274. D Young

Name: D Young

Proposal 2–1

I agree in principle with this proposal as I believe elder abuse needs to be addressed at a federal rather than a state level, however the general tone of virtually all proposals herein suggests strongly that this inquiry is a complete sham. I am EXTREMELY concerned that the clear intent of this inquiry is to  use private guardians and financial administrators as scapegoats to justify giving civil  and administrative tribunals and their close associates the Adult Guardians & Public Trustees more power. These entities are already completely out of control, they are accountable to nobody, they are totally inept, their costs can only be described as extortionate, their staff including quasi-judges are unbelievably arrogant and ill-informed, they are inherently biased and the quality of decision-making has been described by proper courts as deplorable (see for example Maher QCA11-225). Hundreds of complaints alleging fraud on the part of the Office of the Queensland Public Trustee have been filed with the Queensland Police Service and accepted as deserving of investigation, however these complaints have been rejected after representations by the Attorney General (so much for separation of powers doctrine). Civil and administrative tribunals claim the Public Trustees are competent despite countless examples of utter ineptitude, police fraud complaints and the findings of the Costello Commission of Inquiry which concluded that due to extremely poor accounting systems, the PTQ is totally incapable of prudent financial management. Deliberate attempts have been made to cover up this business including silencing the Auditor General and sealing the two parliamentary inquiries into QCAT.  These shenanigans will most definitely be published on a name and shame website, as will other issues should it become necessary.   Be aware that both the United Nations Human Rights Council and the International Criminal Court are across this issue and we now have ways to overcome the scandalizing the court threats which have hitherto silenced the media.

Proposal 2–2

Again, I agree in principle, however as with the previous proposal, I am EXTREMELY concerned regarding the possibility that the inquiry is a sham which claim the Public Trusteefully intends giving more power to civil and administrative tribunals, despite their utterly shocking record of abuse and exploitation. I challenge every ALRC committee member to identify even one matter where a victim or member of their support network has something complimentary to say about a civil and administrative tribunal, an Adult Guardian or a Public Trustee. I note that the executive director claimed 'we get plenty of positive feedback regarding civil and administrative tribunals' however I allege that if indeed there has been any positive feedback, it was rigged and originated in-house. As an advocate / activist for victims of the guardianship racket,  I am in regular contact with thousands of victims and members of their support network and I can guarantee that every one of these people would dearly love to see all civil and administrative tribunals abolished.

Proposal 3–1

Absolutely not under any circumstances.  In Queensland, and I understand all states and territories, Public Guardians are funded by Public Trustees, consequently they have an incestuous relationship with and are heavily biased toward the Public Trustee. As such they  are incapable of opposing or challenging any decision by the Public Trustee. Legislative provisions enabling Public Guardians to investigate financial abuse are completely meaningless and ineffective if Public Guardians cannot and will not investigate by far the worst abuser of vulnerable people. I am personally aware of numerous cases where the Public Guardian refused to take an interest in matters involving very serious abuse because the Public Trustee was the entity wholly responsible for said abuse. Much the same applies to the Public Advocate, particularly in Queensland where staff I've communicated with over several years have been completely unable to tell me what the office of the Public Advocate does, in any case the office most definitely does not advocate on behalf of the public. That said, I understand that the office of the Public Advocate did assist Ray Bucknall (Bucknall QSC09-128) but I allege that after once having opposed the interests of the Queensland government, it is blatantly obvious that steps were taken to ensure there were no repeats. There is certainly no likelihood of the office of the Public Guardian intervening in number of very serious matters of current concern to me. My personal view is that any investigation done or proposed to be done by a government owned or related entity would be automatically farcical, as no entity beholden to the government could possibly be impartial and independent. Caesar has never efficiently and genuinely investigated Caesar, and any proposal that supports this concept is suspect.

