

UNCORRECTED PROOF ISSUE

Friday 8 December 2017 - Legislative Council - Government Businesses Scrutiny Committee B - Public Trustee

LEGISLATIVE COUNCIL

GOVERNMENT BUSINESSES SCRUTINY COMMITTEE B

Friday 8 December 2017

MEMBERS

Ms Armitage
Mr Dean
Mr Finch
Ms Rattray (Chair)
Ms Siejka
Mr Valentine
Mr Willie

IN ATTENDANCE

Hon. Elise Archer MP, Minister for Justice

Ministerial Office

Ms Anna Van Loon, Adviser

The Public Trust Office

Mr Mark Scanlon, Chairperson, Board of the Public Trustee

Mr David Benbow, CEO, Public Trustee

Ms Gaylene Cunningham, General Manager, Trustee Services

Mr Glenn Lucas, Chief Financial Officer and Company Secretary

Mr Tim Levis, Corporate Solicitor

Ms Angela Dougan, General Manager, People & Culture, Marketing & Communications

Mr Rodney Clifford, Manager of Risk and Compliance

CHAIR (Ms Rattray) - Welcome, everyone, and welcome, minister, for your first time with GBEs as the Minister for Justice and looking at the report of the Public Trustee. Would you like to make a brief overview?

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Ms ARCHER - It is a pleasure to be here this morning off the back of a very strong year of activity for the Public Trustee. It achieved a profit after tax of \$749 000 for the financial year ending 30 June 2017, compared with the profit last year of only \$106 000. Such was the Public Trustee's strong performance this year the board has approved the payment of a dividend of \$95 592 to the Government. This is the first time a dividend will be paid by the Public Trustee since 2014. The figure represents 90 per cent of the Public Trustee's operating profit after tax for the year, less the community service obligation funding gap.

Members will be aware the Public Trustee undertakes a range of non-commercial activities on behalf of the Government known as community service obligations, which I will shorten to CSOs. As at 30 June 2017, the Public Trustee managed the affairs of 682 CSO-represented person clients, an increase of 111 clients in comparison with the same period last year. CSOs comprise 53 per cent of the Public Trustee's matters under administration. In line with the ministerial charter, the Government provides funding to assist in meeting the costs of the CSOs undertaken.

In the year the Public Trustee successfully negotiated a further three-year CSO agreement with the Government that extends through to June 2020. This is a significant public service for some of the most vulnerable people in our community. The Government is grateful for the work the Public Trustee does in this area.

As to the client management system, of particular note this year for the Public Trustee is the finalisation during the reporting period of the organisation's client management system project. This transformative new IT system will replace a predominantly paper-based system. This contemporary system will contribute to greater efficiencies for the organisation through customer service improvements and organisational productivity gains. It will allow for greater transparency in performance and allow for an improved process when transferring matters between staff. In addition, it will provide greater flexibility in work allocation across the state. The Public Trustee is located in four different areas across the state - Hobart, Launceston, Burnie and a facility to meet in Devonport.

The new system complements the trust accounting system, which will enable improvements in marketing products and services to existing and potential clients. That is an area that I know that the Public Trustee is always keen to increase through marketing. I would like to acknowledge the hard work of the CEO, David Benbow, and his entire team throughout the state throughout the year.

I thank board members for their work, obviously led by Mark Scanlan. I also take the opportunity to acknowledge the service of former board members Craig Stephens and Caroline Rockefeller, who both left the board during the reporting period. I note their significant contributions to the Public Trustee during their tenure.

That is my opening statement and I am happy to take questions.

CHAIR - Thank you very much, minister. I will go straight down to the end of the table and invite Mr Willie to start the questioning for today. Thank you.

Mr WILLIE - Thank you, minister. I saw the schedule for today and it intrigued me. It has you as responsible for the Public Trustee, but if you turn to page 3 of the annual report, it says the

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responsible minister is the Attorney-General, which if the administrative arrangement order is correct is incorrect in the annual report.

Does the annual report have to be re-tabled in parliament given that it is incorrect? The letter is also addressed to the Attorney-General in the annual report. Does that not highlight the fact that you should hold the Attorney-General portfolio because it is so closely related to justice and there is confusion?

Ms ARCHER - Through Madam Chair, I do not accept the premise of that last part of the question. I think it is an administrative error in the report that the Minister for Justice portfolio has often been held with that of the Attorney-General. Now that there are two separate ministers, of course we have separated them.

The Public Trustee is under the Minister for Justice. It is not that the Attorney-General has assigned it to me. I believe that it is with the Minister for Justice. I can certainly ask the gentlemen as to whether that was an error from a previous annual report because of course it would have been headed as the former attorney-general who held the minister for justice portfolio at the same time. I apologise for that oversight, but it is within my arrangements to have the Public Trustee.

Mr WILLIE - Part of my question was: will the annual report have to be re-tabled in parliament given that administrative error?

Ms ARCHER - I would have to take that on notice as to whether that is required. Also, I would seek advice from the Clerk. I would take the advice of the Parliament as to whether that needs tabling.

Mr WILLIE - Were you written to and provided with a copy of the annual report?

Ms ARCHER - I received a copy of the annual report. Again, I would have to check my own records if I received a specific letter, but it may well have been that it was already sent to the acting Attorney-General, who was acting Minister for Justice as well prior to that. I would have to check the dates. I do not have that in front of me, and I would not like to make any statement to the committee that was not correct. I certainly received a copy of the annual report for tabling.

Mr WILLIE - It is certainly an example of why the attorney-general and minister for justice have often been assumed by the same person, is it not?

Ms ARCHER - There is no doubt that it would make anything easier, but it does not provide a premise as to why you cannot separate portfolios. Federally, the minister for justice is regularly and quite often, if not all the time, separate from attorney-general. I accept in this state it is often held together, but it is not out of the question or out of the ordinary. It has happened before, indeed under a Labor premier.

Mr WILLIE - A long time ago. If I could move to another line of questioning?

CHAIR - Thank you. We just found it interesting. We did some homework and found that there was an administrative act -

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Mr WILLIE - Just before we move on, will we get clarification on whether the annual report has to be re-tabled in parliament? -

Ms ARCHER - I think if you a question, you have to put it through the usual process of committees.

