### 201706727 File Note

<table>
<thead>
<tr>
<th><strong>Action Details</strong></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Case Number:</strong></td>
<td>201706727</td>
</tr>
<tr>
<td><strong>Assigned Date:</strong></td>
<td>28-Jun-2017 12:00 AM</td>
</tr>
<tr>
<td><strong>Assigned To:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td>Unknown</td>
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<tr>
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</tbody>
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<table>
<thead>
<tr>
<th><strong>Comments</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Complainant is blind, provided information from memory, seeking an appointment.</td>
</tr>
<tr>
<td>Caree's name is [redacted]</td>
</tr>
<tr>
<td>Advised her I would need to seek advice from my supervisor re jurisdiction, and get back to her.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Due Dates</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reminder Date:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Due Date:</strong></td>
<td>(Action Owner)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Closure</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Completed By:</strong></td>
</tr>
<tr>
<td><strong>Completed Date:</strong></td>
</tr>
<tr>
<td><strong>Outcome:</strong></td>
</tr>
</tbody>
</table>
Hi [Name],

Could you please have a look at this case and advise if it is within our jurisdiction?
(Re a carer at a supported residential service - consumer died earlier this year, complaint from sister in law about carer grooming the consumer and profiting from this)

Thanks

Regards,

[Name]

Health Complaints Commissioner
Level 26, 570 Bourke Street, Melbourne 3000
9032 3163

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Health Complaints Commissioner
<A statutory authority of the Government of Victoria>
## Action Details

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<thead>
<tr>
<th>Case Number:</th>
<th>201706727</th>
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</thead>
<tbody>
<tr>
<td>Assigned By:</td>
<td>[REDACTED]</td>
</tr>
<tr>
<td>Assigned Date:</td>
<td>29-Jun-2017 12:00 AM</td>
</tr>
<tr>
<td>Assigned To:</td>
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</tr>
<tr>
<td>Status:</td>
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</tr>
</tbody>
</table>

## Comments

Hi [REDACTED],

Complaints about supported residential services are generally handled by the Department. Unclear whether caller has contacted them.

Also, considering the consumer was in hospital for 5 months, what is the period of care the complainant is complaining about and did the consumer have a guardian appointed? Doesn't look like a complaint for this office.

Sounds like there are legal issues.

I have asked [REDACTED] to look at this and provide us with comments.

Regards

Customer Services Manager

Health Complaints Commissioner
Level 26, 570 Bourke Street, Melbourne 3000
9032 3108

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< A statutory authority of the Government of Victoria>

## Due Dates

<table>
<thead>
<tr>
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<th>[REDACTED]</th>
</tr>
</thead>
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## Closure

<table>
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<tbody>
<tr>
<td>Completed Date:</td>
<td>29-Jun-2017 12:00 AM</td>
</tr>
<tr>
<td>Outcome:</td>
<td>[REDACTED]</td>
</tr>
</tbody>
</table>
### Action Details

- **Case Number:** 201706727
- **Assigned By:** [Redacted]
- **Assigned Date:** 29-Jun-2017 12:00 AM
- **Assigned To:** [Redacted]
- **Location:** Unknown
- **Status:** Closed

### Comments

Discussed with [Redacted] and [Redacted] and information passed on to [Redacted] who will contact complainant. Alexis will confirm details in an email.

### Due Dates

- **Reminder Date:** [Redacted]
- **Due Date:** [Redacted] (Action Owner)

### Closure

- **Completed By:** [Redacted]
- **Completed Date:** 29-Jun-2017 12:00 AM
- **Outcome:**
This is a potentially complex jurisdictional question, and we will need further information.

SRS's are state funded low care residential facilities and are likely to be in jurisdiction as general health service providers and the carer may either be an employee of the GHSP or a GHSP in her own right.

The Code of Conduct at item 12 covers financial exploitation of clients. The date is crucial on the question of jurisdiction (i.e., 1/2/2017) I note the date is cited as 12/06/2017, does this relate to the death of [redacted], the finalisation of the will, the signing of the will or another item? We may need to turn our minds to how we determine the date of the serve

Is [redacted] able to supply us with copies of any of the determinations from VCAT?

Could we get further information which includes the chronology of events relevant to the complaint and other relevant documents?

Happy to workshop this further.

