

Guardianship and Administration Board,
Western Australia

ANNUAL REPORT 2003/2004

GUARDIANSHIP &
ADMINISTRATION
BOARD

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TO JIM MCGINTY MLA,
ATTORNEY GENERAL,
MINISTER FOR JUSTICE AND LEGAL AFFAIRS

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 "Michael Barker".

THE HONOURABLE JUSTICE MICHAEL BARKER
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

- The number of applications to the Board has continued to increase this year by 4% overall. Guardianship applications increased by 4%, administration applications by 1.5% and review applications increased significantly by 20%. Applications relating to Enduring Powers of Attorney decreased by 38%.
- In September 2003 the Board moved to new premises at 12 St Georges Terrace, Perth. This is the location of the future State Administrative Tribunal.
- The President, Mr Keith Chapman, and Deputy President, Mrs Pamela Eldred, resigned from the Board this year. The Honourable Justice Michael Barker of the Supreme Court was appointed President and Mr Simon Dixon, Registrar of the Supreme Court, as Deputy President.
- A former administrator was prosecuted for failing to produce documents when required to do so by the Board. A \$700.00 fine and an award for costs of \$888.57 were imposed.
- The decision of the Full Court of the Supreme Court on questions of law referred by the Board determined that the Board's consent for the execution of a will by a represented person is not required.

President's Report



It has been another challenging year for the Board with significant changes in its membership and premises.

In March 2004 I was appointed President of the Board following the resignation of the long serving former President Mr Keith Chapman. Mrs Pamela Eldred resigned as Deputy President of the Board from 8 April 2004 and Mr Simon Dixon was then appointed Deputy President from that date. All other members' appointments have been renewed until December 31, 2004, pending the establishment of the proposed State Administrative Tribunal which would assume the functions of the Board, as well as those of a number of other State boards and tribunals.

In September 2003, the Board moved from its premises at the Hyatt Centre in Adelaide Terrace, Perth, to new premises at 12 St Georges Terrace, Perth, in anticipation of the establishment of the proposed State Administrative Tribunal. A number of other tribunals also moved their operations to 12 St George's Terrace at about the same time.

The legislation to establish the State Administrative Tribunal passed the Legislative

Assembly in September 2003 and, at the time of completing this report, is before the Legislative Council. The Bills were referred to the Standing Committee on Legislation of the Legislative Council. That Committee is due to report on the Bills in September 2004. The Board made a submission to that Committee in November 2003 at the invitation of the Committee and was signed by all then members of the Board.

There has been a slight increase in applications and matters dealt with by the Board during the year, which has been handled well considering the changes that have occurred through this period. It is a credit to the Board's staff and members that the work of the Board has continued without loss of efficiency or commitment to the persons coming before it.

The Board has recently adopted a new listing process to endeavour to meet its historic timeliness benchmark. The benchmark sets 8 weeks as the period in which 75% of applications lodged with the Board should be finalised. This period is considered to be reasonable but has been difficult to meet in recent years. Both increasing complexity of matters coming before the Board and limited staff resources have contributed to this. It is hoped that the new listing process will streamline the process and enable the benchmark to be achieved.

As reported in last year's Annual Report the Full Court of the Supreme Court of Western Australia in *Johnson v Staniforth* [2002] WASCA 97 construed section 77 of the Guardianship and Administration Act 1990 to require the Board's consent to the making of a will for a person who is the subject of an administration order. Following that decision a number of applications were filed with the Board for orders under section 77 of the Act. The Full Board referred to the Full Court of the Supreme Court 11 questions of law for determination regarding these applications. The decision of the Full Court has now been delivered in *Re The Full Board of the Guardianship and Administration Board* [2003] WASCA 268, holding that *Johnson v Staniforth*

was not correctly decided, that section 77 has no application to a will and that the Board's consent to the execution of a will by a represented person is not required. Applications previously made under section 77 have since been dismissed or withdrawn.

Security issues continue to be of concern to the Board, as they have been for many years. In February 2004, following the move to the new premises, a serious assault was made on a Board member at the conclusion of a single member hearing, by a person appearing before the member. This incident resulted in a continuing review of security arrangements in the new premises and generally within the Board. Following the incident the Department of Justice contracted a security company to conduct a security audit of the premises including the design and layout of the hearing rooms and hearing procedures and work practices. The audit has now been received and further work is being undertaken to respond to security concerns identified in the report, including modification to the working environment and procedures of the Board.

At the request of the Attorney General the Board and the Public Advocate provided comment on a draft issues paper dealing with the Sterilisation of Minors with Decision-making Disability for the meeting of Standing Committee of Attorneys General. The Board did not support stand alone, or separate, legislation in this area and proposed that if the jurisdiction were to be conferred on the Board then amendment to the Guardianship and Administration Act itself was preferred. In this way the Board would exercise a similar jurisdiction over minors and adults alike.

The year ahead is presently filled with a degree of uncertainty for members and staff alike as the outcome of the legislative process concerning the establishment of the State Administrative Tribunal is awaited. Once this is resolved the work of the committed staff and members of the Board – whether within the Board or the proposed Tribunal – will no doubt continue

with its customary efficiency and commitment.

I should not conclude these remarks without specially noting the enormous contributions to the establishment and success of the Board over many years made by the former President, Mr Keith Chapman, and the former Deputy President, Mrs Pamela Eldred.

