

Power without Glory - Transcript of a story re the NSW Trustees/Guardian shown of a TV program called SUNDAY in around 2000 – Nothing has changed since this time!

MOVIE DIALOGUE: "I don't know if you can understand me, but I'd very much appreciate it if you'd give me the chance to blow your bloody head apart."

HELEN DALLEY: Jon Blake had it all. The bright young Australian actor was being called the next Mel Gibson and the 1986 film *The Light Horsemen* was set to propel him to stardom. But just after shooting these scenes in the outback, Blake climbed into the driver's seat of his car and was involved in a terrible accident. It left him severely brain damaged and a quadriplegic.

A year after the accident, overwhelmed by John's needs, his mother Mascot was persuaded to apply to the NSW Supreme Court to have the affairs of John — or Paul as the family calls him — managed by the Office of the Public Guardian and the Office of the Protective Commissioner. From then on, says Mascot Blake, it's been a nightmare where, although she was caring for her son in her own home, she had no say in key decisions that affected them both.

MASCOT BLAKE: We just became nonentities, Helen. I mean, Paul was at home here with me for nearly nine years before they made any contact whatsoever. But when the damages case came on the scene, and the money situation came to the fore, they were in here, boots and all.

HELEN DALLEY: The Office of the Protective Commissioner, or OPC, is appointed the financial manager of people deemed incapable of looking after them-selves. Its twin — the Office of the Public Guardian, or OPG, is responsible for the welfare of those people. Often they are among the most disadvantaged in our community, affected by dementia, brain injury or intellectual disability.

The OPG and OPC are little-known secretive state bureaucracies. The OPC can be appointed to come into a person's life, take control of their entire financial affairs and exercise wide-ranging powers. What do you call the Protective Office?

MASCOT BLAKE: "The defective office." Full of defects not only for me, but for thousands of other people, Helen.

HELEN DALLEY: How do you feel they act?

MASCOT BLAKE: They act in their own interests, full stop. They protect themselves.

HELEN DALLEY: Mascot Blake has fought the Office of the Protective Commissioner for much of the past six years to try and wrestle back control over the life of her son.

MASCOT BLAKE: Look at me with all the trust you can in those eyes. What I want you to do is just hang on a little bit longer, Paul.

HELEN DALLEY: That entailed a series of exhausting, expensive and bitterly fought battles between Mrs. Blake, who is John's carer, and the OPC bureaucracy. There have been battles that whittled away millions of dollars from the payout he was awarded to care for him for the rest of his life. Mascot Blake is disgusted at the way she and her son have been treated by the Office of the Protective Commissioner.

2

MASCOT BLAKE: It's more than disgust ... more than disgust. It just brought about an awful feeling of nausea within me ... their lack of compassion. That's the whole story from A to Z and back again because compassion ... surely, that's the name of it, isn't it? I never saw it exhibited in any shape or form.

HELEN DALLEY: After a long court battle in the beginning to win compensation, Jon Blake was awarded a massive \$33

million in the mid-'90s. But that was appealed.

GREG PRIDE, FINANCIAL CONSULTANT: The initial phase was ... that was reduced under appeal to just over \$7.7 million. And since that time, about half has disappeared, about \$3 million of it in legal fees, and I just find that quite astounding.

HELEN DALLEY: \$3 million out of roughly \$7.7 million has been spent in legal fees?

GREG PRIDE: That's correct.

HELEN DALLEY: Financial consultant Greg Pride has documented the costs that have whittled away Jon Blake's payout. This scroll of legal firms and barristers details money spent first on the court case to win damages, then on the appeals. But it also includes roughly \$1 million in legal costs spent in battles with the OPC over custody of Jon and the right to manage his estate. In just six years from 1994, total legal costs added up to a staggering \$2,933,000. All paid out of Jon's compensation. Money meant to last him the rest of his life.

MASCOT BLAKE: When I look at the wonderful trust in my son's eyes, I knew I couldn't betray that.

HELEN DALLEY: Would he have wanted you to fight?

MASCOT BLAKE: Oh, definitely. He was a fighter before the accident and, boy, is he a fighter now. And I'm still fighting.

