



Annual Report

1999–2000



Public Trustee

for the Australian Capital Territory



Annual 1999–2000 Report



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for the Australian Capital Territory

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FOR THE
AUSTRALIAN CAPITAL TERRITORY**



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Mr Gary Humphries MLA
Minister for Justice and Community Safety
ACT Legislative Assembly
London Circuit
Canberra ACT 2601

Dear Minister

I am pleased to present the Public Trustee's Annual Report for the year ended 30 June 2000.

This report has been prepared under subsection 8(5)(a) of the *Annual Reports (Government Agencies) Act 1995* and in accordance with the requirements referred to in the Chief Minister's Annual Report Directions. It has been prepared in conformity with other legislation applicable to the preparation of the Annual Report by the Public Trustee for the ACT.

I hereby certify that the attached Annual Report is an honest and accurate account of the operations of the Public Trustee during the period 1 July 1999 to 30 June 2000 and complies with those directions.

Section 14 of the *Annual Reports (Government Agencies) Act 1995* requires that you cause a copy of the report to be laid before the Legislative Assembly within six sitting days of receiving the report.

Yours sincerely

Diane Kargas
Public Trustee
6 September 2000

Table of Contents



Public Trustee's report	6
Responsible Minister	7
Principal legislation	7
Main undertakings	7
Public Trustee Investment Board	8
Membership of the Board	8
Our purpose, vision and values	9
Our code	9
Our people and our business	10
Deputy Public Trustee's report	11
Our structure	12
Estate and trust management	13
Will-making	13
Deceased estates	14
Trust management	16
Taxation services	17
Proceeds of crime	17
Community service obligations	18
Protected persons	18
Powers of attorney	18
Financial management	19

Business development and marketing	21
Corporate services	22
Commitment to service standards	22
Client satisfaction survey	23
Key policy issues	25
Customer-focused public service	25
Fraud prevention	25
Equal employment opportunity	25
Resources	26
Staffing profile	26
Workers' compensation	26
Training and staff development	26
Statutory requirements	27
Occupational health and safety	27
Commissioner for the Environment	27
Public interest disclosure	27
Freedom of information	27
Financial statements	29
Corporate	30
Trust	44
Performance statement	55





PUBLIC TRUSTEE'S REPORT

Change and consolidation continue to be the focus of this year's Annual Report.

Our last report heralded the launch of our Strategic and Business Plan. The plan emphasised the need for provision of professional, quality and timely services to our clients. As part of this process we reviewed the way in which we provided our services. The review highlighted the need to restructure our work into discrete units: Estate and Trust, and Protected Persons. The most efficient way to achieve this restructure was to secure additional purpose-built space to accommodate the newly formed Protected Persons – Financial Management Unit. This change has proved to be most successful for both clients and staff.

During the year the Public Trustee was also subject to a number of other important reviews. Firstly, our community service obligations. This review was conducted jointly by the Departments of Treasury and Infrastructure and Justice and Community Safety. The review confirmed the increasing number of people who require the services of the Public Trustee and acknowledged that deceased estates and trusts under \$100 000 should be recognised in the community service category. The second review was of the fees and commission structure which had not be changed since 1990. A new structure has been developed that is fairer to all clients, setting a base for future business development and growth.

A major change has been understanding and developing new business and computing practices to meet our obligations under the

Commonwealth Government's introduction of the goods and services tax (GST). I thank the Deputy Public Trustee, Doug Gillespie, for his initiative, advice and guidance through the many challenges we faced implementing the GST in the Public Trustee Office.

The Public Trustee was also fortunate to receive special purpose funding for three years commencing in 2000–01 to develop and market the services for which we have expertise and provide to the Canberra community.

For the Public Trustee, 1999–2000 has been a year in which staff have continued to provide professional, quality and timely services to our clients. Staff continue to be highly supportive of the changes which have been made to the way in which they work, and remain committed and sensitive to protecting the interests of clients who have for the time being placed their trust in our future. I would like to express my sincere thanks to them all.

I would like to thank the Public Trustee Investment Board for the time they provide free of charge and in particular their individual skills which contribute to the Board's success.

I would like to extend my thanks to the many individuals, particularly Loraine Yee whose assistance and support is always appreciated, and to the many organisations, both in the private sector and in Government, that have assisted the Public Trustee in meeting the needs of our clients.

Thanks are also given to my Chief Executive, Tim Keady, whose wisdom and wise counsel is always appreciated, and for the continued support of his staff within the Department of Justice and Community Safety.

Diane Kargas

Public Trustee

RESPONSIBLE MINISTER

The Public Trustee is directly responsible to the Department of Justice and Community Safety under the Minister for Justice and Community Safety for the administration of its principal legislation and for ensuring the Public Trustee is managed in accordance with sound business practices.

PRINCIPAL LEGISLATION

The *Public Trustee Act 1985* sets out the Public Trustee's basic powers, duties and responsibilities.

