

ANNUAL REPORT

2022-2023

Availability and access

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ISSN: 2207-5186 (Print) 2205-8621 (Online)

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24 October 2023

The Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
Minister for the Prevention of Domestic and Family Violence
1 William Street
BRISBANE QLD 4000

Dear Attorney-General,

I am pleased to present the Annual Report 2022-23 for the Office of the Public Guardian.

This report is made in accordance with the requirements in section 126 of the *Public Guardian Act 2014* and provides information on the performance of the Public Guardian's functions in 2022-23.

Under section 127 of the *Public Guardian Act 2014*, the Office of the Public Guardian is not considered to be a statutory body for the purposes of the *Statutory Bodies Financial Arrangements Act 1982* or the *Financial Accountability Act 2009*. Therefore, the Public Guardian is not required to comply with the Annual Report Requirements for Queensland Government agencies. These requirements were used to guide the creation of this Annual Report.

Yours sincerely,



Shayna Smith
Public Guardian



Acknowledgements

Acknowledgement of Country

The Office of the Public Guardian acknowledges the Traditional Custodians throughout Queensland of the lands on which we leave a footprint. We acknowledge and pay our respects to their Elders, past, present and emerging.

We recognise you, the First Nations people and your continuing connection to the land, sea and waterways and acknowledge your ongoing contribution in caring for Country since time immemorial. We acknowledge your Dreamtime stories and your ancient and recent history of struggles, your strength of perseverance towards overcoming adversities and your resolve towards maintaining survival of the oldest living cultures on Earth.

Acknowledgement of lived experience

We acknowledge the lived experience of our clients, whose rights and interests we strive to promote and protect. We thank them and their support networks for engaging with us while we work to achieve the best possible outcomes for the people we serve. We also acknowledge the lived experience and expertise of our staff who directly support adults with impaired decision-making capacity and vulnerable children and young people in either a professional or private capacity.



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Glossary

AMHS	Authorised Mental Health Service
DJAG	Department of Justice and Attorney-General
NDIS	National Disability Insurance Scheme
OPG	Office of the Public Guardian
QCAT	Queensland Civil and Administrative Tribunal



Public Guardian's message

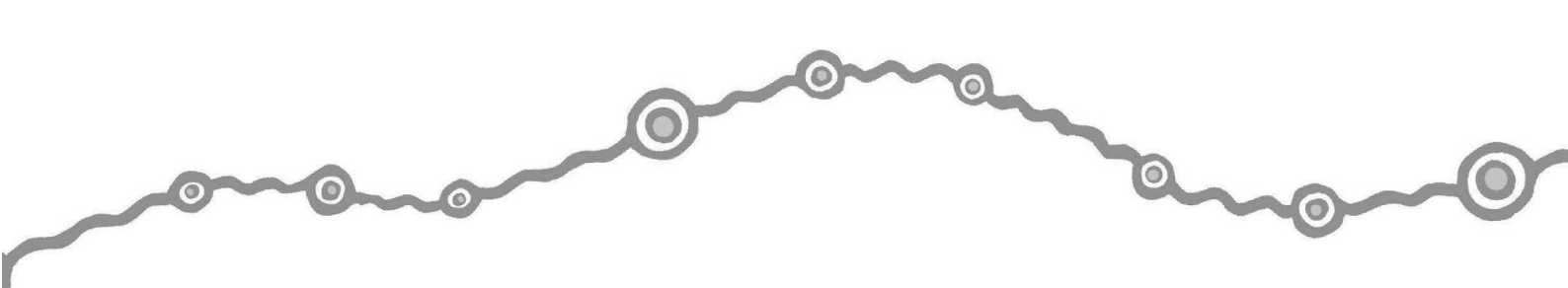
I am pleased to provide the Office of the Public Guardian (OPG) Annual Report for 2022-23. OPG's Annual Report is not only a reflection of our performance over the past year, but also provides an excellent insight into the values of our agency and the positive impact our staff make on the lives of our children and young people clients, and adults with impaired decision-making capacity.

Our achievements in 2022-23 were the culmination of efforts to enhance our service delivery and workforce. As last year's Annual Report foreshadowed, OPG has engaged in a transformational program of internal work to improve the processes, systems and frameworks that underpin high-quality service delivery. We implemented the National Principles for Child Safe Organisations across the agency, realigned geographical boundaries to better target guardianship resources to areas of growth, and transitioned to a hybrid of casually and permanently employed community visitors following the commencement of the *Public Sector Act 2022*. This transition occurred in conjunction with ongoing work to expand the scope of the replacement State Government Entities Certified Agreement to include community visitors, ensuring all staff have consistent employment entitlements.

While OPG's service delivery achievements over the past year and our priorities for the coming year are evidenced in detail in this Annual Report, I am honoured to highlight that our agency provided community visiting, child advocacy, guardianship and investigation services to every corner of Queensland. Highlights of our service delivery this year included:

- 23,789 visits to children and young people at visitable locations, raising 12,993 issues on their behalf
- 3,189 visits to adults with impaired decision-making capacity at visitable sites, raising 2,376 issues on their behalf
- 4,241 adults with impaired decision-making capacity receiving decision-making support, and
- 229 finalised investigations into allegations of abuse, exploitation, neglect, or inadequate decision-making arrangements of adults with impaired decision-making capacity.

In addition to our frontline services, we have also continued our track record of advocating for positive change to relevant systems. Giving vulnerable Queenslanders a voice goes to the heart of who we are and I am tremendously proud of the efforts in this space over the last twelve months – particularly on issues impacting children and young people in the youth justice system. Our engagement with key systems agencies has directly contributed to positive outcomes, such as the Queensland Family and Child Commission review of the drivers causing children to enter and remain in police watchhouses. We intend on building on this momentum so that the voices of our clients, and their stories, continue to be heard.



It is evident that our office can make a significant impact on the lives of the adults and children to who we deliver services. Our focus on the year ahead is to navigate the challenge to deliver best practice, client-focused frontline services in an environment of unprecedented state-wide growth in demand and social change. The future of OPG will be largely influenced by the systems in which we operate – a landscape which is both complex and ever evolving. External factors across a growing number of sectors – including disability, child protection and youth justice – has meant that demand for our services has never been higher.

We are also entering an era of significant policy reform. With the National Disability Insurance Scheme (NDIS), *Aged Care Act 1997*, Queensland restrictive practices authorisation framework and Queensland Forensic Disability Service System all subject to review, our operations will need to remain in step with future policy shifts at both a state and national level. Further, the Royal Commission into Violence, Abuse and Exploitation of People with Disability has examined decision-making models for guardianship that place the human rights of persons with disability at the forefront. Best practice in guardianship service delivery reflects rights-based frameworks for decision-making, which closely align with community expectations about how guardians should perform this critical role. This requires not only new ways of thinking about how to achieve best practice in our operations, but the resourcing required to turn those policy aspirations into frontline service delivery.

We are taking every step to position OPG to meet the diverse and complex needs of our clients within this environment and within the finite resourcing available to us. In this regard, the 2023-24 financial year represents a critical juncture for OPG. A true commitment to an inclusive society – one which values our most vulnerable children, young people, and adults – requires financially investing in the people who protect and promote their rights.

Next year will mark OPG's tenth year of operations. As an agency, we look forward to taking stock of the past decade and developing a clear vision and priorities for the next four years through a new Strategic Plan. But of course, none of this would be possible without those who make the office what it is – our people. While this report is a snapshot of our collective achievements, our staff individually impact the lives of our clients every day. Whether on the frontline or behind the scenes, in cities or regional areas, our staff have demonstrated exceptional commitment to the office's vision and purpose over the past year. I am sincerely grateful for their contribution. I would also like to thank those that worked alongside us throughout the year to support the work that we do. The achievements evidenced in this Annual Report clearly demonstrate that OPG's services are important and critical to the Queensland community.



Shayna Smith
Public Guardian



Office of the Public Guardian

The Public Guardian and the Office are established by the *Public Guardian Act 2014*. The Public Guardian is an independent statutory officer who is not subject to the direction of the Attorney-General and Minister for Justice.

The *Public Guardian Act 2014* and *Guardianship and Administration Act 2000* provide for the Public Guardian's legislative functions, obligations and powers. The *Powers of Attorney Act 1998* enables adults in Queensland to appoint substitute decision-makers under an advance health directive or an enduring power of attorney.

Our office promotes and protects the rights and interests of some of the most vulnerable, at risk and disadvantaged Queenslanders – adults with impaired decision-making capacity, and children and young people in the child protection system or staying at visitable sites (including authorised mental health services, youth detention centres and police watchhouses across the state).

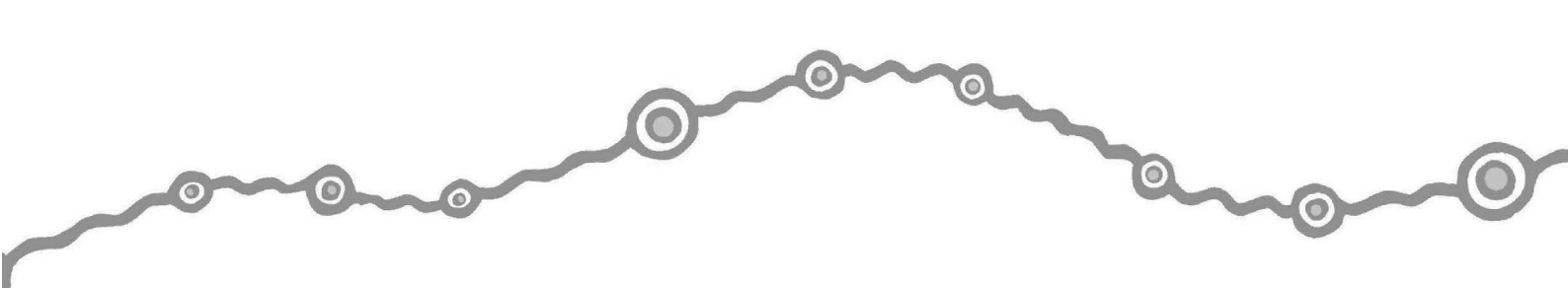
For adults with impaired decision-making capacity, we do this through our guardianship, investigations and community visiting and advocacy services. We:

- provide decision-making services for personal matters where appointed by the Queensland Civil and Administrative Tribunal (QCAT), or appointed by an adult as their attorney under an enduring power of attorney, or as the statutory health attorney of last resort
- investigate allegations that an adult with impaired decision-making capacity has been, or is being neglected, exploited or abused, or has inappropriate or inadequate decision-making arrangements in place
- independently monitor visitable sites and identify, escalate and resolve complaints by or on behalf of adults with impaired decision-making capacity staying at those sites.

We also provide individual advocacy that gives an independent voice to children and young people. We do this through providing:

- person-centred advocacy for relevant children and young people in the child protection system, by our child advocates. This elevates the voice and participation of children and young people in decisions that affect them
- community visiting, which monitors and advocates for the rights of children and young people in out-of-home care or who are staying at a visitable site.

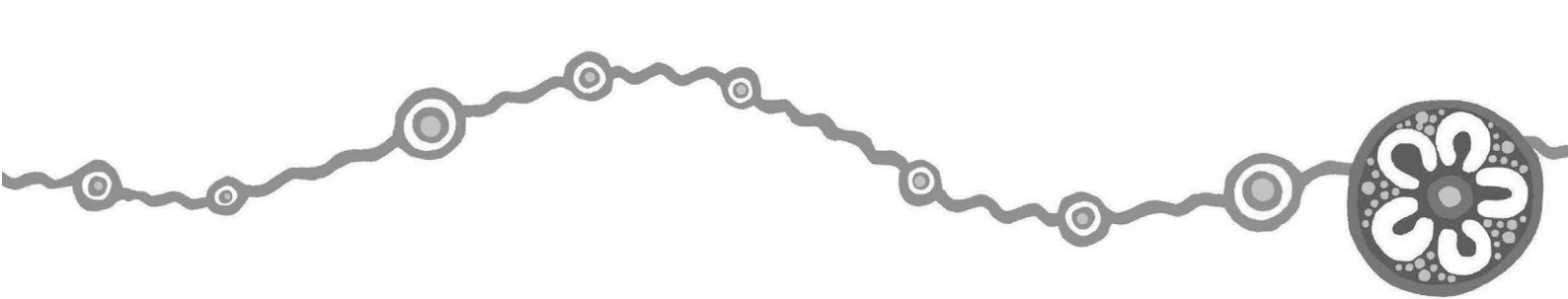
We uphold the general principles and the health care principles in the *Guardianship and Administration Act 2000* when supporting adults with impaired decision-making capacity. We uphold the principles relating to children and young people in the *Public Guardian Act 2014* and the standards of care and charter of rights under the *Child Protection Act 1999*.



We strive to empower our clients and advocate for their rights and interests. For adults with impaired decision-making capacity, we advocate for their rights and interests within our structured decision-making and human rights frameworks. For children and young people, we advocate for their rights, access to services and, where appropriate, their independence and choice. We strive to ensure their views and wishes are considered when decisions are made that impact them.

Our Child and Adult Safeguarding Framework outlines our commitment to the safety and wellbeing of the people we support. It explains our safeguarding obligations, guides our processes and service delivery, and ensures a continual focus on promoting the safety and wellbeing of our clients.

We are committed to our cultural journey as an organisation and are focused on promoting the cultural safety and wellbeing of children, young people and adults with impaired decision-making capacity from Aboriginal, Torres Strait Islander and culturally and linguistically diverse backgrounds.



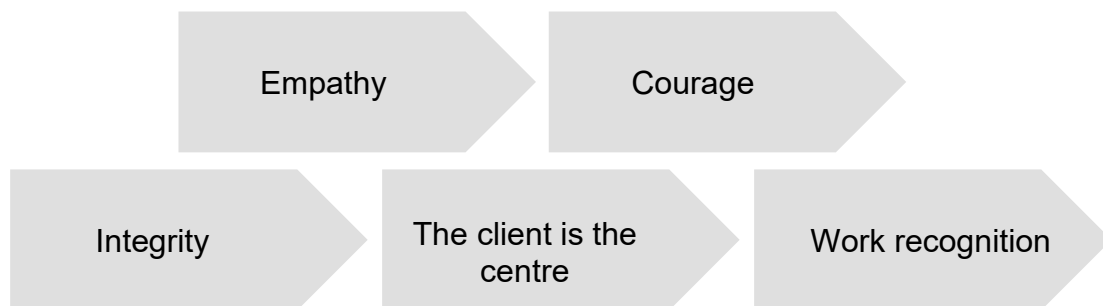
Our Strategic Plan

Our ambition

A strong, accountable, human rights focused Queensland where OPG gives a voice to the voiceless through staff who feel empowered to do so.

Our values

We have five core values which reflect our ambition and objectives, and shape our organisational culture and behaviours.



Our objective and organisational goals

Our objective is to empower our clients and advocate for their human rights.

Organisational goals	We achieve this by
To optimise and build a strong and resilient workforce	Giving staff better tools to do their job Supporting staff to have tough conversations Building a more strategic, flexible executive team
To deliver successful advocacy that achieves positive human rights outcomes for our clients	Developing strong relationships of accountability with those who we oversee and work with Developing stronger relationships with our clients Embedding human rights in all we do
To work better as 'one organisation'	Better integrating our functions and reducing siloed activity Streamlining processes and consistency in practice
To educate others on what we do, and how we can help	Promoting our role and its independence through every conversation Identifying opportunities to maximise reach about what we do with the people who matter Strategically targeting our community education and media



Our operating environment

A range of external matters have shaped our operating environment over the past year, and some will continue to shape our year ahead.

Demand for our services continues to grow

We continue to observe increases in the number of interim and longer-term guardianship orders appointing the Public Guardian, more requests for investigations, increased referrals for child advocacy, increases in the number of adult visitable sites and a greater number of children and young people eligible to be visited by community visitors. Demand for our services continued to increase because of growth in the guardianship, youth justice and child protection systems, and sophistication of systems such as the NDIS and aged care. Other factors such as an ageing population, increased prevalence of various health and mental health conditions including dementia, also contributed to the demand for our services.

We expect demand for our services to continue to grow in the coming years. We also expect that the resource intensive nature of our work and our clients' circumstances will remain complex. Influencing factors include clients experiencing complicated health issues, mental illness or multiple disabilities, and some clients' interaction with the child protection, justice, disability or aged care systems. The past year has seen several youth justice reforms introduced which have increased the priority and frequency of our community visits and referrals for our child advocacy services. We remain committed to prioritising visits and advocacy to children and young people in police watchhouses and youth detention centres due to their level of vulnerability.

