



ANNUAL REPORT 2020-21



GUARDIANSHIP AND ADMINISTRATION BOARD

ANNUAL REPORT
2020-21

This publication is available online at guardianship.tas.gov.au
Guardianship and Administration Board, GPO Box 1311, Hobart Tasmania 7001

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Send to: guardianship.board@justice.tas.gov.au

Guardianship and Administration Board

GPO Box 1311, Hobart 7001
Phone 1300 799 625
Email guardianship.board@justice.tas.gov.au
Web www.guardianship.tas.gov.au



The Hon. Elise Archer
Attorney-General
Minister for Justice

Dear Attorney

Guardianship and Administration Board Annual Report 2020-21

I am pleased to present the Annual Report for the Guardianship and Administration Board in accordance with Section 84 of the *Guardianship and Administration Act 1995*, for the year 1 July 2020 to 30 June 2021.

Following the tabling of the report in Parliament, it will be available for public access on the Board's website.

Yours sincerely

Rowena Holder
President

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REPORT OF THE PRESIDENT

It is my privilege to present on behalf of the Guardianship and Administration Board the annual report for the 2020-2021 financial year.

In this reporting year, the Board experienced a 6.42% increase in applications. The Board conducted 1493 hearings in 334 sittings, which is a 5.59% increase from the previous reporting year. The Board heard an average of 4.4 matters per sitting, which is a reduction of the number heard in a sitting, but allowed more time for certain applications.

There has continued to be a significant increase in Applications for the Approval of Restrictive Interventions under the *Disability Services Act 2011 (Tas)* and it is anticipated that these applications will continue to increase. With changes to the *Aged Care Act 1997 (Cth)* and the *Quality of Care Principles 2014 (Cth)* the Board anticipates an increase in the number of applications for guardianship relating to restrictive practises in aged care in the next reporting year.

The Board holds the enduring guardian register, for registration of enduring guardian instruments of appointment. There are currently 41,712 Instruments (including revoked instruments) registered. The Board also performs a compliance function of auditing reports from public and private guardians, and auditing reports and financial statements from public and private administrators. The total number of annual report reviews conducted in the reporting year has been 1,827.

The Board and other tribunals co-located to 38 Barrack Street Hobart on 13 July 2020. The new premises have appropriate and accessible disability facilities, custom built hearing rooms, and improved audio visual equipment to enable remote hearings to be held. Being in single tribunal premises has been beneficial to the Board as it has allowed the sharing of human resourcing, collaborative and collegiate thinking at all levels and the commencement of the implementation of single tribunal reforms, for when the Board's jurisdiction will become part of the Tasmanian Civil and Administrative Tribunal (TASCAT). The Board welcomes the commencement of TASCAT.

COVID-19 – The Board continued its operations and hearings with minimal interruptions while ensuring a safe and effective response to the COVID-19 pandemic. This was only possible due to the ongoing commitment and diligence of Board members and staff. The Board initially conducted its hearings by telephone. On moving to the new tribunal premises, technology permitted the use of audio visual links. The Board adapted processes and increased hearing times to ensure procedural fairness was afforded to the person and parties. The Board was able to revert back to in-person hearings for substantive applications on 16 November 2020 subject to the continued observance of requirements imposed by the State and Commonwealth governments.

Legislation – The President and Registrar have also been involved in considering the development of the *Tasmanian Civil and Administrative Tribunal Bill 2020*; the *Guardianship and Administration Amendment (Advance Care Directives) Bill 2021*; development of the *Tasmanian Civil and Administrative Tribunal Amendment Bill 2021*; and providing written submissions as part of the review of the *Disability Services Act 2011*.

Engagement – The Board has continued to present to varied audiences, including THS hospitals and facilities, aged care, disability and other service providers and teaching institutes. The President or Registrar of the Board meet with stakeholders where appropriate.

Board members – During the reporting period, one Board member open recruitment process was undertaken State-wide. In total 11 members were appointed or reappointed to the Board in the reporting period. A one-day Member Induction Training Session was held with new members. Member training on 11 March 2021 was conducted State-wide and focused on restrictive practices and advance care directives.

The Board Registry –The Board received funding to enable a 12 month Executive Assistant, and Senior Legal Officer position (12 months), both positions being essential to the proper functioning of the Registry.

The Registry continued to progress the revision of some of the Board’s written resources including forms, the introduction of Practice Directions and new private administrator’s handbook, new annual report form and a Financial Summary document for completion by new private administrators. The Registry is still reliant on its 20+ year old unsupported case management system and looks forward in the next 6 months as it works with the Department of Justice to implement a much needed new Case Management System to reduce intensive manual processes.

Thanks - As usual, the Board’s members have proven to be dedicated, hard-working and committed to the work of the Board. The members showed great adaptability when requested to conduct hearings remotely, using what was sometimes new technology and at new premises in Hobart. The three member divisions of the Board perform an important role of bringing expert knowledge and experience, which collectively contributes to the Board’s decision making functions. I also thank the Deputy President Mr Matthew Verney for his support.

