



Public Advocate of the ACT

ANNUAL REPORT

2015 - 2016





Public Advocate of the ACT

ANNUAL REPORT 2015 – 2016



CONTACTING THE PUBLIC ADVOCATE

The function of Public Advocate became part of the ACT Human Rights Commission with effect from 1 April 2016. This report covers the period from 1 July 2015 to 31 March 2016.

Enquiries about matters involving the advocacy function may be made through the following contacts:

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This Annual Report is published on the ACT Human Rights Commission website at www.hrc.act.gov.au as well as the Public Trustee and Guardian's website at www.ptg.act.gov.au

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CONTENTS

A. TRANSMITTAL AND FOREWORD	1
TRANSMITTAL CERTIFICATE	2
PUBLIC ADVOCATE'S FOREWORD	3
B. ORGANISATION OVERVIEW AND PERFORMANCE	5
B.1. ORGANISATIONAL OVERVIEW	6
B.2. PERFORMANCE ANALYSIS	14
B.3. COMMUNITY ENGAGEMENT AND SUPPORT	41
B.4. RISK MANAGEMENT	41
B.5. INTERNAL AUDIT	41
B.6. FRAUD PREVENTION	41
B.7. WORK HEALTH & SAFETY	41
B.8. HUMAN RESOURCE MANAGEMENT	42
B.9. ECOLOGICALLY SUSTAINABLE DEVELOPMENT	43
C. FINANCIAL MANAGEMENT REPORTING	45
C.2. FINANCIAL STATEMENTS	46
C.3. CAPITAL WORKS	46
C.4. ASSET MANAGEMENT	46
C.5. GOVERNMENT CONTRACTING	46
C.6. STATEMENT OF PERFORMANCE	46
PART 4 - AGENCY SPECIFIC ANNUAL REPORT REQUIREMENTS	49
M. COMMUNITY ENGAGEMENT AND SUPPORT	51
M1. COMMUNITY ENGAGEMENT AND SUPPORT	52
N. JUSTICE AND COMMUNITY SAFETY	53
N.1. BUSHFIRE RISK MANAGEMENT	54
N.2. FREEDOM OF INFORMATION	54
N.3. HUMAN RIGHTS	56
N.4. LEGAL SERVICES DIRECTIONS	57

O. PUBLIC SECTOR STANDARDS AND WORKFORCE PROFILE	59
O.1. CULTURE AND BEHAVIOUR	60
O.2. PUBLIC INTEREST DISCLOSURE	60
O.3. WORKFORCE PROFILE	60
P. TERRITORY RECORDS	63
DEFINITIONS	66
GLOSSARY OF ACRONYMS	71

**TRANSMITTAL AND
FOREWORD**

TRANSMITTAL CERTIFICATE



Public Advocate of the ACT

Mr Simon Corbell MLA
Attorney General
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2601

Dear Attorney General

I am pleased to present the Annual Report for the Public Advocate of the ACT for the period 1 July 2015 to 31 March 2016.

From 1 April 2016, the roles of the Public Advocate were split, with Guardianship becoming part of the Public Trustee and Guardian for the ACT and Advocacy becoming a function of the ACT Human Rights Commission. From that date, reporting on those roles became a responsibility of the Public Trustee and Guardian and the Human Rights Commission respectively.

This Report has been prepared under Section 6(1) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements under the Annual Report Directions. It has been prepared in conformity with other legislation applicable to the preparation of the Annual Report by the Public Advocate of the ACT.

I certify that the attached Annual Report and the information provided for whole of government reporting, is an honest and accurate account and that all material information on the operations of the Public Advocate of the ACT has been included for the period 1 July 2015 to 31 March 2016.

I also hereby certify that fraud prevention has been managed in accordance with Public Sector Management Standards, Part 2.

S.13 of the *Annual Reports (Government Agencies) Act 2004* requires that you cause a copy of the Report to be laid before the Legislative Assembly within 4 months of the end of the financial year.

Yours sincerely

Andrew Taylor
Public Advocate



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PUBLIC ADVOCATE'S FOREWORD

I am pleased to present the Annual Report for the Public Advocate of the ACT. This report covers the period 1 July 2015 to 31 March 2016.

Reporting on the last quarter of the year from 1 April 2016 to 30 June 2016 may be found as follows -

Guardianship - PTG Annual Report 2015-16

Advocacy - ACT Human Rights Commission Annual Report 2015-16

During the year, the Public Advocate of the ACT (PAACT) was abolished as an independent statutory office under the *Public Advocate Act 2005* by the implementation of the *Protection of Rights (Services) Legislation Amendment Bill 2016* on 1 April 2016. The Bill had the effect of splitting the responsibilities of the former PAACT (Guardianship and Advocacy) between two separate agencies ie the Guardianship function to a new agency, the Public Trustee and Guardian (PTG) and the Advocacy function to an expanded ACT Human Rights Commission.

During the reported period, I was appointed as Public Advocate of the ACT as well as Public Trustee for the ACT and had the responsibility of implementing the changes as they affected PAACT's responsibilities.

The major focus for the year was the management of the office during the finalisation of the Government's review of the structure of ACT Rights Protection agencies. A significant part of that involved implementation of the revised arrangements involving preparation of the office for transition of both functions and staff to their respective new agencies.

An additional focus was in the lead up to, and the outcomes of, the Review into System Level Responses to Family Violence in the ACT. Prior to this, PAACT experienced significant resourcing issues in administering its responsibilities under s.879 of the *Children and Young People Act 2008* which provides a broad power for the Public Advocate to request from a welfare organisation (which includes officers in Child and Youth Protection Services (CYPS) in the Community Services Directorate (CSD), information, advice, guidance documents, facilities or services in relation to the physical or emotional welfare of children and young people.

I acknowledge and thank all PAACT staff involved in the transition to the new structure under difficult circumstances. The office is fortunate to have the quality of staff it had in the immediate lead-up to the transition and this bodes well for the future provision of Guardianship and Advocacy services under the new arrangements.

On a bright note, the After-Hours Interview Friends Program administered by the Advocacy Unit received a recognition award in the ACT and Capital Region 2015 ACT Volunteer of the Year Awards. The program, which has operated for 21 years, also received

a certificate of appreciation in the Australian Government Volunteer Awards 2015. It was a fitting tribute to our interview friends to receive this acknowledgement of the significant role performed providing confidential support and assistance to young people attending for police interviews after hours when no parent/guardian is available to provide this support.

I also acknowledge the invaluable support of the Executive and staff of JACS during the year.



Andrew Taylor

PUBLIC ADVOCATE



The image features a blue geometric background composed of various triangles. A dark blue horizontal band spans the middle of the image. On the left side of this band is a large, white, stylized letter 'B'. To the right of the 'B', the text 'ORGANISATION OVERVIEW AND PERFORMANCE' is written in white, uppercase letters, arranged in two lines.

B ORGANISATION OVERVIEW AND PERFORMANCE

B.1. ORGANISATIONAL OVERVIEW

VISION, MISSION AND VALUES

PAACT's vision is to lead a caring community where the rights and interests of vulnerable people are protected.

Our people embrace ACT Public Service values and signature behaviours of respect, integrity, collaboration and innovation.

ROLE

During the reported period to 31 March 2016, PAACT was an independent statutory office established under the *Public Advocate Act 2005*. On 1 April 2016, the role became a function of the ACT Human Rights Commission

The services provided by the Public Advocate align with the separate statutory responsibilities of Advocacy and Guardianship.

ADVOCACY

The role of the Advocacy Unit is as follows -

Statutory oversight and compliance monitoring roles in -

- ▶ child protection
- ▶ child protection
- ▶ mental health

Individual advocacy in -

- ▶ child protection
- ▶ mental health
- ▶ complex needs
- ▶ disability field.

GUARDIANSHIP

The Guardianship Unit undertakes a statutory public guardianship role as follows -

- ▶ representing the best interests of people with impaired decision-making ability where the Public Advocate is appointed as guardian or manager by the ACT Civil and Administrative Tribunal (ACAT) under the *Guardianship and Management of Property Act 1991*;

- ▶ under s.12 of the *Public Advocate Act 2005* where appointed as guardian, to attempt to find a suitable person to be appointed as guardian or manager for a person with impaired decision-making ability.

STATUTORY FUNCTIONS AND SERVICES

The statutory functions of the Public Advocate are as follows -

- ▶ Acting as advocate for the rights of people with a disability including -
  - fostering the provision of services and facilities for people with a disability
  - supporting the establishment of organisations that support people with a disability
  - encouraging the development of programs that benefit people with a disability (including advocacy programs, educational programs and programs to encourage people to act as guardians and managers)
  - promoting the protection of people with a disability from abuse and exploitation
- ▶ Representing people with a disability at hearings before the ACAT in relation to guardianship applications
- ▶ Representing forensic patients before the ACAT or a court
- ▶ Acting as advocate for the rights of children and young people and, as part of acting as advocate for those rights including -
  - fostering the provision of services and facilities for children and young people
  - supporting the establishment of organisations that support children and young people
  - promoting the protection of children and young people from abuse and exploitation
- ▶ Monitoring the provision of services for the protection of children and young people
- ▶ Dealing, on behalf of people with a disability and children and young people, with entities providing services
- ▶ Investigating, reporting and making recommendations to the Minister on anything relating to the operation of this Act referred to the Public Advocate by the Minister
- ▶ Acting as a guardian or manager when appointed by the ACAT

- ▶ Promoting community discussion, and providing community education and information, about—
  - the functions of the Public Advocate
  - the operation of the *Public Advocate Act 2005*; and the Public Advocate's role under the *Guardianship and Management of Property Act 1991*
- ▶ Exercising the functions given to the public advocate under the *Children and Young People Act 2008*, and the *Mental Health Act 2015*
- ▶ Providing administrative support for the Community Care Coordinator, a statutory position located in the ACT Health Directorate

ORGANISATIONAL STRUCTURE, ENVIRONMENT AND PLANNING FRAMEWORK

Structure and Organisational environment

Under the *Administrative Arrangements 2015 (No 1)* the ACT Attorney-General is responsible for the administration of justice in the Territory including the *Public Advocate Act 2005*.

The Public Advocate of the ACT (PAACT) is an independent statutory office established under the *Public Advocate Act 2005*. The Public Advocate is an Executive in the ACT Public Service and is remunerated under the *Remuneration Tribunal Act 1995*.

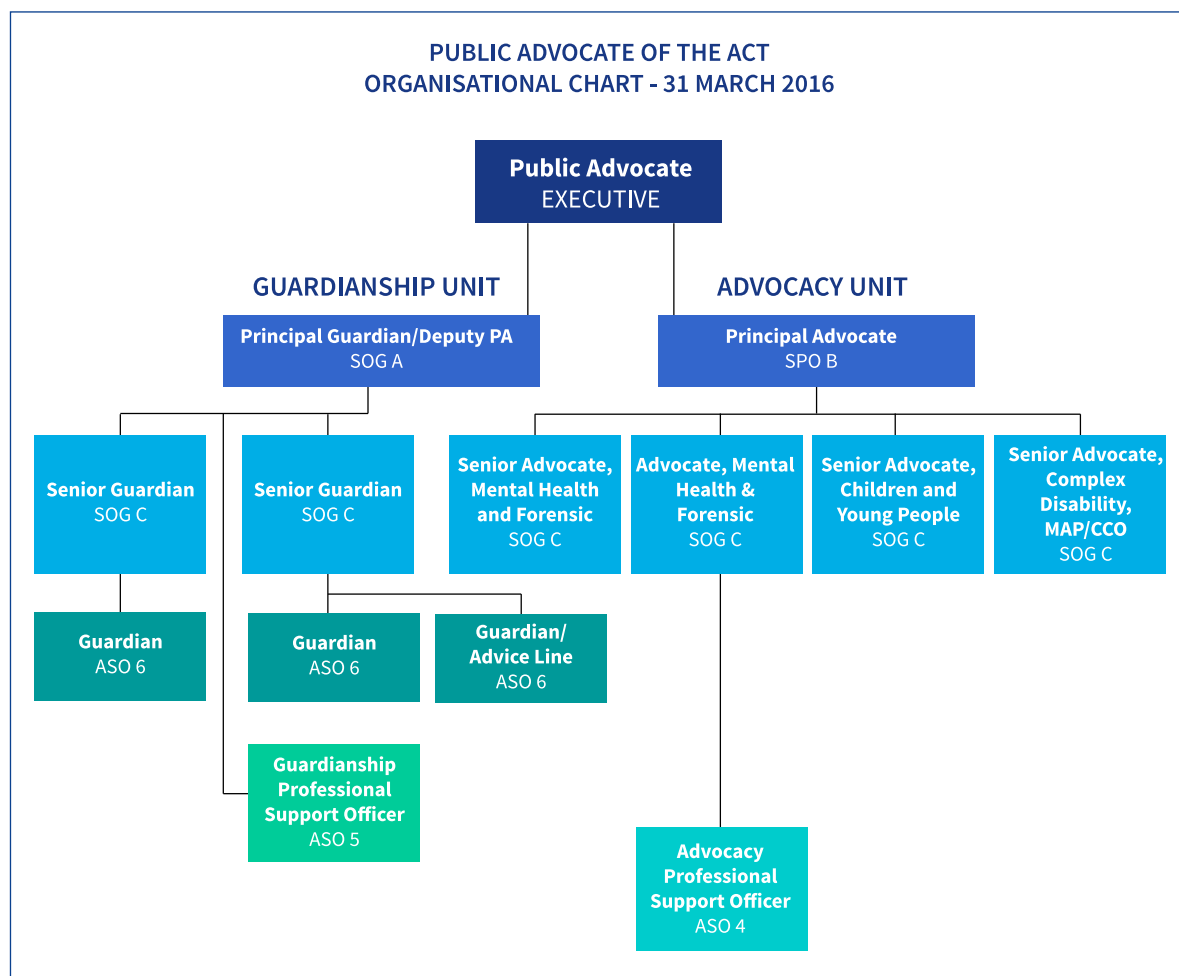
The Public Advocate's responsibilities include administration of the Office of Public Advocate and exercising the relevant statutory responsibilities of Public Advocate and Public Guardian. PAACT's two business units are headed by a Principal Advocate (Advocacy) and a Principal Guardian/Deputy Public Advocate (Guardianship) respectively.

The Public Advocate must investigate, report and make recommendations to the Minister on anything related to the operation of the Act referred to the Public Advocate by the Minister.

PAACT's staff are employees of the Justice and Community Safety Directorate (JACS). Administrative services are provided to the Public Advocate by the Justice and Community Safety Directorate (JACS) including financial reporting, human resource and public sector management issues. Information management and technology services are provided to the Public Advocate under a shared services framework by Shared Services ICT, an agency of the Chief Minister, Treasury and Economic Development Directorate (CMTEDD).