Where a guardianship client engages with multiple service systems, our staff need to become familiar with the often-complicated history and circumstances relating to each system and make decisions, with respect to each system, both for and with the client. Conflict among family members of people receiving our guardianship services also significantly contributes to the multifaceted and resource intensive nature of providing services to clients. These situations require increased engagement to help family members understand our role in a structured decision-making process, and to navigate conflict within the families and between families and others, such as service providers. These situations can involve significant time, negotiation skill and relationship management by our guardians, who work with all parties to support positive outcomes for our clients.

As a result of the continued demand for our services and the increasingly intricate nature of our clients' circumstances, our office will advocate for appropriate resourcing to ensure that we can meet this demand and provide services in line with our obligations and the community's expectations.



Restrictive practices

Amendments to the *Quality of Care Principles 2014* commenced on 1 December 2022 and are scheduled to expire in December 2024. They introduced a consent framework for circumstances where an aged care recipient lacks capacity to give their own consent to restrictive practices. They also involve a 'restrictive practices substitute decision-maker' for the use of restrictive practices on aged care recipients. In Queensland this is a person appointed by QCAT under the *Guardianship and Administration Act 2000* and includes the Public Guardian as guardian of last resort. The intent of the amendments is to provide certainty to consent arrangements while states and territories review their legislation to align with the national framework.

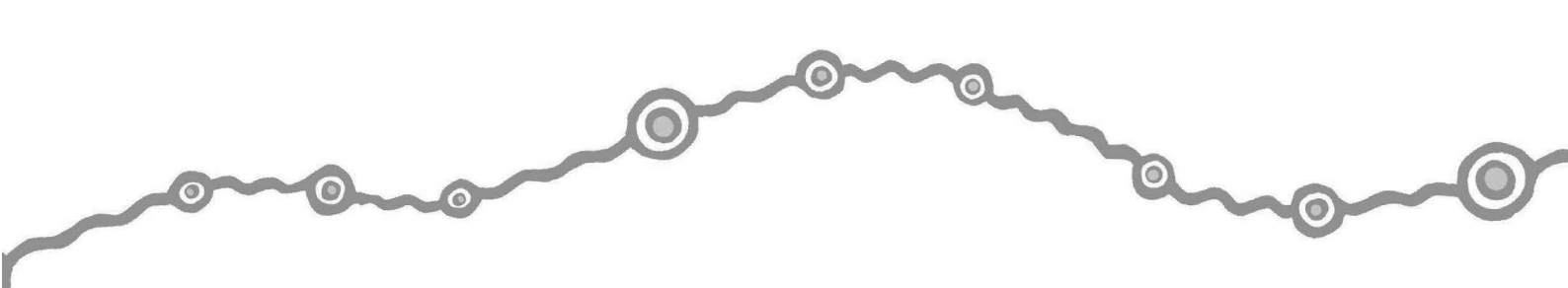
In consultation with academics and advocates, we subsequently developed and released a policy statement explaining our approach to considering requests for consent to use restrictive practices in residential aged care settings. We engaged with the aged care sector and Aged Care Quality and Safety Commission and developed a process for residential aged care providers to request consent from guardians. QCAT has commenced appointing guardians, including the Public Guardian, for personal decisions relating to the use of restrictive practices in residential aged care settings. At the time of preparing this report, our office was considering a small number of requests for consent, however we anticipate this number to significantly increase in the coming months.

The Queensland Government's review of the state's positive behaviour support and restrictive practices authorisation framework for adults receiving funded disability supports is also ongoing. The review seeks to better align Queensland's framework with the NDIS and the draft *Principles for Nationally Consistent Authorisation of Restrictive Practices*. We await the outcomes of the review and its potential impact on our range of functions relating to the authorisation of restrictive practices for Queensland adults receiving funded disability supports.

Path to Treaty and Reconciliation Action Plan 2023-2025

The Path to Treaty is a shared journey between the Queensland Government, Aboriginal and Torres Strait Islander peoples and non-Indigenous people with the goal of negotiating a Treaty or Treaties. Our staff participated in the signing of Queensland's Path to Treaty Commitment in August 2022 and support the path forward over the coming years.

On 30 May 2023 the Queensland Government launched the *Reconciliation Action Plan 2023-2025*. It outlines the steps that all Queensland Government agencies will take over the next two years to advance reconciliation with Aboriginal and Torres Strait Islander peoples. The Reconciliation Action Plan contains 24 actions across four key areas – relationships, respect, opportunities and accountability. The Reconciliation Action Plan has provided us with a framework for our cultural development journey over the next two years.



Over the past year we have been building our cultural capabilities and the foundations of a cultural journey. We have focussed on reframing our relationships with our First Nations staff and sector partners in preparation for Treaty. For example, we partnered with other agencies such as the Queensland Family and Child Commission and non-government organisations as part of our journey in building cultural capacity and to share our learning and experiences to help shape our workforce.

In the coming year we will participate in the Department of Justice and Attorney-General (DJAG) Path to Treaty Working Group and continue to build culturally safe and effective services to Aboriginal and Torres Strait Islander peoples. To assist us to reframe our relationship and continue our journey towards Treaty over the coming year, we have established an internal project team focused on scoping our operational and strategic First Nations service delivery response. This work will involve all areas of our office contributing and participating alongside the OPG Murri Yarning Circle, OPG's dedicated advisory group of First Nations employees.

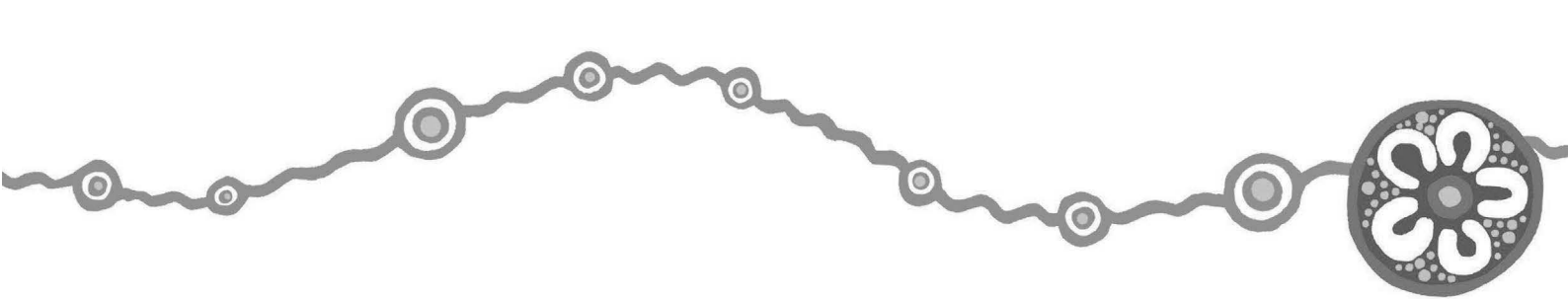
Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

The final report of the Disability Royal Commission is scheduled for release in September 2023 and is expected to include recommendations about the way decision-making support should be provided to adults with impaired decision-making capacity. In response, we will adapt and innovate our services as much as possible within our current resources, taking into account the geographic dispersion of our clients across Queensland. We are committed to empowering adults with impaired decision-making capacity and promoting their rights and interests when performing our guardianship functions. We will contribute to discussions about how our guardianship framework can be improved, particularly to better encourage supported decision-making and better tailor services to our First Nations, and culturally and linguistically diverse clients.

The Strategic Policy section of this report details the Public Guardian's contributions to the Disability Royal Commission in 2022-23.

National community visiting scheme

In April 2023 the Australian Government tabled its response to the Joint Standing Committee report on the NDIS Quality and Safeguards Commission. The Australian Government supported 21 of the Committee's recommendations and referred several recommendations to the independent review of the NDIS to inform further consideration. Recommendation 6 was one of the recommendations referred to the NDIS review.



Recommendation No. 6

The committee recommends that the Australian Government revisit its 2018 review into community visitor schemes and explore amendments to the National Disability Insurance Scheme Act 2013 to establish a national community visitor scheme to be overseen by the NDIS Quality and Safeguards Commission.¹

We expect that the final report of the Disability Royal Commission will also discuss this proposal.

Our submissions to the NDIS Review and the Disability Royal Commission advocated for the establishment of a national community visitor program within the NDIS. Community visitors play a vital role in the safeguarding framework by providing independent oversight and individual advocacy for people with disability. This pathway for issue resolution is a critical component of the NDIS complaints system and should be available to NDIS participants across Australia. We await the outcomes of the NDIS Review and the Disability Royal Commission and look forward to this issue progressing in the coming year.

¹ Department of Social Services, updated 21 April 2023, 'Australian Government response to the Joint Standing Committee on the National Disability Insurance Scheme (NDIS) report: NDIS Quality and Safeguards Commission', accessed 10 August 2023, <https://www.dss.gov.au/disability-and-carers-publications-articles/australian-government-response-to-the-joint-standing-committee-on-the-national-disability-insurance-scheme-ndis-report-ndis-quality-and-safeguards-commission#:~:text=The%20Australian%20Government%20welcomes%20the,NDIS%20design%2C%20operations%20and%20sustainability>.



Our Service Delivery Statements

In 2022-23 we contributed to the DJAG service delivery statements through the following service delivery standards.

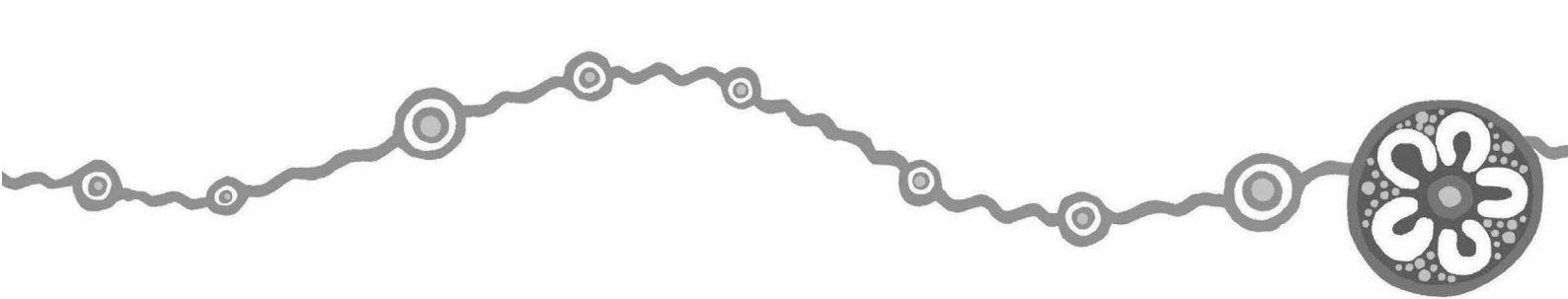
Table 1: Service Delivery Standards 2022-23

Service standards	Target	Actual
Percentage of community visitor (adult) sites visited in accordance with the designated visiting schedule	90%	88%
Percentage of community visitor (child) sites visited in accordance with the designated visiting schedule	90%	82%
Percentage of guardianship decisions made in consultation with the client/interested persons	95%	99%
Percentage of investigations closed within 12 months from commencement for clients aged 65 years or over	70%	33%

Despite the increase in demand for all OPG services, the agency maintained a high level of performance across all its measures except in relation to investigations for clients aged 65 years or older.

This is because we intentionally focussed our resources on finalising any investigation that had been open for 12 months or longer. It was important for us to finalise these investigations to mitigate the risks associated with lengthy investigations to the people involved and enable our investigators to action new and higher risk investigations.

In 2022-23 we reviewed our service delivery standards and worked with DJAG and the Department of the Premier and Cabinet to identify new service delivery standards for 2023-24.



Our achievements

In 2022-23 demand for our all our services continued to grow and we responded by adapting our service delivery to support a greater number of people.

In 2022-23 we:

Undertook pre-appointment advocacy in relation to 806 QCAT applications

Provided decision-making support to 4,241 adults with impaired decision-making capacity

Acted as attorney under an enduring power of attorney for 70 adults with impaired decision-making capacity

Received 2,238 orders to act as guardian of last resort

Received 375 interim orders to act as guardian of last resort for 3 months

Made over 20,000 decisions with our guardianship clients

Provided 1,100 health care consents

Provided 119 consents to withdraw or withhold life sustaining measures

Received 418 requests for investigations

Closed 229 investigations

Completed 3,189 visits to adult visitable sites

Raised 2,376 issues on behalf of adults at visitable sites

Completed 23,789 visits to children and young people at visitable locations

Raised 12,993 issues on behalf of children and young people at visitable locations

Advocated for 398 children and young people through our child advocates



Building our cultural capability

Aboriginal and Torres Strait Islander peoples continue to be overrepresented across our client groups. Our data shows that in 2022-23 almost half (46%) of the children and young people visited by community visitors and 40% of the children and young people supported by our child advocates were Aboriginal and/or Torres Strait Islander. The high proportion of First Nations children and young people we supported can be attributed to the overrepresentation of First Nations children and young people in the child protection and youth justice systems. First Nations peoples were also overrepresented in our adult client groups, accounting for 17% of our guardianship clients in 2022-23 and 14% of our active investigations on 30 June 2023.²

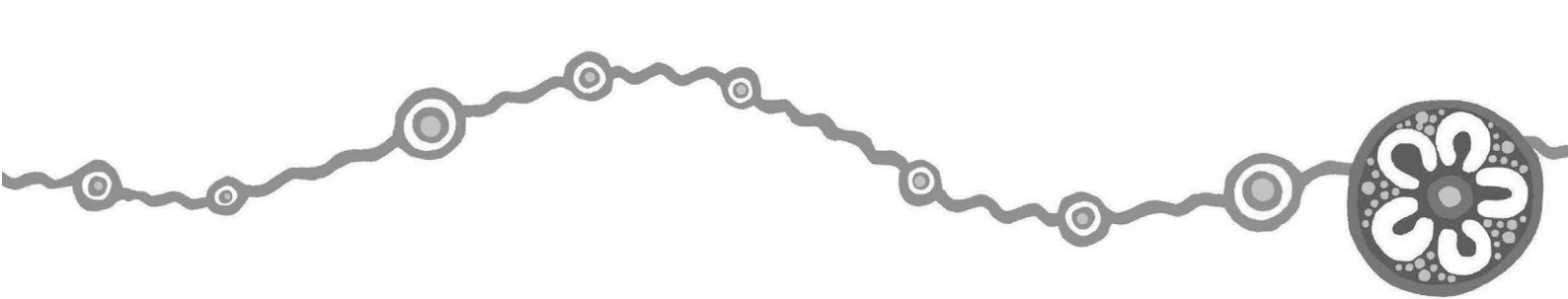
This year the Public Guardian joined other Australian Children's Commissioners and Guardians in publicly supporting the Uluru Statement from the Heart and we continued to develop our cultural capabilities, both in terms of supporting our First Nations staff and striving to provide culturally safe services to our First Nations clients. Our staff participated in cultural awareness training and other capability building activities including training facilitated by the Hatchery, the tour of the Ration Shed at Cherbourg and attending the Butchulla Warriors Memorial.

We have created identified First Nations positions within our office and are developing a targeted recruitment strategy for First Nations Peoples as part of our workforce strategy. We continued to build our cultural capability through our Community Visiting and Advocacy First Nations Community of Practice and the OPG Murri Yarning Circle, a group of staff who identify as Aboriginal and/or Torres Strait Islander. A key achievement of the Murri Yarning Circle is their ongoing and meaningful communication and education within our office. This includes regular communications to staff highlighting dates and events of cultural significance to First Nations peoples and the creation of online and tangible resources to guide staff in their individual cultural capability journeys. Members of the Murri Yarning Circle also represent our office at community events and on days of cultural significance, such as NAIDOC week events. As we continue this journey as an organisation focused on reframing relationships and becoming Treaty ready, we have established an internal project team focused on scoping our operational and strategic First Nations service delivery response.

Strengthening our safeguarding culture

In 2022-23 one of our key priorities was strengthening our safeguarding culture, which included the release of an internal mandatory e-learning module called the National Principles for Child and Adult Safe Organisations. This year we rolled out this e-learning module and embedded it into our induction processes for all staff. It is a significant achievement because of the importance of promoting a safe and secure environment for our clients.

² Percentage is based on the number of clients for whom their cultural identity was known.



Upholding the human rights of our clients

Our office has partnered with the Office of the Public Advocate on a supported decision-making demonstration project. The project has been designed to operationalise the concepts associated with supported decision-making and to test the effectiveness of various strategies in developing the decision-making skills of people under guardianship orders. The project provides the opportunity for up to eight guardianship clients to receive intensive one-on-one support from a disability service organisation to build their skills, and those of their support network, in making decisions related to the matters for which they are currently under guardianship.

