

**SUBMISSION to the  
Disability Discrimination Act Inquiry  
Conducted by  
Productivity Commission**

Productivity Commission. **LB2, Collins Street, Melbourne. Vic. 8003.**

Chairperson: M/s Helen Owens  
Co Chairperson: M/s Cate McKenzie.

**Submission from Cyril Dennison. Qld**

I would first like to thank the Commission for allowing me this opportunity to present this submission to the Disability Discrimination Act Inquiry, and perhaps through our contribution and others, bring about much needed changes which will assist and provide people in similar situations to my daughter, opportunities to achieve a less dependent and more rewarding interactive life styles.

There are three (3) main areas on which I wish to express an opinion, they are to do with current Legislation in various States , for people with disabilities , particularly Acquired Brain Injury, whether via sickness, sport, or motor vehicle accidents etc .

**(Item 1) The need for national uniform Legislation :** this has probably been stated or suggested hundreds of times before , but why is it that the common sense things of life seem to take years to implement or achieve ??

Case in fact, My daughter was involved in a serious WA in the state of Victoria in October 1996, where she was airlifted to the Alfred Hospital (Intensive Care Unit Melbourne who did a magnificent job, we then had her airlifted by Qantas to Royal Brisbane Hospital (Intensive Care Unit) in November 1996 , from there she went to the ABI Rehabilitation Unit at the Princess Alexandra Hospital in mid January 1997. The total duration of her stay in hospital was two weeks short of one year.

The accident in its self was terrible enough for my daughter, a person who's life was blossoming, she had a great job with the Attorney General Department in Canberra, doing her entrance exam to do Law at ANU, plenty of friends, a new car, a happy intelligent, attractive twenty two year old young woman with the world at her feet.

Then in one horrific and senseless moment in time, because of someone elses carelessness and inexplicable actions, her life was wrecked and change for ever, and that of the lives of her immediate and close family

In relation to that accident and the Legislation of the State of Victoria, her car was registered in the ACT, the other vehicle, the party at fault was registered in NSW but as the accident occurred in Victoria was subject to Victoria's Legislation.

(con,t page 2)

In every other State in Australia, when a person who is the hundred percent innocent party to a similar accident or situation as my daughter, the insurance company for the person at fault are required by Law to meet all hospital, medical, therapy, carer hours loss of salary and transport expenses, etc, as part of the settlement. At settlement include the **full amount** in hours for past and future carer hours, agreed to by the two litigating parties, also future loss of salary, transport damages etc etc

Not so in the State of Victoria, there the state brings to bear certain **Discriminatory Practices**, which deny the victim (Natural Justice) the right for full compensation

**Section 60(2)(c)(d)** of the Transport Accident Act 1986 **corrupts** the course of natural justice and denies the victim their full entitlement to true compensation and assists the State of Victoria (Transport Accident Commission) and the insurance company to the party at fault (FAI Insurance) to abrogate its full responsibility to the victim.

**Section 60 (2)(c)(d)** restricts to a maximum of 40 hours per week for a paid carer to my daughter who was assessed by OT Therapists for the both parties (Plaintiff and the Defendant) as requiring a carer for a minimum of **96 hours per week**.

That allowance of only 40 paid carer hours per week, borders on **fraud**, the State of Victoria and the TAC are in fact **defrauding** the victim of their just entitlement. Who has to make up the difference the other **56 unpaid hours p/w**?? Her family!

When the QC for the Plaintiff asked the QC for the defendant "who is expected to look after and pay for the extra 56 unpaid carer hours", The QC for the defendant looked straight at me and said "the State of Victoria expects Mr Dennison to continue to care for his daughter as he has in the past."

This part of TAC Legislation has defrauded my daughter based on an assessed expected life span of 55 years, **\$1.2 million dollars**, in which the State of Victoria has assisted the insurance company FAI to abrogate its Legal responsibilities. Section 60 (2)(c)(d) in the writers opinion borders on criminal neglect

**Section 60(2)(c)(d)** not only discriminates against the long term paid carer situation But also the immediate and short term paid carer needs of the victim.

