



Justice &
Attorney General

Office of the Protective Commissioner and Public Guardian



ANNUAL REPORT 2009

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Letter to the Minister

The Hon. John Hatzistergos, MP
Attorney General and Minister for Justice
Parliament House
SYDNEY NSW 2000

Dear Attorney,

I am pleased to present to you the last Annual Report of the Protective Commissioner and Public Guardian, together with associated financial statements, for the year 2008-2009.

It is submitted for presentation to Parliament and is prepared as required by the *Protected Estates Act 1983*, the *Annual Reports (Statutory Bodies) Act 1984* and the *Public Finance and Audit Act 1983*.

This is an historic occasion in that it brings to a close the work conducted by this Office under the *Protected Estates Act 1983*. From 2009-2010 forward we will report to you as the NSW Trustee and Guardian

Yours sincerely



Imelda Dodds
A/CEO NSW Trustee and Guardian
Formerly Protective Commissioner and Public Guardian

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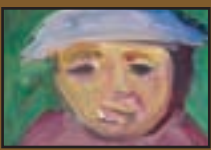
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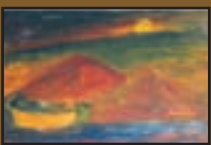
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Office of the Protective Commissioner

> Who we are and what we do

VISION

To have a just and inclusive community in which the rights and interests of people with decision-making disabilities are promoted and protected.

MISSION

To ensure that people with decision-making disabilities receive the best possible financial management services and their rights and interests are protected.

CHARTER

The Protective Commissioner is a statutory officer empowered under the provisions of the *Protected Estates Act 1983* to:

- > manage the affairs of those persons who are not able to manage their own affairs and whose affairs have been formally committed to management by order under the Protected Estates Act,
- > authorise and direct the performance of the obligations and duties of private managers appointed by the Supreme Court or the Guardianship Tribunal.

THE PROTECTIVE COMMISSIONER IN NEW SOUTH WALES

The Office of the Protective Commissioner (OPC) makes substitute financial management decisions for people with disabilities. Some people are not able to manage their own financial affairs and need someone with legal authority to make important decisions on their behalf. The Protective Commissioner is often appointed as a person's financial manager because there is no one else able to assist.

The Protective Commissioner also provides authority and direction to private persons who are appointed to the role of financial manager.

The financial affairs of 9111 persons are directly managed and 2753 private managers are overseen by OPC.

Our clients are people whose financial affairs are managed by OPC and have a disability that affects their capacity to make decisions. This decision-making disability may be due to a mental illness, brain injury, intellectual disability, psychiatric disability, developmental disability, dementia or other disability.

OPC is a business centre within the NSW Attorney General's Department. The Protective Commissioner reports to the Attorney General via the Director General.

> Case study

Ms P is a 45 year old, indigenous woman who is said to have alcohol related brain damage. She came under the management of the Office of the Protective Commissioner 4 years ago. Ms P has led a transient lifestyle which at times has placed her at risk. She was living in rented accommodation with Housing NSW however is currently residing in crisis accommodation.

Ms P attends OPC's Clarence Street office where she collects her allowances on a daily basis. This arrangement was put in place in consultation with Ms P who reported that her partner had taken her ATM card and was not allowing her to access her money. The Client Service Team at Clarence Street held significant concerns about her malnutrition, rapid weight loss, substance abuse issues, risk of eviction and the domestic violence situation with her boyfriend who she disclosed was financially exploiting her. They involved the Disability Advisory Service (DAS) who contacted Ms P's case manager only to be informed that they were withdrawing case management because Ms P was extremely difficult to contact and reported never to be at home. DAS advocated for the case manager to remain involved and apply to the Guardianship Tribunal for the appointment of a Guardian to assist Ms P with making lifestyle decisions.

Ms P's unit was also reported to be in a squalid condition with significant property damage, allegedly caused by the people accessing her unit. Housing NSW notified OPC that they were considering evicting Ms P due to property damage and noise complaints from neighbours in relation to her boyfriend's behaviour and other unwelcome visitors. DAS worked closely with the Specialist Housing Officer to ensure that any action to take Ms P to the Consumer, Trader and Tenancy Tribunal were delayed until an application for Guardianship to the Guardianship Tribunal could be heard. The OPC worked with the Specialist Housing Officer to ensure that funds were made available to secure cleaning services, installation of a security door and new

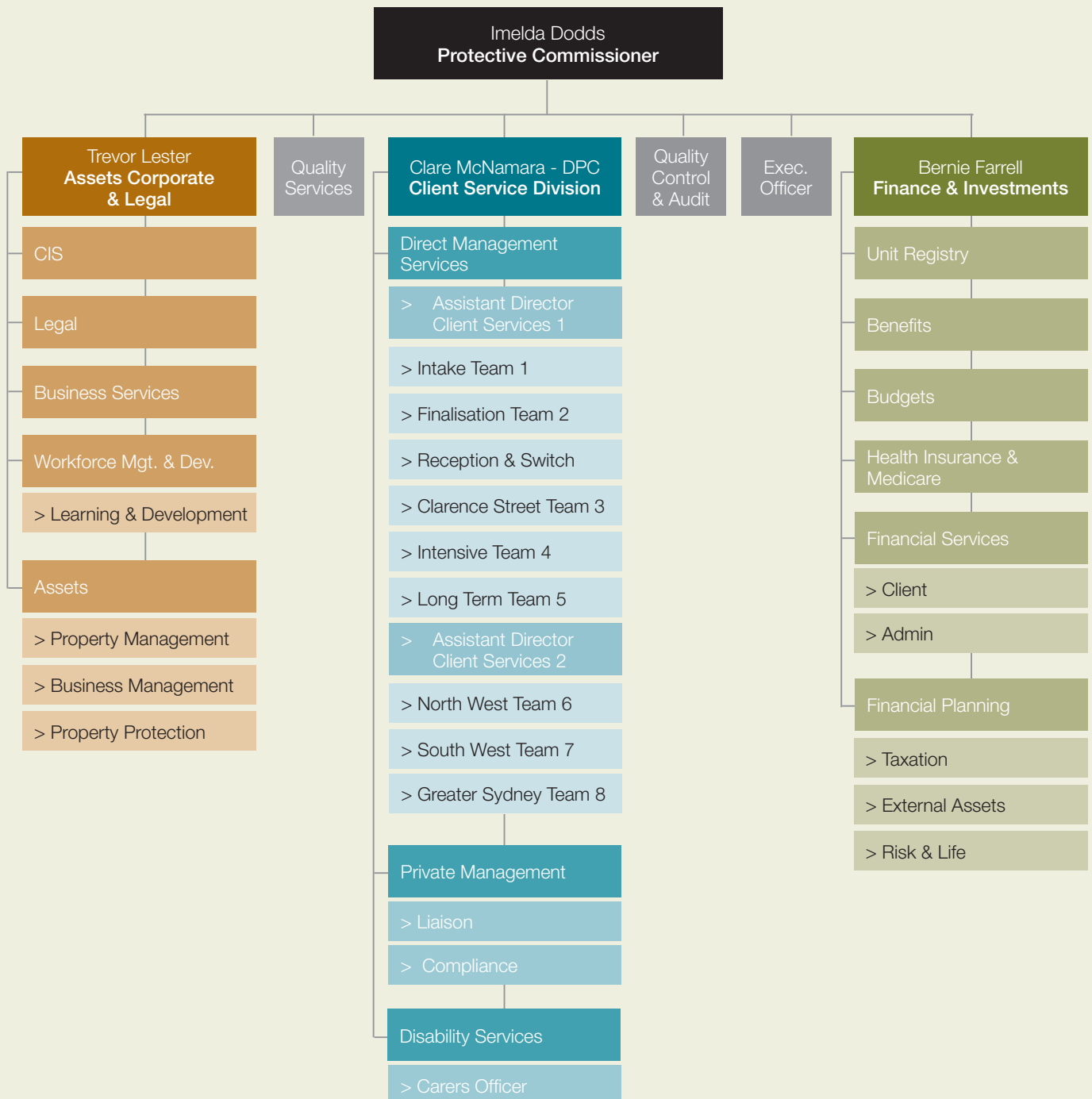
locks in the property. Despite these efforts Ms P's partner took control of the keys; allowed strangers to access the unit, and also began accompanying her to Clarence Street, waiting outside, only to then take her money from her as she left. Ms P's physical condition deteriorated rapidly and she was very unwell, frail, unsteady on her feet, unresponsive and having frequent epileptic seizures. The Client Service Officer and Disability Advisor attempted to link Ms P with culturally specific services, however her needs were very high due to the deterioration in her condition, Ms P was unable to independently access the Aboriginal Medical Service for assistance.

