



**PUBLIC TRUSTEE
AND GUARDIAN**

INFORMATION ABOUT OUR SERVICES

Who is the Public Trustee and Guardian

The Public Trustee and Guardian for the Australian Capital Territory was established by the Public Trustee Act 1985.

We aim to promote and support the rights, interests and life decisions of our clients and to deliver excellent trustee outcomes for the ACT community. We perform a range of functions, deliver services under a range of legislation, and work closely with other ACT Government agencies and stakeholders.

PTG promotes our role, services and important life decision information to our clients through:

- Delivery of up-to-date, relevant, accessible information through our website, call team, seminars and specific communication campaigns;
- Our membership of, and contribution to, the Australian Guardianship and Administration Council and its national initiatives;
- Our engagement with the ACT Law Society, relevant elder and estate planning groups, and participation in working groups and boards such as the Official Visitors Board; and
- Specific community events like the National Wills Week, attendance at community group meetings and conferences.

PTG supports our clients' decision making by:

- Performing Guardianship and Financial Management services when appointed by the ACT Civil and Administrative Tribunal (ACAT);
- Acting for clients under a power of attorney when PTG is nominated;
- Supporting Private Managers (individuals appointed by ACAT to manage another person's financial matters) and examining accounts for appropriateness; and
- Providing estate planning services including will and power of attorney drafting.

- Estate management services - performing the role of Executor for community members where appointed or where an individual passes away without a will.
- Performing the role of Trustee (or similar):
 - for community members
 - for other ACT Government entities
 - for the Capital Region Community Foundation (Greater Good)
 - under Confiscation of Criminal Assets arrangements
 - for the Unclaimed Monies scheme,
 - under the Unclaimed Deceased Persons arrangements.
- Investment services – managing funds we hold on trust to ensure value is maintained or improved in line with our fiduciary obligations and informed by our Investment Board.

Why choose the Public Trustee and Guardian?

The Public Trustee and Guardian specialises in educating the ACT community about the importance of making Wills and Powers of Attorney. We offer expert services in Trusts Administration and Deceased Estate Administration. We are routinely appointed to act as Guardians and Financial Managers for people who have impaired decision-making capacity. We are here to help and provide support at the moments in life that you need it.

Guardianship and financial management

The Public Trustee and Guardian takes on responsibilities for people who are unable to manage their own affairs due to accident, illness or disability.

The ACT Civil and Administrative Tribunal (ACAT) may appoint the Public Trustee and Guardian by a Guardianship and/or Management Order to represent the interests of an individual where there is no valid Enduring Power of Attorney already in place. The Public Trustee and Guardian will manage a person's affairs in consultation with the represented person and, where appropriate. Consult with family members and others.

PTG is the ACT's statutory public trustee. We deliver:

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PUBLIC TRUSTEE AND GUARDIAN

FACTSHEET

Powers of Attorney

Wills

Making a Will is the best way to provide for your assets to be distributed after your death according to your wishes. A valid Will may save family and friends unnecessary difficulties in the event of your death.

If you die without a Will, the Court may appoint someone to administer your estate. If you make a Will, you choose your Executor.

The Public Trustee and Guardian has partnered with an Online Australian platform called "Safewill" to offer Will making services for standard and straightforward Wills. If you require a complex Will or advice regarding the construction of your Will we can refer you to a suitably experienced estate planning law firm.

When you appoint the Public Trustee and Guardian as your Executor, we will undertake responsibility for the administration of your estate and the distribution of your assets according to your wishes.

Choosing the Public Trustee and Guardian will ensure that your estate is administered competently, impartially and with empathy.

Where a person dies leaving a Will

The Public Trustee and Guardian may administer the estate of a person who died leaving a Will:

- if the Public Trustee and Guardian is the Executor named in the Will;
- if the Executor is unwilling to act, is not living in the ACT, or is deceased; and/or
- if the named Executor is removed by the Court.

Where there is no Will (Intestate)

A person dying without a Will is said to have died intestate.

If there are assets, the court may appoint an Administrator who will administer and distribute the estate in accordance with the laws of intestacy. These laws can vary between each State and Territory and do not necessarily cover all individual family circumstances.

In this situation any family member who is entitled to administer the estate, may ask the Public Trustee and Guardian to administer the estate of a person who dies without leaving a Will.

As your Administrator, the Public Trustee:

- prepares Court documents and obtains a grant of administration;
- deals with property and taxation matters;
- reports to your beneficiaries and pays them their entitlements.

Trust administration

Trusts are created for a number of reasons – the provide ongoing support for a beneficiary under your Will, to provide tax effective estate planning or to benefit a charity. A Trust can secure your assets so that your children and dependents can benefit from them later.

For example, part of your estate can be held in trust for a specified period of time. This can secure your child's education and needs until they reach 18 years or when they complete their education. The Public Trustee and Guardian can be appointed as trustee of any property by Will, by deed or by the Court. If a Trustee dies or wishes to retire, the Public Trustee and Guardian can be appointed as replacement trustee.

Due to their long term nature, care, consideration and experience are essential when establishing trusts.

Trustee for people with a disability and for children

The Public Trustee and Guardian will act as trustee for people who have been awarded financial compensation and the Court has directed the Public Trustee and Guardian to administer the funds on a person's behalf. Generally, the funds are managed until the child reaches 18 years.