HELEN DALLEY: Last year, Mrs Blake won the case to finally remove the OPC as Jon's financial manager and put a trustee company in its place. The NSW Supreme Court judged there was an irretrievable breakdown in the relationship. But the costs for both sides, including the majority of the OPC's costs, even though it lost the case, come out of Jon's estate.

GREG PRIDE: That's correct. There were two sets of lawyers in the courtroom and both were being paid from the Blake estate.

HELEN DALLEY: Given your experience with the Blake case, how do you feel about most people like him having to go to the Supreme Court to argue against the protective commissioner?

GREG PRIDE: I find it very difficult to understand. My personal view is it's outrageously unfair.

MASCOT BLAKE: I think it's a major scandal. Any right-thinking person would, wouldn't they?

3.

HELEN DALLEY: Mascot Blake took that action because there was evidence of the OPC wasting Jon's funds. One example was when the OPC paid thousands of dollars in rent for this house and bought furniture for it, all in an attempt to remove Jon from his mother's care and home. But Jon never even moved into this place and the money the OPC wasted in six months' rent was never returned to him.

PADDY COSTA: Finally, on the pressure by the mother and her solicitor, they were forced virtually into disposing of the furniture that was in there, brand new. They got \$150 for it, but by then it had cost thousands of dollars in storage fees. That's waste and mismanagement.

HELEN DALLEY: In the early years, despite being Jon's full-time carer, Mascot had to virtually beg the commissioner for money to survive on. How do you feel they treated you as Jon's mother and carer?

MASCOT BLAKE: They couldn't have cared less. I was just another spoke in the wheel. They couldn't have cared less. They were preoccupied with what they could make out of this, what they do could do with that, what they could deprive me of.

HELEN DALLEY: As for the money left in her son's estate...

GREG PRIDE: His capital has halved in six years. If that rate of progress continues, he won't have a financial future at all.

KEN GABB, SENIOR BUREAUCRAT: I think it's undeniable there have been a lot of complaints.

HELEN DALLEY: Senior bureaucrat Ken Gabb was appointed protective commissioner just 18 months ago, so was not involved in much of the Blake case. But while he claims the OPC is only ever looking after its client, the Blake case shows the OPC often ends up looking after no-one, including its client. But it can give you and your office enormous power, can't it, because you represent a person who is very vulnerable, who is incapable, and most likely can't scrutinise how you look after their affairs?

KEN GABB: Yes, that's a role entrusted to us by the courts and tribunals. We have the duty to act in accordance with the best interests of our clients. But at the end of the day, if a decision has to be made, even if it's a controversial one, that's our job.

HELEN DALLEY: After such a long fight, it still affects you so much, doesn't it?

MACOT BLAKE: Yes, it did.

GENTLEMAN AT PARLIAMENTARY INQUIRY: Thank you, thank you, ladies and gentlemen. I formally open the public hearing.

HELEN DALLEY: For the past year, a NSW parliamentary inquiry has been investigating complaints like the Blakes' about the OPC and OPG. The inquiry has heard evidence from the Protective Commissioner, Ken Gabb, in response to hundreds of submissions now publicly tabled, from angry and distraught OPC clients, their families, as well as professional bodies caring for the disabled.

For the first time ever, the conduct of the Office of the Protective Commissioner has been put under public scrutiny. Do you concede, though, that many of the complaints have good grounds?

KEN GABB: I think we're all human, and I and my staff make mistakes in the same way that any other human being makes mistakes. Generally, I believe we get it right. By law, we are not allowed to discuss the affairs of our clients in public.

HELEN DALLEY: But neither is the media really allowed to publicise many of the operations of the OPC. Would you concede that that often helps to protect your operations?

KEN GABB: I accept that there's a potential for that, that there could be improper practices which would be difficult to uncover.

HELEN DALLEY: From what you've heard from those complaints, do they always act in the interests of the person they're supposed to protect?

MILTON ORKOPOULOS: Helen, I think that's very inflexible.

PADDY COSTA: I feel that the whole set-up totally lacks humanity. There is no humanity in that office. All the, um, intricacies of inter-relationships between families, moral values of families, histories of families, ethnic backgrounds, are totally ignored.

