

# Business Plan 2024-25

## About the Public Advocate

The Public Advocate is a position established under the *Guardianship and Administration Act 2000* (Qld) to promote and protect the rights and interests of Queensland adults with impaired decision-making ability 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.<sup>1</sup>

The scope of work undertaken by the Public Advocate is broad. This is because people with impaired decision-making ability are a diverse group. Some people with impaired decision-making ability 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 ability. Achieving positive change for people with impaired decision-making ability 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 systemic issues, and creating and responding to opportunities for change.

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<sup>1</sup> *Guardianship and Administration Act 2000* (Qld) s209.

The Public Advocate, and the staff who 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 ability and their protection from neglect, exploitation, and abuse.

## Values

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| 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 the rights of people with impaired decision-making ability, and their access to responsive supports and services. |
| Courage and integrity:       | We champion the rights and views of people with impaired decision-making ability through our systemic advocacy. We work with clear purpose and commitment and encourage a culture where accountability and respect are paramount.   |

# Major Projects

Initiative/Area of focus	Actions	Timeframe
<b>Restrictive Practices</b>	Continue to advocate for a Senior Practitioner Model to authorise, regulate and monitor the use of restrictive practices across a range of settings including residential aged care, disability services and health care	Ongoing
<b>Housing</b>	Review the findings and recommendations of the Inquiry into the provision and regulation of supported accommodation in Queensland, initiated following the tabling of the Public Advocate's report: <i>'Safe, secure and affordable'? The need for an inquiry into supported accommodation in Queensland</i>	July-September 24
<b>Adult safeguarding</b>	Continue to advocate for the establishment of an Adult Safeguarding Commissioner in Queensland and the implementation of the reform recommendations included in the Public Advocate's report: <i>Adult Safeguarding in Queensland, Volume 2: Reform Recommendations</i>	Ongoing
<b>Culturally appropriate advanced care planning and guardianship reforms</b>	Participate in a working group convened by the Queensland Elder Abuse Prevention Unit to explore issues associated with the advanced care planning process and guardianship and administration system from an Aboriginal and Torres Strait Islander perspective, with a view to developing reform recommendations that will enhance the cultural appropriateness of the system	July 24 – June 25
<b>Supported decision making</b>	Continue to manage and monitor the outcomes of a supported decision-making demonstration project involving a small number of existing clients of the Office of the Public Guardian	December 24
<b>Criminal justice</b>	Continue working on a project identifying issues for adults with cognitive disability in the Queensland criminal justice system, including: <ul style="list-style-type: none"> <li>• Developing a series of discussion papers that document a person's journey through the criminal justice system in Queensland</li> <li>• Consulting with stakeholders across Queensland regarding issues within the criminal justice system and potential reforms</li> <li>• Presenting a series of reform recommendations to government</li> </ul>	July 24 – December 25
<b>Parents with intellectual disability</b>	Complete a review of the interventions and policies associated with adults with intellectual disability becoming parents, inclusive of recommendations to Government	February 25
<b>Social isolation and loneliness</b>	Conduct, in partnership with the Council on the Ageing (COTA) and Aged and Disability Advocacy Australia (ADA), a series of community and sector forums across Queensland to develop innovative ideas to address issues associated with social isolation and loneliness, particularly amongst the ageing population.	March – May 25

# Disability

Initiative/Area of focus	Actions	Timeframe
<b>National Disability Insurance Scheme (NDIS)</b>	Provide timely advice and feedback on scheme 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, including advocacy for the availability of state and territory based data	On-going
	Advocate for increased and on-going funding for disability advocacy for people to engage with the NDIS in relation to the development, operation and review of plans, including the appeals process	On-going
	Continue to advocate for NDIS participants to have access to appropriate NDIS supports provided for in their plans (including behaviour supports) when admitted to a public or privately operated health care facility, including hospitals	On-going
<b>Health needs of people with disability</b>	Commence the liaison and engagement process associated with a potential follow up report to 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>	February 25
<b>Advocacy funding</b>	Advocate for adequate recurrent funding (State and Federal) based on appropriate models of advocacy support for people with disability and/or mental health issues to assist them to engage with mainstream and government systems	On-going
<b>Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and the NDIS Review</b>	Monitor the Commonwealth and Queensland Government's response to, and implementation of, disability sector reforms related to the recommendations of the Royal Commission and NDIS Review	Ongoing
<b>Parents with intellectual disability</b>	Complete a report including a suite of recommendations to uphold and promote the rights of people with intellectual disability to be parents	December 2024
<b>Critical Issues/ Lived experience</b>	Continue to engage with disability service organisations and other stakeholders in relation to critical issues affecting the sector and impacting on the lived experience of people with impaired decision-making ability	Ongoing

