

Office of the Public Guardian
Annual Report 2015–2016

About this report

This annual report provides information about the Office of the Public Guardian’s performance for 2015–16. The report records our achievements in protecting the rights, interest and wellbeing of Queenslanders experiencing vulnerability, in particular adults with impaired capacity, relevant children, and children staying at visitable sites.

Note that all case studies used in this annual report have been de-identified; people’s names and event locations have been changed to protect the identity of the individuals involved.

The report is a key accountability document and the principal way in which we report on our activities to Parliament and the Queensland community.

Electronic copies of this report are available at <http://www.publicguardian.qld.gov.au> or printed copies of the report are available on request.

Feedback

We value the views of our readers and invite your feedback on this report. To provide feedback please contact the Public Guardian on telephone 1800 661 533, fax (07) 3225 8325 or via email at info@publicguardian.qld.gov.au.

Interpreter Services

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Cover artwork: The cover of this annual report includes a detail from the artwork ‘Birrang’ (Journey) created by Redcliffe based Indigenous artist Jordana Angus.

In April 2016 Jordana was commissioned by the Public Guardian to create a unique work for the office to use in its publications and communications with clients and the community. Jordan delivered her artwork to the Public Guardian in June 2016, it has been digitised and the organisation is in the process of adapting elements of it for use on future communications material. See the community education section on page 41 for more details.

The Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
Minister for Training and Skills
State Law Building
Brisbane QLD 4000

Dear Attorney-General,

I am pleased to present the Office of the Public Guardian's Annual Report for 2015-16.

The Office of the Public Guardian has now been operating for two years. It was created on 1 July 2014 following recommendations made by the Queensland Child Protection Commission of Inquiry with the aim of promoting and protecting the rights and interests of adults with impaired decision making capacity and children and young people in the child protection system.

I certify that this Annual Report complies with the detailed requirements set out in the *Annual report requirements for Queensland Government agencies*. The OPG is not considered a statutory body for the purposes of the *Statutory Bodies Financial Arrangements Act 1982* or the *Financial Accountability Act 2009*.

Yours sincerely



Natalie Siegel-Brown
Public Guardian

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The Public Guardian’s foreword



On 25 July 2016, I walked into an agency teeming with passionate human rights advocates and thought: I couldn’t be in a more perfect job.

Starting from what was then my first day, my passion for the work that the Office of the Public Guardian (OPG) does in giving voice to those who have none, has only been ignited ever more brightly.

2015-2016 was the second year of operation for the Office of the Public Guardian. It was a year which was always going to challenge the Office, but which also presented opportunities to build on the hard work of the organisation’s first six months of existence. This, in no small part was due to the extraordinary work of the previously Acting (and now Deputy) Public Guardian, Julia Duffy. The

achievements of 2015-2016 were driven by her leadership and her strong drive to defend the human rights of our clients.

In the 2015-16 financial year, our community visitors (CVs) made 28,829 visits to children and young people in care, with close to 12,600 of these taking place in the children’s homes. CVs made 280 separate visits to Aboriginal and Torres Strait Islander communities and 3500 visits to other sites, in total raising 10,500 issues relating to children and young people in care. Our child advocates attended 200 court sessions, 100

Family Group Meetings and 60 stakeholder meetings; raising and resolving approximately 620 legal issues on behalf of children and young people in care. More than 5,350 visits were made to adults experiencing impairment in decision making capacity living in over 1,300 different supported accommodation locations. Our legal guardians were involved in over 2,200 court events for more than 300 guardianship clients. While these related mainly to criminal matters, they also included issues regarding child protection and family law. In addition, the Public Guardian made close to 1,350 health care decisions on behalf of adults who were unable to make decisions for themselves.

For every layer of disadvantage experienced by each of our clients, we bear a

“For every layer of disadvantage experienced by each of our clients, we bear a corresponding obligation to increasingly amplify their voice; and ensure it is the most influential at any table”

Natalie Siegel-Brown, Public Guardian

corresponding obligation to increasingly amplify their voice; and ensure it is the most influential at any table. The statistics above show that we work tirelessly and with dedication. However we won’t stop there. In the coming year, the OPG is

taking the time to focus not just on what we do, but on how we continuously improve the way in which we do it. We need to draw on the evidence to find new ways to support (as opposed to substitute) decision-making, wherever possible. The importance of governance, accountability and practice frameworks cannot be overestimated in environments that can be at the pointy end of systems failure and which are morally and culturally complex. Work has been ongoing to improve these areas in the organisation.

There is still a lot of work to be done to improve understanding of the OPG’s role, particularly amongst specific vulnerable groups. Hand in hand with this, as a system we must imbue in our clients a strong understanding of their basic rights, especially where they find themselves in systems or institutions where others make decisions for them (such as the mental health, forensic or child protection systems).

“Hand in hand with this, as a system we must imbue in our clients a strong grip of their basic rights, especially where they find themselves in systems or institutions where others make decisions for them (such as the mental health, forensic or child protection systems)”

Natalie Siegel-Brown, Public Guardian

We need to take our community stakeholders and partners along with us on this journey. We rely on their expertise, knowledge, experience and support in helping us meet our objectives in protecting the rights, interests and wellbeing of people experiencing the greatest vulnerability in this State.

“In the next year, I want to strengthen the mechanisms for hearing more from our own clients as to how we can improve what we do and how we do it. After all, who is better placed to advise than they?”

Natalie Siegel-Brown, Public Guardian

Challenges on the road ahead? You bet. The OPG manages a very challenging service delivery model with clients who face a raft of complex disadvantage. We rely on an exceptional band of CVs who work remotely. Workload growth, in particular for our guardianship workforce is projected to increase in both size and complexity as the NDIS heads to full scheme rollout and the mental health reforms come into play in March next year.

Key to our priorities is also the way OPG needs to effect system change albeit through the mechanism of individual advocacy.

They may be tall fences, but with this group of people, they are not insurmountable.

John F Kennedy once said that *the Chinese use two brush strokes to write the word 'crisis.' One brush stroke stands for danger; the other for opportunity.*

Opportunity to make an even greater, more indelible and positive impact on the lives with which we come into contact—most definitely lies ahead.

I want to pay tribute to the staff of this agency who come to work every day to doggedly advocate for the rights of

every client. Every one of them chooses to work for the OPG because they believe the status quo *can* be changed.

Julia Duffy—I owe immeasurable gratitude to you. 2015 was a year of evolution, consolidation and major, positive change. All of this you stewarded with aspiration and unfailing belief in what we could be. Thank you for your

grace, humility and creating such a wonderful platform for me to take the agency on the next phase of its journey.



Natalie Siegel-Brown
Public Guardian

Who we are

What the OPG does

The Office of the Public Guardian (OPG) is an independent statutory office established to protect the rights, interests and wellbeing of adults with impaired decision-making capacity, and children and young people in out-of-home care—foster care, kinship care, residential care—and at visitable sites.

The OPG provides an important protective role in Queensland by administering a community visitor program, which provides statewide visiting services to:

- adults experiencing impaired decision-making capacity residing in government funded facilities and some private hostels
- children and young people in out-of-home care or staying at a visitable site, including residential facilities, detention centres, corrective services facilities, and authorised mental health services.

The OPG works to protect the rights and interests of adults who experience impaired capacity to make their own decisions, recognising that everyone should be treated equally, regardless of their state of mind or health. The OPG has a direct role in implementing obligations and ensuring rights as prescribed by the United Nations *Convention on the Rights of Persons with Disabilities* are upheld.

The OPG's legislative obligations for adults with impaired capacity are to:

- make personal and health decisions if the Public Guardian is their guardian or attorney
- investigate allegations of abuse, neglect or exploitation

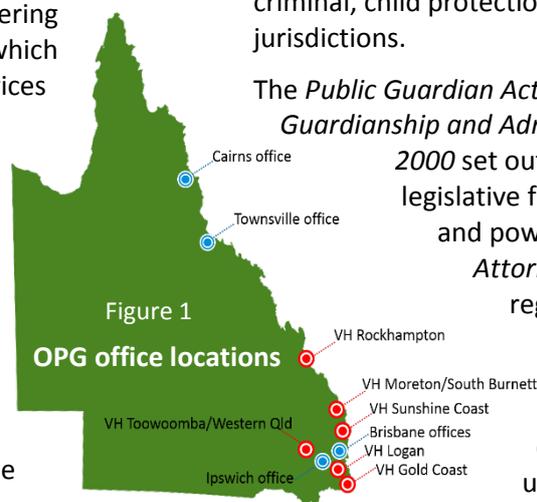
- advocate and mediate for adults with incapacity
- educate the public on the guardianship and attorney systems.

When appointed by the Queensland Civil and Administrative Tribunal (QCAT) as guardian, the Public Guardian routinely makes complex and delicate decisions on health care and accommodation, and guides adults through legal proceedings in the criminal, child protection and family law jurisdictions.

The *Public Guardian Act 2014* and *Guardianship and Administration Act 2000* set out the OPG's legislative functions, obligations and powers. The *Powers of Attorney Act 1998* regulates the authority for adults to appoint substitute decision-makers under an Advanced Health Directive or an Enduring Power of Attorney.

The OPG also supports children and young people in care through its child advocacy program. This program provides children and young people within the child protection system an independent voice, ensuring their views are taken into consideration when decisions are made that affect them, which is a key element of the United Nations *Convention on the Rights of the Child*.

The CVs and child advocates provide an oversight mechanism to ensure that the Charter of Rights for a child in care under the *Child Protection Act 1999* is upheld. This includes upholding the rights of children and young people to be provided with a safe and stable living environment, and to be placed in care that best meets their needs and is culturally appropriate.



OPG senior management team



Public Guardian
Natalie Siegel-Brown

Natalie is Queensland's Public Guardian, an independent statutory appointment, and CEO of the Office of the Public Guardian. Natalie took over as Public Guardian in July 2016. She is passionate about advocating for people experiencing vulnerability.



Deputy Public Guardian
Julia Duffy

Julia is Queensland's Deputy Public Guardian and was Acting Public Guardian from August 2015 to July 2016. Julia is a lawyer with over 18 years' experience in Administrative Law and decision making, public policy and senior management in government.



Director, Legal Services
Catherine Moynihan

Catherine is the Director of Legal Services and Official Solicitor at the Office of the Public Guardian. Catherine leads and manages a team of legal officers who provide legal services to OPG clients and staff.



Director, Corporate Services
Brian Norman

As Director Corporate Services, Brian is responsible for business support to the Office of the Public Guardian's front line staff and executive management team. Originally a lawyer, Brian has worked in the human services area of the Public Service since 1995.

Director, Policy & Reporting
Shayna Smith

Shayna is Director of the Policy and Reporting division at the Office of the Public Guardian. Shayna leads and manages the policy and reporting team which provides strategic and organisational advice and services relating to the Public Guardian's statutory functions and powers.



Director, Guardianship Services
Lindsay Irons

Lindsay Irons is the Director of Guardianship Services at the Office of the Public Guardian overseeing the delivery of guardianship services to around 2,400 adults across the State for whom the Public Guardian has been appointed as substitute decision-maker.



Director, Visiting
Leanne Goodwin

As Director of the Visiting Program, Leanne leads and manages Queensland's statewide Community Visitor program comprising over 130 Community Visitors, and 13 Regional Visiting Managers.



Full biographies of the OPG senior management team can be found on the 'About the OPG' page on our internet site www.publicguardian.qld.gov.au

Our people

Workforce profile

The OPG workforce profile includes qualified and experienced staff with a diverse range of skills and expertise to ensure delivery of the OPG strategic objectives. This provides the OPG with the capacity and flexibility to position staff to advocate for, and respond to, the needs of people experiencing vulnerability.

The 326 OPG staff form part of five programs (see organisational structure Appendix 1):

1. Legal Services.
2. Corporate Services (including Executive Management, HR, Finance, IT, Investigations, Communications and Administration).
3. Policy and Reporting
4. Guardianship.
5. Community Visiting¹.

As at 30 June 2016, the OPG’s staff profile comprised:

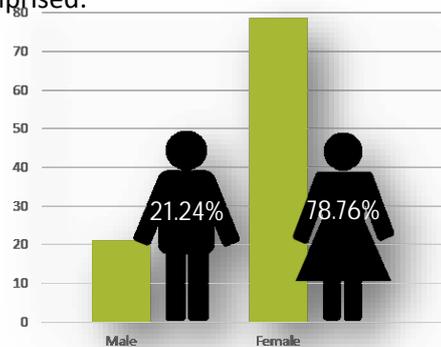


Figure 2

- 21.24% male and 78.76% female
- 6.4% from a non-English-speaking background, or whose parents originated from a non-English-speaking background
- 1.72% Aboriginal and/or Torres Strait Islander
- 1% identified as having a disability.

