

The 2000 Review of the NSW Office of the Office of the Protective Commissioner (OPC) and Guardian.

This following submission of Mrs. Jamie Furner is one of many provided to the above inquiry and I am providing it to you for use in your review, with the full consent of Mrs. Furner, as it contains details of serious wrongdoing by the NSW Guardianship Tribunal authorities who were involved in this case.

Details of the Guardianship Board/Tribunal's involvement in this matter are interspersed throughout numerous pages of this document beginning on page 2 through to page 19.

The Office of the Protective Commissioner was appointed as Mrs. Furner's husband's (Claude Nelson Furner) 'financial manager'.

I have highlighted the name of a **Mr. Peter McGivern** who I believe worked for the NSW Guardianship Board/Tribunal at some time as he was involved in this matter, without the prior knowledge of Mrs. Furner.

The OPC appointed **Mr. McGivern** as Mrs. Furner's husband's **Company Accountant and as the substitute Company Director** in place of her husband.

I also provided a submission to the above inquiry in relation to my late father's case however; I no longer have a copy of it. – June Walker.

Mrs. Jamie Furner's Horror Story follows:

Submission of Mrs. Jamie Furner:

Re: Inquiry into the Office of the Protective Commissioner and the Office of the Public Guardian.

24th April 2000 -Terms of Reference

Dear Sir / Madam,

I wish to make the following submission regarding the contemptible treatment by the Guardianship Board and the trickery involved in securing 'clients' and the mismanagement and depletion of our funds for the past three years by the Protective Commissioner. In summary, with regard to your Terms of Reference I wish to advise the following as the matters refer to our case:

- (a) The OPC have managed to deplete our finances by around \$250,000 in a matter of 3 years through negligence and sheer singlemindedness in their refusal to listen to any sensible suggestions put forth by myself, my husband's Attorney. They have in fact cost us around \$55,000 in interest with the Bank of Queensland.
- (b) The OPC has totally ignored needs and interests of the person under their control and his relatives.
 - **Not once** in 3 years have they inquired as to my husband's wellbeing. Since they have no jurisdiction over my husband they have no interest in anything else except our money.
 - Though it would have been my husband's wish to have debts cleared immediately considering the situation, they have ignored my pleas to do this for three years and are now threatening to take away our home under the guise of needing funds for future maintenance of my husband.
 - They don't take into account our needs, what was normal practice for my husband. They don't 'consult'. They tell you what will happen whether you like it or not. My opinion counts for nothing whether it be on my own or my husband's behalf. Thirty years with my husband counts for nothing!
- (c) Accountability and transparency are not words or actions that refer to these offices. Questions of missing funds, requests for assistance in recovering embezzled funds, requests to have account charges queried, all meet with resistance and denial. They cause problems for which they need legal advice- **who pays for this? The client!**
- (d) There are no effective complaint mechanisms in place within either Office. I have requested reviews, I have requested appeals, I have requested an appointment with the Protective Commissioner, Ken Gabb and for 3 years have been ignored.
 - Complaints fall on deaf ears. They 'pass the buck'. Advise it "would not serve any purpose" or plead inability to interfere.
- (e) **In this case the Public Guardian is not an issue but the Body who appoints the Public Guardian and Protective Commissioner are a law unto themselves. They accept unsubstantiated 'evidence' at tribunals; they accept opinions and concocted evidence from unqualified unsworn strangers.**
- (f) I have no knowledge of this document therefore am unable to make comment.

(g) Other related issues are following in this submission.

Summary of Events from December 1996 to April 2000.

The Guardianship Board:

- The Guardianship Board tricked me into completing and filing applications with no intention of helping me or my husband.
- The Guardianship Board lied about their being able to assist in getting my husband into hospital.
- The Guardianship Board lied about my husband's condition once in hospital.
- Margaret Watson from the Guardianship Board refused to allow Norma Furner to close a sale for the business property in February 1997 even though a date for a hearing had not yet been set, and there was no reason at that time to believe that Mr. Furner's finances would eventually come under the control of the Protective Commissioner, since I was the only applicant.
- Margaret Watson from the Guardianship Board and Dr. Skarbek from Rozelle Psychiatric Hospital, before the hearing had occurred or a date set, had my husband on a list awaiting placement in a nursing home in Sydney without my knowledge.
- Rozelle Psychiatric Hospital and Balmain Hospital staff denied me information as to my husband's medical treatment and results of that treatment.
- The Guardianship Board tried to get an injunction against me re "protecting my husband's business premises" from being sold by me when they knew this was a physical and legal impossibility.

(Extraordinary Hearing 27 March 1997)

- Margaret Watson from the Guardianship Board seconded 'witnesses' for the hearing proper (April 4th 1997) when she was only supposed to be a 'collector of facts'.
- Margaret Watson from the Guardianship Board attempted to coerce Mrs. Norma Furner into "siding with the Board" in order to obtain an injunction against me. (Extraordinary Hearing 27 March 1997)
- The Guardianship Board refused my request (sent to Nick O'Neil, President, Guardianship Board) to withdraw the hearing and applications once my husband had returned home to Queensland. (April 4th 1997)
- Dr Skarbek (Rozelle Psychiatric Hospital) after a 'case meeting' with the Guardianship Board decided that I should not be permitted to take my husband out on day leave even though he was an 'informal' patient.
- **She lied about his incontinence.**
- Dr Skarbek (Rozelle Psychiatric Hospital) did not provide the Hearing with up to date, truthful medical facts about my husband. (April 4th 1997)
- Staff at Balmain Hospital were permitted to make comments for the Hearing, which was accepted as 'evidence', about my husband's and my financial position when they couldn't possibly have had any knowledge of the circumstances. (April 4th 1997)
- **The Guardianship Board broke with "standard procedure" by not making the Guardianship Board Report available to me prior to the second hearing. (April 4th 1997)**

The Guardianship Board ignored all requests for a review of their procedures regarding the April 4th hearing.

