

Families of people under state care stonewalled amid allegations of mistreatment

By [Cason Ho](#)

Posted Sun 30 Apr 2023 at 5:32am



Photos in this story have been digitally altered and names have been changed as it's illegal to identify people under state care in every state except the ACT. (ABC News: Cason Ho)

Louise* lived alone for decades on a property in the Perth Hills.

"Best thing that she had. That was her major achievement, and that was what she always wanted," her sister Sarah* said.

However, Louise's ability to care for herself recently declined due to dementia.

"She rang me up one day, and she told me she had no food in the house," Sarah said.

That phone call quickly spiralled into a chain of events that delivered Louise into state care.

'They never kept us informed'

When Sarah first noticed her sister was struggling to live on her own, she organised for a carer to help Louise with grocery shopping.

Key points:

- The Public Trustee is accused of mistreatment and charging exorbitant fees
- But confidentiality laws prevent any scrutiny of state care
- Public Trustee caseloads have vastly outgrown staffing numbers



Sarah was hoping to help her sister. (ABC News: Cason Ho)

It soon became clear to the carer just how much help Louise needed. They raised concerns with a doctor, and Louise was admitted to hospital.

Things quickly escalated from there.

Without any consultation with her family, Louise was referred to the State Administrative Tribunal, which ordered the WA Public Trustee to take control of her finances.

The first the family heard of it was a call telling them they were due in front of the tribunal within days.

"They never kept us informed about anything," her sister Sarah said.

"Everything just seemed to happen, and without asking us anything."

Sarah had no idea just how much control the Public Trustee would have over her sister's life.



Sarah questions why the Public Trustee can't better inform the family about Louise's circumstances. (ABC News: Cason Ho)

The trustee liquidated Louise's assets — selling her home, her car, and getting rid of almost everything she owned — to pay for her residential care at a nursing home.

Recent stories about public trustees' exorbitant management fees have made Sarah afraid for her sister's affairs.

Public trustees have complete control of their clients' assets.

Liquidating and turning them into cash allows them to invest in their own investment funds. They can charge a fee for doing so, and get a portion of the earnings.

Veiled behind confidentiality laws

Sarah said any enquiries about her sister's finances were shut down.

Public trustees are bound by confidentiality laws intended to protect vulnerable people from exploitation.

A spokesperson for the WA Attorney-General John Quigley said the state's public trustee works with its clients' families, and "can and does, in the course of duty, provide financial information and the reasons for decisions".

However, Louise's family say they struggle to receive any useful information.

"It's not hurting to tell us what's happened. What happened to all the things left in the house?" Sarah said.

"Did it go to the tip? Did they give it to the Salvos? Did they get a dealer in? We don't know."

Louise is allowed to contact her anonymous trust manager to enquire about her own finances, but her dementia means she has little capacity to scrutinise the Public Trustee's actions.

It means her family have to take the trustee's word that it's taking care of her sister.



Sarah's concerned her sister's assets aren't being taken care of in her best interest. (ABC News: Cason Ho)

"I'd like to know where all her money is being spent, and what on," Sarah said.

"Surely they couldn't do anything that's illegal. Surely."

The ABC is not suggesting any illegal activity has occurred in Louise's case, but the family have serious questions about the transparency of her affairs.

Widespread allegations of mistreatment

An ABC investigation into public trustees and guardians around the country has revealed numerous accounts of people receiving questionable care.

[Do you know more about this story? Contact Cason Ho](#)

In one case, a man was being charged 40 per cent of his age pension in fees, and was left without any access to his own money for almost three months.

Another man was [kept against his will in a nursing home](#) costing him more than \$75,000 a year.

It's illegal to identify anyone under state care, except in the ACT, which can make it difficult to scrutinise public trustees and guardians.

Stories unveiled over the past year detailing alleged mistreatment have left people like Louise's sister, Sarah, concerned about the system which is intended to protect some of the community's most vulnerable.

"Seems exorbitant to me. But, it must be legal, or else they wouldn't be able to do it," Sarah said.

"I know they've got to charge, but that much? That seems to be so much to me."



