

## Executive Summary

On 18 February 2025, the Honourable Deborah (Deb) Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity introduced the Trusts Bill 2025 (Bill) into the Queensland Parliament. The Bill was referred to the Justice, Integrity and Community Safety Committee (the committee) by the Queensland Parliament for urgent consideration.

The primary objective of the Bill is to replace the current *Trusts Act 1973* (Trusts Act) with modernised, simplified and streamlined legislation to meet the needs of Queenslanders when dealing with all kinds of trusts.

The development of the Bill was informed by:

- findings of the Queensland Law Reform Commission’s review of the Trusts Act, which concluded in December 2013
- the report of the former Housing, Big Build and Manufacturing Committee of the 57th Parliament on its inquiry into the Trusts Bill 2024 (2024 Bill), tabled on 2 August 2024.

As large portions of the lapsed 2024 Bill were mirrored in the current Bill, the committee:

- endorsed *Report No. 17, 57th Parliament – Trusts Bill 2024* of the former Housing, Big Build and Manufacturing Committee to the extent that the provisions of the 2024 Bill have not been amended in the current Bill
- limited its examination of the Bill to matters raised by the Bill’s provisions which differ from those raised in the 2024 Bill and matters not considered in the former committee’s inquiry regarding the 2024 Bill.

Stakeholders were invited to make written submission on the Bill. In response, the committee received and accepted 5 submissions which were published on the committee’s webpage.

The committee received a written briefing on 21 February 2025 and an oral briefing on 3 March 2025 from the Department of Justice.

The committee also heard from stakeholders, at a public hearing in Brisbane on 3 March 2025.

The key issues raised during the committee’s examination of the Bill related to clauses including:

- clause 13 – Ability for the court to order that a person hold property on trust where they cannot be appointed as trustee
- clause 22 – Replacement of last continuing trustee with impaired capacity
- clause 44 – Renunciation of probate does not result in disclamation as trustee of further trusts established under a will

- clauses 212 to 215 – Preservation of charitable status of ancillary funds making distributions to ‘eligible recipients’.

The key issues also related to differences between the Bill and the 2024 Bill:

- omission of amendments that were in the 2024 Bill to the *United Grand Lodge of Antient Free and Accepted Masons of Queensland Trustees Act 1942* regarding the Board’s ability to invest moneys
- amendment to terminology regarding the exclusion of persons as trustees, from ‘bankrupt’ to ‘insolvent under administration’
- amendment to terminology, from ‘trustee of the testamentary trust’ to ‘trustee of the will’.

The committee is satisfied that the Bill gives sufficient regard to the rights and liberties of individuals and the institution of Parliament as required by the *Legislative Standards Act 1992*.

Further, the committee is satisfied that the Bill is compatible with human rights as defined in the *Human Rights Act 2019*.

The committee made one recommendation, found at page vii of this report, that the Bill be passed.