- Mr. Julian Millar, operating for the Guardianship Board at the October 3rd 1997 hearing, refused to allow any comment from me re the April 4th hearing, though I had been advised in writing (**by the Hon Ron Dyer**) that I would be allowed this opportunity at this hearing.
- Mr. Julian Millar, operating for the Guardianship Board at the October 3rd 1997 hearing refused to discuss the Report from Ms. Alana Paxton (Queensland Public Trustees Office) although it was listed as 'evidence'.
- Mr. Julian Millar, operating for the Guardianship Board at the October 3rd 1997 hearing refused to permit me to comment on lies about appointment of Liquidators for my husband's company.
- Mr. Julian Millar, operating for the Guardianship Board at the October 3rd 1997 hearing refused to listen when I attempted to correct 'evidence' given regarding the amount of debt held by my business.
- Mr. Brindell, Estate Manager for OPC advised the accountant appointed by the OPC that he was not needed for the October 3rd hearing knowing full well I wished to question him.
- Mr. Brindell Estate Manager for OPC provided incorrect figures to the October 3rd hearing as well as incorrect information regarding closure of the company and appointment of liquidators.
- Mr. Julian Millar, operating for the Guardianship Board at the October 3rd 1997 denied me the right to question 'evidence' from the previous hearing.

The Office of the Protective Commissioner has:

- Refused for three years to listen to reason regarding clearing of debt and investment of our funds.
- Suspended my Enduring Power of Attorney in NSW.
- Refused to co-operate in an investigation re embezzlement of funds from my husband's personal account.
- Initially refused to acknowledge that they were to support both my husband AND myself from our funds.
- **Appointed Peter McGivern as Company Accountant** and as a slap in the face to me, appointed him as substitute Company Director in place of my husband.
- **Refused to query Mr. McGivern's \$26,000 bill for closing down a company that hadn't operated for the better part of 18 months.**
- Suggested that I declare Bankruptcy to get out of paying my debt.
- Suggested that I divorce my husband to obtain my share of our funds in order to clear the debt.
- Duped me into believing an Independent Supreme Court Justice would mediate on our case.
- Failed to advise me when **Justice Cohen intended to mediate so I could be present**. Refused to clear small debts until they had accrued interest and I was threatened by Court action or Admiralty Orders. Have caused the debt with the Bank of Queensland to increase by approximately \$55,000 (interest) over 3 years of their control.
- Depleted our funds from \$635,000 to around \$200,000 in 3 years through mismanagement.
- Now the OPC is holding my home as ransom over me by forcing me **AGAINST MY WILL** to sign a Mortgage to my husband in order to clear the debt with the Bank of Queensland and other small debt remaining.
- Their plan... **to eventually evict me and my family from our home under the guise of needing funds to maintain my husband.**
- **Both bodies have totally ignored the fact that my husband transferred his share of our home over to me over 10 years ago, for my future security. They have ignored the fact that I am sole heir and Executrix of his will. They ignored the fact that he gave me Power of Attorney.**

The Protective Office has cost us in the vicinity of a quarter of a million dollars through their mismanagement.

THE DETAILS: Unfortunately there is no way to keep this submission short, so much has happened.

- **Both the above mentioned bodies have systematically, totally destroyed any semblance of life my husband and I once enjoyed both personally and financially, and the lives of our family. We no longer live in what used to be a normal home.**
- **In December 1996** I discovered my husband in disgusting condition, filthy, drunk and doubly incontinent. He had an office furniture business in Sydney, in (silent) partnership with his ex-wife (Norma Furner).
- **His home is here in Hervey Bay, Queensland and has been since 1983.**
- **Rather than give up a profitable business we decided that it would be better to keep the Sydney business operating and commute back and forth at regular intervals.**
- We both travelled back and forth whenever the mood took us and prior to 1995, as I said, it was a regular occurrence.
- In May 1995 I started a Charter Fishing business here in Hervey Bay. My husband, being 27 years older than I, was concerned for my future, should he die. He didn't want me to have to 'eat into' any funds inherited from his share of the Sydney business and thought if I could have a business established in the next couple of years, then I could look forward to a comfortable future.
- Because of the nature of the new business I was unable to go to Sydney as regularly as before. He had also fired the Manager of his business, so he was operating alone and this curtailed his trips.
- However I did get to Sydney in November 1995 for 2 weeks and in hindsight, perhaps I should have seen the 'signs', the early stages of dementia. We promised to keep in touch by phone, since neither of us could get away, until he decided what to do about the Sydney business.
- Phone contact was regular until mid-August 1996. He used to take the phone off the hook at night because he was being harassed constantly by a daughter from a previous marriage, whom he hadn't seen for over 20 years, hounding him for money.
- I managed to talk to him a couple of times during the day but did not sense anything was wrong.
- By October 1996, I had lost touch altogether but could do nothing about visiting, because of the business commitments here in Hervey Bay, until early December 1996.
- I rang the ex-Manager at the end of November '96 to find out if he knew where my husband was and why I wasn't able to contact him. He blasted me over the phone with "He's got dementia!" He hadn't bothered to contact me because he said my husband didn't want me to know!
- **Neither did he contact the business partner; Mrs. Norma Furner (my sister-in-law) to advise the business was in serious trouble.**
- To cut a long story short I immediately went to Sydney with the intention of bringing my husband home. However when I saw him he had deteriorated to such an extent that he needed medical help first. He would not come home with me. The alcohol was making him aggressive. I could not force him into the car even to take him to the hospital. So I attempted to enlist the aid of his local doctor. Actually, his doctor was on leave and his doctor's partner, **instead of helping me gave me a list of Government Departments to contact.**
- **Many days later I was down to the last department on the list, the Guardianship Board of NSW.**
- **Yes, they'd be delighted to help me but first I must fill in some forms!**
- **I explained that all I wanted was some assistance in getting my husband into hospital, dried out, and taken care of medically with the end goal of taking him home to Hervey Bay.**

- While I was so relieved that he would finally be getting the help he desperately needed that **I filled out both forms and forwarded them to the Guardianship Board.**
- **My first mistake, gullibility in a time of panic!**
- I was at their Balmain Office collecting the 'form' the woman there handed me another 'form' which she told me to complete as well, an application for Financial Control, since, as she said, until my husband had been treated I would have no idea if he would still be able to handle our finances himself.
- By this time I had been in Sydney nearly 2 weeks and had to get back to Hervey Bay, because I was running out of money and I also had to see to my business.
- My husband had survived for the past few months, with the dubious assistance of a neighboring business owner (this is another story). So, I had to leave, but felt confident that at least he'd be in hospital within a couple of days, a week at the most.
- Two weeks passed and I heard nothing from the Guardianship Board. I rang them, only to be told by Margaret Watson that **"I had misunderstood their role"**. They were not in a position to pick up people and have them admitted to hospital! I was told by her that I would have to do that!
- **So, I had been persuaded to file the applications under false pretenses!**
- All in all it took me 8 weeks, from when I first went to the local doctor in Sydney, until the 4th of February 1997 when a nurse, Shelly Taylor, from the Prince Alfred Hospital and a social worker took my husband to **Rozelle Psychiatric Hospital**, rather than Prince Alfred Hospital, **"for his own safety"** I was told. I was just so relieved that he was finally getting the attention that he needed.