I acknowledge the significant capabilities of the Registrar Mr David Sealy and the significant support he has provided to Members and myself in the reporting period. It is commendable that Mr Sealy did considerable work on the development of the *Tasmanian Civil and Administrative Tribunal Amendment Bill 2021* for the Department of Justice, from November 2020 to March 2021 as well as undertake his normal duties. I am also thankful to Mr Sealy for his leadership of the Registry and ensuring its proper and efficient functioning.

I also thank the Registry staff for their tireless and dedicated efforts in performing their heavy workloads, and continuing to do so in the challenging circumstances of the last 12 months. I also note their extraordinary efforts have continued on a background of a continued period of change and ongoing refinement of processes and procedures.

I also acknowledge Deputy Secretary Ms Kristy Bourne for her support in this reporting year and her ongoing willingness to sit on interview panels for the recruitment of Members.

I look forward to the year ahead as the jurisdiction continues within the framework of the Guardianship Division of TASCAT. Importantly, the guardianship jurisdiction will continue for the protection of those people in the Tasmanian community with decision making disabilities.

Rowena Holder
President

WHO WE ARE

OUR LEGISLATIVE FRAMEWORK

The Board

The Guardianship and Administration Board (the Board) is an independent statutory authority established under the *Guardianship and Administration Act 1995* in Tasmania.

The Board is constituted by a President and at least 5 other members, one of whom is to be the Deputy President.

The President and Deputy President

The President is responsible for the overall operation and administrative functions of the Board and the allocation of its work. The President, who is a legal practitioner, sits on hearings as the presiding member. The President is the only full-time member of the Board. The Deputy President may exercise the functions of the President if delegated by the President or if the President is absent from Tasmania or is prevented by illness or incapacity from exercising those functions.

Board Members

Board members are appointed by the Governor on the recommendation of the Attorney-General for a period of up to 3 years. Board members are appointed on a sessional basis to conduct hearings and determine the applications made to the Board.

Board Members have a range of skills, qualifications and experience with people with disabilities across the health, disability, aged and community sectors. Board members have a background in legal, medical, pharmacy, nursing, disability or other relevant disciplines.

At the end of the reporting year, the Board had 33 members. [Appendix 1](#) provides names of Board members during the reporting year.

Board Registry Staff

The Board has a Registrar appointed under section 9 of the *Guardianship and Administration Act 1995* and registry staff. In consultation with the President, the Registrar ensures the proper functioning and operations of the Board Registry.

[Appendix 2](#) provides the Board's organisational chart.

Guardianship and Administration Act 1995

The functions of the Board are established by the *Guardianship and Administration Act 1995*. The Act grants the Board jurisdiction to hear and determine applications for guardianship and administration and reviews of those orders. The Board also has jurisdiction to consent to medical and dental treatment.

The Board keeps a register of any instruments of appointment of an enduring guardian under Part 5 of the *Guardianship and Administration Act 1995*. The Board has authority to review an instrument of appointment of an enduring guardian. The Board can give advice and directions to guardians (including enduring guardians), and administrators.

Powers of Attorney Act 2000

The Board has authority under the *Powers of Attorney Act 2000* in relation to enduring powers of attorney to review an enduring power of attorney. It can also give advice and direction to an attorney.

Disability Services Act 2011

Under the *Disability Services Act 2011* the Board determines applications for restrictive interventions for people with disabilities by services funded or managed by disability and community services and has authority to approve the use of personal and environmental restrictive interventions.

Wills Act 2008

The Board has functions under Part 3 of the *Wills Act 2008*. The Board may order the execution of a statutory will for a person who lacks testamentary capacity and who has never made a valid will.

HOW WE WORK

Our Vision

To respect the rights of people with disabilities to make their own decisions wherever possible, and when it is not possible, to ensure that processes that we employ are accessible, impartial, expeditious, highly competent and result in just decisions by the Board.

Our Mission

The Board will:

- operate in accordance with the law and in a manner sensitive to the needs of its users
- make decisions that reflect the rights and interests of people with decision-making disabilities, their families and carers, and the Tasmanian community
- be an efficient, effective and highly skilled independent statutory authority.

Principles

In all of its operations, the Board must observe the principles which are set out in section 6 of the *Guardianship and Administration Act 1995*. These principles state that a *function or power conferred, or duty imposed, by this Act is to be performed so that:*

- the means which is the least restrictive of a person's freedom of decision and action as is possible in the circumstances is adopted; and
- the best interests of a person with a disability or in respect of whom an application is made under this Act are promoted; and
- the wishes of a person with a disability or in respect of whom an application is made under this Act are, if possible, carried into effect.

