Annual Report

2024-25

The Public Advocate

Influencing change to transform lives

Acknowledgement of Country

The Public Advocate and staff acknowledge Aboriginal and Torres Strait Islander peoples as Australia's first peoples and as the Traditional Owners and custodians of the land on which we live. We celebrate the diversity of Aboriginal and Torres Strait Islander cultures across Queensland and pay our respects to Elders past, present and emerging.

Acknowledgement of Lived Experience

We acknowledge the experiential expertise of adults with impaired decision-making ability, whose rights we seek through our work to promote and protect.

Public availability
This report is available online at https://www.justice.qld.gov.au/public-advocate/publications/corporate-publications/annual-reports. Alternatively, you may contact our office to access a hard copy.

ISSN: 1838-5095 (Print)
ISSN: 1838-5109 (Online)

Office location
State Law Building, 50 Ann Street, Brisbane, QLD 4000

Contact details
Mail: GPO Box 149, Brisbane, QLD 4000
Telephone: + (61 7) 3738 9513
Website: http://www.justice.qld.gov.au/public-advocate
Email: public.advocate@justice.qld.gov.au

Feedback on this report
Feedback on this report is welcomed. A feedback survey is available at https://www.getinvolved.qld.gov.au/gi/consultation/13900/survey/10900/view.html?cid=135612. Alternatively, a hard copy of the survey may be requested from our office.

Disclaimer
The views or opinions in this report do not necessarily reflect the views of the Department of Justice or the Queensland Government.

Every effort has been made to ensure this document is accurate, reliable, and up to date at the time of publication. However, the Public Advocate will not accept any responsibility for loss caused by reliance on this information.

Copyright and license
© Public Advocate (Qld) 2025.

This annual report is licenced by the State of Queensland (Public Advocate) under a Creative Commons Attribution (CC BY) 4.0 International licence. To view a copy of this licence, visit http://creativecommons.org/licenses/by/4.0/.

Attribution
You are free to copy, communicate and adapt this Annual Report, as long as you attribute the work to: State of Queensland, Public Advocate Annual Report 2024-25.

Interpreter service
The Queensland Government is committed to providing accessible services to Queenslanders from culturally and linguistically diverse backgrounds. If you have trouble understanding the Annual Report, you can contact our office and we will arrange an interpreter to effectively communicate the report to you.

The Honourable Deb Frecklington MP
Attorney-General and Minister for Justice
Minister for Integrity
1 William Street
BRISBANE QLD 4000

31 October 2025

Dear Attorney-General,

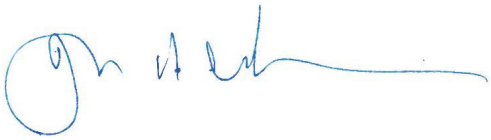
I am pleased to present the Public Advocate's Annual Report for the financial year that ended on 30 June 2025.

The report is made in accordance with the requirements of section 220 of the *Guardianship and Administration Act 2000*.

The Annual Report provides information on the key activities of the Public Advocate and staff of the office for 2024-25, and a statement of the office's financial and operational functions for the year.

The Public Advocate is not considered to be a statutory body for the purposes of the *Statutory Bodies Financial Arrangements Act 1982* or the *Financial Accountability Act 2009*. The Public Advocate is therefore not required to comply with the annual report requirements for Queensland Government agencies. The annual report requirements were, however, used to guide the creation of this annual report.

Yours sincerely,



John Chesterman
Public Advocate

Message from the Public Advocate

Once again this has been a very busy year for the office, as my small team and I seek to promote and protect the rights of adults with impaired decision-making ability. The work of the office takes a range of formats, from advocacy on previously completed projects (in the form of speeches and the publication of articles), involvement in advisory and working groups, the provision of evidence to parliamentary committees, and engagement on new projects. In addition, the office seeks to exercise a leadership role in the fields of adult safeguarding and adult guardianship, through the establishment and operation of state-wide and national forums and groups.

One significant project completed by the office this year was the report entitled *Supporting Parents with Cognitive Disability in Queensland: The Need for Reform*, which was tabled in the Queensland Parliament on 9 June 2025. That report argues that we can do more to support parents with cognitive disability in their parenting, and that we should focus on this rather than immediately viewing a parent's cognitive disability as a risk to the welfare of their child or children. This has implications for a range of state and federal government service arenas, including health services, the National Disability Insurance Scheme, and the child protection system.

The report's two recommendations, which at the time of writing remain under consideration, propose that the Queensland government: investigate in depth what happens when a parent with cognitive disability interacts with the child protection system; and enable greater advocacy support to be provided to parents and prospective parents with cognitive disability. The report's completion coincided with the establishment of the Commission of Inquiry into the Child Safety System in Queensland, which is due to report by November 2026, and I am confident that my office's report will be of assistance to that inquiry.

Another significant undertaking of the office this year was the completion of a second discussion paper in the office's Adults with Cognitive Disability in the Queensland Criminal Justice System project. The discussion paper, on Courts, added to the previously released discussion paper on Policing, with a third discussion paper on the Forensic System (Mental Health and Disability) due to be released in August 2025. Two further discussion papers will then be released, followed by a final reform recommendations report.

Other important work of the office this year concerned ongoing advocacy for reform to the regulation of restrictive practices. In March 2025 I released a discussion paper entitled 'Proposal for the future regulation (and reduction in the use) of restrictive practices in Queensland', which calls for the establishment of a senior practitioner authorisation model in the disability and aged care sectors, with possible extension into other areas such as health, education and child protection.

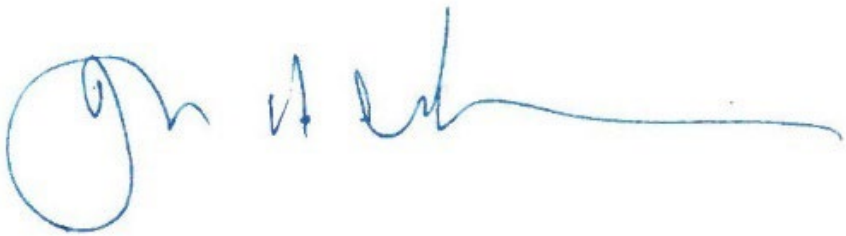
The current parliamentary inquiry into elder abuse has provided an important opportunity to advance the reform ideas contained in my two-volume report on Adult Safeguarding in Queensland, the second volume of which was tabled in Queensland Parliament in December 2022. I made oral and written submissions to the parliamentary committee this past twelve months, and I have been genuinely enthused by the Committee's engagement with the sometimes complex topic of elder abuse, and the opportunity that the inquiry presents for significant reform in a range of fields of relevance to elder abuse, including alternatives to policing and guardianship responses, and the improved regulation and usage of enduring powers of attorney.

In another exciting project, the office partnered this year with Aged and Disability Advocacy Australia and lead agency Council on the Ageing (COTA) Queensland in hosting the first of three forums on social isolation and loneliness among senior Queenslanders. The forum, held in Brisbane in March 2025, was designed to prompt thinking about how we can challenge ageism and promote social connectivity. Two further forums in the series – in Townsville and Longreach – will be held late in 2025.

As you can read in this Annual Report, other significant advocacy undertakings this year have included the call for:

- harmonised financial enduring powers of attorney laws;
- reform to our guardianship laws, consistent with recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability; and
- reform to our regulation of supported accommodation, consistent with the office's 2023 report and the subsequent parliamentary committee report on this topic.

As always, I am extremely grateful to my colleagues in the office for their dedicated work – thank you Tracey Martell, Jacinta Colley, Yuu Matsuyama, and Kelly Motley. I am also grateful to an enormous number of people who have assisted the office in its work this past year, including people with cognitive disability and people working in advocacy organisations, statutory bodies, and government departments. I particularly thank the Attorney-General and the Department of Justice for their ongoing support of the office. While I always try to be transparent and collegial in all that I do in my role, much of the office's work involves proposing reforms to government systems and services in a bid to improve the lives of adults with impaired decision-making ability. This requires a respectful and robust relationship with government. I am pleased to say that such a relationship exists, and I want also to note that I do not take this for granted.



John Chesterman
Public Advocate

Table of contents

The Public Advocate **8**
Legislative functions 8
Office of the Public Advocate **9**
Operations 9
The team 9
Business planning and performance 11
Community Enquiries 13
Governance 13
Information systems and recordkeeping 13
Engagement and consultation 14
Systemic Advocacy Projects 15
Our priorities for the year ahead 16
Disability **18**
Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability and the NDIS Independent Review 18
Public Advocate involvement 19
Supporting parents with cognitive disability 20
Supported accommodation project 20
Restrictive Practices 21
Adult Safeguarding 22
Health care for people with disability 22
National Roadmap for Improving the Health of People with Intellectual Disability 22
Transitioning people with disability living long-term in public health facilities to the community 23
Forensic Disability Service (FDS) 24
Disability advocacy funding 25
Supported decision-making 26
Contribution to whole-of-government initiatives 26
National Roadmap to Improve the Health and Mental Health of Autistic People 26
National Suicide Prevention Strategy 27
Australia's Disability Strategy 2021-31 - 2024 Update 27
Queensland's Disability Plan 2022-2027: Together a better Queensland 28
Older people **30**
Aged Care Structural Reforms arising from the Royal Commission into Aged Care Quality and Safety 30
Inquiry into Elder Abuse in Queensland 30
Use of restrictive practices in residential aged care 31
Social isolation and loneliness 31
Contribution to whole-of-government initiatives 32
National Plan to End the Abuse and Mistreatment of Older People 2025-2035 32
Health **34**
Use of restrictive practices in health care settings 34
Mental health **34**
Better Pathways – Improving Queensland's delivery of acute mental health services 34

The Chief Psychiatrist 35
Review of Chief Psychiatrist policies 35
Law and justice 37
Adults with cognitive disability in the Queensland criminal justice system 37
Section 114A of the *Guardianship and Administration Act 2000* (Qld) and Section 216 of the *Criminal Code 1899* 37
Section 114A of the Guardianship and Administration Act 37
Section 216 of the Criminal Code 38
Other legislation 38
Legal interventions 38
Limitation orders 39
Litigation Guardianship 39
Guardianship and administration 42
Enduring documents 42
Enduring powers of attorney law reform and a national register 42
Preserving the financial futures of vulnerable Queenslanders: A review of Public Trustee fees, charges, and practices 42
Financial summary 45
Other payments of note 45
Overseas travel 45
Appendix 1: List of submissions 46
Appendix 2: Speaking engagements and public hearings 47
Appendix 3: Working and advisory groups 50
Commonwealth Attorney-General's Department Stakeholder Reference Group – Enduring powers of attorney law reform 50
Australian Guardianship and Administration Council (National) 50
Seniors Legal and Support Service Health Justice Partnership Reference Group 50
Queensland Health – Health and Disability Interface Advisory Group 50
Queensland Health QCAT Governance Group 50
Mental Health and Disability Legal Assistance Forum 50
Queensland Law Society Committees 50
Public Interest Disclosures Agency Network 51
National adult safeguarding roundtable 51
QCAT Guardianship stakeholder group 51
NDIA rural and remote advisory group 51
Disability and Health Sector Consultation Committee (DHSCC) – Long term health advocacy working group 51
DFSDSCS Disability Reform Implementation Stakeholder Committee 51
Department of Housing and Public Works – Residential Services Reform Working Group and Stakeholder Group 51
Older Persons Advocacy Network – Supported Decision-Making Working Group 51
Southern Downs Regional Council – Southern Downs Elder Abuse Response Panel 52
Metro South Hospital and Health Service – Disability Inclusion and Safety Committee 52
Advance Care Planning Australia – Steering Committee 52
Appendix 4: Glossary of acronyms 53

About the Public Advocate

The Public Advocate

Legislative functions

The Public Advocate is a statutory position established under Chapter 9 of the *Guardianship and Administration Act 2000* (Qld) to promote and protect the rights and interests of Queensland adults with impaired decision-making capacity through systemic advocacy.

