

6. Performance of Program Areas

The objectives of OPC are delivered through a number of services grouped into the following programs:

- Financial and Asset Management
- Private Management Support
- Funds Management
- Community Education and Advocacy.

(i) Financial and Asset Management

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

STREAMLINING AND IMPROVING SERVICE

As part of the implementation of the new OPC structure eight estate management teams were established. While the reorganisation may have caused some concern to clients who dislike having changes in estate managers, this is unavoidable. OPC is working towards addressing the underlying issues which cause the discomfort. To this end, we have introduced electronic file notes to better record and make accessible information about the management of estates and contact with clients and family members. We are also gradually implementing client plans to outline what decisions need to be implemented during the following 12 months and beyond.

OPC has conducted a range of learning and

development programs to increase knowledge and skills for working with people with disabilities, including participation in the AGD Flexible Service Delivery Program. Further information regarding this training is available in the appendices to this report under the "Disability Plan" heading.

TRANSITION TEAM

OPC formed a Transition Team in February 2002. This team is responsible for collecting relevant client information and establishing the initial relationship with the client/significant others after a financial management order is made.

In establishing this relationship, the Transition Team uses specialist staff from within OPC to identify and address issues which may impact on a client's estate. For example, the Disability Advisory Service provides a written overview of the client's circumstances, identifying key disability issues to be considered as part of the client planning process. Our Financial Planning Branch develops a financial plan for the client and our Legal Branch considers any legal rights or obligations that the client may have. In this way OPC ensures the client's individual issues are taken into account in decision making.

The Transition Team also deals with clients' separation from OPC to ensure matters are finalised appropriately.

6. Performance of Program Areas

(Financial and Asset Management cont'd)

IMPROVED MANAGEMENT

OPC introduced a new deceased estate policy and procedures following an internal audit report which identified potential risks.

To ensure clients receive value for money in the insurance of their assets, OPC also carried out a competitive tender process for insurance brokerage services.

A protocol was implemented between OPC and the Department of Ageing Disability and Home Care in relation to the management of funds for clients for whom OPC manages money on an informal basis.

LEGAL ADVICE AND REPRESENTATION

Legal Services provides legal advice and representation for OPC clients. Where appropriate, legal matters are referred to external legal firms. OPC's in-house team of ten solicitors manages the referral and monitors the conduct of such matters.

In the year under review, preparations were finalised for an open tender to be carried out to establish a panel of external legal service providers. The categories of legal services for which the OPC will be seeking responses are:

- Legal costing;
- Debt/asset recovery, including recourse to equitable remedies;
- Personal injury;
- Family Provision Act and other deceased

- estate matters;
- Family Law and child support;
- Property including tenancy issues and accommodation agreements;
- Business and commercial law;
- Industrial and employment law.

There was a strong demand for legal services for OPC clients in the year under review with a total of 555 new cases. The Legal Services Branch also provides corporate legal advice to OPC and Office of the Public Guardian.

DISABILITY ADVISORY SERVICE

OPC's Disability Advisory Service (DAS) is a two-fold service. Firstly, DAS co-ordinates an external panel of Court Visitors who provide an independent reporting function to the Supreme Court and Protective Commissioner. Secondly, an internal OPC staff of 10 provide appraisals of clients' disability and lifestyle needs in the context of their financial resources, as well as advice on disability issues and available services to OPC staff.

Disability Advisors and Court Visitors have qualifications in areas such as social work, occupational therapy or psychology and have worked extensively in the disability field, e.g. aged care, brain injury or mental health.

Requests for the appointment of a Court Visitor make up 23% of all referrals to the Disability Advisory Service. Of these requests, the majority related to referrals related to the appointment of a Court Visitor where client estates are managed by the

Commissioner with the remaining relating to those where a private financial manager has been appointed. Other referrals to the branch relate to requests for assistance with implementing the recommendations of Court Visitors or for ongoing disability advice arising out of Court Visitor and other professionals reports. In addition, OPC's Legal Branch made 33 referrals for assessments regarding client needs in relation to Family Law and Family Provision Act entitlements.

In the second half of 2002, the Court Visitor/external professional service will attempt to acquire better state coverage and, hopefully, a reduction in cost for clients. There will also be a requirement for a greater breadth of disability expertise to cover the areas of disability represented by OPC's clients. A fee review will be a significant component of this process.

The co-located DAS staff members within the regional Estate Management teams provide a range of services within the team including:

- attending client meetings to assist the estate manager communicate with a client with a complex disability
- visits to clients to assess disability needs and clients' capacity to be directly involved in decision making
- assisting where there is a high level of conflict and disagreement, particularly around the client's ability to make their own decisions

- accessing services such as case managers and accommodation support services
- assisting with guardianship matters where there is uncertainty regarding who is responsible for a decision in relation to a client and whether there is a need for a client to have a guardian
- assisting with clients with complex care issues where the care regime is costing the client a significant amount of money and where the funds will run out in the short term

PAYING ACCOUNTS AND BANKING FOR CLIENTS

OPC provides a range of accounting services for clients that includes receiving monies and making payments on behalf of individuals. During the year a new payment processing system was introduced that allows for a more efficient and secure method of issuing cheques. This has resulted in significant cost savings for both OPC and its clients.

Services offered to clients include: -

- Payment of personal expenses, bills and accounts via cheque or direct crediting
- Bulk transactional operations for both payments and receipt of funds
- International payments for clients resident overseas
- Over-the-counter facilities for clients attending the office

6. Performance of Program Areas (Financial and Asset Management cont'd)

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

Payments (\$million)		
1999-2000	2000-2001	2001-2002
616	723	614

Receipts (\$million)		
1999-2000	2000-2001	2001-2002
647	450	360

No. of transactions completed		
1999-2000	2000-2001	2001-2002
850,000	940,000	980,000

MANAGING CLIENTS' ASSETS

OPC collects and records information regarding clients' assets to assist in the overall management of estates. During the year OPC focused on ensuring that assets were secured and financial holdings had been effectively recorded and valued. A total of 7,536 client management files were reviewed, from which a revised database of assets was established.

