

Guardianship and Administration Board,
Western Australia

ANNUAL REPORT 2002/2003

**GUARDIANSHIP &
ADMINISTRATION
BOARD**

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TO JIM MCGINTY MLA

ATTORNEY GENERAL

In accordance with the requirements of Section 12(1) of the *Guardianship and Administration Act 1990*, I am pleased to submit the Annual Report of the *Guardianship and Administration Board* on the performance of its functions.

A handwritten signature in blue ink, appearing to read 'K F Chapman', with a long horizontal flourish extending to the right.

MR K F CHAPMAN
PRESIDENT

Mission Statement

To protect the rights, well-being and financial affairs
of adults incapable of reasonably looking after their own welfare.

Functions

Section 13 of the Act identifies the functions of the Board as follows:

- (a) to consider applications for guardianship and administration orders;
- (b) to make orders appointing, and as to the functions of, and for giving directions to, guardians and administrators;
- (c) to make orders declaring the capacity of a represented person to vote at parliamentary elections;
- (d) to review guardianship and administration orders and to make orders consequential thereon;
- (e) to give or withhold consent to the sterilisation of persons in respect of whom guardianship orders are in force;
- (f) to perform certain functions in relation to powers of attorney that operate after the donor has ceased to have legal capacity; and
- (g) to perform the other functions vested in it by the *Act* and any function vested in it by any other *Act*.

Executive Summary

- There has been an increase of 11% in the number of applications to the Board, including a 19% increase in guardianship applications, a 4% increase in administration applications, a 10% increase in review applications and a 47% increase in applications relating to enduring powers of attorney.
- An *Administrator's Guide* has been completed. This guide assists private administrators to comply with the Board's reporting requirements

- Following a Full Court decision of the Supreme Court in the case of *Johnson v Staniforth* (2002) WASCA 97 a number of applications were made to the Board under section 77 of the *Guardianship and Administration Act* for approval for represented persons to make a Will. The Board referred a number of questions of law in relation to these applications to the Full Court. A decision is yet to be announced.
- Significant decisions have been made by the Full Board this year in the areas of gifting, physical and chemical restraint, and compliance of an Enduring Power of Attorney with the *Guardianship and Administration Act*.
- The Department of Justice established a project team for the implementation of the State Administrative Tribunal. The Board's staff have been involved in several working parties associated with the development of the State Administrative Tribunal.
- Proposed legislative changes to the *Guardianship and Administration Act* associated with the State Administrative Tribunal, include the transfer of the functions under section 80 of the Act (the examination and allowing of administrator's accounts) to the Public Trustee.
- The Board is moving on 22 September 2003 to new premises at 12 St George's Terrace, Perth, the location of the future State Administrative Tribunal.
- One Board member resigned to take up duties in an international organisation, one Board member's term expired and one new Board member was appointed during the year.

President's Report



This financial year the Board's staff and members celebrated 10 years of service and commitment to the people of Western Australia. In marking this occasion, I wish to acknowledge the contribution made by the staff and Board members. All are dedicated to the task of achieving outcomes which are in the best interest of members of the community who have disabilities. I pay a special tribute to the Deputy President, Mrs Pamela Eldred for her tireless efforts to this end.

As will be seen elsewhere in this report, the number of applications has increased as has the complexity. It is remarkable that the level of service which has been reached was achieved with the additional workload which the move toward the integration of the Board into the State Administrative Tribunal has brought.

Several significant matters have been heard and determined by the Full Board this year. These include issues relating to gifting under sections 71, 72 and 74 of the *Guardianship and Administration Act* (the Act), questions regarding the use of physical and chemical restraints in nursing homes and aged care facilities, and questions concerning compliance of an

Enduring Power of Attorney with the provisions of the Act. In addition, some eleven applications have been made to the Board seeking approval for represented persons to make a Will pursuant to the provisions of section 77 of the Act. The applications were based on the decision of the Full Court of the Supreme Court of Western Australia in *Johnson v. Staniforth & Ors* (2002) WASCA 97. In considering these applications, a number of questions of law emerged which the Full Board considered would not only affect the applications before the Board but also future applications. Accordingly, the Full Board referred a number of questions of law to the Full Court of the Supreme Court pursuant to section 38 of the Act. This is the first occasion on which the Board has referred a question of law to the Full Court. The Full Court has heard the matter but a decision has not yet been announced. The outcome of this decision will have an impact on the workload of the Board.

During the year Dr Jane Barratt resigned from the Board to take up the appointment of Secretary General with the International Federation of Ageing. I congratulated Dr Barratt on her appointment and acknowledge that her expertise has been missed by the Board. The term of appointment of Mr David Powell concluded during the year and Mr Simon Dixon was appointed. I welcome the appointment of Mr Dixon and record my appreciation for the valuable contribution made by Mr Powell during the term of his appointment.

A handwritten signature in blue ink, which appears to read 'K Chapman'.

KEITH CHAPMAN
PRESIDENT

Executive Officer's Report



The Western Australian government's proposal for the Board to become part of the State Administrative Tribunal (SAT) in January 2004 has had a significant impact on the Board in the last financial year. Maintaining services to our customers at the same time as planning for these changes has been a challenge. This challenge has included ensuring that the needs of our customers are addressed in this change, that the increasingly complex work of the Board is managed well during the change process and ensuring that staff are prepared for the changes ahead.

Even though the expected commencement date of the SAT is not until January 2004, the Board is moving into the new premises for SAT at 12 St Georges Terrace in September 2003. This change in itself is significant in that customers will need to familiarise themselves with a new location. Parking is more restrictive in "the Terrace" and will pose greater challenges for customers than the current location. However, the allocation of three dedicated disabled bays at the rear of 12 St Georges Terrace to those Board customers most in need of parking assistance will go a long way to ensuring that the Board's customers can easily

access services at this location. Input from the Board's perspective was provided to ensure that the internal design of the premises would best meet the needs of the Board's customers including suitable disabled toilet facilities, appropriate ramp access at the front and rear entrances, safe egress near the stairwells for emergency evacuations and the design of space to ensure wheelchair accessibility.

With the appointment of the SAT Project Director, Mr Andrew Marshall, and the development of various SAT project teams, the pace of change has increased. Board staff have assisted in mapping Board processes for the new ICMS (Integrated Courts Management System) data management system that will operate in SAT. Staff and Board members have also had the opportunity to provide input into the SAT Business Process Design project.

A significant change occurred in the drafting phase of the *State Administrative Tribunal Bill* and the consequential changes to the *Guardianship and Administration Act 1990*, tabled in parliament in June 2003. Section 80 of the *Guardianship and Administration Act 1990* was changed to provide for the Public Trustee to take over from the Board all the functions of section 80, including the examination and allowing of administrator's accounts. These issues need further debate before the legislation is finalised.

Whilst my priority throughout these changes has been to ensure that the needs of the Board's customers are taken into account in this process, I have also been mindful that good customer service depends upon the capacity of the staff to provide this service. The Board's staff have a strong commitment and dedication to this jurisdiction and have a wealth of knowledge that will be invaluable within the broader SAT context. Keeping staff informed of the developments regarding SAT and seeking their input into various SAT projects has kept staff morale relatively high. A day of training on stress management and self care was designed to provide staff with the personal resources to manage the change ahead.

The restructure of the various teams within the staff of the Board that was well underway last year was progressed this year, with several positions moved to provide greater support in the customer service team. The restructure was unable to be completed due to a moratorium on filling vacant positions pending the creation of SAT. Prior to the moratorium, Mr Mark Charsley was appointed to the position of Manager Customer Service in January and has been an excellent asset in the day-to-day management of the Board's processes. The positions of Supervisor Customer Service and Senior Customer Service Officer have been filled on an acting basis by very capable staff. All staff have contributed to an improvement in the processing of matters through the Board this year as evidenced by the improvement in the timeliness performance indicator.

The Estate Management team, capably managed by Mr Garry Robertson, has refined many processes in relation to the filing of annual accounts by private administrators. The *Administrator's Guide* was completed by the end of the financial year, with a small print run due for completion early in the new financial year. Given the changes ahead, both in relation to SAT and the proposed transfer of estate management functions to the Public Trustee, a small number were printed to further test consumer satisfaction with the product and to provide some assistance to private administrators.

This year applications rose by 11% after three years in which applications remained stable. 1,694 applications were received which included a 19% increase in guardianship applications and a 4% increase in administration applications. Review applications increased by 10% and applications relating to enduring powers of attorney increased by 47%.

One of the Board's key performance indicators sets a target of 75% of applications to be heard within 8 weeks from receipt of the application. Last year 59% of applications met this target. This year 62% of applications met this target.

Given the 10% increase in the number of applications received this year, this represents considerable improvement in the last year. Urgent applications continue to be assessed on a priority (urgent) and a fast-track (very urgent) basis and heard according to the degree of urgency. A significant proportion of the matters falling outside the 8 week benchmark do so at the request of parties to the application or because of the timing of country circuits.

It is likely that the number of applications will continue to increase. Applications relating to enduring powers of attorney are likely to increase as more people use them. The progressive ageing of the population may also have an impact. The number of review applications will also be higher in the next year as a consequence of changes in 1999 when a 5 year review period became the standard rather than a shorter review period.

A trend towards more three member panels and Full Board panels was identified last year. This trend has continued with 35% increase in the last financial year from 265 to 359 three member and Full Board hearings. This indicates that the continuing trend of more complex matters coming before the Board is also likely to continue.