The OPG’s staff age profile was split:

- 9.19% under 30 years
- 29.38% 30-39 years
- 26.12% 40-49 years
- 23.83% 50-59 years
- 9.89% 60-69 years
- 1.59% over 70 years.

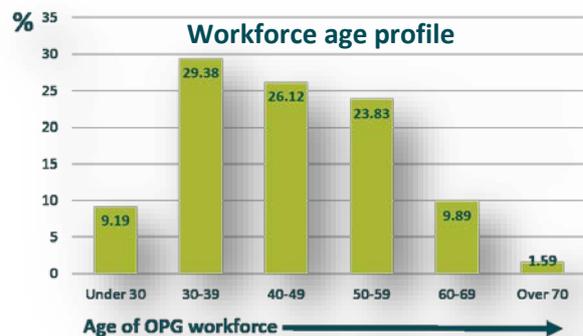


Figure 3

Attraction and retention of staff

The OPG recognises the importance of being an employer of choice, and this will continue throughout the 2016-17 financial year by placing a strong focus on attracting and retaining a skilled and diverse workforce. The OPG supports staff to achieve a quality work life balance through the management of a flexible work environment.

Workforce planning and performance

The OPG Human Resource area provides strategic and operational direction on human resource and workforce management issues to help maximise the capability of the workforce and oversees safe and supportive workplaces to achieve the goals of the OPG.

During 2015–16 the HR team has continued to progress the priorities identified in the strategic plan in relation to our workforce,

¹ Given the casual nature of employment and variation in working hours, data for CVs is shown by a head count rather than full-time equivalent figures as this more accurately reflects the composition of the workforce.

including further developing our cultural capability and ensuring appropriate and relevant onboarding and training, for both office based and remote workers.

OPG workforce policy and procedure is governed by policies of the Department of Justice and Attorney General (DJAG).

Professional development

In the 2014-15 financial year, a strong focus was placed on the development and delivery of both broad mandatory professional development, onboarding of new starters and targeted skills-based professional development. OPG staff continued to be supported to complete further studies through the SARAS program and qualifications available through the State Government Departments Certified Agreement.

Visiting Program workforce

The OPG's Visiting Program is made up of both public servants appointed under *the Public Service Act 2008* and home based casual CVs who are appointed under the provisions of the *Public Guardian Act 2014*. CVs protect the rights and interests of adults with impaired capacity if they reside at a 'visitable site'², and children and young people in out-of-home care. CVs conduct regular visits and make robust and probative inquiries into the standard and adequacy of services being provided to persons experiencing vulnerability in accordance with functions outlined in the *Public Guardian Act 2014* and the policies and procedures of the Office of the Public Guardian.

Guardianship Services workforce

The OPG Guardianship Services workforce undertake duties as delegate of the Public Guardian. The primary role is to act as substitute decision-maker for personal

matters on behalf of adults with impaired capacity under an order of the Queensland Civil and Administrative Tribunal (QCAT) or an enduring appointment.

Guardians are required to make healthcare decisions as Guardian, Attorney or Statutory Health Attorney—both in and out of business hours.

Legal Services workforce

OPG Legal Services seeks to employ professional legal officers with a preferred minimum of five years post admission experience to perform functions, exercise powers and provide legal advice in three separate teams:

1. **Corporate and Legal Practice team:** provides legal advice to the Public Guardian and service delivery areas, to ensure compliance with statutory obligations in respect of service delivery.
2. **Children and Young People team:** exercises delegated child advocacy functions to support relevant children within the child protection system, pursuant to *Public Guardian Act 2014* s13.
3. **Adult Legal team:** provides advocacy and undertakes substituted legal decision making for adults with impaired capacity, pursuant to the *Public Guardian Act 2014* s12 and the provisions of the *Guardianship and Administration Act 2000*.

² A 'visitable site' is one classified by the definition provided under Part 2 of the *Public Guardian Act 2014*. Visitable sites

include certain hostels, psychiatric institutions and the Forensic Disability Service amongst others.

The year ahead

The OPG has already seen a large spike in the demand for the oversight and safety of the child protection, disability and mental health systems it delivers through the Community Visitor Program, combined with a sharp rise in guardianship appointments and the need for investigations into the abuse of Ensuring Powers of Attorney. The resources available to the OPG have remained static in spite of this rise. Some catalysts of growth are inevitable: an ageing population and an increase in the incidence and prevalence of dementia will naturally lead to an escalation in demand for guardianship appointments. A raft of government reforms, however, will acutely sharpen the rise in demand for OPG supports. Each of these reforms represent

highly desirable shifts in the delivery of government services: the choice and control principles of the National Disability Insurance Scheme (NDIS), and the impending commencement of the new Mental Health Legislation which emphasises the need for providing treatment in the least restrictive way. The corollary of this is that under both scenarios, an increased number of people's capacity for decision making will be questioned, and the contest for a need for guardianship will ensue. There will also be an increased need for the checks and balances provided through the adult community visiting system. Additionally, the rise of children and young people coming into Out of Home Care continues to escalate, which in turn requires

an increase in the need for community visit numbers.

National Disability Insurance Scheme (NDIS)

One of the most significant developments affecting the OPG and its clients—which will continue to affect the organisation over the

coming year—is the roll-out of the National Disability Insurance Scheme (NDIS) across Queensland.

Following its implementation in the early transition sites around Townsville, the NDIS has already started rolling out across North Queensland and in the Mackay/Whitsunday region. From January 2017 it is scheduled to start rolling out in Toowoomba and

across the Darling Downs.

As the most significant social reform in Australia in decades, the NDIS is expected to deliver benefits to around two-thirds of the Public Guardian's Guardianship client base and a significant number of children and young people with a disability living in out-of-home care. This is particularly in the 15-17 years age group where nearly one third of young people identify as having a disability.

Some catalysts of growth are inevitable: an ageing population and an increase in the incidence and prevalence of dementia will naturally lead to an escalation in demand for guardianship appointments. However, a raft of government reforms will acutely sharpen the rise in demand for OPG supports

The visiting program

Over the coming year an increasing number of CVs will take on the dual role of both child and adult visitor. By the close of the 2015-2016 financial year a third of CVs were already performing the dual visiting role.

In addition, with a significant proportion of children and young people in care having a disability, and adults with impaired capacity falling within the auspices of the NDIS scheme, the continuing roll-out of NDIS will have implications for the community visitor program. OPG CVs play a significant role in advocating for children in care with a disability. This function will become even more important in an environment where increased supports are potentially available under the NDIS (see case the studies about how CV's have helped children with a disability—Megan and Rose—during the past year. See pages 16 and 20). A growth in service providers will also see a growth in 'visitable sites' that CVs will need to attend.

In the wake of government reviews in relation to child protection and youth justice the Public Guardian highlighted the importance of the CV program's role of providing independent oversight of the child protection system and in protecting the rights and interest of young people held in youth detention. The Public Guardian was also unequivocal in welcoming the Attorney-General's decision to end the practice of detaining 17-year-olds in adult prisons.

Guardianship Services

Based on the analytic projections of the OPG, the NDIS will impact a significant increase in demand for guardianship appointments to QCAT. The OPG has already noticed increases in the scope of appointments sought for existing clients as a result of the NDIS.

The NDIS has already started to have a significant effect on guardianship

operations in North Queensland and this will intensify as it rolls out in other areas of the State. The NDIS is already delivering improvements in the lives of OPG Guardianship clients; in particular, those who have been assessed as eligible for disability services but are still on the Register of Need and those who receive services but at a level that is not adequate for their needs.

In addition, there are groups of people who may have the opportunity for radical change in their circumstances: younger people who have to date been forced into aged care facilities, people who are living in hostels or other environments which provide very little specialised disability support and those in the corrections system who require specialised supports and accommodation in the community (see our case study about Lawrence on page 30).

The OPG has been readying its staff, internal processes, and clients for the implementation of the NDIS. In the lead-up to the NDIS transition, access to individualised, funded disability support for Queenslanders with a disability, including adult guardianship clients of the Public Guardian, has noticeably tightened. The OPG has been advised that no new funding packages are being made available and these clients will need to wait for the NDIS roll out to provide support. This can significantly impact the human rights of clients; in particular those who are identified as ready to transition out of forensic services. For these clients, the OPG will intensify its advocacy role and rely heavily on the indispensable advocacy agencies within the State.

For the 500+ new appointments in 2015-16 for people under 65 years of age³, it has been difficult to secure individualised disability funding. Guardians are required to exercise greater advocacy skills, be increasingly creative in the options they

³ Supports for those 65 years and over and in case of Aboriginal and Torres Strait Islander people 55 years and over, are met by Commonwealth aged care funding.

consider, and exert more effort in sourcing services. Unfortunately, these circumstances narrow the range of accommodation and service provision options available to clients, and increasing the risk of younger people being placed into nursing homes as a last resort.

The impact of the Commonwealth aged care reforms, which came into effect during July 2014, continues to be felt by the OPG. These reforms have been a major factor driving the increase in demand for guardianship since this time, and have brought a large number of older people into the guardianship system who may have otherwise not required a formal appointment. The OPG has been working collaboratively with both the hospital and aged care sectors, in working to place older people who require residential aged care into environments that can cater for their specialised needs.

Snapshot 2015–2016

Office of the Public Guardian performance at a glance

Health Care



1344 health care

decisions made on behalf of adults with impaired decision-making capacity

Guardianship



2974 People with impaired capacity provided with guardianship services

Legal



2202 court events

on behalf of 309 guardianship clients

Child Advocacy



621 advocacy issues closed on behalf of 689 children and young people in care

Community Visitors



28 829 CV visits made to 7591 children and young people in care living in

3653 locations



5357 CV visits made to 6512 vulnerable adults

living in 1316 residential facilities

Investigations



213 investigations commenced into neglect, exploitation or abuse of vulnerable adults

The Community Visitor Program

Queensland’s Community Visitor program (visiting program) forms part of the statutory framework of the *Public Guardian Act 2014* and is designed to protect the rights and interests of adults with impaired capacity living in visitable sites, and children and young people in out-of-home care living in visitable locations across Queensland. These could be a foster home, the home of a kinship carer, a residential care facility, a youth detention centre or mental health facility.

Queensland’s visiting program is one of the most comprehensive in Australia; approximately 122 community visitors (CVs) work across 13 zones covering a geographic area of 1.7 million kilometers. Each zone is managed by a regional visiting

manager (RVM) whose role is to provide on the ground practice support and supervision to CVs within their zone. CVs work remotely based from home, and are supported by policy and practice officers and a centrally based visiting support team in Brisbane.

For adults with impaired decision making capacity community visitors independently monitor accommodation referred to as ‘visitable sites’ where adults live and receive funded services. CVs make unannounced visits to ensure residents are being properly cared for and make inquiries and lodge complaints for, or on behalf of, residents. CVs have the power to refer complaints to an external agency—such as the Department of Communities, Queensland, Health, or the Residential Services Unit in the Department of Housing and Public Works—where appropriate.

For children and young people living in out-of-home care CVs ensure they are safe and well and all their needs are being met in line with the standards of care. CVs are available whenever a child or young person needs their help; providing advocacy, support and advice about any matter that is concerning them.

Community visitor workforce

When the OPG was formed by combining the roles of the Adult and Child Guardian, there were two distinct community visitor programs; one for adults with impaired

capacity and one for children and young people in out of home care. As the OPG matures and becomes a single organisation, an increasing number of CVs are fulfilling a dual role of visiting both sets

of clients.

This transformation continued throughout 2015-2016 and by the end of the financial year a large proportion of community visitors employed by the Office of the Public Guardian (34%) were dual visitors.

