

Business Plan 2021-22

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

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	June 2022
Mental Health	Commence a review of Queensland's mental health system, with a focus on the involuntary mental health treatment regime and other interventions that impact on the rights of mental health patients, five years since the introduction of the <i>Mental Health Act 2016</i>	June 2022
Adult safeguarding	<p>Commence 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</p> <p>Continue to advocate for the development of a national approach to the provision of emergency supports for NDIS participants should care be relinquished by a service provider</p> <p>Continue to advocate for the appropriate identification, safeguards and oversights of particularly vulnerable NDIS participants (due to social isolation caused by living arrangements, sole service providers, a lack of community and family networks and/or significant disability and complex health conditions) and other adults with impaired decision-making ability</p>	June 2022 and ongoing
Key indicators	Undertake a project to develop a series of key indicators to monitor and inform the Public Advocate's systems advocacy relating to the health and wellbeing of Queenslanders with impaired decision-making ability	June 2022 and 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	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
Health needs of people with disability	Review 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> , five years after the tabling of the report in the Queensland Parliament	March 2022
	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 2021
	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
Housing and accommodation	Advocate for the development and implementation of a state-wide plan for appropriate housing and accommodation for people with disability	On-going
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, including implementation of the Ombudsman's 2019 report	On-going
	Continue to engage with the review of the forensic disability service system being conducted by Queensland Health and the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships	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
	Advocate for an appropriate model of care for people with a dual diagnosis of disability and mental illness and people with disability detained in Authorised Mental Health Services	On-going
Mental Health Review Tribunal	Monitor progress of the tribunal implementing electronic recording of proceedings	On-going

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 development and implementation of the Australian Government's National Plan to address abuse against older Australians	On-going
Elder abuse	Advocate for funding for advocacy and supports for older people who are the subject of guardianship applications in the QCAT Hospital Hearings Project to ensure they can meaningfully participate in hearings and put alternative approaches to their care and supports before the tribunal	On-going

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 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
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
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
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

Law and justice

Initiative/Area of focus	Actions	Timeframe
Upholding the rights of people with impaired decision-making ability 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 decision-making ability engaging in sexual activity	December 2021
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 <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 our website and published materials	On-going
Filing system	Conduct a review of the filing management system and implement improvements	June 2022