



Attorney General's department of NSW



Office of the Protective Commissioner and Public Guardian

ANNUAL REPORT 2007

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The Offices of the Protective Commissioner and Public guardian are moving their main offices to the Parramatta Justice Precinct in November 2007.

For more information please go to www.lawlink.nsw.gov.au/opc or www.lawlink.nsw.gov.au/opg

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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 Annual Report of the Protective Commissioner and Public Guardian, together with associated financial statements, for the year 2006-2007.

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



Imelda Dodds
Protective Commissioner and Public Guardian

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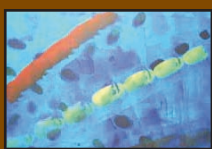
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Office of the Protective Commissioner

> 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 take on the role of financial manager. The financial affairs of 8,786 persons are directly managed and 2,252 private financial managers are supervised 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

OPC has managed Stella's financial affairs for 4 years. Stella received a considerable sum of money from a compensation award as a result of an accident that occurred when she was a teenager.

Stella is in her early twenties, single and currently living in her own home with her family. Her mother is her primary carer.

Stella's accident caused a brain injury that affected her decision making ability. Her injuries resulted in the need for Stella to have 24 hour a day supervision.

When OPC was appointed to help Stella manage her financial affairs, Stella said she wanted to buy a house and a car. She also said that she wanted her mother to continue to be her main carer. Stella wanted to remain active in the community and continue with her daily activity program.

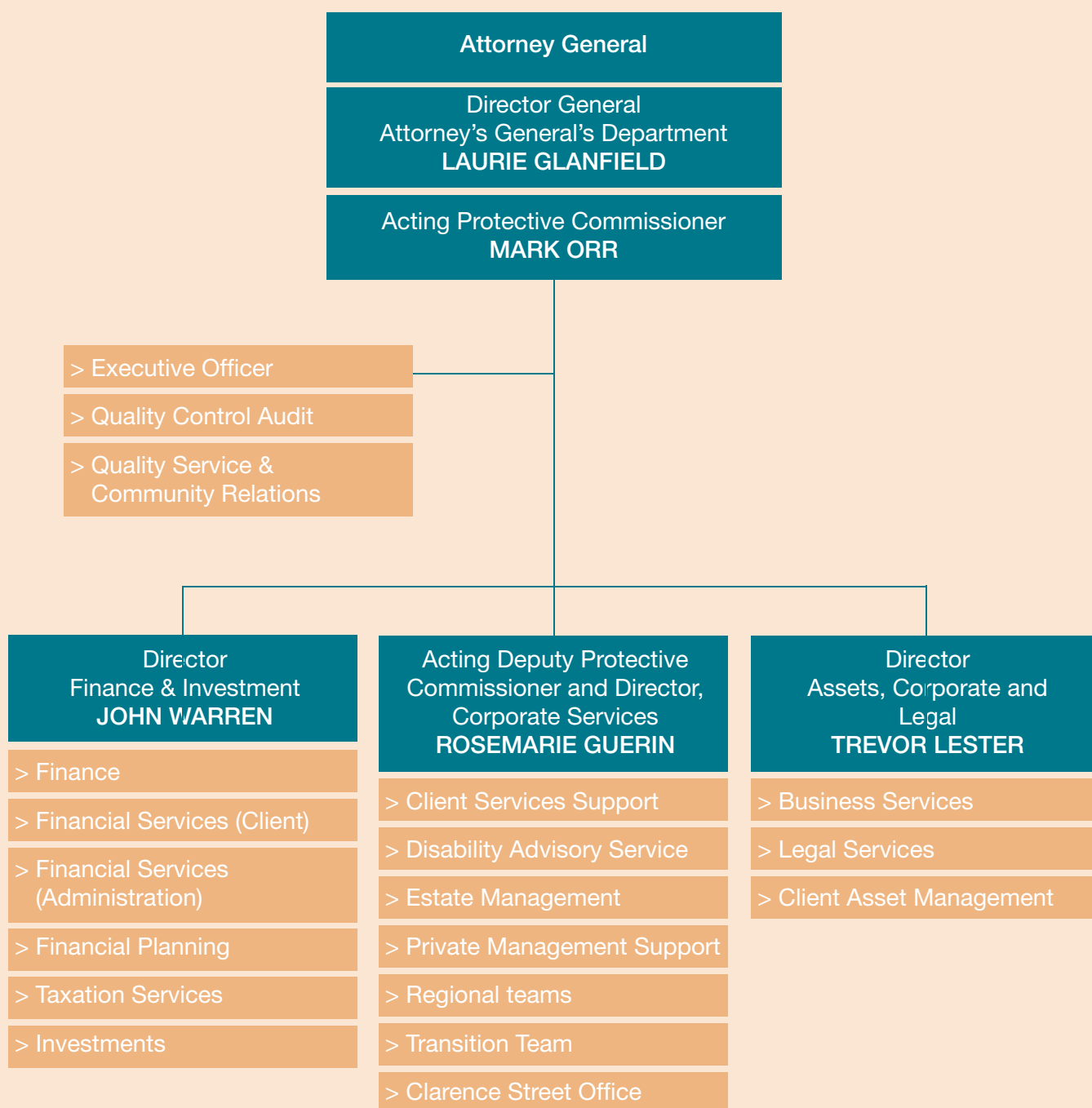
When Stella's compensation money came to OPC about a year ago, OPC organised for an Authorised Visitor to meet with Stella and her family. An Authorised Visitor is an independent health professional who provides a report to the Protective Commissioner to assist in decision making. The Authorised Visitor obtained Stella's and her family's views and wishes and provided a report outlining her present and future needs.

