Government of **Western Australia**
Department of **Justice**

Public Trustee



Private Administrator Guide

Disclaimer: We only collect the information we need to meet our obligations and do everything to keep your personal information safe. For more information see our Information Privacy Statement on our website.

Purpose of this guide

This Private Administrator's Guide has been produced to help you understand and carry out your role and responsibilities as an administrator appointed by the State Administrative Tribunal of Western Australia.

Please read this guide carefully and refer to it whenever you have a question about your role. Ideally, keep this guide in a safe place with your Administration Order.

If you have any questions about your responsibilities as an administrator or information in this guide, please contact:

Public Trustee
Private Administrators' Support Team

Location:	553 Hay Street Perth
Postal address:	GPO Box M946 PERTH WA 6843
Phone:	1300 746 116
Fax:	(08) 9222 6617
Email:	public.trustee@justice.wa.gov.au
Web:	publictrustee.wa.gov.au

For information on guardianship, administration, Enduring Powers of Attorney and Enduring Powers of Guardianship, please contact:

Office of the Public Advocate

Location:	Level 23, 28 Barrack Street, Perth
Postal address:	PO Box 6293, East Perth WA 6892
Phone:	1300 858 455
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Email:	opa@justice.wa.gov.au
Web:	publicadvocate.wa.gov.au

For details on making and lodging applications in relation to guardianship and/or Administration Orders, or review of Orders, please contact:

State Administrative Tribunal

Location:	Level 6, 565 Hay Street, Perth
Postal address:	GPO Box U1991 PERTH WA 6845
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Foreword and welcome

The *Guardianship and Administration Act 1990* ("the GA Act") provides the legislative framework for the support and protection of people who have been deemed not capable of making decisions in their own best interests.

Administrators appointed under the GA Act, such as yourself, have an important role in protecting people with decision-making disabilities from neglect, abuse or exploitation, as well as ensuring their quality of life is maintained.

The State Administrative Tribunal, which replaced the Guardianship and Administration Board in 2005, appoints an administrator to make decisions in the best interests of the Represented Person and ensure their financial matters are managed appropriately.

Such appointments, however, create the need for accountability and transparency in both decision-making and financial record-keeping.

Section 80 of the GA Act and the *Guardianship and Administration Regulations 2005* (GA Regulations) require an administrator to report receipts and payments and assets and liabilities of the Represented Person's estate (money, assets and property) to the Public Trustee on an annual basis. This is a legal requirement when you become an administrator.

The Public Trustee recognises the ongoing need for a reference manual to help administrators understand their role with clarity and confidence while carrying out their responsibilities on a day-to-day basis.

This revised edition of the *Private Administrator's Guide* has been produced by the Public Trustee to provide you – the administrator – with information to help with your obligations.

You may notice some information is occasionally repeated. This will assist you when referring to individual chapters, by helping to reinforce important details.

This guide is also available online at publictrustee.wa.gov.au and we hope you find the *Private Administrator Guide* a valuable source of knowledge and assistance.

Brian Roche
Public Trustee
July 2026

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Introduction

What is the State Administrative Tribunal?

The State Administrative Tribunal (SAT or the Tribunal) was established in Western Australia in 2005 as an independent body that makes and reviews a range of administrative decisions.

Under the GA Act, the Tribunal handles all human rights matters that were previously the responsibility of the Guardianship and Administration Board.

The Tribunal recognises that people who cannot make reasoned decisions in their own best interests may need a substitute decision-maker. This ensures their quality of life is maintained and protects them from neglect, abuse or exploitation that may occur from situations they place themselves in – or from the decisions, or actions, of other people.

The Tribunal:

- makes Orders for the appointment of guardians and administrators;
- reviews Orders previously made; and
- considers applications for intervention in relation to Enduring Powers of Attorney, Enduring Powers of Guardianship and Advance Health Directives.

What is the Private Administrator Support Team?

The Private Administrator Support Team (PAS Team) is part of the Public Trustee and examines accounts provided by administrators, in relation to a Represented Person's finances. It also helps administrators with questions about the preparation of accounts and their role and responsibilities; however, the PAS Team cannot give legal or financial advice.

Section 80 of the GA Act and the GA Regulations require administrators to report on the assets and liabilities of the Represented Person's estate at a specific date each year (or as otherwise allowed).

The report needs to be made to the Public Trustee, showing receipts and payments during a specified period. This is known as the "accounting period" and the reports are referred to as the "accounts". For more details, refer to 'Managing finances and property' and 'Financial recording and reporting'.

An administrator's role

An administrator is appointed by the Tribunal to manage the property and finances of another person who, due to a decision-making disability, lacks the capacity to manage their own affairs. This is an important responsibility to take on as you need to be responsible and careful when making investment and spending decisions.

The administrator's role is to manage and use the Represented Person's money or assets to maximise the Represented Person's quality of life. While it is important to ensure the money is used wisely, a diligent and imaginative administrator should use the Represented Person's money in a way that maximises their lifestyle, while working within their financial limitations.

It has been common for a Represented Person to be denied any input into their own finances once an Administration Order has been made. The administrator should, wherever possible, consult the Represented Person about decisions and consider if control over at least some day-to-day money can be given to them. This can help to preserve the Represented Person's interest and dignity.
An administrator's main concern must **always** be in the best interests of the Represented Person and managing their matters. But, in making decisions, administrators need to consider many factors, including:

- the Represented Person's immediate and long-term needs;
- views of the Represented Person;
- views of the family, any guardian or enduring guardian, and other interested parties;
- financial resources available;
- the Represented Person's previous, current and desired lifestyle;
- the Represented Person's family commitments; and
- arrangements made by the Represented Person before the Administration Order was made.

Many of these issues are dealt with in this guide. If you do not find an answer or need more information, please contact your delegated PAS Officer directly.

If you are concerned about the wellbeing of an adult with a decision-making disability or need more information about guardianship and administration, Enduring Powers of Attorney or Enduring Powers of Guardianship, please contact:

Office of the Public Advocate
Phone: 1300 858 455
Email: opa@justice.wa.gov.au

The powers of an administrator are outlined in Part 6 of the GA Act.

Administrators can obtain a copy of the legislation at www.legislation.wa.gov.au. Reference to specific powers under the GA Act is made later in this guide.

Getting started

Appointment as administrator
You will receive an Administration Order from the Tribunal appointing you as administrator. Read the Order carefully to understand the extent of your authority and check whether the Order is either a 'limited' Order or a 'plenary' Order.

Limited administration
If the Order is for limited administration, you have been given legal authority to make decisions **only** in relation to those things specified in the Order.

The Order may, for example, state that your substitute decision-making authority applies only to decisions about selling a house, investing an inheritance, compensation payments or any other specified transactions. This means you have no authority to make other decisions for the Represented Person.

Plenary administration
If the Order is for plenary administration, you have legal authority to make **all** decisions on the Represented Person's behalf, in relation to their property and finances (subject to some limitations referred to later in this guide).

An administrator – whether plenary or limited – has no authority to make personal, lifestyle or treatment decisions unless they have also been appointed as guardian or enduring guardian. Within the limits referred to already, decisions made by administrators have the same status and effect as if they were made by the Represented Person.

You will be able to execute documents and sign (or withhold consent to sign) legal and financial papers. As administrator, you will also perform any other functions necessary for managing the Represented Person's property and finances in the same way they could themselves – if they could make their own reasoned decisions.

More details are under 'Managing finance and property'.

Joint administrators
If the Order appoints joint administrators, they are required to make decisions together, act jointly and share responsibility.

Special conditions, restrictions or directions
The Tribunal's Order may impose conditions and restrictions or provide directions about how or when any of your duties are to be carried out. You must comply with these conditions, restrictions and directions.

Does administration apply outside Western Australia?
Section 83D of the GA Act recognises Administration Orders for incapable adults between Western Australia and other States and Territories (where an interstate arrangement is in effect).

This means Orders made in WA apply in other States and Territories and vice versa. Interstate arrangements are in place with all states (New South Wales, Victoria,

South Australia, Queensland and Tasmania) and the Australian Capital Territory. With the Northern Territory, it applies to guardianship only.

Are Administration Orders reviewed?
The Tribunal is required to periodically review Administration Orders. The Order will specify a date for review. At the review hearing, the Tribunal will determine if the Order is still required and whether its scope is still appropriate. The Tribunal must ensure it remains relevant to the Represented Person's needs.

In addition to the scheduled reviews, any person (including the Represented Person or administrator) can apply to the Tribunal, at any time, for the Order to be reviewed. Leave to apply (legal permission to do so) may be required.

The GA Act also provides for a review of the Order when:

- evidence indicates the Represented Person has regained capacity;
- an administrator dies;
- the administrator is unsuitable to continue because of neglect or misconduct;
- the administrator becomes bankrupt or enters an arrangement with creditors as outlined in Part X of the *Bankruptcy Act 1966* (Cth);
- the administrator becomes incapable by reason of mental or physical incapacity; or
- the administrator is a trustee company that ceases business or is under administration.

If a sole administrator dies, the Public Advocate – on notification – assumes the role of administrator until the Tribunal can conduct a hearing and appoint a new administrator.

If a joint administrator dies, the surviving administrator (or administrators) must advise the Tribunal of the death. The living administrator continues in their role until the Tribunal can review the existing Administration Order.

An administrator's duties
The duties and obligations of the administrator are contained within the GA Act, GA Regulations and Administration Order. An administrator's primary role is to manage the Represented Person's estate in their best interests.

The powers and duties of an administrator are set out in Part 6 of the GA Act – but note that general duties may be varied due to certain restrictions imposed by the Tribunal, as outlined in the Administration Order.

Some examples of an administrator's duties and obligations are:

- arranging to collect and deposit income;
- managing bank accounts;
- paying accounts and invoices;
- managing assets and liabilities;
- managing and maintaining real estate;
- buying and/or selling real estate;
- cancelling life assurance policies (life assurance means indefinite cover);

- recovering debts;
- discharging mortgages (removing a loan from a property's title);
- preparing and lodging tax returns; and
- conducting a business.

Depending on the circumstances of the Represented Person's estate, you may need to consider:

- selling, renting, retaining or looking at other alternatives in relation to the Represented Person's home;
- acquiring a current Certificate of Title search from Landgate, responsible for property and land information, at landgate.wa.gov.au (a fee applies);
- lodging a caveat to safeguard the Represented Person's property;
- selling, retaining, storing or finding alternatives in relation to extra physical assets (such as other property, land, buildings, vehicles, furniture, jewellery and additional items the Represented Person may have);
- paying residential accommodation deposits if the Represented Person enters permanent residential care;
- using proceeds from selling the Represented Person's home, or other physical assets, for their best interests;
- investing proceeds after selling the Represented Person's home or other physical assets;
- lodging tax returns;
- employing a solicitor or accountant;
- conducting court proceedings on the Represented Person's behalf;
- recording the Represented Person's income earnings and how the money has been spent;
- receiving and reviewing pension entitlements and other benefits; and
- ensuring all assets are recorded in the Represented Person's name.

There are some things administrators cannot authorise. For example, administrators cannot make medical treatment decisions on behalf of the Represented Person. Nor can administrators compel the Represented Person to live in a nursing home or other residential situations against their will.

If the Represented Person has not appointed an enduring guardian with the relevant authority and/or made an Advance Health Directive – but these types of decisions need to be made – it may be necessary to appoint a guardian.

Are administrators paid?

Generally, administrators take on the role out of a feeling of family responsibility or friendship. Administrators can be paid reasonable out-of-pocket expenses that occur while carrying out their role. But they are not usually paid for their work, nor compensated for lost wages.

Exceptions are made when the role will take an unusually large amount of time or where a professional is appointed, such as the Represented Person's solicitor or accountant. Payment is then made at a rate set by the Tribunal.

Prepare an inventory
It's a good idea to prepare an inventory of the Represented Person's financial and property matters as soon as possible. Items to include could be:

- details of all income sources and regular outgoings;
- details of all assets (including furniture, jewellery and other personal effects) and liabilities;
- details of all accounts with financial institutions (banks etc);
- confirming details of current insurance policies. Some insurance companies require written notice of vacant properties if insurance cover is to be maintained;
- formal valuations of assets such as jewellery and collectables; and
- the whereabouts of all important documents and certificates of titles.

Develop a financial management plan
Although a financial management plan is not compulsory, it is highly recommended. You will not be asked to submit your plan to the Tribunal, but it acts as a guide to decision-making.

Your financial management plan should incorporate the inventory you have prepared and an assessment of the Represented Person's financial matters. It will form the basis for decisions you have made in the Represented Person's best interests.

Carefully consider the Represented Person's entitlement to income support and other concessions or benefits from Centrelink or the Department of Veterans' Affairs (DVA). You will need to contact those agencies to ensure all entitlements are being received.

Your financial management plan might also address the need to:

- take professional advice from accountants, solicitors or a licensed financial adviser;
- prepare a draft budget, anticipating income and expenditure for the coming year;
- review the security and protection of assets;
- review the Represented Person's entitlement to pensions and benefits;
- review existing assets with a view to disposing the ones that are under-performing or surplus to requirements; and
- anticipate the immediate and short-term needs of the Represented Person, including their need for independence or support.

Reporting requirements
You must lodge complete details of the Represented Person's financial matters (Form A – Estate Information Form) with the Public Trustee's PAS Team within one month of your appointment as administrator. A sample Form A is included at Appendix Three.

The GA Regulations also require administrators to submit accounts to the Public Trustee annually (from the date of an Administration Order or within one month of their discharge). Accounts need to be set out as shown in Form B and verified by

statutory declaration as noted on Form C. Samples of both forms are included at Appendix Five.

The accounts should be accompanied by supporting documents (such as receipts, invoices or statements), showing all expenditure. If there are numerous supporting documents, they should be marked with a corresponding number in the account.

As seen in Form B and Abstracts 1-4, the accounts should detail:

- receipts and payments of the Represented Person's estate over the specified period; and
- assets and liabilities.

On dates determined by the Public Trustee, administrators must provide a statement of the Represented Person's estate (referred to as the 'accounts') showing:

- assets and liabilities;
- receipts and payments over a specified period; and
- any other details, as required by the Public Trustee.

The statement (accounts) must:

- be in a form approved by the Public Trustee;
- be verified by a statutory declaration from the administrator, supported by other evidence – if any – as required by the Public Trustee; and
- be filed within one month after the anniversary of you being appointed administrator (or other date as allowed by the Public Trustee).

The Public Trustee's annual examination of the accounts helps to ensure the Represented Person's estate is protected. It also assists private administrators by providing an independent review of the accounts. As noted previously, the Public Trustee does this as part of its legal requirement under the GA Act.

Review of accounts

The Public Trustee must examine accounts filed by administrators and may:

- allow the accounts;
- disallow any amount paid; or
- determine if any amount or asset has been left out or if a loss has occurred.

Allowed accounts are those where the record-keeping is of an acceptable standard and the estate has been administered in the Represented Person's best interests. If the Public Trustee finds the accounts are in good order, administrators will be informed in writing.

If the accounts are not allowed, the Public Trustee will generally report the circumstances to the Tribunal. When the Public Trustee disallows an item, or determines the estate has suffered a loss, administrators may be held liable for the amount.

If an administrator pays some costs while preparing and submitting accounts, the Public Trustee may allow them if considered reasonable and proper. In other words,

you can employ a bookkeeper or accountant to help you, and they will be paid from the Represented Person's estate, if the Public Trustee approves.

Public Trustee fees
The Public Trustee is required to charge a fee for examining the accounts, which comes from the Represented Person's funds. This is outlined in s 38 and s 39 of the *Public Trustee Act 1941*. The schedule of fees, or how much the Represented Person is charged, is published annually in the *Government Gazette*, available at publictrustee.wa.gov.au in the 'Forms and Publications' page.
When the Represented Person has assets less than $5,000 (excluding their principal place of residence, household furniture, personal effects and jewellery) the fee is charged – but then later waived.

Why must I report?
The GA Act is the legislation covering the appointment and role of an administrator. Administrators must give the Public Trustee a set of accounts in the required form (unless exempted in writing) on dates decided by the Public Trustee.

The reporting is required by legislation because of the scale of the decision. It is a major step to take away a Represented Person's control over their own financial and legal matters and then hand it to someone else. Great faith and responsibility are placed on the administrator. The Represented Person's assets could be lost if an administrator performs poorly, so it is important administrators be held accountable for their actions.

What should be covered in financial reports?
The Public Trustee provides a set of reporting forms to help you keep records and understand what information should be provided. The forms cover:

- all items of income and other receipts;
- expenditure (categorised as necessary);
- a record of all assets; and
- a record of all liabilities.

(see 'Financial Recording and Reporting')

Who needs to know I have been appointed?
The Represented Person's property will continue to be in their name after an administrator is appointed. But other people will need to be told of your appointment, so they know they can now deal with you.

You should notify all organisations that hold the Represented Person's investments, including banks, other financial institutions and companies where they may hold shares.

Get in touch with organisations supplying income, such as Centrelink, and anyone else who may owe the Represented Person money. The Represented Person may have debts, so the relevant organisations will also need to be advised of your appointment.

In most of these scenarios, the organisations will want to see the Order appointing you as administrator or be provided with a certified copy of the Order.

It is recommended you notify family, carers and the guardian and/or enduring guardian(s) of your appointment. At the same time, it is a good idea to explain how you plan to manage the estate and how you may consult with them when required. This can help reduce confusion and possible challenges to your decision-making.

