

Doubts over will of sick woman

John Rolfe Public Defender, DailyTelegraph

August 8, 2011 12:00am



A BANK manager and paid carer have lost guardianship of a NSW woman after she was hospitalised with hypothermia - and her family claims an estimated \$500,000 in cash and assets has vanished.

Yet the pair are in line for a further \$1.48 million in assets because the dementia-suffering 91-year-old's will was changed to make them main beneficiaries.

In September 2006, just months after joining Bendigo Bank, the manager became co-guardian of the woman, who was a customer.

It was only when the woman's family wrote to the bank's CEO in mid-2007 that alarm bells sounded.

In August 2007, the bank wrote to the family to say it considered it "inappropriate for an employee of the bank to act in the capacity of a legal guardian with control over the financial affairs of an existing customer ... the bank considers the potential for a conflict of interest to arise in such situations too great and is contrary to the bank's code of conduct".

In October of that year the bank wrote to the family to say it had "concluded its investigation and appropriate action has been implemented".

In an initial statement Bendigo Bank said the woman "does not hold any bank accounts with Bendigo and Adelaide Bank and as such there is no conflict".

However, a November 2007 bank letter - not to the family - shows it was still "concerned about the conflict of interest" and, contrary to what it said in October, investigations were not complete.

In a second statement the bank admitted "at the end of 2007, there was a short period of time - up to six weeks" where its manager was its customer's guardian.

[Follow Public Defender on Twitter](#)

review.

On July 26 the tribunal appointed the woman's daughter and the Public Guardian as her guardians. The bank officer and paid carer resigned. Their role as financial managers was revoked.

The family can't understand a new will was made in 2009 - leaving the bank officer and paid carer all but \$20,000 of her estimated \$1.5 million estate - because earlier hospital tests showed "diminished cognitive capacity". For example, the woman thought her water bill was due in 2200.

The Bendigo Bank officer declined to answer questions yesterday. The carer could not be contacted.

The tribunal receives more than 5000 applications a year regarding guardianship and financial management.

"It is important that people make provision for when they might lose mental capacity and to obtain legal advice when doing so," a spokesman for Attorney General Greg Smith, who has only just taken over responsibility for the tribunal, said.

Originally published as [Doubts over will of sick woman](#)