The Guardianship Tribunal held an urgent hearing and appointed the Public Guardian. Ms P has a long history of being prone to financial exploitation; in addition to this, her disability needs are such that she will most likely require ongoing one to one financial management support to monitor and ensure that her daily care needs are met.

A meeting of key people and agencies involved with Ms P was held and a coordinated care plan developed. Ms P has moved to crisis accommodation for indigenous people and a long term plan for accommodation, healthcare and monitoring is in place.

> OPC Structure

Established under the *Protected Estates Act 1983* the Office of the Protective Commissioner is part of the NSW Attorney General's Department. The Protective Commissioner reports to the Attorney General via the Director General.



> Who we are and what we do

VISION

The Public Guardian's vision is that people with impaired decision-making abilities are accepted and treated as valued members of our society and their human rights are recognised. The Office of the Public Guardian (OPG) is established under the *Guardianship Act 1987* to:

- > make decisions in the best interests of people under guardianship
- > protect the rights of people with impaired decision-making through decision-making and advocacy
- > provide information and support to private and enduring guardians
- > promote the principles of the Act.

OPG is committed to ensuring equitable access to our services through regional offices and that our staff can work in a safe and respectful environment with the opportunity for development.

OUR MISSION

The mission of OPG is to act as a substitute decision-maker for people with impaired decision-making abilities when appointed, and to take actions necessary to make those decisions in accordance with the principles of the *Guardianship Act 1987*.

THE PUBLIC GUARDIAN IN NSW

The Public Guardian is a legally appointed guardian for people with impaired decision-making abilities who are unable to make decisions about health and welfare issues.

The Public Guardian is a statutory position established by the *Guardianship Act 1987*. The Guardianship Tribunal or the Supreme Court appoints the Public Guardian to make decisions on behalf of a person with impaired decision-making abilities, when there is no other person able to take on this role, and when there is a need to make decisions about health and welfare issues.

The Public Guardian makes decisions in accordance with the principles of the *Guardianship Act 1987*. The overriding principle of the Act is that the welfare and interests of the person should be considered paramount.

OPG is part of the Attorney General's Department and the Public Guardian is administratively responsible to the Director General. OPG is led by the Director who is responsible for the effective management and monitoring of the activities conducted by OPG on behalf of the Public Guardian. OPG is comprised of two branches – Operations & Advocacy and Policy. Each branch is managed on a day to day basis by an Assistant Director.

> OPG Case Studies

CASE STUDY 1

Ms C is a 46 year old woman with significant cognitive impairment resulting from a traumatic brain injury. She is wheelchair dependent, with complex healthcare needs and challenging behaviours. Ms C came under guardianship in August 2004 when decisions needed to be made about her accommodation, health care, medical treatment and services. The Public Guardian was appointed in the absence of family or friends. Ms C required on-going advocacy to ensure that her needs were met by the disability sector as opposed to the aged care system.

At this time Ms C lived alone in a Housing NSW unit supported by various community services. Services believed that Ms C required additional services and that all services were exhausted. Ms C was at risk of placement in a residential aged care facility. The Public Guardian considered this inappropriate and successfully advocated for Ms C to receive Department of Ageing Disability and Home Care (DADHC) funding for additional services.

In June 2008 Ms C was admitted to hospital against her will following deteriorating health and refusing services. Services advised they could no longer provide adequate support and proposed that Ms C move into a residential aged care facility. In the absence of an appropriate long term accommodation Ms C remained in a rehabilitation hospital for ten months. The Public Guardian decided on behalf of Ms C to accept accommodation in a group home in the community with a specialised brain injury service.

In June 2009 Ms C moved into this new group home and appears to be enjoying her new home. She is developing relationships with the staff and the other residents and has reconnected with her family who live in close proximity. Ongoing advocacy and decisions are needed to ensure that Ms C is able to live successfully in the community.

> OPG Case Studies

CASE STUDY 2

Mr S is a 42 year old Aboriginal man originally from a remote rural area. He has a history of traumatic brain injury, and alcoholism resulting in numerous admissions to various Sydney hospitals. He lived on the streets of Sydney around the Kings Cross area for over 15 years. He came under guardianship at the end of 2007, however due to his itinerant lifestyle the Public Guardian was unable to implement any decisions.

In January 2009 Mr S fell several times and fractured both his kneecap and collarbone. He was taken to hospital but left prior to admission and treatment. He had frequent seizures and ambulance officers attended him in the streets of Kings Cross. Services were increasingly concerned about his deteriorating health, fearing that he would come to significant harm if he remained living on the streets.

OPG worked with hospital staff, indigenous case workers and other homeless services to arrange an admission to hospital. At various times it appeared that this was unworkable as the hospital could not force his admission and Mr S appeared to be making a choice to live on the streets. It was proposed to OPG that the only solution was to place Mr S in a secure aged care facility. OPG considered this inappropriate due to Mr S's age and culture and the restrictive nature of that accommodation.

Following increased advocacy by OPG, Mr S was eventually admitted into hospital for treatment. He was provided with intensive nursing care to treat his fractures and to prevent him from leaving the hospital. During this time OPG made contact with Mr S's brother through the local Aboriginal Land Council.

OPG in consultation with OPC made arrangements for Mr S's brother to fly down to Sydney and discuss Mr S's long term accommodation options with a view to exploring the possibility of him returning to live with his family. Mr S's brother advised that he considered it was possible for Mr S to return to his traditional country as there were extensive family support and medical assistance via the Royal Flying Doctor.

The Public Guardian made a decision for Mr S to return to his traditional country. A few weeks later Mr S made the two-day journey with the support of indigenous workers to accompany him and was reunited with his family after an absence of 25 years. Mr S remains with his family where he is reported to be settled, his health is improved and he is enjoying being reconnected with his family and traditional country.

