



**PARLIAMENT OF TASMANIA**

**TRANSCRIPT**

**LEGISLATIVE COUNCIL**

**GOVERNMENT BUSINESS SCRUTINY COMMITTEE B**

**Public Trustee**

**Friday 24 November 2023**

**MEMBERS**

Hon Rosemary Armitage MLC;  
Hon Jane Howlett MLC;  
Hon Tania Rattray MLC (Chair);  
Hon Rob Valentine MLC;  
Hon Meg Webb MLC; and  
Hon Josh Willie MLC







# PUBLIC

**The Committee met at 9.00 a.m.**

**CHAIR** (Ms Rattray) - I would like to welcome everyone to the first session of Government Business Scrutiny for the Committee B. We are fortunate to have the Public Trustee represented here today. Welcome Attorney-General, the Honourable Josh Willie, the Honourable Rosemary Armitage, Tania Rattray, the Honourable Rob Valentine, the Honourable Meg Webb, and the Honourable Jane Howlett.

I would like to acknowledge the orange ribbon that I'm wearing today, some others have and will get during the day, is for the Walk for the Elimination of Violence Against Women and Children. There is a walk outside the parliament today at 1 p.m., if anybody wants to join that, an important advocacy role. They have been supplied by the minister for Women, the Honourable Jo Palmer.

**Mr BARNETT** - Thank you for the opportunity as a new-ish Attorney-General to be at the committee today. I would like to welcome Therese Taylor, chair of the Public Trustee, a new-ish chair, but one who is doing a wonderful job. On my right is Todd Kennedy, who's the Chief Executive Officer, and to Todd's right is Nicky Roberts, the Chief Financial Officer.

**CHAIR** - Thank you and welcome. Todd, I know this is your first scrutiny as the Public Trustee CEO.

**Mr KENNEDY** - Second.

**CHAIR** - Second, apologies. First for us.

**Mr BARNETT** - With your indulgence, Chair, I am happy to make a short opening statement.

**CHAIR** - We would appreciate that. You know to keep it brief.

**Mr BARNETT** - The Public Trustee plays a very important role in the Tasmanian community, providing specialist and independent trustee services to Tasmanians, including very vulnerable Tasmanians. During the last financial year the Public Trustee has undergone a period of unprecedented organisational change. There are several drivers for that: the independent review into the Public Trustee, our government's significant reforms to the Guardianship and Administration Act 1995, and the client-focused model of service, and significant effort in resetting the culture of the organisation.

Our Government has worked continuously through this past period to support the Public Trustee to implement all 28 recommendations for improvement resulting from the independent review into the Public Trustee by Damien Bugg AM KC in 2021. I put on the record my thanks to Damien Bugg for his efforts. The Bugg Review made a number of recommendations, provided the improved client focus so the Public Trustee could meet its statutory obligations and community expectations.

A total of \$8.6 million was allocated in the 2022-23 budget to implement the recommendations to improve the administrative and operational practises of the Public Trustee, and to deliver a new community service obligation.

## PUBLIC

I am incredibly pleased with the significant progress of the Public Trustee in terms of the recommendations. We have 26 of the 28 recommendations now completed, and the two remaining recommendations relating to the ongoing community service obligation funding and a review of the Public Trustee's fee structure are well progressed. It is anticipated by early next year all remaining recommendations will have been implemented.

The significant achievement of the Public Trustee has been led by CEO Todd Kennedy and CFO Nicky Roberts, who have been engaging in building strong and committed relationships with stakeholders, specifically through client and stakeholder reference groups that are actively working together each month to implement the recommendations, as well as developing a new framework for supported decision-making.

The board has also undergone significant renewal. Three non-executive directors have been appointed earlier this year, 31 January: John Mazengarb, Kim Barker, and Mark Grey, I thank them all for their service. Mike Dontschuk's term on the board was renewed for a further term, and Therese Taylor was appointed as the new Chair of the Board.

Another reform was the introduction of the new organisational structure, including the recruitment of a significant number of client account managers to better support clients, and a major recruitment drive. The Public Trustee has significantly reduced caseloads now, from 150 to 50 clients per client account manager. Many aspects of the new client-focused model of service are now in place, including establishing ongoing stakeholder and client reference groups to ensure services are appropriate, supported and understood.

The group continues to actively work together, implementing the independent review recommendations as well as the important piece of work developing a common approach for supported decision-making. I'd like to acknowledge the members of the reference groups for their valuable feedback and contribution, and our government will continue to support the Public Trustee and its very important work. This includes working through the funding needs collaboratively with treasury ahead of the next budget, including in the context of future legislative reform impacting on the Public Trustee, I thank the committee.

**CHAIR** - Thank you. We appreciate that you made that as brief as possible.

**Ms ARMITAGE** - Attorney-General, you mentioned changes in staff and we had a bit of a re-look. The annual report mentions that a Learning and Development Officer has been appointed to introduce a new training program to staff. Can you advise what does the new training program entail and what prior gaps in training and knowledge does it address?

**Mr KENNEDY** - Training was one of the areas that we really needed to start to dedicate some focus to and resource. I'd say, historically, the training focused on more of the traditional responsibilities around financial administration, so the obvious cap was more around the softer skills in working with people. Some of the new training that we've rolled out involves de-escalating challenging situations, trauma-informed practice, understanding diversity around communication, so I would say that that's made a significant impact for our people because it is a challenging role. We do continue to invest in training on the traditional sides around financial administration because the role does still have that aspect to it.

## PUBLIC

It is something, though, that we need to continue to invest in, a lot of effort has gone in because of the significant amount of new staff, so for us, the focus now is really about embedding those new staff to continue to build their capability.

**Ms ARMITAGE** - If you could just define what soft skills were?

**Mr KENNEDY** - More personal skills, working with people, just acknowledging that our client base has a lot of challenges in their life and we often are there to support them at what can be the most difficult period in their time and, historically, I think we've had people that have come and joined the organisation wanting to be financial administrators and perhaps looking at back office roles, whereas it's really important that the people that we recruit and attract are there and want to engage with and support people.

We feel that we can teach financial administration, but the people skills, you really need to look to bring people that have that motivation to work in that space.

**Ms ARMITAGE** - One last question in this area, how are you going to benchmark the success of the new training program?

**Mr KENNEDY** - That's a really good question. I'm not sure how we're going to benchmark it. We do have feedback that we record after every session that staff provide and that's collated and reported to the board, so that's one way that we monitor its effectiveness. We do look at other jurisdictions as well, as far as the types of training that they're providing and we've particularly been looking at supportive decision-making and what sort of training we need to roll out for our people to actually support them in that journey, so we'll continue to build on that and there's a couple of ways that we've started.

**Mr BARNETT** - The Chair of the Board may wish to add to that, to assist the committee on the question of the honourable member, because it really talks about some of the important values and the culture that we are undertaking, it's a really important piece.

**Ms TAYLOR** - The independent review certainly outlined the fact that the skillsets of those employed in the public trustee was one of the areas that we were really letting down clients and community expectations around the services that were provided and there's been much written about that, as you know, in the media. A whole range of cultural work has been done across the organisation and that is the priority of the board, to change not only the organisational structures and the corporate planning and organisational and administration, but the culture of the organisation. We are a client-centric organisation, from governance right through the organisation and that is the way we will go forward.

In terms of our attraction and retention of people, we've looked for a whole range of different skill sets. As you know, we've now launched in October the supported decision-making framework in anticipation of the amendments to the Guardianship and Administration Act 1995, so we will be now putting in place skill sets around that framework and that act. That really entails forming a relationship with your client. If you're going to actually assist people making decisions in their lives, you really need to be able to form a relationship and communicate effectively with someone around the choices they have. That is what we're looking at in terms - I know soft is a very broad term, but those are the sorts of skills that we'll be growing in the organisation.

## PUBLIC

There are structural issues around that as well. You will meet face-to-face with your client twice a year. As you say, we're putting in a whole range of benchmarks now around measuring the changes in culture and we have got some in this annual report about staff surveys. That is the next challenge for the board, so we can measure the progress, not only in implementation on something like the assisted decision-making framework but how we're delivering that, not just the what.

**Ms ARMITAGE** - I guess fewer complaints is almost a benchmark in itself, isn't it?

**Ms TAYLOR** - Yes.

**CHAIR** - Thank you. Ms Webb and then Mr Valentine.

**Ms WEBB** - I'm interested to hear a bit more about the plans that Mr Kennedy spoke about, planning to deliver training related to the change to the legislation recently and the supported decision-making model that needs to come into play underneath those. So, that training hasn't been undertaken yet? That is still in a planning phase? I'm interested to hear a bit more about the time line of that.

Also, is it your expectation that there are training cycles, so that's not just a once-off training exercise at the beginning of things but that there is a refresher system in place to make sure that those skills and those understandings are being maintained?

**Mr BARNETT** - Thank you very much for the question. I know the CEO will respond to that but I think it's fair to say there has been a significant increase in staff to assist with much of that work. The CEO might want to touch on that and answer the member's question.

**Mr KENNEDY** - I probably should clarify and maybe didn't explain well enough earlier that a lot of the training that I spoke about has actually been delivered in preparation for the change. There are some items as well on the future calendar. One of the key things that we recently had training on was around our new supported decision-making framework.

**Ms WEBB** - That is what I'm specifically asking you about - the legislative change to that model and training related to that.

**Mr KENNEDY** - Yes. At the beginning of October, we had some training statewide and we had two of the leading professors when it comes to supported decision-making come down to present to our team. They were also involved with the development of our framework. That was a very productive two days that we spent. That kicked off, I guess, the framework itself. We will continue to deliver the training program regularly, so it's not just about a one-off or induction. It's very important that we have a cycle that continually embeds the principles and the learnings that we need as well as support new staff that come into the organisation.

**Ms WEBB** - What proportion of the staff have undertaken that training to date?

**Mr KENNEDY** - All of the staff have undertaken that training, all of our client account managers and the leaders and the managers that work with our represented persons.

**Ms WEBB** - And what would be the expected cycle when that would be refreshed?



## PUBLIC

**Mr KENNEDY** - I would say some of the training that we do is maybe more frequent. I'd at least say on an annual basis but I think we'll just be watching it closely. Part of us launching a framework back in October is so that we can really draw out those early learnings and iron out any things that need to be smoothed out prior to the legislation coming into place. But there are a number of things in the framework which I'm happy to talk about when the time is appropriate that are actually benefitting our clients now.

**Ms WEBB** - Thank you. I'm sure we will talk about that.

**Mr BARNETT** - Can I quickly add to that and the CEO might want to back me in here. You appointed a new training and development officer last financial year?

**Mr KENNEDY** - Yes, in 2022 we appointed a dedicated resource. As part of our new structure, we're looking to build out that learning and development capability as well.