Supporting our workforce

Public Sector Act 2022

The *Public Sector Act 2022* commenced on 1 March 2023. Among other things, the Act provides eligibility for a broader range of casual employees to have their employment converted to permanent employment. This included our community visitors. To align with the Act, we reviewed our community visitor employment arrangements to transition to a hybrid model of employing both casual and permanent community visitors.

In March 2023 we invited eligible community visitors to convert from casual to permanent employment. On 30 June 2023 almost one-third (31%) of the community visitors who were invited to convert their employment had taken up the opportunity to do so. We will continue to make eligible community visitors aware that they can apply to have their casual employment converted to permanent.

State Government Entities Certified Agreement

Negotiations commenced in 2023 to replace the State Government Entities Certified Agreement 2019 (Core Agreement). In 2022-23 we started negotiations with the Together Queensland union and the Queensland Government and reached an in-principle agreement to expand the scope of the replacement Agreement to include community visitors. This will ensure community visitor employment conditions are more closely aligned with those of other public sector employees.



Guardianship

Our guardians support adults with decision-making about personal matters when QCAT has determined an adult has impaired decision-making capacity. QCAT can appoint the Public Guardian:

- as guardian of last resort, where there is a need for decisions to be made in relation to personal matters and that the adult's needs and interests would not be adequately met without an appointment
- to make representations about the use of restrictive practices for an adult who is the subject of a containment and seclusion approval under Chapter 5B of the *Guardianship and Administration Act 2000*.

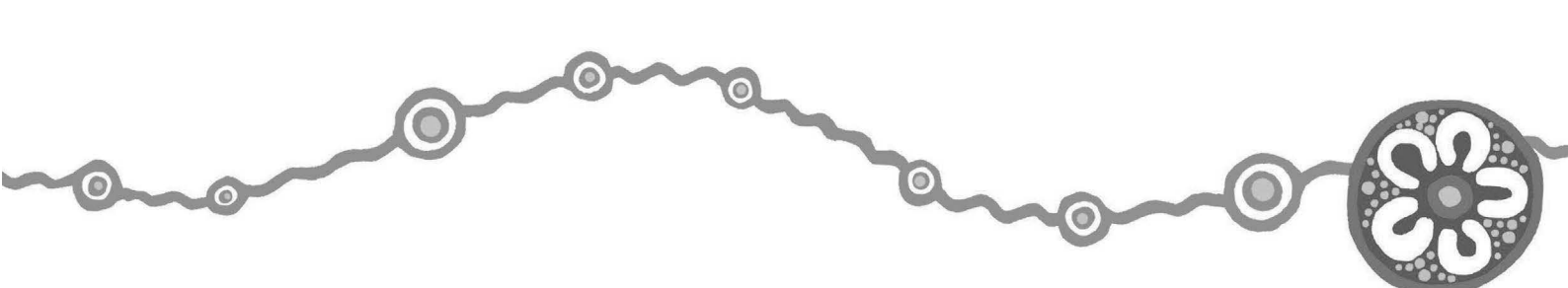
A guardian can also be appointed by the Supreme Court.

A declaration of impaired decision-making capacity by QCAT does not imply an adult cannot meaningfully contribute to decisions about their lives. We support clients to participate in the decision-making process and, where possible, make their own decision. Where this is not possible, we consult them about their views, wishes and preferences to enable them to be taken into account to the greatest extent practicable.

This is required by the *Guardianship and Administration Act 2000* and the *Human Rights Act 2019* and is guided by our Structured Decision Making Framework and Human Rights Decision Making Framework. These frameworks place obligations on our staff to uphold human rights, promote and protect the rights and interests of our clients, and undertake our guardianship function in a way that maximises clients' participation in decision-making and reflects their views and wishes.

A key element of our Structured Decision Making Framework is that our guardians advocate for clients to make or participate in making decisions as a fundamental aspect of their inherent dignity.

Our Structured Decision Making Framework encompasses the full spectrum of decision-making, from supporting a client to decide themselves, to substitute decision-making. The Framework explains how our guardians, as a last resort decision-maker, prioritise and promote a least restrictive decision-making model. The Human Rights Decision Making Framework guides all our staff. However, in relation to guardians, it helps them understand Queensland's legislated human rights and provides advice on how to consider and apply human rights when making a decision under a guardianship appointment.



In 2022-23 we provided decision-making support to 4,241 Queensland adults with impaired decision-making capacity (up 7% on 2021-22).³ This includes adults for whom the Public Guardian was appointed by QCAT and adults for whom we acted as attorney under an enduring power of attorney.

The number of interim and longer-term QCAT orders appointing the Public Guardian to act as the guardian of last resort has continued to increase.

The number of QCAT orders (both new and re-appointment) appointing the Public Guardian to act as guardian of last resort continued to increase, reaching a total of 2,238 in 2022-23. This was a 10% increase on the total number of orders in 2021-22. Orders re-appointing the Public Guardian as guardian of last resort accounted for 63% of the QCAT guardianship orders received by OPG in 2022-23. During the year there was a 17% increase in the number of new orders appointing the Public Guardian to act as the guardian of last resort.

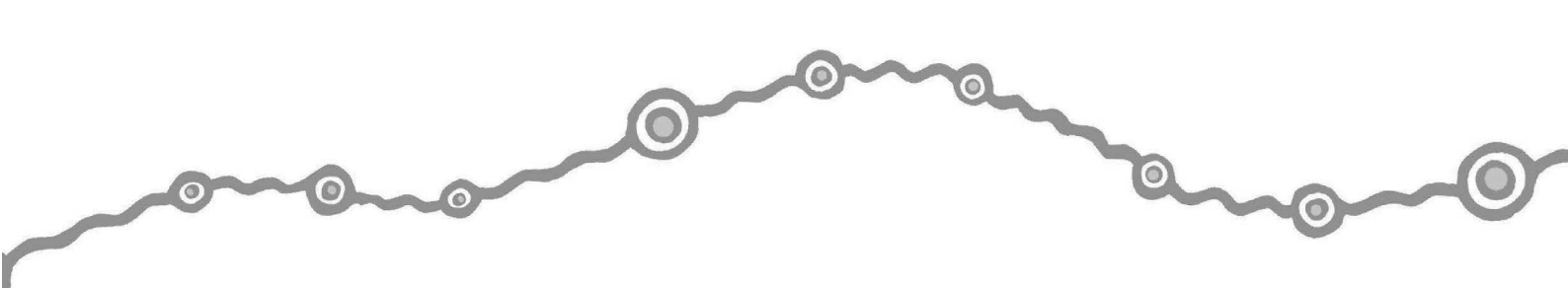
There was a sharp increase (31%) in the number of interim guardianship orders received by OPG in 2022-23. This increase may be partially attributable to additional interim orders being made by QCAT due to the known delays with QCAT reviewing guardianship orders.

In 2022-23 just over half (54%) of interim orders appointing the Public Guardian were followed by a longer-term guardianship order appointing the Public Guardian.

Table 2: QCAT orders appointing the Public Guardian in 2022-23

QCAT order type	Number of orders
Total number of QCAT orders appointing the Public Guardian to act as guardian of last resort	2,238
New QCAT orders appointing the Public Guardian to act as guardian of last resort	818
Re-appointment orders (QCAT orders re-appointing the Public Guardian to continue to act as guardian of last resort)	1,420
Interim guardianship orders appointing the Public Guardian to act as guardian of last resort for 3 months	375
Number of OPG clients under a guardianship order on 30 June 2023	3,697

³ The calculation of the 2022-23 figure was different to that used to calculate the equivalent figure in the OPG Annual Report 2021-22. The calculation method was revised to provide a more accurate representation of the number of adults with impaired decision-making capacity who received decision-making support from OPG.



In 2022-23 we made over 20,000 decisions with our guardianship clients. This includes those adults where the Public Guardian was appointed by a QCAT order and those for whom we acted as attorney under an enduring power of attorney. The majority (83%) of these decisions were made in consultation with our clients. Our objective in the coming year is to increase the percentage of decisions we make in consultation with our clients.

Of the guardianship orders we received in 2022-23, almost two-thirds (62%) related to the need for decisions about service provision matters and almost half (46%) related to accommodation matters. Health care matters were included in 15% of orders, restrictive practice matters were included in 12% of orders, legal matters (not including property or finance) were included in 8% of orders and contact issues were included in 4% of orders.

On 30 June 2023 we provided guardianship services to 2,801 people aged between 18 and 65 years who were registered NDIS participants (up 6% on 30 June 2022).

In 2022-23 the Public Guardian provided one consent for a forensic examination. A forensic examination can be undertaken to obtain evidence that a criminal offence has been committed against an adult. The Public Guardian can only consent to a forensic examination for an adult with impaired decision-making capacity under certain conditions specified by the *Public Guardian Act 2014*.

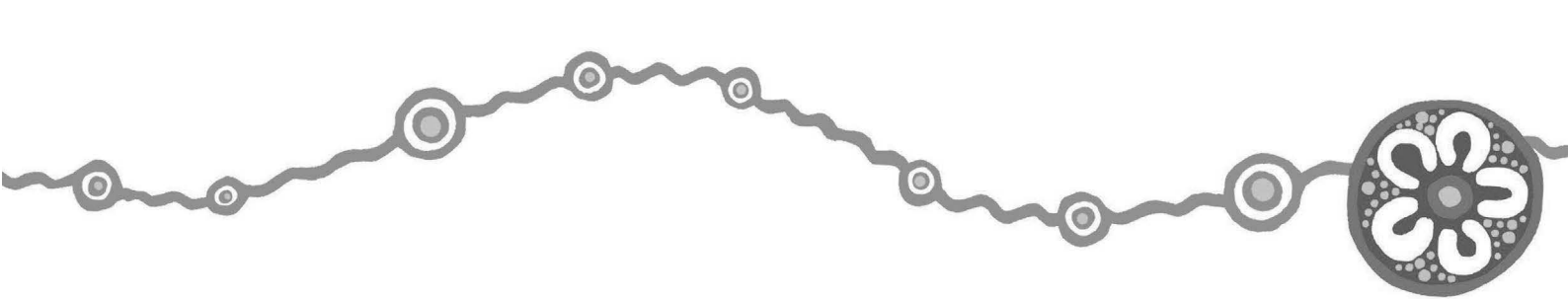
Decision-making under an enduring document

Queenslanders can plan and set up their decision-making arrangements for implementation in the future should their decision-making capacity become impaired. This can be done via an advance health directive or enduring power of attorney. People can nominate the Public Guardian to be their future decision-maker using these documents if there is no one else more appropriate to provide this support.

To uphold the views of our clients, and in alignment with our Structured Decision Making Framework, we ensure that we understand the preferences of the people who nominate the Public Guardian to be their future attorney. If an enduring document appointing the Public Guardian does not clearly articulate the person's views and preferences, we contact the person to obtain this information. The importance of ensuring enduring documents reflect a person's views and wishes and the future decisions that they would like made is a key focus area of our community education activities, because an attorney can only uphold the views and preferences of a person if those views and preferences are known to the attorney.

Our office may not accept a nomination to be a person's attorney in some circumstances. For example, when we identify an issue with the validity of the enduring document or when we are unable to confirm aspects of the enduring document with the person, including their views and preferences.

We acted as attorney for 70 adults in 2022-23 and held 2,370 inactive enduring power of attorney documents on 30 June 2023. An inactive enduring power of attorney is one that has been created but has not been activated because the person is able to make their own decisions.



Pre-appointment advocacy

We have dedicated pre-appointment resources to advocate for the rights of our guardianship clients by working to ensure that the Public Guardian is only appointed as a guardian of last resort, for the shortest time and narrowest scope possible. We proactively seek guardianship order revocations from QCAT for adults that may no longer require the appointment of the Public Guardian for decision-making. We also submit reports to QCAT where we have identified that there is no longer a need for the Public Guardian to be a last resort appointment. We also uphold the rights of our guardianship clients by continually examining how we can improve our practice to ensure the Public Guardian is only appointed in these circumstances.

We continued to undertake pre-appointment advocacy to promote and protect the rights of vulnerable adults in 2022-23. We provided information and education before and during QCAT hearings where it was proposed the Public Guardian be appointed as an adult's decision-maker. We advocated for less-restrictive approaches to be considered by the tribunal, such as having the adult's existing support network assist the adult to make their own decisions or act as their informal decision-maker. We also provided submissions to QCAT about the need for a proposed guardianship appointment when an interim (urgent) appointment of the Public Guardian was sought.

The appointment of the Public Guardian limits a person's autonomy and impacts their human rights. It should always be an intervention of last resort. We strive to ensure that the Public Guardian is only appointed where necessary, and that the length and scope of our appointment is least restrictive.

Our pre-appointment advocacy continued to deliver significant benefits in 2022-23. We undertook pre-appointment advocacy in relation to 806 QCAT applications proposing the appointment of the Public Guardian and participated in 531 QCAT hearings. The Public Guardian was appointed as the last resort guardian in only 57% of these hearings (after it was initially proposed that the Public Guardian be appointed as guardian).

Our 2022-23 data shows that when we provided pre-appointment advocacy at a QCAT hearing, a greater number of orders were made with a duration of 1-2 years, and fewer orders with a duration of 5 years were made. Fewer non-reviewable orders were also made.

Table 3 shows that, in relation to the QCAT applications where we undertook pre-appointment advocacy, the applicants seeking the appointment of the Public Guardian were most commonly social workers and hospital staff (27%), family and/or friends of the person who is the subject of the application (19%) or mental health professionals (14%).

Table 3: Initiators of QCAT applications where OPG undertook pre-appointment advocacy in 2022-23

Applicant type	Percent
Social workers/hospital staff	27%
Family and/or friends of the adult who is the subject of the application	19%
Mental health professionals	14%
Department of Child Safety	10%
Community-based service provider	9%
Residential aged care facility	6%
NDIS Support Coordinator	3%

Base: QCAT applications where OPG undertook pre-appointment advocacy in 2022-23.

As seen in Table 4, the outcome of 44% of the hearings that did not result in the Public Guardian being appointed was that the application was dismissed. A further 20% resulted in a member of the adult's support network being appointed as guardian.

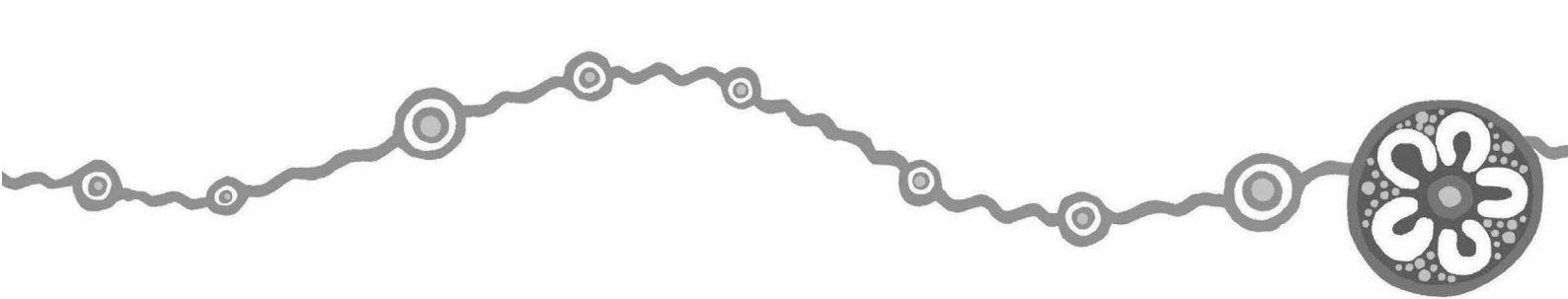
Table 4: Hearings where the Public Guardian undertook pre-appointment advocacy and was ultimately not appointed in 2022-23

Outcome of the hearing	Percent
Resulted in the application being dismissed	44%
Resulted in a member of the adult's support network being appointed as guardian	20%
Resulted in the hearing being adjourned	19%
Resulted in the tribunal issuing directions or there was another outcome	10%
Resulted in the application for guardianship being withdrawn after we provided education about what we can and cannot do when appointed as guardian	7%

Base: Tribunal hearings where OPG undertook pre-appointment advocacy and the hearings did not result in the Public Guardian being appointed in 2022-23.

Decision-making about health care

Health care providers are obliged to obtain informed consent to carry out health care for adults with impaired decision-making capacity. The Public Guardian can consent to health care matters when appointed by QCAT to make health care decisions, when appointed as attorney under an active enduring power of attorney, or as the Statutory Health Attorney of last resort under the *Powers of Attorney Act 1998* when there is no other appropriate adult available.



In 2022-23 we provided 1,100 health care decisions, a decline of 25% on 2021-22. This decline is partially attributable to a sharp decrease (88%) in the number of decisions for COVID-19 vaccinations between 2021-22 and 2022-23. Of the health care decisions provided in 2022-23, 52% were provided while acting as the Statutory Health Attorney of last resort, 45% were provided under a guardianship order and 3% provided under an enduring power of attorney.

