

Eccentric and Confronting Rulings by VCAT

“They gets a lot wrong!”

Herald Sun, Monday 13 February, 2012, by Alan Howe

VCAT was capable of eccentric decisions from its earliest days. Kellam was tribunal president when it supported rogue doctor Ian McGoldrick in 1998.

The Medical Practitioners' Board refused to reinstate McGoldrick after he had been found guilty of Medicare fraud and treating patients while unlicensed.

VCAT found McGoldrick dishonest, but that the community should not be deprived of his services. The practitioners' board took this decision to the Court of Appeal and won, unanimously. VCAT had "erred in law" the court insisted among other criticisms.

Most recently it has developed the habit of overturning Department of Justice bans on criminals and perverts who wish to work with children.

One convicted paedophile, whose identity has of course been suppressed, quite rightly failed a Working With Children Check. He appealed to VCAT which overruled the ban saying the man had been under pressure as a union delegate. Unions create paedophiles? News to me. I must tell Paul Howes.

Not long after, VCAT again overruled the Department of Justice this time insisting that a man who punched his stepson so hard the boy died, was fit to work with children.

The man was charged with murder, but pleaded guilty to manslaughter. Just who is this monster and is he working with your kids? You are not allowed to know. By the way, he killed his stepson for refusing to wear a seatbelt. Just who is overreacting here?

Last year another paedophile refused a licence to work with children (this guy had also been regularly using ice, cocaine and ecstasy) convinced VCAT to overturn the decision, the tribunal ruling it was "in the public interest".

Then, last week, more bad news, but predictable: my colleague Padraic Murphy reported on another killer who had gone to VCAT and convinced it to overrule his ban on working with kids.

At the apex of his 27-year crime spree of theft, drugs and dishonesty, this fellow stabbed to death a man in an unprovoked, frenzied attack after having sex with the victim's girlfriend.

He was tried and convicted of murder. At a second trial he was found guilty of manslaughter "more serious than most".

Among other things, VCAT was told that he now "practises yoga". Planning a crime? I'd keep that one up your sleeve.

VCAT, humiliating the diligent officers at the Department of Justice, has just decided the bloke is fit and proper to work with children - Possibly yours.

LISA Comment: We suffered the eccentric wrath of the 'Victorian Civil and Administrative Tribunal, for years.

It took us four years of bloody battle, with top legal support, to get 'Plenary Guardianship' – continue to be legal parents of our adult son. A delightful young man, but with the capacity of a regular three year old. Yet, VCAT ruled that he did not 'need' a guardian. Would the parents of a regular three year old accept he or she did not need parents? No way!

And, at every renewal hearing up to ten years, VCAT very assertively tried to take the Plenary Guardianship away from us.

LIFESTYLE IN SUPPORTED ACCOMMODATION (LISA) INC.

Tel: 03-9434-3810: Email: vk3qq@optusnet.com.au

Web: www.lisainc.com.au : www.lisa-aus.blogspot.com

NOTE: We are always interested in feedback and information; general, specific, good or bad. If you wish anonymously: Our mail address is 73 Nepean Street, Watsonia, 3087