At all times, you must respect the Represented Person's right to privacy and keep any personal information confidential. You should never disclose the Represented Person's financial information to others. Section 113 of the GA Act makes this obligation clear:

> **113. Confidentiality**
>
> (1) No person performing any function under this Act shall, whether directly or indirectly, divulge any personal information obtained in the course of duty relating to a represented person or person in respect of whom an application is made, other than information that he is authorised or required to divulge —
>
> (a) in the course of duty;
>
> (b) by this Act or any other law;
>
> (c) with the consent of the person, if he is capable of giving consent; or
>
> (d) in other prescribed circumstances.
>
> Penalty: $5 000.
>
> (2) Subsection (1) does not apply to statistical or other information that could not reasonably be expected to lead to the identification of any person to whom it relates.
>
> (3) The provisions of this section are in addition to, and do not derogate from, the provisions of the *State Administrative Tribunal Act 2004* relating to the disclosure of information and documents.

How long will I be an administrator?
Your time as an administrator depends on individual circumstances. But, in all cases, your authority will immediately stop when the Represented Person dies.

The Tribunal can also withdraw your appointment if:

- the Represented Person regains capacity;
- you become unwell or unable to continue for any reason;
- the Represented Person moves interstate or overseas;
- obligations are not met, such as lodging annual accounts with the Public Trustee in a timely manner, or a Tribunal direction has not been followed;
- the estate is mismanaged;
- the Tribunal is satisfied the need for an Order no longer exists; or
- a conflict of interest occurs.

If, at any time, you no longer wish to be the administrator you must apply to the Tribunal. The reasons should be stated, with a suggestion for someone suitable and willing to take on the role. The Tribunal will initiate a review hearing where your authority may be revoked (cancelled) and, if necessary, a new administrator appointed. If there is no one, the Tribunal may appoint the Public Trustee.

Once a new administrator is appointed, the former administrator needs to hand over the Represented Person's financial matters and lodge final accounts with the Public Trustee.

What if someone won't recognise my legal authority?
It is unusual for someone to fail or refuse to recognise a Tribunal Order. If this does occur, contact the Tribunal.

Set up a working account
Setting up a bank account as a 'working account' for the Represented Person is a good idea. Use this to receive their earnings and pay expenses. Everything flowing through one account makes it much easier to keep track of income and spending.

Many administrators find it convenient to use one of the Represented Person's existing accounts as the working account. This can be done by adding the administrator's signature. If the Administration Order allows, it may be advisable to close all the Represented Person's other accounts and put the funds into the working account. Banks and other financial institutions need to see the Order before this can be done.

What accounts do I need to keep?
You are required to keep full details of the Represented Person's assets, income and expenses. Except for minor items, such as snacks (potato chips, chocolate etc) and toiletries, you need to keep records. This includes invoices, receipts, bank statements and any other documents that highlight how the Represented Person's money is being used.

You are required to provide detailed accounts with this information to the Public Trustee. These cover the income and other amounts received, payments, assets, expenses and outstanding liabilities.

Receipts are required for individual payments more than $400 (receipts for items less than this, such as grocery items, are not required – just a note as to what the money was spent on). Accounts need to be lodged each year (or as required) by the Public Trustee.

Acting in the Represented Person's best interests
What this means is outlined in s 70 of GA Act, where the administrator acts:

- as an advocate for the Represented Person in relation to the estate;
- in such a way as to encourage the Represented Person to live in the general community and participate as much as possible in the life of the community;
- in such a way as to encourage and assist the Represented Person to become capable of caring for himself or herself and of making reasonable judgments in respect of matters relating to his or her person;

- in such a way as to protect the Represented Person from financial neglect, abuse or exploitation;
- in consultation with the Represented Person, taking into account as far as possible the wishes of that person as expressed in whatever manner or as gathered from the person's previous actions;
- in the manner that is least restrictive of the rights, while consistent with the proper protection, of the Represented Person;
- in such a way as to maintain any supportive relationships the Represented Person has; and
- in such a way as to maintain the Represented Person's familiar cultural, linguistic and religious environment.

Watch out for conflicts of interests
Conflicts of interest are usually financial and come about when the Represented Person's interests clash with those of the administrator. Some examples include:

- when the Represented Person and administrator jointly own real estate and money for maintenance needs to be properly divided – take care to make sure one doesn't end up paying more than the other; or
- where the administrator is a potential beneficiary in the Represented Person's Will and stands to benefit when they die. Administrators need to maintain a reasonable lifestyle for the Represented Person during their lifetime and not hold back money to preserve it.

Administrators should not invest a Represented Person's funds in private companies, partnerships, trusts or similar if they hold a significant interest or role – unless the investment is secure and offers a competitive market rate of return.

If a conflict appears unavoidable, administrators should approach the Tribunal for direction.

What happens if the administrator dies?
When an administrator dies, the Tribunal reviews the Administration Order and appoints a replacement.

In accordance with s 99 of the GA Act, the Public Advocate assumes the role and responsibilities of administrator (with the same powers and functions of the original administrator) until the Tribunal appoints a new one.

Where a joint administrator dies, the surviving administrator or administrators can act until the Tribunal reviews the Administration Order.

Managing finances and property

What decisions can administrators make?

The Tribunal Order is the basis of your authority to make decisions relating to the Represented Person's estate. The scope depends on whether your appointment is limited or plenary.

A limited Administration Order refers to your authority being restricted to **only** what is described. You cannot perform any other function other than those specified in the Order.

If it is a plenary Order, you are authorised to perform any function that the Represented Person could perform if they had full legal capacity, such as:

- receive money, including income, owed to their estate;
- use money from the estate in the Represented Person's best interests;
- buy, sell, lease or rent property;
- pay back any money owed by the Represented Person;
- invest money from the estate or finalise investments;
- hire agents such as accountants, tax agents and solicitors to follow relevant instructions;
- run the Represented Person's business; and
- enter into, complete or terminate contracts.

While the scope of a plenary administrator is broad, there are some decisions you cannot make and things you cannot do without written authorisation from the Tribunal, including making:

- charitable, benevolent or ex gratia payments. Administrators cannot make gifts from the Represented Person's estate without the Tribunal's express written approval;
- payments relating to a debt or demand the Represented Person is not obliged to pay by law. These might include informal loans to family or friends or providing money/assets to people named as beneficiaries in the Represented Person's Will; and
- payment to yourself for your time or expertise in administering the estate. But you are entitled to reimbursement for out-of-pocket expenses such as phone, postage, accountant fees and other miscellaneous items.

There are some things you cannot do – and the Tribunal cannot authorise – such as:

- consent, or refuse to consent, to a marriage in the name of the Represented Person;
- swear statutory declarations on behalf of the Represented Person; and
- vote on the Represented Person's behalf.

In addition to these limitations, administrators must act cautiously with matters involving some conflict of interest between the Represented Person's interests and their own. In those instances, you should contact the Tribunal.

Financial decisions made before an administrator's appointment
Administrators can apply to the Tribunal to cancel a transaction (including a gift) made by the Represented Person if it occurred in the two-month period before the Order was made (see s 82 of the GA Act). The Tribunal requires the application to be submitted within two years of the transaction occurring. With transactions that are not gifts, the Tribunal considers if:

- the other party acted in good faith and was aware of the Represented Person's impaired decision-making capacity; and
- the amount for selling something was fair or, in the case of a purchase, not excessive.

Section 82 of the GA Act includes special provisions in relation to leases.

Administrators should seek independent legal advice when considering applications to the Tribunal to cancel transactions.

Working with a guardian/enduring guardian
In some instances, a Represented Person will have a guardian or enduring guardian, as well as an administrator.

A guardian is someone appointed by the Tribunal to make personal, lifestyle and treatment decisions. An enduring guardian also has the authority to make those decisions – but they are appointed by the Represented Person who signed an Enduring Power of Guardianship (EPG) before they lost capability.

As with an administrator, guardians and enduring guardians can be plenary or limited. It depends on the Tribunal Order (for guardians) or functions chosen by the Represented Person in their EPG. In some cases, more than one guardian or enduring guardian is appointed. Known as joint guardians or joint enduring guardians, all decisions must be made together.

Depending on the situation, the guardian or enduring guardian and administrator will be the same person. If not, it is important the people in each role work closely with each other.

Administrators must consult guardians and enduring guardians about major financial management decisions likely to significantly affect the life of the Represented Person (or guardian/enduring guardian). An example might be when a guardian or enduring guardian has the authority to decide where someone lives and what medical treatment they should receive.

An administrator should also ensure the guardian or enduring guardian is made aware of any other major transactions involving a Represented Person's assets. If an administrator and guardian/enduring guardian cannot agree, the Tribunal can be asked to resolve the issue.

Should I consult anyone about decisions?
Consulting with others about decisions is important and the Represented Person should be involved as much as possible. Even if the person cannot manage their finances alone, they still have considerations that need to be considered − including

their personal values, likes and dislikes. By doing this, the Represented Person can maintain a sense of dignity and have some control over their life.

Together with the Represented Person and guardian/enduring guardian (if appointed), you can consult family members, friends and people providing support as they can provide insights or advice about the Represented Person's needs, likes and dislikes. Their interests may also be affected by decisions under consideration.

Can I give the Represented Person control over some of their own money?
This can be an important experience for a Represented Person, while also helping them maintain a feeling of self-worth, even if there is a risk of the money being spent unwisely – or someone taking advantage of the person.

Risks can be minimised by getting people providing day-to-day support to informally oversee the Represented Person's use of money. Alternatively, a training program in money management skills for the Represented Person could be an option.

In some instances, an Administration Order only requires you to help a Represented Person with large amounts of money or complicated transactions. The Represented Person may be fine when it comes to smaller amounts.

Can I allow others to control some of the Represented Person's money?
If the Represented Person lives in supported accommodation (such as a group home or aged care facility), it may be sensible to provide the accommodation manager with a cash float to pay for items such as clothes, outings, toiletries and snacks. If the Represented Person lives with family members, it might be appropriate to provide a fortnightly allowance for food and other household expenses.

Administrators are accountable for all costs coming from the Represented Person's estate – where a cash float or allowance is provided, you need to keep a close eye on the situation to ensure the Represented Person's needs are properly met.

Refer to 'Financial recording and reporting' for instructions on how you should detail this expenditure for the Public Trustee.

Investments by the administrator
Administrators need to be careful when investing a Represented Person's money. They should make smart investments, not risky or speculative ones. If unsure, ask an expert for advice. Any reasonable costs would be covered by the Represented Person.

When investing, administrators should think about:

- what is allowed under the Tribunal's Administration Order;
- the Represented Person's needs and circumstances;
- how much money there is to invest – and how long it should be invested;
- whether the investment should focus on making regular income or growing the initial amount;
- if it's important to spread out the investments to reduce risk;
- the costs of setting up and managing the investments;
- how easily the investment can be turned into cash;

- how inflation and taxes, such as capital gains tax, might affect the investment over time; and
- reviewing the investments regularly.

If an administrator makes unwise or careless investment decisions with the Represented Person's money, that cause a loss or decrease in funds, the Public Trustee may decide the administrator is responsible for that loss.

In these situations, the Public Trustee will issue a certificate of loss, which can then be used to recover the money. The Public Trustee might also bring the matter to the Tribunal and request a review to see if the administrator should remain in the role.

Am I responsible for financial losses?
Should you act outside your authority, break the law or not perform your duties properly, you may have to pay for any losses out of your own pocket. If this occurs, the Tribunal will hold a review hearing to consider your actions and suitability to continue in the role of administrator.

If the Public Trustee determines a financial loss for any reason due to a failure of duty by the administrator, the money may need to be paid back. Administrators can seek to have the Tribunal review the Public Trustee's decision.

Administrators should take care in maintaining comprehensive records and accounts and be practical and sensible in their decision-making. If you employ people to act on your behalf, you may need to demonstrate care in your selection and monitor their recommendations and/or actions.

If, at any time, you cannot continue to act as administrator, contact the Tribunal immediately.

Unsure what to do?
If you are unsure about what decisions are in the Represented Person's best interests or if, as joint administrators, you cannot agree:

- contact your delegated PAS Officer to discuss options;
- seek professional advice from a lawyer or financial adviser; or
- make an application to the Tribunal for directions and comply with any direction given.

What can I spend money on?
You can spend the Represented Person's money on essentials such as board and lodging, aged care facility fees, clothing, pharmaceutical needs and optical, medical and dental expenses. Costs associated with their home such as rates, insurance, gas, electricity, phone and repairs are also allowed. With all items, administrators can spend reasonable amounts, taking the Represented Person's overall financial situation into account.

Administrators may also spend an amount each year for a Represented Person's holiday expenses. Be sure to keep receipts and relevant records.

But don't strictly limit your spending to these usual expenses, especially if the Represented Person is financially secure. Older people with decision-making disabilities are often wrongfully thought of as having few needs, stemming from:

- their difficulty in easily expressing their wants and needs;
- living in large institutions (such as aged care facilities) where services are provided but extra individualised services need to be requested; or
- people working with them are not used to people with disability having significant financial resources.

Both initiative and imagination may be required to identify a Represented Person's needs. But how do you find out what would help with their quality of life? In the first instance, simply ask them – while this may sound obvious, it often does not happen. People sometimes assume that someone with memory and thinking difficulties has nothing useful to say about anything.

A Represented Person may have trouble communicating what they want – perhaps take them shopping and look at their reaction to different items. Also expose them to various activities to find out what they enjoy. Soon enough it will be obvious what they enjoy.

It is also worth getting advice from professionals and people providing day-to-day support for the Represented Person. Carers often have valuable insights.

Professionals such as social workers, therapists and psychologists can come up with valuable ideas. Others not involved with the Represented Person's day-to-day care can often deliver a fresh approach on sensible and imaginative ideas based on their expertise.

Here are some examples administrators have thought of:

- A woman in an aged care facility liked to go on outings. With no family nearby to help, the administrator paid for a companion to take her out four times a week.
- A man had trouble with his speech – but only one hour of speech therapy was available each week, due to where he lived. His administrator paid a private speech therapist to visit more often.
- A woman in aged care liked to watch television but didn't like going to the main TV room. The administrator wanted to buy her a television for personal use, but staff were concerned other residents might break it. The solution was to mount it on a wall with the woman using a remote control.
- A woman enjoyed having flowers around her, so the administrator arranged for them to be delivered twice a week.
- A man lost interest in television because he didn't like modern programs. His administrator bought him a DVD player and DVDs of old movies as an alternative.
- A man liked to go on bus tours for holidays but needed a companion to go with him, so the administrator paid for one.
- A woman often went on long walks from her house and got lost, meaning it was likely she would have to move to aged care. She liked walking but it kept

happening when no family members could be with her. The administrator hired a woman living nearby to go on walks with her for a few hours each day.
- A man found ordinary chairs uncomfortable, so his administrator bought him a water chair.

Consideration must be given to ensuring an adequate balance is maintained between meeting the Represented Person's day-to-day needs, long-term care, and items and activities they might enjoy.

If administrators are unsure whether money should be spent for a particular need, they may approach the Tribunal for direction under s 74 of the GA Act – but note the Tribunal only exercises this power sparingly.

What if I spend my own money?
If you have out-of-pocket expenses that occur as part of your duties as administrator, you are allowed to be reimbursed from the Represented Person's money. These expenses might include phone calls, postage or accounts paid on their behalf.
Be sure to keep accurate records of these expenses so they can be supplied to the Public Trustee, if required. You may also claim for costs, such as accountant's fees, when preparing and lodging accounts.

Can I create my own petty cash float?
When there is a need to make several small payments – but inconvenient to make numerous withdrawals from the Represented Person's bank account – you can take out a lump sum as a working cash float.

The float should not be excessive and only cover an estimated collection of small payments over a maximum of one month. When reporting to the Public Trustee, it needs to be declared in Abstract 3 and Form B, Summary of Accounts.

When there's a need to top up the float, withdraw the amount necessary to bring it back to same level as before. Top-ups can be made as often as required.

This top-up amount (known as the 'imprest' amount) should be broken down and declared in Abstract 2 under relevant expenditure items. A list detailing the individual payments should be attached to the accounts to support the bank account withdrawals. Supporting documents, such as invoices, are required for all individual payments that are more than $400.

Can I make gifts etc?
The GA Act provides that an administrator shall not, without the specific authority of the Tribunal:
- make a payment or disposition of a charitable, benevolent or ex gratia nature; or
- make a payment in respect of a debt or demand that the Represented Person is not obliged by law to pay.

Administrators cannot give gifts from the Represented Person's money unless the Tribunal Order has specifically authorised it.

If the Represented Person previously made donations or gave gifts before the Administration Order was put in place, you can seek consent from the Tribunal to continue the practice. The Tribunal will need to review the Administration Order and, if authorised, the amounts and frequency of gifts will be detailed.

Furniture, jewellery and other belongings

Administrators often need to consider what should be done with personal possessions – whether they are put in storage, sold or disposed of – especially if the Represented Person moves into group housing or aged care. It is possible for some items to be held in trust by family members.

As much as they can, administrators should try to follow the Represented Person's current wishes or what they have previously said. Their Will should also be considered as part of this process. Consulting other family members is important because they may be aware of the Represented Person's wishes, particularly with items of sentimental value.

Make sure that wherever the Represented Person lives, they have things special to them. They could be as simple as a favourite chair and family photos. Items of substantial value – for example, a valuable coin collection – should be stored somewhere safe such as the Represented Person's bank.

It may be appropriate for items to be looked after by other family members, especially if they are beneficiaries of the items in the Represented Person's Will. But the Represented Person's needs should remain the administrator's primary concern – if money is needed for the person, then things should be sold as required.

If this occurs, you may need to include the information when filing your annual accounts with the Public Trustee and explain your decision.

Administrators should familiarise themselves with the Represented Person's Will, so they do not dispose of something which is specifically mentioned. While it may be necessary to sell a Represented Person's assets to meet their interests, it should never be undertaken lightly. Consider legal advice or the Tribunal for direction.

While a Represented Person's jewellery, furniture and personal items are worth money, they may have great sentimental value. Administrators need to exercise considerable care and sensitivity when deciding whether to keep, store or discard belongings.

Any decision needs to reflect the Represented Person's wishes with family members also consulted and the terms of the Represented Person's Will are another way of learning their wishes.