The Public Advocate has responsibilities across ACT Government in its oversight and compliance role as well as to work closely with agencies including ACAT; Public Trustee for the ACT (Public Trustee and Guardian from 1 April 2016); ACT Mental Health, Justice Health, Alcohol and Drug Services; Disability ACT; ACT Human Rights Commissioners and ACT's Official Visitors.

The Public Advocate's administrative structure is set out in the Organisation Chart below -



Planning Framework and Direction Setting

PAACT's vision is to 'Leading a caring community where the rights and interests of vulnerable people are protected'.

At the commencement of the reported period, there was a degree of uncertainty amongst staff and management about the future of the Office of Public Advocate in terms of the Review of ACT's Rights Protection Agencies. For that reason, a formal Strategic Plan was not established for the reported period.

Planning for the year focussed on maintaining the level of services provided under the Strategic Plan for 2014-15 and contributing to the review of rights protection agencies.

The Memorandum of Understanding (MOU) with the Director-General JACS established on 29 May 2013 continued in effect as a means of defining areas of responsibility between PAACT and JACS having regard to the statutory independence of the Office of Public Advocate. The MOU continued in effect until the abolition of the office on 31 March 2016.

PAACT's direction for the reported period was wholly influenced by the lead-up to, and outcomes of, the review referred to above.

Summary of Performance

A continuing focus for the Advocacy Unit was to establish ongoing resources to achieve its statutory oversight role in respect to Children and Young People.

For Guardianship, once again, resourcing was a key issue. In this case, the office experienced significant and unplanned turnover of staff following the release of the report into the re-structure of rights protection agencies establishing Government's future plans for the delivery of Guardianship services.

Driven by this, a major review was undertaken of all guardianship appointments resulting in a decrease in appointments from 240 to 140 at 31 March 2016.

On the announcement of the chosen model by Government, PAACT undertook a major review of all of its files to address the future need for both acquiring agencies (PTG and HRC) to continue to access those files which had been a shared resource. This was an intense process over two months and involved the development of an MOU between the acquiring agencies in respect to access.

PAACT continued to work with JACS towards the significant task of separating PAACT's guardianship and advocacy functions through a Workplace Consultative Committee (WCC). The WCC dealt with issues including human and financial resources, accommodation, service delivery and changes to individual roles and functions.

For further information about the performance of the Public Advocate refer B2 "Performance Analysis".

Outlook and Priorities

During the reported period, PAACT's continuing priorities were as follows -

- ▶ provide professional, accessible advocacy/guardianship services to the community and government;
- ▶ ensure the Public Advocate's staff is skilled, united and has an appropriate succession plan;
- ▶ acquire and maintain appropriate technology to satisfy current and future needs;
- ▶ project a respected, trusted and reliable reputation in the community;
- ▶ ensure that the Public Advocate/Public Guardian enjoys a strong reputation in the community;
- ▶ provide a respectful, equitable and safe workplace free of discrimination; and
- ▶ contribute to and influence our industry sector, government and the community.

The new rights protection services model announced by the Attorney-General in 2015 involved establishment of the position of the President of the Human Rights Commission and bringing the Victims of Crime Commissioner and the Advocacy function of the Public Advocate into the Commission. The model also envisaged a consolidated Public Trustee and Guardian (PTG) office being established.

The result was the abolition of PAACT as an independent statutory office, with its functions of Advocacy and Guardianship attributed to the HRC and PTG respectively.

The Protection of Rights (Services) Legislation Amendment Bill 2016 ('Consequential Bill') came into effect on 1 April 2016, amending a range of ACT legislation to make changes to references to, and functions of, the statutory office holders within the restructured HRC and expanded PTG that were established by the *Protection of Rights (Services) Legislation Amendment Bill 2015* ('Protection of Rights Bill') introduced into the Assembly on 19 November 2015.

The Consequential Bill was intended to largely maintain the existing functions of the justice-related statutory office holders (SOHOs) while making reallocations necessary as a result of the new structure for the HRC and the proposed PTG.

The Protection of Rights (Services) Legislation Amendment Bill 2016 was notified on 16 March 2016 and amendments having the effect of re-structuring rights protection agencies came into effect on 1 April 2016.

The outlook for Advocacy and Guardianship services beyond 1 April 2016 very much depends upon the success of the two new agencies delivering the promise of government to more efficient, conjoined services whilst maintaining the highest level of advocacy and guardianship services.

The Human Rights Commission Act 2005 was amended to introduce a number of new mechanisms to support the improved governance, strategic planning and coordination

of the Commission's many service oversight as well as advocacy functions. These mechanisms included a governance protocol with JACS, a community client service charter and an internal operations protocol to make the processes of the Commission more transparent.

The establishment of PTG responded to the Attorney-General's vision for joined up management services for vulnerable Canberrans and a more holistic perspective to inform decisions about how best to protect a vulnerable person's wishes and their best interests.

The report of the Review into System Level Responses to Family Violence in the ACT was tabled in April 2016. The report underlined the importance of the oversight and compliance role of the Public Advocate and was an important determinant of priorities in this regard.

The report also highlights a number of other issues arising from the Public Advocate's role under s.879 of the *Children and Young People Act 2008*. S.879 provides a broad power for the Public Advocate to request from a welfare organisation (which includes CYPS) information, advice, guidance documents, facilities or services in relation to the physical or emotional welfare of children and young people.

A number of recommendations in that report directly affected the outlook and priorities of the PAACT's advocacy function, foremost of which was that a review of the resources of the Public Advocate along with the Children and Young People Commissioner and CSD be undertaken to ensure that the oversight being provided by the Public Advocate is working effectively.

The report was an important reminder of the role of the Public Advocate in monitoring and overseeing the support services provided to children and young people and their families who come into contact with the child protection system.

Looking forward, the report identified a need for PAACT and Child and Youth Protection Services (CYPS) in the Community Services Directorate (CSD) to work more collaboratively and to view the oversight and advocacy role of the Public Advocate as one that could ensure better outcomes for the system as a whole. The report importantly acknowledged the cooperative and collaborative working relationship between PAACT and other directorates such as the Health Directorate.

The report noted that, in 2014-15, PAACT made seven requests for information from the Director-General CSD. By contrast, in the reported period, 64 requests were made to 16 March 2016. The Inquiry found that responses from CSD had been delayed and that the Operational Compliance and Support area in CYPS that focuses on responding to the Public Advocate was under-resourced to deal with this level of requests in a timely manner. The Inquiry noted the importance of appropriate resourcing for oversight bodies

and for those responding to them particularly in an area of public administration where there are limited review opportunities.

These observations will have a significant impact upon priorities and the delivery of these services into the future.

INTERNAL ACCOUNTABILITY

During the reported period, the Public Advocate was appointed by the Executive under S.6(1) of the *Public Advocate Act 2005* and remunerated under a determination of the ACT Remuneration Tribunal. The Public Advocate was responsible for all statutory functions and obligations, as well as the administration and management of the office of Public Advocate.

SENIOR EXECUTIVE & RESPONSIBILITIES

Andrew Taylor - Public Advocate



Mr Andrew Taylor was appointed as Public Advocate from 1 July 2015 until 31 March 2016 pending the outcome of the Discussion Paper “Designing a model for the effective protection of Human Rights” - April 2015 released by the ACT Attorney-General and the JACS Directorate. Mr Taylor was also appointed as Public Trustee for the ACT and undertook both roles during that time.

As an Executive in the ACT Public Service, the Public Advocate’s responsibilities relative to PAACT’s organisational/output structure are to -

- ▶ Lead and improve service delivery in administration
- ▶ Effectively allocate budget, planning and resources
- ▶ Deliver best practice policies, practices and procedures
- ▶ Ensure case management strategies meet the needs of clients and stakeholders
- ▶ Minimise operational costs while maintaining a high level of client service
- ▶ Ensure a high performance culture.

INTERNAL AUDIT

For audit purposes, during the reported period, the Public Advocate was within the scope of the JACS Audit Committee and internal audit framework.

B.2 PERFORMANCE ANALYSIS

ADVOCACY UNIT

Background

The Advocacy Unit consists of three program areas -

- ▶ Complex Disability;
- ▶ Mental Health and Forensic; and
- ▶ Children and Young People.

A position of Senior Advocate is appointed in each area.

Role

Providing a compliance monitoring role in child protection and mental health and meeting the demand for individual advocacy across these areas and in complex disability, continues to be a challenge in respect to resourcing. Despite limited resources, the Unit continued to meet and exceed its statutory oversight responsibilities although it has been necessary to target individual advocacy to those people where public advocacy is necessary in upholding a person's human rights and best interests.

High demands for individual advocacy have required some rationalisation and targeting of advocacy provision/compliance monitoring roles in both the mental health and child protection program areas as a result of the receipt of significant documentation.

The Mental Health and Forensic Section received 5,196 notifications for the 831 children and young people brought to our attention, an increase on the previous reporting period. Due the high volume of documentation received and resource constraints, the Advocacy Unit needs to target individual advocacy to individuals who are most vulnerable and in need of public advocacy.

The Advocacy Unit received additional funding for a further advocate to join the Unit's Mental Health and Forensic Section as a result of a budget submission by ACT Health

Directorate in advance of the implementation of the new mental health legislation. This advocate will have a key role in preparing for the implementation of the legislation and the Public Advocate's increased compliance monitoring role in mental health.

The Children and Young People Section, which consists of one Senior Advocate position, is significantly under-resourced to manage the compliance monitoring role for child protection services in this jurisdiction. The Public Advocate contributed to a joint budget bid with Community Services Directorate to address the resourcing issues.

Due to outstanding voluntary service, the After-hours Interview Friends Program administered by the Advocacy Unit received a recognition award in the ACT and Capital Region 2015 ACT Volunteer of the Year Awards. The program, which has operated for 21 years, also received a certificate of appreciation in the Australian Government Volunteer Awards 2015. It was a fitting tribute to our interview friends to receive this acknowledgement of the significant role performed providing confidential support and assistance to young people attending for police interviews afterhours when no parent/guardian is available to provide this support.

ADVOCATE TO PROTECT THE RIGHTS OF PEOPLE WITH COMPLEX NEEDS

Foster the provision of services and facilities for people who have complex and intensive support needs by coordinating lead agencies in case management via the Management Assessment Panel (MAP) service, if considered appropriate

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The Management Assessment Panel (MAP) is a service to facilitate the coordination of case planning and service provision for members of the community whose complex service needs are poorly coordinated or not adequately met. When necessary MAP identifies, ensure coordination of and negotiates service provision for children and adults who are eligible for MAP services. It should be noted that MAP's function does not include providing case management or a process for obtaining individual funding packages from Government.

During the reported period, MAP -

- ▶ had one client; and
- ▶ received and assessed 2 enquiries in relation to the potential involvement of MAP.

Figure 1 - MAP Comparison 2013/14-2015/16

(NB the figure for 2015-16 reflects the period to 31 March 2016)

MAP Cases	2013-14	2014-15	2015-16
Enquiries	8	8	2
Panels convened	9	13	-
Individual clients	5	4	1

Foster the provision of services and facilities by the coordination of services to people with a disability via a community care order

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PAACT provides executive officer functions to the ACT Care Coordinator for people placed on a community care order by the ACT Civil & Administrative Tribunal (ACAT).

The Care Coordinator is a statutory appointment and is situated in the Health Directorate. The Care Coordinator's Annual Report, in compliance with s.120E of the *Mental Health (Treatment and Care) Act 1994*, has been included in the ACT Health Directorate's Annual report.

During the reporting period, the Executive Officer provided administrative support for 7 clients subject to Community Care Orders. This consisted of 97 occasions of direct administration actions and one further occasion of advocacy.

Promote, support and foster the provision of services and facilities for people who may have a condition that makes them vulnerable to abuse, exploitation and neglect with key agencies via interagency collaboration and partnerships

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Disability Sector Advocacy

Advocacy in this area of disability focuses on the provision of advocacy not captured by other monitoring or service provision by PAACT (e.g mental health, children and young people and MAP).

During this reporting period PAACT provided disability advocacy to 50 individuals (of which 1 was less than 18 years of age) compared to 19 in 2014-15. The total number of occasions of advocacy was 88, compared to 100 for 2014-15, reflecting the complexity of the clients PAACT was able to advocate for.

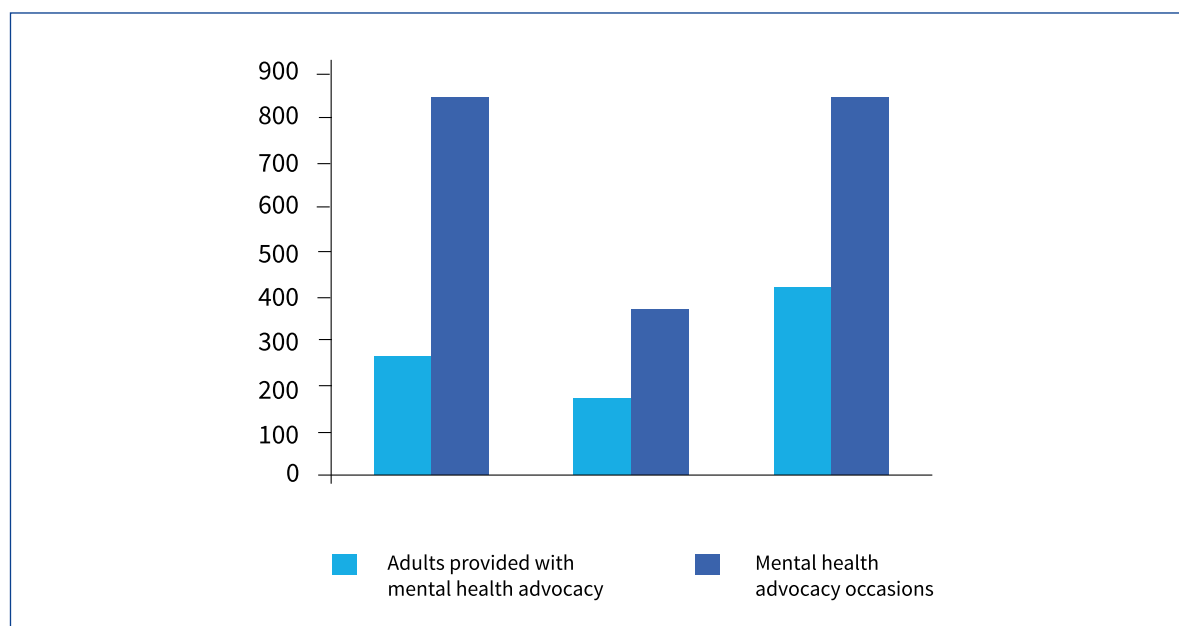
ADVOCATE TO PROTECT THE RIGHTS OF PEOPLE WITHIN THE MENTAL HEALTH SYSTEM

Facilitate best practice and high standards of service for mental health consumers brought to attention of PAACT, particularly those at AMHU, Calvary 2N, BHRC and OPMHIU.

