

# Business Plan 2021-22

## 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 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 capacity, and their access to responsive supports and services.

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 in relation to the development, operation and review of plans, including the appeals process	On-going
	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/s	On-going
	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 capacity	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
	Contribute to discussions about the harmonisation of positive behaviour support and restrictive practices regimes in Australian jurisdictions	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</i>	March 2022

Initiative/Area of focus	Actions	Timeframe
	<i>the deaths in care of people with disability in Queensland</i> , five years after the tabling of the report in the Queensland Parliament	
	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
Housing and accommodation	Advocate for 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 capacity	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
<p><i>Mental Health Act 2016</i> and the mental health system in Queensland</p>	<p>Conduct a comprehensive analysis of the involuntary mental health treatment regime and other interventions that impact the rights of mental health patients, five years since the introduction of the <i>Mental Health Act 2016</i> including:</p>	On-going
	<ul style="list-style-type: none"> <li>• A comparative analysis of involuntary mental health regimes and treatment across selected Australian jurisdictions</li> </ul>	December 2021
	<ul style="list-style-type: none"> <li>• A comprehensive literature review and analysis exploring the relationship between mental health treatment models, especially those with a human rights focus, and clinical outcomes for involuntary mental health patients</li> </ul>	March 2022
	<ul style="list-style-type: none"> <li>• Analysing available Queensland data relating to involuntary patients and use of restrictive practices to assess the impact of the 'least restrictive way' approach in the <i>Mental Health Act 2016</i></li> </ul>	
	<p>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 capacity in the mental health system</p>	On-going
	<p>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</p>	On-going
Mental Health Review Tribunal	<p>Monitor progress of the tribunal implementing electronic recording of proceedings</p>	On-going

## Health

Initiative/Area of focus	Actions	Timeframe
Use of restrictive practices in hospitals	Advocate for development of a legal framework under Queensland law for authorising and regulating the use of restrictive practices in Queensland hospitals to support compliance with the National Safety and Quality Health Service Standards	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
	Contribute to the development of Queensland legislation to complement the introduction of Commonwealth legislation regulating the use of restrictive practices in aged care	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
	Advocate for funding for advocacy and supports for older people 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	Undertake a project to develop a quantitative evidence base bringing together a range of data from government agencies engaged with people with impaired capacity to help inform the Public Advocate's systems advocacy	To be confirmed
	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 capacity	On-going
Enduring documents	Engage with relevant government agencies to encourage initiatives to increase the uptake of legally binding enduring documents under the <i>Guardianship and Administration Act 2000</i> and minimise the use of informal documents	On-going
Australian Guardianship and Administration Council	Participate as a Council member 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 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	Prepare a paper reviewing the limitation orders made by the Queensland Civil and Administrative Tribunal and engage with QCAT about the findings	December 2021

## 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	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 capacity	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