PROVIDING TAXATION SERVICES

OPC provides a taxation service for its clients to ensure that the statutory obligations of those clients eligible to pay tax are met.

No. of Tax Returns Lodged		
1999-2000	2000-2001	2001-2002
2,230	2,200	2,500

No. of Land Tax Matters Managed

1999-2000	2000-2001	2001-2002
183	152	138

FINANCIAL PLANNING

OPC develops individual client financial plans and recommends investment strategies for funds under management in order to meet the short, medium and long-term financial resource needs of clients.

During the year, the value of plans completed and implemented was 39% of the total OPC client funds under management.

(ii) Private Management Support

Key Activities: Supervision and support of persons appointed to manage the financial affairs of people with disabilities.

Private Management Support Branch (PMSB) was reorganised in January 2002. PMSB is now divided into two regions (north and south New South Wales) based on the location of private managers. This reorganisation has enabled support officers at OPC to forge closer links with private managers.

OPC has an ongoing consultation and review process, commencing with providing private managers the authority they need to deal with the ever changing nature of protected persons'

financial affairs. This involves OPC responding to proposals, which require individual assessment, presented by private managers.

OPC also continued to examine the accounts submitted by private managers to provide feedback and on going support to private managers in the management of protected persons financial affairs.

Face to face contact with private managers outside Sydney was increased as part of OPC's regional presence strategy. This provides private managers with the opportunity to discuss individual issues with a support officer without the need to travel to the Sydney CBD.

The Private Managers' Contact Program was developed further with visits to Kogarah, Gosford and Orange. Information sessions for private managers were also held in Bathurst, Lismore, Manly, Moorebank Newcastle, Port Macquarie and Wollongong.

The Branch continued to keep private managers updated with changes through the regular newsletter, *Managing*. The selection of articles of interest and issues of concern to private managers were identified through the questions raised by the private managers at sessions attended by private managers during the year.

OPC reviewed the guidelines for private managers seeking to invest protected persons' funds during the year to assist private managers to comply with the amendments to

the NSW Trustee Act.

OPC clarified the standards of service private managers can expect from the Private Management Support program through distributing Private Management Support standards to all private managers. These standards will form the basis of a survey to be conducted next year and are subject to regular review.

(iii) Funds Management

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

In the year under review, the funds management program has been expanded to include a stronger corporate governance structure to complement the expansion of the investment activity.

The Common Fund represents funds owned by clients whose financial affairs are directly managed by OPC, as well as funds held as security and owned by protected persons whose affairs are managed by a private manager. Transactions and balances in the Common Fund are detailed in the Financial Statements section of this report.

INVESTMENT FUNDS

In 2001-2002, OPC's funds management program underwent significant change as a result of the implementation of investment diversification. OPC has moved from a single fund and now offers clients seven investment funds plus interest bearing working accounts.

6. Performance of Program Areas (Funds Management cont'd)

The new investment funds are: -

Investment Fund	Fund Profile	Fund Objective
Australian Cash Fund	To provide clients with a low risk investment of capital and ready access to their funds. Classed as a low risk investment.	To achieve returns comparable to bank deposit and cash management trusts in the short-term money market.
Australian Cash Plus Fund	To provide clients with a relatively low risk investment with potentially higher returns obtained by investing in bonds. Classed as a low to medium risk investment.	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	To provide clients with a diversified portfolio of Australian bonds. Classed as a medium risk investment.	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 Share Fund *	To provide clients with exposure to a diversified portfolio of companies listed on the Australian Stock Exchange. Classed as a medium to high-risk investment.	To achieve medium to long term capital growth with a modest level of income.
Australian Listed Property Securities Fund *	To provide clients with exposure to a diversified portfolio of property trusts or property related companies listed on the Australian Stock Exchange. Classed as a medium to high-risk investment.	To achieve capital growth and some income over the medium to longer term.
International Bond Fund *	To provide clients with exposure to a diversified portfolio of international bonds across a range of countries. Classed as a medium risk investment.	To achieve medium to long term capital growth and income returns.
International Share Fund *	To provide clients with exposure to a diversified portfolio of international shares across a range of countries. Classed as a high risk investment.	To achieve medium to long term capital growth.

* Denotes management of the investment fund has been outsourced to an external funds management company.

The internally managed investment funds were established effective from 12 March 2002 and those investment funds managed external to OPC became effective on 2 April 2002.

Since inception, a total of \$319 million of clients' monies have been invested across the new investment funds. The first income distribution for the Australian Cash Fund was made on 31 March, and for all other funds the first distribution was declared on 30 June 2002.

The structure of the new investment funds is similar to that of other fund 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:

ACCESS FUND

The Access Fund (previously known as the Common Fund) is being restructured as a working account for clients.

The Access Fund continues to invest monies on behalf of clients in cash and short term money market securities. Interest is calculated on the minimum daily balance of the account and paid semi-annually at the end of December and June. A total of \$59 million was invested under limited financial plans in the Access Fund since it was restructured.

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, cheque issuance and direct crediting facilities.

Investment Fund	(%)	Benchmark	(%)
Access	5.50	UBS Australian 90day Bank Bill Index	4.67
Australian Cash (12/3 to 30/6)	1.35	UBS Australian 90day Bank Bill Index	1.33
Australian Cash Plus (12/3 to 30/6)	1.60	UBS Australian 0-3year Composite Bond Index	1.57
Australian Fixed Interest (12/3 to 30/6)	2.71	UBS Australian All Maturities Composite Bond Index	2.70
Australian Share* (2/4 to 30/6)	-4.38	S&P/ASX 200 Accumulation Index	-4.35
Australian Listed Property Securities (2/4 to 30/6)	5.03	S&P/ASX 200 Listed Property Trust Accumulation Index	5.14
International Bond* (2/4 to 30/6)	3.24	JP Morgan Global Bond (ex-Australia) Index	3.37
International Share* (2/4 to 30/6)	-13.81	MSCI World (ex-Australia) Index	-13.9

* includes internal cash balances

(iv) Community Education and Advocacy

Key Activities: Community education, advocacy for services to meet the needs of our clients and protection and promotion of the rights and interests of people with decision making disabilities.