Following receipt of the report, OPC's staff drew up a comprehensive plan. This plan is reviewed annually. Once the plan was completed OPC was able to approve the purchase of a suitable car, determine an appropriate carer's wage for Stella's mother and organise the purchase of a suitable property to meet Stella's needs.

Stella is now living in her own home with her own motor vehicle and being cared for by her mother. Stella has an active life and continues to enjoy her daily activity program.

> 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

To operate in a society in which people with impaired decision-making abilities are included and accepted as valued members and their human rights recognised. The Office of the Public Guardian (OPG) works within a legal framework to:

- > make decisions in the best interests of people under guardianship
- > protect the rights of people who are unable to make lifestyle decisions or provide their own medical consent to treatment
- > support the appointment and practice of private and enduring guardians
- > promote the principles of the Guardianship Act 1987

OPG provides equitable access to services through service delivery at a regional and community level, and is committed to ensuring that our staff work in a safe and respectful environment with the opportunity for development.

Our Mission

To act as a substitute decision-maker for people with impaired decision-making abilities when appointed, and to take all actions necessary to make those decisions, within the principles of the Guardianship Act 1987.

The Public Guardian in New South Wales

The Public Guardian is the guardian for people with impaired decision-making abilities who are unable to make specific decisions about lifestyle or medical 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 who is unable to make specific decisions about lifestyle or medical issues. The Public Guardian is appointed when there is no other person suitable or able to take on this role.

The Public Guardian makes decisions that are in the best interests of the person under guardianship in accordance with the principles of the Guardianship Act 1987.

OPG shares its experiences and knowledge of guardianship with private guardians and enduring guardians (guardians appointed directly by the person) through the Private Guardian Support Unit (PGSU), and with members of the community through community education and its information service.

OPG is located within the Attorney General's Department and the Public Guardian is administratively responsible to the Director General. The Protective Commissioner is also the Public Guardian, however the day to day operations of OPG are managed by OPG's Director and Management Committee.

> Case Study

Vincent is a man in his late fifties and has been under guardianship for the past 15 years.

Vincent has an intellectual disability and as a young man was placed into institutional care. Vincent, who came from a large family, wanted to be reunited with them but this had been difficult to organise.

After several moves to various institutions, Vincent was eventually placed in a group home in a rural area. Vincent received one to one care and was also placed on medication to help control his behavioural issues. His access to community activities was also limited.

Due to funding cuts Vincent's group home was earmarked for closure and alternative accommodation had to be found. At this time Vincent's family had managed to make contact with him again and they wanted to have him living closer to them.

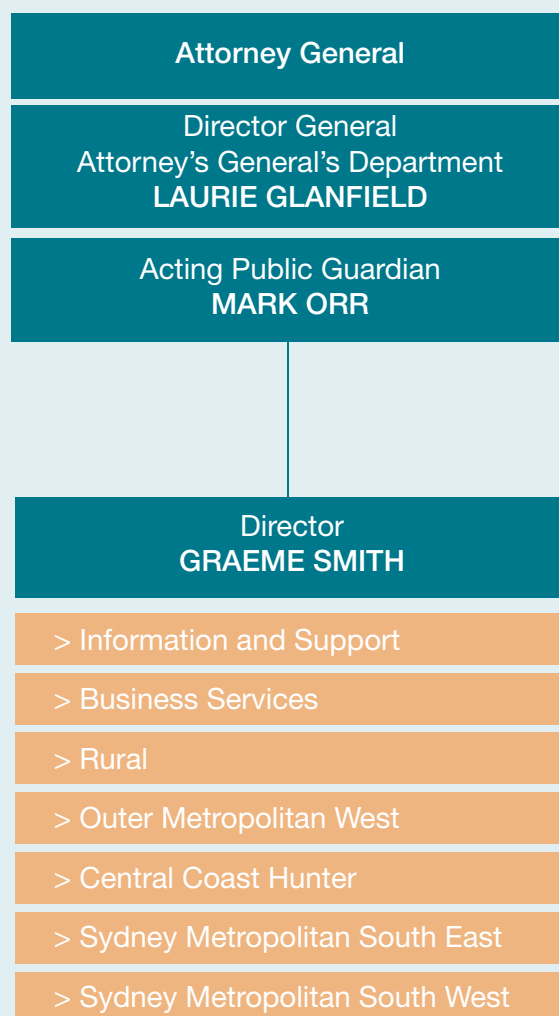
The Public Guardian, Vincent's family and the service provider worked together to advocate for funding from the Department of Disability, Ageing and Homecare to find suitable accommodation for Vincent. After intensive lobbying and advocacy, Vincent was offered a trial placement in another group home close to his family. Vincent now enjoys regular contact with his family, something that he and they have wanted for a long time.

Vincent's new accommodation and contact with his family has helped reduce his behavioural issues and the need for medication. Vincent is now able to socialise with his family and others in a much more meaningful way.

