

UNCORRECTED PROOF ISSUE

Friday 6 December 2019 - Legislative Council - Government Businesses Scrutiny Committee B - Public Trust Office

LEGISLATIVE COUNCIL

GOVERNMENT BUSINESSES SCRUTINY COMMITTEE B

Friday 6 December 2019

MEMBERS

Ms Armitage
Mr Armstrong
Mr Dean
Ms Howlett
Ms Rattray (Chair)
Ms Siejka
Mr Willie (Deputy Chair)

IN ATTENDANCE

Hon. Elise Archer MP, Minister for Justice

Ministerial Office

Mr Patrick Clancy, Chief of Staff
Mr Sean Hollick, Senior 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
Mr Rodney Clifford, Manager of Risk and Compliance

The Committee resumed at 11.30 a.m.

CHAIR - Attorney-General, thank you for joining us this morning. It's our opportunity to provide some scrutiny of the Public Trustee, a really important part of our community.

Ms ARCHER - Thank you. It doesn't feel like two years since we were last before the Legislative Council for the Public Trustee.

CHAIR - Do you have a brief overview?

Ms ARCHER - I have an opening statement I would like to make, Madam Chair.

I am very pleased to provide what I hope will be a brief statement. There's been another strong year of activity for the Public Trustee. It continues to implement its strategic plan and undertake its principal commercial activities. This includes providing the Tasmanian Community access to professional advice and services such as the preparation of wills, the state administration, trust management and powers of attorney and protection of the financial interests of individuals where the Public Trustee's appointed to act on their behalf.

The Public Trustee continues its focus on its core strategic themes, to continue to grow the business by attracting new clients, by developing new products, identifying appropriate segments of the market and developing partnerships with businesses and organisations suitable to an identified market.

It continues to improve and innovate its business by transforming it towards more contemporary business systems and practises and being a sustainable business by managing for improved profit through continual improvement, in particular client service delivery.

This year the Public Trustee paid a dividend for the financial year ending June 2019 of \$36 000.45, after the community service obligation. This can only be achieved through strong financial performance. I again congratulate the board and the staff at the Public Trustee for strong management during the reporting period.

The organisation achieved a profit after tax for the financial year of \$657 000. Total comprehensive income for the year ending 30 June 2019 amounted to \$313 000. An important service provided by the Public Trustee is the financial management of the affairs for clients appointed to the Public Trustee by order of the Guardianship and Administration Board. As at 30 June 2019 the Public Trustee managed the affairs of 842 community service obligation represented persons - an increase of 58 clients in comparison with the same period last year.

The Public Trustee also has an extensive program of work centred on product development, process improvement and training and development of their staff.

During this year I was pleased to open their new premises in Launceston, which I know members at the table also attended. Thank you for doing so. You will recall, the office has been refurbished in a contemporary design based on the refurbishment of the Hobart office. The design provides not only an improved environment to staff but also attracts new clients.

I'm pleased to report to the committee that the Public Trustee is also focused on improving its locations at both Burnie and Devonport with further support staff through a proactive approach to employee wellbeing.

The Public Trustee continues to roll out a strong marketing strategy and investment in technology, which is essential for the distribution of its products and ensuring its broader reach across Tasmania.

CHAIR - Thank you very much, minister. I will invite Ms Armitage to ask the first questions.

Ms ARMITAGE - My first question is about the Auditor-General's report that we received in November.

I note in his report the underlying profit-loss went from \$1 337 000 in 2017-18 to \$838 000 in 2018-19. It is a reasonably significant difference when read in context. It was on page 49 of the report.

Could you advise the reason for such a significant drop in one financial year?

Ms ARCHER - I think Mr Lucas is probably best placed to answer that, as CFO.

Mr LUCAS - The main reason was our investment income distribution. It might be better if I refer you to Note 5, Other Income. You can see, Dividends Received or Receivable from Other Persons, that's our investment income. In the financial year 2019, it was \$822 000 and in the prior financial year, it was \$1.4 million, so it was a big drop. In the financial year 2018 the main source of the income distribution we received was from a return of capital from fund managers. It was the way the market was in that year. We can't really control what fund managers do other than the decision to invest in them. It is then up to them how good they go. In the financial year 2018, they did quite well, compared with financial year 2019.

Ms ARMITAGE - Because 2016-17 wasn't bad, then 2017-18. There seemed to be considerable difference in 2018-19.

Mr LUCAS - Yes. We had a nice windfall in financial year 2018. The return in financial year 2019 was acceptable in terms of our investment objectives.

Ms ARMITAGE - Another question with regard to the creation of the specialist Launceston-based team. How many people are employed in the new office?

Ms ARCHER - We currently have five. David can state what they are and what the future plans are with that office.

Mr BENBOW - I am happy to have that conversation.

In Launceston, we were based in the MAIB Building, around the side in carpark. Part of our distribution strategy was about how to become non-Hobart centric. We employ 52 people so we are not a huge business.

How do we change a business that over the past 30, 40, 50 or 60 years is concentrated in Hobart?

First, we need to have contemporary premises. We need to have something so the people in Launceston acknowledge that we exist. We weren't allowed to have signage on the building so it's very difficult for people to work out that we're there. I think Senator Stephen Parry moved out. We had been looking in Launceston for a site that put us in a space where, from a branding perspective, it would work, but also we'd get some passing traffic. We worked out that with the new developments going on in Launceston, particularly with the university moving down into Invermay

and we have CS Jones coming in. The demographic of the city was moving so we were quite happy to stay in that space so we took that space and we've refurbished it. We had, I think, five people in there originally and they were simply doing a cross-section of various of pieces of work that you do in a trustee company.

The strategy was: we need to actually increase scale, so what we need to do is move business from Hobart to Launceston. The Launceston office is now managing all of our absolute estates. That team has gone from five to six to seven.

The northern regional manager has been promoted, through the normal processes, from a band 6 position to a band 7 position, and now sits on the Public Trustee Executive, to give us that focus in the north. We will be looking for opportunities between Launceston, Devonport and Burnie to continue that opportunity to grow our business, remembering that in a business of 52 people, we have to be very careful not to open centres that are bound to fail. If you have three people in an office it doesn't work if someone is sick and someone is on holidays, so you have to have scale.

Launceston will fundamentally be the first piece creating significant scale. That might mean in the future we will have more of our legal team based in the north. We currently have one, soon we will have two. We have, I think, four in the south and that would work for us, so more an estate planning presence in the north. Probably over time, as our business grows, we will see Launceston grow. We are now turning to our mind to what happens on the north-west coast. Currently, we have a serviced office in Burnie; it is in a very poor position, on the terrace in the old - way out, sitting in an internal building. Our view is that we are now looking for sites, either in Devonport or Burnie for the -

CHAIR - You'll just have one north-west office?

