



PARLIAMENT OF TASMANIA

TRANSCRIPT

LEGISLATIVE COUNCIL

GOVERNMENT BUSINESS SCRUTINY COMMITTEE B

Public Trustee

Friday 3 December 2021

MEMBERS

Hon Rosemary Armitage MLC (Deputy Chair)

Hon Jo Palmer MLC

Hon Tania Rattray MLC (Chair)

Hon Jo Siejka MLC

Hon Rob Valentine MLC

Hon Josh Willie MLC

WITNESSES IN ATTENDANCE

Hon Elise Archer MP, Attorney-General and Minister for Justice, Minister for Corrections, Minister for the Arts, Minister for Workplace Safety and Consumer Affairs.

Mr Mark Scanlon, Chairperson, Board of the Public Trustee

Mr Glen Lucas, Acting CEO, the Public Trustee

Ms Gaylene Cunningham, General Manager, Trustee Services, the Public Trustee

PUBLIC

The committee met at 9 a.m.

CHAIR - Welcome everyone to this year's government scrutiny undertaken by the Legislative Committee B.

Ms ARCHER - Thank you, Chair. To my left I have Mark Scanlon, who is the chairperson of the Public Trustee Board and Glen Lucas who is the acting CEO of the Public Trustee at the moment, his usual role being CFO.

In relation to this government business enterprise, very happy to provide the committee with a brief opening statement which is important this week. The Public Trustee, as members of this committee will know, interacts with Tasmanians often at the most difficult times in their lives. It provides essential services to the Tasmanian community, assisting around 2000 people to manage and act as trustee for their financial affairs.

The Public Trustee Annual Report was recently tabled in parliament on 28 October and that outlines its key operational and commercial activities for the 2020-21 financial year. It is important to note the board has acknowledged in its annual report the community concerns raised and recognises there is an opportunity to appropriately respond and improve service delivery.

Members would be aware I called for an independent review into the administrative and operational practices of the Public Trustee in June of this year and appointed the highly respected barrister, Damien Bugg AM QC, to carry out this work. The final report was delivered to me on Tuesday of this week as requested and I released it publicly the following day, being Wednesday.

Whilst I have taken a preliminary look at this very comprehensive report that runs into 80 pages, there has not been sufficient time to fully consider and respond in detail before the GBE committee hearing today, but I will endeavour to answer your questions as best I can on the recommendations. It is important we now take the time to consider the report, findings and recommendations.

I thank Mr Bugg for this important and timely work. He finished it on time and has completed that work comprehensively. I acknowledge while some of the findings are tough, particularly for the Public Trustee to hear, it was necessary for a review to be carried out independent of Government, so all the issues and recommendations on how best to rectify them, could be appropriately identified.

I also fully recognise and acknowledge the distress and hurt the types of issues that have been identified in the Bugg review can cause or have caused which is why, on behalf of the Tasmanian Government, I apologise to the vulnerable Tasmanians, their families and support persons, who have been hurt and negatively affected by the inappropriate handling of their cases. We are sorry.

We hope those affected will accept our acknowledgement there have been failures by the Public Trustee to deliver important services which appear to be due to misunderstanding of its responsibilities and accountabilities in carrying out its functions under the legislative frameworks. That is certainly a finding of the Bugg review.

PUBLIC

It is critical to ensure the community maintains confidence in this vital service and can be assured our Government will act on the findings and recommendations to make the necessary improvements. This is why we will do all we can to help the Public Trustee to improve the processes and systems in order to meet its statutory obligations and community expectations. The findings are presented across two parts, containing 28 recommendations which aim to help resolve concerns raised about the Public Trustee and allow it to continue to deliver its important services into the future.

I am also aware the Public Trustee only received a copy of the report when it was released, so they too, will need to consider it in detail. Importantly, I note the reviewer does not indicate there has been any fundamental failure or wilful blindness by the Public Trustee regarding the concerns raised on how cases are managed, but rather there appears a need to clarify the misunderstanding regarding its responsibilities and accountabilities in carrying out its functions under the legislative frameworks.

We can all recognise the Public Trustee is more than just a financial or accounting institution and that improvements may be needed to ensure its clients' needs across the vast range of services it provides, not only that of financial management, are equally met. This work will also include consideration of the recommendations regarding the Public Trustee's budget and resourcing.

As myself and the Premier have clearly indicated, if extra resources are needed to ensure the continued and improved operation of this important authority we will consider it. I would also like to reiterate the statements I have previously made that the recommendations for reform to the Public Trustee will be considered alongside our ongoing and extensive work that is underway of our review of the Guardianship and Administration framework. I look forward to progressing this work early next year and any necessary improvements at the earliest opportunity. I know a lot of the recommendations make some findings and indeed recommendations in relation to the legislative framework as well.

CHAIR - Thank you Attorney-General. Before I hand over to questions I am interested if the chair has anything to add to the Attorney-General's statement?

Mr SCANLON - No, I do not.

Mr WILLIE - Attorney-General, I am pleased you apologised to Tasmanians who in instances were disempowered, dispossessed, disrespected and ignored. That was going to be my first question, so I am pleased you have done that.

In his report, Damien Bugg QC said, 'the responses on all occasions led me to conclude that the 26 years the Public Trustee has genuinely misunderstood the duties of an administrator under Section 57.' Section 57 reads; (tbc)

Exercise of power by an administrator

An administrator must act at all times in the best interests of the represented person without limiting subsection 1, an administrator acts in the best interests of the represented person if the administrator acts as far as possible in:

PUBLIC

- (a) In such a way as to encourage and assist the represented person to become capable of administering his or her estate; and
- (b) In consultation with the represented person taking into account as far as possible the wishes of the represented person.

Minister, how does the Public Trustee view its role as an administrator?

Ms ARCHER - I can ask the chair to address that directly. but in relation to the report's finding on section 57, it is important to note in my opening statement I said it is not as a result of any wilful blindness. There has simply been an interpretation by Public Trustee for some 25 or 26 years of its obligations under section 57. As I said, the Public Trustee needs to also be given time to consider that particular recommendation and also take its own advice. I accept the finding and recommendation of Damien Bugg in relation to section 57. I am also aware at no time it has been raised throughout that period with the Public Trustee. Again, it has not been an issue that has been identified. I do not know if Mark wants to add anything further in relation to that, but in their eyes, they were interpreting section 57 correctly.

It is also important for me to point out there has been a lot of confusion therefore, one of the recommendations addresses community awareness and education of the different roles of the three different bodies under the Guardianship and Administration framework and that is the Public Trustee and its role in managing financial affairs. The Guardianship and Administration Board, which is now enveloped within the Tasmanian Civil and Administrative Tribunal and is now a guardianship stream of that tribunal. Then there is the Public Guardian who is a last resort guardian for someone who does not have someone to act in that capacity for them and is appointed. There is a lot of confusion in relation to who administers what and the Guardianship and Administration Board if I can call it that or TASCAT, is there to manage health and other affairs, not financial.

There is often the need to work together and this is why when I called this review the terms of reference were not limited only to the Public Trustee because a lot of the instances or examples coming forward related to guardianship and administration more broadly and not just simply the functions the Public Trustee carries out. I note on my preliminary review of the report that the recommendations strongly refer to the fact that some of those guardianship and administration issues raised by the Tasmanian Law Reform Institute will be addressed within my broader reform early next year, dealing with vulnerable Tasmanians.

As members of this committee know, I've already advanced the first tranche of that reform through parliament. That first tranche involved advanced care directives, which is an important body of work that has now been dealt with. TASCAT has the register relating to advanced care directives. That work is well progressed and we are now embarking on the second tranche, relating to other powers and functions for vulnerable Tasmanians.

Going back to your question about section 57, the Public Trustee has carried out its functions according to its interpretation of that section. Mr Bugg has identified that he has a different view of their functions in relation to managing financial affairs, and the Public Trustee will need time to consider that. However, they are willing and able to look at that and address those concerns raised by the review. It's the whole purpose of the review.

PUBLIC

Mr WILLIE - My question, minister, was how the Public Trustee views its role as an administrator. You've talked about the administration of finances but I'm interested in this interpretation around section 57.

Ms ARCHER - I'm very happy for Mark to address how they have been interpreting section 57; but it was really important to note that it has been specifically identified in the review, and the Public Trustee will need to consider how it has been interpreting that and how it may need to address that in future.

Mr SCANLON - I can call on Gaylene Cunningham who is head of our trustee services. She deals in this stuff all the time. That would be useful.

Ms ARCHER - Mark, I think you're able, as chair, to initially address that.

Mr SCANLON - Yes.

CHAIR - All right. If we need to, we can invite Gaylene to the table.

Mr SCANLON - Section 57 refers to executing the powers, and the powers are provided under section 56. We believe that in exercising our powers we're limited to the powers provided to us in section 56.

Mr Bugg thinks we should be reading it broader than that. We don't think that's the case because you can only exercise the powers you're given. I'm not a lawyer but, as I understand it, if you're provided with a certain range of powers, that's your limit. I can't speak for Damian, but I think he is taking section 57 in isolation whereas we see it as one follows the other. Our interpretation is that we exercise the powers that are provided to us under section 56. They're limited to things like collecting rent and this sort of stuff.

Mr WILLIE - That strict interpretation of section 56 has perhaps caused some of the issues where -

Mr SCANLON - You may be right.

Mr WILLIE - - people haven't been consulted.

Mr SCANLON - Yes, you may be right; but we haven't had an opportunity to explore it in the light of his report, as a board. We haven't met. That will happen next week and then we can have a discussion about how we approach it going forward.

Mr WILLIE - A follow-up question is if the Public Trustee is to build agency in its clients as per section 57, will that require more resources like counsellors and other staff to genuinely engage and consult with the clients?

Ms ARCHER - Possibly. As I said in my opening statement, it's the Government role to look at the resourcing implications of the findings and recommendations, and we will certainly look at that with the Public Trustee. That's why we need time to consider the findings and recommendations.

PUBLIC

The Premier in his capacity as Treasurer, and I are the shareholder ministers in this GBE and we will consider the resourcing implications of the findings and recommendations. We've been very upfront and open about that right from the start.

Mr WILLIE - Has the Public Trustee been under-resourced and that's why there hasn't been this engagement?

Ms ARCHER - I don't believe that they've been under-resourced to this point, but to implementing the findings and recommendations may well have resourcing implications. I think that's two separate matters.