In every other State of Australia the **parents or partner** of an accident victim who spend many hours of caring, feeding, exercising the patient to assist in their full recovery can claim carer fees in the Insurance settlement for the many hours spent looking after their patients needs. But not under Section 60(2)(c)(d), again this is blatant **discrimination** not only is it discriminatory it is also setting up the victims family as we were,

My daughter spent nearly a full year in hospital requiring 24 hour a day care, Feeding, dressing, therapies, bathing, toileting, Two wards staff assisting a nurse for bathing and toileting situations, costing the TAC nearly \$660 per day. Yet on the weekends when we took our daughter home after the first four months to prepare her and ourselves for the new challenges she presented (cont page 3)

We carried out the same duties as did the nursing staff at the hospital except I did the job of two wardsmen , we were **unable** to claim carer fees , yet the TAC did not have to pay hospital fees over the weekends . That is available to be claimed by any other claimant in all other Australian states, That is blatant **discrimination**

**Serious procedural concerns**, in relation to the conduct of TAC and its personal in approaching our family to complete an **accident report form** in a small interview room near the Intensive Care Unit in which my daughter was fighting for her life, not expected to live and I was asked to fill in a accident report based on **what I knew** , I was advised by the person from the TAC that they **handled all** accident claims in the State of Victoria and pay for all the treatments , which in the case of my daughter was likely to be very expensive , whether or not she was at fault .

I completed and signed the form , I was **not told** that Medicare would also pay all expenses and sort it out with the Insurer concerned at settlement time . Though I was aware from my understanding of CTP Insurance Claims, the Insurer for the party at fault was liable for all the costs , damages , etc , for the innocent party

The next day I was approached by a second person from the TAC and requested to fill out a similar form , again with my daughter still fighting for her life and not expected to live , I reproached the person about the integrity of doing this sort of thing and under these circumstances , she said she agreed , and was clearly embarrassed , but said she had a job to do . I filled out the second form but advised her I had already done same the previous day , she said that if there had been a duplication it would be sorted out in their offices

**Question:** how does this situation relate to the Disability Discrimination Act?

- (a) Section 60 (2)(c)(d) of the TAC Act 1986 **discriminates** against those subject to the Act by denying them "Natural Justice" the right to be paid for the full and true amount of carer hours entitled (96 hrs per week) as assessed by OT Therapists. As in every other Australian state . **(exhibit A)**
- (b) As the Transport Accident Commission (TAC) is the State of Victoria, it is by said discrimination is **defrauding**, liability free victims of their just entitlements which would see them live independent lives and not a financial burden on society
- (c) Section 60 (2)(c)(d) of the TAC Act 1986 **discriminates** against the liability free victims **carers** (family or friends) by denying the victim the ability to claim for family carer hours worked prior to settlement . As in every other Australian state .

In so doing the State , is setting up or facilitating **entrapment** of family and or friends to supply carers hours **(free)** at no charge to the State of Victoria (TAC) That is **legislated** enslavement, family and friends do not volunteer endless hours of carer service , they have there own lives to live , and incomes to earn .

There must be hundreds families and carers who have been placed in this situation as a result of Section 60 (2)(c)(d) of the TAC Act 1986 (Vic) ( cont page 4)

- (d) In the case of my daughter, her father has had to give up his career to be a 24hr unpaid carer, had she been paid her **just entitlement** this would not be the case and she would have been able to hire a paid carer for the majority of the time.
- (c) Why is (or was) it necessary for the TAC to require a form relating to the accident be completed and signed **so soon, within hours** of the accident ?? when both the vehicles involved were registered vehicles and therefore **Insured for CTP**

Is this a means by which Victoria's CTP insurer the TAC Insurance saves or even makes profits for their State, but ultimately at major financial cost to the victim for past and future carer services **not compensated** for when the claim is settled

Because I **vividly** recall a senior supervisor from FAI Insurance in Sydney ringing me up and virtually abusing me about letting the TAC handle (case manage) the claim when it was they (FAI) the insurer for the vehicle at fault who should have.

