

*Office of the*

PROTECTIVE COMMISSIONER

ANNUAL REPORT

2002

# Office of the Protective Commissioner

## Vision:

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.

## Values:

**Honesty** and **integrity** in all that we say and do.

**Accountability** to our clients and the community for our actions and the way we manage resources.

**Respect** for the rights and diversity of individuals. We value the work and input of our staff and the participation of our clients and stakeholders.

**Equity** in the way we deliver our services and manage and develop our staff.

**Innovation** and **creativity** in the way we work.

Achieving our goals through effective **leadership** and **teamwork**.

## Charter:

The Protective Commissioner is a statutory officer empowered under the provisions of the Protected Estates Act 1983 and the Supreme Court Act 1970 and Supreme Court Rules 1970 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
- ◆ direct, supervise and enforce the performance of the obligations and duties of private managers appointed by the Court or the Guardianship Tribunal
- ◆ provide Registry services for the Protective List of the Supreme Court pursuant to the Supreme Court Act and Rules.

## How to Contact Us:

Office of the Protective Commissioner  
Level 15, Piccadilly Tower  
133 Castlereagh Street, Sydney

PO Box A235  
Sydney South NSW 1232

DX 1335 Sydney

Phone: (02) 9265 3131 or  
1300 360 466 (outside Sydney)

TTY: 1800 882 889

Fax: (02) 9261 4305

Email: [opcmail@opc.nsw.gov.au](mailto:opcmail@opc.nsw.gov.au)  
<http://www.lawlink.nsw.gov.au/opc>

## **Who We Are:**

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 direction, supervision and support for private persons who take on the role of financial manager. Currently, the financial affairs of 8,644 persons are managed and 1,843 private financial managers are supervised by OPC.

## **Office of the Public Guardian**

OPC and the Office of the Public Guardian (OPG) work together to promote and protect the rights and interests of people with disabilities. OPG makes personal lifestyle decisions - such as consent to medical treatment or where a person lives - on behalf of adults who have a decision-making disability. OPG also provides support to private guardians.

## **Our clients**

Persons whose financial affairs are managed by OPC 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.

## **Accountability**

OPC forms part of the Human Rights Program of the NSW Attorney General's Department. The Protective Commissioner reports administratively to the Attorney General via the Director General and, in respect of some functions, to the Chief Justice.

# Letter to the Minister

The Hon. Robert John Debus, M.P.  
Attorney General  
Minister for the Environment  
Minister for Emergency Services  
and Minister Assisting the Premier on the Arts  
Parliament House  
SYDNEY NSW 2000

Dear Attorney,

I am pleased to present to you the Annual Report of the Protective Commissioner, together with associated financial statements, for the year 2001-2002.

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.

Yours sincerely



Ken Gabb  
Protective Commissioner

# Contents:

<b>1. REVIEW OF OPERATIONS</b>	<b>4</b>
<b>2. SUMMARY OF PERFORMANCE</b>	<b>6</b>
<b>3. OUR ORGANISATION</b>	<b>8</b>
<b>4. OUR PEOPLE</b>	<b>20</b>
<b>5. OUR CLIENTS</b>	<b>22</b>
<b>6. PERFORMANCE OF PROGRAM AREAS:</b>	<b>23</b>
i. Financial and Asset Management	23
ii. Private Management Support	26
iii. Funds Management	27
iv. Community Education and Advocacy	30
<b>7. OUTLOOK</b>	<b>31</b>
<b>8. APPENDICES</b>	<b>33</b>
<b>9. FINANCIAL STATEMENTS</b>	<b>51</b>
<b>INDEX</b>	<b>98</b>

# 1. Review of Operations

## **IMPLEMENTATION OF THE PRUDENT PERSON PRINCIPLE**

We completed financial plans for all clients with more than \$1 million in liquid assets and commenced financial planning for those others with more than \$500,000. We also made arrangements for over five thousand clients who had less than \$50,000.

Essentially, that meant keeping their funds in the Access fund (previously know as the Common Fund). We still need to complete plans for about 1,500 clients with assets between \$50,000 and \$1 million.

Completion of the remaining financial plans is undoubtedly our biggest challenge in the first half of the new financial year.

By year's end we had established eight new investment funds and outsourced four of them. Over two hundred million dollars had been transferred to the outsourced funds. Around another two hundred million dollars had been placed in new in-house funds. Although there have been some inevitable challenges introducing a new software package, there has been no major problem.

We also established an investment advisory committee, comprising experienced private sector personnel as well as public sector representatives. Investment processes were developed and operating and compliance procedures put in place.

## **REVIEW OF FEES**

Following the review of our operations by the Council on the Cost and Quality of

Government, the Budget Committee of Cabinet established a Senior Officers' Group to review and make recommendations in a number of areas, including a new fee structure for OPC. The Senior Officers' Group considered several options before providing an interim report to the Budget Committee in June. I am hopeful that further progress can be made in the development of a new fee structure for OPC in the early months of next year.

## **IMPLEMENTATION OF PERFORMANCE PLANNING AND DEVELOPMENT**

Performance Planning and Development (PP&D) is designed to assist staff members to improve their performance and achieve career goals by an individually planned approach to training and monitoring of performance.

