



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

STANDING COMMITTEE ON LEGAL AFFAIRS

(Reference: [Inquiry into Annual and Financial Reports 2024-25](#))

Members:

**MS C BARRY (Chair)
MR T WERNER-GIBBINGS (Deputy Chair)
MR S RATTENBURY**

TRANSCRIPT OF EVIDENCE

CANBERRA

MONDAY, 10 NOVEMBER 2025

**Secretary to the committee:
Ms K de Kleuver (Ph: 6207 0524)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 20 May 2013

The committee met at 1.46 pm

Appearances:

Legal Aid ACT

Boersig, Dr John, Chief Executive Officer

Timbrell, Mr Mark, Head Corporate

THE ACTING CHAIR (Mr Werner-Gibbings): Good afternoon, everyone, and welcome to the public hearings of the Standing Committee on Legal Affairs for its Inquiry into Annual and Financial Reports 2024-25.

The committee wishes to acknowledge the traditional custodians of the lands we are meeting on, the Ngunnawal people. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of the city and this region. We would also like to acknowledge and welcome other Aboriginal and Torres Strait Islander people who may be attending today's event.

This hearing is a legal proceeding of the Assembly and has the same standing as the proceedings of the Assembly itself. Therefore, today's evidence attracts parliamentary privilege. The giving of false or misleading evidence is a serious matter and may be regarded as contempt of the Assembly.

The hearing is being recorded and transcribed by Hansard and will be published. The proceedings are also being broadcast and webstreamed live.

We welcome witnesses from Legal Aid ACT. Please note, as witnesses you are protected by parliamentary privilege and bound by its obligations. You must tell the truth. Giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly.

As we are not inviting opening statements, we will now proceed to questions.

MR RATTENBURY: I want to go straight to the annual report, and I did notice a very concerning bit of data in your report that talked about a 34 per cent increase in the people who were turned away who were seeking grants for legal assistance. How does that compare to previous years?

Dr Boersig: That is up from previous years.

MR RATTENBURY: Is it an accelerating trend?

Dr Boersig: It is an accelerating trend. That figure is 34 per cent different to last year's in terms of the numbers that we are having to say no to. I am particularly concerned with that because, as you will see in our data, we are getting increasing numbers of people applying and we are making increasing numbers of grants, but we are also increasing the numbers that we have to turn away.

MR RATTENBURY: What is the nature of matters that people are being turned away for?

Dr Boersig: Primarily civil-related matters. Because of the drivers in relation to crime if custody is an issue or children then we are by and large appearing on very few occasions. But the drivers here are in relation to civil needs, and that includes family, of course, and a range of civil law, unemployment law, for example, discrimination. Those are the kinds of areas that are not getting as much preference.

MR RATTENBURY: So you are having to prioritise, essentially, criminal matters and family and domestic violence?

Dr Boersig: Yes, our main drivers are criminal matters and in relation to people who face incarceration and young people, children in particular.

MR RATTENBURY: And those civil matters would include family law matters and the like?

Dr Boersig: They include family law matters, unfortunately. There is a whole range of reasons why that is happening and ultimately it is about the amount of investment we have which has to be split up and set according to the amount of dollars we have. But we are struggling on that aspect.

MR RATTENBURY: So what happens to those people who are not getting access?

Dr Boersig: We are seeing that an increasing number of people are seeking one-off duty assistance advice on a more regular basis. So they are coming to see our lawyers at court or tribunals and getting assistance and getting direction there or they find money somehow and see a private lawyer or ultimately they are unrepresented, which is the most dysfunctional and concerning of all.

MR RATTENBURY: Yes, and certainly the courts find the self-represented litigants particularly challenging.

Dr Boersig: They do. It is more time-consuming, essentially. The obligations to ensure justice fall on the judge or magistrate, which takes more time.

MR WERNER-GIBBINGS: This is about that 34 per cent number. So comparing tables 7 and 8 on page 36, last year 83 per cent of grant applications were approved whereas in the previous year it was 84.6.

Dr Boersig: Yes.

MR WERNER-GIBBINGS: The 34 per cent increase in people being turned away, from where is that number derived?

Dr Boersig: That is the gap between the increase in the number of refusals, and that is the growth of the applications over a year in terms of the number that we are actually having to say no to. So in real terms it might be 50 matters, but that is just the percentage number we have provided.