We made 146 decisions for health care matters after hours and received 124 general health care enquiries after hours during 2022-23. We are developing an online health care consent request form so that health care providers can request a health care decision via our phone line or the online form. The online request form will be released in 2023-24 and is anticipated to create internal efficiencies, improve our prioritisation of requests and enable more timely responses to requests from health care providers.

Our partnership with Queensland Health to embed guardians in hospital and health services also continued in 2022-23. There are now inpatient guardians in the Metro North, Sunshine Coast, West Moreton and Darling Downs Hospital and Health Services. Inpatient guardians provide advice and information about the guardianship system, the rights of adults with impaired decision-making capacity and the role of our guardians. They also work closely with medical and health professionals on potential guardianship matters to ensure QCAT applications seeking the appointment of the Public Guardian are only made as a last resort. This initiative will continue to expand in 2023-24 with an inpatient guardian commencing in the Gold Coast Hospital and Health Service in early 2023-24.

Our office can make health care decisions about withholding and withdrawing life-sustaining measures if the commencement or continuation of the measure is inconsistent with good medical practice and relevant legislative requirements and human rights considerations are met. In 2022-23 we consented to 119 requests to withhold and/or withdraw life-sustaining measures.

QCAT can appoint the Public Guardian to represent the views, wishes, preferences and interests of an adult with impaired decision-making capacity when the tribunal is considering special health care matters. In 2022-23 the Public Guardian was appointed by QCAT to be a representative in 19 matters. This is more than double the number of appointments in 2021-22 (8 matters).



Decision-making about restrictive practices

We make decisions and advocate in relation to restrictive practices when the Public Guardian:

- is appointed by QCAT as a decision-maker for restrictive practices (general or respite) used by a disability service provider for an adult receiving NDIS funding
- has been asked to consider an application for a short-term approval for the use of containment and/or seclusion, and other associated restrictive practices by a service provider in relation to an adult receiving funding through the NDIS
- is appointed to seek help and make representations about restrictive practices for an adult subject to containment and/or seclusion approved by QCAT
- is an active party to all restrictive practices proceedings that occur in QCAT
- is appointed by QCAT under an advanced appointment for a person who is at least 17 ½ years old and who may be subject to the use of restrictive practices prior to turning 18 years old. Decision-making authority does not commence until the person turns 18 years of age; however, the Public Guardian can make representations on their behalf under this appointment.

Restrictive practices are a form of violence because they can cause physical and psychological harm. We strive to uphold human rights and are committed to the reduction and elimination of all restrictive practices.

On 30 June 2023 there were 387 adults for whom the Public Guardian was appointed as their guardian for restrictive practices decisions, a 3% increase on 30 June 2022. Our appointments included adults for whom we authorised the use of restrictive practices, where:

- QCAT approved the use of containment and/or seclusion and other restrictive practices
- the client was subject to a short-term approval by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.

In 2022-23 we made 369 restrictive practice decisions as guardian for restrictive practices. We also received 31 applications for short-term approvals for the use of restrictive practices.

We made 6 decisions about the use of restrictive practices for adults living in residential aged care in 2022-23, which was lower than anticipated. It is unclear how many decisions about the use of restrictive practices may be required in 2023-24 for clients in residential aged care; however, we have put policies and processes in place to support residential aged care providers to request consent.



Decision-making about legal matters

QCAT can appoint the Public Guardian to make decisions in legal matters, not relating to property or finance, that affect an adult with impaired decision-making capacity. Our guardians play an important and separate role to our clients' legal representatives by ensuring their access to justice and supporting them to provide instructions to their legal representatives regarding the conduct of their legal matters. Our advocacy ensures that our clients' legal representatives and other stakeholders involved in a court process properly understand the adult's impairment and how that impairment bears on their capacity to participate in the legal process. Our guardians strive to protect our clients' legal rights and seek to ensure these rights are not adversely impacted because of their disability, injury or illness.

During a legal matter, guardians:

- support the adult to engage appropriate legal representation
- safeguard the adult's right to give their views about decisions they wish to be made
- ensure the adult's legal representative understands the adult's disability or impairment
- give the adult's legal representative information about the adult's circumstances to support the appropriate steps towards resolution or finalisation of a legal matter while assisting the adult to understand what is happening with their legal matter to the greatest extent possible
- support the client to make, or make decisions about the conduct of legal proceedings considering the adult's views, wishes and preferences
- support the client to provide instructions to legal representatives using our Structured Decision Making Framework.

In 2022-23 QCAT made 180 new orders for the appointment of the Public Guardian for decisions that included legal matters (a 45% year-on-year increase). The increased demand for this decision-making was consistent with the overall growth in guardianship orders appointing the Public Guardian.

In 2022-23 we made 786 decisions relating to legal matters for our guardianship clients. Similar to last year, around half (53%) of these decisions related to criminal matters, 9% related to child protection issues and 8% related to domestic and family violence issues. On 30 June 2023 we had 258 guardianship clients who collectively had 248 separate ongoing legal matters.



Investigations

Everyone has the right to live free from abuse, harm, neglect and exploitation. We support this by investigating allegations of abuse, exploitation and neglect, and inadequate or inappropriate decision-making arrangements as they relate to adults with impaired decision-making capacity.

The *Public Guardian Act 2014* provides the Public Guardian with powers to:

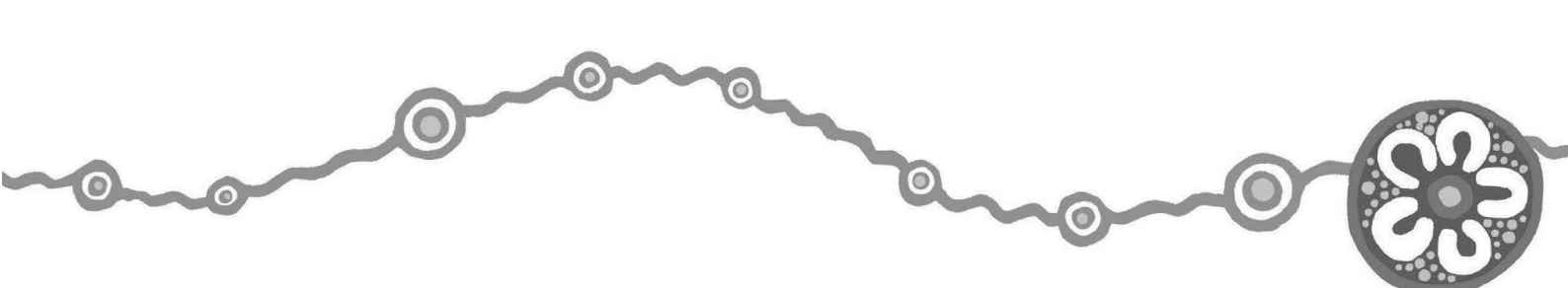
- require people to produce financial records and accounts
- access any relevant information, such as medical files
- cross examine witnesses
- issue a written notice requiring a person to attend at a stated time and place, to give information or answer questions and/or produce documents.

The Public Guardian does not replace the role of the Queensland Police Service in relation to domestic and family violence or suspected criminal behaviour. We will refer these issues to the Queensland Police, who determine whether criminal charges should be laid.

In 2022-23 we received 418 requests for investigations, up 4% on 2021-22. Not all requests will result in an OPG investigation. We carefully examine the circumstances of each request and undertake preliminary enquiries to determine whether an investigation is the most appropriate course of action, taking into account the rights of the adult. We strive to identify and implement strategies to enable a quick resolution to issues of concern, educate decision-makers so they can provide rights-based support, and refer people to appropriate organisations. This is because the rights of adults with impaired decision-making capacity are at the centre of our approach to conducting investigations.

Where appropriate, we will refer people to other agencies and services. This may include requests for investigations that we decline because they are not within our jurisdiction, role and function, or meet our investigation thresholds. However, we sometimes also refer people to other agencies and services when conducting an investigation to achieve more holistic outcomes and/or address concerns that may not be within scope of our investigation.

We take immediate protective action in situations where there is an immediate risk to the health or welfare of an adult with impaired decision-making capacity.



Our investigations focus on protective actions that can be taken for the adult concerned. The protective actions available to the Public Guardian include making urgent applications to QCAT for the appointment of a guardian or administrator, the suspension of an attorney's powers or, in extreme circumstances, a warrant application to remove the vulnerable person from a situation to ensure they are safe. In other situations, we may refer a person and/or other people in their life to relationship mediation, legal or advocacy services.

When a power of attorney is suspended for personal and/or health care decisions, the Public Guardian is automatically appointed as the adult's attorney for personal and/or health decisions for up to three months. When a power of attorney is suspended for financial decisions, the Public Trustee of Queensland is automatically appointed as the adult's attorney for financial decisions for up to three months.

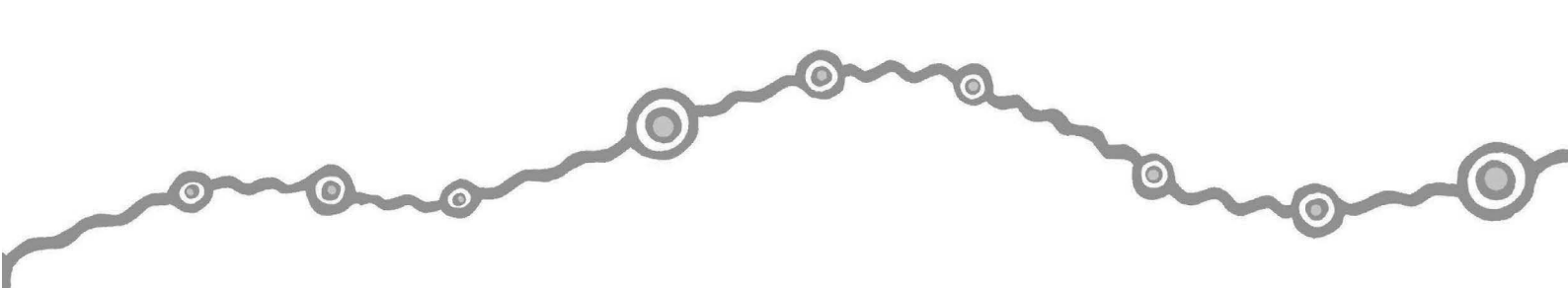
We opened fewer investigations (63 investigations) in 2022-23 compared to previous years as resources were directed to finalising a growing number of investigations that had been ongoing for over 12 months. Thirty-seven (37) of the investigations opened in 2022-23 related to concerns for people aged 65 years or older. We have developed additional external referral pathways to address situations where the allegations were of a nature where it could be resolved through a more timely and less intrusive approach than our investigation, such as mediation or advocacy. Investigation resources have been focussed on where they are most needed, allowing us to prioritise matters most likely to require swift protective action.

As seen in Table 5, almost half of the investigations that we opened in 2022-23 (29 investigations) were initiated by requests from service providers. Other common sources of request were members of the adult's family or members of the public.

Table 5: Source of investigation requests in 2022-23

Source of request for investigation	Number of investigations
Service provider	29
Family member	15
Member of the public	10
OPG (e.g. community visitor, guardian)	1
Other	8
Total	63

Base: Investigations opened in 2022-23.



Similar to previous years, attorneys were the most common type of decision-maker to be investigated in 2022-23, accounting for 26 of the investigations opened in 2022-23. The actions of informal decision-makers were examined in 18 of the investigations that commenced, private administrators were examined in six investigations, private guardians were examined in two investigations and a statutory health attorney was examined in one investigation.

Many of the investigations we commenced involved multiple forms of allegations relating to abuse, neglect, exploitation or inappropriate decision-making arrangements. Similar to previous years, financial abuse or incompetence was the most common type of allegation investigated and presented as a factor in 26 of the 63 investigations that commenced in 2022-23 (Table 6).

Table 6: Most common types of allegations in 2022-23

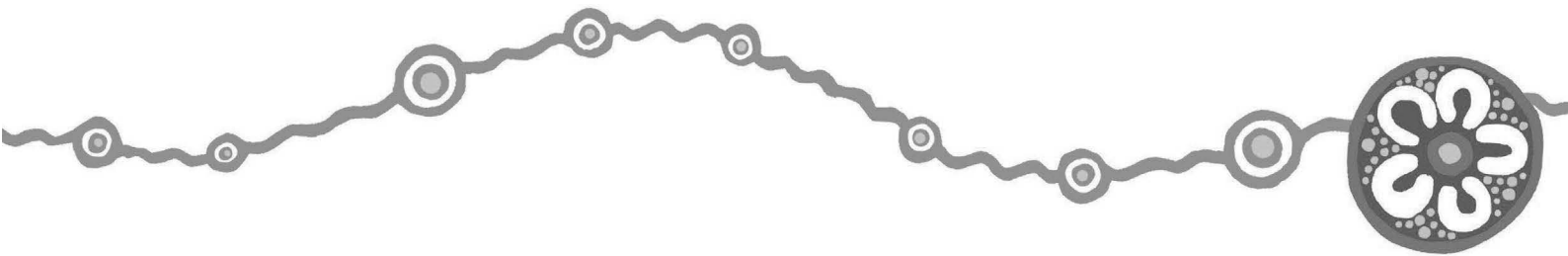
Type of allegation	Number of investigations
Financial management	26
Providing inadequate care	17
Neglect	11
Decision-maker failing to act	7
Physical abuse	7
Emotional abuse	7
Self-neglect	7
NDIS related	6
Social isolation	6
Restrictions about contact with the adult	5
Verbal abuse	5

Note: Multiple forms of allegations may be present in each investigation.

Base: Investigations opened in 2022-23. Table includes allegation types represented in 5 or more investigations.

On 30 June 2023 we had 80 investigations in progress. Almost half (38 investigations) of these related to concerns for people aged 65 years or older.

In 2022-23 we closed 229 investigations. Eleven percent (11%) of these investigations were closed within 6 months of their commencement, 24% were closed within 6-12 months and 64% took over 12 months to finalise. The high number of lengthier investigations closed in 2022-23 was the result of our specific focus on finalising these matters because of the risks associated with long investigations to the people involved.



Our closed investigations broadly fell into two categories: completed investigations, and discontinued investigations (as a result of information that emerged during the investigation). In 2022-23 over three-quarters (79%) of our investigations concluded because of information that we became aware of during the investigation. The majority (62%) of these were because there was a change in the circumstances in relation to the adult who was the subject of the investigation. For example, the initial concerns that were raised were no longer held, a third party made an application to QCAT to consider whether a substitute decision-maker should be appointed or there was a change in the adult's decision-making arrangements.

Around half (25 investigations) of the completed investigations concluded because the allegations made by the person requesting the investigation were not substantiated. Eighteen (18) investigations were closed because we took actions to protect the adult at the centre of the investigation (e.g. suspending an enduring power of attorney, formally providing advice to a decision-maker or making an application to QCAT to consider the appointment of a substitute decision-maker).



Community visiting and advocacy

Our community visitors perform specific and independent visiting functions under the *Public Guardian Act 2014*. Community visitors will:

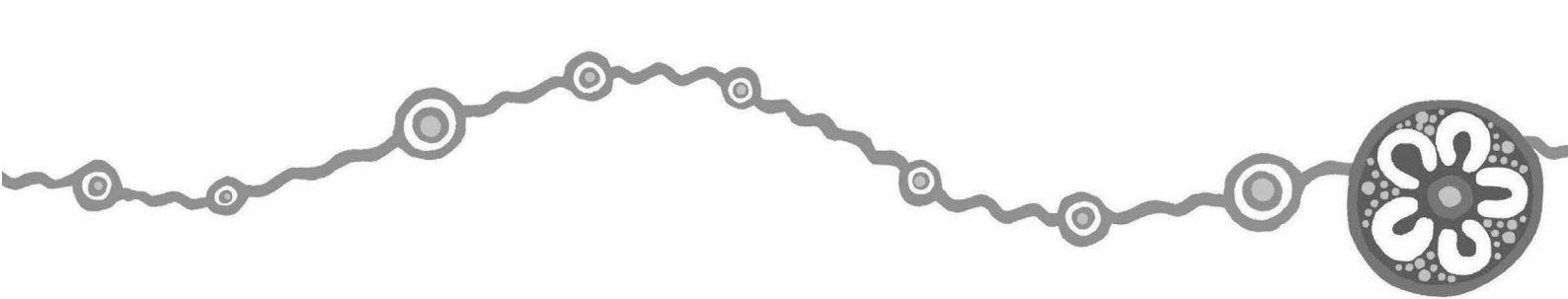
- visit a visitable location, inspect information, inquire into the appropriateness of accommodation, services and supports for a person, and provide a person with support and information to exercise their rights and to have a say in decisions made about them
- educate the children, young people and adults visited about their rights and ensure they have access to adequate information about their rights
- report on observations and information obtained during a visit
- identify issues or complaints affecting the rights and interests of children, young people and adults
- refer matters to another agency to advocate for an individual's rights and interests where these are not being met
- monitor to ensure matters referred and complaints are resolved in a timely manner.

