



Speech by

STUART COPELAND

MEMBER FOR CUNNINGHAM

Hansard 20 June 2001

LEGACY TRUST FUND BILL

Mr COPELAND (Cunningham—NPA) (4.49 p.m.): It gives me great pleasure to rise and speak to this bill and advise that the opposition will be supporting it. I thank the minister for arranging for her departmental staff to give me a briefing on this issue.

Disability Services Queensland currently holds approximately \$370,000 in the Legacy Trust Fund built up over a period of more than 100 years. Although it was established in 1917 when a private organisation called the Blind, Deaf and Dumb Institution was nationalised and has since been referred to as the Legacy Trust Fund, it has been discovered that no deed, in fact, exists that creates a trust.

No-one will argue that the resolution of this issue is essential. The Legacy Trust Fund has been established for over a hundred years and the money, made up in the major part by Legacy's bequests, donations and gifts, has been moved around from one government department to another and has been managed by various private and public organisations. With the funds currently frozen, it is achieving no benefit at all for the recipients it was created to assist—the blind and the vision impaired.

Discussions to resolve the Legacy Trust Fund issue have been under way for some time, and Crown Law advice was initially sought some years ago by the Borbidge government. The Crown Law advice was sought following a claim by Vision Queensland that the Legacy Trust Fund rightfully belonged to that then new organisation. That advice led to a freezing of the account pending a legislative solution. This bill is that legislative solution and should resolve this long-winded issue.

The introduction of this bill is important because it will vest the funds currently held in the departmental account in the Queensland government. This will enable the funds to be granted to organisations benefiting the vision impaired rather than remaining in their current frozen state. The Legacy Trust Fund was set up for the general benefit of blind and vision impaired people, therefore, it is on fair grounds, not on discriminatory ones, that disability organisations other than those for the blind do not receive a portion of the fund.

Vision Queensland has been the manager of the Legacy Trust Fund and, therefore, has a significant vested interest in this legislation. However, other blind community organisations believe that the legislation should ensure that the fund is made fairly available to all of the relevant organisations. Vision Queensland supports the resolution of this issue and, consequently, it obviously also supports the bill. However, it feels that, being the successor of a long line of managers of the trust, it should be able to take over control of the trust.

Its private research indicates that the majority of bequests are explicitly directed for assisting the blind. In cooperating with the bill, it feels that it should receive the lion's share of the trust fund because of its history with the trust. However, other organisations, such as the Guide Dogs for the Blind Association, offer a broad range of services to sight disabled people and have established significant educational programs. They support the fair distribution of trust funds on merit between community organisations that benefit the blind. They believe that, despite the fact that Vision Queensland has managed the fund, it should receive no more than the amount it merits in comparison with other organisations.

The Legacy Trust Fund was set up over a hundred years ago to generally benefit vision impaired people. Therefore, it could be argued that the numerous organisations doing this job should fairly receive the money, not just Vision Queensland. The Legacy Trust Fund was established and maintained for the general benefit of the vision impaired. Therefore, all of these community organisations assisting the blind should be able to apply for access to some of the trust funds as well as Vision Queensland, which is the last manager of the fund.

I do have a slight concern that the use of this fund is entirely at the discretion of the minister and could become a ministerial slush fund. Clause 6 begins—

The Minister may spend all or part of the fund money ...

I urge the minister to take steps to ensure that the funds are properly allocated and that the processes used to distribute them are transparent.

My further concern is that under clause 6(b) the minister may spend all or part of the fund money for another purpose that the minister reasonably considers is consistent with any stated condition or purpose related to an amount comprising the fund money. Again, I hope that the minister will be transparent in the way she makes the decisions about where the money is to be spent. I know that the complete records showing the exact purpose of each and every bequest, donation or gift are not available and I recognise that clause 6(b) is there to address that fact. It is a concern, however, and I would further ask the minister how she sees the process of application for, and the allocation of, these funds.

The funds will need to be provided to these community organisations on the basis of their merit, decided through the proper application process to ensure that the true benefactors—blind and vision impaired people—will receive the maximum benefit from the trust fund. The approximately \$370,000 concerned with this fund may not seem a large amount of money in the context of government, but it is a significant amount of money for those organisations that will be beneficiaries of it. More importantly, they can make a significant difference to those people for whom the money was originally intended—the blind and the vision impaired.