HELEN DALLEY: For the past six years, Paddy Costa has fought to make the guardianship authorities more accountable ... after her mother, who had dementia, was removed from her father's financial care and put under the OPC. Before she got sick, your wife was obviously a very talented painter.

FRANK HOPE: Yes, she was.

HELEN DALLEY: Once she got sick and the Office of the

Protective Commissioner came into your life, did you understand what that was all about?

FRANK HOPE: Never, never. I never knew why or why they came to the conclusion that they did.

HELEN DALLEY: After battling with them over many issues, Paddy Costa eventually succeeded in removing the OPC and being appointed her mother's guardian and financial manager, but not without more heartache, courtesy of the Protective Commissioner's office.

PADDY COSTA: When that case was over, I thought ... that's great, that's it, finished. I then received a Supreme Court document and it says, "The manager shall, forthwith, lodge with the Office of the Protective Commissioner, half share of net proceeds of the sale of the property," which is the family home, "to be invested in the Protective Commissioner's common fund, pending proposal as to their future investment." My dad was living in the house.

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HELEN DALLEY: In what can only be interpreted as an extraordinary use of power, the OPC demanded half the money from the sale of the family home in the name of safeguarding its clients' assets. Nonetheless, in the process, it trampled on the rights of an elderly man. How did you and your father feel about that?

PADDY COSTA: My father was dreadfully upset because, as I said, he built the house. They were here 30 years and it was their home. My dad's attitude is, the only way he's going out is in a box ... and he was horrified beyond belief.

HELEN DALLEY: Paddy's anger at her family's treatment propelled her into action. Discovering many others had received similar treatment, she started the Carers of Protected Persons

Association, known as COPPA, to push for change.

PADDY COSTA (on telephone): "Louisa, I got a call today from the Parliamentary committee..."

HELEN DALLEY: COPPA's submission to the parliamentary inquiry included the heartless treatment by the OPC of this woman, Margit Harves, whose ailing husband had been made a protected person under the OPG and OPC. How did you feel they treated you as your husband's wife?

MARGIT HARVES: Very bad. I, I ... for me, it was unbelievable, unbelievable. I'm just nothing any more for him.

HELEN DALLEY: After Margit Harves's husband, Joe, became incapacitated and was put into a nursing home by the guardianship authorities, the OPC decided, for his financial well-being, that their family home must be sold. Because the property was in Margit's name, the Protective Commissioner's office forced this issue into the Family Court, claiming half the proceeds for the OPC's common fund. This, despite the fact that Margit still lived there and her husband's nursing home costs were being met by his pension. So in laymen's terms, what does that mean?

GREG PRIDE: Well, to her it meant a divorce.

HELEN DALLEY: That they were forcing her to get a divorce?

GREG PRIDE: Yes. I know in legal terms the divorce and financial separation are different, but to her, it meant a divorce.

MARGIT HARVES: I think I die on the spot. And when my lawyer — I have to hire a lawyer — and when the lawyer talked to the commissioner and he said they wanted divorce settlement, I think I die the second time.

PADDY COSTA: He was well taken care of in an extremely good nursing home with every need that he required. I mean, what do they want the money for? To the point where they're

prepared to turn a 78-year-old woman into the street? It doesn't seem reasonable to me.

HELEN DALLEY: Though not in charge at the time, Ken Gabb must now defend the past actions of the Office of the Protective Commissioner. Is that fair, is that ethical?

6.

KEN GABB: It's not a matter of OPC getting their hands on half of the property. We have a duty to look after the interests of our client. On very rare occasions we might be faced with a situation where one party to a marriage is forced, for instance, to live in specialised accommodation. The cost of that service and that accommodation needs to be met from somewhere.

HELEN DALLEY: So, just a minute. Let me get this straight. You can force people into the family court who didn't want to divorce or separate in order for you to get to sell the property and get half the means?

KEN GABB: Again, you put it in personal terms as though I am doing this.

HELEN DALLEY: This is where the person, the non-protected person still lives in that property and you'd be forcing them out of their home.

KEN GABB: We explore every possible opportunity to avoid that situation. But our primary duty is to protect the interests of our client. We don't go out of our way to try and cause hardship for people.

