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Independent report identifies opportunities to strengthen Queensland's guardianship system

A report into the adequacy and effectiveness of Queensland's guardianship system has identified opportunities to better empower people with impaired decision-making capacity.

The Office of the Public Advocate looked at the extent to which Queensland's guardianship system upheld the right of a person to make their own decisions.

The findings have been reported to the Queensland Government by the Public Advocate in the *Decision-making support and Queensland's guardianship system* report.

The report was tabled in State Parliament this week and contains 26 recommendations predominantly around the development of information resources and guidelines, education and awareness, and legislative amendments to support the guardianship system.

It is estimated that this year alone, more than 118,000 Queensland adults may experience impaired decision making capacity. This may result from dementia, stroke, intellectual disability, acquired brain injury, conditions associated with drug or alcohol use, or mental illness.

Acting Public Advocate Mary Burgess said while the report showed that aspects of Queensland's guardianship legislation upheld and supported a person's decision-making autonomy, there were increasing pressures on the guardianship system and more could be done.

"Compared to other States and Territories, Queensland has the highest number of people subject to public guardianship. The report identified the need to enhance avenues and resources for people with impaired decision-making capability to engage in decisions affecting their own life to the fullest extent of their capacity," Ms Burgess said.

"There needs to be a focus on educating people involved in supporting people with some level of impairment, such as health care, housing, education, employment and training and making sure the guardianship system is only used when all other options have been exhausted," she said.

Among the recommendations contained in the report are providing case management support to assist vulnerable people in navigating the human services system; developing an online training program for attorneys, guardians and administrators to ensure they are aware of their roles and obligations upon appointment as a guardian; and increasing the uptake of advance planning on decision making matters before people's legal capacity is impaired.

"We've found only a minority of Queenslanders actively plan their own decision-making arrangements for the future. Advance planning is a key step in enabling a person to maintain a degree of autonomy in key decisions affecting their lives, and plays a significant role in avoiding the need for guardians and administrators," Ms Burgess said.

"Recommendations for resources to assist people with advance planning include a website, and online forms containing easy-to-understand explanatory notes and a series of standard and optional clauses.

“These would be targeted to groups such as older Queenslanders, medical and health professionals, and solicitors to increase awareness of advance planning and the roles and obligations of principals and attorneys,” she said.

The report also highlighted the importance of guardians and administrators understanding their roles. “When people appointed as guardians and administrators are better informed about their role and responsibilities, the people they are assisting get better outcomes” she said.

The report – *Decision-making support and Queensland’s guardianship system* – has been published online at www.publicadvocate.qld.gov.au.

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