Office of the Public Guardian

> Structure

Established under the *Guardianship Act 1987* the Office of the Public Guardian is part of the NSW Attorney General's Department. The Public Guardian reports to the Attorney General via the Director General.



OPC and OPG Summary of Performance

Challenges	Achievements	Future Directions
OPC - New fee structure to reflect the cost of private management services.	Proposed fee structure has been developed and consultation has occurred with Private Managers and the Guardianship Tribunal.	An IPART review of OPC's fees in late, 2007, will review the proposed structure, and recommend a new fee structure.
To reduce OPC / OPG corporate services expenditure by a further \$100,000.	OPG restructure proposal has been prepared. Financial reporting for OPC and OPG have been consolidated.	Finalisation of the OPG restructure is anticipated for early 2008. Opportunities for further corporate services savings may arise from the move to Parramatta in November 2007.
To reinforce the role and improve the efficiency of the Private Management Branch under the proposed new structure.	The restructure proposal has been prepared. New position descriptions have been drafted and await approval of the new structure. Minimal recruitment action is anticipated.	Finalisation of the private management restructure is anticipated for early 2008.
OPC/OPG to be ready to relocate to Parramatta in late 2007.	A comprehensive relocation plan has been developed and approved by the OPC/OPG Executive. This project is monitored through monthly progress reports.	OPC/OPG to move to Parramatta in early November 2007.
To have the Financial Statements meet the new Australian Accounting Standards and Audit Office of NSW requirements.	External advice on AIFRS changes received and implemented. Position descriptions of accounting staff have been updated to comply with AIFRS changes. The SUN System has been modified to accommodate the AIFRS accounting/audit requirements. Completed.	N/A

OPC and OPG Summary of Performance

Challenges	Achievements	Future Directions
OPG - Managing increased demand for guardianship services within existing resources.	OPG has undertaken a strategic planning process. This process involved an evaluation of the capacity of OPG resources (current and future) together with a review of current work practices.	<p>Roll out of strategic planning process, including possible implementation of restructure of OPG;</p> <p>Determine the feasibility of introducing a community guardianship scheme into NSW;</p> <p>Explore further training opportunities and resources for guardians;</p> <p>Continue to increase awareness of enduring guardianship.</p>
OPG - Increasing accountability – decisions of the OPG reviewed by the ADT requiring increased numbers of internal reviews, preparation of more detailed reasons for decisions and increasing complexity associated with administration and record keeping.	<p>Implementation of complaint management system known as TRACC which handles complaints, requests for reviews of decisions, and external reviews conducted by the ADT.</p> <p>Re-establishment of OPG Information Technology (IT) Working Party to improve the efficiency of the Client Information System.</p>	<p>Continue to review and update IT systems.</p> <p>Progress electronic exchange of information with key stakeholders such as the OPC, the Guardianship Tribunal and medical practitioners;</p> <p>Explore electronic systems which will allow for more efficient analysis of OPG's core work.</p>
OPG - Demand for information on enduring guardianship and the role of the Public Guardian in NSW	<p>OPG continued its enduring guardianship CALD education campaign targeting Italian and Greek communities, providing free information sessions and producing bilingual translated fact sheets.</p> <p>Based on the outcomes of two focus groups conducted in May 2005 with disability service providers, an electronic pictorial publication has been produced by the OPG to communicate to people with a disability what a guardian is and to explain why one may be appointed.</p>	<p>Progress translation of the fact sheet into other languages and continue disseminating enduring guardianship to CALD communities;</p> <p>Further develop and roll out marketing strategies within the OPG's current resource limitations;</p> <p>Further investigate cost recovery strategies for campaign information sessions and key OPG publications;</p> <p>Publish the electronic pictorial publication on-line and disseminate electronically to disability service providers.</p>



01 Office of the Protective Commissioner

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- i. Review of Operations
- ii. Our Clients
- iii. Performance of Program Areas
 - Financial and Asset Management
 - Private Management
 - Funds Management
 - Community Relations
- iv. Outlook

Restructure & Reform

In August 2006, following an independent review by NSW Treasury, a new structure was introduced at OPC. The complexity of clients' estates means that a generalist model where one position knows everything needed in relation to estate management is not sustainable. However, the new structure promotes specialisation of the direct management of clients' financial affairs.

The new structure provides OPC with the opportunity to specialise in communication with people with disabilities as well as other aspects involved in managing clients' estates such as asset management, budgeting, individual planning and Commonwealth income support benefits. It also means that receiving a service from OPC is not dependent on the availability of an individual staff member.

For clients and stakeholders, the most noticeable change is that contact with the office is now conducted through a specialised client liaison unit.

The restructure has caused challenges for some of our clients. To address this we will be looking at making some adjustments to the existing structure in early 2008 to improve service delivery to clients.

Maximising benefits of changes to Superannuation for OPC clients

The 2006 Budget the Federal Government announced significant changes to superannuation to take effect from 30th June this year.

Although the new regulations were not proclaimed until 29th April 2007 after discussion with Sunsuper (OPC's preferred supplier of superannuation for our clients) it was apparent that some clients would enjoy considerable benefits by way of reduced future taxation if large sums were transferred to superannuation prior to 30th June and subsequently to an allocated pension.

In all, since 1st June OPC contributed \$42,223,260 into Sunsuper on behalf of 165 clients.

