

# Onguard!

A REGULAR NEWSLETTER FOR PRIVATE GUARDIANS IN NSW

**JANUARY 2009**

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## **PGSU NETWORKING DAY**



On 24 October this year, the Private Guardian Support Unit (PGSU) was pleased to host the first ever Networking Day for private and enduring guardians. Around 20 people attended the day and took the opportunity to meet other guardians and share their stories.



PGSU team members presented information on making health and medical decisions, enduring guardianship and managing stress. Representatives from People With Disability (PWD) led an inspiring session on advocacy and negotiation skills and the need to be persistent.

The day also included a thought-provoking panel of speakers from the Aged Care Complaints Investigation Scheme, NSW Ombudsman and Health Care Complaints Commission who gave advice on using complaints processes.

***"I gained so much and have found a way of achieving what I want done."***

PGSU team members were delighted to have met guardians in person and to have made the opportunity for networking and information sharing between guardians possible. Thank you to participants for their feedback. If you have any ideas about future networking opportunities, please contact us. We would love to hear your thoughts. Content provided during the Networking Day will be included in future editions of Onguard.

Acting as a person's decision maker can be conceptually, practically and emotionally complex. Over the page, two private guardians share their experiences as substitute decision-makers to a friend. PGSU would like to thank them for their willingness to share and time taken to prepare this story.



Office of the  
Public Guardian  
Attorney General's  
department of nsw

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# private guardianship: ALTRUISTIC ADVOCACY

## ***how can vulnerable people be protected?***

Rosa grew up in an orphanage in Italy where she trained to be a seamstress and embroiderer. At 23, she migrated to Sydney on her own and started working as a tailor. At 32, Rosa was hit by a car and sustained injuries and cognitive impairments.

We met Rosa (aged 81) through our pets and chatted with her for years in a park near our business. Rosa has always been eccentric, fiercely independent and successful in her working life. She would put on her roller-skates at 1.30am and skate down the Pacific Highway, much to the surprise of late night drivers.

In time, we observed that Rosa talked to various people about her financial affairs and the property she owned. She was becoming increasingly stressed about her finances and was drinking excessively. She had a habitual daily routine.

We enlisted the help of the Aged Care Assessment Team (ACAT) after Rosa had two accidents whilst intoxicated. We aimed to clean up Rosa's home, set up personal care and seek out medical and dental care for her. At her request we became her Attorneys and sorted her complex financial affairs.

Several people began interfering with Rosa's care and attempted to sabotage her support. She was taken out when her carer was due; taken to the police to make false allegations against us; told we wanted to lock her up and steal her money; taken to buy alcohol, resulting in an increasing number of falls.

An initial Guardianship Tribunal hearing was arranged to consider Rosa's need for a financial manager. To our dismay, the person causing most disruption to Rosa at this time was invited to participate at the hearing. The Guardianship Tribunal commended us for assisting Rosa with her financial affairs and looking after her best interests.

Following the hearing, the disruptiveness caused by these people increased, as did Rosa's drinking, after which Rosa fell and sustained head injuries requiring hospitalisation. It was found that she had developed cognitive impairments related to alcohol use. Another Guardianship Tribunal hearing was convened, this time to consider Rosa's need for a guardian. We were appointed as Rosa's joint guardians. The Guardianship Order included the Access function.

We made an Access decision regarding Rosa's contact with people undermining her wellbeing. With assistance from the Private Guardian Support Unit (PGSU) we learnt how to implement this decision. We sent letters to each affected person, however these were ignored. When the situation escalated and on PGSU's advice, we requested

assistance from the police. The police were unaware of the authority provided to guardians under an Access function. Our efforts to bring the police to an understanding were unsuccessful. ACAT suggested placing Rosa in respite at a nursing home.

Four months into this placement, Rosa was happy, healthy, safe, accepted by others and leading a normal life for the first in a long time. Shortly thereafter, the same people started visiting Rosa in the nursing home. They abused staff and upset Rosa. One person lodged a complaint with the Guardianship Tribunal about our suitability as Rosa's guardians; another made an application to the Supreme Court about the Guardianship Order, alleging we had drugged Rosa and placed her at the nursing home against her will. Later we found these people had made unrecorded visits to the nursing home and had attempted to abduct Rosa to marry her off to a man she barely knew!

How can vulnerable people like Rosa be protected from such individuals? Are there many more people in Rosa's position? Since the attempt to discontinue our guardianship appointment failed, these individuals have made no further contact with Rosa. We are waiting to see what will happen at the next hearing.

## ***her good health, love and profound appreciation for her security is our reward***

Since we first started to support Rosa, we have helped her to move away from being a person shunned in the community for her eccentric behaviour and comparably poor self care. By organising her affairs we minimised her risk of financial exploitation.

We are ethical, caring, efficient and active guardians. If we are to give an honest account of our experiences, we can fairly say these have been very unpleasant. The time we've spent writing reports, attending hearings, trying to keep harmful individuals away from Rosa, has cost us many thousands of dollars in lost business.

Rosa however, has not looked back. She is part of the nursing home community. She has her own room and pays for a carer to help her achieve the things she loves most in her life – feeding birds, shopping and attending Mass. Her good health, love and profound appreciation for her security is our reward. We are happy we've had the opportunity to make a difference in Rosa's life.

## ***our advice to other guardians***

*Do what comes from your heart. We know from experience it is not easy. You will find the best solution for the person relying on you as their guardian and advocate.*

If you face challenges in your role, the PGSU can support you. PGSU staff are informative, skilled and will guide you through the complex systems related to guardianship.