OPC's contact with its stakeholders and the community continued throughout the year. Presentations were given to a variety of groups including Centrelink, Department of Veterans Affairs and the Aged Care Standards Agency. OPC also participated in a presentation to the Greek Community in Sydney in conjunction with the Schizophrenia Fellowship, as part of Schizophrenia Awareness Week. Through its community presentations and involvement in a variety of interagency forums OPC continues to strengthen its relationships with stakeholders.

COMMUNICATION

OPC's corporate communication achievements included:

- publication of a booklet, titled *Scott's Story* for individuals with an intellectual disability explaining the role of the OPC (with assistance from the Intellectual Disability Rights Service)
- draft brochure for Aboriginal and Torres Straight Islander people circulated to Aboriginal community for comment
- continuation of bi-annual newsletters: for clients of the OPC (*OPC News*), for

- service providers (*Connect*) and for private financial managers (*Managing*)
- increase in font size of OPC fact sheets to improve readability for clients with a visual impairment.

COMMUNITY EDUCATION

This year 24 information sessions were held across New South Wales, with 336 participants. Also 11 sessions were held for 151 private financial managers in a variety of regional areas including Bathurst, Lismore, Manly, Moorebank, Newcastle, Orange, Port Macquarie and Wollongong.

ADVOCACY

Using its significant knowledge of the level of support available for people with mental health issues gained through our clients, OPC made a submission to the Legislative Council's Mental Health Select Committee's Inquiry into NSW Mental Health Services. OPC will continue to take advantage of these opportunities to advocate for systemic improvements on behalf of clients when they arise.

OPC WEB SITE

OPC has web pages within the Attorney General's Department's web site at www.lawlink.nsw.gov.au/opc. OPC's web pages were regularly updated during the year to provide more current and relevant information, including the highlights of last year's Annual Report.

7. Outlook

OPC will continue to review and reform the way we provide our services to clients. The major focus for the ensuing year will be on getting our systems right.

IMPROVED PAYMENTS SERVICE

In order to process payments more quickly while minimising errors, OPC plans to use electronic payments systems where possible. As part of this initiative we will be ensuring appropriate controls are in place to maintain the accuracy and security of our payments system.

Ultimately these changes will allow us to cut down on the movement of paper by processing regular payments at point of entry to OPC.

IMPROVED MANAGEMENT OF CLIENT ASSETS EXTERNAL TO THE COMMON FUND

This year we have commenced the process of reviewing clients' assets external to OPC's common fund to ensure that they have all been identified, secured and reflected in client financial plans. This may require the establishment of links between several OPC databases. Although most clients will not notice a discernable difference in the way their estates are managed, we will be more confident about the completeness of information available.

INVESTMENT SERVICE FOR PRIVATELY MANAGED FUNDS

OPC presently holds some privately managed funds as security in accordance with orders

made by the Supreme Court.

To supplement this service, OPC will be investigating in the coming year the possibility of opening our investment funds to protected persons where a private manager is appointed.

ACCOMMODATION STRATEGY

OPC will review its accommodation needs during the coming year. Although OPC's lease of its present premises does not expire until 2004, we consider it is prudent to conduct a review now in order to consider all options.

IMPROVED FILE MANAGEMENT

OPC will be focusing on improving our file management to achieve greater consistency in management approach. This will include how files are tracked and maintained.

JOINT INFORMATION TECHNOLOGY STRATEGY

Work will be undertaken in conjunction with the Office of the Public Guardian and the Public Trustee's Office to develop a joint information technology strategy to take advantage of any system savings which may be available through sharing costs.

Shared resources (with other public sector entities) strategy

As part of the government agenda to minimise the cost of corporate services, OPC will be participating in an initiative led by the Attorney General's Department to consolidate corporate services.

SPECIALIST SKILLS

OPC will consider the introduction of more specialist positions to improve client service and assist in staff development.

PROGRAM PRIORITIES

The priorities in each of the Program Areas will be consistent with these major issues and are shown below:

Financial and Asset Management

- Consolidation of the new structure.
- Further development and extension of the regional visits program.
- Roll out client plans to regional teams for existing clients.
- Introduction of a new file review process.
- Development of standard management reports to track the management of estates.
- Improvement of skills in working with people in a multi-cultural society.
- Review all standard letters to ensure they are written in Plain English.
- Investigation of the benefits of developing specialisations to increase staff knowledge and skills in particular areas and improve decision making processes.
- Continuation of implementation of Performance Planning and Development.
- Establishment of the Legal Services panel.
- Review of Court Visitor/external professionals across NSW to improve coverage of State and disabilities for OPC clients.

Private Management Support

- Further development of new accounting format, including a variety of methods available to managers to lodge accounts.
- Completion of the implementation of Performance Planning and Development for staff in PMSB to support ongoing improvement in client service.
- Review of all letters used by Private Management Support to ensure they are written in Plain English.
- Continuation of targeting of groups of current and potential private managers for community education and contact, including reviewing the timing of sessions.
- Continuation of OPC's regional presence strategy to improve face to face contact opportunities.

Community Education and Advocacy

- Implementation of interpreter information availability on all OPC publications and website.
- Finalisation of brochure for Aboriginal and Torres Straight Islander communities.
- Re-design and update OPC website to provide more information in an accessible format.
- Seek feedback from clients and stakeholders on OPC's service standards via a survey.
- Finalisation of the inclusion of interpreter information on the back of all OPC's letters.

8. Appendices

Account Payment Performance

During 2001-2002 5,176 corporate payments were made with a total value of \$12.513 million. It is OPC policy that all claims for payment of accounts are processed within the time frame allowed by the terms set out in the suppliers' contracts. If no terms are set, payment is made within 30 days of receipt of invoice. No complaints were received by the Accounts Complaints Officer about account payment performance and OPC did not incur any interest penalties.

