

OPC Account Payment Performance

■ PAYMENT PERFORMANCE INDICATORS

Schedule of Accounts Payable	Qtr Ended Sept 2005	Qtr Ended Dec 2005	Qtr Ended March 2006	Qtr Ended June 2006
	\$,000	\$,000	\$,000	\$,000
Current	-	-	-	1,072
Less than 30 days	-	-	-	-
Overdue 30-60 days	-	-	-	-
Overdue 60-90 days	-	-	-	-
Overdue more than 90 days	-	-	-	-
Totals				1,072*

* Represents accruals at the end of the financial year; invoices received after cut-off date for payment of invoices.

Schedule of Paid on Time	Qtr Ended Sept 2005	Qtr Ended Dec 2005	Qtr Ended March 2006	Qtr Ended June 2006
	\$,000	\$,000	\$,000	\$,000
Accounts paid on time	7,299	8,869	8,079	11,984
Total accounts paid	7,319	8,876	8,170	12,162
	%	%	%	%
Accounts paid on time	99.73	99.92	98.89	98.54
Target paid on time	99.90	99.90	99.90	99.90

Interest paid due to late payments: Nil

OPG Account Payment Performance

During 2005/06, 662 relevant corporate payments were made with a total value of \$996,061.04. It is the policy of OPG that all claims for payment of accounts are paid within the time frame allowed by the terms set out in the suppliers' contracts. If no terms are set, payment is made by the end of the month following the month in which the invoice is received.

Interest paid due to late payments: Nil

Action Plan for Women

The Action Plan states that all areas of NSW Government must take responsibility for women's full economic and social participation in a fair society, by integrating the needs and concerns of women into agencies' every day work. OPC and OPG's services are tailored to the individual needs of the client and, accordingly decision-making, client and financial plans for the services required by a female client are personalised according to her identified.

Five of the ten members of OPC and OPG's Advisory Council are women and one member of the Investment Advisory Committee. Although the individuals on the Disability Interagency Committee are

chosen by the organisations they represent, OPC is fortunate to have a balance between males and females in this forum. This enables women to have a high level of involvement in providing independent strategic advice and ongoing feedback to the Protective Commissioner.

OPC Budget (Operating) 2005-2006

OPC has its budget approved by the Director General of the Attorney General's Department.

The amount of government funding for OPC services in 2005-2006 reporting period was \$7.918 million.

	2006-2007 Budget \$'000	2005-2006 Actual \$'000
Operating Revenues		
Investment Income	800	899
Registry Fees	-	-
Court Directions and Supervision Fees	1,500	1,455
Income and Capital Commission (Note 1)	-	-
Management Fees (Note 1)	15,000	15,369
Investment Fund Fees (Note 1)	6,000	3,944
Government Funding	7,432	7,918
Fees - additional services to clients	-	-
Fee for provision of Taxation Service	-	-
Financial Planning Fees	-	-
OPC Services to OPG	54	168
Profit on Sale of Assets	-	-
Transfer under Former Sect 55 (1)(c) of the Protected Estates Act	-	-
Miscellaneous Income	-	-
Total Revenue	30,786	29,753
Operating Expenses		
Personnel Services	19,062	15,266
Operating Expenses	6,334	6,361
Maintenance	780	753
Depreciation	2,717	2,112
Total Operating Expenses	28,893	24,492
Surplus/(Deficit)	1,893	5,261
Capital Revenues		
Transfers under Sect 55 (1)(c) of the Protected Estates Act	-	-
Total Capital Revenue	-	-
Total Capital Expenditure	1,300	1,831

OPG Budget

The management committee oversaw expenditure in the 2005/2006 financial year of \$6.632 million.

The amount of government funding for OPG operations in 2005-2006 was \$6.443 million. Additional revenue was earned as investment income of \$0.147 million. In the past OPG has received government funding in advance and has invested the income to earn interest. During the reporting period the funding changed to quarterly. That resulted in a loss of income and reduced budget. There was a budget deficit of \$43,000 due to end of year accrual of employee related expenses.

Code of Conduct and Ethics

OPC and OPG are covered by the NSW Attorney General's Department (AGD) Code of Conduct and Ethics. There were no changes to the AGD Code of Conduct and Ethics in 2005-2006.