“A key strength of the Public Guardian’s advocacy and independent oversight lies in it’s provision of community visitors”

Natalie Siegel-Brown, Public Guardian

Change in composition of CV workforce

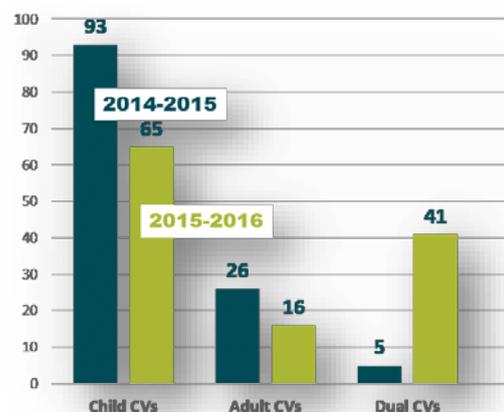
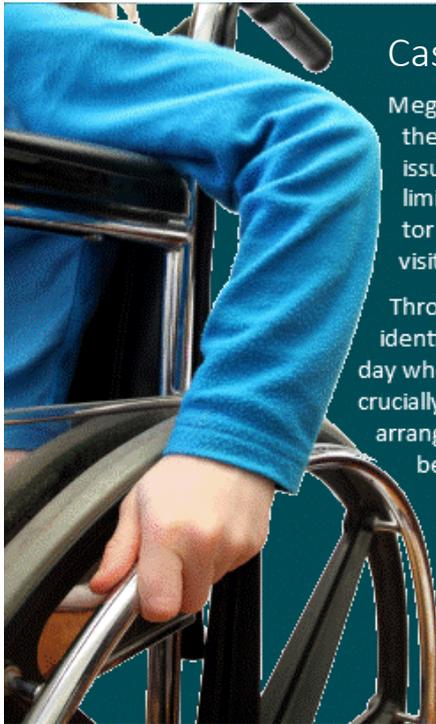


Figure 4



Case study: Supporting Megan

Megan is a 17-year-old young person with disabilities whom the Office of the Public Guardian (OPG) regularly visits. Megan has significant mobility issues and is confined to a wheelchair, she is also blind and has extremely limited communication skills. Over the years the OPG’s community visitor has built a strong rapport with Megan, and she now recognises the visitor’s voice and touch on her shoulder.

Through the visiting role, the community visitor discovered that the identified house where Megan was living only had one worker during the day who was expected to support up to four people with complex needs, and crucially there was no support worker there at night. The current arrangement for Megan included around-the-clock support which wasn’t being provided.

The community visitor brought the issue to the attention of the regional visiting manager and together they liaised between Child Safety and the service provider, voicing the support needs of Megan, and advocating for additional support measures. This resulted in the appointment of 24-hour care and two additional support workers where Megan lived. Further, carpet was also installed in a sensory room for Megan.

A dual CV is required to have a sound skill-set across both sectors.

With the benefit of having dual appointed CVs, young people with disabilities who transition out of care when they are 18 can now have their CV continue to visit and support them into adulthood. Two significant benefits of this are the familiarity for the young person particularly during a time of significant change for them, and stronger advocacy as the CV has a history of understanding the young person’s particular support needs.

The OPG’s visiting scope

The locations that CVs can visit—visitable homes and sites—are set out in the *Public Guardian Act 2014*.

For children and young people in care these comprise private homes for those in family based care, residential care facilities, youth detention and adult correctional centers, mental health services, forensic disability services and level three residential services. CVs also visit three types of ‘visitable site’ where people with impaired decision making capacity live; disability

accommodation provided or funded by the Department of Communities, authorised mental health services and level three accredited private hostels; these visits are quarterly, irrespective of accommodation type and are generally unannounced.

Type of adult residential sites visited

Sector	Number sites		Consumers	
Dept of Communities	169	13.2%	559	8.6%
NGOs	1047	81.5%	4513	69.3%
Qld Health	68	5.3%	1440	22.1%
Total	1284		6512	

Figure 5

For children and young people in out-of-home care, the vast majority of visitable locations (88%) were private houses, with residential facilities making up around 7% of locations. For adults with impaired capacity 81% of visitable sites (accounting for around 70% of residents visited) were non-government organisations’ residential facilities (NGO).

Visiting program performance during 2015-16

This financial year continued to provide many challenges for the visiting program. The biggest development was the merger of what had been two distinct visiting programs; adult and child.

Although now one program, differences still exist between the two visiting streams depending upon whether CVs visit children and young people in care or adults with impaired decision making capacity; however both streams have shared principles and objectives which encourage CVs to consider, maintain and promote:

- human rights protection
- respect for the views and wishes of those they seek to protect
- entitlement to be heard
- voice and agency in decision making
- micro and macro advocacy
- impartiality and independence.

As at 30 June 2016, there were 6743⁴ children and young people in visitable locations in Queensland entitled to a visit from a CV (excluding those held in adult correctional centres). Of these, approximately 41% (2794) identified as Aboriginal and Torres Strait Islander and 19.9% (1339) identified as having a disability.

Snapshot of our performance

- CVs conducted a total of 28,829 visits to 7591 children and young people.
- 3416 visits were made to 518 visitable sites.
- 3354 reports were generated from child visits.
- The majority of the 3653 child visitable locations were visitable homes (3215 or 88%) followed by

residential care facilities (248) and externally supported sites (99).

- CVs opened 11,907 issues on behalf of children and young people of which 11,166 (94%) were resolved locally.
- CVs helped protect the rights and interests of approximately 6512 vulnerable adults, raising 1963 issues on their behalf.
- CVs conducted 5357 visits to 1316 visitable sites where adults with impaired capacity live.
- 71.7% of visits conducted to adult visitable sites were unannounced, 12.7% were announced and 5.4% were requested visits.
- 191 visits were conducted outside normal working hours authorised by the Public Guardian⁵.

Number of out of hours CV visits



Figure 6

Child visiting frequency

The Public Guardian has a responsibility to ensure all sites defined as visitable sites under the *Public Guardian Act 2014* must be visited regularly. For those visitable sites where children and young people are staying, the frequency of visits varies depending on the type of site. For example, CVs visit youth detention centres at least once a week due to the particular vulnerability of the young people detained.

⁴ This represents an increase from the previous financial year.

⁵ Reporting the number of out of hours visits is a statutory requirement stipulated in the *Public Guardian Act 2014*

For visitable homes, the Public Guardian may direct a CV to visit children ‘under care’⁶ having regard to a range of matters as set out in s57 of the *Public Guardian Act 2014*. These matters include the child’s age, the number of children staying at the home, the appropriateness of the accommodation and the child’s cultural and linguistic background. This is also considered in the context of efficient use of available CV resources and the desire for minimum intrusion in the lives of children and their carers and support workers. This means that the regularity or frequency of these visits can vary from monthly to annually. Wherever possible the child or young person’s views are taken into consideration in determining the regularity of visits. Some young people opted not to receive regular visits during 2015-16, instead preferring to make contact with their CV via email or text message, requesting a visit should they require assistance or support from their CV. In other instances, annual visits were established for those children and young people who have been in long term stable care and are well supported by their carer(s) and/or a child safety officer.

As at 30 June 2016 the visiting frequency of children and young people in care was:

- monthly 1912 (28%)
- bi-monthly 1592 (24%)
- quarterly 1984 (29%)
- six-monthly 1031 (15%)
- annually was 151 (2%).

Seventy-three (1%) children and young people known to the OPG were on a suspended visiting schedule i.e. they received no visit from a CV at the young person’s request.

During 2015-16 81% of children were visited in accordance with their visiting schedule.

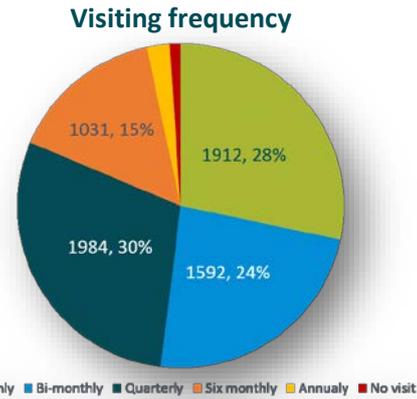


Figure 7

This is a 3% decrease from the previous year due to:

- a 1% growth in the number of children in the Child Protection system
- the increased concentration of CVs effort on time consuming local issue resolution and individual advocacy
- the challenges around the recruitment and retention of CVs in regional and remote locations.

During the year, the primary reasons for non-execution of visits were the:

- unavailability of CVs
- cancellation of a visit by the carer.

Most common types of issues raised

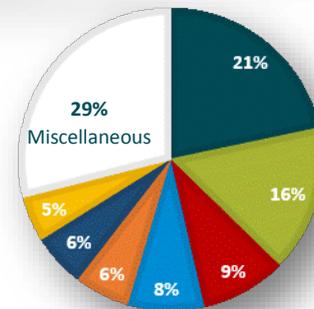


Figure 8

⁶ A child under care is defined under s.51 of the *Public Guardian Act 2014* and includes a child in the custody or guardianship of the chief executive (child safety) and is

placed in the care of someone other than a parent or the child.

A thank you to all our CVs

For some children and young people, their community visitor plays a very important and special role throughout their time in care. For some kids their CV is the only constant person in their lives.

Four brothers and sisters, who had been visited by the same visitor for four years, gave their CV this touching farewell card. The children wrote on the back:

Thank you for all you have done for us—we are truly grateful and you will be missed.

Thank you for always checking up on us and sticking up for us and watching us grow.

Thank you for everything that you have helped us with and through.

Thank you from the bottom of our hearts for all the support and encouragement that you have given us.



Advocacy and issue resolution

The child visiting program is an essential oversight element of Queensland's child protection system.

Children and young people raise issues with the CV which the CV will endeavor to resolve

locally. Every CV purports to raise the voice of the child over all others.

As figure 8 shows, on the previous page the majority of issues—other than miscellaneous issues—raised with CVs relate to contact arrangements between the child/young person and their family (2580 or 22%), of these almost two-thirds related to contact with parents (45%) and siblings (20%). 18% of contact issues raised related to the degree of contact a child or young person was having with their Child Safety Officer (CSO), the majority of these centered on a need for increased contact between a child and their CSO.

Another major theme (1869 or 16%) relates to placement, often when a child directly states they are unhappy with their placement. CVs can and do raise issues regarding placement when they can see a need for greater consideration by the Department of Communities, Child Safety and Disability Services.

Every CV purports to raise the voice of the child over all others

Visiting young people in detention and adult correctional facilities

The OPG visits young people held in youth detention and 17-year-olds held in adult correctional facilities⁷.

As at 30 June 2016, 579 issues had been raised from visits made to youth detention centres. This represents 5% of the total issues raised by children and young people with CVs. In addition CVs made 89 reports from visits to 17-year-olds held in adult prisons, recording 175 issues.

Issues from adult correctional centres		
Visiting/services	47	27%
Safety	31	18%
Contact	29	17%
Other	68	39%
Total	175	101%

% discrepancy due to rounding

Figure 9

Twenty-seven per cent of issues related to visiting programs and services, these commonly include access to healthcare including psychotherapy. Eighteen per cent of issues relate to safety. The OPG is pleased that from 2017 young people will no longer be held in adult prisons.

⁷ During 2015–2016 17-year-olds were still held in adult prisons. This practice will cease during 2017.

Case study: Rose finds her voice

Rose is a little girl who recently came into care. Now nearly six years old, Rose had learned to speak and like other children her age had mastered developmental skills such as toilet training; however, Rose’s parents reported that she had started to suffer from severe epileptic seizures which had gradually resulted in Rose losing previously mastered skills, including her speech. When she entered care Rose was non-verbal. Her paediatrician advised her carers and the Department that Rose’s prognosis was poor and that therapy would not benefit her. In fact, he believed Rose would continue to lose those skills she still possessed. As a result of the paediatrician’s prognosis, the Department were unwilling to fund occupational therapy, speech therapy or music therapy for Rose. Nor was the carers’ support agency prepared to back the carers in their quest for therapy funding for Rose, or in the provision of other practical supports to care for her. The community visitor provided the carer with information about Foster Care Queensland (FCQ) who took up Rose’s case.

Rose’s carer is a passionate, strong advocate for the children in her care who would not accept the paediatrician, Department and carer support agency’s view. The community visitor was similarly unwilling to accept that Rose would not be given a chance to regain some of her previously mastered skills. Once it became clear that the Department was unwilling to move on the issue of funding therapies, the CV and carer worked together to find other means of support. Many phone calls followed.

Both carer and CV concluded that Rose’s behaviours indicated her to be on the Autistic Spectrum. They also realised that if diagnosed with Autism, Rose could receive therapeutic supports from Autism Queensland. Rose’s carer arranged an appointment with the paediatrician, who agreed that the behaviours were indeed indicative of ASD and Autism Queensland was subsequently engaged to provide therapeutic support for Rose.

The CV and carer also approached Disability Services for additional therapeutic support. The carer and CSO liaised with DSQ to secure funding for speech therapy, while Foster Care Queensland organised a stakeholder meeting with the Department and carer support agency, which secured additional funding for Rose to receive music and occupational therapy.

During the community visitor’s next visit, Rose made eye contact for the first time. Rose had previously sat still, staring out of the window during home visits, now she ran to the bookshelf, collected a book and settled herself down near the community visitor. Rose’s carer put on a DVD of ‘Frozen’ for Rose to watch, and as the CV and carer began discussing the amazing progress Rose had made since she was first placed with her carers, they heard a small voice sing ‘do you want to build a snowman?’