The weight off my shoulders wasn't gone long, when it began to build up again.

- I called Rozelle Hospital regularly, enquiring as to tests given my husband, what treatment he was receiving and how he was faring generally. Everyone was very evasive with their answers, both at Rozelle and Balmain Hospitals. The Doctor in charge at Rozelle, Dr Skarbek refused to believe that it was I who had worked so hard to get my husband admitted for treatment.
- I rang the ward on a regular basis and it was not until some 7 weeks later that I happened to contact a night nurse who allowed me to speak to my husband.
- No-one had told me that my husband was capable of conversing on the phone, prior to this time. The first thing my husband told me was that he wanted out. **So, I told him I'd get him out as soon as possible.**
- In the meantime **I was having mixed vibes about Margaret Watson at the Guardianship Board.**
- **She was contacting people I didn't even know, who had nothing to do with our lives. She made a big issue of these people's comments regarding my husband's welfare.** Where were these people when my husband needed them??
- **It appeared to me that she had been organizing the involvement of these other persons.**
- **She was supposed to be a collector of facts not 'suspect' witnesses for her 'team'.**
- I organized with Dr Skarbeck to take my husband out on Day Leave from the hospital prior to the hearing **(which I had requested be withdrawn).**
- I was to contact her prior to my leaving Hervey Bay and she would organize it with the Ward Staff.
- I did this, but she was unavailable. I contacted the ward Sister who said she would take care of it for me.

- I arrived at Rozelle Hospital around 11:00am on 26th March 1997 to be greeted by my husband, who immediately knew who I was. I was then told by the ward staff that Dr Skarbek had been to a 'case meeting' the day before, with the Guardianship Board and had made a notation on my husband's chart that he was not to leave the hospital grounds with me and I was to be told **he was incontinent.**
- I demanded to see Dr Skarbeck only to be told she wasn't available. I broke down and cried. The Sister on duty felt sorry for me and suggested that I might talk to one of the other doctors but I would have to wait until he was available.
- We waited until 2:30pm when a **Professor Snowden** joined us in the grounds. He spent time explaining in layman's terms the tests performed on my husband and their results. After about an hour of conversation he gave me permission to take my husband out on leave from the hospital.
- The shirt and trousers I had brought for my husband to wear mysteriously disappeared and he had to leave in a track suit. Of course, once I got him in the car I headed straight out of Sydney! Our first stop was Tamworth some 5 hours later and he showed no signs of incontinence. At the time, he also knew where we were going, Hervey Bay. It is now 3 years later and he still isn't incontinent!
- I intended to contact the hospital once we arrived home and let them know Mr. Furner would not be returning and I also needed to know what medication he was requiring and the dosages.
- **I was only home 5 minutes after a 16 hour trip, to have the police knock on my door asking my husband's whereabouts and they had been informed that I had "kidnapped" him.**
- **They left, laughing about the kidnap accusation.**
- The hospital is supposed to wait 48 hours before notifying police that a patient has not been returned but in my case they made an exception and the police were informed within 16 hours.
- All Hell let loose at **the Guardianship Board**, they no longer had my husband in their clutches!
- With the assistance of **Mr. Peter McGivern, my husband's company accountant, who has worked for the Guardianship Board on many occasions (on his own admission),** they called an Extraordinary hearing that day, 27th March 1997 for 2:30p.m.
- **I was contacted and instructed by Margaret Watson to make myself available by phone.**
- I was not privy to the entire hearing, only a portion, during which a **Mr. John Hislop** cross-examined me and reduced me to tears.
- The Hearing was about protecting the business property before the hearing proper one week later.
- I asked what he was expecting me to do, surely he wasn't expecting that I was about to dispose of the property in a matter of a week when 4 of those days were Good Friday to Easter Monday.
- There was no need for the hearing in the first place; my only interest was my husband and keeping him out of a Sydney nursing home. He was inferring that I would harm to my husband financially?
- Common sense should have told them that it would be impossible for me to have anything to do with the premises as there was a partner to consider.
- The premises could not be disposed of without her authority. Common sense should have told him that if I destroyed my husband financially I would be doing the same to my future.
- As it happened, he had no need to worry about me; the Protective Office has done an incredible job of ruining our finances all by themselves. Though they would blame the debt I owed the Bank for it.

It was not until I received a copy of the **Reasons for Decision from that Extraordinary hearing (after the 4th April hearing) that I discovered that Peter McGivern was the main instigator against me.**

- He “was concerned for Mr. Furner’s welfare”.
- **WHERE WAS HIS CONCERN WHEN HE LEFT MY HUSBAND TO FEND FOR HIMSELF FOR 6 MONTHS** from July 1996 to December 1996 knowing full well that my husband was a danger to himself?
- Where was his concern for the other partner, Norma Furner?
- Did he advise her in July 1996 that the business was no longer operating? **NO!**

I met this man once, in December 1996 for about half an hour (he couldn’t even be on time for that meeting) **and that was only because I was concerned about the business and what should be done about it since my husband was no longer capable.**

- He told me to contact Norma Furner and advise her of the predicament, regarding the business.
- He didn’t think it was appropriate to contact me at all regarding my husband’s health!
- I suspected he had ulterior motives for his lack of common sense and it seems I was right.
- His accusations bore tremendous weight at both the 27th March and 4th April hearings.
- **Lies of course, but never once questioned.**
- **Then he filed an enormous bill for the work done re the closure of my husband’s company.**
- I requested that the hearing due on 4th April 1997 be withdrawn since my husband was back home in Queensland and his business partner already had an authority from my husband to sell the Redfern property.
- This was refused, not in so many words, just by the fact that my request was ignored and the hearing proceeded anyway.
- I was privy to the entire hearing this time, by conference phone. However, except for a final decision to appoint the Protective Commissioner as Financial Controller over my husband’s estate because of his ‘expertise’ and ‘location’, the finances were barely discussed.
- **Most of the hearing was discussing whether or not those in attendance thought it “O.K.” for my husband to remain in Queensland with me!**
- **These people at the hearing had never been involved in the last 27 years our lives and I had never met any of them** except for Norma Furner, her daughter Rhonda and **Mr. McGivern.**

It was not until 24 hours after that hearing that I received the Report, presented to the hearing by Margaret Watson, from the Guardianship Board. It was dated 1st April 1997 and it appears that I was, according to information they afforded me, entitled to be in possession of that document PRIOR to the hearing, as was everyone else present. Thus I was denied the opportunity to question statements made and taken as ‘truth’ by the Board.