It is now my firm belief that the **early unethical and coercive contact** by TAC Insurance personal at the Alfred Hospital intensive unit when my daughter was fighting for her life and not expected to live that they sought a signed report of my knowledge of the accident that we may have, and as a result of **alleged deceptive** conduct on the part of the TAC signed an authority to the TAC Insurance to pay for my daughter medical and rehabilitation expenses, that's purely about **control**

**At no time were my wife or I advised that by signing that report** that we may compromise the degree to which we could litigate that matter, nor were we advised of the discriminatory content of the TAC Act 1986 Section 60 (2)(c)(d)

**Question that should be put by this Committee:** How does the TAC handle the identical reverse of our situation when theirs is the 100% innocent party, would they only seek compensation payment for 40 hrs p/w from the other Insurance Company or the full 96hrs p/w so as to cover the States costs??

What have been the consequences **to my daughter and her immediate family** As a direct result of Section 60 (2)(c)(d) of the TAC Act 1986

- (1) My daughter did not receive her fair and just entitlement in compensation
- (2) Section 60 (2)(c)(d) of the TAC Act has cost my daughter \$1.2 million in future carer hours (56 hrs per week) not paid
- (3) Her father has had to give up his career, to be her full time carer that is therefore at great financial cost to him and his wife
- (4) The compensation that she been given will not last her life time particularly given the **reckless and irresponsible investment** of those funds by the Court appointed Trustee . Against our stated wishes
- (5) It is possible that at some time in the future that as a **direct result** of the State of Victoria's abrogating of its legal responsibilities by denying Natural Justice, and of questionable Procedural Integrity, It is situations like this that are likely to become a **cost** to the(Tax Payers) by way of a Federal Government having to pay a **pension** (cont page 5)

**DDA Inquiry** ( Issues Paper) Page 20 , Section 2.4, fourth paragraph last sentence. “At still broader level , where eliminating discrimination decreases the need for government funded pensions and disability services, public money is freed up for other uses.” quote - unquote .

**How should this be addressed :**

Serious pressure should be brought to bear on the Government of Victoria to **recind** and or **amend** that part of the TAC Act 1986 which prevents the application and implementation of the principles of Natural Justice, to a non liable victim in denying full compensation for past and future **carer hours** as accessed by relevant registered therapists

Section 60 (2)(c)(d) of the TAC Act 1986 (**exhibit A**) is, and will be alleged is legislated %ntent to defraud " a non liable potential litagent of their full and just compensation entitlement. The State of Victoria is by legislation and alleged procedural conduct of TAC personal at the Alfred Hospital denying natural justice

**(Item 2 ) The need for greater accountability by Court appointed Trustees.** just because the Trustee appointed by the Supreme Court are an agency of Government does not mean they are a trustworthy entity , or not accountable

Parliament of NSW: Review of the Office of the Public Guardian and the Protective Commissioner Oct 2001. (**exhibit B**) contains examples to support that statement, more over it contains worthwhile suggestions to improve services for disabled persons and those under a Court protection order whether Financial or Physical .

Examples off interest and for the improvement of services are under highlite on the following Pages 10 11, 18 19, 26, 36 37 38, 41 42, 45 48, 53 54, 74 75,

In the case of the **Public Trustee of Queensland**, ACN - 12 676 939 467 it is a corporation **a profit making organisation** , it is not a philanthropic organisation set up and run for the benefit and in the best interests of its clients , it is still the State, it is not run or subject to market forces, **competition** like normal business

The Public Trustee of Queensland is a **monopoly** institution, protected by special Legislation and is unaccountable to its Court protected (clients) and is clearly charging for services well in excess of what those (clients) it is supposed to protect can reasonably afford (**exhibit F** )

Those same clients of whom the majority would be unaware of these excessive fees and charges , because of the Public Trustees lack of accountability are therefore unable to advocate or take collective action to protect themselves.

