

quarterly newsletter (The Gippsland Carer June 2010) as follows:

Guardianship & Administration - May Forum Review Discussion

Carers were very vocal in their condemnation of the current legislation. Some of the issues for legislative change were:

- Participants said that the current system is not geared towards families and carers. The government strongly encourages family members to fulfill the role of carers but does not provide them with legal standing or adequate support.
- The G&A does not pay enough attention to what carers do. Provision should be made in the Act to recognise the carers role.
- Families are being treated as guilty and must prove they are innocent this must be changed; carers should be treated as 'innocent until proven guilty.'
- There is a strong need for carer support and advocacy with many local examples of how Guardianship can be lost to outsiders without direct support to families being given.
- It was believed by some that it is better to remain informal than to be caught up in G&A law and regulations that do not support families well enough.
- It was suggested that to deny plenary guardianship orders conflicts with the 'least restrictive option.' i.e. if a person with a disability has some capacity they can appoint a family member as an enduring power of attorney!
- Some participants said that guardianship should be made ongoing where full-time care was needed and the person had limited capacity.
- It was suggested that guardianship is used as a weapon when carers have a conflict with service providers. Some carers have been threatened with orders if they did not comply with the wishes of service providers.
- Carers said that they felt pressured to take on the role of administrator when they do not want the role, some felt compelled under threat of appointing 'state trustees'
- In practical terms carers do act as administrators and they should not be required to undertake such matters as accounting as this is extra burden on over-burdened families.
- It was suggested that if a person with a disability lacks capacity and is cared for by family full time and their only income is a pension, family should be given an EPA and be exempt from annual returns because other pensioners do not have to account for their pension spending i.e. aged and others with capacity.
- Administration should only apply where large sums of money are involved.
- Carers stated that the alternative to full time family care was a group home that costs in excess of \$125,000 per person per annum to taxpayers (because the state won't support anything else).
- Carers noted that there was a conflict within VCAT itself over the necessity for formal orders/ hearings are too formal and intimidation/country people do not have enough regional access.
- The OPA needs to be more accountable and respect the role of family in a disabled person's life. It was suggested that the OPA sides with services too much where conflict arises (between services and family).
- Services have a tendency to want to put people with disabilities into the community, but they take no responsibility for the associated risks. It was asked 'who are the people making decisions about dignity of risk?'

We have a plethora of carer stories from which these pleas for change come and were articulated to the Gippsland forum hearing. If we were to relate all these to this Inquiry we would need one hundred pages.