Mr BENBOW - We currently have two -

CHAIR - Why would you need two?

Mr BENBOW - We don't need two, but we need the opportunity for people to come and meet with us. In other words, the distribution strategy is not around administration, it's around how we deal with our customers. It's multifaceted. For example, we need the opportunity for beneficiaries living in Burnie to meet with us, so how do we do that? We can do all of that by appointment. We don't need people sitting and administering estates, to be able to do that. We need people to be able to meet with us to do their estate plan and at the moment we do that face to face. We have strategies on: how do we improve that ability to meet with clients? How do we allow people to meet with us in Rosebery when they want to versus us having to get in a car and driving to Rosebery? The distribution strategy is quite comprehensive and involves new products, but it is very much focused on how we deliver services to the smaller centres versus the larger ones.

Ms ARCHER - Also, it is important to note that a whole portion of the Public Trustee has been moved to Launceston, if you could cover that as well.

Mr BENBOW - In terms of the deceased estates, the previous model in the Public Trustee was that we'd have people administering estates in Burnie, we would have people administering estates in Launceston, and people administering estates in Hobart. We had our represented persons client service strategy, which was that we had people in Hobart, Burnie and Launceston, but it didn't provide scale, particularly in the back office.

The strategy is that we will break administration away from service delivery - build your scale in administration and start working on: how do you actually improve that part of the business through taking it from a very manual process to start incorporating some very clever technologies?

Mr DEAN - Maybe Ulverstone is your best spot - right in the middle.

Mr BENBOW - In a previous life, I have done that, from an administrative viewpoint. I grew up in Devonport so I understand how the place works. You can work in Burnie, Ulverstone, Devonport, it actually doesn't matter because people working in Burnie live in Ulverstone or Devonport - it doesn't matter.

CHAIR - That is why I asked: why do you need two offices on the north-west coast?

Mr BENBOW - We only need one administrative office and the office would be a serviced office like we have in Devonport.

Ms ARMITAGE - Like a satellite office.

Mr BENBOW - Yes, it is just a serviced office. It is branded Public Trustee and you are in Devonport and you want to meet with someone. It might be every second Thursday we are Devonport and have a full book of appointments.

Ms ARCHER - It is important to note what we had in Launceston was something similar to what is now on the north-west. Splitting things from Hobart and Launceston and moving a portion of the Public Trustee permanently to Launceston provides delivery across the state. Then having satellite offices in the north-west, until something more permanent shows commitment to the northern part of the state. The fact there is economic growth in the north and north-west of our state, which is certainly what we want to see from a government perspective, it is very pleasing from a strategic perspective that is the direction the board has decided to take with the Public Trustee.

CHAIR - Having a satellite office in Burnie or Devonport just serviced once every two weeks, wouldn't it be more efficient just to hire some space?

Mr BENBOW - That is what we do.

CHAIR - You do not have a building?

Mr BENBOW - It is serviced offices.

Ms ARCHER - This is the difference between what is operating now in Launceston and what we have on the north-west.

CHAIR - In regard to the investment strategy, was there too much reliance on the cash investment and why the return was so small?

Ms ARCHER - That is a question for Mr Lucas in terms of finances.

Mr WILLIE - Also with that, who determines the make up of the investments? Is that handed over to somebody else or is it the board?

Mr LUCAS - How long would you like me to speak for?

Ms ARCHER - Perhaps if we address the first question. The second one might be more strategic for the Chair.

CHAIR - Just in regard to that investment strategy.

Mr LUCAS - We have a board-approved investment policy that sets out our objectives for investing. From a corporate perspective, we are looking to achieve 2 per cent income growth. That is reflected in the distribution I mentioned earlier in the questioning. Sorry, 5 per cent income growth and 2 per cent capital growth. That is how we budget and reflected in our policy.

How we invest is based on our appetite for risk, which is quite low. As a trustee it is quite low, balancing that out with making a return to government. How we do that is, we have taken advice in the past and is where our investment policy has been developed. We have two fund managers. We outsource our investment portfolio to investment managers Macquarie Bank and Black Rock International. Macquarie looks after Australia-based investments so, it is made up of cash, fixed interest, Australian property and Australian equities. Black Rock has an international exposure so, investing in things like Coca Cola, Amazon, those sorts of big, well-known companies.

Within our investment portfolio, which is about \$13 million at the end of year, we have what is called a strategic asset allocation. Across those fund managers, the board has made a decision we are going to invest a certain percentage across those fund managers. We push and pull funds. As the market moves up and down, we push and pull funds between those funds to make sure we are within our strategic asset allocation.

It is a diversified portfolio. We manage the risk in terms of investment risk because we are investing, we are taking on risk, but we manage that through our strategic asset allocation process. We also review our managers every year and have just completed a review which will go through our investment committee next week in terms of the performance of fund managers. If they do not perform, we have the opportunity to remove them and replace them with something else.

CHAIR - Are you likely to do that?

Mr LUCAS - If they underperform we would, yes. That is normal practice. We have not had a need to in the six years I have been in the chair.

CHAIR - You do not consider there is too much reliance of cash investment, it is just the fact that the strategy -

Mr LUCAS - Everyone is impacted by low interest environment and probably will be for a long time.

CHAIR - I am not a retiree yet, but apparently it's pretty ordinary.

Mr LUCAS - Here is a good example I heard on the radio during the week, someone was talking about having a million dollars' worth of cash as a retiree. Five or six years ago I was

probably earning \$50 000 and that was comfortable; now that is less than \$25 000. So that is almost Centrelink benefit in terms of that dollar value. Your million dollars in terms of investment return has just plummeted, which is an impact for people who rely on that source of income. There is nothing we can do about that, it's just the way it is. We have no control over the Reserve Bank and what they are doing with interest rates.

The Government's clear policy is they want you to spend the money which is a bit of a trick for us when we are trying to keep the money and get a return on it.

CHAIR - My next question is that the paid dividends for the next three years but the future agreement expires on June 2020. So, what do you have in place for a new arrangement? How are the negotiations progressing, minister?

Mr BENBOW - Excuse me, this is the CSR agreement with government.

Ms ARCHER - That is a separate matter again.

Mr BENBOW - Would you like me to deal with that, minister?

Ms ARCHER - You can start.

CHAIR - And 2020 is not far away.

Mr BENBOW - We have a standard process with government around dealing with our CSR agreement so we have started the process of working out our position in relation to the proposal we put to government. Effectively, we run a product-costing model; we understand what the cost is to deliver that service on behalf of government. We go to Treasury with our proposal on the funding and then we go through a negotiation. That will kick off in its most serious piece around January with a view to complete the contract in March 2020.