During the reporting period, PAACT provided individual advocacy to 421 adults on 847 occasions where it was identified that the person needed mental health advocacy. The advocacy undertaken by PAACT occurred in a range of settings, including those which accommodate individuals that under involuntary orders and/or detained. PAACT recorded a 149.11% increase in the number of individuals provided with advocacy and a 130.16% increase on occasions of advocacy (Figure 2).

Figure 2 - Number of adults provided with mental health advocacy & occasions

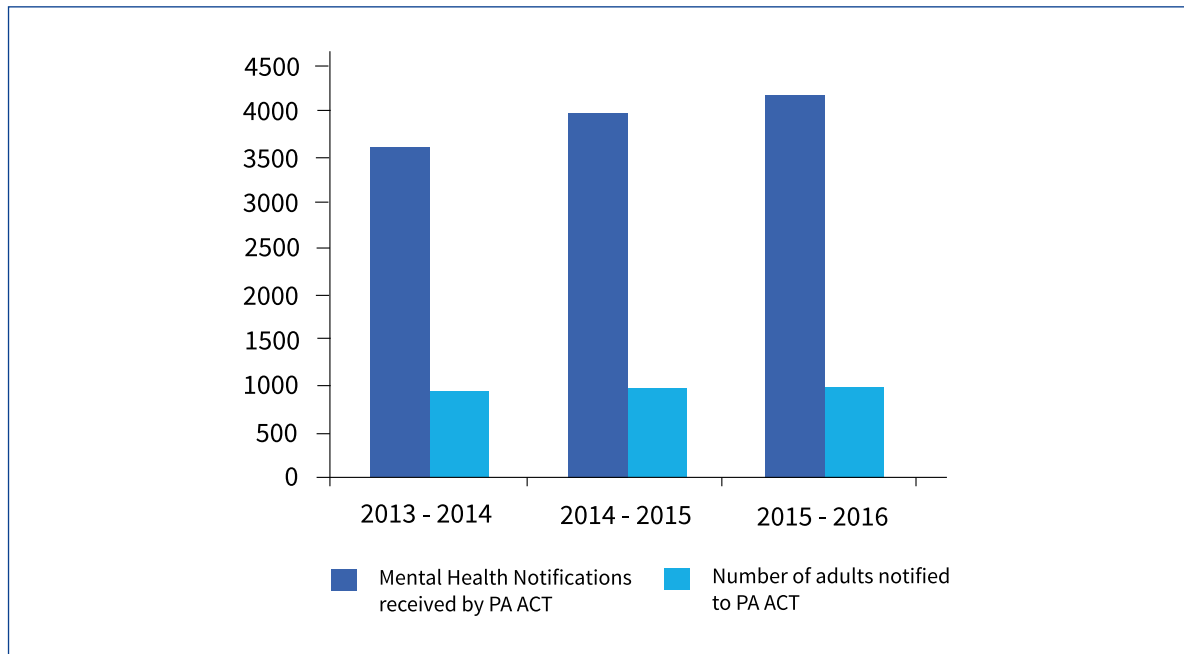
(NB the figure for 2015-16 reflects the period to 31 March 2016)



PAACT received a total of 4,226 mental health notifications in relation to 976 individuals (Figure 3). The demand for advocacy remains high and, as a result of funding provided from the ACT Health Budget, PAACT has been able to employ an additional position (ASO6) to respond to the increased workload.

Figure 3 - Number of Mental Health Notifications

(NB the figure for 2015-16 reflects the period to 31 March 2016)



The *Mental Health ACT 2015* (the Act) commenced on 1 March 2016. The mental health sector is becoming accustomed to the new reporting forms and procedures implemented under the new Act. However, it should be noted that, in this reporting period, it is not possible to provide fair and accurate figures specific to implementation of the new Act given that it has only been in place for one month.

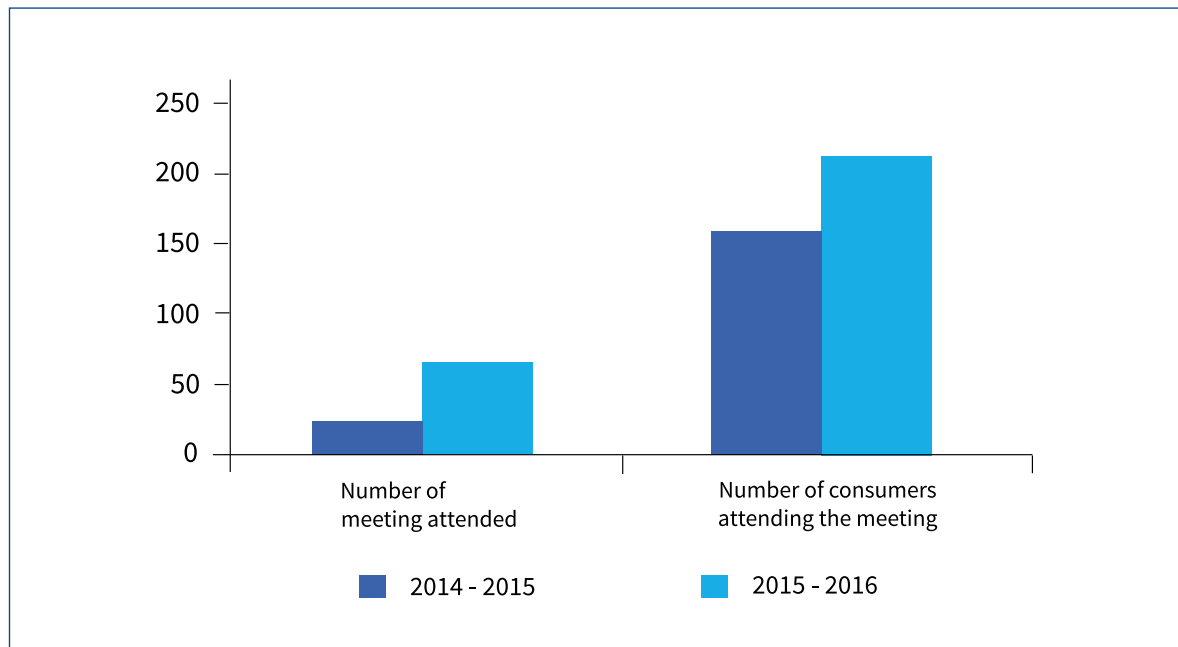
The Canberra Hospital Clinic

PAACT attends The Canberra Hospital Campus on a weekly basis to participate in consumer meetings, visits the Adult Mental Health Assessment Unit (AMHU) and reviews seclusion registers.

The office attends and participates in the consumer meeting organised by AMHU. During the reporting period, PAACT met with 213 consumers at 28 meetings (Figure 4). This represents a 33% increase in consumer attendance for this financial year, which was achieved despite a period of staffing shortages from 14 July 2015 to 8 September 2015, during which time the Public Advocate was unable to attend meetings.

Figure 4 - Number of meetings attended and consumers attending

(NB the figure for 2015-16 reflects the period to 31 March 2016)



Review compliance with *Mental Health Act 2015* (formerly *Mental Health (Treatment and Care) Act 1994*) undertaking follow up where indicated.

PAACT did not have the capacity to undertake formal projects to assess the compliance of mental health services. During the first half of the reported period, PAACT experienced staffing shortages and in the second period, PAACT was working with mental health services preparing for the introduction of the *Mental Health Act 2015*.

PAACT identified several areas requiring attention and oversight in the new financial year -

- ▶ The Clinic at Calvary Hospital (2N and Older Persons Mental Health Inpatient Unit)
- ▶ Service Standards provided at Brian Hennessy Rehabilitation Centre
- ▶ Care and support provided at the new Forensic Facility at Symonston and Calvary Public Hospital.

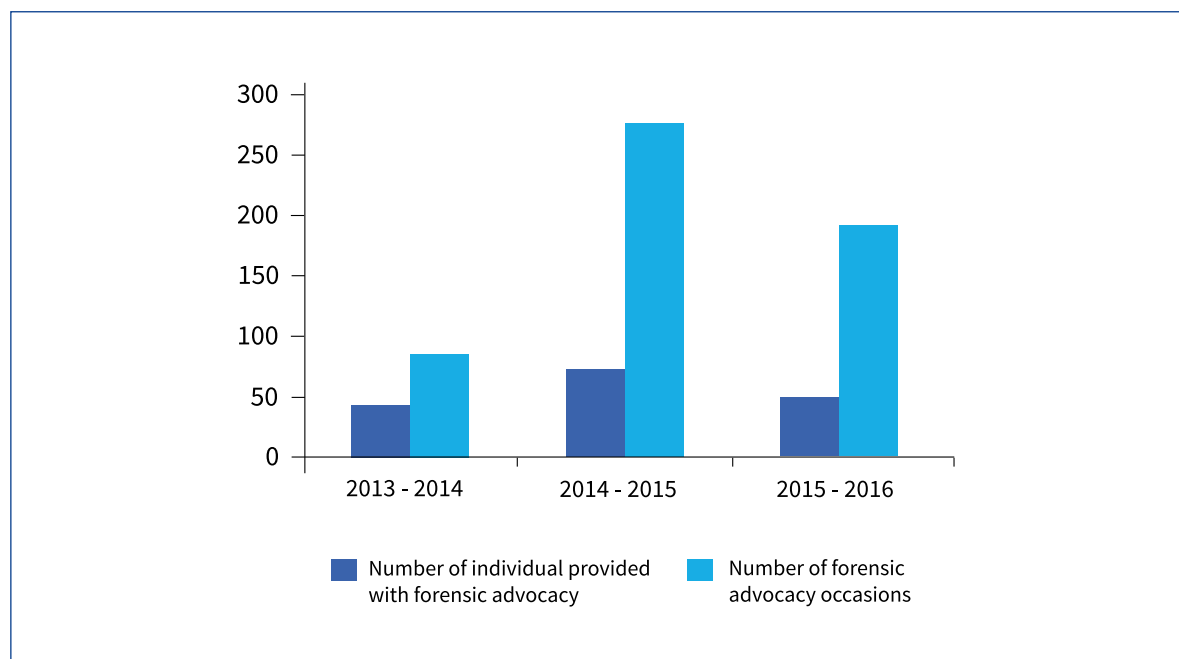
PAACT has commenced engagement with stakeholders about enhancing its oversight role.

Foster the provision of services and facilities to mental health consumers within the justice system through advocacy that represents their needs and best interests.

During the reported period, PAACT provided forensic advocacy on 192 occasions to 49 people (Figure 5), representing a 30% decrease in the number of people provided with advocacy and a 30% decrease in the number of advocacy occasions. The decrease was due to the brief period between 14 July 2015 and 18 November 2015 during which PAACT was unable to facilitate attendance and postponed the clinic at the Alexander Maconochie Centre (AMC).

Figure 5- Number of individuals and occasions provided with Forensic Advocacy

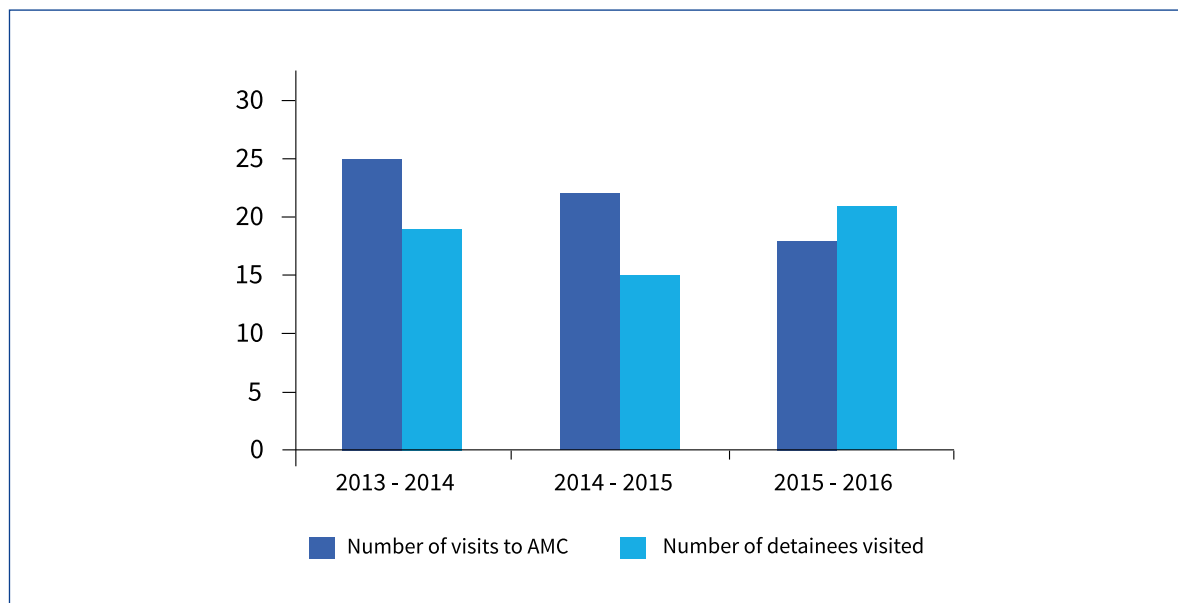
(NB the figure for 2015-16 reflects the period to 31 March 2016)



PAACT resumed visits to the AMC on 2 December 2015 and now attends on a fortnightly basis. Since then, PAACT has made 18 visits providing advocacy to 21 detainees (Figure 6). Referrals are received through a range of pathways including forensic mental health, social work and by individual request.

