

Guardianship and Administration Board,
Western Australia

ANNUAL REPORT 2001/2002

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 on the performance of the functions of the Guardianship and Administration Board.

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

The Guardianship and Administration Act 1990 identifies the functions of the Board as being:

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 13% in the number of guardianship orders made, and a 7% decrease in the number of administration orders made.
- There has been no change in the number of applications for guardianship, a 5% increase in the number of applications for administration, an increase of 22% in the number of applications relating to Enduring Powers of Attorney and a decrease of 18% in the number of applications for reviews. Overall, the total number of applications to the Board decreased by 4%.

- The staffing resources of the Board were consolidated with the addition of five extra permanent positions in the Estate Management team and in positions to support the Board's executive.
- Two additional Board members were appointed in November and December 2001.
- The Attorney General released the *Taskforce Report on the Establishment of the State Administrative Tribunal* in May 2002. The report proposes the alignment of the Guardianship and Administration Board with the proposed State Administrative Tribunal.
- A full time security officer has been located at the Board in response to an increase in the number of security breaches.
- A Supreme Court decision (*Johnson v Staniforth*) determined that where an administration order is in force, an application must be made to the Board to obtain consent before the represented person makes a Will. Procedures have been introduced to deal with such applications.
- An *Administrator's Guide* is nearing completion and when finalised, will greatly assist private administrators to comply with the Board's reporting requirements.
- A Document Numbering System and Record of Evidence has been introduced. These procedures enhance the Board's records and streamline procedures, especially in relation to hearings, appeals and the production of reasons.
- A Full Board dealt with an application in relation to the use of physical and chemical restraints in aged care facilities. The Board determined that a limited guardian should be appointed to decide all questions relating to the use of restraints, in circumstances where the person for whom the order was made had no relatives or other person involved in his care. This decision has had implications for management of other people in similar situations.

President's Report



This year has been another exciting year at the Board. The number of applications received by the Board has remained constant, but there has been a significant number of difficult and complex matters to be dealt with. From those difficult and complex matters several incidents arose where the safety of Board members and staff were at risk. As a result there is now a fulltime security officer situated at the Board premises.

Progress has been made to permanently fill the five temporary positions I referred to in my last report. The position of Manager Estates Management has been filled by the appointment of Mr Garry Robertson. He brings a wealth of knowledge and experience to this position.

The workload of the Estates Management section continues to increase both in number and in complexity. Fortunately the majority of administrators file their accounts on time and in an acceptable manner. Some do not and as a result of examination of accounts six administrators were removed from office and three certificates of loss were issued.

Pursuant to section 57 of the *Guardianship and Administration Act* the Board has a role in deciding issues relating to the sterilisation of adults with a decision making disability. During the course of the year it came to the attention of the Board that a woman with a decision making disability had been sterilized in circumstances which on their face indicated an application should have been made to the Board. This matter has been referred to the Director of Public Prosecutions for consideration as to whether or not further action is required.

The Board has made a number of significant decisions this year including the appropriate use of chemical and physical restraints. Further the Full Court of the Supreme Court in the case of *Johnson v Staniforth* [2002] WASCA 97 has handed down a decision in relation to the application of section 77 of the *Guardianship and Administration Act*. It is likely that this will result in a number of applications to the Board in an area where no applications had previously been made. The issues are likely to be complex.

The Board has been in discussion with representatives from the Department of Consumer and Employment Protection regarding amendments to the *Industrial Relations Act 1979*. Procedures are currently being put in place to deal with the implementation of the changes. It is unclear how many applications to the Board will result from these amendments.

During the year we welcomed two additional members to the Board, namely Ms Robyn Carroll and Dr Jane Barratt. Their experience and background is listed elsewhere in this report. Each have embraced their appointments with enthusiasm and regularly sit on hearings. The issue of the level of fees paid to Board members referred to in my last report has still not been resolved.

