

Community advocacy and education 2020–2022

Supporting Queenslanders
to make their financial
choices and wishes known



Public
Trustee

We acknowledge Aboriginal peoples and Torres Strait Islander peoples as the Traditional Owners and Custodians of this Country. We recognise their connection to land, sea and community. We pay our respect to them, their cultures, and to their Elders, past, present and emerging.



Growth and Trust by Elizabeth Close
Pitjantjatjara, Yankunytjatjara

This artwork represents two key attributes the Queensland Public Trustee strives to embody each and every day — growth and trust.

The large circles that radiate out represent the cultural growth of the Queensland Public Trustee — learning and growing in response to the diverse needs of the individuals and families we support. Each ring is different, representing that no one family or individual has the same lived experience and needs.

** To protect the privacy of individuals and to maintain confidentiality, the names and any details for the images and case studies have been de-identified unless expressly permitted by the individual and legislation.*

Aboriginal and Torres Strait Islander readers please be aware that this document may contain images of a deceased person or persons. The Queensland Government acknowledges with utmost respect Aboriginal and Torres Strait Islander protocol.

Our purpose

The Queensland Public Trustee provides financial and estate safeguarding services, as well as advocacy and education services to empower Queenslanders to plan and prepare for:

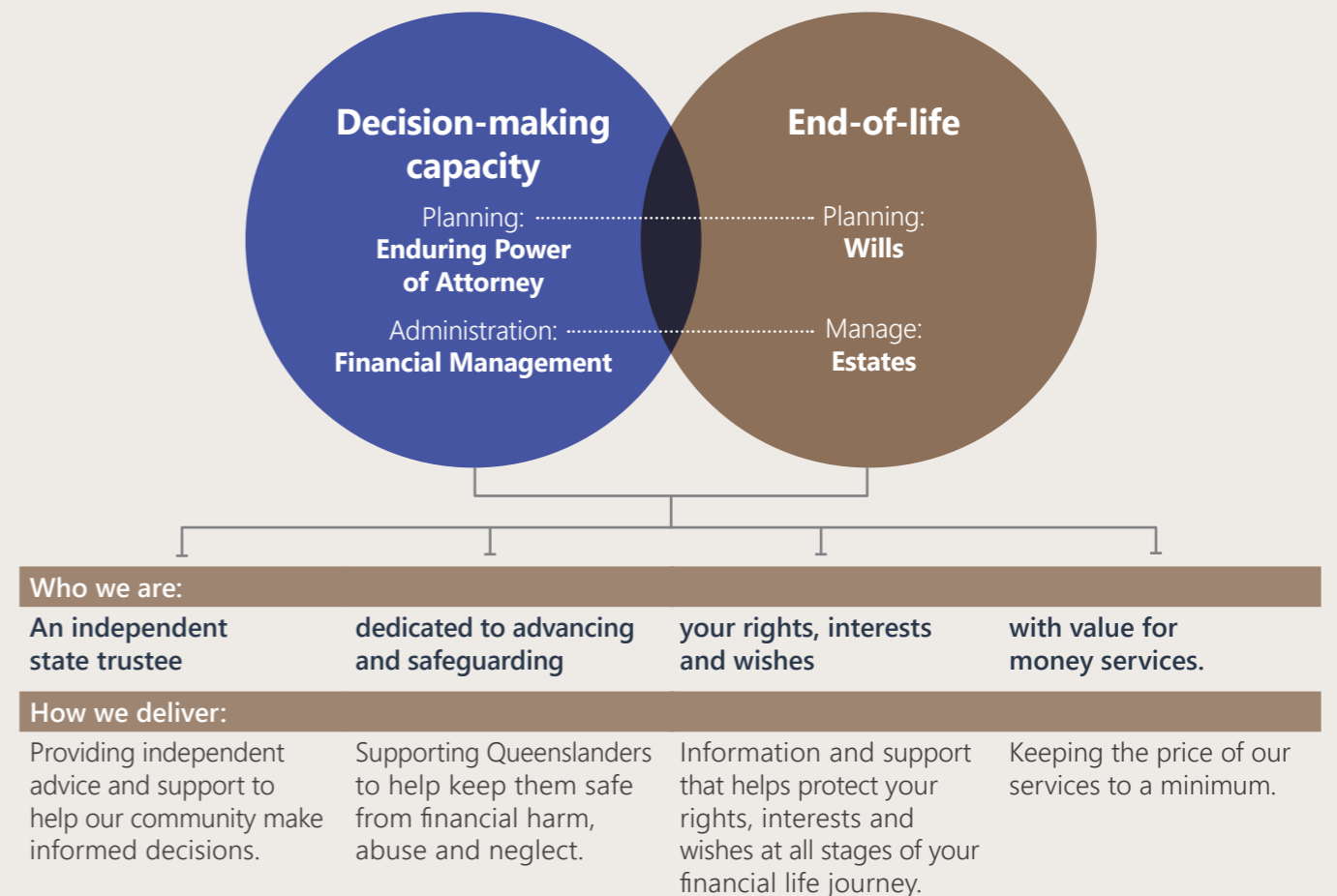
1. Impacted decision-making capacity:

- Planning services, including educating Queenslanders about the importance of having an Enduring Power of Attorney in place, so their wishes are known in the event they are no longer able to make financial decisions for themselves.
- Financial administration services for customers who are referred to us for support due to temporary or permanent loss of capacity.

2. End-of-life choices and wishes:

- Educating Queenslanders about the importance of making a Will to instruct how their wishes can be carried out after they have passed away.
- Professional administration services for customers seeking our support to make a Will, and / or appoint us to manage their estate.

Supporting Queenslanders through two key life events



We also provide a range of support services to meet the diverse needs of our customers including:

- **Disability support**
- **Asset management**
- **Financial investment**
- **Taxation**
- **Trust management:**
 - for persons with impacted decision-making capacity
 - Minor's Trusts

Societal trends

Our education and planning services focus on supporting Queenslanders through some of life's most challenging times – when someone loses decision-making capacity or when they pass away. These particular life moments are not easy to think about and even more difficult to navigate, without the right advance life planning and supports in place.

Some people are particularly vulnerable to financial abuse around the time of these key life moments. That's why the Queensland Public Trustee invests in supporting Queenslanders to have the information they need to plan and prepare ahead, so their choices and wishes are known and can be acted on when the time comes.

Community education and planning is an important part of our social responsibility

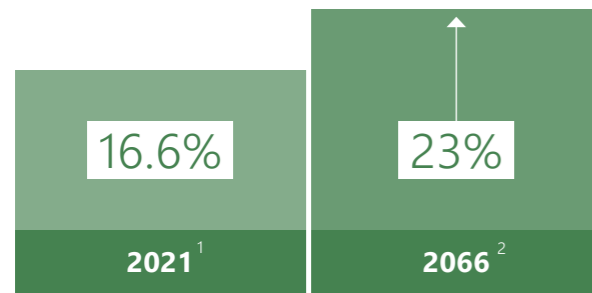
Our community education program is designed to **help adults plan ahead** for major life changes. We also provide safety-net services in circumstances where people have nowhere else to turn for support. Our role is to provide Queenslanders with security and peace of mind that their financial rights, wishes and choices will be supported.

Our education and planning services are designed to:

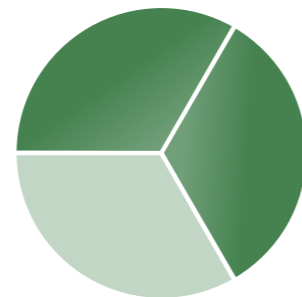
1. Ensure Queenslanders are informed and empowered as consumers and decision makers.
2. Safeguard the human rights of vulnerable people who may be at risk of financial abuse or neglect.

Cause

Ageing population



The number of Queenslanders aged over 65 years.