Figure 6 - Number of visits to AMC and detainees visited

(NB the figure for 2015-16 reflects the period to 31 March 2016)



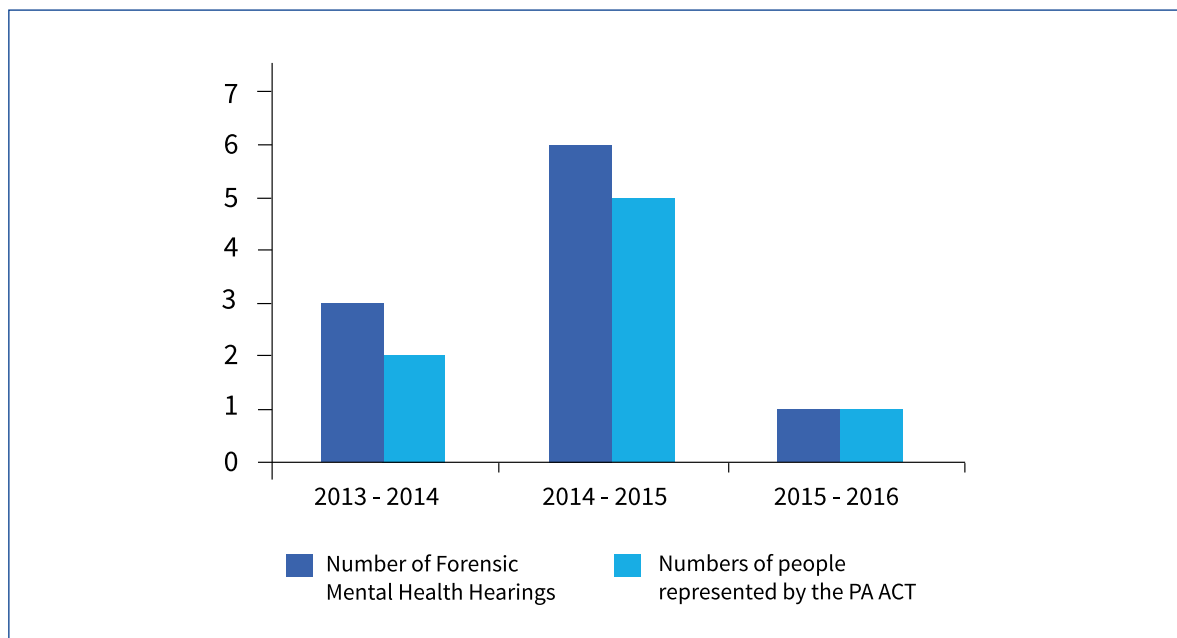
PAACT has provided a presentation on its role to detainees at the Special Care Unit of the AMC, seeking to increase the number of these presentations and expand them to other areas of the facility to reach as many detainees with disability as possible.

PAACT has developed close collaborative working relationships with the Forensic Mental Health Unit at the AMC. Since January 2016, PAACT met the Forensic Mental Health team on 6 occasions and identified 26 individuals who may benefit from PAACT involvement. There is significant concern for detainees with mental health difficulties who are otherwise homeless and are struggling to find appropriate support services and safe accommodation upon their release. PAACT aims to address this during the next financial year.

PAACT attendance at adult mental health hearings was reduced due to significant staffing issues in the period from July 2015 to September 2015. During this reporting period, PAACT attended 1 forensic mental health hearing (Figure 7). It is our aim to increase future attendance at these hearings, prioritising detainees who identify as Aboriginal and Torres Strait Islanders.

Figure 7- Number of Forensic Mental Health Hearings and people represented

(NB the figure for 2015-16 reflects the period to 31 March 2016)



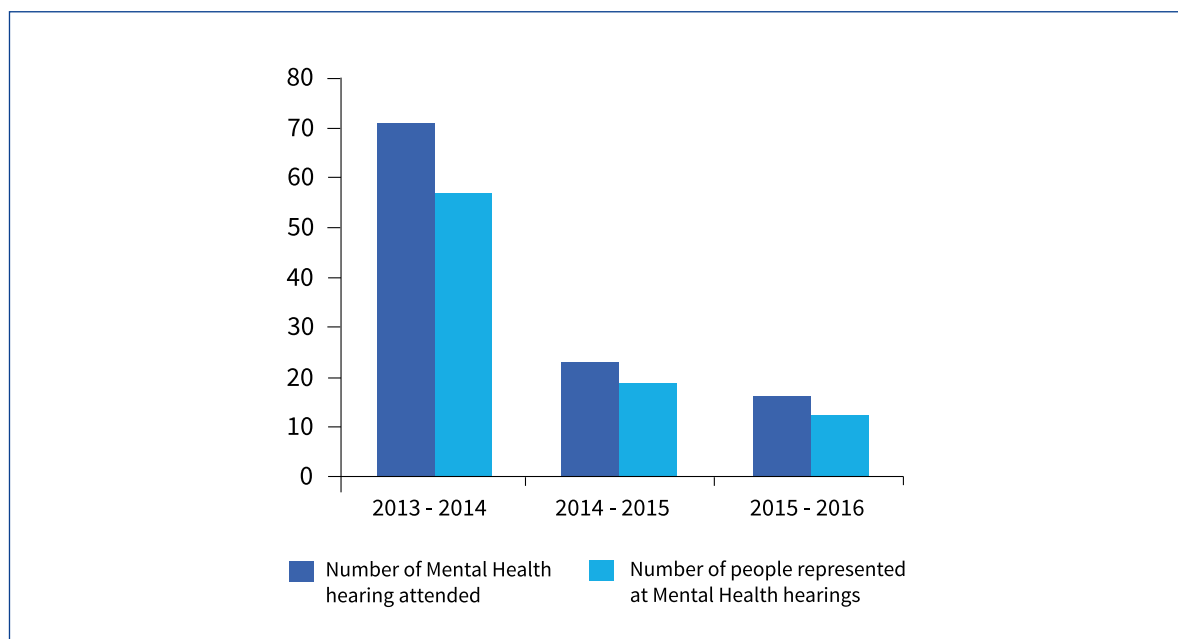
To protect the rights of PAACT client by ensuring that the expressed views and best interest of the person are presented to the ACAT Mental Health Tribunal

PAACT attends ACT Civil and Administrative Tribunal (ACAT) hearings once the client file is reviewed and assessed as requiring PAACT attention or when a direct request is made by the individual referred to ACAT.

PAACT attended ACAT on 16 occasions in relation to 12 people (Figure 8). This is a 30% decrease in attendance at mental health hearings for adults. Once the new staff member is established, PAACT will prioritise attendance at ACAT and will contact all individuals who are subject to an application for a Psychiatric Treatment Order by letter outlining the nature of our involvement and providing the opportunity for them to contact PAACT prior to the ACAT hearing to discuss their views.

Figure 8 - Number of Mental Health Hearings Attended and people represented

(NB the figure for 2015-16 reflects the period to 31 March 2016)



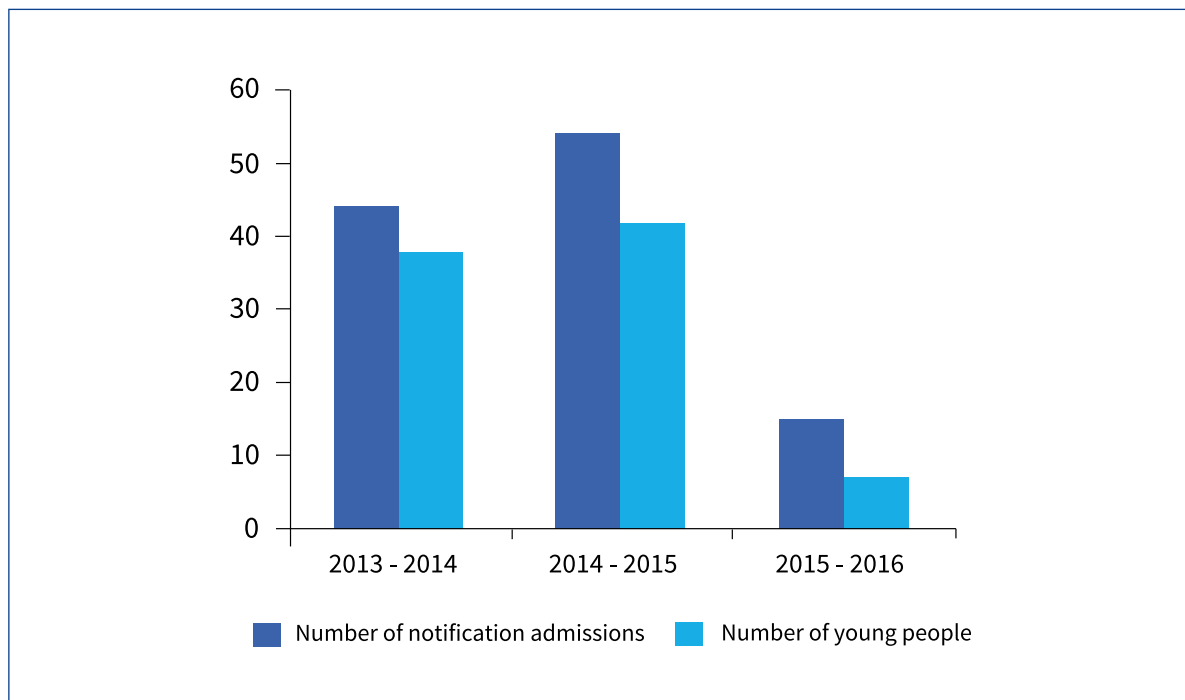
Foster and promote quality service provision for children and young people who come to the attention of mental health facilities/services in the ACT

Youth Specific Mental Health Advocacy

As part of The Canberra Hospital Clinic, PAACT visits young people in hospital within 48 hours of detention under involuntary orders. PAACT received notifications for 15 young people under involuntary detention and provided advocacy to 7 young people involving 15 individual advocacy occasions (Figure 9).

Figure 9 - Number of Notification Admissions and Number of Young People

(NB the figure for 2015-16 reflects the period to 31 March 2016)



Given the significant decrease in notifications in this reporting period, PAACT established weekly meetings with the Child and Adolescent Mental Health Service CAMHS Liaison Officer to identify either voluntary admissions to the mental health wards, or to identify young people in the community with increasing mental health difficulties who may require PAACT's intervention. During the reported period, PAACT met with the CAMHS Liaison Officer on 23 occasions and identified 80 young people who may benefit from PAACT's involvement.

PAACT attended 6 mental health hearings (ACAT) in relation to 2 young people.

The Public Advocate has provided one training session to Hospital and Community Health staff working with children and young people in relation to the new *Mental Health Act 2015*.

Participate in mental health policy and service reform processes and ongoing legislative reform where required

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PAACT continued to hold membership as part of the CAMHS Consultative Committee, an important source of information in relation to activities, projects and services in relation to young people.

PAACT continues to be an active member in the AMC Oversight Agencies Meeting. This meeting provides an avenue for AMC staff to update all prisoner-related oversight and regulatory agencies about trends/issues/concerns current in the AMC and allows each agency the opportunity to provide feedback on any concerns/complaints. This bi-monthly meeting continues to be valuable in understanding the dynamic prison environment and ensuring a more informed approach to detainess who contact PAACT.

PAACT provided input into the Forensic Mental Health Facility legislation and met with the Mental Health Policy Unit about PAACT oversight at this facility.

PAACT attended the *Mental Health Act 2015* Stakeholder Information Engagement Session. The meeting was open to the Canberra mental health sector and to consumers, and presented an opportunity to hear and understand concerns raised by community stakeholders.

MONITOR THE PROVISION OF SERVICES AND ADVOCATE FOR CHILDREN AND YOUNG PEOPLE

In accordance with the recommendations of the ACT Auditor-General, the figures have been provided to the Office of Children, Youth and Family Support (OCYFS) prior to reporting.

Monitor the provision of services to children and young people involved with OCYFS.

S.497 of the *Children and Young People Act 2008* states that Annual Review Reports (ARRs) must be given to PA ACT. These reports relate to children and young people in ACT's Out of Home Care Strategy (OoHC) for whom the Director-General, Community Services Directorate, has parental responsibility.

S.494 of the *Children and Young People Act 2008* defines an annual review report as a report about the circumstances and living arrangements of a child or young person who is the subject of the care and protection order and; whether the Director-General (DG) of the Community Services Directorate (CSD) considers the existing arrangements for the care and protection of the child/young person are in the best interests of the child/young person.

S.495 of the *Children and Young People Act 2008* states 'The Director-General must prepare an annual review report for a reviewable care and protection order for a child/young person if:

- ▶ the order is in force for one (1) year or more by, but not earlier than one (1) month before, the anniversary of the day the order was made, in each year the order is in force; and

- ▶ the order is in force for less than one (1) year – at least one (1) month, but not earlier than two (2) months, before the order expires.

The provision of ARR's should always be fluid as children and young people enter and exit OoHC. PAACT met with OCYFS in relation to the new approach to the annual review reports (ARR's). The ARR's will be sent to PAACT electronically and there will also be a focus by OCYFS on increased quality assurance for the ARR's through an inter-agency panel process. Further, OCYFS is focusing on ensuring that children and young people have a continuous and high quality record of their time in care.

In the review period, OCYFS has been working hard to complete overdue ARR's and to ensure that where an ARR was submitted on the incorrect date for 2014-2015, the period for 2015-2016 ARR's will have either slightly longer or shorter reporting periods to bring the reporting periods into alignment by 2016-2017. This will ensure that there are no gaps in the child or young person's record.

PAACT has supported this short-term focus on quality and consultation in the preparation of the ARR's. It is anticipated that PAACT will be able to report more conclusively in the next Annual Report for 2016-2017 as it is expected that all alignment periods for the ARR's will be completed by OCYFS. OCYFS will continue to submit ARR's to the Children's Court, PAACT and other relevant parties within one month of the anniversary of the date of the making of the order.

OCYFS has continued to make progress with the ARR's. Many of the ARR's include a photograph of the child or young person with their permission. The language used to write the reports is more child-friendly, and most of the ARR's include a comprehensive outline of the events the child or young person participated in during the review period. This continued progress means that those children and young people whose reviews have been subject to the quality assurance process will have a comprehensive and substantiated record of the events that occurred during the particular year of their lives.

The total number of ARR's for the period 1 July 2015 to 31 March 2016 was 528. Data reconciliation with OCYFS, Quality, Practice and Compliance Unit determined that (522) ARR's had been forwarded to PAACT for the reporting period.

A total of 490 ARR's were triaged by PAACT. This means that (93%) of reviews were subjected to an initial review process and 419 (79%) were reviewed in their entirety during this reporting period. This is an increase from the last reporting period in the amount of ARR's reviewed in their entirety by PAACT.

PAACT has only one advocate position to undertake the reviews, a time-consuming task for one staff member requiring prioritisation with competing demands for advocacy.

The 'Step up For our Kids' OoHC strategy for 2015-2020 will see a significant shift of OoHC providers preparing ARRs and will require OCYFS to ensure that the compliance and legal obligations are met.

PAACT met with the Community Services Directorate (CSD) on a number of occasions to be briefed on the progress of the Step Up for Our Kids initiative. The Executive Director, CSD, agreed in January 2016 to provide PAACT with a copy of the joint governance agreement between CSD and the ACT Together. It is understood that the Outcomes Framework should be finalised by the group in June 2016.

PAACT initiated meetings with the three ACT Together partners: Barnardos; Uniting, and Premier Youth Works (PYW). These meetings were positive with agreement for ongoing dialogue as the Step Up for Our Kids initiative is rolled out. A monthly meeting has been put in place between PAACT and PYW as a means of developing and monitoring processes for children and young people placed in residential care.

Leaving care plans

The area of Leaving Care Plans continues to be monitored by PAACT. During this reporting period, 10 Leaving Care Plans were received in respect to young people who attained the age of 18 years and for whom the Director-General, Community Services Directorate, ceased to have parental responsibility.