Consultants

OPC and OPG did not engage any consultants this reporting period.

Disability Plan

OPC and OPG have continued to implement the AGD Disability Plan. During the reporting period OPC provided reasonable workplace adjustment for 14 staff with a disability. These adjustments included provision of appropriate ergonomic equipment and modifications to the workplace based on the advice of the Commonwealth Rehabilitation Service.

Initiatives developed through the Flexible Service Delivery project have become OPC and OPG's general practice.

Electronic Service Delivery

OPC is investigating the expansion of the electronic lodgement and payment of Telstra bills to other utilities. This is in addition to continuing to improve electronic systems generally to allow clients and private managers to interact with OPC electronically where they are able and it is appropriate.

OPC is also continuing its investigations into the electronic lodgement of Private Managers' accounts and a direct debit system for payment of private management fees.

OPC continues to use electronic means to purchase and communicate with suppliers in the administration of the organisation.

Equal Employment Opportunity

■ **TABLE A. OPC TRENDS IN THE REPRESENTATION OF EEO GROUPS¹**

EEO Group	% of Total Staff ²			2006
	Benchmark or Target	2004	2005	
Women	50%	58.6%	57%	57%
Aboriginal people and Torres Strait Islanders	2%	1.9%	2.6%	1%
People whose first language was not English	19%	36%	16%	12%
People with a disability	12%	11.5%	8%	6%
People with a disability requiring work-related adjustment	7%	7.7%	7.8%	3%

■ **TABLE A. OPG TRENDS IN THE REPRESENTATION OF EEO GROUPS¹**

EEO Group	% of Total Staff ²	
	Benchmark or Target	2006
Women	50%	77%
Aboriginal people and Torres Strait Islanders	2%	0%
People whose first language was not English	19%	%
People with a disability	12%	11.5%
People with a disability requiring work-related adjustment	7%	7.7%

OPG demographic data for previous years is not available as they were amalgamated with AGD staffing figures in previous reports.

■ **TABLE B. TRENDS IN THE DISTRIBUTION OF EEO GROUPS¹**

EEO Group	Distribution Index ³			2006
	Benchmark or Target	2004	2005	
Women	100	118	90	
Aboriginal people and Torres Strait Islanders	100	NA	NA	NA
People whose first language was not English	100	49.48	97	
People with a disability	100	18.32	NA	
People with a disability requiring work-related adjustment	100	8.75	NA	

Data for distribution trends of EEO group members is not available from Premier's Department at time of printing.

Notes:

1. Staff numbers are as at 30 June.
2. Excludes casual staff.
3. A Distribution Index of 100 indicates that the centre of the distribution of the EEO group across salary levels is equivalent to that of other staff. Values less than 100 mean that the EEO group tends to be more concentrated at lower salary levels than is the case for other staff. The more pronounced this tendency is, the lower the index will be. In some cases the index may be more than 100, indicating that the EEO group is less concentrated at lower salary levels. The Distribution Index is automatically calculated by software provided by ODEOPE. The distribution Index cannot be used for EEO groups where the number of staff in the EEO group is less than 20. For this reason some categories are shown as NA. NB At time of printing 2006 distribution index was not available from Premier's Department.

OPC and OPG's employment equity strategies are detailed in the EEO Strategic Management Plan of the Attorney General's Department.

The Outcomes to be achieved through this Plan fall into nine outcomes areas:

1. Sound Information Base
2. Employee Views are Heard
3. Integration of EEO outcomes into our planning
4. Non discriminatory policies and procedures
5. Needs Based Programs for EEO Groups
6. Managers and Employees Informed, Trained and Accountable
7. Workplace Culture Displaying Fair Practices and Behaviour
8. Improved Employment Access and Participation by EEO Groups
9. A diverse and skilled workforce

The AGD Management Plan categorises activities to achieve these outcomes into:

1. **Ongoing Programs and Practices – Things we will continue to do well**
OPC and OPG continue to provide

all exiting staff with the opportunity to comment on their employment experiences at OPC by means of exit questionnaires and/or interviews.

OPC and OPG staff were encouraged to update their personal details on the Aurion payroll system in order to improve the EEO data available to enable OPC to monitor EEO outcomes. This resulted in an improvement in the percentage of staff providing these details from 30% to 49%.

