



**Attorney General's**  
department of nsw

*Office of the*

**PROTECTIVE COMMISSIONER**

**ANNUAL REPORT**

**2003**

# Office of the Protective Commissioner

## VISION:

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

## MISSION:

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

## VALUES:

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

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

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

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

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

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

## CHARTER:

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

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## **WHO WE ARE:**

The Office of the Protective Commissioner (OPC) makes substitute financial management decisions for people with disabilities. Some people are not able to manage their own financial affairs and need someone with legal authority to make important decisions on their behalf. The Protective Commissioner is often appointed as a person's financial manager because there is no one else able to assist. The Protective Commissioner also provides authority and direction to private persons who take on the role of financial manager. Currently, the financial affairs of 9,310 persons are managed and 2,105 private financial managers are supervised by OPC.

## **OFFICE OF THE PUBLIC GUARDIAN**

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

## **OUR CLIENTS**

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

## **ACCOUNTABILITY**

OPC is part of the NSW Attorney General's Department. The Protective Commissioner reports administratively to the Attorney General via the Director General.

# Letter to the Minister

The Hon. Robert John Debus, MP  
Attorney General  
Minister for the Environment  
Parliament House  
SYDNEY NSW 2000

Dear Attorney,

I am pleased to present to you the Annual Report of the Protective Commissioner, together with associated financial statements, for the year 2002-2003.

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

Yours sincerely



Ken Gabb  
Protective Commissioner

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# 1. *Protective Commissioner's Review of Operations*

## **PUBLIC FUNDING**

In a very welcome initiative the Government this year provided more than \$4.8 million in public funds to assist OPC in the provision of services to its clients. Just over \$3.5 million was provided in January 2003, with a further \$1.25 in June 2003. This is the first occasion on which a Government has committed funds to OPC.

## **DIVERSIFICATION OF INVESTMENTS**

OPC's measured response to the need to diversify client investments continued throughout 2002 - 2003. By year's end OPC's clients had invested more than \$600 million across the seven new investment funds established by OPC. Approximately \$500 million remained in OPC's Access Fund, which is effectively OPC's former common fund renamed.

This year provided strong evidence of the benefits of diversifying investment risk across investment sectors and of taking a patient and longer term view of investing. Although conditions for some funds were not favourable during 2002-2003 (for example, international shares), others (for example, listed property) fared much better. By year's end, however, there were signs of share market improvement whilst bonds weakened. OPC's strategy of spreading risk across several sectors is designed to protect clients from the ups and downs of any one sector.

## **NEW FEES STRUCTURE**

Only slow progress was made during the year towards a new and more transparent fee structure. Nevertheless, I am confident a new fee structure will be introduced next year. In February the Premier commissioned the Independent Pricing and Regulatory Tribunal to review OPC's funding and fees. IPART reported in May. I anticipate IPART's recommendations will form the basis of a new fee structure to be introduced before the end of 2003.

## **PRIVATE MANAGER INVESTMENT**

The new fee structure will assist OPC in marketing a new investment service for private managers. During the year Parliament amended the Protected Estates Act to enable OPC to accept investments on behalf of protected persons who are privately managed. The introduction of this service will provide private managers with greater investment choice.

OPC has also been given power to develop financial plans for privately managed persons.

## **STEADY OPERATIONAL IMPROVEMENT**

At an operational level, OPC continued to demonstrate improvement. In its May 2003 report to Parliament, the Audit Office noted considerable improvement in

OPC's fraud prevention since 2001. Although it had not completed its review by year's end, I am confident the Audit Office will also find improvement in OPC's decision review and complaints handling procedures since it last reviewed them in 1999.

In reading this report, you will also note that OPC has taken the initiative in forging closer links with other providers of services to people with disabilities. A memorandum of understanding was entered into with Centrelink; another has been agreed with NSW Health; and yet another with the NSW Public Trustee's Office. The improvements that will be generated from these new arrangements may not be obvious but they will nonetheless be real.

### **SPECIALIST OPC UNITS**

During this year OPC took further steps towards developing greater expertise and professionalism through specialisation. Last year OPC introduced a Transition team to oversee the commencement and finalisation of OPC management. This year two further specialist branches were established - the Client Assets Management Branch and the Client Investments Management Branch. The Client Assets Management Branch will initially concentrate on the identification, recording, valuation and insurance of major client assets other than

investments. The Client Investments Management Branch will focus on the identification, securing and management of client investments that are external to OPC's investment funds. Other areas of opportunity for specialisation will be identified and assessed in the year ahead.

## 2. Summary of Performance

### KEY RESULTS

#### Excellent Client Service

Strategies	Planned Outcomes	Results	Future Action
Improved payments service	Reduction in average time to make payment. Number of errors reduced.	OPC entered into an agreement with its banker, Westpac, for the electronic payment of client Telstra bills. It is anticipated electronic payments will reduce the payment of bills by cheque, saving time and OPC resources. Most client insurance premiums now paid by bulk electronic transfer of funds.	If the trial is successful consideration will be given to the expansion of the project to include other utility bills.
Improved management of client assets external to the common fund	Major client assets better recorded in OPC's database. All major assets appropriately insured, if practicable.	Land & Property Information NSW has agreed to provide on-line access to its database to assist OPC to better manage its real property portfolio. The client properties database includes up to date valuations. All security items appropriately secured and receipted. Insurance of client assets coordinated by Client Assets Management Branch. Turn around for issuing insurance policies reduced from average 4 weeks to average 5 working days. Insurance broker now issues cover notes to OPC clients (not previously). Payment of premiums finalised two weeks earlier than previously.	Consideration will be given to the introduction of asset management plans to better plan the ongoing management of major assets.
Investment service for privately managed funds	Private Managers given the option of investing with OPC.	The <i>Protected Estates Act 1983</i> amended to empower OPC to accept investments from private managers. Commencement of the service is dependent upon the introduction of a new fee structure. The Independent Pricing and Regulatory Tribunal completed its review of OPC's funding and fees and reported to the Premier.	It is anticipated OPC's new fee structure will commence on 1 October 2003. Publicity regarding availability of service will be included in <i>Managing</i> newsletter.

## KEY RESULTS

### Good Management

Strategies	Planned Outcomes	Results	Future Action
Accommodation strategy	Affordable accommodation that is convenient for clients.	OPC undertook a study of its future accommodation needs and developed a facilities plan. The Government Asset Management Committee identified a potential development at Parramatta as suitable for OPC's needs. OPC negotiated an extension of its lease of present premises until 2007.	The proposal to relocate to Parramatta in 2007 will be further considered.
Improved file management	Compliance with the <i>State Records Act 1998</i> .	6486 new files created to conform to <i>State Records Act</i> , and to provide segmentation within files. TRIM file management software purchased.	Progressive transfer of files to TRIM software to be undertaken.
Development of joint information technology strategy with the NSW Public Trustee's Office	Greater ability to develop compatible information technology systems	Not proceeded with following decision to incorporate OPC corporate services reform projects within Attorney General's Department (AGD) corporate services reform program. OPC now represented on AGD Technology Steering Committee.	The incorporation of OPC into AGD's Corporate Services Reform program should enable greater integration of OPC's information technology systems into AGD's systems.
Shared resources (with other public sector entities) strategy	Reduced corporate services costs	OPC corporate services reform projects incorporated within AGD corporate services reform program. Agreement reached for transfer of OPC payroll function to AGD Corporate Human Resources. Payroll data migration successfully tested.	The payroll function and some other human resource functions are scheduled for transfer to AGD in the first half of 2003-2004.