If items are to be sold, family members may wish to attend the sale. When keeping items, administrators should consider the following:

- ongoing storage costs;
- adequate insurance (especially for collectables);
- will the items deteriorate in storage?; or
- if some items should be held in trust by family members.

Pensions and benefits
Many people represented by an administrator are often entitled to pensions, including the aged pension, service pension or disability support pension. Administrators need to ensure the Represented Person receives all entitlements.

As well as the basic pension, entitlements might include supplements, pharmaceutical allowance, rent assistance or utilities allowance. If you are looking after a Represented Person full-time, you may be eligible for a carer's pension or carer's allowance. Various government agencies also offer rebates on rates and utilities such as electricity and gas.

Centrelink and DVA entitlements are usually affected by income and assets tests, so a full disclosure of the Represented Person's situation needs to be made. Also consider these tests when planning investments and cash flow.

Under some circumstances, a Represented Person's principal place of residence may be exempt from the assets test. An exemption may be allowed for up to two years after the person moves into a place of care – so check with your local Centrelink or DVA offices or visit centrelink.gov.au and dva.gov.au.

Can I employ agents (representatives for myself)?
Administrators cannot delegate their responsibilities for the Represented Person's estate to another person. But this doesn't prevent you from gaining professional assistance with taxation, accounting services, land brokerage or legal advice. Fees are paid from the Represented Person's funds.
Administrators can employ an accountant for advice on taxation, investment decisions, Centrelink entitlements, completing tax returns and preparing annual financial accounts for the Public Trustee. Accountants cannot be used for the actual management of the Represented Person's financial matters or investment decisions.

A Represented Person's liability for income tax and capital gains tax is not affected by an administrator's appointment – but it is your responsibility to deal with these liabilities. As noted, you can employ an accountant to help. Returns are lodged in the Represented Person's own name with their own tax file number and administrators sign on behalf of the Represented Person.

Jointly owned property
A Represented Person might share ownership of property or family assets with someone else, such as their spouse. Administrators need to consider the best options – but if the owners want to continue the arrangement, there is often no reason why the joint ownership should change.

If there **is** a good reason and assets need to be divided, the Tribunal must give approval.

When a Represented Person shares ownership of assets with someone else and then dies, their share may pass to the surviving person. This could also occur if the reverse happens. Administrators should be careful not to interfere with these survivorship rights.

What happens if a Represented Person signs a contract or gives away property?
Section 77 of the GA Act deals with a Represented Person making contracts or selling property after the Administration Order has been made.

Once the Tribunal determines a person needs an administrator, the person is then incapable of:

- legally making contracts or selling their personal property, belongings etc (see also 'Can the Represented Person's Will be changed?'; and
- choosing an agent or lawyer to act on their behalf, unless the administrator allows it after gaining the Tribunal's written consent.

While administrators have the power to recover any money or property sold by the Represented Person, it may not be effective when:

- it's a contract for necessaries (essentials for daily life);
- there is a contract or arrangement made with someone who acted in good faith and didn't know about the Represented Person's disability; and
- something was done under power of attorney by a person acting in good faith, unaware of the Represented Person's disability.

Administrators faced with these situations should seek legal advice as soon as they can.

Can I conduct court cases for a Represented Person?
If given specific powers to do so, plenary and limited administrators can act as 'next friend' or 'guardian ad litem' to initiate, omit, continue or defend court actions. Their role is to advocate for the Represented Person's rights and well-being during the legal process.

A next friend or guardian ad litem must act through a solicitor, and may investigate the situation, gather information and provide recommendations to the court in relation to the Represented Person's interests.

Administrators need to carefully consider whether court action is in the Represented Person's best interests – and whether legal expenses can be met from the estate. Obtain legal advice beforehand.

Court actions might include:

- claims for damages when injuries occur in motor vehicle or work accidents;
- proceedings relating to divorce, property settlements, spousal maintenance and child support in the Family Court;
- claims to recover property where the Represented Person has been unfairly exploited, such as the Represented Person was persuaded to sell their house for well below market value;
- claims where the Represented Person has given money to someone but it would be unfair, in the circumstances, if the Represented Person was repaid; and
- claims where the Represented Person has not received adequate provision in a Will. Under the *Family Provision Act 1972*, the Supreme Court can adjust the

Will's terms if it does not adequately provide for a child, spouse, former spouse, de facto spouse and some dependants or former dependants. This can also apply to distributions under intestacies (where there is no Will).

If a Represented Person faces criminal charges, administrators are unable to defend proceedings on their behalf – but you can hire a solicitor for them.

How do I sign documents?
Unless stated in the Tribunal Order, all joint administrators must sign documents.

The usual way of signing a document on a Represented Person's behalf is:

> Signed for and on behalf of the said JOHN SMITH by GLENDA JONES, administrator, of Your address, Your job title
>
> Glenda Jones
> (signature of Glenda Jones)

Your job title should be something such as plumber, executive assistant, librarian and so on. Depending on the type of document, it may be wise to gain legal advice.

Contents of the Represented Person's Will
Administrators should familiarise themselves with the Represented Person's Will. But, for privacy reasons, some organisations do not release Wills or reveal their contents when the person is still alive. Wills are confidential documents, and administrators should not reveal the contents to others.

When making important decisions, administrators need to consider the Represented Person's wishes. Wills can guide you – but their help may be limited.

A Will may sometimes leave a specific asset, such as a house or property, to a particular beneficiary. But, depending on circumstances, it may be in the Represented Person's best interests to sell the house or property for the money to pay for a residential accommodation deposit. Wills do not stop administrators from doing this because they only take effect after death. If the asset is sold, it could impact on how their estate is distributed after the Represented Person dies.

In certain situations, the Represented Person may have the mental capability to create a new Will and might choose to do so, particularly to address the sale of a house. In other cases, the person is clearly unable to make a new Will. Some or all of the money from selling the house may ultimately go to the people who would have inherited the property, according to the Will (this situation was explored in a 1997 decision by the Supreme Court of Western Australia, known as *Re Hartigan; ex parte the Public Trustee*).

Legal advice is required in these situations because the law is not straightforward. Issues might also arise in other circumstances. If a Represented Person has a bank account mentioned in the Will, it may be in their best interests to use the money while they are still alive. Original Wills should be kept in a safe secure place, such as a safe at home.

Making or changing a Represented Person's Will

If plenary administrators believe the Represented Person does not have the ability to make, alter or revoke a Will, they can apply to the Supreme Court of Western Australia for an Order to create or modify a Will, according to specific terms approved by the court, or to cancel part or all of the Will.

Section 77 of the GA Act addresses a Represented Person's incapacity to deal with their estate:

> **77. Represented person incapable of dealing with estate**
>
> (1) So long as there is in force a declaration by the State Administrative Tribunal under section 64(1) that a person is in need of an administrator of his estate, that person is —
>
> (a) incapable of entering into any contract or making any disposition in respect of his estate or any part thereof or interest therein; or
>
> (b) subject to Part 9, appointing or conferring any power on an agent or attorney in respect thereof,
>
> except to the extent that the administrator, with the consent of the Tribunal, in writing authorises him to do so.
>
> (2) Any money or property the subject of an attempted dealing by a represented person contrary to subsection (1) may be recovered by the administrator in any court of competent jurisdiction.
>
> (3) Nothing in this section affects —
>
> (a) any contract for necessaries entered into by a represented person; or
>
> (b) any contract or disposition by a represented person made for adequate consideration with, or in favour of, any other person who proves that he acted in good faith and was unaware that that person was a represented person; or
>
> (c) anything done under a power of attorney by a person who proves that he acted in good faith and was unaware that the donor of the power was a represented person.
>
> (4) Nothing in this section affects any legal incapacity attaching to a represented person by reason of infancy.
>
> (5) For the purpose of this section the acceptance of payment of the whole or any part of a debt shall be deemed to be a disposition in respect of the estate.

The Full Court of the Supreme Court of Western Australia has determined that s 77(1)(a) of the GA Act does not apply to a Will, or other testamentary instruments made by someone who has been placed under an Administration Order. Therefore, plenary administrators should not apply to the Tribunal for consent in relation to a Will.

If plenary administrators believe the Represented Person does have the ability to make, alter or revoke a Will, it is essential that the Will is drafted by a solicitor and that you inform the solicitor that the testator (person making the Will) is under an Administration Order. This will ensure that the solicitor requests medical reports to assess the Represented Person's testamentary capacity.

What if the Represented Person regains capacity?
If the Represented Person regains the ability to manage their own estate, immediately make an application to the Tribunal for the Administration Order to be revoked. The Tribunal requires supporting evidence such as reports from doctors, rehabilitation specialists or psychologists. The Represented Person also needs to attend the hearing.

But if the Represented Person has an illness where their capacity to make reasoned decisions fluctuates, administrators should carefully consider whether an application for a review hearing is warranted.

In the short term, it might suffice to give the Represented Person a greater involvement in the management of their estate while liaising as necessary on the need for the Administration Order to be in place. While the Order remains in effect, administrators are still responsible for managing the Represented Person's estate.

If the Tribunal revokes the Administration Order, the former Represented Person can appoint an Enduring Power of Attorney. The person can choose who will help manage their finances and decide how much authority they will have.

For more details about Enduring Powers of Attorney, contact the Office of the Public Advocate – visit publicadvocate.wa.gov.au or call 1300 858 455.

What if the Represented Person is a trustee?
Sometimes a Represented Person is a trustee of assets that belong to someone else, under a formal trust document. In some cases, a trust document requires consent from the Represented Person before anything can be done with the assets.

Administrators cannot automatically exercise these powers on a Represented Person's behalf. The trust document usually has provisions for appointing a new trustee if someone no longer has the mental capacity to continue.

If the authority to choose a new person to oversee the trust is done correctly by other trustees (as outlined in the trust document), administrators may not need to do anything. Depending on the situation, administrators will need to seek legal advice on what powers and obligations they might have, if any.

What happens when the Represented Person dies?
When a Represented Person dies, your authority as an administrator ends at the date of their death. The Public Trustee and Tribunal should be notified, and final accounts must be lodged (unless the Public Trustee waives this requirement).

If a Represented Person has a Will, you will need to inform the Executor of that Will so they can apply to the Supreme Court of Western Australia for a Grant of Probate. You will need to provide the Executor with financial details so that the application for the Grant of Probate can be made.

If a Represented Person does not have a Will, an application to the Supreme Court of Western Australia for Letters of Administration may be necessary. This is usually made by anyone who has an interest in the deceased person's Estate so it is recommended that legal advice is obtained.

Once the Supreme Court of Western Australia has granted formal authority (ie a Grant of Probate or Letters of Administration), you will pass administration of the Represented Person's estate to the Executor or the administrator appointed by the court.

Accommodation matters

What are the accommodation alternatives?

Administrators do not have the authority to decide where a Represented Person lives, nor who they live with. If a decision needs to be made, it should be done by an appointed guardian or enduring guardian, in consultation with the Represented Person, medical professionals and family members.

A variety of accommodation options are available, depending on the Represented Person's circumstances and financial resources. They might continue living in their own home or:

- accept a public housing offer;
- accept a National Disability Insurance Scheme (NDIS) Supported Independent Living arrangement if they are under 65-years-old;
- move to a retirement village, hostel or some other form of supported accommodation; or
- accept a permanent residential aged care placement.

What should I do with the Represented Person's home?

When a Represented Person moves into alternative accommodation, sensitivity is needed when deciding what should happen to their home. Their views are important and may outweigh pure financial considerations.
It might be extremely traumatic for the Represented Person if their home is sold. There is also a need to consult with close family members, especially those entitled to the house under the Represented Person's Will.

Sometimes it is best to leave the home unoccupied for a time, in case it becomes possible for the Represented Person to return to live there with appropriate support services in place. Alternatively, the Represented Person may want to regularly visit the home and enjoy familiar surroundings. Unoccupied properties need special insurance cover.

Administrators may decide to lease the home so the Represented Person can receive the dual benefits of income and capital appreciation (an increase in the value of the home over time). But sometimes selling the home may be the only option. The Represented Person may need a large sum of money to buy into a retirement village or pay an ingoing contribution at a hostel or a residential accommodation deposit for an aged care facility placement.

If administrators believe a Represented Person needs to live in permanent residential aged care accommodation – but the Represented Person refuses and there is no guardian or enduring guardian – an application should be made to the Tribunal for a guardianship Order to provide authority to decide where the Represented Person will live.

Homes are sometimes jointly owned with the Represented Person's spouse, who will continue living there. Administrators will need to get advice from Centrelink so that their share of the asset (the home) is exempted in calculations made about residential accommodation deposits or means tested asset fees.

Public housing
A Represented Person may be eligible for public housing through the Department of Housing and Works Housing Authority. There can be wait lists for public housing, but a disability or medical problem may give the Represented Person priority in obtaining accommodation or obtaining a transfer from unsuitable housing.

Retirement villages and hostels
There are other forms of specialised accommodation available for older people or others who are capable of independent living but require some assistance with day-to-day tasks. An example is self-contained, self-care units in retirement villages, designed for people who need little or no assistance with daily living. The units provide people with access to community recreation, sports and other facilities close to their residential unit without the need for them to perform ongoing maintenance.

Other forms of accommodation include hostels and serviced apartments for people who don't need to be in permanent residential aged care but require help with daily tasks such as cooking, bathing and dressing. These forms of accommodation come under the *Retirement Villages Act 1992*. The *Fair Trading (Retirement Villages Code) Regulations 2022* also give an insight into retirement villages. Both documents are available at legislation.wa.gov.au.

If you are considering the retirement village option, numerous factors should be taken into account. The publication *So you're thinking about moving into a retirement village*, available from the Department of Local Government, Industry Regulation and Safety can help guide you.

It is strongly recommended you gain independent legal advice when looking at any form of retirement village or hostel accommodation.

Selling and buying real estate
If you are appointed as a plenary administrator or the Administration Order authorises the buying or selling of real estate, you are empowered to sign all relevant documentation for, and on behalf of, the Represented Person (refer to the 'How do I sign documents' section). As with all estate assets, titles of ownership must be in the name of the Represented Person.

When filing transfer documents with Landgate, you will need to produce a certified copy of the Administration Order issued by the Tribunal.

If the property being purchased is for investment purposes, you must act wisely and follow professional advice.

When selling real estate, the property must receive fair market value. The Represented Person's estate can pay for professional advice (including a licensed valuation) in relation to the sale. Other factors to consider:

- the possibility the Represented Person may recover their capacity or might need to return to the property to live;
- wishes of the Represented Person and their family or other support persons;
- terms of the Represented Person's Will;
- if the property should be sold by auction or at a price set by you (after discussions with a real estate agent); or
- whether money needs to be spent on maintenance and repairs, so the property is in a marketable condition before sale.

If the property is being purchased as the Represented Person's principal place of residence, it should be appropriate for their needs and circumstances. You can receive professional advice on what is appropriate – the cost for this advice can come from the Represented Person's estate.

Other factors to consider might include:

- how the purchase could impact the Represented Person's financial position;
- if the Represented Person's estate can meet ongoing costs such as rates, strata levies, insurance and maintenance; and
- the property's state of repair and whether a property inspection report is needed.

Registration of land ownership

Landgate maintains the official register of land ownership for Western Australia. If the Represented Person owns real estate, administrators are encouraged to obtain – at an early stage of administration – a current search of the Certificate/s of Title.

The search will show the volume and folio numbers, current registered owner and any limitations, interests or encumbrances (a legal interest held by someone other than the owner). Administrators should obtain copies of any mortgages, caveats, memorials or other encumbrance registered against the land. These are all forms of notice or restrictions on a property.

Landgate charges fees for all searches, which can be paid from the Represented Person's estate. If the search discloses "subject to dealing" (a document that affects the land), administrators should investigate further by requesting a dealing search.

If there are any encumbrances against the title (or current dealings), you may need to seek professional advice about your role as administrator.
Also look at lodging a caveat to safeguard the Represented Person's interest in any property. For more details on lodging a caveat, Landgate has brochures and information at landgate.wa.gov.au.

Discharge of mortgage
If the administrator was appointed to discharge a mortgage (pay off the loan for the property), the Tribunal Order will usually allow this to be done. Note: no specific power is required if it is a plenary Administration Order.

But if the power to discharge the mortgage is not contained within a limited Order, administrators might need to apply to the Tribunal for a review.

Insurance
Administrators are required to keep all real estate properly insured. This cover should extend to buildings, contents and public liability. If residential property remains unoccupied the insurance company needs to be informed in writing and must agree to continue the insurance cover.

Repairs and improvements
Extensive repairs or renovations might require specific approval from the Tribunal. Approval is readily given if there is good reason, and the Represented Person can afford it. The Represented Person needs to always have adequate funds.

If a Represented Person's home is very run-down, administrators must decide whether to make repairs or sell the property. In addition to considering the views of the Represented Person and close family, administrators will need guidance from real estate agents and builders.

Leasing (or letting) real estate
The GA Act gives plenary administrators (and limited administrators where the Order allows) the power to lease or let real estate on the Represented Person's behalf.

Administrators are required to ensure the property receives market value for rent. This also applies even if the lessees or tenants are family members.

Real estate agents can be employed to find suitable tenants and manage the tenancy. This includes all necessary actions should the tenants fall behind in their rent or otherwise breach their tenancy agreement.

How to record and report finances

Financial recording and reporting

Section 80 of the GA Act and the GA Regulations require administrators to report on the assets and liabilities of the Represented Person's estate at a specific date each year (or as otherwise allowed). The report needs to be made to the Public Trustee, showing receipts and payments during a specified period. This is known as the "accounting period".

These reports are referred to as the "accounts" and need to be in a standard format. The Private Administrator Support Team will send you instructions about a month before the anniversary date of the Administration Order.