HELEN DALLEY: This is a very harsh sort of brutal reality that you're explaining.

KEN GABB: Well, it may well be. It's looking after the interests of our clients.

HELEN DALLEY: But that's impinging on someone else's

rights.

KEN GABB: Well, I think it's not unusual for someone's rights to impinge upon someone else's rights. That's the basis of society.

HELEN DALLEY: In Margit's case, the OPC only dropped the matter when her husband died.

MARGIT HARVES: The stress, that brings me down.

PADDY COSTA: There we had an 83-year-old man and a 78-year-old lady and I just don't believe that's humane to do that.

HELEN DALLEY: The public inquiry means that for the first time the OPC can be scrutinised by the outside world, including the media, which is normally prohibited from examining its actions. From the personal horror stories, as the committee chairman described them, a picture has emerged of an often heartless, unjust bureaucracy, immune from scrutiny.

The OPC is not answerable to independent watchdogs such as the social services commissioner or the Ombudsman. Over the years, Freedom of Information requests have been denied. The OPC is not even answerable for individual decisions to the Minister responsible — the State Attorney-General. It is answerable only to the Supreme Court. And yet it controls around \$2 billion in cash and hard assets belonging to some 9000 people called "protected persons".

7.

MILTON ORKOPOULOS: No longer can we afford to have, in this day and age, a fairly closed, 19th century institution that offers contemporary people who are vulnerable a service which is not accountable.

HELEN DALLEY: Is that how you view the Office of the

Protective Commissioner — a closed, 19th century institution?

MILTON ORKOPOULOS: That's how it appeared to us from the evidence we heard from a range of clients, yes.

PADDY COSTA: The whole operations of the Protective Commission from all angles has not been working. It's caused unbelievable grief and stress. It isn't efficient. It's totally unaccountable.

IAN MACDOUGALL, FARMER: I feel that there is a culture there in that office which is now entrenched. Relatives are the enemy, relatives have to be told as little as possible. But once you have got control of the client and their assets, the portcullis comes down and the relatives can then be told to clear out and mind their own business.

MASCOT BLAKE: Outrageous. Unfeeling. Arrogant.

HELEN DALLEY: Have you looked into any of those rather troubling accusations and allegations that were made against your organization?

KEN GABB: As a new boy, in terms of having recently started to act as the Protective Commissioner, I made a point of reviewing each of the matters that had come before the parliamentary committee. I have to say I changed one decision only — where I thought we may have been a little harsh.

HELEN DALLEY: So, does that mean you don't agree with any of the submissions or any of the accusations and allegations that have been made?

KEN GABB: Well, I think some of the submissions suggesting that we could improve our services and improve our performance I do agree with. I think we can always improve. I think we're all human. We all make mistakes from time to time and we endeavour to correct those mistakes when we make them.

HELEN DALLEY: After the break, Sunday examines cases of fraud in the OPC, allegations of hidden fees and charges to clients, and complaints that people are forced before the guardianship tribunal and assets seized.

NEWSREEL: At Callan Park, Sydney's largest mental hospital, it's not hard to find echoes of strait jackets and padded cells.

HELEN DALLEY: If you were in need of guardianship, from the late 19th century right up until the 1950s, you would have been placed in the hands of the master of lunacy. Situated in Sydney's Hyde Park barracks, this sinister-sounding office had the power to put people in an asylum while the master's investigators could seize assets and take control of estates.
8.

Those same investigators spent most of their time harassing relatives for money to pay the cost of institutionalization. It was a dark and grim time for anyone placed in their care.

Today's Office of the Protective Commissioner is a direct descendent of that regime. After willingly placing a family member into the care of OPC, retired teacher, now grazier, Ian MacDougall became deeply disillusioned with the way the Office of the Protective Commissioner handled affairs.

IAN MACDOUGALL: They're supposed to be there to protect, and they did not protect. And they had been told there was a danger, and they did nothing about it. And that was a very serious omission.

HELEN DALLEY: According to Ian MacDougall, the OPC neglected his loved one's estate in a complex land subdivision deal. As a result of the OPC's hands-off approach, the deal ended up having to go all the way to the Land and Environment Court at a great cost to the estate.

