




Speech By
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MEMBER FOR CLAYFIELD

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MATTER OF PUBLIC INTEREST

Public Trustee of Queensland

 **Mr NICHOLLS** (Clayfield—LNP) (2.44 pm): There is a group of vulnerable people, people who have been taken advantage of, people whose rights have been trampled. These are people who cannot march. These are people who cannot access Twitter. These are people who cannot even access their own financial resources. These people are the people subject to guardianship and administration orders under the control of the Public Trustee of Queensland. These are people who are truly vulnerable. These are people who truly need our care, support and compassion. There is clearly something rotten with the Office of the Public Trustee here in Queensland.

In the last 12 months we have seen an Auditor-General's report into the Public Trustee's handling of complaints about the service it provides. That report, tabled in this place in September 2020, examined seven areas of complaints handling by the Public Trustee. What were some of its key findings in respect of those who are vulnerable, those who cannot march, those for whom no-one else chooses to speak in this government? The report states—

The Public Trustee of Queensland ... does not measure or report on response times and, therefore, does not know how many complaints it completes within target time frames.

PTQ's complaints management system is not properly designed for people with impaired capacity.

It is not easy enough to navigate or be understood by its customers ...

...

PTQ has proper complaints management policies and procedures but they could be written more clearly.

...

PTQ's complaints management information ... system is not fit for purpose.

...

PTQ has a team of people to coordinate and monitor the complaints management system.

However, most complaints are handled by regional staff. These staff are not sufficiently trained in complaints management ...

PTQ does not know if its complaints management system is meeting the needs of its customers—

because it never evaluates it. It goes on—

PTQ does not seek feedback from customers about its handling of complaints.

PTQ's complaints data is not good enough to analyse how well its systems and processes work. Current information does not help PTQ understand and identify what it can improve.

What a damning report that is. Now we have the 360-plus page report of the Public Advocate into the fees, charges and practices of the Public Trustee, and that report makes damning reading. Case studies referred to on page 2 of the executive summary highlight the problems. The report states—

Case study 1—\$30,000 inheritance gone in 2 years and house not maintained ...

Case study 2—Fees charged to manage assets that were managed by a third party ...

Case study 3—Charged two fees for unnecessary financial advice ...

Case study 4—High earning shares sold and cash invested in Public Trustee investment ...

Case study 5 ... Public Trustee opposes client's appeal because he 'lacks capacity' ...

Case study 5 (part 2)—Public Trustee resisted appointment of alternative administrator who wanted to make a claim against it for lost funds ...

The damage is being done to vulnerable Queenslanders. The report makes 32 recommendations and the response of the Public Trustee clearly shows that it does not accept much of the Public Advocate's conclusions and findings. In the main, the recommendations of the Public Advocate go to the fees and charges regime of the Public Trustee, which is opaque and unclear, results in double and sometimes triple charges for clients and the cross-subsidisation of services by charging some clients to whom it owes a fiduciary duty more and others less.

There is to be yet another review of fees and charges. How long will that take? Will it be this year, next year or the year after? Who is conducting this review? What will they be considering? Quite simply, it is not good enough, particularly when the Public Advocate says the government needs to act swiftly to ensure the Public Trustee immediately ceases all practices that constitute breaches of fiduciary duty and other unacceptable practices. Last year the Public Trustee reported a loss of \$11 million.

The former public trustee and Labor mate Peter Carne was stood aside and issued a show cause notice, quitting only after pocketing \$385,000 for not working for a year. Other experienced staff have left and there has been no appointment of another Public Trustee since, leaving the acting Public Trustee to deal with this mess.

These and other issues go to the very heart of the Public Trustee's operation. For years now, the Labor government has passed the buck when it comes to complaints about the Public Trustee. Rather than undertake a full and independent review, this lazy government has languished behind the claim of the independence of the Public Trustee. In the time that this government has failed to act, many clients and their families have continued to suffer—stonewalled, complaints unanswered, requests for information stymied and process used to frustrate answers being given to legitimate concerns. This is a government that issues a one-page response to a 360-page inquiry and ignores the hard questions. It is a response that is not even on the department's website. No longer can this shameful state of affairs be swept under the carpet. It is time for a thorough, independent and comprehensive review of the operations of the Public Trustee in the 21st century.