Mr Chapman was instrumental in the establishment of the Board in 1992 and served as its foundation Deputy President. His contribution to the Board was made as a member, Deputy President and then President from 1998. He developed the practices and procedures of the Board and through the model of his own commitment to the principles of the legislation provided the new Board and its members and staff with guidance and direction to address the important task of responding to the needs of persons with disabilities unable to act in their own best interests.

Mrs Eldred from her appointment as Deputy President in 1998 worked tirelessly to achieve the spirit of the legislation under which the Board operates. Her dedication to the Board, her consistent genuine acceptance of all who came before her, her understanding of the legislation and its intricacies, her human approach and her leadership are responsible in no small way for the level of service to the community which the Board was able to achieve during her tenure.

The Board, its members and staff, and the community owe them both a considerable debt of gratitude.



THE HONOURABLE JUSTICE
MICHAEL BARKER
PRESIDENT

Executive Officer's Report

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

The planning process continues while waiting for the finalisation of the legislative process and a decision on the commencement date. The substantive occupant of the Executive Officer position, Ms Anthea Chambers, is currently on secondment to the SAT Project Team, using her expertise in the customer service area to establish appropriate work patterns for the new structure. The priority throughout these changes has been to ensure that the needs of those accessing the Board's services are taken into account. The Board's staff have a commitment and dedication to this jurisdiction and a wealth of knowledge that will be invaluable within the broader SAT context. It is to the credit of the Board's staff and members that the level of commitment and dedication has been maintained during periods of uncertainty. I highly commend them for their efforts.

Mr Keith Chapman and Mrs Pamela Eldred resigned from their respective roles as President and Deputy President in March and April 2004. The Board continues to value their contribution and reap the benefits of the commitment they had to the jurisdiction. Justice Michael Barker of the Supreme Court was appointed President on 3 March 2004 and Mr Simon Dixon, a Registrar of the Supreme Court, was appointed Deputy President. The Board has been fortunate that one of its sessional members, Ms Felicity Child, commenced working fulltime in March

2004 in a role that provides day to day advice and support to the staff and members in matters of case management.

The Board moved to the new premises for the proposed SAT at 12 St Georges Terrace in September 2003. The move itself was uneventful and this is to the credit of staff and those involved in the planning process. The change of premises has offered the opportunity for the Board's staff and members to work alongside other jurisdictions as well as meeting those who will be colleagues within the SAT structure. As with all new premises there have been teething problems and the need to establish new systems and patterns of work. We continue to monitor and evaluate this and to adapt and change as required.

The Board has recently examined and modified the listings process. Upon receipt every application is now assessed and listed for hearing. The application is then passed to our customer service team to case manage and finalise documentation prior to the appointed hearing date. The change in process may achieve a greater number of applications being finalised within the 8-week finalisation benchmark. Again the need to embrace change and adjust methods of working has been significant and staff and members alike have focused on their respective roles in developing and "fine tuning" the system.

Security issues continue to be a concern to the Board. An assault on a member at a hearing highlighted the need for safety and security of all attending Board hearings and involved in Board processes. The Director General commissioned a full security audit and it is anticipated this will identify any further concerns and provide methods to address them.

This year applications rose by 4%. 1768 applications were received which included a 4% increase in guardianship applications and a 1.5% increase in administration applications. Review applications increased significantly by 20%.

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 62% of applications met this target. This year 60% of applications met this target. It is anticipated that the new listing process outlined above will bring the performance of the Board within the target range. 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. It is worth noting 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 seems likely that the number of applications being made to the Board will continue to increase. The progressive "ageing" of the population may have an impact. The number of review applications increased by 20% as a result of a decision in 1999 to make a 5 year review period where appropriate.

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 facilities and prisons.

The Board continues to provide a well-established program of Information Seminars to the public. These seminars, held throughout the state, provide information about the Board and its procedures. 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, the Public Trustee, Disability Services Commission and other agencies has continued to provide opportunities to discuss issues of mutual concern.



MARK CHARSLY
ACTING EXECUTIVE OFFICER

The Board



BACK ROW LEFT TO RIGHT: MR JOHN JAMES, MS HANNAH LESLIE, MR STEVEN JONGENELIS, DR ROGER CLARNETTE, REV CANON LESLIE GOODE, DR GUY HAMILTON, DR ALAN MCCUTCHEON.

FRONT ROW LEFT TO RIGHT: MS FELICITY CHILD, MR SIMON DIXON, JUSTICE MICHAEL BARKER, MS CATHERINE HILL, DR ERIK LEIPOLDT.

ABSENT: MS JO STANTON, MS ROBYN CARROLL

PRESIDENT HON JUSTICE MICHAEL BARKER

APPOINTED 3 MARCH 2004

Justice Barker was appointed President in March 2004 following the resignation of Mr Keith Chapman as President. Justice Barker was appointed as a judge of the Supreme Court of Western Australia in August 2002. Prior to that he was a Queens Counsel practising at the independent Bar in Perth. Justice Barker has a considerable interest and much experience in the organisation and practice of administrative bodies such as the Board, having previously served as Chairman of the Town Planning Appeals Tribunal of WA between 1990 -1993 and as a member of the Medical Board of WA in 2002. Prior to his appointment to the Supreme Court, he was also the Chair of the Taskforce, which in 2002, recommended to the Attorney General that a State Administrative Tribunal be established in Western Australia.

