



Speech by

CHRIS FOLEY

Member for MARYBOROUGH

Hansard 12 November 2003

GUARDIANSHIP AND ADMINISTRATION AND OTHER ACTS AMENDMENT BILL

Mr CHRIS FOLEY (Maryborough—Ind) (11.51 a.m.): I rise to participate in the debate on the Guardianship and Administration and Other Acts Amendment Bill 2003. The minister's second reading speech notes that the jurisdiction of the Guardianship and Administration Tribunal is mainly concerned with the appointment of guardians and administrators who make life decisions for adults with impaired capacity. That is an area that is very close to my heart. My own father, Jack, is 91 years of age, suffers from dementia and resides in the dementia wing of Chelsea Retirement Village. He is a TPI pensioner who fought on the Kokoda Trail. It is people like Jack who need to be looked after with the utmost integrity. Last week I had the opportunity of attending a TPI association Christmas dinner with the member for Hervey Bay.

Most of the applications before the tribunal are related to adults with dementia, mental illness, intellectual disability or acquired brain injury. We have a lot to do with folks with some incapacity. One of my very close friends is the local chapter president of ARAFMI, Fay Henderson. At the end of day, it is about making sure that the rights of people who cannot protect themselves are protected in an ethical manner. I will go on to talk a little more about the similarities with enduring powers of attorney.

It is good to note in this bill the appointment of 10 members from regional areas. This means the tribunal will be able to maintain a commitment to having at least 30 per cent of its hearing days in regional Queensland. In my previous role running my accountancy and financial planning practice we had a number of clients who were looked after in this way. That focus on regional areas is a good thing. Quite often people who do not live in capital cities find it difficult to attend to things that need to be done in sorting out the people they are looking after.

One of the interesting aspects of the bill is omitting the necessity for the tribunal to review the appointment of the Public Trustee and other corporate trustees as administrators every year. As I said before, I have had a lot of experience in dealing with the Public Trustee in my accountancy practice. I think that is a good thing. However, I agree in part with the member for Nicklin in having some reservations about abandoning some of the checks and balances. I realise that streamlining that process results in a tremendous cost saving. I am not 100 per cent sure in my mind whether I think that is a good thing or a bad thing.

Recently, someone came into our electorate office who was being looked after by the Public Trustee. He was being paid the princely sum of \$100 a week. That was to protect him from so-called friends who were stealing from him. In these sorts of cases where people do not have the capacity to look after themselves I am very much in agreeance with the bill and the streamlining of the process in looking after those sorts of people.

I have had a lot to do with enduring powers of attorney. I set a lot of them up for clients in my financial planning practice. Already with the enduring power of attorney there is a very clear situation where people cannot do the wrong thing and abuse the power that is vested in them by the law. Clearly, the enduring power of attorney states that people must, at all times, act ethically and in the interests of the person they are empowered to act for. Broadly speaking, I think these are good changes. They streamline and add efficiency to that process. Other than my concerns about the removal of the Public Trustee in the long term being a good idea, I am generally in favour of the legislation and commend the bill to the House.