CHAIR - The question has been asked. If we do not have an answer, we will write and ask you formally for that particular advice.

Ms ARCHER - Quite happy to find out whether it needs re-tabling.

Mr WILLIE - If I could turn to the Public Trustee and its responsibilities when there is a suspicion of financial abuse. What duty of care does the Public Trustee have? Do you have a thorough process of checking if significant amounts of money are being withdrawn from an account?

Ms ARCHER - Did you say financial abuse? You are not specifically referring to elder abuse, just financial abuse?

Mr WILLIE - Yes, I am talking about in a circumstance where the Public Trustee is managing a fund for somebody who might not have the capacity to do so. What duty of care does the Public Trustee have in an instance where significant amounts of money are being withdrawn from an account or a suspicion is raised with the Public Trustee that financial abuse may be occurring?

Ms ARCHER - Chair, I am very happy for the CEO to address that question, given it is a procedural matter.

Mr BENBOW - Thanks for the question, it is very relevant. Most of the financial abuse that we see at the Public Trustee normally comes through from the Guardianship and Administration Board. When we are appointed a financial administrator, quite often the Guardianship and Administration Board will highlight its concerns around what may be a case. Normally enduring powers of attorney are revoked and we are asked to look at financial matters that may be suspect. We quite regularly report those matters to the police and it is the police's role to investigate and prosecute if appropriate.

Mr WILLIE - That is in the instance where it is raised with you. Do you have any proactive measures in place where you audit accounts and ensure that it is not occurring?

Mr BENBOW - It is a routine practice of a financial administrator to step into the shoes of our clients. We are looking at all the financial aspects of their lives, and that is normally reviewing bank accounts. Quite often we do find suspect transactions, usually when people are holding enduring powers of attorney - transfer of a person's property, for example. It is standard for us when we find suspect situations to refer them to the police for investigation.

Mr FINCH - How often have you referred cases to the police?

Mr BENBOW - That is a question I might refer to our corporate solicitor, Tim Levis, who deals with these matters.

Ms ARCHER - Yes, very happy for that to go through me.

Mr LEVIS - It is probably one of the most disappointing aspects of my job that we have to deal with these cases on a routine basis. As Mr Benbow has told us a moment ago, we routinely refer these matters to police.

Referring to your question we do have proactive measures in conferring with family. Unfortunately, by the time these matters make their way to my desk, it is too late in that sometimes people's estates have been drained. These matters come to light when nursing home fees have not been able to be paid, then we have an application made to the Guardianship and Administration Board and then we find somebody's estate has been drained. These matters are often the subject of Supreme Court actions. They are certainly the subject of police investigations. We work closely with Tasmania Police and the DPP to bring about satisfactory outcomes as best we can in the circumstances. Could you repeat your question, please?

Mr FINCH - In respect of the number of times you have referred issues to the police? Probably some understanding of how successful their operations have been?

Mr LEVIS - These are very complex issues, because there is a human aspect to them. If I can give you an example: unfortunately, it is often children who are looking after their parents and their parent's financial affairs. They will start to get involved with the management of their parent's financial affairs and there becomes a grey line where somebody is starting to take what I would describe as an early bequest from the estate. This is this human aspect, where people have difficulty understanding where that line lies - 'This is what mum or dad would have wanted me to do'. Mum and dad do not have the capacity to give consent at that moment and it probably is not in their best financial interests.

As a matter of frequency, sometimes we will get one a week. It is often the case they are very difficult to prosecute. They are very difficult to pursue, because the person who has the greatest insight into the transaction has lost capacity and is unable to give instructions. The person under investigation cannot see what they have done wrong. There is an educational piece in all of that.

Mr FINCH - Minister, does this raise concerns or prompt a desire to perhaps see how you can assist in this circumstance? While I understand the difficulty, do you think there might be some investigation into how a better result might be achieved for the people and money involved and probably protecting people from themselves?

Ms ARCHER - Generally speaking Mr Levis has given the common example, classified as elder abuse, because it is financial abuse and misappropriation, even putting aside that criminal aspect. I have recently attended a meeting of attorneys-general and ministers for justice nationally in relation to a number of different issues. We discussed the issue of elder abuse and what can be done consistently across states and territories, as well as nationally. The Commonwealth is setting up an information hub in relation to elder abuse, similar to what we have done in this state, but obviously more extensive. That is just the first part of a process of further discussions in relation to the general and very difficult area of elder abuse. As Mr Levis identified, it is a difficult area to investigate, let alone prosecute, not only because of the human element, but also because of the lack of evidence or difficulty finding the evidence and paper trail.

There is no one fix or easy solution, but it does start with the knowledge base and education in the community. A lot of people simply do not identify it as a form of elder abuse. We are looking at that very base-level strategic issue, then trying to discuss and come up with a legal framework on top of providing information and education to the community. There is movement nationally, which is really important, because people will live in different states and will not necessarily be captured by one state law. A uniform approach, a desire to at least to have similar legislation or recognise between jurisdictions will help. There is a lot happening.

Mr FINCH - When you deal with referrals from the Guardianship Board to the Public Trustee, is there immediately an oversight of that client and their circumstance to check on where they are situated with power of attorney and such things?

Mr LEVIS - The Public Trustee is not an investigative body. We are not equipped to investigate, save and except we can bring in defend proceedings in the Supreme Court on behalf of represented people. It is usually the case by the time it makes its way to the Public Trustee that we have a report from the Guardianship and Administration Board because they have investigative powers. We are then appointed as the administrator of somebody's affairs. It would be at that point, almost as a matter of routine, that we would refer it to the police. A lot of these matters do not proceed to prosecution, because of the some of the aspects I described before. I will give you an example of the type of things we have to deal with. We have had circumstances where family members - children - have taken their parents' money and left them destitute. When the parents have been made aware of this, the natural reaction for a parent is not to prosecute the children. They still want to protect their children. Most parents would do the same thing, 'Let my kids have it. I don't care', but we have a duty at that stage to look after the person's best interests. We have a duty to report the matter to police; if we believe there has been a crime, that instance will be investigated. If the DPP and the police determine it should proceed to trial, it does.

Mr DEAN - To follow up on the member for Rosevear's question on numbers. It is good to know the numbers, to see how much of this behaviour is happening in the state. Is it one a week or is that just a guess?

