

**2023**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**TENTH ASSEMBLY**

**AUDITOR-GENERAL'S REPORT NO 3/2023 - FINANCIAL MANAGEMENT SERVICES FOR  
PROTECTED PERSONS**

**GOVERNMENT RESPONSE**

**Presented by  
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## **Introduction**

On 28 June 2023, the ACT Auditor-General tabled report No. 3/2023 Financial Management Services for Protected Persons. The audit objective was to assess the effectiveness of the Public Trustee and Guardian's delivery and oversight of financial management services to protected persons. The audit scope covered the Public Trustee and Guardian's:

- a. provision of financial management services (where the agency is appointed by the ACT Civil and Administrative Tribunal as a person's financial manager);
- b. examination of private manager accounts (where an individual from the community is appointed by the ACT Civil and Administrative Tribunal as a person's financial manager and is required to submit accounts and information to the Public Trustee and Guardian annually).

## **ACT Government Response to Recommendations**

### **Recommendation 1**

The Public Trustee and Guardian should review and update the Financial Management Services Unit (FMSU) Manual on at least an annual basis.

#### *Agreed*

The FMSU Manual is now annually reviewed with the last review completed in March 2023. Processes have been put in place to ensure annual review of the FMSU Manual.

The implementation of the recommendation is complete.

### **Recommendation 2**

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:

- a. the need for, and future uses of, the CRM modules and TACT; and
- b. the extent to which they need to be integrated.

#### *Agreed*

The Public Trustee and Guardian is progressing this recommendation by reviewing the documentation of its information management systems; confirming the systems used for the different functions across the agency; confirming the information and data held in each information management system; and identifying future use and integration needs.

This recommendation needs to be completed across all of the agency's systems not just those used for financial management services.

It is anticipated that the review (and other work) will be completed by 30 June 2024.

### **Recommendation 3**

The Public Trustee and Guardian should:

- 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.

*Agreed*

The Public Trustee and Guardian is progressing improvements to its risk management practices to improve risk management across its operations and comply with ACT Government standards.

It is anticipated that these improvements to risk management will be completed by 31 December 2023.

### **Recommendation 4**

The Public Trustee and Guardian should:

- a. review its *Conflicts of Interest* 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.

*Agreed*

The Public Trustee and Guardian is reviewing its conflicts of interest policy and approach, including to record keeping.

It is anticipated that a revised conflicts of interest policy and approach will be implemented by 31 December 2023.

### **Recommendation 5**

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.

*Agreed*

The Public Trustee and Guardian has adopted this recommendation into current practice.

The implementation of the recommendation is complete.

## **Recommendation 6**

The Public Trustee and Guardian should review its processes for the conduct of case file reviews and in doing so establish processes for:

- a. regular review of case files identified as being high risk and complex;
- b. random, unscheduled reviews of cases distributed across all Financial Managers.

*Agreed*

The Public Trustee and Guardian has implemented processes for the conduct of case file reviews including high risk reviews and random unscheduled reviews at appropriate times.

The implementation of the recommendation is complete.

## **Recommendation 7**

The Public Trustee and Guardian should assess, and document, whether a protected person's views, wishes and preferences can be ascertained.

*Agreed*

The Public Trustee and Guardian documents a protected person's views in the initial client meeting record and this information is also found in ACT Civil and Administrative Tribunal orders, correspondence and other records.

The implementation of the recommendation is complete.

## **Recommendation 8**

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.

*Agreed*

The Public Trustee and Guardian has updated the FMSU Manual to meet this recommendation. Processes have also been implemented to ensure annual review of the FMSU Manual.

The implementation of the recommendation is complete.

## **Recommendation 9**

The Public Trustee and Guardian should provide an annual statement to a protected person or their guardian, unless there is a justified reason not to do so, which is documented on the protected person's client file.

### *Agreed*

The Public Trustee and Guardian's current practice is to provide an annual statement to a protected person or their guardian unless there is a reason not to do so. The agency has now implemented processes to cross-check file notes and other data to ensure reasons for not providing the annual statement are recorded and that this is maintained on a client's file.

The implementation of the recommendation is complete.

## **Recommendation 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.

### *Agreed*

The Public Trustee and Guardian reviews its budget and funding every financial year and throughout the year. This recommendation will be actioned in the 2023-24 financial year in readiness for the 2024-25 budget process.

Specific decisions about funding and fees will be taken by the government in the context of the usual budget process.

## **Recommendation 11**

The Public Trustee and Guardian should designate a Complaints Co-ordinator to manage, and respond to, complaints in accordance with its Complaints Policy.

### *Agreed in principle*

The Public Trustee and Guardian is not large enough, nor do complaint volumes justify, a designated full-time Complaints Co-ordinator. At present, a senior officer of the agency manages complaints when received. The agency will define these arrangements and the role of Complaints Co-ordinator in a revised complaints handling framework.

It is anticipated that this recommendation will be completed by 31 January 2024.

## **Recommendation 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.

### *Agreed*

The Public Trustee and Guardian will address these recommendations and revise its existing complaints register in a revised complaints handling framework.

It is anticipated that this recommendation will be completed by 31 January 2024.

## **Recommendation 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.

### *Agreed*

The Public Trustee and Guardian will address this recommendation in future annual reports following the implementation of a revised complaints handling framework (see above).

It is anticipated that this recommendation will be completed by October 2024 (in line with 2023-24 annual report timeframes).

## **Recommendation 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.

*Agreed*

The Public Trustee and Guardian will develop and implement approaches for measuring client experience appropriate to the services the agency provides.

It is anticipated that this recommendation will be completed by 30 June 2024.

### **Recommendation 15**

The Public Trustee and Guardian should seek an addition to section 6 of the *Guardianship and Management of Property Regulation 1991* to explicitly require a private manager to lodge information with respect to a protected person's expenditure.

*Agreed*

The Public Trustee and Guardian has written to the Justice and Community Safety Directorate and requested this change. The Directorate have advised changes to the regulation will be completed by the end of 2023.

The implementation of the recommendation is complete.

### **Recommendation 16**

The Public Trustee and Guardian should review its processes for the examination of accounts submitted by private managers. This could involve:

- 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.

*Agreed in principle*

The Public Trustee and Guardian will review its processes and having regard to the law and this agency's role in examination of private manager accounts, consider the suggestions for implementation (including any cost implications).

It is anticipated that this recommendation will be completed by 30 June 2024.

### **Recommendation 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.



### *Agreed*

The Public Trustee and Guardian will engage with the Justice and Community Safety Directorate and the ACT Civil and Administrative Tribunal to finalise a position on this issue.

It is anticipated that this recommendation will be completed by 31 December 2023.

### **Conclusion**

All 17 recommendations made by the Auditor-General are agreed or agreed in principle.

The implementation of seven recommendations is already complete.

The remaining 10 will be implemented in the 2023-24 financial year with one recommendation due for completion in the first half of 2024-25 financial year.