In the past year some progress was made in this project, although much remains to be done. Position competencies were identified throughout the Client Services and Corporate Services Divisions. Training in PP&D implementation was undertaken by most in Corporate Services Division, as well as managers in Client Services Division. The roll out of individual plans has commenced.

## **IMPLEMENTATION OF A NEW OPC STRUCTURE**

Although this has been a difficult project for all concerned, it is now reaching completion. We still have some way to go in the Finance and Investment Division and in the Legal

Branch but most recruitment in the Client Services Division has been completed. The completion of recruitment will bring to an end a period of temporary structures and positions and enable us to move forward with a more stable structure.

During the year we also reviewed corporate service overheads, in cooperation with the Public Trustee's Office, and developed a human resources plan. We now expect some of our corporate services will be incorporated into those of the Attorney General's Department but the details have yet to be finalised.

#### **DEVELOPMENT OF IMPROVED INFORMATION TECHNOLOGY APPLICATIONS**

Phase II of the implementation of CIS was successfully completed in January and some limited enhancement was undertaken. Further development will be undertaken after a review of outstanding business requirements.

#### **DEVELOPMENT OF AN INTEGRATED SERVICE DELIVERY MODEL**

A service delivery model was developed and discussed with staff members. A review of current policies and procedures was also undertaken in the Client Services Division. Although further work needs to be done, an electronic version of the Estate Management practice manual is now available to staff members. Work is continuing on the collection of other policies and procedures to enable electronic versions of all policies, with appropriate links to Attorney General's

Department policies, to be made available to all staff members.

#### **REGIONAL PRESENCE**

OPC has provided greater opportunity for those people outside Sydney whose estates are managed by OPC directly and private managers to discuss issues with OPC staff face to face through its regional presence strategy. Private management support officers travelled to Kogarah, Gosford and Orange, while estate managers visited Penrith, Wollongong and Coffs Harbour.

Ken Gabb  
Protective Commissioner

## 2. Summary of Performance

### KEY RESULTS

#### Excellent Client Service

Strategies	Planned Outcomes	Results	Future Action
Implementation of the prudent person principle	Diversified investment options available to clients	<ul style="list-style-type: none"> <li>* Financial plans developed for all clients with more than \$1million in liquid assets.</li> <li>* Commenced financial planning for those others with more than \$500,000.</li> <li>* Arrangements made for over five thousand clients who had less than \$50,000.</li> <li>* Eight new investment funds established and four of them outsourced.</li> <li>* Over \$200m transferred to the outsourced funds.</li> <li>* \$200m placed in the new in house funds.</li> </ul>	* Complete plans for about 1,500 clients with assets between \$50,000 and \$1 million.
Review Fees	Transparent and equitable fee structure	<ul style="list-style-type: none"> <li>* Budget Committee of Cabinet established a Senior Officers' Group (SOG) to review and make recommendations in a number of areas, including a new fee structure for OPC.</li> <li>* Paper submitted to SOG which outlined some options and submitted a new structure.</li> </ul>	* Introduce new fee structure.

## KEY RESULTS

### Working Well With Others

Strategies	Planned Outcomes	Results	Future Action
Implementation of performance planning and development.	Clear understanding by all staff of the competencies and performance required for each position and development plans in place to assist staff to achieve those competencies and performance	<ul style="list-style-type: none"> <li>* Position competencies identified throughout the Client Services and Corporate Services Divisions.</li> <li>* Training in PP&amp;D implementation undertaken by Corporate Services Division as well as by most managers in Client Services Division.</li> <li>* Development of individual plans commenced with managers in Corporate Services and Client Services.</li> </ul>	<ul style="list-style-type: none"> <li>* Conduct PP&amp;D training for Finance and Investment Division and Legal Services Branch following the completion of their restructure.</li> <li>* Individual staff to develop PP&amp;D plans.</li> <li>* Review progress against plans.</li> </ul>