## KEY RESULTS

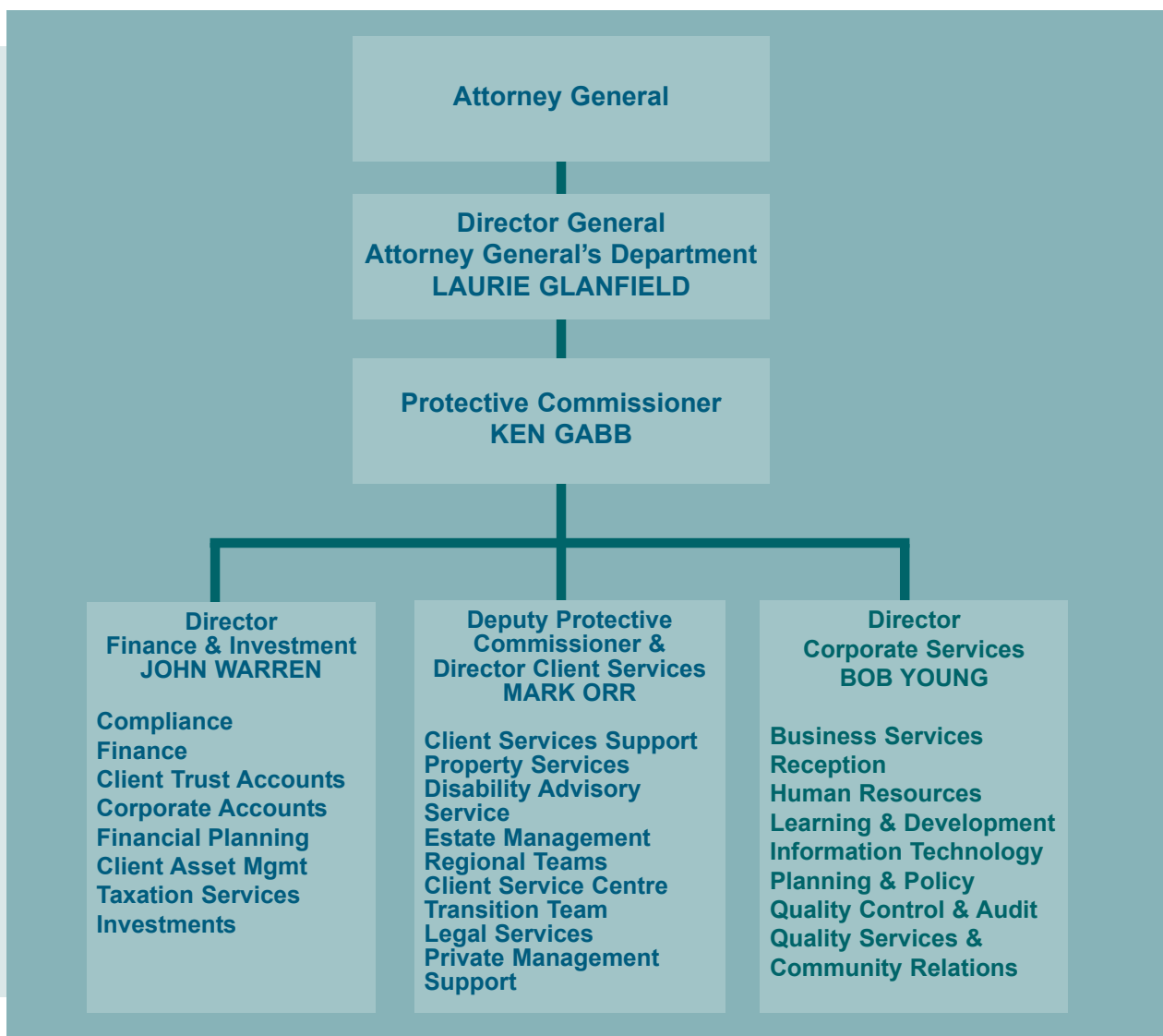
### Working Well With Others

Strategies	Planned Outcomes	Results	Future Action
Improved professional development for staff	Greater competency to undertake specialised tasks. Improved staff career prospects.	Client Assets Management Branch created; Client Investments Management Branch created; Transition Team (created last financial year) evaluated. Staff survey, using previous AGD survey as benchmark, completed. Lunchtime professional development seminars introduced.	Working groups will be established to develop changes in practice to improve staff satisfaction. Consideration will be given to the creation of further specialised units within OPC.

# 3. Our Organisation

Established under the *Protected Estates Act 1983* the Office of the Protective Commissioner is part of the Attorney General's Department of the NSW

Government. The Protective Commissioner reports to the Attorney General via the Director General.



## Corporate Governance

### RISK MANAGEMENT AND INTERNAL CONTROL

Towards the end of 2002-2003 OPC established an Audit Committee to monitor progress in the implementation of both Internal and External Audit recommendations. (Internal audits are conducted on behalf of the Attorney General's Department by Deloitte Touche Tohmatsu. External audits relate to the work of the Audit Office including its statutory annual audit of OPC). The Manager, Quality Control & Audit provides the Audit Committee with a monthly report on the implementation of audit recommendations. This is compiled from

management responses sought prior to each bi-monthly meeting of the Audit Committee.

The Audit Committee also monitors progress of various related initiatives as part of OPC's Fraud and Corruption Prevention Strategy.

#### Internal Audit

During 2002-2003, nine Internal Audits were undertaken and addressed by management.

As at 30 June 2003 the status of implementation of the recommendations following the audits were as follows:

Audit	No. of Recommendations	No. Implemented	No. Overdue	No. Not yet due
Cash Disbursements	18	18	0	0
Deceased Estates	18	18	0	0
Portfolio Management System (PMS) User Acceptance Testing	7	7	0	0
Private Management	3	3	0	0
Client Financial Statements	11	10	1	0
Fraud Prevention Procedures	38	21	1	16
Network Security	5	2	0	3
Non-Investment Assets	22	19	3	0
Post-implementation review of Client Information System (CIS)	14	1	0	13
Totals	136 (104 due by 30 June 2003)	99	5	32

### 3. Our Organisation

(Corporate Governance Cont'd)

This represents an implementation rate of 95% of due recommendations, with only 5% of recommendations overdue. Those recommendations not yet due for implementation are currently being addressed.

Audit advice has been incorporated into the development of OPC policies e.g. Deceased Estates, Transaction Statements, and Property Management. OPC also keeps abreast of new policies, guidelines, standards and legislation which affect a diverse range of related issues such as Conduct and Disciplinary standards, Protected Disclosures, Auditing and Investigation standards, and Fraud Detection techniques.

