

# Business Plan 2020-21

## 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	On-going
	Advocate for a national program to monitor the care provided to NDIS participants	On-going
	Contribute to the development and refinement of policy around NDIS decision-making by people with capacity issues	On-going
	Advocate for participant plans that acknowledge a person's health care needs and include funding for the disability-related health and other supports required to ensure the person's health care needs are met e.g. care coordination, transportation and other supports	
	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	Encourage Queensland Health, Health and Hospital Services and Primary Health Networks to work in partnership to advance implementation of the recommendations of 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> . For example, development and coordination of annual health care plans for people with disability and complex health conditions	On-going

<b>Initiative/Area of focus</b>	<b>Actions</b>	<b>Timeframe</b>
	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 and advocacy supports 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	Dec 2020
Forensic Disability Service	Monitor the delivery of services and supports to residents of the Forensic Disability Service and the treatment of residents, including implementation of the Ombudsman's 2019 report	On-going
	Advocate for the rehabilitation and transition of Forensic Disability Service residents into suitable community living arrangements	On-going
	Contribute to policy development associated with the future of Queensland's forensic disability system	On-going
Case intervention	Systemic advocacy through intervention in select individual cases	As required

## Mental health

Initiative/Area of focus	Actions	Timeframe
<i>Mental Health Act 2016</i>	Undertake systemic advocacy based on known individual cases, including cases engaging human rights	On-going
	Engage with the Chief Psychiatrist about policies, guidelines and other monitoring and oversight mechanisms to protect the rights of people with impaired decision-making capacity in the mental health system	On-going
	Advocate for an appropriate model of care for people with a dual diagnosis of disability and mental illness and people with disability detained in an Authorised Mental Health Service	On-going
Mental health system in Queensland	Undertake a comparative analysis of involuntary mental health regimes and treatment across selected Australian jurisdictions	June 2021
Housing and accommodation	Advocate for development and implementation of a state-wide plan for appropriate housing and accommodation for people experiencing mental health issues	On-going
Mental Health Review Tribunal	Monitor progress of the tribunal implementing electronic recording of proceedings	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 hospitals in accordance with the National Safety and Quality Health Service Standards	On-going

On-going

Provision of NDIS supports and assessments in hospitals

Engage with Queensland Health and Health and Hospital Services to ensure the on-going provision of disability supports for NDIS participants while they are in hospital and the assessment of potential NDIS participants for eligibility

On-going

## Aged care and older persons

Initiative/Area of focus	Actions	Timeframe
Aged care reforms	Continue to advocate for improvements to the national framework regulating the use of restrictive practices in residential aged care settings, including participating on the National Restraints Principles Working Group	On-going
	Advocate for improved policies, service standards and care of older people with impaired decision-making capacity	On-going
	Provide timely advice and feedback on implementation issues relevant to Commonwealth and State Government agencies	As required
	Continue to engage with the Aged Care Quality and Safety Commission regarding the treatment of people in aged care, including issues relating to informed consent to medical treatment and restrictive practices	On-going
Elder abuse	Contribute to the development and implementation of the Australian Government's National Plan to address elder abuse	On-going
	Advocate for the implementation of particular Australian Law Reform Commission recommendations to improve the aged care system (refer to the Commission's report <i>Elder Abuse – A National Legal Response</i> )	On-going

Initiative/Area of focus	Actions	Timeframe
	Participate on the Queensland Elder Abuse Prevention Unit's stakeholder reference group	On-going
Institutionalisation of older people	Advocate for funding for advocacy and representation of older people the subject of guardianship applications in the QCAT Hospital Hearings Project	On-going
	Advocate for increased funding and availability of in-home care packages to support older people to remain in their own homes and a shift away from the institutional model of aged care	On-going
Queensland: An Age-Friendly Community Strategy	Contribute to the Respect and Social Inclusion domain of the Age-Friendly Community Action Plan and Implementation Schedule	On-going
	Contribute to the implementation of the strategy through the Senior Officers Group convened by the Department of Communities, Disability Services and Seniors	On-going
Case intervention	Systemic advocacy through intervention in select individual cases	As required

## Guardianship and administration

Initiative/Area of focus	Actions	Timeframe
Monitor the delivery of public guardianship and administration services	Work to establish a quantitative evidence base bringing together a range of data from agencies engaged with people with impaired capacity to help inform the Public Advocate's systems advocacy	To be confirmed

Initiative/Area of focus	Actions	Timeframe
	Prepare a systemic advocacy report on the fees, charges and other practices of the Public Trustee and their impact on the financial outcomes of people under administration	December 2020
	Monitor the legislative, policy and practice aspects of Queensland's guardianship and administration system, and contribute to positive system changes	On-going
Education and awareness	Contribute to awareness and information strategies relating to guardianship, administration and related topics	Ongoing
Enduring documents	Engage with relevant government agencies to encourage initiatives to increase the uptake of enduring documents	On-going
	Contribute to the review of the forms and guides for enduring documents	December 2020
Case intervention	Systemic advocacy through intervention in select individual cases	As required
Australian Guardianship and Administration Council	Participate as a Council member in relation to matters of national concern and/or significance, and 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 and 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
Limitation orders	Monitor and review the limitation orders made by the Queensland Civil and Administrative Tribunal and engage with QCAT about findings	December 2020



## 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 2020
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 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