CHAIR - There is no progress at this stage? You have your position and then you will see what the Government's -

Ms ARCHER - There is a ministerial charter that governs all this and its usual process. The Public Trustee is quite unique in the sense that as at 30 June this year, 54 per cent of its work was part of the community service obligation - CSO. It is quite a significant amount and that is taken into account in terms of the dividend as well.

Ms ARMITAGE - My question is about caveats that the Public Trustee puts on properties. If the caveat's over the title to protect the rights of a person prior to death, my understanding is that, in most instances, once the person has died, the caveat needs to come off. But the Public Trustee then says they cannot do anything about withdrawing the caveat after the person has died. As the caveat was lodged in the name of the Public Trustee, the withdrawal of the caveat needs to be made by the Public Trustee but then the Public Trustee claims because the person is deceased, it no longer had any role in the deceased person's affairs and can do nothing. This obviously delays any dealings with the property and makes matters more complex. Can you advise me with regard to caveats?

Ms ARCHER - Obviously, we can only talk generally about the issue. I know you are not talking about a specific case.

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Ms ARMITAGE - I am talking generally. And there was more than one case.

Ms ARCHER - If I could invite Mr Tim Levis up to the table; he is the corporate solicitor who deals with these matters.

Ms ARMITAGE - I believe it is an issue many practitioners have.

Ms ARCHER - I am very happy to provide details on the process through Mr Levis.

Ms ARMITAGE - Thank you; with regards to caveats over properties?

Mr LEVIS - Caveats are a sensitive area for legal practitioners because if they put a caveat over a property -

Ms ARMITAGE - And there is a cost, obviously, just putting it on and taking it off.

Mr LEVIS - It is a small cost.

But if they put a caveat over a property and they do not have a right to put a caveat over the property, the legal practitioner is in trouble. So we are very careful about the way we put caveats over property. I suspect what you are referring to is caveats over properties for represented persons, so people that are under Guardian and Administrative Board orders.

Ms ARMITAGE - Over titles to the properties, yes.

Mr LEVIS - There are various ways and means that will put caveats over properties. There is a distinction between the way we manage money - when somebody is under a guardianship order, we'll be managing that money as an administrator. The money and the property will belong to them; it doesn't change hands. When we become a trustee, the property becomes ours. The property passes to the name of the trustee. When we are acting as an administrator, we put the caveat over the property to protect the individual themselves - we've got the power to do that under -

Ms ARMITAGE - That's fine, but when they die?

Mr LEVIS - Hold on, I'll get to that; I am just drawing a continuum here so you understand.

Ms ARMITAGE - I understand caveats quite well, having been in real estate..

Mr LEVIS - When the caveat is placed over the property, it is to protect the individual from selling the property or being exposed to a misappropriation, signing the property over - those sorts of things. The caveat will protect that, it will prevent that. When the person dies, our administration order expires. We no longer have control over that person's financial affairs. That task passes to the executor of the estate. The property remains in the name of the person; it doesn't pass to the public trustee. The caveat is put in the name of the represented person.

Ms ARMITAGE - So it's transferred?

Mr LEVIS - No, it doesn't transfer. It remains in the name of the represented person. When they die, the executor steps in and becomes the deceased person, becomes their personal

representative, and they then liaise with the Land Titles Office to remove that caveat. We don't have the power to remove that caveat because -

Ms ARMITAGE - Even though it was lodged in the name of the Public Trustee?

Mr LEVIS - No, it's lodged in the name of the individual because the property remains the property of the represented person. If the Public Trustee took on the role of or was the trustee, then the title to the property and the ownership of that property becomes a trustee asset - the trustee owns it and it's a trust asset. That's not what happens with an administration order. We simply step in and administer their affairs according to the statutory powers under section 56.

CHAIR - There may be some confusion.

Ms ARMITAGE - There may need to be more discussion with the Law Society of Tasmania.

Mr LEVIS - It is not a simple area, and on a weekly basis a lot of lawyers have trouble understanding the distinction between administrator and trustee. They think trustees are administrators and administrators are trustees. They often assume that a trustee is a code of conduct - it's not. It's a bundle of rights and it's a bundle of obligations.

Ms ARMITAGE - It's never lodged though in the name of the Public Trustee?

Mr LEVIS - It would be lodged in the name of Public Trustee if we owned the property.

Ms ARMITAGE - So it's only if you own the property?

Mr LEVIS - Only if we own the property, but we don't have the power to put the caveat over the property - well, we do have the power: because we are acting for the represented person, we could grant the Public Trustee the right to put it in our name.

Ms ARMITAGE - When would you own the properties?

Mr LEVIS - When we are a trustee.

Ms ARMITAGE - So, in that case -

Ms ARCHER - As opposed to an administrator.

Ms ARMITAGE - That's what I mean. In that case, you could lodge caveats in the name of the Public Trustee. When that happens -

Mr LEVIS - But we don't.

Ms ARMITAGE - I will have to write to the minister of the future. But if you did -

Mr LEVIS - If we did, we'd remove the caveat.

Ms ARMITAGE - When someone passes?

Mr LEVIS - Because we could.

Mr BENBOW - Don't we actually put the caveat - and it relates probably to trusts more often than not - where we manage a trust, we buy a property for someone in a trust, so therefore if there is a caveat over the property, you would be as a trustee for them.

Mr LEVIS - We don't need the caveat when we are the trustee because the caveat acts as a protective mechanism to stop elder abuse - and I suspect we may get onto this at a later stage. It's to stop people coming in and signing contracts. It's a difficult area of law. If you've got a document, somebody signed over the title to their property, we have to then start dealing with purchasers who are inconvenienced.

Ms ARMITAGE - You do not know if the Public Trustee says they will not remove caveats because the person is deceased and they no longer have an interest in a property.

Mr LEVIS - We will remove a caveat. If we have the power to remove it, we remove it. There is no reason why we would keep it there.

Ms ARMITAGE - Perhaps, I will follow this up and write to you separately with regard to that matter, thank you.

CHAIR - It highlights the fact not only does the public need educating, but so do people who work within the law itself.

Ms ARCHER - We have continuing legal education.

CHAIR - As you said, it is complex and when practitioners with this do not understand it, it makes it pretty difficult for the layperson to understand.

Ms ARMITAGE - It does delay the dealings with the properties and makes them more complex.

Mr LEVIS - I have been exclusively working in this area now for over 10 years and I learn something new every day.

CHAIR - Same as we do.

Mr WILLIE - You mentioned elder abuse so we may as well follow on then, if the member for Launceston is finished.