Mr Timbrell: I think I can answer that one too. We refused 831 grants in 2023-24, and

in 2024-25 we refused 948. So I think that is a 34 per cent difference. There were more grants approved but then we had to refuse more as well.

MR RATTENBURY: That is handy to have the actual numbers as well.

THE CHAIR: I just wanted to ask a few questions around the impact of funding and access to justice. I think on page 4 of your report you said inadequate funding issues are fundamentally limiting access to justice in the ACT. What specific impacts is this current level of funding having on justice in the ACT.

Dr Boersig: You will see in part of that outlook area that we talk about the cost of living increases. That affects our clients and our organisation. So the cost of doing business, opening our doors, is much more than it was five years ago. It is eating into our resources and into our reserves. At the moment we are relying on our reserves of cash to maintain the current level of expenditure on grants. That is not sustainable. Within two years we will reach a crisis point or a cliff—that seems to be the popular lingo—in relation to the end of that money.

We are discussing strategies to ameliorate that. That is my job—to optimise the money. But the long and the short of it is that there are only two levers here: either you reduce the number of staff or you reduce the number of grants. And in the end it is a reduction in access to justice.

THE CHAIR: Are you concerned that the outcomes that possibly people are getting from the justice system is not at standard?

Dr Boersig: My ultimate concern is that accessibility to the right advice at the right time allows people to make better decisions about their life. That is my job as a lawyer—to put someone in a position where they can make choices about their life. If they cannot get that assistance then my concern is that they will not make the better choices around that, and that leads to injustice.

If I can give you a quick example. If there is a family dispute and the person—usually the woman—says, “Look, I don’t care what you have. You have the fridge. You have the car. You have the superannuation,” because they have just had enough. If they are represented, we make sure that does not happen. That is the difference it makes when someone is not represented. We make sure they get recognised in their rights and the appropriate access to the family property. We deal with people in distress and distressing situations. Our job is to help manage them through that so that they have the right outcome, the just outcome. Without our support, there is a gap.

THE CHAIR: And in the criminal justice system, what would that concern be?

Dr Boersig: In the criminal justice system it is about representation, advice at the right time and, in particular, during the course of proceedings. What do you say? For better or worse, our justice system operates with a certain language, in a certain way, and with certain rules. To know those, you need to practise in that every day. Having that expertise with you is what people pay for or they come to Legal Aid. When you do not have that access, you do not make the best choices.

THE CHAIR: What level of funding would you require to meet the standard that you have to provide to the Canberra community?

Dr Boersig: So the kinds of issues that we have discussed is in relation to the means test. Our means test vacillates around poverty and a bit above poverty. We have got some support in the last few years from the government in relation to pushing that up towards 120 per cent of the poverty line. If I put my oar in, we would need about 180 per cent of the poverty line really.

We have discussed often the lowest two quintiles of economic disadvantage. It is meeting the people in that lowest two quintiles of economic disadvantage that you would aim for before you went further. It is called the missing middle, although it is the lower middle really. And if you are asking what we aspire to, that is what we would aspire to.

THE CHAIR: And in terms of that lowest quintile, who are you currently meeting?

Dr Boersig: We are rattling around at the 1 level to a little bit above the 2 level, depending on that 120,000, how that is kicked in and how it applies. So another example would be in family law. There will be a separation, there will be children and the wife. They might be asset rich but it is locked and on its face you are not going to get legal aid because you have got too many assets. We tend to fund in those situations at least through the early proceedings and through family dispute resolution to ameliorate that lack of cash. Those are the kinds of people that get access to the 120,000.

Mr Timbrell: Sorry, 120 per cent.

Dr Boersig: Yes, 120 per cent.

THE CHAIR: Is there current work ongoing to consider a cost recovery model where, for example, you take on a family law matter in that instance where there is an asset pool pending and you said, “Well, you will have a percentage of the asset if your claim is successful.” Is there work being done?

Dr Boersig: Yes, we have the capacity to make a contribution. The problematic with that is that, by and large, the people we are still assisting are with small estates. If you are thinking about someone who is trying to set themselves up afterwards, taking more money from them would seem unjust, so we tend not to use that very much. We do have the capacity, though, to make a contribution. But where we do it is in the sum of thousands of dollars, not tens of thousands of dollars. And it is only where there is property in dispute.

MR WERNER-GIBBINGS: Just on the means test, page 31 of the annual report states the objective priority of Legal Aid is to identify an appropriate level of means test to align with the changing community profile. What level of means test has been identified or is identified currently?

