

# Office of the Public Advocate

- Our vision** To realise a just and inclusive society where the rights of all Queenslanders are upheld and their autonomy is respected.
- Our purpose** To undertake systemic advocacy to promote the rights and interests of people with impaired decision-making capacity and protect them from neglect, exploitation and abuse.
- Our values**
- Relationships and influence: We engage collaboratively with our stakeholders by building goodwill, sharing knowledge and expertise, and fostering confidence in our work.
  - Knowledge and leadership: We are committed to research and analysis that contributes to informed legal and social policy debate to progress sustainable supports and services for Queenslanders with impaired decision-making capacity.
  - Courage and integrity: We champion the rights and views of people with impaired decision-making capacity through our systemic advocacy. We work with clear purpose and commitment, and encourage a culture where accountability and respect are paramount.

## Business Plan 2017-18

# We contribute to the goals of the Queensland Government

## The Queensland Government's objectives for the community

- **Delivering quality frontline services** through supporting disadvantaged Queenslanders and providing responsive and integrated government services.
- **Building safe, caring and connected communities** by ensuring an accessible and effective justice system and encouraging safer and inclusive communities.

## The objectives of the Department of Justice and the Attorney-General (DJAG)

- Ensuring **Queensland is safe** through protecting adults with impaired decision-making capacity.
- Ensuring **Queensland is fair and just** by protecting the rights and interests of vulnerable Queenslanders and advocating to protect the legal and social rights and easy avenues to exercise those rights for people with impaired decision-making capacity.
- Ensuring **Queensland gets great service** by advocating for improved service delivery models and access to services for people with impaired decision-making capacity.
- Contributing to **DJAG being responsive and high performing by** ensuring a high performance culture and a productive and rewarding workplace, acting with integrity and accountability and ensuring robust governance practices.

## Achieving our vision and purpose

Our office will be undertaking the following initiatives and actions in 2017-18.

| Initiative/Area of focus               | Actions   | Timeframe   |
|--|---|-------------|
| <b>Disability</b>                      |   |             |
| National Disability Insurance Scheme   | Explore opportunities to share the NDIS experiences of adults with impaired decision-making capacity  | Jun-19      |
|  | Provide timely advice and feedback on implementation issues to government and the National Disability Insurance Agency  | As required |
|  | Monitor the implementation of the Quality and Safeguards Framework  | On-going    |
|  | Monitor the NDIS transition for people with impaired decision-making capacity who live long term in health facilities   | On-going    |
|  | Advocate for a strategy to support people from culturally and linguistically diverse backgrounds to access and navigate the NDIS (including appropriate funding for interpreter services) | On-going    |
|  | Advocate for participant plans to include funding for the supports required to ensure their health care needs are met e.g. transportation and other supports                              | On-going    |
| Health needs of people with disability | Publish a position statement about the need for government to provide the necessary supports to people with disability to appropriately manage their health needs                         | Nov-17      |
|  | Include data from the State Coroner in the monitor of key systems impacting adults with impaired decision-making capacity (see above)   | Oct-17      |

| Initiative/Area of focus                                  | Actions   | Timeframe |
|---|---|-----------|
|   | Pursue opportunities to further advance issues raised in the Public Advocate's report - <i>Upholding the right to life and health: A review of the deaths in care of people with disability in Queensland</i>             | On-going  |
| Advocacy funding  | Advocate for continued and appropriate funding and advocacy supports for people with disability and/or mental health issues   | On-going  |
| Forensic Disability Service                               | Pursue a fulsome review of the <i>Forensic Disability Act 2011</i> and the service model of the Forensic Disability Service   | On-going  |
|   | Advocate for the rehabilitation and transition of Forensic Disability Service residents into the community  | On-going  |
|   | Public Advocate will visit the Forensic Disability Service to observe the conditions and treatment of residents   | Nov-17    |
| <b>Mental health</b>                                      |   |           |
| <i>Mental Health Act 2016</i>                             | Provide timely advice on the implementation of the <i>Mental Health Act 2016</i>  | On-going  |
|   | Monitor the number of matters finalised in the Magistrates Court under the <i>Mental Health Act 2016</i> . Include data in the monitor of key systems impacting adults with impaired decision-making capacity (see above) | On-going  |
|   | Undertake systemic advocacy based on known individual cases   | On-going  |
| Electroconvulsive therapy (ECT) and involuntary treatment | Convene an expert advisory group to examine the use of ECT in Queensland  | Nov-17    |
|   | Publish a report on the use of ECT in Queensland and the management of people subject to involuntary treatment  | Mar-18    |

