



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



Office of the
Public Advocate

*Protecting the human rights of adults
with a decision-making disability*

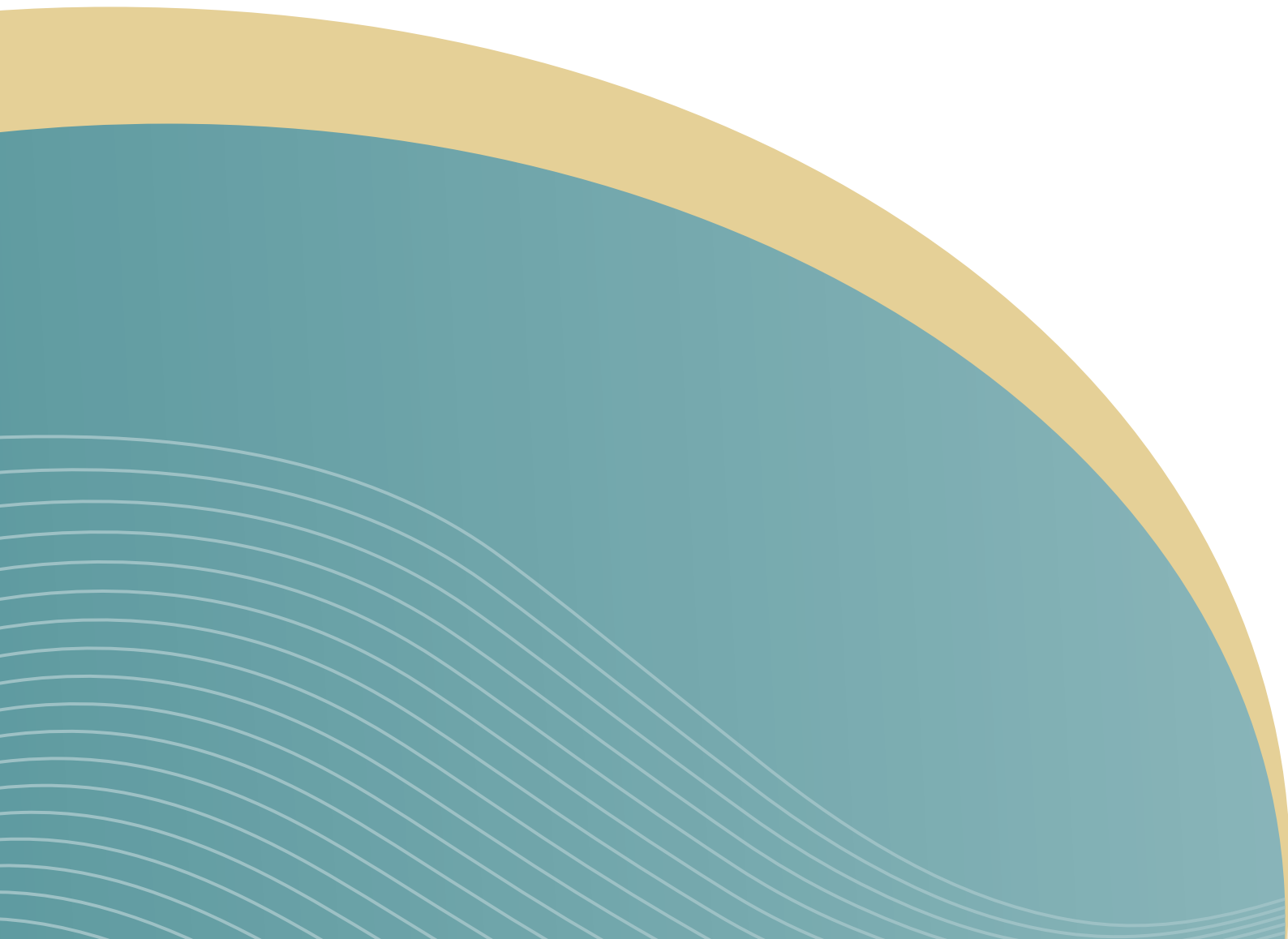
Annual Report 2024/25

The Public Advocate of Western Australia

Acknowledgement of Country

The Office of the Public Advocate respectfully acknowledges the Traditional Custodians of the land as being the first people of this Country. We embrace the vast Aboriginal cultural diversity throughout Western Australia and recognise their continuing connection to Country, water and sky.

We pay our respects to Elders past, present and emerging.



Hon. Dr Tony Buti MLA
ATTORNEY GENERAL

In accordance with section 101(1) of the *Guardianship and Administration Act 1990* of Western Australia, I am pleased to submit the Annual Report of the Public Advocate for the year ending 30 June 2025.

This report records the operations and performance of the Office of the Public Advocate during 2024/25. It outlines the issues and general trends impacting upon the human rights of Western Australian adults who have a decision-making disability and come into contact with this Office.

In 2024/25, the Office of the Public Advocate reported on financial and administrative matters to the Director General of the Department of Justice.

Pauline Bagdonavicius

Pauline Bagdonavicius PSM
PUBLIC ADVOCATE
9 September 2025

David Malcolm Justice Centre
28 Barrack Street
PERTH WA 6000
1300 858 455
opa@justice.wa.gov.au
www.publicadvocate.wa.gov.au

Contents

OVERVIEW

The Year in Review.....	5
Acknowledgements	6

OVERVIEW OF THE AGENCY

Operational Structure	7
Strategic Management Framework	13

AGENCY PERFORMANCE

Advocacy and Investigation.....	14
Guardianship	38
Interagency Collaboration and Policy Development.....	55
Community Education	62
Corporate Services.....	71

SIGNIFICANT ISSUES IMPACTING THE AGENCY

Reform.....	72
Demand	73
Case Management System	73

DISCLOSURES AND LEGAL COMPLIANCE

Financial Statements.....	74
Key Performance Indicators	74
Ministerial Directives.....	76
Public Interest Disclosures	76
Other Legal Requirements	76

APPENDICES

Legislation	77
Publications	79
Glossary	82
Annual Report 2024/25 – at a glance	83



Overview

The Year in Review

As the Office of the Public Advocate entered its thirty second year of service, demand for its statutory services of ‘advocacy and investigation’ and ‘guardianship’ continued to grow, while the Office kept working towards fulfilling its mandate to protect and promote the best interests of adults with a decision-making disability in Western Australia.

Reform remained on the agenda this year, with the Office involved in consultation sessions and a submission to the Law Reform Commission of Western Australia (LRCWA)’s review of the *Guardianship and Administration Act 1990*. The LRCWA is due to report to the Attorney General by the end of 2025. Depending on what the Commission recommends, the Office’s underpinning legislation could undergo a significant overhaul.

The Office of the Public Advocate continued its involvement as a member of the cross-government working group, responsible for monitoring, reporting on and implementing recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission). Key recommendations relating to potential reform of the *Guardianship and Administration Act 1990* are currently being considered further by Government. The LRCWA’s final report on the review of the Act will play a significant role in the Government’s consideration of these Disability Royal Commission recommendations.

In 2024/25 the Office’s advocacy and investigation team looked into 3,393 matters where there was concern someone may need a guardian and/or administrator appointed. This was a 12 per cent increase from 2023/24 when a total of 3,034 investigations were carried out.

At 30 June 2025 the Public Advocate was appointed as guardian for 4,055 adults, compared to 3,598 adults at 30 June 2024, representing a 13 per cent increase, and compared to the 2,771 adults at 30 June 2021, it represents a 46 per cent increase.

At 30 June 2025 mental illness accounted for the largest proportion (33 per cent) of all Public Advocate guardianship appointments, with intellectual disability accounting for 27 per cent, and dementia accounting for 24 per cent. Prior to 2018, dementia consistently accounted for the largest proportion of total appointments of the Public Advocate as guardian. However, mental illness and intellectual disability have steadily risen to replace dementia, accounting for the highest number of total appointments.

Growth in appointments of the Public Advocate as guardian for adults with mental illness and intellectual disability, continue to be driven by the National Disability Insurance Scheme (NDIS) roll-out, along with a growing prevalence of mental illness across the community. In order to achieve better outcomes for these represented persons, there is an ongoing need to engage in support through the NDIS, meaning these appointments are likely to continue to rise.



The Office continued its focus on accessibility in 2024/25, launching six new Easy Read factsheets, five of which were published on International Day of People with Disability 2024, promoting ways in which people with disability can access guardianship and administration information. The sixth factsheet was developed for World Elder Abuse Awareness Day 2025, providing information about how to plan for the future. The Easy Read format was also reviewed and updated in 2024, making the documents more accessible to people with low vision.

Significant policy work was undertaken by the Office throughout the year, with the Public Advocate attending or represented on numerous working groups and committees across the disability and aged-care sectors.

The Office secured \$4.321 million in funding through the Office of Digital Government, starting in 2023/24, to procure and implement a new case management system (CMS). In July 2024 the Office engaged the successful vendor in a four-year contract to carry out the project. During the year the Office worked closely with the vendor and the Department's information technology division to consider and confirm requirements for the system. It is anticipated the new system will go live in 2025/26.

The Office delivered 31 community education sessions in 2024/25 and addressed 6,230 enquiries to the telephone advisory service.

Acknowledgements

The Office's dedicated team of investigator advocates; guardians; administration, project, policy and community education officers; and managers continue to protect vulnerable adults with impaired capacity in Western Australia.

Despite the complex nature of the work, staff consistently demonstrate empathy, adaptability and professionalism, effectively navigating their way through challenging circumstances to promote the best interests of proposed and represented people.

The work of the Office is also supported by 12 hardworking community guardianship program volunteers, who generously give their time and energy to make a difference in the community. Their contribution is very much appreciated.

I would also like to thank the Director General of the Department of Justice, Kylie Maj for her support, along with other agencies and key stakeholders who have generously collaborated with the Office over the past 12 months. These relationships are essential to the Office's continued success in delivering advocacy, investigation and guardianship services to the Western Australian community.

Pauline Bagdonavicius

Pauline Bagdonavicius PSM
PUBLIC ADVOCATE

Overview of the Agency

Operational Structure

The Public Advocate is an independent statutory officer appointed by Government under the *Guardianship and Administration Act 1990* which is:

“An Act to provide for the guardianship of adults who need assistance in their personal affairs, for the administration of the estates of persons who need assistance in their financial affairs, to confer on the State Administrative Tribunal jurisdiction in respect of guardianship and administration matters, to provide for the appointment of a public officer with certain functions relative thereto, to provide for enduring powers of attorney, enduring powers of guardianship and advance health directives and for connected purposes.”

In 2024/25 the Office of the Public Advocate reported on financial and administrative matters to the Director General of the Department of Justice. In accordance with this arrangement, the financial statements of the Office are published in the Department’s annual report.

In addition to the *Guardianship and Administration Act 1990* (WA), other legislation applies to the Office of the Public Advocate (see Appendix 1).

Mission

To protect and promote the human rights of adults with a decision-making disability to reduce their risk of abuse, exploitation and neglect.

A person’s ability to make reasoned decisions in their own best interests can be affected by an intellectual disability, dementia, a mental illness or an acquired brain injury.

Functions

Section 97 of the *Guardianship and Administration Act 1990* sets out the primary functions of the Public Advocate. They include:

- investigation of concerns about the wellbeing of adults with a decision-making disability and whether there is a need for an application for a guardian or administrator to be appointed
- investigation of applications made to the State Administrative Tribunal to assist it to determine whether a guardian or administrator should be appointed
- guardianship (for personal, lifestyle, treatment and medical research related decisions) when the State Administrative Tribunal determines that there is no one else suitable, willing and available to be appointed as the person’s guardian
- information, advice and education on how to protect the human rights of adults with a decision-making disability through the *Guardianship and Administration Act 1990*.



Values

Five principles set out in section 4 of the *Guardianship and Administration Act 1990* guide the Office of the Public Advocate in the provision of all services. Broadly they are:

Presumption of competence	Every person is presumed to be capable of managing their own affairs and making reasonable judgements about themselves, their safety and their finances unless this is proved to the contrary.
Best interests	The primary concern is the best interests of the person with the decision-making disability.
Least restrictive alternative	A guardian or administrator is only appointed when a person's needs can no longer be met in a less restrictive way, without impacting on their freedom of decision and action.
Limited versus plenary	The authority of an appointed guardian or administrator will be limited to those areas in which the person with a decision-making disability needs decision-making support.
Current wishes and previous actions	The views and wishes of the person concerned are sought to the extent possible and expressed in whatever manner, either at the time or gathered from the person's previous actions.

Stakeholders

The Office of the Public Advocate's primary stakeholders are adults with a decision-making disability. A decision-making disability can result from an intellectual disability, a mental illness, dementia, or an acquired brain injury.

Of the 4,055 adults for whom the Public Advocate was appointed as guardian at 30 June 2025, 33 per cent had a mental illness, 27 per cent had an intellectual disability, 24 per cent had dementia, 14 per cent had an acquired brain injury and two per cent had some other form of decision-making disability.

Prior to 2018, dementia accounted for the largest proportion of year-end total appointments of the Public Advocate as guardian for over a decade. While mental illness and intellectual disability now each account for a larger proportion of total guardianship appointments, 46 per cent of the new matters referred for investigation by the State Administrative Tribunal involved a person with dementia and 39 per cent of the new guardianship orders appointing the Public Advocate this year related to dementia.

In relation to the gender identity of the 4,055 adults for whom the Public Advocate was appointed as guardian at 30 June 2025, 56 per cent were male, and 44 per cent were female.¹

¹ These percentages have been rounded and include four people (less than one per cent) who were non-binary or identified interchangeably as male or female.

Of the 4,055 adults for whom the Public Advocate was appointed guardian at 30 June 2025, 786 were people of Aboriginal and Torres Strait Islander descent. Intellectual disability accounted for 38 per cent of these guardianship appointments, followed by 30 per cent for mental illness, 19 per cent for acquired brain injury, 11 per cent for dementia and three per cent had some other form of decision-making disability.

At 30 June 2025, 2,680 or 66 per cent of the 4,055 adults for whom the Public Advocate was appointed guardian had National Disability Insurance Scheme (NDIS) involvement. Of the 4,055 adults, 2,539 were under 65, and of these adults, 2,379 or 94 per cent had NDIS involvement.

Western Australia’s full transition to the NDIS under the Commonwealth and State Bilateral Agreement has resulted in consistent and continued growth in appointments of the Public Advocate for people with an intellectual disability and people with a mental illness. This trend continues, with higher numbers of NDIS participants than originally anticipated and associated growth in demand for guardianship services.

Figure 1.1 Profile of all guardianship orders appointing the Public Advocate by type of decision-making disability as at 30 June 2025

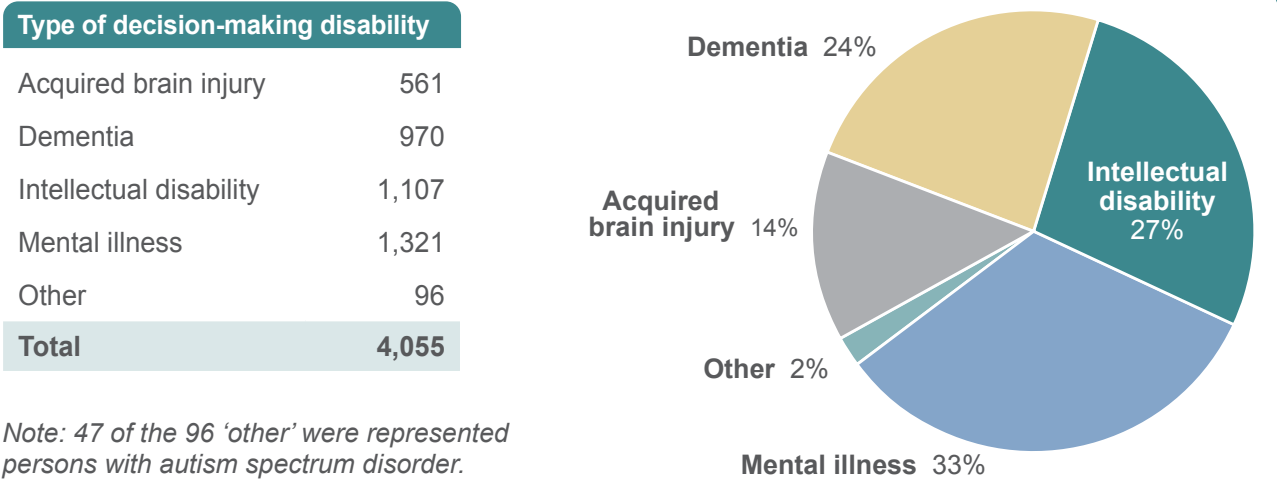
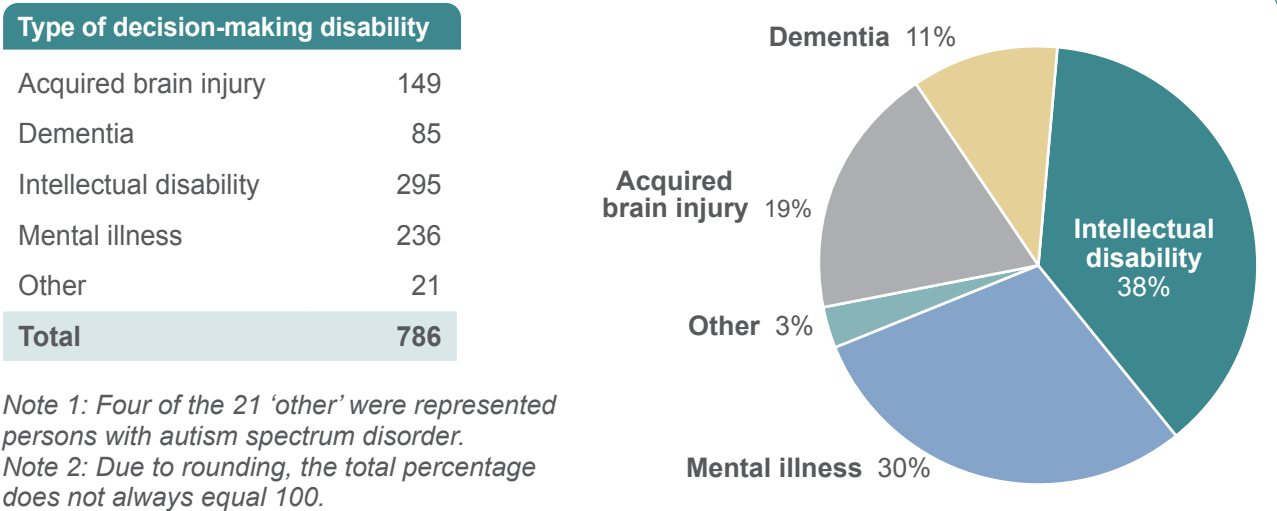


Figure 1.2 Profile of all guardianship orders appointing the Public Advocate for people of Aboriginal and Torres Strait Islander descent by type of decision-making disability as at 30 June 2025



The number of people for whom the Public Advocate is guardian has increased by 46 per cent from 2,771 in June 2021 to 4,055 in June 2025.

Figure 2 People under guardianship orders appointing the Public Advocate by type of decision-making disability as at 30 June 2021 – 30 June 2025

Type of decision-making disability	2021		2022		2023		2024		2025	
	Number	Percentage of total	Number	Percentage of total	Number	Percentage of total	Number	Percentage of total	Number	Percentage of total
Acquired brain injury	418	15%	463	15%	480	14%	518	14%	561	14%
Dementia	719	26%	779	25%	819	24%	849	24%	970	24%
Intellectual disability	759	27%	884	28%	949	28%	986	27%	1,107	27%
Mental illness	821	30%	957	31%	1,063	32%	1,179	33%	1,321	33%
Other	54	2%	32	1%	40	1%	66	2%	96	2%
Total	2,771		3,115		3,351		3,598		4,055	

Note 1: Due to rounding, the total percentage does not always equal 100.

Note 2: In 2025, 47 of the 96 'other' were represented persons with autism spectrum disorder.

Acquired brain injury

An acquired brain injury can result in the deterioration of cognitive, physical, emotional or independent functions. This injury can occur as a result of events including trauma, hypoxia, infection, alcohol and substance misuse, degenerative neurological disease or stroke. In 2007, the Australian Institute of Health and Welfare estimated that people aged 65 years or over were more than twice as likely as those aged less than 65 years to have an acquired brain injury with activity limitations or participation restrictions.²

In 2024/25 there were 1,745 Western Australian participants engaged with the National Disability Insurance Scheme (NDIS), with an acquired brain injury reported as their primary disabling condition. This represented three per cent of the 65,083 active Western Australian participants in the NDIS in 2024/25.³

Dementia

According to 2025 Dementia Australia statistics,⁴ there are an estimated 433,300 Australians living with dementia. This figure is expected to increase to more than 812,500 by 2054. In 2022 the Australian Institute of Health and Welfare estimated there were just under 40,000 people living with dementia in Western Australia.

The projected rates of prevalence in this report suggest that the Office of the Public Advocate can expect continued and significant growth in the number of represented persons with dementia.

² Australian Institute of Health and Welfare 2007. Disability in Australia: acquired brain injury. Bulletin no.55. Cat. No. AUS 96. Canberra: AIHW, p.1.

³ National Disability Insurance Scheme, published quarterly and full reports 2024-25 (www.ndis.gov.au/about-us/publications/quarterly-reports).

⁴ Dementia facts and figures - Dementia Australia.

Dementia prevalence in Australia (Figure 2.5) updated September 2024. Australian Institute of Health and Welfare.



Intellectual disability

According to the Commonwealth Department of Health, Disability and Ageing there are approximately 450,000 people with intellectual disability in Australia. Compared with the general population, people with intellectual disability have more than twice the rate of avoidable deaths and twice the rate of emergency department and hospital admissions.⁵

Of the 65,083 active Western Australian participants in the National Disability Insurance Scheme (NDIS) in 2024/25, 8,322 (13 per cent) were reported as having an intellectual disability as their primary condition in 2024/25.⁶

Intellectual disability accounted for the second largest proportion of all adults for whom the Public Advocate was appointed guardian at 30 June 2025.

Historically, the Public Advocate has remained guardian for people with an intellectual disability for a long period of time, or even for the remainder of their life, due to the appointment often being made because the person has no other family to assist with decision making. This factor, coupled with a growing prevalence of intellectual disability within the population, indicates the Office can expect continued growth in the number of represented persons with an intellectual disability.