Ms ARMITAGE - I can always come back to something else after; that is fine.

Mr WILLIE - Some of these questions are probably Guardianship and Administration Board questions, but how does the Public Trustee ensure abuse is not financial abuse and prevent things like that occurring? Do you audit assets and accounts for irregular behaviour? What sort of oversight do you provide as an administrator of assets?

Mr LEVIS - When we become an administrator, I will talk about the represented person to start off with. It also goes to deceased estates because we will look back through somebody's affairs prior to their death, because there may be an interest there.

Where we have represented persons, we closely manage and become intimately involved in their financial affairs. This is an issue raised regularly and the member here has asked me a question a couple of years ago about this and we have come back to him with some -

Mr DEAN - I had it down again so do not worry; Josh is doing it.

Mr WILLIE - I was also asking questions two years ago.

Mr LEVIS - The first thing I am happy to report is a good news story in that the amount of elder abuse matters coming through to my desk to my office is decreasing for this financial year. I could probably say it would be somewhere between four and 15. I have done a bit of a thumbnail calculation.

Mr WILLIE - How are you measuring that number four to 15. Is that referrals to police?

Mr LEVIS - If there is a suspicion of misappropriation, we will report it to the police and we will try to get it reported at the earliest convenience.

Mr WILLIE - How many reports for the last financial year?

Mr LEVIS - Three. First, we have to substantiate it is a misappropriation. A sister might say one of the sisters took money out of Mum's bank account, and we check it up and it did not happen at all.

We cannot start reporting things to police and you have to be careful with these sorts of things because you are dealing with people's lives. We would investigate. We will look at bank accounts, follow up the family members, talk to carers, those sorts of things to try to substantiate. If we get to the point where we have a reasonable suspicion and substantiation, it will be reported to the police who will follow up on it.

I think the reason we have had a decrease is attributable in a large part to the awareness campaigns. We have the College Policy and Advocacy Committee and Gaylene might talk about that in a moment. We have TV ads, seminars we have participated in and people like Legal Aid, Advocacy Tasmania, Relationships Australia. We have Sarah Bolt at the Equal Opportunity Tasmania. They are doing great work.

Ms ARCHER - I can address that strategic part if you like.

Mr LEVIS - I have taken part in those seminars. We have gone around Tasmania and the interest in those seminars has been really high and quite intense. People are very interested in it. It's quite clear that they've greatly appreciated the campaigns and the education. It generates a lot of questions and a lot of interest. That decrease in the numbers is a good news story.

This awareness campaign has also enabled early reporting because people are understanding what elder abuse is. It comes back to the point where perhaps people don't understand their role as a trustee, or if they have a fiduciary duty over somebody else's affairs what they can and can't get involved in. We hear things like, 'Mum or dad would have wanted me to have the money'. That's not the case when you're an attorney or you're managing somebody's affairs.

It's heartening, but I don't think we're going to get rid of dishonesty. I don't think any amount of education is going to get rid of dishonesty, but with the other aspects, it seems to have had an effect.

Ms ARCHER - I think it is really important to note that elder abuse takes many shapes and forms. What the Public Trustee can see and do and report about is when it impacts on financial elder abuse. The broader reach of the campaign is identifying when there are other forms of elder abuse. A lot of it is linked. It might be physical, it might be emotional and, of course, financial elder abuse. That type of awareness is similar to raising awareness with family violence matters - something that's been behind closed doors for many years. Elder abuse has been brought into the open. Our strategic plan has been released. In this year's state Budget there was \$850 000 for a number of different aspects of that awareness campaign and to bring it in line with the national plan. There is a lot of work going on in relation to this.

As Attorney-General, it's important to note it crosses a number of different departments in terms of service delivery. Communities Tasmania is heavily involved in this area, as is my department in terms of legislative framework. There's no one silver bullet, unfortunately. If there were, we'd take it. It is something we are making progress on at a state and national level. At the recent Council of Attorneys-General, we had an item on our agenda in relation to consistency for powers of attorney, which is a separate issue in itself, but one that's interlinked to how we manage the affairs of older Tasmanians and Australians.

Ms HOWLETT - Minister, the Public Trustee holds a very important role in providing a range of services. Examples are wills, estate planning and trustee services for all of Tasmania. Could you please update the committee on how the Public Trustee is providing these services in rural areas and remote Tasmania?

Ms ARCHER - Earlier in the committee we mentioned the service is now statewide. It's important to note the broader strategic plan is to ensure access to services of the Public Trustee for all Tasmanians. That includes a regional service delivery focus as well as having the built offices. In 2018-19 the Public Trustee held planning days in Beaconsfield, Sorrel, Ulverstone, Wynyard, the Derwent Valley, the Huon Valley, Longford, Kingston and St Helens. This financial year, the Public Trustee will hold additional planning days in Queenstown, Rosny and Glenorchy.

In addition to these visits, the Public Trustee holds seminars and provides numerous information videos on its website to assist Tasmanians to better understand the importance of their estate planning. It is obviously in a more simple and easy way to understand. In total, 25 seminars were held in the 2018-19 financial year, with 327 people attending. That is in person as opposed to the web. Will preparation and estate planning can be challenging and daunting for any of us. I am sure the Public Trustee officials around the table would agree, we'd encourage Tasmanians to look at the Public Trustee's website to do that planning at an early stage, particularly as they can get assistance with navigating that through the Public Trustee. That service provides people with that planning. All too often we leave it until it is too late. I have done so myself with a recent death in the family. It gets you thinking about your own estate planning. I encourage all Tasmanians to take up that offer.

Mr DEAN - I will go to my perennial question on security. Minister, where are we with the position of security? When we were last talking to the Public Trustee in this format, they were engaging security staff to come to the building in Hobart to look at the area of security. Where is that now at? What is happening with security in these serviced offices where these arranged

meetings are occurring? Have there been any breaches say in the last 12 months or two years? Are there areas of concern?

Mr BENBOW - It is a very good question. It is one that the board and management take very seriously. The safety of our people is paramount, as is the safety of our clients.

A couple of years ago we were talking about how we had engaged a security consultant to review our security arrangements. One of the issues I have is there is a security designated person outsourced from MSS in our Hobart office.

Mr DEAN - That is still occurring?

Mr BENBOW - Still occurring. We changed the service from being purely a security guard to someone who comes into our business and acts as a receptionist. They take phone calls. They are sitting there as a security person but they are effectively also an employee. It is an arrangement we have with the security providers.