As always the Public Advocate and her staff have been of great assistance to the Board. Their professionalism is essential for the efficient services provided not only to the Board but the

public as well. The role of the Public Trustee and her staff are of equal importance and the assistance given is again appreciated.

I would like to acknowledge that the achievements of the Board in the past year are very much due to a team effort of the Board members and the Executive Officer and her staff.

The Executive Officer took up her appointment during the year and she and her staff have shown great dedication in coping with the demands placed upon them. The Board members consist of a group drawn from diverse backgrounds and experiences which blend together to provide a wealth of knowledge. Each Board member is dedicated to meeting the needs of those adults in our society who are unable to make reasoned decisions on their own behalf.

The Deputy President deserves special thanks. She continues to undertake a heavy workload not only in determining matters but also in many administrative matters. I value her advice and assistance as do all of the members of the Board.



KEITH CHAPMAN
PRESIDENT

Executive Officer's Report



During the last financial year, there have been considerable changes in the Board's administrative staff structure. For the first 6 months, Mr Garry Robertson continued in the role of Acting Executive Officer until my appointment to the position in January 2002. Garry ensured that the Board's excellent work continued during this difficult time while the new Registry structure was introduced. He has since been appointed as the Manager Estates Management within the Board. Garry's skills and expertise are highly valued in this role which carries responsibility for all aspects of the Board's work where an administrator may be appointed to manage someone's financial affairs.

The Board's administrative restructure continues to unfold, following on from a review of the Board's structure and resource needs. Five additional positions were created and are gradually being filled on a permanent basis. The management of the Registry has been supported with the creation of the position of Manager Customer Services. This position has responsibility to oversee the day-to-day operation of the Registry and is yet to be filled

on a permanent basis. A dedicated Resource and Administration Officer adds further support to the management of the Registry.

The Estate Management section now has 4 staff and is well placed to manage all aspects of the Board's work associated with the appointment of private administrators. A major achievement has been the development of a comprehensive guide for administrators which is nearing completion. This *Administrator's Guide* will assist private administrators with step-by-step instructions to help them comply with the Board's reporting requirements.

There have been no structural changes to the Listings team this year. In November last year there was a delay in the reappointment of Board members which resulted in the Supervisor of Listings having great difficulty listing matters for hearing which in turn created a backlog of cases which took some time to resolve.

The Customer Services team continues to operate under considerable pressure as the complexity of matters before the Board increases. Improved services, involving inspection of documents and the introduction of a record of evidence incorporating a document numbering system, have resulted in an increased workload for the team. The case management role performed by the Customer Services Officers results in an excellent service to the public. However, with an increase in the complexity of cases, this level of assistance has proved impossible to maintain without a decrease in the ability to hear matters within the benchmark of 8 weeks. A review of the case management role of the Customer Services Officers is planned, to examine how this role can still be maintained, whilst more emphasis is placed on the parties to prepare cases for hearings. An internal restructure has created the position of a Senior Customer Service Officer, which will provide much needed support to the Customer Services team. Even with this additional support, extra resources will inevitably be required to support the enquiries and case management functions of the Board.

An analysis of the Board's statistics for the last year shows that applications for guardianship remained the same as last year with an increase of 5% in the number of applications for administration. Review applications decreased by 18%. Applications relating to Enduring Powers of Attorney increased by 22%. Overall, including applications for directions and inspections of documents pursuant to section 112(4) of the *Guardianship and Administration Act*, the total number of applications to the Board decreased by 4%. There was a 13% increase in the number of guardianship orders made and a 7% decrease in the number of administration orders made.

It had been expected that there would be a continual increase in applications to the Board due to the increase of the aging population. It was also expected that there would be an increase in applications to formalise various informal financial arrangements that currently exist for a number of people who could be subject to an administration order. These expectations have not been realised this year, but remain a possible source of increased work for the Board. It is expected that there will be an increase in the volume and complexity of applications to the Board in the coming year.