Proposal 3–2

Legislation already includes some if not all these principles; the problem is the principles are not recognized and / or respected by civil and administrative tribunals, Adult Guardians. Public Trustees, Attorneys General or anyone else. Civil and administrative tribunals already enjoy wholly inappropriate immunities and protection, they are able to nobble the appeal process, and governments generally vehemently and strenuously oppose judicial review of actions by civil and administrative tribunals. Several victims of my acquaintance have threatened delegates of the relevant Adult Guardian with harrassment complaints after they vastly exceeded their authority on a number of occasions. Demonstrated policy in Queensland, and I suspect elsewhere, is that regardless of overwhelming medical and allied health professional evidence atttesting to a person's capacity, said party  is regarded as a vegetable with no ability whatever to make ANY decisions and with no rights of any kind. One particular victim chose to seek DVO protection after the Adult Guardian refused to respect her clearly expressed instructions. The bottom line is that Public Advocates and Public Guardians have ably demonstrated utter ineptitude and as such it is inappropriate that they have any authority whatever over vulnerable people.

Proposal 3–3

Given the oft-demonstrated bias between Adult Guardians, Public Trustees and civil and administrative tribunals, and the ability for these entities to ignore rules of evidence / inform themselves any way they wish, there are already a number of very serious flaws with no genuinely accessible remedies. If perchance the appeal process was totally removed from the civil and administrative tribunals (as was the case with the previous Guardianship Tribunal and equivalent entities) and judicial review was guaranteed available without the risk of financial intimidation, then the proposal might possibly be worth considering.  Since it is inconceivable that governments would agree to enshrining in legislation access to appeals and judicial review without the financial intimidation issues, I would most definitely strongly oppose this proposal as presented.

Proposal 3–4

This proposal is totally meaningless until or unless genuinely accessible, competent and (dictionary meaning) 'independent' watchdog, appeal and judicial review are available, which is most definitely NOT the case at present. Those watchdogs that do exist are useless (Queensland Ombudsman and CCC accept less than 2% of submissions), QCAT has managed to disable the appeal process and furthermore, it engages the Public Trustee to practice economic intimidation on the victim to deter them from proceeding with any challenge to QCAT decisions, and judicial review has likewise been rendered inaccessible by way of legislation and economic intimidation . As noted previously, the very worst offender is the Public Trustee, and I am not aware of any instance where the Public Advocate or the Public Guardian investigated the Public Trustee. Anyone who accepts 'assistance' from the Adult Guardian desperately needs the services of an exceptionally good psychiatrist as it is inevitable that the Adult Guardian will abuse its appointment.  I am personally aware of a number of successful and unsuccessful attempts by the Queensland Adult Guardian to arrange a shonky ACAT assessment of a victim to satisfy the obsession of the Public Trustee with institutionalizing its victims. At least two current victims are confined to locked dementia facilities despite cogent evidence that they are not demented. In my opinion, this constitutes deliberate cruel, inhuman and degrading treatment. The fact that it has been intentionally perpetuatred by an official organization supposedly established to protect the interests of vulnerable people is despicable and deplorable. Another issue that needs urgent attention is prohibiting tribunals from denying their victims access to their choice legal counsel and medical services. This is done by appointing the Adult Guardian for control of all legal and medical functions and by the Public Trustee refusing to allow victims access to their own funds. Whilst tribunal decisions are not enforceable, tribunals manage to bluff most victims into complying with unenforceable directions. This issue WILL be published widely in due course.

Proposal 3–5

Under no circumstances must this proposal be considered. The wanton destruction of victims lives is a far too serious issue for existing legislation to be watered down. I suggest complete removal of all protection / immunities / etc presently afforded to civil and administrative tribunal members so that they are fully liable for breaches of both civil and criminal legislation.