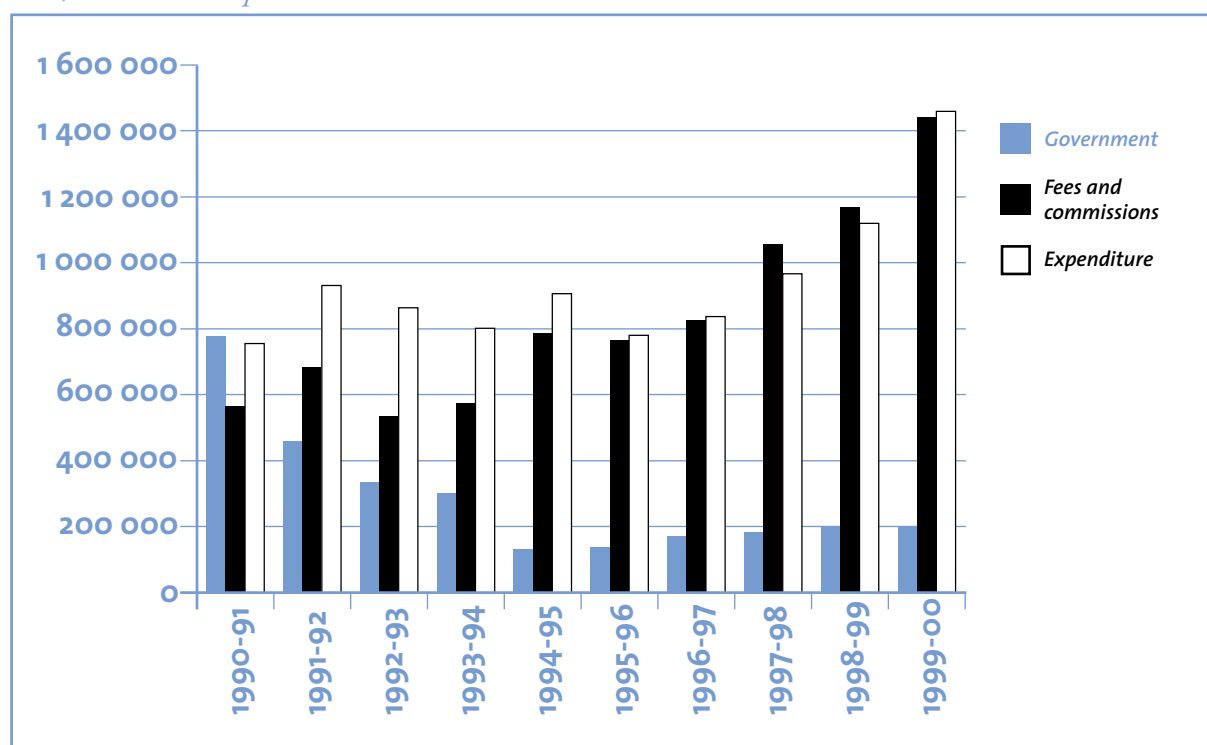
Under the legislation, the Public Trustee for the ACT is a corporation sole which is established to provide permanent and secure trustee services to the ACT community.

MAIN UNDERTAKINGS

The main undertaking of the Public Trustee is to offer permanent and secure trustee services to the ACT community, including:

- preparation of wills where the Public Trustee is named as executor or co-executor
- administration of deceased estates under will or intestacy
- trustee for life interest estates and persons lacking legal capacity
- financial management under enduring power of attorney and under order of the Guardianship and Management of Property Tribunal
- examination of accounts of external managers under the Guardianship and Management of Property Act
- asset services in relation to proceeds of crime forfeitures, and
- safe custody services for established clients.

Fees, revenue and expenses





PUBLIC TRUSTEE INVESTMENT BOARD

Section 46 of the *Public Trustee Act 1985* requires the establishment of a board to be known as the Public Trustee Investment Board.

The Public Trustee maintains a common fund under section 55 of the Public Trustee Act to pool investments and derive revenue for accounts entrusted to the care of the Public Trustee.

There are two independent Investment Board members who are appointed by the Minister, generally for a three-year period, plus the Public Trustee, *ex-officio*.

The role of the Investment Board is to set investment policy, monitor the operations of the common fund and to determine the rate of interest payable by the fund.

Money in the Public Trustee Common Fund is invested in a range of authorised trustee investments to generate the best interest return and to ensure the security of the capital. Currently, most investments are on term deposits with a range of banks and approved non-banking institutions and first mortgage advances on real estate. The Public Trustee is currently developing and implementing investment practises to comply with the requirements of the prudent person legislation.

MEMBERSHIP OF THE BOARD

Ms Edith M Friedman, Financial Operations, Finance and Investment Group, Department of Treasury and Infrastructure, was reappointed for a further term from June 1999 to June 2002. This appointment recognises her commitment and valuable contribution to the Board over the past three years.

Mr Leonard J Early, Principal, Len Early Pty Ltd, was appointed from January 2000 to January 2003. The appointment of Mr Early comes at a time when the legislation governing investments on behalf of Public Trustee clients has been amended to include a prudent person principle. Mr Early brings to the Board his extensive experience from the Commonwealth Department of Finance and Administration and, more recently, from his own business providing advice on public sector policy and management, and his representation on numerous boards and committees.

Ms Diane F Kargas is a Board member *ex-officio* as well as being responsible for the management of the Public Trustee for the ACT. She has been a member of the Board since November 1997.

The Board met on four occasions during the year. The Public Trustee and staff wish to acknowledge the valuable experience, depth of knowledge and quality of investment advice the Board members have provided over the year.

OUR PURPOSE

- to provide quality trustee and related services to all people in the ACT

OUR VISION

- to be people's first thought and choice for trustee and related services

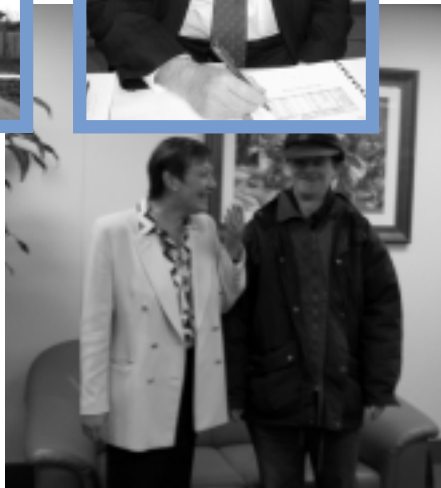
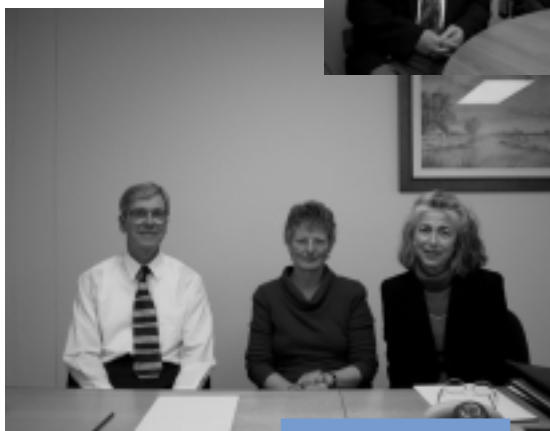
OUR VALUES

- above all else we value honesty, integrity and respect

OUR CODE

- client focus
- honesty and integrity
- respect and courtesy
- professionalism and accountability
- team work
- confidentiality

Our People



and
Our
Business

DEPUTY PUBLIC TRUSTEE'S REPORT

The Public Trustee is committed to the service of its estates, trusts and living clients through provision of efficient management of assets, thereby delivering sound income and productivity of capital.

With the introduction in the ACT of the prudent person investment principle, the limitation of capital secure products only for the investment of trust funds has been removed. The Trustee Act now allows a trustee (unless expressly forbidden by the trust instrument) to invest trust funds in any form of investment within prudential boundaries as set out at section 14c of the Act.