Mental illness

According to the 2020-2022 National Study of Mental Health and Wellbeing report, conducted by the Australian Bureau of Statistics, 42.9 per cent of people aged 16-85 years had experienced a mental disorder at some time in their life.

In 2020-22, 3.4 million Australians aged 16-85 years (17.4 per cent) saw a health professional seeking support for their mental health. The prevalence of mental health disorders continues to decline with age starting at 22.9 per cent in the youngest age group (16-34 years), compared to 17.4 per cent of people aged 35-64 and 8.1 per cent of people in the oldest group (65-85 years).⁷

The National Disability Insurance Scheme (NDIS) defines 'psychosocial disability' as a disability that may arise from a mental health issue. Of the 65,083 active Western Australian participants in the NDIS in 2024/25, 5,643 (nine per cent) were reported as having a psychosocial disability as their primary condition.⁸

Mental illness accounted for the largest proportion of guardianship appointments of the Public Advocate as at 30 June 2025. The growing prevalence of mental illness within the community, coupled with the need for represented persons with mental illness to engage support through the NDIS for better outcomes, particularly those with chronic mental health issues, would seem to indicate the number of guardianship appointments of the Public Advocate for people with mental illness will continue to grow.

5 Why we need a roadmap - National Roadmap for Improving the Health of People with Intellectual Disability. Commonwealth Department of Health, Commonwealth Department of Health, Disability and Ageing.

6 National Disability Insurance Scheme, published quarterly and full reports 2024-25 (www.ndis.gov.au/about-us/publications/quarterly-reports).

7 National Study of Mental Health and Wellbeing published July 2022. Australian Bureau of Statistics.

8 National Disability Insurance Scheme, published quarterly and full reports 2024-25 (www.ndis.gov.au/about-us/publications/quarterly-reports).



Resources

The role and functions of the Public Advocate were supported by an approved establishment of 100 ongoing full-time equivalent (FTE) positions as at 30 June 2025, with an expenditure totalling \$17.634 million⁹ for advocacy, guardianship and administration services.

The Office of the Public Advocate's core services are delivered through two distinct branches - advocacy and investigation, and guardianship. These staff members are accountable to the Public Advocate through their managers and are supported by administrative, policy and community education positions.

⁹ Expenditure includes shared Department of Justice corporate support.

Strategic Management Framework

The performance of the Office of the Public Advocate is assessed under the Strategic Framework established by the Department of Justice.

Government Goal

Safe, Strong and Fair Communities: Supporting our local and regional communities to thrive.

Department of Justice

Mission

A fair, just and safe community for all Western Australians.

The Department of Justice supports the community, Western Australian Government, judiciary and State Parliament through the provision of access to high quality justice, legal and corrective services, information and products.

Principals

- High performing and professional.
- Ethical and accountable.
- Trained, safe and supported.

Values

- Respecting rights and diversity.
- Fostering service excellence.
- Being fair and reasonable.

Office of the Public Advocate services

Within the above framework, the Office of the Public Advocate provides access to advocacy, guardianship and administration services which protect and promote the financial interests and welfare of adults with a decision-making disability by providing:

- advocacy and investigation services
- advocacy for the appropriate appointment of guardians and administrators and appropriate interventions in relation to enduring powers of attorney and enduring powers of guardianship
- guardianship and administration services provided through the appointment of the Public Advocate by the State Administrative Tribunal
- community education services regarding the guardianship and administration system.

Cross-agency initiatives

The Office of the Public Advocate works together with the Public Trustee with regard to guardianship and administration matters. This occurs when both the Public Advocate and Public Trustee have been appointed as guardian and administrator respectively, by the State Administrative Tribunal.

The two offices also jointly provide training for private administrators appointed by the State Administrative Tribunal, to enable them to better understand their role and responsibilities.

Other cross-agency initiatives are discussed in the 'interagency collaboration and policy development' section of this report.

Agency Performance

Advocacy and Investigation

The advocacy and investigation function of the Office of the Public Advocate includes:

- conducting investigations referred by the State Administrative Tribunal in relation to applications for guardianship and administration or the operation of existing guardianship and administration orders, enduring powers of attorney or enduring powers of guardianship, to gather information on what is in the best interests of the person with a decision-making disability
- reporting at hearings of the State Administrative Tribunal on whether it is in the best interests of an adult with a decision-making disability to have a guardian or administrator appointed
- advocating for the appointment of a guardian or administrator when appropriate and in the best interests of the person with a decision-making disability, when there is no other way to meet the person's needs
- making recommendations about who could be appointed and what functions might be needed in an order
- investigating referrals from the State Administrative Tribunal where an appointed private guardian or private administrator has passed away, engaging with family and service providers, and making applications for a review of the orders to ensure the person has ongoing decision-making support
- under delegation, taking on substitute decision-making for a person whose private guardian and/or private administrator has passed away, including liaising with family and service providers in making decisions until a review hearing occurs at the State Administrative Tribunal
- under delegation, taking on substitute decision-making for a person where the Public Advocate has been appointed administrator of last resort
- investigating complaints or allegations from the public that a person with a decision-making disability may be at risk of abuse, exploitation or neglect and may be in need of a guardian or administrator
- investigating referrals from the Mental Impairment Review Tribunal in relation to whether a person, who is placed under the *Criminal Law (Mental Impairment) Act 2023*, needs a guardian or administrator.
- investigating referrals from any courts regarding the need for a person to have a guardian or administrator appointed in relation to legal proceedings (civil matters)
- providing assistance to the State Administrative Tribunal through the liaison officer function, by conducting brief investigations and providing advice to the Tribunal on specific aspects of an application
- informing and advising government, community and business organisations on the best interests of adults with a decision-making disability in the development of legislation, policies and services.



In carrying out their enquiries, it is a priority for investigator advocates to seek the views of the person who is the subject of an application, where possible, before the Tribunal hearing.

This enables their views to be gathered in a more informal setting, where the person may feel more comfortable talking about their personal circumstances. This, in turn, enables the investigator advocate to present the person's views to the Tribunal so they are considered as part of the Tribunal's decision-making process.

Investigator advocates also interview a range of interested parties which may include family, friends and service providers. The extent and nature of consultation will depend on the timeframe given by the State Administrative Tribunal, the complexity of the matter, whether the application identifies an immediate risk to the person the application is about and other workload priorities.

Investigator advocates often prepare a report of their investigation which makes recommendations about the person's situation and how the concerns raised can be addressed. In doing this, investigator advocates are focussing on the best interests of the person and seeking the least restrictive options in regard to decision making. This advocacy role is to assist the State Administrative Tribunal with its deliberations.

Investigator advocates also provide oral advocacy at hearings, based on information gathered prior to the hearing and information that may arise within the hearing itself.

During their investigation the investigator advocate might identify areas where decisions are required and find options for how these decisions could be made without a formal guardianship or administration order. The following examples show scenarios where this might occur.

- A person makes an application for the appointment of a guardian, as they believe a vulnerable adult does not have appropriate support services in place. In the course of the investigation, the investigator advocate advises the applicant of community services which could assist the vulnerable adult. The applicant engages these services and the situation is resolved without the need for the appointment of a guardian.
- A health professional makes an application for the appointment of a guardian, as they believe their patient has a decision-making disability and needs a substitute decision-maker for treatment decisions. The *Guardianship and Administration Act 1990* sets out a formal order of treatment decision-makers (in sections 110ZD and 110ZJ). In explaining this process to the health professional, the investigator advocate assists them to find the appropriate decision-maker within this order (hierarchy), meaning there is no need for the appointment of a guardian.
- An applicant raises concerns about a family not engaging with decision making, and believes a guardian and/or administrator is needed. The investigator advocate liaises with the family to explain the need to engage with services in the best interests of the family member. The family member ensures the provider has relevant contact details and becomes more engaged during the investigation process, resolving the need for a formal appointment.



The Year in Review

In 2024/25, the Public Advocate carried out a total of 3,393 investigations into the personal or financial welfare of adults with a decision-making disability. This was a 12 per cent increase from 2023/24, when there were 3,034 investigations carried out. These 3,393 investigations included new matters and matters carried over from 2023/24.

Of the 3,393 investigations carried out during the year, 3,258 needed investigation and advocacy relating to applications for, or reviews of, administration or guardianship orders before the State Administrative Tribunal. This represented an increase of 12 per cent from 2023/24, when 2,904 investigations related to matters before the State Administrative Tribunal.

The remaining 135 investigations were referred directly to the Public Advocate from sources including members of the public, Courts and the Mental Impairment Review Tribunal.

An additional 51 preliminary investigations were referred under the liaison role, which assisted the Tribunal in gathering further information relevant to the hearing. This included seeking preliminary information in relation to whether the matter was urgent, or if safeguards needed to be put in place before the Tribunal hearing.

In line with the growing number of referrals, the number of applications from regional locations also increased. In the last financial year there were 25 regional visits which enabled investigator advocates to interview proposed represented people and relevant interested parties.

This assisted in ensuring, as far as possible, that people who lived outside of the metropolitan area had the same access to information, and the same opportunity to present their views prior to the State Administrative Tribunal hearing.

Investigations referred by the State Administrative Tribunal

There were 2,833 new investigations referred by the State Administrative Tribunal in 2024/25, which was an 18 per cent increase from the previous year, when there were 2,407 new investigations.

These 2,833 investigations related to a range of application types, including applications:

- for the appointment of a guardian and/or administrator, where no orders were in place.
- for intervention into enduring powers of attorney, enduring powers of guardianship, or advance health directives
- to review administration or private guardianship orders.

Investigator advocates face many and varied issues in their investigations and they require a range of skills in order to identify and respond to the situations which arise in the course of an investigation.



The complexity of some of the matters that investigator advocates work on is highlighted by an increase in the number of applications made under section 17A of the *Guardianship and Administration Act 1990*, where a Full Tribunal reviews the decision of a single Tribunal Member. Investigator advocates attend these 17A hearings to provide further advocacy in relation to the application and the best interests of the proposed represented person, and at times investigator advocates are required to submit a further report for the hearing.

The State Administrative Tribunal holds a number of urgent hearings for which the Tribunal requests the attendance of an investigator advocate. In 2024/25 the Tribunal did so for 611 urgent matters, representing a 38 per cent increase from 442 urgent matters in 2023/24. In some cases, the hearing occurred on the day the matter was referred to the Office of the Public Advocate.

A hearing that occurs within three weeks of referral to the Office of the Public Advocate is classed by the Office as being an urgent matter. Urgent matters need to be managed within investigator advocates' existing, planned workload, and require investigator advocates to attend hearings at short notice to represent the best interests of proposed represented persons.

The profile of urgent applications has changed in recent years. Historically, urgent applications related to when there was an immediate and significant risk to a person, including urgent and critical medical treatment decisions, a need to protect a person's finances due to allegations of financial abuse, or if there was evidence of significant debt and proceedings were on foot to pursue repayment.

However, in addition to these circumstances, urgent applications are now regularly submitted by hospitals seeking guardianship and administration orders, for decisions to be made regarding a person's care following their discharge from hospital.

Assisting applicants to understand the informal processes which may enable decisions without formal orders is an ongoing role for investigator advocates and also a focus of the community education conducted by the Office.

Case Study 1

Less Restrictive Alternative

An example of a where a less restrictive alternative to the making of guardianship and administration orders was found for a proposed represented person, can be seen in a recent urgent application made by a hospital, which was referred to the Office of the Public Advocate to investigate.

Mr J had a diagnosis of dementia. He was admitted to hospital after having a fall at home, where he lived with his wife.

Although he had been diagnosed with dementia, Mr J was able to explain that his care needs had increased beyond what his wife was able to provide. To assist his wife and ensure he had appropriate support, he decided he wanted to move into residential aged care.

(continued next page)



(Case study continued from previous page)

Mr and Mrs J had joint bank accounts. Mrs J was able to access their money to pay for Mr J's care and was also able to complete the aged care assets assessment forms. Mr and Mrs J, and their adult children, were all in agreement about Mr J's discharge plan and they were looking at suitable accommodation options.

When assessing this situation, there was a clear alternative to the making of orders, as Mr J was making his own decision about his accommodation and support needs and his wife and family were in agreement and informally supporting him by progressing his discharge planning and researching aged care facilities.

Where informal options are available and working in the person's best interests, these should be utilised in preference to making orders. Providers should work with people and their family/support network to explore their situation and enable such informal arrangements to remain intact, without the need to make applications to the State Administrative Tribunal.

If issues were to arise in the future, family or other agencies could make an application to the Tribunal.

Note: Names and details have been changed to protect confidentiality.

Attending urgent Tribunal hearings and advocating for proposed represented persons' best interests, presents a particular challenge for investigator advocates as they are required to assess the issues and risks regarding a person's safety or wellbeing within a limited timeframe. In some cases, this timeframe may be a matter of hours, or a matter of days. Some of these hearings occur outside of normal working hours.

In many cases the urgent hearing will consider the specific issue of urgency and the investigator advocate will need to continue carriage of the matter to a final hearing.

Where the Public Advocate is appointed at an urgent hearing, the investigator advocate may be required to urgently provide information to the Public Advocate about the represented person and the key decisions needed, to enable timely consideration of the issues and a decision to be made. This includes the need for urgent decisions on behalf of a represented person outside of usual working hours.

Liaison role

The Office of the Public Advocate provides a liaison role to respond to requests from the State Administrative Tribunal seeking advice and recommendations about specific aspects of applications, prior to listing a matter for hearing or making a formal referral to the Public Advocate to investigate.

In 2024/25 the advocacy and investigation team, through the liaison role, conducted preliminary investigations into 51 new applications before the Tribunal. This included new applications for guardianship and/or administration, review applications and applications for intervention in enduring powers of attorney and enduring powers of guardianship.

These matters require immediate attention as they often relate to an assessment of urgency or measures needed to protect a proposed represented person. There is a timeframe of three business days in which to respond to the Tribunal in relation to these referrals.



The investigator advocate will contact selected parties, in line with the specific request from the Tribunal, and provide a short report to the Tribunal, responding to the referral with a recommendation about how to proceed.

Referrals to the liaison role tend to seek information on specific issues raised within the application on which the Tribunal seeks clarity before proceeding with a listing.

In some cases, the investigator advocate recommended to the State Administrative Tribunal that the matter should be referred to the Office of the Public Advocate for full investigation due to the complexities identified from speaking to interested parties.

In other cases, the investigator advocate was able to speak to key parties and gather information which would assist the Tribunal process. In these instances, the recommendation to the State Administrative Tribunal was that the Public Advocate be given notice of possible appointment and the investigator advocate attended the Tribunal hearing.

As with other investigations, the focus for the investigator advocate is to consider what is in the best interests of the proposed represented person.

Case Study 2

Impacts of family and domestic violence

In recent years there has been an increased focus on family and domestic violence within the community, as well as changes in the approaches to, and understanding of, situations involving coercive control.

This has been reflected in the matters referred to the Office for investigation, with an increase in applications where, as the matter is explored, alleged family and domestic violence within a marriage/de facto relationship are revealed as factors that are impacting the proposed represented person.

The following case studies highlight the complexity of some of the situations investigator advocates must explore.

Ms Z

Ms Z had been married to her husband for many years and they had a number of children. The investigation uncovered the presence of alleged domestic violence within the marriage, including the husband monitoring and limiting Ms Z's activities outside the home. Her children were aware of this and had supported Ms Z, while limiting their own contact with their father, enabling Ms Z to make her own decisions about the relationship.

Ms Z became unwell and was admitted to hospital. During her admission, Ms Z was diagnosed with dementia. At this time, she asked one of her children to help take her to a safe place as she did not want to return to the family home once she was discharged. An application was submitted to the State Administrative Tribunal for guardianship and administration orders, with the applicant stating the address of Ms Z should not be disclosed.

(continued next page)



(Case study continued from previous page)

When talking to the investigator advocate, Ms Z was very clear that she was fearful of her husband and did not want him to know where she was. The investigator advocate understood that Ms Z did not want to return home, and identified there were concerns regarding her declining capacity and ongoing ability to maintain her own safety.

Maintaining safety was a key theme for the investigator advocate, as it became apparent the husband was using official processes to try to locate his wife. These included reporting her missing at various police stations and making enquiries to the State Administrative Tribunal, to see if his wife was known to the Tribunal.

Following her discharge from hospital, Ms Z was staying with one of her adult children at a location not known to other family members. Ms Z's husband was reportedly pressuring the children to tell him where his wife was.

The investigator advocate had to ensure the Tribunal was aware of the alleged domestic violence issues in the lead up to the hearing and in terms of providing the notice of hearing, to ensure that Ms Z was safe during the hearing process. The concern being that if her husband attended the hearing, he would then be able to find out where she was living, which would put her at risk.

The Tribunal appointed the adult child with whom Ms Z was living, as her guardian.

Under the *Guardianship and Administration Act 1990*, a notice of hearing should be given to the person's 'nearest relative'.

A spouse or de facto partner is the first person defined as a 'nearest relative'.

In this case, it was critical that the investigator advocate was aware of the alleged family and domestic violence concerns so they were able to highlight them with the Tribunal, to enable the appropriate security protocols to be implemented.

It was also important for the investigator advocate to ensure the Office had processes in place to maintain Ms Z's safety in the event of contact from her husband.



Ms Y

An application for guardianship and administration was lodged by Ms Y's ex-partner. The matter was referred to the Office of the Public Advocate for investigation.

Ms Y's ex-partner stated in the application that Ms Y was impulsive and vulnerable to persuasion following an acquired brain injury. In assessing the application, it was noted by the investigator advocate that the ex-partner did not have a current address for Ms Y and he stated there may have been a change to Ms Y having him listed as her 'next of kin'.

The ex-partner noted that extended family were 'loyal' to Ms Y and would side with her in regard to the concerns he raised about her capacity and inability to make informed decisions for herself.

The ex-partner also advised that an enduring power of attorney (EPA) which appointed him to make financial decisions for Ms Y, had been revoked and one of Ms Y's siblings had been appointed instead. The ex-partner indicated Ms Y had been influenced to do this when she lacked capacity.

The investigator advocate contacted Ms Y by email and she responded by phone, an initial indication that she understood the email and was able to initiate responding.

Ms Y was able to provide her views on the application, importantly noting that prior to this application she had commenced a separation process from her ex-partner. She referred to a history of alleged controlling behaviour within the relationship including a recent instance when he had made negative comments about her mental capacity in public.

This open questioning of Ms Y's decision-making capacity alerted her to the fact that her ex-partner was looking to pursue guardianship and administration processes, so she quickly sought to revoke her EPA which appointed him, and made a new EPA appointing her siblings, whom she trusted.

Ms Y explained that while she had undergone recent medical treatment, she had been cleared by her General Practitioner to return to work and that there were no concerns about her mental capacity.

It appeared from information gathered from a range of parties, that Ms Y's ex-partner was using the guardianship and administration process as a means to find Ms Y, and to discredit her capacity by way of having her deemed incapable of informed decision-making.

Again, it was necessary in this process for the investigator advocate to have an understanding of family and domestic violence, to ensure they did not disclose Ms Y's location and to put alerts in place to ensure other Office of the Public Advocate staff and the State Administrative Tribunal were aware of Ms Y's concerns.

Ultimately, presented with clear evidence that Ms Y had capacity, the Tribunal dismissed the application.



Ms A

An urgent application to the State Administrative Tribunal was referred to the Office of the Public Advocate about Ms A. The application detailed Ms A's need for urgent treatment, but that her de facto partner was seemingly preventing this treatment from being provided.

The applicant identified some concerns about Ms A and her de facto partner's relationship and potential coercive control, but due to the urgency of the situation, neither the Office or the applicant had time to explore this.

At the hearing, the couple appeared close and Ms A's partner explained some of the issues that had occurred which made it difficult to obtain treatment for Ms A. Other family members involved in the hearing did not raise concerns about the situation.

Ultimately, a long hospital stay was recommended by Ms A's treating team, which would provide safeguards for Ms A and time to gather more information about her situation. The Tribunal appointed Ms A's de facto partner as her limited guardian for a short period, to make treatment decisions.

Shortly after the hearing, Ms A's partner reportedly started to object to her medical treatment and intervene to prevent the hospital team from assessing Ms A.

It was observed that Ms A was distressed in her partner's presence and contrary to her partner's instructions, she was clearly saying she wanted the hospital staff to treat her.

After an altercation at the hospital and a failed attempt by Ms A's partner to remove her from the hospital against medical advice, the hospital submitted an urgent review application to the Tribunal.

The actions of Ms A's partner as her guardian, demonstrated that he was not acting in Ms A's best interests and appeared to support the previous concerns about him preventing her from accessing treatment.

The guardianship order appointing Ms A's partner was revoked by the Tribunal and the Public Advocate was appointed as limited guardian for a short period to make treatment decisions.

During the course of the Public Advocate's appointment, the delegated guardian will continue seeking additional information about Ms A, including her views and wishes and whether or not there is an ongoing need for a guardian. This will better inform the recommendations that will be made by the delegated guardian at the next hearing.



When is an application to the State Administrative Tribunal urgent?

The average timeframe for a standard application to be heard at the State Administrative Tribunal, is between six and eight weeks.

This allows time for the Tribunal to refer the application to the Office of the Public Advocate so an investigator advocate can investigate the case.

During an investigation, the investigator advocate will prioritise meeting with the person for whom the application has been made (the proposed represented person), along with the applicant and other relevant parties, before writing a report with their recommendations for the Tribunal hearing.

In contrast, urgent hearings do not always allow enough time for a thorough investigation of more complex situations and the ability for an investigator advocate to meet with the proposed represented person and other key parties, can be limited.

While urgent hearings can be vital in certain situations, to ensure a person's physical or financial safety, and they can be highly effective in shutting down dangerous situations, they lack the thorough examination of issues in other applications, due to the nature of being treated urgently.

As illustrated in Ms A's case, the limited time before the hearing did not enable the investigator advocate to understand the complexities of the relationship and the alleged coercive control involved. Whereas in Ms Z's case, with time to investigate the situation, it was possible to uncover the reality of the situation and importantly, to put protective measures in place.

While understanding some situations are urgent, these two outcomes also demonstrate why the Office recommends that service providers consider the pros and cons of each situation before labelling their application as urgent.