Mr LEVIS - We will go for a month without one of these, but routinely there would be about 25 a year coming through the Public Trustee Office.

Mr DEAN - Would you have a record to know exactly how many you have referred to the police?

Mr LEVIS - I can get that record for you.

Mr DEAN - Maybe the minister might take that on notice. Could we have those numbers over the last three financial years to see whether there is an increase or if it has plateaued?

CHAIR - How detailed is the information back to the Guardianship Board once there has been a referral, acknowledging there might not necessarily be court action? How detailed is that information back to the Guardianship Board in regard to matters referred to the Public Trustee by the board?

Mr LEVIS - It is generally the case the Public Trustee is appointed for about three years. During the course of that appointment, we are required to routinely report back to the Guardianship Board. Once the Guardianship Board makes the appointment of the Public Trustee,

the Public Trustee accepts the appointment. It is not a case the Guardianship Board oversees the conduct of the Public Trustee; they trust we are competent in what we do. The Public Trustee would report on those instances of financial elder abuse in the course of its routine responses.

Ms ARCHER - Let us not mix up the roles of the Public Guardian and the Public Trustee in this because they are separate roles.

CHAIR - There would never be an instance where the Guardianship Board would refer a client to you and then the Public Trustee would take over the role for at least possibly a three-year period until things were sorted? That would not happen? You wouldn't send it back to the family without the Guardianship Board knowing that was happening?

Mr BENBOW - We have a specific order. We can only act as a financial administrator with an order from the Guardianship and Administration Board. As Tim indicated, each year we are working with the Guardianship and Administration Board around reporting. Each year there is a hearing around the affairs of that person and quite often family members can attend those meetings and can, if they so wish, ask to have that order revoked and for them to take over the responsibility of being financial administrator, which they can do. It is not in the realms of the Public Trustee to step into the shoes of the Guardianship and Administration Board. We are looking after the affairs of individuals based on an order. It is normally a three-year order and the board has the ability to revoke that at any time.

CHAIR - The Guardianship and Administration Board would revoke that order, not the Public Trustee?

Mr BENBOW - Correct.

CHAIR - Thank you, that is very clear. We just received some evidence that was contrary to that. Now it is made very clear so we will be able to respond to that instance. I hope that makes it very clear to anyone who reads this *Hansard* in the future to understand. An education program in the community about the line that possibly is crossed at times might be useful. Is that something that is on your radar?

Ms ARCHER - There is an education program carried out by the Public Trustee annually. I will get Mr Benbow to briefly outline that education aspect of the Public Trustee. As well as a marketing side to the Public Trustee to get more clients, there is also an educational part in the community it plays a role in.

Mr BENBOW - The Public Trustee has multiple roles. Our business is quite diversified. We have talked very much about the represented person's part of our business. We also have a commercial aspect to our business and part of that is to educate the community about what a trustee company does, in general. A key part of that is running a number of seminars statewide each year. We run seminars through groups like Centrelink and for pensioners and we regularly are invited to come and talk to those people around various aspects such as power of attorney, effects of wills and estate planning generally.

We also run our own seminars. Each year we run a seminar in each of the major regions in the state, and invite people to come and listen to information about a range of topics, not necessarily just about the Public Trustee. Quite often we have people to talk about exercise, nutrition and a whole range of things. Generally it is education. Being a trustee company, a

number of people focus on the will side of the business. Once some of the key aspects in the community around what happens if I am not dead, enduring power of attorney is a very important part of our education program and getting people to understand to get your affairs in order early because this does counter a lot of this conversation we are having around elder abuse - by people understanding and being able to appoint people they truly trust to look after their affairs.

CHAIR - Is there a key performance indicator on the time it takes to settle, or a time frame for settling up estates? Is there something that you have?

Ms ARCHER - Any KPIs I would imagine would certainly be set by the board, so either Mark or David can take that question.

Mr BENBOW - I am happy to answer that question. We operate under effectively service standards. Our trustee area would handle most of the deceased estates, for example. We have a standard of currently, I think it is 12 months, for estates and we generally attempt to settle within nine. For each aspect of our administration processes, we have standards and targets, and each of the estates that we manage are measured against those.

As you can understand, estates can either be simple or complex. If someone has a bank account and a term deposit, you can settle that very quickly. We quite often are dealing with estates of people with multiple properties, businesses and quite often complex litigations are occurring during the estate. Effectively the Public Trustee attempts to separate the simple estates and get them out the door as quickly as we can. Generally they are out the door prior to nine months. It is very difficult to get them out earlier than about six months because there is a three-month period where you can't do anything in relation to winding up an estate due to the Testator's Family Maintenance Act. You have to wait for three months to see whether anyone comes out of the woodwork who wants to contest the will, but generally we get those out somewhere between six and nine months. Then we actively manage those quite complex estates, and some of these estates go on for years. We have estates that have gone on for 30 years or more simply due to the complex nature of the litigation occurring between the beneficiaries and non-beneficiaries. In terms of whether we are measuring that, yes, we have standards and targets for most aspects of our business.

Ms ARCHER - If I could just add that I touched on this in my opening statement. The document work flow technology that has been introduced, it is hoped will increase efficiencies where different personnel and solicitors can come in and access a file and take over from or assist an employee at the Public Trustee. The efficiencies that are created are not to get rid of personnel but to assist the personnel who are already employed to increase their throughput. Hopefully, we will get some indication in future in relation to KPIs on how that is adding the efficiencies across the board in managing files.

CHAIR - The client management system is fully operational?

Ms ARCHER - I believe so.

CHAIR - After we have been talking about it for at least three years that I can recall.

Mr BENBOW - We commenced the scoping of the project. I started with the organisation in February 2014 -

CHAIR - I am spot on - I said three years.

Mr BENBOW - Correct. I had two key projects I wanted to deal with. The first was the refurbishment of our office in Murray Street. That project commenced pretty well on my appointment. Following that successful completion, we commenced scoping our document management system. That started in early 2015.