DEPUTY PRESIDENT

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

APPOINTED 4 FEBRUARY 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.

MS FELICITY CHILD BACHELOR SOCIAL WORK - CURTIN UNIVERSITY WA; BACHELOR OF LAWS - UNIVERSITY OF WESTERN AUSTRALIA

APPOINTED 13 OCTOBER 1992

Ms Child has degrees in social work and law and many years of experience working in a range of community legal centres in Western Australia. She was also a tutor in social welfare practice at Curtin University. She is employed at Legal Aid WA, but is currently on leave to work full time at the Guardianship and Administration Board.

DR ALAN McCUTCHEON MB BS, B MED. SC. - MONASH UNIVERSITY; M MED. SC. - UNIVERSITY OF WA

APPOINTED 2 JULY 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 Alzheimer's Australia (WA).

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

APPOINTED 21 FEBRUARY 1992

Canon Goode is a retired Anglican Priest and Hospital Chaplain. He is the President of the Fairholme Disability Support Group Inc. an advocacy group for persons with an intellectual disability. Canon 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. He is the parent of a person with an intellectual disability.

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 OCTOBER 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 OCTOBER 1992

Mr James is a registered psychologist whose working life has mostly been spent as a school counsellor. He and his family have had informal social contact with residents of a neighbouring psychiatric hostel for many years.

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

APPOINTED 13 OCTOBER 1992

Dr Leipoldt has extensive involvement in advocacy and advocacy development, as well as in 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. Dr Leipoldt is currently affiliated with the Centre for Social Research at Edith Cowan University.

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

APPOINTED 11 JULY 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 WA.
APPOINTED 21 JULY 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 operated an independent consulting business specialising in health and welfare areas. She has been a member of various committees relevant to people with disabilities.

DR ROGER CLARNETTE MB BS - MONASH UNIVERSITY, FRACP
APPOINTED 26 MARCH 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 Associate Professor adjunct with the School of Nursing and Public Health, Edith Cowan University. He has extensive clinical and research experience in dementia and cognitive disorders and is the principal investigator of clinical trials at the McCusker Foundation for Alzheimer's Disease Research.

MR STEVEN JONGENELIS BACHELOR OF PSYCHOLOGY - UNIVERSITY OF WESTERN AUSTRALIA; MASTER OF PSYCHOLOGY CLINICAL - UNIVERSITY OF WESTERN AUSTRALIA
APPOINTED 7 APRIL 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 and psychological impairments. He lectures to community groups and tertiary institutions on rehabilitation and brain injury and has contributed significantly to policy development in this area.

DR GUY HAMILTON MB BS - LONDON

APPOINTED 23 FEBRUARY 1999

As the parent of a person 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 DECEMBER 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. Her practice and research interests include disability, education and mediation.

The Registry

STAFF

The Board's registry has an allocation of 24 permanent full-time positions. The process of permanently filling positions is on hold with the imminent restructure and transfer of existing staff into the SAT. The Board has relied heavily on contract staff to meet service needs. Many of our permanent staff have undertaken higher duties and this has greatly assisted in maintaining expertise and consistency in service provision. The roles of Receptionist and Records Officer have moved into a centralised function at the shared premises in preparation for the move into SAT.

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

CUSTOMER SERVICE SECTION

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

The functions of the Customer Service Section of the Board are to:

- Provide information to the public, medical and other 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 information provided in applications and associated documentation for submission to the Board.

- Enquire and report on issues arising from applications and submitted documents prior to the Board hearing.
- 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.

Fast track hearings require exceptional circumstances and are usually brought on where it is considered the proposed represented person may be at risk. The standard period of notice is shortened in these cases.

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 or requested. Application details are entered into the Board's computerised case management system.

Information gathered during the enquiry process may require reconsideration of the composition of the Board for the hearing, the location of the hearing and the ability of the proposed represented person to attend the hearing. Although it is considered a safeguard in the process for the proposed represented person to attend the hearing. The Board may not require the attendance of the proposed represented person if it were to be detrimental to the person's health or wellbeing.

Proposed represented persons have a right to inspect certain reports and documents held by the Board for the purposes of the application. Applicants, legal representatives, and other parties are entitled to apply to inspect documents

held for the purposes of an application. There are strict confidentiality provisions in relation to personal information obtained by the Board in the course of an application. Arranging and managing these inspections places considerable demand on the resources of the Customer Service section.

INFORMATION SERVICE

Information kits containing application forms, doctor's 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. These are also available as pdf. files on the Justice website(www.justice.wa.gov.au).

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.
- Make the necessary arrangements to book appropriate venues and to ensure issues of security are addressed.
- 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 and dispense with the requirements for notice to be given to 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 area and some country areas, the Board's dedicated Service Officer carries out this function. There are significant advantages in having a dedicated Service Officer as the Board has been able to reduce the time for the service of notices and to reduce costs associated with the use of bailiffs in the metropolitan area. This method of service provides a valuable opportunity to explain the Board's processes. Bailiffs are used to serve notices in country areas. Due to the sensitive nature of proceedings before the Board and to improve standards of service, 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 assessed by Estate Management staff and examined 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 has died, 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 estate agree and communicate this to 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 where they experience difficulties in reporting to the Board on the financial activities of the estates that they administer. The Manager, Estate Management participates in seminars for administrators conducted by the Office of the Public Advocate. These seminars are aimed at educating administrators about their roles and responsibilities. An Administrator's Guide has been completed and greatly assists administrators in fulfilling their role by providing essential information in a plain English easy to read format.

