




Speech By
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MEMBER FOR MOGGILL

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

 **Dr ROWAN** (Moggill—LNP) (11.34 am): I rise to address the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021. The Public Trustee has a significant role in our society and one in which it is placed in an utmost position of trust, responsibility and ultimately power over many Queenslanders. In fact, more than 10,000 Queenslanders each year are provided financial management services by the Public Trustee, including more than 9,300 people under a formal administration appointment by the Queensland Civil and Administrative Tribunal, QCAT.

For too long substantial concerns and detailed issues were raised by Queenslanders with respect to persons who were under the administration of the Public Trustee. Indeed, as outlined by the Public Advocate over a number of years, persons under administration of the Public Trustee, their families and supporters have raised concerns with the Public Advocate about the level and types of Public Trustee fees and charges and their negative effect on financial outcomes for people under administration. It is against this backdrop that the Public Advocate instigated its own review to explore a number of important matters related to the Public Trustee and in January 2021 the Public Advocate tabled its report to the Queensland Legislative Assembly titled *Preserving the financial futures of vulnerable Queenslanders: a review of Public Trustee fees, charges and practices*.

From the outset I wish to acknowledge and thank the Public Advocate for its detailed work in preparing and delivering this report to the Queensland parliament. This is a comprehensive and, I believe, a long overdue report. With 32 recommendations made by the Public Advocate, it is incumbent on both the Public Trustee and the Queensland state Labor government to ensure that the hard work by the Public Advocate is not wasted and that the opportunity is seized upon to provide meaningful and lasting reform for the benefit of all Queenslanders under the administration of the Public Trustee.

This legislation that is before the Queensland parliament seeks to implement recommendation 30 of the Public Advocate's report—that is, that the Queensland government consider whether the Public Trustee and its clients would benefit from additional oversight and/or reporting mechanisms to improve the Public Trustee's performance, transparency and public accountability. To that end, the Queensland state Labor government through this legislation is seeking to establish a Public Trustee board that will have an advisory and monitoring function.

As articulated by my Liberal National Party colleagues, including the shadow Attorney-General and member for Clayfield, this is a missed opportunity by the Queensland state Labor government and is not a true reflection of what was recommended. By being only advisory in its nature and with no governance power, this newly established board will not have the power to direct the Public Trustee or the minister. It must be noted that the Public Advocate has detailed how there are structures that already exist in other Queensland statutory commissions with mechanisms that can provide oversight and direction, including the Crime and Corruption Commission and Legal Aid Queensland.

I also wish to note serious concerns with respect to the reporting requirements of the Labor state government's proposed board. In its current form, the board would have been subject to only limited reporting requirements. In fact, as originally drafted, the board would have no obligation on the minister to table or make its recommendations public. Understandably, such a lack of transparency and accountability drew considerable criticism by most stakeholders, leading to the Community Support and Services Committee in its report No. 15 of the 57th Parliament to recommend that the bill be amended to ensure that a separate annual report of the board of the Public Trustee be provided to the minister and that it also be tabled in the Queensland Legislative Assembly.

It is disappointing that, whilst the Queensland Labor government has agreed to this recommendation, it will require the board to provide a separate annual report to be completed as soon as practicable after the financial year and be tabled in the parliament within 14 Queensland parliamentary sitting days. In a modern society and in upholding the ideals of a responsive Public Service, there is no genuine justification for such a delay in transparency and accountability. That is why the Liberal National Party will be moving an important amendment to legislate that a report from the board be completed within 30 days of the end of the financial year and tabled within 30 days of submission to the minister. Such an amendment will ensure a level of transparency and accountability that has significantly been lacking from the Queensland state Labor government. Ultimately, the Liberal National Party wants to ensure that all Queenslanders have access to a Public Trustee that is affordable, responsible and, above all else, always acts in the best interests of vulnerable Queenslanders.

As the local state member for Moggill, like many elected representatives, I have sat with and endeavoured to assist many constituents who have felt significantly let down by the Public Trustee. I have received detailed correspondence from local constituents outlining the significant stress and financial hardship caused by the management and alleged mismanagement of the financial affairs of a relative by the Public Trustee of Queensland.

Despite the many genuine efforts of these constituents to engage with the Public Trustee and other agencies to properly rectify these matters, it took direct advocacy to the Queensland government for meaningful action to be taken by the Public Trustee. This is just one of many examples where the Public Trustee has ultimately failed Queenslanders and a reminder of why genuine reform by the Queensland state government is so important. In closing I want to quote the Victorian Ombudsman who made this powerful observation when reviewing the State Trustees in Victoria in 2019—

There can be few more potent examples of the imbalance of power between the individual and the state than when the state assumes control over someone's financial affairs. Whatever money or property a person has is no longer theirs to deal with, homes can be sold and personal property dispersed. The impact of this is obvious, the responsibility it places on those entrusted with their affairs equally so.

Whilst these reforms before the Queensland parliament are long overdue, like all Queenslanders, the LNP also wants to see faster action in bringing the other recommendations of the Public Advocate forward so as to ensure that Queenslanders are receiving the best representations from their Public Trustee without being excessively financially burdened. This is especially pertinent given the matters that were widely canvassed and highlighted during the recent ABC *Four Corners* program.

Finally, I thank all members of the Queensland parliament's Community Support and Services Committee for their work and the diligence with which they undertook their inquiry into this legislation. I particularly acknowledge the deputy chair, the member for Burnett, as well as the member for Scenic Rim, the committee secretariat for its support and all stakeholders who contributed to the committee's consideration of this legislation. All of those who provide input into legislation—those stakeholders and submitters—are vitally important when it comes to scrutinising legislation and ensuring that the best possible legislation is brought forward to the Queensland parliament. I also acknowledge those Queenslanders who bravely shared their experiences.

As we know, when people are under administration and have their financial and other affairs managed in this way it is complex and sensitive. There can certainly be a lot of trauma for families. Ensuring that we have the most robust system of oversight and governance with respect to these matters is vitally important for all of Queensland but in particular for those who are involved in such matters. I encourage all members to support the LNP's amendment as circulated to the House.