Note: Names and details of all three case studies have been changed to protect confidentiality.



Community-referred investigations

Section 97(1)(c) of the *Guardianship and Administration Act 1990* gives the Public Advocate the power to investigate any complaint or allegation that a person is in need of a guardian or administrator or is under an inappropriate guardianship or administration order.

These types of matters are called ‘community-referred investigations’ by the Office, as they generally come from issues raised by a concerned community member who does not have the kind of relationship with the person they are concerned about that would lead them to make an application to the State Administrative Tribunal.

In addition to referrals from friends and neighbours of adults with impaired or suspected impaired decision-making capacity, referrals for investigation also come from other sources including community-based organisations, such as churches and social groups, where a risk is identified but no one in the community-based group is in a position to make an application to the Tribunal or intervene in any way.

There are also referrals from other agencies such as the Police, where in attending an incident, a concern is raised that a person with a decision-making disability may require some sort of formal support.

Referrals from Courts are included as community-referred investigations. These investigations present a range of challenges to investigator advocates as the purpose is to get information on the person’s capacity as it relates to the specific Court matter, and keep the referring Court informed of the progress of the investigation to assist in Court listing dates.

In total, 135 such referrals were reviewed by the Office in 2024/25, a similar number to the 130 such referrals in 2023/24. Of the 135 cases, 96 were closed during the financial year and 39 remained open at 30 June 2025.

In community-referred investigations, investigator advocates initially need to confirm the person is not at risk by speaking to the referring person. If there is an identified risk, the investigator advocate needs to make a recommendation about how to proceed with the investigation.

For example, it may be necessary to establish a financial safeguard, before proceeding to speak to interested parties. This is a particular issue if there is a report that the person is a victim of a scam, and this requires the investigator advocate to establish if there is an informal safeguard, such as a bank putting a stop on any overseas transactions, or if there is a need for an urgent application for the appointment of an administrator. Where an immediate risk is identified, that information is provided to the Public Advocate with a recommendation about the need for an urgent application for the State Administrative Tribunal to address the risk, while the investigation is going on.

The investigation process often involves gathering information from parties who may be unwilling to engage with the investigator advocate. This can extend the time taken to investigate a concern.



In a small number of instances, when an investigator advocate starts making enquiries, they may make contact with a family member or friend of the person who share the same concerns that have been raised and who is willing and able to make the application to the Tribunal.

The investigator advocate will then provide the family member or friend with the relevant information and support to make the application. Once the application has been submitted, the investigator advocate will advise the Tribunal about the Public Advocate's involvement in the matter. The investigator advocate will continue gathering information and provide a report to the Tribunal to assist in the hearing process.

In most cases, the focus of the community-referred investigation is to establish whether the person requires a guardian and/or administrator, or whether less restrictive safeguards are possible.

A critical part of the community-referred investigation is obtaining medical records, to enable the Public Advocate to establish whether a person has a decision-making disability. Gathering this information can take considerable time, as the person may not have a current General Practitioner, and medical professionals who are involved with the person may be reluctant to share information due to patient confidentiality.

Accurate medical information is critical, as without an assessment to indicate that a person lacks decision-making capacity, it is unlikely that an application to the Tribunal could be made by the Public Advocate.

The *Guardianship and Administration Act 1990* does not provide the Public Advocate with the power to compel parties to provide information and this can impede some investigations in which claims of financial, or other forms of abuse, cannot be substantiated.

Types of community-referred investigations undertaken by the Office of the Public Advocate include:

- A friend or neighbour sees a person is no longer making good decisions and suspects this might be due to dementia or some other decision-making disability. The friend or neighbour may not be in a position to make an application to the Tribunal due to concerns it will impact on their friendship with the person.
- A person has concerns that a vulnerable adult with a decision-making disability is experiencing abuse or exploitation.
- Family members have concerns about a relative with a decision-making disability, but they are unable to resolve the issue due to a longstanding dispute.
- The Police attend a home incident and have concerns that an adult with a decision-making disability does not have capacity and may be in need of some form of support.
- Referrals from a Court where there are concerns that an adult who is party to proceedings is not able to understand the Court process due to a decision-making disability.
- Referrals from the Mental Impairment Review Tribunal under section 98 of the *Guardianship and Administration Act 1990*, when a person is placed on a custody order, or community supervision order under the *Criminal Law (Mental Impairment) Act 2023*.



The outcome of community-referred investigations might include:

- The Public Advocate making applications to the State Administrative Tribunal for guardianship and/or administration orders.
- The Public Advocate referring the concerned party to other agencies to provide assistance or support.
- The Public Advocate being provided information to confirm that the person does not have a decision-making disability and the matter being closed. In such cases where concerns exist, the identified person will be given information about how they may access community-based supports.

Advocacy

In addition to conducting investigations, it is the role of an investigator advocate to advocate in the best interests of people for whom a guardianship and/or administration order is being proposed (proposed represented persons) at hearings before the State Administrative Tribunal and also advocate during the course of an investigation to assist in resolving issues before the hearing.

Collaboration with other States and Territories

Throughout the year, the advocacy and investigation team and the guardianship team were contacted by interstate counterparts regarding vulnerable adults with decision-making disabilities who were either under guardianship orders in that State or Territory or were the subject of an application proposing that they have a guardian appointed.

Where possible, staff assisted their counterparts to ensure the safety and protection of these vulnerable adults.

There were also occasions during the year where investigator advocates needed to liaise with interstate counterparts where a person had been moved from Western Australia to another State or Territory during the course of an investigation, and where concerns were held for their wellbeing. The information gathered was relevant to guiding the investigation process and providing information to the State Administrative Tribunal to assist in determining how to proceed in the matter.

Administrator of last resort

During 2024/25, the Public Advocate was appointed as limited administrator of last resort for a total of two represented persons, with one of those appointments being revoked following the Public Advocate's investigation and the State Administrative Tribunal appointing the Public Trustee as the plenary administrator.



What does administrator of last resort mean?

If a person is unable to make reasonable decisions about their finances, they did not appoint an attorney while they had capacity and informal arrangements are not working in their best interests, the State Administrative Tribunal may appoint an administrator.

An administrator has the authority to make financial and legal decisions on behalf of the person they represent.

If a person needing an administrator does not have a family member or friend who is suitable, willing and available to take on the role, the State Administrative Tribunal may appoint the Public Trustee.

If there is a conflict of interest for some reason, meaning the Public Trustee cannot be appointed as administrator for particular functions, the *Guardianship and Administration Act 1990* enables the Public Advocate to be appointed as administrator of last resort.

The Public Advocate is only appointed as administrator, if all of the other options are exhausted and the appointment is the only option available. While this does not occur often, such appointments are usually complex.

This is a significant function for the Public Advocate. When appointed administrator of last resort the Public Advocate will usually have a limited function with regard to legal proceedings, with the Public Trustee often appointed with the remaining functions. The role involves extensive liaison with legal professionals and the Public Trustee in regard to progressing the proceedings.

The principal investigator advocate will review the application and supporting documents and attend the State Administrative Tribunal hearing to advocate on behalf of the represented person. The principal investigator advocate will consider if there are other parties who could be appointed, consider the conflict of interest raised in the application and ultimately, if the appointment of the Public Advocate is to occur, advocate for orders which will enable the Public Advocate to conduct the role as administrator of last resort.

Once appointed as administrator of last resort, a key role for the principal investigator advocate is to conduct a file review and briefing for the Public Advocate to enable decisions to be made about progressing the specific case.



Issues for Advocacy and Investigation

Allegations of abuse

The continued demand for the Office of the Public Advocate to conduct investigations into the personal or financial welfare of adults with a decision-making disability can largely be attributed to Western Australia's ageing population.

Additionally, there is an increased awareness of the role of the Office of the Public Advocate, particularly in relation to investigating concerns about elder abuse.

Some older Western Australians do not have support networks such as family and friends to assist them when they lose the capacity to make their own decisions. This often results in the appointment of the Public Advocate and/or the Public Trustee.

Of the 2,833 new investigations carried out during the year, allegations of abuse were identified in relation to 329 people, of which 174 of these people were 65 years of age or older. Of these alleged elder abuse cases, 86 per cent involved alleged financial abuse.

This alleged abuse often occurred in the absence of a substitute decision-maker and by a person who saw the opportunity to exploit a vulnerable individual. Often this occurs where the victim is socially isolated or dependent on their family for support.

In some instances, however, it was alleged that this abuse was perpetrated by a person with authority, including an enduring guardian appointed under an enduring power of guardianship or an attorney appointed under an enduring power of attorney.

The focus of the investigation is whether the person is in need of a substitute decision-maker. Investigator advocates look at the importance of balancing the person's right to autonomy, with the possibility of abuse and the need for the protection afforded by appointing someone to oversee the individual's decision-making.

The National Disability Insurance Scheme

Western Australia's participation in the National Disability Insurance Scheme (NDIS) has seen a number of applications to the State Administrative Tribunal where it has been identified that informal supports will no longer be sufficient to engage services for a person with a decision-making disability. This may be because through accessing the NDIS the person has more opportunity to engage support services and it is identified that someone needs to be appointed to make the decision about which service to engage.

In some cases, applications have been made because the existing support arrangements will not be able to continue. There is an identified need for a person with a decision-making disability to have a guardian and/or administrator appointed to oversee the change in support arrangements and also to take over management of the person's finances where this may have been managed by the support agency.

As applications for access to the NDIS need to be made before a person turns 65, investigator advocates have needed to highlight where there may be an urgent need for access applications to be made, where the person will soon reach this age.



Criminal Law (Mental Impairment) Act 2023

On 1 September 2024, the *Criminal Law (Mental Impairment) Act 2023* (CLMI Act) came into effect, replacing the *Criminal Law (Mentally Impaired Accused) Act 1996* (CLMIA Act).

In the 10 months of operation from 1 September 2024 to 30 June 2025, referrals were made to the Office of the Public Advocate, to investigate the need for a guardian or administrator, for eight people who had been found unfit to stand trial or acquitted on account of unsoundness of mind under the CLMI Act. This is more than double the number of referrals received each year under the former legislation, the CLMIA Act.

The eight referrals included four people on custody orders and four people who were placed on Community Supervision Orders by the courts. Three referrals were closed, and in two of these cases, it was determined there was not a need for applications for guardianship or administration orders to be made as other supports were in place.

Case Study 3

Exploring the veracity of claims in applications

An application was made to the State Administrative Tribunal for guardianship and administration orders relating to Ms E, a teenager who was living with her family in regional WA.

Ms E was about to turn 18 and the application was made by someone identifying as her service provider. The application alleged that Ms E's family was abusing and neglecting their daughter and that decisions were not being made in her best interests.

In light of the serious concerns raised in the application, the matter was referred to the Public Advocate for urgent assessment and consideration of the need for immediate intervention. Ultimately, the matter was referred to the Office for investigation, so the investigator advocate could speak to the relevant people involved, including Ms E, to provide a report of their findings at the Tribunal hearing.

The investigation was comprehensive and far-reaching, with information gathered from a broad range of stakeholders including medical professionals, friends and neighbours, in addition to multiple discussions with Ms E and her family.

During the course of the investigation, it became apparent that having received National Disability Insurance Scheme (NDIS) funding, Ms E's mother began engaging relevant service providers.

Service Provider A began service provision and over time, additional providers were engaged for different services. After a period of time, engagement with Service Provider A became difficult as they reportedly overstepped their role. This in turn impacted on the other services that Ms E's mother had engaged. Ultimately, Ms E's mother had to cease services with Service Provider A, as they were not fulfilling their contractual requirements.

Service Provider A then made an application to the Tribunal, in which they alleged Ms E's family were mistreating her.

(continued next page)



(Case study continued from previous page)

Working through the issue with relevant parties, the investigator advocate could see that the mother's decision to terminate services with Service Provider A on her daughter's behalf, was what had led the aggrieved service provider to submit their application to the Tribunal, raising false concerns about Ms E's living situation.

During the investigation, the complaints raised in the application were discussed at length with all independent parties, to seek their view on the veracity of the complaint. All parties refuted the claims, confirming the family were committed to providing a supportive environment for Ms E. This included correspondence from an advocacy agency which raised broader concerns about Service Provider A, and which supported the approach of Ms E's family.

Additionally, when interviewed independently, Ms E was able to advise of her own personal concerns and issues with Service Provider A, explaining that they had not followed through on tasks that had been discussed. She also felt they were inappropriate and intrusive in their questioning of her. Ms E did not feel comfortable answering their questions and felt that their questions didn't relate to her NDIS services.

The investigator advocates found Service Provider A, difficult to contact, and when they finally reached them, they were evasive about their actions and engagement with the family.

In short, the information was found to be inaccurate and contrary to their allegations. The investigator advocate found that Ms E was being well supported by both her family and her other service providers.

The investigation report, which included recommendations that orders were not necessary, was provided to the State Administrative Tribunal. At the hearing, the Tribunal dismissed the application. This enabled Ms E's parents to continue supporting their daughter informally, without the need for a guardian or administrator.

Inappropriate applications

The Office has witnessed other examples of service providers making unfounded complaints and allegations about former clients, subsequent to the termination of their services.

With the diverse needs of NDIS participants and the diverse range of providers, movement between services is going to occur naturally, as people's needs change.

It is in line with the choice and control principle of the NDIS, that participants can elect to change providers. A change of provider should not lead to negative impacts for participants, their family or decision makers.

Note: Names and details have been changed to protect confidentiality.



Restrictive practices

Both the National Disability Insurance Scheme (NDIS) and aged care providers are responding to legislative provisions with regard to the use of restrictive practices and the need to obtain consent if a restrictive practice is proposed.

A number of applications are initiated where the primary concern is in regard to restrictive practices, however in assessing the application it becomes apparent that a person needs a substitute decision-maker in other areas of their life.

Investigator advocates will look more broadly at the application and the person's situation in preparing their advocacy for the State Administrative Tribunal, to ensure the broader needs of the person are considered in the hearing.

Regional referrals

Referrals for investigation are made for matters across the State. Referrals for regional matters present challenges in gathering information, as it may not be possible to visit the person at their home location.

In 2024/25 there were 697 matters referred which related to people in regional areas, compared to 596 in 2023/24, an increase of 101 matters.

Interviewing the proposed represented person by phone or video-link often requires the investigator advocate to negotiate with an independent party to assist in supporting the proposed represented person during the interview. As this is not always possible, consideration is given as to how investigator advocates can ensure the needs of people living outside the metropolitan area are met during the investigation process.

Regional matters, where possible, are grouped and allocated to the same investigator advocate. Some matters have the same applicant, for example a WA Country Health Service or the Director of Nursing at a particular facility. This approach enables investigator advocates to visit a specific group of people, located in a particular regional area during the investigation process. It also enables them to develop professional relationships with applicants in regional areas, which assists in the gathering of information and advocacy for proposed represented people.

In 2024/25 investigator advocates made regular trips to regional areas where they met with a number of people, including family and service providers, of the subject of an application. In some cases, investigator advocates attended regional hearings in person, due to the complexity of the matter being discussed.

Regional visits provide an important opportunity to gather the views of people and also to connect with local service providers. This enables investigator advocates to share information about the guardianship and administration system, as an informal education process and also enables service providers to discuss issues they may be facing as they consider how to support a person. In the past year investigator advocates undertook 25 regional trips, visiting multiple proposed represented persons on each trip.



Transition of young people leaving State care

The Office of the Public Advocate continues to work with the Department of Communities in the early identification of the needs of young people with a decision-making disability, who are in the care of the Department, to enable a smoother transition out of the Department's care. A key role for the Office's principal investigator advocates is to work collaboratively with the Department of Communities (Child Protection) staff and other related service providers, to assist in the planning for young people with a decision-making disability who are transitioning from State care at 18 years of age. Many of these young people have complex needs and will need ongoing care and support and possibly a substitute decision-maker on an ongoing basis.

When invited, the principal investigator advocate attends leaving care planning meetings for young people aged 16 years and over, to provide information on guardianship and administration and assist in the planning process to determine if there is a need for an application to be made to the State Administrative Tribunal.

The principal investigator advocate or another member of the advocacy and investigation team provides advocacy at any Tribunal hearing where applications have been made for the appointment of a guardian and/or an administrator for young people aged 17 and over. A total of 44 applications from the Department of Communities (Child Protection) were determined by the Tribunal in 2024/25.

Following the determination by the Tribunal of the 44 applications, 44 orders for guardianship and/or administration were made. For 35 of these young people, the Public Advocate was appointed as limited guardian, including six young people for whom the Public Advocate was appointed in conjunction with a private guardian with different functions. Private guardians were appointed for another six young people. In three cases, the Tribunal appointed an administrator but did not appoint a guardian.

The Public Trustee was appointed as administrator for 35 of the 44 applications. In one of the 35 cases, a private administrator was also appointed on the order with different functions to that of the Public Trustee. Six orders were made appointing private administrators. In three cases, the Tribunal appointed a guardian but did not appoint an administrator.

Of the 44 guardianship and/or administration orders, 21 related to young Aboriginal people. The Public Advocate was appointed as guardian for 19 of these young people, and of these, three orders appointed both the Public Advocate and a private guardian with different functions. Another two young Aboriginal people had private guardians appointed. The Public Trustee was appointed for 16 of the 21 young Aboriginal people. A private administrator was appointed for three of these young people and no administration orders were made for two of these young people, where guardianship orders were put in place.



Court referrals

The Children's, Family, Magistrates and Supreme Courts may seek the involvement of the Public Advocate when there are concerns that a person appearing before the Court (in civil matters) is unable to understand proceedings and may need a guardian or administrator to assist.

While the number of Court referrals received by the Office are small compared to the referrals of matters by the State Administrative Tribunal, the investigation work involved requires considerable time and effort to seek evidence about the proposed represented person's background and their capacity to participate in the matter before the Court.

In most cases the Court has very little information about the person's capacity and therefore considerable effort is taken to gather this information and respond within the Court's timeframes. The Public Advocate's authority under the *Guardianship and Administration Act 1990* does not include the power to compel parties to provide information.

An added complexity in these matters is the need to advise parties of the investigation process, including the length of time an investigation can take, and to keep parties, including lawyers and the Court, aware of the progress of a case to assist in listing hearing dates.

Case Study 4

The importance of clear communication

Mr K was an elderly man with a large extended family.

Mr K's family believed he should be supported to continue living in the community and be accessible to family members, so they could drop in and visit him on an informal basis.

Initially, this arrangement worked well. Mr K was living with one of his sons in a house that was undergoing renovations. During the course of the renovations however, his son moved out, which meant Mr K had to move with him.

They moved to a property owned and shared by another person, which meant that frequent and unplanned visits by family members could not occur as easily, and there were times when family members were not able to visit Mr K.

This lack of freedom to visit whenever they pleased led to an application being made to the State Administrative Tribunal, which alleged Mr K was being isolated from his family and had not been provided with appropriate care and support. The application was referred to the Office of the Public Advocate.

The investigator advocate quickly identified that Mr K had a supportive family, but that they had quite different views about the situation.

(continued next page)



(Case study continued from previous page)

The family who Mr K lived with, felt that they were facilitating contact between Mr K and the extended family as much as they could, within the limitations of the shared property situation.

The extended family felt that deliberate actions had been taken to prevent them from visiting Mr K, and they were aggrieved that people involved, some of whom were not even related to Mr K, had more contact with him than they did.

To add to the complexity of the situation, it became apparent that Mr K's health was declining and the Tribunal processes were taking a toll on him and his family, at a time when it would be far better to focus on communicating with each other to better support Mr K.

The investigator advocate, as an impartial party, was able to explain the concerns to each side of the family and pose some options to improve the visiting situation, which still respected the wishes of the property owner.

The family started to communicate and gained a better understanding of each other's positions. This enabled the investigator advocate to request that the Tribunal hearing be adjourned, to see if given some time, this improved communication between the family members would resolve the matter.

Ultimately, the family was able to resolve their differences and work collaboratively to provide family contact, care and support that enabled Mr K to remain at home and see his family.

The application was withdrawn as the family were able to effectively communicate.

A Tribunal hearing is not always necessary to resolve family conflict

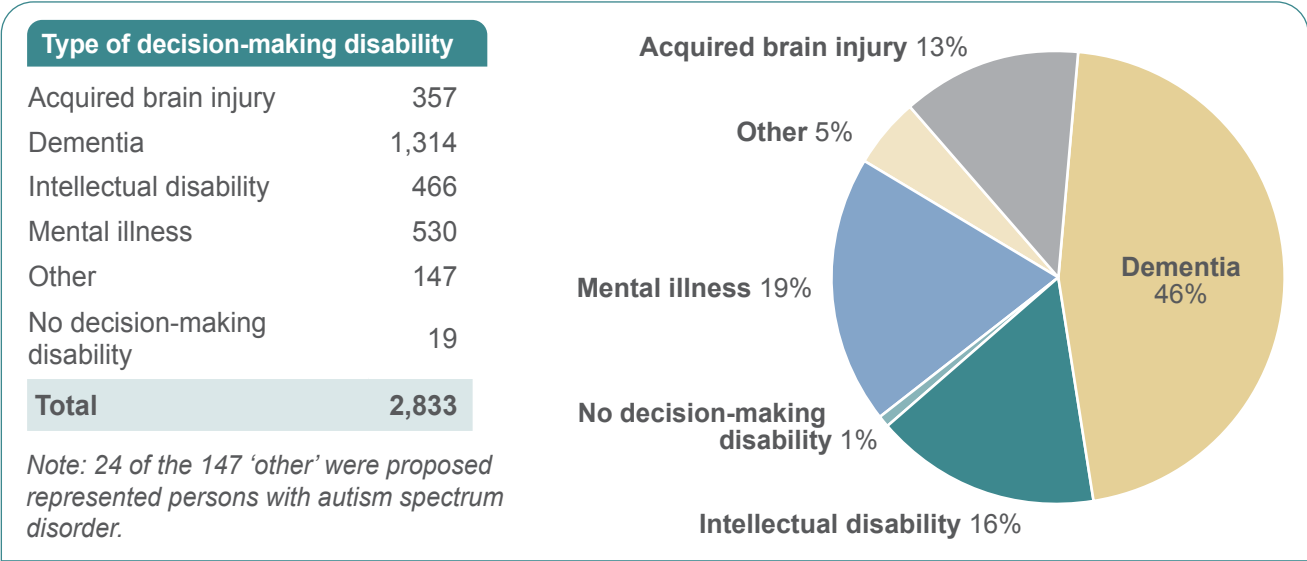
The role of investigator advocates, in facilitating communication and encouraging parties to work together, can assist in achieving positive outcomes where informal processes can continue and orders are not required.