The long term benefit to our clients with substantial assets is that under current government policy they will have access to the same opportunities as other members of the community.

New fee structure for private management work

OPC has commenced a consultation process in relation to a new fee structure for private manager work to better reflect user pays principles.

- > Directing and authorising the work of private financial managers attracts a number of fees, most notably an income fee of 4% and an account-passing fee of \$100. However, these fees do not cover the fully allocated costs of the branch's operations.
- > RSM Bird Cameron, a firm of Chartered Accountants, was engaged to review a number of fee models and to assist in development of a preferred model for a consultation process. Consultation occurred with all private managers and the Guardianship Tribunal in late 2006.

The preferred model is to charge a set fee for core functions undertaken by OPC, such as issuing directions and authorities, examining accounts and endorsing contracts. Modelling suggests that this approach will cover the fully allocated costs of the branch.



Number of Clients

> PROTECTED PERSONS

Persons who have OPC as their manager

30 June 2005	30 June 2006	30 June 2007
8,235	8,575	8,786

Persons who have private managers

30 June 2005	30 June 2006	30 June 2007
1,873	2,024	2,252

Total

30 June 2005	30 June 2006	30 June 2007
10,108	10,599	11,038

Persons whose estates are no longer under management (including deceased persons) but whose estates have not yet been finalised

who had OPC as their manager

30 June 2005	30 June 2006	30 June 2007
368	347	364

who had a private manager

30 June 2005	30 June 2006	30 June 2007
351	343	343

Persons for whom OPC fulfils the role of banker *

30 June 2005	30 June 2006	30 June 2007
898 [#]	825	753

* 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.

[#] includes 6 institutional resident amenities fund accounts and 9 OPC working accounts.

> NEW ORDERS MADE BETWEEN 1 JULY AND 30 JUNE

Persons who have OPC as manager of their affairs

2004-2005	2005-2006	2006-2007
964 67.0%	1101 66.6%	1024 62.2%

Persons who have private managers of their affairs

2004-2005	2005-2006	2006-2007
474 33.0%	552 33.4%	623 37.8%

Total Orders Made

2004-2005	2005-2006	2006-2007
1448	1653	1647

There were seven (7) reciprocal orders made in the reporting period; one from Queensland, two from South Australia and four from Victoria.

> ORDER SOURCE

Supreme Court

2004-2005	2005-2006	2006-2007
52 3.6%	58 3.4%	61 3.7%

Guardianship Tribunal

2004-2005	2005-2006	2006-2007
1128 77.9%	1299 78.6%	1344 81.6%

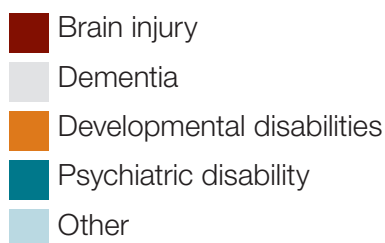
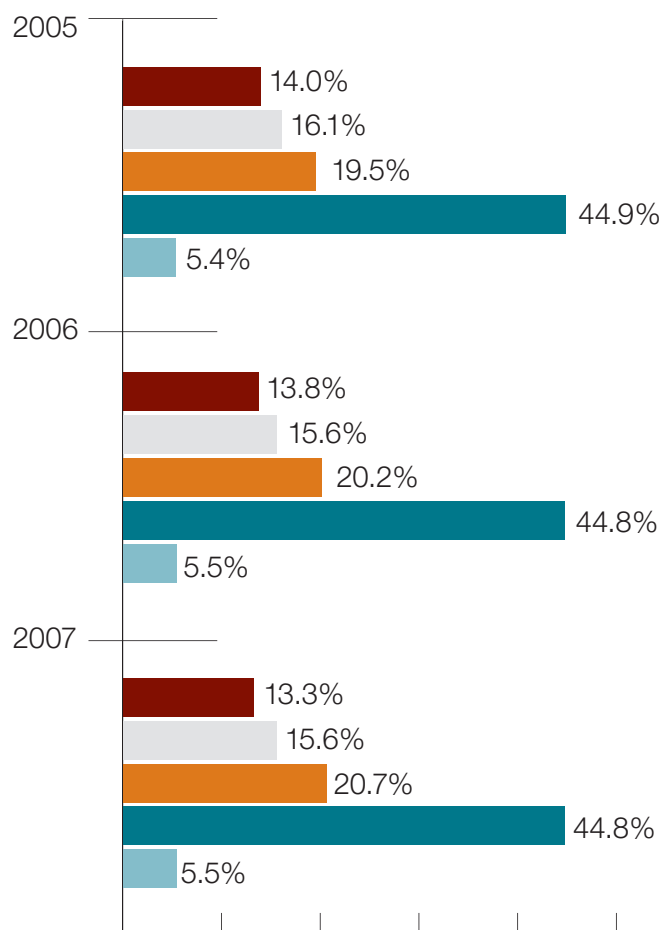
Magistrate Orders

2004-2005	2005-2006	2006-2007
50 3.5%	52 3.1%	67 4.1%

Mental Health Review Tribunal

2004-2005	2005-2006	2006-2007
218 15.1%	241 14.6%	175 10.6%

Types of disability



> **Brain Injury** includes people with an acquired or traumatic brain injury.