Dr Boersig: If you want to turn the percentages around poverty into actual dollars, you are talking about the poverty rate being around \$411, \$415, in your pocket at the end of the week. Legal aid kicks in when that is all that is left. So if you take mortgage or rent

out and you take an allowance for each of the children, if at the end of the week you have got less than \$415 you can get legal aid in your pocket. That is with all the other expenses taken into account. Food and rent are not included in that algorithm. So you have still got to find in that \$411 all those outgoings.

We pushed that up to about \$465 to \$470 at 120 per cent of the poverty line. Where we would like to take it to assess Legal Aid would be at the end of the week something like \$590 in your pocket. So anyone above that cutoff is unlikely to get Legal Aid. We need an act of discretion like I spoke about before to actually get access to Legal Aid. Below it you will get it, but at the moment it moves between \$411 and \$465 at the end of the week. It is not much. It is mean.

MR WERNER-GIBBINGS: I am interested in the figures at page 37 about the percentage of the ACT population receiving Legal Aid services as a percentage of the population. Table 12 states 35,068 people received services. Are more services provided than people receiving services?

Dr Boersig: Yes. So services do not equate to individuals necessarily. Sometimes it is a one for one—you are charged with stealing a car. That is one service, one client. But often a client will have three or four services provided to them. They have multiple charges for a different offence for example. They have the stealing and then they fail to appear at court. That would be a separate service to them. There is a whole range of situations like that where people will come in to us for advice about a familial matter, but they will also have a social security problem, an NDIS review or a tenancy issue. Each of those are different services so there will be a different count in relation to that person.

We are trying actually to do a more wraparound service for people. Back in the old days a person would come in with a crime matter, you would just do crime. Now we look at the whole person and we try to address a whole range of needs that contextualise why they come to us in the first place.

MR WERNER-GIBBINGS: Expressing the service level as a percentage of the population implies that no individual received more than one service and so it becomes a little bit less clear in terms of how services are provided and to whom.

Dr Boersig: In terms of why we use that, we use that because it relates ultimately to the quintiles of people that might be involved in accessing Legal Aid. That is the fundamental rationale. And we should be able to see overall, with the right investment, a growth in the assistance across the population as the population increases.

Ultimately we will be able to track through that mechanism who we provide services to and how we grow or do not grow in relation to the ACT population, which is an incredible driver at the moment. There are just more people needing our services, as everyone in this room knows that. You are on the other end of that about how you provide overall service—health, education—to increasing numbers of people.

MR RATTENBURY: I wanted to ask about the kind of issues that are coming up through the Tenancy Advice Service, which obviously gives advice to residential tenants and occupants in the ACT. Can you give us a broad sense of the kinds of issues

people are raising?

Dr Boersig: We have not seen a change in the kinds of issues in that sense that we have looked at over the years. They are being maintained. I think some of the initiatives that have come through from the government in relation to protections that arose post COVID or during COVID and the changes in the contracts and the agreements are working, but they have not ameliorated disputes altogether. We still got well over 4,000 calls on the tenancy line.

MR RATTENBURY: Has that been increasing in recent years or is it reasonably static?

Dr Boersig: It is reasonably static. There is a bit of seasonal adjustment but that is reasonably similar to what we have had in the past.

MR RATTENBURY: Do you give advice to Housing ACT tenants at all?

Dr Boersig: We do sometimes; we have an agreement with Canberra Community Law. Their prime responsibility is in relation to public housing. But where they come into conflict, say they are joint tenants in the house or where they have capacity issues, they come to us. We work very well on the ground together. So yes, we do, but it is not the main part of our work. The main part of our work relates to private tenancies.

MR RATTENBURY: I noted that Legal Aid ACT supported the call for the continuation of the Rent Relief Fund ahead of the budget. We now see that that service was discontinued. Can you outline why you thought that program was so effective?

Dr Boersig: Can I take that on notice?

MR RATTENBURY: Sure.

Dr Boersig: I can give you my views, but I would want to talk to my staff on the ground before I actually put too much on there. We supported that approach because of its ultimate benefit to people in disadvantage and in the housing market. But I can probably give a more nuanced answer if I talk to people actually on the ground.

MR RATTENBURY: The government is currently developing a new model, some modified version, to replace the Rent Relief Fund. The timing of that is not clear. Are you involved in the consultation for the design of that new model?