> Organisational Chart



OPC and OPG Summary of Performance

Challenges	Achievements	Future Directions
OPC evaluate effectiveness of client service teams implemented in August 2008	<p>New service delivery teams implemented from 18 August 2008</p> <p>Ongoing project established to identify if services are meeting client needs and to find ways to improve service quality and delivery</p> <p>Supervision training completed for all managers and assistant managers.</p>	<p>Review of service delivery teams to be carried out by external consultants in September 2009</p> <p>Over the coming year, this project will deliver on nine key priorities in the areas of systems & processes, people & workforce, and service quality & evaluation</p> <p>Supervision Guidelines developed and implemented to achieve consistency of practice and support for staff.</p>
OPC updating and annual review of client budgets and using electronic budgeting tool	49% of all client budgets completed in financial year	<p>As required updating and annual review of all client budgets using new budget module</p> <p>100% of client budgets to be completed by October 2009</p>
OPC ongoing review of OPC policies to ensure they reflect best practice	29% of current policies reviewed in financial year. All policies loaded onto Intranet site to increase accessibility to staff	All policies will be reviewed in light of merger commencing 1 July 2009
OPC report prepared to inform IPART review of OPC fees	Implementation of IPART recommendation re income fee for Privately Managed clients	Implementation of IPART recommendations re directly and privately managed clients by 1 July 2009
OPC ensuring a comprehensive internal audit process for OPC	Audit Committee re-established	Implementation of controlled self assessment tool across merged entity from 1 July 2009
OPG managing increased demand for guardianship services within existing resources	Feasibility study regarding community guardianship completed	<p>Engage key stakeholders in consultation regarding the implementation of the community guardianship model</p> <p>Seek legislation reform to enable the community guardianship model to proceed in 2009 /10</p>

Challenges	Achievements	Future Directions
OPG Improving quality of decision-making	<p>Implementation of new policy and procedures</p> <p>Training in supervision for guardianship staff</p>	<p>Ongoing review and development of policy & procedures</p> <p>Ongoing implementation of formal supervision training</p>
OPG continuing difficulty in access to health and community services for clients resulting in increased need for advocacy	<p>Provision of specialist training to key guardianship staff in negotiation skills</p> <p>Enhancements made to existing database to ensure effective tracking of advocacy issues (Crystal Objects) enabling OPG to extract data and use this data to advocate for access to services</p>	<p>Implementation of negotiation skills</p> <p>Using extracted data to identify, develop & inform advocacy strategies</p>
OPG using information technology to manage increasingly complex communication and record keeping requirements	<p>Enhancements to OPG Client Information System</p> <p>Ongoing development of IT Hub with GT/OPG/OPC</p> <p>Enhancements to existing database enables staff to meet record requirements more effectively</p>	<p>Implement changes to OPG Client Information System</p> <p>Progress development of IT Hub with GT/OPG/OPC</p> <p>Ongoing improvement to Data Management reports (Crystal Objects) to enable guardianship staff to improve accountability, planning and management of complex case loads, ensuring NSW Guardianship standards are met</p>
OPG continued demand for information on enduring guardianship and the role of the Public Guardian in NSW	<p>Information on enduring guardianship provided to the general community including CALD sessions</p> <p>Provided guardianship information to universities, health professional groups and community stakeholders</p>	<p>Publish and disseminate a brochure about guardianship aimed at Aboriginal and Torres Strait Islander communities</p> <p>Publish and disseminate revised information book for newly appointed private guardians</p> <p>Continue to provide guardianship information stakeholders</p>



01 Office of the Protective Commissioner

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III. Performance of Program Areas

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- Private Management
- Financial and Asset Management
- Funds Management
- Community Relations
- Disability Advisory Services

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Client Services

The Office of the Protective Commissioner rolled out its new client services structure as scheduled on 18 August 2008. The new structure established eight service delivery teams functioning as the front-of-house interface with clients, as well as the retention of specialist branches supporting the Office's back office functions of assets management, legal services, financial services, financial planning, investments, taxation and benefits.

As part of the restructure process, the Office also established an ongoing service development project to monitor how its services were meeting client needs and to find ways to improve service quality and delivery.

Over the coming year, this project will deliver on nine key priorities in the areas of systems & processes, people & workforce and service quality & evaluation.

Private Management Branch Restructure

Private Management Branch trialed a new structure by splitting the Branch into two areas of responsibility:

1. The Liaison Team is a point of contact for private managers for assistance with issues such as security for the estate, real estate or investment proposals and all other management questions.
2. The Compliance Team specifically deals with the annual accounts examination and enquiries concerning annual accounts or annual fees.

The restructure was undertaken in conjunction with the introduction of a new accounts computer system which was introduced in late 2008. The initiatives were designed to speed up the processing of accounts examination, increase the level of service to clients and private managers, reduce the level of risk to vulnerable estates and more efficiently follow up on outstanding accounts.

An initial review of the new structure was undertaken in February 2009. This review revealed

a quicker turn around times for examination of annual accounts and contact with non-compliant estates. A further review is planned for late 2009.

In May 2009 OPC released revised account forms templates online for private managers. The accounts templates were reviewed and streamlined to enable users to download a single form easily.

IPART Review

On 28 February 2009 IPART's report into OPC's fees was released. The report made a number of recommendations in relation to both directly managed client and privately managed client fees.

> Directly Managed Client Fees

From 1 July 2009 the fees charged for clients under financial management will change.

The fees OPC charge will change as follows:

- For new clients the Establishment fee of 1.0% (in the first year) is limited to \$2,200. This fee cap will be increased to \$3,300.
- The Annual Management fee of 1.1% is currently limited to \$50,000 per year. This fee cap will be reduced to \$15,000 per year. This \$15,000 cap on management fees will affect clients with over \$1,364,000 under management with the OPC.

> Private Management Fees recommendations

Income Fee Cap and Pension Excluded from Fee

IPART recommended that the Annual Income Fee be capped at a maximum of \$2,000 and all pension payments (up to the level of the single aged care pension and allowances, currently approx. \$21,000) not be included as income. These recommendations were adopted and implemented from 1 April 2009. As a result of the implementation of these changes it is expected that the majority of clients will see a reduction in their fees.

Account Examination Fee Change

IPART also recommended a change to the Account Examination Fee which is currently \$100. The recommendation noted the resources required to undertake the examination of accounts may differ due to the characteristics of the person's estate. In response a tiered fee structure was proposed of \$100, \$200 and \$300 account examination fees.

The standard account examination fee is expected to remain at \$100 so the change is not anticipated to affect the majority of existing clients.

The new fees of \$200 and \$300 will apply to a minority of accounts with defined characteristics.

The new Account Examination fee structure is to be implemented from 1 July 2009.

Merger of the Office of the Protective Commissioner (OPC) and Public Guardian and the Public Trustee NSW

As part of the mini-budget delivered on the 11 November 2008 the State Government announced the merger of the Office of the Protective Commissioner (OPC) and Public Guardian and the Public Trustee NSW.

Both offices have many similar functions that support the delivery of direct services. The new organisation will assist us to continue to improve and increase frontline services for both the Office of the Protective Commissioner and Public Trustee clients. Importantly, the merger provides the opportunity to delivery financial management services through a network of regional offices. The new organisation will commence on 1 July 2009.

The government recognises the importance of the services of the OPC and has worked to ensure that client access to these services will not change.

There will be an extensive consultation process to achieve the new organisation to ensure a smooth transition for both staff and our clients.

