

Australia the Lucky Country:

Today is the 10th of March 2000

Yesterday I was visited by a couple from Sydney, here in Hervey Bay on holiday until 9th of April So what I hear you say. Read on and you will discover "what" was so interesting about their visit....

First of all, some background.

This is the second marriage for both. They had been contemplating moving to Queensland for some time; in fact the wife owns land in a place called Gympie, about 1- 1/4 hours' drive, south of Hervey Bay. Gympie, unfortunately gets stifling hot in summer and very cold in winter. So they decided to check out their options... Hervey Bay was one. They organized their trip here from Sydney and were close to leaving when they hit a 'stumbling block'.

I won't use their real names, for their sake, but let me assure you this is all true.

Now, to their story....

It seems that 18 years ago the husband's 5 year old son (Brian) from his previous marriage, was hit by a car, he was close to death, but survived, severely disabled. The marriage broke down because the wife (Anna) couldn't cope with her son's disability. They got divorced. The man, who I'll call Jack, for the sake of the story, was left to care for Brian, alone.

Jack discovered 8 years ago that he was entitled to sue the driver for what he did to Brian. He won the case and Brian was awarded a great deal of money. This money is held in trust by the **Supreme Court in Victoria**. Jack is paid a weekly wage from this fund, being sole primary carer for Brian, which is a full time job. Jack loves his son and has never regretted having to look after him.

Jack needed to renovate their home and put in a pool, remember, Brian is confined to a wheelchair. So he got a loan from the trust fund to carry out these improvements. Jack never considered just asking for the money, even though the improvements would benefit his son. He was paying back the loan from the weekly wage he received.

Then Anna, the ex-wife heard about the payout for her son and she wanted a cut! Now, she also wanted access to her son. So Jack arranged that she could have Brian every weekend from Friday evening to Sunday afternoon. You see, for her to receive any money from Brian's fund she had to be seen to be doing something with her son.

Brian was returning home on Sunday afternoons, stressed and sometimes sick. Anna couldn't cope with his disabilities. She had no experience. I believe she has a volatile personality and does nothing to curtail it. One weekend, Brian, she thought, was ill, so she took him to the hospital where they put him through a monumental amount of tests. She couldn't give them any information... she knew nothing about his health. Jack had also asked her that if Brian ever got sick, in her care, she was to call him straight away, as he would know what to do.

Anna didn't call Jack first! She rang Jack from the hospital. Jack was furious! When he arrived, the doctors had no idea, even with all the tests, what could possibly be wrong with Brian. They were about to prepare him for a 'lumbar punch' when Jack arrived in time to stop them.

He found out what Brian's symptoms had been and knew immediately what the problem was.

Brian's nose was injured in the accident, therefore breathed through his mouth. His throat would get very dry and would cause him to cough. He had antibiotics which he would have been given, had he been with Jack that weekend.

Instead he was put through a great deal of stress because of his mother's ignorance.

Because of this Jack asked the Court to reduce her access to Sunday's only. The Court agreed. Anna didn't, she was furious. You see, by only having her son for 8 hours a week she couldn't claim as much money from his fund.

To 'pay back' her ex-husband Jack she got herself a solicitor who advised her to go to the Guardianship Board of NSW and let them sort it out!

(Now, if you have read my story, you'll have some idea where this is leading)

Anna applied for Guardianship of her son! **A Tribunal was held and it brought the 'big guns' out of their slimy holes! Instead of a 'lowly', common solicitor presiding over the hearing, the President of the Guardianship Board, Nick O'Neil held the main chair! This has never been heard of in the history of the Guardianship Board!**

Nick O'Neil presided because a lady, Paddy Costa, from the Carers of Protected Persons Association (COPPA) was appearing to support Jack with his case. Paddy must irritate the Guardianship Board a great deal for them to make such changes in the Board controlling the hearing. He obviously thought a 'lowly' solicitor would not have the ability to cope with Paddy.