Visiting and advocacy for adults

Community visitors perform inquiry and complaints functions in relation to adult visitable sites. The inquiry functions relate to the adequacy and accessibility of information available to adults about their rights and complaint mechanisms, and the appropriateness and standard of the services they need. The complaints functions relate to inquiring into and seeking to resolve complaints and making referrals including to external agencies to resolve an issue, such as the NDIS Quality and Safeguards Commission, where appropriate.

A 'visitable site' is defined in the *Public Guardian Act 2014* as a place, other than a private dwelling or an aged care facility, where an adult or adults with an impairment, or impaired decision-making capacity, lives. This includes:

- inpatient services at authorised mental health services (AMHSs)
- the Forensic Disability Service
- premises where a funded adult participant lives and receives services or supports paid for wholly or partly from funding under the NDIS and are:
 - provided under the participant's NDIS plan
 - provided by a registered NDIS provider that is registered under section 73E of the *National Disability Insurance Scheme Act 2013* to provide a relevant class of supports
 - within the relevant class of supports.
- a place prescribed by regulation, which includes:
 - a residential service with level 3 accreditation
 - live-in facilities that are funded or delivered by Health or Disability Services departments (including Community Care Units).



Visits to adult visitable sites occur annually for NDIS-funded visitable sites where there are no restrictive practices in use and six-monthly for all other adult visitable sites. This is because we consider whether visitable sites are subject to regulation or oversight from other agencies. For example, the NDIS Quality and Safeguards Commission is the primary agency responsible for regulating quality and safeguards for NDIS participants.

We may increase the prioritisation or visiting frequency for sites when significant concerns are raised by an external party or agency, or where there are ongoing issues raised by a community visitor on behalf of an adult from a previous visit which require further visits to resolve.

Since 30 June 2019 there has been a 42% increase in visitable sites (from 1,380 to 1,966 sites). This is directly attributable to the amendments to the *Public Guardian Act 2014* that commenced on 1 July 2019 that designated places where NDIS participants live and receive specified classes of support as visitable sites.

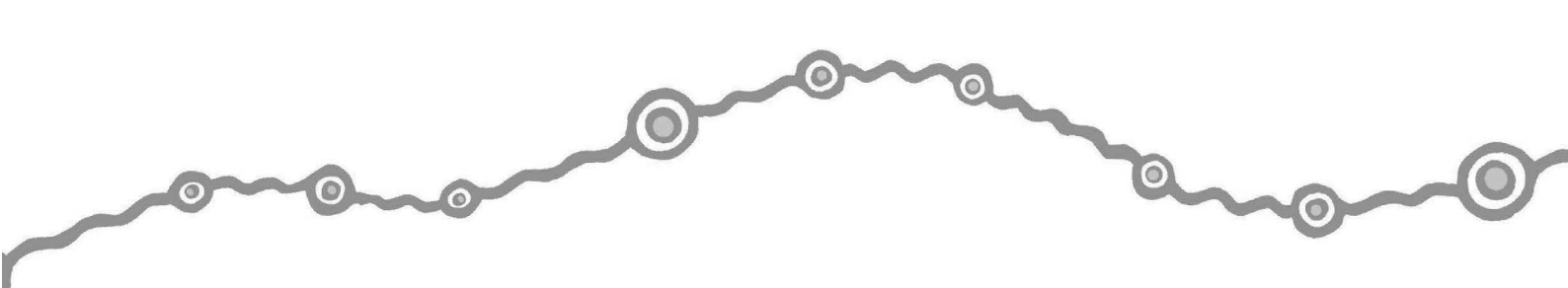
In 2022-23 we conducted 3,189 community visits and raised 2,376 issues on behalf of adults at visitable sites.

Number of visitable sites	1,966
Number of adults in visitable sites	7,591
Number of visits to adult visitable sites	3,189
Number of issues raised on behalf of adults	2,376
Number of issues closed on behalf of adults	2,398

In 2022-23 most visitable sites were NDIS-related (1,812 sites), with smaller proportions being AMHSs (85 sites), level 3 supported accommodation services (68 sites) and the Forensic Disability Service.

A visit from a community visitor can be requested by adults in visitable sites or by other interested persons at any time.

We conducted 404 visits at the request of an adult residing at a visitable site or a person acting on the adult's behalf (up from 312 requested visits in 2021-22) and 354 visits at the request of QCAT (up from 265 requested visits in 2021-22). We conducted two visits outside of normal visiting hours in 2022-23.



As seen in Table 7, the most raised issues by community visitors in 2022-23 were about the support provided to an adult resident of the service (25%), wellbeing of the adult resident (20%), the provision of services in a least restrictive manner to the adult resident (18%) and aspects of the adult's accommodation (14%).

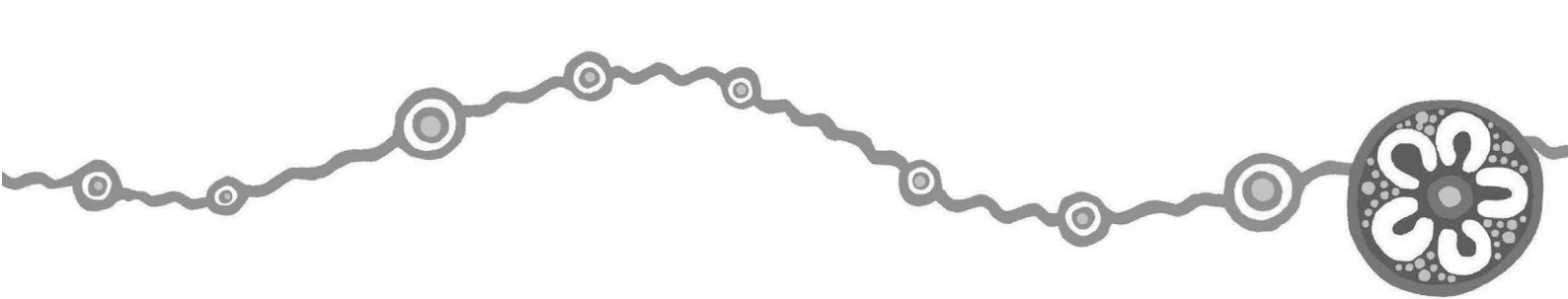
Table 7: Issues raised by community visitors in 2022-23

Type of issue	Proportion of issues raised
Support for an adult (e.g. the adequacy of services for the assessment, treatment and support of an adult)	25%
Wellbeing of an adult (which includes choice and consideration of personal wishes and preferences, personal effects, privacy, and prevention of abuse, exploitation and neglect)	20%
Provision of least restrictive services (the use of unauthorised restrictive practices and provision of supports that are least restrictive of the adult's human rights)	18%
Accommodation of an adult	14%
Treatment of an adult	8%
Assessments of an adult (about healthcare, decision-making capacity, communication needs)	7%
Health of an adult	5%
Adult's access to information	1%
Other	1%

Base: Issues raised by community visitors on behalf of adults living at visitable sites in 2022-23.

Community visitors visit inpatient AMHSs and Community Care Units to oversee the services being provided to adults staying at these sites and to advocate where appropriate on their behalf to resolve issues. An AMHS can be a public or private sector health service that provides inpatient care to voluntary or involuntary patients. Additional regulation applies under the *Mental Health Act 2016* for AMHSs providing involuntary treatment and care. Queensland Health Community Care Units provide medium to long term mental health care and rehabilitation to adults diagnosed with a mental health disorder. Community Care Units help these adults to develop skills to enable them to live in the community and support them to transition to independent living.

In 2022-23 we conducted 175 visits across 85 AMHSs and Community Care Units, raising 294 issues on behalf of adults. Community visitors also raised 21 issues in relation to the Forensic Disability Service.



Visiting and advocacy for children and young people

For children and young people, community visitors inspect and report on the appropriateness of accommodation in visitable locations, which are visitable homes and visitable sites. Community visitors also advocate for:

- the participation of children and young people at visitable locations in decision-making
- their views, wishes and rights to be upheld
- their access to information and the services they need.

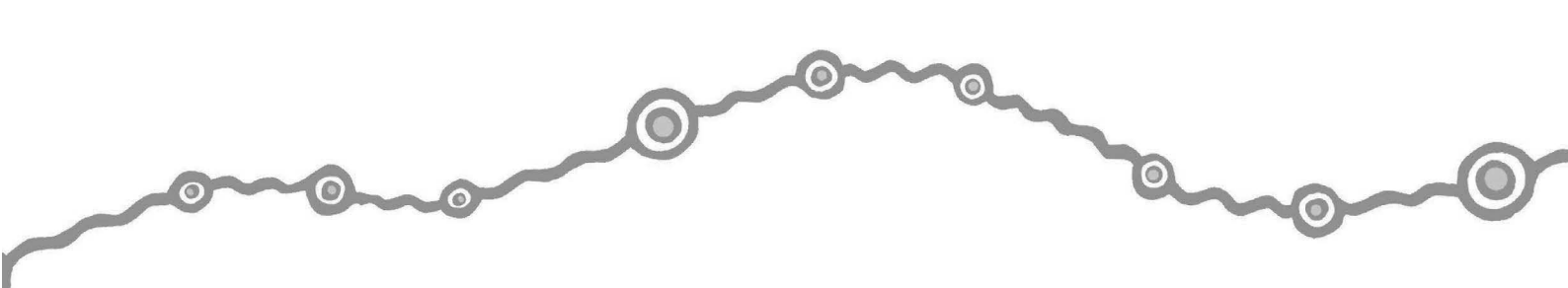
A visitable home for a child or young person can be a foster home with general or kinship carers if a child is in the custody or guardianship of the Chief Executive of the Department of Child Safety, Seniors and Disability Services under the *Child Protection Act 1999*. A visitable site for a child, can be:

- a residential care service where the child is staying
- a detention centre where the child is staying
- a police watchhouse
- an inpatient mental health service where the child is staying
- a place where respite services are provided to a child NDIS participant.

On 30 June 2023 there were 10,010 children and young people in Queensland staying at visitable locations and therefore eligible to be visited. The continual growth in the number of children and young people who are eligible to be visited can be attributed to the increasing number of children and young people entering, remaining in, and returning to the child protection system. The number of children detained in youth detention centres and police watchhouses was also a contributing factor.

By visiting the most vulnerable children and young people, community visitors can provide support where it is most needed.

In 2022-23 we undertook 23,798 visits to 9,909 children and young people. To ensure our community visitors regularly visit the most vulnerable children and young people, we modernised our service model so it better aligned with our legislated responsibility to 'must regularly visit' children and young people at visitable sites and 'may' visit children and young people at visitable homes.



Number of children and young people eligible to be visited ⁴	10,010
Visits to children and young people	23,789
Children and young people who were visited	9,909
First Nations children and young people who were visited	4,559

Children and young people who are eligible to be visited can request a visit from a community visitor. In 2022-23 there were 63 children and young people who requested a visit from a community visitor.

Like previous years, a large majority of the children and young people who were eligible for visits were staying at a visitable home (72%) or residential care service (22%). The proportion of visits to these types of locations reflected where most visitable children and young people resided.

Visits to children and young people in police watchhouses increased between 2021-22 and 2022-23 in response to the increased number of children and young people being detained in police watchhouses.

Visitable home	64%
Visitable site – residential care service	23%
Visitable site – youth detention	6%
Visitable site – police watchhouses	4%
Visitable site – externally supported site e.g. youth homeless shelter	3%

In 2022-23, community visitors raised 12,993 issues on behalf of children and young people and closed 12,999 issues. Table 8 presents the main types of issues raised in 2022-23.

⁴ Figure represents eligibility on 30 June 2023. The number of eligible children and young people can fluctuate during the year.

Table 8: Issues raised by children and young people in 2022-23

Type of issue	Proportion of issues raised
The contact arrangements of the child or young person (e.g. contact with their family or other significant people in their life)	16%
The placement of the child or young person in the child protection system	15%
Issues associated with youth detention centres	11%
Issues associated with the risk of children or young people entering youth detention	10%
The health needs of the child or young person	9%

Base: Issues raised by community visitors on behalf of children and young people in 2022-23.

Authorised Mental Health Services

Under the *Mental Health Act 2016*, Queensland Health must notify our office when a child or young person is admitted to a high-security mental health unit or an inpatient mental health unit of an AMHS other than a child and adolescent unit (i.e. an AMHS for adults). In 2022-23 we received 160 notifications from Queensland Health (down from 179 notifications in 2021-22).

Community visitors typically visited children and young people admitted to an adult mental health unit within 72 hours of being notified about the admission. Many admissions of children and young people to adult mental health units are for short periods of time so some children and young people are discharged before a visit can be arranged.

When visiting a child, community visitors can:

- inquire into the appropriateness and responsiveness of the delivery of services in relation to their care, treatment, and recovery
- request to see information or records in relation to the child or young person, to help better understand the delivery of services and their treatment while staying at an adult mental health unit.

In 2022-23 community visitors made 40 visits to children and young people in adult mental health units and raised 23 issues on their behalf. During 2022-23 community visitors resolved or closed 23 issues on behalf of issues raised by children and young people in adult mental health units.

The issues most commonly raised by children and young people in adult mental health units related to the placement of the child in the adult mental health unit, health needs of the child or young person, educational needs of the child or young person, or general issues in relation to being provided with a service in the adult mental health unit.



Youth detention

In 2022-23 we undertook 1,416 visits to Queensland's three youth detention centres. The duration of each visit is typically longer compared to other visitable locations. This is due to the number of children and young people located at youth detention centres along with visiting procedures, which are themselves impacted by youth detention centre schedules, health directives and security considerations.

This year we continued to prioritise visits to children and young people:

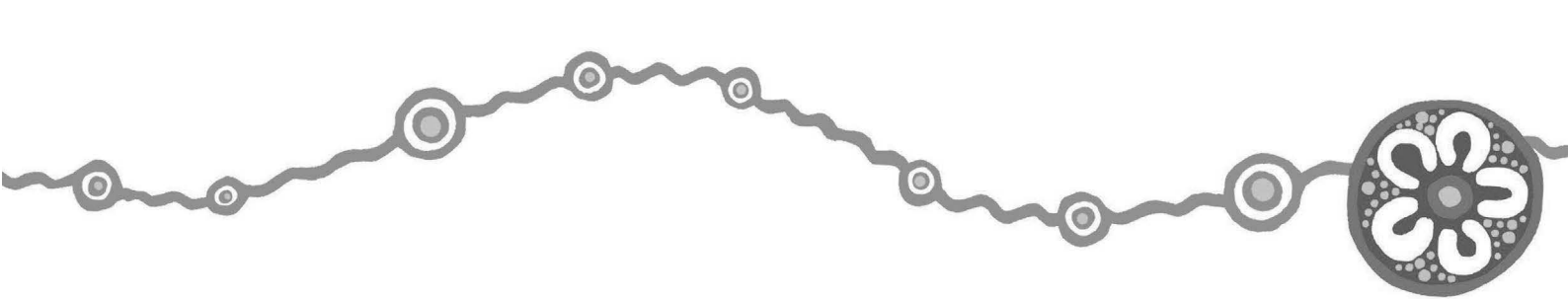
- who were held on remand for longer than four weeks
- under the age of 14 who were held longer than two weeks
- known to be at high risk of self-harm and/or suicide
- requesting to see a community visitor and/or identified by a stakeholder as needing a visit
- identified to be vulnerable in a detention centre (e.g. being pregnant, having a disability or mental health diagnosis, speaking English as a second language, having a culturally diverse background or being Aboriginal and/or Torres Strait Islander)
- on dual orders (i.e. Youth Justice Order and Child Protection Order)
- who would like to make a complaint
- who have been sentenced and are due for release within three months
- who have spent time in a police watchhouse.

In 2022-23 community visitors raised 1,465 issues on behalf of children and young people in youth detention centres. These issues were often about access to participation in education and vocational services (18%), the high risk behaviours of other detainees (17%) and behaviour management and security at the centre (16%).

Table 9: Issues raised by community visitors in youth detention centres in 2022-23

Type of issue	Proportion of issues raised
Access to participation in education and vocational services	18%
High-risk behaviours of the children and young people detained at the centre	17%
Behaviour management and security at the centre	16%
Living conditions of the accommodated children and young people	12%
Transition of the child or young person to community living	11%
Inability to initiate or receive contact by services or family members	6%
Child protection orders	5%
Personal safety concerns	4%
Making a complaint to a relevant agency or the detention centre	3%

Base: Issues raised by community visitors on behalf of children and young people in youth detention centres in 2022-23.