Internal Audit Activity

Work has continued on the development of a program of accountability across the organisation. This includes a management tool to report upon identified areas of risk for each branch. The Controlled Self Assessment Program is being refined for each area of operations to provide a framework of manager accountability and transparency of process across the new merged entity, the NSW Trustee and Guardian.

Achievement Planning

Achievement planning is an important mechanism to support staff in their daily work and future career. It is an initiative across all of the Attorney Generals Department and has been implemented by managers and staff across the OPC. Achievement planning is based on an individual staff member's position description. It provides an opportunity for the manager and staff member to discuss areas for future development. The achievement plan is based on a series of achievable and measurable outcomes with a focus on providing positive feedback to the staff member on their performance. This program will continue throughout the next financial year.

At the end of June 2009 the Protective Commissioner was the financial manager for 9,111 people and provided direction and authorisation to 2,753 private managers. This represented an increase of 2.5% for directly managed clients and an increase of 7.71% for privately managed clients for the 2008-2009 financial year.

Number of Clients

> PROTECTED PERSONS

Persons who have OPC as their manager

30 June 2006	30 June 2007	30 June 2008	30 June 2009
8,575	8,786	8,880	9,111

Persons who have private managers

30 June 2006	30 June 2007	30 June 2008	30 June 2009
2,024	2,252	2,556	2,753

Total

30 June 2006	30 June 2007	30 June 2008	30 June 2009
10,599	11,038	11,436	11,864

Persons for whom OPC fulfils the role of banker *

30 June 2006	30 June 2007	30 June 2008	30 June 2009
825	753	759	636

*These people have developmental disabilities and reside in centres operated by the Department of Ageing, Disability and Home Care. OPC does not formally manage their financial affairs.

> New Orders made between 1 July and 30 June

Persons who have OPC as manager of their affairs

2005-2006	2006-2007	2007-2008	2008-2009
1101 66.6%	1024 62.2%	953 56.93%	1031 58.38%

Persons who have private managers of their affairs

2005-2006	2006-2007	2007-2008	2008-2009
552 33.4%	623 37.8%	721 43.07%	735 41.62%

Total Orders Made

2005-2006	2006-2007	2007-2008	2008-2009
1653	1647	1674	1766

> Order Source

Supreme Court

2005-2006	2006-2007	2007-2008	2008-2009
58 3.4%	61 3.7%	71 4.24%	48 2.7%

Guardianship Tribunal

2005-2006	2006-2007	2007-2008	2008-2009
1299 78.6%	1344 81.6%	1444 86.26%	1595 90.3%

Magistrate Orders

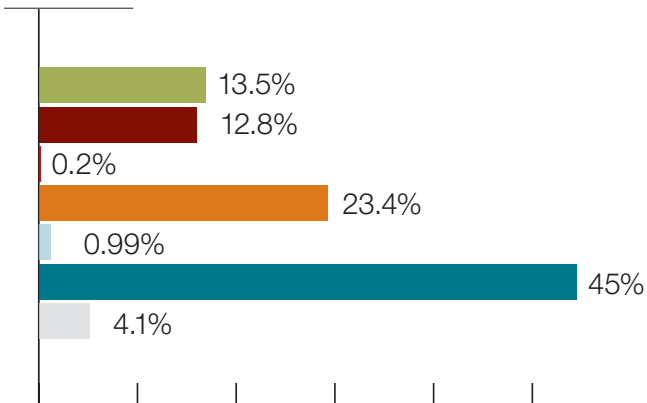
2005-2006	2006-2007	2007-2008	2008-2009
52 3.1%	67 4.1%	38 2.27%	30 1.7%

Mental Health Review Tribunal

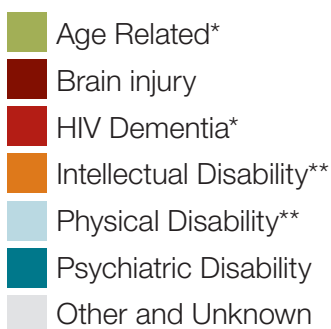
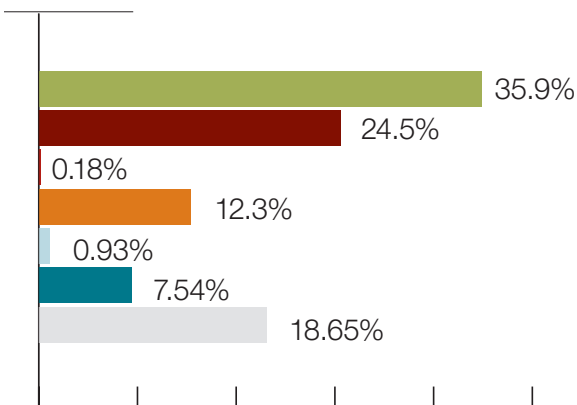
2005-2006	2006-2007	2007-2008	2008-2009
241 14.6%	175 10.6%	121 7.23%	93 5.3%

Types of disability

2009 Stats -Direct Management



2009 Stats -Private Management



* In previous years Age Related and HIV Dementia was included under Dementia and Other. This year HIV dementia is listed separately and dementia is now included in the age related category.

** Physical Disability was previously included in Other.

- > **Age Related** – includes frail aged persons who may or may not have been diagnosed with dementia.
- > **Brain Injury** - includes people with an acquired or traumatic brain injury.
- > **HIV Dementia** - AIDS Dementia Complex and early, or younger, onset Dementia
- > **Intellectual Disabilities** - includes people with a developmental disability and autistic spectrum disorders.
- > **Physical Disability** – people who are unable to communicate their wishes due to their physical disability.
- > **Psychiatric Disability** - relates to all psychiatric disorders/conditions including mental illness, bipolar disorder, schizophrenia, other psychoses and alcohol related brain damage.
- > **Other** - includes people who may not fit in any other category

Services in OPC are grouped into the following programs:

- > Client Service Division
- > Private Management
- > Financial and Asset Management
- > Funds Management
- > Community Relations
- > Disability Advisory Service

CLIENT SERVICES DIVISION

Key Activities: Make substitute financial management decisions for those persons who are not able to manage their own financial affairs.

The new client service structure was rolled out on 18 August 2008.

Directly managed client fees were reviewed by IPART in 2008 and changes in line with recommendations made were implemented in July 2009.

Client Services Restructure

The new client services structure was implemented to look at providing improved services to clients under direct management and to develop a client focussed approach.

The client services restructure was the subject of extensive internal and external consultation with major stakeholders, the staff of OPC, and the OPC/OPG Advisory Council.

The new structure established eight service delivery teams functioning as the front-of-house interface with clients.

Client Service Teams

- > North West team - serving clients in Far Western, Orana, New England, North Coast, Hunter and north and north-west part of Greater Sydney.
- > South West team – serving clients in the Murray, Riverina, Central Western, South Eastern, Illawarra and Interstate/Overseas clients.
- > Greater Sydney team – serving clients in Sydney inner suburbs and most of Sydney outer suburbs.
- > Intake team – initial contact with client after order is made, secures the estate and sets up the client file for allocation to a Client Service Team
- > Clarence Street team – located in the city and serving clients with challenging behaviours, and homeless/itinerant clients.
- > Intensive team - serving clients with significant family conflict, complex communication issues and complex estates.
- > Long Term Residential team- serving clients living in supported accommodation with low complex estates and needs.
- > Finalisation team – finalises estate upon death of client

As part of this restructure an ongoing project has been established to identify if services are meeting client needs and to find ways to improve service quality and delivery.

