

Business Plan 2019-20

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 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.

The Public Advocate, and the staff that support the Public Advocate, share the following vision, purpose and values.

Vision

To realise a just and inclusive society where the rights of all Queenslanders are upheld and their autonomy is respected.

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.

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.

Disability

Initiative/Area of focus	Actions	Timeframe
National Disability Insurance Scheme (NDIS)	Provide timely advice and feedback on implementation issues to government, the National Disability Insurance Agency and the NDIS Quality and Safeguards Commission	As required
	Engage with the Quality and Safeguards Commission and monitor its activities and response to complaints.	On-going
	Advocate for increased and on-going funding for disability advocacy for people to engage with the NDIS and for the adoption of a national 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 that acknowledge a person's health care needs and include funding for the disability-related health and other supports required to ensure the person's health care needs are met e.g. care coordination, transportation and other supports	On-going
	Explore opportunities to record and share the NDIS experiences of adults with impaired decision-making capacity	June 2020
Health needs of people with disability	Pursue opportunities to further advance the implementation of the recommendations of 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
Royal Commission into violence, abuse, neglect and exploitation of people with disability	Prepare a range of submissions to the Commission addressing key issues as they relate to people with disability who experience impaired decision-making capacity	Feb 2020
Forensic Disability Service	Monitor the delivery of services and supports to residents of the Forensic Disability Service and the treatment of residents	On-going
	Advocate for the rehabilitation and transition of Forensic Disability Service residents into the community	On-going
	Contribute to policy development associated with the future of Queensland's forensic disability system	On-going
Case intervention	Systemic advocacy through intervention in select individual cases	On-going

Mental health

Initiative/Area of focus	Actions	Timeframe
<i>Mental Health Act 2016</i>	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 in the mental health system	On-going
Mental health system in Queensland	Undertake a comparative analysis of involuntary mental health regimes and treatment across selected Australian jurisdictions	June 2020

Initiative/Area of focus	Actions	Timeframe
Intersection of human rights and mental health	Contribute to research examining the intersection between Queensland's human rights laws and mental health legislation	2024

Aged care and older persons

Initiative/Area of focus	Actions	Timeframe
Aged care reforms	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
	Provide timely advice and feedback on implementation issues relevant to Commonwealth and State Government agencies	As required
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
	Contribute to the Respect and Social Inclusion domain of the Age-Friendly Community Action Plan and Implementation Schedule	On-going

Initiative/Area of focus	Actions	Timeframe
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
Case intervention	Systemic advocacy through intervention in select individual cases	On-going

Guardianship and administration

Initiative/Area of focus	Actions	Timeframe
Monitor the delivery of public guardianship and administration services	Work to establish a quantitative evidence base bringing together a range of data from agencies engaged with people with impaired capacity to help inform the Public Advocate's systems advocacy	To be confirmed
	Examine the fees and charges and other practices of the Public Trustee to understand their impact on the financial outcomes of people subject to administration.	June 2020
	Contribute to the Queensland Audit Office's Delivering Guardianship Services audit as a key system stakeholder	To be confirmed
	Monitor the legislative, policy and practice aspects of Queensland's guardianship and administration system, and contribute to positive system changes	On-going

Initiative/Area of focus	Actions	Timeframe
Effective decision-making support for people with cognitive impairment (ARC Linkage project)	Undertake Partner Investigator activities as required and assist to circulate research findings when they are released.	June 2020
Enduring documents	Contribute to initiatives to increase the uptake of enduring documents	On-going
	Contribute to the review of the forms for enduring documents	March 2020
	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
Case intervention	Systemic advocacy through intervention in select individual cases	On-going
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
	Prepare for, and co-host, the Council meeting in Brisbane in March 2020, with the Public Trustee, Public Guardian and Queensland Civil and Administrative Tribunal.	
Queensland Guardianship and Administration Council	Convene and provide secretarial support to the Council, which provides and informal forum for state guardianship and administration agencies to discuss issues of mutual concern, 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 activity	March 2020
Queensland Law Society Committees	Observe Health and Disability Law and Elder Law Committee meetings to stay abreast of current issues and identify opportunities for collaboration on various legislative and policy issues	On-going
Human rights	Monitor the implementation of the Human Rights Act, particularly in relation to people with impaired decision-making capacity	Ongoing from January 2020
Case intervention	Systemic advocacy through intervention in select individual cases	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

Public Advocate's office

Initiative/Area of focus	Actions	Timeframe
Governance framework review	Review/develop relevant governance documents	On-going
Publication and communications accessibility	Improve the accessibility of our website and published materials	On-going