In addition to visits to children and young people in detention, we actively participated in broader consultations about Queensland's youth justice system. The Strategic Policy section of this report provides an overview of our youth justice system advocacy in 2022-23.

Community visitors safeguard the rights of individual children and young people in youth detention and police watchhouses and ensure their voices are heard.

Police watchhouses

Queensland police watchhouses sometimes detain children and young people who are unable to be immediately transported to, or accommodated in, a youth detention centre. It is concerning that some children and young people can be detained in a watchhouse for a prolonged period depending on the capacity of youth detention centres.

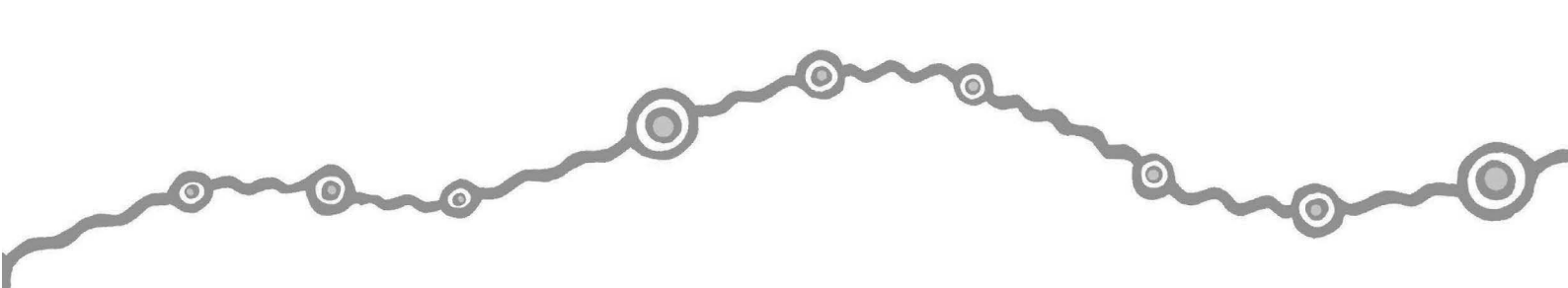
In 2022-23 we continued to prioritise visits to children and young people who were:

- detained in a watchhouse for more than four consecutive days
- under the age of 14 years and held longer than overnight
- known to OPG to be at high risk of self-harm and/or suicide
- requesting to see a community visitor and/or identified by as being in need of a visit
- identified as being particularly vulnerable in a watchhouse (e.g. pregnant young people, children and young people with a disability/mental health diagnosis, speaking English as a second language, having a culturally diverse background or being Aboriginal and/or Torres Strait Islander).

A prolonged stay in a police watchhouse environment can negatively impact the safety and psychological wellbeing of children.

In 2022-23 we undertook 926 visits to 582 children and young people in police watchhouses. We raised 1,281 issues on their behalf, which was a 76% increase on the number of issues raised in 2021-22. Predominantly, the issues raised were associated with being detained in a watchhouse for an extended period.

Our office identified that between 13 September 2022 and 30 June 2023 there were 80 children aged under 14 years who spent one night in a police watchhouse and 640 children aged between 10 and 17 years who spent more than 4 nights in a police watchhouse.

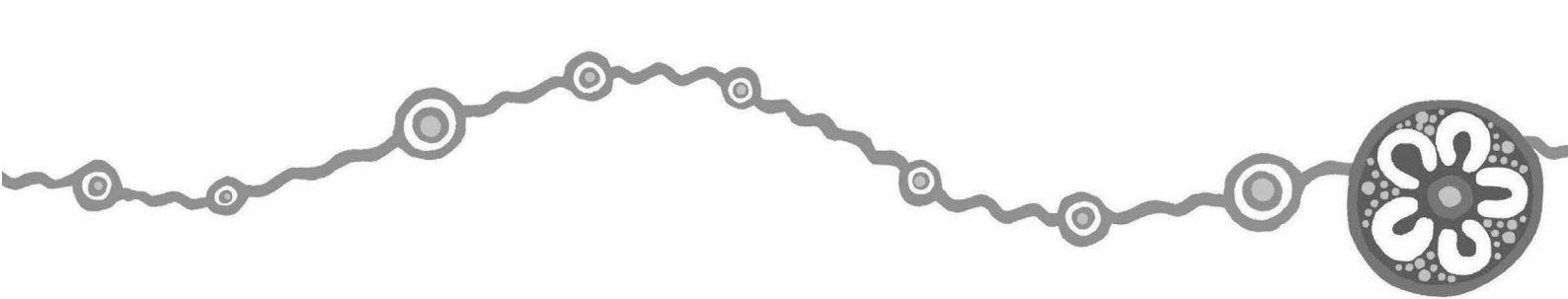


Our data also showed that between 24 November 2022 and 7 June 2023 there were 132 children and young people detained in a police watchhouse for 14 days or more and 46 children and young people detained in a police watchhouse for 21 days or more. During this period, there was one child detained in a police watchhouse for 38 days. These statistics reinforce the need for our community visitors to continue concentrating efforts on advocating for the rights of children and young people in police watchhouses with the goal of reducing the prevalence of prolonged stays.

In February 2023 we welcomed the announcement of a system review into the drivers that result in children entering and remaining in watchhouses by the Queensland Family and Child Commission. In the previous year, our office provided information to the Queensland Family and Child Commission and Queensland Human Rights Commission about the 727 issues raised by community visitors on behalf of children and young people who were detained in police watchhouses. This included 30 formal complaints on behalf of children and young people who experienced a prolonged stay in a police watchhouse.

Community visitors will continue to safeguard children and young people in youth detention and police watchhouses by listening to, giving voice to, and facilitating the resolution of, the child's concerns and grievances. We will also continue to raise the views and experiences of children in detention to help shape a better youth justice system for the future – a system that addresses the underlying causes of youth crime and reduces the need for any child to be detained.

The number of children and young people detained in police watchhouses could further increase in the coming year following the *Child Protection (Offender Reporting and Offender Prohibition Order) and Other Legislation Amendment Act 2023* being passed in the Queensland Parliament. We will review our current policy and procedural processes to meet the emerging and increased service delivery demand to oversight and ensure the safety, rights and wellbeing of children and young people held in police watchhouses.



Child advocacy

Our child advocates provide independent advocacy to support the participation of children and young people in decision-making that affects them. They advocate for decision-makers to consider the views and wishes of the child or young person and to uphold their rights and interests in accordance with relevant legislation, policies and procedures. This often occurs in court and tribunal environments.

Under the *Public Guardian Act 2014* we provide child advocacy to a 'relevant child'. A 'relevant child' is a child or young person who is subject to a care agreement or order under the *Child Protection Act 1999* (such as an assessment order, custody order or child protection order), or an intervention with parental agreement, or an application for a child protection order.

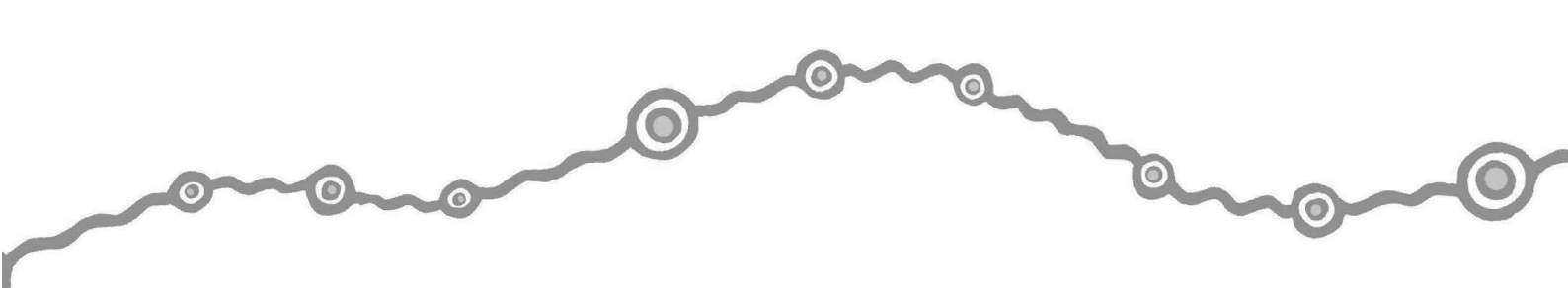
Our child advocates amplify the voices of vulnerable children and young people to ensure their rights, views and wishes are heard.

Advocacy undertaken by child advocates includes supporting a child or young person to:

- participate in child protection proceedings about them
- seek a review, or participate in the review of a decision before QCAT, for example, a review of a contact and/or placement decision
- seek review of decisions about their education, including decisions to exclude, suspend or refuse to enrol them
- transition to adulthood, particularly their right to information and participation in decision-making about their future.

Child advocates also provide complementary youth justice advocacy for relevant children involved in the youth justice system. They are not a direct legal representative for a child or young person but assist youth justice defence lawyers and the court to understand underlying issues impacting on the child or young person's involvement in the youth justice system, such as experience in the child protection system, being subjected to trauma, and/or decision-making capacity issues.

A child advocate may become involved after receiving a referral for advocacy assistance for a child or young person, from one of our community visitors, a government department (such as the Department of Child Safety, Seniors and Disability Services or the Department of Youth Justice, Employment, Small Business and Training), a non-government agency, or the child or young person themselves.



We received 429 referrals in 2022-23, a 19% increase on 2021-22.⁵ Of these, approximately two-thirds (69%) were received from external agencies and around a third (31%) originated internally, for example, from a community visitor.

In addition to the broad factors driving demand for our services, there have been legislative changes that have resulted in increased referrals for child advocates. For example, the introduction of the *Child Protection Reform and Other Legislation Amendment Act 2022* included important provisions that reinforced the rights of children and strengthened their voices in decisions that affect them. This may have contributed to the increase in referrals for our child advocates. Additionally, legislative changes in relation to bail and young people coincided with an increase in child advocate referrals for children and young people in police watchhouses and youth detention centres.

In 2022-23 child advocates supported 398 children and young people, which is a 58% increase on 2021-22.⁶ Of these, 161 were Aboriginal or Torres Strait Islander children and young people.

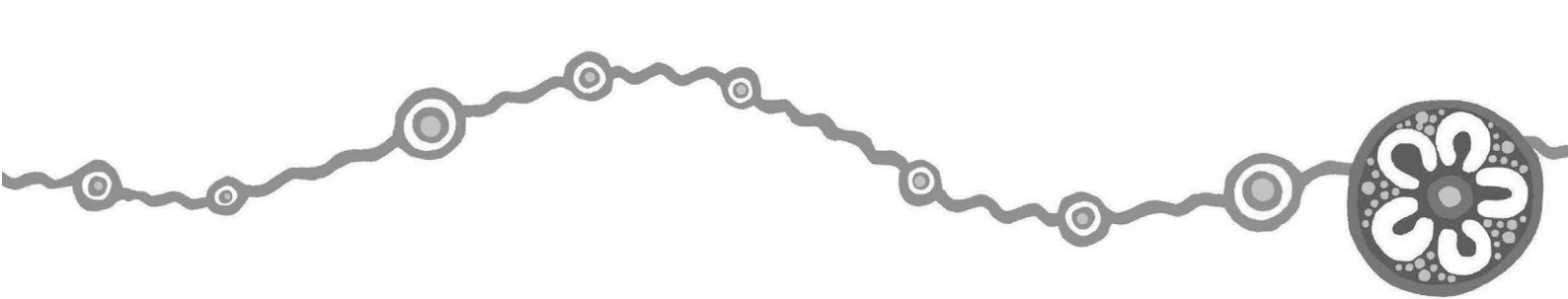
Child advocates engaged in 1,251 contacts with children and young people in 2022-23. Around two-thirds (69%) of these contacts occurred using technology such as telephone or video calling. The other third (31%) of contacts occurred in person with the child or young person.

In 2022-23 child advocates participated in 490 meetings to give voice to the children and young people they support. Almost half (45%) of these were stakeholder meetings, which can be attended by a range of people involved in the child or young person's life e.g. a Child Safety Officer and a carer such as foster or kinship carer, or residential service provider. Depending on the circumstances of the child or young person, the meetings may also involve a youth justice caseworker, Education Queensland guidance officer, therapeutic support providers, a cultural practice advisor, outreach support workers and our community visitors. The child or young person does not often attend these meetings, so it is important that our child advocates help ensure their views and wishes are heard and their rights are upheld.

Twenty-seven percent (27%) of the meetings our child advocates participated in during 2022-23 were family group meetings. These meetings typically focus on the development of case plans for children and young people in care. Child advocates also actively participated in Court ordered conferences (25% of meetings) and tribunal conferences (2% of meetings) in 2022-23. Additionally, child advocates were involved in 964 court and tribunal appearances, mentions and hearings.

⁵ The method used to calculate the 429 referrals received by OPG in 2022-23 was different to the method used to calculate the equivalent figure in the OPG Annual Report 2021-22. The calculation method was revised to provide a more accurate representation of the number of referrals.

⁶ The method used to calculate the number of children and young people supported by child advocates in 2022-23 was different to the method used to calculate the equivalent figure in the OPG Annual Report 2021-22. The calculation method was revised to provide a more accurate representation of the number of referrals.



Strategic policy

In addition to advocating for the individual rights and interests of our clients, we give voice to their experiences by contributing to discussion about the policy, legislative and service reforms that impact them. We do this by speaking about, and making submissions on, public and internal government matters which may impact our clients and our responsibilities.

In 2022-23 we continued to work closely with the Queensland and Australian Governments and key external stakeholders on policy and legislative issues impacting our clients. We advocated for the rights, wellbeing and best interests of children and young people in the youth justice system in submissions to various state and national consultations. This included the Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Bill 2022, the Strengthening Community Safety Bill 2023, and the Australian Human Rights Commission project on Youth Justice and Child Wellbeing Reform across Australia. We contributed to the Independent Review of the NDIS through a joint submission from Australia's Public Advocates and Public Guardians, as well as independent submissions about participant safeguarding and the NDIS Quality and Safeguarding Framework.

In April 2023 the Australian Children's Commissioners and Guardians issued a joint statement supporting the full implementation of the Uluru Statement from the Heart. The Uluru Statement is a call to action to address the ongoing impacts of colonisation through three channels: Voice, Treaty, Truth. The Australian Children's Commissioners and Guardians group upholds the rights and best interests of children and young people with a particular focus on First Nations children and young people who often experience disproportionately poorer outcomes across Australia. The Australian Children's Commissioners and Guardians group also adopted the 11 priorities developed by the Australian First Nations Children's Commissioners, Guardians and Advocates, to seek a better future and improved outcomes for all Australian children and young people.

We delivered 11 publicly available submissions in 2022-23 (see Appendix 1). We actively contributed to 29 other consultations and provided feedback on matters affecting our clients. Appendix 2 provides the details of our contributions to matters in the public domain.

We continued to participate in a range of working and advisory groups to represent the views and experiences of our clients and office to effect positive change. These groups also provided an opportunity to discuss current and emerging issues with a view to identifying strategies and actions to help address issues.



Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

In November 2022 the Public Guardian provided a written statement to the Disability Royal Commission ahead of Public Hearing 30. Later that month, the Public Guardian appeared as a witness at Public Hearing 30. This hearing explored Australia's guardianship and administration laws and policies, and the impact of substituted decision-making on the rights of people with disability.

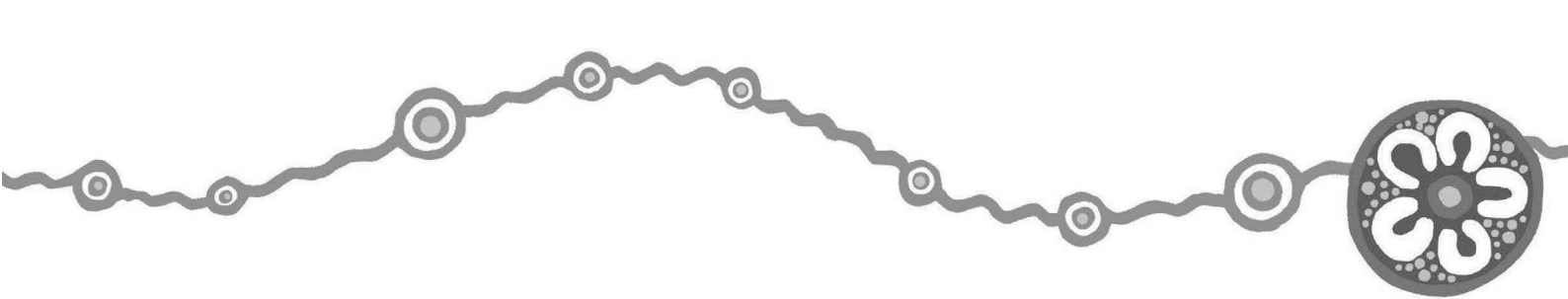
In April 2023 the Public Guardian provided a written statement to the Disability Royal Commission in relation to Public Hearing 33, which explored a case study about two young people living with disability who experienced violence, abuse, neglect and the deprivation of human rights. The hearing also explored how some natural safeguards and government agencies failed to prevent the violence, abuse and neglect. The Disability Royal Commission explored the support our office provided to the two people as part of the hearing. The Public Guardian also appeared as a witness at Public Hearing 33.