Pre-hearing Process

The Board receives an application and most applications need to include a Health Care Professional Report from a medical practitioner or psychologist which provides evidence about the disability and capacity of the subject person to make decisions about the issues raised in the application. The Board's staff may contact persons relevant to an application and will obtain copies of relevant documents.

Most applications to the Board are prepared for hearing by a Registry officer. The role of the Board Registry is to provide information about the Board's

practice and procedure, to list the application for hearing, and to send notices of the hearing to the parties. The Board Registry officer will often speak with the person or the applicant to identify how the person can best participate in the proceedings.

Before the hearing, the Registry officer will send out a Matter Summary itemising the information received by the Board.

Section 72 of the *Guardianship and Administration Act 1995* requires that the Board commence to hear an application within 45 days after the application is received by the Board. Parties and persons with a proper interest in a matter (including the person with a disability) will be invited to a hearing. The Board must give all parties and persons with a proper interest not less than 10 days' notice of the hearing, as required by Section 69(1) of the *Guardianship and Administration Act 1995*.

Where appropriate, interpreter services are used to assist parties to participate in the hearing.

Hearing Process

Whenever possible the Board conducts hearings with the person subject to the application, in attendance. This is important, so the person can give evidence as to their wishes, pursuant to section 6 of the *Guardianship and Administration Act 1995*. Attendance can also be by telephone.

The Board will consider the relevant written evidence that has been provided. The Board will also hear evidence from other parties and witnesses participating in the hearing. Evidence is usually not taken on oath. Written submissions can also be made prior to the hearing and form part of the Board's hearing papers.

The Board is not bound by the rules of evidence; however, it must act in accordance with procedural fairness.

The Board may sit in a division of one or three members. In most but not all cases, a panel of three members will hear and determine a new application. Reviews of existing orders may be determined by one or three members.



Hearings are held regularly at:

- 38 Barrack Street, Hobart
- 111-113 St John Street, Launceston
- Reece House, 46 Mount Street, Burnie
- 57-59 Oldaker Street, Devonport.

The Board will also conduct hearings at other venues when appropriate to do so, to facilitate the attendance and participation of the person subject to the application, at the hearing. In 2020-21 hearings at other locations have been restricted due to COVID-19.

After the Hearing

Most decisions are delivered immediately at the end of each hearing with brief verbal reasons being provided by the chairing Board Member to the parties. A formal typed order is then sent to all parties.

A person aggrieved by a determination of the Board may request in writing within 21 days after the making of the determination, a written statement of reasons.

Post-Hearing Procedures and Support

To ensure the accountability of all private or public guardians and administrators, the Board specifies:

- A person applying for appointment as administrator and/or guardian must sign a declaration in the application acknowledging their duties under the *Guardianship and Administration Act 1995*.
- The publications *Administrator's Handbook* and *Private Guardian's Handbook* provide instructions about their duties and is provided at the end of a hearing appointing a private administrator and/or guardian.
- Administrators are required to submit a report and financial statement annually or when ordered by the Board to do so. Guardians are required to submit annual reports on the decisions they have made relating to a person and/or circumstances. The Board has a sessional member whose duties include the receipt and verification of reports submitted by administrators and guardians. All reports and financial statements by administrators are audited and verified by the member. Where an annual report is not approved, the Board will usually require a review of the order on the Board's 'own motion'.



WHAT WE DO

Guardianship

The Board may appoint a guardian to make personal decisions for a person with a disability who, because of their disability, is incapable of making those decisions. This power arises from Part 4 of the *Guardianship and Administration Act 1995*.

The Board will only appoint a guardian after there has been evidence that a person, about whom an application has been made, is a person with a disability, and is unable because of the disability, to make reasonable judgements about their person or circumstances, and is in need of a guardian.

The guardian may be appointed to make a range of personal decisions for example, where a person with a disability lives, temporarily or permanently, or what health care and support services the person with a disability will receive or restriction of visitors. The duration of the order and the specific decision-making powers of the guardian is set out in the guardianship order.

A guardian must act at all times in the best interests of the person under guardianship, consult with that person, taking into account, as far as possible, his or her wishes, advocate for that person, encourage that person to participate as much as possible in the life of the community, encourage and assist that person to become capable of caring for himself or herself and of making reasonable personal judgements and protect that person from neglect, abuse or exploitation.

Section 21 of the *Guardianship and Administration Act 1995* sets out what a Board must consider when assessing the suitability of a proposed guardian. If there is no family member or friend who is suitable the Board can appoint the Public Guardian as the guardian for the person. Under an emergency guardianship order, only the Public Guardian can be appointed. Similarly, only the Public Guardian can be appointed under an interim guardianship order.

Administration

Part 7 of the *Guardianship and Administration Act 1995* provides the framework for the appointment of administrators who undertake financial management on behalf of people who, by reason of disability, are incapable of making reasonable financial judgements. The Board must be satisfied that the person about whom an application has been made, is a person with a disability, unable because of the disability of making reasonable judgements about his or her estate or finances and is in need of an administrator.