## KEY RESULTS

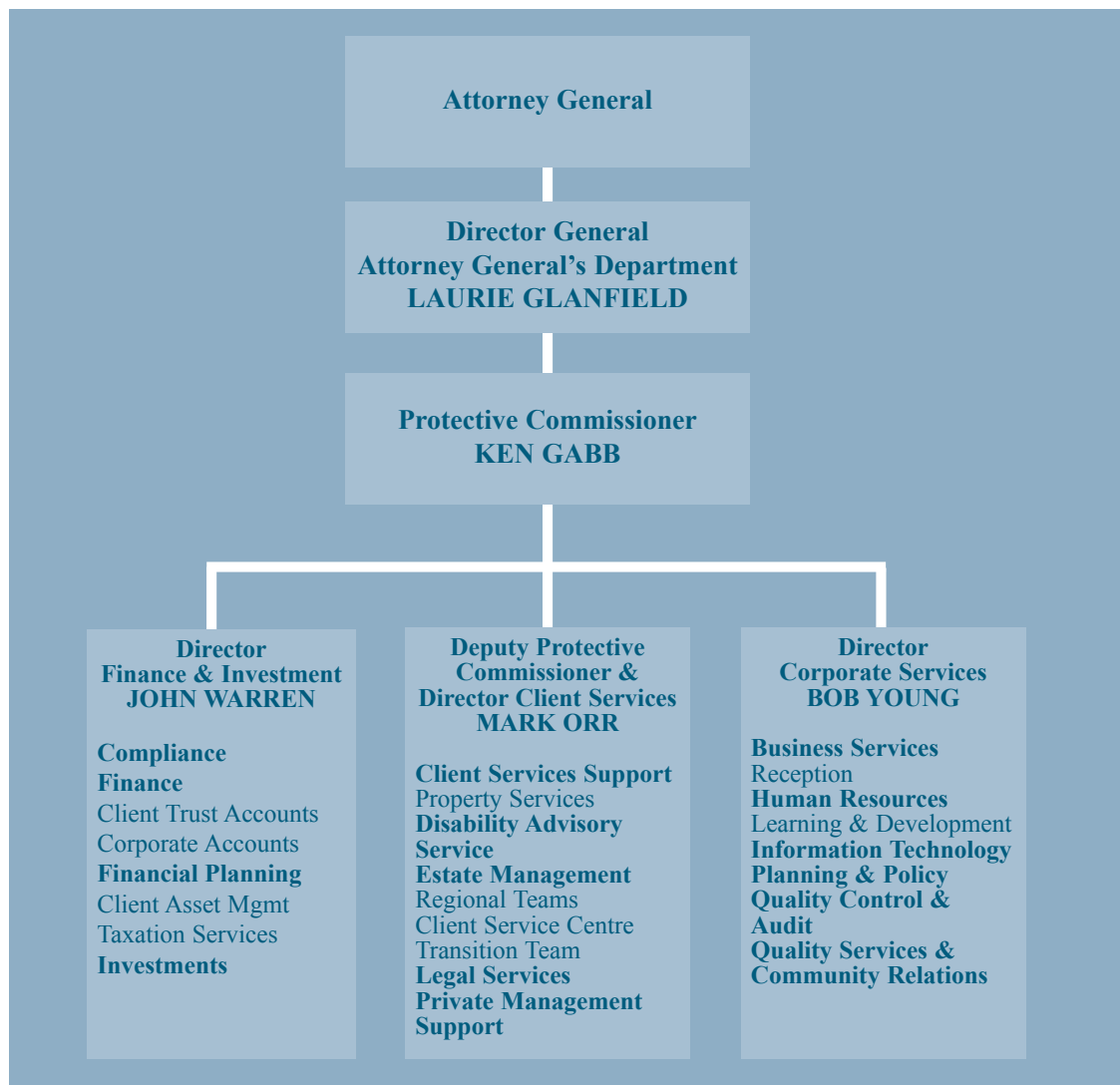
### Good Management

Strategies	Planned Outcomes	Results	Future Action
Implement new OPC structure	OPC aligned to meet community expectations	<ul style="list-style-type: none"> <li>* Most recruitment in the Client Services Division completed.</li> <li>* Work commenced in reviewing our corporate services, including discussing with the Public Trustee's Office options for closer cooperation.</li> </ul>	<ul style="list-style-type: none"> <li>* Complete recruitment in the Finance and Investment Division and in the Legal Branch.</li> <li>* Implement corporate services reforms to improve interaction within Attorney General's Department.</li> </ul>
Development of improved information technology applications	Greater uniformity in data collection leading to data that can support client service and management decision making	<ul style="list-style-type: none"> <li>* Phase II of the implementation of CIS successfully undertaken in January and some limited enhancement undertaken.</li> <li>* Release of Phase III postponed for budgetary and other reasons.</li> </ul>	<ul style="list-style-type: none"> <li>* Develop and implement a fraud prevention program</li> <li>* Rollout Doc Wiz</li> </ul>
Development of an integrated service delivery model	Clear understanding of services provided and the manner in which those services are provided	<ul style="list-style-type: none"> <li>* Service delivery model developed and discussed with Advisory Council and staff members.</li> <li>* Review of current policies and procedures undertaken in the Client Services Division.</li> </ul>	<ul style="list-style-type: none"> <li>* Develop further Estate Management policies.</li> <li>* Collect and review on an ongoing basis all policies within OPC.</li> </ul>

# 3. Our Organisation

Established under the Protected Estates Act 1983 the Office of the Protective Commissioner forms part of the Human Rights Program of the Attorney General's Department of the NSW Government. The Protective Commissioner reports

administratively to the Attorney General via the Director General and, in respect of some functions performed on behalf of the Supreme Court, to the Chief Justice.



## Corporate Governance

### RISK MANAGEMENT AND INTERNAL CONTROL

Appointments of staff to the Quality Control and Audit Branch enabled several initiatives to be taken during the year. The aim of these initiatives was to produce an integrated Corruption Prevention Strategy for OPC, which will complement the Attorney General's Department's strategy. The initiatives included:

#### 1. Comprehensive Risk Assessment

OPC Executive participated in a risk assessment of total operations that focused on four primary categories of risk, i.e. Financial (including Fraud), Political, Legal, and Operational/Human Resources.

#### 2. Audit Charter

OPC published a charter setting out Audit's responsibilities and authority, and staff obligations in terms of cooperation with Audit.

#### 3. Protected Disclosures - Internal Reporting Procedure

A new internal reporting procedure was prepared and distributed to all staff. This ensures that the appropriate reporting channels and processes are followed if staff are considering making disclosures regarding suspected fraud, corrupt conduct or maladministration or serious and substantial waste.

#### 4. Introduction of Quality and Probity Reviews

Quarterly meetings were held to canvass ways of improving both the quality of, and internal control over, estate management. Many issues have been able to be addressed as a result of referrals to Audit from other branches and from an ongoing program of random audits of client files.