At the Public Trustee Office, we are in the process of reviewing the circumstances and requirements of our trusts and are also taking steps to set up common funds as vehicles to expand the investment opportunities available for trusts in our care.

During the year, considerable office resources were committed to preparation for the GST under the new tax system and, particularly, to ensure that the impact of the tax on our trusts was no more than rightfully applicable under the legislation.

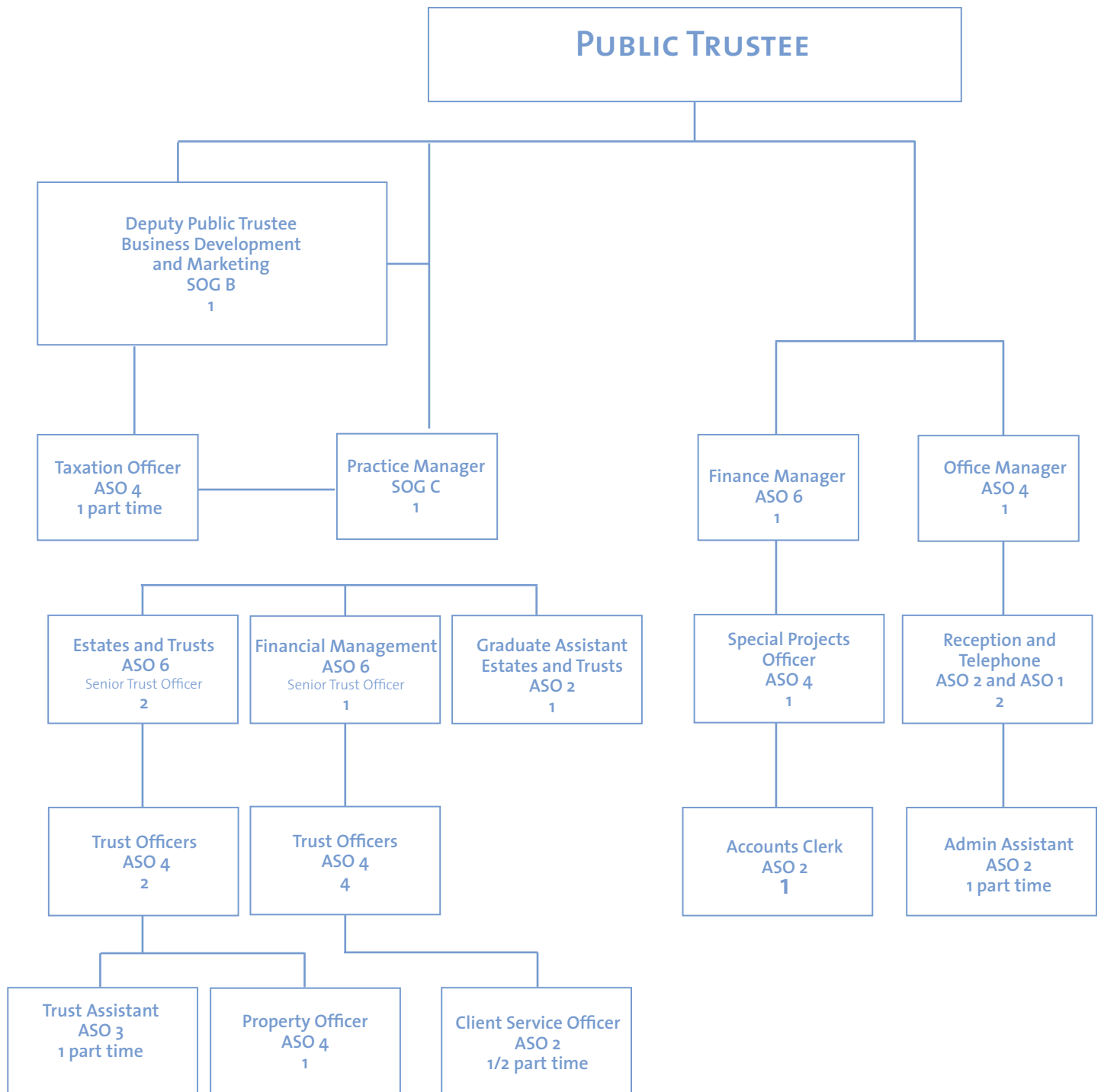
How the GST was to affect the trustee industry and its common funds, trusts, estates and clients was by no means straightforward. Much research and effort was put in by Public Trustee Officers in conjunction with the Trustee Corporations' Association, the ACT Government's GST Implementation Team and its consultants, and other public trustees to:

- analyse incidence
- formulate plans
- interpret legislation, regulations, Taxation Office Rulings and transitional provisions, and
- take a position in compliance with the new tax while ensuring our clients and trusts were not impacted unnecessarily.

The office also took steps to identify prospective savings from the abolition of the wholesale sales tax. However, as any possible savings were minimal and were more than offset by the costs of compliance, an increase in fees of the full GST (10 per cent) was warranted. The office was in the course of reviewing its fee schedules under an ongoing review and many charges have been contained to less than the full increase. In some cases, fees have been reduced. The new fee schedule, to take effect on 1 July 2000, was determined by the Minister for Justice and Community Safety on 21 June 2000.



Our structure



ESTATE AND TRUST MANAGEMENT

WILL-MAKING

The Public Trustee has over 16 years of experience in the preparation of wills and provides a professional will service to all people in the Canberra community who wish to appoint the Public Trustee as their executor or co-executor.

Making a will requires some important decisions about how one's assets are to be distributed and to whom. These wishes need to be recorded so that they can be carried out. It is equally important, once someone has made a will, that they regularly review it. Changes in circumstances, property, marriage, divorce, children and retirement could all be reasons to reconsider a will, or may test the soundness of a current will.