**(Case in fact )** my daughter having suffered the terrible consequences of that horrific MVA in Victoria, On the 3rd March 2000 a settlement having been arrived at under the coercion of Section 60 of TAC Act 1986 (Victoria) , that settlement was sanctioned by the Supreme Court (Queensland )and because of (cont page 6)

the amount of compensation involved, and time honoured practices of the Supreme Court, a part Court Order was issued appointing the Public Trustee of Queensland as Trustee of those Funds , but not carer or other responsibilities , as her father would not release those responsibilities of his daughter to the State

It is important this Committee recognise and be aware that it is **The State** who has been running this **financially lucrative area** of public tragedy for decades , and therefore by historic fact there is a staff culture , We have a Court Order, this is the way it has always been done , that they are always right , we know best !!

So right from the beginning of this enforced association , by Court Order on the family to the Public Trustee of Queensland has not sat well with our family. Our view has all ways been that this **was never any** of the States business, the accident occurred in another state (Victoria) and it was we who have had to carry all responsibilities and hardships as a direct result of legislation of that State

When the settlement funds were handed over by FAI Insurance legal advisors to the Public Trustee , the first thing the Trustee did was to bank the funds and wait **seven (7) days** for the funds to clear, they proceeded to deducted from my daughters settlement The Public Trustee life time Management fee of **\$32,891**

This was the **first** blatant rip off by the State of Queensland of my daughters compensation, when her funds could have been invested and managed by myself as I have done and are doing with the rest of her estate for no charge at all .

The first contact made by the Public Trustee with the family was on 19th April 2000 , six weeks after the full compensation settlement had been paid over. On the 4th May 2000, I ascertained from a discussion with one of its Officers that my daughters funds had not been invested in the short term money market, the first 42 days in their possession , but left in their Common Fund , at serious financial loss to my daughter. I advised the Trust Officer concerned that they were in Breach of the Court Order and successfully sued the Trustee for the loss of non invested funds, balance of matters still to be heard .

That action by me on my daughters behalf has further aggravated a sensitive situation. In **Sept 2000** we received from the Trustee, their Financial Plan for the long term investment of my daughters funds.

We studied it in detail and **reject their Financial Plan** on two very valid reasons, (1) extremely poor return on investment, (2) excessively high management fees

In **July 2001** we received a further Financial Plan for the long term investment of my daughters funds from the Public Trustee stating they **intended** to proceed

We again **rejected their Financial Plan** for two very good and valid reasons (1) extremely poor return on investment, (2) excessively high management fees. (cont page 7)

but also, the hearing of the part heard application returned to the Supreme Court by the Court of Appeal to have the Public Trustee appointment to my daughters estate rescinded and have my wife and I appointed as joint Trustees/Administrator

Correspondence from the Public Trustee office on the 20th August 2001 "The Public Trustee will implement the Financial Plan on Michelle's behalf"

The Public Trustee did not respond to my further formal request **not to invest** my daughters settlement in their **Financial Plan** , and so on the 10th September 2001 I filed an Application for an Injunction in the Supreme Court.

The injunction application was heard on the 17th September 2001, was only part successful , the State was told to supply me information I was seeking under the Rules of Disclosure , the main request of the application was dismissed .

So on 19th of September 2001 , eight days after terrorist attack on the World Trade Centre (**exhibit E**), where the New York Stock Exchange had already shut their doors to business for seven days as a precaution against the unknown but expected impact it would have on the world financial markets and the possible panic trading by small , large and international investors that may result.

Yet the Public Trustee of Queensland, still went ahead and invested \$715,000 in Superannuation and \$716,000 in their Allocated Pension Plan, in one reckless and irresponsible act, and the balance \$337,000 in Managed Funds all this against our stated wishes. This was about **control** and their **management fee**, nothing else!!