> **Dementia** includes all of the dementias, including Alzheimer's Disease, Vascular Dementia, AIDS Dementia Complex and early, or younger, onset Dementia.

> **Developmental disabilities** includes people with an intellectual disability and autistic disorders.

> **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, including frail aged persons not diagnosed with dementia, or who are unable to communicate their wishes due to their physical disability.



Services in OPC are grouped into the following programs:

- > Financial and Asset Management
- > Private Management Support
- > Funds Management
- > Community Relations

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. More than \$1,037 million has been invested to date on behalf of our clients in line with these plans.

Legal Services

As at June 2007 OPC Legal Services provided advice and representation in 634 legal matters which included personal injury, family law and deceased estate matters and recovery of assets on behalf of clients.

During the year our legal staff provided mentoring to graduates as part of the Law Graduate program. They also provided input into the drafting of the proposed new Uniform Civil Procedure Rules relating to guardianship and protected estates.

Superannuation

In the 2006 Budget the Federal Government announced significant changes to superannuation to take effect from 30th June this year.

After discussions with Sunsuper (OPC's preferred supplier of superannuation for our clients) it was clear that the new regulations (proclaimed on 29 April 2007) could benefit many of our clients. By transferring large sums into superannuation before 30th June and then subsequently to allocated pensions, our clients could access the tax advantages available to others in the community.

Since 1st June OPC contributed \$42,223,260 into Sunsuper on behalf of 165 clients.

Taxation Services

During 2006-2007 the number of income tax returns and activity statements lodged by OPC on behalf of clients increased. The number of land tax returns has decreased due to the sale of vacant non-income producing properties:

No. of income tax returns & activity statements lodged

2004-2005	2005-2006	2006-2007
3,300	3,268	3338

No. of land tax matters managed

2004-2005	2005-2006	2006-2007
524	253	54

Transactions for clients

A summary of the key operational activities appears in the table below, with comparative volume over the last 3 years:

Activity

2004-2005	2005-2006	2006-2007
No. of transactions completed		
1,075,800	1,150,300	1,189,240
Unit Registry: Applications (\$million)		
93	100	150
Redemptions (\$million)		
116	146	214
Number of applications		
679	1124	1220
Number of redemptions		
1574	2129	2838

Private Management

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

Private Management Branch Restructure

It is anticipated that the restructure proposal will be dealt with by early 2008. The objectives of the proposal are to provide a structure:

- > which provides for the efficient delivery of services in its role of directing and authorising private managers.
- > that is consistent with that of the OPC's directly managed clients branch.
- > that enables better measurement of work performed in the delivery of services to private managers.
- > which increases OPC's ability to recover costs for the services it provides in a more transparent manner.
- > which is compatible with OPC's new fee structure.

Private Management Fee Review:

The objective of the Private Management Fees Review is to:

- > provide OPC with the resources to enable it to fairly and efficiently undertake its role in the direction and authorisation of private managers.
- > reduce cross-subsidisation and provide an equitable fee structure, and
- > increase OPC's ability to recover its costs more directly and transparently.

Private Managers were asked for their views on the restructure of private management fees. The RSM Bird Cameron report of September 2006 was made available to private managers on request or via the OPC website.

It is now anticipated that Private Management Fees will be incorporated into the review of the OPC Direct Management Fees.

Private Management Branch records quarterly data against its Key Performance Indicators.

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 protected persons 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 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. OPC offers clients seven investment funds plus interest bearing working accounts.

The funds are: -

Investment Fund	Fund Profile	Fund Objective
Australian Cash Fund Classed as 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 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.
International Share Fund Classed as a high risk investment	To provide clients with exposure to a diversified portfolio of international shares across a range of countries.	To achieve medium to long term capital growth.

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	5.96	UBS Australian 90 day Bank Bill Index	5.92
Australian Cash	6.00	UBS Australian 90 day Bank Bill Index	5.92
Australian Cash Plus	4.99	UBS Australian 0-3 year Composite Bond Index	5.01
Australian Fixed Interest	3.48	UBS Australian All Maturities Composite Bond Index	3.49
Australian Listed Property Securities Fund	24.89	S&P ASX 200 Listed Property Trust Accumulation Index	25.37
Australian Shares	28.00	S&P/ASX 200 Accumulation Index	28.16
International Bonds	4.45	Citigroup World Government Bond (ex Australia)	4.71
International Shares	7.24	MSCI World (ex Australia) Index	7.27

* 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.



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

The 2006-2007 financial year has seen a focus on two areas for OPC community education activities, the restructure of OPC's services and the move to the Parramatta Justice Precinct in November 2007.

Restructure

In August 2006, OPC made major changes to the way it provides service to its clients. The majority of the 49 education sessions in the 2006-2007 financial year were about OPC's new structure. We have met face to face with hospital staff, service providers, disability groups, families and clients across Sydney and in regional areas. These sessions have enabled us to explain why the service was changed and how it works now, as well as providing a conduit for the community to provide feedback to us on the new structure.

Move to Parramatta Justice Precinct

The physical move of OPC's main office to the Parramatta Justice Precinct in November 2007, is a logistical and communication challenge for the office. To ensure that all clients and stakeholders are informed of the impending move, OPC has been using a variety of methods throughout the last financial year. Community education sessions have included information about the move. Newsletters for clients, private managers and service providers produced in February 2007, contained information about the move. OPC's website has been regularly updated with maps and information about OPC's upcoming relocation to Parramatta.