Proposal 5–1

In principle, I concur with this proposal, but only providing enduring documents executed when a person has capacity are completely binding on courts and tribunals. For example, I have a number of opinions from medical and allied health professions attesting to my capacity to execute an EPOA and I have every right to appoint attorneys of my own choice with every confidence that my wishes will be honored and observed in all respects. This proposal apears to be about awarding unlimited power to the tribunals to make decisions for individuals, including over-riding decisions made prior to any finding of incapacity, even when said individuals made decisions whilst there was no question regarding their capacity.  I specifically do not wish any civil and administrative tribunal, court, Public Guardian or Public Trustee having anything whatever to do with my estate as I have the utmost contempt for all of them. Whilst it is always possible that one or more of my appointed attorneys 'might' do the wrong thing, the arrogance of official entities is such that it is inevitable the official entities will always act contrary to my wishes. When its all said and done, my estate is my exclusive property for me to deal with as I wish, it is not the property of the avaricious and criminally inept Office of the Public Trustee to misappropriate and embezzle, more so due to the abysmal lack of accountability. I would far rather take a risk on the probity of my own selected appointees than the known and provably corrupt official entities. To suggest I do not have the right to my own choice of attorney, without fear that my intention will be summarily overruled by some arrogant ignoramus quasi-judge biased to his or her evil and avaricious cohorts is an affront to common law human rights as well as state, federal and international legislation. I specifically do not want 'protection', particularly when the 'protection' provided by official entities is worse than that provided by standover thugs. Note particularly that I have the benefit of seeing for myself the disastrous consequences of several thousand civil and administrative tribunal decisions and given that there is no question regarding my competence, it cannot be argued that I want nothing whatever to do with civil and administratrive tribunals nor their evil cohorts the Adult Guardians or the Public Trustees. I could say MUCH more although doing so would guarantee my submission would be automatically rejected. Suffice to say that officially sanctioned fraud is more than sufficient reason for me to opt out of the guardianship racket.

Proposal 5–2

In principle, I believe that registration of enduring documents is fine, likewise revocation of documents executed previously, but as previously, it is absolutely imperative that documents executed when there was no question regarding the capacity of the principal MUST be binding on civil and administrative tribunals and courts, especially when there is no cogent and probative evidence of misuse of authority. The ability of civil and administrative tribunals to ignore rules of evidence and to inform themselves any way they wish means that enduring documents are currently not worth the paper on which they are written. The solution is to require full observance of rules of evidence in every court and tribunal, to totally remove every immunity presently afforded to the judiciary and quasi-judiciary, and to mandate personal penalties at least ten times those pertaining to the hoi polloi, to judicial and quasi-judicial officers in cases of misuse of authority.

Proposal 5–3

The proposal is fine in theory, however there needs to be certainty that all individuals potentially affected by the change are made aware of the consequences.All too often, amendments are made to legislation without any thought being given to alert those affected. Mind you I suspect this is intentional and this may well be the case here. The judiciary and quasi-judiciary constantly claim ignorance of law is no excuse, conveniently ignoring the fact that they spend most of their working lives arguing about points of law. If ignorance is no excuse, what gives these people the right to display their ignorance ?

Question 5–1

Access to be strictly recorded and restricted to those with a **provable, documented and recorded** need to access the records.

Question 5–2

Only if there is mandatory observance of rules of evidence and that official entities, including staff, employees and contractors, are not afforded any semblance of protection and / immunity. Furthermore, in recognition of community expectations of extremely high standards of probity on the part of official entities, including staff, employees and contractors, there must be a genuinely independent (dictionary meaning) watchdog established and empowered with unlimited investigatory power (ie unlimited terms of reference) and unrestricted power to impose penalties, to monitor and enforce complaince on the part of the Adult Guardian and Public Trustee. Given the existing deeply ingrained bias and collusion between civil and administrative tribunals, Adult Guardians and Public Trustees. any staff. employees and contractors associated with the watchdog must be totally separated from the civil and administrative tribunals, Adult Guardians and Public Trustees (ie iron-clad certainty of no conflict of interest) and composition of the watchdog must include at least 51% members of the public with demonstrable personal experience in a guardianship matter.