- Guardianship was adjourned, they were sure they had no jurisdiction since we lived in Queensland; however they needed 6 months to think about it.
- Financial control was given over to the Protective Commissioner even though I was the only applicant; **I was never given the opportunity to prove whether or not I was capable of handling and investing our own funds.**
- **This is not what I asked for; all I wanted was medical attention for my husband.**

Then, I read the Report! I could not believe the contents! My family was astounded.

- **Again, the main instigator was Peter McGivern, a man I did not know, a man who ‘assisted’ the Guardianship Board on many occasions.**

- It was full of selective, inaccurate, contradictory, unsubstantiated statements, slandering my character.
- I was denied natural justice in being denied the opportunity to question those who made those statements.

It appears that the **Guardianship Board** with the assistance of Dr Skarbek (Rozelle Hospital) had my husband on a waiting list for a nursing home in Sydney without informing me!

- Yet the Guardianship Board advocates that their 'clients' should be allowed to live as normal a life as possible for as long as possible, in the community and preserving family relationships.
- **They did this behind my back! My rescuing my husband on 26th March spoiled their plan!**
- Dr Skarbek's report presented to the hearing was over 5 weeks old. My husband had made a great improvement in that time, but this didn't suit them.
- **In this report my husband seems to generally be improving each day, until they knew I was going to Sydney then conveniently he was deteriorating! I think not!**
- Dr Skarbeck insisted that my husband had severe dementia. This was a lie.
- At that time my husband had periods of understanding and he was and still is capable of doing things for himself.
- She said he was totally incapable of doing anything without assistance. This may have been the case when he was first admitted to Rozelle Hospital but it certainly was not the case at the time I 'kidnapped' him some weeks later.
- Hospital staff knowingly gave false information about my husband and me.
- They knew nothing of our life together.
- The report contained a statement from a Ms. French from Balmain Hospital, which was made 2 days after my husband's admittance to that hospital for tests.
- She provided these false statements, taken as truth at the hearing!
- She **"understood Mrs. Jamie Furner may have an interest in the building and be entitled to proceeds when and if it was sold."**
- **What business was it of hers' in the first place!** She continues with other statements which were totally untrue and nothing to do with her nursing my husband back to health! These documents can be provided.
- The staff at both hospitals were unduly concerned with my husband's financial position.
- Again I asked what concern was this to them, they are nursing staff, not financial advisers! It was also inferred in this report that I was less than loyal to my husband.
- **Margaret Watson tried to coerce Norma Furner into supporting the Board at their extraordinary hearing on 27th March to obtain an injunction against me "to protect the Redfern property". Norma refused.**
- Norma Furner had told Margaret Watson sometime in early February 1997 that she had a buyer for the business premises and wished to close the sale. At this time a date for a hearing had not yet been set.
- Margaret Watson told Mrs. Norma Furner that she was not permitted to sell the premises at that time; she had to wait until the Board had their hearing!
- They had not had a hearing, there was no Financial Order and they denied Norma Furner the opportunity to close a sale for the premises in which she was offered \$1,200,000 which coincidentally it was sold for some 4 months later.
- If Norma had been allowed to close this deal things would have been settled 4 months earlier, **she may have lived to enjoy some of her money.**

Then of course if this had happened and the accountancy work was already being handled at the time of the hearing there would have been no reason to hand over financial control to the OPC.

- Margaret Watson had to make sure that didn't happen. Unfortunately Norma Furner believed
- Margaret Watson when she told her she had no right to sell the premises at that time.
- Margaret Watson alleged in her Report that many of the 'witnesses' she had drummed up were 'friends' of ours.
- This was a lie. These people knew nothing of our life together. She involved people I had never met who were purported to be great friends of my husband. My husband and I had been together for 27 years at that time and I had never met any of these "great friends".

The tribunal accepted information ("evidence") provided without question.

- Who knows what would have happened if my husband and I HAD appeared in person.
- He may have been removed from my care at that time!
- After all it states in Dr Skarbek's report that he "remains severely cognitively impaired and is awaiting appropriate placement."
- **Nowhere does it state that his wife should be informed of this plan!**
- **The Tribunal** made an Interim Order adjourning the Guardianship issue **but gave control of OUR FINANCES to the Office of the Protective Commissioner.**
- On the current website for the Protective office it states, under the heading "Who is the Protective Commissioner?"
- "The Protective Commissioner is an independent public official legally appointed to protect and administer the financial affairs and property of people unable to make financial decisions for themselves and where there is no other person suitable or able to assist."
- **This is a lie!**
- In this case **there was another person suitable AND able to assist.**
- I was the **ONLY applicant**, I was and am Mr. Furner's wife, with over 20 years' experience working in accounts.

After receiving the Report provided to the **Guardianship Tribunal** hearing by Margaret Watson I wrote a 33 page response which I sent to the Protective Commissioner, Brian Porter and to Mr. Nick O'Neil, President of the Guardianship Board.