IAN MACDOUGALL: One counsellor said to me, "It will only cost you \$12,000 to go on appeal to the Land and Environment

Court." Well, it finished up actually closer to \$40,000. And that does not include my own personal costs.

HELEN DALLEY: The OPC has \$1.1 billion of clients' cash under its control. According to last year's annual report, that money made \$74 million in interest income but, unknown to most clients, the OPC kept \$13 million, or around 20 percent of the money to fund its own operations.

The fact is that the OPC is totally self-funding, drawing some of the money it needs to run this bureaucracy and support the less affluent under its care from its stated fees to clients. It draws the rest from these clients' investments. Ian MacDougall says this dipping into clients' interest earnings is a major hidden impost that was never mentioned or explained in any of the literature he was given before committing his relative's money to the OPC.

IAN MACDOUGALL: Section 57 of the Protected States Act basically says that the Protective Commissioner can take from the common fund whatever he needs to run the Office of the Protective Commissioner. And two years, three years ago this was 29 percent of the income of the clients. It's been down as low as 21 percent.

This is an enormous impost on your income. I don't know how you'd go with somebody helping themselves to 30 percent of your income every year.

HELEN DALLEY: Is that fair?

MILTON ORKOPOULOS: Under the current system, that's the current system we're looking at, it clearly isn't fair.

HELEN DALLEY: Even the NSW audit office, which conducted a performance audit report into the OPC, released almost two years ago, accused the OPC of keeping its clients in the dark.

BOB SENDT, NSW Auditor-General: It had two slices, if you like. Firstly, it set a fee or took a fee out of the income being generated from the estates through investments. But it also then had the opportunity that if that revenue wasn't enough to meet its costs, to actually dip into the estates itself.

KEN GABB: I accept that that is a legitimate cause of concern by many of our wealthier clients. It's highlighted each year in our annual report and I accept that we need to ensure that our clients are fully aware of it.

HELEN DALLEY: Well, the information pack that you send out to people who might be thinking of putting a loved one under your financial management makes them think that the only money you take from them are the fees. And that's not the case, is it?

KEN GABB: If there is an error in any of the brochures, yes, we'll change them.

LYNDAL TREVENA, Exodus Foundation (to woman): "You know you can get the flu shots for free?"

WOMAN: "I heard that."

LYNDAL TREVENA (to woman): "Yes, you can. I think your GP will do that or we do them here. And they're free for somebody with all the wisdom and years that you've got." I find a lot of the people here are so marginalised that for them to have to deal with a big Government bureaucracy is very, very difficult.

HELEN DALLEY: Dr. Lyndal Trevena works with some of Sydney's most disadvantaged people. In the free clinic she runs at the Exodus Foundation, she regularly comes into contact with people under guardianship. One case in particular illustrated the gulf between an individual and his guardian.

LYNDAL TREVENA: He was living, as I said, alone, going blind. We found him eating out of garbage bins and his physical state was quite dreadful. His house was freezing cold. So he didn't have any services. He was really very, very frightened and very confused. Now, the OPG and the OPC went to visit him. They arrived on the doorstep, and being a lonely, frightened old man, he told them to go away, so they did.

HELEN DALLEY: While Dr Trevena says she's witnessed some very professional individuals from the OPG and OPC, she says this case is more typical of the problems her vulnerable clients encounter when dealing with the bureaucracy of guardianship. And she worries about their lack of accountability.

LYNDAL TREVENA: At the moment, the way I read the act, the OPG, in particular, is not liable for decisions they do or don't make on behalf of their client.

HELEN DALLEY: Legally liable?

LYNDAL TREVENA: Legally liable. So, if they fail to act — in this case, not sort of going and checking that this gentleman was alright, and not lying dead in his house for six months — then there's no liability involved in it. There's no accountability despite the fact they're very important responsibilities, power and decisions that are being made.
10.

MILTON ORKOPOULOS: The big flaws that I see are that they are a centralised body; they don't go out to the people unless they pay for it, that there is a huge internal budget using the assets of the clients themselves. Phone access alone to the person who's got control of the purse strings in your life is not exactly an optimum arrangement for people who are vulnerable.

HELEN DALLEY: Do you think phone contact with people whose purse strings you control is good enough?