Instructions and samples of the standard forms can be found in the Appendices. They can be downloaded from publictrustee.wa.gov.au. Administrators are also required to submit a statutory declaration verifying the accuracy of the financial information (see Forms B & C and Abstracts 1-4 in the Appendices.

Cashbook sheets

This guide contains sample blank cashbook sheets that you may find useful when maintaining records of receipts and payments. They are designed as tools to help you collect and present the information required in Abstracts 1 and 2. Cashbook sheets showing how the combined figures reported on Abstracts 1 and 2 were calculated will help the Public Trustee complete an examination of accounts.

Cashbook sheets (receipts and income)

A separate entry should appear on each line of the worksheet recording each receipt and whether it is capital (assets, including money saved) or income (regular payments from working, pension etc). Each transaction should show the receipt's date, payee's name (person or company who was paid for goods or services) and the amount. Put these in the appropriate column, then the receipt total on the far-right side of the worksheet in the total column.

Cashbook sheets (expenditure/payments)

Each entry should be a record of the date, payee, online transaction (or cheque number) and the amount. Place in the relevant column, followed by the total amount on the far-right side of the worksheet.

Balancing cashbook sheets

When you have completed reporting for the relevant financial period (usually a year), total each column. Also do this for the specific total column. All individual columns should add up to the same amount in the total column. This balances the cashbook sheets, and you can begin transferring the amounts to Abstracts 1 and 2. If you have prepared any cashbook sheets, spreadsheets or other working papers, please send in copies as supporting material to help with examination of the accounts.

Reporting requirements

- Forms B and C and Abstracts 1-4 represent the complete set of annual accounts. On Form C (Statutory Declaration Verifying Accounts), Item 3 specifically states these accounts are a true and correct record of the

Represented Person's estate. Liquid whiteout, writing over existing numbers and text, amending figures and crossing out items is not permitted.

- All assets must be included on Abstract 3.
- All liabilities must be included on Abstract 4 (if there are none, clearly mark this as NIL).
- You must comply with the specified reporting dates. If you believe an alternative reporting period is required, make a written application to the Public Trustee with the proposed dates and reasons for the variation.
- The provisions of s 72 of the GA Act prohibit administrators from making gifts (or other unauthorised transactions) from the Represented Person's estate, unless included in the Order. As a result, you could be personally liable for unauthorised payments. If you require the authority to make gifts, or similar transactions, an application should be made to the Tribunal.

Abstract 1 – income
All income (and other receipts) received during the accounting period must be recorded on this page. If you have chosen to maintain cashbook sheets, simply transfer the column totals across to the relevant section on Abstract 1.

It is good practice to bank all money received. This means funds can be easily reconciled later, helping to simplify the process of making sure your records and the bank statements match each other correctly.

Abstract 2 – payments
All payments made by you during the accounting period must be recorded on this page. If you have chosen to maintain cashbook sheets, simply transfer the column totals across to the relevant section on Abstract 2.

Try to make all significant payments by electronic funds transfer, or debit/credit card because these provide an audit trail of what has been spent. Administrators can maintain a small cash amount for incidental spending. Receipts are not needed for these purchases, but it may be a good idea to maintain a petty cash book just to write down what has been bought (and the amount spent).

All invoices (or similar) must be kept by administrators and produced to the Public Trustee if requested. Remember to update all bank accounts at the close of the reporting period. Include interest receipts on Abstract 1 and bank charges and government fees on Abstract 2.

Abstract 3 – assets
This form records all assets owned by the Represented Person on the closing date of the annual reporting period. If assets are co-owned, the type of the co-ownership should be specified (an example might be joint tenants or tenants in common).

While assets are usually shown at their current market value, there may be occasions when it is more appropriate to show them at book value (what they are worth on paper) or their written-down value (reduced worth over time). If an asset is owned jointly, one half of its market value should be shown. Some assets, such as antique furniture or valuable collectables, might warrant special consideration. Administrators should consider whether there is a need for a current valuation, also

ensuring these items are adequately insured. Copies of valuations and insurance records should be provided with the annual accounts.

With investment portfolios, record the current market value of the total portfolio and attach separate documents that give the type and currency of each investment. The Abstract 3 form requires all assets to be added together, with the total written in the space provided.

Abstract 4 – liabilities
This form records all the Represented Person's liabilities on the closing date of the annual reporting period. If liabilities are in joint names, note this and show the amount as half the debt. The most common liabilities are likely to be unpaid accounts or deferred council rates on the principal place of residence.

Sometimes the Represented Person will have an unpaid mortgage or other commercial loan. The type of debt should be clearly stated with the amount owing included. Copies of loan documents and the most recent statement showing the outstanding balance must be supplied.

All liabilities should be added together with the total written at the bottom of the page. If there are none, clearly mark this as 'NIL'.

Form C – statutory declaration
A statutory declaration is a sworn statement that declares the information contained within the accounts is true and correct. If there are joint administrators, each one must sign the statutory declaration and have their signatures properly witnessed. An administrator's signature must be witnessed by someone who is authorised to do so.

Reporting to the Public Trustee
Section 80 of the GA Act requires the Public Trustee to examine accounts filed by administrators and is a requirement under law. The Public Trustee may:

- allow them;
- disallow any amount paid; or
- determine that any amount or asset has been omitted, or that any loss has occurred.

The GA Act further states the administrator is liable to the estate for such loss or diminution (except to the extent the Public Trustee relieves them of liability) where the Public Trustee:

- disallows an amount paid or determines that an amount or asset has been omitted or that any loss has occurred; or
- determines there has been a loss to or a diminution of the estate.

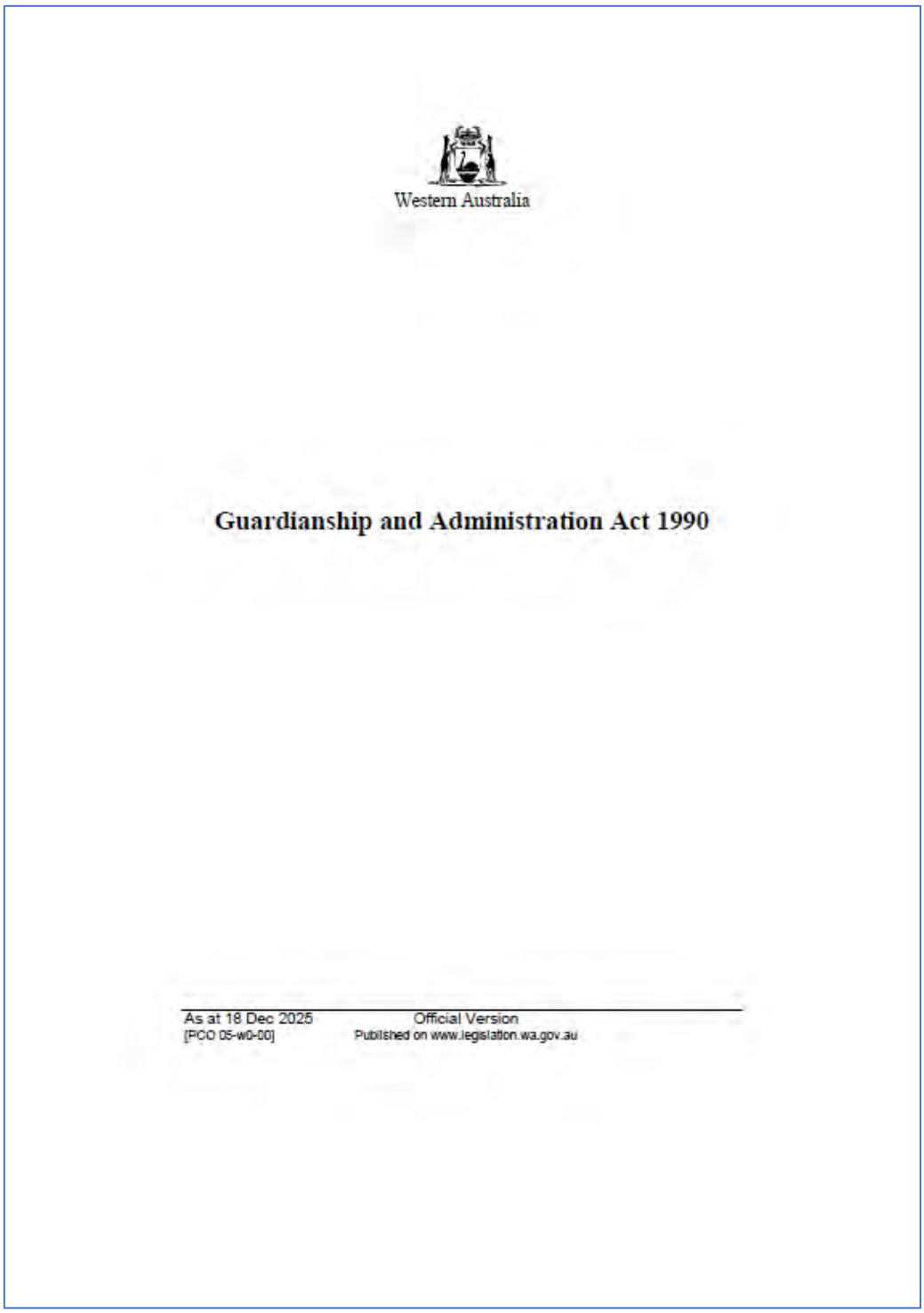
In simpler terms, the law says that if someone oversees managing an estate, they are responsible for any loss or decrease in value. This could happen if the Public Trustee notes that money was paid incorrectly, something valuable was left out, or if there was a loss in value.

Once the Public Trustee has examined the accounts and allowed them, administrators will be notified in writing.

APPENDIX ONE

Guardianship and Administration Act 1990

As an appointed guardian and/or administrator it is very important that you acquaint yourself with the contents of the *Guardianship and Administration Act 1990.* Visit www.legislation.wa.gov.au to download a complete copy.



Western Australia

Guardianship and Administration Act 1990

As at 18 Dec 2025 Official Version
[PCO 05-w0-00] Published on www.legislation.wa.gov.au

APPENDIX TWO

Guardianship and Administration Regulations 2005

As an appointed guardian and/or administrator it is very important that you acquaint yourself with the contents of the *Guardianship and Administration Regulations 2005.* Visit www.legislation.wa.gov.au to download a complete copy.

Part 2 — Estate administration

[Heading inserted: Gazette 15 Sep 2009 p. 3583.]

3. Information as to administrator and estate

An administrator must, within 4 weeks of being appointed, provide the Public Trustee with information as to the administrator, the represented person and the estate in a duly completed form approved by the Public Trustee.

Penalty: $1 000.

4. Examination of accounts

(1) Unless the Public Trustee otherwise allows, an administrator must lodge with the Public Trustee accounts in relation to an estate administered by the administrator set out in a form approved by the Public Trustee within 4 weeks of the due date approved by the Public Trustee.

Penalty: $1 000.

(2) An administrator must retain documents relating to the financial transactions of the estate and submit them to the Public Trustee if so required.

Penalty: $1 000.

(3) Unless the Public Trustee otherwise allows, if a person ceases to be the administrator of the estate of a represented person upon —

(a) the making of an order by the State Administrative Tribunal under the Act; or

(b) the death of the represented person,

that person must, within 4 weeks of the day on which the order was made or the represented person died, lodge with the Public Trustee accounts in a form approved by the Public Trustee.

Penalty: $1 000.

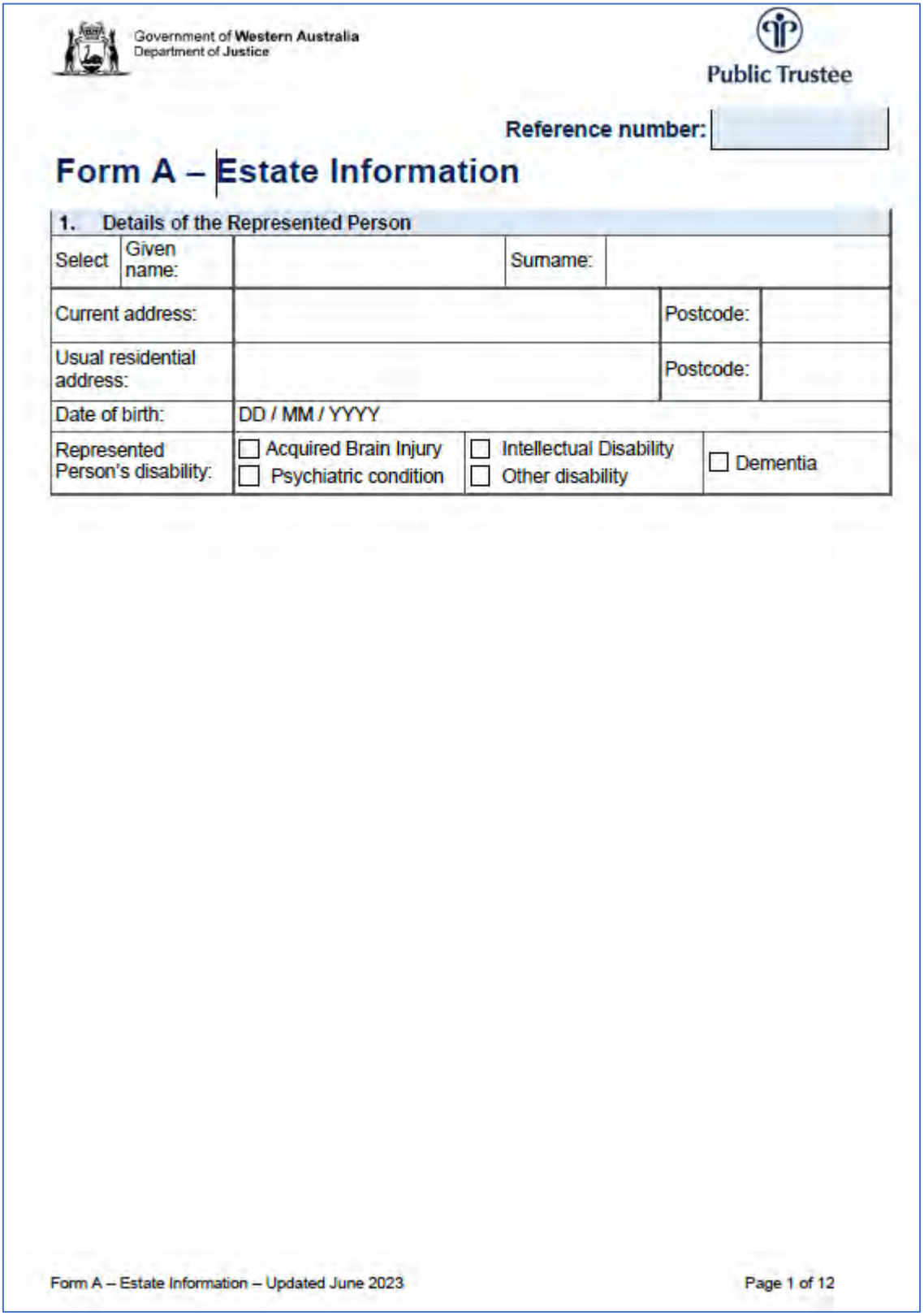
5. False or misleading information

A person who provides information under regulation 3 or 4(1) or (3) which the person knows to be false or misleading in a material particular commits an offence.

Penalty: $1 000.

APPENDIX THREE

Sample Form A



Government of Western Australia
Department of Justice

Public Trustee

Reference number:

Form A – Estate Information

1. Details of the Represented Person					
Select	Given name:		Surname:		
Current address:				Postcode:	
Usual residential address:				Postcode:	
Date of birth:	DD / MM / YYYY				
Represented Person's disability:	☐ Acquired Brain Injury ☐ Psychiatric condition	☐ Intellectual Disability ☐ Other disability	☐ Dementia		

Form A – Estate Information – Updated June 2023

Page 1 of 12

2. Relatives	
Full name	**Address (if deceased, give date and place of death, if known)**
Spouse:	
Children: (if under 21 years also give date of birth)	
Father:	
Mother:	
Brothers and sisters	

3. Salary or wages due to the Represented Person			
Name of employer:			
Address of employer:			
Phone no of employer:		Amount due or entitlement $:	

4. Pension / other benefits			
Source from which received	**Type of benefit**	**Benefit no**	**Amount $** (month / fortnight / week)
			month
			Week
			month
			month
			month

5. Taxation		
Is the Represented Person liable to lodge Income Tax Returns?	☐ Yes	☐ No
If liable, was a return lodged for the year ended 30 June last?	☐ Yes	☐ No
Please attach copy of last return (if available)		

6. Real Estate (including any interest therein)		
Description (eg land, house and land, shop property etc)		
Full address (including Vol., Folio, Lot no, if known)		
Who holds Title documents?		
Name in which Title stands or interest in property		
Is the property subject to Mortgage? Please give details.		
If buildings are insured, state name of Insurer and give details of Policy		
Does the Represented Person reside in the property?	☐ Yes	☐ No
If no, who occupies the property and state their relationship to the Represented Person?		
Is rent paid by the occupant?	☐ Yes	☐ No
State the amount of rent $		
Date to which rent paid	DD / MM / YYYY	
By whom is the rent collected		
Is there a documented rental agreement?	☐ Yes	☐ No
If property is vacant, what are your intentions regarding future management of the property?		

If more than one property, please provide details on a separate page

4. Pension / other benefits			
Source from which received	**Type of benefit**	**Benefit no**	**Amount $** (month / fortnight / week)
			month
			Week
			month
			month
			month

5. Taxation		
Is the Represented Person liable to lodge Income Tax Returns?	☐ Yes	☐ No
If liable, was a return lodged for the year ended 30 June last?	☐ Yes	☐ No
Please attach copy of last return (if available)		

6. Real Estate (including any interest therein)	
Description (eg land, house and land, shop property etc)	
Full address (including Vol., Folio, Lot no, if known)	
Who holds Title documents?	
Name in which Title stands or interest in property	
Is the property subject to Mortgage? Please give details.	
If buildings are insured, state name of Insurer and give details of Policy	
Does the Represented Person reside in the property?	☐ Yes ☐ No
If no, who occupies the property and state their relationship to the Represented Person?	
Is rent paid by the occupant?	☐ Yes ☐ No
State the amount of rent $	
Date to which rent paid	DD / MM / YYYY
By whom is the rent collected	
Is there a documented rental agreement?	☐ Yes ☐ No
If property is vacant, what are your intentions regarding future management of the property?	