Regards

[redacted]

Resolutions Manager

hcc.vic.gov.au
Level 26, 570 Bourke Street T 03 9032 3109
Melbourne VIC 3000

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Hi

Could you please have a look at this case and advise if it is within our jurisdiction?
(Re a carer at a supported residential service - consumer died earlier this year, complaint from sister in law about carer grooming the consumer and profiting from this)

Thanks

Regards

Customer Service Officer

Health Complaints Commissioner
Level 26, 570 Bourke Street, Melbourne 3000
9032 3163

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Health Complaints Commissioner
<A statutory authority of the Government of Victoria>
**201706727 Phone calls - in**

### Action Details

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<th>Assigned To</th>
<th>Assigned By</th>
</tr>
</thead>
<tbody>
<tr>
<td>201706727</td>
<td>29-Jun-2017</td>
<td>Unknown</td>
<td></td>
</tr>
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<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Unknown</td>
<td>Closed</td>
</tr>
</tbody>
</table>

### Comments

- Rang to return call.
- Confirmed (care) took (consumer) to get her enduring POA revoked in July 2007 (POA had been nephew, she needed assistance as she had inherited the estate of one of her brothers) then took her to write up a will August 2007 (which leaves her estate to the carer's daughter).
- She was staying at [redacted] until early this year, then she went to [redacted] hospital. The hospital determined she was unable to make choices for herself (first official assessment), VCAT hearing appointed third party to determine where she would live, she was then in transitional care at [redacted] until she passed away.
- Only other body [redacted] has spoken to at this stage is Human Services, they investigated the matter prior to the VCAT hearing and interviewed the carer, and they didn't find anything untoward - but they didn't consult with the family, and the will was not available at that time.
- She wants the carer to be banned from this type of work, feels her behaviour is disgusting.

Discussed our change in legislation and the impact on our ability to assist. Advised we would get back to her. She is happy to provide VCAT determination or anything else we might want - due to sight impairment, agreed we would send letter with the details so she could get someone to help her (that is, if we require further documents from her).

### Due Dates

<table>
<thead>
<tr>
<th>Reminder Date</th>
<th>Due Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>29-Jun-2017</td>
<td></td>
</tr>
</tbody>
</table>
Hello,

Therese returned her call yesterday afternoon, I spoke to her, additional notes in SoC.

The incident date I used was based on the death of the consumer.

The complainant clarified the will was written in 2007 (the family were not aware of it until after she died).

She is happy to provide any documentation we require, but will need to send her a letter so she can get someone to assist her. Discussed with - - may not be necessary to obtain documents, if outside jurisdiction anyway?

Regards

Customer Service Officer

Health Complaints Commissioner
Level 26, 570 Bourke Street, Melbourne 3000
9032 3163

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Hi

This is a potentially complex jurisdictional questions, and we will need further information.

SRS's are state funded low care residential facilities and are likely to be in jurisdiction as general health service providers and the carer may either be an employee of the GHSP or a GHSP in her own right.

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Is - able to supply us with copies of any of the determinations from VCAT?

Could we get further information which includes the chronology of events relevant to the complaint and other relevant documents?

Happy to workshop this further.

Regards


Resolutions Manager

hcc.vic.gov.au
Level 26, 570 Bourke Street T 03 9032 3109
Melbourne VIC 3000

The information in this email is confidential. It is intended only for the person to whom it is specifically addressed. If you have received this information in error please notify me immediately.
Subject: Fw: 201706727

Could you please have a look at the above matter?

I do not believe it is one for this office.

Thanks

Customer Service Manager

hcc.vic.gov.au
Level 26, 570 Bourke Street T 03 9032 3108
Melbourne VIC 3000

--- Forwarded by [Redacted] /HeadOffice/DHS on 29/06/2017 12:39 PM ---

Hi [Redacted]

Could you please have a look at this case and advise if it is within our jurisdiction?
(Re a carer at a supported residential service - consumer died earlier this year, complaint from sister in law about carer grooming the consumer and profiting from this)

Thanks

Regards

Customer Service Officer

Health Complaints Commissioner
Level 26, 570 Bourke Street, Melbourne 3000
9032 3163

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Due Dates
Reminder Date: [Redacted]
Due Date: [Redacted] (Action Owner)

Closure
Completed By: [Redacted]
Completed Date: 30-Jun-2017 12:00 AM
Outcome: [Redacted] (Action Owner)
### 201706727 File Note

**Action Details**
- **Case Number:** 201706727
- **Assigned Date:** 27-Jul-2017 12:00 AM
- **Assigned To:** [Redacted]
- **Location:** Unknown
- **Status:** Closed

**Comments**
- Discussed with [Redacted], could you please review and advise whether complainant ought to send the HCC any documentation or would it be a matter out of jurisdiction.