Note: Names and details have been changed to protect confidentiality.

Our Customers

Of the 2,833 new matters referred to the Public Advocate for investigation by the State Administrative Tribunal in 2024/25, 46 per cent involved a person with dementia. The remaining matters involved either a person with mental illness, an intellectual disability or an acquired brain injury, and in some instances, no decision-making disability was found. In terms of gender identity of proposed represented persons, 51 per cent of the 2,833 new matters related to males and 49 per cent to females.¹⁰

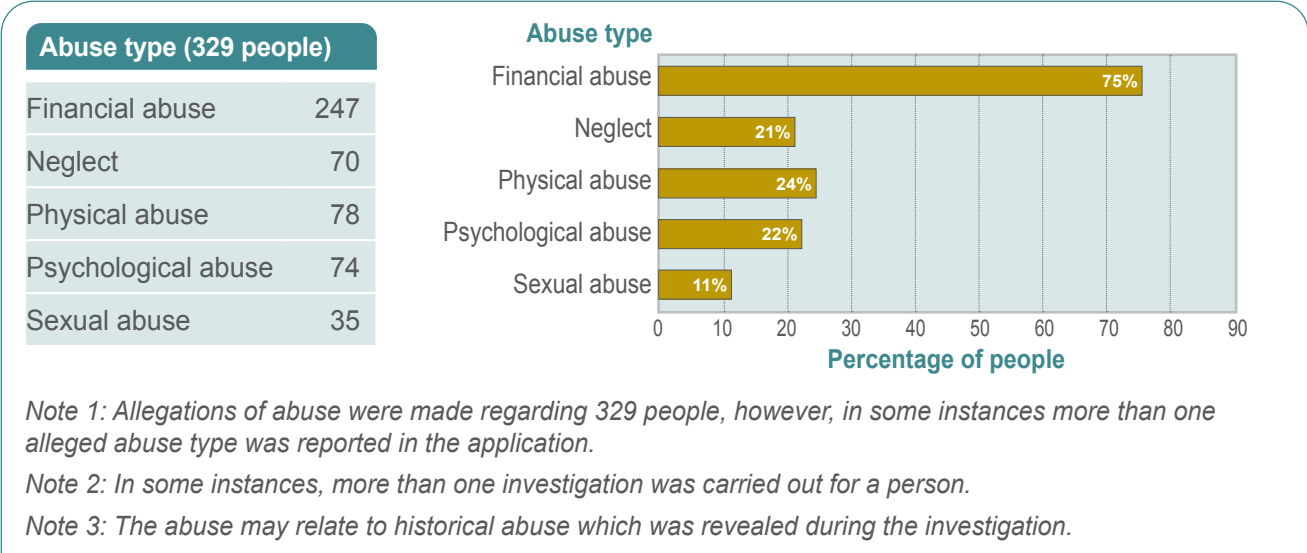
Figure 3 Profile of new investigations by type of decision-making disability 2024/25



Of the 2,833 new investigations carried out during the year, allegations of abuse were made regarding 329 people.

In some cases, more than one type of alleged abuse was reported in the application. The most commonly reported form of alleged abuse was financial, with 75 per cent alleging financial abuse.

Figure 4 Profile of new investigations alleging abuse by type of abuse 2024/25 (including statistics of alleged elder abuse)

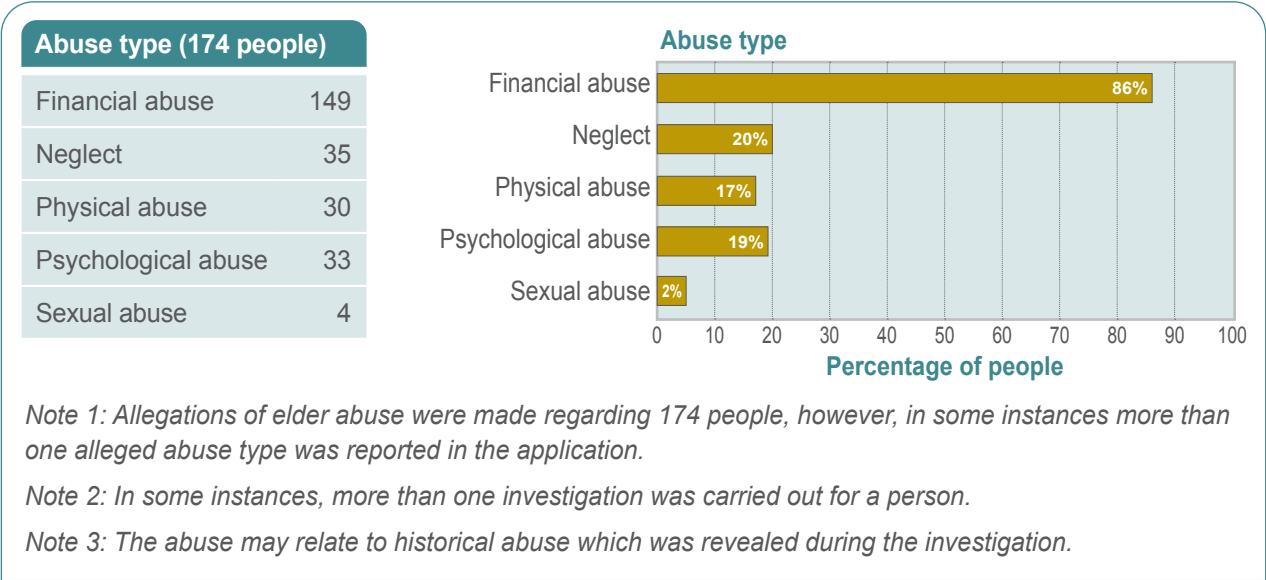


10 These percentages have been rounded and include one person (less than one per cent) who was non-binary or identified interchangeably as male or female.

Of the 329 people for whom abuse was alleged, 174 (53 per cent) were 65 years of age or older. These instances of alleged abuse are referred to as elder abuse.

Of these 174 cases of alleged elder abuse, financial abuse was the most common, having been reported in 86 per cent of these investigations.

Figure 5 Profile of new investigations alleging elder abuse (aged 65 or older) by type of abuse 2024/25



Of the 174 new investigations in 2024/25 where elder abuse was alleged, 21 involved a person of Aboriginal and Torres Strait Islander descent, representing 12 per cent. Financial abuse was the most common form of abuse, having been reported in 20 of the 21 cases (95 per cent).

Figure 6 Profile of new investigations alleging elder abuse (aged 65 or older) involving people of Aboriginal and Torres Strait Islander descent 2024/25

Total new investigations alleging elder abuse 2024/25	Aboriginal	Non-Aboriginal	Aboriginal as percentage of total
174	21	153	12%

Note: Aboriginal refers to clients of Aboriginal and Torres Strait Islander descent.

The number of new investigations regarding a person of Aboriginal and Torres Strait Islander descent has remained fairly constant over the past five years, between nine and 13 per cent. This continues to show that Aboriginal adults are over-represented in this client group, given only 3.3 per cent of the Western Australian population are Aboriginal.¹¹

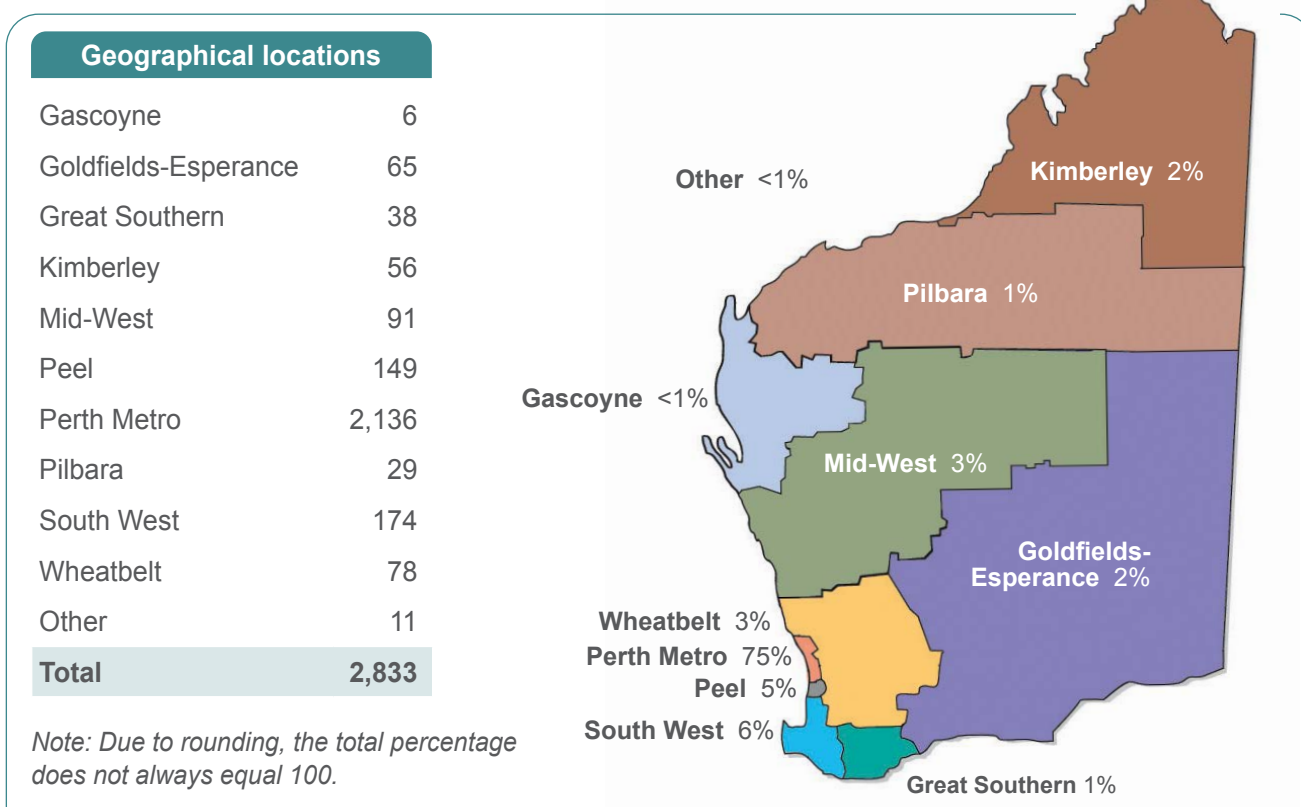
Figure 7 Profile of new investigations involving people of Aboriginal and Torres Strait Islander descent as at 30 June 2021 – 30 June 2025

Year	Total	Aboriginal	Non-Aboriginal	Aboriginal as a percentage of total
2020/21	1,824	236	1,588	13%
2021/22	2,059	192	1,867	9%
2022/23	2,281	222	2,059	10%
2023/24	2,407	264	2,143	11%
2024/25	2,833	350	2,483	12%

Note: Aboriginal refers to clients of Aboriginal and Torres Strait Islander descent.

Of the 2,833 new investigations in 2024/25, 2,136 matters were regarding people located in the Perth metropolitan area.

Figure 8 Profile of new investigations by geographical location 2024/25



¹¹ Australian Bureau of Statistics 2021 Census: Aboriginal and/or Torres Strait Islander Peoples
<https://www.abs.gov.au/articles/western-australia-aboriginal-and-torres-strait-islander-population-summary>



Guardianship

The guardianship functions of the Office of the Public Advocate include:

- ensuring timely decisions are made in the best interests of the represented person
- protecting the represented person from abuse, exploitation and neglect
- ensuring wherever possible, the decisions made on behalf of the person with the decision-making disability:
 - take into account the expressed wishes of the represented person or reflect their previous wishes and actions
 - preserve personal autonomy
 - enable the person to live and participate in the community
 - encourage and assist the person to become capable of caring for themselves
 - are supportive of the person's relationships with others
 - maintain familiar cultural, language and religious practices and contacts.

The Year in Review

In 2024/25 there were 977 new appointments of the Public Advocate as guardian of last resort, compared to 777 in 2023/24, representing a 26 per cent increase.

At 30 June 2025, the Public Advocate had responsibility as guardian of last resort for 4,055 adults with a decision-making disability, compared to 3,598 at 30 June 2024, an increase of 13 per cent. From a broader perspective, this represents an increase of 46 per cent in four years, compared with 2,771 represented persons appointed at 30 June 2021.

The Public Advocate had responsibility as the sole guardian for 3,749 of the total 4,055 represented persons as at 30 June 2025.

In relation to the remaining 306 appointments of the Public Advocate, there were 301 represented persons for whom the Public Advocate was appointed guardian and a private guardian was also appointed with different functions. Another five represented persons had the Public Advocate and a family member appointed to make some decisions jointly. For three of these five appointments, the Public Advocate or the private guardian was appointed with other authorities as the sole decision-maker, and in only two cases, the Public Advocate and private guardian were appointed to make all decisions jointly.

As the guardian of last resort, the Public Advocate made personal, lifestyle and treatment decisions in relation to a range of matters including:

- medical treatment, palliative care and surgery
- consent to appropriate accommodation for people with a range of support needs in the disability, aged care and health care sectors
- consent for National Disability Insurance Scheme (NDIS) services
- consent for restrictive practices in accordance with NDIS and aged care legislation and policies
- acting as 'next friend' in relation to child protection matters on behalf of represented persons.



Consistent with the principles of the *Guardianship and Administration Act 1990*, a function is only given to a guardian when there is a need. Only 74 (two per cent) of the 4,055 orders appointed the Public Advocate as plenary guardian. Ninety-eight per cent of the orders were limited to specific authorities.

To meet the needs of the Office's represented persons of Aboriginal and Torres Strait Islander descent, guardians liaised with their families, Aboriginal community members, Aboriginal agencies and service providers, to enable culturally appropriate practices to be adopted wherever possible.

Community guardianship program

The Office of the Public Advocate's community guardianship program matches adults who have the Public Advocate appointed as their guardian, with volunteers from the community who are willing and able to take over the guardianship role. In most cases, the community guardian is involved with the represented person for many years through the program.

The role of a community guardian is unique in terms of the long-term commitment and responsibility a volunteer community guardian takes on. The process which leads to the matching and eventual appointment of a community guardian is one that focuses on selective recruitment and the provision of ongoing training and support to volunteers. Replacing the Public Advocate enables a more personal level of involvement in the represented person's life.

In 2024/25 two community guardians left the program, one due to personal and health demands and the other following the death of their represented person.

At 30 June 2025 there were 12 volunteers engaged in the community guardianship program. Of these, nine had been appointed as guardian by the State Administrative Tribunal. One volunteer was in the process of being matched with a represented person.

In 2024/25, four new volunteers commenced their community guardianship program induction, however two requested a hold on their involvement and another withdrew shortly after being matched, leaving just one new inductee.

Advocacy at guardianship review hearings

All guardianship orders are reviewed by the State Administrative Tribunal on a regular basis. Delegated guardians from the Office of the Public Advocate attend State Administrative Tribunal review hearings and advocate in the best interests of people for whom the Public Advocate is appointed as their guardian.

In 2024/25 delegated guardians attended 1,091 review hearings conducted by the State Administrative Tribunal, in which they advocated in the best interests of the represented person, including reporting on guardianship decisions since the previous hearing. This was a small decrease from the previous year, when 1,107 review hearings were attended.



Case Study 5

Capacity-building through supports

Mr D was a young Aboriginal man, living in a regional area. He was non-verbal and had a diagnosis of cerebral palsy, intellectual disability and foetal alcohol spectrum disorder (FASD).

Mr D was resilient and strong. As a child, he was exposed to family and domestic violence, drug and alcohol use, and was subsequently raised by members of his extended family who fostered him. He had a very good relationship with his foster family.

Following a tragic accident that caused the death of a foster family member and the subsequent decline in his foster father's health, it became necessary for Mr D to be placed with another foster family. Mr D was welcomed into the new family home and settled in well.

Prior to Mr D turning 18, the Department of Communities applied to the State Administrative Tribunal for guardianship and administration orders to be considered for when he turned 18 when he would no longer be under the care of the Department. Orders were made, appointing the Public Advocate as Mr D's Guardian.

Mr D remained living with his foster family who worked together with him and his delegated guardian to build a network of formal and informal supports around him. He had a stable, safe and supportive home environment, which gave him the space to grow and develop. Mr D's foster family helped him to visit his extended family on a regular basis and worked closely with his support team, to provide Mr D with the appropriate care and support.

Some of the early goals set by Mr D and his multi-disciplinary support team included developing his independence, continuing to live with his carer, maintaining regular visits with his extended family and accessing aids and equipment that would help him to develop more life skills. It was unclear what level of independence Mr D would be able to achieve, despite the comprehensive wrap-around supports that were in place.

A few years later, Mr D was not only achieving these goals, he had also launched his own micro-business, which provided a simple but effective service to his community and generated a small amount of income for him.

Mr D has become a well-known face in his local community. His business provides him with a sense of purpose, achievement and pride, and enables him to interact in his community in a meaningful way. The social media promotion of his business also gives Mr D an outlet for a bit of showmanship, which he loves.

Note: Names and details have been changed to protect confidentiality.



Issues for Guardianship

The growth in demand for guardianship services is influenced by a range of factors surrounding the protection of adults with a decision-making disability.

- In relation to the National Disability Insurance Scheme (NDIS), for adults who are under a guardianship order where the Public Advocate is appointed with authority to make decisions about services, delegated guardians may make applications for access to the NDIS or liaise with other parties who may make such applications. For those represented people involved in the NDIS, delegated guardians participate in the NDIS planning process, including releasing information, attending teleconferences or meetings, advocating on behalf of the represented person about what is determined by the NDIS as reasonable and necessary supports, seeking reviews of plans and negotiating with support coordinators about the selection of the most appropriate service provider/s.
- While the majority of the Public Advocate's represented people live in the Perth metropolitan area, there are a number who live in regional locations. Ensuring that adequate support and services are provided to these clients, while maintaining contact and conducting visits, can pose a variety of challenges for the Office of the Public Advocate.
- Of the 74 trips made to regional areas in 2024/25, 49 were made by delegated guardians. Regional travel routinely enables multiple represented persons to be seen on each trip.
- In some cases, the Public Advocate had to determine the suitability of accommodation options for represented persons living outside of Western Australia, when considering a decision for the person to relocate.
- The issues surrounding decisions which delegated guardians are required to make may be multifaceted, as a number of represented persons have multiple and complex needs. They may have more than one diagnosed condition, combined with a drug or alcohol dependency and behaviours of concern that can often be challenging. Sometimes as a result of these behaviours they come into contact with the criminal justice system. Making decisions for these people involves the delegated guardian working with a number of government and non-government agencies, which together, provide an intensive level of support to the represented person.
- Due to the increasing number of seniors for whom the Public Advocate is appointed guardian, decisions regularly have to be made regarding treatment decisions for people who have a range of medical conditions, chronic illnesses or who are terminally ill. The challenge for the Public Advocate is carefully weighing up the wishes of the represented person and those of their family members and friends, alongside the views of the treating physicians about what is in a person's best interests regarding treatment and end-of-life care.



- Delegated guardians may experience pressure to go outside their decision-maker role to locate services, seek funding and coordinate the provision of services for represented persons. The shortfall of appropriate services and the refusal of represented persons to accept support compounds this problem. Where people have a dual diagnosis, for example, an intellectual disability and a mental illness, the task of encouraging a more appropriate agency to take the lead role may be difficult.
- Making decisions about whether a represented person remains in their own home or is placed in residential care, when concerns exist around their self-care, is often a source of conflict between delegated guardians and represented persons and/or their relatives. Delegated guardians must balance the rights of a represented person to remain at home and their need for increased support which may necessitate a move to residential care.
- With the implementation of the NDIS Quality and Safeguarding Framework and the commencement of the NDIS Quality and Safeguards Commission on 1 December 2020 in Western Australia as well as reforms in aged care, processes in relation to providing consent to restrictive practices have been strengthened. As such, more guardianship orders include this function and the Public Advocate is required to consent to restrictive practices where necessary for these represented persons. In some cases, delegated guardians have consented to behaviour support plans which include restrictive practice(s) for represented persons with disruptive or self-injurious behaviour.
- The appointment of the Public Advocate can result in major disagreement within the family of the represented person. In cases where the represented person has experienced abuse, exploitation or neglect, contact between the person and their family may often need to be supervised. During the year, the Public Advocate arranged supervised access to represented persons where there was risk of abuse. In some cases, delegated guardians worked with represented persons whose parents or relatives also have a decision-making disability or mental health issues, increasing the complexity of discussions.
- People with a decision-making disability may be extremely vulnerable to sexual assault and sexual exploitation. If there is an alleged sexual assault, the Office of the Public Advocate seeks Police involvement (usually via the Sex Crime Division), referral to the Sexual Assault Resource Centre (as per the memorandum of understanding which has been developed between the Office and the Sexual Assault Resource Centre) and medical and counselling services. The Public Advocate has noted the particular vulnerability to sexual assault for young people with an intellectual disability and women with a mental health condition. These people often lack adequate self-protective behaviours and/or family and support services.
- The Public Advocate makes decisions for people who are frequent and sometimes serious offenders whether detained in a psychiatric hospital, prison, or living in the community. These individuals can pose a risk to themselves as well as members of the



community and often require intensive support and cross-agency collaboration which may involve the Police; the Department of Communities; the Corrective Services division of the Department of Justice; Legal Aid; the Mental Health Commission and the Department of Health's Mental Health Services.

- At 30 June 2025, the Public Advocate was appointed as guardian for 18 people with mental impairment under the *Criminal Law (Mental Impairment) Act 2023*, compared to 22 represented persons under the former *Criminal Law (Mentally Impaired Accused) Act 1996* at 30 June 2024. During 2024/25, seven represented persons ceased to come under the legislation with the transition to the new legislation, and another three represented persons came under the jurisdiction of the Mental Impairment Review Tribunal.
- The Public Advocate continues to undertake the legal functions of 'next friend' and 'guardian *ad litem*' in relation to civil legal proceedings. This often involves a delegated guardian providing instructions to a lawyer during protection proceedings commenced by the Department of Communities on behalf of the children of a represented person. This function is undertaken by the Public Advocate where the State Administrative Tribunal determines that the parent/s is/are unable to conduct their own legal affairs due to a lack of decision-making capacity.