S.507 Children and Young People Act 2008 – reports of allegations of abuse in Out of Home Care (OoHC) for children or young people for whom the Director-General, Community Services Directorate has parental responsibility

During the later part of the reported period, PAACT experienced significant staff changes, involving the departure of the senior advocate for children and young people and the principal advocate. With a new staff group in full time positions, there was a renewed focus on oversight and compliance in the areas of abuse in care (s.507) and children and young people placed into OoHC due to emergency action (s.408) and PAACT recognises the resourcing impact on OCYFS as this was a significantly increased level of oversight from the previous reporting period.

PAACT received 39 separate notices under s.507 which relate to abuse or neglect of a child and young person in Out of Home Care (OoHC). Six s.507 reports of abuse or neglect for children and young people in OoHC were substantiated, whilst 31 were not substantiated and 2 were incomplete reports. These reports were made in respect to 34 individual children and young people. Data reconciliation with OCYFS, Quality, Practice and Compliance Unit determined that 39 notices reported under s.507 had been forwarded to PAACT for the reporting period.

S.879 Children and Young People Act 2008 – requests by the Public Advocate of the ACT for information or documents

Requests under s.879 were made by PAACT in response to information being brought to its attention and the need to determine whether further advocacy or involvement by PAACT was required. The requests for information were a result of a review of documents, referrals and requests for advocacy made directly to PAACT.

During the reporting period, PAACT made 95 requests for information or documents in respect to 66 individual children and young people (some requests were for sibling groups). Data reconciliation with OCYFS, Quality, Practice and Compliance Unit determined that 98 s.879 requests had been forwarded to PAACT for the reporting period. This represents a significant increase in the number of s.879 requests for information in comparison to the previous reporting period. The average number of days for responding to the s.879 request by OCYFS was 25 days. The *Children and Young People Act 2008* defines the time scales for compliance as follows:

Under s.879, ACT child welfare services must assist the Public Advocate as follows -

- (1) For the purpose of exercising a statutory function, the Public Advocate may ask an ACT child welfare service to provide information, advice, guidance, assistance, documents, facilities or services in relation to the physical or emotional welfare of children and young people.
- (2) If the Public Advocate makes a request of an ACT child welfare service under subsection (1), the service must comply with the request promptly.

PAACT is working with the Director of OCYFS on a communication strategy that will address different pathways of information sharing and the issue of timescales in the provision of information.

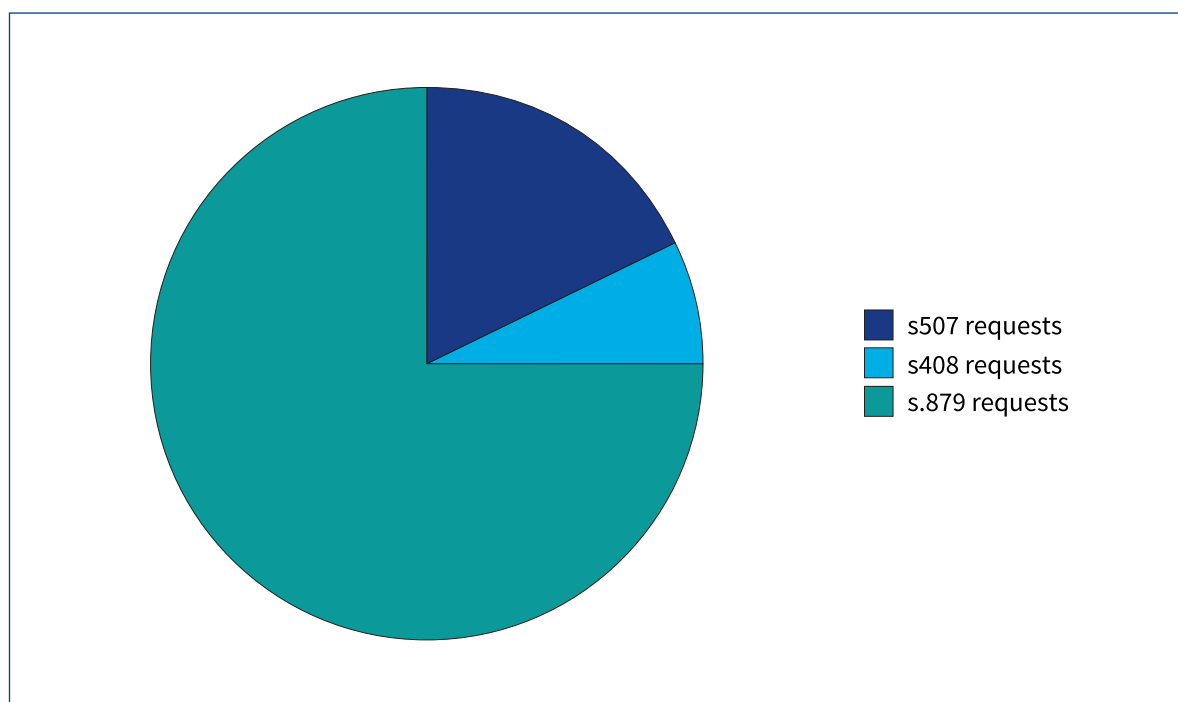
Of the 95 requests for information in respect to individual children/young people -

- ▶ 16 requests were for 21 children/young people in relation to s.507 allegations of abuse in care reports
- ▶ eight (8) requests were for 14 children/young people in relation to s.408 emergency action
- ▶ 71 requests for the remainder of children/young people were in relation to information received by PAACT such as: originating applications/affidavits and

other court documentation; concerns/requests from members of the community; annual review reports; and post-release planning from Bimberi Youth Detention Centre.

Figure 10 - Breakdown of s.408, s.507 & s.879 Children and Young People Act 2008 requests for information

(NB the figure for 2015-16 reflects the period to 31 March 2016)



During the reported period, PAACT focused on OCYFS responses to the safety and wellbeing of children/young people. PAACT is monitoring and providing advocacy support for children/young people in a range of areas including those for whom there are concerns with the parenting in OoHC and children who came into OoHC through emergency action where there had been a high level of historic child protection concerns.

S.408 Children and Young People Act 2008 – requests by the Public Advocate of the ACT for information or documents

PAACT received notification of 128 instances of emergency action under s.408 of the *Children and Young People Act 2008*. This is an increase of emergency action in comparison with the previous reporting period.

Of the 128 instances of emergency action taken on individual children/young people, 64 children were aged two years and under, whilst 51 were aged between 3 and 11 years. The number of young people aged 12 years and over removed by way of emergency action

was 13. This significant increase in the removal of children has resulted in pressure on OCYFS caseworker resources and OoHC options such as foster carers, kinship carers and residential care.

Of the 128 instances of emergency action taken, 70 children/young people were removed from the family home due to domestic/family violence. PAACT attended court following emergency action for 32 children/young people due to domestic/family violence.

S.74K Court Procedures Act 2004 – referrals – criminal proceedings dismissed or adjourned for safety and wellbeing reasons

The Children's Court Magistrate can request that the Director-General of OCYFS undertake a statement of reasons for action if, when hearing an indictment against a child or young person, the court is satisfied that the child or young person is in need of care and protection. The Children's Court Magistrate may dismiss the indictment or adjourn the proceeding for up to 15 days until the statement of reasons is provided by the Director-General. PAACT receives a copy of the statement of reasons for action.

PAACT was notified by the ACT Children's Court Magistrate of five (5) matters where young people attended the Court for criminal proceedings. Due to safety and wellbeing concerns, the Magistrate adjourned the matter, on all five (5) cases, for 14 days for further investigation and a report from the Director-General, Community Services Directorate.

S.359 Children and Young People Act 2008 – Public Advocate – Mandated reporter

PAACT made two s.359 reports to Child and Youth Protection Services as a mandated reporter.

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3 (b) Provide individual advocacy on behalf of children and young people when assessed as required.

During the reported period, 813 children and young people were brought to the attention of PAACT. The Public Advocate undertook work on behalf of 744 (91%) of those children and young people. This work was inclusive of reviews of all documents provided. The result was a total number of 2,664 occasions of advocacy.

PAACT provided direct advocacy for 168 (21%) of the children and young people brought to its attention compared to 134 (16%) for the previous year. There were 394 occasions of advocacy undertaken for individual children and young people compared to 381 for the previous reporting period.

S.74C Court Procedures Act 2004 – PA’s attendance at the ACT Children’s Court

PAACT attended 99 separate Case Management Conferences and hearings for 76 individual children and young people, compared to 5 case conferences for 5 individual children and young people in the previous year.

The number of matters placed before a magistrate was 11.

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3 (c) Foster the provision of suitable and best practice youth detention and youth shelters in the ACT and advocate for improvements in the standards of service provision regarding youth justice facilities, more generally.

The number of young people incarcerated in Bimberi Youth Detention Centre on a weekly basis has fluctuated.

PAACT undertook four (4) occasions of advocacy for three (3) young people detained in Bimberi Youth Detention Centre. PAACT conducted visits to 11 young people in the Centre on 22 occasions. In 2014-15 there were 14 occasions of advocacy for 9 young people and 12 visits to Bimberi.

Whilst attending the Centre, PAACT continued to conduct inspections of the registers associated with the ‘Use of Force’ and ‘Searches’. Out of the 52 searches conducted, there were numerous errors in record-keeping in the templates, such as body searches being recorded when this did not occur; missing information in some of the templates either due to technical issues with the computer system or human error; and, inconsistency in the type of template completed by the youth workers. Strip searches continue to be a routine procedure for young people following court attendance. Out of the 26 restraints/ use of force conducted, there were some errors with the recording of information in some of the templates and inconsistency in the type of template completed by youth workers.

PAACT has also conducted inspections of the ‘Time Out’ registers/records. Out of the 93 instances of time out conducted, there were nine (9) instances of information not recorded, particularly with the time frames. These matters were resolved by Bimberi management when brought to their attention by PAACT.

PAACT also attended a number of barbecue lunches and award ceremonies for the young people.

S.207 Children and Young People Act 2008 requires OCYFS to advise PAACT of any notices of segregation

PAACT received nine (9) Notices of Segregation from Bimberi Youth Detention Centre. These notices involved five (5) young people. The periods of segregation ranged from seven (7) days to 14 days. One young person spent seven (7) days in segregation whilst

four (4) young people spent 14 days in segregation. The average number of days in segregation was five (5) days.

PAACT continues to work collaboratively with the Official Visitors for Children and Young People who regularly visit Bimberi Youth Detention Centre and some residential care settings for young people. This seeks to ensure that there is no duplication of functions and avoids confusion for young people. It also facilitates the referral of young people to PAACT if the Official Visitor for Children and Young People considers that individual advocacy is required.

Meetings

PAACT continued to prioritise attendance at bi-monthly meetings with the Director of OCYFS to facilitate the resolution of issues, and to discuss positive initiatives at Bimberi Youth Detention Centre.

Bimberi External Oversight Agencies Group

During the reporting period, the Children and Young People Commissioner (CYPC) hosted a monthly meeting between CYPC, the Official Visitor for Children and Young People, and the Public Advocate of the ACT to discuss issues of mutual interest regarding Bimberi and the broader system to work together on issues of individual and/or systemic concern.

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3 (d) Foster and support the establishment of organisations, services and programs that support people with a disability and children and young people to promote best practice standards and quality responses.

S.32 Domestic Violence and Protection Orders Act 2008 - Domestic Violence and Personal Protection orders received from the ACT Magistrates Court

S.32, part 1 of the *Domestic Violence and Protection Orders Act 2008* states that with an Interim Order, and where the respondent has a legal disability, the Magistrate Court must tell the Public Advocate about the respondent, including the respondent's details and the return date of the application.

PAACT received and reviewed 31 documents for 31 individuals in relation to Domestic Violence or Personal Protection orders. Out of the 31 documents reviewed, 17 were for young people, whilst the remainder were for individuals over the age of 18 years.

PAACT has attended several matters at the ACT Magistrate Court in relation to applications for domestic violence or personal protection orders. This continues to present PAACT with workload implications, due to the complexity of some matters. PAACT undertakes this review and provides best interests advocacy where required, although no additional resources have been provided to facilitate this.

Administer the Interview Friends After-Hours Program

PAACT currently administers the ACT After-Hours Interview Friends Program which provides trained volunteers to act as an interview friend when young people have been detained and are to be interviewed by Police. PAACT acknowledges the outstanding commitment of the volunteer interview friends and the support they offer to the program.

There are 22 Interview Friends assisting with this community service and they were called out on seven (7) occasions.

Daytime Interview Friends Program

In the reported period, PAACT worked closely with the Daytime Interview Friends Program with Anglicare and conducted training with a number of their staff. PAACT acknowledges the commitment and support of Anglicare ACT in the delivery of this worthwhile community program for vulnerable people aged 12-25 years.

The Public Advocate is in the process of transferring the administration of the After-Hours Program to Anglicare. Anglicare already administers the Daytime Interview Friends Program. It is anticipated the transfer will be completed by July 2016. The Public Advocate will maintain a training and support role to the Daytime Interview Friends Program.

During the reported year, PAACT initiated a meeting with the three Interview Friends Programs, Anglicare and Aboriginal Legal Services, resulting in agreement to hold ongoing bi-annual meetings to share experiences and learning and to develop joint training between the programmes.

GUARDIANSHIP UNIT

The legislative framework contained in the *Guardianship and Management of Property Act 1991* (GMPA Act) provides for the oversight of the actions of all guardians and managers. Any member of the community and, importantly, those individuals who are subject to guardianship and management orders, can seek a review by ACAT of the decisions made by guardians and managers. This provides essential safeguards against overly restrictive practices which are contrary to the decision-making principles contained in the legislation. It is also open to anyone, including the protected person, to seek to have the orders revoked by the ACT Civil and Administrative Tribunal (ACAT).

In the face of increasing calls for higher resourcing, the review of ACT Rights Protection agencies and the resulting decision to split PAACT into its constituent parts provided a timely opportunity to examine the current workload and status of legacy guardianship appointments. This review resulted in a reduction in client appointments from 240 to 140.

A number of factors contributed to this significant reduction -

- ▶ a review of this kind had not previously been conducted for some time
- ▶ on review in ACAT hearings, it was evident that, a number of clients no longer required appointment of a guardian
- ▶ a number of clients had died or moved out of jurisdiction since their order was made
- ▶ some clients' circumstances changed to the extent that an individual was appointed in place of PAACT as the guardian of last resort.

Additionally, PAACT has worked pro-actively with ACAT during hearings both on initial application, and on review, to ensure the Public Advocate is appointed only as last resort and also to address the issue as to whether an order is required at all.

This significant review positioned the Guardianship Unit well in the lead-up to 1 April 2016 when the function was merged with the Public Trustee to form the Public Trustee and Guardian.

Unlike other jurisdictions, ACT is fortunate in that there is not the significant wait for hearing of Guardianship applications by ACAT. Additionally, the close working relationship that existed between PAACT, PTACT and ACAT, in the months leading up to 1 April 2016 made for a number of efficiencies.