KEN GABB: It's all a matter of cost. We would love to be able to regularly visit each of our clients. But it costs the

organization, in terms of time and expenditure, to visit clients.

BOB SENDT: We're dealing with the money belonging to these clients, or the office was dealing with that money. It was making decisions that weren't being communicated back to these people or their carers. It wasn't supplying details about their financial assets as much as we thought it should be.

HELEN DALLEY: It was only the audit office report that finally forced the OPC to send out financial statements to its clients. And even now, they're only provided once every six months. But what's more worrying is that this climate of poor accountability and little transparency made it easy for fraud to occur inside the OPC. It so alarmed the Auditor-General that he raised the issue numerous times with the OPC and the Government.

BOB SENDT: We'd had some concerns for a number of years, going back at least to 1995, about some of the control mechanisms they had in place to reduce the risk of fraud being perpetrated, or to uncover it if it does occur.

HELEN DALLEY: His fears were well founded. In the past six years, a number of OPC staff embezzled clients' money by either forging wills and signatures, making up fraudulent payment slips diverted to fake bank accounts or skimming off cash intended for clients. Four OPC employees have been convicted for stealing a total of around \$600,000, including this former OPC employee, who stole almost \$500,000 over a number of years before he was caught and received five years jail.

Despite this, the audit office report to Parliament in 1999 publicly criticized the OPC's continued inaction on this issue. The two most recent cases of fraud also occurred in 1999. They were dealing in deceased estates, so they basically had clients who weren't ever going to ask any questions?

CONSTABLE ROLAND WINTER, CITY CENTRAL FRAUD SQUAD: That's right. Yes.

HELEN DALLEY: Do you feel that gave them a lot more

opportunity to commit a fraud?

CONSTABLE ROLAND WINTER: It did ... over a longer period of time ... but, as I say, he was in a position of trust like many of us and he utilized that.

11.

HELEN DALLEY: The NSW Attorney-General finally commissioned consultants Arthur Anderson to report on the risk of fraud inside the OPC. Sunday can now reveal that this confidential report said that the OPC was wide open to fraud and needed a proper fraud-control strategy. In its hard-hitting summary, the report says starkly — an internal ethic survey found — and I quote: "The OPC staff regularly observed illegal or unethical activities in the workplace ... That the OPC was more concerned about protecting top management ... was not serious about detecting and managing fraud."

KEN GABB: I accept the findings of the report. I accept the need for improvement. And indeed, since that report, we've done a considerable amount of work together with the Independent Commissioner Against Corruption, with the audit office and our own internal auditors, to revise our procedures to minimise the risk of further fraud.

HELEN DALLEY: But it's the emotional scars the guardianship authorities can leave on people that is most distressing. Reverend George and Gail Capsis recounted to the inquiry their claim of unfair treatment by the guardianship bodies, after Gail's mother was made a protected person.

GAIL CAPSIS: They've really ripped my family apart. They've taken my mother away from me. We were very close and my mother is under their care presently. I don't really have any input

into her health.

HELEN DALLEY: Would it be fair to say they obviously felt you weren't caring for your mother properly?

GAIL CAPSIS: Well, that's how everyone would read it. I've been told that I've done nothing wrong by these people.

HELEN DALLEY: So, on what grounds did they say they've taken her care away from you and given it to a public guardian?

GAIL CAPSIS: They use the magic word "conflict". You only need one person to disrupt a family situation, make a complaint, and then you have conflict. And that brings in the guardianship board.

REV GEORGE CAPSIS: They do not take rules of evidence like a normal court. There's no oath, you don't give evidence under oath. People give their reports, doctors, welfare workers can give reports, and those reports go unchallenged.

HELEN DALLEY: Ken Gabb doesn't sit on the tribunal, rather as Protective Commissioner and public guardian; he carries out its rulings.

KEN GABB: The tribunal, when I've been there, has gone out of its way not to act in a formal or intimidating way but to act informally and in as friendly a way as possible in order to get to the heart of the matter.

HELEN DALLEY: Yet often the end result of that tribunal can be the State — through the Office of the Protective Commissioner — takes control of that person's financial assets and whole affairs.