The Manager, Quality Control & Audit also examines external databases in the public domain, such as State and Commonwealth Unclaimed Monies, to ascertain if client entitlements are being secured. This involves the annual review and analysis of many thousands of public records (98,000 State records, for example) in an attempt to "data-match" with OPC client records.

#### **Fraud prevention in OPC**

In early June 2003, the Auditor General tabled a report in Parliament on OPC's fraud prevention procedures. The report's key findings were:

"Overall, we rated OPC's fraud prevention as 'Fair'. This has improved considerably

since the 'Ineffective' rating the Office received in July 2001. If it implements our recommendations they will at least achieve an 'Effective' rating, the one above 'Fair'. It will be difficult for OPC to achieve a higher rating than this, as their operations are inherently risky".

The Protective Commissioner's response was included in the report:

"OPC accepts the report's findings and recommendations. Since the field work for this report was undertaken, OPC has completed development of its Fraud and Corruption Prevention Policy. That policy incorporates all the relevant recommendations contained within the report to Parliament. All other recommendations will be implemented as soon as possible".

OPC considers that as a result of the completion of its Fraud and Corruption Prevention Policy it may have attained an "Effective" rating by the end of 2002-2003.

The Audit Office rated OPC's employee awareness as "Very good".

The Audit Office also acknowledged in its report the good rating OPC received from OPC's internal auditors:

"Since our audit of OPC's fraud prevention procedures, Deloitte Touche

Tohmatsu conducted a risk assessment review of OPC. Deloitte's review showed OPC continued to improve, with thirty-five of the 36 risk categories rated as 'Effective' or 'Very Effective'. The remaining risk - Acquisition and Disposal of Client Property and Chattels rated as 'Partly Effective'.

To provide further assurance, the Manager Quality Control & Audit regularly undertakes a surveillance audit of OPC's client database to search for anomalous or fraudulent transactions. The goal is to complete a full sweep of the whole client database every two years. On that basis about 3500 records would be independently reviewed every year.

**COMPLAINT MANAGEMENT**

OPC welcomes feedback from clients and other interested parties. Clients and stakeholders are encouraged, and have a right, to express their views about the organisation and the services it provides.

On an individual basis this provides an opportunity for people to have issues related to their particular circumstances reviewed.

At an organisational level the information received helps OPC to develop ways to improve the services it provides to clients.

Clients and stakeholders can provide feedback in a variety of ways. They may

telephone or write to:

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

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

Listed below is a summary of the feedback received this year through the centralised complaint handling mechanism in comparison with previous years:

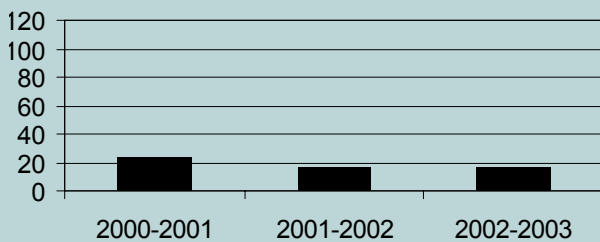
TYPE OF FEEDBACK	2000-2001	2001-2002	2002-2003
Compliments	23	16	16
Complaints	30	90	106
Reviews of Decision	28	41	25
Ministerials	49	82	53

Of the 53 ministerials received in this financial year 22 were complaints, 4 were reviews of decision and 27 related to requests for information or clarification of the role of the Office.

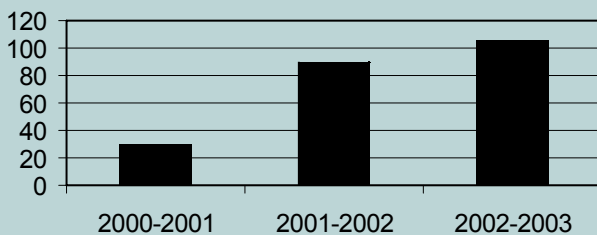
### 3. Our Organisation (Corporate Governance Cont'd)

#### TYPE OF FEEDBACK

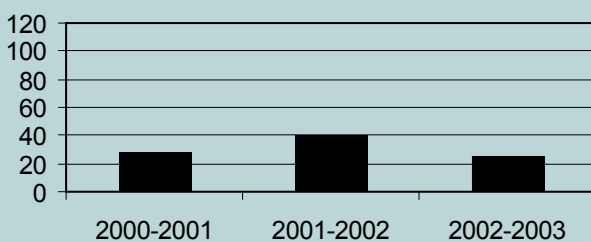
##### Compliments



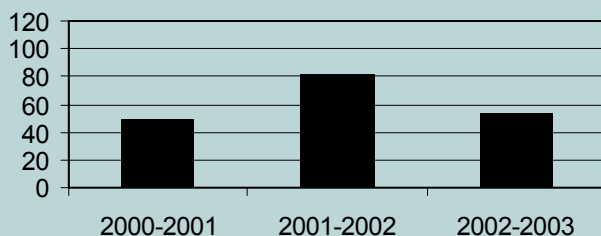
##### Complaints



##### Review of Decisions



##### Ministerials



The most common complaint related to the role of OPC, with 22% of complaints having this as an element. When the role of OPC and the appointment of OPC are combined, this accounts for 34% of the complaints received. Eighteen percent (18%) of complaints had an element relating to timeliness and 16% were unhappy with a decision made.

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

Combined complaints about the appointment and role of the Protective Commissioner may have been a factor in many of the other complaints. The complexity associated with making substitute decisions in the overall best interests of clients cannot be overstated.

OPC is only appointed in situations where a person is at risk of exploitation, abuse or neglect and there is no suitable alternative available. The expectations that some people may have about the role of the Protective Commissioner can sometimes lead to dissatisfaction. For example it is not uncommon for OPC to be appointed in situations where there is extreme family conflict and one or more sides of a family are looking to OPC to take action against another family member.

Whilst OPC does take action on behalf of clients in circumstances where there is reliable evidence of past exploitation or misappropriation of a person's funds, this is not possible or desirable where the only evidence is an unsubstantiated allegation by one family member against another. Where allegations of criminal activity are made OPC advises the person making the allegation to inform the police.

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

OPC endeavours to respond to all complaints within 21 calendar days. However, given the complexity of the issues raised in some cases this is not always possible. Below is shown the length of time taken to respond to complaints, ministerials and reviews of decision in this reporting period:

RESPONSE TIME FOR COMPLAINTS (DAYS)			
	0-21	21-30	over 30
% response within timeframe	62%	20%	18%

### CLIENT SURVEY

OPC conducted a client survey in the latter half of 2002. The survey sought feedback on service standards from clients where OPC performs the financial management as well as from private managers.

#### Private Managers' responses

OPC received 314 responses from people who identified themselves as private managers, a response rate of approximately 17%.

OPC sought and received feedback on its Private Management Service Standards to assist in developing the standards and as an indication of whether private managers thought we were meeting those standards. The survey also provided an opportunity for respondents to give feedback and make comment on aspects of our services not covered by our service standards.

Specifically, 95.9% of private manager respondents told us that we had provided them with information about OPC, with 1.9% stating that we hadn't. Where private managers stated that OPC provided them with information, 2.9% reported that they did not understand the information.