Mr WILLIE - Minister, 18 of the recommendations put concerns back on the Public Trustee, things like review, retrain staff etcetera. However, the evidence is overwhelming that the problems are systemic within the Public Trustee and will likely remain the same if left to the Public Trustee to self-implement.

Do you have confidence the Public Trustee will be able to self-implement the cultural and procedural change required, and if not, what are you going to do about it?

Ms ARCHER - Again, we need time to consider the findings and recommendations as to how the recommendations are best implemented. The Public Trustee hasn't implemented any of its functions with willful blindness or apparent disregard for or intentional bad will on any of its clients. Prior to this independent review being formed, it has been in the process of carrying out a more self-identified, client-centric reform of its organisation,. We will consider the findings and recommendations about how the recommendations and the reform can best be implemented. If assistance or oversight is required, that we will certainly consider that in the context of Government support that we need to provide. The Government and the Public Trustee need to be given time to consider the recommendations.

I received the report very late on Tuesday; I released the report straightaway. We haven't even provided our response. Our response as a Government will address some of those issues.

Mr WILLIE - My question, specifically, Minister, is to whether you had confidence in the Public Trustee to self-implement the recommendations given?

Ms ARCHER - I have just answered your question, Mr Willie. I said at this point in time I cannot commit, because I haven't fully considered the findings and recommendations. If I felt that they can't, then we would look at how we would need to implement the recommendations. At this point in time, I can't answer that directly without being given time to fully consider all of the recommendations and what might be required to implement those recommendations. I have given the undertaking though, on behalf of the Government, that we have taken on board all of the findings and recommendations and accept them. We will now look at providing a response on how we will implement them. I can't give you that commitment until I am able to consider them in full.

Ms PALMER - Attorney-General, can you provide the committee with an update on the further reforms to the guardianship and administration framework? You referred to that in your answer to the member. It would be great to have an update.

Ms ARCHER - I did, and I think it is important for this update in light of the calls for changes to the guardianship and administration framework which I am deeply committed to. I have said this all year, and I have said it publicly, that we are continuing to consider the report of the Tasmanian Law Reform Institute and all of its review of the Guardianship and Administration Act. I have repeatedly said, it is a very complex reform that needs to be undertaken. The report itself is voluminous and that is why I am taking a staged approach to the reform, so that it doesn't take a long time to implement and we can do it and progress it in stages in a timely manner. The first tranche was the advanced care directives (ACDs), which successfully passed through parliament in September 2021, and I thank all members for that support.

CHAIR - We might need them ourselves sometime.

Ms ARCHER - We all should, I think. It is an important reform that drew on the work delivered by the TLRI in their 2018 review and it is the first in a number of stages to deal with this substantial and often very difficult reform. Under the new framework, the guardianship stream of TASCAT will be responsible for keeping the register of the ACDs, which I referred to in my statement. I am advised that the work is well under way to progress the changes. And I would like to thank the president Malcolm Schyvens, for taking on that project so quickly.

My department, in consultation with TASCAT, is in the process of developing new regulations to support that framework as well as developing a new digital solution for a 24 hour accessible database for the register.

Pending finalisation of funding arrangements, which I understand will be considered as part of next year's Budget, it's anticipated the implementation work will be completed next year. That is really important because people will be able to access that register, most importantly, medical practitioners.

Regarding the second tranche, as I like to call it, of the Guardianship and Administration reforms, I can advise that this work is well underway towards entrenching further supports for vulnerable Tasmanians into the Guardianship framework.

Some of the further improvements to be progressed as part of the future reforms will include changes to the framework. I think it is really important for me to run through these, such as, a revised test of decision-making ability; a consistent definition of health care; and the inclusion of a greater role for the Public Guardian in providing preliminary assistance to resolve disputes between parties.

I also intend to import into the principal act, concepts that have been given effect within the advance care directives bill, namely the adoption of human rights principles, as a framework for the way in which decisions, under the act, are to be made. This is something that came out of a lot of the stories and concerns that we have heard, as part of this review, that we have been discussing.

CHAIR - We've read the stories.

Ms ARCHER - Yes. Also, a revised test of decision-making ability which recognises that all persons have decision-making ability as a common law right, and that the

reasonableness test of the decision is irrelevant to the assessment of a person's ability to make a decision.

The move away from a best interest approach towards a will and preference approach, which requires substitute decision-makers to recognise the wishes of the person when making any decision under the act, and the removal of disability as a stand-alone test of decision-making capacity.

The aim of adopting these approaches into the broader Guardianship and Administration framework will ensure the key concepts in the principal act are contemporary and reflect best practice.

In addition, as I mentioned in my opening statement, the recommendations for reform to the Public Trustee will be considered alongside this ongoing work to review the Guardianship and Administration framework. I think members can all agree, this is vitally important work as we must ensure that all bodies operating under this act represent those with whom they are charged responsibility in certain matters.

The findings and outcomes of the Bugg review are important to continue to improve the processes and systems of the Public Trustee in order to meet its statutory obligations and the community expectations into the future.

It is critical to ensure the community maintains its confidence in both the Public Trustee and the framework generally. Can I stress again, the Government will act on the findings and recommendations to make any necessary improvements as part of this work.

CHAIR - Thank you, minister, we will need to keep our answers a bit tighter if we are going to get through all our questions.

Ms ARMITAGE - Attorney-General, looking at the joint chairperson and acting CEO report. I am looking at the complaint area, where it points out that, the Public Trustee supports the implementation of an effective complaint handling process, and it goes on to, to improve the reputation of the Public Trustee, that provides confidence in the consistent treatment of complaints.

I note there were 28 complaints, with 26 unsubstantiated and two substantiated. Following the Bugg report, are you confident that they were dealt with appropriately? Is there any concern? Will you be looking to review those complaints to make sure they all were dealt with appropriately?

Ms ARCHER - I can ask Mark to address their complaints handling process and how they have been dealt with to date. In relation to the findings and recommendations in the report, I believe that the process will naturally need to be looked at to ensure that it does respond in a way that is appropriate.

I am sure that the complaint handling process and the information that the board is receiving, the complaints to date have been handled in accordance with their procedure. I do not believe that that has been deviated from. However, if there can be a better procedure as a result of the findings and recommendations, that is something that needs to be looked at further.

PUBLIC

As to how those complaints have been dealt with to date -

Ms ARMITAGE - How they were determined would be good. The two that were substantiated and the 26 that were not.

Ms ARCHER - Mark, if you could explain the process?

Ms ARMITAGE - The methodology used, maybe, to determine whether a complaint is substantiated.

Ms ARCHER - I think it is important how the board gets the complaints.

Mr SCANLON - Complaints are dealt with by our manager of compliance. He sits separate from the file managers. He reviews the complaint, looks into the file, gathers information and then looks to see whether the complaint is actually substantiated and he provides his findings to us as a board. We get a report once a quarter on all of those and we can see if there are systemic issues coming out of his reporting. It is a robust system. People are provided with time lines of when we will respond to their complaints et cetera, so it is a robust system and we have a high level of confidence in it.

An individual who is charged with looking at the complaints is a very experienced Trustee Services person.

Ms ARMITAGE - What right of review or appeal does a complainant have, if their complaint is found to be unsubstantiated? Do they have a right to appeal?

Mr SCANLON - Yes, they can go to the Ombudsman.

Ms ARMITAGE - They probably don't have two years to wait. The other thing is the annual report states that the staff are counselled on each occasion. Issues are raised and actions are taken to improve service delivery. Without referring to the content of any specific complaints, can you indicate what type of issues were raised and what specifically does 'counselling' mean, as it relates to the staff who were involved in complaints?

Mr SCANLON - It can mean a broad array of things, but it might simply be that you need to be a bit more -

CHAIR - Sympathetic?

Mr SCANLON - That might be one of the words that you use, but I was going to say you might have to be more proactive in responding to clients. Some of the complaints would be that they don't get answers to their questions. Unfortunately, in today's world, it is assumed that if you send an email to somebody you get an email straight back with an answer, but often we are not able to do that. We don't have that many resources. That is the sort of stuff.

If we see that somebody does tend to take a bit of time, they will be told, 'You really need to focus on this aspect of the way you do your work'. It is as simple as that.

Ms ARMITAGE - So it is not a formal counselling or discipline?

PUBLIC

Mr SCANLON - No, it not performance management.

Ms ARMITAGE - Just an idea, what type of issues would have been raised in the last three years, any specifics, without going into any detail obviously, unsubstantiated as against substantiated? You have 26 unsubstantiated. I am wondering what type of issues they were as it is quite a significant number.

Mr SCANLON - Yes. I don't have the detail to hand.

Ms ARMITAGE - No, but you would have an idea.

Mr SCANLON - They would be across the range of services that we provide and a number of them are CSO services, which are the community service obligation. Often, we are dealing with people, as the Bugg report said, who don't fully understand the role of the administrator in looking after their finances. That raises complaints because a day earlier, they were in charge of everything and then somebody issues an emergency order and we are put in as the administrator and all of a sudden, we have to take charge of their finance.

Ms ARMITAGE - We have had some sad cases come through our office though. They have wanted money and they haven't been able to access it.

Mr SCANLON - Yes, and often it depends on how much money is there. As the administrator, we are charged with making sure that we have got money to support them over their journey, whatever that is and that can raise issues. People don't fully understand one, why an order has been issued and two, what our role is, even though we do onboard them with explanations. Often it is a bit challenging for them to understand what we are doing.

Mr VALENTINE - Thank you for that. I go back to the Tasmanian Law Reform Institute's December 2018 report on changes to the act. Attorney-General, I am interested to know what sort of communications might have happened between the Guardianship and Administration Board and the shareholder ministers as a result of that? In reading this report, was there anything that was identified that you felt might have been able to be changed administratively within the Guardianship and Administration Board itself?

Ms ARCHER - I have already identified the types of major things we are looking at for the reform.

Mr VALENTINE - In regard to reforming the act, I understand that, but I am interested to know whether there was any analysis done and communication with the board to see whether things may have been able to be improved as a result of what was -

Ms ARCHER - Are you talking since we received this report on late Tuesday?

Mr VALENTINE - No, not this one yesterday. I am talking about the TLRI December 2018.

Ms ARCHER - Right. There has been constant communication between my department and the Guardianship and Administration Board there has been constant communication between the two putting together not only the first tranche we have seen through this parliament with the advanced care directives, but the future reforms to which I have referred.

