

Terms of Reference

Review of Protection of Rights Services Amendments

The *Protection of Rights (Services) Legislation Amendment Act 2016* brought about a range of reforms to the structure and operation of protection of rights services in the ACT, bringing the Public Advocate and the Victims of Crime Commissioner into the ACT Human Rights Commission (HRC), and transferring the guardianship functions of the Public Advocate to the Public Trustee and Guardian (PTG). The complaints handling function of the HRC was consolidated under one Commissioner (the Discrimination, Health Services, Disability and Community Services Commissioner) and the Public Advocate and Children & Young People Commissioner role was combined. The leadership of the HRC was also reformed with the establishment of a position of President and the development of new governance mechanisms, including a Governance Protocol with the Justice and Community Safety Directorate, a Community Client Service Charter and an Internal Operations Protocol.

The aims of the reforms included strengthening the leadership, governance and co-ordination of key rights protection services forming the HRC, and improving accountability of these agencies, while ensuring that service accessibility was maintained. It was also intended that the reforms to the PTG would result in a joined-up service for clients and bring a wider range of experienced staff with expert personal guardianship and financial management skills together to act for Canberrans with impaired decision-making capacity.

The review will consult with stakeholders and the broader community to consider the extent to which the protection of rights services reforms achieved their intended aims across the following areas:

1. Leadership and governance:
 - a. strengthening the accountability and governance of the HRC, and
 - b. enhancing strategic planning and coordination of service, oversight and advocacy functions.
2. Complaint handling:
 - a. improving complaints handling within the HRC (including streamlining intake and processing of complaints), and
 - b. improving service efficiency in complaints handling.
3. Service delivery:
 - a. improving the experience and service provided to users of rights protection services for both the PTG and HRC.
4. Public Trustee and Guardian:
 - a. enabling the PTG to deliver a more joined up services for clients with impaired decision-making capacity.
 - b. Allowing the expertise of the PTG in management and administration of personal affairs to be applied to assist in facilitating and expediting guardianship administration.
 - c. Ensuring the guardianship functions would remain separate within the office of the PTG, with the guardianship management requiring a different focus and skill set.

5. Visibility in community:

- a. ensuring that each independent statutory office holder is appropriately visible and accessible to the community and able to perform their functions within the new protection of rights framework.

The review will also consider other issues raised by stakeholders during consultation.

In addition the review will also consider and consult stakeholders and the community in relation to the recommendation from the interim report on the *Our Booris, Our Way* review to establish an Aboriginal and Torres Strait Islander Children's Commissioner.

A report of the review must be provided to the Minister within approximately 6 months and presented to the Legislative Assembly within 12 months of commencement of the review.