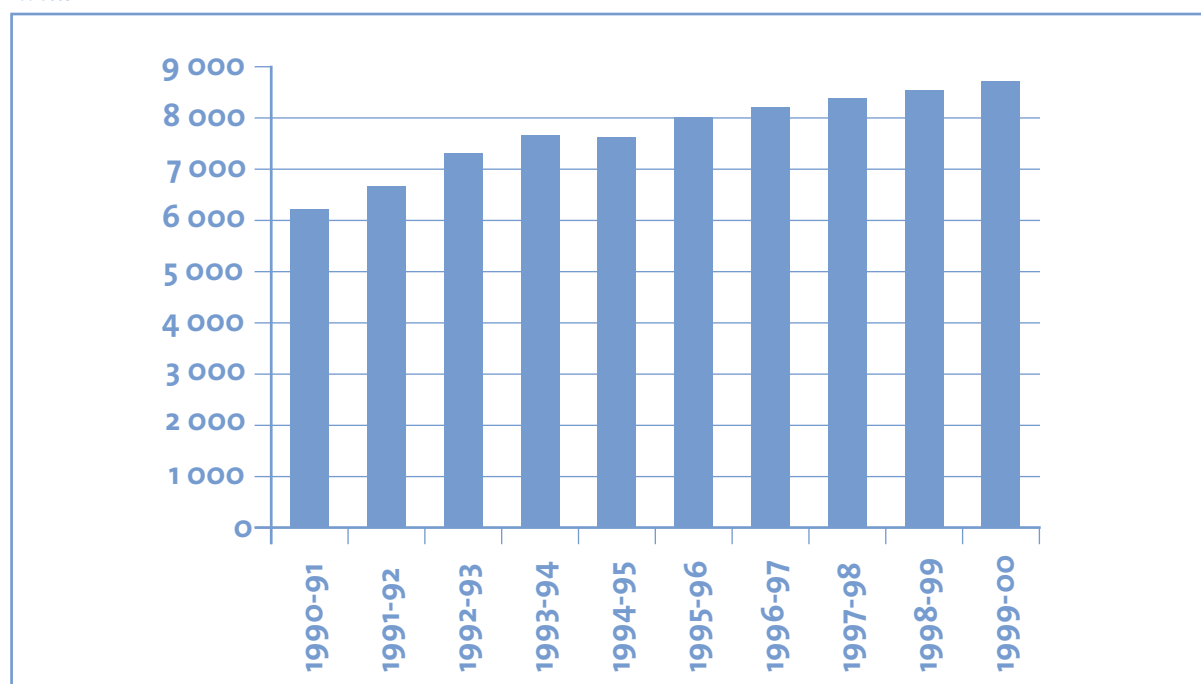
In recent months Canberra has been the focus of extensive media attention on the importance of making a will through the use of a *Willkit*. Recording details of one's assets

and wishes in a *Willkit* may not necessarily mean that an estate will be administered in the way intended.

Nevertheless, there is still a need to promote awareness in the community of the advantages of preparing a will. In instances where people die without leaving a will, searching for family members who would benefit under the law can be complex and time consuming, especially for those born overseas. Public Trustee staff have experience and expertise in this area and will continue to promote the need for having a will in the coming year.

The Public Trustee's Will Bank currently holds 8724 wills. In 1999–2000, 572 new and changed wills were made. In order to meet clients' special needs, Public Trustee staff make regular visits to clients in their homes, nursing homes, hospitals and other supported accommodation to provide information. They also talk to clubs and community groups on request.

Wills





DECEASED ESTATES

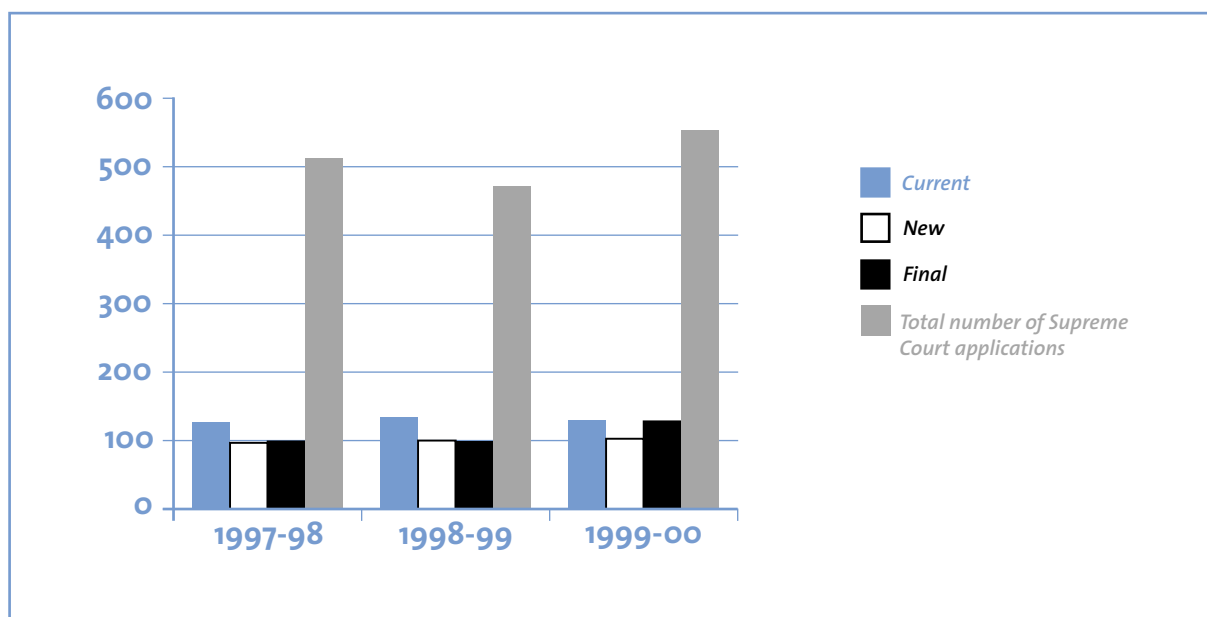
The Estate and Trust Management Unit is responsible for the administration of deceased estates where the Public Trustee has been appointed executor or where it has been given authorisation to administer by an executor or legal representative.

The Public Trustee does not decline matters purely on the basis of value and is often required to become the administrator of last resort, accepting matters where it is satisfied that there is no other person entitled to a grant of administration. The Public Trustee also provides sensitive and expert advice to many deceased estate beneficiaries, ranging from estates with very small value to those with investments and property often requiring extensive research of the family tree in both Australia and overseas.

The administration of deceased estates requires an understanding of complex probate, trustee and wills legislation as well as taxation, accounting and sound business practices. These tasks may include making an application for a grant of probate, the collection of assets and monies due, payment of debts, testamentary and other expenses, the protection of any business interests, taxation responsibilities and the transfer of assets to beneficiaries.

During the year a total of 103 new estates were received and 127 were completed. The Public Trustee, in ensuring all deceased estates are administered efficiently and effectively, continues to work toward improving the standard of service to clients in order to meet their expectations and demands. The deceased estates ranged in value from insolvent to \$1.5 million.