If more than one property, please provide details on a separate page

11. Interest in Trust/s		
Interest in a Trust?	☐ Yes	☐ No
If yes, please provide details:		
If yes, please provide a copy of the Trust Deed/Deed of Variations and recent financial statements issued by the Trustee.		

12. Money loaned on mortgage	
Provide full details:	
Nature of security:	
Name and address of person who holds documents:	

13. Life assurance			
Name of company	Policy no	Premium $	Policy held by
	Total:	$ 0.00	

14. Superannuation			
Name of company	Member no	Balance $	Regular superannuation pension (month/fortnight/week
			/ Month
			/ Month
			/ Month
			/ Month
			/ Month

15. Interest in a deceased estate	
Name of deceased:	
Date and place of death:	
Name of Executor/Administrator:	
Date of Grant of Probate (or similar authority):	DD / MM / YYYY
Anticipated date of distribution:	DD / MM / YYYY
Estimated value of the Represented Person's inheritance $	
Please attach copy of the Grant of Probate	
Please attach copy of Will of the deceased	
Please attach copy of Assets and Liabilities Statement of the deceased estate	

16. Vehicles or other plant and equipment			
Make:		Model and year:	
Type:		Registration no:	
Location of vehicle:		In whose care:	
Particulars of comprehensive insurance:			
If insufficient space, please provide details on a separate page/s			

17. Interest in farming activities	
Location:	
Description:	
If insufficient space, please provide details on a separate page/s	

18. Interest in business entities (including companies, Partnerships and joint ventures)		
Business/Company/Partnership name:		
Is the Represented Person an office holder:	☐ Yes	☐ No
Number of shares in business/company:		
Is the business subject to liquidation/administration proceedings?	☐ Yes	☐ No
Please provide copy of partnership agreement (if any). Copy of ASIC latest company extract (if any). Latest available financial report of the entities listed above. If insufficient space, please provide details on a separate page/s		

19. Goods on hire purchase or lease		
Description of goods	Name and address of finance company /dealer/lessor	Amount owing $
Total:		$ 0.00

20. Monies owed to Represented Person	
Name of debtor:	
Address of debtor:	
Amount owing $:	

21. Monies owed by Represented Person (Please list all debts currently outstanding)		
Name of creditor	Nature of debt	Amount owing $
Total:		$ 0.00

22. Details of any other assets, interests or entitlements
Please give details:

23. Fees of care facility/agency, private hospital etc			
Name and address of care facility/agency, hospital etc:			
Accommodation fees $ (month/fortnight/week):	/ Month		
Was the Represented Person required to pay an accommodation bond (prior to 2014):		☐ Yes	☐ No
Is the Represented Person required to pay a Refundable Accommodation Deposit (RAD) or a Daily Accommodation Contribution (DAC)?		☐ Yes	☐ No
Was the bond paid or has the RAD/DAC been paid?		☐ Yes	☐ No
Amount of bond/RAD/DAC paid? $			
Amount owing: $			

24. Hospital and Medical Fund, benefit or Friendly Society	
Name of fund or society:	
Membership no:	
Nature of cover:	

25. Will		
Has the Represented Person made a will?	☐ Yes	☐ No
If Yes, please attach a copy of the Will		
Who holds the original Will?		

26. Enduring Power of Attorney			
Has the Represented Person executed an Enduring Power of Attorney?		☐ Yes	☐ No
If Yes, date when the Enduring Power of Attorney was granted:	DD / MM / YYYY		
Name and address of person in favour of whom the Power of Attorney was given:			

27. Accidents / compensation claims
Please set out below full particulars of current claims for compensation arising out of injury or loss to the Represented Person. Provide details of the progress of the claim.

28. Outline of proposals	
i) Please estimate the annual income and expenditure of the Represented Person:	
Income - Particulars	**Amount $**
Total $:	**$ 0.00**

Expenditure - Particulars	**Amount $**
Total $:	**$0.00**

Please Note: Unless authorised by an order of SAT, an administrator is not authorised to make gifts from the **Represented Person's estate** or be paid remuneration for services as an administrator (this includes loss of income). Please check the order issued by SAT to confirm your authority concerning the making of gifts and remuneration.

ii) Outline the way in which, over the next 12 months, you propose to deal with the Represented Person's assets and liabilities.

29. If Joint Administrators	
If the Administration Order appoints 'joint administrators', please nominate the primary contact to whom the Public Trustee will post the annual accounts forms.	
Name of primary contact:	

30. Declaration by Primary Administrator			
1. To the best of my knowledge, all information provided in the Form A is true and correct. 2. I understand it is an offence under regulation 5 of the Guardianship and Administration Regulations 2005 to knowingly provide information which is false or misleading in a material particular. 3. ☐ By ticking this box I confirm that I have read and understood the declarations above. 4. Date of declaration DD / MM / YYYY			
Select	Given name:		Surname:
Date of birth:	DD / MM / YYYY		
Relationship to Represented Person:			
Daytime contact number:			
Email:			

31. Declaration by Joint Administrator - 1			
1. To the best of my knowledge, all information provided in the Form A is true and correct. 2. I understand it is an offence under regulation 5 of the Guardianship and Administration Regulations 2005 to knowingly provide information which is false or misleading in a material particular. 3. ☐ By ticking this box I confirm that I have read and understood the declarations above. 4. Date of declaration DD / MM / YYYY			
Select	Given name:		Surname:
Date of birth:	DD / MM / YYYY		
Relationship to Represented Person:			
Daytime contact number:			
Email:			

32. Declaration by Joint Administrator - 2

1. To the best of my knowledge, all information provided in the Form A is true and correct.
2. I understand it is an offence under regulation 5 of the Guardianship and Administration Regulations 2005 to knowingly provide information which is false or misleading in a material particular.
3. ☐ By ticking this box I confirm that I have read and understood the declarations above.
4. Date of declaration DD / MM / YYYY

Select	Given name:		Surname:	
Date of birth:	DD / MM / YYYY			
Relationship to Represented Person:				
Daytime contact number:				
Email:				

Instructions – Form A

- Please complete all sections of this form. If exact details are not known please give approximate details.
- If a section does not apply please insert "Nil" or "Not Applicable".
- The Represented Person's reference number can be located on the top left hand corner of any letter you would have received from the Private Administrator Support team.
- Once the form is completed, please read and complete the declaration section.
- Please send the scanned Form A or a PDF version of properly completed Form A, to the email address provided to you on the top left hand corner of any letter you would have received from the Private Administrator Support team.
- If you do not have an email address, please mail to the GPO box address provided below.

If you do not have an email please forward this completed form to:

Public Trustee
553 Hay Street
PERTH WA 6000

or

Public Trustee
GPO Box M946
PERTH WA 6843

Public Trustee
Telephone: 1300 746 212
@justice.wa.gov.au

APPENDIX FOUR

Instructions For Preparing Annual Accounts

Why do I have to file an account?
Under the GA Act, administrators must report to the Public Trustee regarding the financial matters of the person they represent. This is done by completing annual accounts that detail the Represented Person's income, expenditure, assets and liabilities over 12 months. As noted earlier, this is a legal requirement.

By examining the accounts, the Public Trustee can check the Represented Person's financial matters are being look after properly and that administrators are carrying out their responsibilities in the person's best interests.

What is the accounting period?
Each account normally covers a one-year period starting from the day you were appointed administrator. This is called the accounting period. The Public Trustee may allow a different accounting period if a request is put in writing.

When do I file my accounts?
You have an additional 30 days after the end of the accounting period to complete and send the forms to the Public Trustee. You must file on time or, if necessary, make a request in writing for an extension. **Please keep a copy of the completed account forms for your own records.**

Can I request an extension?
If you cannot meet the deadline, write to the Public Trustee to request an extension. You must explain why you are unable to complete the forms on time and estimate how much more time you need. If an extension is granted, you will be notified in writing.

If you fail to lodge accounts and do not contact the Public Trustee, the Tribunal could review the Order appointing you as administrator. You may be served with a formal summons to attend the review hearing.

What happens once the Public Trustee receives the accounts?
Once examined and everything is considered acceptable, the accounts are "allowed". You will be notified of this in writing. If there are any questions, you will be contacted by the Private Administrator Support Team at the Public Trustee.

The Public Trustee may ask you for more information or further documentation. If the Public Trustee is not satisfied with details provided, an application may be made to the Tribunal to review the accounts and/or to review the Order appointing you as administrator.

Some accounts lodged by administrators may be subject to fees payable to the Public Trustee. These fees are tabled in Parliament each year and are subject to consideration by the Joint Standing Committee on Delegated Legislation.

Why does the Public Trustee charge fees?
The Public Trustee is a self-funding statutory authority that receives no government funding and is required to charge fees to cover the cost of its services. All fees are set out in the Public Trustee's Scale of Fees, available on our website.

Statutory declaration instructions (Form C)
You are required to submit a statutory declaration with your accounts. Without this, the accounts have no effect and will be returned. When you sign the statutory declaration, you are declaring the information in the accounts is true and correct.

If there is more than one administrator, **all** administrators must sign the statutory declaration and have their signatures witnessed. Your signature must be witnessed by someone qualified to do so. This also applies to the first page of Form B, in the bottom right-hand corner. For convenience, it is probably best to get the Form B and C signatures witnessed at the same time.

If you have problems finding an appropriate person, please contact the Private Administrator Support Team on 1300 746 212.

Instructions relating to the statement of accounts (Form B – Abstracts 1, 2, 3 and 4)

Signature
- You must sign at the bottom of each page of the accounts.
- Once the form is completed, please sign and scan it.
- Please send the scanned forms B and C, and abstracts 1 to 4, to the email address found in the top left-hand corner of letters received from the Private Administrator Support team.
- If you do not have an email address, please mail to the GPO box address also provided in the letter. Remember to keep a copy of everything for your own records.

Functions covered by the Administration Order
If you are a **limited** administrator, you only need to report on functions specified in the Order.

For example: if you were appointed administrator and your functions are limited to managing funds the Represented Person is entitled to receive as an inheritance, the accounts only need to report on those funds. In this case, you would not be required to report on any pension or other income the person receives.

If you are a **plenary** administrator, you must report on **all** assets, income, expenditure and liabilities of the Represented Person during the accounting period.

Grouping income and expenditure
You may group together the same kind of items of income or expenditure – but you must be able to itemise the amounts and provide supporting documentation if the Public Trustee asks for it.

For example: you may report expenditure for “clothing” as “$550”. You need to be able to itemise what was purchased and the dates the purchases occurred. Receipts are needed for anything more than $400 (in this case, it might be a suit or jacket). A $20 T-shirt would not need a receipt, just a note of when it was bought and how much it cost.

Documentation that MUST be submitted in ALL cases
*You **must** lodge the following documents with the accounts:*

- copies of all bank statements and bank passbook entries covering the entire accounting period, clearly showing opening and closing balances (the dollar amount from the date the period starts and at the end of the period);
- copies of term deposit certificates;
- if property forms part of the estate, copies of all rates and taxes and confirmation of property insurance;
- a copy of the rental agreement (if the property is rented);
- where a motor vehicle is owned, copies of the annual registration and confirmation of current motor vehicle insurance;
- where property is subject to a mortgage, copies of all statements for the mortgage account;
- if a tax return has been lodged during the relevant period, a copy of the Australian Taxation Office tax assessment;
- where the Represented Person lives in a nursing home, copies of three nursing home invoices (selected at random during the accounting period);
- where the Represented Person has a credit card in their name, copies of all statements during the relevant period;
- if the Represented Person owns shares, a copy of a dividend advice slip (or confirmation of the shareholding) as at the last day of the accounting period;
- copies of all supporting documentation for all individual items and receipts for payments more than $400; and
- other documentation the Public Trustee may request, in writing.

Note: if any of the amounts shown on Abstracts 1 or 2 are made up of smaller amounts combined (composite figures), it will help the Public Trustee if you provide lists showing those individual amounts (referred to as “schedules”).

Unless otherwise instructed, only provide photocopies (or computer scans) of documents. If originals are required, the Public Trustee will request them.

Abstract 1 – income and other receipts
All income and other amounts received by the Represented Person during the accounting period must be entered on this page. When the Public Trustee examines accounts, the process will be simplified if the income (or other receipts) is easily identifiable as deposits in the Represented Person’s bank statements.

These items may include:

- pension and superannuation payments;
- interest on bank accounts and term deposits;
- dividends paid on shares;

- amounts paid to the Represented Person because of legal claims (such as compensation payments or inheritance entitlements);
- native title royalties;
- rent from a Represented Person's property;
- money from any assets sold during the accounting period;
- payments made in return for a loan from the Represented Person; and
- refunds received.

Abstract 2 – expenditure
All funds paid by you, on behalf of the Represented Person during the accounting period, must be entered on this page. When the Public Trustee examines accounts, the process will be simplified if these items of expenditure can be matched against withdrawals on the Represented Person's bank statements.

Spending might occur on these items:
- aged care facility or hostel fees;
- rent;
- rates;
- income tax;
- medical bills;
- private health insurance;
- buying assets (property, equipment, vehicles, shares or any other valuable resource);
- loan re-payments, whether from a person or an institution such as a bank;
- phone bills; and
- prepaid funeral expenses.

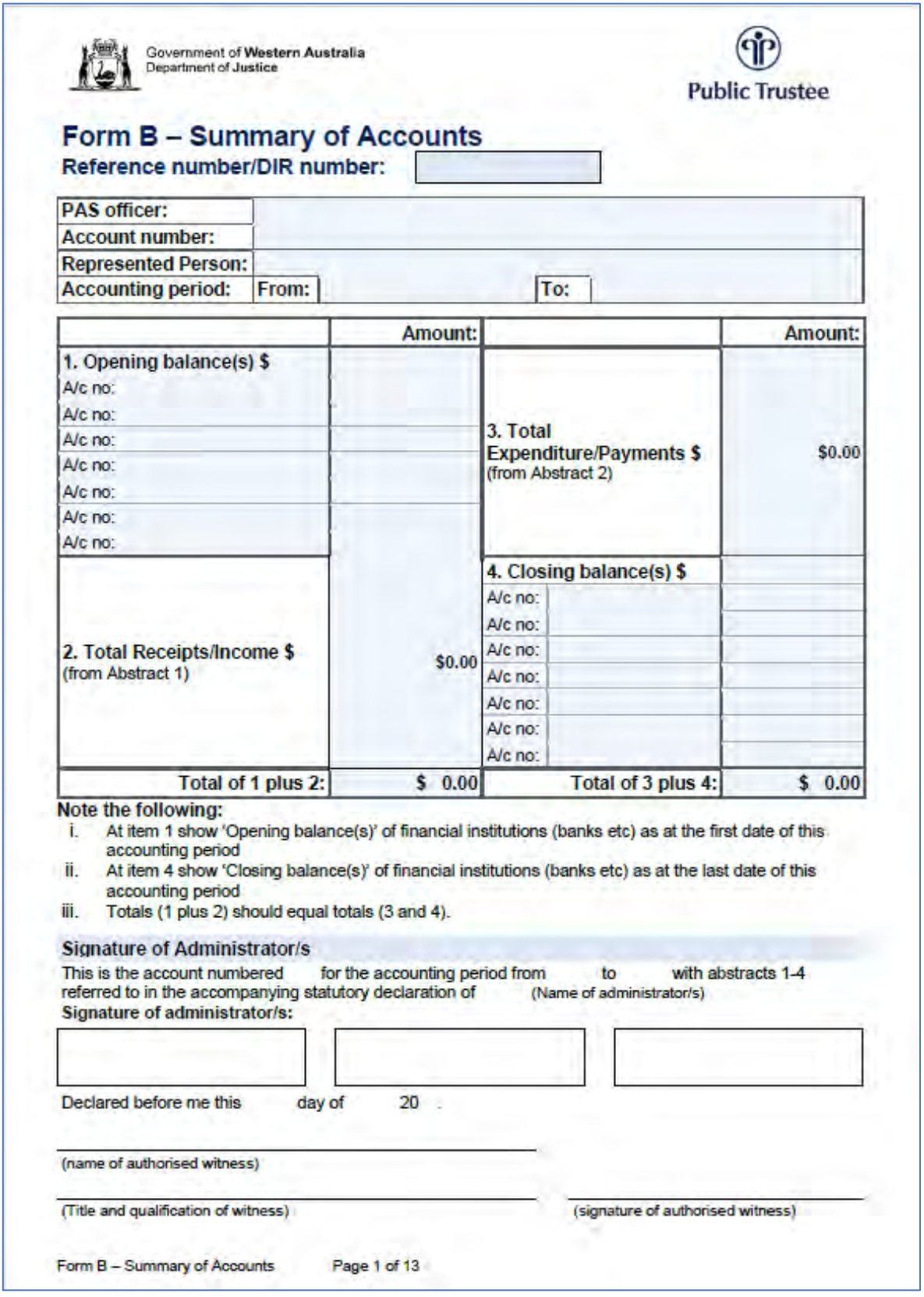
Abstract 3 – assets
You must write down all assets the Represented Person owns as of the last date of the accounting period. This includes real property (land and anything permanently attached to it such as buildings or trees) owned by the Represented Person. If the property is held as joint tenants or tenants-in-common, it should be specified on this form with the name of the co-owner.