Country circuits continue to be held in major regional centres throughout the state. In the last financial year, hearings were held in Albany, Bunbury, Derby, Geraldton, Kalgoorlie, Mandurah, Narrogin and several other locations. Teleconference facilities continue to provide a valuable option to ensure hearings are widely accessible. Hearings were held at a number of institutions including nursing homes, mental health institutions and prisons.

The Deputy President and several Board members continued to provide the well established program of Orientation Seminars during the last financial year. These seminars provide people with information about the Board's procedures, and were held throughout the state (6 in the metropolitan area and 4 in various country centres). The Office of the

Public Advocate also continued to provide key stakeholders with information in relation to the jurisdiction.

The Board's close working relationships with the Office of the Public Advocate, Public Trustee, Disability Services Commission and other agencies has continued to provide opportunities to discuss issues of mutual concern.

The proposed commencement of the State Administrative Tribunal in January 2004 will herald a new era for this jurisdiction. While there will no doubt be some challenges ahead, the dedication and commitment of all who work at the Board remains an outstanding feature of this jurisdiction.



ANTHEA CHAMBERS
EXECUTIVE OFFICER

The Board



BACK ROW, L-R: MR JOHN JAMES, MS ROBYN CARROLL, DR ALAN MCCUTCHEON, DR GUY HAMILTON

FRONT ROW, L-R: MS FELICITY CHILD, REV LESLIE GOODE, MR KEITH CHAPMAN, MR ERIK LEIPOLDT, MS JO STANTON

ABSENTEES: MRS PAMELA ELDRED, DR ROGER CLARNETTE, MR STEVEN JONGENELIS, MR SIMON DIXON, MS CATHERINE HILL, MS HANNAH LESLIE

PRESIDENT

MR KEITH CHAPMAN RFD LL.B CPA

APPOINTED 14/07/1998

A barrister, solicitor, and Certified Practising Accountant Mr Chapman is currently Principal Registrar of the Supreme Court. He has previously practised with the Crown Law Department (now Department of Justice) and in private legal practice. He served as the Board's foundation Deputy Chairperson from July to December 1992, Deputy President from 28 March 1998 to 28 April 1998 and as a Board Member from 10 December 1992 until his appointment as President. Mr Chapman has served as Panel Leader of the Australian Army Legal Corps and as a Stipendiary Magistrate. He was a foundation committee member of the Association for the Advancement of Brain Injured Children Inc, Chairman of the Board of Directors of the Cerebral Palsy Association of WA Ltd, a member of the Board of the Disability Services Commission and a member of the Ministerial Advisory Council for Disability Services. He is the father of six children including a daughter with a disability.

DEPUTY PRESIDENT

MRS PAMELA ELDRED MASTER OF ARTS

JURIS DOCTOR (HONS) – UNIVERSITY OF ARIZONA, TUCSON, USA; LL.B (HONS) – UNIVERSITY OF WESTERN AUSTRALIA

APPOINTED 2/02/1998

Mrs Eldred is a Registrar of the Supreme Court of Western Australia. She was admitted to the practice of law in the United States in 1976 and in Western Australia in 1984. When she moved to Perth in 1980, she initially took up a position as Senior Research Officer with the Law Reform Commission of Western Australia. From 1983 until her appointment as a Registrar of the Supreme Court in 1995, she was employed in the Crown Solicitor's Office. As a Senior Assistant Crown Solicitor in that Office, she provided legal advice to the Office of the Public Advocate and to the Board.

MS FELICITY CHILD BACHELOR SOCIAL WORK – CURTIN UNIVERSITY OF TECHNOLOGY; BACHELOR OF LAWS – UNIVERSITY OF WESTERN AUSTRALIA

APPOINTED 13/10/1992

Ms Child has degrees in social work and law and over 10 years experience working in community legal centres in Western Australia. She was also a tutor in social work and welfare practice at Curtin University. She is currently employed at Legal Aid in WA.

DR ALAN MCCUTCHEON MB BS, B MED. SC. - MONASH UNIVERSITY; M MED. SC. - UNIVERSITY OF WESTERN AUSTRALIA

APPOINTED 2/07/1992

Dr McCutcheon is a medical practitioner and is currently a Staff Specialist in Geriatric Medicine at Fremantle Hospital. He is a member of the Board of Management and Honorary Medical Director of the Alzheimer's Association of WA. He has a research interest in dementia and has given many lectures on ageing and Alzheimer's disease.

REV CANON LESLIE GOODE DIPLOMA IN PASTORAL STUDIES - MELBOURNE COLLEGE OF DIVINITY; MEMBER OF AUSTRALIAN COLLEGE OF CHAPLAINS

APPOINTED 21/02/1992

Reverend Goode is a retired Anglican Priest and Hospital Chaplain. He is the President of Fairholme Parents & Friends Association, a facility for persons with an intellectual disability. Reverend Goode was a Foundation Member of the Guardianship and Administration Board. He was a member of advisory committees to previous Ministers for Health on the founding of both the Guardianship and Administration Board and the Authority for the Intellectually Disabled, which preceded the Disability Services Commission.

MS CATHERINE HILL MASTER OF SCIENCE(FAMILY STUDIES) - UNIVERSITY OF GUELPH, ONTARIO, CANADA; DIPLOMA - BRITISH ASSOCIATION OF OCCUPATIONAL THERAPISTS - LONDON SCHOOL OF OCCUPATIONAL THERAPY

APPOINTED 10/10/1992

As an occupational therapist, Ms Hill has worked with people with both physical and mental disabilities in the United States and Canada as well as Western Australia. She is currently employed as the Executive Officer at the W.A. Network of Community Based Home Care Services.

MR JOHN JAMES BACHELOR OF PSYCHOLOGY (HONS) - UNIVERSITY OF WESTERN AUSTRALIA; DIPLOMA IN PSYCHOLOGY (COUNSELLING) - WA INSTITUTE OF TECHNOLOGY

APPOINTED 13/10/1992

Mr James is a registered psychologist who worked from 1993 to 1999 as a school counsellor and is now self-employed. He and his family have had informal social contact with residents of a neighbouring psychiatric hostel for many years.

MR ERIK LEIPOLDT B.SOC.SCI (HUMAN SERVICES)HONS.1ST CLASS - EDITH COWAN UNIVERSITY; ASSOC.DIP.ARTS (HUMAN SERVICE ADMINISTRATION) - WA COLLEGE OF ADVANCED EDUCATION; PH.D.CANDIDATE - EDITH COWAN UNIVERSITY

APPOINTED 13/10/1992

Mr Leipoldt has extensive involvement in advocacy and advocacy development, including services for people with a disability. He is a past Chair and member of various Commonwealth and State disability advisory bodies. He has direct experience of disability himself.

MS HANNAH LESLIE B JURIS., LL.B - UNIVERSITY OF WESTERN AUSTRALIA

APPOINTED 11/07/1994

Ms Leslie is a lawyer admitted to practice in 1981 and with experience in a range of courts and legal tribunals including the Family Court, with its parallel jurisdiction in the areas of guardianship and custody of and access to children and related financial matters. She is a past member of the Law Society Council and various Law Society Committees. She previously tutored in legal practice and procedure at the University of Western Australia. Since 1997, Ms Leslie has been a legal member of the Mental Health Review Board which reviews the compulsory treatment of persons with a mental illness.

MS JO STANTON BACHELOR OF ECONOMICS AND POLITICS - MONASH UNIVERSITY; MASTER PRELIMINARY (ECONOMICS) AND BACHELOR OF SOCIAL WORK (POST GRADUATE) - UNIVERSITY OF WESTERN AUSTRALIA.

APPOINTED 21/07/1992

Ms Stanton has worked extensively with people with disabilities and was the Director of Operations at Activ Foundation for many years. She has extensive experience in the area of research and evaluation and has been a member of various committees relevant to people with disabilities. Ms Stanton currently operates an independent consulting business specialising in health and welfare areas.

DR ROGER CLARNETTE MB BS - MONASH UNIVERSITY, FRACP

APPOINTED 26/03/1997

Dr Clarnette is a consultant physician in the department of Community and Geriatric Medicine at Fremantle Hospital and visiting Geriatrician to Hollywood Private Hospital. He is currently President of the WA division of the Australian Society for Geriatric Medicine and adjunct senior lecturer with the School of Nursing and Public Health, Edith Cowan University. He has extensive clinical and research experience in dementia and cognitive disorders.

MR STEVEN JONGENELIS BACHELOR OF PSYCHOLOGY - UNIVERSITY OF WESTERN AUSTRALIA; MASTER OF PSYCHOLOGY CLINICAL - UNIVERSITY OF WESTERN AUSTRALIA

APPOINTED 7/04/1998

Mr Jongenelis is the Manager and Senior Clinical Psychologist with the State Head Injury Unit. He has extensive experience in working with people with acquired neurological impairments. He lectures to community groups and tertiary institutions on rehabilitation and brain injury and has contributed significantly to policy development in this area.

MR DAVID POWELL LL.B - UNIVERSITY OF WESTERN AUSTRALIA

APPOINTED 23/2/1999

Mr Powell was admitted as practitioner of the Supreme Court of Western Australia in 1965. Apart from a 10-year period in commerce in Sydney and Melbourne he has practised as a solicitor mainly in commercial property related matters in Perth until his appointment as an acting Registrar of the Supreme Court of Western Australia in 1991 and subsequently his appointment as a Registrar in 1993.