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 services are tailored to the individual needs of the client and, accordingly, a female client's participation is personalised according to her identified needs.

Six of the twelve members of the Advisory Council are women, as are nine of the fifteen members of the Disability Interagency Committee and one member of the Investment Advisory Committee. It is hoped this will ensure that women have a high level of involvement in providing independent strategic advice and ongoing feedback to the Protective Commissioner.

Budget (Operating) 2002-2003

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

	2002-03 Budget \$'000	2001-02 Actual \$'000
Operating Revenues		
Investment Income	150	197
Registry Fees	114	174
Court Directions and Supervision Fees	491	588
Income and Capital Commission	8,693	8,801
Fees for additional service provided to clients	481	578
Fee for provision of Taxation Service	280	308
Financial Planning Fees	617	73
OPC Services to OPG	204	204
Profit on Sale of Assets		16
Transfer under Former Sect 57 of the Protected Estates Act	12,550	11,725
Total Revenue	23,580	22,664
Operating Expenses		
Salary & Related (Note 1)	16,603	17,205
Operating Expenses	5,480	4,999
Maintenance	1,497	933
Total Operating Expenses	23,580	23,137
Capital Revenues		
Transfers under Former Sects 55 & 57 of the Protected Estates Act.	0	1,096
Transfers Sects 55 1 (C) of the Protected Estates Act	1,593	0
Total Capital Revenue	1,593	1,096
Total Capital Expenditure	1,593	1,096

Note 1: Salaries and related expenditure in 2001-2002 included a non cash amount of \$1.725 m representing the reduction in the prepaid superannuation reserve held by Pillar Administration.

These figures are for the OPC exclusively. The financials which follow in this report include the operations of OPG.

Appendices *(cont'd)*

Code of Conduct and Ethics

A Message from the Director General

Our Code of Conduct and Ethics reflects the values we all share in the Department. It outlines the minimum standards of professional and ethical behaviour expected of all of us. Upholding these values helps us to ensure we maintain our commitment to client satisfaction and community confidence as well as to ensure that every individual's contribution is valued and respected.

The values reflected in our Code of Conduct and Ethics are those we agree to have our performance measured by. It is underpinned by our commitment to the provision of a harmonious, productive and harassment-free workplace for all staff and our "Commitment to the Community".

Working in the public sector provides us with a unique obligation to the community. Each of us has an individual responsibility for upholding these values and demonstrating standards of conduct and ethics, which will maintain public confidence and trust. It is important for us to strive to maintain the highest standards of conduct when fulfilling our duties and we must ensure these values are not undermined by unethical or unprofessional conduct.

This Code cannot possibly address all the ethical questions we might encounter. We need to also be aware of and comply with relevant legislation, departmental policies, guidelines and instructions as they relate to our work. We should seek additional advice from a person in authority whenever we are in doubt about any matter.

This Code will be reviewed regularly to reflect changes both within and outside the Department. In some areas of the Department, additional conduct guidelines may be developed.

This important document applies to every staff member in the Department and to every person engaged to provide the Department with services, information or advice. Your support through upholding the values expressed in this document is essential for maintaining the highest standards of professional conduct within the Attorney General's Department. This will assist us to foster a united and consistent approach to the provision of a just and equitable legal system for the people of New South Wales.

Laurie Glanfield
Director General

INTRODUCTION

This Code of Conduct and Ethics is intended to convey in plain words the mutual obligations of the Department and all staff. It is also intended to assist staff and those associated with the Department to identify maladministration or corruption and to know how to deal with it. It identifies internal systems for detection, preliminary investigation, reporting and prevention of these actions.

It is a values based, non prescriptive statement and it is not intended to be read as a set of rules where each word is scrutinised for its legal meaning. Throughout this document we are encouraged to exercise empowerment and accountability in all our professional duties and exercise sound judgment in adopting the highest ethical principles.

The Code of Conduct and Ethics is supported by a number of policies and guidelines which have been developed to assist all staff whilst working for the Department. These policies and guidelines are readily available on the Department's Intranet, "Infolink" and should also be contained in the Staff Manuals located in each business centre. Where the Code conflicts with another departmental instruction, policy or guideline, the requirements of this Code have priority. Many obligations in the Code of Conduct and

Ethics are based on legislation, including:

- *Independent Commission Against Corruption Act 1988*;
- *Public Sector Management Act 1988* (including Public Sector Management (General) Regulation 1996);
- *Industrial Relations Act 1996*;
- *Crimes Act 1900*;
- *Anti-Discrimination Act 1977*;
- *Occupational Health and Safety Act 2000*;
- *Occupational Health and Safety Regulation 2001*;
- *Public Finance and Audit Act 1983*;
- *Freedom of Information Act 1989*;
- *Ombudsman Act 1974*;
- *Privacy and Personal Information Protection Act 1998*;
- *Protected Disclosures Act 1994*; and
- *Disability Discrimination Act 1992*.

In some areas of the Department, additional obligations are imposed by legislation relevant to their particular operations. Infolink contains information on relevant policies and legislation.

This Code applies equally to every individual employed, appointed or otherwise attached to the Department. This includes all non-judicial statutory appointees as well as all staff or persons engaged to provide the Department with services, information or advice.

8. Appendices

(Code of Conduct and Ethics cont'd)

Our **COMMITMENT** to the **COMMUNITY** captures what we strive to achieve as a diverse organisation. It provides the 'big picture' - an overarching framework to guide planning and practice across the organisation. It is a set of principles to provide us with a shared purpose and direction. It describes what we should all be aiming to achieve and how we can achieve it - both as individuals and together as an organisation.