#### 5. Investigations

A methodology based on current best practice and documented using ISO 9000 quality principles has been introduced. This ensures comprehensive investigations to appropriate sector standards, security of evidence, confidentiality and privacy, and back up and continuity of records.

#### 6. Input to Systems Development

Working parties have been established to review our mission-critical systems, including CIS Client Browser and associated accounting sub-systems in Client Accounts. Cash handling procedures have been reviewed and policy and procedure in estate management reviewed.

#### 7. Monitoring and Surveillance

OPC uses specialist software which enables behind the scenes monitoring of all transactions against our client accounts. The availability of this capability has been deliberately promulgated throughout the OPC, partly as deterrent value and partly to demonstrate our accountability and transparency in operations.

## 3. Our Organisation

(Corporate Governance cont'd)

### 8. External Data Review

Computerised analysis of external sources of data regarding our clients' affairs has also been undertaken to minimise or eliminate the risk of fraud against client estates.

### 9. Facilitation of Internal and External Audit

OPC provides links to data systems and people to facilitate both forms of audit. All issues raised by Internal Audit are monitored to facilitate speedy implementation.

### 10. Introduction of Quality Management Principles

OPC Executive has given support in principle to investigate the practicalities and benefits of introducing ISO 9000:2000 quality management systems across OPC.

### 11. Compliance Auditing

OPC uses software to manage audits on a "paperless" basis, and at the same time is developing a series of reports for management on a range of compliance issues across the organisation.

### 12. Fraud Awareness

Workplace Ethics training programs were conducted to raise the profile of fraud and corruption awareness and produce best practice training. Staff across all areas of OPC have discussed Protected Disclosures and the need to be vigilant regarding fraud and corruption in the workplace.

### SERVICE DELIVERY MODEL

In this financial year OPC developed a Service Delivery Model as outlined in last year's annual report. The model was designed to reflect the service delivery relationships between the different branches within OPC and our clients. The underlying purpose of the model is to improve the quality of service delivery to clients by demonstrating how the interaction between different branches within OPC impacts on service delivery.

The model is designed to underpin the delivery of a consistent level of service to clients across the organisation and overcome misunderstandings of the role of OPC.

### COMPLAINT MANAGEMENT

OPC welcomes feedback from clients and other interested parties. Clients and stakeholders are encouraged, and have a right, to express their views about the organisation and the services it provides. On an individual basis this provides an opportunity for people to have issues related to their particular circumstances reviewed. At an organisational level, the information received helps OPC to develop ways to improve the service it provides to clients. We aim:

- \* to provide easy accessibility for clients and other stakeholders who want to give us feedback;
- \* to have complaints and reviews of decisions resolved in an appropriate and

timely manner; and

- \* to provide statistics on the nature of the feedback received for evaluation and future planning purposes.

Clients and stakeholders can provide feedback in a variety of ways that best suits them. They may telephone or write to:

- \* their Estate Manager or Private Management Support Officer;
- \* OPC Regional Managers; or
- \* OPC's Manager, Quality service & Community Relations.

Alternatively, they may complete a reply paid "Client Feedback" brochure or seek referral to an appropriate advocacy organisation.

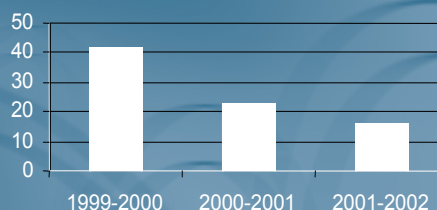
Listed below is a summary of the feedback received this year in comparison with previous years:

TYPE OF FEEDBACK	1999-2000	2000-2001	2001-2002
Compliments	42	23	16
Complaints	110	30	90
Reviews of Decision	21	28	41
Ministerials	53	49	82*

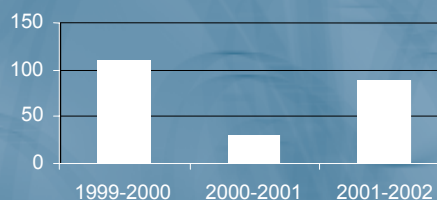
*\*As a result of the recommendations of the Public Bodies Review Committee the ministerial representations have been broken down to reflect the nature of the feedback. Of the 82 ministerials received in this financial year 20 were complaints, 22 were reviews of decision and 40 related to requests for information or clarification of the role of the Office.*

## TYPE OF FEEDBACK

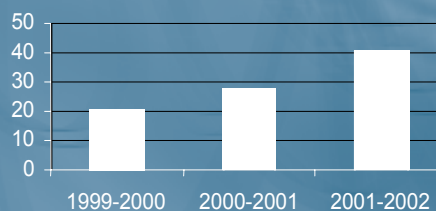
### Number of Compliments



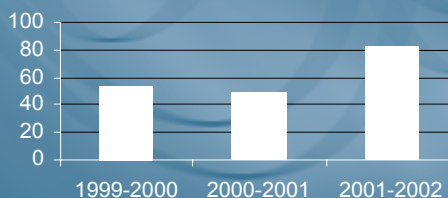
### Number of Complaints



### Number of Review of Decision



### Ministerials



### 3. Our Organisation (Corporate Governance cont'd)

The number of complaints increased in 2001-2002 to figures in line with previous years. It is not completely clear why the number of complaints was less in 2000-2001, however, it is possible that the Public Bodies Review Committee Inquiry may have had an impact. The most common complaint related to timeliness, with 20% of complaints having this as an element. Seventeen percent (17%) of complaints related to issues about OPC's role and 15% of complaints related to issues such as inconsistency in applying OPC policies and procedures, and errors.