Regional Visits

In co-operation with the Brain Injury Association and the Multicultural Disability Advocacy Association, OPC visited Broken Hill in May 2007. Over two days, education sessions were held for local carers and service providers and OPC staff met with clients and private managers. OPC staff also participated in local disability and aged care interagency meetings providing presentations on OPC services and structural changes.

Our June visit to Newcastle was co-ordinated with the staff from John Hunter Hospital and provided information sessions for service providers, families and clients to discuss the OPC's restructure.

OPC Website

With over 54,000 hits in the last financial year, OPC's Lawlink website has continued to be a key channel for updating the community and stakeholders about changes at OPC. The most popular downloads from our site were our Annual Report 2005-2006, Budget Booklet and Private Managers Handbook. During the 2006-2007 financial year the site has provided information on the implementation of OPC's new structure, the Annual AGAC National Conference, OPC's relocation to Parramatta in November 2007, Privacy, new OPC publications and changes in OPC executive positions.

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

Program Priorities

Financial and Asset Management

- > Establish an individual plan for all new directly managed clients, including a personalised budget.
- > Prepare for IPART's review of OPC fees and the introduction of new fees for private management.

Private Management

- > Finalise Private Management Branch restructure.
- > Develop resources and technology to better educate, inform and interact with private managers.

Community Relations

- > Clarify OPC's role since the restructure and develop information resources for staff and the community.
- > Educate the community about alternatives to financial management orders where appropriate .

Further priorities for OPC in the coming year include:

- > Implement the transition to the Parramatta Justice Precinct.
- > Enhance the professional development opportunities available to all staff to improve the delivery of service to clients
- > Refine the restructure.



02 Office of the Public Guardian

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- iv. **Report on Achievements**
- v. **Outlook**

Restructure

During 2006/07 financial year the Public Guardian completed a proposal to restructure resources within OPG and for the creation of new positions and responsibilities. The planning process involved close consultation with OPG staff. It is predicted that the restructure will reduce staffing instability, raise productivity and increase efficiency and effectiveness. It is anticipated that the restructure will be finalised in early 2008.

Community Guardianship Program – A Proposed Business Case

OPG has completed preliminary work in the development of a Community Guardianship Program in NSW. As part of this work we have studied community guardianship programs which currently operate in Victoria, Western Australia and the Australian Capital Territory.

Prior to completing the business case we will undertake consultations with key stakeholders regarding the development and implementation of such a program.

“What Is A Guardian” Electronic Publication

Based on the outcomes of two focus groups conducted in May 2005 an electronic pictorial publication has been produced by the OPG to communicate to people with a disability what a guardian is and why one might be appointed.

The publication explains the role of a guardian and what it can mean to have a guardian appointed through the story of Jodie, a young woman who has an intellectual disability. Jodie’s group home is being sold and she needs to locate to a new home. Jodie does not have capacity to make this decision herself and her family are in conflict about the proposed decision.

The publication will be available on our website and will ideally be used by people who come under guardianship with support from families or carers. The Guardianship Tribunal will be able to refer clients after a hearing to this resource.

The publication has been developed after extensive consultation with disability peak groups, people with disabilities and OPG staff to ensure its effectiveness. What is a guardian will be available on-line by late 2007 and it will be disseminated electronically to disability service providers.

Complaints Reporting and the Client Information System

This year the complaint management system known as TRACC (Tracking Reviews, Appeals, Complaints and Compliments) was fully integrated into OPG’s Client Information System.

TRACC handles complaints, requests for internal reviews of decisions, and external reviews of OPG’s decisions conducted by the Administrative Decisions Tribunal (ADT). TRACC compiles data for analysis and identifies areas which may require improvement, such as response time, policy and practice.

The Private Guardian Support Unit (PGSU) database was also integrated into the Client Information System this year. The database assists PGSU in their role of providing information and support in relation to guardianship practice and substitute decision-making to legally appointed guardians. As PGSU is a confidential service minimal information is kept about each guardian and only PGSU staff have access to the database. The database also contains a mailing list of private and enduring guardians who receive the PGSU bimonthly newsletter Onguard.

32 Life Pieces - The OPG/OPC Art Exhibition

On the occasion of the 20th anniversary of the proclamation of the Guardianship Act 1987 the offices of the Public Guardian and the Protective Commissioner presented the exhibition *32 Life Pieces*.

The exhibition was generously hosted throughout the month of June, at Parliament House by the Hon. John Hatzistergos MLC, NSW Attorney General and Minister for Justice and was officially launched on 1st June 2007 by the Hon Kristina Keneally MP, Minister for Ageing and Minister for Disability Services.

The theme of the exhibition 'Tell us about yourself; tell us about your life' featured an impressive array of work from across NSW and celebrated the talents of people with a diverse range of disabilities, life circumstances and stories. Over 80 artists contributed to the exhibition.

During the launch artists were interviewed and spoke about what it meant to them to be part of *32 Life Pieces* exhibition. One artist commented that it was great to make art but even better to sell it. All proceeds from the sale of art works directly benefit the artists and sales passed \$9500 which exceeded the expected target.

The works submitted to the *32 Life Pieces* exhibition have revealed what is possible when people with disabilities are supported to develop their talents, to make choices about self expression, and to find opportunities that may not normally be afforded to them.