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

The feedback regarding whether OPC was meeting its undertaking to respond to phone enquiries within 2 working days of a private manager calling was:

Yes 80.6%                      No 3.5%  
I haven't called 15.9%

Of those respondents who acknowledged that they had called OPC 95.8% reported that we responded to their phone enquiries within 2 working days.

OPC's standards for replying to written correspondence is 21 days. To allow for delivery times the survey sought feedback on whether OPC responded within 4 weeks. The response was:

Yes 68.5%                      No 4.8%  
I haven't written 26.4%  
Not applicable 0.3%

Of those respondents who acknowledged that they had written to OPC 93.5% reported that they received a response within 4 weeks.

While these responses show OPC has room for improvement in meeting the service standards, the level of compliance with the standards gives a good starting point for comparison in future years.

One hundred and seven private managers (107) took the opportunity to make further comment regarding their survey responses.

#### **Clients where OPC directly manages the estate**

OPC acknowledges that gathering feedback by written survey has an inherent challenge given some clients' lack of capacity to give feedback. In order to partially overcome this, feedback was also sought from significant people in the lives of clients and service providers. The information has been analysed separately and together as each of these groups will have different perspectives regarding what is satisfactory service.

OPC received 675 responses from people who identified themselves as being clients whose financial affairs were directly managed by OPC, significant people in their lives or service providers. Of these respondents 35.1% required assistance from someone else to complete the survey. We sought and received feedback on our Estate Management Service Standards to measure to what extent we were meeting them. The survey also provided an opportunity for respondents to give comment on aspects of our services other than those covered by our service standards.

OPC supplies client newsletters and trust account statements to all clients except where there is a verifiable reason why this information should not be supplied for the security or welfare of the client.

The survey sought information regarding

the information OPC has provided about the organisation and specifically about the management of the client's financial affairs. The responses were:

*Have we provided you with information about OPC?*

Yes 80.6%                      No 9.5%  
Don't know 8%  
Did not respond to question 1.9%

*Have we provided you with a trust account transaction statement once every six months?*

Yes 81.5%                      No 13.2%  
Don't know 4.1%  
Did not respond to question 1%

*Did you understand the information we have given you?*

Yes 78.4%                      No 19%  
Did not respond to question 2.6%

The feedback regarding timeliness of responses included:

- \* In regard to responding to phone enquiries within 2 working days, 65% answered "Yes", 13.2% answered "No", 20% stated they hadn't called and 1.8% did not respond to question.
- \* Of those who stated that they had called OPC 83.1% reported that OPC responded to their phone enquiries

within 2 working days.

- \* In regard to the last occasion the respondent wrote to OPC, 44.3% stated OPC responded within 4 weeks, 8.7% said OPC didn't respond within 4 weeks, with 44.7% having not written and 2.1% having not responded to the question.
- \* Of those who acknowledged that they had written to OPC 83.5% reported that they received a response within 4 weeks.

OPC has endeavoured to improve its processes regarding formally advising clients as to the reason for decisions. The responses from the survey indicated that of those who they felt OPC had made a major decision on behalf of a client 71.8% said that they thought we had asked for their views. Of those clients who indicated that they felt we had made a major decision that they had disagreed with 74.7% said they thought we had explained why.

The responses gained by surveying clients and people significant in their lives show OPC is working toward meeting the service standards. These responses and the level of compliance with the standards gives a starting point for comparison in future years, as well as an indication of the areas where further qualitative information is required.

### 3. Our Organisation

(Corporate Governance Cont'd)

The last question in the survey specifically sought feedback regarding the overall impact of OPC's involvement on the management of the financial affairs of clients. The question asked and the response rate was:

*Has the management of your financial affairs improved since the financial management order was made?*

Yes 52%      No 16%  
Unknown 28.9%  
Did not respond to question 3.1%

Of those clients who expressed an opinion regarding whether the financial management had improved since the financial management order was made 76.5% responded positively.

Thirty-five percent of respondents took the opportunity to make additional comments.

#### **Outcome**

The feedback from the survey was used in the review of the Estate Management Service Standards.

The survey will also form the basis of focus groups to be conducted in the next reporting period to gain further qualitative feedback regarding our services.

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

The report of the Public Bodies Review Committee into OPC and OPG was tabled in Parliament in October 2001. During

2002-2003 further progress was made in the implementation of the report recommendations:

#### **Recommendation 11**

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

#### **Response**

The Independent Pricing and Regulatory Tribunal (IPART) commenced a review of OPC's fee structure in February 2003 and reported to the Premier in May 2003.

#### **Recommendation 12**

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

#### **Response**

The NSW Audit Office tabled a report in Parliament in early June 2003 on OPC's fraud prevention procedures. See pages 10 and 11 of this report.

#### **Recommendation 16**

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

**Response**

The Guardianship and Protected Estates Legislation Amendment Act 2002 commenced on 28 February, 2003. That Act, by Schedule 2 Clause 4, removed the Protective Commissioner as an officer of the Supreme Court.

**Recommendation 17**

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

**Response**

The Guardianship and Protected Estates Legislation Amendment Act 2002, provides for reviews of OPC decisions by the Administrative Decisions Tribunal.

**Recommendation 20**

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

**Response**

During 2002-2003 OPC's Estate Management Branch conducted regional visits to Tweed Heads, Lismore, Wagga Wagga, Port Macquarie, Newcastle, Coffs Harbour, Hornsby and Katoomba. OPC's Private Management Support Branch visited Katoomba, Bathurst, Lismore, Tweed Heads, Port Macquarie, Newcastle, the Hunter Valley and Manly.

**Recommendation 21**

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

**Response**

OPC conducted a client survey in 2002. The survey sought and obtained feedback on the Service Standards for both the Financial and Asset Management Program and the Private Management Support program. See pages 13-16 of this report.

**Recommendation 23**

*That the Protective Commissioner and the Public Guardian consult with clients and relevant stakeholder groups about potential name changes for the respective organisations, reflecting more appropriately the advocacy role of the public guardian and the financial management role of the Protective Commissioner.*

**Response**

This issue has been discussed with the OPC/OPG Advisory Council. A review of the Protected Estates Act is proposed for the 2003-2004 financial year. This

## 3. Our Organisation

(Corporate Governance Cont'd)

presents an opportunity to canvas options for renaming the Office of the Protective Commissioner.

### COMMITTEES AND BOARDS

#### Advisory Council

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

#### Andrew Buchanan

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

#### The Hon. Brian Cohen

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

#### Lloyd Draney

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

#### Phillip French

A lawyer with extensive background in advocacy for people with disabilities. Currently Executive Officer of People with Disabilities (NSW) Inc. and Private

Guardian to two men with intellectual and other disabilities.

#### Jenny Green

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

#### Beverley Mackie

Mother of a client of the Protective Commissioner.

#### Janet Meagher, AM

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

#### Linda Monaghan-Nagle

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

#### Chris Sidoti

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

#### Barbara Squires

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

#### Roger Stancliffe, Ph.D.

Over 23 years experience in the developmental disability field. Currently a

senior research fellow at the Centre for Developmental Disability Studies.