Estate management



As part of the Public Trustee's commitment to providing community service obligations, Public Trustee staff are on call to attend to the affairs of deceased persons where family members or friends are unable to be contacted by the Australian Federal Police, hospitals, nursing homes or other service providers.

Public Trustee staff are also called upon to secure property and administer the estates of deceased persons in matters where there is no will found, or when a person dies without leaving a will. This may involve safe custody of important documents, taking inventories, arranging security for property and possessions as well as, in some circumstances, making funeral arrangements for people who die with or without funds.

In 1999–2000, trust officers attended eight Australian Federal Police call-outs and liaised with the Care and Protection Unit of the Department of Family and Community Services to arrange eight welfare funerals.

As a part of the review of the work undertaken by the Public Trustee in future years, estates with a value of \$100 000 or less will be seen as community service obligations.



TRUST MANAGEMENT

Trusts administered by the Public Trustee originate from a number of sources:

- life interest estates
- funds held for minors
- charitable trusts, and
- court awards for minors and people with impaired decision-making ability.

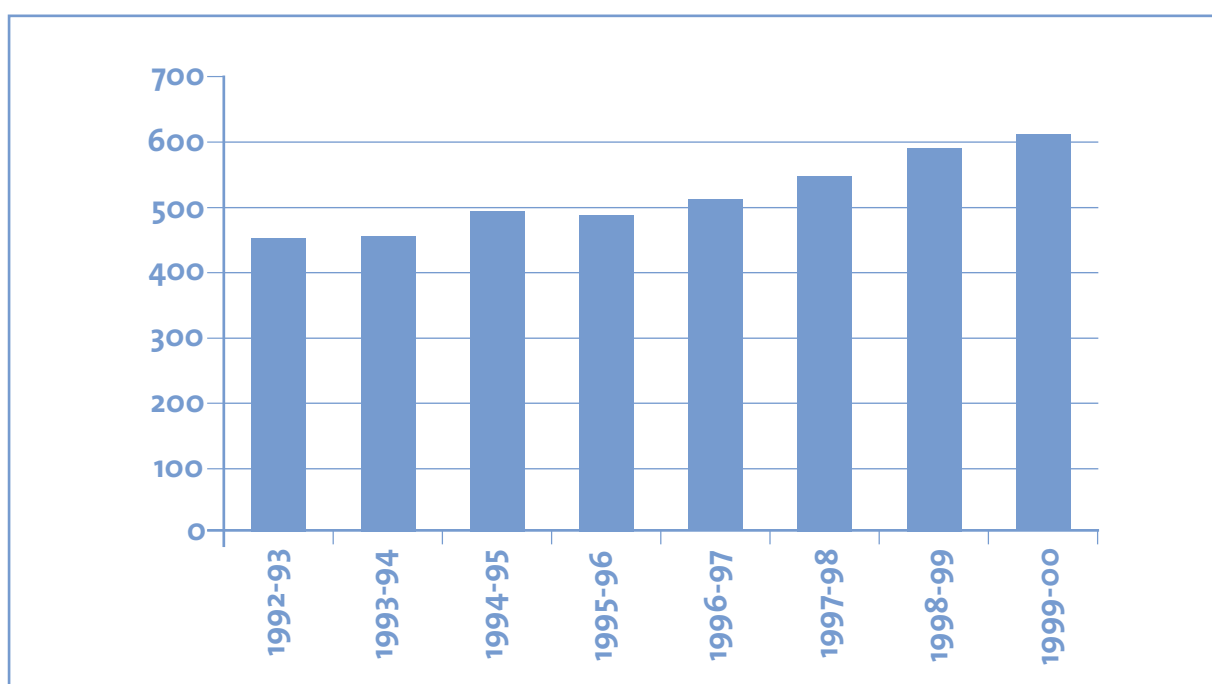
Amendments to the Trustee Act require the provision of investment strategies, in line with the prudent person approach. The Trustee Act provides a period of two years to develop and implement the changes to the legislation. All trusts are currently being reviewed to ensure that they are in a position to be invested in a range of investment strategies which will broaden the options available to clients, depending on the value of their fund and the particular needs of each client.

The current needs might be for improved housing, purpose-built housing, extensions or additions to existing housing, motor vehicles, education, furniture, computers, medical and dental care and ongoing personal maintenance. The review is looking at the need for funds to cover daily living expenses, income and future growth.

During the year 113 new court trusts were received and 93 were finalised. A total of 608 court trusts remain under administration. Trust officers administering court trusts work closely with clients, their parents and guardians to ensure that spending needs are identified and that, in the future, appropriate investment and administration plans are implemented.

The Public Trustee administers a large number of trusts for minors under the criminal injuries compensation legislation. Recent amendments will impact significantly on the number of trusts where the Public Trustee is appointed.

Trust on hand



The Public Trustee is well placed to offer trustee services for persons or entities with philanthropic intentions who wish to set aside funds for the benefit of a particular charity or purpose in our community while they are living, rather than after their will is actioned.

TAXATION SERVICES

The Public Trustee was fortunate to secure the services of a taxation specialist during the year. Providing specialist taxation advice to clients, beneficiaries and estates is an important service.

Trust tax returns are prepared for deceased estates, trusts, and court awards. Individual tax returns are prepared for protected persons, clients who have appointed the Public Trustee as attorney and deceased estates up to the date of death. During the year, 447 tax returns were prepared and lodged.

A range of software is being considered to enable the Public Trustee to lodge tax returns and business activity statements electronically, in compliance with Australian Taxation Office standards.

PROCEEDS OF CRIME

The Public Trustee acts as agent of the ACT Government providing asset services in relation to proceeds of crime forfeitures. When assets, both real and personal, are forfeited, the Public Trustee arranges to secure and sell all assets. Funds collected from the sale of assets are deposited into the Confiscated Assets Trust Fund held by the Department of Justice and Community Safety. The Attorney-General is responsible for ensuring all collected funds are available for community safety initiatives.

The Public Trustee received nine new matters during the year. Of these, five were finalised, with \$35 364.94 being transferred to the Confiscated Assets Trust Fund. Nine matters remain outstanding at 30 June 2000.



