

# A guide to Personal Financial Administration

## Your nearest Public Trustee office

Birtinya	Maryborough
Brendale	Mount Isa
Brisbane	Redcliffe
Bundaberg	Rockhampton
Cairns	Southport
Gladstone	Toowoomba
Ipswich	Townsville
Mackay	

A guide for carers, family,  
and support people

If you have any questions, we're here  
to help. To book an appointment,  
you can:

call us on

**1300 360 044**

visit our website

**[www.pt.qld.gov.au](http://www.pt.qld.gov.au)**

**Human Rights**

Respect · protect · promote







## We care about your rights

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The Public Trustee places the human rights of individuals at the heart of our service delivery.

## About this guide

This guide is for the support people—whether social workers, family or friends—of a person who the Public Trustee assists to manage their finances.

This guide will help explain the process the Public Trustee undertakes when we are appointed as an administrator for financial matters.

## Why the Public Trustee?

At times, individuals in our community need assistance with their financial affairs—this is where we can help.

We provide personal and ongoing support tailored to the needs of our customers who, due to disability, illness or injury are unable to manage some or all of their financial affairs.

When the Queensland Civil and Administrative Tribunal (QCAT) or the court appoints us to act as a financial administrator, our job is to work in partnership with our customers regarding financial matters, to provide security and peace of mind.

## How we help

The Public Trustee provides independent and impartial services as administrator or attorney and can assist in managing financial matters for an individual.



We will ensure the correct income is received, accounts are paid and a budget is maintained.

- We seek and take into account our customers' views, wishes and preferences to the greatest extent practicable
- We work to safeguard assets and protect our customers from financial abuse, exploitation and neglect
- We make decisions that are least restrictive of our customers' rights, interests and opportunities
- We actively encourage and support customers to make their own financial decisions to the greatest extent practicable opportunities



## What happens now?

When we are appointed as a financial administrator, there are several things we need to do to get things set up.

Initially, it's important for us to meet with the customer and their support people. We want to understand our customers' views, wishes and preferences regarding how their finances are managed. Together, we will create a budget and plan for the future with the customers' views and rights in mind.

If customers' circumstances or priorities change in the future, we will work with them and their support network to change the financial management plan.

1. We can be appointed by QCAT or a court to administer a person's financial affairs.
2. We review the material provided to us by QCAT or a court and contact the customer (and their support network) to arrange a meeting at one of our offices, or elsewhere, such as their care facility.
3. We ask questions to ensure we understand the customer's needs; their views, wishes and preferences; and the complexity of their financial affairs.
4. To do this effectively, it's important we have an understanding of each person's lifestyle goals and support needs.
5. We then review their regular household bills and with their input, develop a budget so that we can arrange payment of their bills and everyday living expenses, on their behalf.
6. We will identify and manage any income they are entitled to or income from other sources, including pension entitlements.
7. We will contact creditors and arrange for any outstanding debts to be paid.
8. We can identify and attempt to resolve any unsettled financial legal issues.

# A unique plan that genuinely reflects our customers' needs

## Personal Trust Officer

A dedicated Trust Officer will assist the customer with the management of their financial affairs. If the dedicated Trust Officer is not available, another Trust Officer will assist.

To achieve the best possible outcomes, a range of qualified professionals in taxation, financial investments, property management and law, support the Trust Officer.

## Financial Management Plan

The Public Trustee is bound to ensure we manage finances effectively and responsibly.

With an understanding of the customer's views, wishes and preferences, we will work with them to build a personal financial plan (budget).

The plan will detail all income and expenses, as well as future capital expenditure. It will support their personal goals and lifestyle. As their circumstances and priorities change, we will work with them to change their plan.



## Payment of Accounts and Bills

As part of an individual's budget, we can pay some, or all, of an individual's bills. This includes accommodation, living expenses, insurance, registration, rates and medical expenses. We'll also make sure considerations are included in the budget so funds are available when required.

## Income and Investments

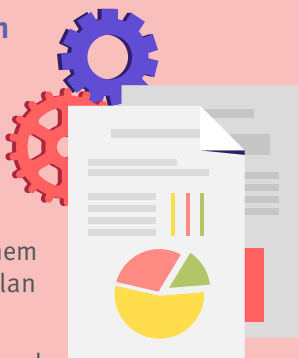
Part of our service is to ensure that our customer receives their full entitlements, such as any relevant Centrelink benefits. As required, we manage all income including pensions, rent, dividends from shares, interest from bonds, and any other investments.

## Statement of Account

The Public Trustee maintains clear and accurate records, including receipts of all action taken on the individual's behalf. We will provide annual financial statements showing:



If there are other financial investments, investment income is also reported via regular investment statements.