The Board's timeliness performance indicator sets a target of 75% of applications to be heard within 8 weeks from receipt of the application. In the last year, 59% of applications met this target. The increasing complexity of applications coming before the Board and the corresponding increase in the number of hearings before three Board members has impacted on the ability of the Board to meet this time frame. Despite any overall increase in the time taken to finalise matters, urgent applications continue to be assessed and allocated priority or fast-track status where a need for an urgent hearing has been identified.

In May 2002, the *Taskforce Report on the Establishment of the State Administrative Tribunal (SAT)* was released. According to this report, the Guardianship and Administration Board will be

aligned with SAT, which is due to commence operation in January 2004. The report, however, does not provide details of exactly how the Board will operate within SAT. It is likely that the proposed changes will have enormous implications for the operation of the Board. The challenge for the Registry during this transition period is to consolidate our current structure and processes in preparation for these anticipated changes. It will also provide an excellent opportunity to examine our current procedures in terms of their value and effectiveness. As with all major changes, the impact on staff will be considerable. Planning has already commenced to manage this change.

An important issue to be examined this year has been the safety of Board members, staff and the public. Following several incidents late last year, in which safety was compromised, a full-time Security Officer has been located at the Board. While it is intended that the informal nature of hearings should not change, the presence of a security officer in the building, visible to the public, has provided an appropriate level of security for everyone involved in the Board's operations. The deterrent effect of a security officer, as well as the ability to respond in a crisis, have become important considerations in an environment where the complexity of the Board's work is increasing. A security management plan has also been implemented. As part of this plan, staff and Board members have participated in training in the areas of "Dealing With Difficult People" and "Passive Self Defence".

Country circuits continue to be held in major regional centres throughout the state. In the last financial year, hearings were held in Bunbury, Geraldton, Albany, Kalgoorlie, Northam, Meekatharra, Narrogin, Karratha, Esperance and Mandurah. Teleconference facilities are used regularly to facilitate the attendance of various parties at hearings and on several occasions video conference facilities have been used. In the metropolitan area, hearings were held at a number of institutions including nursing homes, mental health institutions and prisons.

The Board's commitment to providing easily accessible services continued with 11 Orientation Seminars being held around the state. These seminars are provided by Board members and Board staff and provide the public and service providers with information about Board procedures. The Office of the Public Advocate continues to provide a high level of public education services 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 continue to provide opportunities to discuss issues of mutual concern.

The next financial year is likely to bring many changes, especially if the Board is aligned with the proposed State Administrative Tribunal. While structures may change, the strong commitment of Board members and staff to the needs of people with decision-making disabilities is unlikely to change. This dedication to the needs of some of the most vulnerable members of our community is a strong feature of the work of the Board. I am confident that this commitment to our customers will remain paramount as we face the challenges in the year ahead.



ANTHEA CHAMBERS
EXECUTIVE OFFICER

The Board



BACK ROW, L – R: MR DAVID POWELL, REV LESLIE GOODE, MS ROBYN CARROLL, DR GUY HAMILTON, MR JOHN JAMES.

FRONT ROW, L – R: MS FELICITY CHILD, MS HANNAH LESLIE, MR KEITH CHAPMAN, MS JO STANTON, MR ERIK LEIPOLDT, MS CATHERINE HILL.

ABSENTEES: MRS PAMELA ELDRED, DR JANE BARRATT, DR ROGER CLARNETTE, DR ALAN McCUTCHEON, MR STEVEN JONGENELIS.

PRESIDENT

MR KEITH CHAPMAN RFD LL.B CPA

APPOINTED 14/07/1998

A barrister, solicitor, and Certified Practising Accountant Mr Chapman is currently Acting Master 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

APPOINTED 13/10/1992

Ms Child has more than 10 years experience with the community legal centre movement in Western Australia, and was previously the Coordinator of the Sussex St Community Law Service. She was a tutor in social work and welfare practice at Curtin University, and has been involved in numerous community legal

education initiatives. Ms Child is currently undertaking postgraduate study.