**Mr VALENTINE** - With regard to the ministerial charter, 2.3 under strategic expectations, there is a paragraph that says: 'To act in such a way as to encourage and support represented persons to become capable of administering their own estate and/or prolong their ability to make their own decisions.' Clearly, a lot of that has come out of the review and part of the soft skills arrangement, I suppose, in being able to deal with people in an appropriate manner. I am wondering, in relation to that, what sort of training do you give to your staff, noting that about 50 per cent have been employed in the last year. Is that correct?

**Mr KENNEDY** - Yes.

**Mr VALENTINE** - What sort of training do you give to your staff in terms of helping clients in maybe even exiting your care? I think that is something that is important. If clients are able to make their own decisions, it might be that they want to handle their affairs in a different way than through the Public Trustee. Can you give me some indication there, minister?

**Mr BARNETT** - Yes, and then I will ask the CEO to respond and/or the chair, as appropriate. First of all, in terms of the ministerial charter, obviously it came out of the independent review and it was established in September last year. The former attorney-general set that up following -

**Mr VALENTINE** - July, actually, 20 July according to that.

**Mr BARNETT** - It was tabled in the House on 8 September. Very important to set those expectations and guidelines. I think the CEO can outline that.

To your last point about moving through the transition to support those vulnerable Tasmanians to get the support that they need and then, as they build that capacity, to perhaps allow them to continue in a more independent way to fulfil their objectives and their ambitions -

**Mr VALENTINE** - Which might mean not doing it through the Public Trustee.

**Mr BARNETT** - Absolutely correct. In terms of the detail, I'll pass to the CEO.

## PUBLIC

**Mr KENNEDY** - Thank you for the question. The first part that is important to note is that, along with our new supportive decision-making framework, is a financial independence pathway program that we launched in October. The first step is to have that available for our clients. It steps out a pathway over a 12-month period and has regular consultation with the client account manager. It is about starting off paying bills or taking responsibility for income, providing support with them along that journey.

Most importantly is the offboarding process, the support that is provided to people when they do come off an order. This, for me, was a really good example of the stakeholder reference group and the input they have provided with the co-design. That was something we hadn't had originally.

When it comes to the training that we provide staff, it is thing like understanding unconscious bias. When you are working with people and supporting them in making decisions, it is important that your own views aren't overtaking the approach that you're taking with them.

**CHAIR** - That can be pretty difficult to do that.

**Mr KENNEDY** - It is, but I think it is really important, because it is about, again, putting the client at the centre of everything you do, not letting your own views around how money is managed. Also, things like dignity at risk and not being paternalistic in the approach we take when we support people. That's a recent initiative we've rolled out in October. We now have 41 clients participating in that program so far, ranging from managing their pension or paying some bills. The ultimate goal is to build that up over a period of time, so that people can regain their independence and come off the order.

If I could make one final point, it's really important to note that measuring the number of people that come off the order is only one measure as far as the benefits to clients. A lot of research suggests that being involved in the program as well and having that autonomy and independence has a lot of benefits for clients' health and wellbeing, even though they might not ultimately fully regain that financial independence.

**Mr VALENTINE** - Yes, it's not always easy to exactly measure how it's improving things. But do you expect a number of people in the future will come off orders because of the sort of training that you're providing? How do you see that impacting on your operations in the future?

**Mr KENNEDY** - It's very early days to tell the volume. Our approach is to work with as many people as we can. Since the beginning of the year, 13 clients have come off orders, which is not a high number. But since October and us launching our program, we've now already got 41 clients and we've already put forward 11 applications for clients to come off their order since 1 July, of which nine have been successful. It's really a new frontier. If I look at other jurisdictions, the numbers that have been reported from Queensland and State Trustees are quite low - less than 100 - but again, it's important not to lose sight of the fact that there are benefits along the journey as well for people.

**Mr VALENTINE** - That's encouraging.

## PUBLIC

**Mr BARNETT** - The name of the program is the Pathway Program and it's building that financial independence pathway. It's picking up on the members' points about coming off those administration orders and building that independence. The program started on 2 October, and as the CEO has outlined, they have 41, I'm advised. They've made a lot of progress this last 12 months but in the last little while, it's progressing positively.

**Mr VALENTINE** - Of those 41, how many would have decided to not stay with the Public Trustee? Have you any indication of that? When you say 'come off order', that means they are then outside your care.

**Mr KENNEDY** - Yes. Every person has expressed that desire to regain their independence and come off an order.

**Mr VALENTINE** - You have no further involvement at that point?

**Ms WEBB** - After they've gone through the program.

**Mr VALENTINE** - Yes, after they've gone through.

**Mr BARNETT** - We'll go to the CEO - but they come off the administration order -

**Mr VALENTINE** - Sorry, I'm just trying to get the process -

**Mr BARNETT** - But the relationship is still there.

**Mr KENNEDY** - No - once someone comes off - once we're no longer responsible as their administrator, that relationship does end. What I was trying to articulate before was about connecting people with the appropriate supports - financial counsellors, for example - that are available for them, so that they're not left immediately to support themselves after going through a program. Our involvement does stop once our appointment ceases.

**Mr VALENTINE** - Do you provide options for them such as other organisations that are in the same system?

**Mr KENNEDY** - Yes, we do. Anglicare's a good example of that, with their financial counselling.

**Mr VALENTINE** - Okay. Thank you. I appreciate those answers.

**Mr WILLIE** - Thank you, Chair. When we saw the Public Trustee run into significant trouble, we had courageous stakeholders speaking out about their treatment. I'm interested in how the reference group is working. Is there a mix of one-on-one sessions with people; or are there group sessions; are people allowed to bring support persons? I'm interested in how that engagement's working, given the cultural change that's needed.

**Mr BARNETT** - Thanks very much for the question.

**Mr WILLIE** - Sorry, I should be directing that to the minister.

**Mr BARNETT** - I appreciate that and these are very operational questions.

## PUBLIC

**Mr WILLIE** - Yes, that's right.

**Mr BARNETT** - I do appreciate that and it's a good one for the CEO to respond to.

**Mr KENNEDY** - It's a good question. We originally -

**Ms RATTRAY** - They're all good questions here, Todd.

**Mr KENNEDY** - Noted. When we set up our stakeholder reference group and client reference group back in 2022, straightaway we had a lot of participation from organisations in the disability sector and some clients that come on board; but it was important that we created a safe and supportive environment for our clients. Initially, being a bit naïve myself, I thought 'we'll all sit around the table and talk through these issues'; but the feedback that we've learned is that a lot of our clients feel a lot more comfortable providing their feedback on an individual basis. They do so with their supports as well. We sometimes reach out to them directly, or we will engage through other organisations like Speak Out Advocacy or North West Support Services to support that. Also, they appreciate independence; they don't not always feel like they can be as forthright with their responses if they're providing that directly, so we've provided independent people. It's working really well.

From my point of view, coming into the role, we had to get started quickly and we had key recommendations. I wanted to make sure that when we got towards the end and implemented it, that we hit the mark and it made the desired impact. Advice that I received was that, and Bruce Levett from Health Consumers Tasmania provided good assistance in the early days saying, if you have everyone involved and let them drive the agenda, you'll get a much better outcome. I'm confident with the outputs. The shining star from the work that we've done is not just the recommendations that we've been able to put into place, but it's the framework that we've developed. Clients will see their direct feedback throughout that document, as well as participants in the stakeholder reference group.

**Mr WILLIE** - I'm interested in how many clients have been consulted through this and how they're selected?

**Mr BARNETT** - The Chair of the Public Trustee could add to that answer as well because it's an important area of interest. I'll go to the CEO and perhaps we could allow a moment for the chair.

**Mr KENNEDY** - The regular monthly reference group has two clients who are part of the overall group, which is around a dozen, maybe 14 participants. Throughout the year we will consult with clients at various points in time. When we put together the framework, for example, we had 12 clients that we had individual meetings with, independently of the Public Trustee. There's a number of other ways that clients can provide their feedback. We did go back and look through statements that were made through the independent review and we continue to review feedback from complaints.

To your point about how do we approach clients, there's a number of ways. We've reached out to clients directly; we've reached out to support organisations to connect us with already established groups; we were public early in the first six to 12 months, making myself available; we had it on our website; we were pushing out media and trying to get the message

## PUBLIC

out there inviting people that would like to be part of that. That's the way that we made that approach.

**Mr WILLIE** - To clarify, all your clients were invited to participate in that process?

**Mr KENNEDY** - Yes - and families and supports.

**Mr WILLIE** - Can you talk a little bit about the framework. I'm interested if anyone living with a disability spoke to staff and gave some feedback around that in the consultation phase?

**Mr KENNEDY** - Yes; the 11 clients who were part of the feedback in the design are clients of the Public Trustee, and they have a range of disabilities. It's important that we had cross-representation. Very much part of the design. As well as organisations - and not just leaders of organisations but support workers, social workers, people more broadly in the disability sector that provide that feedback as well, and a voice for their clients.

**Mr BARNETT** - Thank you very much, CEO, just checking did you want to add anything, chair?

**Ms TAYLOR** - The CEO has articulated that very well. From my point of view, not being involved in the day-to-day, one of the strengths of the reforms has been the inclusive nature of the stakeholder reference group. It has been an exercise in co-design, which is a bit new for all of those involved; but the frameworks and new policies and new procedures - nothing is signed off until there's been agreement through the stakeholder group. The PT's not implementing anything that's outside the experience or the feedback from that reference group. It's been one of the success factors in terms of why we have made such progress in such a short time.

**Mr WILLIE** - That's why I'm interested; because I don't want to see the Public Trustee become disconnected from a client base of stakeholders like it was.

**Ms TAYLOR** - And the way that we have gone about that, has empowered everyone because the stakeholders also want the best outcomes for clients, working with them in a different capacity to the Public Trustee. The fact that we're co-designing how someone's life will be impacted by our organisation, and then intersecting with theirs, has been a huge benefit to clients.

**CHAIR** - I can endorse that genuine interest. A couple of years ago - prior to your appointment, Todd - it was very difficult to listen to the hearings and what we heard.

**Ms HOWLETT** - Attorney-General, I was wondering if you could provide the committee with some information on what community engagement and education events the Public Trustee has been conducting recently?

**CHAIR** - How is the roadshow looking?

**Mr BARNETT** - The roadshow, in terms of education and awareness, has increased markedly under the chair in the last 12 months. It is very encouraging. I think you got the flavour of it in the last answers to Josh Willie, where they're engaging more with the

## PUBLIC

stakeholders. They are now having regular education and awareness events. You will see in the annual report that there were 16 community education events carried out during the 2022-23 period, and not just for persons appointed by TASCAT under an administration order but for the general public. In terms of the number of estate and end-of-life planning matters, I've had advice that some 3000 people watched information videos, 75 000 viewed the social media, 15 media stories.

