

12 November 2021

Committee Secretary
Community Support and Services Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Committee Secretary

Thank you for the opportunity to comment on the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021. As members of the Committee would know, the report from my office, *Preserving the financial futures of vulnerable Queenslanders: A review of Public Trustee fees, charges and practices*, which was completed under the leadership of the previous Public Advocate, Mary Burgess, was tabled in parliament on 10 March 2021. I began my term as Public Advocate on 13 August 2021.

The introduction of the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021 is a significant step toward implementing the government's acceptance of Recommendation 30 of the *Preserving the financial futures of vulnerable Queenslanders* report. In addition to welcoming this development, I make two observations.

First, the proposed functions of the Board, as articulated in Clause 4 (in the proposed new section 117Y of the Public Trustee Act) are essentially 'to monitor and review the performance of the public trustee's functions', as well as monitor complaints and provide advice about legislative and other changes that would improve the Public Trustee's operations and performance.

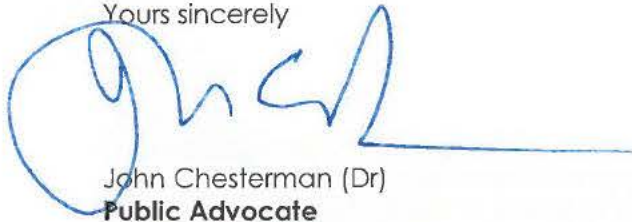
I do note that other statutory entities have Boards with stronger governance functions. The Board of Legal Aid Queensland, for instance, has the functions 'to responsibly manage Legal Aid' and 'to ensure that Legal Aid achieves its objects' (Legal Aid Queensland Act 1997, section 52). Having said that, the proposed functions of the Public Trustee Board are consistent with the government's commitment, made upon the public release of my office's report, to establish a board with 'an advisory and monitoring function'.

The other point I would make concerns the proposed composition of the Board, which, as the Bill sets out (Clause 4, in the proposed new sections 117ZC and 117ZD of the Public Trustee Act), would consist of nine or ten members, including five permanent members and four or five appointed members. I note that, due to current governmental administrative arrangements, three of the five proposed permanent members of the Board (Clause 4, in the proposed new section 117ZC of the Public Trustee Act) are the chief executive, or delegate, of the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships. That department, of course, spans multiple policy areas of relevance, including disability services, seniors and Indigenous affairs, and senior departmental representatives in each of those areas may well have much to add to the Board's operations. But I wonder whether the Board's expertise in the area of seniors, for instance, could be achieved by removing one of the permanent Board positions (in proposed section 117ZC(1)(d)) and by adding the requirement for one of the appointed Board members to have expertise in that field. Currently, proposed section 117ZD (3)(b) requires at least one of the appointed Board members to have expertise 'in relation to advocacy, services and support for seniors and persons with a disability, including persons with impaired capacity'. I would suggest this requirement be expanded (and modified slightly) to require:

- at least one of the appointed Board members to have expertise in relation to advocacy, services and support for seniors; and
- at least one of the appointed Board members to have expertise in relation to advocacy, services and support for persons with disability, including persons with impaired decision-making ability.

Thank you again for the opportunity to comment on the Bill. I would be happy to speak further with the Committee about this if the Committee would like me to do so.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Chesterman', with a long horizontal line extending to the right.

John Chesterman (Dr)
Public Advocate