In response to this information OPC is continuing to review its procedures to streamline the decision making process whilst still protecting clients' interests. OPC is also investigating ways in which increased specialisation can improve the quality of financial management.

Combined complaints about the appointment and role of the Protective Commissioner generated 25% of the complaints and may have been a factor in many of the other complaints. The complexity associated with making substitute decisions in the overall best interests of clients cannot be overstated. OPC is only appointed in situations where a person is at risk of exploitation, abuse or neglect and there is no suitable alternative available. The expectations that some people may have about the role of the Protective Commissioner can sometimes lead to dissatisfaction. For example it is not uncommon for OPC to be appointed in situations where there is extreme family

conflict and one or more sides of a family are looking to OPC to take action against another family member.

Underlying the majority of complaints received by OPC are issues such as a lack of funds in a client's estate to allow the approval of requests for extra money and extreme family conflict with opposing ideas about what is in the overall best interests of the client. In these situations, no matter what decision is made, at least one of the parties is likely to feel aggrieved. However, OPC recognises that improvements can always be made and initiatives, such as improved explanations of the reasons for decisions and community education can have a positive impact.

#### **PUBLIC BODIES REVIEW COMMITTEE RECOMMENDATIONS**

The report of the Public Bodies Review Committee (PBRC) into OPC and OPG was tabled in Parliament in October 2001. The following are the recommendations of the report with OPC's response and progress in implementation.

##### ***Recommendation 1***

That the amendments to the Protected Estates Act giving effect to diversified financial planning and management of the Common Fund on behalf of protected persons be commenced as soon as possible.

##### **Response**

Amendments commenced in November 2001.

### ***Recommendation 2***

That further change management initiatives (such as conduct of workshops and seminars) be implemented to assist staff in better understanding and performing their roles under the new financial management regime.

#### **Response**

Training of OPC staff members has been incorporated into each phase of the prudent person principle implementation program.

### ***Recommendation 3***

That contract para-planners be employed, from time to time, to complement the existing financial planning resources.

#### **Response**

In late 2000 OPC obtained quotes from several para-planning firms to undertake such work. Paraplanning Professionals Pty Ltd was chosen to undertake any overflow work for OPC. To date it has not been necessary to seek such assistance.

### ***Recommendation 4***

That the existing financial planning process be further streamlined by, for example, maximising the use of standard templates for the financial plans and standard investment strategies within the computerised financial planning system.

#### **Response**

OPC's financial planning process already uses standardised forms and procedures for completion. These standardised forms are being incorporated into the financial planning software used by OPC. A standard investment strategy

profile for OPC's clients is in use. It incorporates tax impact assessment, daily funding budgeting, minimisation of exposure to market volatility and maximisation of funds duration.

### ***Recommendation 5***

That a panel of external financial planners be established to provide expert advice on the more complex financial planning issues.

#### **Response**

OPC has completed financial plans for almost all clients with \$1 million or more in liquid assets. Approximately \$320 million is accounted for in these plans. Completed plans are provided to clients/client families and on occasions family members have referred OPC plans to their own financial advisers. Limited financial plans have also been developed for clients with less than \$50,000, with a total of \$59 million was invested in this way.

OPC has recruited experienced financial planners and considers it unlikely external financial planning experience will be necessary. It will however, engage external financial planners as required.

### ***Recommendation 6***

That the existing investment products within the Common Fund be continued to be managed by the Protective Commissioner whilst the management of all other new forms of investment should be outsourced to NSW Treasury Corporation.

### 3. Our Organisation

(Corporate Governance cont'd)

#### **Response**

OPC established new in house investment funds (Access, Cash, Cash Plus, Fixed Interest) on 12 March 2002 and commenced outsourcing of investment funds (Australian Equities, Australian Fixed Interest, International Equities, International Fixed Interest) through Treasury Corporation (TCorp) to State Street Global Advisors on 2 April 2002.

#### **Recommendation 7**

That a revised Implementation Strategy be developed to give effect to the proposed "mixed" investment management approach.

#### **Response**

See above.

#### **Recommendation 8**

That a due diligence inquiry be conducted to clarify the investment management requirements, contractual arrangements and ongoing relationship with NSW Treasury Corporation as well as other legal and taxation issues.

#### **Response**

See above.

#### **Recommendation 9**

That actions be taken to expedite the establishment of the Investment Advisory Committee and that all the external members of the Committee be selected on the basis of their expertise in the financial markets.

#### **Response**

The Investment Advisory Committee (IAC) had

been established and had met prior to the tabling of the report. Membership of the IAC accords with the report's recommendation. The full membership list is published in this report.

#### **Recommendation 10**

That the issue of whether the Protective Commissioner should continue to retain the financial planning function as well as the function relating to the management of the existing forms of investment within the Common Fund be re-examined in three years' time.

#### **Response**

A Senior Officers' Group, established by the Budget Committee of Cabinet, is presently considering this recommendation.

