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SUBMISSION FOR THE INQUIRY

INTO

OLDER PEOPLE AND THE LAW

To:
The Committee Secretary
House of Representatives Standing Committee on
Legal and Constitutional Affairs
P.O. Box 6021
Parliament House
Canberra ACT 2600

Submission by
CITIZENS COMMITTEE ON HUMAN RIGHTS NSW.
P.O. Box 562 Broadway NSW 2007

CITIZENS COMMITTEE ON HUMAN RIGHTS, INC

Established in 1969 by the Church of Scientology to investigate and expose psychiatric violations of human rights

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Friday, 11 May 2007

In 1966 the International Covenant on Civil and Political Rights was adopted by the United Nations General assembly and Article 9 states: "Every one has the right to liberty and security of person. No one shall be subject to arbitrary arrest or detention."

In 1969 The Citizens Commission on Human Rights (CCHR) was established to investigate and expose psychiatric violation of human rights. To day this office's main roll is that of watchdog, operating in over 100 countries, interacting with governments and other world wide organizations to expose psychiatric abuse to the individual through mental health practices or within the legal system or anywhere else it may occur.

As Director, I feel obliged to inform this committee on behalf of the many persons who have sought our help and support to deal with a wide range of issues which are of a legal and legislative nature.

It is not my intention to disclose any name, only to disclose the system of abuse that many families find themselves faced with, and their hopeless inability to extricate their loved ones out of the hands of power seeking bureaucrats and mental health practitioners.

There is a hidden influence in our Courts and more so our Tribunals, one which, while loudly asserting its expertise and desire to help, has instead betrayed our most deeply-held values and brought us a burgeoning mental health and nursing home population at soaring public costs.

I am referring to the Guardianship Tribunal, Office of the Protective Commission, and the Public Guardian, and the Mental Health Departments.

I have noticed over a number of years, the information contained within the reports, by persons seeking our help and support, against the above government departments all contain similarities of systemic abuse. None of which would be truthfully addressed by either the Tribunals, Supreme Court, Attorney General, the Attorney Generals Department, Minister for Health, Health Department or Resident Hospital medical staff.

FRAUD

In the first instant the value of Psychiatric assessment in the hospital, Geriatric and Rehabilitation Department, is **only an opinion** and many elderly persons are being labelled as ideal candidates for being placed under the Public Guardian and Office of the Protective Commission. This process is fostered by the ACAT Social Worker, and in many cases we find conflicting information has been fed to family members, to create a dependence on their assistance, instead of addressing and improving health criteria.

To continue this fraud, psychotropic drugs are prescribed to have the elderly drugged down, to do damage to their nervous system, to change behavior, to develop toxicity in their system besides doing damage to their mental facility.

Again, reports written by a psychiatrist are presented to a Tribunal, which is overseen by a psychiatrist, social worker and magistrate.

Very little assessment of the real health issues are sourced from the family health practitioner, and taken into account by the tribunal.

The assets of the elderly are taken, nursing home beds apparently are very easily obtained by the Public Guardian /Office of the Protective Commissioner and regardless of the elderly person's wishes or the family wishes, to stay in their own homes with family care, the abuse of the elderly continues.

FAMILY AGREEMENTS AND POWERS OF ATTORNEY.

It has been very clearly demonstrated that Power of Attorney and family agreements, are not taken into consideration, by the Supreme Court, visitors reports, judges in the Supreme Court, tribunal boards, magistrates and mental health tribunals.

Medical orders and medications being questioned by family members, meet with either, Apprehended Violence Orders, not having access to see the family member, or threats to call police.

Family members questioning drugs are never allowed to have exact details as to what is being given to the elderly, and we have on record **Electric Shock treatment given without consent** to a person under the Public Guardian, which resulted in her death.

It is well documented that persons who previously had very little use of prescription drugs, were denied complimentary therapies by the Guardianship Board. This resulting in a long and difficult history of prescribed drug abuse.

FRAUDULENT ACTIVITIES

Once a person has been placed under Medical, Financial, Access, and other Orders, by the Mental Health and Guardianship Tribunals, continuing reports appear to be required to support the first fraudulent recommendation.

This has been demonstrated in all the case studies we have been given, where the information, whether psychiatric, financial or other, has been distorted. Either by attributing the remarks to another person, or deliberately falsifying the facts.

ANOTHER CHELSMFORD NURSING HOME ABUSE, IN DISGUISE.

This organization in the 1980's was instrumental in exposing the Deep Sleep Therapy and Electric Shock Treatment given to people in Sydney and what this organization is now seeing is a similar abuse of a person's human and legal rights, the destruction of human life, the breakdown of the family and the escalating costs to government through this system of abuse.

RECOMMENDATIONS

1. That the Committee, after having considered all the submissions, make an evaluation of the roll the psychiatrist plays in creating the systemic abuse against the elderly.

2. An Australian wide audit, by the Australian National Audit Office be conducted into the clients of the Guardianship Tribunal and Mental Health. That an independent assessment of the effects of the prescribing of psychotropic drugs and/ or electric shock treatment be conducted and the results made public.

2. That elderly persons, be respected for their ageing process, and that no psychiatrist should denigrate this process by his fraudulent opinion in order that self-funding statutory NSW government bodies can resort to using the financial assets of the elderly.

3. That this audit be conducted in the following institutions: the Guardianship Tribunal, Public Guardian, Office of the Protective Commission and where necessary Mental Health facilities, nursing homes, police, the judiciary, insurance, Medicare and Centrelink.

4. By assessing at least ten case studies from each State's Mental Health Department and the Guardianship Tribunal, chosen independently for the audit, the audit should clarify as to whether:

(a) Psychiatry is instrumental in harming the health and well being to the elderly and the degree to which this is so and if criminal actions have occurred that they be punished.

(b) Evaluate if the family doctor's health report would be more beneficial and make it mandatory that it be given due weight.

(c) That psychiatrists be completely excluded from Guardianship Tribunals and have no say in dealings with the elderly.

(d) Where there is a family member who is a carer willing to care for an elderly person that elderly person should never be forcibly removed from their home.

Michael Woods
Executive Director