

Account Payment Performance

■ PAYMENT PERFORMANCE INDICATORS

Schedule of Accounts Payable	Qtr Ended Sept 2004	Qtr Ended Dec 2004	Qtr Ended March 2005	Qtr Ended June 2005
	\$,000	\$,000	\$,000	\$,000
Current	-	-	-	388 *
Less than 30 days	-	-	-	-
Overdue 30-60 days	-	-	-	-
Overdue 60-90 days	-	-	-	-
Overdue more than 90 days	-	-	-	-
Totals				388 *

* 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 2004	Qtr Ended Dec 2004	Qtr Ended March 2005	Qtr Ended June 2005
	\$,000	\$,000	\$,000	\$,000
Accounts paid on time	3,222	6,301	7,602	9,252
Total accounts paid	3,379	6,482	7,711	9,301
	%	%	%	%
Accounts paid on time	95.35	97.21	98.59	99.47
Target paid on time	99.90	99.90	99.90	99.90

Reasons for late payments. Not applicable.

Interest paid due to late payments. Nil.

Action Plan for Women

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

Four of the nine members of the Advisory Council are women and one member of the Investment Advisory Committee. Although the individuals on the Interagency Forum are chosen by the organisations they represent, OPC is fortunate to have a balance between males and females in this forum. This enables women to have a high level of involvement in providing independent strategic advice and ongoing feedback to the Protective Commissioner.

Budget (Operating) 2004-2005

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

	2005-2006 Budget \$'000	2004-2005 Actual \$'000
Operating Revenues		
Investment Income	739	796
Registry Fees	-	-
Court Directions and Supervision Fees	1,152	1,218
Income and Capital Commission (Note 1)	-	-
Management Fees (Note 1)	14,000	13,892
Investment Fund Fees (Note 1)	5,806	5,936
Government Funding	7,918	8,616
Fees - additional services to clients	-	-
Fee for provision of Taxation Service	-	-
Financial Planning Fees	-	-
OPC Services to OPG	179	179
Profit on Sale of Assets	-	-
Transfer under Former Sect 55 (1)(c) of the Protected Estates Act	-	-
Miscellaneous Income	-	81
Total Revenue	29,794	30,718
Operating Expenses		
Salary & Related	18,507#	16,767
Operating Expenses	6,815	6,537
Maintenance	795	698
Depreciation	2,318	1,806
Total Operating Expenses	28,435	25,808
Surplus/(Deficit)	1,359	4,910
Capital Revenues		
Transfers under Sect 55 (1)(c) of the Protected Estates Act	-	-
Total Capital Revenue	-	-
Total Capital Expenditure	2,138#	1,472

* These figures are for OPC exclusively. The financial statements which follow in this report include the operations of the Office of the Public Guardian (OPG).

These figures include a special allocation totalling \$1.1 million to assist in OPC's restructure.

Code of Conduct and Ethics

OPC is covered by the NSW Attorney General's Department (AGD) Code of Conduct. There were no changes to the AGD Code of Conduct 2004-2005.

Consultants

OPC did not engage any consultants directly this reporting period. However, it did contribute \$30,000 towards the cost of the Treasury Review of OPC by RSM Bird Cameron. This payment was made as the terms of reference were expanded at OPC's request to include workload issues.

Disability Plan

OPC has continued to implement the AGD Disability Plan. Where changes have been proposed OPC has consulted disability groups to assess the impact of those changes.

OPC staff continued to participate in Disability Awareness Sessions offered through the AGD Corporate Development and Training Unit.

During the reporting period OPC provided reasonable workplace adjustment for 3 additional staff with a disability. These adjustments included provision of appropriate ergonomic equipment, specialised safety mechanisms and modifications to the workplace based on the advice of the Commonwealth Rehabilitation Service.

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

In planning for the relocation to 144 Clarence Street, the needs of clients with a range of disabilities were incorporated into both the choice and design of the new premises. The preparatory work commenced in 2003-2004 and OPC moved into these premises during 2004-2005.

Electronic Service Delivery

OPC has continued to use electronic service delivery systems where available to improve the efficiency and cost effectiveness of those services it delivers both internally and to external stakeholders. During the reporting period OPC focused on enhancing the systems we have rather than introduce further systems.

OPC has commenced investigation of the possibility of electronic lodgement of accounts by private managers.

