

Tasmania's Public Trustee found to have 'genuinely misunderstood' its duties for 26 years

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One man who was in hospital was asked if he wanted anything from home. He said no. The Public Trustee took that to mean they could clear out his home. File photo (ABC News: [Natasha Johnson](#))

The Public Trustee in Tasmania has misunderstood its role for more than 20 years and is perceived as lacking empathy by many of those whose lives it affects, a damning review has found.

The review, conducted by former commonwealth director of public prosecutions Damian Bugg AM, was commissioned by Attorney-General Elise Archer in July after a slew of disturbing cases made their way into the media and to the state government.

In one case, a woman was prevented from [using her own money to buy her family Christmas presents](#).

In another, a man who went into care straight from hospital after the appointment of the Public Trustee, found his lease had been terminated and his home cleared without his explicit knowledge.

"A staff member [by telephone] asked if he wanted anything from home [and the person] said 'no'," Mr Bugg said.

Key points:

- About 1,300 Tasmanians are living under the administration of the Public Trustee
- Poor communication led to a man in hospital having his lease terminated and home cleared without his knowledge
- "For 26 years the Public Trustee has genuinely misunderstood the duties of an administrator," the review found



Christine Underhayes and her carer Justin Brown had to fight the Public Trustee to be able to use Ms Underhayes' money for Christmas presents. (ABC News: Laura Beavis)

"If he was thinking that he was being asked if he wanted anything from home in the short term, that was not the case.

"His answer was mistakenly received as giving approval for the Public Trustee to clear the home."

The report found there are currently 1,300 Tasmanians under administration by the office of the Public Trustee.

The office is appointed administrator if a person has a disability that is considered to impede their ability to manage their own finances and affairs.

Mr Bugg received 71 submissions and said many relatives and friends of those affected found the Public Trustee to be "[lacking] in empathy and engagement".

Lack of communication a key issue

Many in the north and north-west of the state had never met their client account manager and had no idea what was happening with their, or their relative's, finances.

When one woman travelled to Hobart to ask about her 50-year-old son's situation, staff called the police.

"The police arrived and on hearing from the frustrated and annoyed mother it was suggested that the manager be called and the officer returned to the station," the report said.

"An internal review resulted in a letter of apology from the office."

Mr Bugg found, in essence, the office of the Public Trustee has misunderstood its core function — to act in the best interests of clients.

"The responses on all occasions led me to conclude for 26 years the Public Trustee has genuinely misunderstood the duties of an administrator under Section 57," he said.

The former barrister said the organisation's annual report should have stated in every case how it was complying with that requirement but it had not and he could not understand why.

"What has been seen by many people ... as indifference, poor communication and lack of engagement may be attributed to a misconception of the role," he said.

"Change is needed to achieve an appropriate outcome."



Former commonwealth DPP Damian Bugg has made 28 recommendations and says change is needed. (ABC News)

'It doesn't get more shocking than that'

Advocacy Tasmania chief executive Leanne Groombridge said the findings were shocking.

"The most striking statement in this is that the Public Trustee has largely ignored its legislative responsibility to empower and encourage their clients to become capable of managing their own affairs and to take into account their wishes," she said.

"It doesn't get more shocking than that. But that won't come as a surprise for those whose lives have been destroyed over the years.



Ms Groombridge says the report's findings are shocking but not surprising. (ABC News: Luke Bowden)

Mr Bugg made 28 recommendations, including improving communication with clients and families, improving staff training, appointing the Disability Services Commissioner to an oversight role for people with a grievance and reviewing the appropriateness of fees and charges.

Ms Archer said the recommendations would inform the government's ongoing work to review the guardianship and administration framework.

Ms Groombridge welcomed the recommendations but said they were not the overhaul that was needed.

"The underlying systems and attitudes that enabled this to happen have to change," she said.

"We need to move on from judging and protecting people, which the current guardianship system does.

"We need to start seeing the most vulnerable people in our society with dignity and agency in their own lives."

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