

Business Plan 2018-19

About the Public Advocate

The Public Advocate is established under the *Guardianship and Administration Act 2000 (Qld)* to promote and protect the rights and interests of Queensland adults with impaired decision-making capacity through systemic advocacy.

Under the Act, the functions of the Public Advocate are:

- Promoting and protecting the rights of adults with impaired capacity (the adults) for a matter;
- Promoting the protection of the adults from neglect, exploitation or abuse;
- Encouraging the development of programs to help the adults to reach the greatest practicable degree of autonomy;
- Promoting the provision of services and facilities for the adults; and
- Monitoring and reviewing the delivery of services and facilities to the adults.

The scope of work undertaken by the Public Advocate is broad. This is because people with impaired decision-making capacity are a diverse group. Some people with impaired decision-making capacity have limited involvement with service systems while others interact with a variety of service systems, such as justice, disability, aged care, health and mental health.

Fulfilling the statutory functions of the Public Advocate therefore requires a wide-ranging understanding of these service systems and how they interact with people with impaired decision-making capacity. Achieving positive change for people with impaired decision-making capacity requires the use of a range of approaches to our work and our engagement with government, including, building positive and collegiate relationships with key stakeholders, staying abreast of systems issues, and creating and responding to opportunities for change.

Disability

Initiative/Area of focus	Actions	Timeframe
National Disability Insurance Scheme (NDIS)	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 and advocate for a NDIS community visitor program	On-going
	Contribute to the development and refinement of policy around NDIS decision-making by people with capacity issues	On-going
	Advocate for participant plans to include funding for the supports required to ensure their health care needs are met e.g. care coordination, transportation and other supports	On-going
	Advocate for clarity around the ability of the Public Advocate to access NDIS information in line with the Public Advocate's information powers under the <i>Guardianship and Administration Act 2000</i>	On-going
	Explore opportunities to share the NDIS experiences of adults with impaired decision-making capacity	On-going
Health needs of people with disability	Pursue opportunities to further advance the implementation of the recommendations and other 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 adequate long-term funding and advocacy supports for people with disability and/or mental health issues	On-going

Initiative/Area of focus	Actions	Timeframe
Forensic Disability Service	Monitor the delivery of services and supports to residents, and the conditions and treatment of residents	On-going
	Advocate for the rehabilitation and transition of Forensic Disability Service residents into the community	On-going
Domestic and family violence Sub-Committee – Disability Working Group	Participate on the Disability Working Group, which was established to support and augment the Department of Youth, Child Safety and Women's review to address the impact of domestic and family violence on people with disabilities, as per recommendation 10 of the <i>Not Now Not Ever: Putting an end to domestic and family violence in Queensland</i> report	On-going

Mental health

Initiative/Area of focus	Actions	Timeframe
<i>Mental Health Act 2016</i>	Provide timely advice on the implementation of the <i>Mental Health Act 2016</i>	On-going
	Undertake systemic advocacy based on known individual cases	On-going
	Engage with the Chief Psychiatrist about policies, guidelines and other monitoring and oversight mechanisms to protect the rights of people with impaired decision-making capacity	On-going
	Monitor the number of matters finalised in the Magistrates Court under the <i>Mental Health Act 2016</i>	On-going
Mental health system in Queensland	Undertake a comparative analysis of involuntary mental health regimes and treatment across selected Australian jurisdictions	June 2019

Aged care and older persons

Initiative/Area of focus	Actions	Timeframe
Aged care reforms	Provide timely advice and feedback on implementation issues relevant to Commonwealth and State Government agencies	As required
	Advocate for a national framework to regulate the use of restrictive practices in residential aged care settings	On-going
	Advocate for improved policies, service standards and care of older Australians with impaired decision-making capacity	On-going
Elder abuse	Contribute to the development and implementation of the Australian Government's National Plan to address elder abuse	On-going
	Advocate for the implementation of particular Australian Law Reform Commission recommendations to improve the aged care system (refer to the Commission's report <i>Elder Abuse – A National Legal Response</i>)	On-going
	Participate on the Queensland Elder Abuse Prevention Unit's stakeholder reference group	On-going
Queensland: An Age-Friendly Community Strategy	Contribute to the Respect and Social Inclusion domain of the Age-Friendly Community Action Plan and Implementation Schedule	On-going
	Contribute to the implementation of the strategy through the Senior Officers Group convened by the Department of Communities, Disability Services and Seniors	On-going

Guardianship and administration

Initiative/Area of focus	Actions	Timeframe
Monitor the delivery of public guardianship and administration services	Deliver the inaugural report for the <i>Key systems impacting adults with impaired decision-making capacity monitoring project</i> . This project will establish a quantitative evidence base to help inform the systems advocacy undertaken by the Public Advocate	April 2019
	Monitor the legislative, policy and practice aspects of Queensland's guardianship and administration system, and contribute to positive system changes	On-going
Effective decision-making support for people with cognitive impairment (ARC Linkage project)	Undertake Partner Investigator activities, participate in Project Partner meetings and coordinate the informal consortia of Queensland industry partners in relation to the effective decision-making support for people with cognitive impairment research project	On-going
Enduring documents	Contribute to initiatives to increase the uptake of enduring documents	On-going
	Contribute to the review of the forms for enduring documents	As required
	Contribute to awareness and information strategies relating to guardianship, administration and related topics	On-going
	Contribute to any reforms or amendments to the <i>Guardianship and Administration Act 2000</i> and <i>Powers of Attorney Act 1998</i>	As required
	Contribute to the Enduring Power Of Attorney Reference Group, which is convened by the Office of the Public Guardian to progress system reforms and activities aimed at changing how Queenslanders engage with and think about enduring documents	On-going
Case intervention	Systemic advocacy through intervention in select individual cases	On-going

Initiative/Area of focus	Actions	Timeframe
Australian Guardianship and Administration Council	Participate as a Council member in relation to matters of national concern and/or significance, and contribute to the formulation of national approaches to issues e.g. guardianship, administration and associated systems	On-going
Queensland Guardianship and Administration Council	Convene and provide secretarial support to the Council, which discusses issues of mutual concern to Queensland's guardianship and administration agencies, and to formulate approaches to issues relating to guardianship, administration and associated systems in Queensland	On-going
Limitation orders	Monitor and review the limitation orders made by the Queensland Civil and Administrative Tribunal	On-going

Law and justice

Initiative/Area of focus	Actions	Timeframe
Upholding the rights of people with impaired capacity to relationships and sexuality	Present a case to Queensland's 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	Dec 2018
Queensland Law Society Committees	Observe Health and Disability Law and Elder Law Committee meetings to stay abreast of current issues and the Society's position on various legislative and policy issues	On-going
Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment	Contribute to the OPCAT (optional protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment) Working Group	As required
People with impaired decision-making capacity in prison	Contribute to Queensland Corrective Services projects to support people with disability and mental health issues in prison	On-going

Public Advocate's office

Initiative/Area of focus	Actions	Timeframe
Governance Framework review	Review and develop relevant governance documents that guide the activities of our office	June 2019
Publication and communications accessibility	Improve the accessibility of our website and published materials	On-going
	Develop Easy English versions or summaries of our publications	On-going
Team development	Consolidate our team structure and refine our team values and expectations	June 2019