DR GUY HAMILTON MB BS - LONDON

APPOINTED 23/2/1999

As the parent of a man with multiple disabilities Dr Hamilton worked in the disability field in Western Australia for many years – developing community based services in which he maintains an intense interest. Following retirement he continued to work in the area of domiciliary hospital care.

MS ROBYN CARROLL – BACHELOR OF JURISPRUDENCE (HONS); BACHELOR OF LAWS (HONS), UNIVERSITY OF WESTERN AUSTRALIA; BACHELOR OF CIVIL LAW, OXFORD UNIVERSITY

APPOINTED 11/12/2001

Ms Carroll is a Senior Lecturer in the Faculty of Law at the University of Western Australia. She was admitted to practice Law in Western Australia in 1983. Since 1986 she has taught and written in a wide range of areas of civil law, including disability law.

DR JANE BARRATT BACHELOR OF APPLIED SCIENCE – WA INSTITUTE OF TECHNOLOGY; MASTER OF SOCIAL SCIENCE – UNIVERSITY OF GUILDFORD, SURREY; DOCTOR OF PHILOSOPHY – UNIVERSITY OF WESTERN AUSTRALIA.

APPOINTED 13/11/2001

Dr Barratt is a Churchill Fellow, and was Executive Officer of the Carer's Association of Australia. She has been actively engaged in Ministerially appointed disability and age and home care related committees in Australia and internationally over several decades. Dr Barratt

resigned from the Board in April 2003 to take up the appointment of Secretary General for the International Federation on Ageing based in Montreal, Canada.

MR SIMON DIXON – BACHELOR OF
JURISPRUDENCE; BACHELOR OF LAWS, UNIVERSITY OF
WESTERN AUSTRALIA

APPOINTED 4/2/2003

Mr Dixon was admitted to practice as a barrister and solicitor in 1982 and subsequently worked as a solicitor both in Perth and London. He was appointed a Registrar of the Supreme Court in 1993.

The Registry

STAFF

The Board's registry has an allocation of 24 permanent full-time positions. The process of permanently filling the many vacant positions that had resulted following a restructure the previous year was halted in April. The Board was unable to fill any further positions because of the pending transition of the Board into the State Administrative Tribunal

The Registry comprises three operational areas: Customer Service, Listings and Estate Management. Below is a description of the role each of these sections plays in the Guardianship and Administration Board.

CUSTOMER SERVICE SECTION

Applications to the Board are of a sensitive nature and excellent interpersonal and communications skills are essential attributes of anyone working in the Customer Service section. These skills are particularly important when dealing with people involved in stressful and emotional situations, or with people with disabilities.

The Customer Service Section of the Board is required to:

- Provide information to the public, medical professionals, external agencies, Board members and all other parties on issues relating to all aspects of guardianship, administration, and enduring powers of attorney. These issues range from simple to complex in nature.

- Examine and assess the adequacy of applications and associated documentation for submission to the Board.
- Enquire and report on issues arising from applications and associated documents prior to the Board hearing.
- Determine where possible, and inform applicants on less restrictive alternatives rather than making an application for guardianship or administration. The Act precludes the making of a guardianship or administration order if, in the opinion of the Board, the needs of the person can be met by other means which are less restrictive of the person's personal freedom of decision and action
- Manage the records of the Registry.
- Liaise with the Office of the Public Advocate when necessary.

APPLICATIONS

When an application is received its urgency is assessed under three categories:

- Fast Track – can be heard urgently, within the 14 day statutory notice period
- Priority – to be heard as soon as possible after the 14 day statutory period
- Standard – to be listed for hearing after the 14 day statutory notice period

Applications are allocated to a Customer Service Officer who examines the nature and completeness of the application and ensures that the required medical and other reports have been lodged. Application details are entered into the Board's computerised case management system.

Information gathered during the enquiry process helps to determine the composition of the Board required for the hearing, the location of the hearing and the ability of the proposed represented person to attend the hearing. Depending on medical evidence, the Board may waive the attendance of the proposed represented person. All documents are recorded on the document numbering system, which is then used as the basis of the record of evidence at the hearing.

Applicants, legal representatives, proposed represented persons and other parties are entitled to inspect certain reports and documents held by the Board. Arranging and managing these inspections can be a time consuming activity for the Customer Service section.

The Review Officer's position is dedicated solely to preparing all review applications for hearing. This has ensured that all Board initiated reviews are brought up for hearings at the appropriate time and with the appropriate documentation.

INFORMATION SERVICE

Information kits containing application forms, doctors guides, carers/social workers guides and other relevant information relating to all aspects of guardianship and administration are available on request from the Board. In urgent matters the Board can fax forms and guides to applicants. Application forms and guides are also available on the Department of Justice web site.

RECORDS MANAGEMENT

The Customer Service section also oversees the records management of the Board. The Board has a dedicated Records Officer who is responsible for the timely distribution of all documents and the management and location of all files. The Board maintains an effective records management system with an approved retention and disposal schedule.

LISTINGS SECTION

The principal roles of the Listings Section are to:

- Maintain Board member rosters and manage the allocation of hearing dates within that roster,
- Co-ordinate the country circuit and arrange bookings in those centres,
- Advise all interested parties of hearing dates and arrange personal service of notices on the proposed represented person.
- Produce the orders as determined by Board members
- Advise key parties of the result of each hearing
- Make arrangements for the special needs of people attending hearings, including arranging interpreters, hearing loops, wheelchairs, security, telephone and video conferencing

NOTICES

The Board is required to provide a notice containing the details of the hearing to each party listed on the application at least 14 days before the hearing date.

In exceptional circumstances the Board may shorten the notice period. The Board may also dispense with the requirements for notice to be given to all interested parties other than the applicant, the proposed represented person and the Public Advocate.

The Board is required to give personal service of the notice of hearing to the proposed represented person. In the metropolitan and some country areas, this is carried out by the Board's dedicated Service Officer. There are significant advantages to the Board having a dedicated Service Officer in that the Board has been able to substantially reduce the time frame required to facilitate the service of notices and to reduce previous costs associated with the use of bailiffs in the metropolitan area. This method of service has reduced the stress for the parties involved and also provides a valuable opportunity to explain the Board's processes.

Bailiffs are still used to serve notices in country areas. To reduce the stress and improve standards, the Board has produced a set of standard procedures to be followed by Bailiffs when serving notices on behalf of the Board.

ESTATE MANAGEMENT SECTION

SUPERVISION OF ADMINISTRATION ORDERS - EXAMINATION OF ACCOUNTS.

Section 80 of the *Guardianship and Administration Act 1990* requires all administrators, unless exempted by the Board, to submit accounts in respect of the income, expenditure, assets and liabilities of the represented person for whom they act. These accounts are required on an annual basis as prescribed by the Board.

The Board's policies for the allowing of accounts include:

- Simple accounts are examined by Estate Management staff and allowed by the Board without referral to the Public Trustee.
- Where the assets of a represented person's estate are valued at more than \$50,000 but less than \$800,000 then 20% of those annual accounts are randomly selected for examination and report by the Public Trustee. The Public Trustee is entitled to charge a fee for these examinations.
- Where the assets of a represented person's estate are valued at \$800,000 or greater, those annual accounts are referred to the Public Trustee for examination and report unless exempted by the Deputy President. The Public Trustee is entitled to charge a fee for these examinations
- Where the represented person is deceased, the Board may dispense with the requirement to file a final account for the period to the date of death, if all beneficiaries of the Will agree and request the Board, in writing.
- The Board generally exempts from examination, accounts submitted by trustee companies appointed as administrators of a represented person's estate.
- Administrators are obliged to keep receipts and invoices but are not usually required to provide them with the annual accounts unless requested to do so by the Board

The Board continues to assist administrators in those instances where they experience difficulties in reporting to the Board on the financial activities of the estates that they administer. The Estate Management staff participate in seminars for administrators conducted by the Office of the Public Advocate. These seminars are aimed at educating administrators about their roles and responsibilities. The production of an Administrator's Guide was completed, but printed only in a small number due to pending changes associated with the State Administrative Tribunal.

During the past year, the Board has instigated 29 reviews specifically for non-compliance or concerns regarding the performance of appointed administrators. On 7 occasions the Board certified losses against administrators and on 6 occasions removed the administrators from their role.

The total value of accounts allowed by the Board in the 2002/2003 year was \$198,959,889. The number of accounts lodged by private administrators for the year was 1,048. The Board allowed 1,063 accounts during the year and referred 54 administrator's accounts to the Public Trustee for examination.

TRAINING AND DEVELOPMENT

Training and education for staff and Board members is an important ongoing process. Staff of the Board have attended and presented at joint seminars conducted by the Office of the Public Advocate. In 2002/03 staff have attended training courses in relation to:

- Stress Management and Self Care
- Project Management
- Introduction to ICMS (data base)
- Supervision
- Verbal judo
- Interview and job application skills
- Employee Planning and Management
- Communications skills

OCCUPATIONAL HEALTH AND SAFETY

The Board is committed to the welfare of its staff and clients and to providing a safe working environment.

The Board has an Occupational Safety and Health representative. Her responsibility is to deal with and investigate reports of incidents in the workplace. Periodic workplace checks are undertaken by the OSH officer in conjunction with a management representative. The OSH

representative is also the Fire Warden and has the support of two deputy Fire Wardens. She also has senior first aid qualifications.