It is an extensive body of work the TLRI as I have said and all members can acknowledge has completed. In my assessment and on behalf of the Government of that report that runs into hundreds of pages, is that it needs to be done in stages and the next tranche is part of the most important part of the reform in the list of things I said would be addressed. That has been in communication with the bodies impacted. As I have said, there are the three different bodies who have different roles and functions under the framework or the legislation and indeed as we put forward a draft of the amendment bill there will be detailed consultation, not only with stakeholders but also with the public.

This is an area of high public interest for obvious reasons. It is an area that will need extensive consultation with stakeholders and the public. When we do that and release a draft bill, quite often when we receive the submissions, even when they are very detailed, my department does a complete analysis of those submissions and then incorporates a lot of those suggestions that people make into the final bill that then gets tabled in parliament. It is a process that responds to peoples' concerns and issues raised. This will be no different, but we have to get this right. I am advised by these respective bodies a lot of these principles are being applied. I want it in the legislative framework in the principal act so these common law rights and obligations are entrenched in the legislative framework as I have listed those things in terms of the definitions and the common law rights because these are the issues come to light as a result of the Bugg review. People need these rights entrenched and we need to have that overarching principle that peoples' wellbeing is put at the forefront and their wishes are being administered within these respective bodies themselves.

Mr VALENTINE - As a result of the TLRI one was there any change to the letter of expectation to the board?

Ms ARCHER - I would need to check that. I cannot answer that directly at this point in time. I would have to take that one on notice.

Mr VALENTINE - Perhaps, I can ask a question the board might be able to answer. Is the outcome from the TLRI review and the Bugg review - which I appreciate you have not had a lot of time to deal with - from those significant documents been identified as a risk by the board's risk committee? Any of the outcomes within those significant documents?

Mr SCANLON - The board has considered what might occur once the TLRI recommendations are implemented. We do not know what they will be at this stage. However, we have looked at another jurisdiction where similar recommendations were implemented and that was in Victoria.

Mr VALENTINE - This is out of the TLRI?

Mr SCANLON - Yes, similar, but in a different jurisdiction. They implemented similar recommendations some time ago and the cost of the business doubled. Yes, we have identified it as a risk it may increase our operating costs and we have asked we are involved an economic review of what the changes might do to our business before we implement them.

Ms ARCHER - Mr Valentine, you will know, as part of the drafting of any legislation we always look at a risk analysis or an impact statement.

PUBLIC

Mr VALENTINE - I was wondering what assessment was given under your risk rating of likelihood and impact of some of these things occurring?

Mr SCANLON - We do not have it down as a likelihood or impact. We have identified a potential impact but really, it is in the hands of the Government as to when this thing might actually occur.

Ms ARCHER - I think we are pre-empting work that needs to be done once I present the draft.

CHAIR - It is pretty clear there is work that needs to be done.

Ms ARCHER - There is, Ms Rattray, but they need to be able to see that work. As I said, stakeholders and the public get an opportunity to look at that at the time we release it.

I have said what my intention is with the framework but the intricate details, in fairness to the Public Trustee, they would need to have a look at that at the time it is released in a more fulsome way.

We are talking about a framework at this stage. I have said what is going to be in it, but it is not a specific draft in front of us for a complete risk analysis to be carried out.

Mr VALENTINE - What view does the Trustee holds in respect of adopting a human rights approach and improving the agency of those individuals who have had the Public Trustee appointed to manage their financial affairs, as a result of these significant document and quite clearly the latest one you have not had a chance to address and I appreciate that?

Mr SCANLON - Generally, the board has identified we needed to introduce a client-centred service model and we had started work on doing that. That would involve more engagement with individuals and so on. We are doing that in the context of also a cultural development program within the organisation.

Unfortunately, we started our cultural development program in 2019 and then the pandemic hit. We had to put it on hold because people were not working in the office. They were all working from home. Now we are back in the office and working -

CHAIR - What were they doing at home then if they were not working? We still have computers.

Mr SCANLON - We stopped the cultural program, but they were still working, yes. We could not get them together.

Ms RATTRAY - There is a lot of this that goes on these days.

Mr SCANLON - I appreciate all that but when you are doing something like a cultural development program, it is better to do it with people in the room and you can engage with them a lot more. You do not engage very well with people on a screen.

CHAIR - We are hoping to do so later today with two CEOs on that screen.

PUBLIC

Ms ARCHER - Chair, I think that is a bit of an unfair comment and I am going to say something there. I think that is a bit unfair on the chair. He is trying to explain his reason for saying he cannot implement a cultural -

CHAIR - I was talking about technology.

Ms ARCHER - In fairness, it is not his fault if other people are appearing by video.

Mr VALENTINE - I guess you are saying you are looking at improving certain things within the agency. Do you have any documents you can show us that clearly indicate the program of work you are wanting to undertake in that regard?

Mr SCANLON - I do not have anything with me.

Mr VALENTINE - Or that you are able to table?

Mr SCANLON - If you have seen the annual report, that lists -

Ms ARCHER - You could point to the page number. That would be good, Mark.

Mr SCANLON - Page 6 under 'strategy'.

Mr VALENTINE - I was talking about the specific actions, plans you might have in place to improve things in this area.

Mr SCANLON - The annual report contains the fact that three strategic things were identified at the start of 2020. That was the continuation of the cultural development program, the development of a client-centred service model and a review of the product offerings including a review of the possible alternative fee structure. Those are the key themes that came out of our strategic planning session.

Mr VALENTINE - It is all very well, we can put dot points in annual reports and I appreciate it gives a degree of information, but it does not necessarily show us how the organisation is actively dealing with plans. Whether you had anything you can table that shows a definite plan of attack with these sorts of things?

Mr SCANLON - I don't have it with me.

Mr VALENTINE - If you don't have it with you, you don't have it with you. I can't pursue that.

Mr SCANLON - No, but if I could add, the board does get updated on all the strategic initiatives and the progress on implementing them on a regular basis. That's provided basically every month to the board. We monitor this, we monitor it very carefully, but we also have to take it in the context of when COVID-19 hit, some of these projects couldn't progress. We're trying to get them back on line now.

Mr VALENTINE - You've got it properly project managed and people have their eyes on it and they're assessing progress in those areas.

PUBLIC

Mr SCANLON - That's correct; yes.

Ms ARCHER - I think it's important to note that because of the Bugg review that that will need to be considered in conjunction with the recommendations now.

Mr VALENTINE - I can understand that. Can I go to another point?

CHAIR - No, I need to come up the table but I will come back to you.

Mr VALENTINE - Yes, thank you. I've got other questions.

Ms SIEJKA - Minister, clients are often given vouchers for shops far from home. We've recently heard about one client who was given vouchers for shops in the city but he lived in the northern suburbs. He had no money on his Metro Greencard for a bus and no money for a taxi and he walked all the way, many kilometres, to use his vouchers. Can you explain the process of providing vouchers to clients? What consideration is given to the individual needs of that client and do they have a say in where the vouchers are purchased from?

Ms ARCHER - That's highly operational.

Ms SIEJKA - It is, yes.

Ms ARCHER - And I appreciate you haven't referred to anyone by name.

Ms SIEJKA - No.

Ms ARCHER - If that's a typical scenario, I might get -

Ms SIEJKA - Yes. I have a few other examples of where that sort of scenario has happened, so, yes.

Ms ARCHER - Yes. Perhaps if Glen could explain that process because I can't, being operational.

Ms SIEJKA - Yes. I understand, yes.

Mr LUCAS - We have a voucher system that we provide our represented persons. It's effectively groceries, clothes, those sorts of things. We can't provide vouchers for every shop because it's not practical. The lion's share of it is with Woolworths for groceries and the needs of the client are identified through our client account managers whether it's appropriate to issue vouchers because these things get posted out, they get lost, the dog eats them, all that sort of stuff. We do take careful consideration when we issue vouchers to clients that they're actually going to be able to use them.

Ms SIEJKA - What process is in place to check that they've been able to use them? Another case that I've heard of is that someone waited for a few days for the vouchers to arrive and then they were too proud to seek support from some other service so they were hungry in that time. What sort of checks and balances are there to make sure that the clients have been able to get the voucher and use the voucher?

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Mr LUCAS - We've got a reconciliation process so we know when the vouchers have been used. We know how many vouchers have been issued to a client and not effectively tabled or - we're relying on Woolworths, for example, which is the lion's share of the voucher system in terms of volume.

Ms SIEJKA - And Australia Post, I guess, which is the other issue in COVID-19.

Mr LUCAS - Well, COVID -

Ms SIEJKA - It has to be managed, doesn't it? Because it's a reality.

Mr LUCAS - COVID-19 was a problem for us. When we were in lockdown we really were relying on the postal system. Going back to your question of how we identify if the vouchers have been used, we're relying on the client to tell us.

Ms SIEJKA - If they've got a problem?

Mr LUCAS - Yes.

Ms SIEJKA - Yes.

Mr LUCAS - Get on the phone, let us know. We are also reliant on our - we know what has been issued so we can tell what is outstanding. We're also reliant on Woolworths to give us the information so we can reconcile the books.

Ms SIEJKA - Is there a process, though? Not all clients are great advocates for themselves and they need assistance for a reason. Is there a process? What's in place if red flags occur to proactively look for those things? Somebody never cashes their vouchers or, I don't know.

Mr LUCAS - Yes. They're like cheques. We have got a process to deal with stale vouchers, if you like.

Ms SIEJKA - Is that actually actively looked at? Not just that they haven't been cashed but that - yes, so, there is a time?

Ms ARCHER - You mean if there's follow up?

Ms SIEJKA - Yes, if there's follow up. Yes.

Mr LUCAS - I can't answer the question on the follow-up so I might ask Gaylene to come up, if needed, to explain about that sort of process. I believe it's really at the discretion of the client to give us a call and say, 'Hey, I haven't got my vouchers. Can you please help me?'

Ms SIEJKA - Okay. It just seemed, I think, sometimes the clients that come to us with these sorts of stories, like I said, aren't necessarily always great at advocating for themselves. That might be something that needs to be committed to in the communication process.

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Mr LUCAS - For the most part, the voucher system is a good option for clients who struggle to manage cash. They lose cash, people take money off them, it gets stolen. Vulnerable people get taken advantage of, so the voucher system, like a cheque, is a good way of putting a control around that.

But, it does have its downside, in terms of, they do get lost in the mail, they do get destroyed, they try to trade them on the black market, if you like.

Mr VALENTINE - Do they?