It is yet to be seen if Rose will regain her speech or whether she will merely copy words she hears. However, thanks to the persistence of her carers and the support of her CV, Rose now has the opportunity to develop her language skills. She still has a long road ahead of her, but Rose has now found her voice.



Visiting children and young people in care with a disability

As at 30 June 2016, of the 6743 children and young people in out-of-home care approximately 19.9 per cent have been identified as having a disability. The highest rate of disability is in the 15-17 years age group, with 32% of young people identifying as having a disability.

Age group	In care	Disability	%
0-4	1607	66	4.1
5-9	2067	390	18.8
10-14	2092	577	27.6
15-17	957	306	32.0
total	6743	1339	

Total number of children includes 8 of unknown age

Figure 10

Raising issues and complaints on behalf of adults experiencing vulnerability

During 2015-16 CVs conducted 5378 visits on behalf of 6512 vulnerable adults living at 1316 visitable sites. This represents a decrease of 279 visits (3.3%) from 2014-15.

The largest proportion of visits (71.7%) were unannounced, while of the remainder 12.7% were announced, 5.4% were requested visits and a 10.3% were classed as incomplete.

Most common issues and complaints raised on behalf of adults

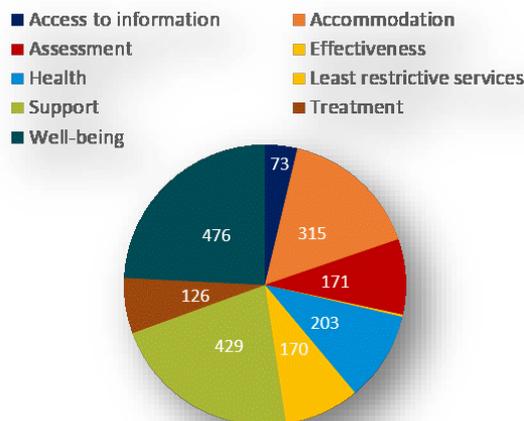


Figure 11

As a result, CVs Identified 1968 issues on behalf of clients living in the visitable sites; a 22.5 per cent decrease from last year's figures.

Type of issue	No	%
Access to information	73	4%
Accommodation	315	16%
Assessment	171	9%
Effectiveness	5	>1%
Health	203	10%
Least restrictive services	170	9%
Support	429	22%
Treatment	126	6%
Wellbeing	479	24%
Total	1968	

% discrepancy due to rounding

Figure 12

Nearly a quarter of the issues raised (24%) were related to the wellbeing of consumers. These included the:

- lack of access to leisure and recreation for consumers
- compatibility of consumers residing in the same site
- adequacy of internal controls at the site, e.g. incident reporting procedures, and medication files.

The issue of support is regularly raised by adult CVs (21%) and typically relates to the availability of individual support plans, consistency of care and financial management for consumers. The suitability of accommodation is also an area commonly questioned by CVs (16%).

Monitoring restrictive practices

During 2015-16, the OPG conducted 165 visits requested by QCAT, which directly informed applications for—or reviews of—restrictive practices applications.

A further 281 issues were raised by CVs directly relating to the unauthorised or excessive application of restrictive practices.

This presents one of the greatest concerns for the Public Guardian; given that the application of restrictive practices to people with disabilities or mental illness represents one of the greatest potential infringements of human rights the agency deals with. The Public Guardian is concerned that even greater vigilance will be required in relation to restrictive practice usage by service-providers under the NDIS.

Visiting vulnerable adults in the mental health system

Forensic mental health sites are defined as visitable sites under the *Public Guardian Act 2014*. During 2015-16 CVs conducted more than 318 visits across 69 secure forensic mental health sites in Queensland, raising a number of issues.

Advocacy for children and young people by legal officers

The *Public Guardian Act 2014* sets out the Public Guardian’s child advocacy functions⁸. These are performed either by the child community visitor and their manager, or by child advocate-legal officers (who are qualified lawyers). The nature of the issue determines which role performs the advocacy function. For example, child advocate-legal officers—because of their legal training—are best placed to support a child or young person in Queensland Civil and Administrative Tribunal (QCAT) or the Children’s Court.

Child advocates-legal officers support children and young people in the child protection system by:

- ensuring that their views are heard and taken into consideration when decisions are made that affect their care arrangements (for example, decisions made in family group meetings, court or QCAT hearings)
- providing support in court conferences and organising legal representation for the child or young person
- applying on behalf of the child or young person to QCAT or court regarding changes to a placement, contact decisions, or changes to a child protection order
- responding to the revocation or variation of an order made under the *Child Protection Act 1999*
- helping a child to initiate, or on a child’s behalf initiating, an

application to QCAT

- supporting a child at proceedings before a court or QCAT.

This includes the ability to make submissions, call witnesses and test evidence.

Initially child advocate-legal officers were based in OPG offices in Brisbane, Ipswich, Townsville and Cairns, operating statewide

in collaboration with the child visiting program. During 2015-2016 trials of de-centralised regional service delivery began in Beenleigh and Rockhampton with the aim of offering face to face

participation advocacy where appropriate, for children and young people in those regions.

During 2015-16, there have been significant commendations received from the Children’s Court, the Magistrates Court and QCAT for the actions and assistance of child advocates both individually and collectively. Significant satisfaction has also been expressed by children that, through the child advocate-legal officers, their views and wishes are being effectively communicated to decision-makers. The challenge ahead is to develop work priorities for the program to ensure a complementary participation advocacy practice that works alongside and in partnership with other forms of legal advocacy and representation for children and young people in care.

OPG child advocates give children and young people in care a voice, ensuring their views are taken into consideration when decisions are made that affect them.

⁸ *Public Guardian Act 2014*, s.13.

Snapshot of performance

In 2015-16 child advocate-legal officers closed 621 issues⁹ on behalf of 689 children and young people.

Child advocacy issues closed by type

Issue Type	Issues Closed	%
General advocacy	423	68%
QCAT matter	80	13%
Other legal advocacy	79	13%
Locally resolvable	28	5%
Harm related	11	2%
Total	621	

% discrepancy due to rounding

Figure 13

More than half of issues closed by child advocate-legal officers (423 issues or 68%) related to general advocacy, followed by QCAT matters (80 issues or 13%) and legal advocacy (79 issues or 13%). Twenty-eight closed issues (5%) were locally resolvable while 11 issues (2%) related to allegations of ‘harm’.

Almost 40% of children and young people assisted identified as Aboriginal or Torres Strait Islander

Age breakdown of child advocacy clients

Age category	Total
0 to 4	101
5 to 9	226
10 to 14	245
15 to 17	109
Unknown	8
Total	689

Figure 14

Figures 15 show the number of Aboriginal and Torres Strait Islander children and young people assisted by the OPG’s child advocates during 2015-2016.

Almost 40% of children assisted by child advocate-legal officers identified as Aboriginal or Torres Strait Islander.

Age and Indigenous status of children and young people assisted by OPG child advocate-legal officers

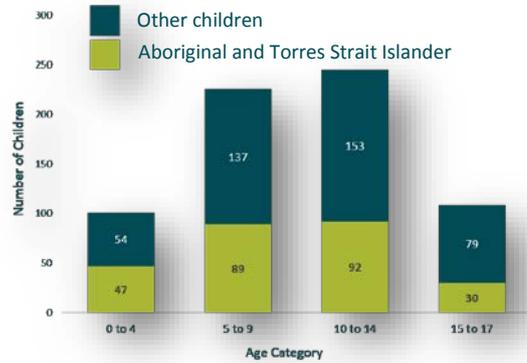


Figure 15

Overall, the most common age group assisted was the 10 to 14 year age group, with 245 young people (36%) assisted.

The numbers of children and young people assisted were: 0-4 years (101 children); 5-9 years (226 children); 10-14 years (245 children); and 15-17 years (109 children). The ages of 8 children were unable to be identified.

During 2015-16, child advocate-legal officers also visited children and young people, and attended court and other child and youth related meetings to advocate on their behalf, including:

- 532 visits to children
- 247 court appearances
- 99 family group meetings
- 91 stakeholder meetings
- 31 court ordered conferences
- 25 QCAT hearings
- 47 other court or QCAT matters.¹⁰

⁹ A child advocate will close an issue when the matter is appropriately resolved.

¹⁰ Consisting of QCAT conferences, mentions, unspecified court attendances, and court hearings.

Case study: Advocating for Jack and Jessie

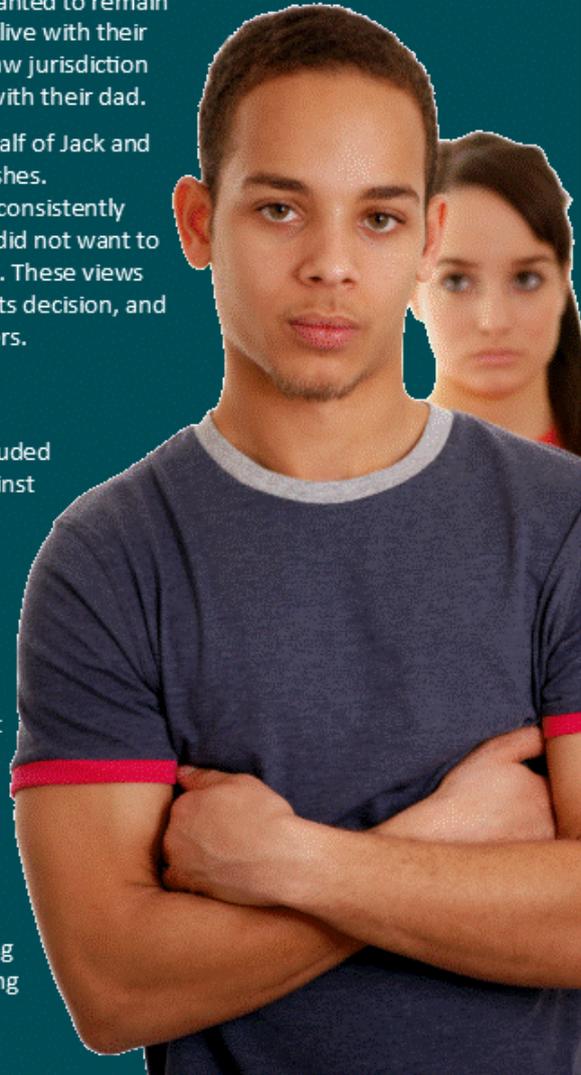
Jack and Jessie were the subject of child protection proceedings that had been before the Childrens Court for over two years. A referral was received from Child Safety because the two young people had strong views that they wanted to remain with their current foster carers and not be sent interstate to live with their father. The matter was complicated by orders in the family law jurisdiction and the desire of their brothers and sisters to return to live with their dad.

A child advocate-legal officer took part in the hearing on behalf of Jack and Jessie, making submissions about their specific views and wishes. Throughout the proceedings the child advocate-legal officer consistently expressed their views to the court, making it clear that they did not want to return to live with their father, even though their siblings did. These views were taken into consideration by the court when it came to its decision, and Jack and Jessie were allowed to remain with their foster carers.

Case study: Helping Tina's education

Tina is a young person living in residential care who was excluded from her high school. She made a decision not to appeal against the exclusion, preferring to make a fresh start in a different high school. However, after a very short time Tina was suspended again pending an investigation into whether she should be excluded. This time she made it clear she wanted to try to stay at her new school.

An OPG child advocate-legal officer wrote to Principal on Tina's behalf, outlining the impact her background of neglect and abuse had on her behavior, and subsequently attended a stakeholder meeting to advocate for Tina to remain in school. As well as the child advocate-legal officer, Tina had the support of youth workers in her residential placement and her child support officer (CSO). Ultimately the school made the decision not to exclude her in this instance. This gave Tina a positive experience of adult professionals working together to help her, enabling her to stay in school, something which was really important to Tina.



Advocacy and decision making for adults

Legal officers in OPG Legal Services' Adult Team provide advocacy and legal decision making in a range of legal matters for adults with impairments. When making legal decisions the legal officer “stands in the shoes” of the adult with the impairment to make decisions that progress their legal matters in a way that promotes and protects their rights and interests.

Legal officers do not provide direct legal representation to clients. Legal officers act as guardians for legal matters¹¹, and work in collaboration with OPG guardians for health, accommodation and other personal matters¹² to ensure that the OPG is aware of any legal matter in which a new or existing client might be involved.

