

# THE ALTERNATIVE GUARDIAN

A DIVISION OF THE OPPRESSED PEOPLE OF AUSTRALIA INC.

NH  
Committee Secretary  
House of Representatives Standing Committee  
on Legal and Constitutional Affairs  
PO Box 6021  
Parliament house  
Canberra ACT 2600  
Australia.

Submission No.....90
Date Received.....

RECEIVED  
15 DEC 2006

BY: LACA

Dear Sir/Madam.

**RE: ELDERLY PEOPLE ABUSE –  
OLDER PEOPLE AND THE LAW.  
TYPICAL CASE attached ( with exhibits A to Z )**

**Legislative regimes in addressing the legal needs for older people.**

From the TYPICAL CASE it is evident that Legislative regimes are not addressing the legal needs of older Australians.

In addition please find Exhibits:

**AA. TYPICAL O.P.A. WARNING FLYER**

**BB. Copy of Judgement from Lathan of the 20<sup>th</sup> September 2006 which summarises the attempts to have matter dealt with but a trial is continually denied.**

**CC. Copy of advertisement continually advertised by the Commonwealth but very little is done to put the advertisement into practice, to the contrary it must be known that the Guardianship PRIMARY AIM IS TO PUT PEOPLE INTO GUARDIANSHIP AND NOT TO FIND WAYS OF HOW PEOPLE MAY STAY AT HOME.**

**DD . Typical advertisement displaying the magnitude of the billion dollar industry we are dealing with, which obviously is open to abuse through FRAUD and FINANCIAL ABUSE through the fact that the relevant ministers in NSW , The Attorney General and the Minister for Ageing both outlining they are NOT RESPONSIBLE for their DEPARTMENTS, Exhibits J and K. in view of this the system open to slander.**

The abuse continues unabated although many people make complaints and try to appeal as noted above but all attempts are stopped .

**FRAUD . Can easily take place as there is no mechanism for appeal or to have accounts properly Made available to all parties or checked and the fact that NO ONE IS HELD RESPONSIBLE.**

**FINANCIAL ABUSE : Is open to all the elderly that have monies and /or Real Estate . The Office of the Protective Commissioner continue to liaise with the Guardianship Tribunal and Public Guardian in order to gain full control of all funds and the then spend as they please without any accountability. In case the have spent most of \$25,000.000 they had in trust on legal fees trying to keep from defending herself that she did NOT WANT to be under Guardianship. The Court System has failed us and now the O.P.C. is in the process of absconding with the FAMILY HOME that I have contributed and worked for 51 years and I am prevented from a trial as per BB.**

The Guardianship Tribunal and O.P.C. Continually disregard the Guardianship Act 1987 And the Protected Estates Act 1983.

Eg, The Guardianship Tribunal Act states that "the Principals persons view and wishes must be have utmost relevance" but the Guardianship Tribunal continue to overrule their views and make orders contrary to their views and interest.

The protected Estates Act under division 2 Part 50 states that " Protected Person and Relatives to be consulted " they do not consult but dictate and order so they get control of funds.

#### GENERAL AND ENDURING 'POWER OF ATTORNEY' PROVISIONS.

There is no point in having a power of attorney as the Guardianship Tribunal have the power to set that aside and thus hand the financial arrangements to the Office of the Protective Commissioner ready to be abused without a right of appeal.

#### FAMILY AGREEMENTS:

Family agreements are completely disregarded by the Guardianship Tribunal and the O.P.C. I have been assisting with the Family for 51 year but now have been denied access to the Family home due to the DENIAL OF TRIAL as per BB and the Guardianship Tribunal convened a secret Urgent hearing giving extraordinary powers to imprison so that the confiscation of the FAMILY HOME would be facilitated. This is done although I have an equitable right by Caveat AC493959T. Continual requests to have a reciprocal Urgent Hearing have been Denied. The agreement that I have with is being disregarded in order so that they may confiscate the property.

#### BARRIERS TO OLDER AUSTRALIANS ACCESSING LEGAL SERVICES.

Accessing legal services is almost impossible and more so for the elderly we have LAW access that is only a telephone enquiry service and usually refer you to the Law Society. The Law society have what they call a Pro Bono service but after filling in lengthy forms the application is usually Rejected but refer you to a private solicitor.

Legal aide is practically non existent for civil matters. I have made a number application have all been declined.

#### DISCRIMINATION.

There is wide spread discrimination in Elderly Abuse and is further compounded to many citizens having their primary language not being English. In case due to the fact that she never went to school she is continually abused and deemed that she is demented in order to gain advantage to her property and assets.

Australia , once a leader on the world stage of HUMAN RIGHTS ,is failing to demonstrate true leadership. We Call on the Prime Minister John Howard to show leadership by protecting human rights of the ELDERLY.

Yours faithfully,  
Michael Vescio  
O.P.A. Nat. President

Dorothy Lyons  
Secretary  
Gold Coast

PO Box W173  
Warringah Mall 2100

THE TRUTH SHALL SET YOU FREE  
( John 8:32 )

11

11