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

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 and is the volunteer coordinator for a state wide community project, part of The Centenary of Women's Suffrage Celebration in 1999/2000.

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 retired as a school counsellor in 1999 and is now self-employed. He and his family have had informal social contact with residents of a neighbouring psychiatric hostel over 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. Mr Leipoldt is also an independent consultant in the disability area. 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. 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

Until July 1992, Ms Stanton was Director of Operations at Activ Foundation. She has extensive experience in the area of research 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 Acting 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.

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 Jane Barratt is a Churchill Fellow, Executive Officer of the Carers Association of Australia and has been actively engaged in Ministerially appointed disability and age and home care related committees in Australia and internationally over several decades.

Dr Barratt's involvement in the aged and community care sector spans nearly 20 years and includes numerous roles, such as clinician, academic, manager for the delivery of medical and aged care services, and consultant with considerable liaison to health, medical and government and non-government organizations.

MS ROBYN CARROLL BACHELOR OF JURISPRUDENCE (HONS); BACHELOR OF LAW, 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.

The Registry



STAFF

The Board's registry has an allocation of 24 permanent full-time positions. Five temporary positions were carried over from the last financial year and became permanent this year. Filling these positions has been a time consuming and lengthy process. Two key positions were created; the Manager Estate Management and the Manager Customer Services. The Manager Estate Management position was filled during the year and the Manager Customer Services should shortly be filled on a permanent basis. The continuing high workload in the Customer Service section has been assisted with the addition of a Senior Customer Service Officer position. The introduction of the position of Administration and Resource Officer now supports the Board's administrative processes.

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.

A document numbering system and record of evidence was introduced this year. 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. All forms and guides are being updated to make them more user friendly and will be placed on the Department of Justice web site for simpler access to all parties.

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. Applications are copied to the Office of the Public Advocate for screening and assessment regarding their involvement. 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 and 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 to parties in country matters, 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.

This section of the Board has been restructured and now consists of 4 staff. The Manager of Estate Management was appointed in May 2002. The Estate Management team are now accommodated in a refurbished section of the Board's premises.

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 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. The production of an Administrator's Guide is nearing completion and will greatly assist administrators to fulfil their role.

During the past year, the Board has instigated 44 reviews specifically for non-compliance or concerns regarding the performance of appointed administrators. On 3 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 2001/2002 year was \$146,943,786. The number of accounts lodged by private administrators for the year was 855. The Board allowed 910 accounts during the year and referred 72 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 2001/02 staff have attended training courses in relation to:

- Dealing With Difficult People
- Passive Self Defence
- Job Application and Interview Skills
- Advance Program
- International Women's Day
- Train the Trainer
- Standard Operating Environment (IT)
- First Aid Training
- Internal training in various IT areas: eg SOE, Excel, Word, Outlook, Intranet and Internet
- Managing Change

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. These were conducted every 28 days but on advice from the Departments' OSH consultant, they need now only be conducted once every three months. 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. Hostage training has also been undertaken. An induction program is in use for new staff and a Staff Safety Management Plan has been developed and implemented.

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:

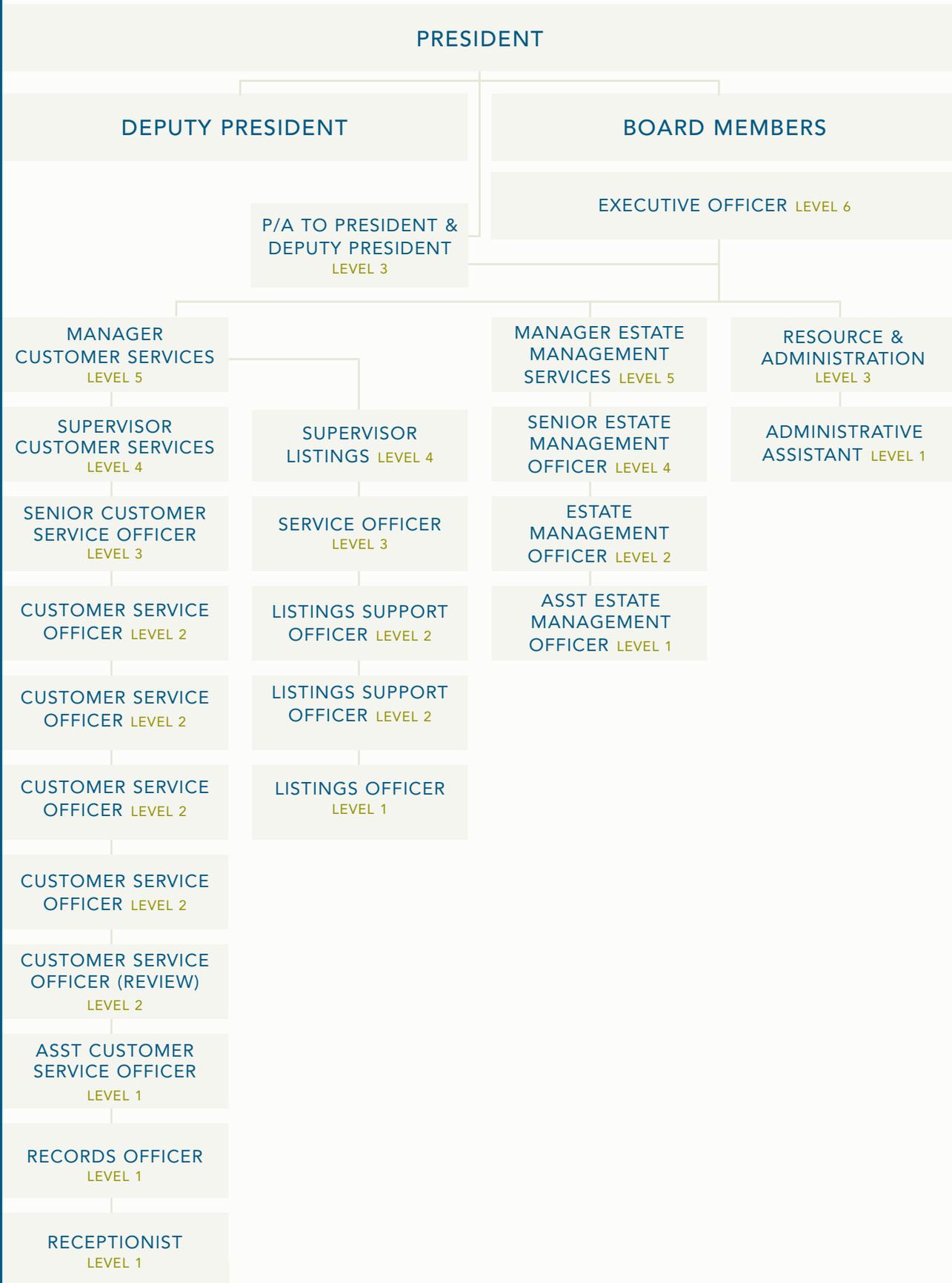
- Disabled Parking
- A wheelchair
- Special bathrooms and restrooms
- Hearing facilities for those with hearing disabilities
- Provision of interpreters
- Access to an Aboriginal liaison officer
- Alternative communication facilities

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 Administration. 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 2001/2002

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

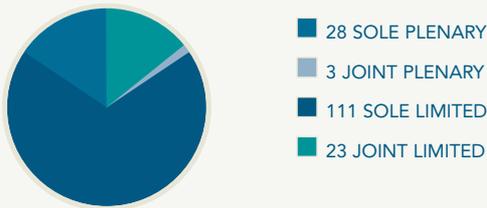
During the year under review the Board received 231 applications for guardianship compared with 231 in 2000/01 and 177 in 1999/2000.

GUARDIANSHIP ORDERS MADE SINCE 1993/94

A total of 165 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, 28 were sole plenary orders, 3 were joint plenary orders, 111 sole limited orders and 23 joint limited orders.