## Mental health

Initiative/Area of focus	Actions	Timeframe
<b>Queensland Mental Health system</b>	Continue to engage with the Chief Psychiatrist about policies, guidelines and other monitoring and oversight mechanisms to promote and protect the rights of people with impaired decision-making ability in the mental health system	On-going
	Monitor progress on the conclusions and recommendations included in the Public Advocate's discussion paper - <i>Better pathways: Improving Queensland's delivery of acute mental health services</i>	On-going
<b>Critical Issues/ Lived experience</b>	Continue to engage with mental health service organisations and other stakeholders in relation to critical issues affecting the sector and impacting on the lived experience of people with mental health conditions and impaired decision-making ability	Ongoing

## Aged care and older persons

Initiative/Area of focus	Actions	Timeframe
<b>Aged care reforms</b>	Monitor the implementation of the recommendations of the Royal Commission into Aged Care Quality and Safety, including the development of the new <i>Aged Care Act</i> (Cth)	On-going
<b>Elder abuse</b>	Contribute to the development and implementation of strategies and activities designed to modify existing systems and structures that may be facilitating elder abuse, and increase community awareness and reporting of elder abuse	On-going
<b>Critical Issues/ Lived experience</b>	Continue to engage with aged care organisations and other stakeholders in relation to critical issues affecting the sector and impacting on the lived experience of older people with impaired decision-making ability	Ongoing

# Guardianship and administration

Initiative/Area of focus	Actions	Timeframe
<b>Monitor the delivery of public guardianship and administration services</b>	Continue to monitor the implementation of the recommendations in the Public Advocate's report: <i>Preserving the financial futures of vulnerable Queenslanders – A review of the Public Trustee's fees, charges, and practices</i>	On-going
	Monitor the legislative, policy and practice aspects of Queensland's guardianship and administration system, and contribute to system changes that advance the rights and interests of people with impaired decision-making ability, with particular attention to the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and the NDIS Review	On-going
	Establish and maintain periodic meetings with the Public Guardian so that systemic issues identified in OPG programs, including the Community Visitor program, are communicated to the Office	June 2024
<b>Enduring documents</b>	Continue to advocate for the national harmonisation of financial powers of attorney legislation and the development of a national register of enduring documents	On-going
<b>Australian Guardianship and Administration Council</b>	Participate in AGAC in relation to matters of national concern and/or significance, and, where possible, contribute to the formulation of national approaches to issues e.g. guardianship, administration and associated systems	On-going
<b>Limitation orders</b>	Analyse limitation order data received from QCAT for any discernible trends or issues that may impact on the rights of people with impaired decision-making ability	On-going
	Advocate for amendments to Section 114A of the <i>Guardianship and Administration Act 2000</i> that currently prohibits an adult from identifying themselves and speaking about their experiences of the guardianship and administration system	On-going
<b>QCAT Guardianship Stakeholder Group</b>	Participate in this stakeholder group that raises issues with QCAT in relation to Guardianship and Administration Tribunal hearings	On-going

## Law and justice

Initiative/Area of focus	Actions	Timeframe
<b>Upholding the rights of people with impaired decision-making ability to relationships and sexuality</b>	Continue to advocate for a review of Section 216 of the <i>Criminal Code</i> relating to people with impaired decision-making ability engaging in sexual activity	Ongoing
<b>Queensland Law Society Committees</b>	Participate in 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
<b>Case intervention</b>	Systemic advocacy through intervention in select individual cases	As required

## Public Advocate's office

Initiative/Area of focus	Actions	Timeframe
<b>Governance framework review</b>	Review/develop relevant governance documents	On-going
<b>Publication and communications accessibility</b>	Monitor the accessibility of, and update, the Public Advocate website on a regular basis.	On-going
<b>Policies and Procedures</b>	Conduct a review of the Office's policies and procedures and implement changes/updates where required	June 2025
<b>Key indicators</b>	Monitor a series of key indicators to inform the Public Advocate's systemic advocacy relating to the health and wellbeing of Queenslanders with impaired decision-making ability	Ongoing