

TRUSTS BILL 2025

Submission No: 3

Submitted by: Society of Trust and Estate Practitioners (STEP) Qld Branch

Publication:

Attachments:

Submitter Comments:

24 February 2025

Kathryn O'Sullivan
Committee Secretary
Justice, Integrity and Community Safety Committee
Via Email: [REDACTED]

Dear Ms O'Sullivan,

In reference to the request for STEP Queensland Ltd's advice, regarding the committee's inquiry into the Trusts Bill 2025 dated 19 February 2025:

1. STEP Queensland is a branch of the worldwide Society of Trust and Estate Practitioners, a professional body for lawyers, accountants and financial advisers practising in the area of trusts, succession law and guardianship. STEP Queensland consists entirely of professionals who volunteer their time to provide education, networking and advocacy in these areas.
2. We acknowledge that the Trusts Bill 2025 has been submitted to Parliament. We cannot acknowledge the opportunity to make submissions on the Bill, because in reality the time-frame for making submissions is so short as to be illusory.
3. STEP Queensland has made extensive submissions throughout the genesis of this important legislation which is proposed to replace the Trusts Act 1973. That has included several rounds of written submissions, as well as appearing before the Parliamentary Committee inquiring into the 2024 version of the Bill last year. Those submissions have resulted in various changes to the draft Bill, and given our professional expertise in this area, we respectfully suggest that our input is appropriate.
4. The Trusts Bill 2024 was introduced to Parliament last year but lapsed before it could be passed. We were informed late on Wednesday last week that the Trusts Bill 2025 has now been introduced to Parliament as being considered by committee. We are told that that 2024 Bill "largely mirrored the current Bill being considered by the committee with some key amendments".
5. There is no indication of what those "key amendments" are.
6. The present Bill is 221 pages in length. We have been given:
 - (a) one business day to decide whether we wish our previous submissions to be taken into consideration, or make additional or completely fresh submissions; and
 - (b) three business days to make whatever additional submissions we might wish to make.
7. That is in the context that the "key amendments" are unidentified, and are presumably important (or else they would not have been made, and would not have been described as "key").
8. Our volunteers have not had the capacity to do a clause-by-clause comparison of the 2024 Bill and the present 2025 Bill, in the time available. That would need to be done manually, given that they are only available in PDF form, and despite our request there is no list of the changes.
9. We do note that there is no change to clause 22 of the Bill, despite our strong opposition to this clause in its present form – or, indeed, in any form. In our view, the proposed amendments expose vulnerable persons and vulnerable trusts to significant risk without any court oversight. We wish our previous submissions on this topic, both written and before the last year's parliamentary committee inquiry, to be considered seriously. We are aware that other groups have also expressed concern with this clause.

STEP Queensland
E: qldbranch@step.org

10. Beyond that, we are unable to determine in the time available whether there is anything else of concern, and cannot make further submissions in the unreasonably limited time available. Our silence should not be taken as support for the Bill in its present form; it simply reflects what is possible in a volunteer organisation on three business days' notice.

11. We are disappointed that such an important piece of legislation is being treated in this way.

Warm regards,

Angela Rae TEP
Chair of STEP Queensland Ltd