A review of the service delivery teams will be carried out in September 2009.

Directly Managed Client Fees

In April 2008 IPART commenced its review of the fees charged by OPC for services provided to its clients in order to recommend a fee structure that was clear, fair and transparent. The report was released in February 2009 and made recommendations in relation to directly managed client fees.

PRIVATE MANAGEMENT

Key Activities: Direct and authorise the activities of persons appointed to manage the financial affairs of people with disabilities.

The review of the structure of the Private Management Branch was commenced and implemented in 2008. Private Management fees were reviewed by IPART in 2008 and some fee changes, including an income fee cap, were implemented in April 2009 in line with the IPART recommendations with further fee changes to become effective on 1 July 2009.

Private Management Branch Restructure

The structure of the Private Management Branch had not been comprehensively reviewed since the 1980s. A review of the Branch structure was commenced in 2008 with the implementation of a Compliance Team in August 2008.

The objectives of the Compliance Team are to provide a better service to persons under management by undertaking the following functions:

- > Follow up on any annual accounts that may be outstanding;
- > Examine annual accounts lodged by private managers to ensure that private managers are working within the Directions and Authorities document issued to them;
- > Calculate and collect fees payable to the Protective Commissioner;
- > Increase OPC's ability to recover costs for the services it provides in a more transparent manner.

The Compliance Team was implemented prior to the IPART fee recommendations and consequently was able to implement the fee changes as recommended by IPART on 1 April 2009 with further changes to be implemented on 1 July 2009.

Private Management Fee Review

Private Management fees had not changed since their inception in 1985 as IPART's previous review of OPC fees in 2003 did not include Private Management fees.

In April 2008 IPART commenced its review of OPC fees which incorporated the review of Private Management fees. The report was released February 2009.

The objective of the Private Management Fees Review was to:

- > provide OPC with the resources to enable it to fairly and efficiently undertake its role in the direction and authorisation of private managers,
- > provide a fee structure that is clear, fair and transparent.

The first of the IPART Private Management fee recommendations, that is, for the exemption of pension income from the income fee and an income fee cap of \$2000 were introduced on 1 April 2009 and further fee changes are to become effective on 1 July 2009.

FINANCIAL AND ASSET MANAGEMENT

Key Activities: Managing the property, personal finances and legal matters of clients.

Financial Planning

OPC's Financial Planning Branch develops and regularly reviews financial plans for clients. As at 30 June 2009 more than \$1 billion was invested on behalf of our clients from recommendations in these plans.

During the last financial year 35 new financial plans and 701 annual reviews were conducted by the Financial Planning Unit.



In addition over \$14m was contributed to superannuation on behalf of nearly 188 clients. A further \$175m in non-OPC investments in such areas as direct shares, managed funds, term deposits etc were managed by the External Assets Unit under advice from the Financial Planning Unit.

Over the course of the year the Financial Planning Unit also provided Client Services Division with ad hoc advice regarding the affordability of proposed client expenditure on 2,800 occasions.

Maximising benefits of changes to Superannuation for OPC clients

In 2006-07 the OPC reported on major changes to superannuation which significantly advantaged a large number of OPC clients. As a result of the changes, clients who fit the Australian Prudential Regulatory Authority (APRA) definition of total and permanent disablement are eligible to contribute substantial sums to superannuation and then commence a tax-effective allocated pension. Clients as young as 8 years of age have been able to take advantage of this strategy. The long term income tax benefit to our clients over the course of their lifetime is incalculable but very substantial.

In the 2008-2009 financial year we continued to contribute to superannuation on behalf of those clients able to benefit from the changes and as at 30 June 2009, 458 clients held \$45m in superannuation and 122 clients had commenced allocated pensions with a total value of \$54m.

Client Property

The role of the Office of the Protective Commissioner is to ensure that all client assets are, where possible, secured and protected. In the past year the OPC managed 1,899 properties, which were inspected and/or secured, with a total value of more than \$590 million. Included in this group were 313 new properties where the owner came under our management. In addition, 187 properties were sold and 33 purchased. Construction or repairs were undertaken on 1,002 properties. Where the future of the client's property was being considered 382 Sales/Leasing Reports were obtained and assessed.

The Asset Branch also manages the repair, insurance, and registration (where appropriate) of 938 motor vehicles, 45 trailers/caravans, 36 motor bikes, 21 boats, two tractors, and two steam trains.

The Asset Branch sold or purchased 140 motor vehicles, processed 125 insurance claims, effected 2,066 insurance renewals, effected 565 new insurance policies, and adjusted 734 existing insurance policies.

The commercial arm of the Assets Branch managed a diverse range of client issues during the 2008-2009 financial year. The Branch oversaw the management of 79 commercial operations, which operated under complex company structures, trusts, partnerships and sole trader entities, many of which are actively trading. In managing these commercial operations, the Branch arranged commercial leases, agistments, mining rights, water leases and arranged repairs property owned by these commercial enterprises.

Legal Services

As at June 2009 OPC Legal Services provided advice and representation in 481 legal matters which included personal injury, family law and deceased estate matters and recovery of assets on behalf of clients.

During the last financial year our Legal Services Branch have been involved in implementing the merger between the Office of the Protective Commissioner and the Public Trustee of NSW and in drafting the new legislation giving effect to the merger being the *NSW Trustee and Guardian Act 2009*.

Our legal staff have also provided mentoring to graduates as part of the Law Graduate Program.

Taxation Services

The 2008 - 2009 financial year saw an increase in the number of income tax returns and activity statements lodged on behalf of clients (a trend identified in previous years report). Land Tax matters have remained constant.

No. of income tax returns & activity statements lodged

2005-2006	2006-2007	2007-2008	2008-2009
3,268	3338	3549	3804

No. of land tax matters managed

2005-2006	2006-2007	2007-2008	2008-2009
253	54	35	37

Transactions for clients

A summary of the key operational activities appears in the table below, with comparative volume over the last four years:

Activity

2005-2006	2006-2007	2007-2008	2008-2009
No. of transactions completed			
1,150,300	1,189,240	1,227,099	1,274,109
Unit Registry: Applications (\$million)			
100	150	82	67
Redemptions (\$million)			
146	214	168	125
Number of applications			
1124	1220	936	624
Number of redemptions			
2129	2838	2520	2218

FUNDS MANAGEMENT

Key Activities: Investment of clients' funds held within OPC's Common Fund.

The Common Fund represents funds owned by clients whose financial affairs are directly managed by OPC, as well as funds of a number of clients whose affairs are managed by a private manager. The Common Fund consists of the Access Fund, which is best described as an interest bearing working account for client transactions, and seven diversified investment funds.

All the investment funds comprising the Common Fund have been outsourced to State Street Global Advisors as Funds Manager and are managed on an indexed basis to the relevant benchmarks specified below. BNP Paribas Securities has been appointed as the Master Custodian for the custody, compliance and accounting functions of the Common Fund.

Access Fund

The Access Fund invests money on behalf of clients in cash and short term money market securities. Interest is calculated on the closing daily balance of the account and paid at the end of December and June.

The accounts of clients that comprise this fund are similar to standard retail bank accounts, through which regular transactions occur - including receipt of monies, payment of accounts, issuance of cheques and direct crediting.