With a document management system for a trustee company, you can buy the basic components off the shelf, but you go back through every business process and you have to effectively match your process to the system or your system to the process. A document management system in a trustee company is made up of a number of checklists and steps that you have to complete so it pushes documents through a process. It took us about 13 months to do all that document mapping. We are only a small business; we have only about 52 FTEs. We don't have, like Hydro or Aurora, project teams that can be pooled together, so this is done by people, trying to get cross-functional teams over time. We were quite proud of the fact. The system was ready to go in November 2016, but we deferred implementation until February so all our staff were on deck. There was a window of about two to three months to do a staged rollout. There are component pieces of the system that belonged to the component pieces of our business. It represented persons, our trustee area, our trusts and bringing in our service areas such as legal and finance. Staged over a three-month period, the system was fully operational as at 1 July 2017.

CHAIR - Any hiccups, minister? I have never seen a computer program without a hiccup to start with.

Mr BENBOW - A good question. We all prayed it would work when we turned it on and it did. Were there hiccups? Not so much hiccups, the system effectively worked. With a system like this, the beauty is that it will evolve as the users effectively start using it.

Ms ARCHER - Create files and add to it.

Mr BENBOW - Yes. The issues were that maybe this piece of the system should be re-linked to this piece of the system. We have 150 hours a year with our contractor of development hours. Over time, it is often development rather than fixes once the staff have seen the system and how it works. A lot of our people at the Public Trustee have been in the same chairs for 30-odd years -

CHAIR - That is a dream of mine.

Mr BENBOW - They do not have the conceptual understanding how a system like that works. Asking them what they want will not get the ongoing development until they start using it. We have probably 150 or 200 hours of development now and will continue to make the system more robust and importantly, deliver more productivity.

CHAIR - Do we have a completion cost with that?

Ms ARCHER - For the technology. That is a question for the CFO.

Mr LUCAS - I will probably take that one on notice, but circa \$400 000. I can get you a precise figure.

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Mr FINCH - Just going over, minister, some recent years of *Hansard*, and there was talk about the Launceston operation, which Mr Dean and I would focus on. The concern in finding a suitable officer manager. Can we be apprised of the circumstance as it stands now?

Ms ARCHER - For a personnel issue, Mr Benbow.

Mr BENBOW - Happy to answer that question, minister. I started in 2014. At that time we did not have a Launceston manager and an extended period of time where we were unsuccessful filling the position with the right person.

In 2014, we found a manager for our Launceston office but unfortunately the gentleman became quite unwell and has since passed away. When that manager became unwell versus finding another manager, I contemplated the long-term future not just for Launceston, but also for the entire business. Instead of having centres, is there a better way to deliver services that ensure certain pockets of the state do not have second class service? If you are sitting in Burnie or Devonport, Launceston or Hobart, there is the same element of service.

We looked at our organisation and what services should be delivered where, keeping in mind we were about to get a system that would allow any office to be able to deal with 'a matter.' At the end of the day just because someone had a will they wrote in Devonport, does not mean the beneficiaries to the will are going to be in Devonport. They might be in Hobart, Launceston or Hong Kong. Our business is geographically diversified on a number of fronts. The key for us was we have the commercial part of our business. Launceston is amazingly untapped. We as an organisation have been very southern-focused.

Mr FINCH - We have witnessed the number of employees based in Hobart.

Mr BENBOW - Correct. You are absolutely right. That is historic. In the next year, and without pre-empting our corporate planning process - and I have had this conversation with the chair - we need to start looking at our distribution strategy in some detail because we are still running a very old model.

If you want a will written in Queenstown, not a problem, but we will have to come and see you. In this day and age, you do not need to do that. Technology should allow you to communicate and solve people's estate planning problems no matter where they are. A process if we are going to grow our business into Launceston, the start is the chairman of our board lives there.

We now have a director living in Ulverstone. We need to look at our presence. Our presence in Launceston is not significant. In our next corporate planning cycle, we will be looking at what aspects of our business we can actually take into an area to actually increase profile and improve our service.

It has taken nearly four years to get to that point, working on a process of building blocks. This is now at a point where we can start saying, 'We have got our administrative platform pretty well right.' Now we can start looking at where we belong - what sort of shop fronts we are going to have and where we would like to have our administrative centres.

Launceston and Hobart are logical because the trouble with a trustee company is that it is hard to find people with the level of skill and experience. It is difficult with very small offices.

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Three people in an office and someone on annual leave and someone sick, you have to close the office. There is the scale issue. The prospects for Launceston are positive and I would like to see the operation bigger versus smaller and a bigger profile.

Mr FINCH - Thanks. Through you, minister, this raises some questions. It has taken four years to formulate how best to cater for Tasmania as a whole. How has it been for the staff in Launceston while you are making up your mind and getting a plan sorted out they can understand? What is the world like for them as they try to go about their work?

Mr BENBOW - Good question.

Ms ARCHER - Before David takes that, it is important to point out David has been saying the workflow technology system was of utmost importance, because once you have that, you can access it from all parts of the state and from their offices. That has been their priority with their current level of employee base. What he was saying was not having access to special project teams or funding; to do that they have had to prioritise that first, before they have been able to really look at the bigger corporate plan of actually indeed growing the business, the marketing strategies and whatnot. I wanted to say that has certainly been my knowledge of what needed to occur first, but without forgetting about the staff.

Mr FINCH - The staff and their morale.

Ms ARCHER - Yes.

Mr BENBOW - I am more than happy to answer that question. When the decision was made to look at how we actually structure the business, the immediate call was we need a manager who is capable of managing both our Burnie and our Launceston operations. We appointed someone into that role. That person has been in the role now for three years. When I started with the organisation the compliance outcomes in our Launceston office were the worst in the state. I think that was a mix of poor management, staff morale and simply not knowing what they were doing.

Mr FINCH - What do you mean by 'compliance'?

Mr BENBOW - Compliance is a major aspect of our business. Every aspect of what we do is effectively a legal function. In other words, we are gathering assets, paying out money, acting on behalf of individuals. Within the Public Trustee we have a range of policies and practices around how that should occur. Compliance is: are they doing what they are meant to be doing in the standards policies and procedures of the organisation?

I implemented a role within the Public Trustee probably two years ago, and we now have a risk and compliance manager. His role was to develop a compliance framework. That framework is now imbedded in our client management system. We are able to look at what people are doing. People are generally managing around 80 files, for example. We are able to work out where they are through the stages of that file. He is able to look at the quality of the work being done. He reports to our risk and audit committee at a board level every two months. It receives these compliance reports and assess how we are progressing down that path.