Once it becomes apparent that the client does have an existing or outstanding legal matter, then a legal officer will ensure that the client has appropriate legal representation. In some situations the client will be entitled to a grant of legal aid or be eligible for legal assistance from other community organisations.

A critical task for each legal officer is to ensure that the legal representative engaged to conduct the client’s matter has an understanding of the OPG’s role in legal proceedings. The legal officer is responsible for briefing the legal representative about the client’s story and circumstances, including information that the client sometimes cannot provide. The legal officer provides critical support to the client to assist their understanding of their legal issues, their options in progressing their

legal matters and to explain the outcome of legal processes.

During 2015-16, OPG was involved in 2202 court events on behalf of 309 OPG guardianship clients. This is a 17% (371) increase in court events and a 28% (67) increase in clients. Figure 16 breaks down different types of matters dealt with by the Adult Legal team; 80% of legal matters concerning OPG guardianship clients were criminal matters (78% were indictable offences, 2% summary offences). Child protection matters made up 10% of legal matters. Of the remaining of matters, domestic violence accounted for 6%, mental health accounted for 3%, and 1% were related to other legal issues.

During 2015-2016 the number of adults helped by the OPG in court events increased by 28%

Adult advocacy issues closed by type

Type of matter	%
Criminal	80%
– Indictable	78%
– Summary	2%
Child Protection	10%
Domestic Violence	6%
Mental Health	3%
Family Law	<1%
Civil	<1%
Traffic	<1%

Figure 16

¹¹ *Guardianship and Administration Act 2000* s.18 provides a definition for ‘legal matter’

¹² *Guardianship and Administration Act 2000*, Schedule 2, Part 2 provides a definition for ‘personal matter’ which is a

matter, other than a special personal matter, or special health matter (as defined under the GAA), relating to the adult’s care, including the adult’s health care, or welfare.

Case study: Working to reunite Katrina with her kids

Katrina is a 22-year-old who has been diagnosed with a mild intellectual disability. She has a young child who was previously placed in foster care and now has a new baby. Child Safety made child protection applications with respect to both children, and for the older child they sought long term guardianship to a suitable person. Katrina expressed clear wishes that she wanted to work with Child Safety towards reunification of her family. The OPG advocated on Katrina’s behalf, expressing her views and wishes in family group meetings and as part of the case planning processes. As a result Child Safety agreed to amend their applications to short term custody orders and supports were put in place to explore the possibility of reuniting Katrina with both children in the future.

Case study: Helping Leo get bail

Leo is 29 years old and has been diagnosed with an intellectual disability, acquired brain injury, schizophrenia and autistic spectrum disorder. He was remanded into custody for breach of bail conditions in relation to a range of criminal offences it was alleged Leo had committed. The OPG advocated with Disability Services for a service provider who could offer appropriate accommodation and supports if Leo was granted bail. After advocacy from the OPG a suitable service provider was found and they provided information to the court hearing which was considering Leo’s bail. The service provider was able to detail the supervision and supports they could put in place for Leo if he were released; as a result bail was granted.



Ninety-five per cent of all court attendances that occurred were regarded as court mentions, while the remaining 5% were made up of court hearings, family group meetings, court ordered conferences, sentencing and other types of hearings.

Figure 17 shows that the legal representation of adult clients for 2015-16 has been provided by a variety of sources.

Legal Aid is a significant provider of legal representation (66%), either via a Legal Aid preferred supplier (39%) or internally by a Legal Aid legal representative (27%). In 12% of legal matters the client was represented by the Aboriginal and Torres Strait Islander Legal Service.

Twenty (20) per cent of adult clients did not have access to formal legal representation. Private solicitor/barrister (1%) and Community Legal Services (2%) together provided 3% of legal representation for OPG clients.

Legal representation	%
Legal Aid Qld (Preferred Supplier)	39%
Legal Aid Qld (In-house)	27%
None	20%
Aboriginal & Torres Strait Islander Legal Service	12%
Private solicitor/barrister	1%
Community Legal Service	2%

% discrepancy due to rounding

Figure 17

Guardianship Services

Role of the Public Guardian

In Queensland—as in other jurisdictions—the role of a guardian is to act as a substitute decision-maker for a person who is unable to make their own decisions due to a cognitive impairment however acquired. The appointment of a guardian by the must only be made where there is a need for a decision and where, without an appointment, the person’s needs will not be adequately met or their interests protected.¹³ Decisions are made in accordance with the General Principles set out in the *Guardianship and Administration Act 2000*¹⁴.

The legislation also prescribes the Public Guardian as guardian of last resort only; that is, to be appointed only if there is no other appropriate person available for appointment.¹⁵ The legislation upholds the role and importance of family members and others acting in an informal capacity for a person. Given this context, the Public Guardian is given formal powers to exercise decision-making on behalf of a relatively small number of Queenslanders with impaired capacity. In 2015-16 the Public Guardian provided guardianship to 2974 people.

In most cases, the Public Guardian becomes a substitute decision maker in one of three ways:

1. Tribunal appointments.
2. Appointments under an enduring document.
3. Acting as attorney when Enduring Power of Attorney is suspended.

Tribunal appointments

This occurs when the Queensland Civil and Administrative Tribunal determines that a person lacks the capacity to make their own decisions on a matter/s, that there are

decisions to be made for the person, and that the person would be at risk without an appointed decision maker. The Public Guardian may only be appointed as a person’s substitute

decision-maker as a last resort: when there is no one else appropriate and available to be appointed.

Snapshot of tribunal appointments

- New appointments 807 (9% increase from 2014-2015).
- Appointments closed 717 (15% increase from 2014-2015).
- Total number of adults serviced 2974 (7% increase from 2014-15).
- Appointments at end of year 2278 (4% increase from 2014-15).

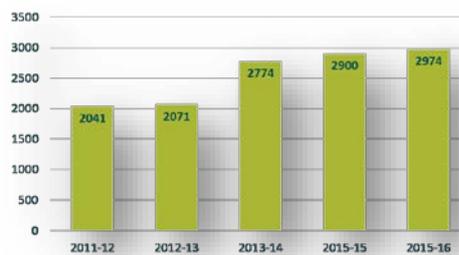


Figure 18

¹³ *Guardianship and Administration Act 2000*, s.12.

¹⁴ *Guardianship and Administration Act 2000*, Schedule 1, Part 1.

¹⁵ *Guardianship and Administration Act 2000*, s.14.

Enduring document appointments

The Public Guardian may also act as a person's substitute decision maker for health/personal matters.

This happens when a person chooses to appoint the Public Guardian as their attorney under an Enduring Power of Attorney or an Advance Health Directive.

Case study: Helping Elizabeth return to live at home

Elizabeth is a 65-year-old woman who lives with mid-stage dementia. At the time of the Public Guardian being appointed as a formal decision maker for Elizabeth she was in hospital where she had been for some time. Elizabeth had no supports in place, nor did she have an informal support network. The application for the appointment of a guardian was made by hospital staff for the purpose of placing Elizabeth in an aged care facility, despite her wish to return home to remain living in the community.

Upon receiving the guardianship order for Elizabeth, the delegate guardian was advised that all necessary assessments had been conducted and Elizabeth was deemed eligible for an aged care facility. It became apparent to the delegate Guardian that during the assessments that took place in the hospital setting, a return to home plan had not been considered. Hospital staff advised that Elizabeth's wish to return home was not considered due to her impaired capacity.

The delegate guardian spent time with Elizabeth in order to gain a full understanding of her views and wishes in relation to her future situation and support arrangements. During this initial period the delegate guardian spent considerable time educating the hospital staff as to the OPG decision making processes and the importance of listening to the client's views and wishes, despite their impaired capacity.

After additional information was able to be gathered by the delegate guardian, a better understanding of Elizabeth's situation and her support needs was able to be gained. The delegate guardian was then able to use this additional information to advocate for Elizabeth to undergo a second assessment, with the focus being on a return to home strategy. The efforts of the delegate guardian resulted in Elizabeth being transported back to her home to allow the new assessment to take place in her home environment.



Enduring Power of Attorney (EPA) snapshot

Active appointments:

- New appointments 15 (compared with 13 2014-15).
- Appointments closed 4 (compared with 7 2014-15).
- Total number of adults serviced 45 (compared with 42 2014-15).
- Appointments at end of year 40 (compared with 30 2014-15).

Inactive appointments:

- Total appointments held 2307 (compared to 2333 2014-15).

Acting as attorney when EPA power suspended

The Public Guardian may also act as a person's substitute decision maker when an appointed attorney's decision-making powers are suspended, for a maximum of three months.

EPA snapshot

- New suspensions 10 (compared with 6 in 2014-15).
- Suspensions ended 5 (compared with 4 in 2014-15).
- Total number of suspensions 19.
- Suspension in effect at end of year 13 (compared with 9 in 2014-15).

How the OPG makes decisions

When acting as guardian or attorney, the Public Guardian's role is to protect the person's rights and interests by acting as their substitute decision-maker.

A substitute decision maker is someone who stands 'in the shoes' of another person, and tries to make the decision that the person would have made for themselves if they could still make that decision.

The OPG must do this in a way that strikes the best balance between upholding the person's right to have the greatest possible degree of autonomy in decision-making

with their right to appropriate support for decision-making, taking account of their level of impairment and vulnerability.

The Public Guardian has a responsibility to make decisions, and exercise its overall protective role, in a way that upholds the person's autonomy and places only as much restriction on their lives as is absolutely necessary, while acting in a way that is consistent with the person's proper care and protection.

The OPG does this by:

- Applying the *General Principles* of the legislation. The OPG is required to apply these important principles when exercising all functions for adults with impaired capacity.
- Being well-informed about the person and seeking their views and wishes. This involves understanding the views and wishes as expressed through their previous actions and decisions (applying the principle of *substituted judgement*).
- Upholding the person's right to participate in decision-making and to receive the support necessary to make decisions themselves.
- Involving members of the person's informal support network (e.g. family and friends), and seeking their participation in, and views/wishes around, any decisions to be made for the person.
- Seeking information from other third parties (e.g. medical professionals) that is relevant to the decision. Under law, a guardian has a legal right to any information that is necessary for them to exercise their function.
- Monitoring the client's ongoing welfare and taking steps to mitigate any identified risk to their health and wellbeing.

Each client’s circumstances are unique, and special circumstances frequently require the exercise of particular skills. For example:

- Guardians routinely navigate situations of high conflict between family members. They may exercise mediation and negotiation skills to broker an outcome that is best for the individual client, while respecting the role and views of family members and maintaining their engagement and relationship with the person.
- Many substituted decisions require the involvement and commitment of other agencies:

funding bodies, government service delivery agencies; non-government service providers. In an environment that is becoming increasingly resourced-constrained, guardians are more frequently called on to make representations to these bodies on clients’ behalf. The outcomes sought are various: for funding to be freed up, for equitable service access to be granted; or for the delivery of specialised support for a person with impaired capacity.

- Guardians are increasingly called on to source service options, given the constrained external environment, and the impact of increasing demand on the service sector.

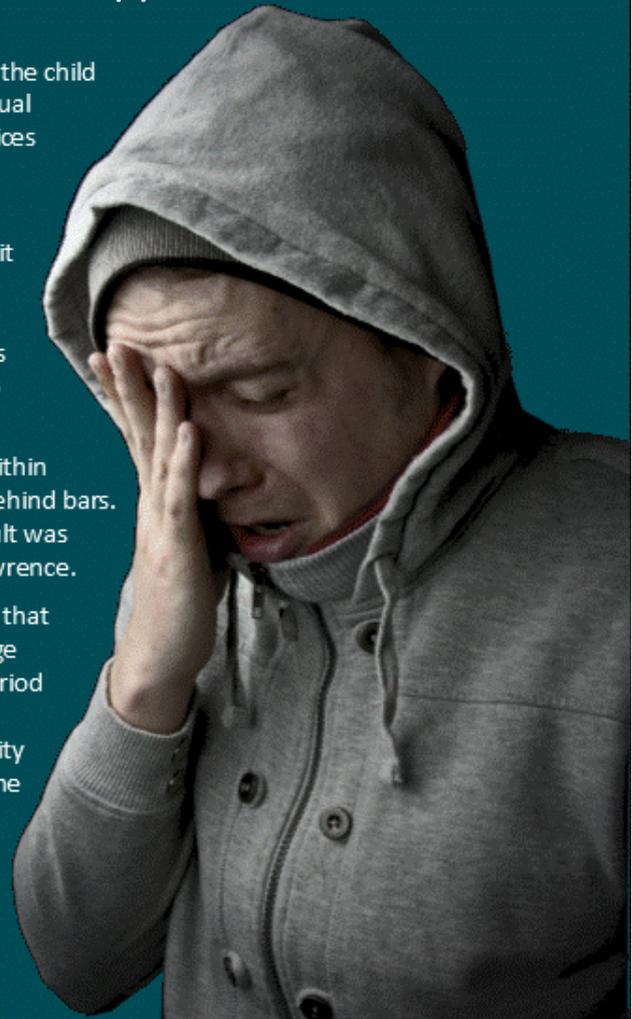
Case study: Working with the NDIS to support Lawrence

Lawrence is a young man with impaired capacity living in North Queensland who had previously been in the care of the child protection system. Although Lawrence has a mild-intellectual disability he had not received support from Disability Services and had ended up in the criminal justice system.