The Guardianship Unit has, in line with the principles contained in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), continued to apply decision-making in accordance with social justice principles. These principles direct how Guardians support their clients to make decisions wherever possible. The same principles outline the ethical decision-making processes conducted whenever a substitute decision is made.

In contrast with the Advocacy Unit, staff in the Guardianship Unit endured high levels of uncertainty about the future of Guardianship under the model proposed by Government, added to the inevitable changes in the working environment once the proposed model had been announced. Notwithstanding, there has been a resolve to move forward under the new model to ensure that Guardianship services will be provided at the highest level.

The resourcing of the Guardianship Unit was also significantly affected with a number of temporary and permanent changes in staffing as the Unit grappled to deal with the philosophy behind the new model.

During the reported period the Unit worked closely with JACS and the WCC in dealing with the task of amending the legislation to accommodate the new model as well as to identify and resolve change management issues.

Underlying this, the *Guardianship and Management of Property Act 1991* (GMPA) was under review and the Guardianship Unit lodged a submission and attended meetings with the ACT Law Reform Advisory Council.

As in other Australian Guardianship jurisdictions, the commencement of the National Disability Insurance scheme (NDIS) will have a significant effect on people with disability. This has particularly been the case in the ACT as, unlike other jurisdictions, the whole of the ACT was a trial site.

Resource limitations affected the Unit's ability to maintain demand for the development of plans and to deal with the impact of the scheme on existing protected persons.

The Unit was successful however, in transitioning its clients minimising any adverse effect that might have been felt during the transition.

PAACT, in its membership of the Australian Guardianship and Administration Council (ACAG), continued to inform debate around the implementation of the NDIS.

The new mental health legislation in the ACT, the *Mental Health Act 2015* commenced on 1 March 2016. Under the Act, Public Guardians now have authority to consent to psychiatric treatment. Under the Act, PAACT will consult with clients about their mental health treatment and have regular and ongoing consultation with the relevant mental health treating team.

In providing substitute consent for psychiatric treatment, in line with other medical treatment, guardians need to consider - information about the type of treatment being recommended; risks and benefits of such treatment; and, possible side-effects and options for alternative treatments (including non-pharmaceutical options). A close and collaborative working relationship between the Unit and the ACT Mental Health service has been developed to support and enhance the treatment and care of individuals with a mental illness and/or a mental disorder.

THE PUBLIC ADVOCATE MAY BE APPOINTED AS GUARDIAN

1 (a) Appointment as Guardian and as Emergency Guardian

Guardians, whether individuals or PAACT, have responsibility to apply the decision-making principles in s.4 of the GMP Act.

These include:

- ▶ giving effect to the protected person's wishes as far as they can be ascertained;
- ▶ promoting the interests of the protected person;
- ▶ interfering with the protected person's life to the smallest extent necessary; and

- ▶ encouraging the protected person to live and participate in the community as far as possible.

During the reported period, ACAT appointed PAACT as guardian 26 times. The total of all guardianship appointments at 31 March 2016 was 142. The total number of all people that may have been under a guardianship order during the reported period was 176.

Figure 11 - Guardianship Appointments as Guardian of Last Resort

(NB the figure for 2015-16 reflects the period to 31 March 2016)

PAACT	Number	% Change
2015-16 (to 31 March 2016)	142	-20.5% (however not comparable period)
2014-15	205	- 5.9%
2013-14	218	1%
2012-13	221	- 12%
2011-12	252	9%
2010-11	232	30%
2009-10	178	21%

Appropriate resourcing is fundamental to ensure the capacity of the Guardianship Unit to continue to deal with new appointments whilst working to transition protected persons to the NDIS, assimilate with the new *Mental Health Act 2015* and implement the new model.

Despite limited resources available to the Unit due to significant staff turnover associated with the transition to the new model, the Unit handled the significant workload associated with the dismantling of the Public Advocate and transitioning to a new agency in the lead up to 1 April 2016.

Of particular note was the manner in which the Unit worked closely with staff of the former Public Trustee, as well as the Advocacy staff of the former Public Advocate, in ensuring a smooth transition. This process involved many new and temporary staff whose strong contribution is acknowledged. I acknowledge the significant contribution by Pam Jenkins who stepped in as relief Principal Guardian for several months to manage the transition.

Moving towards the implementation of the new model, the Guardianship Unit consisted of a Principal Guardian (SOGA/B), two Senior Guardians (SOGC) and three Guardians (ASO6) with a caseload dropping from 35 in 2014-15 to 28 per guardian, freeing the Principal Guardian to deal with management issues and complex appointments.

Contact with Guardianship Clients

PAACT remains committed to meeting with all Guardianship clients at least once every six months. In all but very few occasions, PAACT meets with clients on a regular basis. When impractical to meet with a client eg due to safety risks or the unwillingness or inability of the individual to engage, PAACT makes telephone contact with the individual concerned where appropriate.

PAACT has a performance indicator to meet with all newly appointed clients and all newly enacted Enduring Power of Attorney appointments within 10 working days. Due to resourcing constraints during the latter part of the reporting period, 29% of all new clients were contacted within the 10 working days.

Profile of Substitute Decisions made by PAACT

During the reported period, PAACT was required to make a total of 324 substitute decisions on behalf of clients. Care and support decisions (eg access to in-home support packages, care in residential aged care facilities and disability group houses) constituted 24% of all decisions whilst decisions about medical and dental treatment accounted for 19% of all decisions made (Refer Figure 12).

Figure 12 - Guardianship Appointments as Guardian of Last Resort

(NB the figure for 2015-16 reflects the period to 31 March 2016)

Decision Type	Number	% of Total
Medical and dental	62	19%
Care and support	78	24%
Exchange of information	84	26%
Accommodation	51	16%
Social	26	8%
Legal	16	5%
Training	1	0.3%
Employment	2	0.6%

PAACT as Attorney under an Enduring Power of Attorney

Under s.13 & 14 of the *Powers of Attorney Act 2006*, PAACT may be appointed as attorney for personal care and health care matters by an individual only during their incapacity. At the end of the reporting period, PAACT was appointed as Attorney for a total of 94 individuals.

During the reported period, PAACT was required to act under Enduring Power of Attorney (EPA) for three individuals with impaired decision-making ability. PAACT provides similar support and service to these clients as for guardianship clients and continues to contact those individuals annually to ensure there are no significant changes to their circumstances.

Identification of Alternative Guardians

Under s.12(a) of the *Public Advocate Act 2005*, PAACT must attempt to find a suitable person to be appointed as guardian or manager in place of PAACT. PAACT endeavours to identify alternative guardians through liaison with individuals, family members and through community education.

Private Guardians

A private guardian is any individual, other than the Public Advocate, who is appointed as guardian for a person with impaired decision-making capacity. These guardians are the preferred form of appointment with PAACT undertaking the role of Guardian only as a last resort in the inability, unwillingness or unsuitability of an individual. The decision-making principles in the GMP Act apply to both private and PAACT Guardians.

PAACT's practice is to contact newly appointed guardians to welcome them to their role and to provide them with assistance and advice. They are provided with a copy of 'The Guardianship Standards Booklet' which outlines the principles to be adhered to by all guardians pursuant to S.4(2) of the GMP Act.

REPRESENT PEOPLE AT INQUIRIES BEFORE THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL

Provide Reports for the ACT Civil and Administrative Tribunal (ACAT)

S.11(3) of the *Public Advocate Act 2005* requires that PAACT provides reports to ACAT as requested. The views and wishes of the person who is the subject of an application are paramount and form the basis of the majority of reports requested by ACAT. PAACT visits the person to discuss the nature and implications of the application and what is involved in having a guardian/manager appointed. While there are occasions when it is not possible to ascertain an individual's views and wishes, due to mental health, the skills of the guardian are utilised to deliver a holistic assessment of the person's context which involves understanding as much as possible of their life and experiences.

Particularly complex applications before ACAT may require PAACT to provide a comprehensive report of the circumstances surrounding the application. This is also the case for applications for a Prescribed Medical Procedure (eg contraception, hysterectomy, sterilisation, or termination) and applications for Directions and Reviews.

During the reported period, PAACT submitted a total of 108 reports to ACAT.

Represent the express wishes and best interests of people appearing before ACAT

Under s.10(b) of the *Public Advocate Act 2005* PAACT attends all ACAT hearings for guardianship and management applications. This involves the Principal Guardian, or a Senior Guardian, spending at least one day each week in attendance at ACAT in addition to the significant time preparing and writing reports for hearings and implementing orders after hearings. Increasingly, ACAT is scheduling additional hearing days to consider urgent or more complex matters.

PAACT seeks to ensure that the views and wishes of the individual are heard and their best interests considered and may assist in providing additional information to ACAT.

During the reported period, PAACT attended ACAT hearings in respect to 540 individual matters in respect to new applications and reviews of existing orders.

ACT AS ADVOCATE FOR THE RIGHTS OF PEOPLE WITH IMPAIRED DECISION-MAKING CAPACITY

Attendance at ACAT mental health hearings

PAACT attends or provides representation on behalf of individuals where acting as Guardian in mental health hearings before ACAT.

In the reported period, PAACT attended mental health hearings before ACAT for clients on 2 occasions. These attendances largely related to complex matters and, in particular, where there were differing views between ACT Mental Health and PAACT regarding the need for a mental health order. In all other matters, due to high caseloads and time constraints, PAACT submits a written recommendation to ACAT and 41 recommendations were provided during the reporting period.

Attendance at Court Proceedings

Under s. 7(3)(f) of the *Guardianship and Management of Property Act 1991*, PAACT, if appointed as Guardian, may be given authority 'to bring or continue legal proceedings for or in the name of the protected person'.

During the reporting period, 5% of all substitute decisions related to legal matters of varying complexity and duration. PAACT was required to attend Tribunals and Courts on 14 occasions for a range of legal proceedings including criminal, personal protection, family, care and protection and compensation matters.

The primary role for PAACT in such matters is to provide instructions to legal practitioners on behalf of the protected person. In fulfilling this role, PAACT is required to attend Courts and Tribunals on a regular basis, review background & legal documentation and attend meetings with legal practitioners.

PROMOTE THE PROTECTION OF PEOPLE WITH A DISABILITY FROM ABUSE AND EXPLOITATION

Telephone Advice Line

PAACT provided a telephone advice line service to the community during the reporting period. These enquiries related to a wide range of subjects including concerns about the actions of guardians and attorneys; service provision for vulnerable members of the community; applications for EPAs; Aged Care Assessments; and queries from private guardians about their role.

Enduring Powers of Attorney

PAACT co-produces and circulates copies of the publication 'The Power to Choose'. This booklet contains a copy of the EPA form as well as a comprehensive guide to completing an EPA. The booklet is available on PAACT and the Public Trustee's website.

PROMOTE COMMUNITY DISCUSSION, COMMUNITY EDUCATION AND INFORMATION

Under s.10(i) of the *Public Advocate Act 2005* PAACT is required to promote community discussion and provide community education and information about its functions, the operation of the legislation and the role of ACAT.

During the reported period, PAACT provide community agencies and other Directorates as required. Key visits included the Alexander Maconochie Centre and ACT Mental Health.

B.3 SCRUTINY

OMBUDSMAN

During the reported period one inquiry/report relating to PAACT was made by the ACT Ombudsman.

Directorate / Agency	Total Received	Not investigated	Investigated	Total Finalised
Public Advocate of the ACT	1	1		1

B.4 RISK MANAGEMENT

The risk management arrangements used by the Justice and Community Safety Directorate (JACS) cover PAACT. Details are on the JACS website and in the JACS Annual Report.

B.5 INTERNAL AUDIT

The internal audit arrangements used by the Justice and Community Safety Directorate (JACS) cover PAACT. Details are on the JACS website and in the JACS Annual Report.

B.6 FRAUD PREVENTION

PAACT comes under the auspices of the control planning and prevention strategies of JACS. There were no reports or allegations of fraud during the reporting period in respect to PAACT.

During the reported year 2 PAACT staff attended fraud and ethics training for Managers.

B.7 WORK HEALTH AND SAFETY

PAACT accords with JACS workplace safety legislative requirements, policies and procedures. PAACT has a Personal Security Policy that is reviewed regularly. It includes procedures relating to personal safety when engaging with clients. All staff are equipped with a mobile phone when engaging with clients outside the office environment.

During the reported period, 13 incidents were reported. None of the incidents were listed as Notifiable. More detailed reporting on Workplace Health and Safety is included in the JACS Report.

PAACT has a Fire Warden and a Deputy Fire Warden, and both officers received training for these duties during the reporting period.

Workplace Safety issues are brought to the attention of management and are discussed at monthly staff meetings. PAACT has reviewed and updated its Business Unit Risk Register.

B.8 HUMAN RESOURCE MANAGEMENT

The JACS People and Workplace Strategy Unit, along with Shared Services ICT, assist PAACT in respect to staff recruitment, human resource management and training.

LEARNING AND DEVELOPMENT DELIVERED IN KEY RESULT AREAS

PAACT has a strong ethos of continuous improvement through learning and development. PAACT environment requires that its staff stay abreast of changes to laws, industry standards and best practice. PAACT staff have Professional Development Plans which identify training and development goals as set out under the JACS Personal Achievement and Development Policy.

ENHANCING SKILL AND CAPABILITIES

PAACT seeks to attract people with qualifications, skills and personal qualities commensurate with the needs of the organisation. A number of PAACT staff accessed clinical supervision both within and outside of the office.

APPRENTICESHIPS AND TRAINEESHIPS

Not applicable.

TRAINING

The major part of PAACT's learning strategy is provided through on-the-job experience with around 30% coming from exposure to peers, coaches and mentors as well as formal education.

PAACT also accesses significant training through programs provided by JACS. This training is vital to PAACT staff as public servants in the JACS Directorate and is consistent with that available to all JACS staff.

During the year, several PAACT's staff completed training in the ACT Government's Respect, Equity and Diversity Framework through Bullying and Harassment seminars as well as cross-cultural awareness training.

Continuing professional education is provided to our professional staff to meet the demands of an increasingly complex environment, to keep abreast with contemporary skill levels and to complement our management of risk.

A number of senior staff member attended external conferences and several staff attended training provided by key umbrella professional representation bodies.

PAACT did not have any Special Employment Arrangements (SEA) or Attraction and Retention Incentives (ARIns) entered into during the reported period.

The following table sets out learning and development undertaken by PAACT staff during the reporting period -

Table of Learning and Development

Training conducted	Number of staff members
Disability, Discrimination and Disability Awareness	1
Fraud and Ethics Awareness for Managers	2
HR Masterclass	1
JACS Induction	1
LGBTI Awareness	2
Mental Health Act 2015	3
Microsoft Excel - Introductory Essentials	1
Microsoft Word (Intermediate) Beyond Beginners	2
Palliative Approach Workshop	1
Provide First Aid	2
Recruitment and Staff Selection	1
RED Contact Officer Training	1
RED Training - General	2
TOTAL	20

B.9 ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Reported as part of the JACS Annual Report.