- I pointed out the errors, the lies, the slander and asked for a review.
- Mr. Porter said, through correspondence from Graham Brindell, Estate Manager, that "the OPC and it's officers have no review function in respect of the actions of the Guardianship Board".
- He also advised he had passed my letter on to the Guardianship Board.
- **Shortly after this I was informed that Mr. Brindell had appointed Peter McGivern, accountant, to tie up the closure of my husband's business.**
- Since I have an Enduring Power of Attorney, valid in both N.S.W. and Queensland, I demanded that they get an independent accountant, the reason being **Mr. McGivern's hostile participation against me at both hearings and his failure to notify myself and Mrs. Norma Furner that Mr. Furner needed medical help and the business was no longer operating, when he first discovered this in July 1996.**

- In response to this, not only did the OPC ignore my request, but **appointed him as substitute Company Director in my husband's place!**
- Mr. Brindell also informed me that **he was not authorised to provide money for MY support!**
- I explained that my husband had supported me for 27 years (at that time), to which he replied **"that may well have been the situation prior to your husband becoming ill, but who is to say that is his wish now?"**
- I quoted a statement from an information brochure provided by the Guardianship board **"Whenever possible, the views of the person and the immediate family are sought before any decisions are made. The Protective Commissioner can in some circumstances spend money on the needs of other family members and dependents of the person."**
- He denied any knowledge of this brochure or the information it contained and informed me that the **Act only provides care for the person with the disability, not their relatives, not their spouses!**
- Then came the matter of the Charter Fishing Business I had been operating. I had to forego the business to spend time trying to get my husband hospitalized. I couldn't do both. Had I not had to spend 8 weeks trying to get my husband medical attention then I might have been able to continue with the business. **Now however the OPC was taking up all my time.**
- Once I finally got through to the OPC that they were obliged to afford me support financially I advised them that I had debts from the business I had been operating that had to be cleared.
- Wendy Steel requested I list those debts and she would organize to have their payment authorised.
- This of course never eventuated.

In the meantime I appointed a solicitor to work on my behalf. I explained to him that I wanted the Guardianship Order revoked, that they had obtained control through deceit and unqualified, unsubstantiated opinions, and that I had already paid a deposit to the Supreme Court for a Holding Appeal into the matter.

- I also advised that I wanted a case against Peter McGivern for slander and I wanted him removed as the appointed accountant, and substitute director, **tying up the affairs of my husband's business.**
- I had written to Therese Brady, Registrar of the **Guardianship Board** requesting a review, to be told by her **"she was seeking further information on the matters"**.
- It was also she who advised **"It is standard procedure for reports by the Investigation and Liaison Officers of the Board to be made available to the parties on the day of the hearing"**.
- One of the purposes of a Guardianship Board hearing is to allow any disputed facts in reports to be put to the Board to be aired and if possible, corrected."
- This is not what happened in this instance.
- The Report was kept from me until after the Hearing, and then it was too late.
- Margaret Watson had 3 working days prior to the hearing in which she could have had the Report sent Overnight Express to me.
- I wasn't even considered important enough to be afforded **"standard procedure"**.

In the ensuing months I wrote to the Attorney General, the Hon. Patricia Forsythe and the Shadow Attorney General, the Hon. John P. Hannaford begging for assistance.

- All informed me that the **Hon. Ron Dyer M.L.C.** was the person I should be contacting as the procedures of the Guardianship Board was his responsibility.
- On 25th July 1997 I sent the **Hon. Ron Dyer** a 30 page letter dealing in detail with the inconsistencies, lies, and 'so called' evidence presented at the hearing.

- I requested that once the business affairs were settled I wanted the Order reviewed, revoked, whatever it took to remove financial control from the Protective Commissioner.
- On 18th August 1997 Mr. Dyer afforded me a reply, part of which states **“I therefore suggest that this hearing (coming up on 3 October 1997) is the appropriate venue to raise your concerns and to present any evidence relevant to the application before the Board.”**
- He also advised that it was neither possible nor appropriate for him to comment or seek to influence decisions made by the Board in carrying out its judicial functions.
- If I was not happy with the way the financial affairs of my husband were being handled by the Protective Commissioner then the Attorney General, Mr. Jeff Shaw was the person I should be contacting and that he had passed my letter on to him.

Before I continue with the mismanagement of funds by the OPC I wish to advise the events of the **second and final hearing of the Guardianship Tribunal.**

- Prior to this hearing the OPC insisted that a representative from the Queensland Public Trustee Office visit with us to assess my husband and present a report for this second hearing.
- Ms. Alana Paxton arrived with an officer from the Maryborough branch of the Public Trustee.
- Ms. Paxton never moved from her seat the entire time she visited.
- I was under the assumption that she was to assess my husband’s capabilities without assistance from me. She spent about an hour with us and seemed friendly.
- **The Report she sent to the OPC was astonishing!**
- I could not believe a person could twist events, information provided and observances to such a degree. She never once took notes. She didn’t check my husband’s bedroom or bathroom.
- She assumed my husband slept in the dining room!
- She crucified me! It was almost as though she had been prepped by the OPC as to what she should report.
- I wrote to the Qld. Public Trustee and told him that Ms. Paxton should not be allowed on interviews without a tape recorder.
- I also went through her report paragraph by paragraph stating the facts as they were, not as Ms. Paxton had reported.
- Her report was presented to this second hearing along with a report from Graham Brindell, Estate Manager, OPC.
- Mr. Brindell’s report was far from factual.
- It stated that a company called Jirsch Sutherland **HAD BEEN** appointed as liquidators for my husband’s company.
- **I contacted Jirsch Sutherland on 3rd October 1997, prior to the hearing and they still had not even been approached by anyone to act as liquidators for my husband’s company.**
- Mr. Brindell also inferred in his report that my husband had only lived here in Hervey Bay with me since April 1997 (**he couldn’t even get that right, he meant March 1997**) when I “transported” him to my residence here in Qld whilst my husband was on day leave from Rozelle Hospital.
- Our home in Hervey Bay has been my husband’s home since we moved here in 1983.
- **I also asked Mr. Brindell to make sure the accountant Peter McGivern attended the hearing.**
- **I wanted to question him on his slanderous statements** made at the previous hearing 6 months earlier.
- I had been advised by **the Hon. Ron Dyer**, in writing, that this would be my opportunity to have my say.
- **Mr. Brindell took it upon himself to tell Mr. McGivern he wouldn’t be needed!**

- **Mr. Brindell did remark, outside the hearing, that the report from Ms. Paxton seemed ‘a bit far-fetched’, though he said nothing about it during the hearing.**
- I did appear in person at this hearing, with my mother as support.
- The Presiding Member was a **Mr. Julian Millar.**
- From the onset of the Hearing **Mr. Millar was smug, arrogant and condescending.**
- I told him that I had been notified by **the Hon Ron Dyer** that I would be permitted to question the discrepancies which occurred at the first hearing.
- **This request was scorned by Mr. Millar and I was informed by him that he did not intend discussing that which had occurred at the previous hearing, HIS ONLY INTEREST was the hearing at hand!**
- **So, once more I was denied natural justice.**

It was obvious that decisions had been made prior to the hearing and that anything I had to say would be of no consequence. Without even conferring with the other members of the Tribunal, he advised that the Guardianship issue was dismissed as they (the Guardianship Board) had no jurisdiction over my husband.