### **Investment Advisory Committee**

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

#### **Alan Bertram**

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

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

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

#### **Ted Gifford**

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

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

Principal Advisor, Financial Liabilities, NSW Treasury

### **Interagency Forum**

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

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

- Aboriginal Medical Service
- Aboriginal Mental Health Service
- Aged Care Rights Service Inc
- Alzheimer's Association of NSW
- Association of Relatives and Friends of the Mentally Ill Inc (ARAFMI)
- Brain Injury Association of NSW
- Carers NSW
- Council for Intellectual Disability (NSW)
- Intellectual Disability Rights Service
- Mental Health Advocacy Service
- Mental Health Coordinating Council Inc
- Multicultural Disability Advocacy Association of NSW
- People with Disabilities (NSW) Inc
- Schizophrenia Fellowship

### **Other Committees**

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

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

## 4. Our People

### NUMBER OF EMPLOYEES BY CATEGORY

	30 June 2003			30 June 2002			30 June 2001			
	Men	Women	Total Staff	Men	Women	Total Staff	Men	Women	Total Staff	
Permanent	full-time	94	118	212	94	109	203	90	93	183
	part-time	3	7	10	4	8	12	3	12	15
Temporary	full-time	4	21	25	5	12	17	16	28	44
	part-time	nil	2	2	nil	3	3	2	6	8
Contract	SES	2	nil	2	2	0	2	2	nil	2
	non-SES	nil	nil	nil	nil	nil	nil	nil	nil	nil
Training		nil	nil	nil	nil	nil	nil	nil	nil	nil
Casual		nil	nil	nil	nil	nil	1	nil	1	1
<b>Total</b>		103	148	251#	105	132	237 *	114	139	253

# This figure excludes 21 temporary staff employed by employment agencies to fill vacancies on a short term basis.

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

There is a total of six Aboriginal staff members employed in OPC. Of these, 3 are employed in identified positions.

#### EXCEPTIONAL MOVEMENTS IN SALARIES AND WAGES DURING 2002-2003

A 4% Public Sector Award salary increase took effect from January 2003.

#### PERSONNEL POLICIES AND PRACTICES

The staff of OPC are employed under the provisions of the *Public Sector Employment and Management Act 2002* and the *Crown Employees (Public Service Conditions of Employment) Award 2002*.

OPC is an administrative unit of the Attorney General's Department. All staff have online access via an Intranet to a comprehensive range of Personnel Policies. OPC promotes flexible working policies for staff to assist them in balancing their work and family responsibilities.

The Employee Assistance Programme, which offers a confidential counselling service to staff, was continued and promoted to all new staff.

During the year OPC completed the planning and commenced testing for the transfer of the payroll function to the

## 4. Our People Cont'd

Attorney General's Department. This transfer is the first stage in the implementation of the Attorney General's Department's Shared Corporate Services strategy.

### INDUSTRIAL RELATIONS POLICIES AND PRACTICES

No industrial dispute resulting in work stoppage occurred during the year. However, the Public Service Association in May 2003 imposed a ban on further participation in Shared Corporate Services initiatives of the Attorney General's Department. Negotiations are still continuing between the Attorney General's Department and the Public Service Association on this issue. The Public Service Association imposed two further work bans on 30 June 2003.

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

### WOMEN

OPC had 148 female staff on 30 June 2003 and continues to support the Spokeswomen's Program.

The major activities undertaken throughout the year by the Spokeswomen included:

- \* The completion of the OPC/PG Spokeswomen's Program "Annual Plan

2003"

- \* The OPC/OPG "Spokeswoman" newsletter distributed to all female staff
- \* OPC/OPG function for the International Women's Day. The International Women's Day lunch organised by the Spokeswomen was an outstanding success with a capacity gathering of 60 women attending. The lunch highlighted the richness of diversity in our office by featuring five women from widely differing backgrounds. Each story emphasised the importance of accepting differences amongst us and the unnoticed but inherent strength of character that helps in overcoming adversity. The generosity in presenting their stories was appreciated by all those present and ensured a truly inclusive gathering
- \* Emails and other updates to women in OPC on issues affecting and of interest to women
- \* Sharing of information received from the Spokeswoman's unit of the Premier's Department
- \* Attendance of two Spokeswomen at the Spokeswomen's Annual Conference
- \* Providing women in the workplace with information about the program and other issues relating to women

The major issues raised by women within OPC with Spokeswomen during the year were:

- \* Flexible working hours
- \* Child care issues
- \* Union membership
- \* Career paths and opportunities - further study etc

### **TRAINING**

The Learning and Development (L&D) Unit has continued to provide development opportunities linked to the Challenges and Outcomes of the Attorney General's Department's Corporate Plan and OPC's Business Plan. The Learning & Development Plan 2002-2004 has been developed to meet the identified needs in the OPC Business Plan.

The Learning & Development Unit programs included:

#### **Decision making & the Protective Commissioner**

- \* Total of 95 staff trained

#### **Real Estate Issues**

- \* Total of 59 staff trained

#### **Legal Issues**

- \* Total of 86 staff trained

#### **Client Information System**

- \* Total of 105 staff trained.

#### **Client Service Skills Training**

With the assistance of AGD Corporate Training and Development OPC

conducted a series of two day workshops focusing on client service skills. This workshop was based on a similar course run by AGD but was specifically tailored to OPC. All Corporate Services and Client Service Division (155 staff) attended the training.

Further, to enhance the skills of staff in working with people in a multi-cultural society 14 staff were trained in cross cultural communication.

#### **Lunchtime seminar series**

To encourage staff to remain knowledgeable about the service system and the roles and responsibilities of agencies with which OPC regularly has contact, a monthly seminar series was established in May 2003. This provides an opportunity for agencies to visit OPC and explain what they do. As at 30 June 2003 seminars have been conducted by Victims Services NSW and NSW Privacy.

### **HEALTH AND SAFETY**

The Occupational Health and Safety Committee, which consists of elected employee representatives and management representatives, continued to meet on a regular basis. The Committee was established in 1992 and undertakes a range of activities to promote staff awareness in OHS and risk management. A number of workplace inspections were undertaken and improvements to work practices recommended.

Training was conducted for staff in

managing challenging behaviour. Also OPC developed and implemented a security policy focusing on client/visitor interactions. To support the new security policy, familiarisation tours of the physical layout and training in the use of new security features was attended by 169 staff members.

### STAFF SURVEY

Of the 257 surveys sent to staff, 168 responded. This is a response rate of 65.4%. Some staff members chose not to answer some or all of the closed questions in the survey but rather provide commentary. Other staff members provided both responses to the closed questions and comments.

This response rate is lower than the one achieved in the 2001 AGD "Have your Say" survey (95%). A possible reason for the lower response rate may be because this survey was co-ordinated and processed within OPC and some staff were hesitant to participate for that reason. Some staff expressed concern that their responses could be attributed to them or a small group of people into which they fall. In keeping with an undertaking given, the results were not analysed to the level where individuals, or small groups of individuals could be identified.

