

Ombudsman called on to investigate Public Trustee complaints

BUT WHAT IF THEY CAN'T BE TRUSTED

EXCLUSIVE
ANTHONY MARX

QUEENSLAND'S shadow Attorney-General has been "inundated" with complaints about the Public Trustee and yesterday asked the state's Ombudsman to investigate the troubled agency.

MP David Janetzki has also vowed to launch a more in-depth review if the LNP wins the next election.

Mr Janetzki said he has heard a litany of horror stories from PT clients and their families over the past year, with the most common issues involving mismanagement of cases, the loss of control over financial affairs and unreasonable administration costs which have depleted estates.

In one case, he said two siblings walked away with only

about \$2000 each after the PT administered their parents' estate that was originally worth around \$80,000.

"I believe an investigation into the Queensland Public Trustee is necessary to ensure the welfare of vulnerable Queenslanders is protected," Mr Janetzki wrote in his letter to Ombudsman Phil Clarke.

His call for action follows the shock suspension of PT boss Peter Carne in June over undisclosed allegations of wrongdoing, the subsequent exodus of some of his top lieutenants and whistleblower claims of a toxic and dysfunctional work environment.

It also comes after the Victorian Ombudsman's office released a scathing report also in June, about "systemic" problems in that state's trustee operation, underscoring the

fact that this is a national problem demanding reform.

The report found "poor financial management" in 23 of the 30 cases examined in-depth, including insurance paid on a car sent to the wreckers three years earlier, and recommended a raft of changes.

With \$2.7 billion in assets under management, the Public Trustee in Queensland has oversight of nearly 10,000 cases. Many involve people with impaired decision-making abilities, as well as deceased estates, trusts and some of society's least affluent individuals.

The organisation, founded in 1916, has grown to employ more than 600 workers across the state and claims it is now the largest maker of wills in the southern hemisphere.

But there have long been

complaints about the way it operates, including alleged conflicts of interest and a "self-funding" model that some say encourages overcharging.

The critics say the agency lacks accountability and transparency, with some even accusing case officers of tampering with documents and other fraudulent activity, allegations that have been strenuously rejected.

They also complain about the role of the Queensland Civil and Administrative Tribunal in approving some of the problem-plagued cases.

"One of the obvious reasons why right now we need a Public Trustee functioning at the highest level is that we have an ageing population," Mr Janetzki said. "We have a massive transfer of generational wealth over the coming



couple of decades and that's why we're hearing more and more issues."

Mr Janetzki sought to raise some of the issues during an Estimates hearing last week (July 26) but he later claimed that he was "stonewalled" by Attorney-General Yvette D'Ath.

"It's clear from the Esti-

mates that she has no interest in reviewing the operations of how the Public Trustee operates," he said.

Ms D'Ath told the hearing that "the number of complaints is quite small" given how many clients use the PT but she could not provide a specific figure. "There will al-

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SAD LOSS: Melinda Walsh and her daughter, Marnie, have endured a bitter two-year dispute with the Public Trustee. Picture: Nigel Hallett

Hellish battle with authority

ANTHONY MARX

MELINDA Walsh has endured a nightmarish odyssey since her parents passed away after 55 years of marriage.

Her father died in early 2017 and her mother followed about a year later, spawning an ongoing legal battle with her brother over the estate.

Ms Walsh has also sparred with the Public Trustee of Queensland, which she accuses of grossly mishandling her parents' affairs, including spending the bulk of their \$130,000 in savings.

Last month, a complaints unit at the PT confirmed it would review the majority of her claims, which include allegations that her father's valid will was ignored and requests for financial statements went unheeded for two years.

Ms Walsh, a sales and marketing executive based on the Gold Coast, also alleges the PT "deliberately" overvalued her parents' small prefabricated home at Coombabah at \$2.15 million in order to charge higher fees. In fact, property records indicate it's worth only about a tenth of that amount.

The PT valuation is included in documents which also show that nearly \$1200

was charged for "special fees," testing a smoke alarm cost \$349 and monthly "reality management" fees were debited from the estate.

The property maintenance cost is especially galling to Ms Walsh, who claims the PT never attended the property, where she discovered a bottle of urine in the sink, bloody carpets, dead insects and overgrown gardens after 12 months of neglect.

The PT has confirmed it will also investigate Ms Walsh's allegations that it improperly colluded with a prominent law firm before a Supreme Court hearing.

But the PT has declined to probe her allegation that a social worker wrongly pressured her father to sign a new will and give the agency his enduring power of attorney just prior to his death in the palliative care ward of a hospital.

It has also knocked back her request to review why the PT withdrew \$50,000 from the couple's joint bank account only a day before he passed away in April 2017.

"Nothing is going to bring Mum and Dad back now but (my daughter) Marnie and I are united in our ongoing fight for justice," Ms Walsh said.

ways be, from time to time, aggrieved clients or, can I say, also aggrieved family members who are not clients," Ms D'Ath said. "Sometimes those family members do not like the fact that they are not managing their loved one's money ... There will always be people aggrieved because they per-

sonally do not believe that someone else should be managing their money or their loved one's money."

One aggrieved party is Doug Young, a consumer activist and officeholder in the Committee to Expose the Public Trustee as well as the Australian Association to Stop

Guardianship and Administration Abuse.

The groups are pushing for a commission of inquiry in Queensland and amendments to state legislation, including the Guardianship and Administration Act. They also seek continued oversight of the PT by an independent authority.

"The common denominator amongst us all is the Public Trustee has taken homes, money and assets from our loved ones and spent it on their own fees and bad investments against the will of their clients, who have had their lives severely restricted as a result," he said.

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