> 'Having capacity' means a person can understand the nature and effect of decisions about a matter, can freely and voluntarily make decisions about it, and can communicate their decisions in some way. If a person is unable to do one or more of these things, they may have impaired decision-making capacity.
>
> There are many conditions that may affect a person's decision-making capacity. These include intellectual disability, acquired brain injury, mental illness, neurological disorders (such as dementia) or alcohol and drug misuse. While not all people with these conditions will experience impaired decision-making capacity, many of them will at some point in their lives. For some, impaired decision-making capacity may be episodic or temporary, requiring intensive supports at specific times, while others may require lifelong support with decision-making and communicating their wishes and preferences.

Under the Act, the functions of the Public Advocate are:

- 'Promoting and protecting the rights of adults with impaired capacity for a matter';
- 'Promoting the protection of the adults from neglect, exploitation or abuse';
- 'Encouraging the development of programs to help the adults to reach the greatest practicable degree of autonomy';
- 'Promoting the provision of services and facilities for the adults'; and
- 'Monitoring and reviewing the delivery of services and facilities to the adults'.[1]

In exercising these functions, the Public Advocate is required to apply the general principles outlined in Chapter 2A of the *Guardianship and Administration Act*.[2]

The Public Advocate also:

- has the power to 'intervene in a proceeding before a court or tribunal, or in an official inquiry, involving protection of the rights or interests of adults with impaired capacity for a matter';[3] and has,
- the 'right to all information … necessary to monitor and review the delivery of services and facilities to adults with impaired capacity for a matter'.[4]

[1] *Guardianship and Administration Act 2000* (Qld) s209.
[2] *Guardianship and Administration Act 2000* (Qld) s11B.
[3] *Guardianship and Administration Act 2000* (Qld) s210, intervention in cases is granted with leave of the court, tribunal, or person in charge of the inquiry and is subject to any terms imposed.
[4] *Guardianship and Administration Act 2000* (Qld) s210A.

Office of the Public Advocate

Vision
To realise a just and inclusive society where the rights of all Queenslanders are upheld, and their autonomy respected.

Purpose
To undertake systemic advocacy to promote the rights and interests of people with impaired decision-making ability and their protection from neglect, exploitation, and abuse.

Values
Relationships and influence
We engage collaboratively with our stakeholders by building goodwill, sharing knowledge and expertise, and fostering confidence in our work.

Knowledge and leadership
We are committed to research and analysis that contributes to informed legal and social policy debate to progress the rights of people with impaired decision-making ability, and their access to responsive supports and services.

Courage and integrity
We champion the rights and views of people with impaired decision-making ability through our systemic advocacy. We work with clear purpose and commitment. We encourage a culture where accountability and respect are paramount.

Operations

The team

The Public Advocate's team is committed to supporting the Public Advocate through systemic advocacy to improve the lives of adults who experience impaired decision-making ability.

The Public Advocate, as an independent statutory position under the *Guardianship and Administration Act,* is appointed by the Governor in Council on the recommendation of the Attorney-General.

Dr John Chesterman is the current Public Advocate. He commenced in the role in August 2021 on a three-year contract, which has been extended for a further five years, until August 2029.

Staff who support the Public Advocate are employed by the Department of Justice (DoJ) and appointed under the *Public Sector Act 2022* (Qld). The office relies on DoJ for core business supports, such as information technology and human resource services.

Code of Conduct and public sector values

The following public sector values guide the way the team works:

1. Customers first
2. Ideas into action
3. Unleash potential
4. Be courageous
5. Empower people

Staff abide by the *Code of Conduct for the Queensland Public Service* (the Code) and DoJ's *Workplace Policy*. The Code reflects ethical values contained in the *Public Sector Ethics Act 1994* (Qld) and is based on the following principles and values:

- integrity and impartiality;
- promoting the public good;
- commitment to the system of government; and
- accountability and transparency.

All staff are introduced to the Code and related departmental policy and expectations upon commencement with the office. Staff can readily access the Code and supporting resources through DoJ's intranet. Staff are periodically reminded about the Code and complete workplace ethics training. Any breaches of the Code are managed in line with the Public Service Commission's *Discipline Guideline* (Guideline 01/17).

Staff ensure the administrative procedures and management practices of the office are ethical, and consistent with Public Service values and the Code.

Workforce planning and performance

Five full-time officers support the Public Advocate. Workforce planning processes aim to align the business needs of the office with the skills and abilities of staff. The Public Advocate is committed to providing staff with professional development opportunities to improve their knowledge and skills so that they can help to protect and advance the interests of adults with impaired decision-making ability.

Performance management is integrated into the day-to-day running of the office, with all staff provided with regular feedback and recognition of their work performance, along with participation in performance and career development planning. As part of this planning, discussions focus on expectations, performance, behaviour, and career development.

The office supports staff to achieve an appropriate work-life balance and effectively manage their wellbeing and mental health. Flexible working options are provided to staff, which include accessing accrued time, working part time, and telecommuting. Where appropriate, staff are provided with information about self-care strategies and access to the confidential employee assistance service offered to DoJ employees.

Business planning and performance

Given the diversity of people who experience impaired decision-making ability, the scope of work undertaken by the Public Advocate is necessarily broad. While some adults with impaired decision-making ability have limited involvement with service systems, others interact with multiple systems, such as disability, aged care, health, mental health, and justice.

Fulfilling the statutory functions of the Public Advocate therefore requires wide-ranging knowledge and understanding of these service systems and how adults with impaired decision-making ability interact with them. Achieving positive systemic change requires a range of approaches to the Public Advocate's work and engagement with stakeholders. This includes building positive and collegiate relationships with key stakeholders, staying abreast of systemic issues, and creating and capitalising on opportunities for change.

The Public Advocate has a business plan that helps guide the work of the office. The business plan is reviewed annually to define and prioritise work. The *Public Advocate's 2024-25 business plan* outlined the actions and activities that would be undertaken by the office in identifying and responding to systemic issues across multiple sectors.

There are inherent challenges in measuring the performance of the Public Advocate's systemic advocacy. This is partly due to the nature of 'advocacy' and because the Public Advocate is not a decision-maker in any of the systems delivering services to adults with impaired decision-making ability.

There can also be a significant time lag between undertaking systemic advocacy activities and seeing an observable impact. Progress can be incremental, requiring a long-term strategy that considers factors including: political receptivity; community and media interest or concern; competition for government resources; and stakeholder relationships. Systemic changes are often driven by a combination of factors, with advocacy being just one.

Aspects of the Public Advocate's performance can be easily measured, for example, the number of systemic advocacy submissions or reports completed in a year, or when a government report or a report from another authority directly quotes or references the Public Advocate's submission or other publication. Other performance questions are more difficult to answer, for example, how many lives have benefitted from a systemic improvement driven by the advocacy or work of the Public Advocate? Or, to what extent did the systemic advocacy of the Public Advocate influence or contribute to a positive change?

This annual report provides an overview of the activities undertaken by the Public Advocate in 2024-25 that demonstrate progress towards achieving positive changes in the protection of the rights and interests of adults with impaired decision-making ability.

Over the past year, the Public Advocate has continued to collaborate with stakeholders on specific systemic issues to advance the interests of adults with impaired decision-making ability. The Public Advocate participated in several working and advisory groups (noted throughout this report) and made submissions on a wide range of issues to various government and parliamentary reviews and inquiries. Many of those submissions are discussed under the specific sector areas in this report.

Appendix 1 lists all submissions that are publicly available.

Key focus areas – 2024-25 Business Plan

Major Projects

- advocate for a Senior Practitioner Model to authorise, regulate and monitor the use of restrictive practices across settings including residential aged care, disability services and health care;
- review the findings and recommendations of the Inquiry into the provision and regulation of supported accommodation in Queensland;
- continue to manage and monitor the outcomes of a supported decision-making demonstration project in collaboration with the Office of the Public Guardian;
- continue working on a project identifying issues for adults with cognitive disability in the Queensland criminal justice system;
- continue to advocate for the establishment of an Adult Safeguarding Agency and Commissioner in Queensland;
- complete a project reviewing the supports provided to parents with cognitive disability in Queensland;
- conduct, in partnership with the Council on the Ageing (COTA) and Aged and Disability Advocacy Australia (ADA), a series of forums across Queensland focussed on social isolation and loneliness;
- continue to develop stakeholder connections and working relationships to assist with research regarding guardianship, elder abuse and advance care planning issues for Aboriginal and Torres Strait Islander people and communities; and
- monitor a series of key data indicators across systems that inform the Public Advocate's systemic advocacy activities.

Disability

- provide timely advice and feedback on NDIS scheme issues and responsiveness to government, the NDIA, and the NDIS Quality and Safeguards Commission;
- commence the liaison and engagement process associated with a potential follow up report regarding the deaths of people with disability in care;
- continue to advocate for adequate and recurrent funding for advocacy support; and
- monitor the Australian and Queensland Government's response to, and implementation of, disability sector reforms related to the recommendations of the Disability Royal Commission and NDIS Review.

Older people

- contribute to the processes associated with the implementation of aged care system reforms as recommended by the Royal Commission into Aged Care Quality and Safety; and
- contribute to the development and implementation of the Australian Government's National Plan to address abuse against older Australians.

Mental Health

- monitor progress on the conclusions and recommendations included in the Public Advocate's acute mental health system review; and,
- continue to engage with the Chief Psychiatrist about policies, guidelines and other monitoring and oversight mechanisms to promote and protect the rights of adults in the mental health system.

Law and justice

- continue to advocate for the rights of people with impaired decision-making ability to form relationships and engage in sexual expression; and,
- continue to advocate for amendments to the *Guardianship and Administration Act 2000* that currently prohibit an adult from identifying themselves and speaking about their experiences of the guardianship and administration system.

Guardianship and administration

- continue to advocate for the harmonisation of financial enduring powers of attorney legislation and the development of a national register of enduring documents; and
- monitor the implementation of the recommendations from the systemic review of the Public Trustee's fees, charges, and practices.

Community Enquiries

The Public Advocate is committed to responding to all community enquiries received by the office, providing people with an appropriate referral to an agency or organisation that may be able to assist with their individual circumstances. Community enquiries also provide another avenue for the office to connect with the lived experience of people with impaired decision-making ability and to identify systemic issues that need to be addressed.

The Public Advocate responds to a substantial number of community enquiries each year, received by phone, email or letter. Responding to community enquiries is considered an important role of the office, and staff members maintain a strong commitment to assisting all contacts, either directly, or with a referral to another agency or organisation. The nature of community enquiries also contributes to our understanding of the lived experience of adults with impaired decision-making ability and the identification of relevant systemic issues.

During 2024-25, the Office responded to more than 100 community enquiries. Enquiries were referred to a variety of agencies and organisations, including members of the guardianship and administration system within Queensland (e.g., the Queensland Civil and Administrative Tribunal (QCAT), the Offices of the Public Guardian and the Public Trustee), Community Legal Centres, Independent Patient Rights Advisers, the Office of the Chief Psychiatrist, the National Disability Insurance Agency (NDIA), and the NDIS Quality and Safeguards Commission.

A significant proportion of enquiries were also referred to agencies providing individual advocacy services or the Disability Advocacy Pathways service (highlighted later in this report). Other enquirers made general queries or comments, including questions and feedback regarding publications released by the Public Advocate.

Governance

The Public Advocate is appointed to fulfil statutory functions under Chapter 9 of the *Guardianship and Administration Act*. Under the Act, the Public Advocate is appointed for a fixed term, but for no longer than five years. Under Section 215(3) of the Act, the Public Advocate may be removed from office by the Governor in Council for physical or mental incapacity, neglect of duty, dishonourable conduct, or after being found guilty of an offence the Attorney-General considers makes the person inappropriate to perform official duties.

The Public Advocate's office fulfilled DoJ's corporate governance and accountability requirements in 2024-25 and was not subject to any departmental or external reviews.