The duration of the order and whether the administrator is responsible for the whole estate or only a limited part of the estate, is set out in the order. An administrator must always act in the best interests of the person with a disability, consult with that person, taking into account as far as possible, his or her wishes.

Section 54 of the *Guardianship and Administration Act 1995* sets out what a Board must take into account when assessing the suitability of a proposed administrator.

Under an emergency administration order, only the Public Trustee can be appointed. Similarly, the Public Trustee can only be appointed under an interim administration order.

REVIEWS

Reviews of Existing Administration or Guardianship Orders

Applications for reviews of guardianship or administration orders are made pursuant to section 67 of the *Guardianship and Administration Act 1995*, either as a consequence of the expiry of the order or because a person believes an order, or a term of the order, is no longer needed.

Review of an Instrument of Appointment of an Enduring Guardian

The Board has power under the *Guardianship and Administration Act 1995* to review an instrument of appointment of an enduring guardian. An application can be made to the Board to review an enduring guardianship if a person believes that:

- An instrument appointing an enduring guardian is not valid; or
- A guardian is not capable or willing to perform the functions of a guardian; or
- A guardian acting under an enduring guardianship is not acting in the best interests of the person who appointed the guardian or has been incompetent or negligent as a guardian.

The Board can make an order to revoke an instrument of appointment of an enduring guardian, or vary a term of an instrument, including appointing a substitute guardian, dismiss the application or give advice or direction to a guardian.

Review Enduring Powers of Attorney

The Board can make orders and declarations and give advice or directions in relation to enduring powers of attorney created under the *Powers of Attorney Act 2000*.

The Board may declare an enduring power of attorney is invalid, because:

- the donor did not have the mental capacity to make the enduring power of attorney; or
- it does not comply with other requirements of the Act for example, it was not witnessed correctly; or
- the donor was induced to make it because of dishonesty or undue influence.

The Board may make a range of orders concerning the making or operation and effect of an enduring power of attorney, including:

- varying a term or a power granted by the enduring power of attorney;
- appointing a substitute attorney;
- revoking the enduring power of attorney; or
- appointing an administrator of the donor's estate under the *Guardianship and Administration Act 1995*.

In emergency circumstances, the Board can suspend an enduring power of attorney and may appoint the Public Trustee as attorney or administrator for up to 28 days without a hearing.

The Board may direct or offer advice to an attorney about any matter arising under the enduring power of attorney.

Consent to Medical and Dental Treatment

The *Guardianship and Administration Act 1995* provides for substitute decision-making in relation to medical and dental consent for persons who are unable to consent to their own treatment. Section 4 of the *Guardianship and Administration Act 1995* establishes the meaning of a "person responsible" who is able to give consent for medical or dental treatment. The Board can also provide consent to medical and dental treatment pursuant to Part 6 of the *Guardianship and Administration Act 1995* for a person who is incapable of consenting themselves. The Board may consent to the proposed treatment if it is satisfied: that the

treatment is lawful; and that the person does not have capacity to consent; and the treatment is in the person's best interests.

The Board can provide consent to Regulation 12 treatments for an adult with a disability. Regulation 12 treatments include: electroconvulsive therapy (ECT); the removal of all or a substantial number of teeth; treatment with a drug where the primary purpose is to control the conduct of the person to whom it is given; treatment with a drug of addiction other than in association with the treatment of cancer or palliative care of a terminally ill patient; and treatments involving a substantial risk of death, brain damage, paralysis, permanent loss of function of any organ or limb, permanent and disfiguring scarring, or extreme pain or distress to the person.

Only the Board can give consent to Special Treatments which are defined under the *Guardianship and Administration Act 1995*, as treatments likely to lead to permanent infertility; termination of pregnancy; removal of tissue for transplant; psychosurgery; any treatment involving an aversive stimulus.

Applications for Approval of a Restrictive Intervention

The Board has jurisdiction to determine applications for approval of restrictive interventions for persons with disabilities managed or funded by disability and community services, pursuant to Part 6 of the *Disability Services Act 2011*. An approval for the carrying out of a type of restrictive intervention (personal and/or environmental) in relation to a person with a disability may only be granted by the Board if it is satisfied that:

- a. the type of restrictive intervention will be carried out only for the primary purpose of ensuring the safety, health or wellbeing of the person or other persons; and
- b. the restrictive intervention is the type of restrictive intervention that is the least restrictive of the person's freedom of decision and action as is practicable in the circumstances.

The Board will either approve or not approve the restrictive intervention or dismiss the applicator if the requested restrictive intervention is taken for therapeutic purposes. The Board can also give directions about the use of a restrictive intervention.