Flexible Working Practices are available to all staff to promote and support EEO outcomes and assist staff in balancing their work and family commitments.

OPC has two Aboriginal and Torres Strait Islander (ATSI) staff. These staff are supported in their active membership of the Department's Equity Network and meetings/conferences.

A range of communication and consultation strategies (including staff forums and workshops) were implemented as part of OPC's restructure to ensure that the needs of staff from EEO groups were heard and addressed.

Additional support in training in job seeking was provided to ensure that EEO group members were not disadvantaged in the recruitment process.

All OPC managers have specific EEO responsibilities included in their position descriptions and have been trained in providing constructive feedback to staff having regard to EEO issues/considerations. New position descriptions were prepared to reflect

the new administrative structure within OPC and all of these position descriptions incorporated specific EEO responsibilities.

OPC continues to monitor, analyse and report on grievances lodged by staff.

OPC continues to promote the Community Language Allowance Scheme.

OPC and OPG continue to implement reasonable adjustment to promote the employment of suitably qualified staff with disabilities.

2. Building on Our Achievements - New Initiatives in Equity & Diversity

Staff and managers have been trained in the prevention of workplace harassment and procedures for investigating harassment within the workplace.

Any complaints raised by staff are promptly investigated in line with the Attorney General's Department's policy and procedures.

■ PRIORITIES FOR 2006-2007

OPC and OPG will implement the Department's "Right to Dignity at Work" strategy and ensure that all staff and managers are aware of their obligations to each other within the workplace and the avenues available should workplace bullying or harassment occur.

Ethnic Affairs

■ ETHNIC AFFAIRS POLICY

OPC and OPG are committed to providing appropriate services to meet the individual needs of all clients.

■ ETHNIC AFFAIRS PRIORITY STATEMENT (EAPS)

OPC manages clients' finances to meet their individual needs. This means that a client's cultural requirements are integral to the task of making substitute financial decisions. OPG makes decisions about lifestyle or medical matters as guardian of last resort for people unable to make these decisions for themselves. This also means that the client's cultural needs are an important piece of information to uphold the Guardianship principles.

■ PROMOTING ENDURING GUARDIANSHIP TO CULTURALLY AND LINGUISTICALLY DIVERSE COMMUNITIES (CALD)

OPG is running an education campaign which aims to promote enduring guardianship to CALD communities. This project will build on the considerable work the OPG has undertaken to disseminate enduring guardianship information throughout NSW since 2000.

The first phase of this campaign, involving consultations with peak bodies working with CALD communities, is complete. Translated fact sheets and translated forms for appointing an enduring guardian have been completed and will be ready for dissemination in December 2006.

In the coming year, OPG plans to provide training and information sessions to people working with CALD communities, including legal practitioners, bilingual workers, and the CALD community. The campaign will also be promoted in the ethnic press.

■ STAFF TRAINING ON CULTURAL DIVERSITY

As part of OPC's induction program the

cultural and linguistic needs of clients are incorporated into the following modules:

- What is OPC? – Guardianship Principles*
- Decision making in OPC*
- Making and communicating Decisions*
- Quality Service in OPC*

OPC staff are also encouraged to participate in the AGD “Client Service Skills” Training, which incorporates the cultural and linguistic diversity among clients.

■ LANGUAGE SERVICES AND INFORMATION PROVIDED TO THE DIVERSE COMMUNITY OF NSW

To aid in delivery of services to a culturally diverse client group OPC has fourteen staff receiving the Community Language Allowance. OPC can offer language assistance in twelve community languages.

Clients were offered language assistance using the Telephone Interpreter Service where appropriate. OPC also continues to engage professional interpreters to interpret and translate for clients and their family members. During 2054-2006, face to face interpreting and translation of documents occurred on 133 occasions.

OPC has continued to encourage clients and others to seek interpreting assistance if required by including a panel in 21 community languages on brochures, the back of our letterhead, the website and the Annual Report.

Freedom of Information

The *Freedom of Information Act 1989* provides a formal mechanism for members of the public to access particular information about government bodies.

The Director, Corporate Services has the role of Freedom of Information Coordinator for OPC. This position was chosen to fulfil this role due to its independence from decision-making concerning both clients and private managers.