Our Launceston office probably would have been our poorest performer two years ago; they are now our best performer. At the last audit, from memory, they almost had no compliance

issues. That is around the leadership structure. They are well led and as a team they are without doubt probably our top performer in the state.

Mr FINCH - Could we have the numbers of employees at this time who are now in Hobart, Launceston, Burnie and Devonport?

Mr BENBOW - As at 30 June we had 52.62 FTEs. We have quite a number of part-time employees, predominantly because we employ a lot of females who have gone on maternity leave come back and work part time. Of our work force currently 81 per cent are females; 19 per cent are males; 21 per cent are part time; 79 per cent are full time, and of that, 86 per cent are permanent employees - they have permanency under the State Service Act. We have one person in the State Executive Service - myself. We have 12 per cent who are on fixed-term contracts. When people go on maternity leave, we backfill with fixed-term contracts until that person comes back. Forty-seven of our staff are based in Hobart, which is 81 per cent; five are based in Launceston, which is 9 per cent; four are in Burnie; and two in the north-west.

Mr FINCH - So this is a diminution of numbers over the past couple of years?

Mr BENBOW - Yes, we have lost a couple of staff in our Burnie office. With the introduction of our new system, for example, a longstanding employee in Burnie decided they did not want to go through the transition, which is fair enough. They were very close to retirement age. In Launceston it has been reasonably static, but we are probably one down from where we were a year ago. Over the next few years I would like to see that number increase because I have a passion to make Launceston have a presence.

Ms ARCHER - And there is a lower turnover rate this financial year than the previous year. In percentage terms the turnover rate was 10 per cent and the previous year was 17 per cent, so it has remained fairly static in the last financial year, 2016-17.

Mr FINCH - I know I am hogging the questioning, much to the annoyance of the Chair.

Ms ARCHER - I will leave that to her.

Mr FINCH - I want to salute the staff for this increase in profit the Public Trustee is making - \$749 000, with fewer staff.

Mr BENBOW - Item 3 of our corporate plan is about business sustainability.

A lot of the work we are doing about our process engineering and developing new systems has to have a payback. Mr Lucas has highlighted the fact we have spent circa \$400 000 to implement a document management system. It is not to make life easier; it is to improve compliance and customer outcomes, and for us to be able to deal with our business with fewer people. That does not mean we will make people redundant or go through a process such as that. What it means in our represented persons business is, under our existing model, if you can handle 100 clients, which is about right, we will give you tools that will let you handle 110 clients or 120 clients without affecting your capacity and creating stress. That is productivity. Productivity is not just about reducing staff but as a default of increased productivity, you will ultimately have fewer people.

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CHAIR - Thank you very much; they were all very good questions. I am mindful others have questions.

Ms SIEJKA - Minister, given 81 per cent of the workforce is female, I am curious to know: how many females are in leadership positions and on the board?

Ms ARCHER - That is a good question.

CHAIR - They are all good questions, minister.

Ms SIEJKA - Given we have a lot of men at the table.

Ms ARCHER - Yes. Mr Scanlon, you might like to discuss the make-up of the current board and then we can move to leadership.

Mr SCANLON - We currently have five on the board, including myself. Three of them are women and two are men. That is a recent change; we had a vacancy. I addressed the issue with the minister as I thought the geographic mix of the board was not what I wanted to see. It was predominantly Hobart-based apart from me, and I thought the gender balance was a little out because there were four females and myself.

CHAIR - Ah!

Mr SCANLON - There has to be a balance. When you have five, you cannot have two and half of each.

Ms ARCHER - It is always based on merit, isn't it, Mr Scanlon?

Mr SCANLON - The selection process is, yes.

Ms ARCHER - Leadership positions?

Mr BENBOW - We run an executive management team of six - five, if you exclude the CEO. We have two females on that team. Angela looks after our marketing and HR functions.

Ms ARCHER - Angela is sitting behind us.

Mr BENBOW - Gaylene Cunningham, who is currently in Perth, is the manager in our trustee services area. If you go to that next level, reporting through to the executive management team, we currently have three. Two of those three are females.

Mr DEAN - I was trying to find an area dealing with complaints in the annual report. I have probably missed it somewhere. What are the common complaints coming to the Public Trustee?

Ms ARCHER - I can let our CEO explain the nature of the general complaints, obviously not specifics. Client surveys are done so there is monitoring of their activities and client satisfaction. Beneficiaries are surveyed as to their experience in an estate situation. There are will client satisfaction surveys as well. It seems to be that the surveys are important in that complaint handling process. I might throw it to Mr Benbow in relation to the types of complaints and the nature of complaints.

Mr DEAN - What page is it on? It is not in the annual report.

Ms ARCHER - No, we have a bit of a summary of performance issues.

Mr DEAN - I couldn't find it.

CHAIR - Minister, that might be a note for next year's annual report. We are always looking to give positive feedback about what helps the committee to look at what is presented. Is this something for you to take on board?

Ms ARCHER - Thank you.

Mr BENBOW - In the financial year 2017 we had 22 complaints. The way we handle complaints is that all complaints go to the Risk and Compliance Manager who investigates them. He compiles a report on the complaint and then a view is formed as to whether it is substantiated or not substantiated. The difference will be if it is substantiated, obviously the person has an issue with the Public Trustee and the Public Trustee needs to rectify that issue.

Ms ARCHER - There is an appeal avenue to the Ombudsman, of course.

Mr BENBOW - For example, in the year we only had six substantiated complaints. If you think about the nature of the complaints, a lot of the complaints that come to the Public Trustee are about what has occurred in someone's will. They do not like what is in the will.

Mr DEAN - It see. It is not your issue.

Mr BENBOW - They do not like the fact that they didn't get the car or they don't like the fact they are not in the will, or they don't like the fact that the house was sold, as a represented person, to fund someone's nursing home fees because we would like to keep the house when they have departed. It is a complaint but it can't be substantiated as an issue for the Public Trustee.

Ms ARCHER - Can I interrupt the CEO here - it's on page 25 of your annual report as well.

CHAIR - It is wonderful when committee suggestions are acted on that quickly. Thank you.