Statutory Will

The Board can, pursuant to the *Wills Act 2008*, make a statutory will for a person who lacks testamentary capacity and has not made a prior will or purported will. The Board must be satisfied:

- a. that the person making an application for a statutory will is an 'appropriate person' to do so;
- b. that the proposed testator is incapable of making a will; and
- c. having made reasonable enquiries, that the proposed testator has not made a will or any purported will; and
- d. that adequate steps have been taken to allow representation of all persons with a legitimate interest in the application, including persons who have reason to expect a benefit from the estate of the proposed testator; and
- e. that it is appropriate to make an order for the execution of a will for a proposed testator; and
- f. that the proposed will is, or is reasonably likely to be, one that would have been made by the proposed testator if he or she had testamentary capacity.

Emergency Requests

Pursuant to section 65 of the *Guardianship and Administration Act 1995*, the Board may, in circumstances of urgency, make an emergency guardianship or administration order without the need to give notice to any person or to hold a hearing. The Board can make such enquiries as it deems necessary. Under s 65(2) only the Public Trustee can be appointed as administrator and only the Public Guardian can be appointed as guardian for a person who is not a represented person.

An emergency order can be made for a period up to 28 days and can be extended only once for a further period up to 28 days.

The Public Guardian is the initial contact for out-of-hours emergency applications. The Board provides the Public Guardian with a contact list of Board Members who can determine out-of-hours emergency applications.

Registrations of Instruments Appointing Enduring Guardians

Part 5 of the *Guardianship and Administration Act 1995* enables a person with decision-making capacity to appoint an enduring guardian to make personal decisions for him or her in the event that the person is no longer capable of making those decisions.

An instrument of appointment of an enduring guardian must be registered with the Board. The Board keeps a register of all Enduring Guardians.

ENGAGEMENT

Law and Policy Reform

The Board participates in law reform consultations where it is appropriate and consistent with its role. This last reporting period has seen a number of law reform consultations at a State level which the Board has been involved in and which have been referred to earlier in this Report:

- Development of the *Guardianship and Administration Amendment (Advance Care Directives) Bill 2021*
- Development of the *Tasmanian Civil and Administrative Tribunal Amendment Bill 2021*
- The review of the *Disability Services Act 2011*.

Professional Education and Engagement

The Board promotes understanding of relevant guardianship issues by providing training to professional organisations. The Board also meets with stakeholders from time to time and when appropriate.

Website and Publications

The Board's website includes application forms, Health Care Professional Report forms, facts sheets, policies, process information, and Annual Reports.

All the Board's publications can be downloaded from the website - www.guardianship.tas.gov.au.

THE YEAR IN REVIEW - STATISTICS

Applications Received

The total number of applications (including statutory review of orders) received for the period 1 July 2020 to 30 June 2021 by the Board was 1890.

This is a 6.42% increase in applications as compared to the previous reporting year. Of these 1890 applications, 1373 were new applications with the remainder being statutory reviews of existing orders.

Hearings

The Board conducted 1493 hearings in 334 sittings this year. This is a 5.59% increase from the previous reporting year. The Board heard an average of 4.4 matters per sitting.

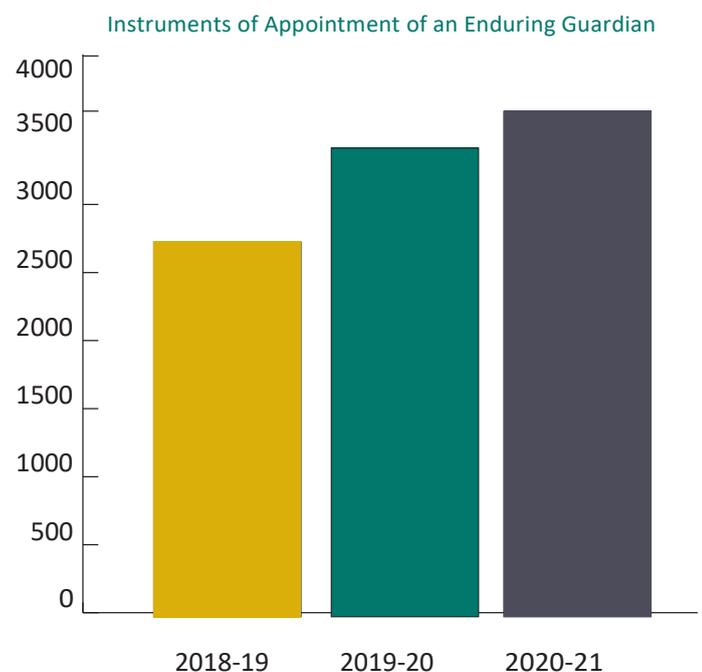
Of the 1493 hearings held in 2020-21, 54.5% were held in the South, 25.5% in the North and 20% in the North West.

Hearings were conducted by single members or a panel constituted by 3 members.