Information systems and recordkeeping

The office uses DoJ's record management system to manage electronic and physical documents and follows DoJ policies and processes for record keeping.

Staff are introduced to the record keeping systems, record keeping responsibilities, and related departmental policy and expectations upon commencement with the office.

Engagement and consultation

The office continually seeks to understand the lived experience of adults with impaired decision-making ability and ensures that issues impacting them underpin the systemic advocacy of the Public Advocate.

Stakeholder engagement and consultation is critical to performing the functions of the Public Advocate. It helps the office gain additional knowledge and understanding of the lived experience of adults with impaired decision-making ability and is also a means by which the Public Advocate influences and effects positive systemic changes.

The office continually works to build and maintain collaborative relationships with government, non-government, and community stakeholders, particularly those in the disability, seniors, health, mental health, and justice sectors. These relationships allow the Public Advocate to engage with key issues and generate discussion, cultivate effective collaborations, and develop strategies and solutions that reflect the views and needs of adults with impaired decision-making ability and that can change their lives for the better.

Throughout 2024-25, the Public Advocate participated in regular meetings with a range of stakeholders including; the Public Guardian, the Public Trustee, the President and representatives of QCAT, the Chief Psychiatrist, the Director of the Queensland Forensic Disability Service, the Department of Families, Seniors, Disability Services and Child Safety (DFSDSCS), Uniting Care (Social Justice and Policy), and Queensland Advocacy for Inclusion (QAI). These meetings were in addition to working/advisory group meetings.

In 2024-25, the Public Advocate was on, or was represented on, the following working and advisory groups. Appendix 3 provides an overview of the purpose of each group.

Lead agency	Working/advisory group
Commonwealth Attorney-General's Department	Stakeholder Reference Group – Enduring Powers of Attorney reform
Public Advocate (Chair)	Australian Guardianship and Administration Council (AGAC)
Queensland Health	Health and Disability Interface Advisory Group QH QCAT Governance Group
Public Advocate (Chair) - Department of Justice	Mental Health and Disability Legal Assistance Forum
Queensland Law Society	Health and Disability Law Committee Elder Law Committee
Department of Families, Seniors, Disability Services and Child Safety (DFSDSCS)	Positive Behaviour Support and Restrictive Practices Review Reference Group
Queensland Ombudsman	Public Interest Disclosures Agency Network
Public Advocate (Chair)	National Adult Safeguarding Roundtable
Public Advocate (Chair)	QCAT Guardianship Stakeholder Group
NDIA	NDIS Rural and Remote Working Group
Disability Health Sector and Consultation Committee Department of Health and Aged Care (Cth)	Long Term Health Advocacy Working Group

Lead agency	Working/advisory group
Department of Families, Seniors, Disability Services and Child Safety	Disability Reform Implementation Stakeholder Committee
Department of Housing and Public Works	Residential Services Reform Working Group
Department of Housing and Public Works	Residential Services Reform Stakeholder Group
Older Persons Advocacy Network	Supported Decision-Making Working Group
Southern Downs Regional Council	Southern Downs Elder Abuse Response Panel
Metro South Hospital and Health Service	Disability Inclusion and Safety Committee
Advance Care Planning Australia	Steering Committee
Caxton Legal Centre	Seniors Legal and Support Service Health Justice Partnership Reference Group

Systemic Advocacy Projects

At any given time, the Public Advocate is working on a range of systemic advocacy projects in response to issues that have been raised by stakeholders and people with lived experience of impaired decision-making ability.

These projects are ones that require additional research, consultation, and review for the development of reform recommendations to government.

Under the *Guardianship and Administration Act*, the Public Advocate can also provide reports of this nature to the Attorney-General for tabling in the Queensland Parliament. This is one of the principal ways in which the Public Advocate can drive systemic change to improve the lives and wellbeing of adults with impaired decision-making ability.

During 2024-25, the Public Advocate:

- Continued a project investigating the experiences of adults with cognitive disability in the Queensland criminal justice system.
- Completed a project exploring the needs of parents with cognitive disability. This report was tabled in the Queensland Parliament on 9 June 2025. Further details regarding this project are included in the Disability section of this report.

The Public Advocate has also continued to advocate for the implementation of reform recommendations associated with the following reports and projects:

- *'Safe Secure and Affordable'? The need for an Inquiry into supported accommodation in Queensland*. This report was tabled in the Queensland Parliament on 12 September 2023. A Parliamentary Inquiry into the provision and regulation of supported accommodation, as recommended in the report, was undertaken during 2023-24. The report from this Inquiry, and its recommendations, remain under consideration by government.
- The *Adult Safeguarding in Queensland* project, which calls for the introduction of an Adult Safeguarding Commissioner and local Adult Safeguarding Networks within Queensland. This report was tabled in the Queensland Parliament on 8 December 2022 and is currently under consideration by government.
- *Public Accountability, Private Lives: Reconsidering the Queensland guardianship system's confidentiality requirements*. This report was released in 2022 and looks at, specifically, the making of limitation orders by QCAT and Section 114A of the *Guardianship and Administration Act*. This section of the Act currently prohibits the publication of the identity of a person who is subject to a guardianship proceeding (unless certain other conditions apply).

- *Better Pathways: Improving Queensland's acute mental health system*, which made 21 recommendations for improvements to this system in Queensland.
- *A discussion of section 216 of the Criminal Code: A call to review the criminalisation of sexual relationships involving people with 'an impairment of the mind',* a discussion paper concerning the right of adults with impaired decision-making ability to engage in sexual relationships.

Reference is made to these papers and reports throughout this report.

Our priorities for the year ahead

In addition to the completion of a systemic advocacy project regarding the criminal justice system, the Public Advocate anticipates commencing, during the 2025-26 year:

- A project identifying the issues and challenges faced by young adults with cognitive disability when leaving a care-based environment, including foster care and residential out-of-home care and detention.
- A project that will revisit the 2016 report *Upholding the right to life and health – A review of deaths in care of people with disability in Queensland*, again reviewing reportable deaths of people with disability residing in care over a set period of time. This review will determine if the rate of preventable deaths of people with disability in care has improved since 2016 and develop a series of reform recommendations to provide the opportunity for adults with cognitive disability to live longer, healthier and more enriched lives.

Major Systems
Disability

Disability

Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability and the NDIS Independent Review

It has now been more than 18 months since the Disability Royal Commission tabled its final report in the Australian Parliament and the NDIS Independent Review released its findings to government.

During this time, a Queensland state (26 October 2024) and a federal election (3 May 2025) have taken place.

In September 2024, the Disability Reform Ministerial Council released a *Disability Roadmap for 2024 and 2025*. The Roadmap was designed to provide an overview and key deliverables associated with the reforms following the Disability Royal Commission, the NDIS Review, and pursuant to Australia's Disability Strategy.[5]

For the recommendations associated with the Disability Royal Commission, the Roadmap notes that 2024 and 2025 will see the 'ongoing implementation of joint DRC recommendations across governments in partnership with the disability community',[6] including the release of two national implementation reports – the first in June 2025 and the second in December 2025.

At the time of writing, the first national implementation progress report has not been released as planned. The Disability Reform Ministerial Council, in its Communique dated 6 June 2025, 'reiterated their commitment to the implementation of the joint government response to the Disability Royal Commission recommendations as a priority for the DRMC and agreed to endorse the Biannual report out of session by the end of August 2025'.[7]

Actions associated with the implementation of the NDIS Review Response over 2024 and 2025 include the response to the review, NDIS legislation, and the development of foundational supports.

During 2024-25 the response to the review has been released along with the NDIS Amendment Bill 2024, which was enacted on 3 October 2024.

Work is continuing on reform planning and implementation across governments and on co-design and engagement on the NDIS rules.[8]

Foundational supports, as defined by the NDIS Review, are supports that are available to 'all NDIS participants and people with disability under age 65 who are not eligible for the NDIS and their families'.[9]

The report recommends two types of foundational supports:

- General foundational supports [which] would include programs and activities like information and advice, individual and family capacity building, peer support, self-advocacy, and disability employment supports.
- Targeted foundational supports [which] are supports available for people aged under 65 with disability who are not eligible for the NDIS. They should include home and community supports, such as shopping and cleaning or aids and equipment for people with less intensive support needs. There should be targeted supports for adults with a psychosocial disability to build their capacity, independence and daily living skills. There should also be early supports for families and children with emerging developmental concerns and transition supports to help

[5] Disability Reform Ministerial Council (Cth), *Disability Reform Roadmap for 2024 and 2025*, (September 2024), <https://www.health.gov.au/sites/default/files/2025-07/disability-reform-roadmap_0.pdf>.
[6] Ibid., p. 1.
[7] Disability Reform Ministerial Council (Cth), *Disability Reform Ministerial Council (DMRC), Adelaide – 6 June 2025, Communique*, (June 2025), <https://www.health.gov.au/sites/default/files/2025-07/drmc-communique-6-june-2025.pdf>.
[8] Disability Reform Ministerial Council (Cth), *Disability Reform Roadmap for 2024 and 2025.*
[9] Australian Government, NDIS Review, *Foundational supports for all people with disability*, (7 December 2023), <https://www.ndisreview.gov.au/resources/fact-sheet/foundational-supports-all-people-disability>.

young people prepare for employment and independent living. Targeted supports should be matched to people's level of need.[10]

The Disability Reform Roadmap notes that, from July 2024 to June 2025, 'all governments are working together to develop a Foundational Supports Strategy that will be agreed by National Cabinet in the future'. Further iterations will include 'updates on key timeframes as they are agreed'.[11] The Roadmap also highlights that the 'phased implementation of foundational supports commences from 2025-26'.[12]

From September to December 2024, the Australian Government's Department of Social Services undertook a broad-based consultation program associated with foundational supports. The summary report associated with these consultations has not yet been released.

During a press conference held on 26 May 2025, the Federal Minister for Health and Ageing and the Minister for Disability and the National Disability Insurance Scheme, the Hon. Mark Butler MP, announced that the finalisation of a foundational supports strategy and funding would be delayed until the end of 2025.[13]

Public Advocate involvement

During 2024-25, the Public Advocate has been involved in various consultations and other activities at a state level associated with planning for the implementation of the Disability Royal Commission's recommendations and those made in the NDIS independent review.

The process associated with implementation is being guided by the Queensland Disability Framework, which was released by the Queensland government on 31July 2024.

The framework sets out key focus areas and initial reforms to be implemented under three broad objectives:

- The rights, voices and participation of people with disability are elevated.
- Queenslanders with disability can access high quality, safe services.
- Strong structures to drive outcomes for Queenslanders with disability.[14]

One of the critical components associated with implementation of the framework is the Queensland Disability Stakeholder Engagement and Co-Design Strategy. This strategy was developed by the Queenslanders with Disability Network (QDN) to 'ensure that people with disability, their families and supporters and sector stakeholders are actively involved in designing, testing, and implementing important disability reforms under the Queensland Disability Reform Framework, including those arising from recommendations of the Disability Royal Commission and NDIS Review'.[15]

QDN has held several consultation events this year attended by the Public Advocate or his representatives. The focus of the events has been on, firstly, introducing the framework and how it will function (in partnership with DFSDSCS), and is now moving on to the consideration of targeted foundational supports and how they should operate in Queensland.

The Public Advocate has also contributed to initial work being completed by the Queensland government in relation to guardianship law reform, which is still in its preliminary phases.

---

[10] Australian Government, NDIS Review, *Foundational supports for all people with disability*, (7 December 2023), <https://www.ndisreview.gov.au/resources/fact-sheet/foundational-supports-all-people-disability>.
[11] Disability Reform Ministerial Council (Cth), *Disability Reform Roadmap for 2024 and 2025*, p. 1.
[12] Ibid., p.1.
[13] The Hon. Mark Butler MP (Cth), *Press conference with Minister Butler, Canberra – 26 May 2025*, <https://www.health.gov.au/ministers/the-hon-mark-butler-mp/media/press-conference-with-minister-butler-canberra-26-may-2025?language=en>.
[14] Department of Families, Seniors, Disability Services and Child Safety, *About the Framework*, (30 September 2024), <https://www.families.qld.gov.au/our-work/disability-services/queensland-disability-reform-framework/about-the-framework>.
[15] Queenslanders with Disability Network, *Queensland Disability Reforms: Working with the community*, <https://qldcodesignstrategy.qdn.org.au/>.