No requests for internal review of FOI decisions have been made under the Act.

Members of the public who would like to make a Freedom of Information application may contact the OPC’s FOI Co-ordinator.

A full report of activities compared with the previous reporting period is shown below:

Freedom of Information Statistics

Freedom Of Information (FOI) Requests	2004/05	2005/06
New (including transferred in)	24	62
Brought forward	Nil	1
Total to be processed	24	63
Completed	23	63
Withdrawn	Nil	Nil
Total processed	23	63
Unfinished	1	Nil
Result of FOI Requests		
Granted in full	16	46
Granted in part	2	8
Ministerial Certificates Issued	Nil	Nil
No. of Requests Requiring Formal Consultation	8	2
Notation of Personal Records	Nil	Nil
FOI Requests Granted in Part or Refused	7	16

Basis of disallowing or restricting access	2004/05 Schedule 1 Part 2 (6)	2005/06
All Completed Requests - FOI fees Received	\$575	\$1,512.50
Type of Discount		
Financial hardship, pensioner, public interest	6	33
Days to Process - Elapsed Time		
0-21 days	3	63
22-35 days	13	-
Over 35 days	7	-
Total	23	63
Processing Hours		
0-10 hours	8	61
11-20 hours	15	2
21-40 hours	-	-
Over 40 hours	-	-
Total	23	63

Grants

There were no grants made to any non-government community groups during the year.

Guarantee of Service

OPC's commitment to service is to ensure that clients have a carefully and professionally planned financial future - one that meets their lifestyle needs and is within their available financial resources. We strive to provide a high level of service and our staff members are committed to:

- maintaining the highest ethical standards of integrity, equality and confidentiality
- serving our clients' needs with the

best that our professional skills and experience can offer

- respecting different cultures
- upholding the principles of the Guardianship Act, 1987 in every aspect of our work.

Service Standards for Estate Management and Private Management are published and available from OPC.

OPC undertakes to respond to phone calls within 2 working days and correspondence within 15 working days.

OPG has guardianship standards to identify minimum requirements a person under guardianship, and other interested parties, can expect of guardianship staff. These standards follow the general principles of the Guardianship Act 1987, which set out the principles a guardian must observe when making decisions on behalf of the person. The standards complement positions statements and procedures, which are already in place to guide and direct the decision-making and advocacy of staff of the Office of the Public Guardian. Complaint and review mechanisms exist for people affected by the decisions of the Public Guardian. Staff of the Office are also bound by a range of government requirements, including a Code of Practice relating to areas such as appropriate professional behaviour, privacy and confidentiality, conflict of interest and ethical work practices.

There are 6 guardianship standards

1. provide information
2. seek views
3. record information
4. make decisions
5. participate in guardianship reviews
6. professional development

Land Register

OPC does not own land and no land owned by OPC was sold or disposed of this year.

Legal Changes

There have been no significant legal changes during the reporting period.

Overseas Trips

No OPC or OPG staff member undertook an overseas trip during 2005-2006. Although during a self funded trip, Mark Orr, Deputy Protective Commissioner attended the 5th International Conference of Public Trustees and Public Guardians in the UK from 4-8 June 2006.

Privacy Management

The relationship OPC has with clients in managing their financial affairs means we collect and maintain a wide range of personal information regarding their lifestyle choices, significant relationships, health care needs and living arrangements. For many clients financial management orders may be in place or renewed on an ongoing basis for the rest of their lives and their expenditure records are maintained to answer inquiries regarding expenditure.

OPC completed a Privacy Audit in 2005-2006. The initial activities which were undertaken to improve privacy compliance within OPC in 2005-2006 are:

- a) modification of the client database to reflect the responsibility and security level assigned to each staff member's position;
- b) specific education to be provided to staff on privacy issues including Privacy and Personal Information Protection Act, 1998 (PPIPA) and the Health Records and Information Privacy Act, 2002 (HRIPA);

- c) investigation into limiting staff's access in the training environment to their usual access level;
- d) upgrading of the auto attendant on phone system to include a privacy statement; and
- e) A privacy audit to be conducted annually to ensure compliance with privacy legislation.