Our COMMITMENT to the COMMUNITY CHALLENGES

- **Excellent Client Service**
- **Good Management**
- **Working well with others**

RESPONSES

Delivering our services in a timely and efficient way
Acting in an honest, fair and ethical way
Being courteous, professional and respectful
Ensuring all our clients can access our services
Being accountable for our actions
Providing useful information and advice
Strengthening relationships with other agencies
Continuously improving the way we do things
Finding solutions to problems
Being competent, informed and helpful
Communicating in an open way
Ensuring an inclusive and safe working environment
Encouraging participation, teamwork and effective leadership

OUTCOMES

- **Satisfied Clients**
- **Community Confidence**
- **Motivated and Productive Workforce**

This document will serve as a daily reminder of how we can demonstrate our commitment to meeting the Challenges through one or more of the appropriate Responses which will lead to the desired Outcomes of client satisfaction, community confidence and a productive and motivated organisation.

EXPECTATIONS FOR INDIVIDUALS

In accordance with our high ethical and professional values, we will:

- Maintain client and colleague confidentiality at all times.
- Act within and uphold the law.
- Observe the duties and obligations of public sector employees as detailed in the Public Sector Management Act 1988 and other relevant legislation.
- Act honestly, impartially and without discrimination.
- Act ethically and professionally and maintain integrity.
- Disclose, and take reasonable steps to avoid, any conflict of interest whether real or apparent.
- Ensure information relating to Cabinet matters is kept confidential.
- Not abuse our official position or connection with the Department by making use of that official position or connection for personal gain.
- Report through appropriate channels, as detailed in the Corruption Prevention Strategy, any instance of suspected improper conduct.
- Not solicit gifts of any kind.
- While on duty, not consume alcohol to excess, not abuse prescription drugs and not use any form of illegal drugs or substances.
- Keep up to date with the policies and procedures which are relevant to our position.
- Not use offensive or obscene language.
- Present ourselves in appropriate attire

which reflects public expectation and community standards for each work location.

ETHICAL DECISION MAKING

We will promote ethical conduct by way of example. In order to determine appropriate conduct when we face an ethical dilemma, we will use the following guide to ethical decision making:

- Is the decision or conduct legal and consistent with current government policy?
- Is the decision or conduct consistent with the Department's objectives and the Code of Conduct and Ethics?
- What will be the outcome for my colleagues, the Department, other relevant parties and me?
- Can the decision or conduct be justified in terms of the public interest and would it withstand independent scrutiny?
- How would I perceive the situation if I were an independent public observer?
- Do the outcomes raise a conflict of interest or lead to private gain at public expense?

PERSONAL AND PROFESSIONAL BEHAVIOUR

We will ensure that we are familiar with the requirements of equal employment opportunity, anti-discrimination, harassment and occupational health and safety laws. We will at all times act with propriety in our dealings with others.

The Department will support us when we

8. Appendices

(Code of Conduct and Ethics cont'd)

perform our duties in good faith. With empowerment comes the need for greater acceptance of responsibility and accountability. We will take responsibility for our professional conduct.

The Department shares responsibility for our training and development needs. As individuals we are responsible for maintaining our professional competency and development.

Although the Department recognises that honest mistakes happen, we should not act outside our level of competency and authority. If practicable, we have a duty to consult our colleagues or supervisor if in any doubt about how we should exercise delegated powers or fulfil our duties.

SECONDARY EMPLOYMENT

We must obtain approval before engaging in any form of employment outside official duties. Departmental duties take precedence and secondary employment will not be approved when there is actual or potential conflict of interest.

USE OF INFORMATION

Like each of us, our clients have a right to privacy. The nature of our work involves access to our clients' and colleagues' most confidential and sensitive information. We need to take adequate measures to protect confidential information and the privacy of our clients and colleagues. We all need to exercise caution and judgement in

communicating sensitive information to our colleagues and other people. Communication of confidential information should normally be confined to those of us who require access to that information in order to complete our work in a professional capacity.

We must be aware of the provisions in legislation, including secrecy and anti-disclosure provisions, which have an impact on the way we do business. A breach of these provisions may constitute a criminal offence. To protect ourselves we must avoid using information:

- In ways which are inconsistent with our duty to act impartially;
- Which could cause harm to any person, organisation or the Department; or
- To gain an improper advantage for anyone else or us.

The Privacy and Personal Information Protection Act and the Department's Privacy Management Plan are useful tools to ensure we meet our obligations in relation to the use of information.

PUBLIC COMMENT

The Departmental Spokesperson will deal with all media and public comment inquiries, except for those that may be delegated from time to time or are expressly provided for by statute. Any inquiries from the media or others, which may result in the Department making a public comment, should be directed to the Departmental Spokesperson.

We will treat all information as confidential. We will not release any information without the proper authorisation. This does not apply to information that is public knowledge or would be disclosed in the normal course of duty. In cases of uncertainty, we will treat the matter as confidential until otherwise advised.

We may accept speaking engagements with professional, educational and community groups relating to activities of the Department if we have obtained approval. If a fee is received for the engagement (other than from approved secondary employment) it must be paid into an appropriate departmental account. We cannot personally retain the fee.

PUBLIC RESOURCES

Our clients primarily fund the resources of the Department. These include financial, material and human resources. In fairness to our clients we need to use our resources effectively, economically and for official office work only.

All goods and services owned by the Department are to be used for official business only. It is not acceptable to use the Department's resources for non-work related purposes. We need to consider that our time at work is to be used to conduct the Department's business only. It is inappropriate to use our work time for private purposes.

In using Internet access we must act responsibly, legally and with respect to others. Sites containing pornographic, discriminatory

or offensive material will not be accessed. The Director General may authorise specific officers to access such sites where appropriate for purposes related to the discharge of their statutory responsibilities.

Likewise, e-mail communications must follow the same principles with respect for the recipient, and must never be discriminatory, harassing or offensive. They should be handled with the normal courtesy, discretion and care of all other departmental communications. The use of e-mail to make, copy or send fraudulent, unlawful, offensive or abusive information is prohibited.

We will ensure that private use of telephones, fax machines and e-mail is brief, infrequent and does not interfere with our work or that of our colleagues.

For our own protection, when we incur expenditure on behalf of the Department and clients we must ensure that we are authorised to do so and ensure adherence to the relevant regulations and policy.