#### **Recommendation 11**

That the Independent Pricing and Regulatory Tribunal examine and establish standard fees for service offered by the Office of the Protective Commissioner, and review these fees on a regular basis.

#### **Response**

The Senior Officers' Group is presently considering this recommendation.

#### **Recommendation 12**

That the New South Wales Audit Office be requested to undertake a fraud prevention procedures audit of the Office of the Protective Commissioner, paid for by the Office of the Protective Commissioner and that the report be made available publicly.

**Response**

OPC has approached the Audit Office to conduct the audit. The Audit Office has agreed to schedule the audit for later in 2002. In addition, OPC now employs a Manager, Quality Control and Audit to co-ordinate OPC's internal audit functions. It has also engaged, as part of the Attorney General's Department's internal audit program, Deloitte Touche Tohmatsu to provide internal audit advice.

**Recommendation 13**

That ongoing monitoring of the internal complaints handling mechanisms by the Public Guardian and the Protective Commissioner, with particular regard to the Ombudsman's guidelines, AS 4269 - 1995 and refinements identified by this Committee and detailed in the report above be a feature of reporting by respective agencies.

**Response**

Agreed. OPC considers its complaints handling mechanisms comply with the Ombudsman's guidelines, with the possible exception of the availability of effective external review.

**Recommendation 14**

That staff training in complaints resolution and in the communication of difficult and complex decisions to clients and related persons be supported.

**Response**

Communicating with clients, dealing with difficult client situations, client service skills and complaints handling formed part of OPC's 2001-2002 Learning and Development Plan. Complaint resolution training is included as part of OPC's induction program.

**Recommendation 15**

That the Protective Commissioner's Annual Report reports on how client compliments and complaints are monitored and used to inform service changes.

**Response**

Agreed. OPC's Annual Report presently reports upon compliments and complaints. See above in this report.

**Recommendation 16**

That the Public Guardian and Protective Commissioner be removed as an officer of the Supreme Court of New South Wales.

**Response**

The Public Guardian is not an officer of the Supreme Court. Implementation of this recommendation is a matter for the Government and Parliament.

**Recommendation 17**

That the Administrative Decisions Tribunal of New South Wales be the first point of external appeal from decisions of the Public Guardian and the Protective Commissioner.

**Response**

Implementation of this recommendation is a matter for the Government and Parliament.

**Recommendation 18**

That the Office of the Public Guardian and the Office of the Protective Commissioner be included in Schedule 1 of the Ombudsman's Act, 1974 (NSW) and therefore subject to scrutiny by the New South Wales Ombudsman.

### 3. Our Organisation (Corporate Governance cont'd)

#### **Response**

Implementation of this recommendation is a matter for the Government and Parliament.

#### **Recommendation 19**

That Protective Commissioner staff duties specifically address the quality of client contact (including face-to-face contact) and liaison with local and regional support services as may be used by the client. That current staff are provided with additional training in effective client contact, including communications, disability awareness training, cultural awareness training and caseload management.

#### **Response**

Considerable effort has been made during the past twelve months to provide staff members with training in the areas referred to by the Committee. Such training formed part of OPC's Learning and Development Plan for 2001-2002 and will be continued in 2002-2003.

#### **Recommendation 20**

That funding be sought to pilot the development of locally-based client contact services (including regional New South Wales) of the Protective Commissioner.

#### **Response**

The Senior Officers' Group referred to in response to recommendation 10 is presently considering this recommendation.

#### **Recommendation 21**

That the Protective Commissioner continue its program of outreach to clients and related persons through surveys and focus groups, to gain input on policy and service issues. Further, that the Protective Commissioner consider appropriate means of enhancement for this program, including feedback as to how client suggestions and recommendations are being considered and acted upon.

#### **Response**

Agreed. OPC client survey to be conducted later in 2002.

#### **Recommendation 22**

That the Protective Commissioner and the Public Guardian consider the potential for the establishment of separate Advisory Committees, including relevant stakeholder groups, to serve the respective organisations.

#### **Response**

It is not clear from the report what would be gained from such a change, unless OPC and OPG were to separate. It is not easy to establish advisory committees as members serve in an honorary capacity. The present OPC/OPG Advisory Committee opposes this recommendation.

#### **Recommendation 23**

That the Protective Commissioner and the Public Guardian consult with clients and relevant stakeholder groups about potential name changes

for the respective organisations, reflecting more appropriately the advocacy role of the public guardian and the financial management role of the Protective Commissioner.

**Response**

Agreed. This issue has been discussed with the OPC/OPG Advisory Council.

**Recommendation 24**

That the training program for staff of the Public Guardian and the Protective Commissioner is augmented by in-service training on an ongoing basis to all staff to update skills and that additional opportunities are employed with linkages both in-house and externally to build on current good practice.

**Response**

Agreed.

**COMMITTEES AND BOARDS  
Advisory Council**

OPC's Advisory Council was established to provide high level independent advice and comment on policies, service delivery and strategic direction. Meetings of the Advisory Council are held quarterly. Members of the Advisory Council are:

**The Hon. Brian Cohen**

A Barrister for 24 years, appointed Master of Supreme Court of NSW in 1976 and Justice of that Court in 1983. Formerly Judge of the Protective Division of the Supreme Court.