The OPG/OPC hopes to host the event again in 2009.

OPG Information Technology Working Party

In November 2005 the Public Guardian launched its new Client Information System (CIS). The database has greatly increased OPG's capacity to service clients through the recording, retrieving and conveying of information. The new database has also increased the transparency and accountability of the Public Guardian's core work. That is, substitute decision-making for people with impaired decision-making capacity.

OPG Information Technology (IT) Working Party was re-established in late 2006 to further improve the efficiency of the CIS and to respond to issues identified by staff. The members of the IT Working Party are drawn from all sections of the organisation, each of whom provides feedback to their individual teams.

The changes that have been made and those due for implementation, aim to refine the current CIS and ensure that the system facilitates the work OPG undertakes for clients.

Position Statements and Practice Guidelines

This year OPG has updated its position statements and practice guidelines. The position statements and practice guidelines assist with the ongoing improvement of decision-making and consistent delivery of guardianship services by the Public Guardian. They are used in staff training and guide staff in their guardianship practice.

Services to People Under Guardianship

This financial year we provided guardianship services to 2832 people with a disability, the majority of whom required significant levels of support to manage their day to day life. This is a 28.7% increase of last year's figures. These figures are important in understanding the actual work we have done this year in terms of guardianship; this includes meeting with clients and stakeholders, attending guardianship hearings, creating and implementing guardianship plans, and preparation for Guardianship Tribunal hearings.

As at 30 June 2007 the Public Guardian was the guardian for 1782 people. This is a 2.7% increase on last year's figures. Although there has been a slight increase since last year, there has been a slight decrease in the number of orders which have been renewed. This year approximately 53% of orders were renewed and 31% of orders were discharged from public guardianship (see Table 1.1).

These statistics reflect the work that has been done by not only OPG but also the Guardianship Tribunal in seeking alternatives to public guardianship. This is in the spirit of the Guardianship Act which aims to promote the welfare and interests of the person and states that the Public Guardian is appointed as the guardian of a person when there is no other person suitable or able to be the guardian.

Table 1.1

	04/05	05/06	06/07
Total client numbers	1672	1735	1782
Renewed orders	58.2%	59.1%	53.2%
Mental Illness	23.1%	32.6%	31.4%

In 2006/07 the OPG provided evidence at 991 Guardianship Tribunal hearings, an average of approximately 82 hearings per month. The most common decision-making areas (functions) given to the Public Guardian were Accommodation, Health Care, Medical and Dental consent function.

Over the past three years the most common type of disability of people under guardianship has been developmental disability; however the numbers for other disability types such as Dementia and Mental Illness have been steadily increasing over the past three years. Table 1.2 provides further details of the types of disability of people under guardianship.

Table 1.2

Type of Disability	04/05	05/06	06/07
Advanced Age	12	13	17
Autism	20	18	19
Brain Injury	107	78	182
Deaf and Blind	4	4	6
Dementia	285	290	317
Developmental	634	503	656
Eating Disorder	5	7	8
HIV AIDS related	2	2	4
Mental illness	226	226	260
Neurological related	84	109	99
Physical	12	11	17
Psychiatric related	25	179	46
Stroke related	28	nil	23
Reason unknown	111	176	10
No reason established	3	nil	1
Miscellaneous/other	114	119	127
TOTAL	1672	1735	1782

Services to the Community

OPG provides an information service through its Information and Support Branch. This service is available to the general community, service providers and to legally appointed guardians. The Information and Support Branch responded to 3224 requests for information this year, nearly double the number of requests received last financial year. The most commonly requested information was regarding Enduring Guardianship (information and the publication *Enduring Guardianship in NSW: Your way to plan ahead*), and information about the Guardianship Tribunal.

The Information and Support Branch also provides information via community education sessions. These are free and this year 58 sessions were provided across NSW metropolitan and regional areas. Audiences ranged from carers, service providers, allied health professionals, medical and legal practitioners and service providers working with CALD (culturally and linguistically diverse) communities. Content of the sessions included enduring guardianship and planning ahead, the role and function of the OPG, Part 5 of the *Guardianship Act* and substitute consent to medical and dental treatment.

This year we also incorporated into our community education program:

- > information on capacity and capacity assessment;
- > information about our move to Parramatta in late 2007, in the form of presentations, paper and web based information.

OPG continued its enduring guardianship CALD education campaign which aims to disseminate enduring guardianship information to CALD communities and people working with these communities. This year OPG targeted Italian and Greek communities providing a free information session to migrant health workers in Liverpool. Further information sessions are planned for the next financial year in Marrickville, Leichhardt, Botany Bay and Wollongong. Feedback from the information sessions about the project has been positive and

highlights a continuing need for tailored information for CALD communities. Bilingual translated fact sheets have also been provided to service providers as a resource to take back to the community. These are also available on the OPG website.

Our website also provides information to the community about all aspects of OPG. This year we received over 55,000 hits to this website. The website has become an important mechanism for educating the community about enduring guardianship and planning ahead. The OPG enduring guardianship publication, *Enduring Guardianship in NSW: Your Way to Plan Ahead* and the enduring guardianship forms of appointment have been the most downloaded items from the website this year. The website is updated regularly.

