

By email 07 August 2019

Parliamentary Joint Committee on Human Rights
Parliament House
Canberra ACT 2600
By email: human.rights@aph.gov.au

Dear Secretary,

Re: *Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019*

We write to you as Public Advocates and Public Guardians in seven of Australia's states and territories to reiterate and support the concerns raised by the Victorian Public Advocate in her 11 July 2019 letter to the Parliamentary Joint Committee on Human Rights about the *Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019*.

In particular, we are concerned that the new Principles have been introduced through a ministerial instrument (rather than in legislation) and that the Principles:

- appear to ignore Australia's human rights obligations under the United Nations Convention on the Rights of Persons with Disabilities;
- introduce, in the case of physical restraints, a new flawed and ambiguous substitute decision-making regime; and
- provide virtually no regulation of chemical restraint usage.

We would be pleased to expand upon these concerns should the Committee wish for us to do so, either in writing or in person before the Committee.

Yours sincerely,

John Chesterman
Acting Public Advocate, VIC

Kim Barker
Public Guardian, Tas

Mary Burgess
Public Advocate, QLD

Andrew Gabriel
Public Guardian, NSW

Anne Gale
Public Advocate, SA

Jodie Griffiths-Cook
Public Advocate, ACT

Tina Martinovic
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Director, Guardianship, ACT

Natalie Siegel-Brown
Public Guardian, QLD

Beth Walker
Public Guardian, NT