An area of concern for the new-ish Attorney-General as a result of learning more about the role of the Public Trustee in recent months, I am concerned that 50 per cent of Tasmanians die intestate, meaning without a will. That is a proportion which is, in my view, too high, and I think we need to do more in terms of education and awareness. I am flagging that with the committee and the public, that the Attorney-General will be working with the Public Trustee and others to encourage Tasmanians to ensure that their wishes are taken into account when they die. It has an impact on their families, those close to them, and others.

I want to do a shoutout for the Public Trustee this week, even with Palliative Care Tasmania at the office of the Public Guardian, they've released information on four very important documents - the will, advanced care directives, the enduring guardian and an enduring power-of-attorney. Four very important documents. Education and awareness about the important role of those documents going forward is really good, so I'm very supportive of it and I think they've done a great job in the last 12 months but there's more to do, and they will continue to do that good work.

In conclusion, all of this is consistent with the Bugg Review and the recommendations, and you've heard a lot about the stakeholder reference groups, and they were established starting in May 2022, but a lot of that work is ongoing. They are doing this on a monthly basis and on a regular basis. I want to shoutout the various organisations, such as Anglicare, North West Support Services, Speak Out Advocacy, Multicap Tas, Office of the Public Guardian, Tas Cost Back Care, Health Consumers Tas, Tas Legal Aid, Co to Tas, Palliative Care Tas, Tasmanian Health Services, and many more.

**Ms ARMITAGE** - I note on page 38 of the annual report that there was quite a difference between the target 800 wills completed and the actual number of 461. Can you advise whether you anticipate meeting the target of 85? What steps are you taking to ensure you meet the target, because all of this helps towards financial stability. I know if you have your will done with a legal firm they charge a fee, whereas on the internet I'm noticing that you still charge a percentage of the estate.

This is what is on the internet for the Public Trustee, if that is still the case. The first \$200 000 or part, 4.5 per cent, the next \$200 000 or part, 3.5 per cent, the next \$200 000 or part, 2.5 per cent, and amounts above \$600 000, 1.5 per cent. That is the argument I have often heard: people say, 'I do not want to go to the Public Trustee, our estate might be quite large, they're going to take a huge amount, whereas if we got to a lawyer, a legal firm, they'll just charge an amount'.

Do you anticipate changing that, or do you see that as a problem, or what are you looking at to try to get more wills to come in?

**Mr KENNEDY** - The first part was that with the independent review there was a lot of reputational damage for the Public Trustee, and we've seen that play out with the number of

## PUBLIC

people coming to us to have their will done. Also, it's meant that a lot of people have taken their wills elsewhere. Our focus in the last 18 months has been about rebuilding trust in the community and the focus has been, in the main, on the work that we do supporting people through the guardianship stream and becoming a more client-centric organisation.

Only now, as we start to progress with implementing those recommendations, do we actually have more capacity to focus on growing our will bank again. I very much agree with your comments. Anecdotally, the Public Trustee, where I've worked in trustee companies in the past, you hear a lot of percentages that are thrown around in the community. I do think that it is a barrier for some people in having their will done. The important thing that I wanted to say though is that preparing your will is very separate, as you would be aware, to the administration of your will. Around 50 per cent of people who come to us to have their wills prepared actually choose a family member or a private executor. You don't actually need to appoint the Public Trustee. That's the first thing I would say. We do provide an affordable way for people to have their wills and important documents be attorney referenced and prepared.

For example, a single person can have their will prepared for \$140 and a couple for \$220. For people on a Commonwealth senior's health card or aged pension, if they are comfortable appointing the Public Trustee as administrator, that fee is waived. I think there's a good entry point. We are looking at our fees, we have a review that's in place at the moment with the Office of the Tasmanian Economic Regulator. More broadly than that, the board is provided direction to do a broader fee review, so yes.

**Ms ARMITAGE** - A clarification then about what is on the internet. This is the issue that I hear from people about the Public Trustee. I have to say that I was someone who did a will in a hurry with the Public Trustee, but very quickly, when I had time, I took it off them. Mainly because of the issue of the percentage and that's what I hear from many people. You are looking at changing that particular structure or you're just looking at changing the amounts? I think the structure is the issue with most people in the community about the Public Trustee, whether you can appoint someone else or not, you tend to have a will and you leave it there in that legal firm. You're not looking to change the structure?

**Mr KENNEDY** - We are looking to do an overall review, not just to change percentages or the fees.

**Ms ARMITAGE** - But it would make a difference in the community to the amount of wills you get.

**Mr KENNEDY** - Very much so. The other thing I would say is that the actual service that we provide when we prepare wills and administer estates has received really strong customer satisfaction over the last three years. Wills is close to, if not, 100 per cent in preparing the documents. Our beneficiary surveys are in the high nineties, so there's a great experience there.

With percentage-based fees, there are times where we do a lot of work for people, for complex estates, for not a lot of return. There's also a large proportion that the fee is remunerate with the service that's conducted. We do have cases where it is a higher percentage for the work that's conducted. In my time, my staff regularly bring these cases to me for review to

## PUBLIC

have fees reduced where they feel that the percentage model has come out unfavourably, that's not endorsing the model, and as I said at the start, we are looking to do an overall review.

**Mr BARNETT** - I have two things; the numbers I have, because I know the committee's interested in these things in terms of the Public Trustee and wills on-hand, as at 30 June 2023 it was 25 607. I thought you might be interested in that because the point that the CEO is making, it's not just the Public Trustee, it's obviously our legal profession and other ways to assign a will.

Todd has talked about a review but I am very concerned that one in two Tasmanians die intestate, which means without a will. That impacts, potentially, in a very detrimental way on their family and/or friends and others. I will be reviewing this matter carefully with the Public Trustee and my Department of Justice to ensure we can get that percentage down. We need more Tasmanians having a will when they die to ensure that their wishes are properly represented and fulfilled.

**CHAIR** - Sounds like the Attorney-General is going to be on the roadshow. My question is around the time frame. There has been some criticism, or some comment perhaps, around the time frame for the Public Trustee. I'm interested in the increasing FTEs for the organisation. Has that helped the time frame for settling wills?

**Mr BARNETT** - Very good question because you've picked up the increased support that has been provided to the Public Trustee in terms of the resources and to reduce the caseload numbers which is, as I think I said, 150 down to about 50.

**CHAIR** - But it's that time frame to settle which has had some commentary in the past.

**Mr BARNETT** - Exactly. A good question so we'll pass to the CEO.

**Mr KENNEDY** - I think the first thing is people often -

**CHAIR** - They want it done yesterday.

**Mr KENNEDY** - Always. Unfortunately, the question often asked is, 'how much and when can I have the money?'. That's okay but there isn't a good understanding of the time that it takes to administer one's estate. For example, the time to obtain probate can take three months alone, so that is initially a shock for a lot of people. Over a long period of time, I think we've maintained really good time frames in finalising estates. People always underestimate the complexity of their own affairs as well. Generally, we look to administer estates around a six to 12-month period.

The one thing I would say around the additional staff and support, we've really dedicated that to the work we do supporting people through the guardianship stream. We have probably throughout the year, not neglected but we did have some leave, maternity leave, and it did put a lot of pressure on our estate administration team. So, our time periods did start to blow out and we've started to get some complaints from our beneficiaries. Overall, the satisfaction is high but I would acknowledge that certainly in the last 12 months, there have been some delays.



## PUBLIC

At least six months ago we started to recruit. We have people in place, additional resources. We're training and upskilling them. They're building the caseload. So, we're starting to get on top of that.

**Ms WEBB** - I appreciate the frank and open information being provided and acknowledgement of challenges because clearly, you're facing challenges and really proactively tackling them. Thanks for that openness with the committee.

The question I had relates to a conversation that came up after the Bugg review. We know that there wasn't a specific compensation scheme recommended from that review. That's why, in the course of, I think, some budget Estimates discussions in June 2022, there was indication given by the then attorney-general that there would potentially be opportunities for compensation if there had been tangible losses as a result of previous patterns of service under the Public Trustee, and that that could happen in a variety of ways. In the first instance, people coming to the Public Trustee to seek potential compensation for loss. Potentially through the courts, is my understanding, and then also potentially through the ex gratia system within state government, which would be approved by the Treasurer.

I'm aware there has been in the public domain one instance of a compensation claim being made public since 1 June 2022. Since 1 June 2022, can you give any detail - obviously not personal detail or identifying detail, just amounts of compensation paid through either of those or any of those mechanisms - the court, through the Public Trustee itself or through ex gratia payments?

**Mr BARNETT** - I'll just check whether the chair or the CEO, or both, would respond to that question.

**Mr KENNEDY** - In total, there have been 18 matters resolved and a total of \$136 659. They were all compensation through the Public Trustee, through our own internal complaints framework, which includes an independent review of the Ombudsman if we are unable to resolve that satisfactorily. We've worked really hard to open ourselves up to any feedback and the previous attorney made it very clear that it was the expectation of myself, as the new CEO, to work very hard to resolve any matters out there in the community. I continue to make myself available for any of those things.

To give you a breakdown, initially, in FY 2021-22, there were five matters, totalling \$15 377. In FY 2022-23, five matters, resulting in compensation of \$60 628. Currently, eight matters with \$60 654. They're not necessarily current issues that are arising but they are matters that we've been working with.

For me, I feel that clients and families are comfortable coming to us. We are showing that our complaints framework, which we have reviewed, made changes to and aligns to national standards, which is really important and one of the recommendations as far as moving to the new legislation, is serving its purpose and working well.

**Ms WEBB** - To clarify, those are all through the Public Trustee, so there were none that were court-related or ex gratia payments?

## PUBLIC

**Mr KENNEDY** - There was one matter through the courts, which I think you referred to. That matter is embedded in those numbers because the Public Trustee settled that. That is the only matter.

**CHAIR** - How many outstanding have you got on foot at the moment?

**Mr KENNEDY** - There are only two outstanding complaints at the moment. I would need to take on notice whether there is compensation involved or not. Where there is a loss, as we have said to people, we look to rectify that.

**Ms WEBB** - I have a question that might need to be taken on notice. I'm interested around right-to-information performance for the organisation and whether you can give me some data around that. Things like how many RTI applications were received in the reporting period for the report; how many were fully or practically accepted and provided; and how many were fully rejected or partially provided. Is that data you've got available that you could provide to us in some form readily?