Mr LUCAS - Yes, they do. You are dealing with people who can be desperate and that is human nature. That's no aspersion on the clients, but that is the reality of what happens. We do take very careful consideration in terms of who we issue vouchers to so the intended benefit is realised.

Ms SIEJKA - Within that though, I am sure there are still people who aren't necessarily doing the things that you just outlined, who are just struggling to use their vouchers as well.

The majority are through Woolworths. Perhaps somebody has vouchers for Woolworths and Woolworths is several bus stops or several different bus changes away. Is there any possibility if you have an IGA 200 metres down the road which you can get to easily, are you able to adapt the process for those sorts of things?

Mr LUCAS - This is where it becomes difficult.

Ms SIEJKA - There is not a Woolworths in every town.

Mr LUCAS - As I mentioned earlier, we can't have a voucher system for every shop. That would be nice if you have someone who lived next door to an IGA and we could open some form of account for them, but that is additional management, time resource et cetera. In some respects, it is probably easier to give them cash. If they don't manage their cash very well, it is a real balancing act in trying to get them what they need.

Ms SIEJKA - I appreciate the resourcing and that tailored approaches take time.

Mr LUCAS - We have done a lot of work in our voucher system. We used to issue quite a lot of vouchers. I can't remember the numbers now, but it is in the tens of thousands a year. So, it is quite a lot. It hit a point where it was just becoming a real administrative burden for us and the clients. So, we peeled it back a bit and work with our clients to change their behaviours with the vouchers. We worked out that they just were not getting the benefit that was intended. If you issue 10 vouchers to a client so they can go and buy cigarettes.

Ms SIEJKA - I appreciate all of the issues that would feed into it, but I guess the crux of it is, there are concerns that people might be hungry and not getting their needs met. I hope that some of that communication and those issues will be addressed in the next steps of what happens with the review because there are concerning stories.

Mr LUCAS - That's part of what is in the detail in the Bugg report, in getting to know the clients better in the consultation communication piece.

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CHAIR - Each client would have a manager?

Mr LUCAS - Yes.

Ms SIEJKA - They are vulnerable people.

Ms ARCHER - The message from that is taken on board, loud and clear and that is something that will be looked at.

Ms SIEJKA - Thank you.

Ms ARMITAGE - You say you deal with Woolworths. In the area I live there are no Woolworths within a short distance, there are lots of Coles stores. Obviously, you can't have every IGA. Do you do a tender process? Is there a reason that you couldn't have Coles and Woolworths to make it easier for people?

I understand what the member for Pembroke is saying. If I didn't have a car or there was no bus - and as we know buses are not very reliable - it is a fair way to my nearest Woolworths, whereas there are a lot of Coles stores close by. With two of those, is there a reason you don't have vouchers for Coles and Woolworths, depending on who would be the nearest? Is there a tender process? What makes you choose one supermarket over another?

Mr LUCAS - I wasn't involved in the set-up of the Woolworths. It has been with us for a long time. We have pondered putting it out for tender and decided to stick with Woolworths for the time being. With clients where it is not practicable for them to get to Woolworths because of distance, I would expect that we give them the cash so they can do what they need to do.

Ms ARMITAGE - Rather than give cash to vulnerable people, is there any reason that you couldn't have vouchers for Coles and Woolworths?

Mr LUCAS - No.

Ms ARMITAGE - So, why don't you? This is my question.

Mr LUCAS - I have just been handed a sticky note. Coles don't do vouchers. Coles don't take our vouchers. They don't have a voucher system.

Ms ARCHER - We might ask Ms Cunningham to explain that. I don't want that to be misinterpreted.

Ms ARMITAGE - I thought you could get vouchers pretty much from anywhere?

CHAIR - Welcome to the table Gaylene Cunningham. Your role, Gaylene?

Ms CUNNINGHAM - General Manager, Trustee Services. We are talking about Public Trustee vouchers, we are not talking about Coles vouchers or Woolworths' vouchers. Coles don't take Public Trustee vouchers.

Ms ARMITAGE - Have they given you a reason why they don't? Have you asked?

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Ms CUNNINGHAM - Yes, we have. It is the administrative burden at their end. It is quite an administrative process at both ends. Coles have chosen not to take Public Trustee vouchers.

Ms ARCHER - I think that clarifies that question.

Ms ARMITAGE - It does; but even a Coles voucher would be preferable to cash, wouldn't it?

Ms ARCHER - You can't make Coles take a voucher.

Ms ARMITAGE - No.

Mr LUCAS - You are talking about a Coles brand?

Ms ARMITAGE - I am talking about Coles vouchers. It was said that if you give vulnerable people cash, they can spend it on anything; whereas if you have a supermarket voucher you have to spend it at the supermarket. I accept that maybe they can trade it or maybe it can be stolen. Is there a reason that the Public Trustee can't simply purchase Coles vouchers?

Ms ARCHER - Ms Cunningham can address why specific vouchers aren't purchased, why it is done the other way around.

Ms ARMITAGE - For things like Coles?

Ms ARCHER - I think that is what we are getting to the nub of here.

Ms ARMITAGE - We are looking at the vulnerable people being able to access their groceries.

Ms ARCHER - If Ms Cunningham can answer the question.

CHAIR - We have one more answer and then we are moving on, because we have a lot of other questions around Coles and Woolworths.

Ms ARMITAGE - There are vulnerable people who need to be able to eat.

Ms ARCHER - If Ms Cunningham could address the question.

Ms CUNNINGHAM - Are you suggesting that the Public Trustee would be purchasing Coles vouchers and then have them in-house on stock, ready to be given to clients?

Ms ARMITAGE - Yes, in preference to giving cash.

Ms CUNNINGHAM - That is an internal risk for us to be holding those sorts of vouchers. It is like holding cash.

Mr LUCAS - We have considered that and we have decided from a risk point of view that it is not appropriate. We have decided that to buy a whole pack of cards and then send

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them out in the post to our clients, knowing that the vouchers get lost; these are cash now and that is not a good outcome for the client.

Ms ARMITAGE - I understand.

Ms ARCHER - The other way around is more like a reimbursement. The Public Trustee doesn't carry the risk then, which is the difference.

Mr LUCAS - There is increased forward risk with those sorts of cards.

Ms ARMITAGE - It was when you talked about giving people cash. I thought it was preferable.

Ms ARCHER - If they get lost in the post then that is it forever.

Mr LUCAS - When we give people cash it goes to their bank account and can be traced. We don't just give them money.

Ms ARMITAGE - They don't come in?

Mr LUCAS - No, we don't handle cash.

Ms CUNNINGHAM - There are a number of options for clients. It might be that we do put cash into their bank account. It could be that we are giving them a voucher. It could be that goods are purchased by others and then we do it through a reimbursement system.

Ms ARMITAGE - Thank you. I do have other questions on other areas.

Mr WILLIE - A red flag. I heard the comment that this system wasn't practical for the Public Trustee, and that is why it is this way. It is not practical for the clients.

Ms ARCHER - Mr Willie, I think that was explained by risk. That comment about it not being practical related to the financial risk of carrying. It looks like you are carrying cash. If it gets lost in the mail, that is losing that money, whether it is the client's money - and I expect it would be. That is a risk the Public Trustee is not willing to take with someone else's money. That is really important to note.

Mr WILLIE - I would have thought with IGA being a chain, it would be quite reasonable to enter into an agreement with IGAs so it is practical for clients.

Ms ARCHER - I don't think we have addressed IGAs, or whether that has been looked at. It may be something that can be taken on board.

Mr WILLIE - Given Tasmania is a regional place.

Ms ARCHER - It may have been looked at, I am not sure.

Ms CUNNINGHAM - I can confirm that we do use IGA.

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Mr WILLIE - It was mentioned that you looked at putting this out to a tender. What is the total amount of services being procured from supermarkets and how does that work with the Treasurer's Instructions? Is that being complied with?

Ms ARCHER - The question relates to whether it needs to be put out for tender?

Mr LUCAS - We will take that on notice, in terms of the value.

Mr WILLIE - As in the total value of services being procured from supermarkets? The second question is, are the Treasurer's Instructions being complied with, because once you go over a certain amount, it should go out to tender.

CHAIR - We are taking that one on notice.

Mr VALENTINE - I am interested in the processes that you have around people's chattels; if they have to be sold, for instance. There may well be chattels that people hold dear. What process do you have in place to make sure that the client is fully considered in how their chattels are dealt with, especially if some of the chattels seem to disappear and can't be accounted for?

Can you explain the process? We've had different reports on certain circumstances and it is quite alarming that a person can have these chattels - family things that we don't want to lose, pictures of grandparents, as well as larger items. When they are sent out to auction, is there an opportunity for a person who is advocating for that individual to work with the individual to find out whether there is anything in those chattels -

Ms ARCHER - I will ask Ms Cunningham to address the current process. Again, can I stress, if as a result of the Bugg review there are cases that have been identified where these sorts of issues have arisen and they haven't been dealt with appropriately, they are the sorts of things from the findings and recommendations that we will work with the Public Trustee to address.

I know the types of examples you are referring to.

Mr VALENTINE - It is not out of the Bugg review.

Ms ARCHER - Some of the examples will be, on closer reading of the review.

Mr VALENTINE - There could well be others.

Mr WILLIE - You are asking about current processes, aren't you?

Mr VALENTINE - Yes, I am talking about current processes.

Ms ARCHER - I accept that. What I am getting at, is it does relate to issues that have arisen. I can certainly get Ms Cunningham to address the current processes. I wanted to state our intention, in addressing that type of issue.

Mr VALENTINE - I appreciate that entirely. I am interested to know current processes and how those sorts of things are avoided, or attempted to be avoided.

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Ms CUNNINGHAM - We have a current policy and procedure that client account managers should follow. That includes having the items valued; an inventory done; consultation with the client, if they're potentially moving from home into a nursing home, about what items they would like to keep or retain. We would look at the person's will to see if any items have been mentioned there that we may need to put in storage or give out on bailment. We do consult with clients and their support network when we are clearing and cleaning houses.

Mr VALENTINE - Do you use other people that are associated with the client to confirm before sending things out to auction?

Ms CUNNINGHAM - Each individual client will turn on its own facts but yes, if there are support network people that we feel we need to consult with, yes, we do.

CHAIR - And that is on every occasion?

Ms CUNNINGHAM - We have a policy and procedure that should be followed.

CHAIR - Is it a must be followed, or a should?

Ms CUNNINGHAM - It's a must.