Diversified Investment Funds

OPC's funds management program allows clients' investments to be diversified to reflect the amount of money available for investment and their individual needs.

The funds are: -

Investment Fund	Fund Profile	Fund Objective
Australian Cash Fund (Classed as a low risk investment.)	To provide clients with a low risk investment of capital and ready access to their funds.	To achieve returns comparable to bank deposit and cash management trusts in the short-term money market.
Australian Cash Plus Fund (Classed as a low to medium risk investment.)	To provide clients with a relatively low risk investment with potentially higher returns obtained by investing in bonds.	To achieve a more attractive income stream over the medium term than could be expected from investing solely in cash related products.
Australian Fixed Interest Fund (Classed as a medium risk investment.)	To provide clients with a diversified portfolio of Australian bonds.	To achieve a more attractive income stream than could be expected from investing in predominantly cash related products, with the possibility of some capital gain over the medium to longer term.
Australian Listed Property Securities Fund (Classed as a medium to high risk investment.)	To provide clients with exposure to a diversified portfolio of property trusts or property related companies listed on the Australian Stock Exchange.	To achieve capital growth and some income over the medium to longer term.
Australian Share Fund (Classed as a medium to high-risk investment.)	To provide clients with exposure to a diversified portfolio of companies listed on the Australian Stock Exchange.	To achieve medium to long term capital growth with a modest level of income.
International Bond Fund (Classed as a medium risk investment.)	To provide clients with exposure to a diversified portfolio of international bonds across a range of countries.	To achieve medium to long term capital growth and income returns.

The structure of the investment funds is similar to that offered by other funds managers and provides clients with access to a full range of asset classes, allowing for appropriate diversification and risk management to be undertaken.

The performance of the OPC funds against benchmarks is shown below:

OPC Investment Fund Fund Performance *	(%)	Benchmark *	(%)
Access Fund	5.95	UBS Australian 90 day Bank Bill Index	4.98
Australian Cash	5.95	UBS Australian 90 day Bank Bill Index	4.98
Australian Cash Plus	9.71	UBS Australian 0-3 year Composite Bond Index	9.58
Australian Fixed Interest	9.16	UBS Australian All Maturities Composite Bond Index	10.32
Australian Listed Property Securities Fund	-39.38	S&P ASX 200 Australian Real Estate Investment Trusts Accumulation Index	-42.77
Australian Shares	-20.28	S&P/ASX 200 Accumulation Index	-20.73
International Bonds	10.25	Citigroup World Government Bond (ex Australia)	10.98
International Shares	-15.88	MSCI World (ex Australia) Index	-16.74

*Both Benchmark and Client return shown are net of fees (0.50%)

In addition, there may be variances in individual client returns depending upon the client's entry date into the fund and any new applications or redemptions during the financial year.

The above schedule of performance has been confirmed by an external actuary at OPC's request.

The various funds results reflect difficult market conditions over the period which have continued into the new financial year.

Clients' funds are invested in the knowledge that market returns can be volatile and wherever possible four to five years of planned client expenses are held in defensive assets such as Cash and Fixed Interest. Despite negative returns in some funds over the past 12 months, the longer term returns for clients with a diversified portfolio continue to exceed the cash rate.



COMMUNITY RELATIONS

Key Activities: Providing written information and education sessions to the community and stakeholders on the role of financial managers and OPC.

Community Education

This year's community education activities focused on carers. OPC participated in two regional carers forums held at Inverell and Armidale co-ordinated by Life without Barriers. Our Sydney metropolitan education sessions also focused on carers working with groups such as Anglicare and Care Assist.

Regional visits to clients were run in conjunction with our participation in the carers forums. Many clients, family members and service providers took the opportunity to meet face to face with client service staff to discuss budgeting and other financial matters in Inverell, Armidale, Glen Innes, Tamworth, and surrounding areas.

During the past 12 months 15 community education sessions were presented to over 200 stakeholders, service providers and members of the community in NSW. All of our sessions included updates on the restructure of OPC's client service delivery and invited stakeholders to provide feedback on their experience of the changing service.

OPC Website

The last 12 months has seen an increase in traffic to OPC's web site with on average 14,000 hits per month. We have continued to use our Lawlink website as a key communication channel to clients, stakeholders and the community. The site is regularly updated with any changes and developments at OPC.

The announcement of the merger of the Office of the Protective Commissioner and Public Guardian and the Public Trustee NSW brought an increase in enquiries from peak disability groups and stakeholders seeking information on the impact of the proposed merger for existing OPC clients.

The OPC Lawlink website and direct email has been utilised to keep stakeholders updated on any developments in relation to the merger as well as the progress of and final recommendations from the IPART review of OPC fees conducted in 2008.

We will continue to use the website as a communication and consultation tool as the merger process continues in the 2009-2010 financial year.

The website address is:
www.lawlink.nsw.gov.au/opc

DISABILITY ADVISORY SERVICES

Key Activities: Provides advice about the client's disability and lifestyle needs

The Disability Advisory Service (DAS) comprises an internal team of Disability Advisers and co-ordinates an external state-wide panel of Authorised Visitors who provide an independent reporting function directly to the Protective Commissioner.

DAS provides advice about the client's disability and lifestyle needs within the context of the client's financial resources. DAS supports the OPC's Substitute Decision Making role by providing expert disability advice through assessment, direct intervention and advocacy so that the client's disability related needs and their access to services and entitlements are addressed in the context of their financial resources.

During this financial year DAS underwent a review of its services. As a result DAS revised its policy, referral types and procedures providing greater clarity for client service officers as to the assistance given by DAS in respect of clients' disability needs.

The review clarified that DAS performs 2 key functions within OPC:

The provision of specialist advice and advocacy to assist with decision making, planning and communication for OPC clients;

1. The provision of education about disability-specific matters impacting on financial management decisions for OPC clients.
2. DAS contributes to OPC's educative role of raising staff and community awareness about disability groups, issues and services through information dissemination, training and development of internal policies, procedures, guidelines and input into social policy impacting on clients of the OPC.

DAS and the Licensed Boarding House Project

Three years ago, staff from DAS, the Metro South Boarding House Reform Team, Department of Ageing, Disability and Home Care began working together to address concerns about the rights of licensed boarding house residents in regard to access to their funds.

In January 2009 the opportunity arose for a joint pilot project with the Active Linking Initiative Program at the Newtown Neighborhood Centre and a licensed boarding house. This project will address many of the ongoing concerns in relation to boarding house residents.

The objectives of the project are to :

1. Provide an opportunity for the clients to express their own views and wishes;
2. Provide an opportunity for the clients to develop daily living skills such as banking and shopping skills;
3. Return the relationship between the client and the Licensee to primarily one of tenant and landlord.

The OPC will continue to work on this project throughout the coming financial year and into the future.

Program Priorities

Merger of OPC, OPG and PT

- > Merging of the Office of the Protective Commissioner, Office of the Public Guardian and Public Trustee NSW to create one entity with shared corporate resources, in place by 1 July 2009

Implementation of IPART recommendations

- > Implement IPART's fee and CAPEX recommendations to reduce cost of OPC services to clients and upgrade IT resources to enhance service provided to clients and stakeholders
- > Development of IT Strategic Plan and CAPEX submission. Preliminary discussions with IPART re: mid term review of fees of the new entity.