### Results

In response to the survey OPC's Executive has resolved to establish working groups of staff to recommend improvement

strategies. The areas upon which the working groups will focus include:

- \* Career Prospects (53% of staff who responded are not happy with their career prospects)
- \* Direction (30.9% did not know precisely where we are going and how they fit in)
- \* Feeling valued and appreciated (41.1% did not feel valued and appreciated by OPC)
- \* Communication (52.7% said there is "not great communication and exchange of information across Divisions")
- \* Discrimination (25% of staff who responded to the survey feel "OPC is not very fair - there's lots of discrimination around here")
- \* Receiving negative behaviour (27.3% reported that over the last 12 months they have been on the receiving end of humiliating, offensive or intimidating behaviour in the workplace)

The staff survey responses form the basis of one of OPC's new Key Performance Indicators which seek to improve the measurement and management of OPC performance.

# 5. Our Clients

## NUMBER OF CLIENTS

Person who have OPC as manager of their affairs			
	30/06/2001	30/06/2002	30/06/2003
	8404	8644*	9310#
Person who have private managers of their affairs			
	30/06/2001	30/06/2002	30/06/2003
	1734	1843*	2105#
Total No. of Clients			
	30/06/2001	30/06/2002	30/06/2003
	10138	10487*	11415#

** Persons for whom OPC fulfills the role of banker			
	30/06/2001	30/06/2002	30/06/2003
	1177	1005*	930#

\* This figure includes 1098 people with OPC as their manager and 260 people with private managers who were deceased or where management had discontinued but matters were still outstanding in their estates.

# This figure includes 1517 people with OPC as their manager and 385 people with private managers who were deceased or where management has discontinued but matters were still outstanding in their estates.

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

## NEW ORDERS MADE BETWEEN 1 JULY 2002 AND 30 JUNE 2003

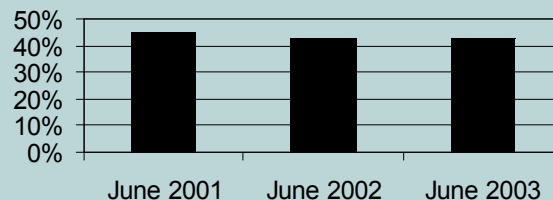
**Total Orders Made: 1366**

Persons who have OPC as manager of their affairs	
946	69%
Persons who have private managers of their affairs	
420	31%

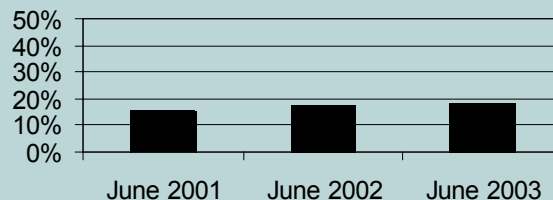
Order Source	Number	% of New Orders Made
Supreme Court	50	3.5%
Guardianship Tribunal	1,063	78.2%
Magistrate Orders	53	3.8%
Mental Health Review Tribunal	200	14.5%

## TYPE OF DISABILITY

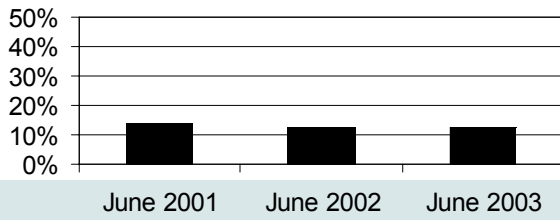
### Psychiatric



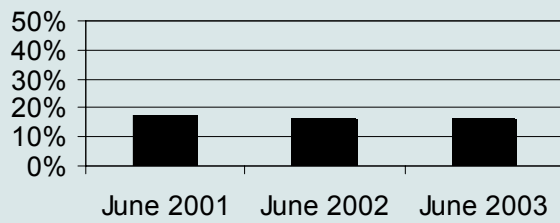
### Dementia and Age-related Disabilities



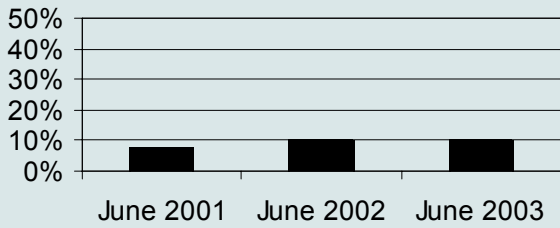
### Brain Injury



### Developmental Disabilities



### Other



\* Other includes clients with severe physical disabilities.

## 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.*

During this financial year significant progress was made in streamlining processes and formalising relationships with other organisations to enable Estate Managers to focus on the delivery of financial management services to clients.

### **ROLL OUT CLIENT PLANS TO REGIONAL TEAMS FOR EXISTING CLIENTS**

Further progress was made throughout the reporting period in developing financial plans for existing clients.

### **REVIEW ALL STANDARD LETTERS TO ENSURE THEY ARE WRITTEN IN PLAIN ENGLISH.**

As part of the implementation of a Style Guide, (see also Community Education and Advocacy Program) OPC

commenced the changing of all standard letters to ensure they are written in plain English. This will continue through the next reporting period.

### **MEMORANDUM OF UNDERSTANDING WITH PUBLIC TRUSTEE**

A memorandum of understanding has been signed with the Public Trustee of NSW concerning the release of information relating to deceased estates. This was to ensure there were appropriate safeguards around confidentiality of information and timelines in place to progress the release of an estate after a client's death.

### **REVIEW OF BANKER'S PROTOCOL**

The banker's protocol established with the Department of Ageing Disability and Home Care to manage the release of funds where the Protective Commissioner fulfils the role of banker was reviewed. The review found that the protocol was working well, and only required minor adjustments.

### **CENTRELINK INITIATIVE**

A memorandum of understanding was established with Centrelink, providing a single contact point for all Centrelink related business. This replaced previous arrangements where a range of Centrelink offices needed to be contacted. This new initiative also includes streamlined information exchange and will improve notification

## 6. Performance of Program Areas

*(Financial and Asset Management Cont'd)*

and benefit review time frames. It is anticipated that this initiative will ensure clients receive all benefits to which they are entitled and reviews will be conducted in a timely fashion.

### **NEW DELEGATIONS**

New decision making delegations were approved and published in June 2003. This followed a review of the delegations by the Internal Audit Bureau. The new delegations ensure appropriate controls and reinforce the need to document the reasons for expenditure. All delegations in Client Services Division are now located in one manual.

### **PRACTICE MANUAL**

Policies and procedures were reviewed and a new policy and procedures manual was established to guide staff in the exercise of their delegations. The development of these policies and procedures was an important part of the issuing of new delegations.

### **ASSETS AND LIABILITIES STATEMENT**

OPC has been improving the information it provides to clients in recent years. For some time clients, or authorised representatives, have been receiving a copy of their trust account statement each six months. OPC has now developed a prototype of an Assets and Liabilities statement which will list not only information about income and payments in the previous six months, but also all known investments, real estate ownership and ownership of any other significant asset.