Equal Employment Opportunity

■ TABLE A. TRENDS IN THE REPRESENTATION OF EEO GROUPS¹

EEO Group	Benchmark or Target	% of Total Staff ²			
		2002	2003	2004	2005
Women	50%	55.7%	58.9%	58.6%	57%
Aboriginal people and Torres Strait Islanders	2%	1.7%	2.4%	1.9%	2.6%
People whose first language was not English	19%	35%	36.3%	36%	16%
People with a disability	12%	10.5%	10.8%	11.5%	8%
People with a disability requiring work-related adjustment	7%	6.8%	7.2%	7.7%	7.8%

■ TABLE B. TRENDS IN THE DISTRIBUTION OF EEO GROUPS¹

EEO Group	Benchmark or Target	Distribution Index ³			
		2002	2003	2004	2005
Women	100	107	125	118	90
Aboriginal people and Torres Strait Islanders	100	NA	NA	NA	NA
People whose first language was not English	100	42	45.3	49.48	97
People with a disability	100	11.8	12.3	18.32	NA
People with a disability requiring work-related adjustment	100	NA	7.6	8.75	NA

Notes:

1. Staff numbers are as at 30 June.

2. Excludes casual staff.

3. A Distribution Index of 100 indicates that the centre of the distribution of the EEO group across salary levels is equivalent to that of other staff. Values less than 100 mean that the EEO group tends to be more concentrated at lower salary levels than is the case for other staff. The more pronounced this tendency is, the lower the index will be. In some cases the index may be more than 100, indicating that the EEO group is less concentrated at lower salary levels. The Distribution Index is automatically calculated by software provided by ODEOPE. The distribution Index cannot be used for EEO groups where the number of staff in the EEO group is less than 20. For this reason some categories are shown as NA.

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 fall into nine outcomes areas:

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

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

1. Ongoing Programs and Practices – Things we will continue to do well

- OPC provides all exiting staff with the opportunity to comment on their employment experiences at OPC by means of exit questionnaires and/or interviews.
- Flexible Working Practices are available to all staff to promote and support EEO outcomes and assist staff in balancing their work and family commitments.

- OPC has two Aboriginal and Torres Strait Islander (ATSI) staff in identified ATSI positions. These staff are supported in their active membership of the Department's Equity Network and meetings/conferences.
- All OPC managers have specific EEO responsibilities included in their position descriptions and have been trained in providing constructive feedback to staff having regard to EEO issues/considerations. As position descriptions are revised to reflect the new administrative structure within OPC, this practice will continue.
- OPC continues to monitor, analyse and report on grievances lodged by staff.
- OPC continues to promote the Community Language Allowance Scheme.
- OPC continues to implement reasonable adjustment to promote the employment of suitably qualified staff with disabilities.

2. Building on Our Achievements

- New Initiatives in Equity & Diversity

- Staff and managers have been trained in the prevention of workplace harassment and procedures for investigating harassment within the workplace.
- OPC has reinforced its commitment to eliminate bullying and harassment in the workplace following a survey conducted in November 2004.
- Any complaints raised by staff are promptly investigated in line with the Attorney General's Department's policy and procedures.

■ PRIORITIES FOR 2005-2006

- In the last reporting period OPC's EEO statistical data base achieved 100% completion of EEO survey data. In the change over of the payroll system this has dropped to 30%. OPC will improve the data available to enable OPC to monitor EEO outcomes by encouraging staff to update their details on the new payroll system.
- A range of communication and consultation strategies are to be implemented as part of OPC's restructure to ensure that the needs of staff from EEO groups are included in the process.
- In implementing the restructure, consideration will be given to recognising the needs of EEO group members. Where necessary OPC will provide additional support, such as training in job seeking, to ensure that these staff are not disadvantaged in the recruitment process.

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 manages clients' finances to meet their individual needs. This means that a client's cultural requirements are integral to the task of making substitute financial decisions.

■ STAFF TRAINING ON CULTURAL DIVERSITY

As part of OPC's induction program the cultural and linguistic needs of clients are incorporated into the following modules:

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

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

Language services and information provided to the diverse community of NSW.

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

Clients were offered language assistance using the Telephone Interpreter Service where appropriate. OPC also continues to engage professional interpreters to interpret and translate for clients and their family members. During 2004-2005, face to face interpreting and translation of documents occurred on 100 occasions.

Contacts made during planning for Law Week events led to four sessions with Day Care groups run by the Illawarra Ethnic Communities Council. This enabled us to reach 122 members of the Arabic, Greek, Macedonian, Spanish and Italian communities in the Illawarra area alone.