Almost two thirds of Queenslanders aged over 65 have a disability.³

Effect



People with a disability are almost twice as likely to experience financial abuse.⁴

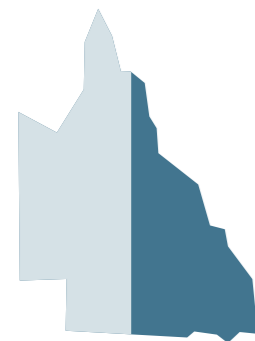
An example of financial abuse is persuading someone to transfer property or withdraw money in favour of another person.

Queensland Public Trustee services

We **educate** and **raise awareness** about the **risks of financial abuse** and give **Queenslanders tools to empower** them to have **control over who will look after their finances if they lose capacity**.

We **support** our **financial management customers** and **work with them** and their supports to **safeguard their assets** and **protect them** from **financial abuse, exploitation and neglect**.

Barriers to making a Will



Only half of Queensland adults have a Will and only one in five of those people have updated their Will in the last 10 years.⁵



1 in 3 Queenslanders believe it's expensive to make a Will.⁵



1 in 7 Queenslanders say they want to make a Will but haven't got around to it.⁵



1 in 5 Queenslanders pass away without a valid Will.⁵

On average, each year we **manage estates** of around **300 people** who **passed away without a valid Will**.⁶

Some **Queenslanders** also choose us to be the **Executor of their estate**, and we provide these services for a fee for around **1,480 Queenslanders each year**.⁶

Each year we make approximately **15,000 Wills** for **Queenslanders**.⁶

Our annual **Wills Week** campaign promotes the importance of **advance life planning to Queenslanders**.

Barriers to making an Enduring Power of Attorney



Only one third of Queenslanders have an Enduring Power of Attorney.⁵

Nah, I'm good.



1 in 4 Queenslanders believe you don't need an Enduring Power of Attorney if you are currently of sound mind.⁵



Financial abuse is the most common issue reported through elder abuse helplines in Queensland.⁷

We provide **education** and **advocacy** to **raise awareness about the importance of putting an Enduring Power of Attorney in place while you are of sound mind**, to help reduce incidences of **experiencing financial abuse** should your situation change.

References

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| 1. Queensland Government Statistics Office, 2020 | 5. Queensland Public Trustee Kantar Republic Market Research, 2021 |
| 2. Australian Bureau of Statistics, 2018 | 6. Queensland Public Trustee |
| 3. Australian Bureau of Statistics, 2020 | 7. Mental Health Queensland |
| 4. Australian Institute of Health and Welfare, 2019 | |

Importance of having an Enduring Power of Attorney

Helping Queenslanders prepare for loss of decision-making capacity

At the Queensland Public Trustee, we see first hand what can happen in someone's life when they haven't appointed an attorney and are no longer able to manage their own financial affairs. That's why educating Queenslanders about appointing your attorney under an Enduring Power of Attorney is such an important part of our role in the community.

Making informed decisions when appointing an Enduring Power of Attorney means that your money and assets are managed appropriately and can help minimise the risk of financial abuse throughout your lifetime. We recommend people choose their financial attorney carefully and appoint more than one attorney to share decision-making on your behalf to give you peace of mind.



Financial abuse of our elderly is a confronting and complex issue. It's often difficult to identify victims mainly because a significant proportion of financial abuse reports in Queensland involve family or friends mismanaging their role as attorney.

Barbara^{*} was 96 years old when her nephew, who was acting as her attorney, moved her into an aged care facility. Her nephew had moved his son into Barbara's home under very unfavourable rental conditions that didn't cover the cost of Barbara's care. A social worker noticed Barbara's distress and suspected she may be the victim of financial abuse. An urgent application was made to QCAT (Queensland Civil and Administrative Tribunal) and the Public Trustee was appointed as Barbara's Administrator.