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 2003/04 staff attended training courses in relation to:

- Victim awareness .
- Certificate IV in Work Place Assessment and Training.
- Department of Justice Advance Programme.
- Dealing with aggressive and difficult patients.

The Board members and staff also attended a seminar presentation by Mr Julian Gardner, the Public Advocate of Victoria entitled "End of life decisions and making decisions about life-prolonging treatment" The seminar raised important issues for those working in this jurisdiction and provided valuable insights into the decision making process.

OCCUPATIONAL SAFETY AND HEALTH

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. The OSH officer undertakes periodic workplace checks with a management representative. The OSH representative is also the Floor Warden and has the support of two deputy Floor 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. Occupational Safety and Health issues are included in the induction program for all new staff.

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 those accessing the Boards services when they:

- Seek information.
- Make application.
- Attend Board hearings.

People with disabilities attending the Board have access to:

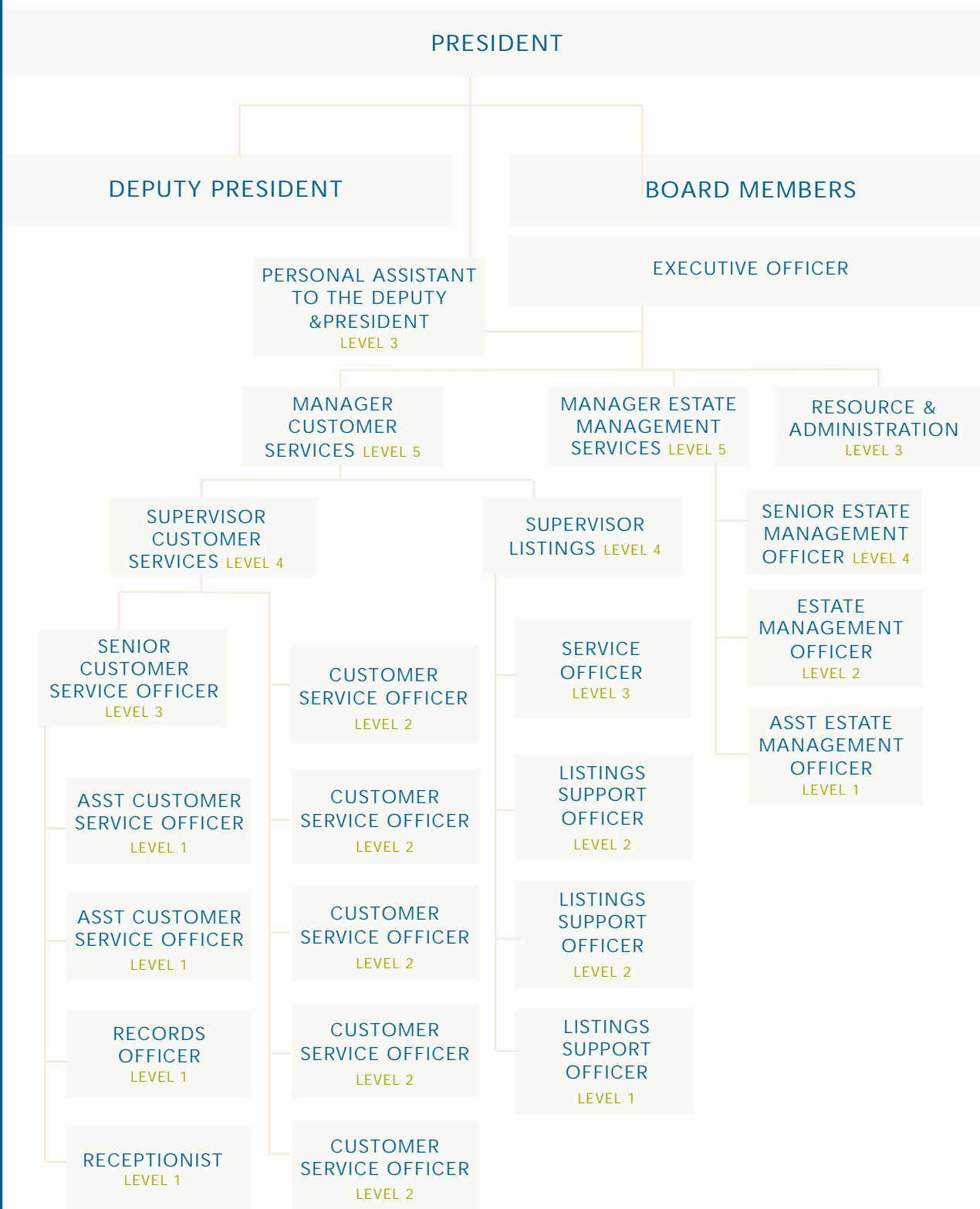
- Disabled parking.
- A wheelchair.
- Toilets for the disabled.
- Facilities for the hearing impaired.
- Interpreters.
- Aboriginal liaison officer.
- Alternative communication facilities.