Register of Enduring Guardianship Instruments

41,712 Instruments of Appointment of an Enduring Guardian were registered as at 30 June 2021.

The Board has registered 3577 instruments in the reporting year.



Requests for Statements of Reasons

Statements of reasons are produced upon request by a party aggrieved by a decision of the Board pursuant to section 74 of the *Guardianship and Administration Act 1995* or where the Board members determine that reasons ought to be produced. Seventy-seven statements of reasons were written during the reporting year.

The Board regularly publishes decisions which are carefully de-identified to provide members of the community and users of the Board an understanding of the work of the Board and the principles that are applied, which can be located at www.austlii.edu.au.

Appeals to the Supreme Court

There were no appeals to the Supreme Court from a decision of the Board in the reporting year.

STATISTICAL SUMMARY

Applications received	2016-17	2017-18	2018-19	2019-20	2020-21	Percentage difference between 2019-20 and 2020-21
Guardianship normal	270	324	357	312	373	19.55
Guardianship emergency	213	215	187	177	209	18.08
Administration normal	371	348	422	340	341	0.29
Administration emergency	135	67	74	66	81	22.73
Extension of Emergency orders	181	134	80	67	52	-22.39
Medical and dental consent	3	13	5	4	8	100.00
Statutory Will	4	1	0	0	3	300.00
Restrictive Interventions	4	7	15	28	67	139.29
Review of Enduring Guardian	16	14	10	10	9	-10.00
Review of Enduring Power of Attorney	90	34	34	32	35	9.38
Other (gifts, advice, emergency EPA etc.)	76	72	57	106	78	-26.42
Review of existing orders ³	519	425	456	634	634	0
Total applications received	1772	1654	1697	1776	1890	6.42
Hearings Listed						
Hearings listed ¹	1027	1148	1270	1413	1493	5.59

Finalisations for the 2020-21 period

Finalisations ²	1920
Emergency Guardianship	205
Emergency Administration	81
Total	2206

¹ Total applications listed before a Board, but not including emergency orders, renewals of emergency orders or applications withdrawn (with Board approval) prior to hearing.

² Includes renewals of emergency orders.

³ Includes Statutory Reviews and Applications for Review of Guardianship and Administration Orders.

FINANCES

A summary of the Board's financial expenditure is at Appendix 2.

BUDGET and OPERATING COSTS

The operating budget allocated to the Board in 2020-21 was \$1,016,821. This was approximately 1.06% under the Board's actual expenditure of \$1,027,625. For several years the Board has been funded below base running costs. The Board managed its finances with the assistance provided by the Department's transfer of funds from retained revenue and consolidated funds. The underfunding impacts on the Registry's operations and planning, its ability to provide a level of customer service consistent with contemporary standards, and the ability to fulfil statutory functions.

This table sets out the financial position for the past 3 years:

Year	Annual budget	Actual expenditure	Variance
2018-19	746,688	1,219,286	(472,598)
2019-20	751,109	980,044	(228,935)
2020-21	1,016,821	1,027,625	(10,804)

In the reporting period, there was an increase in the Board's budget; however, in light of the Board's workload and productivity the increased budget does not meet the minimal operational costs and the ever increasing demands on the Board. The Board continues to commence each financial year on a deficit budget. That continual shortfall has implications for the Board and its ability to operate optimally, respond appropriately to growing need, and attend to future planning.

As in previous years, the primary expenses continue to be salaries, member fees and rent.

A full financial summary is at Appendix 2.

Salaries and Staff

Primary expenditure for the period was salaries and wages at \$709,716 (\$65,556 under budget).

This table shows the salaries and wages for comparison:

Year	Budget	Actual	Variance
2018-19	729,335	792,697	(63,362)
2019-20	796,992	757,367	39,625
2020-21	775,272	709,716	65,556

Aside from the President and the Registrar, there were no legal staff employed by the Board during the period.

Member Fees

The President is the only permanent member and there are an additional 34 sessional members state-wide (includes the Deputy President who are constituted to a hearing panel when needed).

There was an increase in the budget from the previous year for member fees. In 2019-20 the budget for member fees was \$240,000 (\$232,000 for member fees and \$8,000 for members paid on invoice) with actual expenditure equalling \$289,492 (\$281,256 salaries and \$8,236 on invoice). In this reporting year the budget for member fees was \$285,370 (\$275,370 for member fees and \$10,000 for members paid on invoice) with actual expenditure of \$353,275 for member fees and members paid on invoice (equating cumulatively to \$67,905 over budget).

The Board members sit in a half-day hearing list (morning or afternoon session of 4 hours).

Facilities

South

The rent of the registry premises in Hobart totalled \$125,214.

North and North West

The Board wishes to express its thanks to Community Corrections for sharing their facilities with the Board, at no cost.