Publications

OPC Publications	Publication Format
OPC Annual Report 2004-2005	Report
OPC Annual Report 2004-2005 Highlights Brochure	Brochure
OPC News	Newsletter
Managing	Newsletter
Connect	Newsletter
Fact Sheet 15: Managing the financial affairs of a missing person	Fact Sheet
Private Manager's Handbook	Handbook

OPG Publications	Publication Format
Summary of Activities 2004-2005	Report
Enduring Guardianship: your way to plan ahead (revised 2005)	Booklet
Guardianship standards (revised 2005)	Brochure
Making decisions for people under guardianship - Information for family, friends and service providers (revised 2005)	Booklet
Onguard! (4 editions)	Newsletter
Making decisions for you - Answers to your questions	Booklet

Risk Management and Insurance

Workers' Compensation Insurance Claims

	2005-2006	2004-2005	2003-2004
No. of employees	340*	252	261
No. of claims	21	4	7
Total cost of claims \$'000	105	15	21.8
Average Claims per employee	0.062	0.016	0.026
Average Cost per employee	\$309	\$60	\$83

*The increase in the number of staff is because OPG has 82 staff and these were not included in previous years

Motor Vehicle Insurance Claims

	2005-2006	2004-2005	2003-2004
No. of vehicles	14*	7	8
No. of claims	0	4	2
Total cost of claims \$'000	0	5	4
Average Claims per vehicle	0	0.57	0.25
Average Cost per vehicle	0	\$714	\$500

* The increase in the number of vehicles is because OPG has 7 vehicles and they were not included in previous years.

Senior Executive Service Positions

As at 30 June 2006, there were three Senior Executive Service positions within OPC and OPG.

- Protective Commissioner & Public Guardian, SES Level 5 - held by Ken Gabb LLB, for the entire reporting period;
- Deputy Protective Commissioner and Director, Client Services, SES Level 2 - held by Mark Orr BSc, BSc (Hons), Grad Dip Spec Ed, Grad Cert Finance & Investment, MHSM, SAFin, MAPS, Registered Psychologist, for the entire reporting period.
- Director, Office of the Public Guardian SES Level 1 – held by Graeme Smith, BSocSc. BLegStud, for the entire reporting period.

Statement of Performance

Protective Commissioner and Public Guardian

Ken Gabb

SES Level 5

Total remuneration package as at 30 June 2006: \$210,000

A great deal has been achieved during 2005-2006. OPG has continued to find innovative ways to meet the challenges of ever increasing client numbers and OPC has enjoyed a year free from external review for the first time in many years.

OPC undertook an extensive restructure of much of its service delivery areas in 2005-2006, resulting in the deletion of its generalist Estate Manager positions and the creation instead of a series of specialist positions. Whereas previously Estate Managers undertook most functions associated with the management of client estates entrusted to their care, those functions will now be spread amongst specialist units.

The restructure is in accord with recommendations made by accounting firm RSM Bird Cameron, which reviewed OPC's operations in 2004-2005 and benchmarked OPC against similar organisations in other states and overseas (principally in Canada).

Prior to the restructure OPC boasted a number of specialist units in areas such as disability advice, financial planning, investment and taxation. Another team specialised in the commencement of management and its finalisation.

The new structure will see the addition of units specialising in liaison with clients and client families, the planning & coordination of management, the development and management of client budgets, client asset management and the management of client income support payments. A new system for the more efficient payment of client expenses will also be introduced.

One aim of the restructure is to improve our relationship with clients and client families through the use of staff members who will be specially selected and trained in communication. Other staff members will specialise in the development of client budgets with the aim of pre-approving anticipated client expenses and rendering more efficient the payment of bills for these expenses. Still others will focus on the management of major client assets such as real property (for example, houses and home units) and motor vehicles. We are hopeful that the expertise that these specialist units develop will improve the level of service we are able to offer our clients.

The introduction of the new structure is being staged to avoid unnecessary

disruption to client service. Our new Benefits unit (client income support payments) commenced in May and the new client payment system commenced in June. I expect the new structure will be fully operational by the end of the first quarter of 2006-2007.

Information technology systems within OPC have been enhanced to support the new structure and assist staff members to improve client service. They will also enable OPC to better its measure performance against benchmarks.