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 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 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 the President, who is a Judge, Master or Registrar of the Supreme Court, a 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 in other areas.

SAFEGUARDS

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

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 judgments in respect of matters relating to his person
 - (iii) Managing his own affairs; and
 - (iv) Making reasonable judgments 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 the Act 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.

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 quasi-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. The Freedom of Information Commissioner in a decision handed down during 1999/2000 has accepted this view.

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 include a clear statement advising parties of their right to apply to inspect documents. Documents can also be 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 party to any proceedings.

The Board must provide for procedural fairness in dealing with applications before it. This right often requires that highly sensitive information about represented persons or proposed represented persons may be available for inspection 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 2003/2004

GUARDIANSHIP

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

- Over the age of 18 years.
- Incapable of looking after his or her own health and safety.
- Unable to make reasonable judgments in respect of matters relating to his or her person or,
- In need of oversight, care or control in the interests of his or her 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 his or her interests conflict or may conflict with the interests of the represented 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 act in respect of personal and lifestyle matters 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.

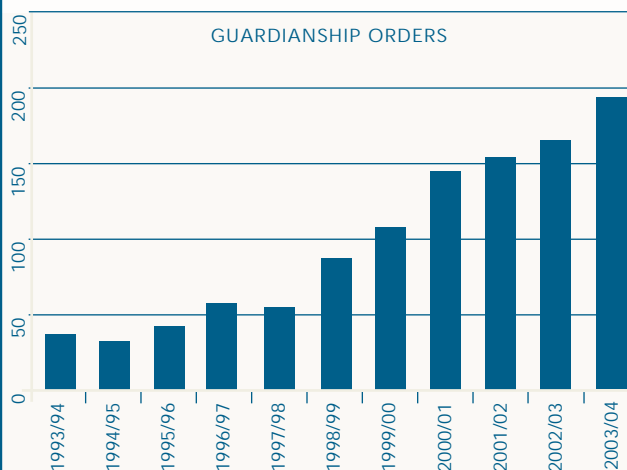
In making a guardianship order the Board takes into account as far as possible the desirability of preserving existing relationships within the family, the wishes of the person, the compatibility of the person with the proposed guardian and the capacity of the proposed guardian to perform their functions.

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

GUARDIANSHIP APPLICATIONS

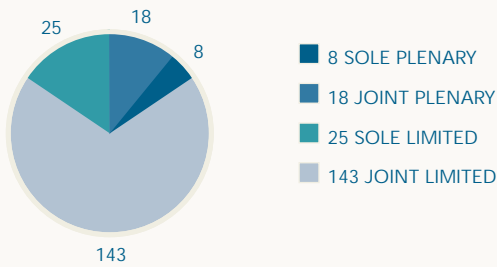
During the year under review the Board received 287 applications for guardianship compared with 276 in 2002/03 and 233 in 2001/2002.

GUARDIANSHIP ORDERS MADE SINCE 1993/94

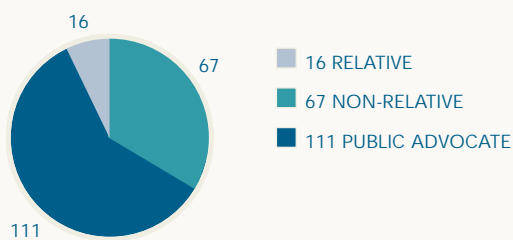


A total of 194 guardianship orders were made during 2003/2004, including some orders that related to applications made the previous year and also including review applications. Of these orders, 18 were sole plenary orders, 8 were joint plenary orders, and 143 sole limited orders and 25 joint limited orders.

TYPES OF GUARDIANSHIP APPOINTMENTS 2003/2004



GUARDIANS APPOINTED 2003/2004



The Public Advocate was appointed in 111 cases with a relative being appointed guardian in 67 instances and a non-relative in 16.

ADMINISTRATION

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

- Unable, by reason of a mental disability, to make reasonable judgments in respect to matters relating to all or any part of their estate and
- 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.

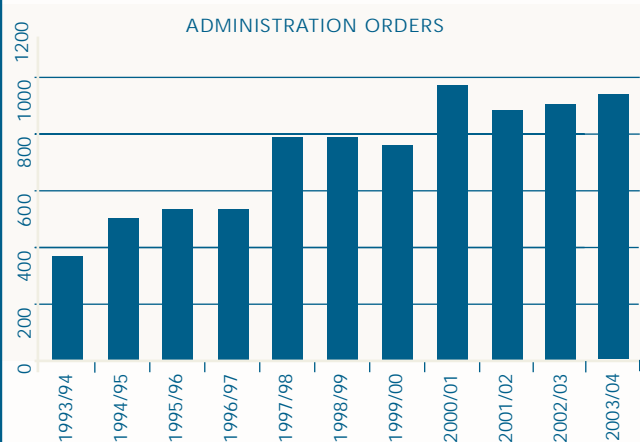
An administrator must act in the best interests of the person for whom the order is made and be able to perform the functions vested in him or her. Any actions taken by an administrator in respect of the estate under his or her authority

has the same effect as if the person represented had taken the action when 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.

