

Office of the Public Trustee accused of overcharging vulnerable clients commissions own review proposing fee increase

ABC Investigations / By [Anne Connolly](#) and [John Stewart](#)

Posted Thu 27 Oct 2022 at 5:50am, updated Thu 27 Oct 2022 at 8:53am



Sue and her son's real identities cannot be revealed due to gag laws preventing people under guardianship from speaking to the media. (*ABC News: Alex Papp*)

Two years ago, in the grip of a manic episode triggered by a mental health disorder, Sue* feared she was at risk of gambling away a disability payout of \$20,000.

Her GP advised her to temporarily give control of her finances to the Queensland Public Trustee — a government agency that manages money for people who lack the capacity to do so themselves.

"I'd heard of them, but I didn't know much about them," said Sue, whose identity cannot legally be revealed due to Queensland's gag laws.

She asked her doctor whether she could dismiss the Public Trustee once she was better and was told it was a simple matter of getting a medical report to

Key points:

- A bombshell 2021 report finds the Public Trustee is pushing some people into poverty with unreasonable fees
- The Trustee releases a separate review which recommends it charge clients more in annual fees
- The Queensland Attorney-General says she's scrapping two specific

confirm she had the capacity to manage her own affairs.

fees "for good" but the Public Trustee website shows those fees are just on hold

Two years on and, despite her recovery, the government authority is still in charge of her money — a situation she describes as "a living nightmare".

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Sue receives a Centrelink allowance of \$750 a week, but said the Public Trustee gives her only \$200 a week to live on.

"[That money] that I get is to buy food for us and personal hygiene stuff, cleaning products, laundry products [and] fuel for my car," Sue said.

"I'm in debt. I'm borrowing money from family and friends to live on."

She said she doesn't know how much she's paying in fees because the trustee office emails a link to her statements but it expires within 14 days and she has not been able to get hard copies of her accounts.



A branch office with signage of the Queensland's Public Trustee in suburban Brisbane.

(ABC News: Stephanie Zillman)

The Public Trustee says it "takes information privacy and security matters seriously" and that it tells "customers ... to contact their Trust officer if they need help".

"I don't know how they sleep at night, to be honest with you," she said.

"We are living in poverty at the hands of the Public Trustee."

Sue is now taking regular medication and her GP and psychiatrist have provided reports saying she can control her own affairs.

But Queensland's Civil and Administrative Tribunal (QCAT) says her finances are complex and the Public Trustee must remain her financial administrator.



Queensland woman, Sue, described her situation as a "living nightmare". (ABC News: Alex Papp)

There are 50,000 Australians under the control of trustees and guardians. Outside of the ACT, gag laws across the country make it a criminal offence punishable by jail or hefty fines for them to speak out to the media.

Last year, Queensland's disability watchdog, the Public Advocate, [released a bombshell report into the government agency](#) which showed some people under the trustee were paying up to a third of their pension in fees.

The same report found others were being charged unreasonable fees for little to no service in order to pay for poorer clients.

Most controversially, the Public Advocate said the self-funded Public Trustee was failing legally and ethically because it was earning fees by investing people's money in its own funds and taking a percentage of the earnings — something the Public Trustee defended as permissible under Queensland legislation.



Queensland's Public Trustee agency faces questions over executor charges and allegations of fees for no service (*Anne Connolly and Sarah Curnow*)

Last week, more than 18 months after the explosive claims, the Queensland government finally responded to the report by [releasing a separate review commissioned by the Public Trustee](#) and undertaken by PriceWaterhouseCoopers (PWC).

The document glossed over much of the details in the first report. Conversely, it recommended charging clients even higher fees, increasing its hourly rates, and using a time-billing method for more accurate charges.

The PWC review also recommended increasing annual fees for the majority of the Public Trustee's 10,000 clients who have lost capacity because of dementia, brain injuries and intellectual disabilities.

Matilda Alexander, the chief executive of Queensland Advocacy for Inclusion, which gives legal advice to people who are the government agency, said the PWC report prioritised "financial stability for the Public Trustee" over the care of its vulnerable clients.

"We have had some clients who have large assets and yet are reduced to living on less than a Centrelink allowance," she said.

"They don't have the basics even to live a dignified life despite having that money in the bank, so to speak."

She said clients regularly complained about the Public Trustee's failure to provide statements or return calls, and that there was a lack of transparency of, and accountability for, its fees.

Queensland's Attorney-General Shannon Fentiman told the ABC the government would not raise any fees over the next 12 months but would not rule out charging more to people "under orders".

"We don't want to be charging more, particularly for our financial management and administration clients," she said.



Queensland Attorney-General Shannon Fentiman said some client fees would be "gone for good". (AAP Image: Glenn Hunt)

She pointed to other recommendations in the PWC review to charge the general public higher fees for using the office for legal work, and a proposal to stop the ["free will" service](#) which would save \$5 million a year.

Ms Fentiman also contradicted the head of the Public Trustee, saying property management fees of almost \$1,000 a year and annual fees for "incidental outlays" had been scrapped.

The Public Trustee website shows the fees were on hold for 12 months but Ms Fentiman insisted the fees were "gone for good" and that the other recommendations would be finalised by the next financial year.

The Office of the Public Trustee is under pressure following a Four Corners program in March, which [revealed cognitively impaired clients were unaware the agency had taken tens of thousands of dollars](#) for financial, legal and aged care fees.

The day after the report was broadcast, the Queensland Attorney-General said she was shocked by the revelations and ordered two further investigations. The agency said those inquiries were ongoing.

Following the Four Corners report, the Public Advocate recommended the [repeal of gag laws currently stopping clients being identified](#) by the media, but the Public Guardian and the Public Trustee opposed that plan.

Sue says she is desperate to escape the Public Trustee but she doesn't think she'll be able to argue her case for financial independence without a lawyer. However, the tribunal doesn't allow solicitors without special permission.

Sue isn't looking forward to the holidays.

"At Christmas time last year, they put money in the budget for my kids but nothing for me," she said.

"I had to beg them for \$50 for my Christmas. I can't even afford a cup of coffee."

**name has been changed*

If you or anyone you know needs help:

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- [Kids Helpline](#) on 1800 551 800
- [Beyond Blue](#) on 1300 224 636
- [Suicide Call Back Service](#) on 1300 659 467
- [Headspace](#) on 1800 650 890
- [ReachOut](#) at au.reachout.com
- [MensLine Australia](#) on 1300 789 978
- [Care Leavers Australasia Network \(CLAN\)](#) on 1800 008 774
- [Head to Health](#) at headtohealth.gov.au