

# Media Statement

12 October 2007

## ***Report calls for greater openness in guardianship system***

The Attorney-General tabled this afternoon the Queensland Law Reform Commission's report on confidentiality in the guardianship system: *Public Justice, Private Lives: A New Approach to Confidentiality in the Guardianship System*.

Chair of the Commission, Justice Roslyn Atkinson, said the report calls for greater openness in the guardianship system to improve community confidence and to enhance the quality of decision-making in the system.

'The guardianship laws are designed to assist adults who are unable to make some, or all, of their own decisions, such as people with dementia, an intellectual disability or an acquired brain injury,' Justice Atkinson said.

'It is important that those making decisions for this group of people have the confidence of the community and are able to make decisions based on all of the relevant information,' Justice Atkinson said.

One of the key changes to the guardianship laws proposed by the Commission is the lifting of the current ban on reporting proceedings before the Guardianship and Administration Tribunal. The Commission has recommended that Tribunal proceedings can be reported provided the adult with a decision-making disability is not identified.

The Commissioner responsible for the Guardianship Review, Dr Ben White, said, 'Although people thought privacy was important, most favoured public reporting of Tribunal proceedings to ensure transparent and accountable decision-making. Public reporting can also improve community awareness of how the guardianship system operates.'

As part of promoting greater openness in the guardianship system, the Commission has also proposed limits on when information or documents can be kept confidential from the parties to a Tribunal proceeding.

Dr White said, 'The Commission has recommended that the Tribunal can only keep information confidential from parties where it is necessary to avoid serious harm or injustice. The Tribunal will also be required to invite comment from an independent

person (the Public Advocate) on whether the information should be kept confidential, and to give written reasons for making a decision to impose confidentiality.’

The report is the result of a 21 month study by the Commission, and its recommendations draw upon the views expressed during a wide and inclusive consultation process. The Commission consulted in person with many hundreds of people during ten community forums held throughout the State and fifteen focus groups with key stakeholders, including adults with decision-making disabilities. The Commission also received 260 formal submissions, which is its largest response ever to a single round of consultation. The Commission’s commitment to inclusive consultation in this review was recently recognised in the Disability Action Week Awards in the category of Human Rights and Justice.

For further information about the review, please contact Dr Ben White, Queensland Law Reform Commission on 0432 995 626 or (07) 3247 4544.

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