## Investment Advice

Customer's funds can be invested to provide future income and help maintain quality of life. Investment strategies are designed to ensure that the individual's financial needs are met today and into the future.

It is important that we spend time getting to know our customers, so we can help manage both their short and long-term financial needs. This understanding helps inform preparation of the customer's investment plan.

External financial planning advice is obtained where required. Our internal investment unit reviews all financial advice provided by licenced financial service providers.

We can also develop or continue to help manage any existing investment portfolios.

In partnership with the customer and their support network, we will review the customer's investment plan at least once a year.

## Taxation

Our qualified tax agents provide tax advice and attend to all taxation requirements, including the completion of annual income tax returns.

## Legal Services

The Official Solicitor to the Public Trustee can provide legal services to the Public Trustee on legal matters relating to an individual's finances or property.

## Real Estate Management

If a customer owns property, we can help to manage it for them. This may include organising regular property inspections, attending to local council and state government requirements, payment of rates, or overseeing repairs and maintenance. If required, we can also arrange valuations and property sales.

## Disability Support Officer

Our Disability Support Officers are qualified Occupational Therapists who provide specialised expertise and advice to Trust Officers on matters such as:



**Specialist medical equipment**



**Home and vehicle modification**



**Accommodation support services**



**Government and non-government disability services**







## Financial security

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We will always look out for a person's financial security.

## How we support our customers to make decisions about finances

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The Public Trustee places the human rights of individuals, especially the most vulnerable, at the heart of our service delivery.

We support customers to make or participate in financial decisions to the greatest extent practicable, taking into account their views, wishes and preferences.

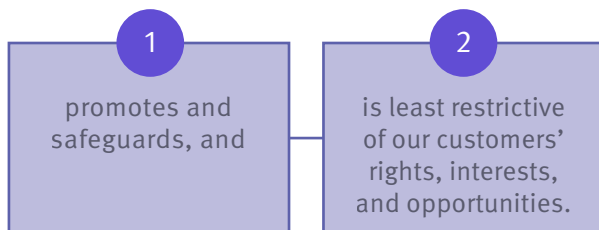
In practice, what this means is we will involve each individual in decision making, and support them to think through the impacts of their desired outcome.

**Generally, if the individual wishes to do something, and it's within their budget, we will work with them to find a solution.**

## How are we governed?

The duties of an administrator are highlighted in the *Guardianship and Administration Act 2000*. The Act sets out general principles that an administrator must apply.

These principles inform and structure our decision-making. They ensure we act in a way that:



The Act also sets out the following obligations for administrators:

- Act honestly and with reasonable diligence.
- Follow any directions given by QCAT or the court.
- Not enter into transactions where there is a conflict of interest.
- Keep accurate records—QCAT may ask for the records to be audited.
- Consult and act collaboratively with others appointed to make decisions for the individual.
- Follow the provisions of the Act when undertaking real estate and security transactions or making investments for the customer.
- Ensure gifts or donations made by the customer are reasonable and reflect what their wishes would be if they had capacity.
- Ensure the reasonableness of any provision made for a customer's dependants (out of the customer's funds)

If the Public Trustee is appointed as customers' financial attorney (rather than administrator) under an Enduring Power of Attorney document, our actions are governed by the *Powers of Attorney Act 1998*.

## What is an administrator?

At times, individuals in our community need help with their financial affairs; this is where an administrator, such as the Public Trustee can help.

An administrator must act in line with the *Guardianship and Administration Act 2000* and the directions of QCAT or a court order.

## What is a guardian?

The Public Trustee is not the same as the Public Guardian.

A guardian is a person QCAT appoints to help an adult with impaired decision making capacity.

The guardian promotes and safeguards the adult's rights, interests and opportunities by making certain personal and health care decisions on their behalf.

### What we don't do

We do not make personal or health care decisions, such as where the person will live and what services or health care they will receive. However, QCAT or the court may appoint a formal guardian to help them with these decisions.



## How is an administrator or guardian appointed?

Applications to QCAT for the appointment of an administrator can be made by a family member, close friend, professional or by any person who has a genuine interest in the welfare of the adult—including the individual themselves.

Or, if in a civil proceeding the court orders an amount to be paid to an adult with impaired capacity, the court may appoint an administrator.

People may also apply to QCAT to appoint a guardian. QCAT can appoint guardians to make personal decisions on an individual's behalf in relation to matters such as:

- accommodation
- the provision of services
- health and personal matters
- legal matters not relating to the individual's finances and property, and
- with whom the individual has contact.

### **The Public Trustee is not the same as the Public Guardian.**

QCAT or a court will determine whether a guardian and/or administrator is needed, and the best person or organisation for these roles. A preferred guardian and/or administrator may be nominated in the application however, QCAT or a court will make the final decision.

