

Independent Review into the Public Trustee

The Tasmanian Civil and Administrative Tribunal welcomes the Independent Review into the Public Trustee, prepared by Damian Bugg AM QC and released on 1 December 2021.

The Tribunal welcomes the findings and recommendations of the review, particularly those specific to the Tribunal. Of the three recommendations specific to TASCAT, one has already been implemented, the other will be rolled out as at 1 January 2022.

RECOMMENDATIONS

Recommendation 1.1 the TASCAT ensure that hearings are held for the granting of all emergency orders and explain the emergency order process and outcome to the subject and his or her family and support group.

In relation to Emergency Requests, as of Monday 8 November 2021, Emergency Requests are now determined by a formal hearing. This includes out of hours requests. The Tribunal has taken this step to allow for the direct involvement of the proposed represented person, and his or her family or supports if they wish to be involved. Notice is provided to the represented person and any other party or interested person listed in the Request.

Recommendation 1.2 the TASCAT update the annual report pro forma for Administrators to include a report on section 57 duties and outcomes:

In relation to the reports the Tribunal require of the Public Trustee, our annual report template requires the Public Trustee to report on a range of matters including all income and expenditure, pension deductions, debts, disability and capacity, living and family situation, gifts and any emerging issues or additional reports.

In the last 12 months, we have been reviewing many of our forms, other documents and procedures, including our Private Administrator's documentation including Private Administrator's report, financial statement, handbooks and fact sheets. We also briefed the Public Trustee on 15 November that we would be implementing a new reporting form in January 2022, which amongst other matters will require them to provide the Tribunal with evidence of adherence to section 57 of the *Guardianship and Administration Act 1995* (the Act).

Recommendation 1.3 relates to legislative change to the *Guardianship and Administration Act 1995*. It would be inappropriate for the Tribunal to comment on matters of Government policy, but we will provide all advice and support to any legislative review process.

In conclusion, the Tribunal takes the principles set out in section 6 of the Act extremely seriously, and they are applied in every hearing the Tribunal conducts. We are proud of the service we provide to the Tasmanian community, and work hard every day to ensure we provide an efficient, respectful, transparent and fair service to Tasmanians.