COMMUNITY SERVICE OBLIGATIONS

A successful review of the community service obligations undertaken by the Public Trustee was completed this year. This review recognised the diverse range of services which attend to the financial and lifestyle management of clients with disabling mental conditions or whose decision-making capability is impaired. While the financial management of some clients can be commercially viable, there are many for which the cost of administration exceeds reasonable charges. The Public Trustee's service extends to financial management and assistance in daily life. It is the Public Trustee's objective to ensure that the client does not become destitute and that their chosen lifestyle is as it would have been if they were not affected by their condition. Where possible, this support allows clients to enjoy a standard of dignity as a person, and as a valued member of the community.

The Public Trustee is committed to the delivery of community service obligations on behalf of the ACT Government and recognises community service obligations as an integral part of the Public Trustee's role in the community. The Public Trustee accepts appointments irrespective of the value of a particular estate or trust, which ensures that everyone in our community has access to trustee services regardless of their circumstances.

In the coming year a practice management system will be introduced to ensure the Public Trustee's community responsibilities continue to be delivered in a professional, efficient and cost-effective manner.

PROTECTED PERSONS

POWERS OF ATTORNEY

The Public Trustee encourages all people in the community to prepare an enduring power of attorney while they are well. Having an enduring power of attorney offers greater financial security to people who think about or are concerned about the possibility of losing their mental capacity some time in the future. Through an enduring power of attorney, one can appoint a family member, trusted friend or agency (such as the Public Trustee) while still able to do so.

As a safeguard, many people have a general power of attorney for when they are away on holidays or in hospital and need accounts or other business matters to be attended to during this time. However, a general power of attorney ceases to be valid if they lose capacity, whilst an enduring power of attorney will continue to work on their behalf.

Nevertheless, the importance of having an enduring power of attorney is not widely recognised or acknowledged in the community. It is important not only for ensuring that assets are protected during any period of incapacity but that one's affairs are administered by a person of their choice, and in accordance with their expressed instructions.

There have been concerns expressed in recent times about the possible use of enduring powers of attorney to financially exploit vulnerable or older people in the community. There is currently no formal mechanism for ensuring accountability or for monitoring the activities of appointed attorneys. Exploitation is often difficult to detect but, when concerns are raised, the Public Trustee is able, under

an emergency management order, to examine and report its findings to the Guardianship and Management of Property Tribunal. Notwithstanding, recovery of financial losses and assets is often extremely difficult or impossible to achieve for the donor, who can be left alone and destitute.

To ensure that the importance of, and the responsibility associated with, the role of attorney under an enduring power of attorney is known and understood, the Public Trustee continues to provide information sessions to carers, nursing homes and community groups. Information sessions also cover:

- instances where no enduring power of attorney is in place, and
- the role of the Guardianship and Management of Property Tribunal in such situations.

Seventy-five enduring powers of attorney remain active at 30 June.

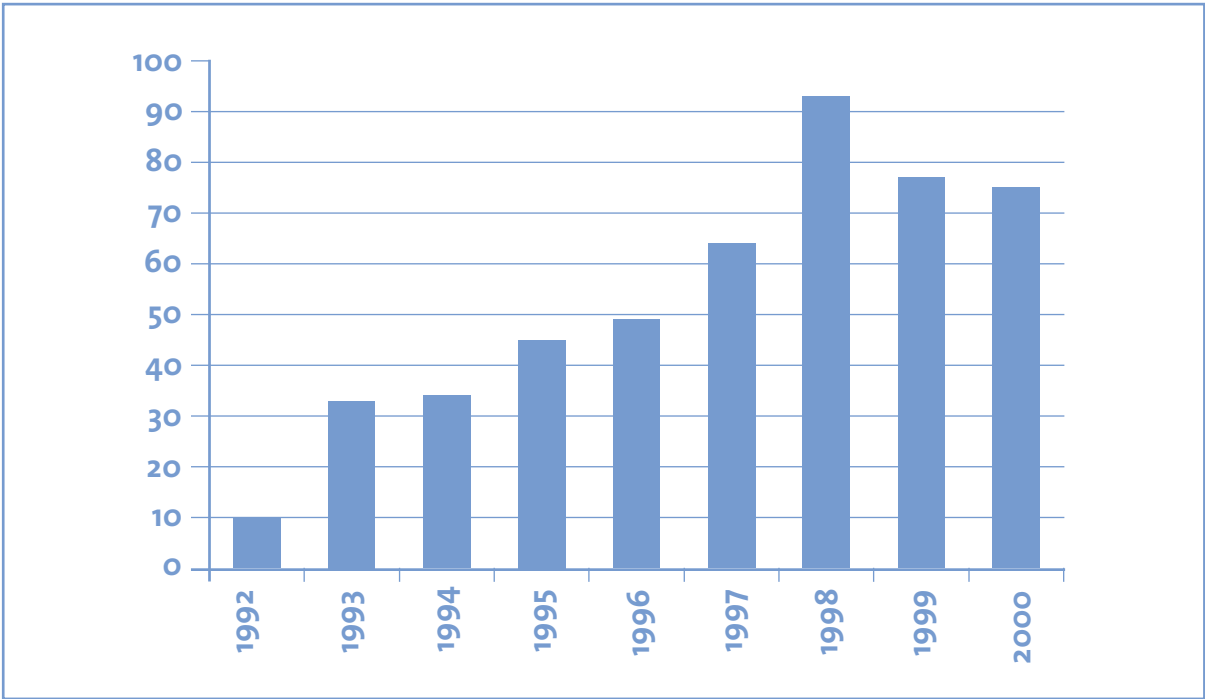
FINANCIAL MANAGEMENT

Protected Persons – Financial Management is financial management under management orders issued by the Guardianship and Management of Property Tribunal (the tribunal).

The tribunal makes orders appointing family members, friends or the Public Trustee as manager of part or all of the estate of a person who has a mental or physical incapacity. A manager can be any person, a trustee company or the Public Trustee, who is considered by the Tribunal to be suitable to act as manager of another person’s estate.

The Guardianship and Management of Property Act specifies that the appointment of a natural person is preferred and therefore the appointment of the Public Trustee as manager is a last resort. However, the number and complexity of cases referred to the Public Trustee continues to increase from year to year. The Public Trustee is the appointed

Active powers of attorney





financial manager in 46 per cent of cases brought before the tribunal. There are increasing instances where there are no suitable family members or friends who can be appointed, or who are willing to be appointed. The tribunal looks to the Public Trustee to act as manager in such circumstances.