BRIBES, GIFTS, BENEFITS, TRAVEL, SERVICES AND HOSPITALITY

Consistent with our ethical and professional conduct, we will not solicit nor accept any money, gift, benefit, travel, services, hospitality, or inheritance of a personal nature.

If gifts or benefits are offered for any reason, we should politely decline by explaining our

8. Appendices

(Code of Conduct and Ethics cont'd)

policy. This does not mean we cannot accept an offer of light refreshment such as a cup of tea or coffee.

We may, however, accept gifts of nominal value from another organisation on behalf of the Department (or in situations where we believe we would cause severe embarrassment to an individual by refusing). In these situations, the gift becomes the property of the Department or permission is given in writing by the business centre manager to retain the gift.

Where offers of gifts, benefit, travel or hospitality are made, we will disclose the details in writing to the business centre manager who, in consultation with us, will determine an appropriate response. In some cases we might be asked to return the gift. Business centres must maintain a register of gifts for this purpose.

We will ensure that all travel benefits that may accrue under award programs are accrued to the Department. We will not benefit individually from such programs.

FAILURE TO COMPLY

If we fail to comply with this Code or any other lawful directive, we will be required to explain our actions. If our conduct is contrary to the Code's requirements and does not involve an honest mistake, a range of management options or remedies will be investigated. This could result in dismissal from the Department.

HOW TO SEEK FURTHER ASSISTANCE

More information or clarification on the Code of Conduct and Ethics can be provided by your supervisor, manager or business centre manager. Alternatively, any of the managers in Corporate Human Resources can assist us. Wherever an inquiry is raised, it will be treated sensitively and confidentially.

Consultants

The OPC did not engage any consultants in 2001 - 2002.

Disability Plan

OPC has continued to implement the AGD Disability Plan. The primary focus this year was improving the skills of frontline staff through the Flexible Service Delivery Project.

This project has achieved the following outcomes this year:

- a list of regional venues has been compiled which provide disability access to enable greater access of clients and other interested people in regional areas;
- the font size used on "Fact sheets" has been increased to aid people with sight impairment;
- a list of facilities required to enhance disability access was developed in planning for the review of accommodation requirements over the next two years;

- the door on the Level 15 toilet for people with disabilities was rehung to allow greater ease of access;
- a ramp was added to the egress of the Level 15 toilet to enable people in wheelchairs to access the toilet independently; and
- OPC explored options to advocate for a change to the lift access to the building.

Disability Awareness Sessions undertaken in 2001-2002 include:

- Alzheimer's Association - 14 staff
- Liverpool Brain Injury unit - 39 staff
- Understanding Mental Illness seminar at Rozelle Hospital ongoing attendance of 2 staff per month

Further sessions are planned in areas dealing with acquired brain injury, dementia, intellectual disabilities. These sessions form an on-going part of the training provided for OPC staff.

PRIORITIES IN 2002-2003 WILL INCLUDE:

- when reprinting all publications, OPC will redesign the look and format to address the ease of access to the information and clarity for people with a range of disabilities;
- incorporate the list of facilities required to enhance disability access in the selection process for any accommodation considered for OPC.

Electronic Service Delivery

Over recent years, OPC has implemented a number of electronic service delivery systems to improve the efficiency and cost effectiveness of those services its delivers both internally and to external stakeholders.

During 2001-2002, electronic banking services were extended to include the use of the Westpac Banking Corporation Payment Processing Service (PPS) cheque issuance facilities. This allows OPC to generate cheque payments for clients in a more secure and controlled environment, and has resulted in a decrease in the overall cost of payment issuance for clients.

Equal Employment Opportunity

OPC'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 can be summarised into nine key areas:

1. Sound Information Base

EEO Statistical data held by OPC is complete and accurate, with 100% completion of EEO survey data. Therefore, our current reporting data is all encompassing.

8. Appendices

(Equal Employment Opportunity cont'd)

2. Employee Views Heard

The Advisory Council membership includes people from each EEO group which enables OPC's strategic decision making to reflect a broad range of issues. OPC still has challenges in finding ways to incorporate EEO group members' views in all levels of decision making.

3. EEO Outcomes included in Agency Planning

EEO outcomes and priorities are considered in the development of OPC's Business Plan.

4. Fair Policies and Procedures

OPC promotes flexible working policies for staff endeavouring to balance their work and family responsibilities. All Human Resources policies recognise the diverse needs of OPC's staff and are designed to support and promote EEO outcomes.

5. Needs based Programs for EEO Groups

OPC has three positions identified for Aboriginal or Torres Strait Islander staff. Two of these positions were recruited during 2001-2002.

6. Managers and Employees informed, trained and accountable for EEO

Most OPC managers have been trained in the Performance Planning and Development Program which includes the need to consider EEO issues in providing feedback to staff.

7. A workplace culture displaying fair practices and behaviour

OPC has received grievances alleging harassment during this year. These have been dealt quickly and, where necessary, mediation has been arranged to resolve the issue.

8. Improved employment access and participation by EEO groups

OPC's continuing implementation of its restructure has brought some positive outcomes for some EEO groups. This year there has been:

- an increase of 7% in women earning \$66,333-\$82,914 pa
- an increase of 8.2% in women earning \$40,536-\$51,293 pa
- an overall increase of 1.4% in staff with a disability
- an increase of 1.3% in staff with a disability requiring adjustment at work

However, for the same period OPC has also seen % decreases in some EEO groups: 0.3% Aboriginal and Torres Strait Islander staff; 2.8% in salary \$66,333-\$82,914 for staff from Racial, Ethnic, Ethno-Religious Minority Groups; 2.8% in salary \$66,333-\$82,914 and 3.5% in salary \$40,536-\$51,293 for people whose language first spoken as a child was not English.

9. A diverse and skilled workforce

Women make up 55.7% of OPC's staff. However, one of the challenges for OPC

remains the over representation of women in the lower salary levels. Women make up 85.2% of staff earning \$27,606 - \$36,258 pa and 61.3% of staff earning \$36,259 - \$40,535. Similarly for these two salary levels, OPC has an over representation of staff whose language first spoken as a child was not English, 70.4% and 61.3% respectively.

