

Letters as part of Parliamentary Submission Legal and Social Issues  
Committee 31 January 2022

Letter 1

To (Meryl's case manager). 15 October 2021

Re to allow Meryl (presently confined at ) to return to her own home immediately.

Staff I have spoken to have been professional, friendly and helpful.

My name is ....., Meryl and George have been our neighbours for about 4 years, George died in February this year, neighbours and being neighbours is very important to us, we have had many interactions and I have helped them on a number of occasions, one being a taxi for 6 weeks when Meryl had a replacement knee operation from which she made an excellent recovery. On the day of George's funeral my wife and I spent the day with Meryl and did our best to offer some companionship and comfort in the weeks following but it came to a point that I approached ..... Health to see if they could assist Meryl and she was on their bereavement list. Meryl and George were well known at ..... Hospital ..... Meryl was full-time carer right up until a few weeks before he died in hospital.

We became concerned a couple of months ago when Meryl's bins had not been taken in, she wasn't at home, my wife phoned Meryl and found she was in hospital for observation and in the ensuing weeks "arrangements" had been made for Meryl to go into a 12 week assessment program at ..... brought about by .....Health and her next of kin "working closely together", which is where she is now. When I spoke to Meryl on Saturday she said "I feel like a prisoner and I have done nothing wrong". I agree. From my conversations with Meryl it appears that little is being done for her, she has no plan for the future and she is being held against her will and has committed no crime. In fact a convicted criminal in prison has more rights than Meryl, they would have legal representation and a rehabilitation program to prepare them for release. It would appear that the arrangements made for Meryl did not involve her input at all, she has simply been told what is happening to her, she has been stripped of all her rights.

I have made numerous phone calls to try and understand what has happened to Meryl and how she can be in her present situation. The most common response is that I am not on a list, not next of kin. Her next of kin ..... forced Meryl to sign documents when she was in .....Hospital where she was being held I assume due to “unsound mind” and their first act was to take her keys from her and have the locks on her home changed so she is denied access to her own home. Their justification I suppose is that they have power of attorney. The power of attorney does not give the people given that authority the right to do as they please, quite the contrary they are to make decisions in accordance with the wishes of the person they are serving as though it was the person them self. The next of kin to quote Meryl’s daughter in law “are not people who Meryl would choose”. The next of kin had not visited George and Meryl in 20 years and did not attend George’s funeral.

It is my view that Meryl should be returned to her own home at ..... immediately. On what grounds are you holding her against her will? Her trusted friends and neighbours of 20 years and I refute any notion that Meryl was a danger to herself or others as was suggested to me by the manager of .....Medical when I spoke to her on the phone. Meryl was grieving for the loss of George, was lonely because of the lockdowns, she was distressed because she has lost her keys to the house and thought someone had taken them. This was not a fanciful notion because several years ago keys were taken from their back door while they were at home, it is what police call an opportunistic crime, I have seen a young man on our property trying to do the same thing. I spoke to Meryl a few days before she disappeared, she was bright eyed and we had a pleasant coherent conversation, she was driving safely, shopping and looking after herself. She has been deprived of her liberty for many weeks on the basis of a conversation with a doctor and his opinion. If a criminal is to be convicted and imprisoned there has to be evidence given from many sources and they have a defence counsel. Meryl was denied any legal help when it was asked for while she was in .....Hospital and her friends defence of her ability was dismissed. She didn’t even need to go to the doctors appointment, she could have said no, she didn’t know she could have taken a friend or someone to advocate for her. 12 months ago Meryl was full time carer for George, keeping appointments, managing the house, driving to ..... Grieving, being lonely, being distressed because keys are lost are not grounds for keeping someone confined for months against their will.

I will be making a detailed submission to the Victorian parliament's Legislative Assembly's Legal and Social Issues Committee, on Meryl's circumstances over the last few months, see description below - submissions if accepted are protected under parliamentary privilege.