Supporting parents with cognitive disability

During 2024-25, the Public Advocate completed a systemic advocacy project exploring the support currently provided to parents and expectant parents with cognitive disability in Queensland.

The systemic report resulting from this project, *Supporting parents with cognitive disability: The need for reform*, was tabled in the Queensland parliament on 9 June 2025.

A number of critical issues were identified in the report, related to the accessibility of mainstream services for expectant parents with cognitive disability, the interface between pregnancy, parenting and the NDIS, and the child protection system.

The Public Advocate noted that the insights shared by stakeholders highlight an urgent need for government bodies to work together to develop and implement policy and practice reforms that provide targeted support to parents with cognitive disability.

The report includes two recommendations:

1. 'The Queensland Government should establish a Ministerial Advisory Committee with the responsibility to review the policies and procedures that apply, and the current practices that occur, when parents with cognitive disability interact with the child protection system' (the report proposes that the core business of this committee would be to examine: 'early intervention policies, procedures and practices'; 'the adequacy of the support given to parents with cognitive disability'; and 'the accessibility of the child protection litigation process').
2. 'The Queensland Government should fund, as part of the Queensland Disability Advocacy Program, a specific program of advocacy support for parents and soon-to-be parents with cognitive disability'.[16]

The Public Advocate is looking forward to working with the Queensland Government as it considers these recommendations.

During 2024-25, the Public Advocate also prepared a submission to the National Maternity Project Team associated with the development of the National Maternity Workforce Strategy. In this submission, the Public Advocate recommended that the Project Team establish pregnant people with disability as a priority group in the strategy, allowing for their specific needs to be addressed.

In making pregnant people with disability a priority in the strategy the Public Advocate also suggested that the strategy:

- include measures that facilitate collaboration and integration across different sectors to enhance the experience of expectant parents and assist pregnant people with cognitive disability to navigate the complex systems involved; and
- introduce specialised education and training for the maternity workforce in how to: recognise that someone may have a cognitive disability; understand their support needs; and have the skills to provide information in an accessible way.

Supported accommodation project

In response to concerns registered by disability sector stakeholders, the Public Advocate completed a review of level 3 residential services in Queensland during 2023.

The report associated with this review, *'Safe, secure and affordable'? The need for an inquiry into supported accommodation in Queensland*, was tabled in the Queensland Parliament on 12 September 2023.

It was followed by a Parliamentary Inquiry conducted by the Community Support and Services Committee, which the report had sought with its sole recommendation.

[16] The Public Advocate (Qld), *Supporting parents with cognitive disability*, (June 2025), https://www.justice.qld.gov.au/public-advocate/our-advocacy/disability/supporting-parents-with-cognitive-disability, pp 9-11.

This inquiry concluded with a report to the Queensland Parliament on 7 June 2024, which included a series of recommendations focussing on:

- Improving choice and control so that residents maintain the right to choose where they live and from which organisations they receive supports.
- Identifying support needs via a census of residents and individual independent needs assessments.
- Improving rental agreements with the introduction of tenancy service agreements, which provide additional protections for residents.
- Additional funding to improve staff skills and residential service infrastructure across Queensland.
- Improving the transparency and accountability of compliance reporting by the Department of Housing, Local Government, Planning and Public Works.
- Reviewing the *Residential Services Act 2002* (Qld), to incorporate the improvements noted above, as well as placing a focus on best practice in supported accommodation.[17]

The Government's response to this report was tabled in the Queensland Parliament on 7 September 2024, prior to the state election held at the end of October 2024.

Issues and challenges associated with the provision and regulation of supported accommodation in Queensland (Level 3 residential services) are now being considered by a working group convened by the Department of Housing and Public Works, of which the Public Advocate is a member.

Restrictive Practices

Successive Public Advocates have called for changes to the existing restrictive practices regime in Queensland.

A process of legislative review was undertaken by the then Department of Child Safety, Seniors and Disability Services (now DFSDSCS) and DJAG (now DoJ) in the period between 2022 and 2024. This review resulted in the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2024, which was introduced into the Queensland Parliament on 14 June 2024. The state election in October 2024 meant that the Bill lapsed before being enacted.

Following this, in March 2025 the Public Advocate released a discussion paper, a *Proposal for the future regulation (and reduction in the use) of restrictive practices in Queensland*.[18]

The discussion paper recommends the introduction of uniform regulation across sectors where restrictive practices are employed (disability, health, aged care, education, out-of-home care) with the creation of a statutory role of Senior Practitioner, which would have the authority to oversee the authorisation of restrictive practices in a range of fields.

The key benefits of uniform regulation cited by the Public Advocate include:

- The introduction of regulation in some fields, such as 'health, education and out-of-home care, where there is no specific legislative authorisation mechanism in place'.[19]
- A uniform process making compliance less difficult than the 'sector specific and uneven nature of current regularly requirements'.[20]
- The opportunity, with the introduction of cross-sector regulation, for the 'comparison of restrictive practices across sectors',[21] which at present is not possible.
- The opportunity to develop broad cross-sector expertise on 'how restrictive practices can be reduced and eliminated'.[22]

---

[17] Queensland Parliament, Report No.44, 57th Parliament Community Support and Services Committee, *Inquiry into the provision and regulation of supported accommodation in Queensland, June 2024*.
[18] The Public Advocate (QLD), *Proposal for the future regulation (and reduction in the use) of restrictive practices in Queensland*, discussion paper, March 2025, <https://www.justice.qld.gov.au/__data/assets/pdf_file/0003/822684/202502-restrictive-practices-discussion-paper-final.pdf>.
[19] Ibid., pp. 8-9.
[20] Ibid., pp. 8-9.
[21] Ibid., pp. 8-9.
[22] Ibid., pp. 8-9.

The Public Advocate concluded this discussion paper with the following statement:

> If we are serious about reducing and eliminating restrictive practice usage, we need to have a line of sight on how often restrictive practices are used. And we need to develop an authorising and monitoring regulatory system that has two key elements: it places at its centre the observance of the human rights of the people whose actions and movements are at risk of being curtailed; and it draws on cross-sector behavioural and clinical expertise to ensure that restrictive practices are only ever used briefly and in the most necessitous of circumstances.[23]

He is continuing to work with key stakeholders, government agencies and relevant Ministers, advocating for the introduction of uniform regulation and an authorisation process led by a Senior Practitioner in Queensland.

Adult Safeguarding

The Public Advocate has an association with adult safeguarding that dates back to 2013 and a Churchill fellowship, in which he investigated responses to the abuse, exploitation, and neglect of at-risk adults in the USA, Canada, the United Kingdom and Australia.

Since that time, the Public Advocate has completed a range of work in this area, which includes a two volume report with a Queensland focus – *Adult Safeguarding in Queensland*.[24]

Volume two of this report was tabled in the Queensland Parliament on 8 December 2022 and is currently under consideration by Government.

The report calls for the introduction of an adult safeguarding agency in Queensland, led by an Adult Safeguarding Commissioner, and supported by local and regional adult safeguarding networks.

Since tabling of the report in Parliament, its key recommendation has been supported by the independent NDIS Review and the Disability Royal Commission, which called for the development of state and territory based adult safeguarding services and frameworks.

During 2024-25, the Public Advocate has continued to advocate for the introduction of an adult safeguarding agency, including at various speaking engagements and in his recommendations to the Parliamentary Inquiry into Elder Abuse in Queensland (currently underway). Further information regarding the Elder Abuse Inquiry is included in another section of this report.

Health care for people with disability

National Roadmap for Improving the Health of People with Intellectual Disability

This roadmap was released in July 2021, setting out a range of actions to improve the health outcomes of people with intellectual disability.

Key focus areas include:

- inclusive health care;
- improved data and research;
- workforce capacity building;
- improved transition support across life stages; and
- improved policy alignment across sectors.[25]

---

[23] Ibid., p. 12.
[24] The Public Advocate (Qld), *Adult Safeguarding in Queensland, Volume 2: Reform recommendations*, March 2022, <https://www.justice.qld.gov.au/__data/assets/pdf_file/0011/749027/adult-safeguarding-vol-2-final.pdf>.
[25] Australian Government, Department of Health, *National Roadmap for Improving the Health of People with Intellectual Disability*, July 2021.

In March 2025, the National Centre of Excellence in Intellectual Disability Health, established to support the delivery of the National Roadmap, released *State of Play in Intellectual Disability Health*,[26] a document reviewing progress to date on implementation of the roadmap.

The review noted that the National Roadmap's implementation program has included:

- the publication of the Intellectual Disability Health Capability Framework to support the inclusion of intellectual disability content in the training of health care professionals;
- completion of a four year pilot Primary Care Enhancement Program for People with Intellectual Disability;
- updates to the Comprehensive Health Assessment Program (CHAP) and an awareness raising campaign;
- the continuation of telehealth; and
- the introduction of MyMedicare – a voluntary self registration initiative to support continuity of care and improved data collection.[27]

In Queensland, various programs and initiatives have also been delivered. Key highlights include the launch of the Queensland Centre of Excellence in Intellectual Disability and Autism Health and the Queensland Health Campaign, 'See Me, Hear Me, Respect Me', which was rolled out to all Queensland hospitals and health staff to raise awareness about improving the care provided to patients with disability.[28]

Early in 2025 the Public Advocate met with the CEO of the Queensland Centre of Excellence, Dr Cathy Franklin, to discuss activities and issues of mutual interest.

The Public Advocate looks forward to continuing this relationship, and to the rollout of more initiatives under the Roadmap that will address the health inequities faced by people with intellectual disability.

Transitioning people with disability living long-term in public health facilities to the community

A long-standing issue for the Public Advocate has been the need to transition people with impaired decision-making ability, who are medically ready for discharge from health settings, into appropriate community-based living arrangements. The Public Advocate has been reporting for several years on the number of people with disability living long-term in public health facilities and those discharged to the community.

Since 2020-21, significant work has been undertaken by Queensland Health (including the Long-Stay Rapid Response Team) to reduce the number of long-stay patients residing in health facilities.

Based on figures supplied by Queensland Health regarding the activities of its Long-Stay Rapid Response Team, in the period between 1 July 2024 and 30 June 2025:

- 172 long-stay younger patients (under 65 years) were discharged from Queensland Health facilities; and
- 160 long-stay older patients were discharged from Queensland Health facilities.

It is noted that these figures relate to the activities of the Long-Stay Rapid Response team only and represent only a proportion of all long-stay patients discharged during the 2024-25 financial year (due to current data collection methods this total figure cannot be calculated at this time).

In addition, the Long-Stay Rapid Response team has also commenced support for vulnerable, clinically fit persons at risk of an unnecessary hospital admission to remain in the community.

[26] National Centre of Excellence in Intellectual Disability Health, *State of Play in Intellectual Disability Health*, March 2025, <https://nceidh.org.au/sites/default/files/2025-03/Intellectual-Disability-Health_State-of-Play_March%202025.pdf>.
[27] Ibid.
[28] Ibid.

During 2024-25, the team assisted 315 persons to remain living in the community and avoid hospital admission.

Of these:

- 224 were younger persons at risk of being hospitalised for an extended period; and
- 91 were older persons at risk of being hospitalised for an extended period.

Extended hospital stays for these people were avoided through support from the team to maintain or bolster care arrangements in the community, given delays currently being experienced to access disability and aged care supports.