Ms ARCHER - Yes.

Mr BENBOW - We have a very robust complaints process. We take complaints seriously. We see it as a way of improving service. As I suggested, we cover such a diverse range of circumstances that we have to go through this process of rigorously ensuring we understand whether it is a complaint that we need to deal with. If we need to deal with it, we will deal with it by either compensating people if they have suffered any form of loss or rectifying whatever their issue may be. As the minister has suggested, we invite people if they are not satisfied with our response to go to the Ombudsman. We provide them with the information that allows them to follow that aspect up.

Mr DEAN - The complaints you have had, are they increasing or decreasing on the previous year? I don't have the previous year's here.

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CHAIR - That pie chart looks very interesting over there. A colourful pie chart.

Ms ARCHER - All I have are the complaints for 2017 so I can't give you a comparison.

Mr BENBOW - Sorry, I cannot give you that information. Maybe we will take that on notice.

Ms ARCHER - We could take that on notice, definitely.

Mr DEAN - If you could. It is just to know whether similar complaints are arising or whether you are on top of that. If you could give them over, say, a three-year period, that might be interesting for us.

I go back to the long-term outstanding issues you talked about. Minister, how many numbers would fall into that - matters outstanding longer? You have a position of trying to conclude them within 12 months; I think nine months has been mentioned to try to sign them off. How many matters would you have outside of that 12-month period and how many on the books would there be for long-term outstanding matters? I would say probably five years and longer. Is the list growing, decreasing or what?

Ms ARCHER - That is quite a specific question. Mr Levis probably has a broad understanding, but we may need to provide you with the specifics. I will throw to him.

Mr LEVIS - I could not give you the specifics; however, I think it is fair to say that estates are not getting easier, they are getting more complex. People have self-managed super funds, businesses and assets all round the world. Some of these estates can't be wound up in 12 months simply because properties can't be sold, shares can't be sold and so on. They have trusts and stuff that are tailoring on for years and years. You can take people to the mediation table, but you can't always make them settle. Some of these matters have to go to trial. In terms of the numbers, I'd have to take that on notice.

Mr DEAN - If we could get the numbers of long-term outstanding matters to see whether or not there is an increase in that area. According to what Mr Benbow was saying, I suggest there probably is, but they are getting more complex. If we can get those numbers, minister, to do a comparison with previous years to see whether they are going up?

Ms ARCHER - How far back are you thinking?

Mr DEAN - If we can go back three years, just to get an idea.

Ms ARCHER - Yes, it might be easier with the new system if we don't go too far back prior to that.

Mr DEAN - I only want to know whether in the last few years there has been an increase in these long-term outstanding matters. I would have thought it was something the Public Trustee would be working on to try to get on top of. The more we have outstanding for a long term, the more the beneficiaries of those wills would be deceasing themselves, the way things are going.

CHAIR - I am interested in the management of the funds the Public Trustee holds. I am aware there is about \$12 million of own funds. Can we have some indication of how the

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management of those funds is tracking? Obviously that makes a difference to the value of those estates. It makes no difference?

Mr BENBOW - I will just explain the investment horizon for the Public Trustee. That \$12 million you are talking about are effectively corporate funds. They are reserves held by the Public Trustee. Interestingly, they actually emanated from the sale of Trustee House in Murray Street. That property was sold - I can't remember the actual year, but a number of years ago - and the board at that time took the view that the assets would be held as a reserve to offset the Retirement Benefits Fund's liability.

CHAIR - Very prudent.

Mr BENBOW - It reduces the cost each year of funding that. Those assets are invested across a range of asset classes but managed externally. We use Macquarie and BlackRock as external managers to manage those assets. I don't have the specific investment returns and I'm pretty sure Glenn hasn't, but if you would like to take that on notice we have quite comprehensive reporting. He has them.

CHAIR - I was on the money when I said Glenn was the man for the day.

Mr LUCAS - If you wanted to join the dots through our financial statements, if you look at our dividends received from other persons, which is our investment income, on page 34 of the report, \$574 000 for the year. That is what we got in cash distribution from those funds.

CHAIR - That's from the \$12 million asset.

Mr LUCAS - You can do a simple calculation based on that.

Mr BENBOW - That is the cash we got back that doesn't include the capital growth. That is dividends in effect. The more important part of our business is the management of our clients' assets and they are held within discrete common funds, of which we have three. We have a cash common fund, which is exactly that and we manage cash and term deposits, which Glenn and his team manage internally. We have what is called our Gift 1 Fund and our Gift 2 Fund, which are effectively our growth funds. We have a client investment policy. If you come into the Public Trustee as a client and it might be a represented person, it might be a minor's trust, a trust created out of a will for a child, we will manage those assets until maturity. We look at client duration, which is your likely existence on the planet. Then we determine which you fund you will go into. Our Gift 1 Fund is more conservative than our Gift 2 Fund. If your time horizon with us and that might be because you might be in your eighties, for example, so we would be much more conservative around our investment approach than we would be if you're in your thirties. If you're in your very latter years, we would be very conservative, holding you in our Cash Common Fund. Basically those funds are invested internally for our common fund.

For the two other funds we use a mix of investment managers - Macquarie Bank, Russell Investments and external consultants to assist with the management of the funds. We get a Russell review annually. Each year they review those managers and ensure they are delivering on the objectives and benchmarks that have been set.

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Mr DEAN - Where there is a deceased person and you are wrapping up that matter and it takes 12 months or so to do, does any income or interest earned on those funds go back into that fund or does the Public Trustee take a percentage of it?

Mr BENBOW - We manage our common funds and take a fee on our common fund. If you imagine a deceased estate, over time our role is to call in assets. We might sell cars, houses, shares or call in bank accounts, and they will sit in our common fund and they will be receiving interest on those funds.

Mr DEAN - So the Public Trustee doesn't take anything out of that?

Mr BENBOW - Not out of that return to the client.

CHAIR - On settlement.

Mr BENBOW - In terms of our common fund, we are entitled to take a management fee of 1 per cent, so if the fund earns 3 per cent, we receive 1 per cent and the client receives 2 per cent. It works exactly the same way as every other managed investment scheme, although we are not - we are a common fund. Under the legislation all trustee companies, public or private, are entitled to create common funds. If you go back in time, they were created to allow you to manage lots of little parcels of money as one. To do that, the legislation recognised there is a cost so you are entitled to take a management fee.