Increase in workload – ageing population

- > Review workloads and work practices across organisation.
- > The demand for services is met within standards
- > Ageing 2030 – program initiatives Planning for Later

Continuous Improvement to 2008 Restructure of OPC Direct Management

- > Review and refine direct management service delivery processes and standards
- > Implementation of service delivery processes and standards aligned to 2008 organisational structure
- > Enhancements to Client Information Systems to support service delivery processes and standards
- > Implementation of Client Information Systems to support 2008 organisational structure
- > Formal evaluation of first 12 months implementation of recommendations

Continuous Improvement to 2008 Restructure of OPC Private Management Branch

- > Review and refine private management service delivery processes and standards
- > Implementation of service delivery processes and standards aligned to 2008 organisational structure
- > Enhancements to Client Information Systems to support service delivery processes and standards
- > Implementation of Client Information Systems to support 2008 organisational structure
- > Formal evaluation of first 12 months implementation of recommendations



02 Office of the Public Guardian

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Restructure and Reform – Implementation

In July 2008 OPG successfully completed a restructure resulting in reducing the number of guardianship teams from five to three regional teams, and changes to the structure of professional and support services including the creation of a combined Registry, Administration and IT team. The restructure has enhanced the effectiveness and efficiency of OPG and was achieved without additional costs. The restructure has been successful in enhancing the skill levels of staff particularly in the areas of negotiation and supervision via increased training and support.

OPG has also been able to strengthen the focus on systemic advocacy and has achieved successful partnerships with several government agencies such as Department of Housing, NSW Police Force and Ambulance NSW with a view to sustainable outcomes for people with disabilities. The restructure has resulted in OPG being better able to meet the challenges arising from the inevitable increase in demand for public guardianship as a consequence of the rapidly ageing population in NSW.

SERVICES TO PEOPLE UNDER GUARDIANSHIP

OPG makes health and welfare decisions on behalf of our clients. This work involves a range of tasks including meeting with clients and stakeholders, requesting, analysing and writing reports, preparing for and attending guardianship hearings, and creating and implementing guardianship plans. At the end of June 2009 the Public Guardian was the guardian for 1,886 people, and the total number of people assisted by the Public Guardian was 2,539. This represents a 4.3 per cent increase on last year's figures.

The total number of new orders made was 542, a small increase on the previous year. This year there was a continued reduction in the number of renewed orders with an average of 47 orders per month renewed. For the 2008/2009 financial year, the rate of people discharged from guardianship has increased from an average last year of 27 per month to 38 per month, resulting in a static number of total clients (see Table 1.1).

OPG continues to uphold the spirit of the *Guardianship Act 1987* aiming to ensure that the Public Guardian is only appointed when there is no other person suitable to take on the role of guardian. This means that OPG staff focus on reviewing the situation for people under guardianship, seeking to have orders lapsed when there is no further need, and/or seeking the appointment of private guardians.

Table 1.1

	06/07	07/08	08/09
Total client numbers	1782	1886	1886
Total number of New Orders	545	536	542
Renewed orders -average per month	53.2	49	47
Discharged client - average per month	31.4	27	38

During 2008/09 OPG gave evidence at 1049 Guardianship Tribunal hearings, an average of approximately 87 hearings per month. This represents an 11.5 percent increase in last year's average. The most common decision-making areas (functions) given to the Public Guardian were accommodation, health care and medical and dental consent functions.

At 30 June 2009 there were the same numbers of people under guardianship as at 30 June 2008. People under guardianship have various disabilities. The major changes this year were increases in the number of people with dementia and intellectual/developmental disability. The majority of people under guardianship have disabilities related to developmental/intellectual, dementia, mental illness and brain injury.

Table 1.2 provides more detail about people under guardianship.

Table 1.2

Type of Disability	06/07	07/08	08/09
Advanced Age	17	18	13
Autism	19	23	31
Brain Injury	182	207	224
Deaf and Blind	6	4	2
Dementia	317	349	369
Developmental/Intellectual	656	514	708
Eating Disorder	8	8	13
HIV AIDS related	4	5	3
Mental illness/ Psychiatric related	306	339	335
Neurological related	99	103	70
Physical	17	21	15
Stroke related	23	33	50
Reason unknown	10	63	60
No reason established	1	1	1
Miscellaneous/other	127	198	0
TOTAL	1782	1886	1886

SERVICES TO THE COMMUNITY

Guardianship

Within the Operations branch, three Regional Managers are responsible to the Assistant Director Operations for the delivery of guardianship services to clients, and the provision of support to guardianship staff in each team. Guardianship staff make health and welfare decisions on behalf of OPG clients. This involves a range of tasks including meeting with clients and stakeholders, requesting and analysing reports, writing letters and reports, preparing for and attending guardianship hearings, creating and implementing guardianship plans, and making decisions according to delegated authority.

This year Guardianship staff made 299 health and welfare decisions on behalf of people under guardianship. 1049 reports were provided to the Guardianship Tribunal for hearings, 1688 guardianship plans were created and 1095 file reviews were conducted.

The Assistant Director Operations has led improved service delivery, accountability and decision-making through the implementation of supervision training for all guardianship supervisory staff. Senior guardianship staff also participated in negotiation training enhancing their ability to manage conflict situations, leading to better outcomes for people under guardianship. A review of all OPG position and practice directives has commenced to improve the delivery of services and decision-making.

Advocacy And Policy

The Advocacy and Policy Branch is responsible for policy formulation, research and analysis, state-wide community education programs, the provision of support and advice to private and enduring guardians, and the coordination of OPG's learning and development activities. The appointment of the Assistant Director Advocacy and Policy has allowed OPG to strengthen the Public Guardian's role as an advocate for people with disabilities in NSW.

Community Information

OPG provides an information service to the community through the Information and Support

team. This service is available to the general community, service providers and to legally appointed guardians. The Information and Support Team responded to 2060 requests for information this year which is similar to last financial year. Information can be requested via telephone, web, email, fax and mail. The most common form of request was by telephone. The most frequently requested information was about the processes of guardianship, the roles of the Guardianship Tribunal and the Public Guardian. This year there were 764 publications sent out on request including *Enduring Guardianship in NSW: Your way to plan ahead*, and information about person responsible and providing consent to medical treatment.

The Information and Support Team conducts community education sessions across NSW. This year 58 sessions were held. The sessions are usually free. The content of these sessions included enduring guardianship, planning ahead, the role and function of OPG, capacity and substitute consent to medical and dental treatment. Audiences ranged from carers, service providers and allied health professionals, medical and legal practitioners. Five sessions were also provided to culturally and linguistically diverse communities with the aid of interpreters.

Education sessions have been provided to the tertiary education sector including Sydney University social work students, the College of Nursing and TAFE. During Law Week in May 2009 radio interviews were given in regional areas of NSW. The Information and Support Team also coordinated a television program on guardianship, featuring an interview with the Public Guardian.

OPG website provides information to the community about all aspects of our work. As at June 2009 there was an average of 350 hits per day, a 75 percent increase from June 2008. The website is an increasingly important way to educate the community about enduring guardianship. OPG's enduring guardianship publication, *Enduring Guardianship in NSW: Your way to plan ahead* and the Enduring Guardianship Appointment forms were the most downloaded items from OPG website.