However, as of 26 May 2025 there were:

- 1,102 long-stay patients in hospital, including 168 patients awaiting NDIS services and 677 awaiting aged care services to enable safe discharge into the community. The remaining 257 long-stay patients are facing other barriers to discharge, including legal hearings, housing availability and complex social dynamics. These patients may also require NDIS or aged care funding and supports at a later stage to enable discharge into the community.
- A further 481 patients residing in interim care facilities. These facilities are funded by Hospital and Health Services to support patients who no longer require acute care or subacute care in a public hospital. Examples of interim care facilities include purchased residential aged care beds, hotels, community accommodation, private hospitals and virtual wards.[29]

Year on year, the number of long stay patients (in hospital and interim facilities) is increasing dramatically.

Based on point in time census data (a comparison of the numbers of long-stay patients counted on 27 May 2024 with the number counted on 26 May 2025):

- There has been a 9% increase in long-stay patients in hospital (1,102 in 2025 in comparison with 1,013 in 2024)
- There has been a 136% increase in patients residing in interim care facilities (481 in 2025 in comparison with 204 in 2024).[30]

While welcoming the efforts by state government agencies and other agencies (like the NDIA) to facilitate safe discharge of these patients, the Public Advocate continues to have concerns regarding the number of patients remaining in health facilities, including in interim care arrangements.

The Public Advocate will continue to liaise with Queensland Health and other appropriate agencies to address these issues and work towards sustainable solutions to facilitate the safe discharge of people with disability from hospital and interim care environments back into the community.

Forensic Disability Service (FDS)

The FDS is a purpose-built, medium security residential and treatment facility that can accommodate and provide care for up to 10 people who are subject to a Forensic Order (Disability) under the *Mental Health Act 2016* (Qld). The service was established and operates under the *Forensic Disability Act 2011*(Qld) and is managed by DFSDSCS.

Successive Public Advocates have taken an interest in the operation of the FDS, particularly the protection of clients' human rights, their access to appropriate programs, and plans to transition clients out of the service. Every year, the Public Advocate seeks data on the number of clients entering and transitioning from the FDS, the profile of clients, and the programs in place for clients.

[29] Letter from Tricia Matthias, Executive Director, System Policy Branch, Department of Health, to Dr John Chesterman, Public Advocate, 30 July 2025.
[30] Figures are based on statistics provided by letter to Dr John Chesterman from the Department of Health (Systems Policy Branch) on 26 August 2024 and 30 July 2025.

During 2024-25, two clients transitioned or transferred out of the FDS and one new client was detained there. This makes a total of three people detained by the service as of 30 June 2025.[31]

Clients in the FDS undergo rehabilitation and habilitation programs to transition out of the facility into suitable and safe accommodation. Each undertakes a variety of programs and receives assistance to be linked to services, including the NDIS, so that appropriate supports are in place to facilitate their move back into the community over time.

While the FDS can provide services for up to ten clients, most people under Forensic Orders (Disability) – who currently number more than 100 – are managed by Authorised Mental Health Services (AMHS), despite not having treatable mental illnesses.[32] A series of reports since 2018 have called for governance and operational reforms to provide more appropriate services and accommodation for these clients, which the Public Advocate continues to support.

Disability advocacy funding

Disability advocacy seeks to ensure that all people with disability can be included in the social, civic, and economic life of their community.[33] Advocacy support helps people to understand that they have rights, helps them to realise these rights, and promotes positive societal change.

The Queensland Disability Advocacy Program (funded by DFSDSCS) currently delivers (via non-government organisations):

- a centralised advocacy referral service called Disability Advocacy Pathways (Pathways). This service, operated by Queensland Advocacy for Inclusion (QAI), is 'an information and referral service that assists Queenslanders with disability, their family, friends, and carers to find advocacy services to suit their needs and location';[34]
- specialist services providing individual advocacy support for Aboriginal and Torres Strait Islander people with disability, people with disability from culturally and linguistically diverse backgrounds, and children and young people with disability; and
- regionally delivered individual advocacy support to people with disability throughout Queensland.[35]

During 2024-25, Pathways received 986 advocacy enquires and assisted 712 people over 846 hours. [36]

People contacted Pathways about a range of issues, the most common being NDIS administrative issues including complaints, appeals processes and administrative tribunal matters (15%), access to the NDIS (14%), guardianship, administration, enduring power of attorney and capacity issues (8%) and housing/tenancy issues (7%).

The most common types of disability that people who contacted the service identified with included psychosocial disability (39%), autism spectrum disorder (13%), physical disability (13%), and acquired brain injury (7%).[37]

As noted, the Public Advocate has recommended, in his report regarding the support needs of parents with cognitive disability, that a specific program of advocacy support for parents and soon-to-be parents with cognitive disability be established under the Disability Advocacy Program in Queensland.

[31] Letter from Belinda Drew, Director General, Department of Facilities, Seniors, Disability Services and Child Safety, to Dr John Chesterman, Public Advocate, 21 July 2025.
[32] Office of the Chief Psychiatrist (Qld), *Annual Report 2023-24*.
[33] Department of Health and Human Services (Vic), *Victorian disability advocacy futures plan 2018-2020*, Victorian Government, Melbourne, 2018.
[34] Disability Advocacy Pathways, *About Pathways*, (2025), <https://disabilitypathways.org.au/>.
[35] Queensland Government, *Advocacy Supports*, (31 January 2022), <https://www.qld.gov.au/disability/legal-and-rights/advocacy#:~:text=The%20Queensland%20Disability%20Advocacy%20Program,to%20understand%20their%20rights>.
[36] Letter from Queensland Advocacy for Inclusion (QAI) to Dr John Chesterman, Public Advocate, 22 September 2025.
[37] Ibid.

Supported decision-making

The concept of supporting people to make their own decisions is not new. We all need assistance at times to make decisions, whether those decisions are about our health, where we live, or what we buy.

Over the past decade the Public Advocate has been a strong proponent of supported decision-making, advocating for its use instead of, or alongside, substitute decision-making to ensure that adults with disability can maintain control over their lives and express their wishes and preferences.

During 2024-25, in addition to promoting the rights of people with impaired decision-making ability to be supported to make their own decisions in various submissions to government agencies considering reforms, the Public Advocate oversaw the completion of a demonstration project undertaken by Multicap (a Queensland based disability service organisation).

The project was initiated and funded by the Public Advocate in recognition of the need to foster the practical implementation of supported decision-making with a demonstration of how it could be encouraged in a real-life context. The Office of the Public Guardian was a project partner.

The program saw Multicap guide six guardianship clients through a structured program, aimed at empowering them by enhancing participation in decision-making, fostering confidence, providing evidence-based tools, and leveraging natural support networks.

The six participants completed all modules of the program and recorded improvements pre and post program in areas including consideration of outcomes, having confidence in seeking and utilising support networks, and expressing their preferences.

One client was able to have their guardianship and administration orders revoked during a review process. At the QCAT hearing, she was able to demonstrate the progress made during the program, which included practical examples of their decision making included in a decision-making portfolio.

Contribution to whole-of-government initiatives

National Roadmap to Improve the Health and Mental Health of Autistic People

This roadmap was released in a draft form for feedback in September 2024.

The Public Advocate, in his submission to the consultation associated with the roadmap, put forward the following issues for consideration:

- Sexual and reproductive health – noting that to overcome the biases and stigma associated with sexual relationships and sexual health care encountered by people with Autism and other types of intellectual disability, there is a need for the design of flexible and accessible reproductive health education programs that meet the specific needs of Autistic people.
- Healthcare during pregnancy – again stigma, biases and prejudices, along with a lack of reasonable adjustments being made to mainstream services, mean that women with disability do not receive appropriate access to prenatal, labour and delivery and post-natal services. Prioritising the provision of accessible services to women with Autism was recommended.
- Mental health – encouraging the identification of service improvements and linkages to improve the wellbeing of patients with a dual disability who require treatment for a mental health condition.
- Restrictive practices – incorporating the USA's Substance Abuse and Mental Health Services Administration (SAMHSA) roadmap to seclusion and restraint free mental health services into the Autism plan.
- Discharge from health settings – including consideration of the development or formalisation of discharge teams to facilitate movement from a hospital or mental health service back into the community and the possible development or conversion of existing facilities to provide transition care

that includes rehabilitation and re-ablement services for those who are not eligible to receive these services in hospital.

The finalised Roadmap forms a key pillar of the National Autism Strategy. The Strategy was released by the Australian Government in January 2025, followed by the National Roadmap in February 2025.

National Suicide Prevention Strategy

During 2024-25 the National Suicide Prevention Office undertook consultation related to the provision of advice on the National Suicide Prevention Strategy.

The Public Advocate, in his response to this consultation, recommended that the following be considered:

- The expansion of accessibility and the provision of reasonable adjustments for people with impaired decision-making ability across the strategy, so that there is access supplied to critical information and supports as well as additional specific services if required. This observation is in line with the recommendation 6.33 of the Disability Royal Commission to 'develop specialised health and mental health services for people with cognitive disability'.[38] The Public Advocate also expressed a similar view in relation to human rights.
- Actions that introduce or expand supported decision-making practices for people with impaired decision-making ability.
- Action items to support the reduction, or elimination, of restrictive practices in mental health services, and to ensure that services use the least restrictive approach.

Australia's Disability Strategy 2021-31 - 2024 Update

During 2024-25 the Australian Government undertook consultation associated with a review of Australia's Disability Strategy (ADS) – a commitment made in its response to the Disability Royal Commission's final report and recommendations.[39]

The Public Advocate prepared a submission for this review, which focused on the 'Safety, rights, and justice' outcome area, agreeing that addressing disability rights, violence against women and girls with disability, and the criminal justice system should be priorities for future work under the ADS.

In the submission the Public Advocate also noted that people with disability are overrepresented in the criminal justice system, however limitations associated with available data mean that information on the extent of this overrepresentation is not readily available.

He suggested that key actions in the strategy could include:

- measuring the involvement of people with disability across all stages of the criminal justice system;
- identifying ways the justice system can be made more accessible for people with disability; and
- identifying best practice strategies for support and diversion initiatives to assist in diverting people away from the criminal justice system and preventing future interactions.

The results of the review of Australia's Disability Strategy, which include a 2024 update and the inclusion of three additional targeted action plans (Inclusive homes and communities, Safety, rights and justice and Community attitudes), were released in December 2024.

The targeted action plan for Safety, rights and justice does include actions related to those areas that the Public Advocate included in his submission.

The Public Advocate looks forward to being involved in the processes associated with evaluating this strategy in the future.

---

[38] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 'Executive Summary, Our vision for an inclusive Australia and recommendations', *Final Report*, 2023, p. 232.
[39] Australian Government (Department of Social Services), *Australian Government Response to the Disability Royal Commission*, Australian Government, Canberra, 2024, p. 29.

Queensland's Disability Plan 2022-2027: Together a better Queensland

During 2024, the Queensland Government committed to reviewing and updating the 2022-27 Queensland's Disability Plan once the revision of Australia's Disability Strategy was finalised.[40]

The Queensland and Australian government elections have, however, meant that the review of this plan has been delayed.

The Public Advocate is looking forward to contributing to the plan's review once this is scheduled.

[40] Queensland Government (Department of Child Safety, Seniors and Disability Services), *Queensland Government Response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, Queensland Government, Brisbane, 2024.

Older People

Older people

Aged Care Structural Reforms arising from the Royal Commission into Aged Care Quality and Safety

The Australian Parliament passed the Aged Care Bill 2024 on November 25, 2024.

Following significant feedback and advocacy from the aged care sector, the commencement of the Act, originally scheduled for 1 July 2025, has now been delayed until 1 November 2025. The new Act will commence alongside the launch of the new Support at Home program for older Australians who elect to receive, and are eligible for, assistance to age in their own home.

During 2024-25, the Public Advocate again responded to calls for consultation and feedback on the new *Aged Care Act* including:

- The new *Aged Care Act* Rules (Release 3 – Relating to Provider Obligations) – where the Public Advocate re-iterated his position in relation to restrictive practices, expressing a preference for the development of state and territory based authorising frameworks for restrictive practices in aged care settings rather than a national consent-based model. Further information regarding restrictive practices and the Public Advocate's position is included in the Disability section of this report.