**Due Dates**
- **Reminder Date:** [Redacted](Action Owner)
- **Due Date:** [Redacted](Action Owner)

**Closure**
- **Completed By:** [Redacted]
- **Completed Date:** 27-Jul-2017 12:00 AM
- **Outcome:**

---

HCO.9999.0001.0173
### Action Details
- **Case Number**: 201706727
- **Assigned Date**: 27-Jul-2017 12:00 AM
- **Assigned To**: Unknown
- **Location**: Unknown
- **Status**: Closed

### Comments
This file was reallocated from [Redacted] to HCC Team Managers on 27/07/2017.

### Due Dates
- **Reminder Date**: [Redacted]
- **Due Date**: [Redacted] (Action Owner)

### Closure
- **Completed By**: [Redacted]
- **Completed Date**: 27-Jul-2017 12:00 AM
- **Outcome**: [Redacted] (Action Owner)
# 201706727 File Note

## Action Details
- **Case Number:** 201706727
- **Assigned Date:** 28-Jul-2017 12:00 AM
- **Assigned To:** Unknown
- **Location:** Unknown
- **Status:** Closed

## Comments
This file was reallocated from HCC Team Managers To: [Redacted] on 28/07/2017

## Due Dates
- **Reminder Date:** [Redacted]
- **Due Date:** [Redacted] (Action Owner)

## Closure
- **Completed By:** [Redacted]
- **Completed Date:** 28-Jul-2017 12:00 AM
- **Outcome:** [Redacted] (Action Owner)
**201706727 File Note**

**Action Details**
- **Case Number:** 201706727
- **Assigned Date:** 01-Aug-2017 12:00 AM
- **Assigned To:** [Redacted]
- **Location:** Unknown
- **Status:** Closed

**Comments**
Assessment Committee 30/07/2017
Date of the incident at the time of Will 2007. OOOJ for the HSRA. More appropriately dealt with as a legal challenge to the Will. Decline to deal with the complaint.

**Due Dates**
- **Reminder Date:** [Redacted] (Action Owner)
- **Due Date:** [Redacted] (Action Owner)

**Closure**
- **Completed By:** [Redacted]
- **Completed Date:** 01-Aug-2017 12:00 AM
- **Outcome:**
## Action Details

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## Comments

HCAL.6: Decline direct resolution ss 13 14(i)

## Due Dates

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**Comments**

HCA1.8: Blank complainant

**Due Dates**

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**Action Details**

- **Case Number:** 201706727
- **Assigned Date:** 03-Aug-2017 12:00 AM
- **Assigned To:**
- **Location:** Unknown
- **Status:** Closed

**Comments**

Signed decline letter OGI under HSRCA 1987 - note health service pursuant to the Act.

**Due Dates**

- **Reminder Date:**
- **Due Date:** (Action Owner)

**Closure**

- **Completed By:**
- **Completed Date:** 03-Aug-2017 12:00 AM
- **Outcome:**

       (Action Owner)
### File Cover

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<tr>
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<th>201706727</th>
<th>Issue 1: Inadequate or misleading information</th>
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<tbody>
<tr>
<td>Case Stage:</td>
<td>Complaint Receipt</td>
<td>Issue 2: Inappropriate relationship</td>
</tr>
<tr>
<td>Officer:</td>
<td></td>
<td>Issue 3: None</td>
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<tr>
<td>Written Rec'd:</td>
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<td>Objective 1: Register Concern</td>
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<td>Objective 2: None</td>
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</table>

**Action Date & Time:** 28-Jun-2017 12:00 am

**From:**

**To:**

**Officer:**

**Case Stage:** Complaint Receipt

**Action Taken:**

**Summary of Complaint:**

COMPLAINT SUMMARY FOR 201706727 - Complainant calling about a state residential place where her sister in law (age 79) was staying until recently (she died over the long weekend).

The consumer was of very low intelligence and the complainant is concerned the carer groomed her.

She was originally at this place only short term and then her family arranged for her to go to an aged care facility long term. The carer from the first place convinced the consumer that she was there against her will and encouraged her to return to the first place. She took her out to do her shopping, banking, to the movies, ingratiated herself into the consumer’s life, as her friend, to replace her family, overstepped the boundaries of the carer role.

The consumer became unwell, in hospital for 5 months, the family were concerned, went to VCAT to get a third party guardian appointed (approx March this year).

The carer took the consumer to get the enduring power of attorney overturned and later to write a will. The carer’s daughter will inherit the consumer’s estate.

The carer still works at this place and the complainant wants someone to be responsible for what’s happened.
### Summary

**COMPLAINT SUMMARY FOR 201706727:** Complainant calling about a state residential place where her sister in law (age 79) was staying until recently (she died over the long weekend).