**Mr BARNETT** - I'm not sure if the annual report covers that but I will pass to the CEO.

**Mr KENNEDY** - I don't have those numbers at hand. I'm happy to get those numbers and provide them. Anecdotally, there has been a very small number of RTI requests over the year. I can think of a couple of examples where, historically, they were declined. We reviewed them, they were probably a couple of years old, then subsequently provided that information.

For me, it is really important around transparency to, as far as possible, provide information to families or anyone who has a complaint. That is certainly the approach we are taking, but we will provide the actual numbers for you.

**Ms WEBB** - Tiny supplementary to it: I am interested in terms of staff allocated for responding to RTIs, how many you have who have that responsibility as part of their role. What training they were provided in the reporting period around RTI response.

**Mr KENNEDY** - We had one dedicated resource for RTIs, which was our corporate solicitor. We recently had a change in our structure, so it is a vacant position at the moment.

**CHAIR** - But it will be filled as soon as possible?

**Mr KENNEDY** - Yes.

**Ms WEBB** - Is it your expectation that the person who fills that role ultimately would be provided with RTI training in relation to that aspect of their role?

**Mr KENNEDY** - Yes.

**Ms ARMITAGE** - Could I go back to the complaints? I noticed there was a spike of complaints in August 2022. Any idea why there was that spike?

**Mr BARNETT** - What page of the annual report?

## PUBLIC

**Ms ARMITAGE** - Page 16. I wondered whether it was a particular type of complaint, whether it was a teething issue?

**Mr KENNEDY** - I'm not sure; I'll have to take that on notice. I can say, though, that whenever there is any sort of publicity around Public Trustees, and there have been a couple of points - I need to see if they align - but if there's any sort of publicity going around the country, that does tend to result in a spike, so a nine versus traditionally we would see four per month. I note the period you're talking about was nine.

**Ms ARMITAGE** - It was a lot higher than anywhere else.

**Mr KENNEDY** - I have to take that on notice, sorry.

**Ms ARMITAGE** - That's fine. My other question, going to FTEs -

**Mr BARNETT** - Can I touch on complaints, to assist the committee?

**Ms ARMITAGE** - Yes.

**Mr BARNETT** - In terms of complaints, the advice I have is that that's remained consistent over the past few financial years: 49 total complaints in 2022-23 with 20 substantiated. A majority of these complaints related to financial management matters with four of those substantiated.

I also highlight that the Public Trustee is already seeing some positive impact of the changes that they're making, with one being a significant reduction in complaints relating to represented persons. In 2021-22: 36 complaints were received related to represented persons, of which 19 were substantiated; 2022-23 year: 19 complaints were received of which five were substantiated. That is a 47 per cent reduction in complaints received and 74 per cent reduction in substantiated complaints.

**Ms ARMITAGE** - It's interesting though because out of the nine complaints there were seven substantiated in August, which was a lot higher than any of the other areas where it was one or two.

**Mr BARNETT** - I have given you the annual figures -

**Ms ARMITAGE** - I know, I've got those.

**Mr BARNETT** - We'll get back to you on that question, if you could put it on notice we're happy to respond.

**Ms ARMITAGE** - Absolutely. The other question I had was what the FTE figure is. There's a couple of different figures here in the annual report where it says that in 2023, employed 77 people, corresponding to 64 FTE.

I suppose it's an overall average of the different months. But, is there any problem with recruitment? I notice that now you're improving and you're getting more staff, but are you having a problem recruiting? Where are you recruiting from? Are many people coming from

## PUBLIC

interstate to come down and work? I know many industries have problems trying to get the staff they need.

**Mr BARNETT** - I'll start on that and then pass to the CEO. In terms of recruitment, in 2022-23, the Public Trustee employed 77 people, corresponding to 64 full-time equivalents; promoted nine employees and permanently appointed three fixed-term employees; recognised and rewarded two employees for ten years' service to the organisation.

The full-time equivalent numbers of the Public Trustee employees for the past four years at 30 June - and this is interesting: 2020 - 52.96; 2021 - 53.09; 2022 - 58.69; 2023 - 72.4. You can see significant increase. I'll pass to the CEO to add to that answer.

**CHAIR** - It seems like there's no issue in recruiting.

**Mr KENNEDY** - I wouldn't say that; there's been a significant amount of work for recruitment.

**Ms ARMITAGE** - I think most people have problems.

**Mr KENNEDY** - Probably a good time for me to acknowledge the support we've got from the Department of Justice around recruitment and with panels, and a lot of effort goes into that.

**Ms ARMITAGE** - They are listening.

**Mr KENNEDY** - Excellent. It is a tight market, and over the year we've been very happy with the recruitment we've done and the people that have come on board the organisation. It's fantastic. Sometimes you might be recruiting for some roles and get a small number of applicants, and we just go back out to the market if we don't fill those roles.

We had to do a lot of work over a 12-month period; but there's positives, in that we've had some change within our organisation and staff have picked up other roles in different fields, or transfers, or got onto other things. To me, that's helped fast-track our cultural change.

With 50 per cent turnover in the organisation, you sometimes might question is there a cultural issue; whereas that is not the case. From a recruitment point of view, it's been tough. We're very close to the numbers that we need; but it is an ongoing thing that we need to review because the legislation hasn't come into play yet.

We're preparing as best we can. The key thing that I'm very pleased with was getting our caseloads down to 50, at 30 June. By the end of August, every client account manager has caseloads sitting at around the mid-40s and we've been able to sustain that. That's so important, to give our people the time so we're responsive to the needs of our clients.

**Ms ARMITAGE** - Are you short case managers or you've got a full complement? I'm wondering how many staff you're still wanting? How many positions you've still got vacant, if you have any?

**CHAIR** - An RTI Officer, for one.

## PUBLIC

**Mr KENNEDY** - Yes, there's a couple of roles that we're looking to fill at the moment. One is a - it's very close to a people and culture manager. That had been historically outsourced but what could be a more important position with your cultural transformation? There's only a couple of roles in the client account manager space that we're looking to recruit for at the moment. The lion's share of that recruitment has been done; acknowledging that with the team that we've got, you've probably got two staff every month that are on leave. The feedback from our staff was we want to make sure that when we go on leave, our clients are still being looked after and responsive and it's not that they're not getting the service they need.

**Ms ARMITAGE** - Thank you. Appreciate that.

**Mr VALENTINE** - In that staffing area, on page 50 of your annual report, when you look at the EAP counselling expenses, it's gone up 110 per cent. I'm interested to know why that is. That speaks to me of staff stress, and given the turnover of staff, is there an issue there, that needs to have a spotlight shone on it from within the organisation?

**Mr BARNETT** - The Chair might kick off this answer.

**Ms TAYLOR** - Mr Valentine, I'm very happy to see that the EAP budget has increased to that amount. The Public Trustee in the past had a large turnover of staff and had trouble retaining staff, and I think it was related to a stress issue with 150 caseloads and little support for the staff. So, we are determined to make sure with training, skilling, staff undertaking the mental health first aid course and we have really built the EAP program into the Public Trustee. It really wasn't part of the offering to staff and if it was, it just wasn't accessed. We appreciate that staff have the ability now to not only have better supervision around a team leader and managers who weren't -

**Mr VALENTINE** - They feel confident to access the service, is that what you're saying?

**Ms TAYLOR** - Exactly. And now they have an ability to have counselling to offload that and not build up the stress and I think it will help with our retention over the longer-term.

**Mr VALENTINE** - How do you gauge what the real issues are? You won't find out what each individual's going to that service for; so how do you gauge staff concerns that might be an indication as to them accessing those sorts of services?

**Ms TAYLOR** - Todd may elaborate. A range of ways that we do. The EAP service does report back to the board - not to do with individual cases but also numbers. We've noticed the numbers and as I said, I saw that as a positive sign rather than anything else. But also, they talk about trends around staff and some of the issues that the organisation may like to look at. We're also introducing staff surveys, in a better way, so staff have an opportunity to come back to the organisation through those surveys.

One of the success factors we've had is very early on, when we embarked on this transformational change journey, after the handing down of the independent report, you can imagine the morale of staff was rather low, to say the very least. We embedded a culture change expert in the organisation, and that person is still within the organisation. I think it's a model that in future the Public Trustee may be sharing with others. We've had the opportunity to unpack the issues that staff had in a trusted way and then address those issues and rebuild

## PUBLIC

the organisational structure around eliminating those barriers to people getting the best fulfilment out of their job, and also offering the best they can.

**Mr VALENTINE** - Looking at the FTE figures, it seems that 32 staff may have left the Public Trustee during the year. Do you have exit interviews to find out what some of the issues may be in that regard? To understand how staff are viewing the culture within the organisation, and are coming on board with the new culture?

**Mr BARNETT** - I have some details on that, but it is probably better for the CEO to respond. In terms of that turnover in that year, a 51.99 per cent turnover, the 31 employees you refer to who left the Public Trustee in that financial year to 20 June 2023. The reasons that I have been advised include: resignation was 15, permanent transfer was 6, end of fixed term contract was 7, retirement was 0, and fixed-term voluntary transfer was 3. In terms of the detail around that, I think it is best for the CEO to add to that answer.

**Mr KENNEDY** - The key thing with the EAP is that it is onsite, and that's a big change that we made to make it accessible for people around the state. Part of the reporting, which is an interesting indication of where we are all at in today's society, is that personal problems, or family, or commitments outside of work is often a major reason for staff to come and talk and seek assistance.

**Mr VALENTINE** - Are you saying that the EAP service is provided on the premises?

**Mr KENNEDY** - Yes.

**Mr VALENTINE** - Is that a good thing?

**Mr KENNEDY** - Absolutely.

**Mr VALENTINE** - I would have thought people might not want to be identified going to that service.

**Mr KENNEDY** - Initially, a lot of organisations will have EAP services where it's a number that you can call to reach out and make a private appointment.

**CHAIR** - Usually at an after work-hours time.

**Mr KENNEDY** - Yes, it can be. That's still there. What all the research suggests is that if you have someone who is embedded in your organisation that's there every week, and they get to know them, it's accessible for people. The feedback from staff was that, 'life is so busy, I don't have time to talk to people'. We have offices that are private, so that people have the opportunity to do it, but they still have the option to go outside of work. It has been very well supported, and it is definitely a positive step in the right direction.

**Mr VALENTINE** - That is interesting, I would have thought that there would be a reluctance to go to people that are actually working on the premises, not knowing what their relationships are with people that they are working alongside. That is the only comment I have as an individual, but you're telling the story and you are telling me what is happening on your premises.

## PUBLIC

**Mr KENNEDY** - The other point that I wanted to make around what we're doing to support our staff is that we're also looking at introducing professional supervision, which is new for the Public Trustee, but very common for people that work in these sorts of roles. We are working with people that have trauma in their lives. That is something that we will introduce as well.

