



Government  
of South Australia

# Welcome to OPA

This document tells you more about the Office of the Public Advocate (OPA)

The *National Public Guardianship Guidelines* say that the Public Advocate must provide information to clients about:

- the role of the office
- the principles of the legislation
- the authority of the guardian in relation to the represented person
- customer service standards
- the use of interpreters
- how to request reasons for a decision
- how to make a complaint or have a decision reviewed
- how to apply for a review of an Order
- other complaints processes
- freedom of information provisions
- information about substitute consent and the guardian's decision-making authority provided to relevant parties; and
- that accessible information is available on request.

## The role of the office

We promote the rights and interests of people who need help with decision-making. We give information, resolve disputes, advocate, investigate, and act as guardian when appointed by the South Australian Civil and Administrative Tribunal (SACAT).

## The principles of the legislation

The principles in the *Guardianship and Administration Act 1993* guide all guardians.

Guardians must:

- (a) consider what would, in their opinion be the wishes of the person if they were able to make their own decisions.
- (b) seek the wishes of the person about the decision where possible and practical to do so.
- (c) consider whether existing informal arrangements for the care and decision-making for the person are working well and not disturb those arrangements
- (d) make decisions that are the least restrictive of the person's rights while ensuring they are not placed at risk.

## The authority of the guardian in relation to the represented person

If a person is over 18 years old and unable to make decisions for themselves, they may need a guardian to help with this. A guardian is a decision-maker appointed by the SACAT.

A guardian can be:

- someone who knows the person well (a private guardian) or
- the Public Advocate and delegated guardians from OPA (a public guardian).

## Types of decisions

SACAT decides whether a guardian should make decisions about:

- accommodation (someone's living arrangements)
- health (for example, consent to medical or dental treatment)
- access (who a person spends time with), or
- lifestyle (support, education, employment).

Full guardianship is where a guardian is responsible for all major decisions that affect someone's health and wellbeing.

## Decision-making principles

When making decisions for someone, SACAT and guardians must consider:

- the past and present wishes of the person
- whether there are any informal arrangements in place, and how well they are working
- the least restrictive option
- the person's proper care and protection.

## Making decisions

A guardian will make decisions by:

- applying the principles of the *Guardianship and Administration Act 1993*
- supporting the person's lifestyle and wishes
- considering the person's health and wellbeing.

## Customer service standards

The Office of the Public Advocate aligns with the Public Sector Values

- Professionalism – We demonstrate competence, expertise and thoroughness in all that we do.
- Service – We proudly serve and promote the rights and safety of vulnerable South Australian adults.

- Trust – We establish and maintain relationships built on confidence and credibility.
- Respect – We acknowledge that every person is unique in their experience, understanding and ability.
- Collaboration and engagement - We value the voice of the individual and relationships with stakeholders to achieve outcomes for vulnerable South Australian adults.
- Honesty and integrity - We are accountable for our actions which is underpinned by our Quality Governance Framework.
- Courage and tenacity - We are brave, persistent and are steadfast for those we make decisions on behalf of and advocate for.
- Sustainability - We work efficiently to provide a high-quality service for South Australians.
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## The use of interpreters

If you need an interpreter on the phone, call **13 14 50** to request a service and then phone OPA on **1800 066 969**.

If you are deaf or have a hearing impairment or speech impairment, contact us through the National Relay Service (NRS).

TTY users phone 133 677 then ask for **1800 066 969**

Speak and Listen users phone 1300 555 727 then ask for **1800 066 969**

Internet relay users connect to the NRS ([www.accesshub.gov.au/about-the-nrs](http://www.accesshub.gov.au/about-the-nrs)) then ask for **1800 066 969**.

## How to request reasons for a decision.

If you disagree with decisions made by a delegated guardian, you can:

- Contact us and request a review of the decision by senior staff in OPA
- seek the assistance of an individual advocacy service
- apply to SACAT for a change (known as a variation or revocation) to the Guardianship Orders
- apply for the Guardianship Order to be reviewed by senior members of SACAT.

## How to make a complaint or have a decision reviewed.

Your feedback, including compliments, can help us assess our services to improve the quality and efficiency of our work and the way we interact with our community.

Our Complaints Policy outlines how you can raise your concerns regarding a complaint about our office.

You can read our complaints policy on the OPA website at <https://www.opa.sa.gov.au/about-us/contact/feedback-and-complaints> or call us on 1800 066 969 to request a copy.

## How to apply for a review of an Order

If you disagree with a SACAT decision, you have the right to request the decision be reviewed by a different person at SACAT.

Not all decisions can be reviewed by SACAT. The decision you receive from SACAT will state if it can be reviewed by SACAT.

Internal reviews are conducted before Senior Tribunal members and may also involve health or other people to help SACAT reach a decision.

Visit the SACAT website for more information about applying for an internal review.

## Other complaints processes

The Ombudsman is an independent officer who handles complaints about government.

They act independently and impartially. They aim to be fair and find out the facts.

Where an agency has made an error, they may recommend actions to effect improvement. They may also work with parties to resolve an issue.

The services of Ombudsman SA are free to the public.

You can make a complaint or report to the Ombudsman SA on [\(08\) 7322 7020](tel:0873227020) or toll free on [1800 182 150](tel:1800182150) (outside metro SA only) during business hours.

## Freedom of information provisions.

The OPA is an exempt agency under the Freedom of Information (Exempt Agency) Regulations 2023 in respect to certain functions. This means that they are not required by law to provide information about some of the activities the Public Advocate undertakes. These include:

- activities exercised as a guardian
- investigation of the affairs of a person under section 28 of the *Guardianship and Administration Act 1993*
- functions relating to dispute resolution under the *Advance Care Directives Act 1993* and *Consent to Medical Treatment and Palliative Care Act 1995*.

## Information about substitute consent and the guardian's decision-making authority is provided to all relevant service providers, including medical and dental practitioners providing services to the represented person

The Information Service at the OPA provides information to the general public, service providers, and professionals in relevant fields.

We respond to more than 3,000 requests a year for information.

You can contact us on 1800 066 969.

**Information is made available on request in appropriate formats to ensure it is accessible.**

The OPA provides easy read fact sheets. Some of our fact sheets have also been translated into several Aboriginal languages. You can access the fact sheets on the OPA website at <https://www.opa.sa.gov.au/information-service/fact-sheets>.

If you have any questions about this information or want to know more, you can:

- speak to us on 1800 066 969
- write to us at GPO Box 464 ADELAIDE SA 5001
- email us at [opamailbox@sa.gov.au](mailto:opamailbox@sa.gov.au) or
- visit our website at [opa.sa.gov.au](http://opa.sa.gov.au).