Further information sessions were held with:

- Transcultural Mental Health Greek Carers Group – Migrant Resource Centre Rockdale;
- Transcultural Mental Health Canterbury Community Health Centre; and
- Marrickville Greek Schizophrenia Support Group

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

Freedom of Information

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

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

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

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

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

Freedom of information statistics		
Freedom Of Information (FOI) Requests	2004/05	2003/04
New (including transferred in)	24	10
Brought forward	Nil	2
Total to be processed	24	12
Completed	23	12
Withdrawn	Nil	Nil
Total processed	23	12
Unfinished	1	Nil
Result of FOI Requests		
Granted in full	16	10
Granted in part	2	Nil
Ministerial Certificates Issued	Nil	Nil
No. of Requests Requiring Formal Consultation	8	Nil
Notation of Personal Records	Nil	Nil
FOI Requests Granted in Part or Refused	7	2

Basis of disallowing or restricting access	2004/05 Schedule 1 Part 2 (6)	2003/04
All Completed Requests - FOI fees Received	\$575	\$225
Type of Discount		
Financial hardship, pensioner, public interest	6	3
Days to Process - Elapsed Time		
0-21 days	3	8
22-35 days	13	4
Over 35 days	7	-
Total	23	12
Processing Hours		
0-10 hours	8	11
11-20 hours	15	1
21-40 hours	-	-
Over 40 hours	-	-
Total	23	12

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.

We undertake to respond to phone calls within 2 working days and correspondence within 15 working days.

Land Register

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

Legal Changes

The Protected Estates Amendment (Missing Persons) Act 2004 (The Act) commenced on 17 December, 2004. The Act introduced the term "protected missing person" to refer to people in this situation. The Protective Commissioner or a Private Manager can now be appointed to manage an estate of a protected missing person.

Overseas Trips

No OPC staff member undertook an overseas trip during 2004-2005.

Privacy Management

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

OPC commenced a Privacy Audit in 2004-2005 which will be completed in 2005-2006. The initial activities which will be undertaken to improve privacy compliance within OPC in 2005-2006 are:

- a) modification of the client database to reflect the responsibility and security level assigned to each staff member's position;
- b) specific education to be provided to staff on privacy issues including *Privacy and Personal Information Protection Act (PIPPA)*;
- c) investigation into limiting staff's access in the training environment to their normal security level;
- d) upgrading of the auto attendant on phone system to include a privacy statement; and
- e) A privacy audit to be conducted annually to ensure compliance with privacy legislation.

Publications

Publication: OPC Annual Report 2003-2004

Publication Format: Report

Purpose: Annual Performance Report to Parliament

Publication: OPC Annual Report 2003-2004 highlights brochure

Publication Format: Brochure

Purpose: Highlights of the OPC Annual Report for all clients and stakeholders

Publication: OPC News

Publication Format: Newsletter

Purpose: Newsletter for directly managed clients and family members.

Publication: Managing

Publication Format: Newsletter

Purpose: Newsletter for Private Financial Managers

Note: The OPC internet site was updated on numerous occasions throughout the reporting period and new pages added.

Risk Management and Insurance

OPC's insurance is provided by the Treasury Managed Fund which is managed by GIO General Ltd. The risks covered include Workers' Compensation, Motor Vehicle, Property, Liability and Miscellaneous insurance.

During the year, OPC improved security measures at both its premises. At Piccadilly CCTV cameras were installed in the level 15 Reception and lift foyer areas. An intercom system was installed from the interview rooms on level 15 to the front Reception desk and the Chubb security guard. CCTV cameras were installed at 144 Clarence Street as well as "jailsafe" glass on the front reception counter. An intercom system from the street entry to Reception was also installed.

Implementation of a Client Contact Risk Management Plan saw a number of activities being undertaken throughout the reporting period. The activities include:

- handwashing posters sourced from NSW Infection Control; Resource Centre and prepared for distribution throughout OPC by its OH&S Committee;
- posters prepared and distributed at both Clarence Street and Piccadilly Reception area and Interview rooms regarding acceptable behaviour and making appointments;
- review of OPC's Incident form and prepared accompanying resources to highlight how to identify an 'incident' and what follow up action is to occur;
- poster of emergency contact numbers for Clarence Street;
- refresher tours of level 15 interview rooms and security features;
- 'Managing High Risk Situations', a 2 day course provided to all client contact staff and abridged to 1 day 'Keeping you Safe at Work' course for non-client contact staff. This course will be reviewed at end of the 2005 calendar year but it is anticipated all staff will have undertaken the course every three years.