Proposal 5–4

I see this proposal as a perfect exaple of fools rushing in where angels fear to tread. In view of the present situation where overwhelming medical and allied health practitioner evidence is routinely ignored by quasi-judges, and the demonstrated practice of totally unqualified quasi-judges 'creating' evidence by  way of inappropriate interrogation / intimidation of their victims (cogent evidence available), it is essential that provision is made for multiple witnesses with relevant medical and / or allied health professional qualifications, the specialty depending on individual circumstances.  For example, in the case of a principal suffering a communication disorder like aphasia (which affects verbal communication but does not impact their intelligence), it is likely that a speech pathologist will be required to adequately assess the ability of the principal to communicate their wishes. No JP, registrar, cop or tribunal quasi-judge would have a clue in the world whether or not an aphasic 'appeared' to understand anything, and this could well be a deciding factor in a tribunal or court hearing. Comparable issues arise with other medical, psychological and / or cultural situations which mandate a need for a somewhat more enlightened view as to who constitutes an appropriate witness in any given case. The implied suggestion  that a JP, registrar, cop or tribunal quasi-judge is some kind of oracle of wisdom is unsustainable, and the ALRC intimation to this effect indicates dismal failure on the part of the ALRC to recognize real world significance of its proposals.

Proposal 5–5

In my opinion, this proposal was conceived to demonize private attorneys and guardians with a view to awarding more power to the official entities the Adult Guardians and Public Trustees. As previously mentioned, Adult Guardians are both disinterested and powerless regarding Public Trustees. Since Public Trustees currently have unlimited power and enjoy extreme protection, there is an urgency to provide a watchdog with real and effective power to perform ANY investigation of the Public Trustee, to impose appropriate penalties and to award appropriate compensation to those impacted by way of Public Trustee and Public Guardian ineptitude and malpractice.  There is no point claiming that civil and administrative tribunals have authority to investigate both Public Guardians and Public Trustees because history has proven that they do not do this, and will not due to the inherent bias and collusion between the entities. There needs to be a very powerful watchdog (with BIG teeth), guaranteed independence from all official entities and majority representation of private citizens with demonstrated personal experience (in victim or carer capacity) of guardianship.

Proposal 5–6

As with earlier ALRC proposals, particular and specific attention must be made to investigation of Public Trustee transactions. There has been for example a  commercial relationship between the Queensland Public Trustee, Morgans Financial Services (Morgans was discredited by ASIC in November 2015), Australian Super, the Queensland Investment Corporation and top tier accounting firm BDO.  This arrangement constitutes financial impropriety and blatant conflict of interest, nevertheless the civil and administrative tribunal refuses to intervene. I am aware of at least two matters in which the principals specifically notified the Public Trustee that their superannuation funds must not be messed with however the Public Trustee deliberately proceeded with changes it knew full well were contrary and detrimental to the interests of its victims albeit beneficial to the interests of the Public Trustee and its cohorts. Currently there are no effective and accessible avenues to deal with this malpractice.

Proposal 5–7

I most definitely do not agree with this proposal.  Providing the principal can demonstrate proof of capacity, it is the right of the principal to decide for themelf who they wish to appoint as their attorney and not some official muppet.

Proposal 5–8

I most definitely do not agree with this proposal.  Providing the principal can demonstrate proof of capacity, it is their right to decide for themself what power they wish to confer on their chosen attorney.

Proposal 5–9

These are already provided for in existing legislation although they are not enforced in the case of Public Trustees.  The present situation is that funds held in trust are regarded as the property of the Public Trustee,  which sees no need to keep proper records of funds previously the property of its victims. The ostensibly 'Independent' Costello Commission of Inquiry recognized the serious flaws in Public Trustee accounting systems and found it was impossible for QCAT to monotor the Public Trustee. Mind you there is substantial evidence that QCAT is controlled by,  and is subservient to, the Public Trustee and would never consider offending its master by questioning its financial performance. There are far too many recorded cases showing gross financial ineptitude, misappropriation, embezzlement and fraud on the part of the Office of the Public Trustee to allow this criminal organization to continue in business.

Proposal 5–10

Proposal is fine in theory although I take exception to the trend in Australia to invoke substitute decision-making in preference to ASSISTED decision-making as per international law. Australian legislation must be amended to recognize the inalienable right of an individual to make their own decisions whenever possible, and if circumstances require, to provide them with ASSISTANCE from persons of their own choice rather than mandating official substitute decision-making.  Note that the ability for an individual to make their own decisions, including decisions with which others may not agree, is essential to an adult's inherent dignity. Legislation pays lip service to this, unfortunately uber-arrogant scum quasi-judges are able to ignore any legislation that doesn't suit their interests or the interests of their incestuous bedmates the Public Guardian and Public Trustee.