PRIORITIES IN 2002-2003 WILL INCLUDE:

- Promote awareness and encourage completion of Exit Questionnaires
- Monitor and analyse Grievance Reports and Exit Questionnaires
- Analyse issues raised by staff in the AGD "Have Your Say" survey and develop action plans
- Collect qualitative information through the exit questionnaires, informal feedback and grievance handling.

Staff Numbers by Level

LEVEL	TOTAL STAFF	Men		Women		Aboriginal People & Torres Strait Islanders (ATSI)		People from Racial, Ethnic, Ethno-Religious Minority Groups		People Whose Language First Spoken as a Child was not English		People with a Disability		People with a Disability Requiring Adjustment at Work	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
<\$27,606	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
\$27,606 - \$36,258	27	4	14.8	23	85.2			19	70.4	19	70.4	4	14.8	4	14.8
\$36,259 - \$40,535	31	12	38.7	19	61.3			20	64.5	19	61.3	3	9.7	1	3.2
\$40,536 - \$51,293	68	28	41.2	40	58.8			29	42.6	25	36.8	7	10.3	3	4.4
\$51,294 - \$66,332	81	39	48.1	42	51.9			18	22.2	17	21	6	7.4	5	6.2
\$66,333 - \$82,914	26	18	69.2	8	30.8			3	11.5	3	11.5	4	15.4	3	11.5
> \$82,914 (non-SES)	2	2	100	Nil	Nil			Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
> \$82,914 (SES)	2	2	100	Nil	Nil			Nil	Nil	Nil	Nil	1	50	Nil	Nil
TOTAL	237	105	44.3	132	55.7	*4	1.7	89	37.6	83	35	25	10.5	16	6.8

* We have not disclosed the salary level of ATSI staff members in order to protect their privacy

Staff Numbers by Employment Basis

EMPLOYMENT BASIS	TOTAL STAFF	Men	Women	ATSI	People from Racial, Ethnic, Ethno-Religious Minority Groups	People Whose Language First Spoken as a Child was not English	People with a Disability	People with a Disability Requiring Adjustment at Work	
Permanent	Full-Time	203	94	109	4	74	69	20	13
	Part-Time	12	4	8	Nil	5	5	4	3
Temporary	Full-Time	17	5	12	Nil	9	8	Nil	Nil
	Part-Time	3	Nil	3	Nil	1	1	Nil	Nil
Contract	SES	2	2	Nil	Nil	Nil	Nil	1	Nil
	Non SES	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Casual		Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
TOTAL		237	105	132	4	89	83	25	16
SUBTOTALS									
Permanent		215	98	117	4	79	74	24	16
Temporary		20	5	15	Nil	10	9	Nil	Nil

Ethnic Affairs

ETHNIC AFFAIRS POLICY

OPC is committed to providing appropriate services to meet the individual needs of all clients.

ETHNIC AFFAIRS PRIORITY STATEMENT (EAPS)

OPC clients come from a diverse range of ethnic and linguistic backgrounds. The major activities undertaken in the reporting year to improve services and delivery to all our clients, were:

- the engagement of interpreters for 78 clients and 4 private managers during the reporting period.
- all new brochures have information regarding how to access the interpreter service where required. This information is printed in 21 languages.
- on request the Community Liaison Officer makes direct contact with potential clients and their families from non English speaking backgrounds to enable customising of the information to meet their needs
- development of a Cultural Competencies training module for Client Service Division staff. A new course "Enhancing Cultural Competencies" was developed using material from the Transcultural Mental Health Centre and incorporates OPC's policy for the use of Interpreters. In addition a number of staff have attended

Cross Cultural communication courses run by AGD. The L&D unit has negotiated with AGD for the conduct of two or more Cross Cultural communication courses to be run in-house for OPC staff. The first course is to be held on 6-7 August 2002.

- continuing to pay allowances to staff using their language skills under the Community Language Allowance Scheme (CLAS).

PRIORITIES FOR 2002-2003

- Refine data on the client information system to allow reporting on the number of clients requiring interpreters and the range of languages represented
- Continue to increase awareness of the role and functions of OPC among community groups from non-English speaking backgrounds
- Review the need for publications in languages other than English

Freedom of Information

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

In 2001-2002 the Freedom of Information Coordinator's role at the OPC was performed by the Director, Corporate Services. This provides a high level organisational focus aimed at ensuring that all requests for information are handled promptly and in

8. Appendices

(Freedom of Information cont'd)

accordance with legislative obligations.

In 2001-2002 there were nineteen (19) formal applications lodged under the Freedom of Information Act 1989 which is a substantial increase from the ten (10) applications received in the previous year. Full access was granted in three (3) cases with partial access being granted in five (5) cases. Six (6) matters resulted in decisions to decline access to the information sought and there were three (3) technical refusals to provide access, on the basis that the information was not in the OPC's possession.

Two (2) of the nineteen applications related to requests for internal review of decisions made under the Act. The decisions made under internal review resulted in one of the original decisions being upheld and one being set aside.

There were no external appeals from the decisions made.

Members of the public who would like to make a Freedom of Information application may contact the Office of the Protective Commissioner FOI Co-ordinator.

Grants

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

Guarantee Of Service

Our 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 Support are published and available from OPC.

Land Register

OPC does not own land and so does not maintain a Land Register. No land owned by OPC was sold or disposed of this year.

Legal Changes

The Protected Estates Amendment (Investment) Act 2000 was proclaimed on 9 November 2001. It introduced a number of amendments to the Protected Estates Act, 1983, which governs the

operations of OPC. The amendments enabled OPC to establish more than one investment fund in order to provide diversified investment options to clients. The amendments also brought with them a requirement for OPC's budget to be approved by the Director General of the Attorney General's Department.

Overseas Trips

No OPC staff member undertook an overseas trip during the 2001-2002 financial year.