Technology

The total budget for IT/computer was \$63,306. This includes IT/computer hardware, e-mail and computer leases. The actual expenditure in this reporting period for IT/computer totalled \$62,859.

REVENUE

Appropriation was \$766,821 plus there was an additional \$250,000 inter-fund budget reallocation, totalling \$1,016,821.

Registry Fees

The total revenue received this financial year through fee collection is \$338,196. Fees generated by the Board are applied directly back to fund the functions of the Board.

Application Fees

The Board does not charge any fees for applications. The protective nature of the jurisdiction means that the core work of the Board cannot generate revenue. However, fees are collected for certain administrative tasks and also the Appointment of Enduring Guardian Register (pursuant to the *Guardianship and Administration Regulations 2017*).

Enduring Guardian Register

Lodgement of instruments for registration are made with payment to Service Tasmania. The fee for lodging an Appointment of Enduring Guardian was \$72.90 and Revocation was \$51.84.

There is also statutory provision for fee waivers in circumstances where an appointor satisfies financial hardship.

Examination of Annual Reports for Administration

The fee for examinations of statements of accounts for administrators was \$191.16. These are subject to a generous means test in order to protect a represented person's finances.

FUTURE

There is an urgent need for the Board's budget to be reviewed. There are organisational performance and other risks if the agency continues to be chronically underfunded into the future. The pressing needs of the Board into the coming year include:

- Obtaining funding to engage a full-time Senior Legal and Policy Officer/Member.
- Member remuneration: this is currently insufficient to reflect the expertise required and to attract and maintain a diverse and skilled membership.
- Records management: the case management system is outdated and there is a need to digitise the Enduring Guardian Register.
- Staffing: additional staff are required to enable the Board to meet the current and increasing demands and diverse needs of the community.
- Information access: the Board's educational resources such as the website and handbooks are overdue for reviewing and updating.
- Member training: This should be at least twice yearly.

SUMMARY

The Board continues to meet its statutory obligations; however, as a consequence of the ongoing underfunding this is, by default, the minimum level of service. The Output operates in a reactive rather than proactive way in service delivery.



CONTACT DETAILS

The Board's office is located at:

Department of Justice
38 Barrack Street, Hobart

Postal address:

GPO Box 311, Hobart TAS 7001

Telephone Number:

(03) 6165 7500 or 1300 799 625

Facsimile Number:

(03) 6173 0211

Email Address:

guardianship.board@justice.tas.gov.au

Website:

www.guardianship.tas.gov.au



APPENDIX 1 - MEMBERS OF THE GUARDIANSHIP AND ADMINISTRATION BOARD

Full Time Member	
President	
Ms Rowena Holder	
Deputy President	
Mr Matthew Verney	
Sessional Members	
Assoc. Prof Juanita Breen	Dr Milford McArthur
Ms Kym Child	Ms Angela McKenzie*
Ms Elizabeth Clippingdale	Dr Kylie McShane
Ms Mary Davies	Dr Colin Merridew
Mr Gerard Dibley	Mr Anthony Mihal
Ms Marica Duvnjak **	Ms Louise Mollross
Dr Matthew Fasnacht	Mr Simon Nicholson
Ms Anne Gott	Mr Clifford Partridge*
Mr Richard Grueber	Ms Marie Pedersen
Ms Kim Hambly*	Mr Mark Rapley
Dr Chris Handbury	Mr Stuart Roberts
Ms Wendy Hudson	Ms Mary Anne Ryan
Ms Virginia Jones	Dr David Saner
Ms Anna Jordan	Mr Michael Trezise
Mr Grant Kingston*	Assoc. Prof Robyn Wallace
Mr Cameron Lee	Mr James Walker
Mr Rodney Lester*	Ms Lindi Wall
Mr William Lester*	Ms Merrilyn Williams
Mr Dale Luttrell	Ms Madeleine Wilson
Dr Gillian Mee	

*Members retired or completed their terms of appointment during the financial year