- The discussion about the tying up of my husband’s business affairs was held between Mr. Millar and Mr. Brindell as though I were not even present.
- Mr. Brindell insisted that at that time I had an over \$200,000 debt. When I tried to contradict this and tell the true figure I was ignored.
- Then Mr. Brindell advised that a company had already been appointed to liquidate my husband’s company.
- When I advised that I had spoken to one of the management of that company that morning prior to the hearing and that I had been told they still had not been approached to liquidate my husband’s company, I was ignored. (It was not until the 28th November 1997 that Jirsch Sutherland were finally appointed as liquidators, **8 WEEKS LATER!**)
- Mr. Brindell advised that the business affairs were within a “couple” of weeks from completion.
- This was a lie! It took 8 more months.
- At this point Mr. Millar asked what I wished to do.
- He treated me as though I were a criminal, repeating and repeating the same questions.
- Time after time I told him that if it were true that the closure of my husband’s company was so close to completion then, it would be remiss of me to interfere now, since there was my husband’s partner to consider. She had been waiting for months for her share of the sale of the property. She was not well and I couldn’t demand that we start all over again with someone else; it would not be fair to her.
- I said that if it were the case, that the finalization of the closure was close to completion, then once it was finalized I wished the control of our finances be passed to myself for administration.
- I also requested that we discuss the report provided by Alana Paxton from the Queensland Public Trustee office which had been presented to the hearing.
- Mr. Millar told me he hadn’t even read the report and was therefore not about to discuss it!
- Yet on the **REASONS FOR DECISION** (for this hearing) **dated 3rd October 1997 it states that this report was taken into consideration as evidence at the hearing along with the previous Order and Reasons for Decision of the Board in April 1997.**
- Mr. Millar and Mr. Brindell had a discussion between themselves, as though I didn’t exist, regarding my current situation and the debt which needed to be paid.

- They remarked that **‘if I divorced my husband I would be entitled to half at least, anyway’ so, perhaps once everything is finalized maybe they should ‘just pay me’.**
- This of course never happened!
- Offers I had from the OPC had been ‘BANKRUPTCY and DIVORCE’.
- At no time during this hearing was there ever mention of a MORTGAGE.
- The Reasons for Decision also stated that:
- **“When the liquidation is completed, Mrs. Furner wishes to become manager of her husband’s affairs in NSW. She may then make application for that purpose to the Board. Alternatively, if she wishes to manage her husband’s affairs in Queensland she may obtain legal advice as to her rights to make any appropriate application in that state.”**
- I advised my solicitor at that time, that I had the name of a Barrister that could be contacted to help me remove control **from** the OPC but he needed to receive the 'brief' from him.
- I wanted to take up the offer of appeal. I just couldn’t win! This solicitor did not do as I requested.
- Since I was denied the opportunity to question **Mr. Peter McGivern** as to his reasons for the slander at the first hearing I wrote to him, quoting statements from the Report (taken as evidence) presented by Margaret Watson, that he had made, according to her, and also asked him pertinent questions regarding his lack of interest in my husband’s physical and financial welfare 10 months prior to the first hearing and why he found it necessary to defame my character.
- **Mr. McGivern instructed a solicitor to advise me that he would not be answering any of the questions and to threatened me with a law suit if I harassed him further.**
- He did offer to answer questions should they be asked by the Protective Commissioner.
- I requested that Mr. Brian Porter put these questions to Mr. McGivern.
- Mr. Porter was provided with the list of questions I had put to Mr. McGivern and I receive a reply from Mr. Brindell dated 23 October 1997 stating that **out of the 19 questions asked “The Protective Commissioner has asked me to indicate to you that Mr. McGivern has been asked to reply to questions 13, 15, and 16 as set out in your facsimile letter of 21 October 1997 and will advise you of the response. It is not considered that the remaining questions have direct relevance to the formal management of Mr. Furner’s estate.”**
- These 3 questions only concerned the appointment of the liquidators and the length of time it was taking to wind up the company.
- Whether or not **Mr. McGivern** answered these questions I do not know because I never received a response from the OPC.
- **Mr. McGivern’s costs for his solicitor in this instance were added to my husband’s account for the closure of his company.**

I wrote to the Hon Ron Dyer after the October 1997 hearing advising that I had been denied to right to discuss the events of the previous hearing, as promised.

To which he replied: **“ that Ministers cannot interfere with the conduct and decisions of bodies such as the Guardianship Board.”**

Again, I had been denied my right to be heard and Mr. Dyer could not care less.

- **The Guardianship Board was within his portfolio yet he was unable to question their methods?**
- **Why is this body within ANY portfolio when they are answerable to no-one?**

If my life was Hell before this final Order it became worse than Hell after!

- I was threatened with an Admiralty Order over our vessel if the fuel and mooring accounts were not paid.
- I had asked that these be paid when the OPC first became involved.
- Since my husband's business was sold for \$1,200,000.00 and our share was \$635,000.00 there was no reason for the OPC to fear that the funds would not be replaced.

But the OPC had refused.