In the first year 2000/2001 those funds were placed in Term Deposits as per our instruction and earned my daughter \$105,000 before Tax , while we acted to have the appointment of The Public Trustee as Trustee rescinded

In the second year 2001/2002 those same funds were removed from the Short Term investment. and placed in the Public Trustee Financial Plan, the result of their reckless and irresponsible conduct , not only lost my daughter thousands in capital , but she had **no return** on the funds invested for the first 15 months. **No return** to pay for rehabilitation , paid carers, medical , transport , **none at all** .

They knew the financial market situation was perilous, their quarterly investment report September 2001 , eleven days after they invested my daughters funds against our written wishes confirms it. quote -unquote "a more prudent approach to difficult times would be to **drip feed** your money into the market" (**exhibit C1**)

What Executive Management, Trustee, and or Administrator with any financial knowledge or expertise place such a large amount of compensation funds at such risk or exposure in a single transaction , The decision taken was about **control** , and not about the safe secure short, medium and long term investment interests of my daughters funds. **That is corporate thuggery** "alarm bells should be ringing"

(con,t page 8)

Had they left the funds where requested in the **term deposit** she would have had a return on funds to pay for rehabilitation , paid carers, medical , transport , etc . Instead she has suffered a **combined** loss of capital , plus potential earn at 5.17% a total of \$164 609

Having lost that enormous amount of my daughter compensation settlement, they proceeded to charge her **\$33,773** Financial Management Fee , this is an annual **Financial Management Fee** based on the amount of her money **they manage ??** Extrapolate that over 5 years - \$ 168,865 over 10 years - \$337,730 and over 20 years - \$675,460

Every single cent of that **compensation** awarded to my daughter and the earnings from the investment of it, **belong to my daughter alone**, and not the State

She is the one who has sustained these terrible life changing injuries, and it is she who will require every single cent of the original amount awarded and every cent of investment earned on same , to pay for on going rehabilitation , carers, medical, transport, cost of living expenses, community interaction, **for the rest of her life**

It is very clear from the facts that people like my daughter are being **ripped off** by the system that should be protecting them , and there is an urgent need for control (**competition**) some protection to be put in place to this captured (Court appointed Trustee) but very lucrative market for the States.

#### **Excessive fees and non accountability:**

##### **(Item a)**

The Public Trustee Financial Management fee in relation to their Superannuation and their Allocated Pension Plan and Managed Funds are excessive in the extreme They would of cause argue that the fees have been **legislated** for and what they are charging is the same or similar to others in the market place , That may or may not be so!!

In the case of my daughter they invested a very large amount of her funds in **their** Superannuation and Allocated Pension Plans and their Managed Funds in which they are a **financial beneficiary** , that to me seems to compromise there appointment as a Trustee.

Then for the Trustee to deduct an annual Financial Management Fee of **\$33,773** for doing absolutely **nothing** except lose my daughter an very large amount of capital and potential earn , **approx \$ 164,000** further compromises the Trustee. They did nothing to stem the loss of capital, **nothing** that's not managing funds.

My daughter would not have been aware of these massive losses had it not been for her father business accume , asking questions , and looking after her interests. There was **no reports** , monthly, quarterly , six monthly, yearly , being sent to the person protected by the Court Order in relation to the Superannuation or Allocated Pension Plans.

(cont page 9)



If that person, in this case my daughter had found out about these massive losses in two or three years time it would likely be explained away by the Trustee as market forces , not their alleged negligence at the time of the investment of funds There is no accountability and quite clearly the State relies on this fact.