Proposal 5–11

As with the previous proposal, legislation must reflect Australia's obligations under international law, in particular substitute decision-making must be absolutely outlawed and adults must be given every assistance to make their own decisions. The name applied to parties to enduring documents is irrelevant. Note particularly that few if any adults approve of mismanagement of their affairs by the provably inept Adult Guardians and Public Trustees.

Proposal 5–12

No legislation can hope to achieve its intended goal unless it provides for genuine enforceability, and this enforceability applies to all official entities with no exemptions whatsoever. Given the extreme protection presently afforded to official entities, especially the civil and administrative tribunals, Public Guardians and Public Trustees, the endemic arrogance and the sheer impossibility of challenging these organizations, any model representatives agreement must specifically apply to all present and future official entities, and provide for genuine, meaningful and accessible recourse for malpractice. This recourse must be available without cost to victims and members of their support network.

Proposal 5–13

As with the previous proposal, existing legislation already requires administrators, guardians and trustees to recognize the wishes if their victims, however this is rarely if ever given any attention and is certainly not enforceable.  Currently there are no accessibile or functional safeguards, transparency or accountability and collusion and conspiracy between civil and administrative tribunals, Adult Guardians and Public Trustees is endemic.  Victims of the guardianship racket have no rights and all possible effort is expended to deny them any semblance of recourse. International law, which Australia has supposedly ratified but actually ignores,  states that no individual can be restricted in his or her ability to institute legal proceedings, but the practice in Australia is to appoint separate representatives who are closely aligned with the intent and wishes of civil and administrative tribunals, Adult Guardians and Public Trustees.  The solution is not to introduce yet more poorly framed legislation that will inevitably be ignored by official entities but to recognize in full Australia's obligations under international law, and to provide for genuine and accessible recourse including extremely heavy penalties applying to quasi-judges, official guardians, administrators and trustees who mis-use their position. The practice of awarding immunities to the quasi-judiciary must cease and responsibility applied in proportion to the damage their malpractice inflicts on their victims.

Proposal 6–1

As with many other proposals, the wording of this proposal shows conclusively that the intent of the inquiry is to make scapegoats of non-professional guardians and administrators with a view to legitimizing increased power of civil and administrative tribunals.  Official entities invariably ignore their published roles, responsibilities and obligations although there is a suspicion that there is a hidden agenda and their true roles are to facilitate revenue raising for the government that employs them. Consider that legislation in all states provides for appointment of guardians and administrators must be a last resort measure and that all possible assistance must be provided to victims to manage their own affairs. In practice, civil and administrative tribunals invariably appoint official entities regardless of the victim's support network. Public Trustee fees are utterly extortionate and typically destroy their victim's estate within a few years but the fact that they provide considerable revenue for the government means their operations are vehemently protected regardless of the destruction of their victims lives.  Exploitation of vulnerable persons is despicable and the fact that it is done deliberately by official entities echoes the opinion of the United Nations Human Rights Council that Australia rates with North Korea in terms of human rights abuse.

Question 6–1

This proposal further emphasizes the intent of the ALRC to support increased power for official entities that fail dismally in every matter in which they are involved.  What consideration has ever been given to compulsory training for staff of the official entities or ensuring that staff of official entities have the competency to fulfil their positions ??  For example, a certain victim of the Queensland Public Trustee had an impeccable financial record prior to PTQ mismanagement whereas she now has at least five black marks due to utter ineptitude and bastardry on the part of the Public Trustee. Accounts are regularly paid late and in several cases have not been paid at all. According to legislation, a proven incompetent financial administrator must be removed by the responsible civil and administrative tribunal, but complaints to QCAT draw the refrain 'the Public Trustee is competent' (despite ample proof to the contrary).  For thsi reason, it is essential that all immunities presently enjoyed by the quasi-judiciary must be removed and extremely heavy penalties applied to instances of their malpractice.

