

Australia's public trustee revelations are like a Hollywood movie — with a devastating plot twist

By [Anne Connolly](#)

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The faces of Australia's public trustee crisis. (ABC News: Brendan Esposito)

I Care a Lot is a black comedy/thriller about a professional guardian in the US.

Marla Grayson runs a lucrative, well-oiled racket, convincing the courts to grant her guardianship over dozens of elderly people whom she places in nursing homes. There they are sedated and left unable to contact anyone in the outside world. She then sells off their homes and assets, all through dubious but legal means, and pockets the proceeds.

Anyone who watched last [Monday's Four Corners episode State Control](#), would recognise some shocking similarities between our 45-minute investigation and the Golden Globe winning movie.

The difference being that, in Australia, it's not individuals exploiting people with dementia, brain injuries and other disabilities — it's our own state governments.

For those who didn't catch it, a brief rundown:

- One man spent years in a nursing home against his will after the murder-suicide of his wife and daughter. Queensland's Public Guardian office kept him there despite documenting his constant requests to return home while the Public Trustee office charged him tens of thousands of dollars. He was a million dollars worse off when he was released.
- Another man was kept in a hospital for a year before being tricked, sedated and sent by ambulance to supported accommodation against his will. Again, Queensland's Public Trustee office, which controls the finances of those who are deemed to no longer have capacity, sold off his share portfolio and charged him \$59,000 in fees over four years.
- Then there's the man who had a brain injury from a car accident at 14 who had his compensation money mismanaged, leaving him with no savings.

An epic plot twist

There is an element in the Australian system that would truly "up the stakes" for a movie plot. That is, the gag laws by the states which stop these "wards of the state" (or "customers" as the Queensland Public Trustee officially calls them) from speaking out publicly.

Laws in every state and territory (except for the ACT) stop the media from identifying these people — even after they have died. The penalties: tens of thousands of dollars and/or six months in jail or more. Hence, the ABC's applications to two Supreme Courts to lift the ban and tell these stories.

Do you have a story to share about the Public Trustee system?

Email us at trustee@abc.net.au or for [confidential tips visit here](#).

And now for the plot twist.

If someone under the control of the Queensland's Public Trustee office wants to hire a lawyer to go to court to argue for a release, the office can refuse and withhold their own money. If someone else — a family member or friend — stumps up to pay the legal costs, the Public Trustee office will then use that person's own funds to fight the application

It means that a tiny handful of people ever escape these orders. The rest spend their lives having their money, assets and lives controlled by a faceless state government bureaucracy with no recourse.



State Control: Australians trapped, stripped of assets and silenced.

It could happen to you

For anyone who thinks these stories are an aberration, here's a taste of the hundreds of emails I've received since the program aired, from around the country:

- From a daughter: Mum had dementia and her money was with the Office of the Public Trustee and Guardian. Over the last 20 years, what was three properties has dwindled down to only \$24,000, she has no idea how and will probably never find out where the money went.
- From a psychologist about a client: Since her client's discharge and subsequent increase in capacity, she has not been able to take back control of her assets or get information regarding the status of her share portfolio or her home that she owns. No one replies to numerous requests asking about her finances.
- From a Lifeline counsellor: In the worst cases he's heard from, people report being bullied or abused, not to mention financially, but emotionally and socially. Examples include: not being provided enough of their pension for grocery, prepaid phone credit and prescription medications; offensive language when asking for more funds; withholding funds as form of punishment.
- From another daughter: Her mother attended the Public Trustee office to make a free will, while there she told there would be no cost if she made a representative of the Public Trustee her financial power of attorney. When she lost mental capacity in 2019, the Public Trustee activated the financial power of attorney and have been charging like "wounded bulls" ever since but delivering little financial service.

For anyone who thinks this is a problem that could never touch you, think again. The people writing to me are concerned family members looking after the elderly or someone with a disability, someone who had a stroke, someone with an internal family dispute and sometimes people who thought accessing a free will was a good idea.

Will reviews see any fixes?

The day after the program aired, Queensland's Attorney-General Shannon Fentiman spoke in Parliament, describing it as "difficult to watch" and "uncomfortable viewing".

She [announced two reviews](#) — one external and one run by the Queensland Public Trustee office itself.

Her statement described the "allegations" on Four Corners as highlighting "a number of damaging past practices by the Public Trustee stretching back decades". That's not true. Two of them relate to 2020 and 2021.

She also said these practices no longer occur under Queensland's current leadership of the Public Trustee office. However, two of the people featured in the Four Corners program had their experiences in 2020 and 2021 which is when the new leadership was in place.

Perhaps just as disturbing as the actions of the offices of the Queensland Public Guardian and Public Trustees is the lack of action by the organisations that are supposed to protect people: the Queensland Human Rights Commission and the Queensland Ombudsman.

As one person wrote back after the ABC replied to her email:

"Thank you so much. This has seriously made my year. This is the furthest I've gotten in two years of advocating. I continually hit brick walls."

The villain in I Care a Lot is an attractive blonde woman in a tailored suit with perfect hair. In Australia, there's no face to our guardian and trustee system. In fact, we can't even give a face to the victim without risking a hefty fine or a jail sentence. Now that seems like another far-fetched Hollywood storyline except it's our law.

PODCAST



'Like being kidnapped': Australia's guardianship victims

ABC reporter Anne Connolly on the Australians who've been virtually abducted by the state, stripped of their money and silenced.

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