When it comes back to a bit more colour around people leaving the organisation, people have picked up roles at high bands, that has been one reason. There have been some transfers as well, but I think it's fair to say that there was a mixture. There were some people that were burnt out, and from the review, it really did have an impact on our staff.

**CHAIR** - I said it was difficult to listen to.

**Mr VALENTINE** - It was very difficult to listen to.

**Mr KENNEDY** - It is also a really challenging role. From my point of view, the focus has been about introducing initiatives to really support our staff, because at the end of the day, we need supported and engaged staff, because they're the ones that are working with our clients.

**Mr BARNETT** - I'm advised that staff can use the Department of Justice phone or email. That is another option for the EAP service and just to confirm the CEO's advice that it can be obviously the option in-house or offsite. So, I'm just confirming.

**Mr KENNEDY** - Choice.

**Mr BARNETT** - Choice is available

**Mr KENNEDY** - Yes.

**Mr WILLIE** - Employers have new requirements around psychosocial hazards and, Attorney-General, whether the Public Trustee has conducted staff surveys - I've heard that there are staff surveys that have happened - and if they have, what sort of trends are we seeing amongst the staff in terms of that survey?

**CHAIR** - It's not a very pleasant name, is it? Psychosocial.

**Mr WILLIE** - Well, employers have a requirement to -

**Mr KENNEDY** - In relation to surveys, yes, the state service survey that we did was conducted at the beginning of the year, came back with three key overarching metrics. One was around diversity in the workplace, something I was really proud of as a result. It's around inclusion and it was 91 per cent, up from mid-40s from five years ago as an organisation. The other one was around management and practices within the workplace, which was also 70 per cent. The staff engagement, however, was at 55 and we set ourselves an objective for 75 per cent.

We've done a lot of work since then and we recently, at the end of the first quarter, ran a staff engagement survey and the result was 84 per cent, which was really encouraging. One of the key ones was 91 per cent for a, 'proud of the organisation that you're working at', and that's a big turnaround from where things were, specifically around psychosocial because it is very

## PUBLIC

important, as you say. EAP onsite or EAP support offsite is very important. Manageable caseloads, so bringing the caseloads down is a key component. The training that we provide, professional supervision that I spoke of. Reviewing the statement of duties and we've been very proactive in reviewing people's statements of duties.

Also, putting in place additional team leader support so that staff have an immediate person to go through for issues and as recently as Monday, we had an expert come in and do some psychosocial training for our team leaders, managers across the Public Trustee.

**Mr WILLIE** - In terms of identifying psychosocial hazards, has the survey turned anything up, in terms of maybe bullying or anything like that?

**Mr KENNEDY** - I know that that's a category that's covered within the State Service. There are certainly no alarming statistics around bullying in the workplace, but I can actually take that on notice, get the result from that State Service survey.

**Mr WILLIE** - If we could have the whole survey, that would be great.

**Mr KENNEDY** - Absolutely.

**Mr WILLIE** - While we're still focusing on staff, I'd like to also ask some questions about clients. It's great to hear more staff and a more client-focused organisation and you've got new KPIs where you meet annually with your clients. I'm interested in whether there's any thought to maybe make that more frequent down the track or provide more information to clients like financial statements and things like that more frequently?

**Mr KENNEDY** - Yes. Last year, at scrutiny, I mentioned that contact was annually, but as part of the overall work that we've done around reviewing and becoming a more client-centric organisation -

**CHAIR** - Twice now, is it? Twice a year?

**Mr KENNEDY** - Once a client is onboarded and established and we have a relationship, there's six-monthly face-to-face meetings, but importantly, that's supported with a monthly proactive contact call from their client account manager. I really want to stress, though, that's the minimum and what will direct us here is what the client preference is. We have a lot of clients that we actually deal with on a daily basis, so that is the minimum standard. The clients that are newly-appointed, now that we have our caseloads in place, we've moved from attending hearings as TASCAT online to in person around the state.

We are there as a face to the organisation when we first meet the client. We have a follow up call within five days to outline information that we need to collate for a meeting at the 10-day mark. There is a lot more work done in establishing a rapport early, because, at the centre of everything, it is about knowing your client. Everything we're doing is about having that personal relationship, because if you have that, you can do so much from there.

**Mr WILLIE** - How are you ensuring staff compliance with the supported decision-making framework? How are you making sure that they're following that?



## PUBLIC

**Mr BARNETT** - That may be best for the CEO, but I'm very pleased to be asked about the supported decision-making framework, because it is something new, having the two experts in Australia come down to undertake the training for the staff. I was there at the time, it was a really good day when we launched that, and you're rolling it around the state. I will pass to the CEO.

**Mr KENNEDY** - There are a number of ways which we monitor it, ranging from the team leaders working closely and observing, sitting and working with new or existing staff members. We also record, a key part of supported decision-making, as a number of people would be aware, is around quality record keeping. We've also made changes to our system to make sure we can collate data, file notes, and importantly, so that we can actually extract information from our system to provide that regular reporting, not only the board, but also to TASCAT when we are required to do our reporting. There were gaps throughout last financial year around numbers in reporting and systems. We worked to close a number of those and will continue to do so to make sure there is transparency and oversight.

**Ms WEBB** - Back to the discussion about staffing and the recruitment that's occurred and the increasing staffing complement you've got there, I just wanted to be quite clear and see if you could give me a figure, in terms of your client account managers, what the specific increase has been in that staffing complement in the period.

**Mr KENNEDY** - I'll confirm it, but it's 15 to 30.

**Ms WEBB** - A doubling of client account managers?

**Mr KENNEDY** - Approximately. I think it's 14 additional client account managers.

**Ms WEBB** - Is it simply that increase in staff that has allowed for the decrease of caseload from 150 to 50, or have there been other measures important in allowing that to occur?

**Mr KENNEDY** - The way that we have been able to reduce caseloads is specifically by having a higher number of client account managers, because our model is a relationship model as opposed to a call centre or things like that to handle queries. We looked at where our clients are located around the state and have recruited, not only additional client account managers to bring the caseloads down, but we have six additional client account managers in Devonport, whereas previously, it was a centralised office in Hobart. We've also put six client account managers in Launceston and we've been looking into a suitable site for Burnie as well, so that the accessibility is there for our clients.

**CHAIR** - The old university is free.

**Mr KENNEDY** - That's a key component, however we have introduced a team leader structure. Before, it was very flat. One manager, with client account managers and all issues coming to one person. We've really gone to that team leader having a group of six client account managers that they can work with to provide that day-to-day support.

**Ms WEBB** - I wanted to pick up on the comment you made about introducing professional supervision as an element to supporting your staff, which sounds like an excellent thing to do in this space. Can you give me the timeline on that? I'm interested in a bit more detail and who, specifically, will be accessing that and how you're funding it.

## PUBLIC

**Mr KENNEDY** - The time frame is as soon as possible. We've already well advanced as far as speaking with suitable providers and so I'd like to have that in place in the new year. In relation to which staff, all of our client account managers, all of the team leaders, we're even looking out our estate administrators, anyone who really has that exposure to trauma in their roles. That's to be finalised as we work through the final quote for that and the funding of that professional supervision, that's something that forms part of our CSO agreement and we'll continue to work with government around what our future requirements are in relation to that.

**Ms WEBB** - At the moment, the commitment you have from government, and this is potentially for you, Attorney-General, is the \$4.3 million over four years - I believe - is that extra additional to assist with implementing the Bugg Review recommendations and making these sorts of changes? Within that commitment that's already been made over the next four years, you're able to be funding measures like this, adding into the service?

**Mr BARNETT** - Thank you for the question and it obviously relates to the CSO and you correctly outline the \$4.3 million which is on top of the \$4.3 million to implement the review recommendations and the \$4.3 million for the CSO over the four years. That's obviously ongoing and, at the moment, the department's continuing to support the work between Treasury and the Public Trustee in relation to the CSO agreement as committed in the 2023-24 state budget. In terms of the new CSO deed, it's currently being prepared by Treasury, that's my advice, and I'm seeking advice from my department and we hope to be able to progress that and land it in the first half of next year.

**Ms WEBB** - The answer then, potentially back to the CEO, is; within the current budget that's outlined there and the current commitments made, it's possible to put in additional staffing support like this, such as the professional supervision service you're about to start with?

**Mr BARNETT** - In short, we have to go through a budget process, which you would understand, each year and we are here in November and for future budgets we have to go through that process, so early in the new year or early next year, early-ish in those months in the lead up to the budget next year.

**CHAIR** - The first quarter?

**Mr BARNETT** - The first quarter would be a fair summary.

**Ms WEBB** - I am just trying to clarify, we've just had the CEO describe that the intention is to start this professional supervision element in the new year, and I'm assuming that that's not being started with an expectation that lasts for six months, maybe, because it doesn't get funded in the next budget. I'm asking what confidence there is that there's actually resourcing available to continue that element on top of the other elements.

**Mr BARNETT** - There is a level of confidence that I have as the Attorney-General and the commitment that the government has given to implement the Bugg Report and all those recommendations, all 28, we've done 26, we have two to go and that's rolling out now. We have to go through a process, and the level of confidence that I have in my department to work with the Public Trustee to deliver on all of those important objectives is high.

## PUBLIC

**Mr VALENTINE** - It's about staff in a way, but it's very important. The organisation, with 50 per cent of your staff leaving the organisation in 12 months - something like, Attorney-General - exposes an organisation to the loss of a lot of corporate knowledge. Is there any move to somehow capture that corporate knowledge before it walks out the door, effectively?

**Mr BARNETT** - Good question, and I know where you're coming from, but I see it more as a positive than a negative. The reason I say that is because we've just had the independent review, it has not been easy for the Public Trustee over a period of time and a difficult, challenging time and I commend them for working their way through it, I commend the Chair and the board for the leadership, I commend the CEO and its team in terms of having forward looking and addressing and implementing all those recommendations. As a result of that, yes, there has been a turnover, particularly in that 12 months, 50 per cent. As I say, I see it as a positive. I would like to pass to the chair and then perhaps to the CEO on how they see it and how they are implementing the initiatives that we all support.

**CHAIR** - As briefly as possible because there's quite a few -

**Mr VALENTINE** - I appreciate that there's a new culture being built. What I'm talking about is base processes and procedures that aren't anything to do with maintaining a culture. It's about maintaining the business. It's that sort of corporate knowledge loss that I'm talking about, how you deal with this particular matter with this organisation. All of the intricacies of those sorts of things that can walk out the door if it's not captured.

**Ms TAYLOR** - I endorse the comments of the Attorney-General. It was an opportunity and it's a transformational change that we're looking for and different sorts of skill sets. I appreciate the question.