Revocations

Guardianship orders are reviewed when either an application for review is made by an interested party to the State Administrative Tribunal, or at a date specified by the Tribunal member, at the time the order is made.

The purpose of reviewing an order is to determine whether the represented person still requires a guardian and if so, what functions should be included in the order and who should be appointed. This could result in changes to the authorities from the previous order.

In 2024/25, delegated guardians from the Office of the Public Advocate were involved in 1,091 reviews of guardianship orders where the Public Advocate was appointed.

Of the 1,091 reviews, 183 orders were revoked by the State Administrative Tribunal because there was no longer a need for the Public Advocate to be the substitute decision-maker as a result of:

- a less restrictive alternative being found
- another suitable, willing and available decision-maker having been identified, such as a family member or friend
- the person regaining capacity
- the issues leading to the Public Advocate's appointment having been resolved
- the guardianship order having no effect.



Case Study 6

Questionable lifestyle choices versus lack of capacity

Ms M was in her seventies, had a diagnosis of mental illness and was living independently.

Ms M had a medical incident and was admitted to hospital. During Ms M's hospital discharge planning, concerns were raised that her unit was unsanitary with evidence of hoarding. She was reportedly misusing alcohol and refusing to engage with support services.

The hospital made an application to the State Administrative Tribunal for guardianship and administration orders. The Tribunal reluctantly made short orders appointing the Public Advocate as Ms M's limited guardian and appointed the Public Trustee as her plenary administrator, with a direction to allow Ms M as much independence as possible.

It was revealed that Ms M's property, due to years of hoarding, was no longer inhabitable. Ms M's delegated guardian worked with Ms M and the hospital social work team so that Ms M could be discharged to retirement-style accommodation in the short-term, while necessary work could be undertaken at her home.

The delegated guardian worked with Ms M's supportive family members and her trust manager at the Public Trustee. A specialist hoarding company was engaged to work at the property and the delegated guardian visited Ms M at her temporary retirement accommodation.

Ms M continued to express the view that she wanted to return to her property, and she claimed she did not require support with cleaning or maintaining her property. Ms M did not want to live in the retirement accommodation, despite the concerns about the conditions in which she was living. After a short period of time, Ms M refused to stay in the retirement-style accommodation and returned to her home.

Over the course of the guardianship order, the delegated guardian engaged a case manager to provide a view on whether Ms M could remain living at home, whether she would accept services and if she would allow a full clean of her property. The case manager was also tasked with identifying suitable aged care facility options, in the event that Ms M's care needs increased to a point where she could no longer remain living at home.

Following a decline in Ms M's physical health, which resulted in another hospital admission, it became necessary for Ms M to be discharged to an aged care facility. A companion service was sourced with approval from her administrator to enable her to access community outings. The delegated guardian also requested that Ms M be referred to a geriatrician for a functional capacity assessment, given her desire to live in a more independent setting.

(continued next page)



(Case study continued from previous page)

Despite the set-back in Ms M's physical health, with the stress caused by her home hoarding situation removed, and the absence of alcohol while she was living in the aged care facility, Ms M's mental health improved.

During this time, Ms M continued to express the view that she should be living in accommodation which allowed her to be independent. She was able to clearly articulate her views and wishes which were supported by evidence from the aged care facility care team, including that Ms M was largely independent with personal care, accessed shops and public transport without assistance and was oriented to time and place.

These views were further supported in the geriatrician's review of Ms M's cognitive and functional capacity, which was provided to the Tribunal ahead of its review of the guardianship and administration orders.

At the review hearing, the Tribunal was satisfied that Ms M had the capacity to make her own decisions regarding accommodation, medical treatment and financial matters and no longer met the criteria for the making of guardianship and administration orders. The Tribunal revoked the orders.

While Ms M's lifestyle choices may not be optimal, she has capacity to make her own decisions.

Note: Names and details have been changed to protect confidentiality.

Responding to the death of represented persons

The Office of the Public Advocate has systems in place to ensure that when a person for whom the Public Advocate is appointed guardian dies, relatives and significant others are informed of the represented person's passing.

Between 1 July 2024 and 30 June 2025, 346 represented persons died.

Goals of care

Good end-of-life planning can avoid unnecessary interventions, hospital admissions and emergency department presentations, which can be distressing for individuals and their families.

The Public Advocate supports a represented person's right to appropriate care and treatment at the end of their life, including palliative care.

The goals of care approach is based on the Department of Health's framework. A goals of care plan sets out what treatment can be offered across the stages of a represented person's end-of-life trajectory.



Delegated guardians may consider goals of care planning for represented persons with a chronic or life-limiting illness and/or when a continuing decline in their health is expected.

With a represented person's increasing decline, the decisions may include reducing, withdrawing or withholding certain medical options; for example, a medical clinician may discuss with a delegated guardian that providing cardiopulmonary resuscitation would be futile and not in the best interests of a represented person.

The delegated guardian makes a recommendation to the Public Advocate for end-of-life treatment decisions based on the recommendation of medical and allied health professionals such as the treating doctor and facility manager, while also considering the views of the represented person and their family.

Palliative care

Under the *Guardianship and Administration Act 1990*, 'palliative care' is defined as a medical, surgical or nursing procedure directed at relieving a person's pain, discomfort or distress, but does not include a life sustaining measure.

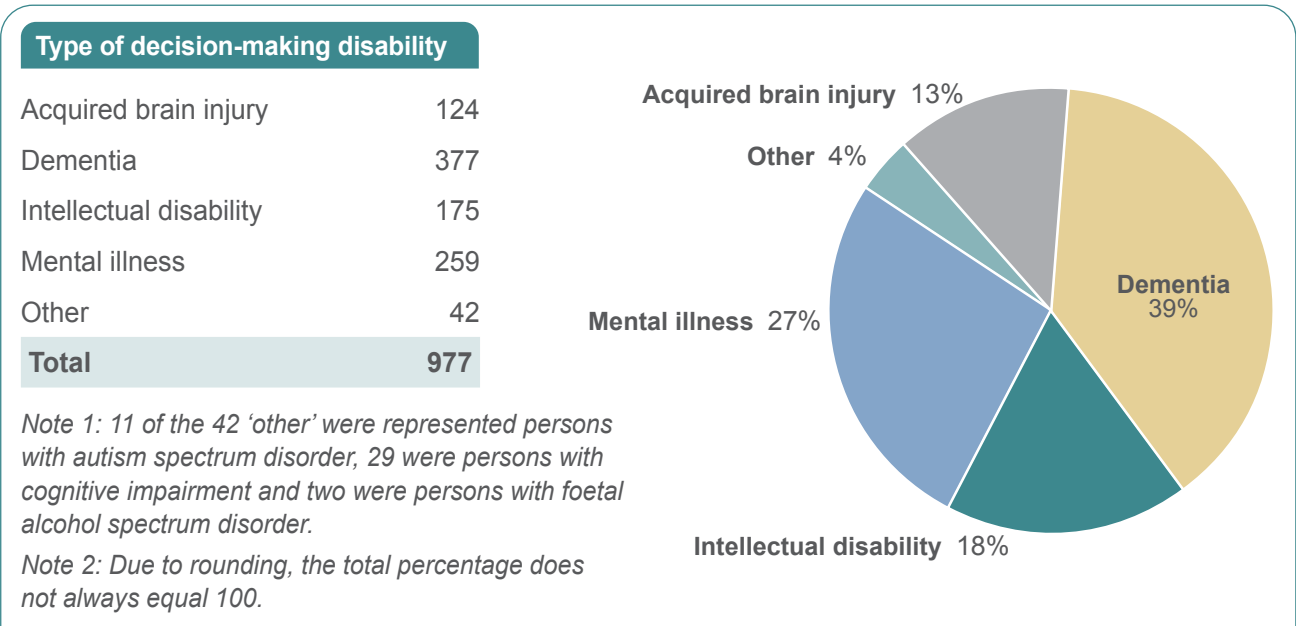
Where the Public Advocate has treatment authority, palliative care decisions will only be considered where palliative care treatment is being recommended by the person's treating health professional, it is in the person's best interests and to the extent possible, the views of the person and their family have been taken into account. All palliative care decisions require the delegated guardian to seek the Public Advocate's specific approval.

In 2024/25 the Public Advocate consented to palliative care for 264 represented persons. This figure does not include those represented persons where consent to palliative care was made in previous years, or where the represented person had a chronic or life-limiting illness and their continuing decline was expected.

Our Customers

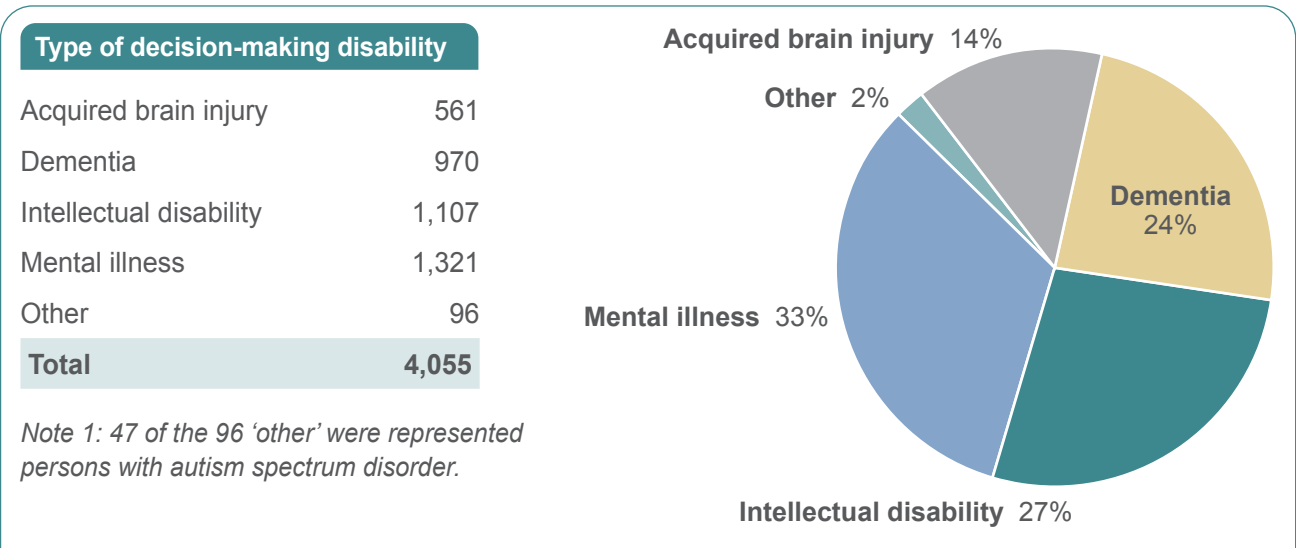
People with dementia continued to account for the largest proportion of new appointments of the Public Advocate as guardian of last resort. Of the 977 new appointments in 2024/25, 39 per cent had dementia, 27 per cent a mental illness, 18 per cent an intellectual disability and 13 per cent had an acquired brain injury. In relation to the gender identity of the 977 new appointments, 56 per cent were male and 44 per cent were female.¹²

Figure 9 Profile of new guardianship orders appointing the Public Advocate by type of decision-making disability 2024/25



Of the total 4,055 appointments at 30 June 2025, 33 per cent of the people had a mental illness, 27 per cent an intellectual disability, 24 per cent dementia and 14 per cent an acquired brain injury. In relation to the gender identity of the 4,055 appointments at 30 June 2025, 56 per cent of the people were male and 44 per cent were female.¹³

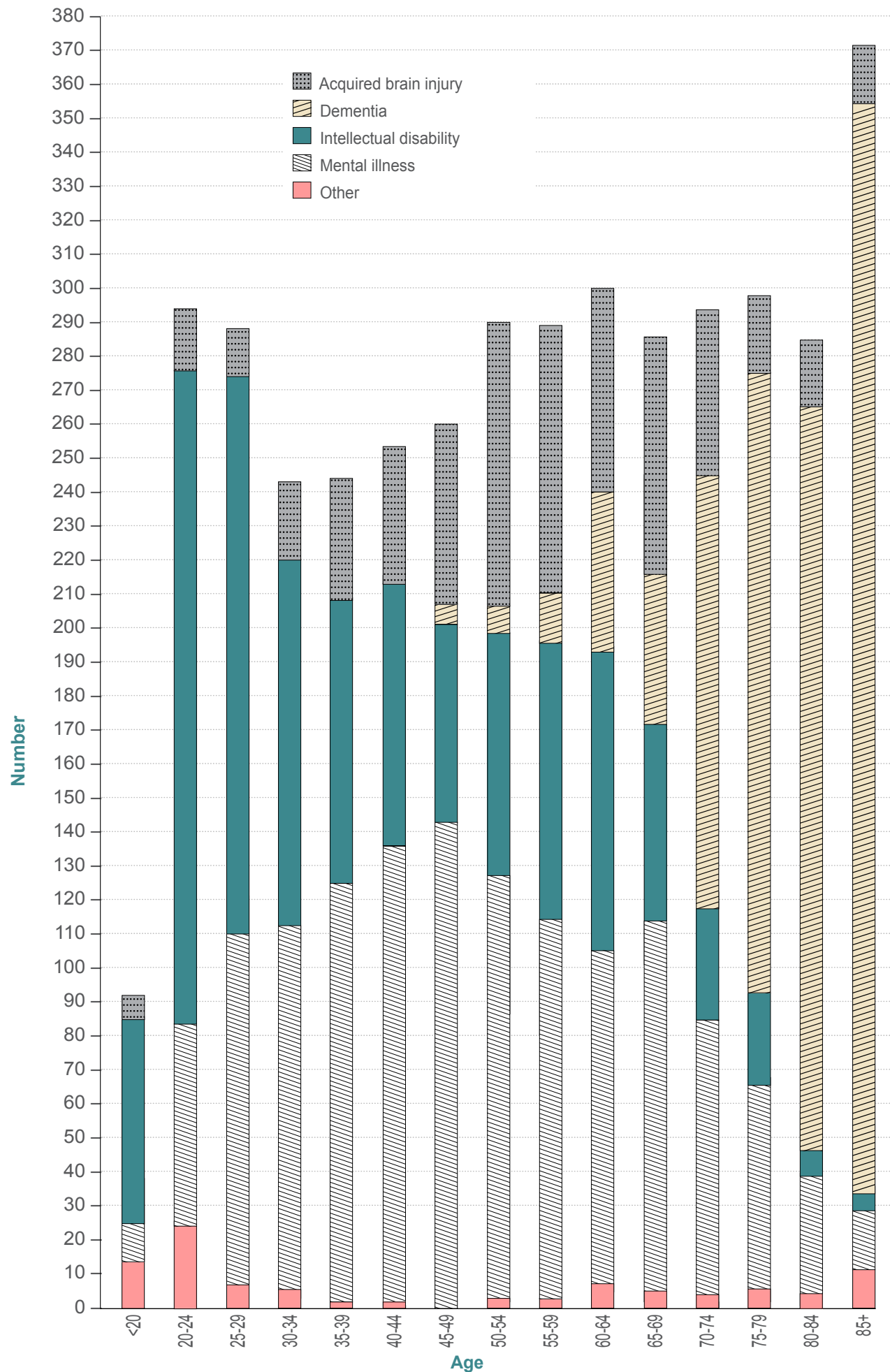
Figure 10 Profile of all guardianship orders appointing the Public Advocate by type of decision-making disability as at 30 June 2025



12 These percentages have been rounded and include one person (less than one per cent) who was non-binary or identified interchangeably as male or female.

13 These percentages have been rounded and include four people (less than one per cent) who were non-binary or identified interchangeably as male or female.

Figure 11 Profile by age and disability type of all people on guardianship orders appointing the Public Advocate as at 30 June 2025





At 30 June 2025, the Public Advocate was guardian of last resort for 644 adults aged 80 years and over, who accounted for 16 per cent of all guardianship appointments. Of these 644 adults, 62 per cent were female and 38 per cent were male. Eighty-four per cent of the 644 adults had dementia.

This is a reflection of the ageing population, the subsequent increasing prevalence of dementia in the community and the growing number of people without family or friends who are suitable, willing and available to take on the role of decision maker.

The most common single issue leading to the appointment of the Public Advocate as guardian of last resort this year was services, with 3,612 (89 per cent) of the 4,055 guardianship orders appointing the Public Advocate as at 30 June 2025, including the authority to make decisions about what services the represented person receives.

The high number of orders appointing the Public Advocate with authority to make decisions about services is a direct reflection of the impact of the continued roll-out of the National Disability Insurance Scheme (NDIS) in Western Australia.

Historically, the authority to make treatment decisions was the most common authority, however it is now included in 3,410 (84 per cent) of the orders. This could be attributed to represented persons not having a valid enduring power of guardianship, a spouse, a child over the age of 18, or a relative or a friend to act on their behalf. In some cases, these people exist, but are either unsuitable, unwilling or unavailable to act.

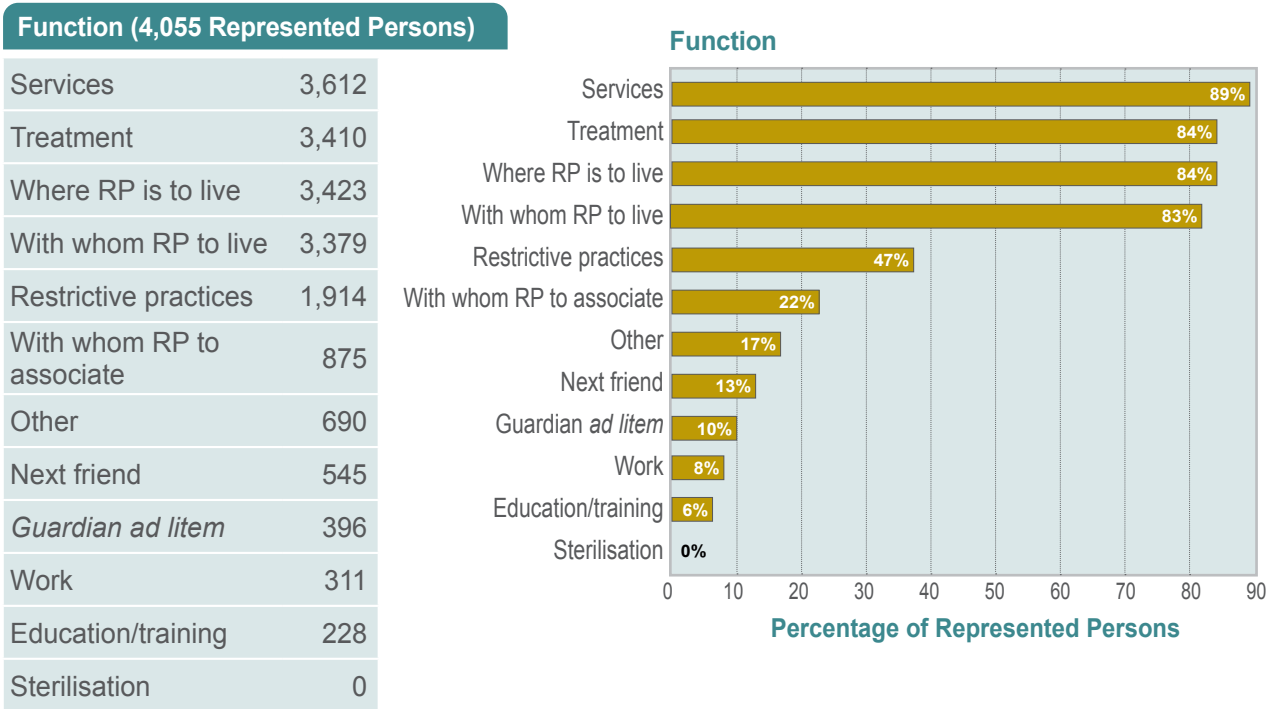
At 30 June 2025, 3,423 (84 per cent) of the 4,055 guardianship orders appointing the Public Advocate included the authority to make decisions regarding where the represented person was to live. Similarly, 3,379 (83 per cent) of the 4,055 orders included the authority to make decisions regarding with whom they were to live.

The high number of appointments regarding decisions about where and with whom a represented person lives reflects issues regarding appropriate supported accommodation for people with a decision-making disability. In many cases there is a need to consent to residential care on behalf of people with dementia, particularly for seniors who are neglecting themselves, refusing support services and opposed to entering residential care.

At 30 June 2025, 1,914 (47 per cent) of the 4,055 guardianship orders appointing the Public Advocate included the authority to make decisions regarding restrictive practices, an increase of 33 per cent from 1,441 at 30 June 2024. The increase in guardianship orders including the authority to consent to restrictive practices reflects the increased accountability for service providers in this regard, within both NDIS and residential aged care services.

In a number of instances, the function given in the order has been labelled as 'other' (see Figure 12). Some examples of these might include to advocate on the person's behalf in relation to Police investigations; to determine if a person is to travel within Australia or overseas and to take possession of the person's passport; to seek further capacity assessments; to act on behalf of the person with respect to applications for legal aid, and to advocate on the person's behalf in connection with matters concerning the Mental Impairment Review Tribunal (formerly the Mentally Impaired Accused Review Board), the Prisoners Review Board, the Department of Communities or the National Disability Insurance Scheme (NDIS).