Regular audits are undertaken to ensure that appropriate levels of material are re-cycled and deposited to landfill.

During the reporting period, the Public Advocate undertook initiatives aimed at minimising PAACT's impact on the environment eg lights and computers being switched off when not required particularly at the close of business, minimising printing where possible, and increasing recycling within the office.

PAACT reports through the JACS Annual Report on energy consumption, waste generation and greenhouse emissions.

**FINANCIAL MANAGEMENT
REPORTING**

C. FINANCIAL MANAGEMENT REPORTING

Audited annual financial statements relating to PAACT can be found in the JACS Annual Report.

C.2 FINANCIAL STATEMENTS

Restructure of Administrative Arrangements

On 1 April 2016, the Guardianship function previously in the Public Advocate of the ACT within the JACS Directorate became a responsibility of the Public Trustee and Guardian of the ACT as part of the restructure of Protection of Rights Services. 6.43 FTE were transferred to the Public Trustee and Guardian as part of these changes.

C.3 CAPITAL WORKS

No Capital Works were undertaken during 2015-16.

C.4 ASSET MANAGEMENT

Refer JACS Annual Report.

C.5 GOVERNMENT CONTRACTING

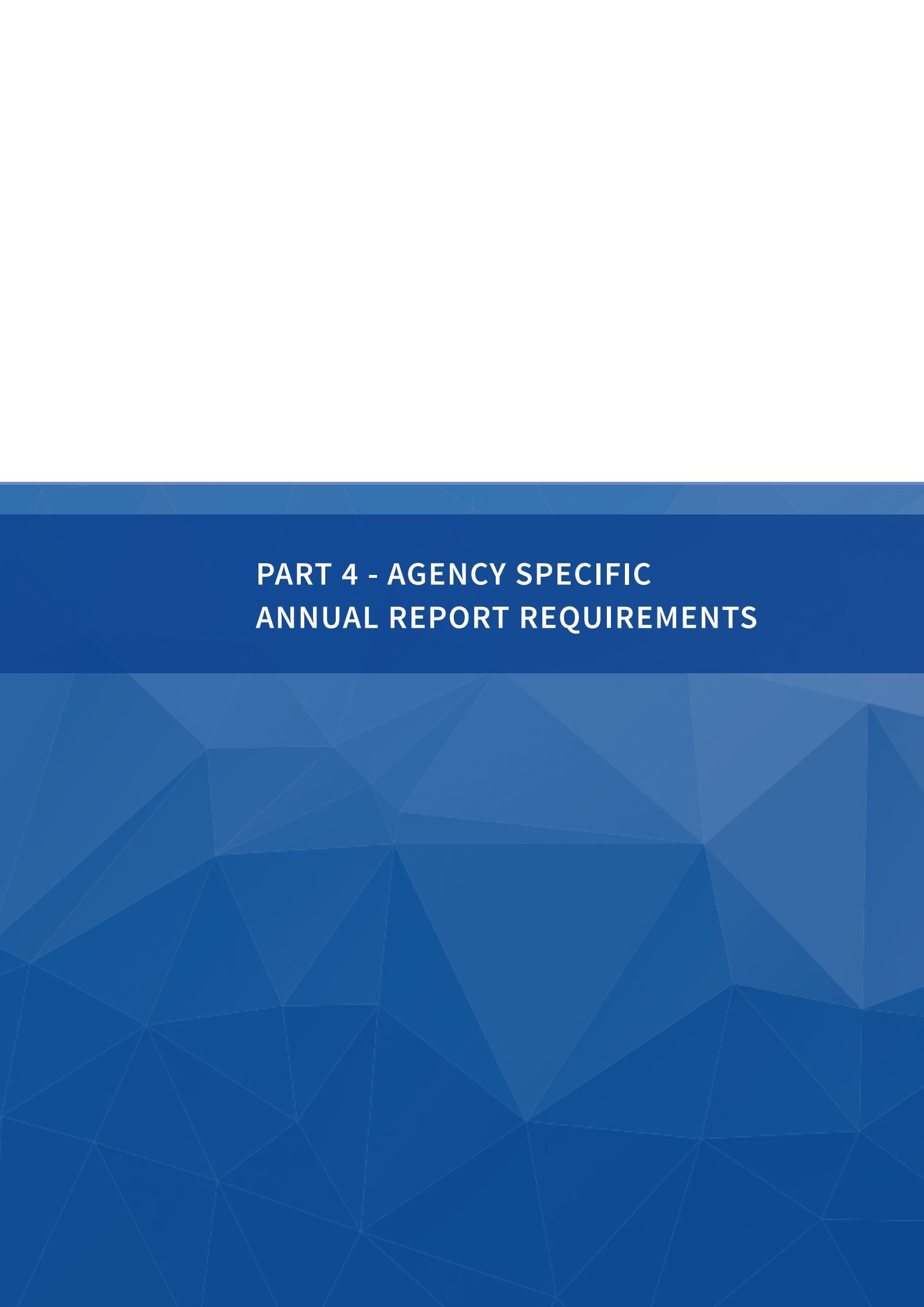
PAACT did not undertake any procurement activities during the reported year.

C.6 STATEMENT OF PERFORMANCE

Accountability Indicators	2015-16 Targets	2015-16 Est. Outcome	2015-16 Final (at 31.3.16)	Variance
(C.) The Public Advocate of the ACT's actions towards achieving a caring community where the rights and interests of vulnerable people are protected:				
- Proportion of clients for whom advocacy services are provided by the Public Advocate of the ACT where a high level of satisfaction is reported	75%	0%	0%	N/A (no survey undertaken)

Accountability Indicators	2015-16 Targets	2015-16 Est. Outcome	2015-16 Final (at 31.3.16)	Variance
<i>Public Guardianship</i> Guardianship Clients:				
- Total number of individuals for whom Public Advocate provided guardianship	210	193	176	-9%
- Percentage of clients contacted within two weeks of appointment as Guardian of Last Resort	95%	95%	31%	-67%
<i>Public Advocacy</i> Individuals excluding guardianship clients brought to the attention of the Public Advocate:				
- Total number of individuals provided with direct advocacy	500	375	499	33%
- Percentage for clients referred to the Public Advocate for whom a review of the documentation was undertaken	60%	60%	77%	28%

Variances given are from amended targets (where present) or from original targets (where no amended target exists).

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PART 4 - AGENCY SPECIFIC ANNUAL REPORT REQUIREMENTS

PART 4 - AGENCY SPECIFIC ANNUAL REPORT REQUIREMENTS

There are no agency specific Annual Report requirements listed at Part 4 of the Annual Reports Directions 2015-16.

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M COMMUNITY ENGAGEMENT AND SUPPORT

M1 COMMUNITY ENGAGEMENT AND SUPPORT

Section 10(i) of the *Public Advocate Act 2005* requires the Public Advocate to promote community discussion and provide community education and information about the functions of the Public Advocate, the operation of the legislation and the role of the ACAT.

PAACT presents to community agencies including those working with children and young people, disability services and mental health.

GUARDIANSHIP

Given extreme staffing constraints during the reported period, PAACT did not provide any Guardianship-specific training to the community sector. Presentations have also now been specifically tailored to the needs of different audiences including those with a medical and legal focus.

PAACT published and circulated copies of “The Power to Choose”, a publication designed to promote, as well as to educate the community about, the importance of having an up to date Enduring Power of Attorney.

ADVOCACY

The Advocacy Unit provided seminars to new staff of Mental Health ACT, and the feedback provided on these sessions has once again been positive.

**JUSTICE AND COMMUNITY
SAFETY**

N.1 BUSHFIRE RISK MANAGEMENT

This section is not relevant to PAACT's operations.

N.2. FREEDOM OF INFORMATION

STATEMENT UNDER S.7 FREEDOM OF INFORMATION ACT 1989

S.7 of the *Freedom of Information Act 1989* requires the Public Advocate to prepare and publish a statement outlining the organisation, functions and decision-making powers, the categories of documents available, and facilities available to the public for accessing documents.

ORGANISATION, FUNCTIONS & DECISION-MAKING POWERS

PAACT is an independent statutory agency established by the *Public Advocate Act 2005*.

Functions of the Public Advocate

The roles and functions of the Public Advocate are established under S.10 of the Act, and include:

- ▶ acting as advocate for the rights of people with a disability and, as part of acting as advocate for those rights, doing the following:
  - a) fostering the provision of services and facilities for people with a disability;
  - b) supporting the establishment of organisations that support people with a disability;
  - c) encouraging the development of programs that benefit people with a disability (including advocacy programs, educational programs and programs to encourage people to act as guardians and managers); and
  - d) promoting the protection of people with a disability from abuse and exploitation;
- ▶ representing people with a disability at hearings before the ACAT in relation to guardianship applications;
- ▶ representing forensic patients before the ACAT or a court;
- ▶ acting as advocate for the rights of children and young people and, as part of acting as advocate for those rights, doing the following:

- e) fostering the provision of services and facilities for children and young people;
  - f) supporting the establishment of organisations that support children and young people; and
  - g) promoting the protection of children and young people from abuse and exploitation.
- ▶ monitoring the provision of services for the protection of children and young people; dealing, on behalf of people with a disability and children and young people, with entities providing services;
  - ▶ investigating, reporting and making recommendations to the Minister on anything relating to the operation of the Act referred to the Public Advocate by the Minister;
  - ▶ acting as a guardian or manager when appointed by ACAT;
  - ▶ promoting community discussion, and providing community education and information, about the—
- h) functions of the Public Advocate; and
  - i) operation of the Act; and
  - j) functions of ACAT under the *Guardianship and Management of Property Act 1991*.
- ▶ exercising the functions given to the public advocate under the *Children and Young People Act 2008*, and the *Mental Health Act 2015* (formerly *Mental Health (Treatment and Care) Act 1994*).
  - ▶ exercising any other function given to PAACT under this Act or another Territory law.

Other territory laws that give the Public Advocate functions include the *Domestic Violence and Protection Orders Act 2008* and *Court Procedures Act 2004*.

Public participation in decision-making

Arrangements for public participation in decision-making and policy work of the Public Advocate include: public submissions to inquiries; discussion at public forums; information stalls at community events; and community surveys conducted by PAACT eg evaluation of services.

Categories of documents

PAACT holds documents that are freely available, and others that may be made available.

Documents available on request & without charge include publications produced that are available on the Public Advocate's website as follows -

- ▶ Information and publications about services;
- ▶ Powers of Attorney brochure and Power to Choose booklet;
- ▶ Health Attorney Consent to Medical Treatment form;
- ▶ Applications for Guardianship forms;
- ▶ Documents of other kinds that may be available under the *Freedom of Information Act 1989*:
- ▶ Procedures Manual and staff directions with practice, induction, and procedure;
- ▶ Statutory compliance reports;
- ▶ Strategic Plan;
- ▶ Fraud Corruption & Risk Mitigation Plan; and
- ▶ Workplace Health & Safety Risk Plan.

Facilities for access

In future, those seeking information are encouraged to seek access by contacting the Public Advocate at the ACT Human Rights Commission before resorting to the more formal Freedom of Information procedure. In many cases it may be possible to access information more quickly and efficiently through such an approach.

Section 8 Statement

A copy of the S.8 Statement is available on the Public Advocate's website.

Section 79 Statement

During the reporting period, the Public Advocate received no Freedom of Information requests.

N.3. HUMAN RIGHTS

EDUCATION AND TRAINING

Section 10 of the *Public Advocate Act 2005* requires PAACT to act as an advocate for the rights of children and young people and adults with disabilities that could render them vulnerable to abuse, exploitation or neglect. In undertaking this function, PAACT continued to operate in a manner consistent with the obligations it has as a Public Authority under the *Human Rights Act 2004*.

During the year, staff of the Public Advocate attended a number of forums in respect to the United Nations Convention on the Rights of Persons with a Disability (UNCRPD) and Supported Decision-Making. The UNCRPD promotes equal recognition before the law and supported decision-making for all people with a disability including people with an intellectual disability.

INTERNAL DISSEMINATION OF INFORMATION

PAACT embraces ACT Public Service values and signature behaviours of Respect, Integrity, Collaboration and Innovation. PAACT Staff observe the JACS Code of Conduct establishes expected standards of behaviour for staff.

During the year, the Public Advocate continued to participate in a review of ACT rights protection agencies within JACS to examine whether existing arrangements meet the needs of ACT citizens and to ensure that human rights are protected. A significant amount of time was also spent in implementing the new model.

LIAISON

PAACT is a member of the Australian Guardianship and Administration Council (AGAC). In this capacity PAACT contributes to approaches to government in respect to matters affecting human rights.

PAACT continued to make representations to government in respect to a number of issues affecting personal rights including the National Disability Insurance Scheme (NDIS).

REVIEWS

Through AGAC, PAACT is apprised of and influences human rights issues relating to Guardianship, Administration and Public Advocate/Guardian matters in other Australian and international jurisdictions.

LITIGATION

PAACT was not required to act as Litigation Guardian on any occasion during the reported period.

N.4 LEGAL SERVICES DIRECTIONS

The *Law Officers Act 2011* (the Act) was established to create the Offices of Attorney-General, Solicitor-General and the Government Solicitor. Under S.15 of the Act PAACT

is required to report on measures taken to ensure compliance with the *Law Officers (General) Legal Services Directions 2012* and *Model Litigant Guidelines 2010*.

COMPLIANCE WITH LEGAL SERVICES DIRECTIONS

The Directions cover issues such as -

- ▶ outsourcing of legal work; and
- ▶ use of in-house lawyers as approved by the Attorney-General.

The Public Advocate exists to provide services to the ACT Community. PAACT does not undertake litigation in respect to government matters however litigation is undertaken on behalf of clients under guardianship or other Court orders. In that regard PAACT may brief external legal practitioners in accordance with the Model Litigant Guidelines.

COMPLIANCE WITH MODEL LITIGANT GUIDELINES

When appointed as litigation guardian, arrangements are routinely made to ensure that providers of legal services are aware of the *Law Officer (Model Litigant) Guidelines 2010* and apply them in the representation of the Public Advocate and its clients.



PUBLIC SECTOR STANDARDS AND WORKFORCE PROFILE

O.1. CULTURE AND BEHAVIOUR

Refer JACS Annual Report.

O.2. PUBLIC INTEREST DISCLOSURE

S.11 of the *Public Interest Disclosure Act 1994* requires the Public Advocate to establish and maintain procedures to facilitate disclosures about improper conduct or wrongdoing by the office.