12.

KEN GABB: That's entirely appropriate where the tribunal

determines that a person is in need of protection.

HELEN DALLEY: But if they can't have legal representation or their family can't have legal representation to put their view, it seems like a denial of natural justice, doesn't it?

KEN GABB: No, because the people themselves are entitled to put their views as they wish without the trauma of lawyers being involved.

HELEN DALLEY: Jamie Partlic's young life has been one long struggle. Fourteen years ago, he was brutally — almost fatally — bashed, in Sydney's Long Bay jail. In the years following, he battled to pull himself first out of a coma, then out of a wheelchair. He then had to fight the system for half a decade to win some compensation for damages. Can you explain to me how much progress you have made?

JAMIE PARTLIC: No, I couldn't explain it 'cause it's just too hard.

HELEN DALLEY: Now he says he's fighting another battle for survival — to be treated justly and achieve some control over his financial affairs, currently managed by the Office of the Protective Commissioner.

JAMIE PARTLIC: My life is ... my life is in their hands. It's not a good thing, but anyway ... they're not accountable to nobody, I mean nobody. So how does that work? It doesn't sound right to me, anyway.

HELEN DALLEY: When he was finally awarded compensation for his bashing, the \$2 million passed straight to the OPC. Jamie Partlic accuses the OPC of wasting his funds, paying bills late, even letting his car insurance lapse. But most frustrating, the Office doles out his money as it sees fit. What happens when you want to buy a new TV or maybe you need a new computer?

JAMIE PARTLIC: They just tell me, "You've got to pay for it out of your allowance." Which is \$600? When am I going to get

the rest for a TV? And I feel that's wrong.

MAYANA PARTLIC, MOTHER: I don't want him to live a hard life because he doesn't have to. Why should he? He's a young fella. He can, you know, why should he? We fight so hard for him to get where he is because if we didn't, he wouldn't get no penny, just because they got money. It's his money, I always said, it's his money.

HELEN DALLEY: How capable are you now of looking after your affairs?

JAMIE PARTLIC: I'm very capable. I'm driving. I'm doing every, living ... I'm living, that's a hard job, mate. I do my own shopping, my own gardening, lawns.

HELEN DALLEY: The only way Jamie can get out from under the OPC's financial care is to take the matter to the Supreme Court. The reason he hasn't pursued that option, he says, is the cost. Jamie would most likely pay the OPC's legal bills as well as his own, even if he wins. But it's mostly been the case, hasn't it, that your costs are paid for by the client who might be opposing you.

13.

KEN GABB: Yes, it has, because the court has, on each occasion, determined that I have acted appropriately in the arguments which I've put to the court.

HELEN DALLEY: Even when you lose and the other person wins?

KEN GABB: It's not always a matter in these sorts of proceedings that there is a win or a loss. The decision to take away a person's right to manage their own affairs is a very serious decision for any court or tribunal to make. Equally, a decision to revoke that order is an equally serious matter.

HELEN DALLEY: The Supreme Court being virtually the only appeal mechanism has struck the parliamentary committee as a fundamental injustice. Why has it taken up till now for the Government to see that?

MILTON ORKOPOULOS: I don't know why it's taken up to now.

HELEN DALLEY: You're part of the Government.

MILTON ORKOPOULOS: I am part of the Government. This committee has made a determination to inquire into the Office of the Protective Commissioner. We've seen the problem. We'll be making recommendations. We will be following up each and every one of those recommendations with the Attorney-General and other relevant ministers as we ... after the report's tabled.

HELEN DALLEY: Tabling the report is still three months away. And the committee has already sat for more than a year. But Milton Orkopoulos is optimistic he can drag a closed, 19th century institution into the modern day. Those left hanging in frustration and despair at the snail's pace of change are pinning their last, albeit pessimistic hopes, on the parliamentarians.

IAN MACDOUGALL: If they won't do anything, if it's going to be a report which is just shelved, then I'm afraid it's just going to be a running sore.

JAMIE PARTLIC: What I am today, you can see how I am today, that's what I've done all myself, nobody else. It was just my guts and determination that did it. Other than that, I just don't want anybody else to go through what I'm going through. It's just not called for.

ENDS