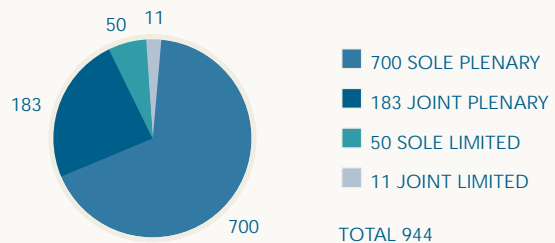
During the year the Board received 768 applications for administration compared with 757 for the year 2002/2003 and 725 for 2001/2002.

ADMINISTRATION ORDERS MADE SINCE 1993/94



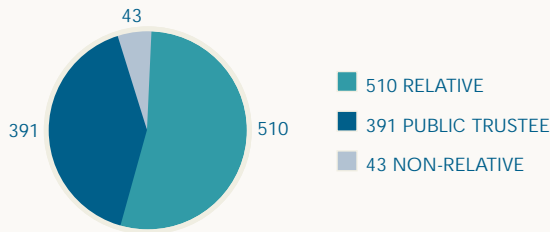
In 2003/2004 the Board made 944 administration appointments, some relating to applications made in the previous year and others on review.

TYPES OF ADMINISTRATION ORDERS MADE 2003/2004



Appointments as administrators were in the following categories: 700 sole plenary, 183 joint plenary, 50 sole limited and 11 joint limited.

ADMINISTRATORS APPOINTED 2003/2004



Relatives were appointed in 510 cases, the Public Trustee was appointed in 391 cases and non-relatives in 43 cases.

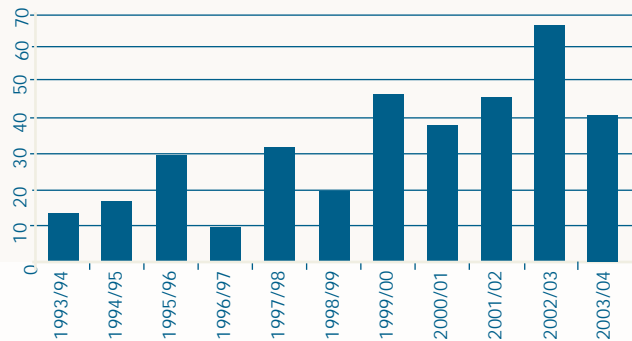
ENDURING POWERS OF ATTORNEY

- **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 his or her 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, Power of Attorney continues 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 2003/04 the Board received 41 applications concerning Enduring Powers of Attorney. There were 23 applications for the Board to intervene, and 18 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. This year no applications were made for sterilisation.

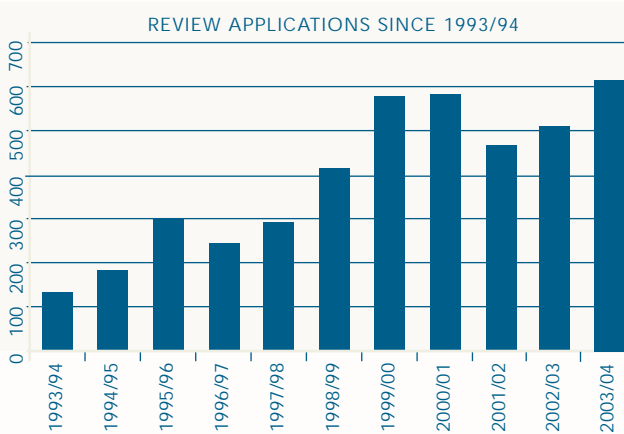
Sterilisation is not permitted to be carried out unless:

- 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. Parties to an application, however, may make an application for a review of the order at any time prior to the Board's review date. 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 626 review applications, of

which the Board instigated 374. Parties instigated another 252.



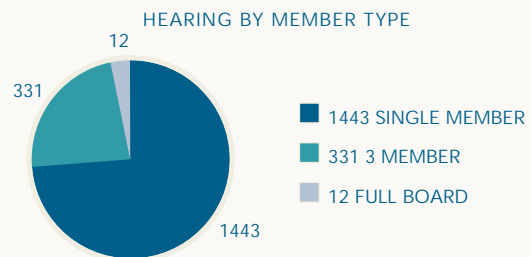
HEARINGS

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 has mobility difficulties or unable to leave a secure environment. The Board has a set of standard requirements relating to the suitability of premises required to be used for hearings not held at the 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. The Board on country circuits also uses a mobile telephone. Some hearings have been conducted using video conferencing and this will be further developed in the coming years.

For the period 1 July 2003 to 30 June 2004, the Board conducted 1,786 hearings. (This figure includes applications lodged in the previous year). Of those 1443 were presided over by a single member Board, 331 were heard by a three member Board and 12 were heard by a Full Board. It should be noted that a hearing can often deal with multiple applications.



COUNTRY VENUES

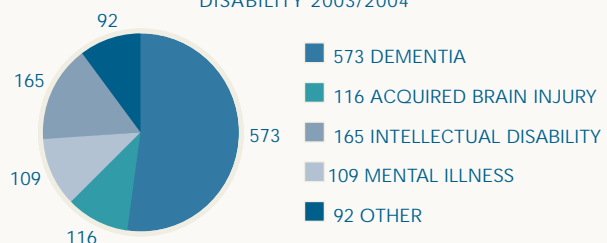
The Board conducts hearings on circuit in five regional centres - Albany, Bunbury, Geraldton, Kalgoorlie and Mandurah. The remainder of the state is serviced, as demand requires.

