

Business Plan 2023-24

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.¹

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.

¹ *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

- 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 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
Housing	Complete a systemic review of the Queensland Supported Accommodation sector, inclusive of recommendations to Government	July 2023
Adult safeguarding	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
Indigenous elder abuse	Continue to develop stakeholder connections and working relationships to assist with the design and implementation of a research project exploring elder abuse and advance care planning issues for Aboriginal and Torres Strait Islander people and communities	June 2024
Supported decision making	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	June 2024
Criminal justice	Complete an issues paper on the criminal justice system and its impact on people with impaired decision-making ability	August 2023
	Consult with stakeholders across Queensland regarding issues within the criminal justice system and potential reforms	October 2023
Key indicators	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

Disability

Initiative/Area of focus	Actions	Timeframe
National Disability Insurance Scheme (NDIS)	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
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 recorded annually and causes of death	December 2023
	Commence the liaison and engagement process associated with a potential follow up report regarding the deaths of people with disability in care	December 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

Initiative/Area of focus	Actions	Timeframe
Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability	Consider the recommendations of the Royal Commission and their implications for Queensland legislation, policy and service provision	From September 2023
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	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 people with impaired decision-making ability	Ongoing

Mental health

Initiative/Area of focus	Actions	Timeframe
Queensland Mental Health system	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
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 development and 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, with particular attention to the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability	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 2024
Enduring documents	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

Initiative/Area of focus	Actions	Timeframe
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
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 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	Ongoing Ongoing
Remote guardianship hearings	Monitor the QCAT Hospital Hearings Project to ensure that people can meaningfully participate in hearings and put alternative approaches to their care and support 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
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	Monitor the accessibility of, and update, the Public Advocate website on a regular basis.	On-going
Filing system	Conduct a review of the Office filing management system and implement improvements	June 2024