The key issue around security is who comes into your building and who doesn't? When people come in to your buildings, how do you manage the security? In our newly refurbished Hobart office a security expert has talked to us about how to lay out the offices, where we place duress alarms, how we deal with the direction of different clients. The more behaviourally challenged of our clients are some of our represented person clients who are having exceptionally difficult times in their lives. That is why they are with us. Things are not always going terribly well and we are sometimes just not able to assist in the areas that they would like us to assist.

The way we structure our offices is that they are within a space and we can get assistance from the Tasmania Police to help us with those who are quite difficult. We do not send our people out to people's homes any more. I found that is an uncontrolled workspace. We don't know the people terribly well, and we don't know their homes and we don't know what's in their homes.

Our Launceston office doesn't have a security guard because the occurrences are almost non-existent.

Mr DEAN - Surely you wouldn't want to be waiting for one before you do something about it though?

Mr BENBOW - No, but the situation, and the way we have designed the offices, is basically that if there is disruption, you simply move away. There is no way a person can access the site. We have a duress alarm, you hit that button and normally you will get assistance within - not even - a few minutes.

Ms ARCHER - There is an entry area before you get into the office in Launceston.

Mr BENBOW - That's right. They have all been assessed on that. For example, if you are in an office with a person and the person becomes agitated, you can actually leave the office without the person; you can get out. There is a back entrance.

The bottom line is we deal with people. I'd hate to think we'd get to the point where we only talk to people through a pane of glass. I think we need to understand that bad behaviour is the

minority. The majority of our clients are beautiful people - it's not an issue - but the safety of our people is paramount.

Mr DEAN - Have there been any security breaches in the last two-year period?

Mr BENBOW - Not breaches, but we have incidents. We report to our board every month. From a work health and safety perspective, we have a rigorous program where we have what we call 'security incidents'. If someone fires off - we had someone a couple of years ago trying to insert the Christmas tree through the reception area. That's an incident. What was the outcome? Was anyone injured? I couldn't give you the exact number in the last year, but I'd say, on average, we would probably have one or two incidents a month.

Ms ARCHER - You certainly get verbal abuse, phone calls and things like that as well.

Mr DEAN - Has there been a need to call the police in that period?

Mr BENBOW - Yes, last week we had the police in.

Mr DEAN - For verbal abuse or physical abuse?

Mr BENBOW - It's all of the above. People become very agitated - and this is not everybody, but some of our clients are really challenged. They are dealing with addiction or they are dealing with the consequences of coming off addiction; a lot of our clients are dealing with mental illness. People who are in that situation, when they also have the consequence of having no money, for example, and we are not a bank, we can't give people money where we have no money, and to some people that's a response they can't deal with.

CHAIR - I don't think the bank gives you money if you haven't got any money, either.

Ms ARCHER - Sometimes people who have no legal right can get very agitated as well when they say they represent the person when they obviously don't, and they get agitated when they are told by the Public Trustee that 'No, we can't release that information to you'. I'm not suggesting that is a security breach, but you do get some nastiness when people don't like being told the legal situation.

Mr DEAN - Have any staff had to take leave or workers compensation as a result of any of these security issues?

Mr BENBOW - I would say we have instances where our staff end up taking leave as a result of stress. Let's not beat around the bush, it's not an easy job. One of the things we are doing to improve the ability for our staff to be resilient is providing training, counselling support, that sort of thing. Probably the most important thing we are starting to do now is, when we employ people, undertaking psychometric testing of their capacity to deal with those types of situations so that we are creating a front office environment of people who are, first, inherently resilient, and then we are training them in how to deal with de-escalation. Rather than having to manage everybody's mental wellbeing in the situation, let's try to get a front office environment where we have almost specialists dealing in this space.

Mr DEAN - Are there any workers currently off on workers compensation?

Mr LUCAS - We have one and she is on a return to work plan. There have been other claims put through, but they have been passed or haven't proceeded. There is one on at the moment.

Ms ARCHER - It is worth noting across businesses these days in particular, our government business enterprises, mental health focus is really at the forefront now of not only employment, but also continuing education and training and making sure everybody's workplace health and safety is taken care of to minimise these types of situations as best we can. It has certainly been a focus across government and it is pleasing to hear the Public Trustee is putting that at the forefront of all employment situations.

Mr DEAN - The tough job is recognised.

CHAIR - Before I move to Ms Armitage who has a question in regard to the CSO, can we have the cost of the refurbishment of the Launceston office?

Ms ARCHER - Mr Lucas might be able to inform you.

Mr LUCAS - I will take that one on notice and report back the exact figure, but it is about \$200 000 dollars.

Ms ARMITAGE - Regarding the community service obligation agreement, there is an increase of government funding each year to 2022-23. The 2018-19 Public Trust annual report states the CSO obligation with the Crown no longer requires the Public Trustee to report on specified performance indicators. I understand that the Public Trustee continues to monitor key performance indicators related to CSO delivery. What are the reasons behind the removal of the former performance indicators?

Mr BENBOW - Glenn is probably best to talk about our relationship with Treasury.

Ms ARMITAGE - I wonder why the Crown no longer requires the Public Trustee to report.

Mr LUCAS - Let's not get confused with the KPIs in our annual report. That is through our statement of corporate intent, the agreement we have with government in terms of what we are going to do and are the financial and non-financial performance indicators. That is an agreement we have with government. Our last agreement with Treasury had KPIs in it and they had been in there for quite a long time.

Ms ARMITAGE - It is government money.

Mr LUCAS - That is true; it is government money. So, the current agreement, which expires in 2020, was a new style of agreement. Treasury revamped the style of agreement in terms of the style of the document. They took out the KPI requirements, but put in a certification instead. Each year I have to certify - I am specifically named in it - that the funds are being used in accordance with how it has been given. It is actually on me in some respects.

Mr BENBOW - We effectively maintain the KPIs in the old agreement, so the CFO is able to certify to Treasury we have expended the funds in accordance with the agreement.

Mr LUCAS - There is a change in style of how the agreement is being struck and was driven by Treasury. We were quite happy to proceed with the KPIs and, as David mentioned, we still monitor those internally.

Ms ARMITAGE - The buck stops with you now.

Mr LUCAS - Well, yes, but I have protection so do not worry.

CHAIR - The chairman of the board should be the one who takes the heat.

Mr LUCAS - We still monitor those internally, it is just we do not have to report them to government.

Ms ARMITAGE - Looking also at the annual report, the 2018-19 actuals for the number of new wills written. The target was 549 in 2018-19, but the actual was 340. Is there any understanding of or reason for why people are not having new wills written with the Public Trustee? Do you have any reason? Obviously, if the trend continues, it is to the detriment of the Public Trustee?

Mr BENBOW - We probably need to take a little bit of a journey on will writing at the Public Trustee. Traditionally the Public Trustee offered free wills. So, you come to the Public Trustee -

CHAIR - Free at the front end, not the back end.

