

Welcome to the second newsletter of the Queensland Law Reform Commission's Guardianship Review. This newsletter is to keep people informed of the progress of the review and about forthcoming events.

## 'Public Justice, Private Lives': Launch of Discussion Paper

The Commission has released the first Discussion Paper in its review of Queensland's guardianship laws.

*Confidentiality in the Guardianship System: Public Justice Private Lives* was launched by the Attorney-General and Minister for Justice the Honourable Linda Lavarch MP on 9 August at the Banco Court in Brisbane, in front of more than 100 people.

The Discussion Paper examines the confidentiality provisions of Queensland's guardianship laws. It explores the need for the law to strike an appropriate balance between fair and accountable decision-making and respect for the privacy of people involved in the guardianship system.

Speaking at the launch, the Chair of the Commission the Honourable Justice Atkinson commented: 'The Commission wants to know more about how confidentiality is working in practice and so wants to hear the views, ideas and suggestions of the community and in particular, of those people who are directly affected by the guardianship laws'.

The launch was reported in *The Courier-Mail* and was also the subject of an editorial.

Following the launch, the issue of confidentiality in the guardianship system was the subject of a 30-minute story on the ABC's Radio National program, *The Law Report*. This program, which

included interviews with many different stakeholders in the guardianship system, can be listened to and/or downloaded at <[www.abc.net.au/rn/lawreport/stories/2006/1712482.htm](http://www.abc.net.au/rn/lawreport/stories/2006/1712482.htm)>.

The Commission thanks all those people who attended the launch and who have expressed an interest in the Guardianship Review.

## Confidentiality

What are the key issues?

The Commission is reviewing the guardianship laws in three stages: confidentiality, General Principles and the guardianship laws generally. The Commission is currently undertaking Stage One which examines the role of confidentiality in the guardianship system.

At present, the guardianship laws in Queensland protect information as 'confidential' in three ways:

1. The laws impose a duty of confidentiality on people who receive information about a person through their involvement in the guardianship system. This duty applies, for example, to members of the Tribunal and its staff, the Adult Guardian and Public Advocate and their staff, guardians, administrators and attorneys, including statutory health attorneys.
2. The laws also stop people publishing information about what happens before the Tribunal, such as who was at a hearing, what they said, what documents were given to the Tribunal, what decision was made and what reasons were given for that decision.
3. The laws also allow the Tribunal to make 'confidentiality orders' to stop a person from:



Confidentiality in the  
Guardianship System:  
Public Justice, Private Lives  
Discussion Paper

WP No 60  
July 2006

Guardianship HOTLINE (07) 3222 2713

### Queensland Law Reform Commission

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- attending a Tribunal hearing, or part of a hearing;
- looking at a document that is being considered by the Tribunal; or
- seeing a copy of the Tribunal's decision and/or the reasons it gives for that decision.

These key issues are explored in detail in the Discussion Paper and its accompanying publications.

The Commission is asking five main questions about these issues:

1. Under what circumstances, if any, should the Tribunal be able to keep a person out of a hearing?
2. Under what circumstances, if any, should the Tribunal be able to stop a person involved in the proceeding from seeing documents that the Tribunal is considering?
3. Under what circumstances, if any, should the Tribunal be able to refuse to give its decision or reasons for that decision to a person involved in the proceeding?
4. To what extent, if at all, should Tribunal proceedings be able to be openly discussed by people outside those proceedings?
5. Apart from the situations referred to in questions 1–4 (which deal with Tribunal proceedings), are there other circumstances in which information that is revealed within the guardianship system should be required to be kept confidential?

### Additional publications

To complement the Discussion Paper, the Commission has also released a suite of companion consultation publications. Each of these publications has been

designed to meet the different needs of people interested in the Guardianship Review.

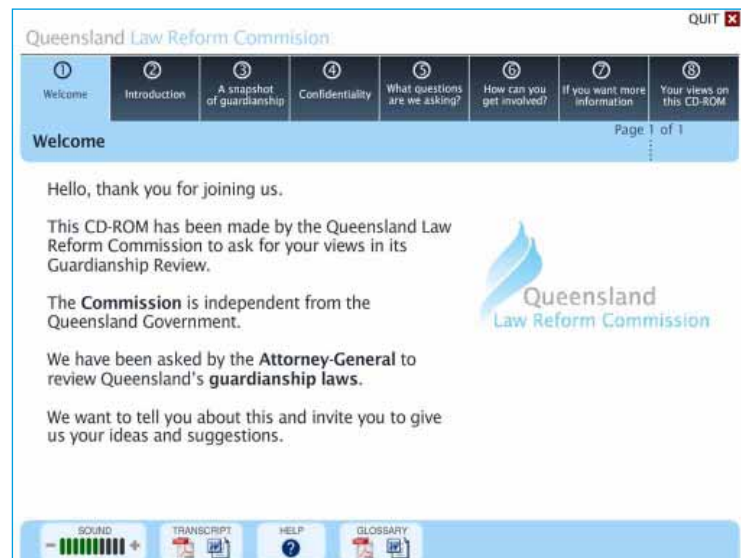
- *Public Justice, Private Lives: A Companion Paper*. This is a shorter version of the Discussion Paper that discusses the issues without all of the legal detail.