Dr Boersig: We will be involved in that, yes. We play an integral role in relation to law reform. Yes, we will be.

MR RATTENBURY: What features do you think are most important in terms of advice to government about what this new fund might do?

Dr Boersig: Generally speaking we will get clear and partial advice about its effect on tenants and the benefits to those tenants. If we can identify any negatives, we will address them. But again, I would want to speak to the people who are actually doing this advice and come back to you with an outline of that.

THE CHAIR: I have a question around the baseline funding review. I note page 29 states that a baseline funding review is needed for Legal Aid ACT. Has the government agreed to progress a baseline funding review?

Dr Boersig: The baseline funding review is something that I have talked often with the government about. We maintain a position that that would ultimately be the way to address provision of services to the community. At this stage, that is not happening. We continue to have dialogue with government around the benefits of doing that. It is the kind of thing you have seen more recently in the press, of course, in relation to the DPP. That is essentially what they are talking about.

It reflects the increased workload, the changes in sexual assault laws and so forth that are impacting the way all of us have to do business in the court system and beyond. It also is because, frankly, we are growing in population and there is just more demand and more people needing the services. So I think there are some strong arguments, and we maintain those arguments with government. But ultimately it is a matter for government what they are prepared to fund at any particular time.

THE CHAIR: I understand that that would be your preference, but why are not we just telling the government this is the shortfall and this is what we need to maintain the current standard of providing services? Why is that not the process?

Dr Boersig: I do not think I have ever been accused of not being frank and fearless with government. But having said that, I tend to work within the frame of government and make those views clear. The position on that side of the table balances a whole range of demands, and my job is to best present the demands around the justice system. I do that in, I hope—and I hope Mr Rattenbury agrees—in a respectful way. It is not that I am not passionate about it, but I understand what it is like to be on the other side of the table and the balance that needs to go on.

So I put those arguments to government and then they go up through ERC and a determination is made ultimately by ERC about where it is to be expended and what can be expended. There is a range of good arguments and there is a whole heap of other arguments around that table.

THE CHAIR: This is probably a personal reflection, but it seems to me that it is the effect of government and the way it funds services that is driving a need for another review to fund something. We can obviously see there is a problem. But I respect the fact that you are working within the confines of what you have. You also mentioned that legislative reform is an issue. What is it about the current legislation that is hindering Legal Aid ACT?

Dr Boersig: It is not so much that it is hindering; it is just increasing our workload, for all the good reasons. There are many, many good reasons why the emphasis on family violence and sexual assault matters are important. But every change increases our per unit workload, and that is the argument I am putting to government. I am totally supportive of lots of the innovations and legislation in relation to what is needed to have a fair and just system, particularly around sexual assault matters and victim support. But the downstream implication is an increase per unit per person of workload. Every

time we have to go to court it costs money, whether we do it or we have to pay the private lawyers to do it.

That is the dialogue around that—that a funding model should include all the consequences of changing legislation. Put simply, you put another hundred police on the beat, they are going to generate a lot more work. And as you have seen, there was material in the paper talking about that today in relation to the creation a new sexual assault unit in the AFP. That will necessarily—and rightly so—generate work for the justice system, but we also need money to manage that outcome.

MR WERNER-GIBBINGS: There were some budgetary increases in the Legal Aid funding this year. How is the additional funding being applied? Where has it been most useful?

Dr Boersig: Much of that funding was put into continuing programs.

MR WERNER-GIBBINGS: Right. So it is keeping things going but they need more?

Dr Boersig: Yes. So the argument for us, which is partly linked to the argument about base funding, is how that overall should be increasingly funded. Do you put on another magistrate, another judge? What happens when the workload increases? So really it would just turn things over.

Mr Timbrell: Yes, it is the discontinuation of programs that were ceasing in 2024-25 and there was no new funding as such.

Dr Boersig: The commonwealth budget was worse—we went backwards on the commonwealth budget. We lost nearly \$1 million in commonwealth funding.

THE CHAIR: Why is that?

Dr Boersig: We are funded separately for separate programs. So we were running a refugee program for \$750,000. That was terminated. We had funding from the commonwealth for AS reviews, and we lost 11 per cent of that funding.

MR RATTENBURY: So despite the increase in the national legal assistance partnership, that side of the equation was not much—it was \$60,000 or \$70,000 for Legal Aid in the ACT—but on the other side of the equation you actually lost far more?