Anna however put on an Academy Award performance! Lies were rife! But then the Board is not there to deliberate on truths and lies, they are not there to question 'evidence', **they do not have to seek the truth.**

They accept the word of the party who will help them the most in achieving their goal even if that party is lying through their teeth. Their goal of course is to achieve Guardianship at any cost and then due process is, to acquire funds for the control of the Protective Office (OPC now Trustee/Guardian).

They achieved Guardianship in this instance and have yet to be heard regarding the funds held at the moment by the Supreme Court of Victoria.

Jack's rights were taken away from him! The Protective Commissioner, Ken Gabb, who also holds the role of Public Guardian is now Brian's Guardian. Jack may be Brian's father, his primary carer, his only source of love and affection for many years but now Jack has to answer to Mr. Gabb. He cannot make a move without Mr. Gabb's authorization!

Jack, should the Protective Office gain control of Brian's funds, will no longer get a weekly wage. This will be reduced to \$100 per week out of which he still has to provide the same things, food, car fuel, clothes, telephone etc., all the normal day to day things needed to run a home and family.

Let me just recap for a moment.

Here we have a loving father who gave up his life to tend to his son. A man who in a flash lost his bright little 5 year old boy, a man who went through month after month of his son's painstaking physiotherapy, a man who has for 18 of Brian's years supported tirelessly, and lovingly, a severely disabled boy so that he could have some semblance of life.

For 23 years Brian has had a loving relationship with his father. Now, thanks to Brian's mother, Jack's role has changed. Not that it will make any difference to Jack; he still loves his son with all his heart and would do anything for him. But now, Jack can no longer make impromptu decisions, they all have to be approved by the Public Guardian, Ken Gabb.

Impromptu decisions..... Taking a holiday... what's so hard about that?

Jack, and his partner of 4 years, Sarah, were worn out mentally and physically from the turmoil caused by Anna over the past couple of months. They needed a break, who wouldn't under the circumstances!

So Jack, Sarah and Brian planned to visit Hervey Bay and in doing this they'd be able to check out the place as a future possible home. Remember they had planned to do this before all their 'troubles' began.

They told the Public Guardian that they were going away for a month. He said "NO!" He told them they had to 'stay put'. They were not allowed to leave Sydney! They couldn't believe it; they had to postpone their plans.

Jack applied to the Supreme Court for help.

The Supreme Court overruled the Guardianship Board's decision and they were allowed to come to Queensland, on holiday as planned.

A minor win, but the worst is still ahead of them. Their troubles have only just begun.

You remember that Jack has a 'loan' from his son's estate (funds) which he's been paying back.

Now that the Protective Office wants to get their grubby hands on Brian's funds, they don't like the idea that there is an outstanding loan. So, they have offered Jack a deal, because they are sure they will gain control of the funds.

They have offered to defer payments provided Jack mortgages his home to Brian. Of course they would only call in the loan if more money was needed for Brian's care. Think about what this will cost Jack...

He no longer owns the family home, therefore he would never be able to sell it, therefore he would never be able to move if he felt like it. Remember he'd only receive \$100 per week for caring for his son now, so he has no chance of clearing the loan!

Jack is now where we all are, those of us caught in the trap set by the Guardianship Board.

Jack is using this holiday time to think. When he and Sarah return to Sydney, they hope to go to the Supreme Court, where Brian's funds are held at present and plead with them not to release them to the Protective Office.

I pray with all my heart that they are successful.

As a postscript to this story, the previous Protective Commissioner, Brian Porter, who held this position since the Protective Office was established in the early 80's resigned late last year, 1999.

It seems that some of his staff were caught embezzling client's funds! Mega Bucks!!

You see this has happened before and as I understand it he remained in his position that time under promise to clear up the situation.

Seems he didn't do a very good job in ensuring it didn't happen a second time. So, to save his own snaky neck and make sure he left receiving all the little "perks", such as superannuation, long service money etc.! A typical coward, he took the easy way out.

Had he been fired, he would have lost a major amount of his termination payout.

I could probably be taken to court for publishing this here, but I don't care.

There's not much left that they can take from me anymore.

So if I end up in jail for revealing this... so be it!