## Who can be appointed as an administrator?

**QCAT or a court will consider the appropriateness of proposed administrators, taking into account a range of factors. Some of these factors include whether the proposed administrator is:**

- readily available
- able to provide appropriate assistance to the adult
- possesses the financial ability and accountability, and
- in a position of conflict.

### **An administrator must be:**

- over the age of 18
- not bankrupt, and
- not a paid carer or health provider for the adult.

The Public Trustee can be appointed as administrator (but not as guardian).

As the largest administrator in Queensland, we currently help manage the financial matters of over 9,500 individuals.

We are fully accountable and impartial. You can count on us to always be there.

To find out more about how a guardian or administrator is appointed, visit our website [www.pt.qld.gov.au](http://www.pt.qld.gov.au)

## How is an administrator or guardian appointed?

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We support customers to make or participate in financial decisions to the greatest extent possible. We do this through a structured approach:

1. We support the customer to the greatest extent practicable in making their own decisions.
2. We support the customer to express their views, wishes and preferences, and take these into account to the greatest extent practicable.
3. If the customer's views, wishes and preferences cannot be determined, we use the principles of substitute judgement to try and work out what the adult's views wishes and preferences would be.
4. Once these factors are taken into account, we can make a considered decision.

This approach to decision-making ensures that we act in a way that both promotes and safeguards, and is least restrictive of, our customer's rights, interests and opportunities.



# Fees

The Public Trustee charges fees for acting as administrator or financial attorney.

The fees are based on the level of service provided to customers, depending on their needs.

## Our fees consist of two parts:

### Part one — personal financial administration fee

This fee reflects the level of support and contact required by the customer.

This may include receiving income, paying bills, maintaining financial records, negotiating with agencies such as Centrelink about benefits, and day-to-day administration.

Broadly speaking, the fee we charge is determined by where the person lives and how their income is paid.

For example, if they live in a government-funded care facility or hospital and the income is paid directly to that organisation, the amount of contact with us may be quite low, therefore our fee for services will be lower.

Alternatively, if the customer lives in the community and needs more assistance, then our administration fee is likely to be greater.

### Part two — Asset Management Fee

This fee applies when we are required to administer assets, which may involve helping to manage cash or investments. The principal place of residence, personal and household items, and motor vehicles, are excluded when calculating the asset management fee.

If the customer owns property not classified as their principal place of residence, a yearly realty fee is charged for each property, regardless of the value.

Occasionally there may be situations where the person needs our help to attend to complex financial matters, such as dealing with overseas authorities, buying or selling assets outside of Queensland, or administering complex assets and liabilities, such as a business.

For these services, fees are charged at an hourly rate – which is published in the *Public Trustee Fees & Charges Notice* on our website.

If the customer's circumstances change during the year, resulting in them needing more or less support from us, our fee will be reviewed and adjusted so that it fairly reflects the level of support and services we provide. Depending on the individual circumstances, other outlays may be charged.

#### These outlays may include:

- professional fees for tax agents, valuers and stockbrokers, and
- the cost of any legal services or activities necessary in the sale of real estate.

Both the court and QCAT can make orders of a limited nature. Depending on the terms of the order, costs may vary from the above-mentioned fees.

**Any fees will be explained as part of the initial meeting with the individual and/ or their support network.**





## We're here to help

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Our customers' financial wellbeing is at the heart of everything we do.

## Protecting their privacy

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The Public Trustee collects and manages personal information in the course of performing its activities, functions and duties in accordance with the *Public Trustee Act 1978*.

The way in which the Public Trustee manages personal information is governed by the *Information Privacy Act 2009*.

This means there are restrictions on how we can use, and when we can disclose personal information.

We do not disclose personal information outside of the Public Trustee unless we are required to do so by law or unless the individual has given us consent to such disclosure.

If you would like to read our Privacy Statement, please visit our website at:

[www.pt.qld.gov.au/site-footer/privacy](http://www.pt.qld.gov.au/site-footer/privacy)

## Providing feedback

For feedback, concerns or to make a complaint, please contact us by:

Phone: **1300 360 044**

Email: **[complaints@pt.qld.gov.au](mailto:complaints@pt.qld.gov.au)**

When we receive a complaint, we will ask you for all the details. We will then review this and let you know the outcome by phone, email or letter.

If you are not happy with our response, there are other avenues open to you, such as the Queensland Ombudsman.

You can contact the Queensland Ombudsman by:

Phone: **1800 068 908**

Email: **[ombudsman@ombudsman.qld.gov.au](mailto:ombudsman@ombudsman.qld.gov.au)**

Web: **[ombudsman.qld.gov.au](http://ombudsman.qld.gov.au)**