All staff are familiar with evacuation procedures in the event of fire, bomb or other threat. An annual test of fire evacuation procedures is conducted in conjunction with other occupants of the building. An induction program for new staff includes Occupational Safety and Health issues.

CUSTOMER FOCUS

The Guardianship and Administration Board is dedicated to maintaining a high level of customer focus.

Staff and Board members maintain a supportive and empathic environment for all customers when they:

- Seek information
- Make applications
- Attend Board hearings

People with disabilities attending the Board have access to:

- Disabled Parking
- A wheelchair
- Special bathrooms and restrooms
- Hearing facilities for those with hearing disabilities
- Provision of interpreters
- Access to an Aboriginal liaison officer
- Alternative communication facilities

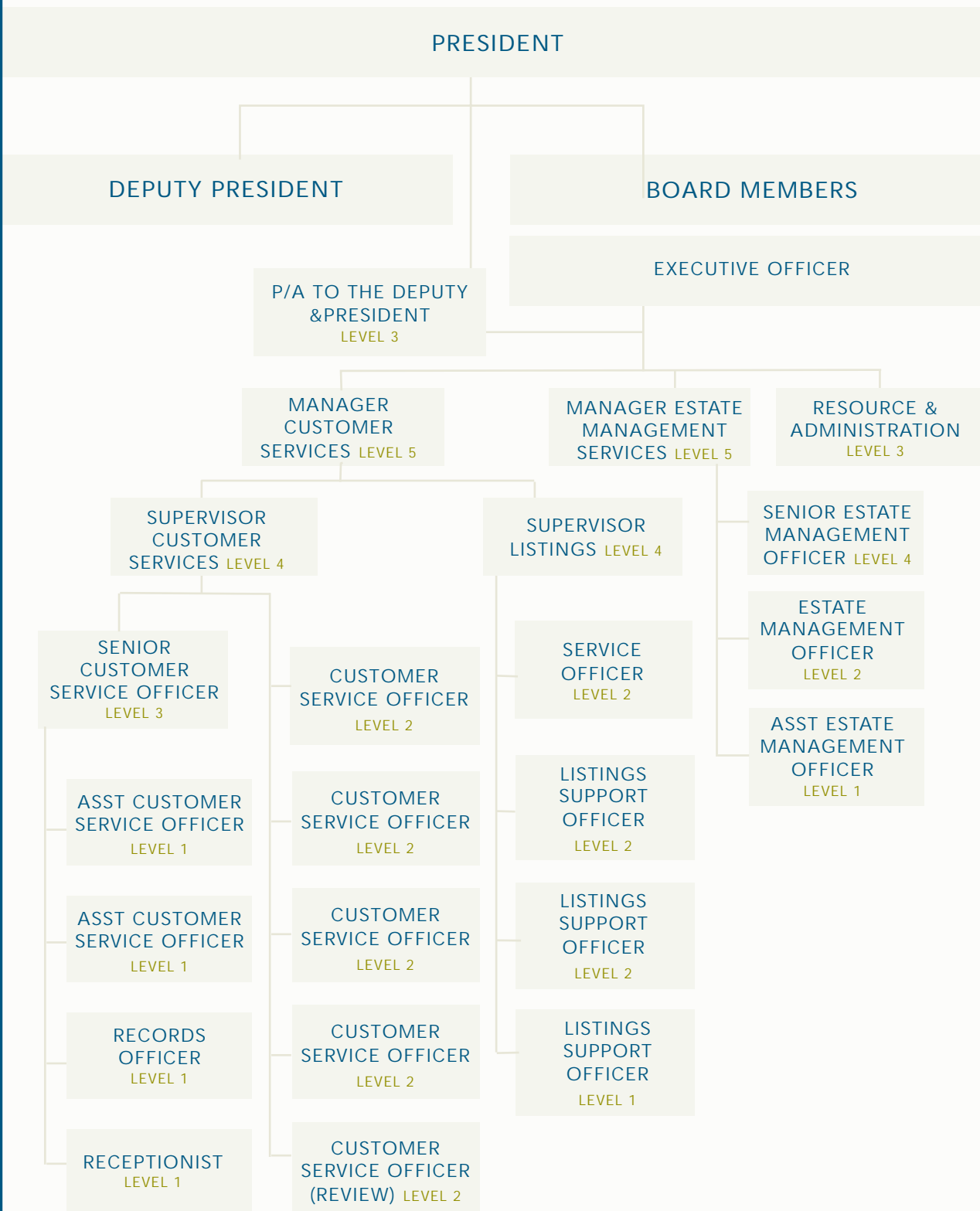
Customers are regularly asked about the Board's facilities in a questionnaire available at reception. The Board and registry staff regularly receives positive feedback from the public and other stakeholders.

INTER ORGANISATIONAL LIAISON

Board staff continue to work closely with the Office of the Public Advocate, the Public Trustee, Disability Services Commission and the Department of Land Information. Regular meetings with staff of the Office of the Public Advocate and the Public Trustee provide the opportunity to address our mutual customer's needs. The cooperation shown by medical practitioners, specialists, social workers, other service providers and the staff of the many hospitals and nursing homes is gratefully acknowledged and greatly assists the Board in its work.



Organisational Structure



LEGISLATIVE AUTHORITY

The Guardianship and Administration Board derives its legislative authority from the *Guardianship and Administration Act 1990*. The Act was proclaimed on 20 October 1992.

The need for a guardianship system grew out of an awareness that people who have decision-making disabilities can be, and often are, very vulnerable. This is because they may be unable to decide and act in a way that serves their own best interests. Such incapacity may also mean they are susceptible to neglect, abuse or exploitation by others.

The legislation is founded on a fundamental human right - that people are free to make their own decisions. When a guardian or an administrator is appointed, that right is taken away and given to a substitute decision-maker. The legislation, therefore, contains important and necessary safeguards.

ROLES

The Guardianship and Administration Board consists of a President, who is a Judge, Master or Registrar of the Supreme Court, a full-time Deputy President and up to 20 part-time Board members.

It is the Board's role to hear applications and make decisions about the appointment of guardians and administrators. If a person is capable of managing some aspects of their lives and not others, the authority of the guardian or administrator may be limited to those areas of incapacity or need. This allows the person the freedom to continue to make their own decisions where they can.

SAFEGUARDS

The principles upon which any decision about the appointment of a guardian or administrator must be based are clearly stated in the *Guardianship and Administration Act 1990*.

Section 4 (2) of the *Act* provides as follows:

- (a) The primary concern of the Board shall be the best interests of any represented person, or of a person in respect of whom an application is made.
- (b) Every person shall be presumed to be capable of –
 - (i) looking after his own health and safety
 - (ii) making reasonable judgements in respect of matters relating to his person
 - (iii) managing his own affairs; and
 - (iv) making reasonable judgements in respect of matters relating to his estate
- (c) A guardianship or administration order shall not be made if the needs of the person in respect of whom an application for such an order is made could, in the opinion of the Board, be met by other means less restrictive of the person's freedom of decision and action.
- (d) A plenary guardian shall not be appointed under section 43 (1) if the appointment of a limited guardian under that section would be sufficient, in the opinion of the Board, to meet the needs of the person in respect of whom the application is made.
- (e) An order appointing a limited guardian or an administrator for a person shall be in terms that, in the opinion of the Board, impose the least restrictions possible in the circumstances on the person's freedom of decision and action.
- (f) In considering any matter relating to a represented person or a person in respect of whom an application is made the Board shall, as far as possible, seek to ascertain the views and wishes of the person concerned as expressed, in whatever manner, at the time, or as gathered from the person's previous actions.

BOARD'S JURISDICTION

POWERS AND FUNCTIONS

Section 13 of the *Guardianship and Administration Act 1990* sets out the formal description of the functions of the Board. These are:

- to consider requests for applications for guardianship and administration orders;
- to make orders appointing guardians and administrators, clearly giving directions as to their functions;
- to make orders declaring the capacity of a represented person to vote at parliamentary elections;
- to review guardianship and administration orders;
- to give or withhold consent to the sterilisation of persons where guardianship orders are in force;
- to perform certain functions in relation to powers of attorney that operate after the donor has ceased to have legal capacity, and
- to perform other functions vested in it by it or by any other Act.

LESS RESTRICTIVE ALTERNATIVES

The *Act* states that a guardianship or administration order shall not be made if in the opinion of the Board, the needs of the person in respect of whom an application is being sought, could, be met by other means which are less restrictive of the person's freedom of decision and action.

An initial function of the Customer Service Section of the Board's Registry is to assess the possibility of a less restrictive alternative to an order and to advise applicants accordingly. Board staff may refer parties to the Office of the Public Advocate for further information relating to less restrictive alternatives.

Applicants are also advised about the execution of Enduring Powers of Attorney, where appropriate.

PRACTICE DIRECTIONS

Procedures for the arrangement of the Board's business have been formulated and are under constant review to facilitate the provision of accurate information and the timely conduct of hearings

ACCOUNTABLE AUTHORITY

The Guardianship and Administration Board is an independent statutory tribunal and is part of the Department of Justice's Court Services Division. The Board's financial and performance accountability requirements are fulfilled under the Department's annual reporting processes.

Under the *Guardianship and Administration Act 1990*, the Board is required to submit an annual report on its activities to the Attorney General.