Privacy Management

The nature of the relationship OPC has with clients in managing their financial affairs means we have access to a 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.

OPC reviewed its Privacy responsibilities in light of the AGD Privacy Management Plan and OPC the new Privacy Management Plan will be implemented early in 2002-2003 financial year.

Publications

Publication	Purpose
Protective Commissioner's Annual Report 2000-2001	Report on performance against OPC's Business Plan and Annual Financial Statements
Annual Report Highlights 2000-2001	Summary of OPC Annual Report for clients and other interested parties
Private Management Support Service Standards	Publicises the minimum service standards for private management support against which OPC can be held accountable
Scott's Story	A booklet for people with an intellectual disability about the Office of the Protective Commissioner
Managing (December 2001 & June 2002)	Newsletter for Private Financial Managers
Connect (June 2002)	Newsletter for Service Providers
OPC News (July 2001 & January 2002)	Client Newsletter
Fact Sheet 11 – Facts on Fees	Explanation of OPC fees and current fees charged
Explanation of OPC Financial Statements	Explanation of information to be found on OPC's Statement of Account and where the information is located

8. Appendices (cont'd)

Risk Management and Insurance

OPC participates in the Treasury Managed Fund (TMF) which is managed by GIO General Limited. The risks covered include Workers' Compensation, Motor Vehicles, Property, Public Liability and Miscellaneous Insurance.

Rehabilitation of staff returning from workers' compensation continued to be a priority with staff being facilitated to return to work as soon as possible following illness or injury. Procedures were put into place to ensure OPC complied with the requirements for dealing with claims under the new workers' compensation legislation which came into force during the year.

Workers' Compensation Insurance Claims 2001 - 2002

* These figures include the OPG workforce

Year	No of employees	No of claims	Total cost of claims \$'000	Average Claims per employee	Average Cost per employee \$
2001-2002	237	10	49	0.04	207
2000-2001*	330	8	96	0.02	291
1999-2000*	335	15	47	0.04	140

Motor Vehicle Insurance Claims 2001 - 2002

* These figures include OPG vehicles

Year	No of vehicles	No of claims	Total cost of claims \$'000	Average Claims per vehicle	Average Cost per vehicle \$
2001-2002	9	6	10	0.7	1,667
2000-2001*	20	8	8	0.4	400
1999-2000*	24	29	67	1.2	2,792

Senior Executive Service Positions

As at 30 June 2002, there were two Senior Executive Service positions within OPC.

- Protective Commissioner & Public Guardian, SES Level 5 - held by Ken Gabb LLB;
- Deputy Protective Commissioner and Director, Client Services, SES Level 2 - held by Mark Orr BSc, BSc (Hons), Grad Dip Spec Ed, MHSM, AFCHSE, CHE, Registered Psychologist.

Statement of Performance

Protective Commissioner

Ken Gabb

SES Level 5

I began my statement of performance in last year's annual report by stating my belief that 2000-2001 was a year of preparation for a year of significant achievement in 2001-2002. That proved to be true.

In many respects 2001-2002 represented the beginning of a new era in OPC's development, with greater emphasis being placed on a planned approach to the management of client estates. The creation of a specialist team (Transition team) within our Client Services Division to manage the initial stages of OPC's stewardship of client finances has enabled greater effort to be made in establishing a sound foundation of estate management for each new client. Through the Transition team, OPC now develops a client plan for each new client, incorporating advice from OPC's disability advisers and OPC's legal advisers, as well as a financial plan prepared by OPC's financial planners. The client plan establishes the parameters within which OPC intends to manage a client's estate in the coming years and provides greater certainty for the client, client family members and OPC.

Client investments are now diversified in accordance with financial plans tailored to the needs of each new client. During the year under review, OPC commenced diversified

investment for its clients by establishing eight new investment funds. These funds have been designed to have different risk/reward profiles in order to meet different investment objectives. By investing client funds across different funds, OPC aims to spread the risks associated with each type of investment and provide to clients both income and capital growth. Although the investment environment has not been favourable in recent months, OPC believes the longer term outlook for client investments has improved as a result of this initiative.

In addition to providing new clients with financial plans, OPC put considerable effort during 2001-2002 into developing financial plans for its existing clients as well. As I indicated in my review of operations, that appears earlier in this report, OPC has completed detailed plans for all clients with more than \$1 million in liquid assets and has made arrangements for more than 5,000 of its clients who have less than \$50,000. Completion of plans for remaining OPC clients is scheduled for the coming year.

Throughout 2001-2002 I worked with a Senior Officers Group established by the Budget Committee of Cabinet to put into effect the recommendations of the Public Bodies Review Committee of Parliament and the Government's Council on the Cost and Quality of Government. Both bodies reported in 2001 and recommended a number of initiatives to improve OPC's performance. One of the most significant of those

8. Appendices

(Statement of Performance cont'd)

recommendations related to the introduction of a new fee structure for OPC. By year's end, the Senior Officers' Group had provided to the Budget Committee an interim report on its deliberations. As a result, I am confident that in the coming year OPC will be able to introduce a new and more transparent fee structure that takes into account the services we provide to clients who cannot afford to pay for those services.

Another of the recommendations of the Public Bodies Review Committee related to the need for an increased OPC presence outside the Sydney CBD. Although OPC has always provided outreach services in the past, 2001-2002 saw a more concerted and sustained effort to visit outer suburban areas of Sydney and regional areas of NSW. The undoubted success of these visits will lead to a continuation of this program in 2002-2003.

Waste Reduction and Purchasing Policy

OPC has taken steps to reduce waste generation by replacing outdated printers and facsimiles with document centres which allow for double sided photocopying and printing thereby reducing paper waste. These document centres also enable OPC to use refillable toner cartridges and ensure toner cartridges are recycled. OPC continues to encourage staff to recycle all waste paper through the provision of secured recycle bins as well as an individual paper waste container

at each desk. Consistent with this approach OPC also encourages staff to minimise the use of electricity by turning off lights in areas that are not in use.