Other assets might include:
- money in bank accounts or term deposits;
- money owed to the Represented Person by another person;
- shares;
- motor vehicles or boats; and
- household items.

Abstract 4 – liabilities
On this form, write down any debts or other money owed by the Represented Person as of the last date of the accounting period. Liabilities might include:
- a mortgage;
- unpaid amounts on shares;
- an outstanding credit card balance or personal loans;
- amounts owing under a court judgment; and
- outstanding legal fees.

APPENDIX FIVE

Sample Form B and Form C



Government of **Western Australia**
Department of **Justice**

Public Trustee

Form B – Summary of Accounts

Reference number/DIR number:

PAS officer:		
Account number:		
Represented Person:		
Accounting period:	**From:**	**To:**

	Amount:		Amount:
1. Opening balance(s) $ A/c no: A/c no: A/c no: A/c no: A/c no: A/c no: A/c no:		**3. Total Expenditure/Payments $** (from Abstract 2)	$0.00
2. Total Receipts/Income $ (from Abstract 1)	$0.00	**4. Closing balance(s) $** A/c no: A/c no: A/c no: A/c no: A/c no: A/c no: A/c no:	
Total of 1 plus 2:	$ 0.00	**Total of 3 plus 4:**	$ 0.00

Note the following:

i. At item 1 show 'Opening balance(s)' of financial institutions (banks etc) as at the first date of this accounting period
ii. At item 4 show 'Closing balance(s)' of financial institutions (banks etc) as at the last date of this accounting period
iii. Totals (1 plus 2) should equal totals (3 and 4).

Signature of Administrator/s

This is the account numbered for the accounting period from to with abstracts 1-4 referred to in the accompanying statutory declaration of (Name of administrator/s)

Signature of administrator/s:

Declared before me this day of 20 .

(name of authorised witness)

(Title and qualification of witness)

(signature of authorised witness)

Form B – Summary of Accounts Page 1 of 13

Abstract 1 – Receipts / Income

Account number:			
Represented Person:			
Accounting period:	From:	To:	

	Description of amount received Please specify source	Amount $	Office use only
1.	Pension / Centrelink Benefit		
2.	Employment		
3.	Superannuation		
4.	Interest (from bank accounts and other investments)		
5.	Dividends:		
6.	Rent:		
7.	Refunds received:		
8.	Other receipts (including proceeds from the sale of assets)		
	Total receipts / income (transfer this amount to Form B)	$0.00	

Signature of Administrator/s:

_____ _____

_____ _____

Abstract 1: Receipts / Income Page 2 of 13

Abstract 2 – Expenditure / Payments

Account number:		
Represented Person:		
Accounting period:	From:	To:

	Description of expenditure / Payments made	Amount $	Office use only
1.	**Personal maintenance** (food, clothing, entertainment etc, maybe grouped together. Use separate sheet if necessary):		
2.	**Accommodation fees**		
3.	**Medical expenses** (including pharmacy and health insurance):		
4.	**Property expenses** (including rates, taxes, insurance, repairs etc):		
5.	**Taxation:**		
6.	**Bank and government charges:**		
7.	**Other expenses** (provide details on separate sheet if necessary)		
	Total expenditure / Payments (transfer this amount to Form B)	$0.00	

Signature of Administrator/s:

_____ _____

_____ _____

Abstract 2: Expenditure / Payments Page 3 of 13

Abstract 3 – Assets

Account number:			
Represented Person:			
Accounting period:	**From:**	**To:**	

Particulars of assets as at	Holder of Title Deeds and other securities	Value $	Office use only
1. Bank accounts (including term deposits, building society, credit union and trust accounts)			
2. Real Property (land and house – provide full description of Certificate of Title for each property:			
3. Personal property and other assets (provide full description of each item of property)			
4. Investment (provide full description of each investment)			
5. Other assets			
i. Superannuation			
ii. Nursing home accommodation bond			
iii. Prepaid funeral			
iv. Other assets			
	Total assets:	$0.00	

Signature of Administrator/s:

_____ _____

_____ _____

Abstract 3: Assets Page 4 of 13

Abstract 4 – Liabilities / Loans

Account number:			
Represented Person:			
Accounting period:	From:		To:

Particulars 1. Liabilities outstanding at end of accounting period:	Value $	Office use only
Total Liabilities	$0.00	

Signature of Administrator/s:

_____ _____

_____ _____

Form C – Statutory Declaration

Public Trustee of Western Australia

DIR/Reference no:		PAS officer:	
In the estate of:		Date of birth:	/ /
of			

(address of the represented person)

Statutory Declaration verifying accounts

Oaths, Affidavits and Statutory Declarations Act 2005

Select Select	(name)		
of	(address)		
Daytime contact telephone no:		Email:	
And (joint administrator, if applicable:	Select (name)		
of	(address)		
Daytime contact Telephone no:		Email:	

Declare that:

1. Select of the estate of the Represented Person.
2. The Account Number attached to this statutory declaration, lists all the financial transactions relating to the assets covered by the Order of the Tribunal, during the period from to
3. These accounts contain a true and correct record of the income, expenditure, assets and liabilities of the estate of the Represented Person covered by the Order of the Tribunal, during the period.
4. **Please select either a) or b):**

☐	a) Select have not made any gifts of cash, real property, personal property or other assets from the estate of the Represented Person
☐	b) Select have made a gift(s) on behalf of the Represented Person in the amount of $ / to the value of $ in accordance with the authorization of the Tribunal in its Order dated:

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

The declaration is made under *Oaths, Affidavits and Statutory Declarations Act 2005.*

Declared at _____ in the State of Western Australia this day of MM YYYY

_____
(Signature of administrator)

_____
(Signature of joint administrator, if applicable)

_____ _____
(name of authorised witness) (signature of authorised witness)

_____
(Title and qualification of witness)

Instructions for preparing your Annual Account

Why do I have to file an account?

The *Guardianship and Administration Act 1990* requires administrators to report to the Public Trustee about the financial affairs of the person they represent by completing the annual accounts. Those accounts detail the income, expenditure, assets and liabilities of the represented person for the period of the accounts. The accounts are the means by which the Public Trustee ensures that the financial affairs of the represented person are in order and that the administrator is carrying out his or her responsibilities in the best interests of the represented person.

What is the accounting period?

Each account normally covers a one-year period starting from the day you were appointed as administrator. This is called the accounting period. The Public Trustee may allow a different accounting period following receipt of a written request.

When do I file my accounts?

You have an additional 30 days after the end of the accounting period to complete the forms and file them with the Public Trustee. It is very important that you file on time or request, in writing, an extension of time. **Please retain a copy of the completed account forms for your own records.**

Can I request an extension of time?

If you cannot meet the deadline, you should contact to the Public Trustee requesting an extension of time. You must explain, in writing, why you are unable to complete the forms on time and estimate the additional time that you will require. If the Public Trustee grants an extension, you will be notified in writing. If you fail to lodge accounts and do not contact the Public Trustee, the State Administrative Tribunal may review the order appointing you and you may be served with a formal summons to attend that review hearing.

What happens once the Public Trustee receives the accounts?

You will be advised in writing if the accounts are allowed. If there are queries about the accounts, you will be contacted initially by the Private Administrators' Support Team from the Public Trustee. The Public Trustee may ask you for more information or further documentation. If the Public Trustee is not satisfied with the details provided, an application may be made to the State Administrative Tribunal to review the accounts and/or to review the order appointing you as administrator.

Some accounts lodged by administrators **may be subject to fees payable to the Public Trustee**. The Public Trustee's fees are prescribed by Parliament and are payable from the represented person's estate.

Instructions relating to the Statutory Declaration (Form C)

You are required to submit a statutory declaration with your accounts. Without the statutory declaration the accounts have no effect and will be returned. **When you sign the statutory declaration, you are declaring that the information in the accounts is true and correct.** If there is more than one administrator, all administrators must sign the statutory declaration and have their signatures witnessed.

Your signature must be witnessed by a qualified witness, which also should indicate the title or qualification of the witness. If you are having problems locating an appropriate person to witness the document, please contact the Private Administrators' Support Team.

Instructions relating to the Statement of Accounts (Form B – Abstracts 1, 2, 3 and 4)

Signature

- You must sign at the bottom of each page of the accounts.
- Once the form is completed, please sign and scan it.
- Please send the scanned forms B and C, abstracts 1 to 4 to the email address provided to you on the top left hand corner of any letter you would have received from the Private Administrator Support team.
- If you do not have an email address, please mail to the GPO box address provided in the letter from the Private Administrator Support team.

Functions covered by the administration order

If you are a **limited** administrator, you are only required to report on the functions specified in the order. For example, if you were appointed administrator and your functions are limited to managing funds that the represented person is entitled to receive as an inheritance, the accounts would only report on those funds. In this case, you would not be required to report in relation to any pension or other income the person receives.

If you are a **plenary** administrator, you must report on **all** assets, income, expenditure and liabilities of the represented person during the period.

Grouping income and expenditure

You may group together the same kind of items of income or expenditure but you must be in a position to itemise the amounts and provide supporting documentation if the Public Trustee asks for it. For example, you may report expenditure for "clothing" "$350" but you should be able to produce receipts for any items over $400 and to itemise what items have been purchased and when they were purchased. It will assist the Public Trustee if you provide copies schedules/cashbook sheets of those amounts.

You must lodge the following documents with the accounts

(Unless you are otherwise directed please **only provide A4 size single sided photocopies** of these documents. If **originals are required** the Public Trustee will request them).

- copies of all bank statements, term deposit certificates (including renewal statements), copies of all bank passbook entries covering the entire accounting period and which clearly shows the opening and closing balances for the period.
- where real property forms part of the estate, copies of all rates and taxes and confirmation of insurance of the property. If the property is rented, a copy of the rental agreement.
- where the represented person has an interest in a trust or business or is a member of a self-managed or retail or industry superannuation fund, a copy of the financial statements issued by the entity during the accounting period.
- where a motor vehicle is owned or sold, copies of the annual registration papers and confirmation of current motor vehicle insurance and copies of vehicle transfer papers.
- where property is subject to a mortgage, copies of all statements for the mortgage account.
- where a property is sold or purchased, a copy of the sale/purchase contract and settlement statement.
- where a tax return has been lodged during the relevant period, a copy of the ATO tax assessment (Notice of Assessment).
- where the represented person resides in a care facility/supported home/hostel, copies of three invoices selected at random during the relevant period that were issued by the provider, a statement confirming the balance of the accommodation bond or Refundable

Accommodation Deposit (RAD), Daily Accommodation Deposit (DAC) paid and /or balance owing.

- where the represented person has a credit card in his or her name, copies of all statements during the relevant period.
- where the represented person owns shares, a copy of a dividend advice slip or other confirmation of the shareholding as at the last day of the accounting period. A copy of a shareholding statement issued by a broker or share registry.
- copies of all supporting documentation for all individual items and payments over $400. Do not provide individual receipts issued by a retailer for grocery items or personal purchases relating to the personal maintenance of the person unless requested to do so.
- The Public Trustee may otherwise request in writing any receipts or documentation.
- Copy of formal loan documents or other evidence of loan arrangement.

Abstract 1—Income and other receipts

All income and other amounts received by the represented person during the accounting period must be entered on this page. The examination of the accounts by the Public Trustee will be simplified if the income or other receipts are easily identifiable as deposits in the bank statements of the represented person. These will include such things as:

- Commonwealth pensions and allowances, salary/wages, superannuation payments, workers compensation payments or income protection
- interest on bank accounts and term deposits
- dividends paid on shareholdings, cash distributions from trusts, partnership or other entity
- amounts paid to the person as a result of legal claims (eg compensation payments or inheritance entitlements)
- rent received from the rental of the represented person's property
- the proceeds of the sale of any assets
- amounts received in payment of a loan made by the represented person to another person
- refunds received (medical/tax/retail).

Abstract 2—Expenditure

All funds paid by you on behalf of the represented person during the accounting period must be entered on this page. The examination of the accounts by the Public Trustee will be simplified if the items of expenditure are easily identifiable against withdrawals shown on the bank statements. Expenditure will include payments for such things as:

- aged accommodation, support home accommodation, hostel fees or transitional care or home care fees
- rent, council and land tax, property maintenance/repairs/improvements
- income tax, accountancy/professional bookkeeping fees, legal costs
- medical insurance, medical expenses, prepaid funeral expenses
- purchase of assets
- repayments of moneys borrowed by the represented person from another person or institution (such as mortgage repayments)
- life, property (house and contents) or vehicle insurance, vehicle registration/transfer
- utility or telephone bills.

Abstract 3—Assets

You must enter **all** assets owned by the represented person or where the person has an interest as at the last date of the accounting period. Assets include real property (land/house) owned by the represented person. If the property is held as joint tenants or tenants-in-common, this should be specified on Abstract 3 and the name of the co-owner shown. Other assets might include:

- monies held in bank accounts or term deposits (including overseas)

- monies owed to the represented person by another person
- refundable accommodation deposit or accommodation bond
- shares/investment portfolios
- superannuation or annuity funds
- pending workers compensation claim, personal injuries compensation claim, total and permanent disability claim, criminal injuries compensation claim
- interest in a business, trust, partnership, joint venture, deceased estate, Family Provision Act claim, life interest/right to reside
- motor vehicles or boats
- household items, jewellery, items of art and or collectable items of value.

Abstract 4—Liabilities

You must enter here any debts or other monies owed by the represented person as at the last date of the accounting period. Liabilities might include:

- a mortgage
- outstanding balance of a credit card account or personal loans
- amounts owing under a court judgment or outstanding legal fees.

Checklist

Before returning these Accounts to the Public Trustee please ensure that you have attended to the following matters:

☐ Check that **Form B** and **Form C** have been signed by the Administrator(s) **and by the qualified witness (including their qualification). Abstracts 1 – 4** must also have been signed by the Administrator(s).

☐ Ensure that you have complied strictly with the reporting dates shown on the forms. You **may not** alter these dates for this account but you may apply to the Public Trustee, in writing, for a variation of these dates for future accounts.

☐ Check that you have correctly deleted the **relevant sentence** at **item 4 (re: gifting)** on **Form C (Statutory Declaration).**

☐ Check that the **Summary of Accounts** on **Form B** balances.

☐ Check that A4 size **copies** of all **relevant documents** are attached. Refer above to **Instructions for Preparing Your Annual Accounts** that specifies the relevant documents required.

☐ **Do not send original documents** unless the Public Trustee specifically requests you to so.

☐ Please ensure that A4 size **copies** of receipts are included for all individual payments over $400.

☐ Do not attach **individual receipts** issued for the payment of expenses such as grocery items or for the personal maintenance of the represented person, which are less than $400.00

☐ Ensure that **all assets** (including bank accounts) are listed on **Abstract 3**.

☐ Ensure that **all liabilities** are listed on **Abstract 4** or that 'Nil' is entered at 'Total Liabilities'.

If you have any questions please contact the Private Administrators' Support Team at the Public Trustees Office at the email address noted on the attached covering letter or alternatively call 1300 746 116.

Authorised witnesses for WA statutory declarations made within Western Australia

Item	Formal description	Informal description
1.	A member of the academic staff of an institution established under any of the following Acts — • *Curtin University Act 1966;* • *Edith Cowan University Act 1984;* • *Murdoch University Act 1973;* • *University of Notre Dame Australia Act 1989;* • *University of Western Australia Act 1911;* • *Vocational Education and Training Act 1996.*	Academic (post-secondary institution)
2.	A member of any of the following bodies — • Association of Taxation and Management Accountants (ACN 002 876 208); • CPA Australia (ACN 008 392 452); • The Institute of Chartered Accountants in Australia (ARBN 084 642 571); • Institute of Public Accountants (ACN 004 130 643); • National Tax and Accountants' Association Limited (ACN 057 551 854).	Accountant
3.	A person who is registered under the *Architects Act 2004.*	Architect
4.	An Australian Consular Officer within the meaning of the *Consular Fees Act 1955* of the Commonwealth.	Australian Consular Officer
5.	An Australian Diplomatic Officer within the meaning of the *Consular Fees Act 1955* of the Commonwealth.	Australian Diplomatic Officer
6.	A bailiff appointed under the *Civil Judgments Enforcement Act 2004.*	Bailiff
7.	A person appointed to be in charge of the head office or any branch office of an authorised deposit-taking institution carrying on business in the State under the *Banking Act 1959* of the Commonwealth.	Bank manager
8.	A member of Governance Institute of Australia Ltd (ACN 008 615 950)	Chartered secretary, governance adviser or risk manager
9.	A person who is registered under the *Health Practitioner Regulation National Law (Western Australia) 2010* in the pharmacy profession.	Chemist
10.	A person who is registered under the *Health Practitioner Regulation National Law (Western Australia) 2010* in the chiropractic profession.	Chiropractor
11.	A person registered as an auditor or a liquidator under the *Corporations Act 2001* of the Commonwealth.	Company auditor or liquidator
12.	A judge, master, magistrate, registrar or clerk, or the chief executive officer, of any court of the State or the Commonwealth.	Court officer
13.	A member of the Australian Defence Force who is — • an officer within the meaning of the *Defence Force Discipline Act 1982* of the Commonwealth; or • a non-commissioned officer within the meaning of that Act with 5 or more years of continuous service; or • a warrant officer within the meaning of that Act.	Defence force officer