As a teenager Lawrence had been in and out of youth detention and more recently the adult prison system, and it was here that an OPG adult guardian started working with him. With the early roll-out of the National Disability Insurance Scheme (NDIS) in North Queensland, Lawrence’s guardian was able to put together an NDIS support plan to help him.

Lawrence was subsequently let out of prison on bail but within 24 hours of release he re-offended and was placed back behind bars. The guardian reviewed his NDIS support plan and as a result was able to secure \$75,000 worth of additional support for Lawrence.

This will be provided by a registered NDIS service provider that specialises in mental health services with a support package specifically designed to assist Lawrence for a six-month period once he’s released from jail. It will provide him with intensive support to properly manage his identified disability needs; improving Lawrence’s quality of life and reducing the likelihood of him re-offending.



Supported decision making – a critical model in administering guardianship.

Article 12 of the United Nations Convention on the Rights of Persons with Disabilities provides that adults with disabilities must be recognised as having legal capacity on an equal basis with others in the community. It further provides that these adults must be given the support necessary to exercise this capacity and as part of this to make decisions for themselves about their own lives. Although the *Guardianship and Administration Act 2000* covers the delivery of substituted decision making model, it does contemplate the capacity for using a supported decision-making model.

Substituted Decision making means that our guardians stand in the shoes of the adult, consider the adult’s will and preferences and make a decision that the adult would have made if they had full capacity.

Supported decision making arguably goes one step further to enable the adult to make the decision themselves. The *Guardianship and Administration Act 2000* does recognise supported decision making in various of its provisions and in particular recognises the adult’s right to adequate and appropriate support for decision-making (footnote section 6a).

The OPG is keen to promote supported decision making both outside of the guardianship system—i.e. so that a guardian need not be appointed—but also within guardianship itself, so that decisions do truly reflect the will and preference of the adult. The OPG is currently a partner in an Australian Research Council funded project on supported decision making – “Effective Decision-Making Support for People with a Cognitive Disability.” The project is being led by academics from La Trobe University at the Living with Disability Research Centre and it is developing and trialling a tool to be used by supporters to increase the decision making autonomy of adults with cognitive disabilities.

Health care

Generally health providers must obtain consent to carry out health care for adults with impaired capacity. This consent can be provided:

- under an Advanced Health Directive
- from a QCAT appointed Guardian
- from a personal attorney appointed under an enduring power of attorney (EPA), or advance health directive¹⁶
- from a Statutory Health Attorney.¹⁷

A person acts in the role of statutory health attorney because of their relationship with the impaired adult. Under s63 of the *Powers of Attorney Act 1998*, the statutory health attorney is the first available and culturally appropriate adult from a:

- spouse or de facto partner (as long as the relationship is close and continuing)
- person who is responsible for the adult’s primary care (but is not a paid carer, although they can receive a carer’s pension)
- close friend or relative (over 18 years of age).

If there is no one suitable or available, the Public Guardian can act as the statutory health attorney of last resort for all Queenslanders. The Public Guardian is also able to make health care decisions as a QCAT appointed guardian, or an EPA.

All health care decisions must be made so as to result in the least restriction of the adult’s rights, and with regard to the Health

Care Principle set out in the *Guardianship and Administration Act 2000* (GAA).

OPG also maintains a 24 hour, 7 days a week health care consent telephone service, which is available to all health care providers in Queensland. Health care providers are able to contact this service, speak to a staff member of the OPG and obtain specific recommendations based on the particular situation.

Health care decisions 2015-2016

During 2015-16, OPG made 1344 health care decisions. This is a 3.1% increase from the 1303 decisions made during 2014-15.

Approximately 19% of these decisions (252 decisions)

were made after hours, compared to 20% in the previous year.

During 2015-2016 health care decisions on behalf of adults with impaired capacity grew by 3.1%

Number of out of hours health care decisions



Figure 19

Figure 20 on the following page details the types of health care consents made by the OPG during 2015-16. Most health care decisions (42%) were for surgical (570 decisions) and medical procedures (476 decisions), a combined increase of around 6% on 2014-2015. 103 decisions were made in relation to end-of life matters for decisions to withhold and/or withdraw life

¹⁶ *Powers of Attorney Act 1998*, Chapter 3.

¹⁷ *Powers of Attorney Act 1998*, Chapter 4.

sustaining measures; this figure is slightly less than the previous year's figure (117).

The OPG also provided consent in three cases for a forensic examination to be conducted of an adult with impaired capacity under s38 of the *Public Guardian Act 2014*. These cases related to alleged sexual and/or physical assault of adults who did not have capacity to consent to the examination themselves.

Types of health care consent provided

Type of consent	In hours	After hours	Total	%
Surgical	455	115	570	42
Medical	376	100	476	35
Dental	181	6	187	14
Forensic Exam	3	3	6	<1
Withhold/withdraw life sustaining measures	75	28	103	8
Clinical Trial	2	0	2	<1
Total	1092	252	1344	

Figure 20

Figure 21 details the percentage of health care decisions made by the OPG during 2015-16 under a guardianship appointment. In this same year 744 health care decisions (55% of decisions made) were made for guardianship clients.

A further 577 decisions (43% of decisions made) were made by the OPG as statutory health attorney of last resort under s63 (2) of the *Powers of Attorney Act 1998*. This represents a 13% increase from the 512 statutory health attorney decisions made in the reporting year 2014-15. The remainder of the decisions were made as attorney appointed for personal matters, or through the exercise of powers under s198A of the *Guardianship and Administration Act 2000* to consent to a forensic examination. No decisions were made during 2015-16 under

ss 42 or 43 of the *Guardianship and Administration Act 2000* (overriding another attorney/guardian's decision).

Authority for making health care decisions

Authority	Consents	%
Acting as guardian	744	55
Acting as statutory health attorney	577	43
EPA	17	1
Forensic	6	<1
Total	1303	

Figure 21

Investigations

Under s.19 of the *Public Guardian Act 2014*, the Public Guardian has a discretionary power to investigate any complaint or allegation that an adult is being, or has been, neglected, exploited or abused, or has inappropriate or inadequate decision-making arrangements.

The OPG’s primary focus in undertaking investigations is to protect the vulnerable person with an ongoing commitment to address issues in the least intrusive manner for the person, where possible and appropriate. The OPG will not investigate matters more appropriately addressed by the Queensland Police Service, or by QCAT.

In many cases, there is a focus on ascertaining whether the decision-making arrangements in place for a person are appropriate and sufficient to protect their rights. In some cases, formal decision-making arrangements may be sought if there are none in place, or if the decision-making arrangements currently in place are not protecting the person’s rights.

To carry out an investigation the OPG must identify that the person in question lacks the capacity to make decisions for the matters in question. The Public Guardian also has the formal protective power to suspend for up to three months the power of an attorney who is suspected on reasonable grounds to not be competent¹⁸. In 2015-16, the Public Guardian suspended

attorneys in 20 matters where immediate protective action was required due to significant financial or personal abuse. This is a decrease of 6 matters (23%) from 2014-15.

Investigations commenced

Figure 22 shows the numbers of investigations commenced over the last five years. In 2015-16, 213 investigations were



Figure 22

commenced by the OPG; a slight increase of 13 investigations from 2014-15. This data reinforces the importance of maintaining a robust investigation and complaints function to protect Queenslanders

experiencing vulnerability.

In 2015-16, the OPG also commenced 394 preliminary enquiries from referrals which did not result in investigations. There were 113 active investigations as at 30 June 2016, compared with 93 as at 30 June 2015.

Reasons for investigation

Most matters investigated related to conduct by a financial attorney under an enduring power of attorney (108), followed by conduct relating to personal matters by an attorney (30). A number of investigations included both areas (relating to financial and personal matters).

¹⁸ *Public Guardian Act 2014*, s.34.

Case study: Henry’s fees haven’t been paid

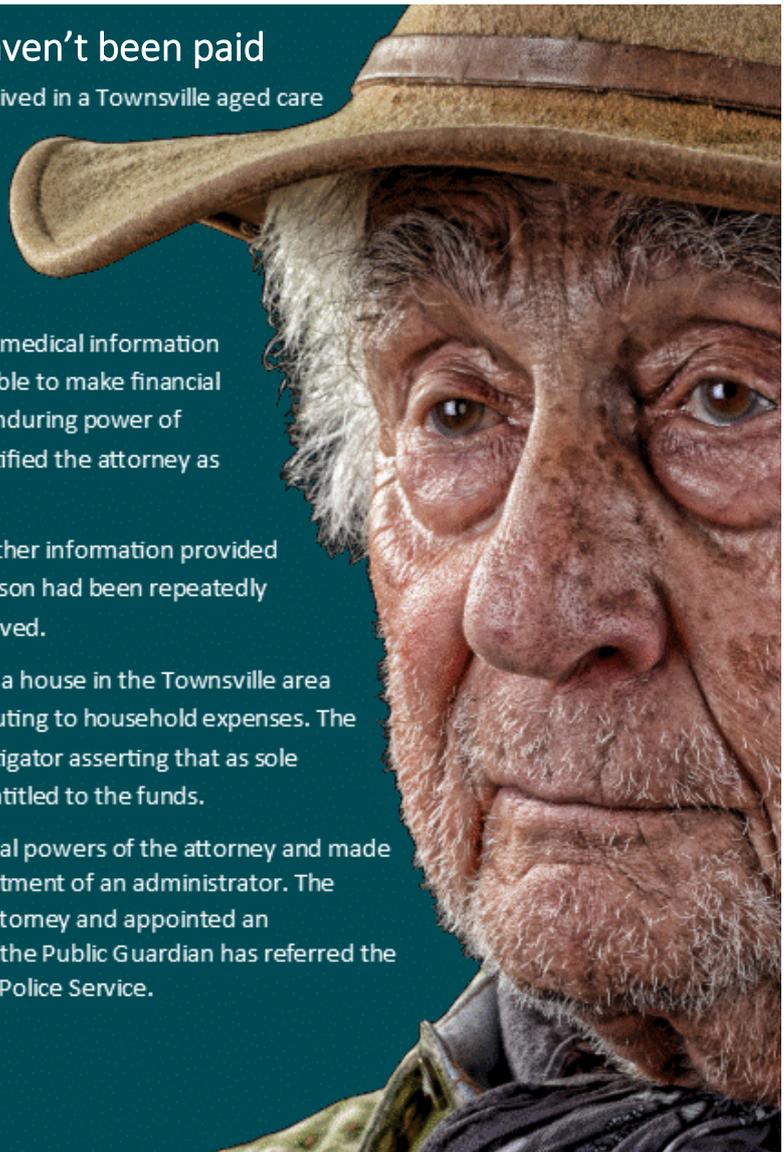
Henry is an 86-year-old widower who has lived in a Townsville aged care facility for the past four years. It was reported to the Public Guardian that Henry’s aged care fees have not been paid by his appointed attorney for many months, accruing a debt of \$19,000.

The Public Guardian investigator obtained medical information confirming Henry has dementia and is unable to make financial decisions for himself while a copy of the enduring power of attorney provided by the care facility identified the attorney as Henry’s son.

A full investigation was conducted and further information provided by the aged care facility indicated Henry’s son had been repeatedly contacted, but no payment had been received.

Property searches identified Henry owned a house in the Townsville area in which his son was living but not contributing to household expenses. The attorney provided a response to the investigator asserting that as sole beneficiary of his father’s estate he was entitled to the funds.

The Public Guardian suspended the financial powers of the attorney and made an application to QCAT seeking the appointment of an administrator. The Tribunal revoked the enduring power of attorney and appointed an independent financial administrator while the Public Guardian has referred the actions of the attorney to the Queensland Police Service.



Timeframe for investigations

Investigations conducted by the team are varied and can range from simple to complex investigations which can involve multiple stakeholders and sources of information. The Investigations team is focused upon completing investigations in a timely manner, however some circumstances require lengthy investigations to be conducted, in order to ensure a thorough investigation and resolution of the complex matters raised.