The "**Disclaimer**" in The Public Trustee Investment Fund quarterly financial report. "The Australian Securities and Investments Commission does not have any jurisdiction over the Public Trustee and in turn Corporation law does not apply to the Public Trustee Investment Fund, nor the Common Fund, however The Public Trustee is audited by the Auditor General "quote – unquote (**exhibit C**)

I had reason to write to the Auditor General to request some information , attached is his reply , (**exhibit D** ) again this department is protected by Legislation from supplying the information requested, and also under FOI , This is not a healthy situation in relation to **accountability** , not only for those under the protection of a Court Order, but for society in general.

**(Item b)**

The introduction of the new Administration Management Fee on the 1st December 2001, "**Fee for Service**" is by the way it has been introduced an abuse legislation particularly in the case of my daughter.

In March 2000 the Public Trustee deducted from my daughters compensation settlement a life time Administration Management Fee of \$33,891 , her expected life duration was assessed as 55 years, that equates to an annual fee of \$598

In December 2001 the Public Trustee introduced their new Fee for Service policy On the 17th January 2002 we were advised of a change in policy which meant they would conduct my daughters account free of fees and charges **for 45 months** there after charge they would charge her on a Fee for Service basis (**exhibit 1**) That's \$32,891 - \$598 (1st year) over 45 months that equates to an annual administration fee of **\$8,072** that an increase of 1,349% **for what.**

In the year 2002 they sent us two or three refund cheques and paid the rates on my daughters house 4 times that year. The seven cheques issued by the State would have cost no more than about \$ 10 each to generate , **\$70 in all** , how do you explain a 1,349% fee increase, **you can't** Clearly that is an abuse of legislation.

Again there are no monthly, quarterly, six monthly, or annual administrative statements issued and any I have received I have had to ask for, so in point of fact they can charge a client under protection of a Court Order, what they want, when they want, for what ever they want and there is no accountability.

There is no published schedule of Fees for Service we certainly have not received any at the point of tendering this submission

Enclosed (**exhibit F**) a report in the Courier Mail dated 27th July 2002 from a person with a similar experience .

(cont page 10)

**What have been the consequences to my daughter:**

The State billing excessive fees and charges , fees for services that could be carried out by herself , or under supervision of parents.(life experience) or by her parents for nothing .

**How should this be addressed:** a suggestion for consideration would be Federal legislated competition, this would have great potential to reduce these outrageous Financial Management Fees charged by the State

Their should be ability in legislation for the immediate Family to be appointed Trustees/Administrators to a protected person estate , after the fact (occurrence) There should also be multiple Registered Trustee/Administrator organisations to which the Supreme Court could order the management of an estate, should it have some reason to doubt a families ability to manage a **large** financial estate.

By having a selection of options (competition) the estate of the dependant person would have far greater ability to control , excessive fees and charges now in this captured market.

The appointment of a national custodian (eg) **ComSuper** to receive and invest settlement funds on behalf of claimants nationally in Superannuation, Allocated Pensions or Managed Funds, **by their choice** and not by coercion!! That the management fee to Comsuper or similar federal organisation would be about \$500 per annum, per Court protected client, while this may sound slightly less than the market would like to charge , the volume that would follow or be directed by the Courts would soon compensate . This legislated competition would certainly pressure State Government Trustees to at least seriously review their Management Fees , or lose business to another secure investment agency acceptable to the Courts.

That other forms of secure investment other than Superannuation or Allocated Pensions must be considered (eg) purchase and lease back of quality buildings, office space, light commercial , to premier clients like the Commonwealth Government Agencies, State Government Departments , low risk Corporations,

There are many people like my daughter who do not wish to have their settlement invested solely in Superannuation funds and Allocated Pensions

**(Item 3 )** The failure on the part of a Court appointed Trustee to supply funds for expenses incurred by "Service Providers" to an entitled person

In the case of my daughter the State has continually refused to supply funds to my daughter to which she was justly entitled , for medical, employed carers, transport, and other expenses she and her parents (EPA and unpaid carers) had incurred.

