affairs constitutes the very worst kind of elder abuse and this warrants immediate investigation, with extremely heavy personal penalties imposed on the quasi-judges and DIS-trust officers responsible for said abuse.