Figure 23 (right) shows that during 2015-16, the majority of investigations (68%) were

closed within 180 days or less. Twenty-three percent of investigations were closed between 181 and 365 days, while just 9% of investigations took more than a year to complete.

Duration of closed investigations in days

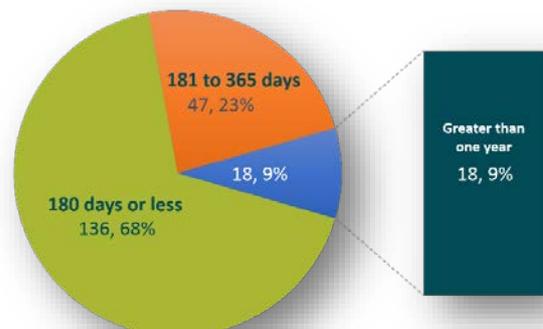


Figure 23

Investigations concluded

The OPG concluded 201 investigations during 2015-16, relating to 200 individual clients. The majority of these investigations (79 investigations or 39%) related to clients who were over the age of 85, with 59 investigations (29%) concluded for those aged between 75 and 84 years of age.

Older people with impaired capacity primarily caused by dementia may be more vulnerable to neglect, abuse or exploitation. Elder abuse, particularly related to financial matters, continues to be the majority of matters referred to the OPG for investigation.

Investigation closures

Investigation case outcomes	
Advice given	12
Allegation not substantiated	57
Decline to investigate	43
EPA suspended	20
Other	6
QCAT Application made	62
Referral made to external agency	1
Total	201

Figure 24

The table above provides a breakdown of the reasons that investigations were closed during 2015-16. Sixty-two investigations were closed on the basis that a QCAT application was made—either by the OPG for the appointment of a guardian and/or administrator, or by a third party. Twenty of the investigations were closed after the Public Guardian had suspended the attorney and made an application to QCAT.¹⁹ The Investigations team declined to investigate a matter on 43 occasions, primarily as the matter was outside the

¹⁹ Public Guardian Act 2014, s34.

investigative powers of the OPG or a preliminary inquiry revealed there were insufficient grounds to proceed with a full investigation. Fifty-seven investigations concluded on the basis the allegations raised were not substantiated.

On 12 occasions advice was given to the attorney at the conclusion of the investigation. Advice may be provided where there are appropriate support people in place who have the ability to act on behalf of the person on a formal or informal basis. One investigation was referred to another agency for action.

Regional breakdown

Investigations were conducted statewide, with the largest number of investigations completed in Brisbane (51)—split between three regions, Brisbane North 23, Brisbane South 23, and Brisbane West 5. The Gold Coast accounted for the next largest number of investigations with 25, while a further 23 were completed on the Sunshine Coast, and the same number concluded in the Toowoomba and Western region.

Ipswich accounted for 10 investigations and Logan 13. Just 14 investigations were conducted in the North (6) and Far Northern (8) regions.

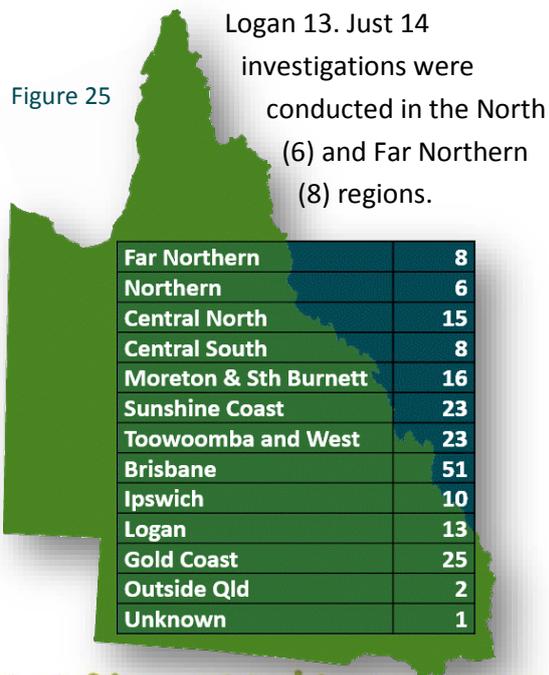
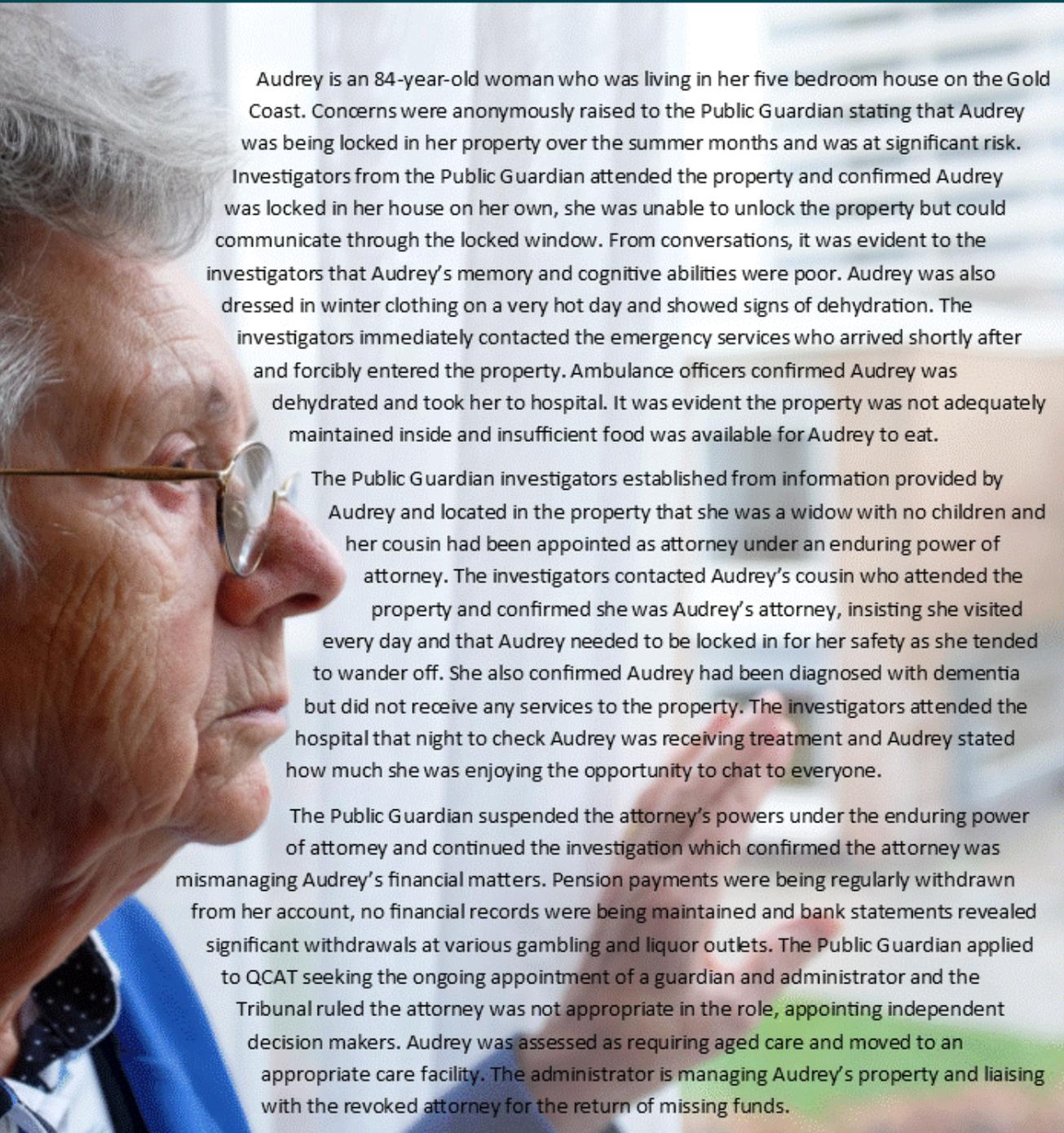


Figure 25

Case study: Audrey at the window



Audrey is an 84-year-old woman who was living in her five bedroom house on the Gold Coast. Concerns were anonymously raised to the Public Guardian stating that Audrey was being locked in her property over the summer months and was at significant risk. Investigators from the Public Guardian attended the property and confirmed Audrey was locked in her house on her own, she was unable to unlock the property but could communicate through the locked window. From conversations, it was evident to the investigators that Audrey's memory and cognitive abilities were poor. Audrey was also dressed in winter clothing on a very hot day and showed signs of dehydration. The investigators immediately contacted the emergency services who arrived shortly after and forcibly entered the property. Ambulance officers confirmed Audrey was dehydrated and took her to hospital. It was evident the property was not adequately maintained inside and insufficient food was available for Audrey to eat.

The Public Guardian investigators established from information provided by Audrey and located in the property that she was a widow with no children and her cousin had been appointed as attorney under an enduring power of attorney. The investigators contacted Audrey's cousin who attended the property and confirmed she was Audrey's attorney, insisting she visited every day and that Audrey needed to be locked in for her safety as she tended to wander off. She also confirmed Audrey had been diagnosed with dementia but did not receive any services to the property. The investigators attended the hospital that night to check Audrey was receiving treatment and Audrey stated how much she was enjoying the opportunity to chat to everyone.

The Public Guardian suspended the attorney's powers under the enduring power of attorney and continued the investigation which confirmed the attorney was mismanaging Audrey's financial matters. Pension payments were being regularly withdrawn from her account, no financial records were being maintained and bank statements revealed significant withdrawals at various gambling and liquor outlets. The Public Guardian applied to QCAT seeking the ongoing appointment of a guardian and administrator and the Tribunal ruled the attorney was not appropriate in the role, appointing independent decision makers. Audrey was assessed as requiring aged care and moved to an appropriate care facility. The administrator is managing Audrey's property and liaising with the revoked attorney for the return of missing funds.

Strategic policy

The OPG has a statutory responsibility to promote and protect the rights and interests of adults with impaired capacity for a matter, relevant children and children staying at a visitable site (*Public Guardian Act 2014*, s.5). As part of this responsibility, the OPG identifies issues relevant to the OPG’s client base and advocates for reform at appropriate forums, including through the preparation of strategic policy submissions on matters which may impact the OPG’s functions and clients. During the past financial year, the OPG has worked closely on policy and legislative issues with the Queensland and Commonwealth governments, and other stakeholders on a range of matters.

Submissions during 2015-2016

During 2015-16, the OPG made the following public submissions for systemic reform, which are available on the OPG website:

- Submission to the Review of the National Disability Advocacy Framework (August 2015)
- Submission to the Queensland Parliament Health and Ambulance Services Committee on the Mental Health Bill 2015 (October 2015)
- Submission to the Commonwealth Department of Social Services on the Increasing Choice in Home Care reforms (October 2015)
- Response to questions on notice from the Commonwealth Senate Community Affairs References Committee Inquiry into violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability (October 2015)
- Submission to the Queensland Department of Communities, Child Safety and Disability Services on the review of the *Child Protection Act 1999* (February 2016)
- Submission to the Queensland Department of Communities, Child Safety and Disability Services on the review of the operation of the *Adoption Act 2009* (March 2016)
- Submission to the Commonwealth Joint Standing Committee on the National Disability Insurance Scheme regarding the issue of accommodation for people with disabilities (March 2016)
- Submission to the Commonwealth Senate Standing Committee on Community Affairs Inquiry into indefinite detention of people with cognitive and psychiatric impairment in Australia (April 2016)
- Submission to the Queensland Parliament Legal Affairs and Community Safety Committee on the Human Rights Inquiry (April 2016)
- Submission to the Review of the National Disability Advocacy Program (June 2016)
- Submission to the National Children’s Commissioner on the Optional Protocol to the Convention Against Torture in the context of Youth Justice Detention Centres (June 2016).

The OPG has also actively contributed to Queensland and Commonwealth government consultations and provided feedback on a number of matters affecting our clients during the past financial year, including:

- Director of Child Protection Litigation Bill 2016.
- Child Protection Reform Amendment Bill 2016.
- Children’s Court Rules 2016.
- Review of the *Public Interest Disclosure Act 2010*.
- National Injury Insurance Scheme (Queensland) Bill 2016.
- Review of the *National Disability Insurance Scheme Act 2013*.
- National Disability Insurance Scheme Quality and Safeguards.
- National Disability Insurance Scheme Operational Plan.
- National Disability Insurance Agency Information, Linkages and Capacity Building Commissioning Framework.
- National Standards of Public Guardianship.
- Queensland Family and Child Commission’s report, *When a child is missing: Remembering Tiahleigh—A report into Queensland’s children missing from out-of-home-care*.
- Office of the Public Advocate’s report, *Decision-making support and Queensland’s guardianship system*.
- Queensland Ombudsman’s report, *Management of child safety complaints*.
- Queensland Family and Child Commission’s *Strengthening the Sector* strategy.
- Domestic and Family Violence Prevention Strategy.
- Engagement Strategy for implementing the Stronger Families reform program.
- Hope and Healing Framework for Residential Care.