Obviously, we have a rigorous client management system and records around clients are on that system. But as the CEO has made the comment, that's under review as well. Staff leaving would be handing over client information and files, if that's possible. But also new staff coming in have a rigorous on-boarding program so they can pick up around the client relationships from coming into the organisation.

**Mr VALENTINE** - I am really talking about the way the back office, if you could put it that way, functions. I know there are software solutions for this that make life a heck of a lot easier. I've been in an organisation that's implemented them - the Health department, believe it or not. That's why I was asking the question.

**Mr BARNETT** - Thank you for the question. I think the CEO is keen to make a contribution.

**Mr KENNEDY** - With people leaving, we have lost corporate knowledge. However, we still have a strong core of people within the organisation and we've already got in place succession around building capability for the next layer coming through.

When it comes to the work we do through the guardianship stream, it's actually been a positive because we really have to transform and completely change the way things have been done historically to the way we want to go moving forward. So, we almost want to start fresh. With new people coming on board, that has provided an opportunity to move forward a lot

## PUBLIC

faster. We do have, as I mentioned earlier, an investment in our training and development. We're building that out further and we've identified the areas that we need to continue to build that capability.

**CHAIR** - This is a great lead-in for me to the question, and I hope I'm not treading on the member for Hobart's toes here, around the IT system and the managing of the risk. We understand that's outsourced but we're wanting to have some understanding of how the organisation is managing that risk because, at the end of the day, regardless of having it outsourced, the liability still lies with the organisation itself. Can we have some understanding around that? I'm getting a bit of practice before the member for Hobart leaves us.

**Mr BARNETT** - It's a good strategy on your behalf, Chair. I'll pass to the CEO.

**Mr KENNEDY** - If I may, I might refer to my colleague. That's her responsibility.

**Ms ROBERTS** - We have a number of systems. We have our client management system and a tax system, which is our finance system. We have other financial systems for corporate as well. Our IT managed services, we're actually transitioning at the moment from one provider to another, which is quite a positive thing. We have regular contact with the Department of Premier and Cabinet and the Digital Strategy and Services team around cybersecurity threats and risks as well, which is obviously everyone's highest issue in any organisation.

**Mr VALENTINE** - Especially with sensitive data.

**Ms ROBERTS** - That's right. We have multi-factor authentication to ensure that we are protected. We have a number of software which protects both spam and viruses. We have regular phishing reports undertaken to ensure that staff are trained in not accidentally downloading a virus. We have cybersecurity awareness training as well. We've just also joined on the Department of Premier and Cabinet's cybersecurity training. And we report to the board regularly on the progress in those areas.

We've also just started a cybersecurity threat scenario analysis to look at our systems and make sure that we are adequately protected. We're looking forward to seeing that report. We've also undertaken web penetration testing and implemented the actions out of that as well.

We've just employed an IT manager in-house to support us to ensure that we are resourced appropriately to move forward. There are a lot of changes we'd like to make to ensure that we are client-centric and improve what we do in our reporting for our clients, so it's really important to have dedicated resource in that space.

**CHAIR** - Are there some paper files still kicking around the office? That all sounds fantastic but systems do fail. And, as I've indicated, the risk stays with the organisation. Are we comfortable that there is enough paper trail to support that IT system?

**Mr BARNETT** - I think it's an important question, I'm happy to pass to the chair and then the CEO on that matter.

**Ms TAYLOR** - Yes, I believe we have adequate systems in place.

**Mr KENNEDY** - I concur.

## PUBLIC

**Mr VALENTINE** - Can I have a supplementary on that?

**CHAIR** - Now I'm going to listen to what the follow-up question needs to be.

**Mr VALENTINE** - I am interested on a number of fronts. I think it's outsourced, your IT systems at the moment?

**Ms ROBERTS** - Our IT managed services is outsourced, that's correct. But we have separate software. Our client management system is through ISW and we have a TAPS [?] system which is through Ultra Data.

**Mr VALENTINE** - It is very private information you're talking about, and I'm keen to understand how you protect that information, especially with an outsourced company dealing with, possibly, you might tell me they don't. I think you just said they don't. I'd like some clarity on personal information of clients. What mechanisms are in place to make sure that those people don't have their eyes on my father, who might be in the system or not? He is well gone but what confidence can you give us that private information stays private?

**Ms ROBERTS** - We certainly have contractual measures but we also have different levels of access to that information, different levels of security, so I am confident that private data is not being accessed by external people.

**CHAIR** - Would you get an alert if that happened?

**Ms ROBERTS** - We do get cybersecurity alerts that we update patching items for, but we have restricted access to that information.

**Mr VALENTINE** - Going to the Chair's question before: business continuity planning. In the event that you have a failure, and it might be a software failure, do you have backups of the system so that you can bring back in files to make sure that you can continue your business? If you're relying on external file sources and servers, and they go down but you're still functioning, you need to be able to operate. Do you have systems in place that allow you to load up files and be able to continue to operate in a reasonable way without losing track of everything?

**Mr BARNETT** - I think it's again best answered by the chief financial officer but if the CEO wanted to add, please feel free, or the Chair. Over to the CFO.

**Ms ROBERTS** - We certainly have redundancy in our -

**Mr VALENTINE** - That's the term.

**Ms ROBERTS** - That is the term.

**CHAIR** - That's the word I am looking for.

**Mr VALENTINE** - Redundancy.

**CHAIR** - We don't want one of those.

## PUBLIC

**Ms ROBERTS** - We have multiple back-up recovery systems, we have a disaster recovery plan and it has been tested as well.

**Mr VALENTINE** - So, you are confident that if that external provider had problems you would still be able to function?

**Mr BARNETT** - You are hearing a high level of confidence from the leadership of the Public Trustee at the chair's level, the CEO, and the CFO.

**CHAIR** - We will pass that on to the people who raised that matter.

**Mr VALENTINE** - A last question on the HR systems that you run; are they your own, or is it part of the whole-of-government system that is currently trying to be implemented?

**Ms ROBERTS** - The payroll system we use is through the Department of Justice; I believe it's Empower. In the new year, we will be implementing a human resources management system, because we would like to do more skill gap analysis and ensure that the engagement and retention of our staff is -

**Mr VALENTINE** - Is that a whole-of-government system?

**Ms ROBERTS** - That won't be a whole-of-government system, because we need to action that quickly, and I believe the whole-of-government one will take some years to implement.

**Mr VALENTINE** - It will; but would there be an idea that you would move to the whole-of-government system eventually?

**Ms ROBERTS** - That would need to be analysed at that time to ensure that it was meeting our needs.

**Mr WILLIE** - I have heard of a client that PT supported to get off their order for the financial independence program, but it took many months to receive a handover of their financial affairs. Is this something that you are committed to improving?

**Mr BARNETT** - I think we did discuss this earlier, about the transition within the orders and then moving off the orders to support their independence; but it is best answered by the CEO.

**Mr KENNEDY** - I am not aware of that example. I am happy to follow it up separately after today.

**Mr VALENTINE** - I can contact you about it if you like.

**Mr KENNEDY** - That would be good. Yes, it is very important that that is part of a successful handover, to make sure that information is provided in a timely manner.

**Mr WILLIE** - What percentage of the clients could manage their own financial affairs?

## PUBLIC

**Mr BARNETT** - That's a good question. We have discussed the independent pathway earlier in the session, and we talked about the normal 12-month period to move through that pathway, and how the Public Trustee supports their clients to move through that pathway. It's probably best for the CEO to add to that answer.

**Mr WILLIE** - Are you actively identifying clients who might be able to move through that pathway, and have you got an understanding of that number might be?

**Mr KENNEDY** - We only commenced in October, so it's probably a bit early to have a feel for that. It's very early days. It's important to acknowledge that there are a number of clients where, unfortunately, age-related illnesses like dementia, where it progressively deteriorates. That is a segment of our client base where, unfortunately, it won't be possible.

**Mr WILLIE** - It is not an option.

**Mr KENNEDY** - Yes. But it's a bit early to provide any estimates around the segmentation at this point in time.

**Mr BARNETT** - To recap, the Public Trustee has done that in early October and the results are very good; you heard earlier about the 4. But to the CEO's point, there are many Tasmanians who will not come off that pathway because of the state of their health, due to dementia or other reasons. It is a matter of providing support, putting the person at the centre, to respond to their needs, to their wishes, and to support them in their difficult situation.

**Ms WEBB** - It sounds very positive to be embarking on the new pathway model that you have and the numbers - 41 - sounds like a good, strong start. Those people who might enter that 12-month pathway, how are they identified? Are they identified by Public Trustee staff - such as their client manager - or are they able to identify themselves as well, as an aspiration? Is that identification of people to enter the independence pathway done as a proactive question with the client, on a regular basis?

**Mr KENNEDY** - Yes. It will be part of the ongoing contact with the client account manager. It will be driven by the client's will and preference. It will be proactive in identifying this is available. Part of having that personal relationship with your client account manager and regular ongoing contact will ensure that people have the opportunity and feel comfortable saying, 'This is something that I'd really like to do'. It's something we want to promote and something where we want visibility and to encourage clients, as much as possible, where they would like to do so.

**Ms WEBB** - What happens at the completion of a process towards independent management of their own affairs? The referral is made by the Public Trustee to TASCAT to then make the determination about ending the order. Then, there is a transition period where affairs are handed over to the person to independently manage. Are there guidelines or protocols for what that handover needs to look like, or a time frame within which it needs to occur?

**Mr KENNEDY** - I'm not sure. I would need to follow that up and come back to you with that detail. But, yes - part of the process is assisting the client with the application to TASCAT and supporting them with that application, and then providing the supporting

## PUBLIC

evidence where they have been able to demonstrate that they have that independence. I'd need to get a bit more detail about protocols and time frames.

**Ms WEBB** - Do you mind if I send that to you as a question on notice?

**Mr KENNEDY** - Thank you.

**Ms ARMITAGE** - I was going through the bill that we had earlier in the year - the guardianship and administration bill to check whether this was put in it. I couldn't find it, but I'm not sure if it's not there, going through the clause notes. It was reported in December by political reporter Adam Langenberg that 'people under guardianship orders in Tasmania would be able to speak publicly for the first time under potentially ground-breaking and nation-leading changes being considered by the state's Attorney-General'. Did that happen?

**Mr BARNETT** - Absolutely, yes. This is a key reform that has been implemented.

**Ms ARMITAGE** - I couldn't find it in that bill.

**Mr BARNETT** - Under the bill which was September 2023 - the Guardianship and Administration Amendment Bill 2023.

**Ms ARMITAGE** - So it has; lovely.

**CHAIR** - That might be reported so that people understand that they have that right in future.

**Ms ARMITAGE** - As I said, it's nation-leading change.

**Mr BARNETT** - Yes. Very important. I'd like the CEO to add to that answer.

**Mr KENNEDY** - The change comes into effect when the new legislation is introduced. The real impact of that is at the timing of when the bill comes into effect. As the Attorney-General said, it's within the new legislation that was passed in September.