Services to Private Guardians and Enduring Guardians – The Private Guardian Support Unit (PGSU)

Private guardians are family members or friends appointed by the Guardianship Tribunal for a person who has lost capacity to make her or his own decisions and needs a guardian. An enduring guardian is a trusted person appointed by someone before they lose capacity. An enduring guardian only starts making decisions when the person who appointed them can no longer make her or his own decisions.

The Private Guardian Support Unit (PGSU) assists legally appointed guardians in their role by providing support and information using the knowledge and experience of the NSW Public Guardian. This year 457 guardians received support from the PGSU, which is more than double the contacts received in 2005/06.

Private and enduring guardians receive a bimonthly newsletter (*Onguard*) and, on request, a substantial guide to the role and function of a guardian as well as notice of community education activities. This year the PGSU produced and disseminated six newsletters and an additional edition for private guardians and enduring guardians.

Report on Achievements

The Integrated Services Project Reference Group

The Integrated Services Pilot Project for Clients with Challenging Behaviour is a three year project operated by the Department of Ageing Disability and Home Care in partnership with NSW Health and the NSW Department of Housing. The program, which is in its second year, targets adults with challenging behaviours who, due to the severity of their challenging behaviour, can't be managed successfully by local supports.

The project aims to improve the housing stability, behaviour and social connectedness for participants; improve the coordination and capacity of local supports; reduce the cost and impact of behaviour on the client, others and services; and contribute to developing a more informative approach to supporting people with challenging behaviour

OPG has played a significant role in the establishment of this project and is continuing its involvement through the Integrated Services Project Reference group. This is an interagency group which facilitates communication between the management, staff of the project and key stakeholders. The Public Guardian is also the guardian for over 95 per cent of current clients accepted into the Integrated Services Project.

Memorandum of Understanding - OPG, Department of Housing and OPC

During the year OPG commenced negotiating a Memorandum of Understanding (MOU) with the Department of Housing, in conjunction with the Office of the Protective Commissioner. The aim of the MOU is to clarify the responsibilities of each agency in relation to shared clients. The MOU will also look at the rights of these clients in the light of recent housing reforms, which include a move to a fixed tenancy model renewable for 2, 5 or 10 year periods.

The MOU is due to be finalised in the first quarter of 2008.

Memorandum of Understanding - OPG, NSW Police and the Ambulance Service of NSW

During the year OPG also commenced negotiating a Memorandum of Understanding (MOU) with the NSW Police and the Ambulance Service of NSW. The aim of the MOU is to clarify the responsibilities of each agency and to facilitate the enforcement of Guardianship Orders where such orders include a coercive accommodation function. When appointed with a coercive accommodation function the Public Guardian has the authority to move the person against their wishes with the assistance of services including NSW Police and the Ambulance Service of NSW.

The MOU is due to be finalised in the first quarter of 2007/08

Outlook

Strategic Planning Process

In 2005/06 the OPG commissioned the Disability Studies and Research Institute to conduct research into the high rate of re-appointment of the Public Guardian. In response to this report, this year we undertook a strategic planning process. This process involved an evaluation of the capacity of our resources (current and future) to meet foreseeable challenges. It also involved a review of current work practices.

In the coming year the roll out of this plan will commence in an attempt to meet the challenges faced by OPG which include;

- > continuing to make decisions which are in the best interests of people under guardianship.
- > to further promote the principles of the Guardianship Act..
- > to continue to provide education and information regarding enduring guardianship and the role of the Public Guardian.

Proposed restructure

As we face ongoing demand for public guardianship changes are needed to the existing structure of the office. OPG has prepared a proposal to restructure resources within OPG and for the creation of some new positions and responsibilities. OPG will continue with this process in the coming year.

Parramatta Justice Precinct

The majority of OPG's Central Office and all of its Blacktown Office are scheduled to relocate to the Parramatta Justice Precinct in November 2007. We will maintain an office in Gosford and a city office which will be co-located with the Office of the Protective Commissioner (OPC); this will be in York Street.

OPG will maintain stability within the organisation by planning and preparing for staff losses and gains, including a potential loss to the current knowledge base held in the office.

Community guardianship

As part of our ongoing effort to improve services and support to people under the guardianship of the Public Guardian, OPG will undertake research and consultations with key stakeholders regarding the feasibility of the development and implementation of a community guardianship program in NSW.

We believe that such a program would enhance the quality of service provided to clients of the Public Guardian.

Marketing enduring guardianship information campaign

We will continue to review our current strategies for providing information to the community about enduring guardianship and look at new ways of providing community education. This will include the development and roll out of marketing strategies within the OPG's current resource limitations. A submission for cost recovery of the campaign information sessions and key publications will be investigated in the next financial year.

We must work towards increasing awareness of the Private Guardian Support Unit (PGSU). In the next financial year PGSU will undertake further investigation into training opportunities and developing resources for private guardians.

Technology

We will continue to review and update our information technology systems in an effort to support the practice of guardianship. OPG is currently considering electronic systems which will allow for more efficient analysis of the work we do. We are also looking at electronic networking systems which will provide better communication pathways with key stakeholders such as the OPC, the Guardianship Tribunal and medical practitioners.

Training initiatives

As part of OPG's commitment to promoting staff access to training and development we are currently investigating training opportunities for staff including negotiation techniques and professional supervision.