Dr Boersig: Yes, we lost far more. We are lobbying. We are talking with the commonwealth government to try and get that back. We are maintaining that refugee program but we are doing that within budgets. One of the drivers is because of our commitment to that work. It was very hard, as Mr Rattenbury remembers—I talked to him when he was the attorney about this—to get a refugee program going with the expertise that is required. The expertise should not just disappear, and we need to be there for these people.

MR RATTENBURY: Has the ACT government made any representations on your behalf to the commonwealth about returning those programs?

Dr Boersig: They have, and they have been part of that dialogue. We have kept them informed and it has been raised, as I understand it, at officer level. I would love to see it on the SCAG agenda, but I do not think it is this Friday.

MR RATTENBURY: We have seen a lot of public representations from the Director of Public Prosecutions about funding issues. I think what is often lost in that equation is as each bit of the system gets more funding the other bits of the system are impacted. If the DDP were to run a lot more cases, I presume that would impact on Legal Aid?

Dr Boersig: That has already happened. We are dealing with the outcome of more Crown appeals, for example, and more sexual assault matters being run. That is having a big impact on the system. The real dollars for us are in the millions that it is costing us more in relation to a whole range of additional work—whether it is legislation or additional work in the criminal field. All that is, again, part of the discussion around base funding and the criminal justice system.

This is not an easy fix either for the DPP or the rest of the justice sector. It is a big fix in the context of ACT government and you have a few big things to manage at the moment. It is really raising some concern with us. I think it will come to a head in a year or two, but we are using our reserves to meet current needs. We cannot maintain that.

THE CHAIR: I absolutely sympathise with you on that position. On behalf of the committee I thank you for your attendance today. If you have taken any questions or notice, please provide your answers to the committee secretariat within five business days of receiving the uncorrected proof Hansard. Thank you for your time.

Appearances:

Public Trustee and Guardian

Hakelis, Ms Robyn, Chief Executive Officer, Public Trustee and Guardian

Hughes, Mr Callum, Senior Director, Finance

Lacey, Ms Danae, Senior Director, Client Services

THE CHAIR: We welcome witnesses from the ACT Public Trustee and Guardian. Please note that as witnesses you are protected by parliamentary privilege and bound by its obligations you are still the truth as giving false or misleading evidence will be treated as a serious matter and may be considered contempt of the Assembly. As we are not inviting opening statements we will now proceed to questions.

Page 1 of the annual report it says a comprehensive review of the agency's fees and charges was conducted. What directions were you given by the government in conducting this fees and charges review?

Ms Hakelis: I am happy to answer that question. The government did not give us any direction in relation to the fees and charges review; that was something that was internally generated. The fees and charges review was a cross-jurisdictional analysis that compared our fees and charges to those of other Public Trustee and Guardians across Australia. The result of that review is that some of our fees are higher than other jurisdictions, and for some they are not. The government could be open to allowing us to increase some fees and charges. We are in the process of engaging with government relation to that report at the moment.

THE CHAIR: I note that you have indicated a recommendation that you would be proposing to put forward to the government, but are there other recommendations?

Ms Hakelis: There will be a proposal that for some fees and charges it should be increased or for some we might be minded not to increase because it is comparative with other jurisdictions. But overall it is potentially we could increase some fees and charters to align ours with other jurisdictions.

THE CHAIR: And for the ones that are higher than other jurisdictions, what is the proposal for those?

Ms Hakelis: We will have to work through that closely with government. I think we are in a bit of a different position to some of the other jurisdictions for various reasons. We are a very small agency and we actually do a lot with what we have got. Because of that I do not know if we would necessarily be recommending reducing our fees but we will just be engaging with government and the question overall about where they see our fees best placed.

THE CHAIR: Can you please walk me through the review? Which stakeholders were consulted? Which clients and external parties were involved? What did it look like?

Ms Hakelis: I will refer to Mr Hughes to go into the detail.

Mr Hughes: We engaged an external firm to do the review. They spoke to the other

public trustees around the country. Some of the fees that are being charged by other public trustees are not comparable to ours because they are on a completely different fee model. It was not so much a client-facing fee analysis there but more around the work that we were doing and the process and the work involved with performing the duties we were doing.

THE CHAIR: What timelines do you have for the outcomes of the review?