What helps you live happier? Support for Victorian migrants aged 60 & over is the focus of a new inquiry.

The Legislative Assembly Legal and Social Issues Committee is examining the adequacy of services for culturally diverse older Victorians and the unique challenges they face. Issues include social isolation, civic participation, digital literacy, elder abuse and access to culturally appropriate aged care and home care services.

I hope I will be able to report that you responded by ending Meryl's suffering and confinement. In 1993 Brian Burdekin produced the Burdekin Report, according to google it exposed the devastating personal consequences of inadequate mental health and welfare services, it said that the measure of a civilisation was how it treated its most vulnerable. You can restore Meryl's dignity by allowing her to return to her home with her keys and bank cards where she start again with those she can trust, friends, relatives and professionals, to work out her future.

Yours sincerely

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Letter 2 31 October 2021

Hi .....

Re our brief conversation on Thursday about Meryl you made the comment that she was continually saying she wanted to go home, I'm assuming you were meaning it was something par for the course that you didn't take seriously, . I'm also assuming because of your heavy work load that Meryl to you is a client and occupies a bed which means cash flow. It seems to me a perfectly reasonable for Meryl to want to go home. My view is influenced by the fact that I can see Meryl's house outside my window, so it is a constant reminder that she is confined

against her will and that her next of kin have changed the locks to her house without her permission and access it as they please.

Some personal information that I have learned about Meryl and George - one of Meryl's earliest memories is hiding under the kitchen table when she was 3 years old when German bombs were falling on ....., her father worked night shift for the postal service and she had 10 or 11 siblings, only 2 or 3 had children, Meryl has none, we found the house she grew up in on Google maps. One of her older sisters came out to Australia in the mid 1950's, Meryl missed her so much but her mother wouldn't let her come out until she was 18, it took a week by air to fly out, it must have cost a lot. She and her first husband had a business on the outskirts of ....., after her husband died she met George and they had 20 happy years together mostly in .....

George had ..... due to hardship as a child and was ..... years, Meryl was always there for him right up to the time he went into hospital a few weeks before he died, he had a fall at home. George was a humble man, generous and kind, very highly thought of by his family which they expressed at his funeral. George told me that his father was captured in Stalingrad by the Russians as part of the German army and never heard of again, there is no record of him, his mother died 3 years later of a heart attack, he said she died of a broken heart which meant he and his sister were orphans, I have seen a photo of them in that state and when you consider the state of Germany at the end of WW2 it was a pretty grim outlook. George was brought up by his grandparents, his grandmother said he wouldn't amount to anything, he proved her wrong, he proudly called Australia home for 60 years grateful for the refuge and opportunities it gave.

So why am I going on about this? I have been a Christian for over 40 years and in the book of James in the New Testament it says - pure religion is this, to visit the widows and orphans in their distress. I have been to ..... police on 3 occasions to express my concern about Meryl's situation, the last time, I spoke to the Senior Constable who had visited Meryl twice for about an hour each time. He said that she wasn't coping but calmed down after a while, she was struggling financially but the house was kept very tidy and he laughed at the suggestion that she was a danger to herself or others. These are some personal things that I wanted to share with you, considering what Meryl has done for George, and by association his family, she saved the state many tens of

thousands of dollars if not more, we as a community have failed her and she deserves much better. The thought of her incarceration being extended for another 6 weeks just because VCAT can't get its act together is in my view worse than a miscarriage of justice because Meryl has committed no crime. On October 31 Meryl will have been detained for 100 days, on her birthday November .... it will be 108, it will be hard to say Happy Birthday, November .....her 12 weeks assessment period at ..... will be completed but another 6 weeks could be added, her freedom has what value?

Yours sincerely

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Letter 3 to VCAT. 17 January 2022

VCAT Reference Number:

Att: VCAT Senior Member and anyone else who will listen. The continued illegal incarceration of Meryl at .....