Mr WILLIE - The CEO of Advocacy Tasmania has alleged people's houses and personal property are sold by the Public Trustee without their consent. What process allows for this situation to occur, minister?

Ms ARCHER - Ms Cunningham has confirmed that there is a policy in place that must be followed. If it is not being followed for any particular reason, then that is something that should be addressed. If there are examples that have been identified on closer looking or reading of the Bugg review, then that is something I am sure and expect the Public Trustee to look at as part of their procedures to improve.

As I said in relation to the work I will be doing on the principal act of the guardianship and administration act, the wishes of the person involved need to be taken into consideration in relation to these decisions and is going to be entrenched in the legislation.

Certainly, there is a distinct intention that be followed, but if it is not in any particular case then I would need to revert to the Public Trustee officials at the table today to answer that in relation to present day. But, proceeding, I expect that type of issue needs to be resolved.

Mr WILLIE - I have some specific examples and it is about current processes. In *The Advocate* newspaper there was reported a story of a man who had three vintage cars, a plane collection and family heirlooms sold without his consent. The newspaper reported that the Public Trustee had no information on what happened to anything except one of the cars.

In the current process, is the Public Trustee supposed to record what is sold on behalf of the client to keep records?

Ms ARCHER - I think it is important we talk generally about policy here rather than individuals' cases

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Mr WILLIE - I am raising them on behalf of Tasmanians.

Ms ARCHER - I know that, Mr Willie, but there are legislative requirements that need to be followed by the Public Trustee and not talking about individual cases, per se, even if those people have gone public, themselves. I am not quite sure who the best person to address that particular question is, but if you can talk generally about the process that is better than identifying individuals.

Mr WILLIE - They have already identified themselves, minister.

Ms ARCHER - Perhaps if it can be explained why the Public Trustee would not talk individuals' cases because we are talking about all individuals' cases and it means that it opens up for -

Mr WILLIE - I am not identifying anyone that has not identified themselves, minister.

Ms ARCHER - I know, that is your practice to do that. It is not the Public Trustee's practice to do that.

Mr LUCAS - Mr Willie, we're bound to comply with the Personal Information Protection Act. The main principle with that act is we can only use information that is provided to us for the purpose it was provided. Although these people have gone public through *The Advocate* in this case you are talking about, we cannot talk about their particulars because I will be in breach of that act.

What I can do is get Gaylene to talk generally about the process for selling houses.

Mr WILLIE - And other possessions, whether that is recorded and documented?

Ms ARCHER - Yes, that is the point I am getting at, Mr Willie. You can identify practices but, as for individuals, there are laws that can be broken here by the Public Trustee so I would ask that you respect that.

Ms CUNNINGHAM - I will explain the process in relation to clearing and cleaning of chattels. Would you like me to talk about real estate?

Mr WILLIE - I am interested in whether there is documentation on the disposal of goods.

Mr LUCAS - Mr Willie, your question was in terms of sale of houses and how they can be sold without consent. That was what you effectively said.

Mr WILLIE - And other items.

Mr LUCAS - Gaylene, can you talk about our process to sell a house?

Ms CUNNINGHAM - Obviously, we need the authority to begin with. We would obtain a valuation in relation to the realty. We would get a market appraisal from a real estate agent. We would seek instructions from, depending on what service line, if we were doing an estate,

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it could be the estate beneficiaries, if it is a represented person, we would speak to them or their support network.

Again, we take into consideration the terms of the will, if it is a represented person's house we are selling. For a represented person, we get independent financial advice in relation to whether that is an assessed option in that particular client's circumstances.

Mr WILLIE - And the recording of information? We talked about the cars being disposed of, whether you keep those documents and they are available.

Ms CUNNINGHAM - We have inventory in relation to what goods there were and then when they are sold, you would get a receipt that itemises what has been sold.

Mr WILLIE - Right. Where I am going with this, Chair, is, has the Public Trustee had to compensate in the last financial year for making mistakes, whether it is not recording information or selling possessions without consent?

Mr LUCAS - I can answer that, minister.

Ms ARCHER - As long as you know the answer, otherwise we need to take it on notice.

Mr LUCAS - The specific question I will take on notice and come back with a quantified response.

We do make mistakes and we self-identify and fix them, or through a complaints process, we will look at the issue and if we have made a mistake and it cost someone some money, we will fix that, and pay it. We budget for about \$25 000-\$30 000 a year for those sorts of issues. We have not had to compensate the sale of a house, sold in error. They are generally quite small or minor things such as we might have double-insured something if we were not sure if the house was insured, because the client cannot give us the records. We go and insure the house, make sure it is preserved and protected. Find out later, okay, the client has insurance we probably should not insure it, so we fix that.

Each client turns in their own facts, but we do have the process of self-identifying issues and if we have made a mistake, we fix it.

Mr WILLIE - Can the committee have the compensation payments for the last three financial years and maybe a brief description what they were for, without identifying clients?

Ms ARCHER - We can take that on notice.

Mr LUCAS - We can do that easily. We can give to you by specific value, and the nature, without giving away lots of client details. We can desensitise it and give some good information to the committee.

CHAIR - If there was an occasion where somebody's funeral plan was not paid up, and they said, now I do not have a funeral plan in place, the Public Trustee would refund that money, or make sure that funeral plan was in place for that client.

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Is that something that they would do?

Mr LUCAS - I am not going to talk about that particular matter because I know that is a particular client matter.

Ms ARCHER - Nobody has been identified. That is just an issue and general enough.

Mr LUCAS - If we have made a mistake, we will fix it.

CHAIR - That is good. I am sure that will be pleasing to someone.

Mr LUCAS - We have no problem with fixing our mistakes, if they are identified, and we have made the mistake.

CHAIR - To be perfectly honest, Attorney-General, none of us like receiving this sort of information, but we only receive it because we feel this is a forum.

Ms ARCHER - That is why I called the review.

CHAIR - Speaking of the review before I go to others. Do you have some sort of time frame? I know 28 recommendations is significant, albeit that 14 of them are, perhaps, the Public Trustee looking within.

Do you have some sort of time-frame in mind?

Ms ARCHER - In terms of the Government response, I want to, obviously, look at that as quickly as possible because I want to be in a position for the second tranche of the reforms I have discussed this morning.

To take into consideration all of those recommendations, as to their implementation some of them relate to immediate legislative amendments I can make. I expect I could probably do that through an amendment miscellaneous-type of bill, rather than wait for the second tranche to be finished, if that is out of the consultation because it is much broader and quite detailed. I expect those couple of things could probably progressed very quickly.

In relation to all 28 recommendations, I will need to obviously, give that consideration, but I can give my undertaking it is an absolute priority to do that as quickly as possible.

I do note Advocacy Tasmania has called for, in one sense, a complete overhaul, but also immediate change. Those two are diametrically opposed, but I can commit to stakeholders I called this review in June. We said it would be delivered by 30 November, it was. I released it the next day and indicative the Government is acting as quickly as possible within the time-frames we set.

I want to be able to respond to the 28 recommendations early. Earliest possible opportunity in the new year, with a time-line of what that might look like.

For example, as I've indicated, there are a couple of legislative amendments I think I can deal with relatively quickly rather than perhaps wait for the full second tranche, if it might hold that up. I could deal with all of the other matters in needing to liaise with the Public Trustee in

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relation to their response and any internal changes that need to occur and, indeed, any resourcing implications which need to be considered in the context of next year's budget process.

CHAIR - Thank you.

Ms ARCHER - Which is not that far away.

CHAIR - No.

Ms ARCHER - The budget process, if we look at it.

CHAIR - I indicated that I'm interested in the relationship that the Public Trustee has with Advocacy Tasmania. They have been very active in this space, and rightly so, that's their role. I'm interested perhaps in what -

Ms ARCHER - I can indicate that prior to the review being released late on Tuesday, Mr Lucas had already commenced open discussions with the TasCAT stream that deals with guardianship and other stakeholders as to how they can better relate to each other and deal with each other in future. That has already been -

CHAIR - Does that include Advocacy Tasmania?

Ms ARCHER - That has already been initiated.

Mr LUCAS - I have been in contact with them.

CHAIR - They're an important stakeholder here.

Ms CUNNINGHAM - We've got an operational meeting with their second in charge on Monday.

Ms ARCHER - Yes.

CHAIR - That is good news. Thank you.

Ms ARCHER - Yes. There is really goodwill by all parties on all fronts to engage, to look at this review and the findings and recommendations seriously and to move forward and provide a better client service delivery, working with parties. That will go both ways. It can never be a completely one-sided issue. I'm sure it's accepted that that's a two-way street as well and if all parties work together then we can have a much better framework.

CHAIR - And if it needs more funding, to undertake those roles, Attorney-General?

Ms ARCHER - I said I have to look at that and consider that in the context of the review, yes.

CHAIR - Yes, so you will be considering and already given that budget is just around the corner.

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Ms ARMITAGE - I am just looking at the community service obligation and I note that the CSO agreement with the Crown no longer requires the Public Trustee to report on specified performance indicators. I notice that was also a conclusion in the Bugg report. Why was that? I notice that the Public Trustee does -

Ms ARCHER - Sorry, what was the wording, Ms Armitage?

Ms ARMITAGE - On page 26:

The community service obligation agreement with the Crown no longer requires the Public Trustee to report on specified performance indicators.

While I note that they do still themselves but why was that taken that they no longer have to report? I notice it was certainly a recommendation in the Bugg report that they do.

Ms ARCHER - I think that might -

Ms ARMITAGE - Good old KPIs.

Ms ARCHER - I think that might relate to the fact that the Government pays the Public Trustee's costs of administering defined estates and trusts and people's affairs. Glen, is that a question for you?

Mr LUCAS - The prior agreement, two agreements ago, did include KPIs. Then when the next one was negotiated, it was negotiated with Treasury, it was decided to take those KPIs out. They didn't feel it appropriate for those to be in the agreement so that was a drafting feedback from Treasury.

Despite them being taken out, we still maintain those KPIs which are reported in our annual report. We've maintained those. We've kept them because we felt they were important in terms of previously agreed KPIs. Despite there not being an agreement, there was no reason to effectively ignore them because it wasn't in the agreement so we retained them to monitor performance against those.

Ms ARMITAGE - Given the Bugg report and their concern about the KPIs, will consideration be given to reinstating those? Obviously, it was an agreement with Treasury but will the Government -

Ms ARCHER - I would need to - I'm obviously not the Treasurer so I would need to -

Ms ARMITAGE - No, I appreciate that.