Her parents are by way of definition "**a service provider**"

(cont page 11)

The writers reading and interpretation of the summary of the Federal Trade Practices Act 1974 is we are protected by that Act, vis-a-vis The Public Trustee a Corporation (ACN 12 676 939 467) and her family as the "service provider" to their daughter

Federal Trades Practices Act 1974 (Competition)

Part 4, Section 47, page 18 first paragraph (exclusive dealing)  
Part 4a Section 51 (a)(b) page 25 (unconscionable conduct)  
Section 51 (a)(b) page 27 (consumer transactions)

It is very clear from the facts that the Public Trustee is, by the with holding of funds **intent** on forcing my daughter and her family to **capitulate** and thereby take **control** and re-instate or re-validate a compromised Court Order.

**On the 6th November 2001** I requested the Public Trustee to review a decision.

**On the 13th November 2001** , an extract from the Public Trustees letter of reply.

"I referred your correspondence concerning the (Trade Practices Act 1974) to the official solicitor. He acknowledges that the legislation contains various provisions designed for consumer protection. But he advises that the legislation is not applicable to Trustee duties which are outlined in State Legislation and the Common Law." quote - unquote"

Having been unsuccessful in achieving our request to be supplied funds for my daughters requirements related to her accident, and not being prepared to submit to the bullying and coercive tactics of compromised Trustee by having to supply them information that is none of the States business I wrote a letter to the Australian Competition & Consumer Commission (**Exhibit G**) and made them aware of our particular situation

The ACCC's reply (**exhibit H**), is self explanatory .

It has always been very clear from our families perspective that my daughters financial interests would have been far better protected had her immediate family been appointed Trustees / Administrators from the first day the Supreme Court sanctioned her settlement . The state had no right or basis to question our integrity

Old attitudes and practises of the Supreme Court (Qld) need to be reviewed, the system should allow for the immediate appointment of family as Trustees, and in the case where that may seem inappropriate which may happen from time to time a selection of potential Trustees acceptable to the Court should be available .

The implied questions of **integrity and competence** , correctly initiated by the Courts , still denies "the right of presumption of innocence" to the Family in the automatic appointment of the Public Trustee who then use that appointment as a shield to imply they are beyond reproach which is not the case **in fact** (cont pg 12)

This question of Integrity and competence then becomes the grandstand from which the Trustee pontificates, Families or carers get particularly insensed by the constant questioning of their integrity of having to account to the Public Trustee as if the Trustee is a only entity that has any integrity or the competence to carry out life's decisions

A legislated choice of Trustees (**competition**) and the option to move between Trustees at no Financial cost to the client would assist in achieving three things

- (1) control of and saving on excessive management fees and charges.
- (2) also address a need imperative of the family , to **retain control** of their own lives, and not having the interference, percieved or otherwise of **the State**.
- (3) to be able to get on with their lives

Because there has certainly been no managed protection provided in relation to the secure investment of my daughters settlement funds, **fact**. For the court appointed Trustee it has been purely about **control** who will control the funds and their annual Financial **Management Fee**.

The Trustees continued tendency to coerce or force on her family conditional terms, in that they would be prepared to supply the funds requested **conditional on** being supplied information on proof of expenditure , A realistic request, yes (**a**) but these are privacy matters and none of the States business and not for State record (**b**) as the Trustees position as for a I am concerned is compromised they are not in a position to question my integrity or that of my family in relation to my daughter, or any matter.

The various letters of request sent to the Public Trustee contained enough information as to where the Funds were to be committed and were of sufficient receipt in themselves for the funds to have been supplied.

In closing, it appears to the writer that it is desirable to have placed into Law, **legislation** at both State and Federal level

“In the event of a Court appointed Trustee being in Breach of the Court Order relating to that Trustees appointment , that the appointment is automatically recinded/revoked, and the authority of the original order reverts back to the initiating Court.”

**It is common sense, it makes sense, it should be done.**

This would prevent and save Families like mine, enormous amounts of time and legal expense , plus the needless additional hardships placed on the families

Thank you for the opportunity of presenting this submission

**Cyril Dennison .**