This will allow clients to understand what information has been provided to OPC to assist in the management of their estate, and provide an opportunity for clients to correct any wrong information. The statement will also assist in making OPC's decision making more transparent.

### **EVALUATION OF TRANSITION TEAM**

The Transition Team establishes OPC's relationship with new estate management clients, gathers information required to commence management and sets up the initial plan of management. The team also deals with the estates of all deceased clients and those who leave due to discharge from management. OPC undertook a review of the Transition Team's operations in the middle of the year. A number of changes have occurred as a result that review. The most significant for new clients was to enhance the number of staff working in the team in order to give greater emphasis to the initial stages of management.

### **REVIEW OF ESTATE MANAGEMENT SERVICE STANDARDS**

During 2002-2003 OPC undertook a review of the Estate Management Service Standards which were first published in 2001. In those standards OPC made a commitment to review the standards within two years. The proposed new standards were distributed to peak bodies and agencies with which OPC has significant contact for comment.

### **PROTOCOL WITH NSW HEALTH**

OPC has negotiated a protocol with NSW Health regarding sharing information to allow it to better consider continuation and discontinuation of voluntary management. The content and format has been sent to Privacy NSW for advice prior to signing. The protocol will ensure OPC is informed of someone's discharge from hospital and the treatment team's views about whether management should continue or not, and the reasons why. It will ensure people only remain under financial management at discharge from hospital if there is evidence of continuing need. Decisions about continuation and discontinuation of management will now be made personally by the Protective Commissioner.

### **ELECTRONIC PAYMENT OF ACCOUNTS**

Most client insurance premiums are now paid by bulk electronic transfer of funds.

OPC also embarked on investigations to streamline payment processes for utilities through electronic delivery of account information and payment. It is hoped to expand this service to all utilities where client volume allows.

### **IMPLEMENTATION OF CHARTER OF VICTIMS' RIGHTS**

OPC has implemented a Victims' Rights Policy. The Charter of Victims' Rights implementation has been reviewed by the Victims of Crime Bureau. The reviewers

read the policy and other documents, had a tour of OPC and met with a number of staff. The initial feedback has been very positive. OPC has done a significant amount in this area. However, much more is required and OPC will continue to work towards best practice in providing assistance to OPC clients who are victims of crime.

### **FURTHER DEVELOPMENT AND EXTENSION OF THE REGIONAL VISITS PROGRAM**

OPC's commitment to provide access to regional clients through the establishment of temporary offices continued during 2002-2003. Clients located in the outer areas of Sydney and outside the metropolitan area were given the opportunity for face to face contact with Estate Managers to discuss the financial management of their estates. There were eleven (11) temporary offices established in eight (8) regional locations. Over five hundred clients and people significant in their lives met with Estate Managers to discuss issues concerning clients' estates.

### **ESTABLISHMENT OF THE LEGAL SERVICES PANEL**

A tender process was conducted to establish a Legal Services Panel to undertake legal work (excluding conveyancing) on behalf of OPC clients. Seven (7) firms with specialist expertise in relevant areas of law were appointed to the panel.

## 6. Performance of Program Areas

(Financial & Asset Management Cont'd)

### RECRUITMENT OF AUTHORISED VISITORS

As a result of changes to the Protected Estates Act which commenced in February 2003, Authorised Visitors are now appointed by the Protective Commissioner instead of the Supreme Court. In preparation for these legislative changes management processes were reviewed. The changes included the introduction of defined periods of time for the panel and improved monitoring processes. A change in fees was also implemented.

Advertisements seeking expressions of interest to be considered for the Authorised Visitor panel appeared in rural, regional and Sydney presses in May 2003 and there was extensive flyer distribution to numerous generic and disability organisations. As well as providing a broad range of disability expertise, OPC hopes the new panel will provide coverage throughout NSW and reduce travel costs associated with compiling the reports.

### PAYMENT OF ACCOUNTS FOR CLIENTS

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

PAYMENTS (\$MILLION)		
2000-2001	2001-2002	2002-2003
723	614	637

RECEIPTS (\$MILLION)		
2000-2001	2001-2002	2002-2003
450	360	522

NO. OF TRANSACTIONS COMPLETED		
2000-2001	2001-2002	2002-2003
940,000	980,000	1,159,000

In addition, OPC's Austraclear system (a financial markets electronic settlement and safe custody facility) processed a total of \$9.553 billion in transactions.

### TAXATION SERVICES

During 2002-2003 the number of income tax returns and activity statements lodged by OPC on behalf of clients increased by over 20%. However, the number of land tax matters managed fell:

NO. OF INCOME TAX RETURNS & ACTIVITY STATEMENTS LODGED		
2000-2001	2001-2002	2002-2003
2,200	2,500	3,024

NO. OF LAND TAX MATTERS MANAGED		
2000-2001	2001-2002	2002-2003
152	138	82

### FINANCIAL PLANNING

In the year under review more than \$875 million was invested on behalf of OPC clients in accordance with financial planning arrangements made by OPC's Financial Planning Branch.

## **(ii) PRIVATE MANAGEMENT SUPPORT**

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

### **CHANGES TO ANNUAL ACCOUNTS FORMS**

OPC's surveys of private managers indicated that many were having difficulty with the accounting forms that OPC provides. Those forms were developed some time ago and do not take account of changes that have occurred in the financial markets, investments, banking, etc. New forms are currently being trialled with a view to tailoring reporting formats to the estate under management.

### **PRIVATE MANAGERS CHECKLIST/REPORT**

OPC has developed a "Report by Private Managers to the Protective Commissioner" which forms part of the new Accounting Forms package. The report asks private managers to identify and comment on issues faced by private managers. It is anticipated that the issues raised through this mechanism will be specific to the individual estate being managed.

### **CLIENT CONTACT PROGRAM**

The client contact program has provided the opportunity for private managers and support officers to meet and exchange information. This has led to a better

understanding on both sides. During 2002-2003 Private Management Support Branch staff met with 90 private managers in a variety of locations including Katoomba, Bathurst, Lismore, Tweed Heads, Port Macquarie, Newcastle, the Hunter Valley and Manly.

Private Managers in the metropolitan area also visit OPC to speak by appointment to their Support Officer and other OPC staff.

### **PRIVATE MANAGEMENT PERFORMANCE AUDIT**

A performance audit of Private Management Support was performed by Deloitte Touche Tohmatsu this year. The report is anticipated to be released September 2003.

### **NEXT STEPS**

During the latter part of 2003, OPC plans to conduct focus groups to seek a greater depth of information regarding the services delivered and seek feedback on changes proposed. These will be conducted in both metropolitan and regional areas.

OPC will then follow up with another general survey in 2004. That survey will use many of the same questions to assist in measuring changes in perception of service levels over time.

OPC will also be approaching organisations which deliver similar

## 6. Performance of Program Areas

(Private Management Support Cont'd)

services in other jurisdictions to try to compare OPC service levels with their own. This will form part of a larger project to pool collective expertise in delivering supervision of financial management services.

### (iii) 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 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. 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.

#### 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:

<b>Investment Fund</b>	<b>Fund Profile</b>	<b>Fund Objective</b>
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.