Ms Hakelis: We will be engaging with government in the budget process, so it is dependent on the budget process timelines.

MR WERNER-GIBBINGS: The annual report mentions a structure initiative that has led to the agency placing a strong focus on a customer-centred approach. Can you tell me more about how you introduced the customer-centred approach and what that looks like in your agency's respect?

Ms Hakelis: Yes, so the guardians and financial managers were actually two separate teams—this is an example under the structure initiative—even though that actually arises from the same piece of legislation. So clients would come to the PTG and they would have someone who was their financial manager and they would need to speak to a different staff member who was their guardian. So a key component of the structure initiative was combining those two aspects, those two functions. So now our clients only have to go to one person at the PTG and then that staff member knows about their financial management aspects and also about decisions that need to be made in relation to guardianship. So that was a key component.

It has been quite a significant change because historically those teams have operated quite separately, but it is going really well. It is much more beneficial for clients to have that one point of contact where we can support them more effectively rather than referring them to another staff member in the same agency for what, from their perspective, is actually the same function. So it is much easier for clients to engage with us now.

MR WERNER-GIBBINGS: What was the longstanding justification for keeping those two responsibilities siloed?

Ms Hakelis: Partially it had to do with different skillsets, potentially. So for example, in other jurisdictions the different functions are entirely separate. But I think that is the benefit of being in the ACT—we are a small and agile agency and so it is a really exciting opportunity to have some cross-skilling. You might have an accounting or a financial background, for example, and that is why you would be a great financial manager and now developing those strong communication skills or social work skills that you need to be a guardian. So previously that is why it has been quite separate, but the opportunity of bringing those two teams together is that cross-pollination of skills and really trying to enhance the skillset of our staff members and increasing their development.

MR RATTENBURY: I want to ask about your offer of free will drafting services for First Nations Canberrans. It is obviously a terrific initiative, but I noted with some interest in the annual report that in the 2024-25 financial year one will was prepared for

an Aboriginal and Torres Strait Islander person. I guess we need to understand why that number is so low.

Ms Hakelis: It may very well be low because I do not think we have proactively advertised that particular component in the past. So last year's financial report was also one; this year again was one. But hopefully when we return this time next year we will have a higher number. We have now developed a fact sheet which is publicly available on our website. We have advertised in the newsletter that goes out to Aboriginal community-controlled organisations letting them know about that service. I have been to speak to the Aboriginal Justice Caucus and the Elected Body and I have let them both know about the free will drafting service for Aboriginal and Torres Strait Islander Canberrans.

We are really trying to make an effort to get out to the community and get that word out there. I think it may merely be that people do not know. I should say that the Elected Body was surprised it was a service that we offer. So it is really great that we are getting out there and having that conversation; And when we return next year hopefully our numbers will have at least doubled, if not more.

MR RATTENBURY: Do you know how many Aboriginal and Torres Strait Islander people die in the ACT intestate?

Ms Hakelis: Ms Lacey may be more familiar with that number.

Ms Lacey: Unfortunately, no; I am not aware of what the number is in the territory.

MR RATTENBURY: That is okay. I was not sure if it was a dataset that existed or not. I appreciate that outreach work. Through that, are you endeavouring to also reach some of the service organisations such as Winnunga and Yerrabi Yurwang?

Ms Hakelis: Yes.

MR RATTENBURY: The sorts of groups that deliver that direct client service and often encounter people who are in the later stages of their life, for example?

Ms Hakelis: Yes, absolutely. Actually what our intention is and what we wrote in the newsletter that goes out to the ACCOs is we offer an online will drafting service. It is called Safewill. What we are really hoping to do is get out to the ACCOs and teach them how to use that service so it can actually be Aboriginal people teaching Aboriginal people how to draft the will rather than us intervening. So we are really hoping we can share that knowledge with the ACCOs and then that can be passed on.

We are really keenly aware that that element of passing on wealth is key in terms of closing the gap. It is something that we really want to make sure is visible for the community. So we are actively trying to engage with ACCOs. We have not had a significant uptake as yet, knowing that they are so busy with all the other work that they have on, but we are still trying. We have reached out most recently to ACTCOSS to another contact to see if we can try and get some contacts in an ACCO where we can get out and teach them how to use Safewill.

MR RATTENBURY: That sounds very positive and I think it is a good initiative to seek to promote it some more.