TYPES OF GUARDIANSHIP APPOINTMENTS 2001/2002



TYPES OF GUARDIAN APPOINTED 2001/2002

The Public Advocate was appointed in 103 cases with a relative being appointed guardian in 50 instances and a non-relative in 12.

GUARDIANS APPOINTED 2001/2002



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 725 applications for administration compared with 692 for the year 2000/2001 and 715 for 1999/2000.

ADMINISTRATION ORDERS MADE SINCE 1993/94

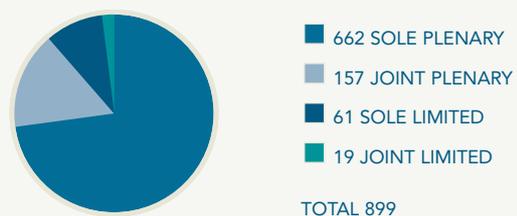
The Board made 899 administration appointments, some relating to applications made in the previous year and others on review.



TYPES OF ADMINISTRATION ORDERS MADE 2001/2002

Appointments as administrators were in the following categories: 662 sole plenary, 157 joint plenary, 61 sole limited and 19 joint limited.

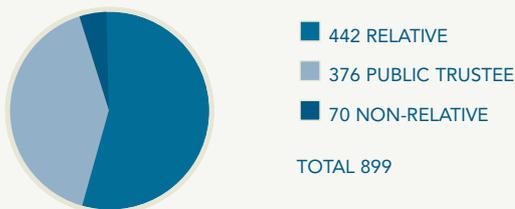
TYPES OF ADMINISTRATION ORDERS 2001/2002



TYPES OF ADMINISTRATOR APPOINTED 2001/2002

Relatives were appointed in 442 cases, the Public Trustee was appointed in 376 cases and non-relatives in 81 cases.

ADMINISTRATORS APPOINTED 2001/2002

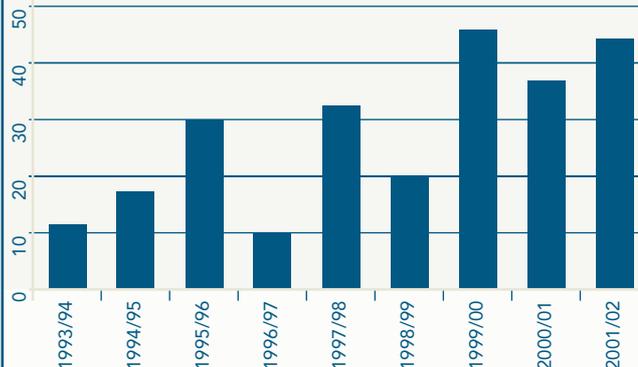


ENDURING POWERS OF ATTORNEY

- **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 45 applications concerning Enduring Powers of Attorney. There were 28 applications for the Board to intervene, and 17 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 there were no applications received.

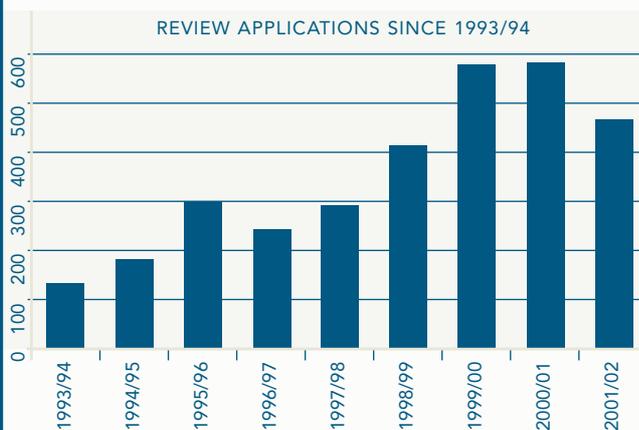
Sterilisation is not permitted to be carried out unless:

- 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 475 review applications, of which the Board instigated 320. Parties instigated another 155.