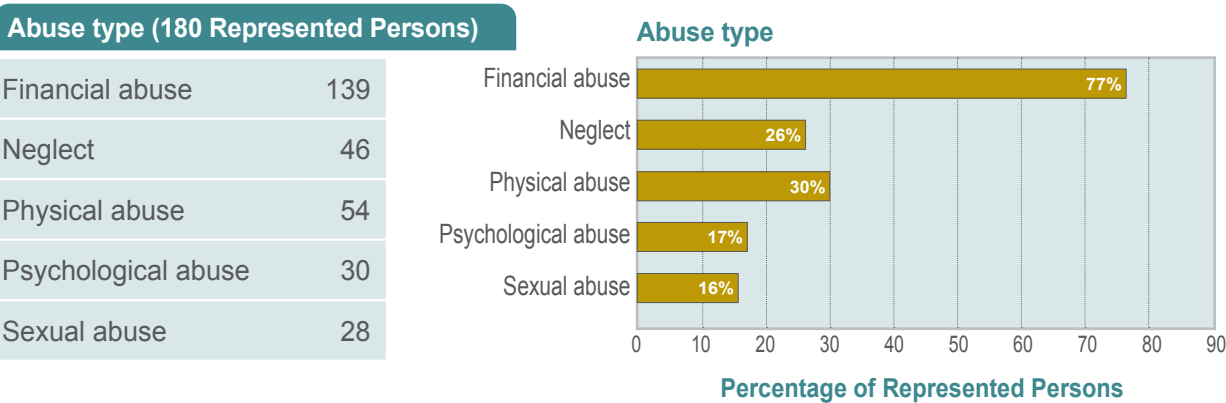
Figure 12 Functions for which the Public Advocate has been appointed for all guardianship orders as at 30 June 2025



Note 1: RP = represented person.
Note 2: An order can be made for multiple functions.
Note 3: Before 2020/21, restrictive practices were recorded as two distinct functions, 'physical restraint' and 'chemical restraint', with most guardianship orders with these authorities having both functions.

Allegations of abuse were a factor for 180 represented persons or 18 per cent of the 977 new guardianship orders appointing the Public Advocate in 2024/25. In some cases, more than one type of alleged abuse was reported. The most commonly reported form of abuse was financial, having been reported in 77 per cent of cases alleging abuse.

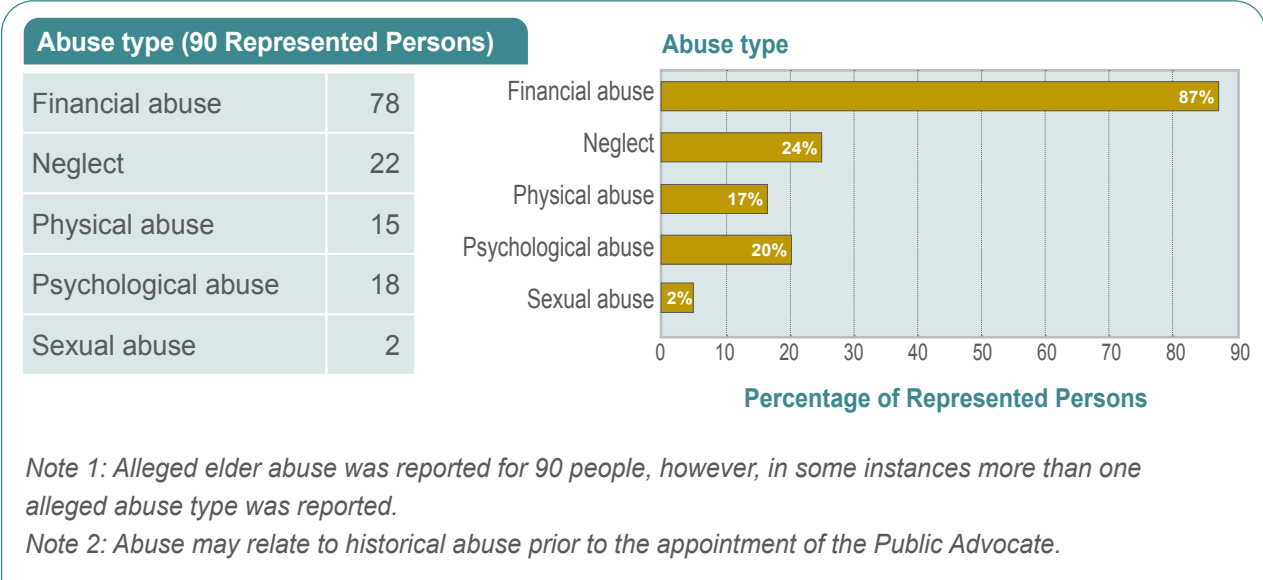
Figure 13 Profile of new guardianship orders appointing the Public Advocate by type of alleged abuse 2024/25 (including alleged elder abuse)



Note 1: Alleged abuse was reported for 180 people, however, in some instances more than one alleged abuse type was reported.
Note 2: Abuse may relate to historical abuse prior to the appointment of the Public Advocate.

Of the 180 represented persons for whom abuse was alleged, 90 people (50 per cent) were 65 years of age or older. Of these, financial abuse continued to be the most commonly reported form of abuse, having been reported in 78 of the 90 cases (87 per cent).

Figure 14 Profile of new guardianship orders appointing the Public Advocate by type of alleged elder abuse (aged 65 or older) 2024/25



Of the 90 new appointments of the Public Advocate as guardian in 2024/25 where elder abuse was alleged, 13 were for a person of Aboriginal and Torres Strait Islander descent, representing 14 per cent. Financial abuse was the most commonly reported form of abuse, having been reported in all 13 cases (100 per cent).

Figure 15 Profile of new guardianship orders appointing the Public Advocate where elder abuse (aged 65 or older) was alleged, for people of Aboriginal and Torres Strait Islander descent 2024/25

Total new orders alleging elder abuse 2024/25	Aboriginal	Non-Aboriginal	Aboriginal as a percentage of total
90	13	77	14%

Note: Aboriginal refers to clients of Aboriginal and Torres Strait Islander descent.



Of the 977 new appointments of the Public Advocate as guardian in 2024/25, 151 were for a person of Aboriginal and Torres Strait Islander descent, representing 15 per cent of new appointments. This shows an over-representation of Aboriginal adults, given the State's Aboriginal population is only 3.3 per cent.¹⁴

Figure 16 Profile of new guardianship orders appointing the Public Advocate for people of Aboriginal and Torres Strait Islander descent as at 30 June 2021 – 30 June 2025

Year	Total	Aboriginal	Non-Aboriginal	Aboriginal as a percentage of total
2020/21	730	131	599	18%
2021/22	797	125	672	16%
2022/23	737	124	613	17%
2023/24	777	130	647	17%
2024/25	977	151	826	15%

Note: Aboriginal refers to clients of Aboriginal and Torres Strait Islander descent.

For the past five years, orders where the Public Advocate has been appointed as guardian of last resort for a person of Aboriginal and Torres Strait Islander descent, have averaged 19 per cent of all orders.

Figure 17 Profile of all guardianship orders appointing the Public Advocate for people of Aboriginal and Torres Strait Islander descent as at 30 June 2021 – 30 June 2025

Year	Total	Aboriginal	Non-Aboriginal	Aboriginal as a percentage of total
2020/21	2,771	502	2,269	18%
2021/22	3,115	570	2,545	18%
2022/23	3,351	626	2,725	19%
2023/24	3,598	693	2,905	19%
2024/25	4,055	786	3,269	19%

Note: Aboriginal refers to clients of Aboriginal and Torres Strait Islander descent.

¹⁴ Australian Bureau of Statistics 2022 Census: Aboriginal and/or Torres Strait Islander Peoples
<https://www.abs.gov.au/articles/western-australia-aboriginal-and-torres-strait-islander-population-summary>



Case Study 7

Keeping people connected to their family and community

Mr P was an Aboriginal man in his early sixties, living in supported independent living (SIL) accommodation in a small regional town. Mr P's cousin also lived in the SIL accommodation and had his own care needs.

A service provider working with Mr P found themselves making some of Mr P's health and welfare decisions and helping him manage his bank account. It was clear he needed help making decisions, so they made an application to the State Administrative Tribunal for guardianship and administration.

Mr P's family were in regular contact with him, enjoying barbeques and other social occasions. However, they were not willing or available to be appointed as his guardian or administrator because they were transient and often uncontactable.

The Public Advocate was appointed as Mr P's limited guardian to make treatment and services decisions and the Public Trustee was appointed as his plenary administrator.

The delegated guardian applied for and secured National Disability Insurance Scheme (NDIS) funding for Mr P, which enabled additional supports to be put in place.

Mr P continued to have regular contact with his network of service providers and his delegated guardian visited him in-person as part of a regional trip. During this period, he remained in reasonable health and his accommodation and support network was stable.

Then quite suddenly, Mr P experienced a medical episode that required hospitalisation. Rather than taking Mr P to a larger hospital, it was determined that he could be treated at the local regional hospital.

Mr P's delegated guardian worked with support agencies including remote Aboriginal services, in order to contact Mr P's family to inform them of his health decline, and ensure they were supported to contact and visit him when they were able to.

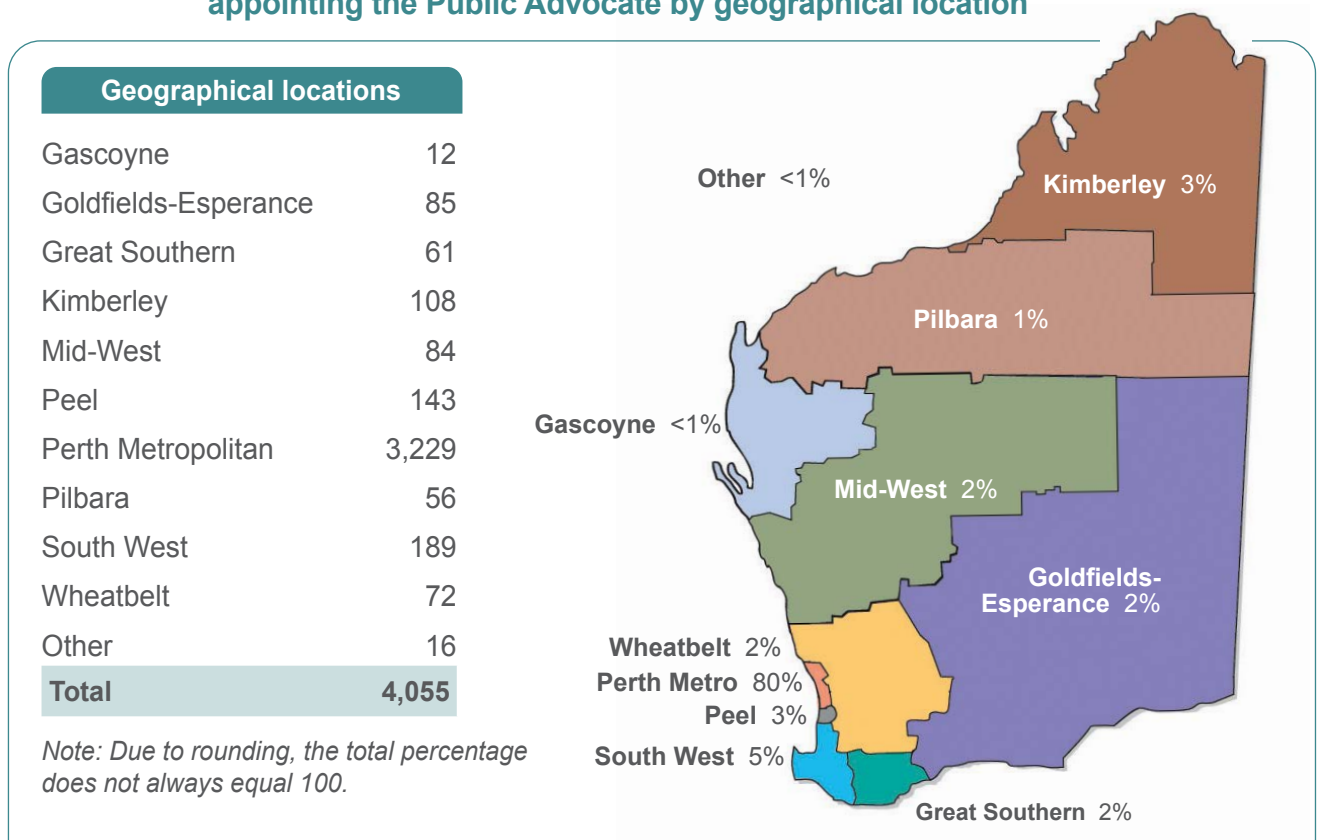
Mr P was discharged from hospital back to his SIL accommodation. He was recovering well and being visited regularly by family. A service provider was also able to arrange a respite house in a town close to where Mr P's mother lived, which made it easier for him to visit her.

Mr P's delegated guardian continues to work with him, his family and service providers, to try to make decisions which are culturally appropriate and ensure his physical and emotional needs are met.

Note: Names and details have been changed to protect confidentiality.

At 30 June 2025, 80 per cent of all appointments of the Public Advocate as guardian were for people living in the Perth metropolitan area.

Figure 18 Profile of all guardianship orders as at 30 June 2025 appointing the Public Advocate by geographical location



The Public Advocate's after-hours service

The Office of the Public Advocate maintains a 24-hour contact service so that urgent matters can be dealt with outside of business hours, over weekends and public holidays. The majority of enquiries that are responded to after office hours are in relation to making an urgent decision for a represented person where the Public Advocate is the appointed guardian. At times, enquiries involve concerns that a person is urgently in need of a guardian and/or an administrator and may require a hearing of the State Administrative Tribunal at very short notice. In 2024/25 the Office received 3,266 after-hours calls.



Interagency Collaboration and Policy Development

The Office of the Public Advocate works with the government, community and private sectors in contributing to the development of legislation, policies and services, which promote and protect the human rights and interests of adults with a decision-making disability.

The Year in Review

Collaboration regarding changes in the disability sector

A number of the Office's represented persons have been, and will continue to be, impacted by reforms to the disability sector. Since 1 July 2018, the Commonwealth National Disability Insurance Agency (NDIA) has delivered the National Disability Insurance Scheme (NDIS) in Western Australia.

The introduction of the NDIS through the NDIA, the transition from the State delivered scheme, the Western Australian National Disability Insurance Scheme (WA NDIS), to the National scheme (the NDIS) has had a significant impact on the Office of the Public Advocate and its clients. In particular, the transition has exacerbated the growing demand for the Office's services.

Young people with exceptionally complex needs

The Young People with Exceptionally Complex Needs (YPECN) project was established in April 2012, by the then Department for Child Protection, the Disability Services Commission and the Mental Health Commission. The Public Advocate was included as a member of the interagency executive committee for YPECN from its commencement in 2012, because of the Office's involvement and collaboration with the Department of Communities, to assist the transition of young people out of State care, who may need a guardian and/or an administrator appointed when they turn 18.

The YPECN project now includes senior representatives from the Department of Communities (Out of Home Care, Disability Services and Housing), the Department of Health's Child and Adolescent Mental Health Service and Youth Mental Health Outreach Service, the Department of Justice (Youth Justice, Adult Corrections and the Office of the Public Advocate) and the Department of Education.

Throughout 2024/25, the level of support provided by this project has been invaluable to five highly vulnerable young people for whom the Public Advocate was appointed guardian and who needed intensive support with their transition from State care. All five of these young people were continuing to be assisted through YPECN at 30 June 2025, with an application before the State Administrative Tribunal for another YPECN participant. In addition, there were another two young people in YPECN for whom leaving care planning was occurring, where applications to the State Administrative Tribunal may be made before they turn 18 years of age.

National Redress Scheme for people sexually abused as children in institutional care

The National Redress Scheme commenced 1 July 2018. Since its inception in 2018, the Office of the Public Advocate has reviewed 6,946 represented persons files and as a result, has requested and reviewed 926 Department for Communities files for evidence of possible sexual abuse of represented persons in care. In addition, the Department of Communities is currently reviewing the files of 14 represented persons who recently left the care of their Department and may have a claim to the National Redress Scheme.

The Public Advocate collaborates with the Department of Communities under an instrument of ministerial consent, for the sharing of information to identify represented persons who have been in care and if there is a record of sexual abuse while in care.

The National Redress Scheme will cease accepting applications on 30 June 2027 and the scheme is to cease operating on 30 June 2028.

Total offers and figures for all financial years for applicants where the Office of the Public Advocate and the Public Trustee are or have been guardian and administrator are summarised in Figure 19.

Figure 19 National Redress Scheme offers for Public Advocate and Public Trustee represented persons

Year	2020/21	2021/22	2022/23	2023/24	2024/25
Number of offers	1	9	9	7	4
Value of offers	\$105,000	\$722,590	\$791,916	\$491,970	\$550,000
Total					\$2,661,476

Elder abuse

The Office of the Public Advocate has a mandate to protect and promote the human rights of adults with a decision-making disability.

In Western Australia, this vulnerable group within the community consists of a large and growing number of people who are 65 years of age or older and have a cognitive impairment, often due to dementia. This sub-group face a higher risk of abuse, exploitation and neglect, often referred to as ‘elder abuse’, and are a key group which the Office works to protect.

Research by the Australian Institute of Family Studies estimates elder abuse affects one in six older Western Australians.

Abuse can include financial, physical and psychological or neglect and a person may experience more than one form of abuse. Concerns about elder abuse may be raised with the Office during the progress of an investigation, through enquiries to the Office’s advisory service and at times during community information sessions.



Over the past 12 months, new guardianship orders appointing the Public Advocate, where elder abuse was alleged, were made for 90 represented persons.

The Public Advocate is an active member of the Alliance for the Prevention of Elder Abuse in Western Australia (APEA WA). This interagency alliance was established to find ways to raise awareness of and prevent elder abuse.

The Office continues to promote elder abuse prevention and awareness through the dissemination of enduring power of attorney, enduring power of guardianship and advance health directive material, along with delivering community and service provider seminars throughout the year. As well as developing an Easy Read factsheet and Electronic Information Kit for World Elder Abuse Awareness Day (WEAAD) 2025, the Office also delivered a WEAAD 'Planning for the Future' community webinar in collaboration with Bankwest on Thursday 12 June.

Australia's first national plan to respond to the Abuse of Older Australians (Elder Abuse) was launched on 19 March 2019, following endorsement by the members of the Council of Attorneys-General. The national plan was a key recommendation of the 2017 Australian Law Reform Commission's (ALRC) Report: Elder Abuse - a National Legal Response, which highlighted examples of serious physical abuse, financial abuse, neglect and exploitation of older people. The release of the second draft of the National Plan is expected in 2025, with the lead being the Department of Communities, given the linkages with the State Plan.

Led by the Department of Communities, consultation for '*An Age-friendly WA: State Seniors Strategy 2023-2033*' ended in August 2022 and the strategy was launched in April 2023. This 10-year strategy supports older Western Australians and identifies four key pillars of change; thriving physically, mentally and spiritually; safe and friendly communities; staying connected and engaged; and having views that are heard.

In line with the State Seniors Strategy, scrutiny and heightened awareness continue to build across State and National Government, underlining the importance of elder abuse as a priority agenda item.

Policy and legislative work

The Public Advocate and senior staff members were involved in policy development and reviews with other government and non-government agencies during 2024/25, including:

- Continued to work with the Department of Justice's Strategic Reform division to assist the Department's Director General, with the Standing Council of Attorneys-General Working Group, which is considering the recommendations of the Australian Law Reform Commission's inquiry 'Elder Abuse - A National Legal Response' in conjunction with the Department of Communities and other jurisdictions. Work continued to progress the Draft 2024-2034 National Plan to End the Abuse and Mistreatment of Older People, and the harmonisation of enduring powers of attorney for greater consistency across Australia.



- Continued to contribute to the implementation of the WA Strategy to Respond to the Abuse of Older People (Elder Abuse) 2019-2029 which is led by the Department of Communities.
- Member of the Alliance for the Prevention of Elder Abuse in Western Australia (APEA WA).
- Member of the National Working Group for Restrictive Practices and Consent in Aged Care, led by the Commonwealth Department of Health and Aged Care for the use of restrictive practices in residential aged care under the *Quality of Care Principles 2014* as well as the development of advice to Government and the Intergovernmental Health and Aged Care Senior Officials Group on consent requirements for the use of restrictive practices in residential aged care; in conjunction with representatives from the Department of Health (WA) and the Department of Justice's Strategic Reform division.
- Following the Office of the Public Advocate's participation in the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability (the Disability Royal Commission), the Disability Royal Commission delivered its Final Report to the Australian Government on 28 September 2023. The report contains 222 recommendations, of which 132 have direct implications for Western Australia.

In November 2023 the Department of Communities established an officer level Disability Royal Commission Interagency Working Group, to progress the State Government's response to the Final Report. The Office of the Public Advocate has worked as a member agency, alongside Department of Justice representatives from the Strategic Reform division, who have the lead role for the overarching Department of Justice response.

On 31 July 2024, the State Government provided its formal response to the Disability Royal Commission's Final Report, committing to accepting, accepting in principle or accepting in part, 100 of the 132 recommendations. The 32 remaining recommendations will be considered further.

In November 2024, the Interagency Working Group transitioned to the Disability Royal Commission Implementation Working Group, to progress the implementation of the Commission's recommendations. On 23 December 2024, the State Government released its Disability Royal Commission roadmap, which outlined the whole-of-government approach to implementation of the recommendations.

- Member of the Disability Reform Steering Group consisting of representatives from key State Government agencies and convened by the Department of Communities.
- Ongoing activities to inform the Western Australian Government's response to the National Disability Insurance Scheme (NDIS) Review to enable the needs of Western Australians represented by the Public Advocate, to be considered in systemic policy development.



In respect of international and national human rights principles, addressed through both the NDIS Review and the Disability Royal Commission, the Office addressed related issues using relevant Western Australian case experiences and knowledge. This resulted in the introduction of the Office's service agreements, which address specific challenges associated with the implementation of the NDIS and representing action at a State Government level.

In 2025 the Office of the Public Advocate implemented its own NDIS service agreements to support participant safeguarding through control of the NDIS plan. The Office's service agreements are a legally binding way of recording what has been agreed between a service provider and the Public Advocate as guardian on behalf of the participant regarding the purchase and delivery of NDIS services. The new service agreements are a key mechanism to reduce the risk of neglect, exploitation and abuse to the participant, as well as recognise the complex interaction between human rights, guardianship and the NDIS.

In addition to online question and answer sessions, new webpages (including comprehensive frequently asked questions for all parties involved), electronic forms and online materials were developed, to fully support the implementation of the service agreements.

