Submission
Review of fees by the Office of the Protective Commissioner

I am very pleased to be given the opportunity to lodge a submission regarding the Office of the Protective Commission.

Since 1992 my son's finances have been managed by the OPC. This followed a car accident which left him with a brain injury severe enough to be incapable of managing his own affairs.

For private reasons the family asked that the OPC be appointed to manage his substantial settlement. This has at various times proved to be a nightmare not only for him but for the family as well.

It was reasonable up until the time where Estate Managers were replaced by the Client Service Centre. At least there was a point of contact somewhat familiar with the client and their circumstances. The situation as it stands now requires my son to deal with several people, supposedly better equipped to advise on the certain areas eg property, legal issues, investment etc. I feel that a sense of continuity and respect for the client and their circumstances has been lost along the way. It appears that you are dealing with Client Service staff with limited life skills, often limited English and the inability to deal with clients with their varying degrees of disabilities and needs.

One recent example of the type of nonsense my son had to endure was when he mistakenly put the wrong fuel in his car which necessitated having his car towed to the dealer for repair. He phoned and asked the OPC for and amount of $865 to be transferred to the dealer so that he could collect his car. The initial answer by one of the client service team was the standard **21 day rule**, when he complained this was not satisfactory and needed his car now he was told the OPC would post a cheque to the dealer. This would have necessitated days of waiting until the cheque reached the dealer and was then cleared by the bank! He phoned me and was quite upset. I immediately phoned the repairer and organised payment from my personal account. My son then had to organise with the OPC client service team to have my account reimbursed and it took a conversation between the OPC and me to have the money electronically transferred to my account. I was told that they first had to **determine his affordability.** If an Estate Manager familiar with the client and his or her financial position were still handling the case they would have known the clients affordability. I also question why could they not have electronically transferred this amount directly to the dealer in the first place and saved all the unnecessary frustration? This of course also required cancellation of the cheque and the associated $8.50 fee to my son's account! **Is this an example of their so called service to clients?** If so I do not believe the OPC are justified in charging my son $1,500 per month to provide that kind of service.

A recent request from my son to the OPC for all his statements to be sent to him in electronic format so that we can scrutinise the data while we consider withdrawing his money and placing it elsewhere was answered with

"Unfortunately we are unable to send your statements in an electronic format as we are not structured to do so . As you can appreciate the number of clients that this Office manages does not allow us to provide this option"

I do not believe the number of clients that the OPC manages is a problem that my son should have to consider and this option should be available to all clients who are up to date and living in the modern world of IT.
I believe it is a government obligation to move to electronic system, is that on the agenda of the OPC?

As far as fees go I question why my son should be charged a higher fee to prop up those who have a much smaller estate when the award made to my son in 1992 is meant to last him for his lifetime. As the population ages and the client base of people with limited means grows what provision is in place by the OPC to prepare for this? Are they just going to charge the people who are **seen to be rich** higher fees to continually prop up the rest?

The frustration and disappointment to my son has been enormous having to deal with a stranger on the other end of the phone who tells him that he can't have access to **HIS OWN** money!

I could go on and give many other frustrating examples of instances that have occurred since the OPC commenced managing my son's estate but I will not labour the point here except to say that I am against any fee increase particularly to clients who are seen to be wealthy. The Office of the Protective Commissioner needs to reconsider the way in which they deal with people on a day to day basis and make provision for the time when these wealthy clients remove their money from the OPC because of dissatisfaction and place it where they will at least get a fairer and more transparent deal. A fee for service may provide this alternative.

PS. I have just read more submissions on the Ipart web site and it seems the more I read the more disheartened I become with the performance of the OPC. It appears that not only the fee structure of the OPC be reviewed but scrutiny of their whole performance, their transparency, accountability and treatment of clients be reported upon as well.

It only makes me more determined to keep a very close eye on my son and his dealings with the OPC, their charges and fees, their apparent lack of ability to deal with clients in a fair and appropriate manner and their inability to provide electronic communication to their clients when requested. Until we reach a decision on my sons financial future I and my family will be watching very closely the performance of the OPC and the outcome of this review!

Finally I have a newspaper cutting from 1993 in my file regarding the poor performance of the OPC – I ask has anything changed?
Submitted electronically by Loris Manns 14th July 2008.