During the year the Board scheduled 154 country hearings.

COUNTRY HEARINGS SINCE 1993/94

	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
ALBANY	3	7	15	19	3	22	26	21	25	17	23
BROOME	0	0	3	0	1	3	1	0	0	0	0
BUNBURY	8	6	17	22	18	25	31	32	44	48	52
BUSSELTON	0	0	0	0	0	0	0	2	0	0	0
CARNARVON	0	0	0	1	2	0	2	0	0	0	0
DERBY	1	0	1	0	34	3	1	0	0	8	1
ESPERANCE	N/R	N/R	N/R	N/R	N/R	N/R	7	14	7	0	2
GERALDTON	1	2	0	10	5	6	11	22	13	18	10
KALGOORLIE	2	22	4	7	3	19	16	6	1	3	5
MANDURAH	9	2	8	9	14	14	17	24	19	12	36
NARROGIN	0	0	0	3	1	1	3	2	11	9	14
OTHER	12	4	0	0	7	3	6	3	14	13	11
TOTAL	36	43	48	71	88	96	121	126	134	128	154

GUARDIANSHIP AND ADMINISTRATION APPLICATIONS BY DISABILITY 2003/2004



Financial Management

2003/2004 BUDGET REPORT

The budget allocation for 2003/2004 was \$1,836,358 an overall increase of \$147,180 from the 2002/03 allocation of \$1,629,178.

2003/2004 EXPENDITURE

	BUDGET ALLOCATIONS	EXPENDITURE
SALARIES & ALLOWANCES	\$1,258,712	\$1,194,823
ADMINISTRATION	\$415,221	\$418,477
BUILDING ACCOMMODATION	\$162,425	\$162,425
PROPERTY, PLANT & EQUIPMENT	0	0
TOTAL	\$1,836,358	\$1,775,725

The 2003/2004 budget was underspent by \$60,633.

EXPENDITURE BUDGET

	BUDGET ALLOCATIONS	EXPENDITURE
2003/2004	\$1,836,358	\$1,775,725
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 \$246,340 for 2003/04 consisting of \$225,208 for attendance fees and \$21,132 for associated expenses.

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

	ATTENDANCE FEES	ASSOCIATED EXPENSES	TOTAL
2003/04	\$225,208	\$21,132	\$246,340
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 persons coming before the Board.

- PERCENTAGE OF APPLICATIONS THAT PROCEED TO HEARING.

In 2003/2004 85% 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, 60% of applications were dealt with inside the set standard. The target performance set for the Board for the same period was 75%. The Board's ability to meet these standards is constantly influenced by many factors including the need for available staff resources and the complexity of some matters coming before the Board.

- **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 2003/04 the total cost per case finalised by the Guardianship and Administration Board was \$1,441. 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 \$1,630.

- **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 306 cases still to be dealt with and of those, 29 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 commitment to improvement of operational procedure.

Statistical Tables

It should be noted that the Board's statistics reflect applications rather than people. Several different applications may be made in respect of one person.

1993/94 – 2003/04

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	2003/04
SOLE PLENARY	25	19	16	4	8	16	24	25	28	20	18
JOINT PLENARY	0	0	0	0	1	2	2	3	3	7	8
SOLE LIMITED	6	10	26	51	48	58	71	96	111	130	143
JOINT LIMITED	3	4	2	5	2	8	13	22	23	19	25
TOTAL	34	33	44	60	59	84	110	146	165	176	194

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	2003/04
RELATIVE	13	4	10	20	12	21	31	55	50	67	67
PUBLIC ADVOCATE	19	25	32	39	44	58	60	80	103	99	111
NON-RELATIVE	2	4	2	1	3	5	19	11	12	10	16
TOTAL	34	33	44	60	59	84	110	146	165	176	194

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	2003/04
SOLE PLENARY	106	188	147	155	333	488	516	692	662	671	700
JOINT PLENARY	18	5	9	10	50	77	94	148	157	172	183
SOLE LIMITED	182	75	280	267	303	174	102	101	61	66	50
JOINT LIMITED	55	237	93	97	94	41	48	25	19	11	11
TOTAL	361	505	529	529	780	780	760	966	899	920	944

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	2003/04
RELATIVE	233	247	286	308	396	362	394	490	442	494	510
PUBLIC TRUSTEE	111	211	198	183	344	348	280	406	367	375	391
PUBLIC ADVOCATE	0	1	0	1	1	0	3	0	0	0	0
OTHER	17	46	45	37	39	70	83	70	81	51	43
TOTAL	361	505	529	529	780	780	760	966	899	920	944

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	2003/04
INTERVENTION	11	14	23	7	25	9	30	17	28	33	23
DECLARATION OF LEGAL CAPACITY	2	3	7	3	8	11	16	20	17	33	18
TOTAL	13	17	30	10	33	20	46	37	45	66	41

TOTAL APPLICATIONS RECEIVED:

	1993/94	1/94/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
GUARDIANSHIP	170	135	98	103	118	127	177	231	231	276	287
ADMINISTRATION	640	523	456	504	702	655	715	692	725	757	768
DIRECTIONS	5	6	2	5	2	7	23	15	11	16	7
STERILISATION	7	1	0	0	1	3	0	0	0	3	0
REVIEW	143	179	301	255	290	428	571	578	475	523	626
INSPECTION – DOCUMENTS	81	45	*0	*0	*0	**1	9	30	36	41	39
INTERVENTIONS (EPA)	11	14	23	7	25	33	30	17	28	33	23
DECLARATION OF LEGAL CAPACITY (EPA)	2	3	7	3	8	19	16	20	17	33	18
SECTION 77 APPLICATIONS	0	0	0	0	0	0	0	0	0	0	12
TOTAL	1059	906	887	877	1146	1273	1541	1583	1523	1694	1768

* 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			2003/04		
	M	F	TOTAL	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	201	363	537
ACQUIRED BRAIN INJURY	86	61	147	85	55	140	88	48	136	93	52	145	78	34	112	70	44	114	73	43	116
INTELLECTUAL DISABILITY	51	53	104	52	51	103	46	57	103	70	46	116	71	72	143	66	51	117	58	51	109
MENTAL ILLNESS (PSYCHIATRIC CONDITION))	78	45	123	76	52	128	75	52	127	112	65	177	84	69	153	94	76	170	97	68	165
OTHER	9	8	17	18	14	32	28	25	53	28	27	55	38	37	75	56	58	114	44	48	92
TOTAL	389	431	820	376	406	782	406	486	892	479	449	928	440	516	956	487	546	1033	482	573	1055

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			2002/03		
	M	F	TOTAL	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	34	33	67
25-34	46	30	76	33	28	61	56	18	74	55	28	83	42	26	68	45	24	69
35-44	32	26	58	44	29	73	46	25	71	61	31	92	32	31	63	51	28	79
45-54	37	19	56	39	23	62	46	33	79	42	31	73	47	37	84	39	30	69
55-64	40	25	65	43	43	86	33	24	57	40	40	80	49	30	79	47	29	76
65-74	69	43	112	71	53	124	57	49	106	64	32	96	75	49	124	60	63	123
75-84	71	112	183	81	138	219	107	141	248	88	168	256	124	186	310	131	214	345
85-94	50	117	167	69	134	203	71	127	198	46	152	198	68	142	210	68	133	201
95 AND OVER	7	13	20	3	12	15	12	9	21	2	8	10	4	23	27	7	19	26
NOT GIVEN				7	8	15	5	5	10	1	0	1	0	0	0	0	0	0
TOTAL	376	406	782	413	479	892	478	450	928	436	511	947	487	546	1033	482	573	1055

Figures only relate to Guardianship and Administration Applications.

Glossary of Terms

GUARDIANSHIP is the legal appointment of a person who can act in relation to the personal, medical and lifestyle matters of a represented person. in the best interests of a person who is not capable of making reasoned decisions for themselves.

ADMINISTRATION is the legal appointment 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, 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 INTERESTS refers to the principles 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.

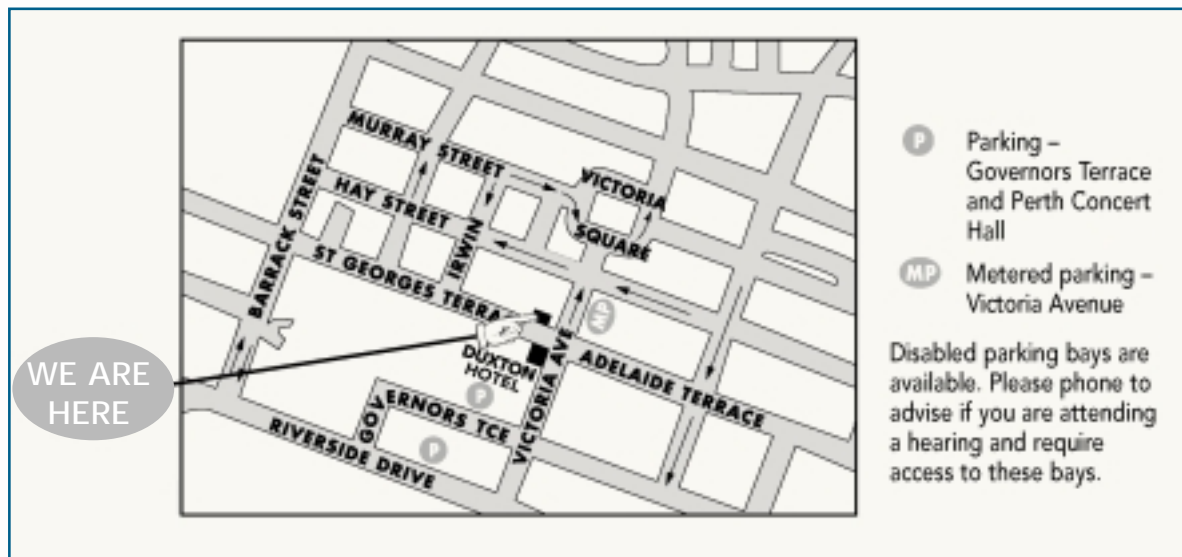
THE PUBLIC ADVOCATE is an independent statutory officer who can be appointed by the Guardianship and Administration Board as a guardian or administrator for a person with a decision-making disability.

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 their interests 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 when appointed by the Board in appropriate cases. The Public Trustee also reviews and reports on administrator's accounts when requested to do so 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



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Guardianship and Administration Board, Western Australia.

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