The Queensland Public Trustee acted quickly to meet with Barbara to understand her views, wishes and preferences. Barbara was very clear — she did not

authorise or wish for her nephew's son to occupy her property and her financial situation was causing her a lot of stress.

It was evident from the beginning that the family member was not going to vacate Barbara's home willingly, and an application was made to QCAT to end the tenancy agreement on the basis of excessive hardship. QCAT granted Barbara a Warrant of Possession and her nephew's son was required to vacate the property within four weeks. Barbara took a keen interest in the legal process and expressed her relief when she was informed of the outcome. The Queensland Public Trustee continues to manage Barbara's finances.

To reduce the risk of financial abuse, it's important to stay connected with trusted friends and family, and nominate more than one attorney in your Enduring Power of Attorney (EPA).

Importance of having a valid Will

Helping Queenslanders to make their choices and wishes known

Preparing ahead by making a Will sets out your wishes and reduces stress on loved ones who may be left behind. For many, talking about advance life planning is not an easy subject; and when it comes to most young people, it is usually not even on their minds.

That's why we play an active role in encouraging conversations about what people need to consider and how to make informed decisions when making a Will. The Queensland Public Trustee is the lead agency for providing information and resources to help Queenslanders put plans in place according to their personal circumstances.



In September 2022, we partnered with RSPCA Queensland and Queensland Law Society (QLS) to deliver our annual Wills Week campaign. The much anticipated campaign advocated for the importance of making a Will and Enduring Power of Attorney, with the focus being placed on Queenslanders who love their pets.

Together, we wanted to spread the word that by making a Will and Enduring Power of Attorney, we can make our wishes known if we pass away or lose capacity.

And, by doing so, we can create a better future for those we love, including our much-loved pets.

The campaign launched with RSPCA Queensland and QLS at the Wacol (Queensland) RSPCA Animal Care Campus, and we also visited the RSPCA in Cairns to talk about the importance of putting plans in place for our pets and loved ones. We also held our first Advance Life Planning information webinar for Queensland Wills Week, hosted by Succession lawyers from the Queensland Public Trustee and QLS.

End-of-life planning and estate administration services

Professional Will making services

At the height of the First World War the government of the day voted to create Queensland's first Public Curator (today known as the Queensland Public Trustee) to make Wills for Queenslanders. Since that time, the Queensland Public Trustee's role has expanded, and we still provide will-making services for around 15,000 Queenslanders each year.

Estate management services

When someone dies, their assets are called their estate. Deceased estates are managed by the Executor of a Will. If there is no valid Will, or the latest valid Will does not name an Executor or the Executor is not capable or prepared to administer the estate, the beneficiaries can request the Queensland Public Trustee to administer the estate.

Servicing the needs of Queenslanders who pass away without a valid Will

Every year around **20 per cent of Queenslanders pass away without a valid Will**. This is called dying intestate.

At the Queensland Public Trustee, we see first-hand the impact on those left behind when a person dies without a Will. For loved ones, it often means the next steps are not always clear and this can create a tremendous amount of uncertainty, compounding their grief and loss.

When someone dies without a valid Will, settling the estate can be more complicated and time consuming to resolve.

This is why the Queensland Public Trustee invests in a year-round public engagement and education program to encourage Queenslanders to make informed decisions and plan ahead by making and updating their Will.

Cases of intestacy are often referred to the Queensland Public Trustee and part of our role is to locate the beneficiaries and manage distribution of the estate — which can sometimes be a complex task.

When Carmen*, who was originally from Africa, passed away intestate in Queensland, her half-brother referred her estate to the Queensland Public Trustee, advising that she had other siblings in refugee camps in Ethiopia and Kenya.

Part of the process involved applying for Carmen's citizenship papers to confirm her parentage and identify other family members and engaging translators to manage communication. We also sought assistance from the United Nations High Commissioner for Refugees (UNHCR) to locate Carmen's other siblings.