Proposal 6–2

Here we go again !!!! How about genuine and enforceable requirements for official guardians and administrators to comply with their responsibilities and obligations ??  There is not, and cannot be, any excuse for the arrogance, ineptitude and wanton brutality of official entities however rather than ensure that these parties observe legislated provisions, the focus is always on giving them increased power. Until or unless official entities are made truly accountable and extremely personal penalties are applied in cases of abuse of power by officials, no move should be made to impose more restrictions on non-professional guardians and financial administrators.

Question 6–2

Without question, every single person acting in an official capacity must be absolutely compelled to purchase at least ten times the amount of surety bonds applicable to each non-professional guardian and / or administrator. It is wholly inequitable to award power to a person without also imposing commensurate responsibility together with appropriate penalties for non-compliance with legislated provisions. This is especially relevant to quasi-judges, official guardians and Public Trustees given their long history of human rights abuse and misappropriation of the assets of their victims. I can provide evidence of several thousand matters in which civil and administrative tribunals, Adult Guardians and Public Trustees have acted contrary to the interests of their victims, a far higher proportion of malpractice than applicable to 'proper; courts and non-professional guardians and administrator, consequently the focus of this proposal must be directed to ensuring not only do official entities strictly observe their legislated responsibilities, but also that victims and support networks have access without cost to robust checks and balances on misuse of authority by staff of official entities.

Question 6–3

Existing legislation at state, federal and international level already contains adequate provisions for involvement of victims, however all existing protections are routinely ignored by official entities. The issue then is not to introduce even more unusable and unenforceable (in practical terms) legislation, but to ensure that terms like 'natural justice', 'openness', 'transparency' and 'accountability' are far more than mere words in the dictionary.  The ability of civil and administrative tribunal quasi-judges to thumb their noses at legislation, to block appeals, to disable judicial review, and to practice, whether alone or in collusion with the Public Trustee, economic intimidation on victims must be criminalized. Provision of a genuine and effective watchdog totally divorced from civil and administrative tribunals and their associates is essential. Such watchdog must include at least 51% representation by actual guardianship victims and / or members of their support network.

Proposal 7–1

This proposal is absolutely pointless since banksters are a tool of government and as such they are totally incapable of monitoring and reporting official malpractice, in fact banksters consistently approve and support financial abuse and ineptitude by Public Trustees.  The contents of bank accounts previously the property of bank customers are always handed over to Public Trustees to be exploited, however I am not aware of one instance where a bankster reported this abuse to relevant authorities. Until or unless there is recognition of Public Trustee ineptitude and malpractice, no case exists for this proposal as presented.

Note that banks are out of order in accepting the word of Public Trustees that they have a 'court order' as tribunals are not courts and as such cannot make enforceable orders. Banks are therefore co-conspirators in financial malpractice, embezzlement and fraud commiutted by Offices of the Public Trustee.

Proposal 7–2

This proposal demonstrates yet another attempt to demonize non-professional financial administrators as a means to justify increased power for Public Trustees. No suggestion has been made to ensure proper supervision and monitoring of the activities of Public Trustees, despite numerous instances of financial ineptitude and malpractice. In any case, the presence of ten witness signatures on an enduring document would be meaningless when civil and administrative tribunals automatically over-ride these documents in favour of appointing their incestuous bedmates the Public Trustees to mis-manage victims financial affairs.

Question 7–1

Legislation must absolutely prohibit tribunals from interference of any kind in superannuation matters. The commercial arrangement between the Queensland Public Trustee, ASIC discredited Morgans Financial Services, Australian Superannuation, Queensland Investment Corporation and BDO constitutes blatant conflict of interest however the tribunal has steadfastly recognize malpractice. Furthermore, we have records of numerous cases where Public Trustee ineptitude and mismanaement totally destroyed the estates of their victims but again the only comment from the tribunal was 'the Public Trustee is competent'.

Question 7–2

The right of a principal with capacity to make whatever arrangements suit their individual requirements must be protected and enshrined in law. There must be no watering-down of the right of any individual to organize their financial affairs to suit individual requirements. In particular, tribunals must be absolutely barred from interfering with the wishes of a person with capacity or with the intent of a person when they had capacity. Retrospective findings of incapacity must be criminalized with appropriate penalties applying to quasi-judges who resort to this skullduggery. Australian governments have long subscribed to the pretence of  'protection'  as a ploy to exert unwarranted control of citizens and this must be outlawed forthwith.

