



5 December 2018

Call for commitments from the Premier, Leader of the Opposition and other NSW political parties

Earlier this year the NSW Law Reform Commission released a review of the Guardianship Act and recommended a Public Advocate be created for NSW. The NSW Ombudsman recently called on the NSW Government to establish an independent Public Advocate, in a special report to Parliament into the abuse and neglect of vulnerable adults.

We fourteen organisations support the call for a Public Advocate for NSW. A Public Advocate could respond to allegations of abuse, neglect and exploitation of vulnerable adults. It could assist in providing a meaningful alternative to guardianship and financial management orders by referring people with decision making needs to appropriate community supports and by promoting supported decision making arrangements. It offers a host of other benefits, as outlined in the Law Reform Commission's report.

To be effective and gain community confidence, a Public Advocate must have full statutory and administrative independence. A Public Advocate must provide annual reports to Parliament, employ its own staff, and have security of tenure. It must be completely separate from NSW Trustee.

In situations of suspected abuse and neglect, a Public Advocate needs powers to enter premises and to require people to provide information.

We recommend that a Public Advocate should be linked to the Attorney General or Premier, rather than a community services minister. A Public Advocate should be seen within a rights and justice prism, rather than a social services one.

We believe a Public Advocate would be most effective if it absorbed the Public Guardian. This would allow the Public Advocate access to information about the cognitive disability issues experienced by many people under guardianship orders and allow for a seamless interplay of ways in which the Public Advocate could assist individuals. It would create an opportunity to update the work structure and practices of the Public Guardian – an organisation largely unchanged since its creation in 1989, but now significantly impacted by the introduction of the NDIS, aged care sector reforms, and by its budget not keeping up with its growing workload.

It is of course vital that a Public Advocate be adequately resourced.

Establishing an independent Public Advocate would be a positive step for NSW. However, it is crucial that a Public Advocate is understood to be a complement to – not a replacement for – community advocacy. Community advocacy enables people with disability to become leaders within communities and informers of government policy. It helps people resolve problems with service systems. It offers a front line of defence in the fight against abuse and neglect through close community connections. Community advocacy provides benefits to both Government and people with disability that cannot be achieved by a Public Advocate alone. If a Public Advocate were established, it is critical that Government continues to support community advocacy.

We look to the Government, Labor and other political parties to commit to an independent Public Advocate with the features we have outlined in this letter.

Contact:

Justine O'Neill

CEO, Council for Intellectual Disability

justine@nswcid.org.au