- With the threat of an Admiralty order the OPC now decided that maybe it would be better to pay the accounts.
- Of course the amounts were now greater since there were further mooring fees added.
- Owing to the accounts not being paid our vessel was chained to the mooring by the owners of the Fuel Station so I was not allowed to take the vessel out of the water.
- Since this time it has cost a further \$6,000 plus for mooring fees the cost of which has come out of our monthly support.
- I have been unable to sell the vessel, since technically it belongs to the Bank of Queensland and is part of my mortgage collateral to them.
- As a result of the vessel being unused the \$38,000 worth of motors are now eaten away with electrolysis, the vessel itself is weather beaten and instead of being worth \$115,000 to \$120,000 it is worth nothing today, only the market value of the hull.
- Had the Protective Office been as diligent as they professed they could have listened to me and paid the debts owed by my business when first requested by me.
- The vessel could have been sold, we had potential buyers, and the funds from the sale could have been used to replace the amount used to pay off the debts.
- **The maximum loss, had this been done the way I wanted would have been in the vicinity of \$60,000.00 reducing our capital to around \$570,000.00.**
- Because of the pig-headedness of the OPC and their refusal to listen to reason, today that loss overall is in the vicinity of **\$250,000.00**.and our capital reduced to **\$200,000.00 in a matter of 3 years with OPC 'expertise'**.
- Had I not been denied the opportunity to manage our own financial affairs my intention was to pay out the debt to the Bank of Queensland, sell the vessel, replace as much of the payout as possible with the funds from the sale of the vessel.
- We would have had in the vicinity of \$575,000 left to invest.
- I would have appointed a reputable, QUALIFIED Financial Consultant to invest our funds and today we would be living from the interest earned with most likely still having at least \$550,000 worth of capital, if not more. **I would not have the cost of solicitors, faxes, phone calls, stationery, bank interest etc.**
- With forethought our funds could have lasted us for many years to come.
- Minor repairs to the property could have been done as they occurred, now these minor problems have become major problems because of the refusal of the OPC to co-operate and remain unattended.
- The OPC have all but eliminated our future financial support which was the reason my husband kept working until well into his 70's. Our future!
- My husband never entertained retiring; he always had to be doing something.
- He never ever thought about getting a pension from the government, he was too independent.
- Now, it appears we have no option but to apply for a pension since at the rate the OPC eat up our funds the \$200,000 is not going to last very long.

- **Everything my husband worked for is gone.**

What the OPC owes us is: **Total \$286.910**

• Loss of value of our vessel.....	120,000
• Payments to the Bank Of Qld to buy time	41,000
• Bank Interest for 3 years approx.	53,000
• Solicitor's costs	20,000
• Mooring Fees approx.	6,000
• Interest on Council Rates	800
• Overcharge on Accounts bill	12,000
• Embezzled funds	13,000
• Fund's missing from my husband's account....	2,100
• Fax/Phone for 3.25 years	1,950
• Stationery/postage/ printer cartridges	1,000
• Gayler & Co. Solicitors (for OPC)	565
• Unnecessary copy of marriage certificate	41
• Moss Krouk & Assos (for OPC)	815
• Various OPC Fees and charges	14,639

To this, when I am forced to sign the mortgage there will be Stamp Duty, Solicitor's fees for me, solicitors fees for the OPC which will be charged to us plus all associated cost incorporated in creating a mortgage, which will be charged to us. **I couldn't create a disaster on this scale if I tried my hardest!**

- To rectify their financial bungling they now are pressuring me into signing an Interest Free Mortgage in order to have the Bank of Queensland and other remaining small debts paid.
- They want me to Mortgage my home to my husband so that I can 'borrow' funds which (according to Family Law) I already own, to enable me to clear the debt.
- By the time this Inquiry eventuates I will most likely have been forced into signing.
- With regard to the Mortgage to my husband, my husband had our home transferred into my name alone over 10 years ago so that when he died, while finances were being sorted out, I would at least have a roof over my head.
- As he is 27 years older than I he thought this advisable at the time.
- I am the one and only heir to his estate as well as Executrix of his will.
- I have an Enduring Power of Attorney, valid in both Queensland and in NSW.
- However the validity in NSW has been suspended by the OPC.

This Mortgage states that it is: "Repayable on demand by the Mortgagor provided that the Mortgagee shall only make demand if part or all of the principal sum is required to maintain Claude Nelson Furner. Any demand shall be limited to the then needs of Claude Nelson Furner." and Special Conditions:

- "In the event that Claude Nelson Furner predeceases the Mortgagor then the Mortgagee, his successors in title and permitted assigns that he will not require the Mortgagor to make repayment of the principal sum and the Mortgagee, his successors in title and permitted assigns will provide to the Mortgagor to enable the Mortgagor to obtain a release of this mortgage."

- I realize that there are possibly a couple of words missing from the latter quote, in order for it to make sense, but this is exactly as it is written on the mortgage I hold, waiting to be signed by me.
- I have refused to sign any mortgage up until this time because I have heard that it is normal practice for the OPC, to force people into mortgaging their family homes in order that the 'protected' person to be maintained.
- The family then cannot meet the demands of the mortgage, after the OPC reduces the funds they hold on behalf of the client to such an extent that there is not enough left to support their client and the family of their client then loses their home.
- So by my signing this mortgage I would only be delaying an eviction order.
- The choices I have are to allow the Bank of Queensland to foreclose NOW and have not only myself, but my husband and my family left without a roof over our heads OR sign the OPC's mortgage and have the same thing happen 12 months from now.
- So, I'm damned if I do and I'm damned if I don't.
- They have me in a corner and I can't get out.
- **They are forcing me to sign this mortgage AGAINST MY WILL.**
- My husband served overseas in WWII, was shot, and still bears the huge scars on his body.
- I believe he still has shrapnel in his body and according to x-rays taken during his stay at Rozelle Hospital, has shrapnel in his brain.
- Yet he never applied for a proper disability pension, he has a partial pension which today amounts to around \$75 per fortnight. He was too independent to rely on handouts.
- He worked hard all his life and in the last 30 years I have spent with him, worked hard so we would not have money worries in our future.
- Within a matter of 3 years all this has been taken away by the financial mismanagement of the OPC.
- In the past 3 years some of the requests I have made to the OPC include:-
- That they authorize the Commonwealth Bank release copies of my husband's bank statements, to enable me to investigate missing funds.
- That they authorize a handwriting expert to assist in an investigation I instigated, by the Fraud Enforcement Agency in Sydney to enable us to recover at least \$13,000 of embezzled funds.
- **That they investigate the \$26,000 accounting charge from Mr. Peter McGivern.**
- That they advise what happened to approximately \$2,100 difference in monies transferred from my husband's personal account to their common fund in May 1997.
- What response did I get to these requests?
- Either refusal because Mr. Porter considered that they were not a priority or else I was just simply ignored.
- Considering these funds are my future support as well as my husband's I was within my rights to have my requests either fulfilled or investigated. This did not happen.
- On 25th September 1998 out stove (almost 30 years old) would no longer work.
- I remember the date because it was my grandson's birthday.
- I faxed a Mr. Craig Holland and told him I wanted money for a new one, the same brand because it had lasted so long.
- I also included a quote for repairs should the parts still be available.
- The first response from Mr. Holland stated: **"Please advise your intention re-signing the mortgage. You must appreciate that by not signing the mortgage the purchase of a new stove would seem inappropriate."**
- I responded by demanding that he forward the money for a stove to my bank account and that it was Mr. Furner he should be considering here. I needed a stove to cook his meals as well as ours!