For your convenience, please find enclosed with this newsletter the Companion Paper's accompanying answer sheet.

- *Confidentiality: Key questions for people who may need help with decision-making*. This is a short pamphlet that specifically asks people who may need help with decision-making what they think.
- *Confidentiality: Key questions for families, friends and advocates*. This is another short pamphlet designed for people involved in the lives of adults with impaired capacity.

### Interactive CD-ROM

The Commission has also developed an interactive CD, as a consultation tool, particularly for people who need or prefer to see and/or hear information.



The CD presentation explores the issues raised in the Discussion Paper and contains electronic copies for printing or downloading of the Commission's other documents on Stage One of the Review.

Copies of the CD, *Public Justice, Private Lives: A CD-ROM Companion*, will be distributed shortly. The CD presentation will also be accessible through the Commission's website.

### How can I obtain a publication?

The Discussion Paper and its companion publications are available free of charge by contacting the Commission on telephone (07) 3247 4544 or email <qlrcguardianship@justice.qld.gov.au>.

They may also be accessed on the Guardianship Review's website <www.qlrc.qld.gov.au/guardianship>.

### Have your say

The Commission has released its Discussion Paper and companion publications to seek your views about these confidentiality provisions. The Commission will be consulting and accepting submissions on Stage One of the Review until 31 October 2006.

You can tell us what you think by making a submission in writing, by email, or in person by making an appointment.

Postal address:

Queensland Law Reform Commission  
PO Box 13312  
George Street Post Shop  
Brisbane Qld 4003

Fax: (07) 3247 9045  
[marked 'Attention: Guardianship Review']

qlrcguardianship@justice.qld.gov.au

### Guardianship HOTLINE (07) 3222 2713

The Commission has also established a telephone hotline to make it easier for people who wish to call to make a submission.

### Community forum dates announced

You might also want to participate in our public consultation process. The Commission is holding community forums throughout the State to ensure region-specific issues can be raised and addressed in the review. The dates and locations of these forums are set out on the final page of this newsletter.

Details of the community forums will be advertised locally and on the Commission's website.

The Commission encourages people to inform interested members of their local community about these forums.

To register your attendance at a forum, please complete and return the enclosed flyer by fax (07) 3247 9045 or by contacting the Commission by telephone or email.

# Community forum venues and dates

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Location	Venue	Date	Time
Sunshine Coast	Rydges Oasis Resort Caloundra Landsborough Pde (cnr North Street) Caloundra Qld 4551	Friday 15 September	10.00am – 12.30pm
Gold Coast	Southport Sharks Australian Rules Football Club Musgrave Ave (cnr Olsen Ave) Southport Qld 4215	Tuesday 19 September	10.00am –12.30pm
Brisbane	Dept of Public Works Auditorium 111 George Street Brisbane Qld 4000	Tuesday 26 September	10.00am –12.30pm
Toowoomba	Cathedral Centre 123 Neil Street Toowoomba Qld 4350	Friday 29 September	10.00am –12.30pm
Rockhampton	Rockhampton Leagues Club Cambridge Street Rockhampton Qld 4700	Tuesday 3 October	1.00pm –3.30pm
Mackay	Ocean International 1 Bridge Road Illawong Beach Mackay Qld 4740	Wednesday 4 October	1.00pm –3.30pm
Mt Isa	Mt Isa Civic Centre 23 West Street Mt Isa Qld 4825	Friday 6 October	1.00am –3.30pm
Bundaberg	Bundaberg Civic Centre 190 Bourbong Street Bundaberg Qld 4670	Tuesday 10 October	11.00am –1.30pm
Townsville	Riverway Arts Centre 20 Village Boulevard Thuringowa Central Qld 4817	Wednesday 11 October	1.00pm –3.30pm
Cairns	Sofitel Reef Casino Cairns 35–41 Wharf Street Cairns Qld 4870	Thursday 12 October	10.00am –12.30pm