Public trustees manage billions of dollars of assets across the country. (ABC News: Cason Ho)

Across the country, some clients unknowingly subsidise the fees of others who can't afford to pay in order to fund public trustee operations.

In Western Australia and Queensland, the state governments do not contribute a single dollar.

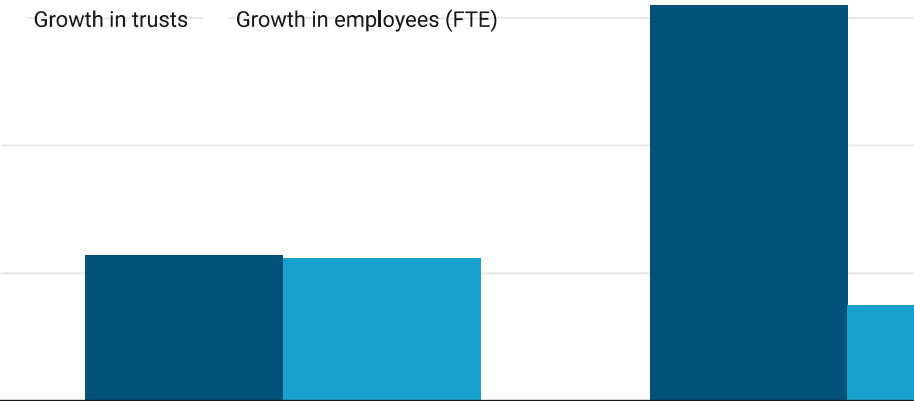
In WA, where Louise lives, legislation was changed in 2008 to bring its public trustee in line with the rest of Australia, and help it achieve self-funding through investments and client fees.

Trust manager workloads have since ballooned.

While the total number of trusts under the WA Public Trustee has grown 62 per cent since the changes, the workforce has only grown 15 per cent.

Public Trustee caseload has vastly outgrown staffing

WA Public Trustee growth in total trusts and employees (%)



In comparison, the relative growth of trusts and employees between 2001 and 2008 — before the legislative change — was almost equal.

When asked whether its funding structure and staffing had affected its service delivery, the Public Trustee said it "assesses its staffing levels on a regular basis".

In a statement, it also said "last year's state budget provided the largest staffing increase in the history of the Public Trustee".

However, the 2022-23 WA budget only provided enough funding for 10 full-time equivalent employees, or a 5.3 per cent increase.

Last resort on last legs

State administration and guardianship was a last resort for many people who had been deemed incapable of caring for themselves, when there's no one else able and willing to step in.

Chief executive of the Council on the Ageing's WA branch Christine Allen has questioned the trustees' self-funding structures, and whether it's appropriate while managing the affairs of the community's most vulnerable people.



Christine Allen is urging people to avoid state care where possible. (ABC News: Cason Ho)

"Where vulnerable people and their assets were being diminished by the Public Trustee, we would hope that the government would subsidise some of that," she said.

"Is that not one of the key roles of government, to make sure that vulnerable people are supported?"

Ms Allen said there was an urgent need to ensure services for older people were working effectively due to Australia's ageing population.

"The number of people using the Public Trustee will increase ... unless we're mindful of increasing the potential for that service, it will be an issue," she said.

"There is a need to have a public trustee or a public advocate in place, but it is a process that most people would prefer to avoid."

Reviews ongoing, but little relief in sight

The Queensland government [ordered two separate investigations](#) into the state's Public Trustee following a Four Corners report in 2022, one of which [proposed increasing its fees](#).



There are tens of thousands of Australians under state care. (ABC News: Cason Ho)

The WA government is reviewing the appropriateness and transparency of its trustee's fees and self-funding model on the recommendation of the state's auditor-general, who is also conducting a separate forensic audit.

However, the reviews do not include scrutiny of gag laws which can see journalists jailed for identifying people under state care, or the actions of public advocates, guardians, or state tribunals.

The Disability Royal Commission last year heard the experiences of people under state care from around the country which illustrated a systemic lack of consultation with clients about their needs.

A final report is due by September.

**Editor's note: Photos in this story have been digitally altered and names have been changed as it is illegal to identify people under state administration or guardianship.*