




Speech By  
**Amy MacMahon**

**MEMBER FOR SOUTH BRISBANE**

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**PUBLIC TRUSTEE (ADVISORY AND MONITORING BOARD) MANAGEMENT  
BILL**

 **Dr MacMAHON** (South Brisbane—Grn) (12.40 pm): This bill takes a small step towards reforming how the Public Trustee operates. Unfortunately, it goes nowhere near the scale of reform needed to establish the kind of fair, caring and ethical system needed to support vulnerable Queenslanders. I am pleased that, after decades, some sunlight is finally being shone on the failings of the Public Trustee.

Vulnerable Queenslanders need to be seen, heard and cared for. Every single person in this place owes that to them. The Greens will always fight for the rights of Queenslanders who are under the protection and care of the state, and my colleague, the member for Maiwar, has prepared important amendments to this bill.

Establishing an oversight committee to provide additional oversight over the Public Trustee to enhance transparency and public accountability is commendable, but only if that transparency is guaranteed. The QHRC notes that the current reporting arrangements have 'the potential to undermine the Board's effectiveness and limits its transparency and public accountability'. The QHRC and QLS also note that the bill does not oblige the minister to table or make the board's reporting actively publicly available.

I am sceptical, given the poor track record of this government on integrity. Just a few months ago we passed a bill that will block much of the work of the Olympics Committee from the right to information requests. I asked then, and I ask again now, what has the government got to hide? Is this the kind of dealings we can expect over the next 10 years as we approach an Olympic Games that no-one asked for and more and more Queenslanders are sceptical of? Transparency for some, but not for others.

We have heard much already about the serious failings of the Public Trustee, ripping off some of the most vulnerable Queenslanders. The Audit Office found serious gaps in the Public Trustee's complaints system, and the Public Guardian found damning evidence of shortfalls and abuse of trust of people under the guardianship of the Public Trustee. As a self-funding organisation, the Public Trustee has a perverse incentive to find ways to charge clients fees to fund their work. The Public Advocate writes—

The conflicts inherent in this funding arrangement appear to be incompatible with the duties and obligations of a trustee and fiduciary to not profit from its clients and to avoid conflicts.

And—

The *Public Trustee Act* is silent or ambiguous about when and how the Public Trustee can 'profit' from clients, and/or earn revenue on clients' funds. The Act is substantially the same as the *Public Curator Act* passed in 1915.

They note that—

All other State and Public Trustees in Australian jurisdictions receive some financial assistance from their respective governments to fund their CSO obligations.

However, being a self-funding organisation—

As a result, its expenditure does not appear to be subject to the same level of scrutiny as agencies receiving funding from government.

My office has heard many stories from constituents whose loved ones or friends have struggled with the Public Trustee—people ripped off, thousands stripped from estates and people trapped in the system. I want to highlight one particular case from an active and valued member of my community. This constituent had spent the previous decade caring for her mother and her sibling, both of whom were clients of the Public Trustee. Her mother's financial affairs were being managed by the Public Trustee, and the Public Trustee had helped her prepare her will. Her mother sadly passed away last year. My constituent, one of two beneficiaries under this legally valid will the Public Trustee had helped write, was then told that the Public Trustee intended to contest the will. Significant fees would accompany this contestation. In contesting the will, the Public Trustee ignored the wishes of her mother, contesting a will that they themselves had helped prepare. It also risked depleting the estate with administration and legal fees.

After a process of complaints and advocacy, stressful for my constituent and compounding of grief, I am pleased to say that the will was not ultimately contested. To me, this highlights serious ongoing issues with the governance framework of the Public Trustee.

This case did not happen in a vacuum. The *Four Corners* report in March highlighted that the clients of the Public Trustee have been subjected to financial and emotional abuse by its actions.

The submission by Zorica Stankov, a disability support worker, is quite moving in how it describes the unfair decisions of the Public Trustee and how this impacts people's ability to even access a coffee or a snack on an outing. She says the majority of people she supports have the Public Trustee as their financial administrator. In July 2020, with no consultation, the Public Trustee decided that clients cannot access their own money for outings to pay for things like food, drinks, activities and personal items. Receipts would have to be provided to the Public Trustee. When this practice was changed overnight, the Public Trustee proposed solutions like disability support workers cash-flowing these items and then claiming them back. To be clear, some of the hardest working and most underpaid members of our community were asked to take the risk and administration on themselves.

Ms Stankov reports that many people with the Public Trustee as their administrator are on unreasonably tight household budgets. She provides examples like: a huge delay in the purchase of a cheap stick blender to puree food in accordance with dietitian's advice; the Public Trustee refusing to allow a client's parents to purchase her new clothes after she had lost weight; things like haircuts, everyday clothing, pairs of socks, underwear and bed sheets all needing to be itemised with quotes and pricing and sent to the Public Trustee for approval; if food spending is over as little as \$5, the Public Trustee must give permission for this to occur. No member of this place would tolerate the lack of dignity in their everyday lives or the lives of their families, so why should we mandate it for vulnerable Queenslanders?

The submission from Michelle Dubois is similarly damning. She has been a client of the Public Trustee for most of the last 24 years. She was awarded \$650,000 in compensation after a motor vehicle accident, and she estimates she has paid \$270,000 in fees to the Public Trustee. At one point she had over \$500,000 in her account and requested a couch. She was living alone and going to university. The Public Trustee dropped her allowance to \$80 per week. At one point her father was able to take control of her administration, but had to hand it back in time due to his old age. Once the Public Trustee had control over her accounts, they prevented her from using things like PayID or merchant banking in her small business. As Ms Dubois says, 'That money was meant to look after me, not pay the government.'

I hope that the mild reforms this bill proposes will make cases like this less likely, but there is much more that we can and must do. There have been some really important issues raised by stakeholders during the inquiry on this bill, which I understand will not be addressed by the government's amendments. If these issues are unable to be resolved, the very funding model of the Public Trustee should be reconsidered.

The Together union raised the issue of board remuneration. Despite the high workloads that Public Trustee staff have, the members of the board can still be remunerated at the minister's discretion. Like many other public entities, our universities being a prime example, the current framework risks executive pay being many times more than the pay of workers in the institution. This is also the case for private entities wishing to take government funds to do government work.

This situation with the few at the top being paid much more than those doing the work is out of step with community expectations, and it is something that this government can and should take action on. Here it needs to clarify whether the high pay of board members, as set by the minister, would come out of the budget or that of the Public Trustee.

As the Together union states in its submission, its members have serious concerns considering the existing issues that this would exacerbate. These issues will inevitably have an impact on the Public Trustee's clients.

After a century of its operation, this regime really needs a refresh. We now have decades of case studies about how the Public Trustee has denied people dignity and autonomy and even essential household items. The Attorney-General said yesterday that implementing the stronger governance board called for by many submitters would require a change to the corporate structure and it would not be simple. Queenslanders expect us to be doing the hard work of setting up a Queensland that protects and supports everyone. I have faith that we could do it if there were the political will.

I want to echo the faint praise of the expert submitters to this inquiry, those doing the heavy lifting here, and note that this review takes a step or two towards reform. However, this regime, and the indignity it enforces on vulnerable people, is no longer sustainable. I commend my colleague the member for Maiwar for his amendments and I urge the government to hear the voices of vulnerable people and their carers. If the Public Trustee cannot act in their interests and support them to lead full and comfortable lives, its entire model needs to be reformed.