Access to Documents

FREEDOM OF INFORMATION AND INSPECTION OF DOCUMENTS

FREEDOM OF INFORMATION

The Board is an independent statutory tribunal created by the *Guardianship and Administration Act 1990* which exercises judicial functions in receiving, hearing and deciding applications under that Act. *The Freedom of Information Act 1992* defines "court" to include a "tribunal" (clause 1 of Schedule 2, definition of "court"). Accordingly, the Board is a court for the purposes of the *Freedom of Information Act*.

While courts are agencies for the purpose of the Act, the only documents of a court to which the right of access applies are documents relating to "matters of an administrative nature." (Clause 5 of Schedule 2). Documents relating to the exercise of judicial functions of a court are not covered by the Act.

Generally documents provided to the Board for the purpose of making orders are used in hearings and form evidence for that hearing. As such, the documents are an integral part of the judicial process and relate to the primary judicial function of the Board. They do not relate to matters of an administrative nature within the meaning of clause 5 of Schedule 2. This opinion has been upheld by the Freedom of Information Commissioner in a decision handed down during 1999/2000.

Requests for access to documents under Freedom of Information legislation are assessed on an individual basis based on these principles.

INSPECTION OF DOCUMENTS

Under the *Guardianship and Administration Act 1990* persons in respect of whom applications are made and persons who represent them in proceedings can inspect documents held by the Board, unless the Board orders otherwise. Any other party to any proceedings, or a person representing any such party is, unless the Board orders otherwise, able to inspect any document

lodged with the Board for the purpose of those proceedings, other than a document which contains a medical opinion, not being an opinion concerning that party.

Parties may make appointments to inspect documents prior to the hearing. The Board's notices of hearing includes a clear statement advising parties of their right to apply to inspect documents. Documents are also made available for inspection half an hour before the commencement of the hearing.

Any person can apply to inspect documents under section 112(4) of the *Guardianship and Administration Act*. The Board can make orders concerning the inspection of documents pursuant to section 112 (4) and (5) of the Act.

CONFIDENTIALITY

The Guardianship and Administration Board is respectful of the right to privacy of Represented Persons and Proposed Represented Persons. The *Guardianship and Administration Act (1990)* includes penalties for the publication or dissemination of information that might identify a part to any proceedings.

It is also important however to acknowledge that parties, in respect of whom applications are before the Board, have a right to natural justice. This right often requires that highly sensitive information about Represented Persons or Proposed Represented persons may be available in written form and may be discussed during the hearing. This provides an essential opportunity for all parties and for the Board to test the accuracy and reliability of that information.

Performance Review 2002/2003

GUARDIANSHIP

A guardianship order can be made in respect to a person who is:

- Over the age of 18 years
- Incapable of looking after their own health and safety
- Unable to make reasonable judgments in respect of matters relating to their person
- In need of oversight, care or control in the interests of their own health and safety or for the protection of others
- In need of a guardian.

The *Act* requires that a guardian be an individual of 18 years or over who has consented to act and who, in the opinion of the Board:

- Will act in the best interest of the person for whom the application is made
- Is not in a position where their interests conflict or may conflict with the interests of that person
- Is otherwise suitable to act as a guardian of that person.

The Board is able to appoint either an individual guardian or joint guardians. If joint guardians are appointed they must act together and agree on any decisions made on behalf of the represented person. If no other appropriate alternative exists, the Board may appoint the Public Advocate. The order confers legal authority to make personal and lifestyle decisions and may include considerations on where that person is to live and with whom, where they shall work, if at all, the nature of that work, and the giving of consent for medical treatment or health care.

Guardians may apply at any time to the Board for directions should there be any perceived

difficulty in making decisions on behalf of the person under guardianship.

In making a guardianship order the Board takes into account as far as possible the desirability of preserving existing relationships within the family, the wishes of that person, the compatibility of that person with the proposed guardian and the capacity of the proposed guardian to perform their functions as guardian.

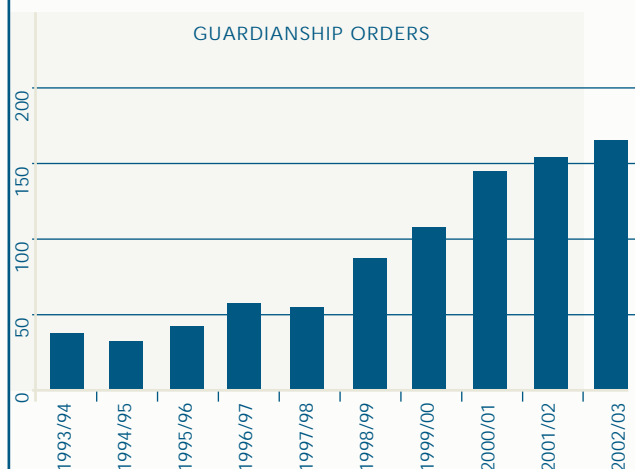
The guardian must act in the best interests of, and in accordance with the wishes (so far as possible) of, the represented person. This includes acting as advocate, encouraging that person to participate as much as possible in the life of the community, assisting that person to become capable of caring for themselves and protecting that person from neglect, abuse or exploitation.

GUARDIANSHIP APPLICATIONS

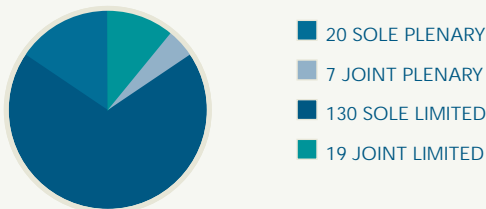
During the year under review the Board received 276 applications for guardianship compared with 233 in 2000/01 and 231 in 1999/2000.

GUARDIANSHIP ORDERS MADE SINCE 1993/94

A total of 176 guardianship orders were made during the year, including some orders that related to applications made the previous year and also including review applications. Of these orders, 20 were sole plenary orders, 7 were joint plenary orders, 130 sole limited orders and 19 joint limited orders.



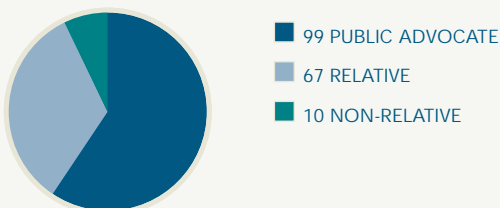
TYPES OF GUARDIANSHIP APPOINTMENTS 2002/2003



TYPES OF GUARDIAN APPOINTED 2002/2003

The Public Advocate was appointed in 99 cases with a relative being appointed guardian in 67 instances and a non-relative in 10.

GUARDIANS APPOINTED 2002/2003



ADMINISTRATION

An administration order may be made in respect of a person who is:

- Unable, by reason of a mental disorder, intellectual handicap or other mental disability, to make reasonable judgments in respect to matters relating to all or any part of their estate
- In need of an administrator of their estate.

The administrator may either be an individual over the age of 18 years, the Public Trustee, the Public Advocate or in some instances a corporate trustee. The Board is also able to appoint joint administrators. Joint administrators must agree on any decisions made on behalf of the represented person.

An administrator must act in the best interests of the person for whom the order is made and, as far as possible must be compatible with the represented person and be able to perform the

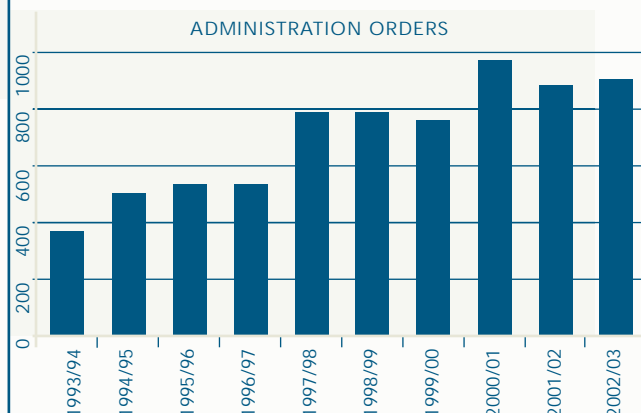
functions vested in them. Any actions taken by an administrator, including decisions taken or consent given, have the same effect as if the person they represent had taken the action when they were of full legal capacity.

Unless exempted by the Board, the administrator is required to submit accounts annually to the Board in respect to the assets, income and expenditure of the represented person.

During the year the Board received 757 applications for administration compared with 725 for the year 2001/2002 and 692 for 2000/2001.

ADMINISTRATION ORDERS MADE SINCE 1993/94

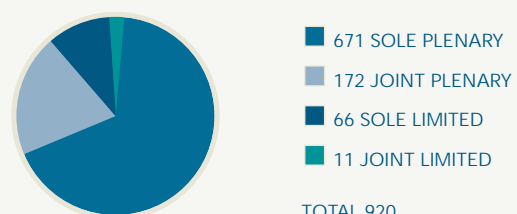
The Board made 920 administration appointments, some relating to applications made in the previous year and others on review.



TYPES OF ADMINISTRATION ORDERS MADE 2002/2003

Appointments as administrators were in the following categories: 671 sole plenary, 172 joint plenary, 66 sole limited and 11 joint limited.

TYPES OF ADMINISTRATION ORDERS 2002/2003

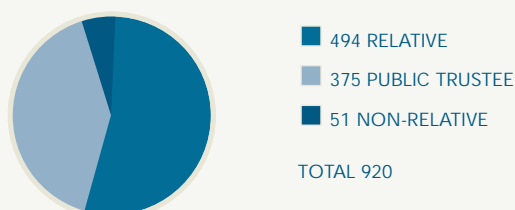


TOTAL 920

TYPES OF ADMINISTRATOR APPOINTED 2002/2003

Relatives were appointed in 494 cases, the Public Trustee was appointed in 375 cases and non-relatives in 51 cases.