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 2001 to 30 June 2002, the Board conducted 1,593 hearings. (This figure includes applications lodged in the previous year). Of those 1327 were presided over by a single member Board, 235 were heard by a three member Board and 30 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)

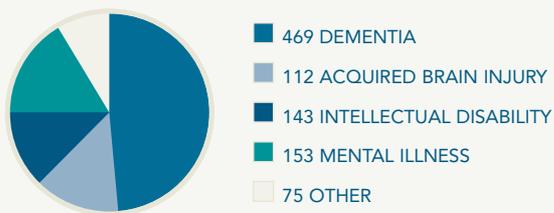
COUNTRY VENUES

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 134 country hearings.

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

GUARDIANSHIP AND ADMINISTRATION APPLICATIONS BY DISABILITY 2001/2002



Financial Management

2001/2002 BUDGET REPORT

The budget allocation for 2001/2002 was \$1,591,117 an overall increase of \$325,229 from the 2000/01 allocation of \$1,265,888

2001/2002 EXPENDITURE

	BUDGET ALLOCATIONS	EXPENDITURE
SALARIES & ALLOWANCES	\$1,019,617	\$954,347
ADMINISTRATION	\$344,153	\$369,952
BUILDING ACCOMMODATION	\$227,347	\$237,914
PROPERTY, PLANT & EQUIPMENT	NIL	\$19
TOTAL	\$1,591,117	\$1,562,232

The 2001/2002 budget was underspent by \$28,885. Not all of the 5 new positions were filled for the full year, resulting in the salaries component of the budget being underspent.

EXPENDITURE BUDGET

	BUDGET ALLOCATIONS	EXPENDITURE
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 \$160,818 for 2001/02 consisting of \$130,297 for attendance fees and \$30,521 for associated expenses. In the period December 2001 to March 2002, an administrative error arose from a misunderstanding about the status of a proposed increase in Board fees. This resulted in Board members being paid at a higher rate for this period. Board members fees are still under review.

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

	ATTENDANCE FEES	ASSOCIATED EXPENSES	TOTAL
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
1996/97	\$69,290	\$4,812	\$74,102

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 2001/2002 87% 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, 59% 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 2001/02 the total cost per case finalised by the Guardianship and Administration Board was \$1,409. 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 \$1,458.

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 226 cases still to be dealt with and of those, 83 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 – 2001/02

TYPES OF GUARDIANSHIP APPOINTMENTS MADE:

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

TYPES OF GUARDIANS APPOINTED:

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

TYPES OF ADMINISTRATION APPOINTMENTS MADE:

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

TYPES OF ADMINISTRATORS APPOINTED:

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

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

TOTAL APPLICATIONS RECEIVED:

	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02
GUARDIANSHIP	170	135	98	103	118	127	177	231	231
ADMIN	640	523	456	504	702	655	715	692	725
DIRECTIONS	5	6	2	5	2	7	23	15	11
STERILISATION	7	1	0	0	1	3	0	0	0
REVIEW	143	179	301	255	290	428	571	578	475
INSPECTION – DOCUMENTS	81	45	*0	*0	*0	**1	9	30	36
INTERVENTIONS (EPA)	11	14	23	7	25	33	30	17	28
DECLARATION OF LEGAL CAPACITY (EPA)	2	3	7	3	8	19	16	20	17
TOTAL	1059	906	887	877	1146	1273	1541	1583	1523

* 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		
	M	F	TOTAL												
DEMENTIA	165	264	429	145	234	379	169	304	473	176	259	435	165	304	469
ACQUIRED BRAIN INJURY	86	61	147	85	55	140	88	48	136	93	52	145	78	34	112
INTELLECTUAL DISABILITY	51	53	104	52	51	103	46	57	103	70	46	116	71	72	143
MENTAL ILLNESS (PSYCHIATRIC CONDITION)	78	45	123	76	52	128	75	52	127	112	65	177	84	69	153
OTHER	9	8	17	18	14	32	28	25	53	28	27	55	38	37	75
TOTAL	389	431	820	376	406	782	406	486	892	479	449	928	440	516	956

Figures only relate to Guardianship and Administration Applications.