She was originally at this place only short term and then her family arranged for her to go to an aged care facility long term. The carer from the first place convinced the consumer that she was there against her will and encouraged her to return to the first place. She took her out to do her shopping, banking, to the movies, ingratiated herself into the consumer’s life, as her friend, to replace her family, overstepped the boundaries of the carer role.

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### Receipt Details

- **File Type:** Complaint
- **Case Type:** Complaint
- **How Received:** Phone
- **Received Date:** 28-Jun-2017 12:00 AM
- **Received By:**
- **Status:** Closed
- **Due Date:** 01/01/0001 12:00:00 AM

### Issues - 2

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### Actions - 19 (All Completed)

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<td></td>
<td>01-Jan-0001</td>
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The consumer became unwell, in hospital for 5 months, the family were concerned, went to VCAT to get a third party guardian appointed (approx March this year).

The carer took the consumer to get the enduring power of attorney overturned and later to write a will.

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The carer still works at this place and the complainant wants someone to be responsible for what's happened.

File Cover Summary Report for case: 201706727

Complainant is blind, provided information from memory, seeking an appointment

Carol's name is [redacted]

Advised her I would need to seek advice from my supervisor re jurisdiction, and get back to her

Hi [redacted]

Could you please have a look at this case and advise if it is within our jurisdiction?

(Re a carer at a supported residential service - consumer died earlier this year, complaint from sister in law about carer grooming the consumer and profiting from this)

Thanks

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Hi [redacted]

Complaints about supported residential services are generally handled by the Department, unclear whether caller has contacted them.

Also, considering the consumer was in hospital for 5 months, what is the period of care the complainant is complaining about and did the consumer have a guardian appointed? Doesn't look like a complaint for this office.
Sounds like there are legal issues.
I have asked [redacted] too look at this and provide us with comments.

Regards
[redacted]

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Discussed with [redacted] and [redacted], who will contact complainant. [redacted] will confirm details in an email.

Hi [redacted]

This is a potentially complex jurisdictional questions, and we will need further information.

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Could we get further information which includes the chronology of events relevant to the complaint and other relevant documents?

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Melbourne VIC 3000

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From: [redacted]
HeadOffice/DHS
hcc.vic.gov.au
Level 26, 570 Bourke Street T 03
9032 3108
Melbourne VIC 3000

Date: 29/06/2017 12:40 PM
Subject: Fw: 201706727

Hi,

Could you please have a look at the above matter?

I do not believe it is one for this office.

Thanks

[redacted]
Customer Service Manager

hcc.vic.gov.au
Level 26, 570 Bourke Street T 03
9032 3108
Melbourne VIC 3000

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--- Forwarded by [redacted] on 29/06/2017 12:39 PM ---

201706727

[redacted]

29/06/2017 12:58 PM
Hi

Could you please have a look at this case and advise if it is within our jurisdiction?
(Re a carer at a supported residential service - consumer died earlier this year, complaint from sister in law about carer grooming the consumer and profiting from this)

Thanks

Regards

Customer Service Officer

Health Complaints Commissioner
Level 26, 570 Bourke Street,
Melbourne 3000
9032 3163

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Health Complaints Commissioner
<A statutory authority of the Government of Victoria>

Phone calls - in 01-Jan-0001 29-Jun-2017
rang to return 's call. Confirmed took (consumer) to get her enduring POA revoked in July 2007 (POA had been nephew, she needed assistance as she had inherited the estate of one of her brothers) then took her to write up a will August 2007 (which leaves her estate to the carer's daughter). She was staying at until early this year, then she went to . The hospital determined she was unable to make choices for herself (first official assessment), VCAT hearing appointed third party to determine where she would live, she was then in transitional care at Strathdon until she passed away. Only other body has spoken to at this stage is Human Services, they investigated the matter prior to the VCAT hearing and interviewed the carer, and they didn't find anything untoward - but they didn't consult with the family, and the will was not available at that time. She wants the carer to be banned from this type of work, feels her behaviour is disgusting.

Discussed our change in legislation and the impact on our ability to assist. Advised we would get back to her. She is happy to provide VCAT determination or anything else we might want - due to sight impairment, agreed we would send letter with the
Details so she could get someone to help her (that is, if we require further documents from her).

Hello,

I returned [redacted]'s call yesterday afternoon. I spoke to her, additional notes in SoC.

The incident date I used was based on the death of the consumer.
The complainant clarified the will was written in 2007 (the family were not aware of it until after she died).

