

24 August 2021

Public Trustee Review
Department of Justice
Office of the Secretary

Via email: PublicTrusteeReview@justice.tas.gov.au

Mental Health Council of Tasmania (MHCT) Public Trustee Review

MHCT welcomes the opportunity to provide a response to the independent review into the administrative and operational practices of the Public Trustee of Tasmania.

The MHCT response to the review is in relation to the support of Represented Persons who are experiencing a mental illness (and their loved ones) engaged with the Public Trustee either through an Administration Order made by the Guardianship and Administration Board or through the enlivening of an Enduring Power of Attorney instrument.

MHCT advocates for a human-rights based approach to providing support services for people experiencing mental illness and their loved ones. Maintaining the dignity and rights of people with mental illness is observed in both the Convention on the Rights of People with Disability (CRPD)¹ and the current Mental Health Act, Tasmania (2013)². The Mental Health Act stipulates a schedule of mental health service delivery principles which provide a basis of treatment for people with mental illness. The first principle being, 'to respect, observe and promote the inherent rights, liberty, dignity, autonomy and self-respect of persons with mental illnesses'. The CRPD fundamentally promotes and protects the human rights of all persons with a disability, including individuals with a mental illness. As such, MHCT encourages the independent review of the Public Trustee to be conducted under the lens of the guiding principles of the CRPD.

MHCT advocates for the provision of person-centered care and support for people experiencing mental illness. This involves developing respectful and collaborative partnerships with clients, being responsive to their needs and preferences, supporting them to make decisions that uphold their wellbeing, enabling clear communication and involving family members and carers where appropriate^{3,4}. MHCT also supports taking a trauma-informed approach to service provision. People experiencing mental illness (and their loved ones) who require the services of the Public Trustee may have experienced traumatic life events. A trauma-informed approach prioritises the physical, emotional and psychological safety of survivors and providers and emphasises empowerment and rebuilding a person's sense of control.⁵

MHCT would expect the Public Trustee to apply person-centred and trauma-informed care principles to any services provided to persons experiencing mental illness. This intent is reflected in the stated Values of the Public Trustee (Respect, Service and Integrity) as well in the published role of the Public Trustee as financial administrators, which includes 'acting in the best interests of the person whose affairs they are managing; encouraging and assisting that person to become capable of managing their financial affairs and consulting with the person to consider, as far as possible, their wishes'.⁶

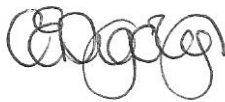
Reports from consumers have been brought to our attention that suggest that Public Trustee services are not meeting these aspirations or being provided within a framework of person-centred and trauma-informed care. Advocacy Tasmania's submission to this independent inquiry incorporates feedback from consultations with their clients who are experiencing mental illnesses. Their submission provides detailed case studies and stories from consumers who have experienced a lack of respectful consultation and transparent communication (which can lead to distress and confusion), significant time delays in services (including payments) and overall poor treatment. These reports place the safety, integrity and quality of the Public Trustee and its services into question.

In light of this, MHCT recommends that the outcomes of this Independent Review, further informed by broad consultation, are used to modernise the Public Trustee service model. A revised model should ensure that the human rights of clients are upheld throughout their dealings with the Public Trustee and that person-centred and trauma-informed approaches are taken at all times.

This process could, for example, take an approach similar to the ongoing review of the Mental Health Act in Tasmania, which is overseen by an Independent Tribunal to ensure external accountability.

For further discussion on any elements of this response, please contact MHCT.

Yours sincerely,



Connie Digolis
CEO
Mental Health Council of Tasmania

References:

¹ United Nations (2006) *Convention on the Rights of People with Disabilities*, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

² Tasmanian Government (2013) *Mental Health Act, 2013* <https://www.legislation.tas.gov.au/view/html/inforce/current/act-2013-002>

³ Department of Health & Human Services (2011) *What is person-centred health care? A literature review* <https://www2.health.vic.gov.au/about/publications/researchandreports/What-is-person-centred-health-care-A-literature-review>

⁴ Australian Commission on Safety and Quality in Health Care (2011) *Patient-centred Care - Improving quality and safety through partnerships with patients and consumers* <https://www.safetyandquality.gov.au/publications-and-resources/resource-library/patient-centred-care-improving-quality-and-safety-through-partnerships-patients-and-consumers>

⁵ Hopper EK, Bassuk EL & Olivet J (2010) Shelter from the storm: Trauma-informed care in homeless service settings. *The Open Health Services and Policy Journal*, 3, 80-100

⁶ Public Trustee (2021) *Public Trustee: Financial Administration* <https://www.publictrustee.tas.gov.au/financial-administration1>