14.	A person registered under the *Health Practitioner Regulation National Law (Western Australia) 2010* in the dental profession whose name is entered on the Dentists Division of the Register of Dental Practitioners kept under that Law.	Dentist
15.	A person who is registered under the *Health Practitioner Regulation National Law (Western Australia) 2010* in the medical profession.	Doctor
15A.	A person appointed under the *Parliamentary and Electorate Staff (Employment) Act 1992* section 4(1)(b)(i) or (2)(b)(i).	Electorate officer of a member of State Parliament
16.	A member of the Institution of Engineers, Australia, other than at the grade of student.	Engineer
17.	The secretary of an organisation of employees or employers that is registered under one of the following Acts — • *Industrial Relations Act 1979;* • *Workplace Relations Act 1996 of the Commonwealth.*	Industrial organisation secretary
18.	A member of the National Insurance Brokers Association of Australia (ACN 006 093 849).	Insurance broker
19.	A Justice of the Peace.	Justice of the Peace
19A.	A person who is a member of the Authority's staff within the meaning given to that term by the *Land Information Authority Act 2006* section 3	Landgate officer
20.	An Australian lawyer within the meaning of that term in the *Legal Profession Act 2008* section 3.	Lawyer
21.	The chief executive officer or deputy chief executive officer of a local government.	Local government CEO or deputy CEO
22.	A member of the council of a local government within the meaning of the *Local Government Act 1995.*	Local government councillor
23.	A member of the Australasian Institute of Chartered Loss Adjusters (ACN 074 804 167).	Loss adjuster
24.	An authorised celebrant within the meaning of the *Marriage Act 1961* of the Commonwealth.	Marriage celebrant
25.	A member of either House of Parliament of the State or of the Commonwealth.	Member of Parliament
25A.	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the midwifery profession	Midwife
26.	A minister of religion registered under Part IV Division 1 of the *Marriage Act 1961* of the Commonwealth.	Minister of religion
27.	A person registered under the *Health Practitioner Regulation National Law (Western Australia) 2010* in the nursing profession.	Nurse
28.	A person registered under the *Health Practitioner Regulation National Law (Western Australia) 2010* in the optometry profession.	Optometrist
28A.	A person registered under the *Health Practitioner Regulation National Law (Western Australia) 2010* in the paramedicine profession.	Paramedic
29.	A registered patent attorney under the *Patents Act 1990* of the Commonwealth.	Patent attorney
30.	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the physiotherapy profession.	Physiotherapist

31.	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the podiatry profession.	Podiatrist
32.	A police officer.	Police officer
33.	The person in charge of an office established by, or conducted by an agent of, Australia Post within the meaning of the *Australian Postal Corporation Act 1989* of the Commonwealth.	Post office manager
34.	A person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the psychology profession.	Psychologist
35.	A public notary within the meaning of the *Public Notaries Act 1979*.	Public notary
36.	An officer of the Commonwealth public service.	Public servant (Commonwealth)
37.	A person who is employed under the *Public Sector Management Act 1994* Part 3.	Public servant (State)
38.	The holder of a licence under the *Real Estate and Business Agents Act 1978*.	Real estate agent
39.	The holder of a licence under the *Settlement Agents Act 1981*.	Settlement agent
40.	The Sheriff of Western Australia and any deputy sheriff appointed by the Sheriff of Western Australia.	Sheriff or deputy sheriff
41.	A licensed surveyor within the meaning of the *Licensed Surveyors Act 1909*.	Surveyor
42.	A person registered under the *Teacher Registration Act 2012*.	Teacher
43.	A member, registrar or clerk, or the chief executive officer, of any tribunal of the State or the Commonwealth.	Tribunal officer
44.	A registered veterinary surgeon within the meaning of the *Veterinary Surgeons Act 1960*.	Veterinary surgeon

Or: Any person before whom, under the *Statutory Declarations Act 1959* of the Commonwealth, a statutory declaration may be made.

(The Public Trustee, however, prefers that one of the types of witnesses in the list above be used)

APPENDIX SIX

Handy checklist for annual accounts

Before returning these accounts to the Public Trustee, please ensure you have:

☐ Checked that Form B and Form C have been signed by the administrator/s and by the qualified witness (including their qualification). Abstracts 1-4 must also have been signed by the administrator/s.

☐ Complied strictly with the reporting dates shown on the forms. You may not alter these dates for this account – but you may apply to the Public Trustee, in writing, for a variation of these dates for future accounts.

☐ Checked that you have correctly deleted the relevant sentence at item 4 (re: gifting) on Form C (Statutory Declaration).

☐ Checked that the Summary of Accounts on Form B balances (Items 1+2 = Items 3+4).

☐ Checked that copies of all relevant documents are attached (these can be computer scans or photos of documents if emailing, or hard copies if posting). Refer to the Instructions for Preparing Your Annual Accounts that specifies the relevant documents required.

☐ Not included original documents unless the Public Trustee specifically requests you to do so.

☐ Ensured that copies of receipts are included for all individual payments of more than $400. Again, these can be computer scans or photos if emailing and photocopies/printouts if posting.

☐ Not attached individual receipts that are issued for the payment of expenses such as grocery items or living costs for the Represented Person, if they are less than $400.

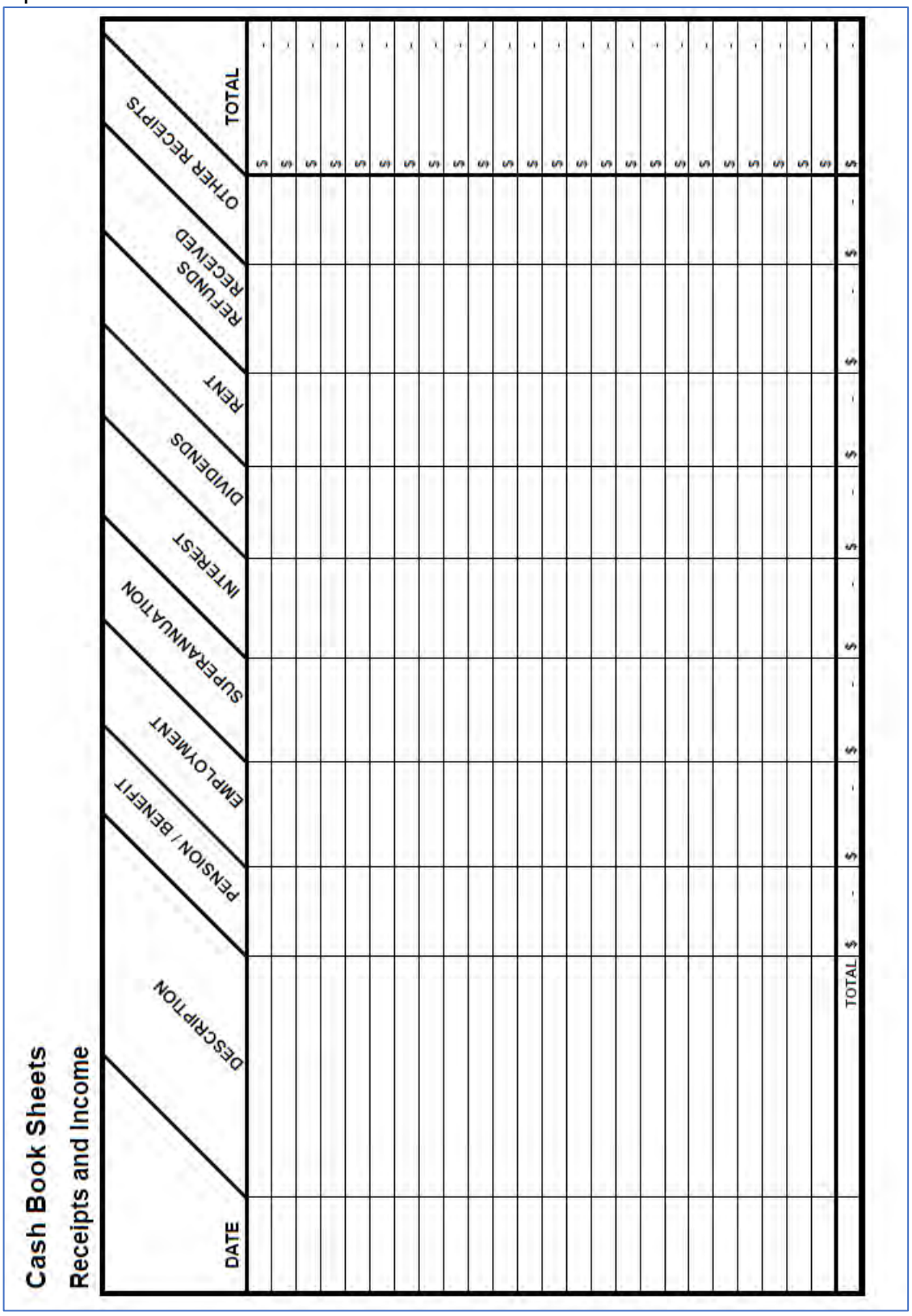
☐ Ensured that all assets (including bank accounts) are listed on Abstract 3.

☐ Ensured that all liabilities are listed on Abstract 4 or that ‘Nil’ is entered at ‘Total Liabilities’.

If you have any questions, please contact the Private Administrator Support Team at the Public Trustee via the email address found in the top left-hand corner of letters from your delegated Private Administrator Support Officer. Alternatively, phone 1300 746 116 for assistance.

APPENDIX SEVEN

Sample Cash Books



Cash Book Sheets

Receipts and Income

DATE	DESCRIPTION	PENSION / BENEFIT	EMPLOYMENT	SUPERANNUATION	INTEREST	DIVIDENDS	RENT	REFUNDS RECEIVED	OTHER RECEIPTS	TOTAL
										$ -
										$ -
										$ -
										$ -
										$ -
										$ -
										$ -
										$ -
										$ -
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										$ -
	TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -

Expenditure and Payments

DATE	DESCRIPTION	PERSONAL MAINTENANCE	ACCOMMODATION FEES	MEDICAL EXPENSES	PROPERTY EXPENSES	TAXATION	BANK & GOVT CHARGES	OTHER EXPENSES	TOTAL
									$ -
									$ -
									$ -
									$ -
									$ -
									$ -
									$ -
									$ -
									$ -
									$ -
									$ -
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									$ -
									$ -
	TOTAL	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -

APPENDIX EIGHT

Decision Checklist

Making the types of decisions described below may be difficult. Use this checklist to help you, always remembering to consider the Represented Person's needs and best interests.

What should I do with furniture, jewellery and other items?

Administrators may be responsible for looking after many valuable assets including property, shares and deposits. But no less important are a Represented Person's everyday belongings such as furniture, jewellery and other personal or household items.

In some cases, these items have considerable monetary value. In other situations, they have a priceless emotional value to the person with a decision-making disability – and/or their family needs to be considered when deciding whether to retain, store or dispose of items.

While the items cannot be gifted to someone, decisions about keeping, storing or discarding them requires considerable thought.

The following checklist is a guide for administrators. Keeping written records of the decision-making process provides evidence of your duty of care and how you have considered the Represented Person's best interests. This may be important if any of your decisions are challenged and you are required to respond.

What should I do first?

- Prepare a comprehensive inventory of the Represented Person's belongings soon after becoming administrator.
- Obtain valuations of any special items such as collectables and investment items, such as coin collections, antiques or jewellery.
- Ensure everything is safe and appropriate insurance is in place – some special items may require specific insurance cover. If any belongings remain in a vacant property, even just briefly, you may need to let the insurance company know in writing.
- Consult the family, taking into consideration their wishes and knowledge of the Represented Person's special likes and needs. Asking the family is important but the ultimate decision rests with you as administrator.

Keep, store or discard items?

- Consider the Represented Person's wishes:
  - establishing their wishes requires sensitivity because they may be expressed in a variety of ways.
  - could taking the items (such as a TV or special chair) to their new residence help their quality of life or provide a familiar environment?
- Check the person's Will for information on special items:
  - a Will can be a useful guide, but alternative decisions may need to be made.
  - selling items meant to be given to someone according to a Will can be problematic.
  - in every decision, the emphasis must remain on the Represented Person's best interests.
- Once you have identified items that should be kept or stored, be sure to consider:
  - insurance and security;
  - how special items may increase in value over time;
  - storage costs;
  - if the items will deteriorate; and
  - placing items in trust with family members.

Making decisions – selling property

For a variety of reasons, administrators may need to consider selling a Represented Person's home. This is often to pay for ingoing fees or accommodation bonds required by most care facilities.

The home is usually the major asset in the Represented Person's estate and a decision to sell is an important one. Administrators must ensure the Administration Order authorises them to make that decision.

Is there a need to sell the property?

- Consider if a move to supported accommodation or a care facility is necessary.
- Is selling the property the best way to fund this?
- Check the condition of the home and whether it may be becoming rundown (are there any council work orders?).
- Take into account the costs of keeping and maintaining the property.
- Look at whether the property will increase or decrease in value.
- Investigate options other than selling.

Have all interested parties been consulted?

- Can the Represented Person give a meaningful opinion about a possible sale?
- Have you spoken to other family and interested parties (such as a guardian, if one has been appointed)?

Financial considerations

- Look at the Represented Person's current financial position.
- Check whether a mortgage is registered against the property.

Is there a current outstanding loan balance?

- Check for any legal claims or debts affecting the ownership of the property. Search the Certificate of Title via Landgate at landgate.wa.gov.au.
- Rates, taxes and insurance payments need to be up to date.
- Centrelink and other Commonwealth benefits may be affected by a property sale.
- Selling a property could mean capital gains tax has to be paid, depending on the situation.
- Look at investment potential, such as gaining rental income from the property as well as its capital growth. How does this compare to other forms of investments?
- Consider the property's potential, in terms of the location, future developments and possible re-zoning of the area (you can find these details in a report from a licensed valuer).

Other things to consider

- Is there a clear instruction in the Represented Person's Will about who gets the home? Are there other plans for people who can live there before they die?
- Is an official evaluation – not just a real estate agent's estimate – required to find out the home's market value? You will need to pay to get this done.
- What are the likely costs involved in selling the property? Seek advice from a real estate agent or a certified evaluator.
- How to deal with the home's contents (including furniture, jewellery and other items).
- Selling to a family member or another interested party requires extra care to make sure everything is above board and accountable. It's a good idea to get an official valuation and, in some cases, guidance might be needed from the Tribunal.

Moving forward with a sale

Administrators can usually hire other experts to help with decisions on how to sell the property. Be sure to give the chosen real estate agent a copy of the Administration Order.

APPENDIX NINE

Frequently asked questions (FAQs)

Are administrators paid?

You are not paid for your time and/or expertise, unless specifically noted in the Order from the Tribunal. However, you may reimburse yourself for reasonable out-of-pocket expenses related to the Represented Person – but this does not include loss of wages or salary.

Be sure to maintain accurate records to demonstrate the expenses were in the Represented Person's best interests. Keep relevant receipts, supporting letters and documents to include when lodging your annual accounts with the Public Trustee.

Can I get training as an administrator?

The Public Trustee conducts on-line private administrator training sessions every three months via MS Teams. Dates and booking links are on our website.

Why do I need to report to the Public Trustee?

It is a requirement by law, under the GA Act, which outlines the rules in relation to appointing an administrator and their relevant duties. This legislation states that administrators must provide details of the Represented Person's finances they are managing (known as "accounts"). Reporting dates are set by the Public Trustee, and the accounts must be provided in a standard format.

Regular checking of the accounts ensures everything is above board and that no one is taking advantage of the Represented Person. Most people do the right thing, but given administrators are taking on the major responsibility of another person's financial matters – and, in many ways, their lifestyle – it is important they are held accountable for their actions.

What are accounts?

Accounts are the financial records maintained by you as the private administrator. These records should detail all transactions, receipts, payments and other financial activities related to the Represented Person. The accounts serve as a comprehensive record of how an administrator has managed the estate's finances.

What are allowed accounts?

Allowed accounts meet standards set by the Public Trustee, requiring thorough, accurate and transparent record-keeping of all financial transactions. The Represented Person's estate must be managed wisely and, if these standards are met, the Public Trustee will notify you in writing.

If the accounts do not meet these standards and show poor record-keeping or mismanagement, the Public Trustee may report its concerns to the Tribunal. This could lead to potential investigation and actions against you as administrator. If a loss is identified, you may be issued with a certificate for the loss – meaning you will be forced to pay back the money.

Can I gift or give away money or assets?
You cannot gift or give away a Represented Person's money/assets, unless this is specifically noted in the Tribunal Order. An Order will specify how much a Represented Person can spend on gifts each year.

Gifting includes donating to charities; buying presents for yourself, family or friends; transferring real estate to another person; or giving away personal property or other assets from the Represented Person's estate.

Where can I get help?
Many private administrators initially find the role challenging and seek guidance and clarification. In most instances, you will be referred to the Public Trustee's Private Administrator Support (PAS) team.

The PAS team helps with your role and reporting obligations but is unable to provide legal or financial advice. Please contact the PAS team in the following circumstances:

- if there is a change of address and contact details for the Represented Person or private administrator;
- when the Represented Person or joint administrator dies; or
- to request an extension of time to lodge the Private Administrator Estate Information Form or annual accounts.

Can the Public Trustee help me prepare the accounts?
The Public Trustee cannot assist due to a potential conflict of interest. The staff responsible for checking the accounts – to ensure their legitimacy – cannot also be involved in their preparation.

Can I get a bookkeeper or accountant to help me prepare the accounts?
You can hire a professional bookkeeper or accountant to help you prepare the accounts. They can be paid from the Represented Person's available funds. Look for a certified accountant or bookkeeper with experience in managing similar cases. Explain the specific requirements and reporting obligations to ensure they understand the scope of the work.

Where are the forms I need? Can I get the hard copies of the forms?
To obtain the necessary forms, such as the Estate Information Form (Form A), Annual Reporting Forms (Forms B & C) and Abstracts 1-4, visit www.publictrustee.wa.gov.au

Go to 'Related pages' on the right-hand side, select 'Private Administrator Support', scroll down to 'Private Administrator's Financial Recording and Reporting Forms' and select 'Show more'. Then select the relevant link to download the form you need.

Can you send me the forms? I don't have a computer or printer and mainly do everything on my phone.

- Libraries and community centres provide computer and printer access. Their staff can help you find the forms on the website to download them.
- Family members, friends or neighbours with access to a computer and printer may also be able to help.
- Contact your PAS Officer and request that the forms be mailed to you.