THE CHAIR: I have a question around net cost of service. On page 42 of the annual report table 1 outlines the comparison of net cost of service to budget. Your total expenses exceeded budget by 4.9 per cent, but the revenue exceeded it by 8.92 per cent. And the actual outcomes of grants and contribution exceeded the budget figure by 236 per cent. Can you explain those figures and why the increase?

Mr Hughes: Yes, this is definitely my avenue. For the grants and contributions, for example, our main budget figure that we give there is in relation to payroll services from Shared Services, though we also received some funding that was recognised during the year for a safety-TAP project on private guardianship matters. Then we received legal advice from GSO and there is also a land titles component there that we receive free of charge as well. So we are doing a lot of land title searches for our clients. So that is components there.

With the sales, the work that we do fluctuates greatly. Deceased estates is a large volume of work and there were more deceased estates being finalised during that period. There was a big push for that this year as well. So you will see an increase in income there. You also see the changes with the fluctuations in market rates on our common funds that we hold. So the greater the returns are there, the greater the fee that we see on that component.

That was the income side and I will just go on to the versus expenses side. Supplies and services were up as well with the fees and charges review being done and a few more consulting pieces within that space. So we saw an increase in our expenses there. An example of that is Safewill where we pay a licensing cost for will drafting software that is now publicly available. So we do not own the software, but we pay for a licence to be able to use that and have that as our primary software.

Then employee expenses have been fluctuating, but it is really just trying to meet our demands that we have for our client needs. So that has increased as well.

THE CHAIR: There are lots of moving pieces and lots of unpredictables. Are you expecting to maintain the same level moving forward? Is there work currently being done on what a variation in any of these would mean for your bottom line?

Ms Hakelis: Yes, there is work being done. At budget hearings we have indicated that we are engaging with government in relation to our financial sustainability. So we will be going through the budget process and engaging with government in terms of exactly what Mr Hughes was explaining—the variables that we need to manage in order to stay sustainable.

THE CHAIR: So that is the way you are preparing for that, just having those conversations with government during budgets?

Ms Hakelis: Yes.

THE CHAIR: And are there any contingency plans should, for example, the outcome

is not favourable?

Ms Hakelis: It will be partially challenging if the outcome is not favourable because we are reliant on government appropriation, particularly for guardianship work. We have no ability to make money back, it is a service we need to provide to the community. We are actively trying to increase our market share with our trust portfolio, so we are doing some business development.

That is a commercial opportunity for the Public Trustee and Guardian. So we have been out there. We have spoken to the Law Society, we are engaging with lawyers and we have engaged with the courts really trying to let the community know that that is a service the Public Trustee and Guardian provides. That potentially has a commercial opportunity or a commercial benefit for us. So we are actively trying to get the word out there--please tell everyone.

We have kind of developed some marketing materials and are really trying to market ourselves, particularly because of the benefit that we have as an independent statutory but government agency with significant oversight. So we are a far different option from a private trustee service. So we have been actively engaging with the community trying to get that word out there.

MR WERNER-GIBBINGS: The figure of 95 per cent client satisfaction in 2024-25, the annual report says, "Satisfaction surveys and feedback." Are you able to explain in more detail how that figure was derived?

Ms Hakelis: We ran a survey for our clients and stakeholders in the lead-up to the end of financial year. We did a point-in-time survey, and that is where the results came through. I should say that we now offer an ongoing survey, so every day of the year we are surveying our clients and our stakeholders. They can either go to our website or they can click on our emails, which have a survey down at the bottom. So we are offering a continuous survey and we are on a path to continuous improvement now. That particular survey was a point-in-time survey that was run in June, from memory.

MR RATTENBURY: I want to ask how your office intends to contribute to and respond to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with a Disability, the disability royal commission. Are there particular recommendations that are pointed towards the PTG's role, and how are you looking at those to implement them?

Ms Hakelis: Yes, we definitely are. I might refer to Ms Lacey, but I should just say at the outset that a really large one for us is supported decision-making with all of our clients. We always engage with our clients to make sure we are taking into account the decision-making first of all around their will whatever it is that they want to do. We make sure that the decisions we make are in line with their wishes to the extent that we can so it is safe for our clients. That is a key initial component for us. Otherwise I will refer to Ms Lacey.