Ms ARCHER - No, and I know you know that. I would need to look into that particular issue further. The main objective for community service obligations are to ensure that government's economic, social and other objectives are achieved without impacting on the commercial performance of GBEs and to improve the transparency, equity and efficiency of that CSO service delivery.

That's certainly the intention. I can also say that the actual CSO was being looked at by Treasury pre-COVID-19, then has had to be extended a couple of times now, firstly because of

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COVID-19 and now because of the independent review. I know that the actual CSO itself in its entirety is being looked at by Treasury and in particular, the Treasurer as well.

The CSO is something that is being closely looked at as we speak and has only been delayed, firstly by COVID-19 and now waiting until this independent review was finalised so that we could take into account any of the review's findings and recommendations on the CSO.

Ms ARMITAGE - Still on the CSO, I am looking on the area on page 27, completion of absolute deceased estates, the agreed benchmark 80, final result 45. I note too the reason there and I acknowledge that resource issues also contributed to achieving the benchmark service standard. The resource issues have been rectified. Can you expand on this? What resource issues were identified? What specific measures were taken to address them? What was the cost of addressing the resource issues?

Mr LUCAS - We transferred our deceased estate administration from Hobart to the northern part of the state, Launceston, Devonport and Burnie. There was a bit of a backlog so we had to rectify that. That was rectified internally, so there were no additional out-sourced costs. We fixed it by getting the team up in the north of the state to get the files up to where they needed to be.

Ms ARMITAGE - So statewide, that is all being done in the north now? You are separating out what different areas are doing?

Mr LUCAS - That's a different question, a supplementary. The northern part of our business in regard to location, does deceased estate administrations.

Ms ARMITAGE - Okay. Going back to my other questions.

Ms ARCHER - That was one of the efficiencies created.

Ms ARMITAGE - The resource issues identified were basically putting it all in one spot?

Mr LUCAS - Yes.

Ms ARMITAGE - And the specific measures? What was the cost of addressing the resource issues? Have you got an overall cost?

Mr LUCAS - No, I don't. As I mentioned, it was dealt with internally so there was no additional cost.

Ms ARMITAGE - Right, so it was more moving the deck chairs?

Ms CUNNINGHAM - It was resources, as in people. Getting people to be doing different things.

Ms ARMITAGE - Attorney-General, if I could ask, do you consider that the Public Trustee is under-resourced, trying to do too much with too little?

Ms ARCHER - I have already addressed the resourcing question.

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Ms ARMITAGE - You did part of it, yes.

Ms ARCHER - I have said that in previous years we have resourced the Public Trustee according to Treasury's assessment. As part of what now needs to occur in response to any reform recommendations, that will be assessed and looked at. I have given my absolute commitment today and in my preliminary response to the Bugg review, that the Premier/Treasurer and myself will give that consideration.

Ms ARMITAGE - Or find whatever funding is necessary?

Ms ARCHER - We will consider the report and we will resource what we believe is necessary, but I have given my commitment that the resourcing is being directly looked at, yes.

Ms ARMITAGE - Thank you.

Mr WILLIE - I am interested in the compliance checks in the CSO. In the annual report between July 2020 and June 2021, a number of files reviewed by compliance was 35 and the files with items of non-compliance raised was three. That is a fairly small sample if you extrapolate that out, there are possibly over 100 cases with non-compliance. I am interested in what happens when you do that sampling find those non-compliance files whether that actions anything else?

Mr SCANLON - You can say what you want, I guess, but I am not sure you can extrapolate that information out.

Mr WILLIE - It is a sample. If you go across 1300 clients -

Mr SCANLON - I don't have the specifics, but it would seem to me that it may well have been simply a matter of training the individual staff member, because all the three files relate to budget preparation. The noncompliance was in the preparation of a budget, which we were obliged to do. It may well have been that it was simply a case of ensuring the person who was involved was adequately trained and had the skills to do the work they were asked to do.

Mr WILLIE - They are also working with other clients too so possibly those problems are going to hit.

Mr SCANLON - If you have some way of ensuring that we can always get people to do what they are supposed to do, I am happy to hear that.

Mr WILLIE - No, I am interested in whether taking a sample such as this and then finding three cases where there is noncompliance, whether it triggers any other process.

Mr SCANLON - As I said to you in my previous answer, we would look to see if there was something systemic and ask questions about have we got people who can do the job, and are there people who are willing to the job we want them to do - not the job they think they want to do. We ask those sorts of questions around our board table and if we have issues, we expect training will be implemented.

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Ms CUNNINGHAM - If the Manager Risk and Compliance thought there was a systemic issue, he would investigate that further. If it was a process where he thought there were issues, he would potentially do a whole review into that particular process.

Mr WILLIE - In this instance it was budget preparation. Is that what happened, in terms of budget preparation?

Ms CUNNINGHAM - I don't have the specifics to know whether he went away and did something else. Sorry, I can't answer that.

Mr WILLIE - Minister, could you take on notice whether that triggered a risk assessment around budget preparation and whether more files were looked at?

Ms ARCHER - I don't think anybody is trying to avoid answering the question. They just need to be able to look up what did happen in a particular circumstance.

Mr LUCAS - We will need to have a look and see if it was an isolated incident on one file, can be performance managed if you like; or whether it was a systemic thing. We do provide training, education et cetera. back to our prime account managers in this instance if we identify there is a training need; but we will need to look into the specifics of the files that were reviewed and what was done. There is quite a lot of detailed work behind it; and then there are actions to address whether it is specific; is it isolated; a mistake was made - and, okay, you fix it; or is it an indication that you need to sit down with a team and provide some training and education, reminders et cetera.

Mr WILLIE - Can we have the training activity on those? I have some financial questions on the investment portfolio if you can come back to me?

CHAIR - I think we have a supplementary on the CSO. Thank you, Mr Valentine, and then we will get right into the finances.

Mr VALENTINE - An additional 19 individuals were brought within the administration function and that brings the total to 908, on page 5 of the report. [TBC] Can you let us know whether the CSO is provided by way of a lump sum or as an amount per individual, subject to your administration?

Mr LUCAS - It is a fixed amount.

Mr VALENTINE - It is a fixed amount per individual, is that what you are saying?

Mr LUCAS - No, it is a fixed sum in the agreement.

Mr VALENTINE - Are you required to make a return on your CSO functions?

Mr LUCAS - I would have to clarify the question.

Mr VALENTINE - Is the Public Trustee required to make a return on its CSO functions?

Mr LUCAS - If you mean return it - if we don't need it, we give it back? Yes, that is what is based in the agreement.

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Mr VALENTINE - Is it?

Mr LUCAS - We have never had to do that because we have needed it all.

CHAIR - Nobody returns any money from the government.

Mr VALENTINE - That answers the question. I suppose it comes down to whether or not you are getting enough to do the job you are trying to undertake as a community service obligation. I heard what the Attorney-General said about reviewing that. That might well be the case. Can you state now that it is the case that you don't have enough funding to perform the CSO functions that you are undertaking, or do you get enough at this point? I am not talking about it being reviewed, but I would like to know.

Ms ARCHER - It is in negotiation and I can indicate I expect there to be a positive result of that review of the CSO.

CHAIR - The organisation has asked for more and it looks as though they will be sympathetic to that?

Ms ARCHER - Yes.

Ms SIEJKA - My question is about communication, and I know we briefly touched on that. Allegations have been made in the media that it is very difficult for clients to get in contact or receive responses from the Public Trustee by phone, email or face-to-face, and I know this in the report as well. How is this aspect managed? Does the Public Trustee record any data on average response times? Is there an expectation of a certain response time or similar metrics that we could learn about?

Ms ARCHER - We can certainly answer that.

Ms CUNNINGHAM - We have our standards on what our response time should be, but we don't have active monitoring. We don't record phone calls, if that is what you're asking.

Ms SIEJKA - What is your standard for response?

Ms CUNNINGHAM - They are on the website.

Ms SIEJKA - Okay. We have clients who have claimed they have no idea what's happening with their money or where it is invested and things like that.

Ms ARCHER - This is all addressed by the review, in terms of the recommendation about raising community awareness; and that means client awareness as well. There will be different capabilities of each client, as Glen has identified. Each client needs to be treated individually, and as an individual, in terms of their communication, comprehension and understanding.

Where there can be that education and awareness of things that are located, for example, on a website, I would hope that in future, if information is not already provided to a client, that the client knows what their rights are, in terms of response times; how they can get in touch with their case manager; who their case manager is. I am sure a lot of the information is already

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provided; but if that needs to be further entrenched or it needs to be done in an upfront manner or if there are other process improvements that are assessed a result of this review, then certainly as minister I would expect that that process will be improved.

Mr VALENTINE - Regarding education, you deal with organisations like COTA and Advocacy Tasmania. What specific activities are you undertaking to improve community understanding? What activities are you undertaking with organisations such as those?

Ms ARCHER - I will get the Public Trustee to answer what they are currently doing on education and awareness, because I know they already perform a component. One of the recommendations from the Bugg review is that there be that greater awareness, particularly about the different duties and functions of the Public Trustee, the guardianship stream of the TASCAT and the Public Guardian. There is a lot of confusion out there, even amongst stakeholder groups, including quite peak stakeholder groups, about what the functions of each of these different bodies.. It is going to be important to have that type of training; but within the Public Trustee itself and its client base as well.

I will ask one of you to address what is already provided by way of education.

Mr VALENTINE - Including in the community legal sector.

Ms ARCHER - Yes. We have brushed over all of the functions of the Public Trustee. There is wills and estates and there are legal services. The Public Trustee provides a whole range of services aside from just managing financial affairs.

Mr SCANLON - The Public Trustee continues to assist to educate the community about the importance of estate planning, estate administration, financial administration services by seminars and information videos. In the year 2021, we had 9 seminars, with 203 attendees and we had 11 information videos, via YouTube and the website, with 942 attendees. That is an ongoing process we have, to educate people about what we do. Hopefully that makes it clear, that if they have issues that are outside of what we do, then it is the responsibility of some other organisation.

Mr VALENTINE - The community legal sector, do you engage with them specifically to try and give them a greater understanding of what the powers of the various boards and things are?

Ms CUNNINGHAM - We have been working closely with Legal Aid in relation to providing them with information in relation to our services, in turn that they can assist their clients.

Mr VALENTINE - Do you have forums on that or do you provide them with individual leaflets and things? How do you do that?