The Public Guardian's written statement and appearance before the Disability Royal Commission explained how our office developed and applies a number of service delivery frameworks. These frameworks included our Structured Decision Making Framework, Human Rights Decision Making Framework and a practice direction that guides the way we work with clients who are unable to verbally communicate. More specifically, the Public Guardian explained in detail how these frameworks were practically applied when making guardianship decisions for the two people in the case study.

Youth justice

In the last year we participated in several consultations advocating for trauma informed responses to youth offending, including investment in early intervention approaches that promote children's education, health and wellbeing to address the anti-social behaviour that can lead to offending. A significant proportion of children and young people who engage with the youth justice system in Queensland have experienced trauma that manifests as anti-social behaviour. Criminalising the behaviour of these children through the justice system, particularly those with cognitive or intellectual disability or those in the child protection system, creates a cycle of disadvantage and only further isolates and victimises those most in need of support and protection. Such early contact with the youth justice system can often lead to a progression to the adult corrections system.

In promoting and protecting the rights and interests of children and young people, we have also maintained advocacy efforts to increase the minimum age of criminal responsibility from 10 to 14 years to align with the United Nations Convention on the Rights of the Child General Comment No. 24 (2019) on children's rights in the child justice system.



Youth detention

We have continued to raise with government through various avenues our concerns about rights infringements against children in Queensland youth detention centres. Of specific concern is the overcrowding and staff shortages that regularly result in lockdowns, 'separation' and extended periods of isolation for children, limiting their access to services and support, including cultural, therapeutic, education/vocational and disability support. We have also identified problems with reintegration planning to the community, including appropriate, supported and safe accommodation options upon a child's release from detention.

Another critical advocacy focus has been the detention of children in police watchhouses across Queensland for periods longer than what is deemed ordinarily acceptable in a temporary and primarily adult environment. The number of children in police watchhouses, particularly for prolonged periods, is not conducive to the safety and psychological wellbeing of children, does not align with the United Nations Convention on the Rights of the Child, and by nature and design is inappropriate to meet their specific needs. This is particularly relevant in view of the overrepresentation of Aboriginal and Torres Strait Islander children and young people, those under children protection orders and those with trauma histories in custody, all of whom require targeted attention to rehabilitate and reduce the potential for recidivism.



Community education

We are committed to educating the public about human rights, the guardianship system, our service and how people can plan for their future in the event they may be unable to make decisions about their life at some time. This includes educating government and non-government agencies, service providers and the public by conducting education sessions, attending exhibitions and community events, and presenting to educational institutions, health services, advocates, the finance sector and supported accommodation providers.

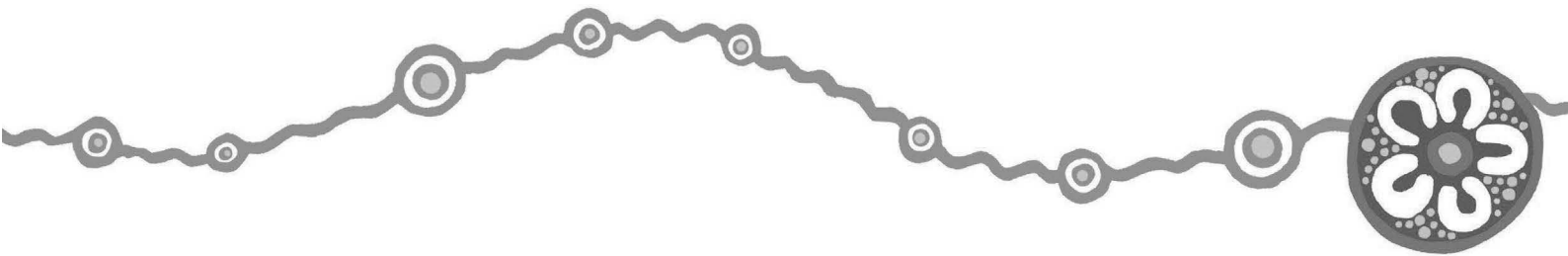
In 2022-23 our staff participated in 107 community education events across Queensland, with an estimated combined total audience of over 4,800 people. This was a considerable increase in community education activity compared to the previous year.

We increased our focus on the disability sector by attending several regional expositions and educating support worker professionals at the Cairns and Brisbane Disability Support Workers Conferences. We also engaged extensively with hospital and health services and provided social workers and other medical and allied health professionals with information on human rights, medical and health care decision-making for patients with impaired decision-making capacity, and the guardianship and administration system. Through our pre-appointment advocacy we also provided guidance to health professionals about making QCAT applications seeking the appointment of a substitute decision maker. We worked with them to identify where less restrictive approaches would be more appropriate in the circumstances.

This year we increased our education efforts for stakeholders who have a role in supporting children and young people. For example, our staff provided information training sessions for Child Safety Officers which included information on transitioning young people turning 18 years of age to the adult guardianship system. We also conducted several information sessions to new foster and kinship carers about working with our community visitors.

In September 2022 we joined staff from the Elder Abuse Prevention Unit to visit remote communities in Mt Isa, Cloncurry and Doomagee, at the request of the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships. This was to conduct community awareness sessions around elder abuse and related matters and had a key message of 'Keeping Seniors Safe'. We promoted the importance of planning for their future in the event of a time when they are unable to make decisions about their life, and guidance on when to request an OPG investigation into allegations of abuse, neglect or exploitation. This was also an opportunity to build valuable relationships with local agencies and service providers.

In December 2022 our office participated in a forum about the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The forum was jointly hosted by the Queensland Human Rights Commission, Public Advocate and Queensland Advocacy for Inclusion. The forum heard from a range of



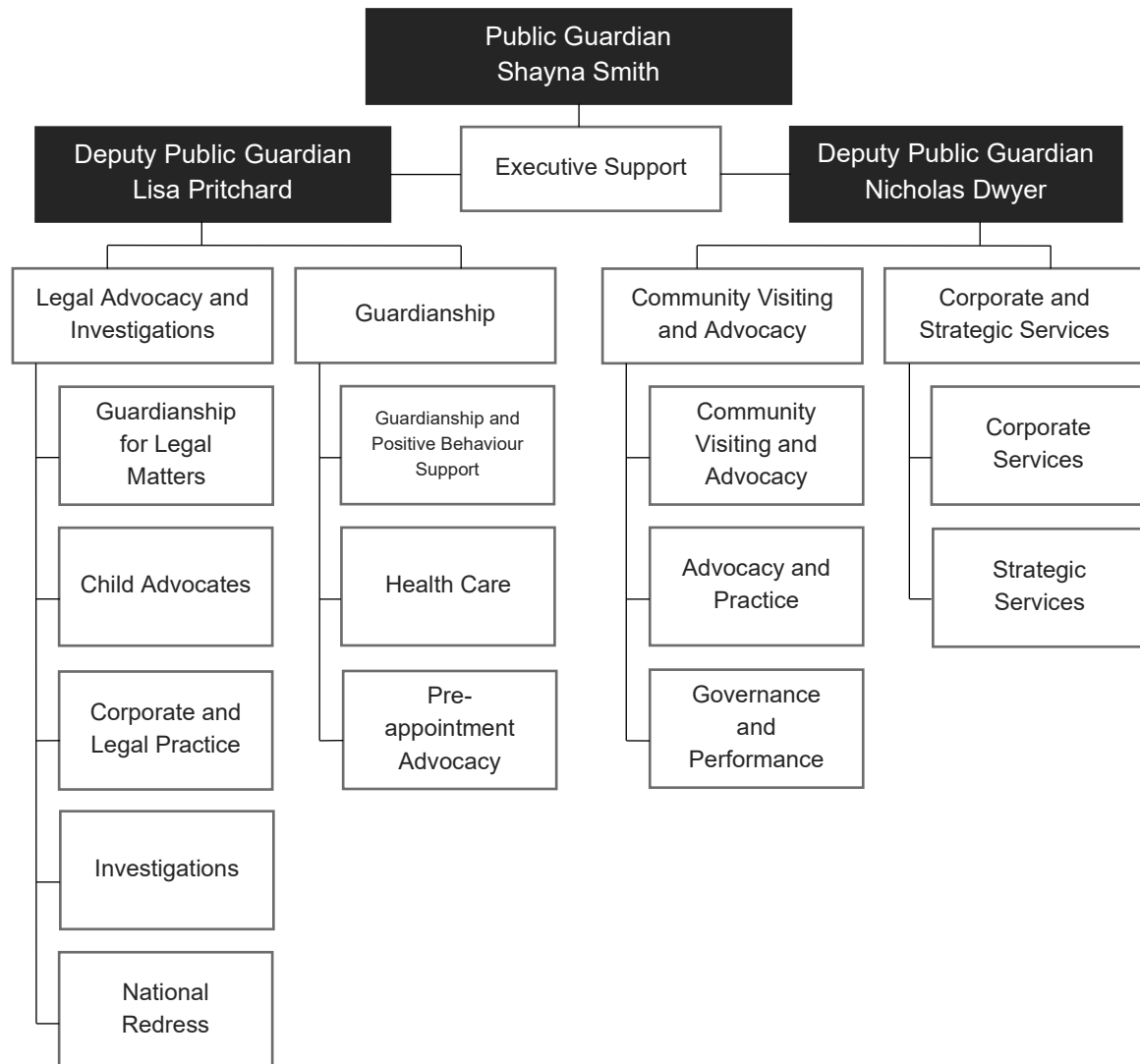
Commissioners, human rights advocates and people with lived experience of places of detention who called on the Queensland Government to prioritise the commencement of independent oversight of prisons, youth detention centres, locked mental health wards and state-run aged care facilities.

Over the past year we participated in public discussion about 'adult safeguarding'. The concept of adult safeguarding originated from the 2017 Elder Abuse – A National Legal Response report from the Australian Law Reform Commission. The Commission recommended that safeguarding people at risk be extended beyond elder abuse and focus on 'at-risk adults'. In March 2023 the Public Guardian was a panellist at the Public Advocate's Adult Safeguarding Forum. The Public Guardian spoke about OPG's important contributions to adult safeguarding, including the types of situations where our office makes positive interventions to improve the lives of adults with impaired decision-making capacity. The Public Guardian also talked about the challenges our office can face when trying to safeguard our clients in certain situations.

Our office was a proud contributor to the Supported Decision Making guide published by ADA Law and Queensland Advocacy for Inclusion. The guide aims to help people to make their own decisions and provides guidance to their support network.

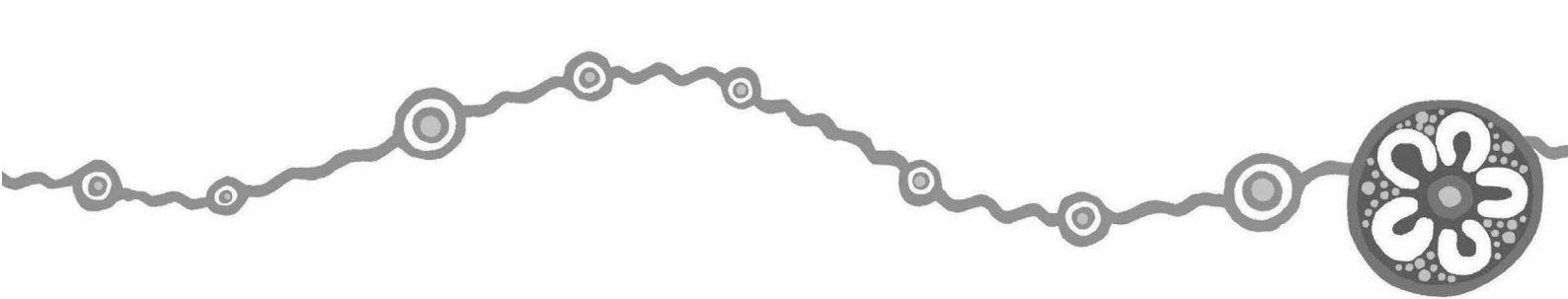
Our people

Our structure



Our staff

The majority of our staff are employed by the *Public Sector Act 2022* with community visitors appointed under the *Public Guardian Act 2014*. Our staff are all covered by the *Queensland Public Service Officers and Other Employees Award – State 2015* and the *Industrial Relations Act 2016*. Our office was based on a core establishment of 289.8 full time equivalent positions and we employed 333 people on 30 June 2023.



Staff safety, health and wellbeing

In 2022-23 we continued with initiatives to help provide a safe and supportive workplace, including:

- reiterating the Public Guardian’s statement of commitment to supporting staff experiencing domestic and family violence
- publishing domestic and family violence information and supporting resources on OPG’s intranet
- ensuring staff completed mandatory training on how to recognise and respond to staff experiencing domestic and family violence
- mandatory training in managing vicarious trauma and mental health first aid for all frontline staff
- a structured and planned return to work process for workplace rehabilitation
- responding quickly to workplace health and safety issues raised
- representing our office on DJAG’s Workplace Health and Safety committees.

Flexible working arrangements

To help our staff achieve and maintain an appropriate balance between their work and life, we continue to offer flexible working arrangements such as accrued time, compressed hours, purchased leave, part-time arrangements and work from home arrangements.

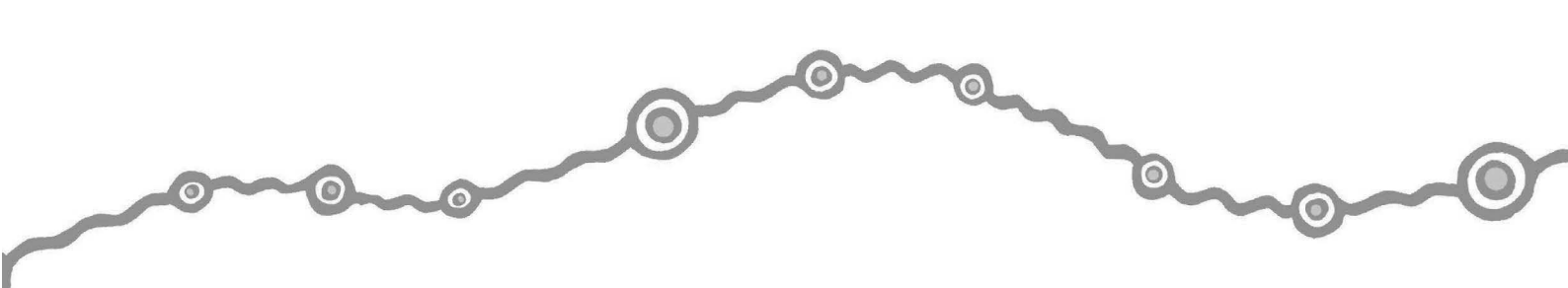
In March 2023 the Public Service Commission released the Flex-connect framework, which is the Queensland public sector commitment to provide agile and flexible working arrangements. Our office was already applying the guiding principles and undertaking the flexible work practices and processes outlined in the framework prior to the framework being released.

Our employees and managers are supported to apply the framework’s six guiding principles:



Psychological support and trauma debriefing

As part of our commitment to a vision of healthy people working in safe and supportive environments, staff continued to have free access to our Employee Assistance Program. The program focuses on individual wellbeing and workforce wellness and offers an online health and wellbeing portal that provides access to information and articles, self-assessment tools, videos and podcasts, online counselling and support, a range of financial literacy and learning modules, and many more tools and resources.



We continued to offer psychological support and trauma debriefing for staff experiencing or affected by work-related trauma, whether vicarious or otherwise. Acute psychological support is offered to staff when required. We are committed to growing a physically and psychologically safe workplace through systematic integration of preventive strategies embedded across all layers of the organisation. We have identified this as a key strategic focus over the next year as we start to shift beyond compliance to create safe, healthy, productive, inclusive and thriving workplaces.

Our workforce strategy

In line with the Queensland Government's Performance Framework, we have been investing in our workforce management approach. This has included preparations to develop a strategic Workforce Management Strategy and Action Plan, which will inform our understanding of our future workforce needs and current agency profile. The low unemployment rate in Queensland and the high demand for staff within the care and community sector highlights the need for strategic and contemporary approaches to workforce management.

