

Business Plan 2022-23

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.

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 systems issues, and creating and responding to opportunities for change.

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
Restrictive Practices	Advocate for the development of a legislative framework 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
Housing	Scope and commence a review of the Queensland Supported Accommodation sector, inclusive of recommendations and reform options to enhance the capability of this sector to provide stable, safe, affordable, and appropriate accommodation for eligible people	June 2023
Adult safeguarding	Complete a review of Queensland's adult safeguarding measures, including the potential development of an adult safeguarding framework, in consultation with government and non-government stakeholders from across the state	June 2023
Indigenous elder abuse	Commence scoping a research project exploring elder abuse amongst the Aboriginal and Torres Strait Islander population	June 2023
Supported decision making	Fund a demonstration project, in collaboration with the Office of the Public Guardian, which will involve a small number of existing public guardian clients being provided with a series of intensive decision-making supports, with the objective of seeking a revocation of their guardianship order	June 2023
Participation in research	Publish a paper and liaise with the National Health and Medical Research Council (NHMRC) regarding potential reforms to the consent process associated with participation in health research by people with impaired decision-making ability	June 2023
Criminal justice	Commence scoping a project reviewing the criminal justice system and its treatment of people with impaired decision-making ability	June 2023
Key indicators	Monitor a series of key indicators to inform the Public Advocate's systems advocacy relating to the health and wellbeing of Queenslanders with impaired decision-making ability	Ongoing

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, 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 when admitted to a public or privately operated health care facility, including hospitals	On-going
	Advocate for an independent national review of the interface between the NDIS and other systems, including the criminal justice system and the aged care system	On-going
Health needs of people with disability	Continue to advocate for the implementation of the recommendations from 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
	Engage with the Coroner regarding the availability of data regarding the number of deaths of people with disability in care being recorded annually and causes of death	December 2022
	Continue to engage with Queensland Health regarding the transition of long-stay patients with disability in health facilities into suitable community living arrangements with an appropriate model of disability and health supports	On-going

Initiative/Area of focus	Actions	Timeframe
	Commence the liaison and engagement process associated with a potential follow up report regarding the deaths of people with disability in care	June 2023
Advocacy funding	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
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 ability	As required
Forensic Disability Service and system	Monitor the delivery of services and supports to residents of the Forensic Disability Service and the treatment and transition of residents Continue to engage with the review of the forensic disability service system and the implementation of reforms recommended in the Carter Report (2006), the Ogloff Report (2018) and the Ombudsman's Forensic Disability Service Report 2019	On-going Ongoing
Critical Issues/ Lived experience	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
Queensland Mental Health system	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

Initiative/Area of focus	Actions	Timeframe
	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
Mental Health Review Tribunal	Monitor progress of the tribunal implementing electronic recording of proceedings	On-going
Critical Issues/ Lived experience	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
Aged care reforms	Monitor the implementation of the recommendations of the Royal Commission into Aged Care Quality and Safety	On-going
Elder abuse	Contribute to the implementation of the Australian Government's National Plan to address abuse against older Australians	On-going
Critical Issues/ Lived experience	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 older people with impaired decision-making ability	Ongoing

Guardianship and administration

Initiative/Area of focus	Actions	Timeframe
Monitor the delivery of public guardianship and administration services	Advocate for and 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	On-going
	Develop a memorandum of understanding with the Public Guardian to receive and review community visitor reports associated with adult visitable sites to assist with the identification of systemic issues related to particular groups of sites (eg. authorised mental health services)	June 2023
Enduring documents	Engage with relevant government agencies to encourage initiatives to increase the uptake of legally binding enduring documents and minimise the use of informal documents	On-going
	Continue to advocate for the national harmonisation of power of attorney legislation and the development of a national register of enduring documents	
Australian Guardianship and Administration Council	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
Queensland Guardianship and Administration Council	Convene and provide secretarial support to the Council, which provides an informal forum (meeting on an as required basis) 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

Initiative/Area of focus	Actions	Timeframe
Limitation orders	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	December 2021
	Advocate for amendments to Section 114A of the <i>Guardianship and Administration Act 2000</i> that currently prohibits an adult, who has the decision-making capacity to do so, from identifying themselves and speaking about their experiences of the guardianship and administration system	Ongoing
Remote guardianship hearings	Monitor the existing and potentially expanded QCAT Hospital Hearings Project to ensure that people can meaningfully participate in hearings and put alternative approaches to their care and supports before the tribunal	On-going

Law and justice

Initiative/Area of focus	Actions	Timeframe
Upholding the rights of people with impaired decision-making ability to relationships and sexuality	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
Queensland Law Society Committees	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
Human rights	Monitor the implementation of the <i>Human Rights Act</i> , in relation to the rights of people with impaired decision-making ability	On-going
Case intervention	Systemic advocacy through intervention in select individual cases	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 the Public Advocate website and published materials, including the development of an accessible version of the Public Advocate's 2021/22 Annual Report	On-going
Filing system	Conduct a review of the filing management system and implement improvements	January 2023