Additionally, the Public Trustee provides a service where parents, family members or carers see independence as being beneficial for the development of the represented person. To appropriately manage a represented person's financial affairs, Public Trustee staff need to ensure:

- all assets and property are protected
- appropriate accommodation is secured
- budgets are prepared and monitored, and
- maximum social security benefits are obtained.

The ongoing needs of our represented persons are met through the support and feedback of carers, family and other service providers and through telephone, nursing home, hospital and home visits.

The Public Trustee wishes to acknowledge the role and support of the Community Advocate, Ms Heather Macgregor, and her staff. There continues to be a growing number of represented persons with complex financial and lifestyle issues that require the collective resources of both the Public Trustee and the Community Advocate. Community Advocate and Public Trustee staff work together in meeting the needs of represented persons to ensure that wherever possible their lifestyle is supported in the manner in which they would have done, if they were able to do so.

Public Trustee staff attend all sittings of the tribunal, provide advice and make representations on behalf of clients' expressed needs. The Tribunal sat on 393 occasions in 1999–2000. Assistance was provided to 64 new clients. The number of emergency orders increased at an alarming rate from previous years. We are currently administering 20 emergency orders where complex financial issues need resolution. The Public Trustee continues to have 285 clients under financial management orders with 25 being finalised in the reporting period.

The Public Trustee provides a service to externally represented persons by the annual examination of their accounts on their behalf by their appointed financial manager. Our findings are reported to the tribunal and also to the external manager. In 1999–2000, of the 276 external examination notifications, 231 accounts were presented to the Public Trustee. Of those, 227 were examined in accordance with legislative requirements.

The cost for the examination of accounts and preparation of the report to the Guardianship and Management of Property Tribunal is charged at \$54 per hour. This cost is often borne by the financial manager, as the represented person is unable to cover the cost. The fee can be waived where it would cause hardship to impose it. The Public Trustee was successful in applying for the fee to be free of the goods and services tax.

The Public Trustee and staff acknowledge and appreciate the difficult and often time-consuming role that family and friends play in the ongoing financial management of represented people under their care.

BUSINESS DEVELOPMENT AND MARKETING

The Public Trustee was successful in securing business development funding for three years, commencing in 2000–01, to ensure the office is well placed to meet the future estate and trust needs of our community.

A number of factors have impacted on the need to further develop the commercial business of the Public Trustee, including an acknowledgment that we are an ageing population with increasing incidences of poverty and mental illness within the community; factors which continually increase our responsibilities and community service obligations.

The services of the Public Trustee frequently go unnoticed in the community. It is often said that we are here only for clients who have a disability or who are without funds or for those people who die without leaving a will. In reality, we are here for all Canberrans, regardless of means, providing professional will-drawing, executor and trustee services and financial management, as well as arranging and negotiating purpose-built homes, assisting with the purchase of computing equipment, arranging travel and accommodation, and accessing specialist medical treatments.

In the coming year, with the assistance of the marketing unit of the University of Canberra, we will be researching the role of the Public Trustee and developing a marketing plan for the future.

Other improvements which will be pursued in the future include:

- the development of electronic funds transfers to enable direct deposits into clients' own bank accounts, as well as direct debits to service providers
- an investigation into the options for and implementation of a practice management system to meet obligations under the community service grant, and
- the launch of the Public Trustee web site.



CORPORATE SERVICES

Corporate services include accounts, human resource management, information technology, investments and marketing. These areas play a very important role in the ongoing improvement of services to clients.

Ongoing training and development has been a priority for the Public Trustee, with a number of staff attending a range of training programs. During the year, four trust officers commenced training through the Executor Trustee Institute, the accredited arm of the Trustee Corporations Association, to develop their expertise in trust matters.

The Public Trustee continues to support the training and development of young people. This year the Public Trustee appointed a graduate lawyer under the 2000 Graduate Program. The Deputy Public Trustee and senior trust officers provided assistance with wills to the Australian National University's legal workshop participants. The Public Trustee provided speakers for 18 talks, seminars and training sessions to over 674 people during the year. As a consequence, the senior trust officer in the Protected Persons – Financial Management Unit is called upon to assist students with their assignments relating to enduring power of attorney and issues relating to the Guardianship and Management of Property Tribunal.

As an integral part of the Public Trustee's Strategic and Business Plan, a team approach to client service has been maintained. Two business units were established to meet the needs of both commercial and community

service obligations. The business units are Estate and Trust Management and Protected Persons – Financial Management.

During the year the Public Trustee was fortunate to engage:

- a practice manager to oversee the estate and trust administrations
- a trust officer with 26 years' experience, and
- a specialist tax agent.

COMMITMENT TO SERVICE STANDARDS

As part of our commitment to improving the services of the Public Trustee, and in ensuring that information regarding our services is available at the office and at ACT Government Shopfronts and related service delivery organisations, a new brochure is being produced which seeks feedback from people using our services and provides information on what clients can expect from Public Trustee staff.

Information about the Public Trustee is also available on our web site: www.act.gov.au/publictrustee. A dedicated Public Trustee for the ACT web site will be launched during 2000–01.

CLIENT SATISFACTION SURVEY

The Public Trustee conducted its annual client survey during June 2000. Clients come to the Public Trustee for a range of reasons and to access a variety of services. They could be people wishing to make a will and appointing the Public Trustee as their executor. They may be beneficiaries following the death of a family member. They may be children or people with impaired decision-making ability.

With such a diverse range of clients, the Public Trustee attempts to evaluate its services through feedback from clients, family, friends, service providers and other stakeholders. The particular focus of this survey was towards clients, service providers and stakeholders.

The results of this year's survey showed that whilst the Public Trustee remains committed to meeting the needs of its clients, improvements in relation to the role we play in assisting clients who are not able to adequately represent themselves in financial and other matters should continue to be reviewed.

The aim of the survey was to measure:

- the extent to which clients, service providers and stakeholders were satisfied with the professional services provided to them
- the extent to which clients, service providers and stakeholders were satisfied that the services they received were courteous and friendly, and
- the extent to which clients, service providers and stakeholders considered that the Public Trustee is effective in dealing with their interests and the interests of clients who are unable to manage their own affairs.

The survey results showed a positive recognition of the Public Trustee's overall performance. Surveys were completed either face-to-face with clients, over the telephone or sent to clients, service providers and stakeholders with a reply-paid post envelope.

Of the 100 surveys sent, 52 responses were received from clients, service providers or stakeholders.