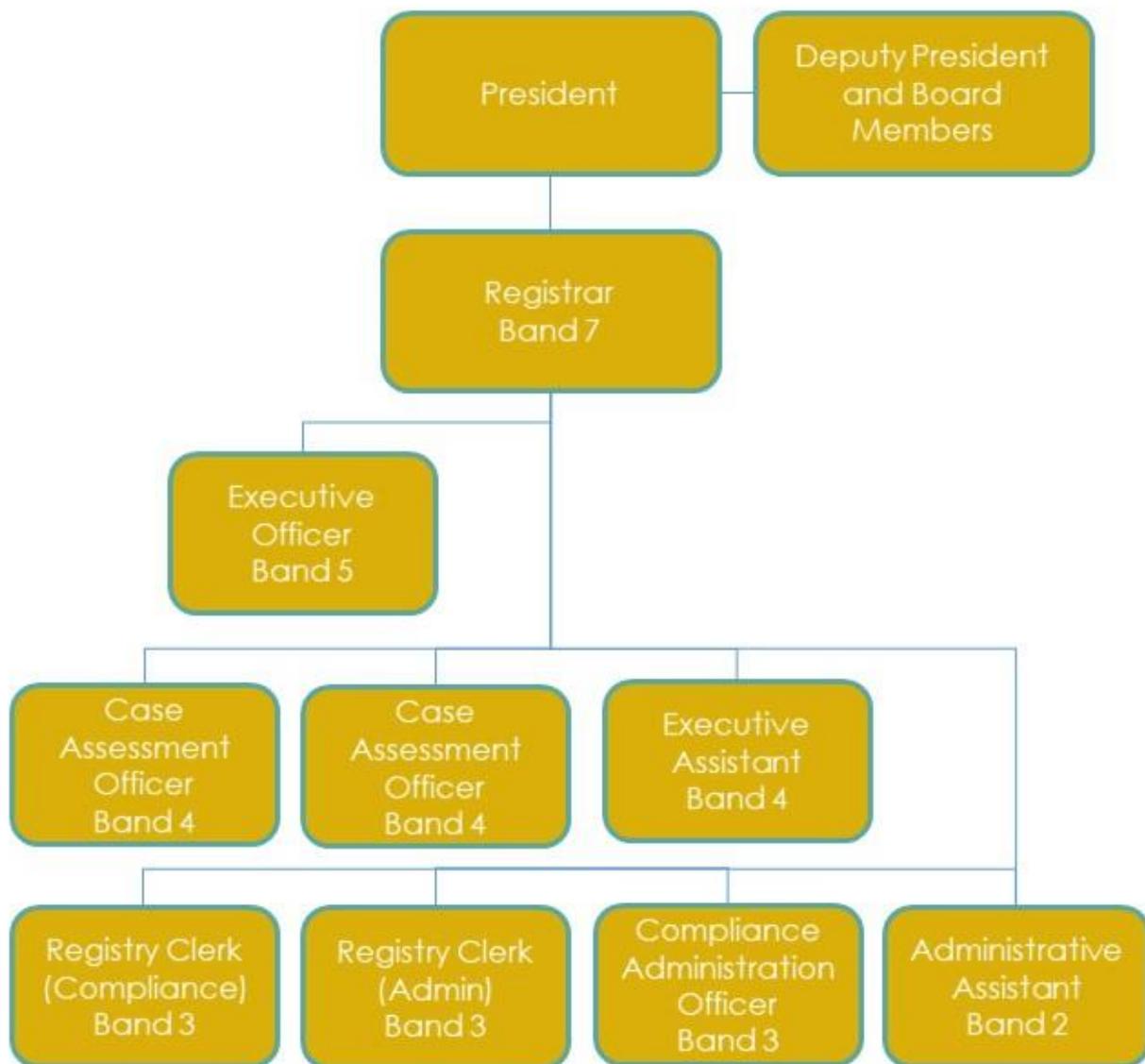
** Appointed for 12 months under section 21A *Acts Interpretation Act 1931* from 10 Sept 2020 to assist with emergency orders.

APPENDIX 2 - FINANCIAL SUMMARY 2020-2021

The following table provides a summary of the budgeted revenue and expenditure for the Guardianship and Administration Board for 2020-21:

	\$	2020-21 Budget \$
Revenue		
<i>Appropriation</i>		
- Recurrent	1,016,821.00	
- Capital	0.00	
- Reserved By Law	0.00	
Total appropriation		1,016,821.00
Other Revenue (retained)		300,000.00
Total Revenue		1,316,821.00
Expenditure		
<i>Recurrent Expenditure</i>		
Salaries, Wages & Employee Related Expenses (Includes Reserved by Law)	1,269,013.30	
Property Expenses (e.g., rent, power, cleaning, security etc.)	146,187.18	
Information Technology Expenses	62,859.91	
Grants	0.00	
Internal Transfers	0.00	
Other Non-Salary Expenses (e.g., stationery, telephone, travel etc.)	87,887.76	
Total recurrent expenditure		1,565,948.15
<i>Capital Expenditure</i>		
Capital Expenditure - Software/systems	0.00	
Capital Expenditure - Property	0.00	
Capital Expenditure - Other	0.00	
Total capital expenditure		0.00
Total Expenditure		1,565,948.15
Total cash movement		-249,127.15
Opening cash position		
- Section 8A(2) carry forward (prior year funding)		0.00
- Other retained revenues		859,307.03
Total opening cash position		859,307.03
Closing cash position (should not be negative)		610,179.88
Revenue collected on behalf of Treasury ('Y' accounts)		0.00

APPENDIX 3 - ORGANISATIONAL CHART





Guardianship and Administration Board

Email: guardianship.board@justice.tas.gov.au

Website: www.guardianship.tas.gov.au

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