

Pensioner angry over compensation paid by Tasmanian Public Trustee

By [Adam Langenberg](#)

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Michael Burles says "if I'd done that, I'd be jailed. What do they get? A smack on the wrist".

(ABC News: Adam Langenberg)

A Tasmanian pensioner who took on the public trustee after it allegedly cancelled his funeral plan and sold his belongings without his consent, says a \$10,000 compensation payment amounts to "a slap on the wrist".

Documents seen by the ABC show Michael Burles has been paid \$10,000 by the Tasmanian Public Trustee, plus \$5,000 in legal fees.

The compensation is almost double the \$5,454 he paid in funeral insurance premiums — but Mr Burles said he hadn't been properly compensated for what he was put through, and still intends to launch legal action over the sale and disposal of his furniture and possessions.

"They took everything, cancelled everything, took what money I had saved up," the 72-year-old said.

Key points:

- Michael Burles wants to sue the Tasmanian Public Trustee for allegedly disposing of and selling his belongings
- Advocacy Tasmania says a payment to Mr Burles is a "hollow victory" given what he went through
- The Public Trustee says it has implemented 13 of the 28

"I've got to get compensation out of it, for what they took and all the damage they've done to me and what they've put me through, everything.

recommendations of a damning 2021 review

"If I'd done that, I'd be jailed. What do they get? A smack on the wrist, forgotten about."

Mr Burles said he was put under an emergency guardianship order following a fall in 2020 and sent to the dementia wing of a Hobart nursing home.



Mr Burles wants to leave where he is living, saying "I can't stay here, it's no good for me".

(ABC News: Adam Langenberg)

Mr Burles said he later found out the public trustee had taken over his affairs and sold some of his belongings, with the rest taken to the tip.

"I had nice furniture, all I got back was a few photos. I had a photo of my dog, and they even took that," he said.

"They never even left me a cup, all I had was the clothes on my back, everything went."

Prior to the fall, Mr Burles had rented a property on Hobart's eastern shore.

He said he's now on the wait list for social housing and is desperate to move out of the nursing home and regain his independence.

"I can't stay here, it's no good for me. I didn't ask to come here, they put me here," he said.

Hobart community legal service solicitor Ben Bartl said he was pleased with the result.

"We're glad that the public trustee has recognised that a grave injustice was done to Michael," he said.

"We are hopeful that in the coming years the public trustee will move to a more rights-based model in which the rights of the client are front and centre of all decision making."



Leanne Groombridge says the Public Trustee should pay a penalty when found to have failed in complying with statutory obligations. *(ABC News: Luke Bowden)*

Not enough for 'pain, suffering and loss'

But Advocacy Tasmania chief executive Leanne Groombridge said the payment was a "hollow victory".

"Just consider how much our client had to go through to actually receive a few thousand dollars from the Public Trustee," she said.

"Years of suffering and a team of pro bono lawyers lodging court applications and negotiating for 10 months.

"The Public Trustee must be celebrating that they got out of it so cheaply. This in no way compensates our client for the pain, suffering and loss that he has endured through the guardianship system that destroys so many Tasmanians year after year."

Ms Groombridge called on the government to establish an accessible compensation scheme for people wronged by the Public Trustee and Public Guardian and said they should be required to pay penalties when they were found to fail to comply with their statutory obligations.



Elise Archer expressed faith in the "existing complaint handling process" at the Public Trustee. *(ABC News: Ainsley Koch)*

Tasmanian Attorney-General Elise Archer said a 2021 review of the Public Trustee "did not suggest that there are any fundamental failings or individual harms that would warrant a special compensation scheme to be established".

"The existing complaint handling process at the Public Trustee is available for people to raise any issues, including compensation, and I have encouraged resolution of such complaints," she said.

Public Trustee Tasmania chief executive Todd Kennedy said he "could not comment on specific cases".

"But I will say that we've been working really hard with a number of clients to resolve issues and every time we're able to do that to a client's satisfaction means we're moving in the right direction," he said.

He said the organisation was making progress in enacting the 28 recommendations of a damning review, which found it had misunderstood its role for more than 20 years.

"So far we've implemented 13 of the recommendations, and there's a further 12 that are underway and our focus over the next 12 months is making sure that we complete the remainder of those recommendations," he said.

"There were cases identified in the review where clearly we hadn't met the expectations of our clients and the community, we've taken that on board, and we've opened ourselves up for feedback."



The Public Trustee's Todd Kennedy (holding sign) acknowledged past failings. (Facebook: Public Trustee)

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