Improvements in information technology have also been a feature of OPG's year. In November 2005 the Director General launched a new client database system designed to provide guardians with a streamlined process that will minimise the amount of time spent on electronic records management and maximise the amount of time working directly with clients. It will also enable OPG to demonstrate that its decision making processes are accessible, fair and transparent and in the best interests of clients.

The new system integrates a number of stand alone databases and WORD based planning documents into a comprehensive database structure. As well as including decision making plans (DPlans) and the recording of decisions, it provides automatic generation of letters and reports to clients and associated parties.

OPG also commissioned in 2005 a study of guardianship orders and the reasons for them to better understand its client base and assist it in planning to meet with limited resources the needs of ever increasing client numbers. And in the latter part of the year OPG held a series of facilitated

workshops to commence development of a strategy and structure to best place it for the medium to longer term.

OPC enhanced the investment products available to clients through the introduction of superannuation and allocated pension products from 1 January 2006. The additional products are a result of changes to Australian superannuation and taxation laws that rendered investment in these products beneficial for some clients. A favourable investment climate, both here and overseas, saw OPC's investment funds again provide good returns in 2005-2006. As a result of these favourable conditions, OPC was able to return to clients \$2.5 million in investment fees that had not been needed for OPC's operations. Although OPC's investment fees are low by industry standards (at 0.5 per cent of funds invested), the return of fees reduced the effective fee rate to 0.31 per cent in 2005-2006. Of course, OPC cannot guarantee that the favourable investment conditions of the past year will continue or that it will be able to remit fees to clients in the future. Nevertheless OPC's commitment to the provision of effective services at the lowest possible cost to clients will remain.

As part of a Departmental program of corporate services reform, OPC/OPG has outsourced to the Department its payroll and most human resource functions. Information technology (IT) staff members also transferred to the Department as the beginning of a commitment to better integrate our IT systems with those of the Department. I do not underestimate the difficulties that lie ahead in seeking to better integrate IT systems as we look ahead to shared accommodation with the Department within the Parramatta Justice Precinct but such challenges must be faced

if greater functionality and efficiency is to be a longer term goal.

OPC/OPG will seek to build upon corporate services savings in the year ahead through greater integration of corporate services within the two offices. This program is part of a wider investigation into the potential to more closely integrate OPC/OPG in the years ahead. Whilst I am conscious of the various arguments for or against closer ties, the potential benefits in terms of integrated service delivery and administrative efficiency are certainly attractive.

Waste Reduction and Purchasing Policy

OPC continues to encourage staff to improve efficiency in the use of energy. Ways in which this is being achieved is by recycling all waste paper and cardboard, turning off lights when rooms are not in use, printing double sided whenever possible, turning off computer monitors during work breaks and not printing e-mails unless necessary.

Savings have also been achieved by the gradual reduction in the use of laser jet printers as additional multi functional document centres have been installed. This has also seen the decrease in the number of toner cartridges supplied.

OPC reduced the number of Annual Reports printed last reporting period and will continue to print minimal numbers. People are encouraged to access an electronic version of the Report through the website.

OPG has a policy of recycling paper and reducing paper wastage. Each staff

member has a paper recycling bin at their desk which they are encouraged to use and there are larger paper recycling containers in the common areas of the office. There are a number of secure paper disposal bins that are removed weekly by document destruction contractors.

Works in Progress

The total cost of works in progress in OPC at the end of the financial year was \$1.4m for computer software enhancements.

When the job is completed, the balance will be transferred to the asset account and will be depreciated on a monthly basis.

Response to a significant matter raised by the Auditor-General

Pursuant to Clause 5(d) of the Annual Reports (Departments) Regulation 2005 the following significant matter is reported.

Make good provision

The Statutory Audit Report for the year ended 30 June 2006 prepared by the Auditor-General identified that the Office had not recognised in its accounts a 'make good provision' for its current accommodation. The Office is planned to relocate to the Parramatta Justice Precinct (PJP) in late 2007.

Response

The Office did not recognise a need for such a provision due to advice received by the Attorney General's Department that funding for this would be provided from the NSW Treasury PJP relocation budget.

The Office is currently awaiting separate confirming advice from the Department of Commerce.