Do I need to submit Form A with the annual account each year?
The Form A only needs to be submitted once – within 30 days of the Order being granted.

Do I need to provide receipts for every transaction related to the Represented Person?
Only receipts for individual transactions more than $400 need to be provided. Use the cashbook sheets to add up smaller expenses eg coffee outings, buying clothes etc. You just need to make a note of these items, not keep the receipts.

Does the Form B total of "1 plus 2" and total of "3 plus 4" need to balance?
A balanced Form B indicates all transactions from the bank statements have been captured. If the difference of the balance is large, it could mean several transactions have been missed.

How should I send the accounts and other documents to you?
Administrators are encouraged to submit their accounts and supporting documents, such as receipts, via email to help with faster processing times. Make sure all scanned documents can be read (photos of receipts are acceptable). You can still send documents using postal mail but make sure you only send copies as originals will not be returned.

Does the Public Trustee charge a fee for examining accounts?
The authority to charge fees is outlined in s38 and s39 of the *Public Trustee Act 1941*. The fee covers the costs associated with the auditing and administration processes carried out by the Public Trustee. They are part of the regulatory framework and ensure the proper management and oversight of the Represented Person's estate.

A fee for examination of accounts is charged and should be paid from the Represented Person's money. The fee is waived if the Represented Person's assets are less than $5,000 (the principal place of residence, household furniture, personal effects and jewellery are not included).

The Public Trustee's Scale of Fees is published annually in the *Government Gazette* and can also be found at www.publictrustee.wa.gov.au in the 'Forms and Publications', 'Scale of Fees' page.

“I refuse to report – you can send me to jail”
While probably said in the heat of the moment, it’s important to understand the potential consequences and legal requirements involved. If you refuse to lodge returns the Public Trustee will apply to have you removed as administrator.:

How do I report the joint bank accounts?
Record the opening and closing balances for the joint account. Note any significant transactions, such as large deposits or withdrawals, and their purposes.

Work out the portion of the joint account that belongs to the person under administration. If there are any unusual transactions, provide clear explanations in your report. Include copies of bank statements and any other relevant documentation that supports the figures.

If you are unsure about how to report certain aspects, consider getting help from an accountant or legal adviser experienced in administration matters.

What if the bank wants me and the joint administrator to both attend the bank in person to action any payments? This isn’t convenient.
Contact the bank to understand their specific requirements and the reasons for this policy. Ensure you have a clear understanding of their procedures for joint administrators.

Provide the bank with documentation from the Tribunal, confirming your role and the joint administrator’s role. Clearly explain the authority that has been given to both of you under the Administration Order.

Discuss the possibility of alternative arrangements, such as:

- Allowing one administrator to authorise transactions if the other provides written consent.
- Using digital or phone banking options that can accommodate joint administrators more conveniently.
- Authorising payments through online banking with dual authorisation features.

Ask the bank for a copy of their written policy regarding accounts managed by joint administrators. This will help you understand their requirements and possibly identify any flexibility in their policies.

What should I do if the bank won’t give me access for internet banking?
Ensure you have all the necessary legal documentation that confirms your role as a private administrator, including the Tribunal Order or any official documents provided by the Public Trustee. Explain your role and the need for internet banking access to manage the financial matters of the Represented Person.

If the bank staff are unable to assist, request to speak to a branch manager or the bank’s legal department. Clearly explain the legal requirement for you to manage the accounts and the necessity of internet banking access. If the branch is not helpful, contact the bank’s head office or customer service hotline. Larger institutions may have specific departments that handle legal and administrative matters.

You can also submit a formal written request for internet banking access – include copies of all relevant documents and a detailed explanation of your role. Ensure you keep a copy of this correspondence for your records.

Please also contact your PAS officer, who may be able to provide additional documentation or general guidance to help you gain access.

Even though I'm an administrator, the bank will not let me open an account for the person. What can I do?
This can stem from the bank's internal policies and general misunderstandings about the Tribunal's Order. In the first instance, explain the nature of the Order and your role as the administrator. Also provide copies of the Administration Order and any supporting documentation you may have from the Tribunal.

Other things to try:

- Contact the Tribunal, Office of the Public Advocate or the Public Trustee for support. They can provide guidance and may intervene to clarify the situation with the bank.
- You may need to approach multiple banks to find one that understands and follows the Tribunal's Order. Look for banks that have a history of working with administrators. Local credit unions or smaller banks may be more flexible.
- If the Represented Person already has an account, it might be easier to update the account status rather than opening a new one. Work with the existing bank to explain the situation and provide necessary documentation.
- Ask the bank for their written policies regarding accounts for people under administration. This can help you address specific concerns, allowing you to find a bank that meets your requirements.
- Keep detailed records of all interactions with bank representatives, including names, dates and advice given. This can be useful if you need to escalate the matter.
- If you continue to face difficulties, consider seeking legal advice. A lawyer with experience in administration issues can provide guidance and possibly intervene on your behalf.

What are 'reasonable costs'?
Each situation is different, but it comes down to whatever is necessary and appropriate for the care and administration of the Represented Person. These costs need to be justifiable and comparable to what would usually be expected under similar circumstances. Examples include:

- Reasonable costs for the Represented Person's daily needs, such as food, clothing and housing.
- Costs for professional accounting services required.
- Expenses for healthcare, medical treatments and any special care required by the Represented Person.
- Costs for maintaining, repairing or improving properties owned by the Represented Person.
- Any insurance premiums that need to be paid.

Why do I need a residential rental agreement?

- The Public Trustee prefers there to be a lease agreement when a Represented Person's property is leased because:
    - the agreement clearly states the terms and conditions
    - the rental amount is paid to the Represented Person
    - it protects both the Represented Person and the person leasing the property.

Can I charge for cleaning the Represented Person's house to get it ready for sale?

This may be allowed under certain conditions. The costs associated with cleaning the house should be reasonable – and deemed necessary – to maximise the value of the property for sale. It needs to be a legitimate expense that benefits the Represented Person's estate.

It's a good idea to get approval from the Public Trustee to ensure transparency and avoid any potential disputes regarding the legitimacy of the expenses. If you or any related parties are performing the cleaning service, it is essential you avoid any conflict of interest. All charges should be at market rates and justifiable.

Keep detailed records of the cleaning costs, including invoices and receipts. This documentation should clearly show the nature and amount of the expenses. Include these expenses in your financial reports and accounts supplied to the Public Trustee. Clearly itemise and justify the cleaning costs as part of the property sale preparation.

Can I get an extension of lodgement for the accounts?

If you need an extension to lodge the Represented Person's accounts, email your PAS Officer to discuss the situation and arrange for an extension. You need to provide a clear reason for the delay – such as personal emergencies or difficulties in gathering the required information – and propose a new lodgement date. The PAS Officer will assist with the process to ensure the request is handled appropriately.

Can I get an exemption from lodging future accounts? Why can't I be exempt?

Exemptions from lodging accounts are subject to criteria and approval processes. Regular submission of accounts helps in safeguarding the Represented Person's financial interests. It ensures the funds are being used appropriately and in their best interest. An exemption can be considered and is evaluated on an individual basis.

Why do I have to wait days for a response?

Some requests are more complex than others and, at times, there can be increased workloads. Staff aim to respond to all correspondence within 10 business days.

What happens when the Tribunal Order is revoked?

Your legal authority to manage the Represented Person's finances ends immediately and you need to present a final report of all financial transactions, assets, liabilities and expenses managed during the administration period to the Public Trustee.

You also need to transfer all records, documents and remaining assets to the new administrator, as directed by the new Order. Organisations such as banks, service

providers and healthcare facilities need to be informed to ensure they no longer recognise your authority as administrator.
The Public Trustee may review the final accounting and administration records to ensure all actions were appropriate and in the Represented Person's best interests.

What happens when the person dies?
You need to advise the State Administrative Tribunal, the Public Trustee and any relevant parties (such as banks and service providers) about the death of the Represented Person. Your role as administrator officially ends – so please stop all financial management activities and be prepared to hand over the necessary documentation. Prepare a final accounting report, detailing all financial transactions and the current state of the Represented Person's estate for the Public Trustee to review.

If the Represented Person had a Will, the Executor named in the Will needs to apply for a grant of probate from the Supreme Court of Western Australia. If there is no Will, an interested party can apply for letters of administration to manage and distribute the estate according to intestacy laws.

Legislation

Relevant legislation referred to in this guide:

- *Bankruptcy Act 1966* (Cth)
- *Fair Trading (Retirement Villages Code) Regulations 2022*
- *Family Provision Act 1972*
- *Guardianship and Administration Act 1990*
- *Guardianship and Administration Regulations 2005*
- *Public Trustee Act 1941*
- *Retirement Villages Act 1992*
- *State Administrative Tribunal Act 2004*

Complete versions of the legislation can be found at www.legislation.wa.gov.au

APPENDIX TEN

Useful contacts

Organisation	Telephone	Website
Ability WA	1300 106 106	abilitywa.com.au
Aboriginal Legal Service of Western Australia Ltd	1800 019 900	als.org.au
Advocare Inc	1800 655 566	advocare.org.au
Alzheimer's WA	1300 667 788	alzheimerswa.org.au
Carers WA	1300 227 377	carerswa.asn.au
Child Protection, Department of Communities WA	1800 273 889	childprotection.wa.gov.au
Citizens Advice Bureau of WA	(08) 9221 5711	cabwa.com.au
Community Legal Centres	various	communitylegalwa.org.au
Department of Health, Disability and Ageing (Cth)	1800 020 103	health.gov.au
Department of Veterans' Affairs (Cth)	1800 838 372	dva.gov.au
Disability Services, Department of Communities WA	1800 176 888	disability.wa.gov.au
Elder Abuse Helpline	1300 724 679	advocare.org.au
genU	1300 558 368	genu.org.au
Helping Minds	1800 811 747	helpingminds.org.au
Housing, Department of Housing and Works WA	(08) 6551 1000	housing.wa.gov.au
Kin Advocacy	1800 659 921	kinadvocacy.org.au
Landgate	(08) 9273 7373	landgate.wa.gov.au
Law Society of WA	(08) 9324 8600	lawsocietywa.asn.au
Legal Aid WA	1300 650 579	legalaid.wa.gov.au
Mental Illness Fellowship of WA	(08) 9237 8900	mifwa.org.au
National Disability Insurance Scheme (NDIS)	1800 800 110	www.ndis.gov.au
National Disability Services WA	(08) 9242 5544	nds.org.au
National Seniors Australia	1300 765 050	nationalseniors.com.au
People With Disabilities WA Inc	(08) 6243 6948	pwdwa.org
Richmind WA (formerly Richmond Wellbeing)	1800 742 466	rw.org.au
Rise	(08) 6274 3700	rise.org.au
Ruah Legal Services	1800 620 285	ruahlegal.org.au
Seniors and Ageing, Department of Communities WA	1800 176 888	seniors.wa.gov.au

Organisation	Telephone	Website
Silverchain	1300 650 803	silverchain.org.au
Sussex Street Community Law Services Inc	(08) 6253 9500	sscls.asn.au
Village Retirement WA (WARVRA)	0455 722 302	villageretirementwa.org.au
Western Australian Acquired Brain Injury Rehabilitation Service	(08) 6457 4488	nmhs.health.wa.gov.au//Hospitals-and-Services/Public-Health/Head-Injury
WA Association for Mental Health	(08) 6246 3000	waamh.org.au
WA Council of Social Service (WACOSS)	(08) 6381 5300	wacoss.org.au
Welfare Rights & Advocacy Service	(08) 9328 1751	wraswa.org.au

Glossary

This guide may contain some unfamiliar words or phrases, and the glossary is designed to help explain some of these legal and technical terms.

Abstracts
Summaries of the accounts that administrators submit to the Public Trustee.

Accounts
A set of financial records, using the Public Trustee's required format, showing the Represented Person's income, expenses, assets and liabilities over a certain period.

Acronyms
As an administrator, you may sometimes come across these acronyms:

AHD	Advance Health Directive
ATO	Australian Taxation Office
DVA	Department of Veterans' Affairs
GAL	guardian ad litem
EPA	Enduring Power of Attorney
EPG	Enduring Power of Guardianship
LRAs	Least Restrictive Alternatives
OPA	Office of the Public Advocate
PAS Team	Private Administrator Support Team
PT	Public Trustee
RP	Represented Person
SAT	State Administrative Tribunal

Administrator
A person appointed by the Tribunal to make financial and property decisions on behalf of a person with reduced decision-making abilities.

Administration Order
An Order from the Tribunal appointing an administrator (or joint administrators) to make financial and property decisions, on behalf of a person with reduced decision-making abilities.

Advance Health Directive (AHD)
A legal document where an adult sets out their future medical, surgical or dental treatment and other health care. This document then speaks for them if they become unable to make decisions or communicate their wishes.

Best interests
Administrators are required to act in a Represented Person's best interests. The term 'best interests' is addressed in s 70 of the GA Act, particularly subsection (2): "… an administrator acts in the best interests of a Represented Person if he acts as far as possible:

- as an advocate for the Represented Person in relation to the estate;
- in such a way as to encourage the Represented Person to live in the general community and participate as much as possible in the life of the community;

- in such a way as to encourage and assist the Represented Person to become capable of caring for himself and of making reasonable judgments in respect of matters relating to his person;
- in such a way as to protect the Represented Person from financial neglect, abuse or exploitation;
- in consultation with the Represented Person, taking into account, as far as possible, the wishes of that person as expressed, in whatever manner, or as gathered from the person's previous actions;
- in the manner that is least restrictive of the rights, while consistent with the proper protection, of the Represented Person;
- in such a way as to maintain any supportive relationships the Represented Person has; and
- in such a way as to maintain the Represented Person's familiar cultural, linguistic and religious environment."

Certificate of loss
A certificate issued by the Public Trustee that shows someone responsible for managing another person's money made unwise or careless choices, causing financial losses.

Contractual capacity
A person's ability to enter legally binding contracts. A Represented Person is considered to have lost their 'contractual capacity'.

Enduring Power of Attorney (EPA)
A legal document that enables an adult with legal capacity (the donor) to appoint a person or agency of their choice (as their attorney) to make certain legal, financial or property decisions on their behalf. The role is restricted to decisions about property and financial matters. An EPA remains effective even if the donor becomes legally incapacitated.

Enduring Guardian
A person appointed under Enduring Power of Guardianship (see below) to make personal, lifestyle and treatment decisions on behalf of a person who has appointed them to this role.

Enduring Power of Guardianship (EPG)
A legal document where a person nominates someone (an enduring guardian) to make personal, lifestyle and treatment decisions on their behalf if they lose the capacity to do so.

Estate
The Represented Person's real property (land and anything permanently attached to it such as buildings or trees) and personal property (furniture, vehicles and other belongings).

Examination of accounts
The Public Trustee examines financial records submitted by administrators each year, a requirement of s 80 of the GA Act. The accounts are either allowed, more information is needed or they are referred for detailed examination. Sometimes administrators are required to appear at a hearing to explain certain details.

Guardian
A person appointed by the Tribunal to make certain personal, lifestyle and treatment decisions on behalf of someone with a decision-making disability (s 45 of the GA Act lists the functions of a guardian).

Guardian ad litem (GAL)
A person appointed by a court to look after and protect the interests of someone unable to take care of themselves.

Guardianship and Administration Board
See State Administrative Tribunal (below).

Joint administrators
Two or more administrators appointed by the Tribunal who are required to work together to make decisions for a Represented Person.

Leave to apply
Permission granted by a court for an individual or organisation to proceed with an application for a judicial review or other legal action.

Legal capacity
A person's ability to make reasonable judgements relating to any part of their estate (see also **Testamentary capacity**).

Least restrictive alternatives (LRAs)
The Tribunal cannot issue an Order for a person if the same outcome could be achieved using another method that would mean less restrictions on a person's freedom of expression or actions.

Limited Order
A Tribunal Order limiting administrator powers and their responsibilities.

Next friend
A person who appears in court in place of another who is not competent to do so (such as someone under 18 or who has decision-making disabilities).

Plenary Order
A Tribunal Order with no limitations on an administrator's powers or responsibilities. But note: a plenary Order **can** be made subject to conditions and restrictions. Instructions, known as 'directions', can also made by the Tribunal.

Public Advocate
The Public Advocate is the independent statutory officer appointed under the GA Act to:

- give information, advice and training about protecting the human rights of adults with decision-making disabilities
- investigate concerns about the well-being of adults with decision-making disabilities and whether an administrator or guardian is required
- investigate specified applications made to the Tribunal
- provide guardianship services for personal, lifestyle and treatment-related decisions when the Tribunal determines there is no one else suitable or willing to act as the person's guardian.

Public Trustee
The Public Trustee is the independent statutory officer, created by the *Public Trustee Act 1941*. The Public Trustee accepts the administrator role when there is no other person suitable or willing to act, or there is evidence of financial mismanagement. The Public Trustee is required to examines a Represented Person's accounts under s 80 of the GA Act.

Represented Person
Once the Tribunal appoints someone as an administrator for a person with reduced decision-making abilities, they become known as a 'Represented Person' (ie the administrator is representing the person).

Spouse
A gender-neutral term for someone who is legally married.

State Administrative Tribunal (SAT) [or the Tribunal]
The Tribunal was established in Western Australia in 2005 as an independent body that makes and reviews a range of administrative decisions. Under the GA Act, the Tribunal handles all matters that were previously the responsibility of the Guardianship and Administration Board.

Statutory Declaration Verifying Accounts
Otherwise known as Form C, this confirms the accounts are a true and correct record of the income, expenditure, assets and liabilities of the Represented Person's estate.

Testamentary capacity
A person's ability to give clear and valid instruction when preparing or amending a Will.

Testamentary instrument
A document a person creates to say what they want to happen to their Estate after they die, usually a Will.

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