Ms CUNNINGHAM - Yes, all of the above. We are expecting to be soon having a training session with their staff. The Public Trustee will go and speak to staff at Legal Aid in relation to informing them of what we do and do not do.

CHAIR - Chair, it is great to see the use of technology, thank you.

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Mr WILLIE - On the other financial assets, in 2020 there was \$12 555 000 invested in managed funds and it has gone up to \$18 127 000 this year. An explanation on the increase and with investment policy what ratings are used as a guide for the investment, what is the profile like where you are investing, the returns and whether that is comparable to the market?

CHAIR - You will enjoy these ones, Glen. Let's get into them.

Mr LUCAS - Hopefully I can answer them.

CHAIR - We are in trouble if you cannot.

Mr LUCAS - Yes. Other financial assets, yes, a big increase there. I will direct you to our cash and cash equivalents which looks like it has had a big drop. What has happened is we had some surplus cash and invested it. There is an investment in our funds under management as part of it, plus also the investment values rebounded significantly at 30 June 2021.

In 2020, there was a big drop of about \$1.4 million drop in the fair value, resulting in that \$12 555 000 figures and then it bounced back. A turnaround of \$3 million or thereabouts - \$3.5 million in total by 30 June, plus the additional capital investment.

Mr WILLIE - Yes, volatile.

Mr LUCAS - We have put more money into it and the investment market was up.

Mr WILLIE - Yes, and with the investment policy, what ratings do you use as a guide and the profile where you are investing the funds and what sort of returns? Obviously, we are seeing good returns and a bounce back.

Mr LUCAS - We have corporate investment policy that is backed up by a set of investment beliefs which mandates what we invest in, which is low risk. We do not take a punt, for better words, we are pretty prudent with our investments. We invest pretty similar to how we invest for our clients, albeit it is a little bit different at a corporate perspective.

We have a target of a 5 per cent income return, that is cash distribution each year and 2 per cent capital growth. That is backed up by advice we get from investment specialists and we invest in reputable organisations in the form of Macquarie Bank and Blackrock.

Mr WILLIE - Is there any communication with other GBEs regarding investments, like MAIB or others?

Mr LUCAS - I have had conversations with the CFO, Derek Thurm, up there at a broad level. We had a lot of discussions when interest rates were plummeting down to the current low of .1 per cent. We were grappling with how the hell we got all this cash. How can we get some money out of it, not just for us but also for our clients, more importantly? We came to similar a conclusion, there is nothing you can do, you have to basically suck it up unless you want to take some real risk and we were not prepared to do that.

We basically stuck to our guns. It is a long-term investment and it was not for us; interest rates are low at the moment. There is noise that they are bouncing back. We are seeing they are bouncing back at the moment, albeit it is still below 1 per cent. It is starting to improve

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which is good news, particularly for our clients if they are relying on cash. That little bit of interest helps.

Mr WILLIE - Do you enter any sort of fixed term arrangements?

Mr LUCAS - With an investment time horizon, there is no end date in terms of the investment. What we do is we review the performance of our investment managers and if we are not happy with them, we will get rid of them and do something else. We do invest in fixed term deposits or fixed interests is one of our investments.

Mr WILLIE - It was Macquarie Bank and places like that, yes.

Mr LUCAS - Yes. We have a look at the performance. There is a benchmark; we measure against the benchmark and if we become unhappy with the performance against a benchmark then we change. We have certainly done that with a couple of our investments where it has gone outside our strategy.

Ms ARMITAGE - A few of my questions really have almost been encapsulated in your answer. The underlying profit of \$533 000 is your lowest of the last five years. You have pretty well answered that was to do with COVID-19 and investment. Even so, I note prior COVID-19 it has still actually gone down significantly in the Auditor-General's report. Any comment or was it really just in regard to the answer you have given already to do with investment?

Mr LUCAS - In terms of our operating result or the -

Ms ARMITAGE - Your underlying profit, yes. I have to find the page now. I had it in the Auditor-General's report.

Mr LUCAS - Yes, that might be useful.

Ms ARMITAGE - I did have it and then it was pretty well answered and I let it -

Mr LUCAS - I will be honest, I did skim-read the report but I did not -

Ms ARMITAGE - I let it go again.

Mr LUCAS - I did not see the problem you have potentially identified.

Ms ARMITAGE - No, it listed the last five years, but once you let the page go it is not easy to find it again.

Mr LUCAS - We might take that one on notice, if you like, so we can move on.

Ms ARMITAGE - That is fine. My other question was regarding the dividends to the Government and obviously I notice this year that it is nil.

Mr LUCAS - That is right.

Ms ARMITAGE - The reason no dividend is being paid and is it likely to continue in future years no dividend will be paid?

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Mr LUCAS - We are forecasting no dividend over the forward Estimates based on our budget. We do budget with no blue sky. We budget effectively to balance the books. We have no incentive to try and present an argument to Government we are going to make a heap of money. That is not the way we operate.

CHAIR - Not when you ask for a CSO.

Mr LUCAS - The funny thing about that is we asked the Government for extra money and there is a lot of nouse sitting behind it, but we do tend to get blue sky. The balancing part of that is there is still a deficit and reported in the annual report. We pay a dividend only once the 90 per cent profit after tax goes beyond the deficit per the agreed model with Government.

Ms ARMITAGE - I have found the page, page 51 of the Auditor-General's report. It was just noted -

CHAIR - Bible.

Ms ARMITAGE - It is certainly one of our bibles. It is always very good to speak with the Auditor-General. It was regarding the underlying profit and I notice in 2016-17 it was \$1 000 012; in 2017-18, \$1.337million; in 2018-19 down to \$838; up again in 2019-20 to \$1.05; and significantly down in 2021 to \$533.

Mr LUCAS - I will take that on notice because I would like to give a fuller response, but a fair contributor to it is the return on our investments. We did get a pretty good kick last year.

Ms ARMITAGE - The return on safe investments.

Mr LUCAS - That is it, yes. Correct. Yes.

Ms ARMITAGE - I thought it probably was.

Mr LUCAS - With the downplay in the interest market, the funds were not paying as much.

Ms ARMITAGE - Unfortunately, it is affecting us all.

Mr LUCAS - Yes. It is indeed.

Ms ARCHER - The chair would like to add to that.

Mr SCANLON - The year 2020-21, our investment income was down \$600 000 on the preceding year and -

Ms ARMITAGE - Significant.

Mr SCANLON - Yes, that flows straight through to the bottom line. That is a function of the markets and also timing. Sometimes, we get payments due in one period and we get them in the next period. That can complicate trying to make comparisons year-on-year.

Ms ARMITAGE - Thank you.

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Mr VALENTINE - When you do your investments, quite clearly some of that money might actually belong to the trustees, it might be client's money. What model do you use in terms of distributing back to the client any gains you make in investments? How do you handle that? Do you take an administration fee as part of the deal or how do you do that?

Mr LUCAS - There are three hats. There is the Public Trustee's own hat, our own investments. That is the Public Trustee's money, not the clients' money. We have the common fund which is our cash account. That is a big bucket of money where our money sits in there, cash, as well as the clients' money. It is reconciled separately.

Mr VALENTINE - Kept separately.

Mr LUCAS - Not intermingled, if you like, but it is in the one fund. We have our group investment fund, which is where we invest clients' money in accordance with our client investment policy.

Mr VALENTINE - You keep your investments totally separate from clients'?

Mr LUCAS - Absolutely.

Mr VALENTINE - So you know exactly what your clients' funds are returning to you and do you take an administration fee from that?

Mr LUCAS - We are allowed, under regulation, to take a management fee.

Mr VALENTINE - What sort of percentage are we talking about?

Mr LUCAS - In the regulations, it is 2 per cent to 2.5 per cent and we take 1 per cent.

Mr VALENTINE - Okay, so you can take more, but you don't?

Mr LUCAS - Correct.

Mr VALENTINE - With respect to superannuation liability, that has increased significantly from \$195 646 in 2020 to the current level of \$566 119. That is basically a 189 per cent increase. Can you explain why that has happened?

CHAIR - Famous words, please explain.

Mr LUCAS - If I was an actuary, I could. Sorry to be cheeky. There is a complex calculation that goes in behind it.

Mr VALENTINE - I appreciate the actuary and that sort of thing, but it seems a huge difference.

Mr LUCAS - There are lot of factors that go into it in the assumptions that underpin the valuation. It is a valuation, an estimate of the liability as at balance date. It does chop and change every year. Every time I get the report I ask, 'What is it going to say now?'. You have no real insight into it. It is based on interest rates, people's life expectancy, what future salaries is going to be, CPI. There are a lot of different factors that go into it. It comes up with a value.

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There is a component in the remeasurement that actually is like a true-up effect. During the year people retire, pass away et cetera, so the liability curtails or the component of it. The liability is made up of a whole lot of people, I can't remember how many, maybe 50 or 100 are in it, with regard to our share of that liability and they are past and current employees. There is an element of when that estimate is done, if someone decides, 'Well I am retired and I would like my money, please' and it is worth \$1 million. We write a cheque and pay it out and the flow-on effect of that is recorded through comprehensive income as a true-up exercise because it is different to the estimate.

You get that cash true-up effect coming through as well, which is difficult to explain in that it is dotted in the detail of the notes but that is one of the reasons why it flips and flops about.

Mr VALENTINE - If someone dies and they have a partner, two-thirds of their superannuation still goes on. You are still paying that, aren't you?

Mr LUCAS - Yes.

Mr VALENTINE - So that is all taken into account in this?

Mr LUCAS - It is, yes.

Mr VALENTINE - On page 10, you touched on it before, total revenue is down by 4.3 per cent. It might have been the chair who touched on it. This reduction occurred despite an increase in fees and commissions and the CSO funding. Can you outline why total revenue has declined despite significantly increased returns from your activities?

CHAIR - A lack of return on investment?

Mr VALENTINE - Is that what it is?

Mr LUCAS - That is the reason, because our trading revenue, if you like, was actually higher than the prior year. That is the dividend.

Mr VALENTINE - As simple as that.

CHAIR - I am helping you out here, Glen.

Mr LUCAS - I appreciate that, thank you.

CHAIR - Page 38, which is about the wages and salaries, a \$202 000 increase. Does that relate to any staff increasing as well?

Mr LUCAS - I don't think so. At 30 June we were hovering about 50 FTEs, 50.1 perhaps and that was pretty consistent throughout the year. We report that every month to State Service Management Office. My recollection is FTEs are pretty consistent.

