

State Ombudsman finds Public Trustee officer guilty after elderly patient lost tens of thousands of dollars over seven years

Mitch Mott, The Advertiser

February 10, 2019 5:45pm

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- [Complaints about Public Trustee rose over past five years](#)

The bank account of an elderly, vulnerable woman was allowed to be drained of thousands of dollars because of the negligent inaction of her Public Trustee estate officer.

The Public Trustee has been raked over the coals by the State Ombudsman after it was discovered when the woman died that she had been eligible for a pension and other financial aid for years, but had unwittingly gone without help.

Ombudsman Wayne Lines found the estate officer had committed maladministration and misconduct over the prolonged inaction which lasted for seven years.

The Public Trustee agency was also found to have dragged its feet while investigating the discrepancy, which has already cost taxpayers almost \$80,000 and is expected to result in more payments to the patient's family.

The estate officer claimed he had been overwhelmed by managing 130 case files and criticised Public Trustee management for not picking up his mistakes during sporadic annual reviews.

The Public Trustee became the woman's full administrator on July 22, 1988, when she was 51. They remained her administrator until her death in a nursing home in January 2014.

After the woman died the Public Trustee began signing off on her accounts when they discovered that her accounts contained far less than they should.

When the woman entered a nursing home in 2008 she was required to pay an income-means-tested fee.

During her years in the facility she continued paying the same amount despite her accounts decreasing.

The estate officer was responsible for ensuring she paid the correct amount as well as investigating whether she should have been receiving a part pension.

At the insistence of the woman's son the Public Trustee examined her finances and discovered she should have been paid \$66,479.65 in a part pension.

The Public Trustee has since repaid that to the woman's family as well as \$11,872.82 in interest.

They are still investigating the amount the woman overpaid while in a nursing home.

Mr Lines criticised the extensive delays in investigating the incident.

"The delays when combined, were extensive and occurred on multiple levels of the agency," Mr Lines said.

"Of greatest concern to me, is that the failures of both the estate officer and the agency occurred in relation to the estate of a vulnerable person, whose affairs were being managed by the agency because that person was not deemed able to so on their own," Mr Lines said.

"The management of the affairs of vulnerable people is at the core of the agency's business.

"Such failures simply should not have occurred."

In January 2018, *The Advertiser* reported that the [number of complaints about the Public Trustee](#) had soared over the past five years.

Hundreds of people have lodged formal complaints about the Public Trustee over the past five years

Andrew Hough, The Advertiser

January 1, 2018 4:29pm

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MORE people are complaining about a State Government agency charged with managing the finances and affairs of some of South Australia's most vulnerable, new figures show.

Official data obtained by *The Advertiser* shows hundreds of people have lodged formal complaints about the Public Trustee over the past five years as the number of aggrieved clients grows. The Government said the "majority" of complaints related to "customer concerns about the length of time to finalise estate matters".

Customers were also critical of the fees and charges "associated with administration and customer service matters" between Public Trustee, which manages almost \$1 billion in funds, and clients. The figures come as its operations come into question in the wake of a formal investigation by the state's anti-corruption watchdog and a corrupt bureaucrat being charged with serious fraud crimes.

The Opposition has also questioned its operations. Shadow Attorney-General Vickie Chapman said there had been a "level of dysfunction for a number of years. It has been an area of a frustration for a long time," she said.



Shadow Attorney-General Vickie Chapman. Picture: Mike Burton

Figures published online show that complaints are at a five-year high. Over the past financial year the agency received 78 public complaints compared with 50 in 2015-16.

There were 70 complaints in 2014-15, 56 the previous year and 82 in 2012-13. Officials said some complaints were referred from the office of Attorney-General John Rau, and other agencies such as the State Ombudsman.

Defending its operations, the Government revealed separate figures showing the agency has at least 4000 clients and fielded more than 90,000 customer phone calls annually.

Alana Marie Bartels, 37, is facing jail after the former deceased estates worker admitted she abused her office by siphoning estates to feed an ice habit.

In a statement, a Public Trustee spokeswoman defended the agency and said it was "committed to performing these functions to the highest possible standard".

"Public Trustee has a rigorous process for dealing with complaints, and uses feedback to improve its services," she said.

- All Comments 12

Alan

1 year ago

Excellent service by the Public Trustee when my Mother passed away. Yes it did take many months for Probate and all assets to be wound up. Happy with this because the job was done thoroughly with checks and balances. I think more respect for the deceased person's wishes and less greed by potential recipients of inheritance is in order here!

Carolyn

1 year ago

Losing trust? That happened years ago.

Robbo and the Wookies

1 year ago

Complaints...unbridled corruption...computer porn ring...workplace bullying. Riddled with problems for years and years. All seen with my own eyes. The Public Trustee (PT) believes it has a 'rigorous process for dealing with complaints'. And, according to its most recent Annual Report, 'PT has controls in its business processes to mitigate the risk of fraud. PT's internal auditors conduct regular audits that are reported to the Audit and Risk Management Committee.' Obviously, the public has nothing to worry about! Going back a decade, prior to a Parliamentary Inquiry in 2009, it was said in Parliament that 'complaints [include] poor administration of people's finances to the much more serious allegation of mismanagement and possible abuse of public office and authority.' The findings of that Inquiry included damning comments such as 'the Statutory Authorities Review Committee was appalled at some of the historical examples provided in evidence to the Committee.' The work of the Statutory Authorities Review Committee is far from over; the time for a very large culture broom is long overdue. The new team that was sent in some years ago has failed to bring about change never mind basic security enforcement. Only one thing left for a new government to do...get out of a business where a

massive conflict of interest exists: PT lives off the interest made from investing other people's monies. As a client, try asking for some of your own money!

Debra

1 year ago

corruption targeting vulnerable and covered up in red tape. looks like we shouldn't just be focusing on welfare recipients and machine operators for drug tests, anyone in a position of trust or in a position to do any type of harm should be subject to the same tests. It seems S.A. is in an ice scourge so why not address it at all levels.

wayne

1 year ago

Official data received by the Advertiser.....They will say anything to get a Liberal government into office...Wake up SA, You are being conned.Where is this info coming from??

Debra

1 year ago

@wayne this is why nothing gets fixed. if its a problem why can't we deal with it instead of worrying about Liberal or Labor first. It's obviously an issue that has to be fixed

Bhushan

1 year ago

SA govt will not admit any mistake or errors .

Barbara

1 year ago

Why wouldn't Wheatherill and his Govt. hang on to the money as long as they can, after all they don't pay their bills on time are probably paid with funds held by the Public Trustee.

Colin

1 year ago

One word TYPICAL

Error404

1 year ago

Colin Multiple words - NOTHING WILL CHANGE UNDER A LIBERAL GOVERNMENT.

Carolyn

1 year ago

@Darren Agree actually. That area has always had a poor reputation.

Chris

1 year ago

To be brutally frank, one can no longer trust anything that this now dysfunctional S.A government do or say.They are now all so far removed from reality, even the majority of the now elitists public servants,who work there.unbelievable fat cat salaries and continue to wreck just about everything that they touch.If not that, takes about 20 times longer to achieve than private enterprise with meeting sfttert meetind asll trying to justify their existences. All the way up the ladders.Inefficiency personafied