Mr BENBOW - The actual will writing is free. If you do not have money at the back end, it is also free.

Ms ARMITAGE - I thought I paid when I came to them, but anyway that is all right.

Mr BENBOW - I am about to move to that exact point. We went through a fairly significant marketing review as to how we actually could increase the value of wills written at the Public Trustee. In the past, it was more about how many wills we were writing but the bottom line was three-quarters of those wills were worthless. Where we have lawyers writing wills, it is quite expensive and we're never going to get the opportunity to administer those wills.

The strategy was that we needed to create a perception of value and expertise. That's the journey we've gone on. We are very good estate planners. We're experts in the field because that's what we do day in, day out. That's the proposition that we're putting to market. We also put a value to the product so we still offer concessional wills. People who hold a pension card or are Commonwealth government pensioner will receive a concessional will.

Those who have the capacity to pay, pay, but it creates the ability, particularly in the market we're looking to attract - which is the 34- to 49-year-old female group who are really the custodians of all things that get done in households -

Ms ARCHER - We spoke about this last time I think.

Mr BENBOW - It's a fact. They are the people we want to attract because it's right in the prime time when they should be dealing with their estate planning and powers of attorney. That group is very good at understanding value, and they don't understand value when something is free.

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It's not expensive but it allows us to attach value. I've seen in a previous life that the number of wills you write goes way down because, instead of having a rump of clients who come in every year to amend their will by a very small bit - 'Auntie Dot isn't going to get that towel rack anymore because she upset me. It's going to someone else.'

CHAIR - Because they fell out at Christmas time.

Mr BENBOW - That's it. She's out of the will. You only get that opportunity one in five years. You can come in once in every five years and revise your will, otherwise you pay for it.

Ms ARMITAGE - The revised wills is a different list you have here, isn't it? The revised wills as opposed to the new wills.

Mr BENBOW - In the new will space, we've deviated from a long-held tradition of not allowing external parties to be executors to a will. You always had to have the Public Trustee as the executor of your will. We now have the ability for people to nominate someone else as the executor. You might nominate us as the substitute. That then takes us into another, as Glenn would say, journey of discovery, which is how do we then attract those people who are going to be executors of wills to the Public Trustee? How can we provide services to them?

We are looking at concepts such as 'Executor Assist'. For example, if we were to establish a will bank for the state in the Public Trustee, which is one of our strategies, and we're storing a whole lot of wills for a whole lot of people, how do we deliver our services when those people come in to retrieve wills? They're the executor and have no skills in administering estates.

Ms ARMITAGE - How many live wills would you have?

Mr BENBOW - About 28 000, I think, is the number. They're live but who knows.

Ms ARMITAGE - I guess it's hard to know. I'm probably as guilty as anyone. I think I have a will with you that's been replaced so I really tell you that it is no longer relevant. People make a will quickly because it's easy and then take their time with a lawyer later on and forget to tell you or don't get around to telling you that the will's outdated.

Mr BENBOW - We have a marketing program where we periodically start working through the numbers of wills writing out to people every five years saying that we're still here, we still have your will. Is everything all right? Do you need to come in?

Ms ARMITAGE - Maybe you should email.

Mr BENBOW - I think we do. We're moving toward SMS as well.

Mr DEAN - When we covered the initiatives to grow the business, what opportunities are there to do this? I guess it's selling opportunities in relation to wills and so on. What other areas are there that the Public Trustee can move into? Are there any other areas?

Ms ARCHER - Did the Chair wish to talk about a strategic overview first? I can get the CEO.

Mr SCANLON - David touched a minute or so ago on a thing called 'Executor Assist'. This is a concept we are looking at putting in place where, if we are the executor and say, 'The minister

is', she could come to us and say, 'Can you help me with this?'. A lot of people will go to solicitors for this service so what we see there is a market for us to offer a PAYG service helping people administer estates.

Ms ARCHER - I recently have been. It is not easy and I have legal experience too.

Mr SCANLON - That is one example. The other strategic issue was about presence in the market. We spent a lot of time talking about that earlier, about having a visible presence in the north - half the population live north of Hobart. It was important that we had, as David pointed out, a presence, that we were around the corner.

CHAIR - In the back bedroom.

Mr SCANLON - Yes, pretty much, whereas now we do have - yes, it was the carpark.

We now have a physical presence and we're rolling that out. David has been explaining that we are looking for better visibility on the north-west. It is one about product development but the other is about market presence. Those two things combined are what we see as being able to become a larger business.

Ms ARCHER - Using modern technology, which has been touched on, is critical in the current environment.

Mr SCANLON - That is flowing through; we are seeing the efficiencies from having much better use of technology.

Mr DEAN - That brings me to another question. It has been brought to our attention that delays in responding to executors or firms acting on behalf of executors can introduce complexities in what should be simple estate administration matters. There are concerns - we raised this before on previous GBE sessions - about the time it takes to action a lot of these matters, they seem to go on forever and a day. There seems to be no good reason for that to occur, but this has been brought to our attention again.

Ms ARCHER - I can say at the outset that the majority of matters get settled within six to twelve months.

Mr BENBOW - The standard is nine months.

Ms ARCHER - I think as members of parliament we hear about cases where there are other complications. Mr Levis is probably able to address the types of scenarios where there can be delays. They are actually a rare occurrence rather than a common one. We get the wrong impression because we get the complaints as members of parliament at that other critical stage.

Mr BENBOW - Just before Tim starts, I will put it in context. In 2018-19, we closed 223 action estates; of that 223, our standard is within nine months. We met that at 85 per cent and the balance, where there might be slight complications, are dealt with under 12 months. What we are talking about here are very much in the minority. Tim will talk about in terms of the complex nature of some of these matters.

Mr LEVIS - You used the words 'action matters'. Very quickly, what happens is there is a grant of probate and the executor takes on the administration of the estate. If the beneficiaries or parties who think they have an entitlement to the estate want to get involved, the role of the executor changes in some respects. If all the beneficiaries take a unanimous view that they do not want the executor to go down the path directed by the will, case law tells us we can't. On these longstanding estates there is one characteristic that seems to run across all the longstanding difficult estates to administer that I have on my desk. That is, these are wills that have not been prepared by the Public Trustee - we have inherited them.

I can think of three we have at the moment that are very big, longstanding estates mired in litigation. They are wills that were not prepared by the Public Trustee. I suspect they did not have good advice when they prepared their wills.

Mr DEAN - When the Public Trustee receives a will that has not been prepared by the Public Trustee and you can see the errors, wouldn't the Public Trustee go back to those people and explain they can see a lot of legal implications and issues and problems with it?