I am writing to demand for 7th or 8th time, ( 5 times to ..... and this the 3rd to VCAT) I'm losing count, for the the immediate release of Meryl .....from where she has been incarcerated (dictionary definition - confined) without just cause since August 2021. Her "crime" for her incarceration was not coping with the loss of her husband (relationship of 20 years) she had been his sole carer as he had been ..... years. They had made an agreement that neither of them them would put the other into a nursing home, Meryl honoured her part of the agreement, who is honouring Meryl.....????? ..... of ..... Health stated in the VCAT application that he was unsure of the legality of the EPOA that had been claimed by the next of kin and used to have total control over Meryl's life including breaking into her house and changing the locks without her knowledge or permission, preventing her from coming home when ..... were willing to let her because Meryl was continually asking to go home and removing her car from her property also without her knowledge or permission. In the VCAT hearing on .... Dec Senior Member .....made it clear that the next of kin did not have the power to make personal decisions for Meryl, their only responsibility was to look after her financial affairs in her best interest.

6 weeks have passed since the decision has been made to appoint a guardian for Meryl - in the VCAT order it states that

VCAT makes this decision because it is satisfied that

c) this guardianship order will promote the personal and social wellbeing of Meryl

Meryl has told me (10 am this morning) she has heard nothing from VCAT and while being buoyant for a week or two after the hearing she is now losing hope, you are failing in your duty of care. The way Meryl has been treated from the time the doctor put her into .....hospital on July ....., ..... hospital staff working closing with next of kin to be incarcerated at ..... that we now know did not have the authority to make that decision which makes it illegal, using her My Aged Care (a misuse and abuse of federal government money), the extension of her incarceration using her My Aged Care (still illegal) and now a decision to appoint a guardian, why get her hopes up just to have them dashed. Why did you not give Meryl some idea how long the process would take eg 1 month, 3 months, 6 months, whatever. How cruel are you people, I'll say it again how cruel are you people, what does it take to move you. This is a litany of betrayal of an innocent grieving vulnerable widow.....caught up in a heartless bureaucratic system where the only person who has spoken to Meryl with the respect and dignity she is entitled to expect is ..... who took the hearing.

In previous correspondence to ..... I have said that Meryl has less rights than a criminal because all the decisions that have been on her behalf that have involved her incarceration have been done behind closed doors in secret (except the VCAT hearing) whereas if it was a criminal matter there would be a prosecution and a defense with a magistrate and/or jury to weigh up the evidence. The secrecy of the decision making for Meryl is damning, it is not done for her safety and protection but to protect and hide the decision makers from scrutiny. I was listening to Damien Carrick on ABC's Law Report on a forensic psychiatric prison in Melbourne where people who had murdered had claimed mental impairment but in doing that had to submit themselves to medical treatment which involved taking medications that had side effects. The doctor explaining the legal process said that decisions were subject to a judicial process and examination including a jury, a doctor could not just make the decision himself. Meryl has had no such protection, they have done whatever they like with her.

For the 3rd time I ask for an emergency assessment of Meryl's situation with respect to her mental health and well being as set out in the Guardianship and Administration Act 2019. The first time I asked for a welfare check was when I wrote a formal complaint to ..... police alleging elder abuse of Meryl, the complaint was rejected on the grounds of the EPOA which we now know does not include personal decisions, the 2nd was when I submitted documents for the hearing .....Dec. On Australia Day it will be 6 months since Meryl was taken from her home, having grown up in occupied Europe and come and contributed to the wealth of Australia for 60 years, what is she going to celebrate. You tell me or better, tell Meryl. Added to Meryl's distress is the toll this is taking on those who know and care about her and are endeavouring to advocate for her release.

I spoke to ..... at ..... about 9am this morning, he said he was not aware that a guardian had yet been appointed for Meryl.

Yours sincerely

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PS As stated in my submission, I was contacted by the guardian appointed for Meryl on 28 January. VCAT has responded to my emails promptly and personally, a credit to them.