Proposal 8–1

Absolutely not. Tribunals have consistently demonstrated failure to act in the best interests of their victims and collusion / conspiracy with Adult Guardians and Public Trustees.  Legislation must ensure that arrangements executed by adutls with capacity must be strictly observed by tribunals and absolutely no discretion allowed to second-guess the clearly expressed wishes of a principal.  It is not the duty of a quasi-judge to make decisions favouring Public Trustees or vindictive family members of the victim when a principal executed an enduring document at a time when there was no question of the principal's capacity. As the present situation stands, a principal must go to great lengths to ensure their wishes are complied with as it is blatantly obvious that an enduring document provides no protection whatever.

Question 8–1

In all cases, the simple english meaning of a principal's Last Will and Testament, Enduring Power of Attorney and Binding Death Nomination must be strictly observed. Tribunals must be absolutely prohibited from any form of interference and / or over-riding of the wishes of the principal.  If perchance a principal has, for whatever reason, disowned any and / or all 'family' members, then that is their inalienable right and this must be strictly observed by any and all tribunals. Similarly to the recognized treatment of 'next of kin' which does not insist on a blood relationship or even relationship by marriage, 'family' must be interpreted to mean exactly what the principal wishes, even if for example that results in a pet being given priority over what a quasi-judge considers a rightful beneficiary.

Proposal 9–1

Existing legislation adequately covers all parts of this proposal, although observance and enforcement are effectively non-existent. The question then should be how to ensure observance and enforcement rather than messing around with additional non-enforceable legislation. As with all existing legislation, the ability of official entities to by-pass enforcement and accountability by way of economic intimidation must be addressed and urgent attention given to criminalizing the practice. Individuals wishing to challenge official entities must be guaranteed the ability to do so without costs.

Proposal 9–2

In principle, this proposal is fine but only if it isn't a ploy to give more power to tribunals.

Proposal 9–3

Absolutely not. If perchance a principal with no question of capacity chooses to include in an enduring document a provision that an appointed attorney CAN make a binding death nomination, then doing so is their inalienable right.  Personally I claim this right and vehemently oppose any move to reduce my right to decide exactly what authority I confer on attorneys. I specifically do not approve any tribunbal second-guessing my wishes.

Proposal 10–1

DHS staff would experience insurmountable difficulty finding their way out of bed, consequently anything more complex is light-years beyond their ability.  Identifying elder abuse is clearly a far more complex task than the vast majority of these people could cope with. I have had considerable experience with Centrelink in advocacy for victims of elder abuse and can confirm that Centrelink is frequently part of the problem rather than the cure.

Proposal 10–2

Definitely not without express recognition of relevant medical issues that could potentially impact communication. For example, I'm aware of a number of folk (not all age pension recipients) who suffer from the communication disorder aphasia (typically due to a stroke). Whilst majority medical opinion concludes there is no connection between aphasia and intelligence, the ability of many aphasics to communicate in a strictly verbal manner depends on stress ie a person might well be absolutely fine in a low stress environment but effectively mute under stress. Actually my experience is that aphasia definitely is related to loss of intelligence, albeit on the part of the interrogator rather than the aphasic. Quasi-judges in particular lose all semblance of intelligence when dealing with an aphasic. Inappropriate interrogation of an aphasic by unfamiliar with the issue is highly likely to result in a conclusion that the person is non-compos mentis when in reality their could well have a genius level IQ.  I work with a number of aphasics who have several university degrees and who are clearly well above average intelligence, but if questioned inappropriately, for example by a wet\_behind\_the\_ears Centrelink juvenile,  they 'appear' to be out of their tree. Legislation must reflect advice from appropriately qualified medical and / or allied health professionals regarding communication measures to be used with any given individual. This may be as simple as a combination of written and verbal communication, or providing questions in writing to which the aphasic can respond in their own time, if necessary by way of affidavit. Note particularly that there are numerous legislative provisions governing appropriate communication measures although these are typically ignored by officials endowed with immunity. thereby inflicting serious psychological injury on their victims. A number of actions are presently underway to address this endemic abuse, to bring the perpetuators to account and to exact appropriate penalties..