CHAIR - They are called banks now.

Mr BENBOW - Basically, yes.

Mr FINCH - And if it only earns 1 per cent?

Mr BENBOW - You would earn nothing. I assure you in this low interest rate environment producing returns with traditional asset classes such as fixed interest is quite challenging. You know what it is like to get a term deposit at the moment, you scratch your head and wonder why. Term deposits are running at around 2 per cent.

Mr FINCH - We had the discussion about the sale of Trustee House in Hobart, could we be apprised of the accommodation for the operations of the Public Trustee in the various locations?

Mr BENBOW - The majority of our staff are based at 116 Murray Street. We recently re-signed our lease. It expires in approximately 7 years. That coincided with the refurbishment of 116 Murray Street. We have two floors in the building - TASCORP is on the first floor and we are on the next two floors. In Burnie we are in Columnar Court. If you imagine the apartments that are built in Burnie on the waterfront next to the port, right behind that is a shopping complex and we have an office in there. It is a very nice office, probably bigger than our needs. Our lease there doesn't expire for probably four years. In Launceston we are in MAIB House. KPMG is upstairs and we have an office on the ground floor. We have a serviced office in Devonport, particularly for our estate planner, who tends to roam the coast dealing with the estate planning needs and can meet people in our Devonport serviced office.

Mr FINCH - I normally have questions about marketing. I can imagine that with the Public Trustee, it is a very difficult area to get your message out, particularly when you are competing

with the commercial interests and you are trying to get your message through to the general public. Maybe you might care to touch on methodology and what you target in building your client base. I am curious about the use of social media, and whether it is a tool that can be used by the Public Trustee.

Ms ARCHER - I might make a general statement about marketing activity. It falls within their overall corporate plan to increase the Public Trustee client base. That is what will make the organisation sustainable into the future. Obviously, it wants to have that continuous profit each year. It has marketing strategies to State Service departments and agencies already, offering a 20 per cent discount to State Service employees on estate state planning services; obviously to local councils, hospitals, funeral directors. They display brochures for the company, and future campaigns are planned to target local government organisations and Commonwealth government departments. I will throw to Mr Benbow in relation to whether they use social media now or whether that is planned for the future.

Mr BENBOW - Thanks, minister. Marketing is a key aspect of our business. Our commercial business is what drives the business and deals with our community service obligation shortfall. We subsidise the shortfall with our commercial business.

In 2015 we undertook a process of developing what we call our 'communications strategy', which is about how we start structuring our business to move away from predominantly being attractive to the over-65 demographic. We are moving into an age now where the over-65s are not like the over-65s 20 years ago. They are very tech-savvy.

The demographics that come after will be even more involved in social media. They will also be more involved in being able to transact with people online. They will not be coming to will writing days or seminars on eating bananas and fruit; they will be more inclined to want to gather their information online and to form a view as to whether transacting with this group or individual is of value to them.

We undertook some marketing research. We undertook an association with a group in Launceston called at+m integrated marketing, which has some knowledge of the trustee area and the complexities of the message that you need to get across in that space. The key for us was to move into that 35- to 49-year-old female group as they are the decision-makers around all matters in families. There is no doubt about that, particularly in relation to getting stuff organised.

In 2016, we actually relaunched the Public Trustee. You will notice all our colours. We are a lovely new blue now. All our livery is contemporary. We created new ads for the Public Trustee, which probably no-one over age 50 in this room has seen because it was not targeted at you - unless you were watching *The Bachelor* or other lifestyle programs. I have not seen them, but apparently they are on there somewhere.

Ms ARCHER - For the record, nor have I.

Ms SIEJKA - I am your target, and I am not sure about it.

Mr BENBOW - In terms of online, I think that is a really interesting space. We have re-worked our website. We have blogs. Our ads are now online because people do not watch mainstream television. They buy television; they are on Netflix; their music is on Spotify.

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Traditional media is changing and we need to change with it, even down to the point where our legal team is currently trialling our new will writing system.

We need a new will writing system that will allow people to enter their own information. A young female who has a young family does not want to come in for an hour for us to extract a whole lot of information. She wants to be able to sit down on the couch with her iPad and give you what you need and then you will come in and sign your will, but it is a process probably more akin to insurance. These days you don't go into an insurance office to make an insurance claim, you put your information into the system and people come back to you and ask for more if they need it. Then there is a point at which you probably have a face-to-face meeting. For us, it is important that we have a face-to-face meeting because we have to identify you and make sure that you are making the will for you, and that you are you, and that you have the capacity.

You can't change everything, but you can change certain things. That information piece online, for us, will be key for the next 10 years.

Ms ARCHER - I think the social media idea is something to look at. As the gentleman has heard, if there is an ad, you can put it online on Facebook and you will reach your target audience that you wouldn't otherwise have had. It is probably something to look at.

CHAIR - I have some of the young people up the other end who are wanting to get in on the action.

Mr WILLIE - As you move to more online services when you were talking about wills, how are you going to protect that information and manage the risk of breaches and things like that? You also talked about a \$400 000 document system management. What happens in the event those things fail? Have you mitigated those risks?

Mr BENBOW - A good question. Glenn has responsibility in his portfolio for IT.

Mr LUCAS - We take IT security risks and cyber breaches very seriously at the Public Trustee. We have access to a lot of very personal, private information - bank accounts, Centrelink details - imagine all the stuff that is in your wallet at the moment; we have access to all that. Information security is paramount at the Public Trustee. We have procedures and IT infrastructure in place to protect the information we have internally from the outside. We have an outsourced service provider who looks after our IT, and these are professionals. We do not have anyone in the building who can do that job; we are not big enough for that, so we make sure we outsource and get the right people in to protect our information.

Mr WILLIE - Are those services easily transferable to another service provider?

Mr LUCAS - No, they're not. It would be a complete nightmare if you asked me to change it today.

Mr WILLIE - If that service provider said, 'That's it', what happens in that event?

Mr LUCAS - If our service provider fell over, that is a risk we are working through at the moment, as far as disaster recovery - that is the space you are talking about there, or business continuity. We have whole-of-government access to get up and running again if we had to, as far as the backup plan.