ADMINISTRATORS APPOINTED 2002/2003

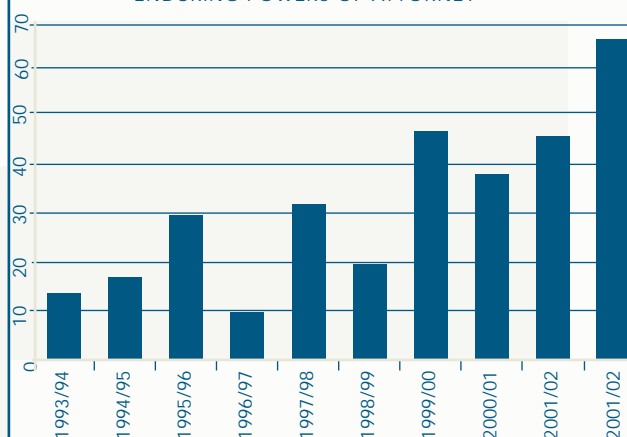


ENDURING POWERS OF ATTORNEY

- **Donor** – the person who appoints another person or body under an Enduring Power of Attorney to make property and financial decisions on his or her behalf
- **Donee/Attorney** – the person or body appointed by the donor to act on their behalf under an Enduring Power of Attorney

The advantage of a properly executed Enduring Power of Attorney is that, unlike an ordinary Power of Attorney, it can continue in force even if the donor loses capacity. An application can be made for the Board to intervene into the operation of an existing Enduring Power of Attorney if there is concern that the Attorney (or donee) is not acting in the best interest of the donor. Where an Enduring Power of Attorney has been created pursuant to section 104 (1) (b) (ii) of the *Guardianship and Administration Act 1990* an application for the Board to make a declaration regarding the Donor's legal capacity can be lodged with the Board to allow the Enduring Power of Attorney to come into operation. There is a growing Public awareness and understanding of Enduring Powers of Attorney. During the year under review the Board received 66 applications concerning Enduring Powers of Attorney. There were 33 applications for the Board to intervene, and 33 applications for declarations regarding capacity.

APPLICATIONS RELATING TO
ENDURING POWERS OF ATTORNEY



STERILISATION

The issue of sterilisation of people with decision-making disabilities is a vexed and contentious one. Present legislative safeguards reflect concerns that a person's fundamental rights should not be overridden unless it is absolutely necessary and in their own best interests. During the year three application for sterilisation were received. One application granted, one was withdrawn and the status of the remaining application was adjourned as at 30 June 2003.

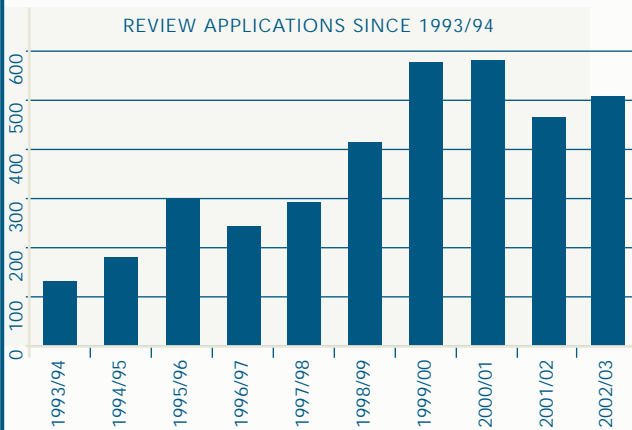
Sterilisation is not permitted to be carried out unless:

- Both the guardian of the represented person and the Board have consented in writing to the sterilisation
- All rights of appeal in respect of the determination under the *Act*, that sterilisation is in the best interest of the represented person, have lapsed or been exhausted
- The sterilisation is carried out in accordance with any condition imposed pursuant to the order made under the *Act*.

REVIEWS

Every guardianship and administration order made by the Board must be reviewed within five years of the order being made. The represented person, administrator or guardian may apply for a review at any time. Other parties need to make an application for leave to apply for a review.

The need for a review may arise if the represented person's circumstances change or if their needs are not being adequately met. The Board may instigate an early review if it is apparent that the represented person is not adequately protected. During the year, the Board received 523 review applications, of which the Board instigated 382. Parties instigated another 141.



HEARINGS

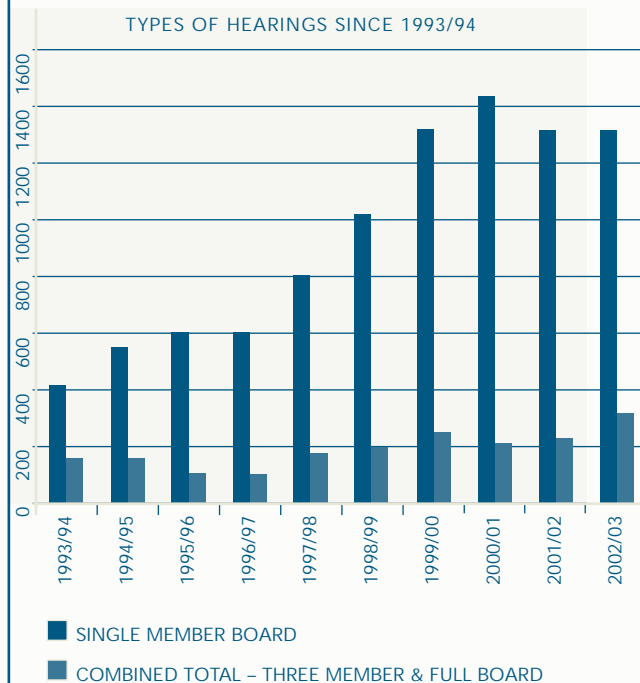
Every effort is made to help people who need to attend hearings feel at ease and to understand the proceedings. While Board hearings are less formal than a court of law, proceedings are conducted in a dignified manner, and the Proposed Represented Person and all interested parties are treated with respect and sensitivity. Hearings are open to the public, however exceptions can be made where the Board considers it necessary in the best interests of the Proposed Represented Person. Confidentiality provisions within the Act protect the identity of parties.

The majority of hearings in the metropolitan area are conducted at the Board's premises. Hearings are also held in hospitals, nursing homes and other places when the Proposed Represented Person is either too ill or unable to be moved from a secure environment. The Board has a set of standard requirements relating to the suitability of premises required to be used for hearings not at Board premises.

The Board may also use the telephone to obtain evidence from interested parties and medical

practitioners and, on occasion, conducts hearings by telephone. A mobile telephone is also used by the Board on country circuits. In the coming years the use of video conferencing facilities will be further investigated. Because of the nature of the business of the Board and the personal circumstances of our clients it is difficult to determine the suitability of this technology. Extensive stakeholder consultation will be carried out prior to any formal decision on its use.

For the period 1 July 2002 to 30 June 2003, the Board conducted 1,706 hearings. (This figure includes applications lodged in the previous year). Of those 1347 were presided over by a single member Board, 310 were heard by a three member Board and 49 were heard by a Full Board. It should be noted that a hearing can often deal with multiple applications.



(The first column indicates Single Member Board and the second column indicates a combined total of Three Member and Full Board)

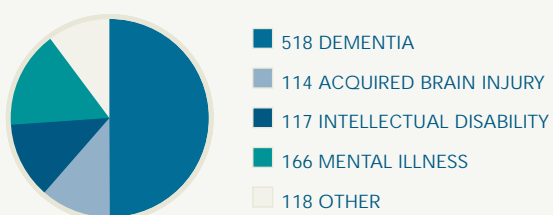
COUNTRY VENUES

The Board conducts hearings on circuit in five regional centres - Albany, Bunbury, Geraldton, Kalgoorlie and Mandurah. The remainder of the state is serviced as demand requires.

During the year the Board scheduled 128 country hearings.

| | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 | 2001/02 | 2002/03 |
|------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| ALBANY | 3 | 7 | 15 | 19 | 3 | 22 | 26 | 21 | 25 | 17 |
| BROOME | 0 | 0 | 3 | 0 | 1 | 3 | 1 | 0 | 0 | 0 |
| BUNBURY | 8 | 6 | 17 | 22 | 18 | 25 | 31 | 32 | 44 | 48 |
| BUSSELTON | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 |
| CARNARVON | 0 | 0 | 0 | 1 | 2 | 0 | 2 | 0 | 0 | 0 |
| DERBY | 1 | 0 | 1 | 0 | 34 | 3 | 1 | 0 | 0 | 8 |
| ESPERANCE | N/R | N/R | N/R | N/R | N/R | N/R | 7 | 14 | 7 | 0 |
| GERALDTON | 1 | 2 | 0 | 10 | 5 | 6 | 11 | 22 | 13 | 18 |
| KALGOORLIE | 2 | 22 | 4 | 7 | 3 | 19 | 16 | 6 | 1 | 3 |
| MANDURAH | 9 | 2 | 8 | 9 | 14 | 14 | 17 | 24 | 19 | 12 |
| NARROGIN | 0 | 0 | 0 | 3 | 1 | 1 | 3 | 2 | 11 | 9 |
| OTHER | 12 | 4 | 0 | 0 | 7 | 3 | 6 | 3 | 14 | 13 |
| TOTAL | 36 | 43 | 48 | 71 | 88 | 96 | 121 | 126 | 134 | 128 |

GUARDIANSHIP AND ADMINISTRATION APPLICATIONS BY DISABILITY 2002/2003



Financial Management

2002/2003 BUDGET REPORT

The budget allocation for 2002/2003 was \$1,689,178 an overall increase of \$98,061 from the 2001/02 allocation of \$1,591,117. This includes an allocation of \$42,300 received in November 2002 for an increase in Board member's fees.