Proposal 10–3

It is blatantly obvious that whoever dreamed up this proposal has never had personal experience with Centrelink. This is an unfortunate fact of life rather than a criticism. Centrelink staff are among the most inept and disinterested of all public servants and as such they are most definitely not amenable to any training, let along anything 'further'.

Proposal 10–4

It is blatantly obvious that whoever dreamed up this proposal has never had personal experience with Centrelink. That is an unfortunate fact of life rather than a criticism. Centrelink staff are among the most inept and disinterested of all public servants and as such they are most definitely not amenable to any training, let alone anything 'further'.

Proposal 11–1

I suspect that the person responsible for this proposal was reading from a script rather than having had personal experience with the aged care industry. Most operators are purely financial parasites obsessed with plundering the estates of their victims. A major factor is the extreme protection afforded to all parties involved, including the civil and administrative tribunals, Adult Guardians,  Public Trustees and aged care providers, all of which collude to facilitate financial malpractice.  Reporting of incidents is considered infinitely less significant than maximizing profit, and until or unless the focus is changed considerably, with removal of existing protections, there is no point in considering reports to an aged care commissioner who will in all probability be beholden to existing financial interests. Wherever there  are financial concerns, there will be collusion and conspiracy to render transparency and accountability ineffective. This is why it is imperative that the first step must be establishment of a review facility genuinely independent (dictionary meaning) of tribunals, Adult Guardians, Public Trustees and aged care facility operators.

Proposal 11–2

As with previous proposal, establishment of a genuinely independent rerview facility takes precedence over all else. There is no point doing anything else until or unless interested parties can be confident their concerns will be addressed by an entity not intimitately associated with those which already have a long history of sweeping problems under the carpet.

Proposal 11–3

This proposal is OK in principle, although specific attention must be given to ensuring that civil and administrative tribunals can never under any circumstances be be permitted to provide exemptions to their cohorts the Adult Guardians, Public Trustees and aged care operators, as is presently the case.

Proposal 11–4

This proposal is OK in principle, however it is imperative that civil and administrative tribunals must have no part whatever in deciding whether or not a clearance should be granted.

Proposal 11–5

This proposal is OK in principle, however it is imperative that civil and administrative tribunals must have no part whatever in making decisions related to employment clearances.

Question 11–1

This proposal is unnecessary as there are adequate current legislative means in place to deal with issues. however in view of oft-demonstrated ineptitude on the part pof civil and administrative tribunals it is imperative that civil and administrative tribunals must have no part whatever in making decisions re lated to aged care employment.

Question 11–2

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Proposal 11–6

This proposal is unnecessary as there are adequate current legislative means in place to deal with issues. however in view of oft-demonstrated ineptitude on the part pof civil and administrative tribunals it is imperative that civil and administrative tribunals must have no part whatever in making decisions re lated to aged care.

Proposal 11–7

This proposal is unnecessary as there are adequate current legislative means in place to deal with issues. however in view of oft-demonstrated ineptitude on the part pof civil and administrative tribunals it is imperative that civil and administrative tribunals must have no part whatever in making decisions re lated to aged care.

Proposal 11–8

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Proposal 11–9

The present arrangement provides that the community visitors scheme is administered by Adult Guardians. This must be discontinued due to the collusion between Adult Guardians, Public Trustees and civil and administrative tribunals which render the community visitor scheme incapable of fulfilling its function. There is a very strong case for establishment of an independent (dictionary meaning) entity with majority layperson representation.

Proposal 11–10

It is imperative that Adult Guardians, Public Trustees and civil and administrative tribunals be permanently disbarred from having any input whatever into any official visitors scheme.  These entities have had a long history of ignoring their responsibilities and as such must not be permittted to assume more power and authority over the interests of those they have dismally failed in the past.

Proposal 11–11

Subject to comments in proposal 11-10

File