The Plan was also reviewed in May 2005 by the Client Contact Risk Management Committee.

It is divided into three areas.

1. by level of risk - to monitor issues assessed as being of high risk.
2. by type of risk - to examine the risks common to a number of locations.
3. by action owner - to assist those with responsibilities to act in relation to the plan and identify what is required and by when it is required.

Workers' Compensation Insurance Claims			
	2004-2005	2003-2004	2002-2003
No. of employees	252	261	252
No. of claims	4	7	2
Total cost of claims \$'000	15	21.8	7.3
Average Claims per employee	0.016	0.026	0.008
Average Cost per employee	\$60	\$83	\$30

Motor Vehicle Insurance Claims			
	2004-2005	2003-2004	2002-2003
No. of vehicles	7	8	8
No. of claims	4	2	1
Total cost of claims \$'000	5	4	2
Average Claims per vehicle	0.57	0.25	0.1
Average Cost per vehicle	\$714	\$500	\$250

Senior Executive Service positions

As at 30 June 2005, there were two Senior Executive Service positions within OPC.

Protective Commissioner & Public Guardian, SES Level 5 - held by Ken Gabb LIB, for the entire reporting period;

Deputy Protective Commissioner and Director, Client Services, SES Level 2 - held by Mark Orr BSc, BSc (Hons), Grad Dip Spec Ed, MHSM, SIA (Aff) Registered Psychologist, for the entire reporting period.

Statement of Performance

Protective Commissioner

Ken Gabb
SES Level 5

Total remuneration package as at 30 June 2005: \$210,000

An independent review of OPC's operations, sponsored by NSW Treasury, was conducted during the first nine months of 2004-2005. The review, conducted by the accounting firm RSM Bird Cameron, commenced in July 2004 and reported at the end of March 2005.

It was the most extensive review of OPC conducted during my term as Protective Commissioner and for the first time attempted to benchmark OPC's performance against like organisations throughout Australia and overseas (principally in Canada). The report's findings and recommendations will form a blueprint for the development of OPC in the short to medium term.

I am also hopeful that it will lead to regular benchmarking amongst Australian providers of financial services to people with disabilities (in other states this role is performed by the Public Trustee).

The review concluded that in terms of client satisfaction achieved, service standards adopted and value for money OPC's level of performance was average when compared with like organisations. Improvements in efficiency could be achieved through the adoption of a new administrative structure and continuation of the trend towards a more specialised approach to the management of estates, including recognition of client liaison as a separate and specialised role.

As a result of the report's recommendations, I immediately commenced consultation with OPC staff in relation to the development of a new administrative structure. The consultative process proceeded from the beginning of April until late June, at which time I submitted a proposal to the Director General of the Attorney General's Department. That proposal was receiving consideration as at 30 June 2005.

During 2003-2004 OPC reviewed the provisions of the *Protected Estates Act 1983* in conjunction with a wide cross section of stakeholders and submitted proposals for reform to the Attorney General's Department. Those proposals were further considered by a small working party sponsored by the Department and chaired by me during 2004-2005. I am hopeful that the proposals for reform, as agreed by the working party, will be considered by Cabinet in the coming year.

A new client property inspection program will commence next year as the result of a pilot scheme conducted by OPC in 2004 and the Director General's approval to proceed with the program as a regular feature of OPC's management of clients' estates. The program will aim to conduct an inspection of all client owned properties on a regular basis to better ascertain repair and maintenance needs of those properties. A tender for private sector partners to assist OPC in this task is currently being conducted. I do not expect that clients will be charged any additional fee for this new service.

During 2004-2005 OPC returned to clients more than \$1 million in fees that had not been needed for OPC's operations. The good performance of financial markets and big increases in property values resulted in the level of fees levied by OPC being in excess of its needs. (OPC's fees are levied on the value of clients' estates.) OPC decided to return the excess to clients and this was done at the time of the end of calendar year distribution of earnings. Although OPC's accounts for 2004-2005 are yet to be audited, I expect investment earnings will again be good and we will be able to make a further return to clients at the end of 2005.

Waste Reduction and Purchasing Policy

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

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

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

Works in Progress

The total cost of works in progress in OPC at the end of the financial year was **\$963,214**

Computer Software
\$ 942,146

Leasehold Improvements
\$21,068

When projects are completed, the amounts are transferred to the appropriate asset accounts and subject to monthly depreciation charges.