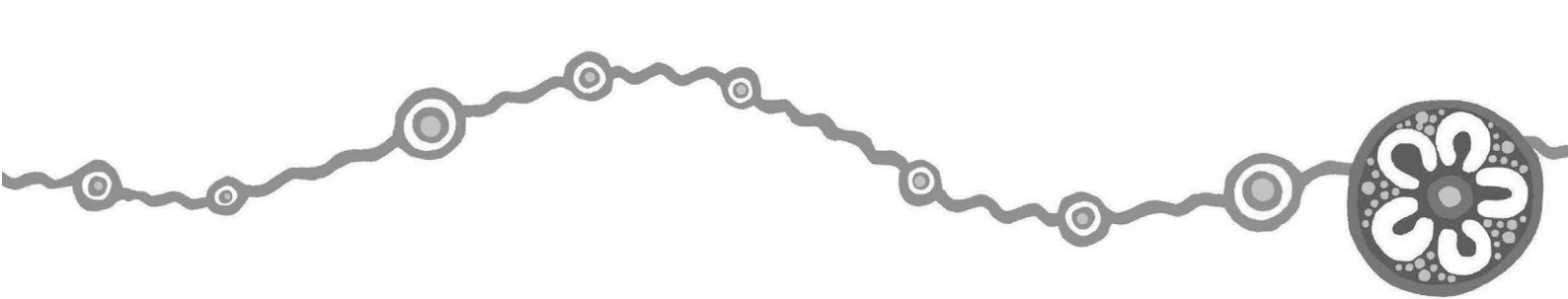
Learning and development

In the last year we focussed on consolidating and prioritising our staff training, ensuring the development of foundational competencies among our staff. In the face of significant demands on their time and available resources, our dedicated employees have demonstrated commitment to their learning and development while maintaining the delivery of high-quality services to our clients.

In 2022-23 we released an internal mandatory e-learning module called the National Principles for Child and Adult Safe Organisations. This year we rolled out the e-learning module and embedded it in our induction processes for all staff.

Over the next 12 months we will focus on developing our culture of continuous improvement and professional growth. We will refresh our Learning and Development Framework, provide resources and streamline internal processes. The updated framework and associated resources will help us build on our foundational competencies and enable us to concentrate on ongoing skill development, particularly in areas aligned with our focus on supported decision-making, human rights and cultural capability.

We remain committed to empowering and engaging our staff in learning and development opportunities that will continue to equip them with the skills necessary to achieve in their roles and contribute to the continuous enhancement of our services for the benefit of our clients.



Diverse and responsive workplaces and services

We respect and support diversity and equity in the workplace and the importance of reflecting the community we serve. We continue to work with staff to ensure they interact respectfully and competently with people from all cultural backgrounds and 96% of staff have participated in cultural awareness training (as at 30 June 2023). We are an Equal Employment Opportunity employer that aims to employ a workforce representative of our community.

We have seen an increase in the number of staff who identify as Aboriginal or Torres Strait Islander because of our targeted recruitment. In 2022-23 we established five identified First Nations positions, bringing us to a total of six identified First Nations positions. We will identify opportunities for additional identified First Nations positions as vacancies arise in our office.

In June 2023 the Queensland Public Service Commission released a new Recruitment and Selection Directive to create greater opportunities to effectively recruit for diversity. We have commenced applying the new Directive to our recruitment and selection processes.

DJAG is developing a new Diversity and Inclusion Action Plan. We will contribute to the development of this plan and support its implementation.

Conduct and ethics

Over the last year we continued our commitment to maintaining a positive organisational culture that values and promotes ethical leadership and strong ethical decision-making. Our staff are required to make ethical decisions, be accountable for their actions and demonstrate integrity.

Our staff abide by the Code of Conduct for the Queensland Public Service. The ethics principles and values contained in the Code of Conduct are incorporated into our policies and procedures as well as employee Expectations Agreements. All new employees undertake ethics and Code of Conduct training as part of their induction. Existing employees are also required to undertake ethics and Code of Conduct refresher training annually.



Our governance

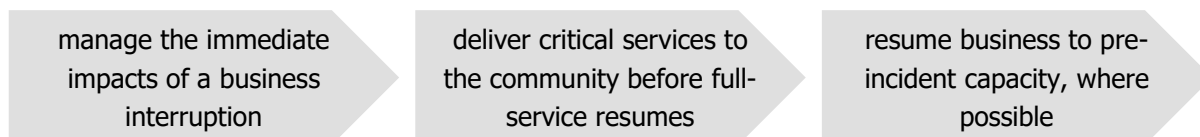
Business strategy and planning

OPG's Strategic Plan 2019-2024 defines our priorities and direction, supports the prioritisation of our efforts and resources, and provides a sense of collective responsibility and collaboration. In 2022-23 we continued to progress our strategic plan and commenced preparatory work for OPG's next strategic plan which will be released in 2024.

Each year we develop a Business Plan which supports the achievement of our Strategic Plan. Our Business Plan acts as a roadmap to achieve our strategic priorities, drives our priorities and performance, and provides a foundation to innovate, partner and build our capabilities and to ensure high quality service delivery and well-supported staff.

Business continuity

Our Business Continuity Plans ensure the rapid, efficient and cost-effective continuity of the delivery of critical services. In the event of a natural disaster or other crisis, it is critical that we can continue to deliver services (and quickly restore our services if needed) and ensure staff and client safety. When our office and services are interrupted due to a disaster or crisis event, our Business Continuity Plan outlines the following steps.

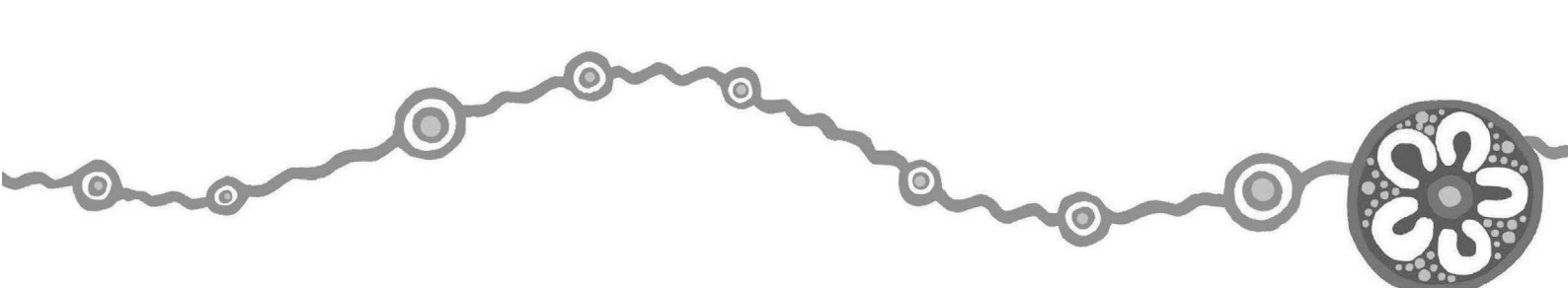


In 2022-23 we refined our Business Continuity Plan to ensure it was tailored to our service delivery model and locations. Our revised plan included:

- restorative actions to be taken, including identifying supporting resources that may be required to resume services
- emergency contact details for all staff and key stakeholders
- supporting resources such as instruction or technical manuals to resume services or systems
- additional response and recovery support actions.

Risk management

Our risk management approach promotes accountability through good governance and ethical decision-making. This is embedded into our culture, governance and accountability arrangements, planning, reporting, records management and improvement processes. Our risk management framework encompasses threats and opportunities, reflecting the potential for either of these to impact positively or negatively on OPG's strategic priorities and helps identify, assess and prioritise risks and risk treatments to minimise our vulnerability to internal and external influences.



In 2022-23 we:

- delivered internal risk management workshops and provided coaching and guidance material to assist our staff manage risk
- reviewed our risk register and refined our articulation of risks to ensure that our management team was provided with concise information about risks and issues requiring attention.

Information systems and record keeping

We are committed to meeting our responsibilities under the *Public Records Act 2002* and other policies and standards applicable to Queensland public sector agencies. We also comply with the Queensland State Archives General Retention and Disposal Schedule, which authorises the disposal of common and administrative records.

Our staff are trained in:

- creating and capturing records
- finding, using and sharing records
- storing and securing records
- retaining, archiving and destroying records.

We are committed to managing our records effectively and meeting our record keeping obligations. We use DJAG's electronic document and records management system to manage our corporate records, and client management systems to store our client information.

In 2022-23 we commenced an internal project to strengthen our compliance with statutory recordkeeping obligations while considering outcomes from the Royal Commission into Institutional Responses to Child Sexual Abuse. The project includes the development of a contemporary records management strategy and best practice records management framework.

Child Sector Enhancement Project

We initiated the Child Sector Enhancement project to integrate our separate client management systems Jigsaw (children and young people) and Resolve (adults) into a single data management system. The project paused in July 2020 due to the Queensland Government's COVID-19 pandemic-related response. In late 2021 the Queensland Government Customer and Digital Group approved the project's progression and we commenced replanning activities in 2022. This replanning activity included updating the project deliverables to conform to the new legislative and administrative requirements that emerged while the project was on hold. The delivery of the Child Sector Enhancement Project is scheduled to occur in 2024.



Our financial performance

OPG is not a statutory body for the purposes of the Statutory Bodies *Financial Arrangements Act 1982* or the *Financial Accountability Act 2009*. Our funding is appropriated from the Queensland Government as part of the appropriation for DJAG, with the Director-General of DJAG being the accountable officer pursuant to the *Financial Accountability Act 2009*. In addition to the DJAG appropriation, the Public Trustee of Queensland provides an annual grant towards our operating costs in accordance with section 63A of the *Public Trustee Act 1978*.

Financial details about our operations and reporting are published in the DJAG Annual Report 2022-23. The information below provides an overview of our financial performance in 2022-23.

Table 10: Income from continuing operations

Source of income	\$'000
DJAG appropriation	36,468
Public Trustee of Queensland grant	1,308
Total income from continuing operations	37,776

Table 11: Expenditure from continuing operations

Type of expenditure	\$'000
Employee expenses	32,939
Supplies and services	4,671
Depreciation and amortisation	165
Other expenses	3
Total expenditure from continuing operations	37,779

Table 12: Expenditure by service area

Type of expenditure	\$'000
Community visiting and advocacy services	11,399
Guardianship services	11,623
Corporate and strategic services	9,544
Legal/investigations services	5,213
Total	37,779

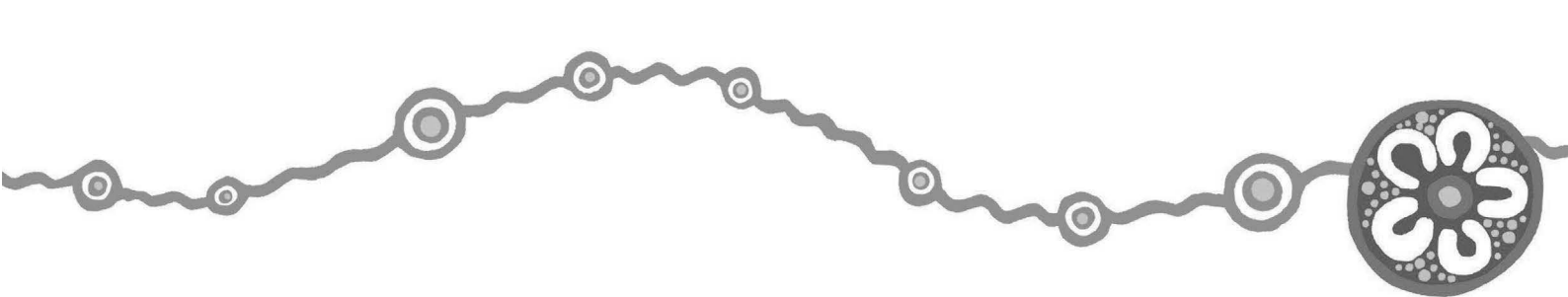


Appendix 1 – Publicly available submissions

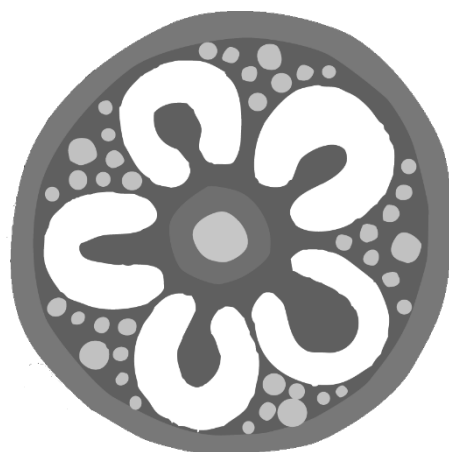
Subject	Submitted to
Australian Children's Commissioners and Guardians support for the Uluru Statement – joint statement of support	Australian Children's Commissioners and Guardians self-publication
Key priorities for Australian Children's Commissioners and Guardians – joint communique	Australian Children's Commissioners and Guardians self-publication
Criminal Procedure Review—Magistrates Courts Consultation Paper	Criminal Procedure Review—Magistrates Courts
Public Sector Bill 2022	Economics and Governance Committee
Strengthening Community Safety Bill 2023	Economics and Governance Committee
Corrective Services (Emerging Technologies and Security) and Other Legislation Amendment Bill 2022	Education, Employment and Training Committee
NDIS Review – Joint submission from Australia's Public Advocates and Public Guardians	Independent Review of the NDIS
Inquiry into Support provided to Victims of Crime	Legal Affairs and Safety Committee
Statement of the Public Guardian for Public Hearing 30: Guardianship, substituted and supported decision-making	Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
Statement of the Public Guardian for Public Hearing 33: Violence, abuse, neglect and deprivation of human rights (a case study)	Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
Review of the <i>Public Interest Disclosure Act 2010</i> – Issues Paper	The Honourable Alan Wilson KC

Appendix 2 – Contributions to reform

Subject	Submitted to
Youth Justice and Child Wellbeing Reform across Australia project	Australian Human Rights Commission
Update on legislative processes	Births, Deaths and Marriages Registration Bill 2022
Queensland implementation of child safe standards and reportable conduct scheme	Department of Children, Youth Justice and Multicultural Affairs (former) via Department of Justice and Attorney-General
Development of a new Queensland Youth Strategy	Department of Environment and Science, Office for Youth
Quality of Care Amendment (Restrictive Practices) Principles 2022	Department of Health and Aged Care
Queensland Government response to the Community Support and Services Committee report on the Private Member's Bill, Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021	Department of Justice and Attorney-General
Implementation Plan Progress Report of the National Plan to Respond to the Abuse of Older Australians 2019-2023	Department of Justice and Attorney-General
Use of restrictive practices on NDIS participants in residential aged care	Department of Justice and Attorney-General
Review of the <i>Family and Child Commission Act 2014</i>	Department of Justice and Attorney-General
Queensland Government interagency guidelines for responding to sexual assault and sexual abuse	Department of Justice and Attorney-General, Office for Women and Violence Prevention
Data sharing agreement between the NDIA and the Queensland Government	Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (former) via Department of Justice and Attorney-General
National Disability Data Asset data sharing arrangements	Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (former) via Department of Justice and Attorney-General
Queensland Government submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability	Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (former) via Department of Justice and Attorney-General
Comparative table of existing community visitor schemes in Australia	Disability Reform Ministers Meeting (former)
OPG community visitor program	Disability Reform Ministers Meeting (former)



Subject	Submitted to
Development of resources on the aged care sector changes	Enkindle Consulting Pty Ltd on behalf of the Department of Health and Aged Care
Update on legislative processes	Health and Other Legislation Amendment Bill 2022
NDIS Quality and Safeguarding Framework – Issues Paper	Independent Review of the NDIS
NDIS Participant Safeguarding – Proposals Paper	Independent Review of the NDIS
Development of Inspection Standards	Inspector of Detention Services, Queensland Ombudsman
Implementation of the National Strategy to Prevent and Respond to Child Sexual Abuse	National Office for Child Safety
Public policy framework for safeguarding adults vulnerable to abuse	New South Wales Ageing and Disability Commission
Nationally consistent scheme for access to digital records upon death or loss of decision-making capacity	New South Wales Department of Communities and Justice
Queensland Youth Strategy	Office for Youth, Department of Environment and Science
Adult Safeguarding in Queensland: Volume 1. Identifying the gaps	Public Advocate
Adult Safeguarding in Queensland: Volume 2. Reform recommendations	Public Advocate
Better pathways: Improving Queensland's delivery of public acute mental health services	Public Advocate
Public accountability, private lives: Reconsidering the Queensland guardianship system's confidentiality requirements	Public Advocate
Child Death Review Annual Report 2021-22	Queensland Family and Child Commission



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