CHAIR - I note, minister, that the only increase from the community engagement for this year is around non-executor wills. The rest have all come in under - new wills is less; revision of wills is less; seminars and presentations held is one more, but those attending is down. Is it going to be the social media-type of aspect that is going to lift those numbers if we are losing some ground on new wills and revision of wills?

Ms ARCHER - I will throw that to Mr Benbow again. With the community service obligation, as has been indicated, the Government puts funding into that; for 2016-17, we put in \$1.728 million and for the year we are currently in, 2017-18, it increases to \$2.023 million. There is a fairly hefty obligation there but it is also supplemented by the Public Trustee. I think the short answer is that the Public Trustee is always looking for outside clients to make the business sustainable and not necessarily always looking at increasing the CSOs because they come in naturally. If there is a bit of a dip, that probably allows you to take on more fee-paying types of clients. He can explain that in more detail.

Mr BENBOW - We're contracted to deliver the Government's community service obligations. As an organisation we would prefer to have fewer represented persons. We have programs within the process of dealing with clients of identifying those clients that we can get back into a position where they are managing some, if not all, of their affairs.

Could you please clarify your question?

CHAIR - The only increase in the community engagement aspect of the role of the Public Trustee has been in non-executor wills.

Mr DEAN - There were none in 2015-16.

CHAIR - I was interested in -

Mr BENBOW - In the number of seminars we're running and community engagement?

CHAIR - You have this increase in non-executor wills, but then there is a dash for last year, so didn't you do any last year?

Mr BENBOW - No. In 2016 we introduced fees for preparing wills at the Public Trustee. In the past there was a very nominal fee - I think it was \$20 - to prepare a will at the Public Trustee.

CHAIR - But you got it at the other end. You actually picked up the fee at the back end.

Mr BENBOW - That's a good point, but if we go back to the 35- to 49-year-old female, very suspicious of something and valuing something that's free. Through our market research, it became quite clear that if it's free, it's for people who don't have money. I have money so I need to go to my solicitor; he'll charge me a fee, so there's value. It creates some value.

We have still created opportunities for those who are on a government pension - we don't charge a fee. We don't charge a fee for those who hold a Seniors Card. But those in our target market are quite happy to pay because they see the value and they're used to paying for something that they see as having value. It was a market increase. It doesn't create a lot of revenue, but it was all around creating value.

I suppose the non-executor is even more interesting because we sent away the people who used to come into the Public Trustee but didn't want to appoint the Public Trustee as their executor. Where did they go? They went to our competition, a solicitor. We took the view, if someone wants the Public Trustee to be the expert who drafts their will, it's a good thing. If we're not going to administer the will 25 years down the track, so be it, we'll charge you a fee and we'll even store the will for you. We'll put it in our will bank. Then what will happen is that when you've named your brother to be the executor and he comes in and says, 'I have no interest in doing that, can you do it for me?', we get the business anyway. We see that as a logical extension into the future to creating a will bank for anyone.

CHAIR - That was a really good question.

Mr DEAN - If you have a will and somebody then - say, two or three years later - withdraws that will from your office, there is no fee connected to that?

Mr BENBOW - No. That is, to some degree, why we also thought charging for a will is appropriate because we need to recover some of that upfront cost in some way.

Mr DEAN - I think most would agree with that. Security going back a few years ago was an issue with your staff and people coming in and some were reasonably aggressive. As a result of that I think you engaged - it would have been three to four years ago - private security to undertake that task. Minister, with the changes in the office here in Murray Street and the other offices in Launceston, Burnie and the part one at Devonport, what are the current security arrangements and what is their cost? I understood that with the changes that were going to occur at Murray Street, the proper security development of that building would occur where you would not require private security. Can I be told some detail around that and what had been the security risk this year if there have been any concerns?

Mr BENBOW - When we refurbished 116 Murray Street - going back a couple of years now - if you remember, back then we had a security guard on the ground floor. Every client who came into the building would be interrogated by the security guard, would be given a pass, would be allowed to get into the lift and allowed to come into the building. That was probably one of the major criticisms of our customer service model at that time. It was, 'Why do you need a security guard?' The answer is: some of our clients are challenged.

We look after people with addictions and people who are dealing with terrible situations in their life. Some of the answers we have for them, they don't like. How do we deal with that effectively? We have a commercial part of our business and we have another part of our business where the client needs are different.

We created reception areas in Murray Street on the second and third floors. They are both secure. If anyone comes up the lift now, you get out at the floor that says if you want to do this, you go here, and if you want to do that, you go there. In our most challenging area, which is our personal services area, we have a security guard, but in the past the security guard was simply a security guard. They would just sit there all day, no clients came in, waste of money.

We negotiated with our security firm to train that person as a receptionist. That person is actually our receptionist as well as our security guard. It costs us around \$80 000 a year for that service, but it's almost like they are a staff member. It works effectively. There are instances

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where we've had to get the police involved, where people are being antisocial. It doesn't happen every day but it does happen. The security of our staff is paramount in every site that we have.

Angela undertook a security review of all of our sites - I reckon it would be two years ago, maybe even longer. They assessed the risk in each of our site and came back with recommendations. They didn't see the need to put security in either Burnie or Launceston. The offices were set up appropriately. If there are issues, you can just move away, hit a button and someone with a badge comes and sorts it out.

In Hobart it was deemed appropriate because you have the most incidents because we had the most clients.

Ms ARCHER - And the most employees to protect as well.

Mr BENBOW - No matter where you are, your security and safety is paramount.

Mr DEAN - With the greatest respect to you, minister, I don't think the number of employees you have to protect matters; you have to protect one if you have only one.

Ms ARCHER - No, I meant the actual ratio of security guard or security mechanism to the number of clients and the number of floors et cetera. You would have to have more security when you have two floors as opposed to one office, to clarify that.

CHAIR - Minister, on behalf of the committee we very much appreciate and thank you for your time today. David, Glenn, Mark and Tim, we appreciate your input as well into this very important process. The Public Trustee Office is a very valuable asset to the community and we acknowledge the work that is undertaken. We wish you all a very safe and happy festive season.

Ms ARCHER - Thank you.

The Committee suspended at 1.05 p.m.