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

The structure of the new investment funds is similar to that offered by 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:

Investment Fund	(%)	Benchmark	(%)
Access Fund	5.50	UBS Australian 90 day Bank Bill Index	5.00
Australian Cash	4.96	UBS Australian 90 day Bank Bill Index	5.00
Australian Cash Plus	6.50	UBS Australian 0-3year Composite Bond Index	6.80
Australian Fixed Interest	9.52	UBS Australian All Maturities Composite Bond Index	9.82
Australian Share	-1.76	S&P/ASX 200 Accumulation Index	-1.72
Australian Listed Property Securities Fund	12.22	S&P/ASX 200 Listed Property Trust Accumulation Index	12.14
International Bond	11.96	JP Morgan Global Bond (ex-Australia) Index	12.22
International Share	-17.91	MSCI World (ex-Australia) Index	-18.54

*Fund performances are net against benchmarks. Internally managed funds suffered a degree of tracking error due to timing effects of large liquidity flows occurring in the initial establishment timeframe of the funds.*

### (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.

#### COMMUNITY EDUCATION

The Community Education Program covered a range of locations and groups throughout the financial year. Thirty two (32) community education sessions were presented with 373 people participating. These community and private manager education sessions were conducted

across the Sydney Metropolitan area and in a variety of regional areas including Bathurst, Queanbeyan, Cooma, Bombala, Newcastle, Cessnock, Dapto, Forster, Taree, and Wollongong.

OPC also participated in Law Week from 12 -16 May 2003. The theme of Law Week this year was "Opening the Doors to the Law".

## **COMMUNICATION**

OPC's corporate communication achievements included:

### **Corporate and Client Feedback Brochures**

OPC reprinted its Corporate Brochure and Client feedback brochure. These now have a translations panel on the back inviting clients and community members who require language assistance to understand the information supplied to contact OPC through the Telephone Interpreter Service in the first instance. These brochures are used in conjunction with the 14 fact sheets which provide more detailed information.

### **Letterhead**

The panel advising recipients how to seek language assistance is also printed on the reverse side of OPC's new letterhead. OPC hopes to improve the ease and accuracy of communication with clients and people significant in their lives through expanding the use of language assistance where this will help.

### **Brochure for Indigenous Communities**

With the assistance of indigenous staff and the Norimbah Unit of the Attorney General's Department, OPC published a brochure about financial management specifically targeted at indigenous communities. Initial feedback is that it has been well received and OPC has had requests for more copies. OPC is currently discussing community education initiatives to introduce this brochure and information at a local level.

### **OPC Web Site**

OPC has web pages within the Attorney General's Department's web site at [www.lawlink.nsw.gov.au/opc](http://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. OPC will be among the first five business centres of the Attorney General's Department to populate their redesigned sites. OPC's site will be ready in the first quarter of 2003-2004. The layout of the site has been redesigned and there will be more information which will be accessible to make our site more user friendly.

### **Style guide**

A communication style guide was developed during 2002-2003 to standardise the way in which OPC communicates. This style guide includes information about communicating with people with disabilities, the standard print style and size, how to communicate decisions and

an emphasis of writing in plain English.

### **Newsletters**

OPC continued to produce its newsletters to keep our clients and stakeholders informed of changes. The newsletters are for clients of the OPC (*OPC News*), for service providers (*Connect*) and, for private financial managers (*Managing*).

### **ADVOCACY**

OPC continued to provide a range of individual and systemic advocacy on behalf of clients throughout the reporting period.

Advocating on behalf of individuals is a daily occurrence for estate managers as they manage clients' estates. Individual advocacy activities range from having utilities reconnected to liaising with creditors where clients have incurred debts and are unable to repay without hardship.

The systemic advocacy undertaken throughout the reporting period included:

- \* OPC provided comment on a new policy and procedures developed by Department of Ageing, Disability and HomeCare regarding managing clients' finances
- \* OPC submitted comments on the draft consent and capacity guidelines developed by Privacy NSW
- \* An OPC staff member as a member of the disability sub-committee of the Law Society's Ethics Committee, provided

input into the development of guidelines for solicitors regarding "Preparing documents of an enduring nature" and "Dealing with clients who may lack capacity - Civil and Family Law".

# 7. Outlook

## PROGRAM PRIORITIES

### Financial and Asset Management

- \* Improvement of management of assets external to the Common Fund and increase risk management program for those assets.
- \* Development of Administrative Decisions Tribunal decision review framework.
- \* Implementation of Independent Pricing and Remuneration Tribunal (IPART) review, including new fee structure.
- \* Identification of and development in expertise in key areas.
- \* Incorporation of "Consent and capacity guidelines" being developed by Privacy NSW into OPC practice.
- \* Conduct of focus groups following 2002 client survey to gain more qualitative information, including members of culturally and linguistically diverse (CALD) groups.
- \* Undertaking of risk analysis and development of a risk management plan with associated policies and procedures in relation to client visits.

### Private Management Support

- \* Response to any issues raised in the Performance Audit of Private Management Support.
- \* Development of Administrative Decisions Tribunal decision review framework.
- \* Implementation of Independent Pricing and Remuneration Tribunal (IPART) review,

including new fee structure.

- \* Undertaking of a risk analysis and develop a risk management plan with associated policies and procedures in relation to client visits.
- \* Implementation of an investment service for privately managed funds.

### Funds Management

- \* Implementation of Independent Pricing and Remuneration Tribunal (IPART) review.

### Community Education and Advocacy

- \* Development and implementation of an education program regarding new fee structure.
- \* Submission regarding Boarding Houses and the review of the Youth and Community Services Act 1973.

### Internal priorities for OPC in the coming year are:

- \* Encouragement and management of appropriate internet and email usage.
- \* Development of specific strategies for staff from ethno religious minority groups and indigenous staff.
- \* Development of strategies to address issues identified through OPC staff survey.

# 8. Appendices

## (i) ACCOUNT PAYMENT PERFORMANCE

### PAYMENT PERFORMANCE INDICATORS

Schedule of Accounts Payable	Qtr Ended Sept 2002 \$,000	Qtr Ended Dec 2002 \$,000	Qtr Ended March 2003 \$,000	Qtr Ended June 2003 \$,000
Current	-	-	-	61
Less than 30 days	-	-	-	-
Overdue 30-60 days	-	-	-	-
Overdue 60-90 days	-	-	-	-
Overdue more than 90 days	-	-	-	-
<b>Totals</b>	-	-	-	<b>61</b>

*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 2002 \$,000	Qtr Ended Dec 2002 \$,000	Qtr Ended March 2003 \$,000	Qtr Ended June 2003 \$,000
Accounts paid on time	2,584	2,839	2,992.5	3,611
Total accounts paid	2,666	2,881	2,993	3,611
% accounts paid on time	96.92	98.54	99.98	100.0
Target % paid on time	99.90	99.90	99.90	99.90

### REASONS FOR LATE PAYMENTS

Incomplete documentation and errors in invoices.

### INTEREST PAID DUE TO LATE PAYMENTS

Nil

## (ii) 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.

Five of the eleven 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.