**Lloyd Draney**

Retired Head of AMP Foundation. Previous AMP appointments include Group Financial Controller and Investment Manager. Also a Board member and Chairman of the Finance Committee of the Sunnyfield Association.

**Faye Druett**

Acting Chairperson of the Disability Council of NSW, the official advisory body to the Government on all disability issues.

**Phillip French**

A lawyer with extensive background in advocacy for people with disabilities. Currently Executive Officer of People with Disabilities (NSW) Inc. and Private Guardian to two men with intellectual and other disabilities.

**Jenny Green**

Former head of TAFE Disability Services and now Lecturer in Management at School of Management, University of Technology, Sydney.

**Beverley Mackie**

Mother of a client of the Protective Commissioner.

**Janet Meagher, AM**

Research & Rehabilitation Services Manager, Psychiatric Rehabilitation Association, Board member of the World Federation for Mental Health.

### 3. Our Organisation

(Corporate Governance cont'd)

#### **Linda Monaghan-Nagle**

Lecturer and Field Educator at University of Western Sydney researching Aboriginal peoples' access to disability services.

#### **Chris Sidoti**

A lawyer who has undertaken long-standing work on human rights and social justice issues. Human Rights Commissioner from 1995 to 2000.

#### **Barbara Squires**

Member of the NSW Committee on Ageing; Director, Centre on Ageing, Benevolent Society and President of the Australian Association of Gerontology.

#### **Roger Stancliffe, Ph.D.**

Over 23 years experience in the developmental disability field. Currently a senior research fellow at the Centre for Developmental Disability Studies.

#### **Investment Advisory Committee**

This Committee's advises the Protective Commissioner on issues associated with the investment of clients' funds. During the year the Committee oversaw the introduction of diversified investments. OPC is represented on the Committee by the Protective Commissioner and the Director, Finance and Investment. External members are:

#### **Alan Bertram**

31 years experience in investment activities for AMP until retirement in 1999. Undertaken advisory and consultative roles for AMP and Medibank Private.

#### **Susan Doyle** (representing the Attorney General)

32 years experience in the funds management industry, including in Commonwealth Funds management, Suncorp Investments and NRMA Investments.

#### **Ted Gifford**

41 years experience in a wide range of investment activities culminating in a senior management position in AMP until retirement in 2002.

#### **Tim North** (representing the NSW Treasurer)

Principal Advisor, Financial Liabilities, NSW Treasury

#### **Interagency Forum**

OPC has an interagency forum to foster better relationships and communication with the disability sector. The forum discusses developments within OPC and provides an ongoing mechanism for feedback.

The forum comprises representatives from disability groups that share a client base with OPC. The forum provides opportunities for members to raise difficulties their constituents may be experiencing in dealing with OPC and solutions can be discussed. The membership consists of representatives from the following organisations:

- Aboriginal Medical Service
- Aboriginal Mental Health Service
- Aged Care Rights Service Inc
- Alzheimer's Association of NSW
- Association of Relatives and Friends of the Mentally Ill Inc (ARAFMI)

- Brain Injury Association of NSW
- Carers NSW
- Council for Intellectual Disability (NSW)
- Intellectual Disability Rights Service
- Mental Health Advocacy Service
- Mental Health Coordinating Council Inc
- Multicultural Disability Advocacy Association of NSW
- People with Disabilities (NSW) Inc
- Schizophrenia Fellowship

#### **Other Committees**

Significant external committees with representation from OPC during the year were:

- Australian Association of Social Workers: Brain Injury Interest Group, Mental Health Workers Interest Group and Aged Care Workers Interest Group
- Brain Injury Accommodation and Support Services Committee (Westmead)
- NSW Law Society Ethic Committee Client Capacity Issues Sub-Committee
- Department of Community Services (Metropolitan South East Area) Disability Practice Review Group
- Australian Guardianship and Administration Committee
- Regional Implementation Committees (for boarding house reform)

# 4. Our People

## STAFF NUMBERS

The staff of OPC are employed under the provisions of the Public Sector Management Act 1988 and the Crown Employees (Public Service Conditions of Employment 1997) Award. Staff numbers during recent years were as follows:

Staff Numbers		
1999-2000	2000-2001	2001-2002
258	253	237*

*\* This figure excludes 29 vacancies filled on short term basis by staff employed by employment agencies.*

There is a total of four Aboriginal staff members employed in OPC, three of whom are in identified positions.

A 3% Public Sector Award salary increase took effect from January 2002.

## WOMEN

OPC has 132 female staff and actively supports the Spokeswomen's Program. This year the program within OPC was strengthened by the election of an additional Spokeswoman who teamed with the existing Spokeswoman and the Women's Liaison Officer to develop a program around promoting a positive self-image for women and equity for career development.

The program of activities included well-attended presentations with guest speakers on:

- Beating Stress and Burnout
- Sexist Language in the Workplace
- Women, Work and Culture

OPC Spokeswomen have joined with Spokeswomen in other areas of the Attorney General's Department and participated in training sessions and idea sharing forums. The Spokeswomen's Program has been valuable in providing women with information and encouragement to optimise their career choices.

## TRAINING

The Learning and Development (L&D) Unit has continued to provide development opportunities linked to the Challenges and Outcomes of the Attorney General's Department's Corporate Plan and OPC's Business Plan. The Learning & Development Plan 2001-2002 was structured around the corporate objectives of the OPC Business Plan and the recommendations of the Public Bodies Review Committee. Training prepared and promoted by the L&D Unit in 2001-2002 was linked to a corporate objective and the key outcomes proposed in the Business Plan.