The Public Advocate is also a member of the Older Persons Advocacy Network's Supported Decision-Making Working Group, which advises on the operationalisation of the supported decision-making elements of the new aged care legislation.

Inquiry into Elder Abuse in Queensland

In December 2024, the Queensland Government announced the commencement of an Inquiry into elder abuse in Queensland.

The Education, Arts and Communities Committee has been asked to consider:

- the nature and extent of elder abuse in Queensland;
- the effectiveness of existing responses to elder abuse; and
- opportunities to improve responses to elder abuse in the future.

In doing so, the Committee must consider: the voices of people with lived experience of elder abuse; the views of other stakeholders; and relevant findings, reports and prevalence studies.[41]

The Public Advocate prepared a submission for the Inquiry during March 2025 and appeared at a public hearing session (at the request of the Committee) on 21 February 2025.

In his submission, the Public Advocate made a series of recommendations to the Committee, including that the Queensland Government should:

- Establish the office of the Adult Safeguarding Commissioner with the legislative role of supporting and safeguarding at-risk adults.[42]
- Establish local Adult Safeguarding Networks throughout Queensland, consisting of local service providers, advocates, people with lived experience of being 'at risk', relevant health and emergency services and social care experts.[43]

[41] Queensland Education, Arts and Communities Committee, *Inquiry into Elder Abuse in Queensland*, (2025), <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=269&id=4455>.
[42] The Public Advocate (Qld), Submission No. 31 to the Queensland Education, Arts and Communities Committee, Queensland Parliament, *Inquiry into Elder Abuse in Queensland*, 24 March 2025, p. 4.
[43] Ibid., p. 6.

- Work with other state and territory governments to harmonise financial enduring powers of attorney legislation.[44]

The Public Advocate also recommended that the Committee consider recommending the 'establishment of a State-wide Elder Abuse Prevention and Response Panel'.[45]

Key roles of the panel would include:

- identifying state-wide reform priorities;
- discussing practice innovations and ideas; and
- considering educational initiatives and needs across the sector.[46]

The Public Advocate also suggested that this group, chaired by the Adult Safeguarding Commissioner, could provide advice to government, operate as a sector-led forum for sharing ideas and practices, and provide valuable networking opportunities.

At the public hearing he attended as a witness, the Public Advocate was provided with the opportunity to expand on the recommendations provided in his submission and respond to questions from Committee members.

The inquiry is due to table its report in the Queensland Parliament on 12 December 2025.

Use of restrictive practices in residential aged care

The unauthorised use of restrictive practices in residential aged care has been an ongoing issue for the Public Advocate, highlighted in several systemic reports, media releases, position statements and advocacy activities since 2016.

Following his comments made during the consultation phase associated with the new *Aged Care Act*, the Public Advocate has continued to advocate for further reform in this area.

As noted in the Disability section of this report, a senior practitioner model for the authorisation of restrictive practices is currently being considered by the Queensland Government for the state's disability sector, however it has yet to be examined in detail as an option for aged care services.

Social isolation and loneliness

The Public Advocate, responding to key issues and recommendations identified in the 2021 Queensland Parliamentary Inquiry into Social Isolation and Loneliness, has continued to advocate for actions to address social isolation and loneliness across Queensland communities.

During 2024-25 the Public Advocate worked with the Council on the Ageing (COTA) and Aged and Disability Advocacy Australia (ADA Australia) to organise a series of forums designed to bring people together, from agencies and the community, to talk about social isolation and loneliness and ways of promoting connectivity.

The first of these forums, Age Well, Stay Connected, was held at the Queensland Multicultural Centre in Brisbane on 31 March 2025.

The forum attracted more than 100 participants from diverse backgrounds and organisations, including those representing First Nations and multicultural communities.

During the forum, participants identified nine key themes associated with social isolation and loneliness and shared many ideas about how to strengthen community connections and promote wellbeing and inclusion,

[44] Ibid., p. 8.
[45] Ibid., p. 9.
[46] Ibid., p. 9.

including improving intergenerational connections, the introduction of more nature-based activities, improving digital inclusion and literacy, and working to challenge ageism.

Two further forums are currently being planned for regional and rural Queensland and will take place towards the end of 2025.

Contribution to whole-of-government initiatives

National Plan to End the Abuse and Mistreatment of Older People 2025-2035

During 2024-25 the Public Advocate was pleased to contribute to the consultation process associated with the review and updating of the National Plan to End the Abuse and Mistreatment of Older People 2025-2035 (formerly the National Plan to Respond to the Abuse of Older Australians).

In his submission, the Public Advocate highlighted the increased risk of abuse and mistreatment that may be faced by older people with cognitive impairment.

He also noted and supported the plan being underpinned by a human rights approach and focussed on supporting individual decision-making, autonomy and rights.

Suggestions made by the Public Advocate to improve the plan included the use of more precise language to focus on the achievement of critical objectives, including national consistency in financial enduring powers of attorney laws and the development of adult safeguarding agencies in each state and territory.

These suggestions were made in light of the extended time frame associated with the plan (10 years) which would assist in targeting efforts to prevent and address the abuse of older people in Australia.

At the time of writing, the National Plan is still in the process of being finalised for release by the Australian Government.

Health

Health

Use of restrictive practices in health care settings

Concerns about the use of restrictive practices in health care settings were initially raised with Queensland Health in 2020 by the Public Advocate and Public Guardian.

Currently there is no legal framework in Queensland to authorise the use of restrictive practices in Queensland public hospitals or other Queensland Health-operated facilities outside of Authorised Mental Health Services under the *Mental Health Act*. In the absence of a legal framework, the use of restrictive practices in health settings is potentially unlawful.

The Public Advocate will continue to work with Queensland Health regarding potential legislative and consequent policy reforms concerning the way restrictive practices are regulated in health care settings across Queensland.

As noted in the section of this report addressing restrictive practices in disability settings, the senior practitioner authorisation model for the use of restrictive practices could potentially be employed in health care settings across the state.

Mental health

Better Pathways – Improving Queensland's delivery of acute mental health services

In August 2022, the Public Advocate released the above report, which included 21 recommendations for improvements to the acute mental health system.

Since this time, the Public Advocate has been working with the various parties to whom the recommendations were addressed in seeing them realised.

In July 2025, the Office of the Chief Psychiatrist, within the Mental Health Alcohol and Other Drugs Branch of Queensland Health, provided the Public Advocate with a progress report against the 21 recommendations included in the report.

Highlights of the progress report included:

- The Queensland Ambulance Service's (QAS) expansion of the QAS Mental Health co-responder model to 21 locations across Queensland.
- The expansion of the state's Crisis Support Spaces, so that 15 are now operating across Queensland.
- The locked ward policy directive issued by the Office of the Chief Psychiatrist being rescinded on 1 July 2024.
- The opening of the Queensland Centre of Excellence in Intellectual Disability and Autism Health at the Mater Hospital's South Brisbane campus. This Centre provides clinical leadership to the sector through the provision of specialist clinical advice, research, education and training advice and capability building and support.
- A strengthening of relationships and communication between the Office of the Public Guardian's Community Visitor Program and the Office of the Chief Psychiatrist.
- The funding and roll-out of twelve dedicated consultation/liaison intellectual disability mental health teams within Hospital and Health Services (HHSs) across Queensland.
- The completion (by the Queensland Centre for Mental Health Learning) of a training needs analysis to assess the appropriateness of existing mental health training for Queensland's Police, Ambulance and Health Services as well as opportunities for strengthening cross-agency mental-health-specific training.[47]

[47] Email from Queensland Health to the Public Advocate, 27 August 2025.

The Public Advocate is continuing to work with Queensland Health, advocating for further reforms to acute care, and the development of Disability Service Plans by all Hospital and Health Services across the state.

The Public Advocate will also be hosting a roundtable, in conjunction with the Mental Health Lived Experience Peak Queensland, to discuss acute mental health care with cross-government stakeholders, early in the 2025-26 financial year.

The Chief Psychiatrist

Under the *Mental Health Act* 2016 (MHA) (Qld), the Chief Psychiatrist's functions include the protection of the rights of patients under this Act. The Chief Psychiatrist also makes policies and practice guidelines for Authorised Mental Health Services (AMHSs). The Chief Psychiatrist may, for the performance of the Chief Psychiatrist's functions, investigate matters or direct an inspector to investigate a matter.

The Public Advocate meets with the Chief Psychiatrist regularly to discuss matters relating to the operation of involuntary treatment and care provisions under the MHA. Topics addressed include: processes employed to admit patients to AMHSs, including the use of substitute decision-makers; the treatment and care of involuntary patients and the upholding of their rights; and the conditions experienced in mental health units in Queensland hospitals.

Review of Chief Psychiatrist policies

The Chief Psychiatrist makes policies under the MHA outlining how legislative requirements of the MHA are to be operationalised. In 2023, the Chief Psychiatrist commenced a policy review project aiming to review all of the Office's policies over the next three years.

The Public Advocate has been involved in the consultation process associated with the review of some of these policies during 2024-25.

Key recommendations made by the Public Advocate in response to the revised policies related primarily to the policies ideally including a very clear statement of patient rights, and the need to ensure that the policies and associated materials can be readily understood by patients and their supporters.

The Office of the Chief Psychiatrist has advised that:

- Amendments to the *Independent Patients Rights Advisers* (IPRAs) policy have included:
    - outlining that an IPRA's role is advising patients of their rights under the MHA;
    - outlining that part of an IPRA's role is to support consumers to engage with other local support services; and
    - additional working examples to highlight an IPRA's role in facilitating conversations with the AMHS.
- Amendments to the *Seclusion, Mechanical Restraint, Physical Restraint and the Clinical Need for Medication* policy have included:
    - explicit inclusion of human rights considerations;
    - strengthening post-event de-briefing sessions for patients and staff;
    - strengthened processes for the safe management of restrictive practices;
    - new clinical escalation pathways; and
    - a revised Reduction and Elimination Plan to support measures and actions that reduce and eliminate the use of restrictive practices.[48]

[48] Email from Queensland Health to the Public Advocate, 27 August 2025.

Law and Justice

Law and justice

Adults with cognitive disability in the Queensland criminal justice system

During 2024-25 the Public Advocate continued to progress a major project exploring the experiences of adults with cognitive disability in the Queensland criminal justice system.

This project aims to explore the various issues faced by adults with cognitive disability in Queensland when they interact with the criminal justice system and identify opportunities for reform to ensure that their rights are upheld during these interactions. As a critical component of this project, the Public Advocate is seeking feedback from key stakeholders and asking questions focusing on issues relevant to adults with cognitive disability.

A series of discussion papers have been, or will be, developed and used as the basis for consultation. Each explores key elements of a person's potential involvement with the criminal justice system, inclusive of the following areas:

- policing (discussion paper released in April 2024);
- courts (discussion paper released in February 2025);
- the forensic system (mental health and disability) - (discussion paper expected August 2025);
- detention (discussion paper expected November 2025), and
- victims of, and witnesses to, crime (discussion paper expected January 2026).

The findings from this suite of papers and consequent consultations will inform the development of a reform recommendations report for consideration by the Queensland government. It is expected that this report will be completed by mid-2026.

To date the Public Advocate has conducted six consultation forums with various government and non-government stakeholder organisations. Four of these forums were conducted in Brisbane (with a focus on policing and courts respectively) while the remaining two were conducted in Townsville and Cairns, with a broader focus on the interactions of adults with cognitive disability with the criminal justice system more generally.

Significant assistance for the project has been provided by the Queensland Police Service, DoJ (particularly the courts and justice reform divisions) and the Department of Corrective Services. The Public Advocate is appreciative of this assistance and the collegiate manner in which all agencies have responded to invitations to assist with this important project.

