




Speech By
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MEMBER FOR BANCROFT

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

 **Mr WHITING** (Bancroft—ALP) (2.05 pm): I rise to speak in support of the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021. I will quickly go over how this bill creates this board and who is on this board, because it is pertinent to what I will be saying in a moment. The board will have a mix of ex officio members appointed by virtue of their office—they will be the permanent board members—and members appointed by the minister. There are to be a minimum of four appointed board members for a term of three years. Permanent board members will all be directors-general or senior executives within the public sector. Appointed board members will be people with knowledge, qualifications and skills in areas such as corporate governance, finance and banking, disability, litigation and law, and human resource management. Obviously, that board will meet at least three times a year.

I think this bill represents quite a good advancement on where we are at the moment with the Public Trustee. It is very clear that this bill will bring in stronger governance and oversight of this particular body. I think we can all agree that that is very much needed. The question is one that you look at within government: do you need a new board or do you need a whole new structure? You choose a new structure if there are broad, pervasive structural failings. The question then becomes, to use a building analogy: do you need to demolish and rebuild? After listening to everyone and examining this issue, I think the answer is no. Very serious issues have been raised, but I think what we have here is still the best option.

If you go for a complete restructure—the demolition and rebuild—it takes enormous time and resources. The Attorney-General referred to this in her speech. It takes years to get right. If you bring in a new act, it takes years to draft, to consult on, to bring in and to bed down. There would be a delay of years. Creating a body corporate would be a complete rebuild as well, once again taking years. If you create an independent body, once again you are looking at a complete rebuild. If you do that restructuring and rebuilding over years, how are the surrounding governmental structures and bodies affected during the rebuilding? It would be quite disruptive to all of the architecture around that body. Creating a body corporate or independent organisation minimises the ability of ministers, government and parliament to have direct impact, direct insight and direction into that body. I question whether or not that would lead to an increase in public oversight or public intervention.

As I said a moment ago with regard to the broader options of demolish and rebuild, what will the effect be on the clients? It comes back to this question: what is in the best interests of the clients of the Public Trustee? As we have heard, there are 10,000 vulnerable Queenslanders who rely on the Public Trustee. If we implement the options that have been canvassed today by the opposition and other people, we would get years of delay and disruption. One would have to ask: would that be in the best interests of all of the broader clients of the Public Trustee?

I believe the best option is what we have in front of us in this legislation with this board with oversight and a review function and a board that can monitor and advise as part of what will clearly be ongoing reform for this organisation. The Attorney-General and the member for Bundamba pointed out that this board is a first within Australian public trustees. No other jurisdiction has quite this model and we have something here that is worth pursuing that can deliver what we need.

It is very clear, as I said, that if there are problems that need to be fixed they are not of the magnitude that require a complete demolish and rebuild, and I would question whether that impact would see its clients better off in the long run. I look forward to the option in this bill fixing the problem because it will preserve the protections that already exist for these vulnerable Queenslanders.

I also point out to the LNP—and this is something that we cover many times when we have these kinds of debates—that we need to be aware of the morale that these kinds of criticisms have within those bodies and the impact that has on staff within the Public Trustee. I am sure that they know of the issues that need to be dealt with, but I would point out that we cannot continue to undermine internal confidence in our public units. We cannot continue to traduce morale if in fact we are wanting a better outcome for Queenslanders. That is something that we need to keep in mind when we are looking at these issues.

There is one particular issue that we have not talked about within this bill. The members for Burnett and Buderim mentioned the people who come through their offices with issues, and I do agree that there are people who come through our offices with issues. However, I want to point out that I often talk to people who are thankful that the Public Trustee is doing its job. That is something that we cannot forget. I have seen people coming through the office who are chasing alterations in those arrangements with the Public Guardian or the Public Trustee and I question sometimes whether they are in the best interests of their family members or the people who are the clients. That is something that we do need to be aware of. We do get a lot of complaints, but we need to look within ourselves and ask: what is in the best interests of the client, not what is in the best interests of the person whom we may have before us?

My experience is that, by and large, the Public Trustee, the Public Guardian and those sectors act in favour of their clients—the most vulnerable—and that is something that we need to be aware of when we deal with these issues. When we deal with issues of the Public Trustee and the Public Guardian—and the member for Cook also mentioned this briefly—the role that they play within our society is crucial. When there are people in front of us who have difficulty communicating who are relying on people who may not be family members or who are being represented by people who are not family members, we should be asking what is in the best interests of the client and looking at what the Public Trustee delivers in terms of service and protections to the most vulnerable within our society.

As I said, I am sure that there will be continuing change and continuing reform as we continue to protect those most vulnerable. However, the board option presented by this bill today is a great advance on what we have which will deliver some great benefits to how the Public Trustee operates and the regard with which it is held within the state. This board will work with the staff and it is not something that will traduce or undermine their morale. I commend the bill to the House.