| Initiative/Area of focus   | Actions  | Timeframe   |
|--|--|-------------|
| <b>Aged care</b>   |  |             |
| Aged care reforms  | Provide timely advice and feedback on implementation issues to relevant state and commonwealth agencies  | As required |
|  | Advocate for a national framework to regulate the use of restrictive practices in residential aged care settings   | On-going    |
| Elder abuse  | Advocate for the implementation of the Australian Law Reform Commission's recommendations to improve the aged care system (refer to the Commission's report <i>Elder Abuse – A National Legal Response</i> ) | On-going    |
|  | See aged care reforms for actions associated with a national framework to regulate the use of restrictive practices in residential aged care   | On-going    |
| <b>Law and justice</b>   |  |             |
| Upholding the rights of people with impaired capacity to relationships and sexuality   | Present a case to the Attorney-General for a reference to the Queensland Law Reform Commission to review the law relating to people with impaired capacity engaging in sexual acts with others               | Sep-17      |
| Disability Justice Plan  | Explore strategies to pursue the adoption of a Disability Justice Plan for Queensland  | On-going    |
| <b>Guardianship and administration</b>   |  |             |
| Key systems impacting adults with impaired decision-making capacity monitoring project | First tranche of data delivered by partner agencies  | Sep-17      |
|  | Inaugural systems monitoring report  | Dec-17      |
| Limitation orders  | Monitor and review the limitation orders made by the Queensland Civil and Administrative Tribunal  | On-going    |

| Initiative/Area of focus  | Actions   | Timeframe   |
|---|---|-------------|
|   | Include data on limitation orders in the monitor of key systems impacting adults with impaired decision-making capacity (see above)   | Sept-17     |
| Demand management strategy for guardianship and administration (includes decision-making support)     | Pursue opportunities and partners for a volunteer decision-making support program   | On-going    |
|   | Contribute to initiatives to increase the uptake of enduring documents  | On-going    |
|   | Contribute to any reviews of the forms for enduring documents   | As required |
|   | Systemic advocacy through intervention in select individual cases   | On-going    |
|   | Contribute to awareness and knowledge strategies relating to guardianship, administration and related topics  | On-going    |
|   | Contribute to any reforms or amendments to the <i>Guardianship and Administration Act</i> and <i>Powers of Attorney Act 1998</i>  | As required |
| Effective decision-making support for people with cognitive impairment (ARC Linkage Research Project) | Publish a position statement on decision-making support   | Jan-18      |
|   | Undertake Partner Investigator activities, participate in Project Partner meetings and coordinate the informal consortia of Queensland industry partners  | On-going    |
|   | Support the recruitment of research participants and their supporters   | Jun-18      |
|   | Contribute to the project as required   | Jun-19      |
| <b>Engagement and inquiries</b>   |   |             |
| Formal engagement and consultation to inform policy positions and advocacy                            | Actively participate in reference groups including the Elder Abuse Prevention Unit Reference Group, Senior Officers Group for <i>Queensland: an Age-Friendly Community</i> , Enduring Powers of Attorney Project Reference Group, Queensland Integrated Court Referral Local Stakeholder Group, Impacts of Domestic and | On-going    |

| Initiative/Area of focus  | Actions   | Timeframe |
|---|---|-----------|
|   | Family Violence on People with Disability in Queensland, OPCAT Working Group, and others as appropriate   |           |
|   | Observe the meetings of the Queensland Law Society's Elder Law Committee and the Health and Disability Committee  | On-going  |
|   | Participation in stakeholder meetings and conferences; establish reference or advisory groups as appropriate to inform projects and issues  | On-going  |
| Participate in reform processes via targeted and timely submissions on policy, law reform and services impacting people with impaired decision-making capacity      | Submissions prepared on relevant legal, policy and service issues   | On-going  |
| Stakeholder engagement strategy   | Develop a strategy and implement actions, including a review of our communications and exploring opportunities for people with impaired decision-making capacity to more directly inform our work   | On-going  |
|   | Explore project and advocacy opportunities in relation to Indigenous and culturally and linguistically diverse adults with impaired decision-making capacity  | On-going  |
| <b>Public Advocate's office</b>   |   |           |
| Governance Framework review   | Review and develop relevant governance documents that guide the activities of our office. These include a stakeholder engagement strategy, confidentiality agreements, grants policy, research framework, delegation instrument, publications scheme. | Jun-18    |
| Accessibility project – to increase the accessibility of information and publications of our office, particularly for people with impaired decision-making capacity | Identify opportunities to improve the accessibility of our website and other published materials  | On-going  |
|   | Improve the accessibility of the Public Advocate's website for mobile and tablet devices  | Mar-18    |

| Initiative/Area of focus | Actions  | Timeframe |
|--------------------------|--|-----------|
|                          | Implement a program of work to improve accessibility           | On-going  |
|                          | Develop Easy English versions or summaries of our publications | On-going  |