PAACT is subject to the JACS Public Interest Disclosure Policy. The policy seeks to provide assistance to people who seek to disclose matters under the Act. Persons interested in making a disclosure in respect to the Public Advocate may do so to the Executive Director - Governance JACS or, if unavailable, through the JACS Internal Audit Committee.

No public interest disclosures were made during 2015-16.

O.3 WORKFORCE PROFILE

PAACT did not have any Special Employment Arrangements (SEA) or Attraction and Retention Incentives (ARIns) entered into during the reported period.

OUR STAFFING PROFILE

Recruitment and Separation Rates by Division

Division	Recruitment Rate	Separation Rate
PUBLIC ADVOCATE OF ACT	8.1%	16.1%
Total	8.1%	16.1%

Recruitment and Separation Rates by Classification Group

Division	Recruitment Rate	Separation Rate
Administrative Officers	28.2%	28.2%
Professional Officers	0.0%	0.0%
Senior Officers	0.0%	12.8%
Total	8.1%	16.1%

Recruitment and Separation Rates - Executive

Division	Recruitment Rate	Separation Rate
Executive Officers	0.0%	0.0%

FTE and Headcount

Branch/Division	FTE	Headcount
Public Advocate of the ACT	15.3	16
Total	15.3	16

Full Time Equivalent and Headcount by Gender

Classification Group	Female	Male	Total
FTE by Gender	13.3	2	15.3
Headcount by Gender	14	2	16
% of Workforce	87.5%	12.5%	100%

Headcount by Classification

Classification Group	Female	Male	Total
Administrative Officers	5	0	5
Senior Officers	8	1	9
Total	13	1	14

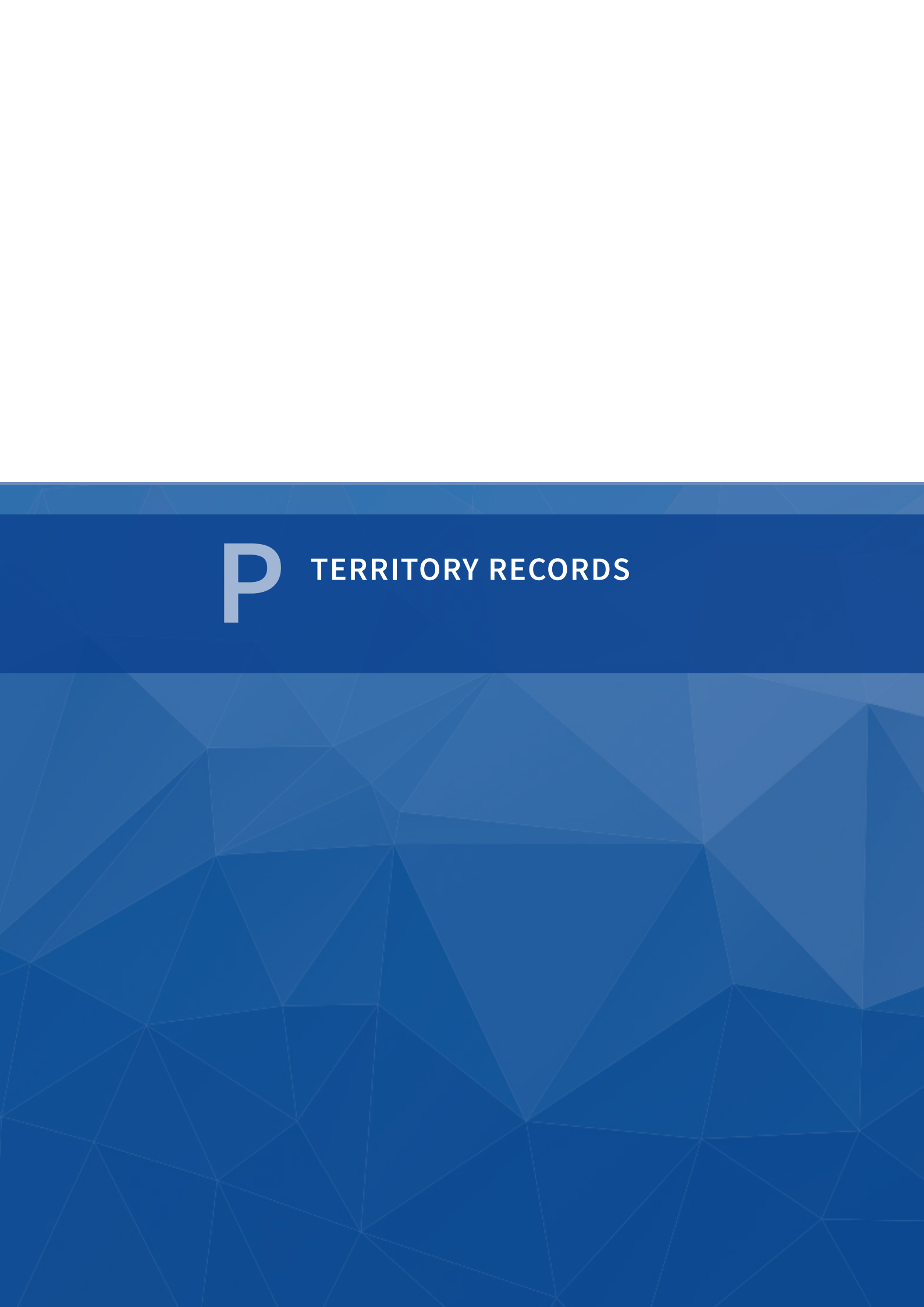
Employment Category by Gender

Employment Category	Female	Male	Total
Casual	0	0	0
Permanent Full-time	8	1	9
Permanent Part-time	3	0	3
Temporary Full-time	3	1	4
Temporary Part-time	0	0	0

Employment Category	Female	Male	Total
Total	14	2	16

Headcount by Diversity Group

	Headcount	% of Total Staff
Aboriginal and/or Torres Strait Islander	0	0.0%
Culturally & Linguistically Diverse	2	12.5%
People with a disability	0	0.0%

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P TERRITORY RECORDS

P. TERRITORY RECORDS

PAACT's Record Management Program has been fully operational since 1 July 2003 and is compliant with the *Territory Records Act 2002*. Record management policy and procedures are included in all staff induction training. Senior managers with supervisory roles are responsible for ensuring that PAACT staff are adequately skilled to undertake record management. During the reporting period the PAACT commenced review of the disposal schedule process for Advocacy records with assistance from Territory Records ACT.

INDEX AND GLOSSARIES

DEFINITIONS

ACT Civil and Administrative Tribunal (ACAT)

ACAT came into effect on 2 February 2009, consolidating 16 jurisdictions and tribunals including the administrative appeals tribunal, the discrimination tribunal, the guardianship and management of property tribunal, mental health tribunal, residential tenancies tribunal, the liquor licensing board and civil dispute (small claims) matters under \$10,000. It also takes on responsibility for discipline of various occupations including motor vehicle dealers and finance brokers, constructions occupations, surveyors and architects as well as the health and legal professions.

Alexander Maconochie Centre (AMC)

The AMC is the ACT's prison operating since 11 September 2008.

Adult Mental Health Unit (AMHU)

The AMHU is the acute psychiatric facility attached to Canberra Hospital. Operations began 23 March 2012.

Best Interests

Means that course of action which maximises what is best for a client and which includes consideration of the least intrusive, most normalising and least restrictive course of action possible, given the needs of the client; there is an emphasis on safety, quality of life and overall wellbeing including the potential long term outcomes of any proposed course of action.

Child

Is a person who is under 12 years old.

Community Care Order (CCO)

Is an order under the *Mental Health (Treatment and Care) Act 1994* (now *Mental Health Act 2015*). A CCO can be made by the ACAT in respect of a person who is mentally dysfunctional and when the ACAT has reasonable grounds for believing that, by reason of that dysfunction, the person is likely to do serious harm to himself, herself or others, and care and support is likely to reduce the harm. A CCO places the person in the care of the Care Coordinator, a designated senior public servant in the Health Directorate who can delegate his/her powers.

Child in need of Care and Protection

Is a determination made by Children's Court that there is a need for Territory intervention to ensure the protection and wellbeing of a child or young person.

Disability

A person who has a physical, mental, psychological or intellectual condition which gives rise to a need for protection from abuse, exploitation, or neglect and where there is a serious threat to their health or wellbeing.

Enduring Power of Attorney (EPA)

Provides a means by which competent people can appoint another person/s to be a substitute decision maker for personal and medical issues and/or manage their property (including financial), should the person lose their capacity.

Forensic Client

Is an adult, or child or young person with a mental illness or disability who has come into contact with the criminal justice system.

Guardianship

Is a way of legally appointing a responsible person who can make personal decisions in relation to work, living arrangements and medical treatment and institute or maintain legal proceedings on behalf of a person who has been assessed as having an impaired decision-making disability.

Health Attorney

A Health Attorney is a person authorised to give substitute consent to medical and dental treatment for people with impaired decision-making ability (referred to as the protected person). A health attorney is appointed by the senior treating doctor or dentist at the time the substitute medical consent is required. Each of the following people can be a health attorney for a protected person, (a) the protected person's domestic partner; (b) a carer for the protected person; or (c) a close relative or close friend of the protected person.

Individual Advocacy

Is where the PAACT advocates on behalf of an individual person to achieve an outcome, which is in that persons best interests. This usually means obtaining services for, or changing the way services are provided to, that person only.

Informed Consent

Is the provision of formal agreement to a specific medical intervention and is given freely by a competent person who has understood complex and detailed information provided by a medical professional, including information about risks, and who has weighed for themselves the consequences of having and not having the intervention.

Interview Friend

Is an independent person who is present when a child is taken into custody by the police for any offence and is interviewed. A police officer is not considered to be an independent person when interviewing a child. As defined under Section 23K(3)(d) of the *Crimes Act 1914*, an Interview Friend may be –

- ▶ a parent or guardian of, or a legal practitioner acting for a child;
- ▶ a relative or friend who is acceptable to a child, if none of the people in (a) is available;
- ▶ an independent person, if none of the people in (a) or (b) is available.

Involuntary Detention

Is an order under the *Mental Health (Treatment and Care) Act 1994* (now *Mental Health Act 2015*) under subsection (1), a doctor may authorise the involuntary detention and care of a person at an approved mental health facility (Canberra Hospital) for a period not exceeding three days. Under subsection (2), where a person is detained under subsection (1) and an application for further detention is made by a psychiatrist before the period expires, the ACAT may order that, the person be detained for a further period not exceeding seven days.

Management

Is a way of legally appointing a responsible person who can make financial or property related decisions and act on behalf of a person who is not legally competent and not able to make reasoned decisions for themselves about such transactions.

Mental Dysfunction

Defined in the *Mental Health (Treatment and Care) Act 1994* (now *Mental Health Act 2015*) means “a disturbance or defect, to a substantially disabling degree, of perceptual interpretation, comprehension, reasoning, learning, judgment, memory, motivation or emotion”.

Mental Illness

Defined in the *Mental Health (Treatment and Care) Act 1994* (now *Mental Health Act 2015*), means “a condition that seriously impairs (either temporarily or permanently) the mental functioning of a person and is characterised by the presence in the person of any of the following symptoms -

- (a) delusions;
- (b) hallucinations;
- (c) serious disorder of thought form;
- (d) a severe disturbance of mood;
- (e) sustained or repeated irrational behaviour indicating the presence of the symptoms referred to in paragraph (a), (b), (c) or (d)”.

Parental Responsibility

Is defined in the *Children and Young People Act 2008*, for a child or young person and means “all the duties, powers, responsibilities and authority parents have by law in relation to their children”. Both parents of a child or young person hold parental responsibility for that child or young person, unless either the ACT Children’s Court or the Family Court make an order.

Psychiatric Treatment Order (PTO)

Is an order under the *Mental Health (Treatment and Care) Act 1994* (now *Mental Health Act 2015*). A PTO can be made by the ACAT if a person has a mental illness and the ACAT has reasonable grounds for believing that, by reason of that illness, the person is likely to do serious harm to himself, herself or others, their public reputation, or is likely to suffer serious mental or physical deterioration unless subject to involuntary psychiatric treatment. A PTO places a person in the care of the Chief Psychiatrist.

Official Visitors

Official Visitors are appointed by the relevant Minister to advocate on behalf of children, youth, and adults suffering mental health or disability, prisoners or people in homeless services (when classified as visitable places).

Prescribed Medical Procedure

Is a procedure such as a termination of a pregnancy, a sterilisation, treatment for psychiatric illness, electro-convulsive therapy or psychosurgery for which a guardian

cannot provide substitute consent, and for which an application for consent must be made to the ACAT.

Protected Person

Person with an impaired decision-making disability.

Personal Protection Order (PPO)

Is an order made by the Magistrates Court that restricts the behaviour of the respondent to the order, usually to stop violence, harassment, intimidation or threats. If conditions of an order are not kept, the respondent is in breach of the order and may be charged with a criminal offence.

Public Trustee for the Act (PTACT)

Is a public authority established to provide permanent and secure trustee services for people in the community. PTACT prepares wills, administers estates and trusts, acts under power of attorney (EPA) and orders of the ACAT to provide ongoing financial management for people who are unable to manage their own financial and/ or property matters.

Restriction Order

Is an order under the *Mental Health (Treatment and Care) Act 1994* (now *Mental Health Act 2015*). It may be made by the ACAT in addition to an involuntary psychiatric treatment order or a community care order when the ACAT is satisfied that, it is in the interests of a person's health or safety or public safety. A restriction order may require a person with a mental illness to reside at a specified place, or a person with a mental dysfunction to reside at a community care facility, or not approach a specified person or place or undertake specified activities.

Systemic Advocacy

Is where the PAACT advocates on behalf of a number, or group, of people to achieve an outcome that is in the best interests of many people. This usually means changing the way an agency provides services, so that many people will benefit both now and in the future.

Young Person

Is a person who is 12 years old or older, but not yet 18 years of age.

GLOSSARY OF ACRONYMS

ACT	Australian Capital Territory
ACAT	ACT Civil and Administrative Tribunal
AGAC	Australian Guardianship and Administration Council
AMC	Alexander Maconochie Centre
AMHU	Adult Mental Health Unit
ASO	Administrative Services Officer
BHRC	Brian Hennessy Rehabilitation Centre
CCO	Community Care Order/Care Coordination Office
CSD	Community Services Directorate
JACS	Justice and Community Safety
EPA	Enduring Power of Attorney
GLR	Guardian of Last Resort
LA	Legislative Assembly
MAP	Management Assessment Panel
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
OCYFS	Office for Children, Youth and Family Support
OPMHU	Older Persons Mental Health Inpatient Unit
PAACT	Public Advocate of the ACT
PTACT	Public Trustee for the ACT
PTG	Public Trustee and Guardian
PTO	Psychiatric Treatment Order
RAP	Referral Assessment Panel
TCH	The Canberra Hospital



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