Continued to work with the Commonwealth National Disability Insurance Agency (NDIA) to support better NDIS outcomes for our shared clients. This included establishing and maintaining positive relationships with the NDIA's national office and Western Australian service delivery, specifically:

- Ongoing scheduled interactions with the Complex Support Needs Branch and the local Western Australian office of the NDIA, to drive improved NDIS outcomes for people for whom the Public Advocate is appointed guardian.
- Utilising established stakeholder relationships within NDIA's national office to address systemic issues impacting people for whom the Public Advocate is appointed guardian and to advocate for systemic change to build capacity and independence for people with a decision-making disability.
- In early 2024 the Attorney General referred the *Guardianship and Administration Act 1990* to the Law Reform Commission of Western Australia (LRCWA) for a comprehensive review. The LRCWA has been tasked with reviewing, providing advice and making recommendations on the need for reform of the Act and how best to implement that reform in the WA context.

Further to the preliminary submission by the Office of the Public Advocate to the LRCWA in April 2024, the Public Advocate and key staff members participated in two face-to-face consultation sessions with the Commission in 2024/25. In June 2025 the Office provided a written submission to the LRCWA, in answer to two discussion papers it had produced as part of the review. The Commission is expected to provide a final report on its review of the Act to the Attorney General in 2025.



- In February 2024, the Public Advocate made a submission to the Commonwealth Department of Health and Aged Care regarding the *Aged Care Bill 2023 Exposure Draft*, given the intersection of the *Commonwealth Aged Care Act* with the *Western Australian Guardianship and Administration Act 1990*. On 25 November 2024 the Australian Parliament passed the *Aged Care Act 2024*. The Office notes some of the feedback it provided in its submission regarding the role and authority of guardians was incorporated into the Act. The new Act is due to come into operation on 1 November 2025.
- On 1 September 2024 the Office of the Public Advocate's participation on both the Implementation Steering Committee and the Criminal Law Mental Impairment (CLMI) Program Board concluded, following commencement of the *Criminal Law (Mental Impairment) Act 2023*.

The Office's internal practice standards now reflect the legislative changes for referrals for investigation as to whether a guardian and/or administrator is required, when a custody order is made under CLMI.

- Revised Office of the Public Advocate publications in line with the commencement of the *Births, Deaths and Marriages Registration Amendment (Sex or Gender Changes) Act 2024* on 30 May 2025.
- On 25 June 2025, the Public Advocate, together with the Manager Advocacy Investigation and Legal and one of the Office's two Managers Guardianship appeared before the Legislative Assembly's Community Development and Justice Standing Committee. The Committee asked questions about the Office's demand for services, caseloads and resourcing, and how these issues are affecting the work of the Office; how the Office interacts with the Public Trustee's office; and the operation of the *Guardianship and Administration Act 1990*.

Case Study 8

Guardianship helping to break the cycle of incarceration

Mr X was in his late twenties and had a diagnosis of cognitive impairment and mental illness. He had spent much of his adult life travelling around Australia. He often reported feeling unsafe and persecuted.

Mr X had a history of frequent contact with the justice system and with mental health services across Australia. He had spent the past five years in-and-out of the prison system for offences which had gradually escalated in severity.

Mr X had developed a pattern of behaviour whereby when he was released from prison into the community, he would reoffend or breach his bail conditions within a matter of days or weeks and be reincarcerated. At times, while out of prison, Mr X would present to the local police station and ask to be returned to prison, citing concerns about his personal safety.

(continued next page)



(Case study continued from previous page)

However, during Mr X's stints in prison, he would spend extended periods of time isolated from the general prison population for his own safety, as he was unable to navigate interactions with other prisoners.

During one of Mr X's prison sentences, prison staff made an application to the State Administrative Tribunal for guardianship and administration orders. It was hoped that Mr X would benefit from having help with lifestyle and financial decisions to reduce his risk of recidivism.

The application was referred to the Office of the Public Advocate to investigate. As part of their investigation, the investigator advocate spoke with Mr X and asked for his views about guardianship and administration. While he was initially reluctant, he acknowledged that he would like to see if a guardian and administrator could help.

The Public Advocate was subsequently appointed by the Tribunal as Mr X's limited guardian and the Public Trustee was appointed as his plenary administrator.

Mr X's delegated guardian met with him in prison, but Mr X was only able to engage for a short time due to his mental state and impairment. At this time Mr X expressed that although he did not identify as Aboriginal, his wish was to return to, "his land" and live what he described as, "a better life, without stealing and drugs". Mr X was unable to confirm his cultural background, and there was conflicting information about his cultural identity in records.

Mr X's delegated guardian applied for National Disability Insurance Scheme (NDIS) funding on his behalf. The National Disability Insurance Agency (NDIA) found that he was not eligible based on the evidence before them. Mr X's delegated guardian appealed the decision and engaged legal representation on Mr X's behalf for the matter which was escalated to the Administrative Review Tribunal (ART).

A key barrier preventing Mr X's access to NDIS funding, was a lack of suitable evidence of his disability. This included issues relating to determining whether his impairment was permanent or not, and substantiating whether his impairment was caused by a disability, or drug and alcohol use. Gathering relevant evidence in this regard was compounded by the fact that Mr X had accessed treatment across different states and territories but was unable to provide a coherent history, which made it more challenging to track and access his records.

While the appeal against the NDIS access decision was underway, Mr X was unable to manage in the community without support and continued the cycle of recidivism and reincarceration

(continued next page)



(Case study continued from previous page)

Ongoing advocacy from Mr X's delegated guardian and collaboration between service systems, including Corrective Services, Forensic Mental Health and the NDIA, resulted in Mr X being granted access to NDIS funding through the ART process.

Following his release from prison, with NDIS support, Mr X was appropriately supported to manage the functional impact of his impairment and he stopped reoffending.

Some months later, while his impairment and ongoing mental health issues remain, Mr X had been able to comply with his community treatment order and was engaging well in community life.

When Mr X is well, he goes fishing, which he loves. When he is overwhelmed, he may leave his home, but the difference is he no longer seeks incarceration as a place of safety and instead takes time out before returning home voluntarily, to an appropriate, supportive environment and place of safety.

The current focus of guardianship services for Mr X, is to maintain his safety and stability, while enabling him to explore his cultural identity. Longer-term plans include a possible 'return to his land' as well as work opportunities.

Note: Names and details have been changed to protect confidentiality.

Community Education

The Office of the Public Advocate promotes the human rights of adults in Western Australia with a decision-making disability, under the provisions and operation of the *Guardianship and Administration Act 1990*.

This is done through community education activities which improve people's awareness and understanding of the legislation, the system and the surrounding issues. Activities include:

- providing the community and relevant service providers with education and training which promotes the human rights of adults with a decision-making disability
- producing written and other material accessible to the community and service providers in a variety of formats and languages
- providing an advisory service which service providers and community members can access over the phone, in-person or in writing
- developing partnerships with other government agencies, non-government organisations and community groups to disseminate information about guardianship and administration
- promoting community responsibility for the wellbeing of vulnerable adults with a decision-making disability who may be at risk of abuse, exploitation or neglect.



The Year in Review

In 2024/25, the Office delivered a total of 31 education sessions to community members and professionals from the health, social work, mental health, disability, legal institutions and aged care sectors, as well as banks, financial institutions and Aboriginal Community Controlled Organisations.

An additional 13 online 'question and answer' sessions were held between March and May 2025, directly relating to the implementation of the Office's new National Disability Insurance Scheme (NDIS) service agreements in March 2025. These 'question and answer' sessions catered to approximately 450 service providers.

Of the 31 education sessions delivered in 2024/25, nine (29 per cent) were for community members and 22 (71 per cent) were specifically tailored for service providers.

Demand continues to grow. The total number of community and service provider education sessions (excluding NDIS service agreement sessions) increased from 24 in 2023/24 to 31 in 2024/25, an increase of 29 per cent.

Total attendance figures increased from 1,675 people in 2023/24 to 1,729 in 2024/25.

The Office visited the Kimberley in September 2024 and Wagin, Bunbury and Busselton in April 2025 delivering seven face-to-face regional on-site community and service provider training sessions.

The Office's online community education output grew substantially in 2024/25 with 19 of the 31 sessions being delivered either simultaneously or solely online, providing additional access to community members and service providers in regional areas.

The Office delivered two service provider sessions for Justices of the Peace (JP's), educating them about the proper completion, witnessing and operation of enduring powers of attorney, enduring powers of guardianship and advance health directives, to assist in their role when witnessing these documents and also for their own personal information. As a trial run, one of these sessions was delivered online enabling JP's in regional areas to access training. This was very well received, with over 100 JP's attending. It is expected that further online sessions will be offered to this stakeholder group in the future.

The Office participated in the Seniors Recreation Council of WA's 'Have a Go Day' (HAGD) in November 2024. As ever, the event was well attended enabling representatives to meet with community members and relevant service providers, providing them with information on enduring powers of attorney, and enduring powers of guardianship.

The Office continued to have co-chair representation on the Department's Diverse Sexualities and Genders Champion Group. In August 2024, the Office's representative attended a 'Wear It Purple' panel discussion and morning tea, hosted by the Office of the Commissioner for Victims of Crime.

The PrideFEST 2024 theme was 'Together, Go West' and Office staff joined colleagues from the Department in November, to march in the PrideFEST parade, disseminating 'Planning Ahead Together' flyers, designed especially for the event.



Quarterly private administrator training sessions for newly appointed private administrators, continued to be presented jointly with the Public Trustee, along with biannual joint service provider seminars with the State Administrative Tribunal.

This year the Office collaborated with Bankwest to acknowledge World Elder Abuse Awareness Day (WEAAD). An online 'Planning for the Future' webinar, open to all Western Australians was hosted by Bankwest and delivered by the Office on Thursday 12 June 2025. Additional material was developed to support this event, including a new WEAAD 2025 webpage, The 'Planning for the future Electronic Information Kit' (including links to relevant webpages and publications) and a new 'How to Plan for the Future' Easy Read factsheet.

Customer contact/enquiries

The Office of the Public Advocate offers an advisory service which provides information to community members and professionals in relation to the *Guardianship and Administration Act 1990*, who may be seeking information to assist them to plan for their future or to protect the rights of adults with a decision-making disability.

The service provides recorded information on guardianship, administration, enduring powers of attorney and enduring powers of guardianship. This information is available 24 hours a day, seven days a week, and supplements the information available on the Office's website.

During office hours people also have the option to speak to an advisory officer in-person or on the telephone. People also make contact by email, enabling them to submit queries outside of office hours which the advisory officer can then respond to during office hours.

In addition to queries about the guardianship and administration system, including planning documents and advice on making applications to the State Administrative Tribunal, the advice line also provides information for private guardians, enduring guardians and attorneys appointed under an enduring power of attorney, about the obligations of their roles and where to gather support if needed to assist in their decision making.

The advisory service takes requests for enduring power of attorney kits, enduring power of guardianship kits and other publications, passing the information on to Community Education for processing/disseminating.

The advisory service is also a first point of contact for community members who have concerns about someone who appears to have a decision-making disability and is in need of assistance with decision making. This may be someone who has been observed to be having difficulty managing their day-to-day activities, or where there is a concern that the person is at risk of abuse or exploitation.

These calls sometimes lead to the opening of a community-referred-investigation which will involve an investigator advocate looking into the situation and determining if assistance, by way of the appointment of a guardian or administrator, is required, or if there are informal supports that can be put in place to assist the person.

In 2024/25 the Office's advisory service received 4,924 contacts, an increase of five per cent from 4,698 in 2023/24. The advisory service addressed 6,230 different enquiries by telephone in 2024/25.¹⁵

¹⁵ This figure excludes interview and email/letter enquiries.

Figure 20 Number of contacts (by mode of handling) to the advisory service 2024/25

Mode of handling	Jul 2024	Aug 2024	Sep 2024	Oct 2024	Nov 2024	Dec 2024	Jan 2025	Feb 2025	Mar 2025	Apr 2025	May 2025	Jun 2025	Total
Telephone	391	387	322	366	363	292	387	338	372	321	349	333	4,221
Interview	15	11	9	27	12	8	18	6	13	12	13	17	161
Email/letter	51	42	43	51	50	51	38	46	46	19	57	48	542
Total	457	440	374	444	425	351	443	390	431	352	419	398	4,924

Note 1: Excludes emails requesting material. For this information, see the paragraph below.

In some instances, enquirers sought advice on multiple topics. Enquiries regarding enduring powers of attorney accounted for 36 per cent of all enquiries received during the year, with enduring powers of guardianship enquiries accounting for 28 per cent.

While there is no requirement to send the Office a completed enduring power of attorney and/or enduring power of guardianship form, 40 of these forms were received in 2024/25, and then subsequently checked and returned to the person who made them.

Figure 21 Telephone enquiries (by subject matter) to the advisory service 2024/25

Subject of enquiry	Jul 24	Aug 24	Sep 24	Oct 24	Nov 24	Dec 24	Jan 25	Feb 25	Mar 25	Apr 25	May 25	Jun 25	Total	Total as percentage of all enquiries
Guardianship	86	82	59	70	79	65	92	74	79	79	61	85	911	15%
Administration	71	77	55	56	58	40	53	47	58	47	60	47	669	11%
Enduring powers of attorney	240	210	169	215	169	150	194	180	172	166	208	188	2,261	36%
Enduring powers of guardianship	183	176	131	166	166	110	152	137	147	127	132	128	1,755	28%
Advance health directives	10	8	6	9	6	3	7	10	13	6	1	2	81	1%
General	44	50	50	50	46	38	56	51	46	39	44	39	553	9%
Total Subjects	634	603	470	566	524	406	554	499	515	464	506	489	6,230	100%

Note 1: In some instances, enquirers sought advice on multiple subjects.

Note 2: These figures do not include email/letter enquiry subject matter.

Since the Citizen's Advice Bureau ceased stocking hard copies of the Office's enduring power of attorney (EPA) and enduring power of guardianship (EPG) kits in 2022, requests for these documents have grown. The majority of which are received through the advisory service. Over the past 12 months, material requests increased to 951 with the Office disseminating over 2,700 EPA and EPG kits, along with 5,900 brochures, flyers and other material. This excludes information packs handed out at face-to-face training sessions.

Case Study 9

What does 'least restrictive alternative' mean?

The Office of the Public Advocate is often contacted by hospitals requesting bulk quantities of enduring power of guardianship (EPG) kits, which the Office produces.

The rationale being that hospital staff would like the kits readily available for dissemination to unwell patients who they believe 'need' to make these powers as a matter of urgency, to enable family members to make decisions for their unwell loved ones, should their decision-making capacity be lost.

This is not an ideal way for someone to make an EPG, as they are unwell and may feel forced to make the document at a time when they cannot properly consider if they wish to do so or not.

However, an EPG is not the only option available to someone if they suddenly lose capacity and treatment decisions need to be made on their behalf.

If there is no family conflict surrounding the patient's treatment, informal processes provide a less restrictive alternative to the making of an EPG, or a guardianship order.

Instead of encouraging a patient to urgently complete an EPG, health care professionals should make families aware of the hierarchy of decision makers for non-urgent treatment decisions, which is prescribed in the *Guardianship and Administration Act 1990*.

This 'hierarchy' sets out the order of people that health professionals need to go to for a treatment decision, if the patient cannot make the decision for themselves. At the top of the hierarchy is an advance health directive (AHD), followed by an enduring guardian, then a guardian, the patient's spouse or de facto partner, an adult child, a parent, a sibling, a primary unpaid caregiver, and another person with a close personal relationship with the patient. Therefore without an EPG, non-urgent treatment decision-making for an adult who loses capacity, is covered by a legislated process.

Making an EPG as a matter of urgency or being influenced by anxious third parties and immediate health concerns, is not the ideal way to draft this legally binding document.

It is a personal choice whether or not someone wishes to make an EPG, and they should not feel pressured into doing so.

In most cases, the patient can continue relying on their supportive family and/or friends i.e. the least restrictive alternative, in the event that they lose decision-making capacity, until they have stabilised. After which time, presuming they have capacity, they can then decide if they wish to make an EPG, in their own time, on their own terms, so they can be sure to make considered choices in a calm and measured way.

To promote awareness of EPGs and future planning processes, the Office provides bulk copies of its Plain English information brochure which can be disseminated as required. This allows people to understand the principles behind making an EPG and contact the Office directly to be sent a kit, if they are unable to download one from the Office's website.



Electronic information kits

To support the growing number of online training and information sessions, the Office developed a variety of electronic information kits. These documents provide topic-related information, including links to publications and webpages, as well as information surrounding accessibility and translation.

Easy Read factsheets

In 2022 the Office began developing Easy Read factsheets covering topics such as how an investigation works, who makes treatment decisions and how guardianship works.

These documents break down complex concepts into easily understandable handouts. They have been produced in consultation with a disability advocacy group and are available online and in hard copy.

Each year, new subject matter is identified and additional factsheets are developed to support what has become a broad range of topics. Following external consultation, formatting for all Easy Read factsheets was reviewed and updated in 2024, making documents more accessible to people with low vision.

In November 2024, to mark International Day of People with Disability (IDPwD), the Office developed and launched five new Easy Read factsheets focusing on accessibility.

In June 2025, to observe World Elder Abuse Awareness Day (WEAAD) the 16th Easy Read factsheet was launched – How to Plan for the future. This takes the total number of factsheets to 17 including the 'Hard Words Glossary' factsheet.

Website

Since the Office migrated its website to the wa.gov.au platform in 2022, updates and continuous improvements have been implemented on a rolling basis.

Functionality has been improved and cultural and linguistic reach extended, following the installation of the Language Translation widget, allowing visitors to translate page content into a different language. In addition, Talk To Speech (TTS) reads aloud a webpage.

In 2024/25 two new webpages, with multiple subsidiary webpages and links, were developed and launched by the Office. The service agreement webpage for NDIS services and the World Elder Abuse Awareness Day 2025 planning for the future webpage.

When accessing the Office's website, 40 per cent of visitors used their desktop, 58 per cent used a mobile phone and two per cent used a tablet, which means mobile phones continue to be the most popular way of accessing information.

Similar to previous years, the top performing pages on the website between 1 July 2024 and 30 June 2025 were:

- enduring power of attorney: 76,692 visitations
(average time spent on page: one minute and 20 seconds)
- enduring power of guardianship: 58,548 visitations
(average time spent on page: one minute and 37 seconds).



In line with these figures, the most downloaded documents for the same period were:

- enduring power of attorney kits: 28,109 downloads
- enduring power of guardianship kits: 8,131 downloads.

Due to the choice of material available on the Office's website, visitations often result in multiple downloads.

Between 10 February 2025 and 30 June 2025, the new service agreement webpage for NDIS services received over 11,500 visitations.

Community guardianship program Volunteer Information Portal

Launched in 2022, the Volunteer Information Portal (VIP) provides an online space for volunteers to share community guardianship materials, manuals, newsletters and other useful information, in an easy-to-use, secure online environment.

The portal can be accessed by volunteers via the community guardianship webpage and in the two years since it was launched, it has evolved into a well-resourced tool which continues to grow and develop.

Catering to the needs of clients from a culturally and linguistically diverse background

All of the Office's publications are available in alternative formats,¹⁶ including other languages. Of the Office's 10 information sheets, eight have been translated into different languages.

In 2024/25 the Office translated information sheets into six new languages: Croatian, Hungarian, Indonesian, Portuguese, Serbian and Swahili. This takes the total number of languages to 17.

All aforementioned documents are available on the Office's website and in hard copy format on request. Other translations are available on request.

Translated material at the Office of the Public Advocate

To ensure that language is not a barrier:

- Content on the Office's website can be translated to a different language using a 'Language' button at the top of each webpage.
- Translated publications are available to download on the [translated publications](#) webpage.
- First Nations languages are available in audio format on the [First Nations Audio Translations](#) webpage.
- An Easy Read factsheet called 'English is not my first language – How can I access OPA information?' is available in the [Easy Read section](#) of the publications webpage.
- Other language translations and interpreter services are available on request.

¹⁶ The enduring power of attorney form and enduring power of guardianship form are not able to be translated into other languages, as they must be in English.



Information for people of Aboriginal and Torres Strait Islander descent

In 2024/25, as part of the Office's commitment to the Department's Reconciliation Action Plan, it delivered on-site, face-to-face training to three Aboriginal Community Controlled Organisations – two of whom were regional: Kimberley Aboriginal Medical Services (Broome), South West Aboriginal Medical Service (Bunbury) and Wungenging Aboriginal Corporation (Metro).

The Office worked with Aboriginal translation agencies to launch its First Nations audio translations webpage in 2024. The webpage employs an easy-to-follow format utilising plain English documents that link through to online audio translations. Languages include Noongar and Martu, Kimberley Kriol, Nyangumarta and Walmajarri. Additional First Nations languages are available on request.

The Office has produced a brochure specifically for people of Aboriginal and Torres Strait Islander descent, about the guardianship and administration system and the role of the Office of the Public Advocate in protecting vulnerable adults. This flyer was reviewed and updated in early 2023 and is supplied in hard copy to the Department's Aboriginal Justice Open Day program, along with enduring power of attorney and enduring power of guardianship kits.

Where appropriate, information sessions for service providers include practical examples of how the guardianship and administration system could be used to assist people of Aboriginal and Torres Strait Islander descent to ensure culturally appropriate outcomes are achieved.

Interpreter services

To help ensure that language is not a barrier to guardianship or advocacy and investigation services for customers for whom English is a second language, the Office uses translation and interpreter services. During 2024/25 interpreter services were provided in 20 languages: Burmese, Cantonese, Croatian, Dari, French, Greek, German, Italian, Korean, Japanese, Pashto, Persian, Polish, Portuguese, Sudanese(Arabic), Swahili, Tagalog, Thai, Ukrainian and Vietnamese.

Catering to the needs of clients with vision impairments or print disabilities

The Office's website provides a clear display with simplified content sectioned into subject accordions. The user experience for vision impaired persons has been further enhanced by the Talk To Speech (TTS) function, which enables users to listen to the page being read aloud.

In 2023, the Office launched a new accessibility webpage and two supporting Easy Read factsheets promoting the different ways in which people can access information.



Following additional external consultation, formatting for all Easy Read factsheets was reviewed and updated in September 2024, making documents more accessible to people with low vision. After these updates, an additional five Easy Read factsheets were launched in November 2024 relating to accessibility – including ‘I have difficulty reading words – how can I access OPA information’.

The Easy Read banner remains on the homepage of the Office’s website, allowing visitors to locate the Easy Read factsheets in one easy click and the factsheets can be read through most standard screen readers.

‘Focus colours’ continue to be used on the website, meaning when a visitor to the website hovers over links contained in the text, the links are highlighted, enhancing readability and navigation.