Client responses: 24

	Exceeded expectation	Met expectation	Below expectation	Did not respond
Professional	79%	17%	4%	—
Courteous and friendly	88%	12%	—	—
Efficient	88%	8%	4%	—
	Yes	No	Did not know	Did not respond
Advice understood	75%	4%	4%	17%



Service provider and stakeholder responses: 28

	Exceeded expectation	Met expectation	Below expectation	Did not respond
Professional	39%	57%	4%	–
Courteous and friendly	50%	46%	–	4%
Efficient	43%	53%	4%	–
	Yes	No	Did not know	Did not respond
Advice understood	82%	–	–	18%

Overall performance rating

	Exceeded expectation	Met expectation	Below respond	Did not respond
Professional	58%	38%	4%	–
Courteous and friendly	67%	31%	–	2%
Efficient	63%	33%	4%	–
	Yes	No	Did not know	Did not respond
Advice understood	79%	2%	2%	17%

There were a number of issues raised in the survey, which dealt with how Public Trustee staff respond to the needs of clients, service providers and stakeholders. These issues are being addressed to ensure that there is continued improvement to meet these ongoing needs.

The Public Trustee wishes to thank all those who participated in the survey for their time and their valuable comments. In future, survey responses will be sought on a regular basis through a feedback form that is now part of the Public Trustee's customer service statement.

KEY POLICY ISSUES

CUSTOMER-FOCUSED PUBLIC SERVICE

By nature of its trust and management operations, the office has regular customer contact and this, as a consequence, creates a continued focus on service standards and delivery. Staff revised their Commitment to Service Statement for the year 2000 and it will be available to the public from August 2000. The statement, detailing the services the Public Trustee delivers, sets standards for those services and advises avenues for public feedback and response. There have been no reported breaches of those standards for the year. The client survey that was developed and conducted last year was again circulated this financial year and is continually available for all clients to respond to, providing feedback on ways to improve our service delivery.

FRAUD PREVENTION

The Public Trustee has in place appropriate controls and checks as safeguards to ensure a high level of security for client funds and for confidentiality of their files. The office's trust accounting system has been designed specifically for the trustee industry and also meets standards for client confidentiality and security control. Awareness and accountability issues are addressed on an ongoing basis and existing controls collectively deliver a high degree of certainty for clients. No incidents of fraud were detected or reported during the year.

EQUAL EMPLOYMENT OPPORTUNITY

(Now more commonly known as workplace diversity.)

The Public Trustee is a party to and promoter of the Equal Employment Opportunity Management Plan of the Department of Justice and Community Safety. The Public Trustee continues to implement EEO principles and practices as part of its staffing strategy. Specific achievements include the continuation of a part-time position to accommodate the family carer role of parents.



RESOURCES

STAFFING PROFILE

The staffing profile of the Public Trustee is detailed in the early part of this report and can be divided into three sections or subsections:

- Estate and Trust Management
- Protected Persons – Financial Management, and
- Administration.

Interaction between sections is high and all staff have continued involvement with the public. Emphasis is on continuous improvement in client service delivery. The Public Trustee is fortunate to have a highly motivated team focused on and committed to the delivery of quality trustee services to the ACT community.

As at 30 June 2000, there were 22 employees. This included 20 full-time and one part-time officer and one graduate officer (effectively 21.7 full-time equivalents). The change in staffing numbers is due to the growth of the office over the past year, as well as participation in the Graduate Administrative Assistance Scheme and the implementation of the GST.

The Office has one unattached male officer and one nominal female officer who are presently acting in other departments. These positions have not been reflected anywhere else in this report.

All staff are employed under the Public Sector Management Act. There were no redundancy payments or redundant workers re-employed during the year.

WORKERS' COMPENSATION

There was one workers' compensation claim during the financial year and the officer involved is presently acting on higher duties in another department. The annual premium for the office in 1999–2000 was \$7415.00 compared to \$21 340.00 in the previous year. The decrease in the costs of the Comcare premium was due to the office being included in the Department of Justice and Community Safety premium. This provides the Public Trustee with a more equitable premium.

TRAINING AND STAFF DEVELOPMENT

Staff are encouraged to undertake training and development on topics that are relevant to the operations of the Public Trustee. During the financial year the Public Trustee sponsored staff on various courses and seminars.

Individual officers attended courses or seminars on:

- revision of the latest tax laws for 2000
- accounting software and the GST transition
- law and administration
- management
- guardianship and administration
- conflict management for women in the workforce, and
- occupational health and safety.

The Public Trustee also sponsored a number of staff to attend community service training and introduction to investment training. Due to an upgrade of equipment in the office to meet the demands of the year 2000 changeover, staff were also able to access word processing modernisation courses.

STATUTORY REQUIREMENTS

OCCUPATIONAL HEALTH AND SAFETY

The office's Occupational Health and Safety Management Coordinator is also a member of the Health and Safety Committee which addresses occupational health and safety (OH&S) issues on a departmental level. In a busy office with diverse office equipment, OH&S issues receive ongoing consideration and staff are encouraged to bring forward matters of concern. No incidents were reported during the year.

The office was expanded to provide a much needed conference–training room and to accommodate additional staff and equipment. These changes greatly improved the working conditions of the office.

Staff appointed a management representative and a staff representative for OH&S matters. Both appointees undertook appropriate training to assist them in their roles.

COMMISSIONER FOR THE ENVIRONMENT

The Public Trustee office strives to reduce its environmental impact wherever possible. Electrical equipment and lights (other than security facilities) are maintained on a timer to ensure power is not wasted. The office recycles paper and uses unbleached paper when possible. The Public Trustee continues to take advantage of electronic mail and the Internet to improve services and save on paper use.

PUBLIC INTEREST DISCLOSURE

The Office has administrative procedures in place to deal with people who wish to disclose matters under the Public Interest Disclosure Act. Any such person is advised that they may refer the disclosure direct to the Department of Justice and Community Safety (Ministerial and Corporate Services Section), the ACT Ombudsman or the ACT Auditor-General. If the Public Trustee receives a disclosure directly, it is forwarded to one of the above. No public interest disclosures were received during the 1999–2000 financial year.

FREEDOM OF INFORMATION

The functions of the Public Trustee's office are fiduciary in nature. Documents held include trust files, deceased estate files, management files, Investment Board minutes, income tax files, wills and powers of attorney. These files and documents are confidential and are available only to people with a legal right to them. There were no requests for information under the FOI Act during the year.