Section 114A of the *Guardianship and Administration Act 2000* (Qld) and Section 216 of the *Criminal Code 1899*

Section 114A of the Guardianship and Administration Act

Following the release of his paper *Public Accountability, Private Lives: Reconsidering the Queensland guardianship system's confidentiality requirements* in 2022, the Public Advocate has continued to advocate for the repeal of Section 114A of the *Guardianship and Administration Act*. This section of the Act currently prohibits an adult from identifying themselves and speaking about their experiences with the guardianship and administration system unless QCAT has given permission.

He looks forward to working with the Queensland government on this issue, following its commitment in principle to a recommendation from the Disability Royal Commission also calling for this change.

Section 216 of the Criminal Code

Section 216 of the *Criminal Code 1899* (Qld) criminalises sexual activity with a person who has an 'impairment of the mind'. This provision effectively prohibits any sexual contact with a person who has a condition that falls within the definition of 'impairment of the mind', regardless of whether the person has the capacity to consent to and understand the nature of those activities (a defence exists if the relationship is non-exploitative). This law constitutes a restriction on the rights of people with impaired decision-making ability to exercise autonomy and choose to engage in sexual relationships.

In January 2022, the Public Advocate released the paper: *A discussion of section 216 of the Queensland Criminal Code – A call to review the criminalisation of sexual relationships involving people with 'an impairment of the mind'*.

The paper found that Queensland's approach appears to be the most restrictive of all Australian jurisdictions and that a review of this provision is warranted. The Public Advocate recommended that the Queensland Law Reform Commission review the ongoing need for this provision, as any changes to Section 216 will require wide consultation to consider the views of various stakeholders.

In March 2025, the Public Advocate, when providing input into the Queensland Law Reform Commission's future law reform program, requested that a review of Section 216 of the *Criminal Code* be included in this program, along with a review of Section 114A of the *Guardianship and Administration Act* (noted above).

Other legislation

The Public Advocate also made two submissions and appeared at a public hearing associated with the passage of other legislation through the Queensland Parliament during 2024-25.

This legislation included:

- **Trusts Bill 2025**: The Public Advocate made a submission on this Bill, and appeared as a witness at a public hearing associated with the Bill and its passage through the Queensland Parliament. He raised concerns around the proposed change to the Bill to allow administrators to appoint a new trustee, including its potential incompatibility with the *Guardianship and Administration Act 2000*.
- ***Human Rights Act* Review 2024**: The Public Advocate made a submission to this review, the final report for which was tabled in the Queensland Parliament on 20 September 2024. The new Queensland government, elected in October 2024, has since announced that it will not implement the report's recommendations.[49]

Legal interventions

Although the main function of the Public Advocate is to undertake systemic advocacy, he may also intervene in legal proceedings involving the protection of the rights or interests of adults with impaired decision-making ability where systemic issues are involved.

In August 2024, the Public Advocate appeared in QCAT following an invitation from QCAT to intervene in a proceeding and make submissions on a matter.

This matter involved a person with disability whose situation was complex and involved a prolonged period of restrictive practices being applied.

[49] A Messenger, 'LNP refuses to implement Queensland Human Rights Act review recommendations', *The Guardian*, 26 March 2025.

Limitation orders

Under the *Guardianship and Administration Act*, QCAT may make what is called a limitation order. A limitation order can take the form of:

- an adult evidence order — which allows the tribunal in certain circumstances to obtain evidence from the person who is the subject of the proceedings in the absence of anyone else;
- a closure order — which allows the tribunal in certain circumstances to close a hearing to the public or exclude a person from the hearing;
- a non-publication order — which allows the tribunal to prohibit the publication of information about a tribunal proceeding; or
- a confidentiality order — which allows the tribunal to withhold a document or information before the tribunal from a party to the hearing or another person.

In making a limitation order, QCAT must balance the protection of people and information from disclosure that will result in serious harm or injustice, with the fundamental principle that a legal process should be open and transparent.

QCAT is also required, under the *Guardianship and Administration Act*, to provide the Public Advocate with a copy of the limitation order decision and its reasons for making the order. The Public Advocate is then able to report on any systemic issues based on the information provided by the tribunal.

After releasing his first report on limitation orders during 2021-22, the Public Advocate has continued to monitor limitation orders received from QCAT throughout 2023-24 and 2024-25.

As a result of this monitoring activity, the Public Advocate met with QCAT representatives during 2024-25 to discuss a decline in limitation orders during 2024-25 in comparison with 2023-24.

During this discussion, it was identified by QCAT representatives that the decline in orders was most likely being driven by a practice direction developed by QCAT in 2021.

This practice direction provides a procedure 'for accessing documents in relation to applications made under the *Guardianship and Administration Act 2000'*.[50] The procedure requires that all requests to obtain copies of documents that formed part of a proceeding must be in writing, or submitted using QCAT's online services.

The practice direction may reduce the need for a limitation order to be issued as it ensures that there is an additional step that needs to be taken before non-active parties to a proceeding can access documents. The directive stipulates that a non-active party to the proceeding must provide reasons for a request and 'why they have sufficient interest in the proceedings', with a final decision as to access to the documents that form part of the proceeding being made by QCAT.

Litigation Guardianship

On 29 November 2024 the Public Advocate hosted a roundtable with various stakeholders to discuss problems associated with the operation of litigation guardianship and to identify potential solutions.

Discussions at the roundtable led the Public Advocate to make the following recommendations:

1. The *Uniform Civil Procedure Rules 1999* (Qld) should be amended:

    a. to require that before a litigation guardian is appointed, reasonable efforts must be made to support a person to enable them to participate in the proceeding without a litigation guardian; and

[50] Queensland Civil and Administrative Tribunal, *QCAT Practice Direction No.8 of 2021*, <https://www.qcat.qld.gov.au/__data/assets/pdf_file/0011/692372/qcat-practice-direction-no.-8-of-2021-rop-accessing-documents-guardianship.pdf>.

b. to provide that litigation guardians are not liable for costs in a proceeding other than where costs have been incurred due to the litigation guardian's negligence or misconduct (this is consistent with QLRC recommendation 28-4 in the QLRC Review of Guardianship Laws report 2010).[51]

2. The *Public Guardian Act 2014* (Qld) should be amended to include, as one of the functions of the Public Guardian: 'to act as a litigation guardian in proceedings not relating to an adult's financial or property matters' (consistent with recommendation 28-3 in the QLRC Review of Guardianship Laws report 2010).[52]

3. The *Public Guardian Act 2014* (Qld) and *Public Trustee Act 1978* (Qld) should be amended to provide that the Public Guardian's and Public Trustee's consent is not required for them to be appointed as a litigation guardian under the *Uniform Civil Procedure Rules 1999* (Qld) (this is also consistent with QLRC recommendations 28-1 and 28-2 in its Review of Guardianship Laws report 2010).[53]

4. The Department of Justice should consider establishing, on a trial basis, an expert panel of lawyers who are able to be appointed as litigation guardians in matters where their appointment would be more suitable than the appointment of the Public Guardian or Public Trustee.[54]

5. The Department of Justice, in consultation with judicial representatives and appropriate agencies, including the Queensland Law Society, the Public Guardian, the Public Trustee and the Public Advocate, should develop publicly available guidelines concerning the role of litigation guardians.[55]

These recommendations are currently under consideration by the Queensland Government.

[51] Queensland Law Reform Commission, *A Review of Queensland's Guardianship Laws*, Volume 4, Report 67, (2010).
[52] Ibid.
[53] Ibid.
[54] Office of the Public Advocate, *Litigation Guardianship*, (2024), <https://www.justice.qld.gov.au/public-advocate/our-advocacy/justice-and-human-rights/litigation-guardianship>.
[55] Ibid.

Guardianship and Administration

Guardianship and administration

During 2024-25 the Public Advocate continued to monitor the operation of legislation, policy and practice within Queensland's guardianship and administration system, as well as contributing to systemic improvements through his work with DoJ, the Public Guardian, the Public Trustee, and QCAT.

Enduring documents

Enduring powers of attorney law reform and a national register

The harmonisation of financial enduring powers of attorney laws has been sought as a potential reform in Australia for decades, with the challenge of recognising interstate enduring powers of attorney on the agenda of the Standing Committee (now Council) of Attorneys-General as far back as 2000.

Harmonisation has been recognised as a key elder abuse reform measure, considered in both the Australian Law Reform Commission's Elder Abuse report in 2017,[56] and the *National Plan to Respond to the Abuse of Older Australians* [Elder Abuse] 2019-2023.

In July 2023 the Public Advocate released a draft model financial enduring powers of attorney law, with the imprimatur of the Queensland Law Society, the Law Institute of Victoria, the Victorian Public Advocate and the then Age Discrimination Commissioner.

As noted in the preliminary section of the Model Law document, the benefits of harmonised financial enduring powers of attorney laws include:

- Greater knowledge and certainty throughout the country on enduring powers of attorney creation, usage and safeguards.
- The possibility of meaningful national education on enduring powers of attorney, including on the responsibilities of attorneys.
- Increased consistency and efficiency in the practices and expectations of institutions which deal with enduring powers of attorney (such as banks and other financial services providers).
- The forthcoming national register of enduring powers of attorney (which is currently being developed) would be optimally effective.[57]

In January 2025 the Public Advocate co-authored, with Mr Robert Fitzgerald, Australia's Age Discrimination Commissioner, an article in *Australian Ageing Agenda*, highlighting the continued need for the harmonisation of financial enduring powers of attorney laws.

Preserving the financial futures of vulnerable Queenslanders: A review of Public Trustee fees, charges, and practices

In 2020-21 the previous Public Advocate (Ms Mary Burgess) finalised a project examining the Public Trustee's fees and charges levied on its financial administration clients.

The systemic report resulting from this project, *Preserving the financial futures of vulnerable Queenslanders: A review of Public Trustee fees, charges, and practices,* was tabled in the Queensland Parliament by the then Attorney-General and Minister for Justice, Minister for Women, and Minister for the Prevention of Domestic and Family Violence, the Honourable Shannon Fentiman MP, on 10 March 2021.

The report identified significant concerns about the fees, charges, and practices of the Public Trustee.

[56] Australian Law Reform Commission, *Elder Abuse – A National Legal Response* (ALRC Report 131), June 2014.
[57] A copy of the model law is available at;
<https://www.justice.qld.gov.au/__data/assets/pdf_file/0007/770794/final-qpa-model-financial-enduring-powers-of-attorney-law.pdf>.

Each 12 months, coinciding with the anniversary of the report being tabled in Parliament, the Public Advocate releases an implementation update, monitoring progress on the thirty-two recommendations included in the report.

The 2025 update highlighted key changes over the last 4 years which have significantly improved the Public Trustee's operations, including;

- the establishment of the Public Trustee Advisory and Monitoring Board;
- the completion of a comprehensive fees and charges review;
- the development of a fees and charges 'ready reckoner';
- the creation of a customer advocate office; and
- the development of a Financial Independence Pathway program.

The Public Advocate also noted his involvement in advocating for how the fees and charges regime employed by the Public Trustee might be made fairer for particularly vulnerable people. His suggestions included capping the fees for vulnerable people who rely on pensions for everyday living and who may have no, or only one, significant financial asset (typically the house in which they reside). This suggestion currently remains under consideration and would likely require a greater government investment in the Public Trustee's operations.

Appendices

Financial summary

The Public Advocate is not a statutory body under the *Statutory Bodies Financial Arrangements Act 1982* or the *Financial Accountability Act 2009*. Funding for the office is provided by the Queensland Government as part of the appropriation for DoJ, with the Director-General of the department being the accountable officer pursuant to the *Financial Accountability Act*. Detailed financial information relating to the operations of the department are reported in the annual report for DoJ.

A summary of office expenditure in 2024-25 is presented below.

Expenditure Item	Amount
Employee related expenses	$869,882
Supplies and Services	$85,881
Depreciation and Amortisation	$1,162
Total	**$956,925**

Other payments of note

The Office has continued to monitor the expenditure of a grant of $9,900 (GST not applicable) provided to QAI in 2018-19 for the purpose of MHRT appeals and other applications under the *Mental Health Act,* in relation to adults with impaired decision-making ability.