Ms ARCHER - I think that is sometimes impossible.

Mr LEVIS - We do, but if we get appointed by the court, we didn't create the problem, we're trying to fix it. We didn't volunteer for it. Sometimes we try to resist because we can see it is going to be a lawyers' picnic. I can tell you with my hand on my heart, I do my best to try to preserve these estates and prevent them from becoming lawyers' picnics and try to bring the beneficiaries together. I could bring dozens of beneficiaries along where we have had meetings. I had one a couple of weeks ago. It had gone on for years. I got the parties together and the response was, 'I like your style'. We resolved it on the spot.

Ms ARCHER - The ultimate aim is to fulfil the wishes of the deceased. The beneficiaries are disputing exactly what that is. Sometimes it is impossible to resolve that without a court order.

Mr LEVIS - Some of these cases, when they turn into testator family maintenance cases, as my dear old deceased dad said, the litigation just eats its head off and the estates get wasted. We do our best to prevent that. Sometimes the parties want to go on. We have to take on the role of Switzerland because we are bound by the beneficiaries. We have to let them fight it out. Until they settle it, or the court settles it for them, our role as executor is, like I said, one of Switzerland. We have to stand back and watch it.

Ms ARMITAGE - Regarding estates where the Public Trustee has been the administrator, is there an agreed communications protocol in these cases, that you include a summary, that you include a copy of the trust ledger? How does it work?

Ms CUNNINGHAM - I run the Trustee's client services delivery team. In relation to estate administration we generally have a first meeting with the beneficiaries. At that point the communication strategy is agreed with the beneficiaries.

Ms ARMITAGE - I have been told that the trust ledger is very difficult for a layperson to decipher.

Ms CUNNINGHAM - Are you talking about the statement of account at the end?

Ms ARMITAGE - Yes, that you would forward on. Even the legal advisers find it very difficult. You do not dispute that?

Ms CUNNINGHAM - That is new feedback to me.

Ms ARMITAGE - Maybe I need to give a fair bit of feedback to the minister.

Mr BENBOW - I think it is fair to say we use a system called TACT. It is a trust ledger system for deceased estates. It lists what the assets are, when they are bought, when they are sold, what the fees are, what are the charges. We have been using it since Adam was a boy and this is completely new feedback.

Ms ARMITAGE - I have been told trust ledgers can be difficult to follow and do not make matters simple.

Mr BENBOW - Everyone has an opinion.

Ms ARMITAGE - This is legal people; - I thought they'd have an understanding.

Mr LEVIS - Lawyers are not often good with numbers.

Ms ARMITAGE - I am not sure about that.

CHAIR - They are when they send their accounts.

Ms ARCHER - Always happy to follow up, if you or the body can write.

Ms ARMITAGE - Yes, I will. I just wondered whether there was a normal communication protocol that you would follow.

Ms CUNNINGHAM - That is agreed with the beneficiaries and each set of beneficiaries are different and each set of circumstances are different.

Mr WILLIE - I appreciate this might not concern the Public Trustee, but the Tasmanian Law Reform Institute was undertaking a review of the Guardianship and Administration Act. Has that review been completed and are there any implications in this for the Public Trustee in how it conducts its business?

Ms ARCHER - Yes. I cannot turn up my notes, but I can do it off my knowledge. They have completed that and it runs to something like 600 pages, and there are numerous recommendations in relation to Guardianship and Administration Board matters. We also need to examine what has been done in other states. Certainly, the determination of attorneys-general around the country is we have as much as consistency as possible in relation to how these sorts of things are dealt with.

I have been in regular conversations with both the Guardianship and Administration Board and the Public Guardian and we are considering the Tasmanian Law Reform Institute's recommendations, which are with my department for a thorough review as to how we would go about implementing those.

There are numerous recommendations, which require quite a significant amount of reform in the area to do with Guardianship and Administration Board matters. Obviously, we take it on board the very sensible suggestions.

In relation to how it might impact on the Public Trustee, some other jurisdictions have already started to amend some of their provisions without a proper cost assessment. They are now discovering it is a significant cost impact in the order of, we have worked out for the Public Trustee, around about an 80 per cent increase.

These things need to be taken into consideration, not only in the context of the reform and what that might look like in close consultation with stakeholders, of course. That is quite a significant amount of body of work that needs to be done, but we are committed to that process now underway. I can confirm the department is actively looking at that, but also to properly look at the impact it might have on an organisation like the Public Trustee.

I know Mr Benbow might wish to add further, but they are very happy for us to be undertaking this work thoroughly so that we know exactly what to expect in terms of the impact on the Public Trustee. There is definitely a connection with the Public Trustee.

Mr BENBOW - We are comfortable with the conversations we have had with the Attorney-General around how this legislation will evolve. As stated in other states, there have been impacts to the service delivery model of public trustees who tend to deliver the majority of this type of work. It really comes down to the human rights convention's view on wills and preference, and we are currently a substitute decision-maker, so if we take on a represented person, we make decisions on their behalf. We do consult, but we are not compelled.

Under a revised legislation of human rights agenda - which we fully support - it talks about will and preference. So, we have to - in a very formal way - attempt to understand what that person would want to do with their life, particularly regarding financials; the Public Guardian will be working very hard in the lifestyle area and the Guardianship and Administration Board sits over the top.

What it will mean is more contact with clients and that is a good thing, not a bad thing, but that is a layer of costs to your business.

Ms ARCHER - The general flavour is handing back to ensure the wishes of that represented person are at the forefront and involved more in the process. Ensuring they might lead to a situation where they no longer need the assistance of the Public Trustee. Some people always will - for example, someone with dementia because they are not going to recover from the decline - but there may be situations where they do not require it long term, so the motivation for this to respond in a more modern way. The current Guardianship and Administration Act is over 20 years old, so it is timely to update and modernise how it operates, to reflect modern values as well. We want people to have autonomy as much as possible in the management of their affairs, but there are situations where they're just not capable of doing that. Having said that, even in those situations, I know the Public Trustee takes this approach already in trying to ensure that they do have as much say as possible, where possible.

Mr BENBOW - An important part of this proposed legislation is that the Public Trustee becomes a last resort. In other words, there'll be an onus on the Guardianship and Administration Board to search more widely for people to assist people in their lives rather than in an institution.

That will add a layer of cost to the Guardianship and Administration Board because they will need more people to be able to undertake this sort of work.

We're confident the legislation in other states is good for the people that it's intended for, and we have assurance from the Attorney-General that hard work will be undertaken prior to amendment of the current legislation to ensure we understand likely impacts on various stakeholders.