GUARDIANSHIP & ADMINISTRATION APPLICATIONS BY AGE & GENDER

AGE GROUP	1997/98			1998/99			1999/2000			2000/01			2001/02		
	M	F	TOTAL												
16-24	18	19	37	24	21	45	23	11	34	45	19	64	40	22	62
25-34	49	20	69	46	30	76	33	28	61	56	18	74	55	28	83
35-44	34	17	51	32	26	58	44	29	73	46	25	71	61	31	92
45-54	36	22	58	37	19	56	39	23	62	46	33	79	42	31	73
55-64	39	26	65	40	25	65	43	43	86	33	24	57	40	40	80
65-74	52	53	105	69	43	112	71	53	124	57	49	106	64	32	96
75-84	93	137	230	71	112	183	81	138	219	107	141	248	88	168	256
85-94	60	125	185	50	117	167	69	134	203	71	127	198	46	152	198
95 AND OVER	8	12	20	7	13	20	3	12	15	12	9	21	2	8	10
NOT GIVEN							7	8	15	5	5	10	1	0	1
TOTAL	389	431	820	376	406	782	413	479	892	478	450	928	436	511	947

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 1
The Hyatt Centre
20 Terrace Road
East Perth WA 6004

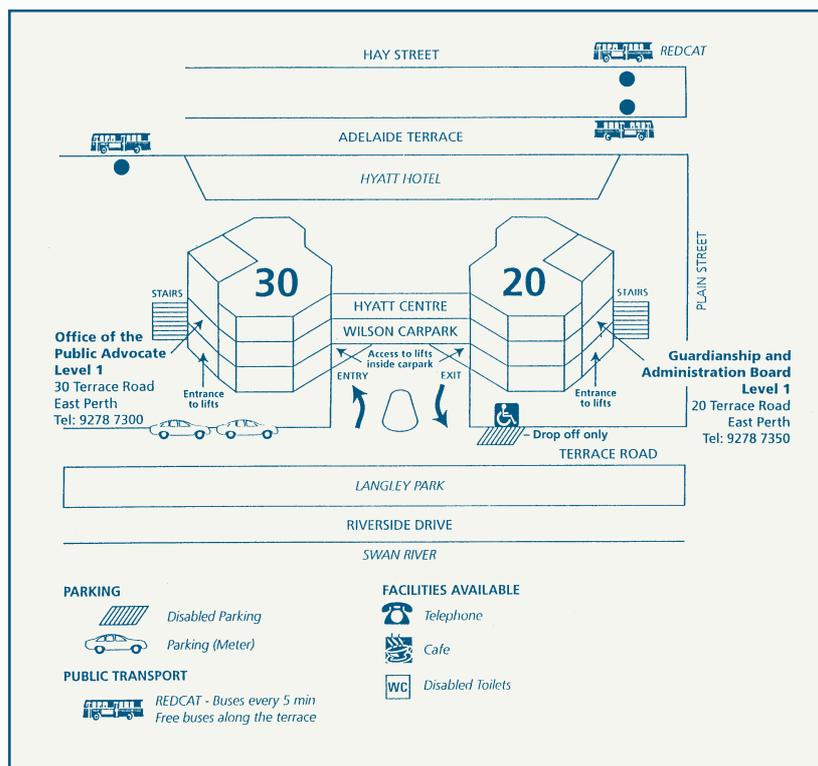
POSTAL ADDRESS Post Office Box 6127
East Perth WA 6892

TELEPHONE (08) 9278 7350
1800 19 1009 Toll Free

FAX (08) 9278 7373

E-MAIL gab@justice.wa.gov.au

INTERNET <http://www.moj.wa.gov.au>



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Guardianship and Administration Board, Western Australia.

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