Overseas travel

There was no work-related overseas travel undertaken by the Public Advocate or office staff in 2024-25.

Appendix 1: List of submissions

The following table presents a list of publicly available submissions made by the Public Advocate in 2024-25.

Date	Submitted to	Subject
July 2024	Queensland Parliament Community Support and Services Committee	Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2024
August 2024	Australian Department of Social Services	Review of Australia's Disability Strategy
September 2024	Senate Standing Committee of Community Affairs	Aged Care Bill
September 2024	Australian Department of Health and Aged Care	National Roadmap to improve the Mental Health of Autistic People
October 2024	National Suicide Prevention Office	National Suicide Prevention Strategy
December 2024	Australian Attorney - General's Department	National Plan to End the Abuse and Mistreatment of Older People
January 2025	National Maternity Project Team	National Maternity Workforce Strategy
February 2025	Queensland Parliament Justice, Integrity and Community Safety Committee	Trusts Bill 2025 (Qld)
March 2025	Queensland Parliament Education Arts and Communities Committee	Inquiry into elder abuse in Queensland
March 2025	Australian Department of Health and Aged Care	New Aged Care Act consultation Aged Care Rules – Release 3 – Relating to Provider Obligations
March 2025	Queensland Law Reform Commission (QLRC)	Nomination of law reform topics – QLRC's future law reform program
May 2025	Australian Health Practitioner Regulation Agency	National Prescribing Competencies Framework

The Public Advocate also responded to a number of confidential requests throughout 2024-25 on a variety of issues impacting adults with impaired decision-making ability.

Appendix 2: Speaking engagements and public hearings

DJAG welcome event for Forensic Science Queensland
Topic: 'The work of the Public Advocate in Queensland'
Host: DJAG People Capability and Culture
2 July 2024

Inquiry into Trusts Bill 2024
Housing, Big Build and Manufacturing Committee
Queensland Parliament
10 July 2024

Inquiry into the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2024
Community Support and Services Committee
Queensland Parliament
19 July 2024

2024 Elder Abuse Conference (presenter)
Topic: 'Outstanding ALRC Reforms: What still needs to happen?'
22 July 2024

Roundtable Discussion (facilitator) – The discharge of older patients with mental illness to residential aged care facilities
Host: Caxton Legal Centre
21 August 2024

DJAG welcome event
Topic: 'The work of the Public Advocate in Queensland'
Host: DJAG People Capability and Culture
22 August 2024

Australasian Society for Intellectual Disability Queensland Conference (presenter and member of Plenary Summary Panel Session)
Topic: 'The Queensland Public Advocate's systemic advocacy work'
23 September 2024

Online roundtable discussion (presenter) – Exploring publicly appointed decision-making in aged care: consensus on priorities for law and practice
Topic: 'Introductory perspective'
Host: Queensland Aphasia Research Centre, University of Queensland
23 September 2024

Victorian Public Advocate – Farewell to Colleen Pearce (Public Advocate) – recorded video
Office of the Public Advocate, Victoria
10 October 2024

DJAG welcome event
Topic: 'The work of the Public Advocate in Queensland'
Host: DJAG People Capability and Culture
6 November 2024

Guest presentation – Endeavour Foundation Annual General Meeting
Host: Endeavour Foundation, Canon Hill
29 November 2024

Roundtable discussion (facilitator) – Litigation guardianship
Host: The Public Advocate
5 December 2024

NSW Trustee and Guardian All Staff Forum presentation
Topic: 'The future of adult guardianship and adult safeguarding'
Host: NSW Trustee and Guardian, Sydney NSW
5 December 2024

Inquiry into Elder Abuse in Queensland
Education Arts and Communities Committee
Queensland Parliament
21 February 2025

Inquiry into the Trusts Bill 2025
Justice, Integrity and Community Safety Committee
Queensland Parliament
3 March 2025

Building Capacity for Lifelong Inclusion Conference – workshop presenter (2 workshops)
Topic: 'Voice, Rights and Risk: Exploring Supported Decision Making'
Host: Community Resource Unit, Brisbane
14 and 15 March 2025

Barriers to reintegration of people with an intellectual disability who are at risk of reoffending – presentation to forum
Topic: 'Advocacy'
Host: RMIT and Victorian Department of Families, Fairness and Housing, Melbourne
20 March 2025

Health and Disability Interface Advisory Group – presentation at meeting
Topic: 'Proposal for the future regulation (and reduction in the use) of restrictive practices in Queensland'
Host: Department of Health, Brisbane
26 March 2025

Age Well – Stay Connected workshop (concerning social isolation and loneliness among Senior Queenslanders)- presentation
Topic: 'Overview of the day'
Hosts: Public Advocate, ADA Australia, COTA Qld, Kangaroo Point, Brisbane
31 March 2025

A New Era for Ageing for Forgotten Australians/Care Leavers' forum – pre-recorded video presentation
Topic: 'Proposal for the future regulation (and reduction in the use) of restrictive practices in Queensland'
Host: Relationships Australia, Parramatta, NSW
1 April 2025

Mental Health Lived Experience Peak Queensland – presentation at meeting – in person and online
Topic: 'Mental health reform'
Host: Mental Health Lived Experience Peak Queensland, Brisbane
9 April 2025

West Moreton and Darling Downs ECHO Older Persons Series Dementia Conversations – online presentation
Topic: 'Older adult safeguarding: Human rights reform in Queensland'
Host: West Moreton and Darling Downs Primary Health Network
6 May 2025

Queensland Law Society Human Rights and Public Law Committee – presentation
Topic: 'Adults with cognitive disability in the Queensland criminal justice system'
Host: Queensland Law Society, Brisbane
19 May 2025

Independent Patients Rights Advisers Meeting – presentation
Topic: 'Mental health reform'
Host: Queensland Health, Herston
20 May 2025

Roundtable on advance care planning in specialist disability accommodation – presentation
Topic: 'Advance care planning and human rights'
Host: National Disability Services, Parkville, Victoria
6 June 2025

Ageing Australia Queensland State Conference – presentation
Topic: 'Improving our response to elder abuse'
Host: Ageing Australia, Gold Coast, Queensland
11 June 2025

Aged care week conference – participation on panel
Topic: 'Supported decision making'
Host: Aged Care Week organising committee
20 June 2025

Health and Disability Interface Advisory Group – presentation at meeting
Topic: 'Supporting parents with cognitive disability: The need for reform'
Host: Department of Health, Brisbane
25 June 2025

Appendix 3: Working and advisory groups

Commonwealth Attorney-General's Department Stakeholder Reference Group – Enduring powers of attorney law reform

This group was established to advise the Department about potential harmonisation of financial enduring powers of attorney laws and the establishment of a national register.

Australian Guardianship and Administration Council (National)

The Australian Guardianship and Administration Council (AGAC) is the national forum of Public Advocates, Public Guardians, Guardianship Tribunals, and Public Trustees or their equivalents across Australia. AGAC's biannual meetings focus on matters of mutual concern or national significance. Dr John Chesterman is currently the chairperson of AGAC, commencing in this role in October 2021.

Seniors Legal and Support Service Health Justice Partnership Reference Group

This group, convened by Caxton Legal Centre, advises on the operation of this partnership.

Queensland Health – Health and Disability Interface Advisory Group

This group emerged out of the COVID-19 Working Group convened by Queensland Health during the pandemic. It consists of a range of disability service providers, government and non-government agencies who meet on a monthly basis to discuss critical issues impacting on the disability sector, with a particular focus on health-related concerns and new programs and initiatives.

Queensland Health QCAT Governance Group

This group advises on the operation of the Queensland Health QCAT guardianship program.

Mental Health and Disability Legal Assistance Forum

The purpose of the group is to promote cooperation and collaboration between legal and non-legal service providers, including social, community and health services working with people with mental health issues, intellectual disability, or other cognitive impairments. Participating in this group enhances the Public Advocate's knowledge and understanding of the needs of, and the current and emerging systemic issues that affect, this vulnerable cohort.

Queensland Law Society Committees

The Public Advocate has been a regular attendee at the Health and Disability Law, and Elder Law Committees of the Queensland Law Society. This engagement with members of the legal profession has provided invaluable opportunities to learn more about the intersection between the law, medicine, disability, and social policy and to gain a better understanding of emerging issues for vulnerable members of the Queensland community.

Public Interest Disclosures Agency Network

The Public Advocate is represented at Public Interest Disclosures Agency Network meetings, which are convened by the Queensland Ombudsman. The network is comprised of Public Interest Disclosure Coordinators and practitioners in human resources, corporate governance, ethical standards, and complaints areas who may be required to assess and manage public interest disclosures. The network meetings provide an opportunity to discuss current issues, developments in case law, and improve understanding of the application of the *Public Interest Disclosure Act 2010* (Qld).

National adult safeguarding roundtable

The National adult safeguarding roundtable brings together representatives from government and non-government organisations across Australia to discuss jurisdictional based reforms and developments being considered or implemented in response to the Australian Law Reform Commission's report, *Elder Abuse – A National Legal Response* (ALRC 131).

QCAT Guardianship stakeholder group

This group meets twice a year to discuss adult guardianship operational matters.

NDIA rural and remote advisory group

The Public Advocate is represented at meetings of this group by a member of his office. The group's role is to provide advice and expertise to support NDIS scheme reforms and address systemic issues relating to the rural and remote delivery of the NDIS.

Disability and Health Sector Consultation Committee (DHSCC) – Long term health advocacy working group

The Public Advocate is represented at meetings of this group by a member of his office. It is a time limited group, with the objective of providing advice about long-term health advocacy options for people with disability.

DFSDSCS Disability Reform Implementation Stakeholder Committee

This is a cross-agency body established to provide advice and guidance to the Queensland Government on disability reforms.

Department of Housing and Public Works – Residential Services Reform Working Group and Stakeholder Group

The Residential Services Reform Working Group provides leadership concerning the reform agenda for residential services, and the Residential Services Reform Stakeholder Group provides advice on this reform agenda.

Older Persons Advocacy Network – Supported Decision-Making Working Group

This group is assisting the Older Persons Advocacy Network prepare for the supported decision-making elements of the new aged care legislation.

Southern Downs Regional Council – Southern Downs Elder Abuse Response Panel

This panel brings together government and non-government services and representatives to improve responses to complex elder abuse situations.

Metro South Hospital and Health Service – Disability Inclusion and Safety Committee

This Committee focuses on improving the safety of, and quality of care provided to, people with disabilities within the Metro South Hospital and Health Service. The Committee plays a role in implementing the Metro South Health Disability Service Plan, which aims to ensure inclusive and equitable healthcare for consumers and cares with disabilities.

Advance Care Planning Australia – Steering Committee

This Committee supports the operation of the Commonwealth funded Advance Care Planning Australia program, which is operated through the Metro South Hospital and Health Service.

Appendix 4: Glossary of acronyms

AGAC	Australian Guardianship and Administration Council
ADA Australia	Aged and Disability Advocacy Australia
ADS	Australia's Disability Strategy
AMHS	Authorised Mental Health Service
CC BY	Creative Commons Attribution
CHAP	Comprehensive Health Assessment Program
COTA	Council on the Ageing
DFSDSCS	Department of Families, Seniors, Disability Services and Child Safety
DHDA	Department of Health Disability and Ageing
Disability Royal Commission, the Commission or DRC	Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
DoJ	Department of Justice
FDS	Forensic Disability Service
HHS	Hospital and Health Service
IPRA	Independent Patients Rights Adviser
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
Pathways	Disability Advocacy Pathways program
QAS	Queensland Ambulance Service
QAI	Queensland Advocacy for Inclusion

QCAT	Queensland Civil and Administrative Tribunal
QDN	Queenslanders with Disability Network
the Code	Code of Conduct for the Queensland Public Service
the Framework	The Intellectual Disability Health Capability Framework
the Roadmap	The National Roadmap for Improving the Health of People with Intellectual Disability

Annual Report 2024-25

The Public Advocate

Influencing change to empower lives