As refugees, Carmen's siblings didn't have access to bank accounts and UNHCR advised that receiving a large amount of money could put their lives at risk. The siblings asked us to pay their share to their brother in Australia so he could send money to them when they needed it. We negotiated a Trust Deed with Carmen's brother and applied to the Supreme Court for an Order to allow him to hold the money on trust for them.

Creating a lasting legacy for future generations

Charitable giving makes a real difference in people's lives.

Anyone can make a positive impact in their local community through philanthropic giving, whether it be about tackling environmental issues, bringing hope to those experiencing ill health, or ensuring culture and art are preserved for generations to come.

The benefits of our philanthropic services are felt throughout Queensland, and we are proud of the role we play to link donors with charitable organisations and the communities they serve.

Thanks to the generosity of Queenslanders, we currently manage over \$160 million in funds that are used to generate direct benefit to members of our community.

And we play an active role in our community to educate Queenslanders about the opportunities to leave a legacy through their Will.

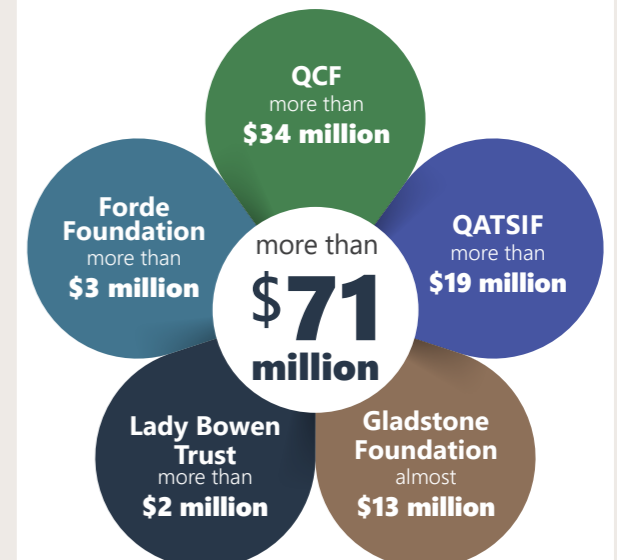


Our charitable trusts help those who need it most

The Queensland Public Trustee acts as Trustee for five leading charitable trusts who provide support to the Queensland community:



More than **\$71 million** has been distributed through the charitable trusts since their establishment:



Amounts distributed through charitable trusts as of 30 June 2022.

Charitable trust case study

Queensland Aboriginal and Torres Strait Islander Foundation (QATSIF) was established to support the education of Queensland's First Nations young people by providing scholarships to assist with the financial costs of completing their senior studies. The QATSIF Trust Fund was established in 2008, through the balance of the Stolen Wages Compensation Scheme and commenced with almost \$33 million of initial capital to be preserved.

Since the establishment of the Foundation, the Queensland Public Trustee has overseen investment and governance of the fund which has significantly increased in value. Now in its 14th year, the total trust fund value has grown to just under \$45 million.



QATSIF Scholarship Program — encourages and supports cultural pride and confidence among students.

QATSIF funding aims to increase Aboriginal and Torres Strait Islander student retention in Years 11 and 12 through a two-year scholarship program, which allocates funds to complement and build on existing school and community programs, and support individual students.

“As an alumni of the QATSIF scholarship I can proudly say that the opportunities this scholarship opened for me has been endless! Thanks to QATSIF I have since graduated Year 12 and have gone on to study a Bachelor of Business majoring in marketing, where I have had the opportunity to intern at large organisations like LinkedIn and UnitingCare QLD!”

Rikki Regeling, Canterbury College
QATSIF Recipient 2017 – 2018

From little things, big things grow



“The reports coming in from schools indicate that many of these students go on to higher learning and definitely dream big to achieve their career goals.”

Aunty Ruth Hegarty, QATSIF Patron,
QATSIF Annual Report 2021 – 2022



Our Vision

A value for money, independent state trustee service dedicated to advancing and safeguarding the rights, interests and wishes of Queenslanders in need of financial management, estate and trust administration and planning support.

www.pt.qld.gov.au