



Standing Committee on Justice and Community Safety

Inquiry into Annual and Financial Reports 2022-2023

ANSWER TO QUESTION TAKEN ON NOTICE

Asked by Mr Peter Cain MLA on 17 November 2023: Mr Aaron Hughes, Public Trustee and Guardian, took on notice the following question(s):

Reference: Hansard [uncorrected] proof transcript 17 November 2023 [page no 8]

In relation to: Auditor-General Report

THE CHAIR: So, I will just finish with this one then. Can you provide the committee with an update on the progression of your implementation of the recommendations from the Auditor-General report No. 3 of 2023 financial services for protected persons?

Mr A Hughes: I can certainly go through those. I did—

THE CHAIR: We probably do not have time to do that.

Mr A Hughes: That is right. So perhaps I will take it on notice because we did provide quite a detailed update to the standing committee who looked at the audit—yes, Mr Braddock. But we can certainly provide an update on that space.

Public Trustee and Guardian: The answer to the Member's question is as follows:—

The Auditor-General's report no 3/2023 *Financial Management Services for Protected Persons* made 17 recommendations all of which were agreed or agreed in principle. As at 23 November 2023, seven recommendations are complete. The remaining 10 recommendations will be implemented in the 2023-24 financial year or early in the 2024-25 financial year.

The table below sets out the recommendations and their status as at 23 November 2023.

No.	Recommendation	Implementation status
1.	The Public Trustee and Guardian should review and update the Financial Management Services Unit (FMSU) Manual on at least an annual basis.	Complete

No.	Recommendation	Implementation status
2.	<p>The Public Trustee and Guardian should undertake a strategic review of its information management system needs. As part of the review the PTG should consider:</p> <ul style="list-style-type: none"> a. the need for, and future uses of, the CRM modules and TACT; and b. the extent to which they need to be integrated. 	On-track – due date of 30 June 2024.
3.	<p>The Public Trustee and Guardian should:</p> <ul style="list-style-type: none"> a. actively review and update its risk registers on a regular basis; and b. for those risks identified as High risks for which existing controls are inadequate, identify what additional monitoring or assurance strategies are intended to be applied to these risks. 	On track – due date of 31 December 2023
4.	<p>The Public Trustee and Guardian should:</p> <ul style="list-style-type: none"> a. review its <i>Conflicts of Interest</i> policy and update it as necessary; and b. in doing so, determine a practice for the management and updating of the Register of Conflicts of Interest. 	On track – due date of 31 December 2023
5.	<p>The Public Trustee and Guardian should ensure that Preliminary Assessments are conducted in accordance with the relevant ACT Public Sector Administrative and Related Classifications Enterprise Agreement and the ACT Public Sector Standards Commissioner’s Guidelines to the Misconduct Process, particularly in relation to timeliness.</p>	Complete
6.	<p>The Public Trustee and Guardian should review its processes for the conduct of case file reviews and in doing so establish processes for:</p> <ul style="list-style-type: none"> a. regular review of case files identified as being high risk and complex; b. random, unscheduled reviews of cases distributed across all Financial Managers. 	Complete
7.	<p>The Public Trustee and Guardian should assess, and document, whether a protected person’s views, wishes and preferences can be ascertained.</p>	Complete
8.	<p>The Public Trustee and Guardian should update the FMSU Manual to specifically require documentation of consultation (or the reasons why consultation did not take place) with a protected person and/or their support persons during the development of their annual budget.</p>	Complete
9.	<p>The Public Trustee and Guardian should provide an annual statement to a protected person or their</p>	Complete

No.	Recommendation	Implementation status
	guardian, unless there is a justified reason not to do so, which is documented on the protected person's client file.	
10.	The Public Trustee and Guardian should undertake an assessment of the costs associated with providing financial management services to protected persons. The cost review could then be used as a basis for determining its funding base and fees for service.	On track – due date for completion in the 2023-24 financial year in readiness for the 2024-25 budget process.
11.	The Public Trustee and Guardian should designate a Complaints Co-ordinator to manage, and respond to, complaints in accordance with its Complaints Policy.	On track – due date of 31 January 2024
12.	The Public Trustee and Guardian should record in its complaints register information on the category and nature of a complaint, the outcome of the complaint, the name of the client (as well as the complainant) and whether the client is a protected person.	On track – due date of 31 January 2024
13.	The Public Trustee and Guardian should include in its annual report information on all complaints it receives, including information on the timeliness of complaints resolution and the broad actions taken to resolve the complaints.	On track – due date of October 2024 (in line with 2023-24 annual report timeframes)
14.	The Public Trustee and Guardian should develop and implement a strategic approach to evaluating the quality of its financial management services for protected persons. This could be received through a properly conducted survey of protected persons or through the invitation of targeted feedback from protected person or their representatives.	On track – due date of 30 June 2024
15.	The Public Trustee and Guardian should seek an addition to section 6 of the <i>Guardianship and Management of Property Regulation 1991</i> to explicitly require a private manager to lodge information with respect to a protected person's expenditure.	Complete
16.	The Public Trustee and Guardian should review its processes for the examination of accounts submitted by private managers. This could involve: <ul style="list-style-type: none"> a. establishing an annual process that allows for the random selection of a predetermined number of accounts to examine in detail; or b. undertaking a risk assessment to identify high risk accounts that should undergo additional scrutiny. 	On track – due date of 30 June 2024

No.	Recommendation	Implementation status
17.	The Public Trustee and Guardian should, with the assistance of the Justice and Community Safety Directorate and in consultation with ACAT, decide whether the PTG have a role in recommending potential courses of action to be undertaken by ACAT in the event of non-compliance by a private financial manager.	On track – due date of 31 December 2023

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date: 27 November 2023

By the Public Trustee and Guardian, Mr Aaron Hughes