We have increased our staffing since year-end and that has been predominantly in our personnel services team to arrest the issues that are coming out through the Bugg review. We

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realised we needed to throw some resources at it, so we are doing that. We will talk about that next year, I guess.

The main reason for the increase, there is a consistent staffing level, you get the standard increase coming through wage increases in the State Service agreement and band increments.

CHAIR - So, there is definitely an increase in staff, in that 202?

Mr LUCAS - No. I am saying that post-30 June there will be, but in the current numbers, no. The staffing numbers are consistent. The increase is because of salary increases.

CHAIR - Okay. So, more than CPI?

Mr LUCAS - No, what happens with salary. We budget for about, I think, 3.5 per cent salary increase, which is made up of two things. You have a general increase which is 2.3 per cent, I think it was, plus you also get band increments where people get a higher salary because of their years of service.

CHAIR - To get to the next level 6, level 7.

Mr LUCAS - Yes, in accordance with the State Service Act, going through band increments.

Ms ARCHER - Mark would like to add to that.

Mr SCANLON - The number of staff between 2020 and 2021 went up, and this is a calculation, 0.13 per cent. It went from 52.96 to 53.09 per cent.

Ms ARCHER - That is consistent with what Glen was saying. It is in relation to the band increases.

Mr SCANLON - That is right and the general wage increase, under the State Service Act.

CHAIR - My colleague has some figures. There are significant increases like \$20 000 increase, \$13 000 increase, \$20 000 increase. That is more than five per cent.

Ms ARCHER - I do not think it's any different to how Glen has answered it. By the State Service Act people are entitled to an increase in their salary if they have gone up in band. That is what has happened. Mark has just identified the actual FTE increase.

CHAIR - Okay, we will keep on an eye on it.

Ms ARCHER - That is receiving pay rises and band increases.

CHAIR - Also, other associated personal expenses, there is an increase of \$23 000. I am just interested in what other associated personal expenses might be?

Mr LUCAS - That are other costs like fringe benefits tax. I will have a look into that to see what that is, but predominantly, I think it is fringe benefits tax. I definitely know that much,

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and it is just the other minor costs associated with our employ benefits expense. We can provide a reconciliation on that.

CHAIR - That would be useful. I notice long service leave is down. The allocation of that, and there is a significant decrease in recreational leave. Can we have some explanation?

Ms ARCHER - It's because people like going on holidays, Chair, maybe.

CHAIR - You also cannot just bank up your holidays because you cannot go overseas. People need a break for their health.

Ms ARCHER - It is a difficult discussion to have with staff to actually make them take leave too, I would imagine.

Mr LUCAS - It is. We are bound by the rules of the State Services Act, and the award, and directions from the Department of Premier and Cabinet (DPAC) effectively.

With COVID-19, everyone being in lockdown and not being able to travel was a problem across the State Service, not just for the Public Trustee. It was not people banking up their leave, they just were not able to take it.

CHAIR - You can holiday at home.

Mr LUCAS - You can holiday at home, but we -

CHAIR - It is more about the welfare of the people who are working within the organisation. Just because you cannot take a break elsewhere -

Ms ARCHER - I think the answer to that question is, it certainly would be provided if it is requested. It is that the people that are not requesting it. They are not being denied their leave. It's that they are not requesting to take the leave. I think you are making it seem like it is the other way around, and it is not.

Mr LUCAS - We manage excess leave. If people are approaching the maximum that is allowed under the award, we identify that. It is reviewed monthly or quarterly, or periodically at our management group meetings. We identify the staff who are approaching excess leave and we put leave management plans in place.

Ms ARCHER - That is encouraging them.

Mr LUCAS - We recognise that recreational leave is a way to help with people's -

CHAIR - It will certainly have an impact on next year's budget, Attorney-General, if everyone is finally -

Ms ARCHER - People across the public service are being encouraged to take their leave. The problem has been identified across the public service. It is just people not wanting to take it.

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CHAIR - You can fly overseas from Tasmania. You can go to Flinders Island and King Island.

Ms ARCHER - I know people who are booking it. We have given them a lot of incentives to go to the islands with our flights.

CHAIR - And they are going, so that is good. Thank you.

Ms SIEJKA - Given a lot of what we have heard today I think it is a little worrying. I know the reviews are in place but we have heard things about vouchers, communication, all sorts of things. There are vulnerable people at the core of it, which I am sure you would understand where I am coming from. I know this was touched on earlier but given all this information we have heard, do you continue to have confidence in the board and in the senior management to be able to do the work that needs to be done at this point and with resourcing?

Ms ARCHER - I've answered that question. Mr Willie asked me that question right at the start. I am hoping you can all see today that the board of the Public Trustee is committed to not only considering but also addressing the findings and recommendations of the Bugg review. I must say and it should be highlighted that they fully cooperated with every single request. It was quite resource intensive for the Public Trustee to do so but they did so.

CHAIR - And quite stressful I would expect.

Ms ARCHER - Can I say, it has been stressful for the staff and as minister I regret that that it is a consequence of me needing to call this review. It is a difficult situation for everyone involved, particularly the clients, and I acknowledge that. On the other side of this there are the staff and their welfare as well. I would like to point that out.

I do have confidence in the Public Trustee and the reason I say that is prior to me calling the review, Mr Scanlon today has verified that they had already identified that they needed to put in place a client-centric focused model. That was being implemented at the time. Certainly, the culture was being looked at pre-COVID-19.

COVID-19 interrupted the ability to implement that fully face-to-face in the workplace physically so that type of work can not only be resumed but fully reviewed in light of the Bugg review. I see this as an opportunity for the Public Trustee. I know from my discussions that we have had this week following the release of the Bugg review that the board is committed to addressing those issues as well and taking its own look at it, advice on the recommendations as well and I will do the same. We will do whatever it takes to address those findings and recommendations.

Ms SIEJKA - And that includes resourcing where necessary?

Ms ARCHER - And that includes resources where they are required.

Mr VALENTINE - It goes to what the Attorney-General has pointed out with regard to the staff and when the spotlight does get shone on an organisation like this there are stresses and concerns that might arise in the staff. What has been put in place for them to be cared for or opportunities for them to be able to talk some of these things through?

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Ms ARCHER - Thank you for that question because it does need to be acknowledged that this is difficult. As I said in my opening statement, there were matters raised in this report that are difficult for the Public Trustee and its staff to hear. I know that all staff would be well-meaning in their approach. It may be that they are not aware that their approach is causing distress and it has now come to light as a result of a public airing of these concerns. I am hoping that staff can embrace this as an opportunity in relation to what is currently being provided by way of supports. It is important for the chair to address that.

Mr SCANLON - In respect of work, health and safety responsibilities, internally it is monitored by the manager, Risk and Compliance, and he reports back to the executive management team on a regular basis. If there are any underlying themes that are evolving it can be dealt with by the executive.

Ms ARCHER - In relation to counselling and other services provided?

Mr SCANLON - We do have access to, I can't remember the name.

Ms CUNNINGHAM - An EAP provider.

Mr LUCAS - Employee assistance.

Ms ARCHER - That is within the State Service?

Mr SCANLON - Yes.

CHAIR - Who manages the manager?

Mr SCANLON - Manager, Risk and Compliance?

CHAIR - Who manages that?

Ms ARCHER - Someone needs to manage it.

CHAIR - The acting CEO.

Mr SCANLON - Yes.

Mr VALENTINE - Generally, has that service been called on?

Mr SCANLON - I don't have the information, but I don't think we would be told.

Ms CUNNINGHAM - It's a confidential service.

Mr VALENTINE - I know it is confidential.

Ms ARCHER - I think the only answer that they can provide, Mr Valentine, would be if anybody is currently on leave, stress or otherwise. I can say, yes.

Mr VALENTINE - Okay.

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CHAIR - Can we have a number?

Ms ARCHER - For a number, we may need to take that on notice unless you can answer that?

Mr LUCAS - It's not people who are on stress leave at the moment. I have one who is unwell, but I don't know why they are unwell. That is all I am going to say on that.

CHAIR - It's a genuine concern and that is why I asked about the recreational leave. If you are in a stressful environment, having some leave, whether you can travel or not, is important.

Ms CUNNINGHAM - Regarding looking after our staff in relation to the review, our staff have been kept totally up to date with what is happening, what the next steps are, where we've been within the review. Management have met regularly with the staff who manage representing a person; one on ones. The board has kept the staff up to date and given us messages of encouragement.

CHAIR - Was the review provided before it was publicly released?

Mr SCANLON - As late as yesterday afternoon, on behalf of the board, I issued a statement to the staff. In it we gave them the link to the report. We also informed them if they had any concerns, they could approach their direct managers.

CHAIR - But not prior to the release? I heard it on the radio, coming down at 7 a.m. yesterday.

Ms ARCHER - They didn't receive the report until everyone else had received the report. It was important that it was made public at the same time.

Mr LUCAS - It was released to the staff after the minister announced its public release.

Ms ARCHER - Ms Rattray, I think it is important, because it was an independent review, that the Public Trustee not be given special treatment to the clients. They all had access to the report at the same time. That is why I started today by saying the Public Trustee needs to be given time to consider the findings and recommendations and the report itself.

If I had have given them a sneak peak, I would have been criticised for that, and rightly so, in my view. It is an independent review at arms-length of government and it needed to be treated as such.

Mr VALENTINE - Last question, in relation to the CEO. Have you advertised for that yet and what is the status?

Ms ARCHER - Yes, in relation to the CEO role, it's been put on hold while the review was being undertaken. That can progress to a Cabinet approval now. Basically, the interview has occurred. The recommendation is there. It was put on hold whilst this review was undertaken.

CHAIR - No announcement today?

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Ms ARCHER - No. Mr Lucas will then be able to go back to his substantive role.

CHAIR - I saw his eyes light up when we started asking financial questions.

Ms ARCHER - A big job for the new CEO as well.

CHAIR - Absolutely. I guess our acknowledgement of the work that has been done while you have been waiting for the result of the review, has certainly has not gone unnoticed. As I said, at some stage through my contribution, it doesn't give us any joy to read what we had to read before we came to this inquiry today. It is our responsibility to also raise these matters.

On behalf of the committee, we sincerely thank you for your time and for providing as much information as you can, and did, for us. We also extend our best wishes for a very happy, safe and restful, if possible, festive season. Thank you very much.

Ms ARCHER - Thank you Chair, thank you committee, and thank you secretary and Hansard.

The Committee suspended from 10.59 a.m.