She is happy to provide any documentation we require, but will need to send her a letter so she can get someone to assist her. Discussed with [redacted] - may not be necessary to obtain documents, if outside jurisdiction anyway?

Regards

Customer Service Officer

Health Complaints Commissioner
Level 26, 570 Bourke Street,
Melbourne 3000
9032 3163

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Hi

This is a potentially complex jurisdictional questions, and we will need further information.

SRS’s are state funded low care residential facilities and are likely to be in jurisdiction as general health service providers and the carer may either be an employee of the GHSP or a GHSP in her own right.

The Code of Conduct at item 12 covers financial exploitation of clients. The date is crucial on the question of jurisdiction (i.e. 1/2/2017) I note the date is cited as 12/06/2017, does this relate to the death of Joyce, the finalisation of the will, the signing of the will or another item? We may need to turn our minds to how we determine the date of the serve

Is Theresa able to supply us with copies of any of the determinations from VCAT?

Could we get further information
which includes the chronology of events relevant to the complaint and other relevant documents?

Happy to workshop this further.

Regards

[Redacted Name]
Resolution Manager
hcc.vic.gov.au
Level 26, 570 Bourke Street T 03 9032 3109
Melbourne VIC 3000

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---

From: [Redacted Name]
To: [Redacted Name]
Cc: [Redacted Name]
Date: 29/06/2017 12:40 PM
Subject: Fw: 201706727 -

Hi,

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I do not believe it is one for this office.

Thanks

[Redacted Name]
Customer Service Manager
hcc.vic.gov.au
Level 26, 570 Bourke Street T 03 9032 31018
Melbourne VIC 3000

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--- Forwarded by [Redacted Name]
29/06/2017 12:39 PM
Hi [Name]

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(Be a carer at a supported residential service - consumer died earlier this year, complaint from sister in law about carer grooming the consumer and profiting from this)

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<Statutory authority of the Government of Victoria>

File Note

01-Jan-0001 27-Jul-2017

Discussed with [Name] could you please review and advise whether complainant ought to send the HCC any documentation or would it be a matter out of jurisdiction.

This File was Reallocated From: HCC Team Managers To: HCC Team Managers On 27/07/2017

This File was Reallocated From: HCC Team Managers To: [Name] On 28/07/2017

Assessment Committee 30/07/2017 Date of the incident at the time of Will 2007. ODI for the HSRCA. More appropriately dealt with as a legal challenge to the Will. Decline to deal with the complaint.

HCA1.6: Decline direct resolution ss 13 14(1)

HCA1.8: Blank complainant

Signed decline letter
OOJ under HSRCA 1987 - note health service pursuant to the Act.

Close Case

0001

01-Jan-0001

08-Aug-2017

Documents - in

0001

01-Jan-0001

08-Aug-2017

Closer Report for case: 201706727

Documents - in

0001

01-Jan-0001

06-Jun-2018

RECOVERED DOCUMENT TITLED: DeclineOOJ.docx

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03 August 2017

Our ref: 201706727

PRIVATE AND CONFIDENTIAL

Dear Ms [Redacted]

Your complaint about [Redacted] and the conduct of the carer

Thank you for your complaint about the carer. The subject of your complaint is that an employee (the carer) groomed your late sister and influenced her to bequeath her estate to the carer’s daughter.

The Will which is at the centre of your complaint was written in 2007, and your sister passed away this year.

The outcome you seek is to have someone held responsible for what has happened.

I regret that the Health Complaints Commissioner is unable to deal with your complaint. The reason is your complaint does not fit the definition of a health service under the Health Services (Review and Conciliation) Act (1987) which was in operation until 1 February 2017.

The Health Complaints Act (2016) commenced from 1 February 2017. Under the current legislation, our office may deal with a complaint about the conduct of a General Health Service Provider, such as the carer who is the subject of your complaint.

In conclusion, the incident about which you complain occurred in 2007 and is outside the jurisdiction of this office for the reasons I have explained. You may wish to seek some legal advice if you wish to challenge the legitimacy of your late sister’s Will.

The Law Institute of Victoria, Legal Referral Service can assist to find an appropriate legal practitioner. Contact - Find Your Lawyer Referral Service, Telephone: 03 9607 9567, Email referrals@liv.asn.au. The website is www.liv.asn.au/ReferralService

To give feedback or make a complaint about our process, please contact us at hcc@hcc.vic.gov.au. Alternatively, you can lodge a complaint with the Victorian Ombudsman at www.ombudsman.vic.gov.au or (03) 9613 6222.

Thank you for bringing your concerns to my attention.

Yours sincerely