Ms ARCHER - Yes. We don't want to rush it but we are prioritising it at the same time. It's quite a body of work to be looked at. It's not a small area of law.

Mr WILLIE - Will we expect a bill next year?

Ms ARCHER - I wouldn't like to set a time frame on a bill, but certainly we will go out for consultation on something first, as we would always do for something that's significant reform. We're certainly looking at it as a project for next year. The department is already looking at it. I'll be guided by them in terms of when they're ready to report in relation to the significant number of recommendations of that 600-page report, knowing that they have a lot of significant reform they're dealing with. We have a mini project team on this already.

Mr WILLIE - It sounds like this work will complement schemes like the NDIS where there's an emphasis on agency.

Ms ARCHER - Possibly, in that there's a lot of cross-agency work required in this space. As I said with respect to elder abuse, it's not just the Department of Justice, it's also the Department of Premier and Cabinet and Communities Tasmania. It's the same with family violence - it's so many different departments. When that occurs, we put working groups together to ensure that each department is consistent in the way it might deal with something, and that there's this oversight and overview of any legislation required, what funding is required, when education or other service provision is required, and in terms of budget requests as well. Quite a significant amount of work is required in these types of areas.

Guardianship and Administration in itself is a very big area of reform which we are determined to get right because increasingly it is impacting so many Tasmanians, either directly or indirectly through a family member, unfortunately, because of the increase in dementia and other terminal illnesses.

Mr WILLIE - By agency, I meant an individual agency is working to complement that.

Ms ARCHER - Yes, and certainly for the NDIS, now that it's rolled out and has entered into this area as well, it's essential that work is done in relation to what service provision they provide and if, for example, the Public Trustee is acting for a represented person, they know what's going on in that space.

Mr DEAN - I ask this question and I'll make sure I get it right; for accuracy I'll quote it -

It's common that in a response from the Public Trustee firms also receive a copy of the trust ledger. The trust ledgers can be difficult to follow and they're not making it -

Ms ARMITAGE - I've just asked that question.

Mr DEAN - Oh, you've asked it? Oh, sorry.

Minister, I don't know whether the area of complaints has been covered. I don't want to be negative about this, but have any common areas of complaints been raised with the Public Trustee Office? If there are, what has happened in relation to those issues and how far has that gone?

Mr BENBOW - Rod Clifford is our manager of risk and compliance.

Mr CLIFFORD - When it comes to complaints, we promote clients who make complaints to us. I am a little bit disappointed that some of the issues you are talking about have not been referred to us as complaints because I am sure we would have been able to settle them very quickly. We have a comprehensive complaint process, which is advertised through our internet site and brochures in our branches. At times of administration, we ensure we tell our clients that if they are not satisfied with the service provided, they can make an official complaint that will be investigated by the Public Trustee. We will provide a written response. We also advise the beneficiaries or clients that if they are not satisfied with our response, they have the option to then take it to the Ombudsman's Office or the Guardianship and Administration Board.

In the last financial year we had 14 complaints. Eight were substantiated and six were not substantiated. The most common area I see in the complaints coming through is communication and the expectation of communication in a reasonable time. Sometimes that communication is delayed because of internal issues. That might be staff shortages or absenteeism. The complaints process enables us to review the complaints, especially the substantiated ones, to see where the shortcomings are and then make the necessary improvements.

Communication is the primary one. It can be an issue of the experience of the person dealing with the estate. The expectation may be that communication is provided in a quicker period than expected. With Facebook and telephones, people expect responses almost immediately, where in fact there are times when responses will be in weeks rather than days. Our service standards available through the Estate Administration Service clearly identify that any telephone calls will be responded to within 48 hours, and written communication generally within five working days. The complaints will provoke a response within 15 working days. We will notify the complainant that we have received their complaint within 24 hours.

Mr DEAN - Are there any matters with the Ombudsman's Office?

Mr CLIFFORD - Not presently. We have had four to five referrals through to the Ombudsman's Office post our reports. Each of those had preliminary investigation by the Ombudsman's Office. We were exonerated on each occasion. So, the Ombudsman's Office has not been able to see any maladministration by the Public Trustee. In the last complaint that went to the Ombudsman's Office, we offered to sit down with the complainants; it was all based around communication. We offered them the opportunity to come in and sit down with the manager of personal services team, the client account manager, myself if necessary, and go through the entire process. The complainant decided they did not want to do that. We are very aware of complaints and answering them in an independent manner.

Mr DEAN - I realise that number of complaints is small when you look at the amount of work you do.

Mr LEVIS - And the type of work as well.

Mr DEAN - And the type of work. You are right, absolutely right.

Ms ARMITAGE - I'm assuming all those complaints are not to do with the community service obligation agreement, so why are they the only ones you list in your annual report?

Mr BENBOW - I think they are the only ones we are required to, aren't we, Glenn?

Mr LUCAS - You might recall we spoke about the CSO agreement and the KPIs specifically reporting against the CSO.

Ms ARMITAGE - I understand that, but in an annual report, it seems strange you wouldn't list the other complaints, that you only list the ones that you have to under the agreement. The heading is 'Complaints'. The heading isn't 'CSO complaints'.

Mr LUCAS - It is in the context of the CSO agreement in that section of the report. You are right; we do not report commercial complaints.

Ms ARMITAGE - Is there a reason you don't? Or you do not think it would be a good idea to report complaints overall to give a clearer picture, more transparency?

Mr BENBOW - I must admit in any organisation I have worked in in the private or public sector, it is unusual to include a section on complaints. The only reason we would include a section -

Ms ARMITAGE - It does give transparency, that's all.

Mr BENBOW - It gives transparency, but it does not give context.

We need to remember we are not in a position of being able to disclose the nature of a complaint. In fact, it is a criminal offence to disclose anything that relates to a represented person so our ability to defend ourselves is almost zero. The ability to attack is 100 per cent. So the bottom line is that we include what we were required to in terms of our CSO agreement. We believe our transparency is very much with our board and with our shareholder ministers.

Ms ARCHER - They should be disclosed for the CSO because that is for the community service obligation part of it. I think we need to draw that distinction as to why that is disclosed and the other private matters are different.

Ms ARMITAGE - I thought you might have those as well. I noticed it was 22 in 2017 and I recall from *Hansard* from last year that the minister was -

Ms ARCHER - You would be listing raw data without being able to provide an explanation on what occurred on each occasion.

CHAIR - Thank you very much, minister. There are no further questions from the committee. I would like to thank you and thank everybody for their attendance today. We thank you for their time and we wish you all the best.

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Ms ARCHER - Thank you for your interest. It is always a good discussion when we appear before the Legislative Council. I am sure all the members at the table agree.

The Committee suspended at 12.57p.m.