Ms Lacey: We are currently engaging into the next stage of the action plan for the plan to end elder abuse where we work closely with the other jurisdictions to be able to deliver different national initiatives, including community engagement and awareness, and partnering with the Law Society and Legal Aid in working on some of those

initiatives as well. More locally we have committed to continuing that work with the Law Society and Legal Aid and also working with the Human Rights Commission as well, attending the multidisciplinary meetings with the various stakeholders in the space to try and eliminate elder abuse.

We are also undertaking national engagement to review the proposed changes to the legislation, as Ms Hakelis noted, around supported decision-making and continuing to advocate for clients in the tribunal where there is a support network, ensuring that the vulnerable people are protected in that space.

MR RATTENBURY: You spoke a bit about elder abuse. Is that the National Plan to Respond to the Abuse of Older Australians.

Ms Lacey: Yes.

MR RATTENBURY: How does that work align with the outcomes from the disability royal commission?

Ms Lacey: We see an overlap of the vulnerabilities between aged people and also people with a disability. So a lot of the initiatives are coming out being very, very similar. We also have undertaken consultation and engagement with the disability strategy second action plan and we have made commitments under that out of the royal commission.

MR RATTENBURY: What is the timeline on this work?

Ms Lacey: It is ongoing. This work will continue to evolve over time as we see different systemic trends coming through. But we are very dedicated to what we do at the ground level, working with the tribunal and also the Human Rights Commission very closely on any of the concerns that have been raised with our office. Just recently we identified a vulnerable person whose primary support passed away. The Human Rights Commission and the PTG got together with the person and also some family supports and we are working with him to develop some financial literacy and ensure that there are safeguards in place with him. So we take a very client-centred approach with this and we are engaging with our clients very, very closely.

MR RATTENBURY: Are those changes more procedure oriented or do you need legislative change as well?

Ms Lacey: We will need some legislative change, and I know that the LPP is working on the second tranche of legislative amendments for supported decision-making as it rolls out when we are looking at the Victorian model. But we have already implemented policy and procedural change in house to ensure that we are engaging, and our staff have undertaken training to be able to identify the red flags for elder abuse and abuse of vulnerable people. So we are well equipped to see signs, particularly in the private managers space, but also when people come to us who may be beneficiaries of an estate or even as a represented person.

MR RATTENBURY: Do you have a sense of the timeline for that legislative change?

Ms Hakelis: We are actually in control of it, so LPP are progressing it. So we are at the operational end. The key components of the legislation we actually implement anyway because we always follow supportive decision-making principles with our clients. But in terms of the broader legislative reform, we are not in charge of the timeline.

THE CHAIR: We have heard about issues with people living with disability being able to access public housing, specifically the SDA funding elements of housing. Is this a matter that you would consider or deal with?

Ms Hakelis: I might refer to Ms Lacey again.

Ms Lacey: If the person is a participant under the NDIS and has been able to secure SDA funding, we absolutely cheer with that and we look at those options for them. I know the NDIS is scaling back a lot of its funding so it is not something that is coming out thick and fast. But we can definitely engage under the SDA to have a purpose-built property if funding is available.

THE CHAIR: We heard this morning the minister talking about the deregistration from the SDA provision service. Putting that to one side, what conversations have you had with clients who have SDA and who have not been able to access that because of the restrictions Housing ACT puts in place?

Ms Lacey: At the moment we know it is a big gap in the ACT. We do not have clients currently that have SDA funding where we are working through any of those things, But we would certainly be talking to the various stakeholders in the clients lives around whether that would be a potential. But most of our clients we find are either in supported independent living or community housing.

THE CHAIR: How would that referral come to you? Does Housing refer clients to you?

Ms Lacey: No, we are appointed by the tribunal. We will be appointed by the tribunal to be a person's guardian or financial manager of last resort and then we start to put together the client's profile and find out what they have, which includes existing NDIS funding and plans.

Ms Hakelis: And as a result of the order from the tribunal we can be given authority in relation to accommodation, for example. We can be given authority in relation to legal decisions or accommodation or all sorts of things that might impact peoples' lives, so accommodation would be the one that is relevant.

THE CHAIR: We have run out of time so I will put my other questions on notice.

On behalf of the committee I thank you for your attendance today. If you have taken any questions on notice, please provide your answers to the committee secretary within five business days of receiving the uncorrected proof Hansard. Again, I thank our witnesses who have assisted the committee through their experience and knowledge. We also thank broadcasting and Hansard for their support. This meeting is now adjourned. Thank you.

The committee adjourned at 2.43 pm.