2002/2003 EXPENDITURE

| | BUDGET ALLOCATIONS | EXPENDITURE |
|--------------------------------|-----------------------|-------------|
| SALARIES & ALLOWANCES | \$1,010,246 | \$993,485 |
| ADMINISTRATION | \$417,372 | \$392,379 |
| BUILDING ACCOMMODATION | \$261,000 | \$261,237 |
| PROPERTY, PLANT & EQUIPMENT | 560 | \$19 |
| TOTAL | \$1,689,178 | \$1,647,120 |

The 2002/2003 budget was underspent by \$42,058.

EXPENDITURE BUDGET

| | BUDGET ALLOCATIONS | EXPENDITURE |
|-----------|-----------------------|-------------|
| 2002/2003 | \$1,689,178 | \$1,647,120 |
| 2001/2002 | \$1,591,117 | \$1,562,232 |
| 2000/2001 | \$1,265,888 | \$1,545,349 |
| 1999/2000 | \$1,222,888 | \$1,312,998 |
| 1998/1999 | \$1,254,900 | \$1,275,993 |
| 1997/1998 | \$1,290,900 | \$1,198,681 |
| 1996/1997 | \$1,023,000 | \$1,049,048 |

BOARD MEMBERS' FEES

Board members were paid a total of \$205,490 for 2002/03 consisting of \$175,840 for attendance fees and \$29,650 for associated expenses. In November 2003, Board fees increased from \$230 per day to \$325 per day.

Detailed below is the comparison in Board fees with previous financial years.

| | ATTENDANCE FEES | ASSOCIATED EXPENSES | TOTAL |
|--|--------------------|------------------------|-------|
|--|--------------------|------------------------|-------|

| | | | |
|---------|-----------|----------|-----------|
| 2002/03 | \$175,840 | \$29,650 | \$205,490 |
| 2001/02 | \$130,297 | \$30,521 | \$160,818 |
| 2000/01 | \$116,905 | \$32,452 | \$149,357 |
| 1999/00 | \$95,469 | \$42,078 | \$137,547 |
| 1998/99 | \$97,665 | \$16,792 | \$114,457 |
| 1997/98 | \$85,380 | \$8,921 | \$94,301 |

PERFORMANCE INDICATORS

The Guardianship and Administration Board has a number of Output Based Performance Indicators. These indicators are reviewed regularly to ensure they accurately reflect the business of the Board and the requirements and needs of clients

PERCENTAGE OF APPLICATIONS THAT PROCEED TO HEARING

The Board's staff encourage parties to identify and explore less restrictive alternatives before making an application. In 2002/2003 86% of applications received actually went to hearing. The target performance set for the Board for the same period was 88%.

NUMBER OF APPLICATIONS FINALISED WITHIN STANDARD TIMEFRAME

The Board has set a timeframe of 8 weeks from receipt of application to finalisation. This time standard is based on the Board's recognition of the importance of timeliness in responding to the issues brought before the Board. In the last year, 62% of applications were dealt with inside the set standard. The target performance set for the Board for the same period was 75 percent. The Board's ability to meet these standards is constantly influenced by many factors including the need for intensive consultation, the time taken for receipt of medical evidence, staff training and resource issues. In the last year there has been an increase in the complexity of matters coming before the Board. The increase in the number of hearings requiring three members rather than a single member, added to the difficulty in meeting this time frame.

COST PER CASE

The costs involved in processing and determining applications are measured by dividing the actual recurrent expenditure by the total number of applications finalised within the reporting period. In 2002/03 the total cost per case finalised by the Guardianship and Administration Board was \$1,416. It should be noted that this figure is calculated on an accrual basis. The target performance set for the Board for the same period was \$1,470.

BACKLOG

The Backlog indicator was introduced in 1999/2000. From the total of those applications not yet dealt with the Board reports a Backlog which is the number of matters still on hand that are outside of the standard timeframe for the Board. At the end of the year the Board had 286 cases still to be dealt with and of those, 115 cases were outside the standard timeframe.

These indicators are reported quarterly as well as at the end of the financial year. The performance indicators are constantly under review and are reflective of the constant improvement to operational procedure.

Statistical Tables

It should be noted that the Board's statistics reflect applications rather than people. Any one person may have several different applications made on their behalf.

1993/94 – 2002/03

TYPES OF GUARDIANSHIP APPOINTMENTS MADE:

| | 1993/94 | 1/94/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 | 2001/02 | 2002/03 |
|---------------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------|------------|------------|
| SOLE PLENARY | 25 | 19 | 16 | 4 | 8 | 16 | 24 | 25 | 28 | 20 |
| JOINT PLENARY | 0 | 0 | 0 | 0 | 1 | 2 | 2 | 3 | 3 | 7 |
| SOLE LIMITED | 6 | 10 | 26 | 51 | 48 | 58 | 71 | 96 | 111 | 130 |
| JOINT LIMITED | 3 | 4 | 2 | 5 | 2 | 8 | 13 | 22 | 23 | 19 |
| TOTAL | 34 | 33 | 44 | 60 | 59 | 84 | 110 | 146 | 165 | 176 |

TYPES OF GUARDIANS APPOINTED:

| | 1993/94 | 1/94/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 | 2001/02 | 2002/03 |
|-----------------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------|------------|------------|
| RELATIVE | 13 | 4 | 10 | 20 | 12 | 21 | 31 | 55 | 50 | 67 |
| PUBLIC ADVOCATE | 19 | 25 | 32 | 39 | 44 | 58 | 60 | 80 | 103 | 99 |
| NON-RELATIVE | 2 | 4 | 2 | 1 | 3 | 5 | 19 | 11 | 12 | 10 |
| TOTAL | 34 | 33 | 44 | 60 | 59 | 84 | 110 | 146 | 165 | 176 |

TYPES OF ADMINISTRATION APPOINTMENTS MADE:

| | 1993/94 | 1/94/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 | 2001/02 | 2002/03 |
|---------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| SOLE PLENARY | 106 | 188 | 147 | 155 | 333 | 488 | 516 | 692 | 662 | 671 |
| JOINT PLENARY | 18 | 5 | 9 | 10 | 50 | 77 | 94 | 148 | 157 | 172 |
| SOLE LIMITED | 182 | 75 | 280 | 267 | 303 | 174 | 102 | 101 | 61 | 66 |
| JOINT LIMITED | 55 | 237 | 93 | 97 | 94 | 41 | 48 | 25 | 19 | 11 |
| TOTAL | 361 | 505 | 529 | 529 | 780 | 780 | 760 | 966 | 899 | 920 |

TYPES OF ADMINISTRATORS APPOINTED:

| | 1993/94 | 1/94/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 | 2001/02 | 2002/03 |
|-----------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| RELATIVE | 233 | 247 | 286 | 308 | 396 | 362 | 394 | 490 | 442 | 494 |
| PUBLIC TRUSTEE | 111 | 211 | 198 | 183 | 344 | 348 | 280 | 406 | 367 | 375 |
| PUBLIC ADVOCATE | 0 | 1 | 0 | 1 | 1 | 0 | 3 | 0 | 0 | 0 |
| OTHER | 17 | 46 | 45 | 37 | 39 | 70 | 83 | 70 | 81 | 51 |
| TOTAL | 361 | 505 | 529 | 529 | 780 | 780 | 760 | 966 | 899 | 920 |

APPLICATIONS RELATING TO ENDURING POWERS OF ATTORNEY

| | 1993/94 | 1/94/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 | 2001/02 | 2002/03 |
|-------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| INTERVENTION | 11 | 14 | 23 | 7 | 25 | 9 | 30 | 17 | 28 | 33 |
| DECLARATION OF LEGAL CAPACITY | 2 | 3 | 7 | 3 | 8 | 11 | 16 | 20 | 17 | 33 |
| TOTAL | 13 | 17 | 30 | 10 | 33 | 20 | 46 | 37 | 45 | 66 |

TOTAL APPLICATIONS RECEIVED:

| | 1993/94 | 1/94/95 | 1995/96 | 1996/97 | 1997/98 | 1998/99 | 1999/00 | 2000/01 | 2001/02 | 2002/03 |
|-------------------------------------|-------------|------------|------------|------------|-------------|-------------|-------------|-------------|-------------|-------------|
| GUARDIANSHIP | 170 | 135 | 98 | 103 | 118 | 127 | 177 | 231 | 231 | 276 |
| ADMIN | 640 | 523 | 456 | 504 | 702 | 655 | 715 | 692 | 725 | 757 |
| DIRECTIONS | 5 | 6 | 2 | 5 | 2 | 7 | 23 | 15 | 11 | 16 |
| STERILISATION | 7 | 1 | 0 | 0 | 1 | 3 | 0 | 0 | 0 | 3 |
| REVIEW | 143 | 179 | 301 | 255 | 290 | 428 | 571 | 578 | 475 | 523 |
| INSPECTION – DOCUMENTS | 81 | 45 | *0 | *0 | *0 | **1 | 9 | 30 | 36 | 41 |
| INTERVENTIONS (EPA) | 11 | 14 | 23 | 7 | 25 | 33 | 30 | 17 | 28 | 33 |
| DECLARATION OF LEGAL CAPACITY (EPA) | 2 | 3 | 7 | 3 | 8 | 19 | 16 | 20 | 17 | 33 |
| SECTION 77 APPLICATIONS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 |
| TOTAL | 1059 | 906 | 887 | 877 | 1146 | 1273 | 1541 | 1583 | 1523 | 1694 |

* From 1 January 1995 to May 1999 requests for inspection of Documents were not been treated as applications.

