

Response to the Victorian Auditor-General's Report

The Office of the Public Advocate's (OPA) vision is of a just and inclusive society that values, respects, protects and promotes the dignity and human rights of all people. Our mission is to uphold the rights and interests of people with disability and work to eliminate abuse, neglect and exploitation.

The *Guardianship and Administration Act 2019 (Vic)* has placed Victoria at the forefront of human rights by fundamentally transforming the legal and philosophical underpinnings of guardianship. OPA is proud to practice in a jurisdiction that prioritises human rights by ensuring that a person's will and preferences should direct decisions affecting the person as far as possible.

About the VAGO Audit

In 2023-24, the Victorian Auditor-General's Office (VAGO) audited the work of OPA. This audit concluded with the report '*Guardianship and decision-making for vulnerable adults*' being tabled in Parliament.

This report was the culmination of a full year's work, during which VAGO officers assessed OPA's delivery of guardianship and investigation services to determine whether they promote and protect the rights and interests of the people we work with. This covered topics such as:

- what OPA does for people under guardianship orders
- whether OPA staff followed the will and preference of people under guardianship orders
- the timeliness of OPA interactions with represented people or proposed represented people
- how OPA guardians or investigators engage with represented people or proposed represented people
- the process of lodging a complaint to OPA
- things OPA did well or could have done better.

As part of this audit, VAGO also sought submissions from people with lived experience of OPA guardianship and/or investigations and family members, carers, friends and support people of OPA clients.

The report recognises the complex and challenging environment in which OPA delivers vital guardianship and investigation services to thousands of Victorians with disability each year. The report also acknowledges positive findings, including highlighting several initiatives already underway to improve OPA's engagement with represented persons.

Throughout the course of its work, VAGO found some areas where OPA could be doing better and identified opportunities for improvement. VAGO concluded that OPA provides crucial guardianship and investigation services for thousands of vulnerable adults each year in complex and challenging circumstances. It also found that OPA could do more to protect and promote their interests. Improvements OPA could make include:

- how long it takes to appoint guardians to people
- when and how it engages with its clients
- when and how it monitors performance to make sure staff protect and promote people's rights and interests
- understanding the resources it needs to deliver its guardianship and investigation services
- record keeping.

The Auditor-General made 13 recommendations. OPA has accepted 10 recommendations in full, and three recommendations are accepted in principle. The recommendations directed at OPA are about improving:

- documentation
- engagement with represented and proposed represented persons
- training and guidance for staff
- collection and use of data
- planning and oversight.

The three recommendations directed to both OPA and Department of Justice and Community Safety are about improving:

- planning and recruitment processes
- relevance of performance measures.

OPA's other work

The Public Advocate's functions under the *Guardianship and Administration Act 2019* relate to promoting the independence and human rights of people with disability and protecting people with disability from abuse, neglect and exploitation.

In addition to its direct services, including guardianship, advocacy and investigation, another vital role of the Public Advocate is to raise awareness and understanding about the *Guardianship and Administration Act 2019* and other legislation that affects individuals with disability or those who may lack decision-making capacity. OPA achieves this through multiple approaches, including publications, a website with substantial visitor traffic and access to a variety of resources and publications. OPA also offer an advice service and provide community education on topics such as guardianship, administration, and enduring powers of attorney.

OPA also coordinates three volunteer programs, including the Independent Third Person Program, the Correction Independent Support Officer Program and the Community Visitors Program.

Core works

OPA provides a number of services including advocacy, guardianship, investigation, research and policy publications, education and training services, and three volunteer programs:

- Community Visitors
- Independent Third Persons
- Corrections Independent Support Officers Program.

Next steps

OPA is committed to improving its guardianship and investigation services to better protect and promote the rights and interests of people with disability who engage with and rely on these essential services.

Included in VAGO's report is a high-level action plan which identifies how OPA will address the recommendations made by VAGO, reflecting the work that has already commenced and work that is planned to improve our services. The VAGO recommendations will complement and support OPA's existing quality improvement work.

OPA remains steadfast in its commitment to serve with integrity and respect, ensuring that its actions contribute to a more inclusive and equitable society.

OPA welcomes the opportunity that this audit provides to inform the actions the office will take to make progress against the report's key findings, and for it to reflect, learn and grow stronger in its mission.

