



Speech by
**Mr DENVER
BEANLAND**

MEMBER FOR INDOOROOPILLY

Hansard 12 April 2000

GUARDIANSHIP AND ADMINISTRATION BILL

Mr BEANLAND (Indooroopilly—LP) (12.26 p.m.), continuing: Before the adjournment of the debate on this legislation last evening, I referred to some of the delays caused by the current Minister that we have witnessed in relation to this legislation. That is something of which he accused the former Government with the previous legislation. Be that as it may, today, 21 months after the Government has come to office, with all of those amendments that the Minister had—

Mr Foley: You didn't agree with my amendments.

Mr BEANLAND: When in Opposition, the now Minister had 80 pages worth of amendments. It should have been so easy for him to just drop them in on the first day of the new Parliament. That is what the Minister said he could do. However, we know that is not the case, because this is very sensitive, in-depth and very complex legislation.

We need to look at some of the aspects covered by this legislation—as I said, the legislation has great depth and breadth—but we also need to consider the things that have been happening in relation to this Bill's sister legislation, the powers of attorney legislation, and how well the Office of the Adult Guardian is working. I notice in the annual report of the Office of the Adult Guardian for the year 1998-99 that was provided to the Parliament—the Adult Guardian's first annual report—the Adult Guardian highlights a number of very important matters, including the education role that he has undertaken, which is where I left off last evening.

The Office of the Adult Guardian has held a total of 74 information and education sessions for professionals and other service providers, including legal professionals, medical practitioners, health care workers, hospital staff and service providers in the areas of disability and aged care. I mentioned that because it is going to take a great deal of work to ensure that people are au fait not only with the powers of attorney—and that is the work that the Adult Guardian has been undertaking—but also the functions of the guardianship and administration legislation.

Because it is complex in some areas—it is certainly all-encompassing—it is going to affect people's everyday lifestyles. I think this is the important thing; we have a number of new concepts transferred from the Powers of Attorney Bill to this legislation, plus of course the setting up of the new tribunal, which certainly has a range of broader, additional powers compared with the current tribunal system. In addition to that is the ability to have substituted decision makers in place of those people who are the statutory providers of that role currently. A complete new edifice is being established, a process in which people who are much closer to their loved ones will be able to make decisions for them. I am sure that will have some meaning to those involved.

Having said that, I notice that in the Adult Guardian's annual report he highlights that there have been a number of complaints about the Powers of Attorney Act. In fact, 187 referrals were received by him for investigation and of those some 107 complaints were investigated in depth. Some 107 related to complaints about the conduct of attorneys under an enduring power of attorney, 63 related to complaints of physical and financial abuse and 17 related to complaints and disputes about health care issues.

I think it fair to say that early in the piece a number of complaints arose from the provisions of the Powers of Attorney Act. With those types of complaints coming through, clearly a range of issues will need to be tackled by the Adult Guardian and the Public Advocate in relation to this area of legislation, because this is just as sensitive, if not more so in a number of areas, because of the types of situations being tackled. I am sure at the outset the operation of this legislation will mean quite a heavy workload will fall onto the Adult Guardian. That will also be the case for the new tribunal, which is going to be kept busy. I want to raise a number of points about the new tribunal with the Minister at the Committee stage, so I will not touch upon those now.

In fulfilling their role in some instances the members of the tribunal will need the wisdom of Solomon to be able to handle the breadth of issues and the conflict in issues that will come from various family members and others appearing before them. Of paramount concern is the health and lifestyle of the individual concerned. That is going to be particularly important with the operation of this piece of legislation. Because of the style of issues that the Adult Guardian and the Public Advocate are going to be confronted with, I am sure that future annual reports of the Adult Guardian will contain a far greater range of issues than are raised in the current annual report.

My contribution has covered the main points. I am not going to go through the legislation item by item because the shadow Minister has already indicated that the Opposition supports the legislation. There are a couple of issues we want to raise at the Committee stage, but we will tackle those issues when we come to those particular items.