**Ms TAYLOR** - Could I add to that also?

**Ms ARMITAGE** - Yes. It would be good to know the clause, because I couldn't find it there. That was all.

**Ms TAYLOR** - There has also been some media around the time frame for the introduction of the new bill and the amendments - that they come into effect in September 2024. This is a good example that there's a huge information and education process that needs to happen this year. The PT plays one role in the administration of that act. However, there is work being done around information to a whole range of players involved and community and those affected about the bill. Even though there has been criticism, September, we need to make sure people are aware of their rights and the changes by that time.

**Ms ARMITAGE** - Absolutely.



## PUBLIC

**Mr BARNETT** - If I can add to that, what the Chair is saying is there's a 12-month process. To prepare the community, there are eight separate reference groups where they're meeting on a regular basis - I think it is monthly - to talk through the changes to prepare for the very significant reforms which, I think we all agree and support around this table.

**CHAIR** - They passed the parliament, Attorney-General.

**Mr BARNETT** - They've passed the parliament, that's right. It's scheduled to be ready by September 2024, but there is a lot of work to do to prepare: education, awareness, training, those reference groups are meeting. Public Trustee is one of those groups, as the chair has correctly noted. We are very pleased with those reforms and I want to acknowledge, on the record, the former attorney-general for progressing the reforms and leading those reforms to fruition.

**CHAIR** - And her department.

**Mr BARNETT** - And her department, of course, and many others, but I wanted to put that on the record as well.

**Ms ARMITAGE** - I am trying to be helpful to the Public Trustee here. I noticed that money is down and income is difficult. You receive a fairly large financial grant from the government, I think last year it was around \$4.5 million, just looking at the Tasmanian Audit Office and on page 55 of their comparison of the underlying profit and loss for each public non-financial corporation. From the past four financial years, the Public Trustee had a deterioration in trend. On page 55, in the Tasmanian Audit Office, the one that's just come out.

**CHAIR** - We have myriad documents.

**Ms ARMITAGE** - The financial statement of state entities. It is understandable with the changes being made that finances can fluctuate. In there, they did say deterioration in trend. With the significant government funding and, if it hadn't been for the \$4.5 million grant funding, then the organisation would have made around \$2.2 million loss, is it anticipated that a higher amount of government funding will be given in the future? We know how important the Public Trustee is.

**Mr BARNETT** - As I touched on earlier, \$4.3 million to implement the recommendations of the Bugg Report and then the 4.3 to support the CSO -

**Ms ARMITAGE** - Even with that, it still needs significantly more money.

**Mr BARNETT** - I think I touched on earlier the fact that my department is working with the Treasury and the Public Trustee. In the first half of next year, probably the first quarter, we hope to land that, but those discussions are taking place. It's all part of the budget process. We have made a commitment to implement the recommendations of the Bugg Report and recommendations. We're well on our way and they're off to a flying start, I would say, and progressing very positively.

**Ms ARMITAGE** - You consider that the Public Trustee will continue to be sustainable with the cost going up and considerable -

## PUBLIC

**Mr BARNETT** - Sustainability is a key thing across all of government.

**CHAIR** - It is a difficult word.

**Ms HOWLETT** - In relation to any other reforms that are planned for the Guardianship and Administration Act 1995?

**Mr BARNETT** - We touched on it earlier and it's actually really important. I will pick up on the earlier question about the gag order. That was clause 62, section 86 that's been amended. My wonderful advisors behind me have given me a heads up there, so thank you for that support.

Those reforms are really important, because it is updating and contemporising the guardianship and administrations arrangements. It is a big shift in the way that the framework is set up to support putting Tasmanians at the centre. I think it's the will and preference model going forward, rather than the best interest of the person, it's the will and preference model. That is the way it's heading and that legislation takes that into account. I've mentioned about the 12-month implementation plan and those reference groups, so it's taking into account the personal directions, the values of the person, the preferences of the person, and they're all respected and should be respected accordingly.

There have been claims about delays, but I just want to make it clear, there's a lot of work to do, the education and training as it rolls out through to September next year in 2024. I have mentioned the reference groups and I think I'm happy to leave it there, but thank you for the question. I think I've also touched on the Government's plan for a third tranche of reforms next year, so just to give the committee a heads-up, we will be considering other changes, the option of establishing a legislative framework for the official appointment of supporters and issues related to fines, penalties and compensation, so to give you a heads-up, there's more work to do.

I made reference earlier to the four key documents that I made reference to, including wills, but enduring powers of attorney and the like, so there's likely to be more reform that we're looking at in that space as well. We need to protect and support vulnerable Tasmanians, people with disabilities. We've got minister Palmer doing work with the Disability Inclusion Act reforms, so I'll be working with minister Palmer in that regard and across government to implement these important reforms.

**Ms WEBB** - I know the member for Launceston was asking about the sufficiency of funding and movements there, and we know that the remaining recommendations from the Bugg Review that are yet to be implemented expected by February next year, is that review of fee structure by the Tasmanian Economic Regulator. I'm wondering if you'd like to comment on what your expectation is at this stage around how that's going to affect revenue, for example, going through fees and what the plan is for managing that?

**Mr BARNETT** - Todd might want to speak to that, but my understanding, that's still being worked through with my department, the Department of Treasury, and the Public Trustee in terms of fee structures, please feel free to add to that, but I know there's a process going on over coming months to work all that through.

## PUBLIC

**Mr KENNEDY** - At this stage, we've really just been providing OTER with a lot of information and data, and I know they've started to engage more broadly, as well, so we're helping with that process as well with some external stakeholders, with their submissions, but nothing further from there other than I know they're working to a firm deadline for 28 February, I think it is.

**Ms WEBB** - There's no indication whether it's going to necessarily be something that reduces or improves the fee revenue that is gained?

**Mr BARNETT** - The short answer is that we can't pre-empt the views of OTER. OTER has an important role to play, they're getting all that information and advice and feedback, obviously working with the public trustee but others, as the CEO has mentioned, so once we get that advice obviously we can act accordingly. I think, as a principle, just to be clear, the Public Trustee matched the fees charged to represented persons with those in the Northern Territory, that's a similar one, that's supported in principle.

**Mr VALENTINE** - Similar in terms of client base?

**Mr BARNETT** - Yes, that's the advice I have based on the report and recommendation from Mr Bugg, Damian Bugg, and more work needs to be undertaken by OTER before we can make any final decisions in that space.

**Ms WEBB** - To clarify on that, 28 February is a deadline by which OTER comes back with the outcomes of its review and then, in terms of decision-making, on the fee structure, does that decision-making sit with you, Attorney-General, or where does that decision-making sit?

**Mr BARNETT** - My understanding is that OTER undertake that review and, as you say, work through that process and then come back, I would have to take advice on that, my understanding is the Department of Justice would need to provide advice, Public Trustee would obviously need to take that on board, and I'd need to discuss that with Treasurer as well, and no doubt Treasury would have a view on that. The Office of the Tasmanian Economic Regulator (OTER) has to do all that hard work and then come back, so that's where it's at at the moment.

**Ms WEBB** - I'm trying to discern who's the decision-maker on the fees at the end of the day - obviously, well informed by the review and the discussions that are had. Who decides?

**Mr BARNETT** - There are two stakeholder ministers - one is the Treasurer and one is myself, as the Attorney-General. The decision-making would rest with those stakeholder ministers; that's my understanding and if it's any different, I'll let the committee know.

**Ms WEBB** - Is it anticipated - informed by all that consultation and expert advice from OTER - that a decision would be made on fees and fee structure and that comes into play in the next financial year?

**Mr BARNETT** - I'd have to take advice on that. We're looking ahead and it's part of the budget process. It's important work that has to take place and will come back through my department, with feedback from the Public Trustee and Treasury. Then the two stakeholder

## PUBLIC

ministers would work through what's recommended and an implementation plan and the time frame around that. I can't pre-empt those decisions at this stage.

**Mr VALENTINE** - A supplementary on those things, like fees et cetera. You've got a number of people - 41, I think you said - exiting orders, so that's reducing your client base, in a sense. Is it fair to say that, given you've got a client centric approach and you're doing more of this - encouraging people or helping to be able to make decisions for themselves - that you've become more reliant on community service options?

**Mr BARNETT** - We'll certainly monitor and manage all those things on an ongoing basis. I've indicated in the first half of next year we'll work our way through that with my department, Treasury and the Public Trustee. I have a high level of confidence of progressing. We've accepted the report and recommendations of Damian Bugg. There's been a lot of reform in the last 12 months and we expect further reforms over the next 12 months. I'm not sure what more I can add to that at this stage.

**Mr VALENTINE** - Sorry. It was CSO payments, that's what I was trying to get out. I'm sure you understood that. I do have other questions but -

**Ms WEBB** - The two recommendations which were due to be completed by the end of September - they fell just outside this reporting period:

- Recommendation 2.2: consider the levels of service/communication required for represented persons and implement them.
- Recommendation 6.2: provide training to staff about customer service standards and appropriate expectations as a professional trustee.

Just confirming that they have been completed by the end of September? Have service and communication standards been developed and if so, are they publicly available?

**Mr KENNEDY** - Yes. Both of those were done within the time frame. A key part of that was the launch of the new supported decision-making framework, which has a number of new communication standards.

**Ms WEBB** - So it's within that framework then, those standards?

**Mr KENNEDY** - Yes, and then the training's been rolled out. At the moment, the document is still consulting and it's a living document; but every intention to make it a public document.

**Ms WEBB** - It's not yet a public document?

**Mr KENNEDY** - Not yet; but that's our intention.

**Ms WEBB** - And the time frame would be approximately?

**Mr KENNEDY** - I would think in the new year, January. We're still doing some stakeholder consultation. I think that's a reasonable time period.

## PUBLIC

**Ms WEBB** - But you've already begun training staff under that document?

**Mr KENNEDY** - Yes.

**Ms WEBB** - Okay. Even though it's not fully completed yet, in terms of signed-off?

**Mr KENNEDY** - It's completed. Part of the reason behind introducing it is to see how it goes in preparation. We expect that we'll need to make some minor changes to it along the way. At the moment, it's just in an internal document format but the stakeholder reference group was very keen and thought it would be a valuable public document. In the interests of transparency, we support that as well. We just need to get it in that format.

**Ms WEBB** - You're still in an iterative phase of developing it. Yes.

**Mr KENNEDY** - Yes.

**CHAIR** - I have a question regarding the defined benefits obligation. The income for this financial year was \$347 000, yet last year it was \$1.952 million. Can I have some indication of why there is such a difference?