- Aboriginal and Torres Strait Islander Cultural Capability Action Plan.
- Mental Health Education, Training and Information Plan.
- Financial Resilience and Inclusion Action Plan.

The OPG routinely works with government and non-government agencies and consults with internal and external stakeholders to inform our work and share our knowledge and learnings.

During the past financial year, the Public Guardian appeared before a number of Queensland and Commonwealth Parliament committees, including the Commonwealth Senate Community Affairs References Committee Inquiry into violence, abuse and neglect against people with disability in institutional and residential settings. The Public Guardian also appeared before the Queensland Parliament Health and Ambulance Services Committee on the Mental Health Bill 2015, and the Legal Affairs and Community Safety Committee on the Human Rights Inquiry.

Community education and communication

The OPG is committed to engaging with our clients and stakeholders and providing quality community education presentations and products about our role and functions for adults with impaired capacity and children and young people in the child protection system.

Furthermore, specifically under section 12(1)(j) of the *Public Guardian Act 2014*, the Public Guardian has a statutory responsibility to advise and educate people about the operations of the *Public Guardian Act 2014*, the *Guardianship Administration Act 2000* and the *Powers of Attorney Act 1998*.

Community education sessions

During 2015-16 the OPG delivered a total of 176 educational presentations with the largest target audience being the aged care/seniors sector (18%) followed closely by the child protection and health sectors at 17% each. Community education and engagement events had a combined audience of approximately 7687 attendees.

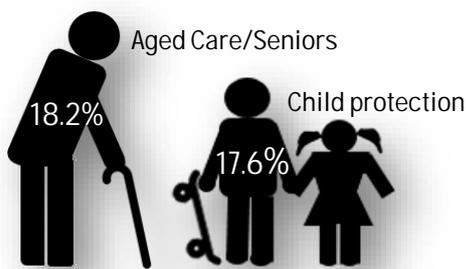


Figure 26

Community education sessions and conference presentations were delivered to a wide range of audiences and included:

- Queensland’s Guardianship system and OPG’s roles alongside related agencies.
- Restrictive practices and adults with impaired capacity.

- The role of a guardian as substitute decision maker for personal and health care matters.
- Investigating allegations of abuse, neglect and exploitation.
- Planning for future decision making (EPAs and advance health directives).
- The role of the CV Program.
- Roles and function of a child advocate.

Target audience for community education sessions

Sector	Conducted	%
Aged Care/Seniors	32	18.2%
Child Protection	31	17.6%
Community—Other	15	8.5%
Disability	29	16.5%
Education	8	4.5%
Government	7	4.0%
Health	30	17.0%
JPs	8	4.5%
Law Enforcement	4	2.3%
Legal	7	4.0%
Mental Health	5	2.8%
Total	176	100%

Figure 27

Conference and event highlights

During 2015-16 the OPG pro-actively sought opportunities to engage with our stakeholders and provide information about our services by participating in key conferences and events.

Child protection

In our role of speaking up for the rights and interests of children and young people in the child protection system, the OPG had the privilege of speaking and holding an exhibitor stall at the National CREATE Conference “Youth for Change” in October 2015 and then at the Foster Care Queensland State Conference in April 2016. OPG was also a guest speaker at the

Australian Children’s Commissioners and Guardians meeting, the Children’s Court Magistrates Regional Conference, the Regional Directors forum in Child Safety, and the ATSIL (Aboriginal and Torres Strait Islander Legal Service) Conference.

In addition, the legal services team drafted a Child Protection ‘bench book’ (for use by Children’s Court magistrates) about the role of the child advocate-legal officers and guardianship decision making for parents with impairments in child protection proceedings, and members of the community visitor program participated in panel discussions at CREATE’s *Speak Up* training for young people with a care experience.

Elder abuse awareness

In June 2016, surrounding *World Elder Abuse Awareness day*, the OPG partnered with the Elder Abuse Prevention Unit, Seniors Legal and Support Services and QADA (now ADA Australia) in a community education road show to Hervey Bay. The group provided information sessions at aged care and other service providers stretching from Hervey Bay through to Maryborough. The benefit of these forums was that they provided the opportunity for the audience to hear about all the services represented and how they each play an important role in countering elder abuse.

During the same month Julia Duffy (then Acting Public Guardian), presented a paper about Elder Abuse at the International Federation on Ageing 13th Global Conference.

The OPG further promoted awareness of elder abuse awareness through a COTA pod cast and provided training to a network of statewide trainers for JPs in the community about enduring documents. All of these activities contribute to the whole of government response to elder abuse in Queensland.

Communicating our message; accessibility and cultural capability

In early 2016, the OPG embarked on a project to create translated material to a number of cultural and linguistic diverse communities. Taking into account the most common languages spoken by our clients and also those residing in Queensland according to the bureau of statistics, the OPG worked with stakeholders to develop two fact-sheets which were translated into 17 different languages.

In addition to the translated factsheets, to improve accessibility on the internet, in March OPG implemented BrowseAloud on the OPG website; an extension that with the touch of a button converts webpages into any one of 78 different languages. BrowseAloud also has text-to-speech functionality, reading out the contents of a webpage in 35 different languages— including English—for people with a visual impairment or who have difficulty reading.

Speaking to and hearing our clients

In March the OPG commissioned Carbon Media, a specialist Aboriginal and Torres Strait Islander creative agency, to procure artwork for the organisation that could be used in its communication material, with the aim of making it more accessible to Aboriginal and Torres Strait Islander people. Carbon worked with Jordana Angus— a talented Aboriginal artist from Redcliffe— who created a unique artwork especially for the OPG.

The finished artwork ‘Birrang’ (Journey) was delivered on 1 June; it tells the story of how our clients are helped by their interactions with the OPG along their life’s journey. With a predominance of vivid blues and greens, ‘Birrang’ maintains continuity with the existing OPG identity while offering a new fresh look for the organisation.

Carbon Media have digitised Jordana’s artwork and OPG has permission to incorporate it within our communication materials. We would like to thank Jordana for her beautiful gift to the OPG and our

clients. The OPG is already using report covers, folders and factsheet templates incorporating the artwork. An excerpt from Birrang is featured on the cover of this annual report.

Birrang (Journey)



Figure 28

Financial performance 2015-2016

Financial summary

The OPG is not a statutory body for the purposes of the *Statutory Bodies Financial Arrangements Act 1982* or the *Financial Accountability Act 2009*.

Funding for the office is appropriated from Queensland Government as part of the appropriation for the Department of Justice and Attorney-General (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 makes an annual grant towards the operating costs of the OPG.

Comprehensive financial details relating to the operations of the office are reported in the annual report for DJAG.

The summary provided in figure 26 provides an overview of OPG's financial performance for 2015-16.

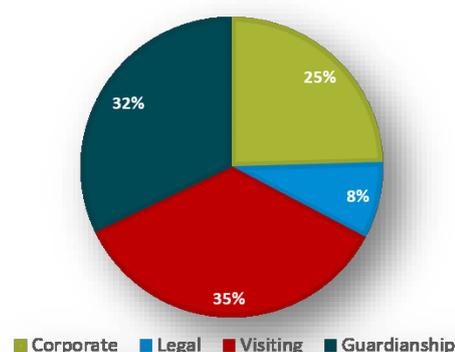
Expenditure

In 2015-16 OPG spent \$24,967,746 on its services. The largest operational expenditure was on the visiting program.

Expenditure 2015-2016

Area of operation	Amount \$
Corporate Services	6,126,897
Legal Services	2,046,922
Visiting Services	8,768,352
Guardianship Services	8,025,574
Total	\$24,967,746

Figure 30



Overview of financial performance

Office of Public Guardian Income and expenditure 2015-16		\$'000
Income from Continuing Operations :		
Appropriation		24,254
Public Trustee Grant		1112
Total Income from Continuing Operations		25,366
Expenses from Continuing Operations		
Employee Expenses		21,054
Supplies and Services		3448
Grants and subsidies		5
Depreciation and amortisation		461
Other expenses		-
Total Expenses from Continuing Operations		24,968
Operating Result from Continuing Operations		398

Figure 29

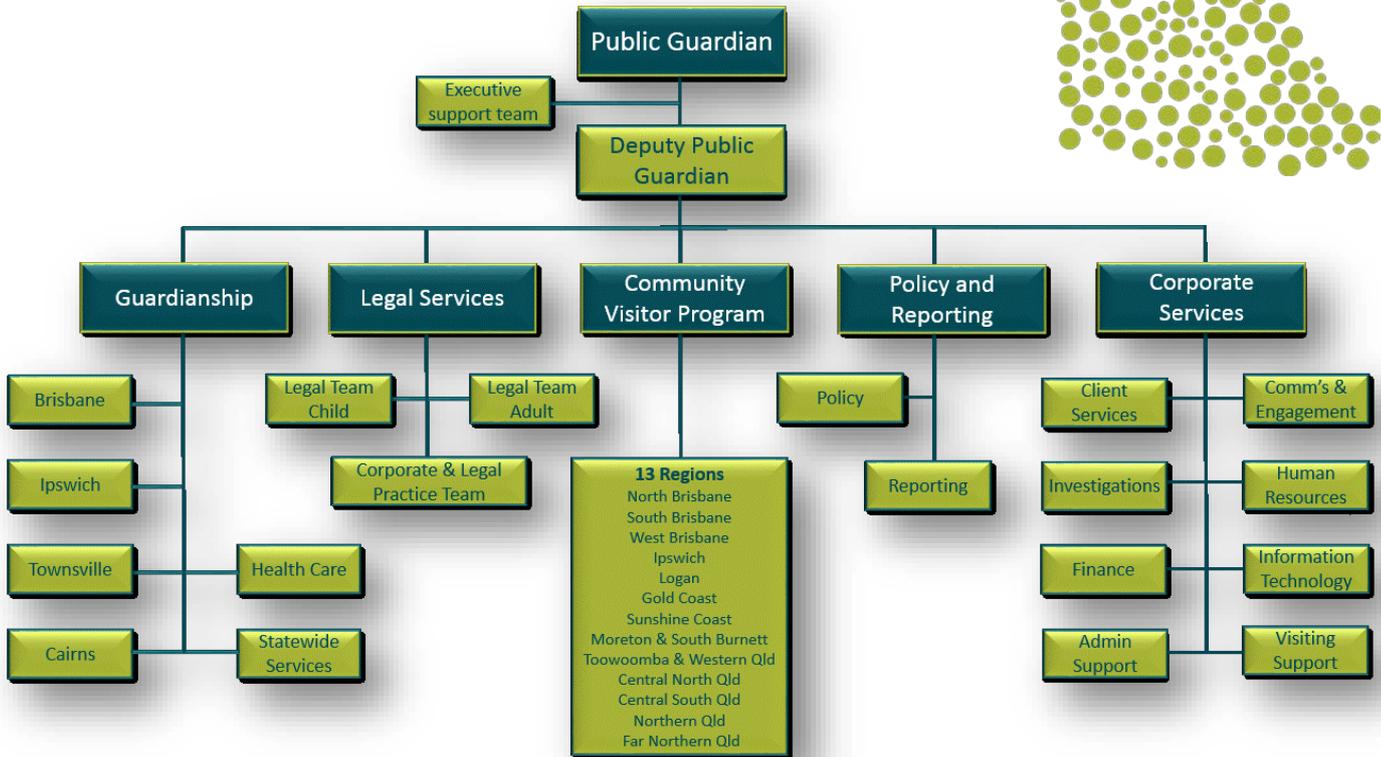
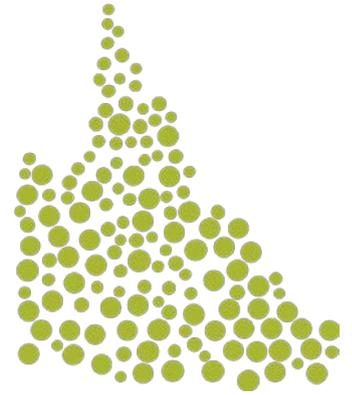
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Appendix 2:

OPG Organisation Chart as at 30 June 2016



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