- His response: **“As you have advised that you will not sign the mortgage, monies cannot be provided to purchase the stove.”**
- According to the Bank of Queensland **‘In light of the time that has transpired to date, we consider a resolution no later than 15 October to be achievable.’**
- Considering the probable course of action that the Bank will take after the 15 October and as a stove is a fixture within a house the purchase of a stove at this point in time is considered to be an inappropriate purchase.
- Should there be an increase in the costs of living due to purchasing take-away food please advise the writer accordingly.”
- I waited TEN WEEKS before he forwarded enough money to have the stove repaired! Ten weeks my husband and the rest of the family ate salads and take-away food.

Over the years I have written to:-

- The Attorney General, the Auditor General, the Ombudsman (all 3), Ron Dyer, Faye Lo Po, their relevant opposition counterparts, the Leader of the Opposition (not Kerry Chikarovski), the Premier of NSW, the Prime Minister, and Kim Beasley, **none of whom appear to have any authority to investigate the Guardianship Board or the Office of the Protective Commissioner.**
- I begged for their help knowing that I had been well and truly ‘set up’.
- None was forthcoming, they all had excuses.
- As a result, today I am on the verge of losing our home, losing my husband, because the OPC will no doubt involve the Adult Guardian here in Queensland instructing them to remove my husband from our home and my care, admitting him to a nursing home and there won’t be a damned thing I can do about it!
- The OPC insists that the Queensland Public Trustee sign the mortgage on behalf of my husband, yet it is not the Queensland Public Trustee who is demanding the mortgage.
- I questioned the necessity of involving the Queensland Public Trustee in this matter, to be told by Steven Mohr, Legal Office with the OPC that “The Public Trustee of Queensland will be signing the mortgage at our instructions on behalf of your husband under reciprocal arrangements I have outlined.” and “The Protective Commissioner has the authority to manage your husband’s affairs in accordance with the provisions of the Protected Estates Act, 1983 irrespective of where he now resides.”
- My question was that if the Protective Commissioner has the authority and since why does he need the Qld Public Trustee to sign the Mortgage.
- I know full well why the Protective Commissioner wants the Public Trustee to sign.
- Going on the past history of their methods they will use this initial involvement as a precedent to hand over everything to the Queensland Public Trustee and get me off their backs.
- In the course of this they probably hope that if they are able to transfer their financial control to the Qld. Public Trustee before your Inquiry then, my submission will be worthless.
- They will have systematically and maliciously removed any financial possibility of my being able to look after my husband.
- I will be out on the street at 53 years of age along with my 75 year old mother and 7 year old grandson with no financial means of support.
- I am unable to receive a pension, I’m too young!
- Everything my husband and I worked for will be gone in a matter of a few more months.
- **Through the untold stress this affair has created, my husband’s business partner died in hospital after suffering from a heart attack, one of many caused by the Guardianship Board and the OPC.**

- She never lived to spend any of the funds from the sale of the business premises.
- My father, although he was in his late 80's was in good health for a man of his age **when all this began in 1997**, the worry for me, the stress I was and am suffering and the total enormity of the situation **took its toll on him and he died a year ago, thanks to the OPC.**
- I have never seen anyone deteriorate as fast as my father, a man who in April 1997 used to have my grandson climbing all over him, went for daily walks with my husband, helped me around the garden and house, swam in the pool, **to end up in two short years unable to even get to the bathroom unaided.**

The Guardianship Board and the Office of the Protective Commissioner should pay dearly for the misery they have caused, not only to me but untold thousands of others.

- I know we are not the only family to have suffered under their Gestapo like control.
- Prior to these events I was never sick except for colds and such.
- Now, I am on tranquillizers, some days I don't ever want to wake up.
- I have skin problems, rashes, and have put on considerable weight from sitting writing copious amounts of correspondence. I have a short temper, everything irritates me.
- **I cry at the drop of a hat!**
- The OPC has robbed me of special time with my grandson, robbed me of perhaps two or three more years with my father, in fact robbed me of the final months when I should have had the chance to spend time with my father instead of writing faxes and letters every day, and they have aged my mother with all the worry.
- My husband is now oblivious to all the stress and trauma, he is lucky.
- **These people are cold and heartless and obviously none have ever had 'hands-on' experience in caring for someone with dementia or any other disability for that matter.**
- They have no idea the heartbreak in losing a loved one to dementia without the extra trauma of having to worry about how fast life savings are dwindling in the hands of the Protective Office.
- I hope when their time comes that every last one of them has to go through what we have suffered, only I hope it's a thousand times worse for them
- Wendy Steel, Area Manager for the Office of the Protective Commissioner, for instance, I believe is about 26 years old.
- **She worked hand in glove with Brian Porter. She is arrogant and condescending, lacks any semblance of emotion or feeling.**
- When I asked for extra funds because we were having visitors from the U.S. for a month she told me that I **'shouldn't invite people when I couldn't afford it!'**
- I snapped back at her that I could afford it! At the time we had over half a million dollars in their clutches!
- She finally condescended to fulfil my request, under sufferance on her part, I'm sure!

For a country that promotes freedom and democracy, it's a pity those that govern this country don't practice what they preach.

No-one has the right to inflict the suffering on anyone that these animals have inflicted on me, my family and hundreds of other innocent victims. We are treated like the scum of the earth. Were we Indonesian refugees, we would get better treatment!

I thank you for your time and I pray with all my heart that this Inquiry is a success for those of us who have to put up with the hardship and torment.

Yours sincerely,
Jamie Furner.

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