The key identified organisational priorities for 2001-2002 were: the introduction of Performance Planning & Development; continuation of the Disability Awareness Program established in 2000-2001; and continuation of the Induction Program initiated in 2000-2001.

The Learning & Development Unit programs included:

- **Client Service Skills;**
- Continuation of the **Disability Awareness and Induction programs** that were commenced in 2001-2002;
- **Client Information System and File Notes** training;
- **Managing Difficult Client Situations;**
- Offering specialised courses for specialist positions within OPC. For example, OPC funds the continuing education requirements of its specialist staff, including Legal Officers and Accounts staff;
- **Stress Awareness and Trauma Management** courses;
- Tailored **Fraud Awareness** session to staff at the OPC's Client Service Centre;
- **File Management** training was provided to Legal staff;
- Review and updating of current training material to reflect the challenges outlined in the OPC's Business Plan and to meet the recommendations of the report of the Public Bodies Review Committee;
- An implementation plan for the introduction and training of staff in Performance Planning & Development (PP&D);
- In house training in **Advanced Word and Excel** for all permanent and temporary Clerical Officer Grade 1 /2 staff whose positions were being reclassified.

## **HEALTH AND SAFETY**

The Occupational Health and Safety Committee, which comprises elected staff representatives and management representatives, continued to meet on a regular basis. Of particular importance was the Committee's ongoing assessment that the Office was complying with the provisions of the new OHS legislation and the development of risk assessment methods to identify, assess, and control all workplace hazards.

The Commonwealth Rehabilitation Service undertook a number of inspections within the workplace and made recommendations on the provision of appropriate ergonomic aids and furniture to individual staff members.

The Employee Assistance Programme, which offers a confidential counselling service to staff, was again available and promoted particularly to new members of staff. Courses were held in Trauma Management and Stress Awareness for Managers.

## **WORKPLACE RELATIONS**

No industrial dispute resulting in work stoppage occurred during the year.

OPC continues to meet regularly with staff to discuss industrial matters via a Joint Consultative Committee comprising representatives of the Public Service Association, OPC Workplace Committee representatives and OPC management.

# 5. Our Clients

OPC exists to ensure the protection of some of the most vulnerable people in our society from financial abuse, exploitation or neglect and plays a pivotal role within the framework of disability support. Making decisions on behalf of people with disabilities can be complex, challenging and involve emotive issues.

## Persons who have OPC as manager of their affairs

1999-2000	2000-2001	2001-2002
8,096	8,404	8,644*

## Persons who have private managers of their affairs

1999-2000	2000-2001	2001-2002
1,678	1,734	1,843*

## Total No. of Clients

1999-2000	2000-2001	2001-2002
9,774	10,138	10,487*

## \*\*Persons for whom OPC fulfils the role of banker

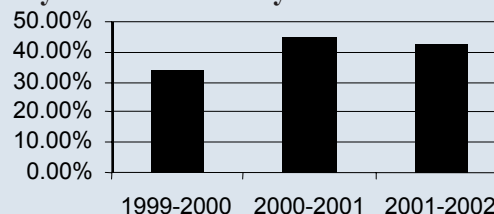
1999-2000	2000-2001	2001-2002
1,334	1,177	1,005

\* This figure includes 950 people with OPC as their manager and 233 people with private managers who are deceased but still have matters outstanding in their estates.

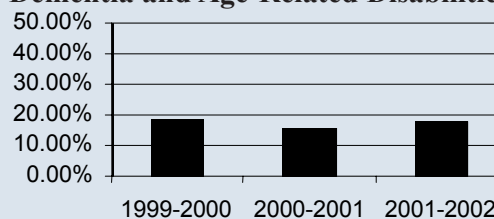
\*\*These persons have developmental disabilities and reside in centres operated by the Department of Ageing, Disability and Home Care but OPC does not formally manage their financial affairs.

## TYPE OF DISABILITIES

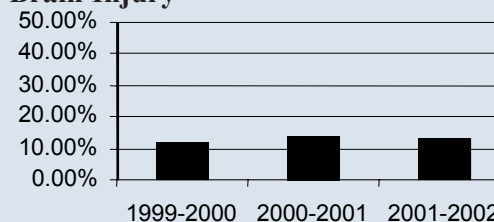
### Psychiatric Disability



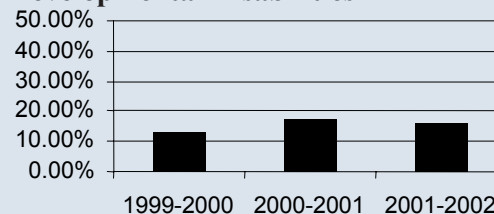
### Dementia and Age-Related Disabilities



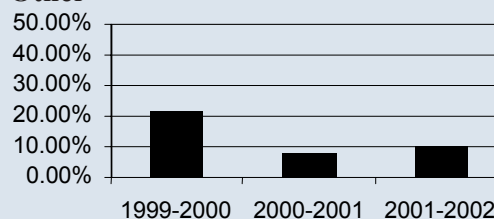
### Brain Injury



### Developmental Disabilities



### Other\*



\*Other includes clients with severe physical disabilities