**Mr KENNEDY** - The whole calculation around the defined benefit liability is an actuarial one. It is very difficult to unpack and explain.

**CHAIR** - I should have asked it at 9.00 a.m. then.

**Mr KENNEDY** - Yes. I am happy to take it on notice and see if I can provide any more colour.

**CHAIR** - Is there anything other than what it says on the notes? It is difficult.

**Mr VALENTINE** - It's an interesting point. If you go back to this year's Budget paper No. 1, page 156, the general government sector superannuation liability dropped from \$8.397.6 million down to \$7.744 million. It was a 7.7 per cent drop; but yours has increased. You have finance expenses of 39.64 per cent on page 50 for your report, at a time when the present value of the superannuation liability should be falling in line with the outcome achieved by the state Government. That is a question that it would be good to get some response to.

**CHAIR** - Please give the committee some understanding on that issue. We are happy to put that on notice.

**Mr VALENTINE** - It is going in a different direction.

**Mr BARNETT** - We are happy to take that on notice and get back to the committee.

**CHAIR** - And acknowledge the homework that the member for Hobart has done in getting out the Budget papers. Well done.

A question around the returns on assets, as well. There is a little bit of commentary in the papers on page 50. There has been a higher return on movement in investments in managed funds. Is it expected that that will continue to head north, given that last year the average rate

## PUBLIC

of return across all funds in June was minus 5.67 per cent, compared to the average rate of 1.37 per cent in June 2023. Are we anticipating an upward trend?

**Mr KENNEDY** - Our fund is split into two. One is the common fund, which is essentially term deposits. The returns that come from those deposits are linked to interest rates, which have pleasingly turned around, but that is a pretty static sort of area. The other investments are related to the market - Australian shares, international shares, property.

**CHAIR** - The property is going way up there.

**Mr KENNEDY** - I will leave that to the investment analysts out there, as far as where the market is going.

**CHAIR** - Not going to have a go at that?

**Mr KENNEDY** - No.

**CHAIR** - Very smart CEO.

**Mr WILLIE** - I am interested in consultants. It has gone up this year. You talked about some of the culture consultants that have come in. Is there an expectation that figure will decrease in future years, understanding that you have gone through a lot of change?

**Ms TAYLOR** - I can start the answer by saying that I suspect so. We are in the middle of transformational change. However, the CEO probably has a day-to-day handle on that.

**Mr KENNEDY** - I would expect it to decrease. Some of the consultant fees around your audit and the work that you do will continue as part as business as usual but some are specific initiatives we have as part of our transformation.

**Mr WILLIE** - In terms of the Tasmanian businesses used by the Public Trustee - 87.2 per cent, when you can't find a Tasmanian business, how do you go about contracting a business?

**Ms ROBERTS** - How do we go about finding someone who's not Tasmanian?

**Mr WILLIE** - When you can't find a Tasmanian business, I'm interested in how that process works and how do you then go to the market to choose a business?

**Mr BARNETT** - Perhaps I can jump in -

**CHAIR** - I think we've got four people answering here and we only need one.

**Mr BARNETT** - They follow state government procurement guidelines, which is certainly pro-Tasmania. The chair might want to comment on that and then we'll go to the detail.

**Ms TAYLOR** - I can echo the Attorney-General's approach. We follow the procurement guidelines as set out.

## PUBLIC

**Ms ARMITAGE** - Can you give me a gender balance of staff?

**Mr BARNETT** - Yes, I can assist you in terms of gender head count: female 62, or 85.6 per cent; male 15, 20.7 per cent. That is the gender breakdown at 30 June this year.

**Ms ARMITAGE** - Do you have a lot of staff on workers compensation, or perhaps some of your staff that have left that are still on workers compensation? I know in some areas a lot of staff have a lot of stress and go off on workers compensation and may leave the organisation but still be on workers compensation. I am wondering about your organisation.

**Mr BARNETT** - A quick response to that from me as the Attorney-General. It is really important, work health and safety, and I know it's important for the Public Trustee -

**Ms ARMITAGE** - I notice you have quite a bit set aside for training-

**Mr BARNETT** - Yes, the training and preventing workplace injury and illness, managing risk, understanding and integrating that into a work health and safety policy. That goes across government and across the Public Trustee. I might allow the CEO to add.

**Ms ARMITAGE** - It's just with the heavy workload in the past, perhaps you might have some staff that have been off on workers compensation and still off on workers compensation.

**Mr KENNEDY** - No cases of workers compensation, fortunately.

**Ms ARMITAGE** - That's amazing, thank you.

**Mr VALENTINE** - I'm interested, with all of the changes and certainly a lot of staff leaving, talking about retirement -

**CHAIR** - There were no retirements from memory.

**Mr VALENTINE** - No, resignations.

**Mr BARNETT** - There were 15 resignations.

**Mr VALENTINE** - That's it. But given all of that, what are the long-term cost implications of the staffing changes during the year in terms of increased cost for staff employed by the Public Trustee, superannuation expenses for those staff who left during the year and took up defined benefits. You've already partly mentioned that but I am interested to know how it's all tracking.

**Mr KENNEDY** - If I can just clarify, is the question related to our overall costs of salaries?

**Mr VALENTINE** - The long-term cost implications of all of these staffing changes that you've had and the new client-centric focus that you're bringing in, and you bringing in new staff. Have you got an overall impression of where that's going to lead you in future years in terms of costs, staffing costs and the like?

## PUBLIC

**Mr KENNEDY** - Thanks for clarifying. That's been our biggest investment as far as our people, investing in that client account manager space to get caseloads down. That has certainly had an impact on driving our expenses upwards. I think that, by and large, the major change has happened. But I would offer a caveat in that, until we get a bit further down the road, I won't have more confidence around some changes we might need to make. But there has been a significant change and that cost is there to be factored in.

**Ms WEBB** - The implementation of the Bugg review recommendations are near-complete, and you've been quite open and transparent in reporting on implementation and completion of those. I'm wondering about the plan going forward to continue to, say, report on and measure continued implementation or continued actions that flow from the implementation.

**Ms TAYLOR** - One of the challenges for the organisation and the board - and I suppose this takes us on to the next focus of priority in the next financial year, is, as you know from our conversations, we've gone through quite substantial organisational changes. Some of the consultancy fees are that we are working with a number of consultants to develop rigorous KPIs and benchmarking across not only the recommendations out of the review but all of the organisational changes. It's been quite a comprehensive exercise. We're just starting now to have some measures, and you've heard some measures today. That rigorous framework will be in place in the new year and we will be able to start to report back on our progress across a whole range of our indicators, which is something that the Public Trustee hasn't been in the position to do before.

**Mr VALENTINE** - I will go to page 50 again and look at the marketing figure. Your marketing has gone up 121 per cent. That is a significant rise. I am interested to know what return you're getting on that. And, also, what impact it might be having on those firms you would normally deal with if they think you're starting to play in their space. Are you taking on a more commercial approach?

**Ms TAYLOR** - That is a multi-pronged question in some ways. The marketing, yes, it has increased substantially. From a low base is one thing. One of the challenges we'll have with the new legislation, is that I don't think the Public Trustee in the past educated the community, particularly around services you can get from the Public Trustee. Maybe that is one of the reasons we've only got 50 per cent of the population with a will. That may be a bit of a long bow, but I think that it's part of the conversation. We have made it a priority to broaden our services.

We've had a lot of concentration, and rightly so, on represented persons but the Public Trustee has a role to play across a whole range of services to the community. Not only do we need to build that side of our business with revenue but we need to claw back a bit of ground because of the confidence that was lost in the Public Trustee because of the review. Wills were withdrawn from the Public Trustee. That is why you see that marketing figure at what it is now.

In terms of competition with others, that part of the question, I am not totally sure who - do you think solicitors? Is that the question?

**Mr VALENTINE** - Yes, I was thinking in that space.



## PUBLIC

**Ms TAYLOR** - We haven't had any pushback at all from solicitors around the services we can offer. When we're out in the market, I'd like to have that conversation, because we offer those services to the same professional extent that they do. If we are seen as a competitive player in that market, I don't think we should back away from that, personally.

**Mr VALENTINE** - No.

**Ms TAYLOR** - Because we provide a good service.

**Mr VALENTINE** - You don't think the community service obligation payments coming in from Government to assist you to do the work might cause them to think, 'well, these people are subsidised and they're taking away some of our business'.

**Ms TAYLOR** - Yes, I'd have to unpack that a bit, Rob, but I doubt if it's the same sort of clients that we're dealing with in those areas. That's something that lawyers would be dealing with wills anyway, to be honest.

**CHAIR** - Do you want to add anything?

**Mr KENNEDY** - I was just going to say that most of the marketing that's been done is really around supporting other organisations like COTA and Palliative Care Tasmania, as far as - and Seniors' Week and these sorts of things - and when it comes to the CSO funding, there's a big role to play out there in getting people protected and having wills in place and we don't see funding to actually write wills for people. The CSO funding only relates to a state administration for a segment of the community that need that assistance.

**Mr VALENTINE** - Thanks for that clarification. Thank you.

**Ms HOWLETT** - Just a quick point, Chair. I want to put on record that Palliative Care Tasmania do a fantastic job. They hold an annual event each year at the Town Hall for people who have passed away in the 12 months for their families and it's a really wonderful event.

**CHAIR** - I thank the honourable member for that. We have pretty much exhausted our time and on behalf of the Committee, we'd like to particularly thank you for your time today, but acknowledge the work that Public Trustee is doing and the organisation now, coming from what was, as I've mentioned earlier, a pretty hard hearing a couple of years ago that we sat through and felt quite sad for where the organisation was.

Congratulations to you, Todd, and your team, and thank you for being proactive in your role. I think you've met with all members and that's a real credit to you for taking that approach, because it is important, because we engage with our communities and so we can be a great vehicle for you, as well, if we've got confidence in the organisation.

**Mr VALENTINE** - Confidence is important.

**CHAIR** - Yes, so that's really important. I'm sure that you're feeling very positive, Attorney-General.

## **PUBLIC**

**Mr BARNETT** - I am feeling positive and I appreciate the opportunity to present today and also congratulate the Public Trustee on their very significant reforms over the last 12 months.

**CHAIR** - This is the last time that the honourable member for Hobart will be part of this scrutiny committee for Public Trustee and so we'd like to wish him all the best for the future. We've got a little bit longer with him and we haven't been able to persuade him not to leave us next year, but there's still time, so you never say never.

**Mr VALENTINE** - Is that right?

**CHAIR** - We shall suspend and resume again at 11.30 a.m. Thank you all.

**THE WITNESSES WITHDREW.**

**The Committee suspended from 11.15 a.m. till 11.30 a.m.**