Buttons have also been installed, for example a person can call the Office’s telephone advisory service by using the ‘Advisory Service’ button, prominently located on the home page, without needing to dial the phone number. The Office’s contact details are also clearly listed at the side of every webpage, for easy access.

Catering to the needs of clients with hearing impairments

Staff use the National Relay Service as required, to communicate better with clients who are deaf, or who have a hearing impairment or speech impairment.

As part of the aforementioned suite of five new Easy Read factsheets, launched in November 2024, regarding accessing Office of the Public Advocate information, the Office included two specifically designed to support clients with hearing impairments: ‘I am deaf or find it hard to hear – how can I access OPA information?’ and ‘I am deaf and find it hard to hear, how can I attend a hearing at the State Administrative Tribunal’.

The contact methods offered by the National Relay Service are promoted on the Office’s website.

Corporate Services

The role of Corporate Services is to support the Office of the Public Advocate by facilitating effective administration, management and information systems and ensuring that government accountability requirements are fulfilled. The functions include:

- planning and providing office management and administration requirements
- providing financial and human resource management, procurement, information technology and physical resource management.

In 2024/25, these services were supported by the Department of Justice and costs were proportionally allocated to the Office of the Public Advocate and reflected in the Treasury Budget statements. The budget allocation and subsequent expenditure for 2024/25 is outlined in Figure 22.

Figure 22 Budget allocation and expenditure 2024/25

Original Budget 2024/25 (Service Group 2) \$'000	Revised Budget 2024/25 (Service Group 2) \$'000	Actual Expenditure 2024/25 (Service Group 2) \$'000
\$20,533 ¹⁷	\$20,490 ¹⁸	\$17,634 ¹⁹

The Office of the Public Advocate does not charge any fees for services.

The Year in Review

Freedom of information

Nine valid applications were received by the Office during 2024/25 for the release of information. Eight of the requests were dealt with in full during the year.

Anyone who wishes to access information held by the Office of the Public Advocate can contact the Freedom of Information Coordinator on 9278 7300 or 1300 858 455. They may be asked to submit their request in writing.

If a request is denied, an application may be lodged with the Public Advocate. If the application is denied or a person is not satisfied with the decision of the Public Advocate, they may lodge an appeal with the Information Commissioner.

Customer feedback

In 2024/25, the Office of the Public Advocate received 106 formal complaints during the year, which were all considered by the Public Advocate, a senior manager or a senior policy officer. The Office also received 36 formal compliments.

For people who lodge a formal complaint with the Office of the Public Advocate, either in writing, via email or over the telephone, the Office aims to respond to all grievances within 10 working days of the complaint being lodged and advise the relevant people (in writing) of the outcome and any corrective action to be taken.

To support this process, an Easy Read factsheet titled 'How to give feedback and make a complaint' was developed and is available both online and in hard copy format.

17 Includes shared Department of Justice corporate support.
18 Includes shared Department of Justice corporate support.
19 Includes shared Department of Justice corporate support.

Significant Issues Impacting the Agency

Reform

The Office of the Public Advocate's fourth decade of operation looks set to be a time of meaningful change within guardianship and administration, as well as growth and change for the Office itself.

During 2024/25, the Public Advocate and key staff members participated in two face-to-face consultation sessions with the Law Reform Commission of Western Australian (LRCWA), as part of the Commission's review of the *Guardianship and Administration Act 1990*. The Office also provided a written submission to the LRCWA. The Commission is expected to provide a final report on its review of the Act to the Attorney General by the end of 2025.

While Office of the Public Advocate's practices and procedures seek to have staff looking for and promoting dignity of risk and less restrictive alternatives to the appointment of a guardian and administrator for proposed/represented people in its advocacy at the State Administrative Tribunal, it is hoped that the review of the legislation will result in a more robust legislative framework to better support this.

The potential introduction of a formalised model of supported decision-making and the introduction of the 'will and preferences' principle are two key recommendations from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) being considered by the LRCWA. These will be two of the most significant changes to the Act if they are implemented.

While the Office's frontline staff numbers have grown over time, in response to persistent increases in demand for advocacy and investigation and guardianship services, the Office's management structure has remained largely unchanged over the past decade. The need for a strategic restructure of the Office's management team and strategic supporting roles has been recognised and work has begun to utilise existing funding to create new key positions. Further restructure changes will be made as and when funding and additional accommodation can be secured.

These changes will better position the Office to be strategically responsive, which will be vitally important during such a significant period of reform. The restructure will also provide improved quality assurance and oversight of frontline staff, ultimately producing better outcomes for proposed/represented persons.



Demand

Demand for the Office of the Public Advocate's statutory services of advocacy and investigation and guardian of last resort continues to increase year on year. Demand for these services has been exacerbated in the last decade by WA's transition to the Commonwealth NDIS since 2017/18.

Other significant factors contributing to the increasing demand for the Office's services, are WA's ageing population and the growing prevalence of dementia, mental illness and intellectual disability within the population.

At 30 June 2025, the Public Advocate was guardian for 4,055 adults, an increase of 13 per cent from the previous year. The number of new matters referred to the Office from the State Administrative Tribunal for investigation increased from 2,407 in 2023/24 to 2,833 in 2024/25, an 18 per cent increase.

Case Management System

A key recommendation which came from a 2021 independent review of the impact of the National Disability Insurance Scheme (NDIS) on the work of the Office of the Public Advocate, was that the Office's electronic case management system (CMS) be replaced. \$4.321 million in funding was secured through the Office of Digital Government across 2023/24 to 2026/27, to procure and implement a new electronic CMS.

The tender process was initiated in 2023/24 to identify a suitable off-the-shelf cloud-based CMS.

In July 2024 a four-year contract commenced with the successful vendor and work to develop the new CMS began.

Since then, the Office, the vendor and key information technology stakeholders in the Department have worked to ensure the new CMS will meet business needs. The Office has also maintained a strong focus on data cleansing to ensure successful and effective migration of data from the existing system.

In addition, the Office has worked to ensure contract requirements are properly and efficiently handled, monitoring milestones such as payments, key dates, and monthly reporting to the Office of Digital Government. This has included formally extending the timeframe to 2028/2029 to align with the four-year contract.

Over 2024/25, the project was included in the Office of the Auditor General's Major Information Technology Projects Transparency Report. There were no concerns raised in relation to the audit of the project's time and cost.

At present, the current funding has been utilised with no overspend and it is anticipated that the new CMS will go live in 2025/26.

Disclosures and Legal Compliance

Financial Statements

See the Department of Justice 2024/25 annual report.

Key Performance Indicators

Notes to the Key Performance Indicators

The following performance indicators should be read in conjunction with the accompanying notes to the key performance indicators.

Advocacy, Guardianship and Administration Services

Key effectiveness indicator	Actual 2021/22	Actual 2022/23	Actual 2023/24	Target 2024/25	Actual 2024/25	Comment on significant variation
Percentage of guardians of last resort allocated in one day This indicator measures the timeliness of the Office of the Public Advocate (OPA) in allocating a guardian to a represented person in order to make decisions on their behalf and protect them from neglect, abuse or exploitation. The Public Advocate is appointed as guardian of last resort only when considered necessary and when there is no one else suitable or available to take on the role.	91%	91%	92%	95%	89%	No significant variation.

Key efficiency indicator	Actual 2021/22	Actual 2022/23	Actual 2023/24	Target 2024/25	Actual 2024/25	Comment on significant variation
Average cost of providing advocacy and guardianship services This indicator measures the average cost per case of providing advocacy and guardianship services on behalf of people with decision-making disabilities.	\$1,665	\$1,752	\$1,729	\$2,122	\$1,892	The 2024/25 actual result is 11 per cent lower than target. This variance is attributable to staffing vacancies and the development of the Office of the Public Advocate's new case management system.



Notes to the Key Performance Indicators

Key effectiveness indicator	Description
Guardian of last resort allocated in one day.	<p>This indicator is based on the OPA's best practice to ensure the needs of the represented person are met immediately. It is calculated by dividing the total number of new appointments of guardians of last resort made by the State Administrative Tribunal (SAT) at the hearing and allocated by the Public Advocate's delegate within one working day of receipt of the guardianship order by the total number of new guardianship appointments made by the SAT appointing the Public Advocate during 2024/25.</p> <p>Information for this indicator is extracted from the Public Advocate Case Management (PACMAN) system.</p>

Efficiency indicator	Description
Average cost per case of providing advocacy and guardianship services.	<p>This indicator is calculated by dividing the total cost of providing advocacy, guardianship and administration services by the total number of advocacy, guardianship and administration services provided during 2024/25. The information for this indicator was extracted from the Department's activity-based cost management system, Planning and Budgeting Cloud Services (PBCS), and the Public Advocate Case Management (PACMAN) system.</p>

Ministerial Directives

Nil.

Public Interest Disclosures

Nil. Since 1 July 2019, any disclosures regarding the Office of the Public Advocate are reported in the Department of Justice Annual Report.

Other Legal Requirements

Advertising

The Public Advocate discloses the following information relating to advertising, direct mail and market research expenditure as required under Section 175 ZE of the *Electoral Act 1907*.

Figure 23 Advertising

Advertising and promotion	\$12,400
Recruitment services	\$33,921
TOTAL	\$46,321

Recordkeeping Plans

Records are maintained in accordance with the Department of Justice’s recordkeeping plans and those of the State Records Office. An updated Retention and Disposal Schedule was approved by the State Records Office, effective December 2013.

See the Department of Justice 2024/25 annual report for any further information on:

- other financial disclosures
- other governance disclosures
- disability access and inclusion plan outcomes
- compliance with Public Sector standards and ethical codes
- substantive equality
- occupational safety, health and injury management
- board and committee remuneration
- multicultural policy framework.



Appendix 1

Legislation

Legislative authority

The Public Advocate's legislative authority is contained in the *Guardianship and Administration Act 1990*. The Act was proclaimed to come into full operation on 20 October 1992. Significant amendments were enacted on 15 February 2010 when the *Acts Amendment (Consent to Medical Treatment) Act 2008* came into effect and again on 7 April 2020 when the *Guardianship and Administration Amendment (Medical Research) Act 2020* came into effect.

With the implementation of the *Voluntary Assisted Dying Act 2019* (VAD Act) on 1 July 2021, section 3B came into effect in the *Guardianship and Administration Act 1990*. This legislative provision provides clarity in the Act that a voluntary assisted dying decision is not able to be made as a treatment decision through an advance health directive or by a substitute decision-maker.

The *Guardianship and Administration Regulations 2005* were amended on 4 August 2022 to incorporate a revised advance health directive form to include a non-binding section for the person's views and wishes as well as a detailed section for the making of treatment decisions including medical research decisions. The revised advance health directive form was developed through extensive consultation by the Department of Health with input by the Office of the Public Advocate.

On 27 March 2024, consequential amendments to the *Guardianship and Administration Act 1990* came into effect with the enactment of the *Abortion Legislation Reform Act 2023*. The new provisions provide clarity around who can provide consent for an abortion treatment decision under the Act in relation to a represented person. The State Administrative Tribunal (the Tribunal) can make an abortion treatment decision on behalf of a represented person unless the Tribunal determines the person is able to make the decision themselves.

On 5 April 2024 the *Guardianship and Administration Amendment Regulations 2024* came into operation to amend the *Guardianship and Administration Regulations 2005*. The changes enable information sharing between the Public Advocate and the Public Trustee with the National Disability Insurance Agency and the NDIS Quality and Safeguards Commission, at a system level to facilitate the sharing of data about represented persons. This can occur when the Public Advocate or the Public Trustee is satisfied that the release of the requested information is relevant to the performance of a function under the *National Disability Insurance Scheme Act 2013* (See Case Study 6).



Related legislation

Other legislation relating to the circumstances and needs of people with a decision-making disability include:

State Administrative Tribunal Act 2004

Births, Deaths and Marriages Registration Act 1998

Aged Care Act 1997 (Commonwealth)

Carers Recognition Act 2004

Civil Liability Act 2002

Community Protection (Offender Reporting) Act 2004

Criminal Investigation (Identifying People) Act 2002

Criminal Investigation Act 2006

Criminal Law (Mental Impairment) Act 2023 (which commenced on 1 September 2024 and which repealed the Criminal Law (Mentally Impaired Accused) Act 1996)

Declared Places (Mental Impairment) Act 2015

Disability Services Act 1993

Health (Miscellaneous Provisions) Act 1911

High Risk Serious Offenders Act 2020

Magistrates Court (Civil Proceedings) Act 2004

Mandatory Testing (Infectious Diseases) Act 2014

Mental Health Act 2014

National Disability Insurance Scheme Act 2013 (Commonwealth)

National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Act 2018

Prisons Act 1981

Public Trustee Act 1941

Supreme Court Act 1935

The Public Advocate also complied with legislation that relates to the management and accountability requirements of Government during 2024/25, including:

Corruption and Crime Commission Act 2003

Electoral Act 1907

Equal Opportunity Act 1984

Financial Management Act 2006

Freedom of Information Act 1992

Parliamentary Commissioner Act 1971

Procurement Act 2020

Public Interest Disclosure Act 2003

Public Sector Management Act 1994

State Records Act 2000

Work Health and Safety Act 2020

Workers' Compensation and Injury Management Act 2023

Working with Children (Criminal Record Checking) Act 2004

Appendix 2

Publications

Office of the Public Advocate publications are available online at www.publicadvocate.wa.gov.au

Information sheets

1. The Guardianship and Administration System (also available in Japanese, Persian and Thai)
2. The role of the Public Advocate (also available in Japanese and Swahili)
3. The role of the State Administrative Tribunal (also available in Japanese, Persian, Swahili and Thai)
4. Guardianship (also available in Persian, Swahili and Thai)
5. Administration (also available in Persian, Swahili and Thai)
6. Sterilisation
7. Public Advocate — Customer feedback and service standards
8. Enduring Powers of Attorney (also available in Arabic, Chinese, Croatian, Dari, Hungarian, Indonesian, Italian, Malay, Polish, Portuguese, Serbian, Spanish and Vietnamese)
9. Enduring Powers of Guardianship (also available in Arabic, Chinese, Croatian, Dari, Hungarian, Indonesian, Italian, Malay, Polish, Portuguese, Serbian, Spanish and Vietnamese)
10. Planning for the future (also available in Arabic, Chinese, Croatian, Dari, Hungarian, Indonesian, Italian, Malay, Polish, Portuguese, Serbian, Spanish and Vietnamese)

Position statements

1. Decisions about treatment
2. Restrictive Practices (Restraint)
3. Role of the Public Advocate as guardian of last resort with authority to make accommodation decisions
4. Role of the Public Advocate as guardian of last resort with authority to make treatment decisions
5. Role of the Public Advocate as guardian of last resort with authority for contact decisions
6. Role of the Public Advocate as guardian of last resort with authority to make treatment decisions: palliative care
7. Decisions about medical research
8. Role of the Public Advocate as guardian of last resort with authority to make decisions about restrictive practices
9. Role of the Public Advocate as guardian of last resort with authority to make decisions about services: NDIS



Easy Read factsheets

1. How does an investigation work?
2. A friend or family member is my guardian – how does it work?
3. The Public Advocate is my guardian – how does it work?
4. I have a guardian – how do treatment decisions work?
5. Who makes treatment decisions?
6. What is the Office of the Public Advocate?
7. What is the difference between the Office of the Public Advocate and the Public Trustee?
8. How to give feedback or make a complaint
9. How can I access OPA information?
10. English is not my first language – how can I access OPA information?
11. I have difficulty reading words – how can I access OPA information?
12. I am deaf or find it hard to hear – how can I access OPA information?
13. I am deaf or find it hard to hear – how can I attend a hearing at the State Administrative Tribunal?
14. I have a mobility concern – how can I meet with OPA?
15. I have a mobility concern – how can I attend a hearing at the State Administrative Tribunal?
16. How to plan for the future
17. Hard words – Easy Read Glossary

Brochures

1. Office of the Public Advocate
2. Your choices to make an advance health directive and appoint an enduring guardian
3. Community Guardianship Program
4. Are you worried about a vulnerable adult who needs help making decisions?
(a plain English flyer)
5. If you can't make your own decisions, who will make them for you?
(a plain English brochure)

Guides and kits

1. Office of the Public Advocate Publication Guide
2. A Guide to Enduring Power of Attorney in Western Australia
3. Enduring Power of Attorney Information Kit
4. A Guide to Enduring Power of Guardianship in Western Australia
5. Enduring Power of Guardianship Information Kit
6. Private Guardian's Guide
7. Planning for the future – Electronic Information Kit



First Nations audio translations

Audio recordings of the following plain English documents in Noongar, Martu, Nyangumarta, Kimberley Kriol and Walmajarri:

1. How you can plan ahead if you are well
2. Is someone you know vulnerable?
3. What is a guardian?
4. What is an administrator?

Service agreements for NDIS services

1. Miscellaneous Service/s Agreement Form
2. Miscellaneous Service Agreement Sample
3. Home and Living (with Occupancy Rights) Service Agreement Form
4. Home and Living (with Occupancy Rights) Service Agreement Sample
5. Support Coordination Service Agreement Form
6. Support Coordination Service Agreement Sample
7. Plan Management Service Agreement Form
8. Plan Management Service Agreement Sample
9. Specialist Disability Accommodation Service Agreement Form
10. Specialist Disability Accommodation Service Agreement Sample

Service agreement amendment schedules (SAAS) for NDIS services

11. SAAS – Existing Services Home and Living or Miscellaneous services
12. SAAS – Change in Service Home and Living or Miscellaneous services
13. SAAS – Support Coordination
14. SAAS – Plan Management
15. SAAS – Specialist Disability Accommodation

Appendix 3

Glossary

Administration: The legal appointment of a responsible person who can make financial and property decisions on behalf of a person who is not capable of making those decisions for themselves.

Advance health directive: A document in which a person who is capable makes decisions about their future treatment.

Community-referred investigation: The investigation of any complaint or allegation made by an interested party that a person is in need of a guardian or administrator, or is under inappropriate guardianship or administration. This type of investigation is carried out under section 97(1)(c) of the *Guardianship and Administration Act 1990*.

Enduring power of attorney: A document in which a person who is capable appoints another person or agency to manage their property and/or financial affairs. Unlike an ordinary power of attorney, an enduring power of attorney authority continues even when the person granting it loses their capacity to make decisions for themselves.

Enduring power of guardianship: A document in which a person who is capable appoints another person to make personal, lifestyle and treatment decisions on their behalf in the event that they lack full legal capacity in the future.

Guardianship: The appointment by the State Administrative Tribunal of a responsible person who can make personal, lifestyle and treatment decisions in the best interests of a person who is not capable of making those decisions for themselves.

Individual advocacy: Making recommendations in the best interests of adults with decision-making disabilities, on the need for guardianship or administration at hearings of the State Administrative Tribunal.

Interested parties: Any person or persons with a personal or professional interest in the outcome of a guardianship or administration application.

Investigation: Seeking further information in relation to a person's circumstances which can assist in assessing the need for the appointment of a guardian and/or administrator; and what authority any appointed person would require.

Limited guardianship or administration order: The authority given to an appointed substitute decision-maker to make guardianship or administration decisions on behalf of the represented person, limited to certain specified areas.

Plenary guardianship or administration order: The authority given to an appointed substitute decision-maker to make all guardianship or administration decisions on behalf of the represented person.

Proposed represented person: Refers to the person for whom an application for the appointment of a guardian or administrator is made.

Represented person: Refers to a person for whom a guardian or administrator has been appointed.

State Administrative Tribunal: An independent statutory tribunal that makes and reviews orders appointing guardians and administrators and considers applications for intervention into enduring powers of attorney, enduring powers of guardianship, advance health directives and related matters.

Appendix 4

Annual Report 2024/25 – at a glance

This document is about:

- the Office of the Public Advocate
- the things the Office does
- what the Office did this year
- what might make it harder in the future for the Office to do its work.

The Office of the Public Advocate



Protects adults who can't make decisions for themselves

because of some kind of illness or injury to their brain, known as a decision-making disability (some people are born with a decision-making disability and other people may get a disability later, from an accident or illness).



Looks into reports of concern about other people harming or taking advantage of a person with a decision-making disability and looks into whether a person with a decision-making disability might need a guardian or administrator.



Makes decisions for people with a decision-making disability, when a guardianship order is made by the State Administrative Tribunal that makes the Public Advocate the guardian (the guardianship order says what kind of decisions the guardian can make and might include things like where the person lives, who they live with, what activities they do and what medical care they have).



Does its best to improve life for people with a decision-making disability.



Teaches people about what the Office does, who can make decisions for people with a decision-making disability and how to protect people with a decision-making disability.

This year:



We looked into 3,393 matters about adults with a decision-making disability who might have had someone trying to harm them or take advantage of them or their money or where there was concern someone may need a guardian or administrator appointed.



We held 31 information sessions about what the Office does and how to help protect people with a decision-making disability.



We helped 4,924 people who contacted the Office's advisory service for information.



We were appointed as guardian for the first time, for **977 adults** with a decision-making disability.



We had 100 staff positions (at 30 June 2025).



We made decisions for the people we were guardian for, which was **4,055 people** on 30 June 2025.



We spent \$17.634 million to protect people with a decision-making disability.

What will happen in the future?

- There are more people getting older in Western Australia, which means there are more people with dementia, as well as other brain injuries and illnesses.
- More people with decision-making disabilities means there will be more work for the Office of the Public Advocate.
- The National Disability Insurance Scheme (NDIS) is also meaning more people need a guardian appointed and sometimes the only person who can be appointed is the Public Advocate.
- The Office has to keep finding ways to manage more work so that it can keep helping all of the people who need help.

Contact us for more information



If you are worried about the safety and welfare of someone with a decision-making disability.



If you have a question about someone with a decision-making disability and think they might need a guardian (a person to make decisions for them about where they live or what medical care they have), or an administrator (a person to make decisions for them about their money).



If you want to know what you can do to plan for a time when you might not be able to make decisions for yourself.

Call the Office on 1300 858 455 between 9am and 4.30pm,
Monday to Friday.



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

David Malcolm Justice Centre
28 Barrack Street
PERTH WA 6000
1300 858 455
opa@justice.wa.gov.au
www.publicadvocate.wa.gov.au



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