** Since May 1999, applications for inspection of documents pursuant to section 112(4) are counted as applications.

GUARDIANSHIP & ADMINISTRATION APPLICATIONS BY DISABILITY & GENDER

| DISABILITY TYPE | 1997/98 | | | 1998/99 | | | 1999/2000 | | | 2000/01 | | | 2001/02 | | | 2002/03 | | |
|---|---------|-----|-------|---------|-----|-------|-----------|-----|-------|---------|-----|-------|---------|-----|-------|---------|-----|-------|
| | M | F | TOTAL | M | F | TOTAL | M | F | TOTAL | M | F | TOTAL | M | F | TOTAL | M | F | TOTAL |
| DEMENTIA | 165 | 264 | 429 | 145 | 234 | 379 | 169 | 304 | 473 | 176 | 259 | 435 | 165 | 304 | 469 | 201 | 317 | 518 |
| ACQUIRED BRAIN INJURY | 86 | 61 | 147 | 85 | 55 | 140 | 88 | 48 | 136 | 93 | 52 | 145 | 78 | 34 | 112 | 70 | 44 | 114 |
| INTELLECTUAL DISABILITY | 51 | 53 | 104 | 52 | 51 | 103 | 46 | 57 | 103 | 70 | 46 | 116 | 71 | 72 | 143 | 66 | 51 | 117 |
| MENTAL ILLNESS (PSYCHIATRIC CONDITION)) | 78 | 45 | 123 | 76 | 52 | 128 | 75 | 52 | 127 | 112 | 65 | 177 | 84 | 69 | 153 | 94 | 76 | 170 |
| OTHER | 9 | 8 | 17 | 18 | 14 | 32 | 28 | 25 | 53 | 28 | 27 | 55 | 38 | 37 | 75 | 56 | 58 | 114 |
| TOTAL | 389 | 431 | 820 | 376 | 406 | 782 | 406 | 486 | 892 | 479 | 449 | 928 | 440 | 516 | 956 | 487 | 546 | 1033 |

Figures only relate to Guardianship and Administration Applications.

GUARDIANSHIP & ADMINISTRATION APPLICATIONS BY AGE & GENDER

| AGE GROUP | 1998/99 | | | 1999/2000 | | | 2000/01 | | | 2001/02 | | | 2002/03 | | |
|-------------|---------|-----|-------|-----------|-----|-------|---------|-----|-------|---------|-----|-------|---------|-----|-------|
| | M | F | TOTAL | M | F | TOTAL | M | F | TOTAL | M | F | TOTAL | M | F | TOTAL |
| 1-24 | 24 | 21 | 45 | 23 | 11 | 34 | 45 | 19 | 64 | 40 | 22 | 62 | 46 | 22 | 68 |
| 25-34 | 46 | 30 | 76 | 33 | 28 | 61 | 56 | 18 | 74 | 55 | 28 | 83 | 42 | 26 | 68 |
| 35-44 | 32 | 26 | 58 | 44 | 29 | 73 | 46 | 25 | 71 | 61 | 31 | 92 | 32 | 31 | 63 |
| 45-54 | 37 | 19 | 56 | 39 | 23 | 62 | 46 | 33 | 79 | 42 | 31 | 73 | 47 | 37 | 84 |
| 55-64 | 40 | 25 | 65 | 43 | 43 | 86 | 33 | 24 | 57 | 40 | 40 | 80 | 49 | 30 | 79 |
| 65-74 | 69 | 43 | 112 | 71 | 53 | 124 | 57 | 49 | 106 | 64 | 32 | 96 | 75 | 49 | 124 |
| 75-84 | 71 | 112 | 183 | 81 | 138 | 219 | 107 | 141 | 248 | 88 | 168 | 256 | 124 | 186 | 310 |
| 85-94 | 50 | 117 | 167 | 69 | 134 | 203 | 71 | 127 | 198 | 46 | 152 | 198 | 68 | 142 | 210 |
| 95 AND OVER | 7 | 13 | 20 | 3 | 12 | 15 | 12 | 9 | 21 | 2 | 8 | 10 | 4 | 23 | 27 |
| NOT GIVEN | | | | 7 | 8 | 15 | 5 | 5 | 10 | 1 | 0 | 1 | 0 | 0 | 0 |
| TOTAL | 376 | 406 | 782 | 413 | 479 | 892 | 478 | 450 | 928 | 436 | 511 | 947 | 487 | 546 | 1033 |

Figures only relate to Guardianship and Administration Applications.

Glossary of Terms

GUARDIANSHIP is the legal appointment of a responsible person who can make personal, medical and lifestyle decisions in the best interests of a person who is not capable of making reasoned decisions for themselves.

ADMINISTRATION is the legal appointment of a responsible person who can make financial and legal decisions on behalf of a person who is not capable of making those decisions for themselves.

ADVOCACY is representing and recommending, in the best interests of adults with decision-making disabilities, on the need for guardianship or administration at hearings of the Board and in the wider community.

ENDURING POWER OF ATTORNEY is a document by which competent people appoint another person or agency to manage their financial affairs for them. Unlike an ordinary Power of Attorney the authority continues even if the person conferring it loses their capacity to make decisions for themselves in the future.

BEST INTEREST refers to the guidelines in the *Guardianship and Administration Act 1990* which requires guardians and administrators to act in the best interests of the represented person.

PLENARY ORDERS are those orders made by the Board that give a guardian or administrators the full authority to perform any function that the represented person could perform if he/she were of full legal capacity, subject to several statutory exceptions.

LIMITED ORDERS are those orders made by the Board that give a guardian or administrator limited authority to perform only those functions specifically granted by the terms of the order.

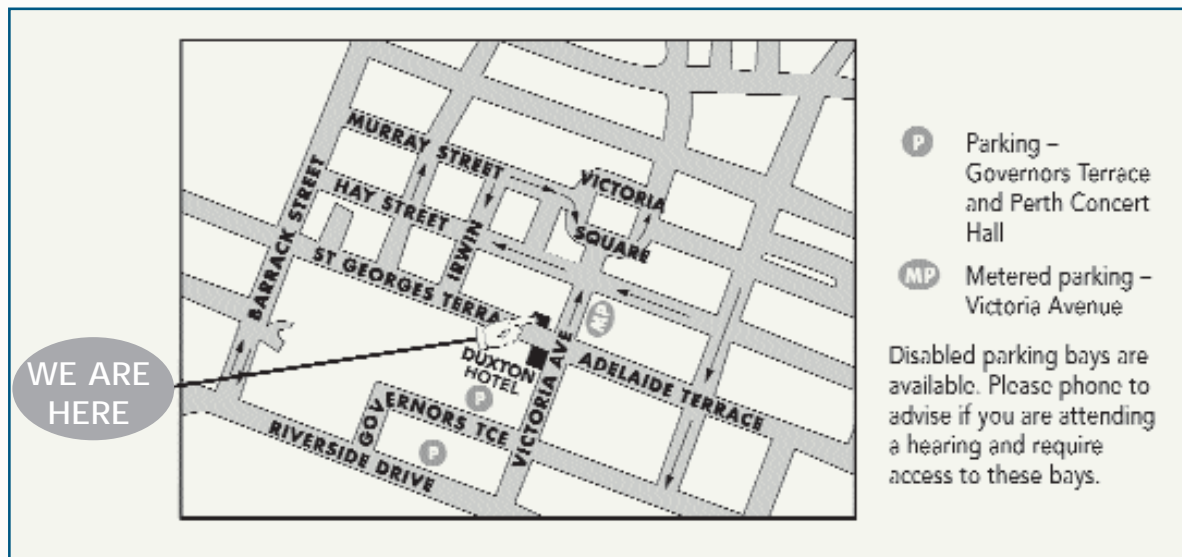
THE PUBLIC ADVOCATE is an independent statutory officer who can be appointed by the Guardianship and Administration Board as a guardian or administrator for a person with a decision making disability.

THE OFFICE OF THE PUBLIC ADVOCATE has a role that is quite distinct from that of the Board. The Office of the Public Advocate acts as an independent advocate for people with decision making disabilities, representing them at hearings when a guardianship or administration order is being sought, to ensure the best interests of the proposed represented person are served.

THE PUBLIC TRUSTEE'S major role in the guardianship and administration system is to act as administrator in appropriate cases. The Public Trustee also reviews and reports on administrators accounts when requested by the Board.

How to Contact the Guardianship and Administration Board

| | |
|--------------------|---|
| THE BOARD'S OFFICE | Level 4 12 St Georges Terrace Perth WA 6000 |
| POSTAL ADDRESS | Post Office Box U1991 Perth WA 6845 |
| TELEPHONE | (08) 9219 3111 1300 306 017 for country callers |
| FAX | (08) 9325 5099 |
| E-MAIL | gab@justice.wa.gov.au |
| INTERNET | http://www.justice.wa.gov.au |



ISSN: 1322-8595

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Guardianship and Administration Board, Western Australia.

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