PRIVATE GUARDIANS AND ENDURING GUARDIAN SUPPORT – THE PRIVATE GUARDIAN SUPPORT UNIT (PGSU)

Private guardians are family members or friends appointed by the Guardianship Tribunal for a person with a disability who is unable to make their own decisions and needs a guardian.

An enduring guardian is a trusted person appointed prior to an individual's loss of capacity to make their own decisions. An enduring guardian can act on behalf of another person only when the person who appointed them has lost capacity to make their own decisions.

The Private Guardian Support Unit (PGSU) assists private and enduring guardians in their role by providing information and support. This is provided over the phone, in person, via email or mail. This year 539 new private guardians were registered by the PGSU and 330 guardians contacted OPG for support during the year.

Private and enduring guardians receive a quarterly newsletter *Onguard* and, on request, a guide to the role and function of a guardian. This year the PGSU produced and mailed out over 1230 copies of each edition of *Onguard*.

Integrated Services Project Reference Group

The Public Guardian is the guardian for a number of people who are clients of the Integrated Services Project. OPG continues as a key stakeholder in this project and has contributed to the review and evaluation of the program. There have been significant positive outcomes for OPG clients involved in this program.

Criminal Justice Program External Reference group

The Criminal Justice Program (CJP) is a project run by the Department of Ageing, Disability and Home Care (DADHC). The program aims to support people with disabilities who are at risk or have been involved in the criminal justice system, by providing intensive case management, accommodation and support. This year OPG continues to have clients

who at risk or involved in the criminal justice system. OPG has provided feedback to the program about policy and procedures through participation on the CJP External Reference Group.

Boarding House Expert Advisory Group

OPG has approximately 25 people under guardianship in licensed residential centres (boarding houses). OPG has provided advice on policies and programs to oversee licensed boarding houses and support the residents of licensed boarding houses through representation on this external reference group.

Hunter Residences Lifestyle and Participation Workshops

Hunter Residences is a large residential service operated by DADHC. OPG has approximately 87 clients residing in Hunter Residences. OPG staff attend meetings with the service to promote the best interest of residents. This year OPG staff has focused on monitoring and improving individual planning and the self funded community access project.

Memorandum of Understanding between OPG, NSW Police and Ambulance Services

When appointed with a coercive accommodation function the Public Guardian is able to authorise police and ambulance workers to move a person against their wishes. However, this process is often complex, time consuming and difficult to coordinate. A Memorandum of Understanding between OPG, NSW Police and Ambulance Service was signed off on Wednesday 4 March 2009. This will streamline the process when OPG needs to exercise a coercive accommodation function.

Partnership Agreement between OPG, OPC and Housing NSW

This agreement is being developed under the NSW Housing and Human Services Accord involving OPG, OPC and Housing NSW. The aim of the agreement is to develop protocols and processes that support prevention and an early intervention

approach to enable persons receiving social housing assistance, to sustain their tenancy in either social housing or private rental accommodation. The agreement seeks to foster a supportive and proactive approach to working with persons for whom mutual responsibilities exist and encourages staff to work in a considered and collaborative manner to achieve the best outcomes possible. OPG aims to see this agreement finalised in late 2009.

OPG and University of NSW Disability Studies & Research Centre (DSRC)

Throughout 2008/09 OPG met regularly with staff from the National Disability Studies and Research Centre (DSRC) at the University of New South Wales. DSRC promotes the social perspective of disability in education and research to ensure an equitable, participatory and accessible society for people with disability. OPG is working collaboratively with DSRC in a variety of ways and particularly in relation to the application of the United Nations Convention on the Rights of Persons with Disabilities to the work undertaken by OPG. It is envisaged that this will result in a joint research project undertaken in 2009/2010.

Young People in Residential Aged Care (YPIRAC)

OPG has a number of younger clients with disabilities who remain in residential aged care facilities inappropriately. OPG continues to advocate for the needs of this client group. OPG is part of the Australia wide network of agencies that advocate for funding and the development of innovative accommodation and service models to meet these younger people's needs. OPG meets bi-monthly with the DADHC funded YPIRAC program to monitor the progress of those people who have been identified as eligible to receive support services and/or alternative accommodation.

National Human Rights Consultation

In 2009 the Federal Government facilitated a consultation on the merits of a Human Rights Charter for Australia. OPG participated in seminars highlighting the importance of placing guardianship within the context of upholding human rights and the measures that seek to balance the imperatives of protection and freedom for our clients.

Improved Database Systems

During 2008/09 OPG has continued to strengthen our advocacy voice through providing detailed feedback on a range of policies that affect people with disabilities. OPG has commenced the development of new reporting programmes to assist in producing evidence based advocacy using the information contained in our database.

Position Statements and Practice Guidelines

During this year OPG has developed position statements on a range of issues including end-of-life decision-making and commenced review of various practice guidelines such as decision-making and consent to the use of restrictive practices.

Feedback to External Agencies

This year OPG has been involved in providing feedback to various agencies about policies affecting our clients. These include Department of Ageing Disability and Home Care (DADHC) policies on *Allocation of Places in Supported Accommodation Policy and Procedures*, and *Maintaining Respite Capacity Policy*. In October 2008 OPG also attended a roundtable conference hosted by DADHC to consult on policy development. OPG also provided feedback to the NSW Ombudsman on the implementation of the Joint Guarantee of Service (JGOS) for people with mental health issues living in Aboriginal community and public housing. OPG provided feedback on clients moving from the care of Department of Community Services (DOCS) to DADHC.

Continuous improvement following 2008 restructure of OPG

In the new financial year OPG will consolidate the changes brought about by the restructure. OPG will commence the implementation and development of the 2009-2011 strategic plan. The aim of this plan is to build on the work completed in the last financial year on internal and external information technology systems and improved decision-making. Service delivery will be improved by further development of policy and practice guidelines and advocacy strategies.

Merger

The merger of the Office of the Protective Commissioner (OPC), the OPG and the Public Trustee (PT NSW) was announced in the mini-budget in November 2008. The position of Public Guardian will continue and will remain separate in function, but the CEO NSW Trustee and Guardian (NSWTG) will not be the Public Guardian. The Public Guardian will report administratively to the CEO NSWTG.

Legislative review

Following the implementation of the NSWTG, the Attorney General asked the NSW Upper House Standing Committee on Social Issues to review the current legislative provisions relating to people with decision-making impairment. This provides an opportunity for review of legislation relating to guardianship to ensure that the rights, interests and dignity of people with decision-making disabilities are promoted alongside their need to be protected from exploitation, abuse and neglect through the provision of guardianship services in the least restrictive manner possible.

Community Guardianship

OPG will continue to develop a proposal for a pilot community guardianship project. This is aimed at delegating decision-making functions of the Public Guardian to an authorised community guardian. OPG will seek to engage key stakeholders in consultation regarding the implementation of the community guardianship model. OPG will seek legislation reform to enable the community guardianship model to proceed in 2009/2010.

Implementation of Training Initiatives

OPG will continue to implement key skills training in supervision and negotiation with senior staff to improve accountability and decision-making. OPG is currently reviewing decision-making processes and will finalise an updated practice direction in the coming year.

Technology

OPG will build on work done this year to improve its information technology system to support the work of guardianship staff. This will allow for the collection and analysis of data to assist in planning for client services and in developing practice guidelines and advocacy strategies. OPG will continue to develop the "IT Hub" with the NSWTG and the Guardianship Tribunal allowing for the transfer and collection of essential information.