




Speech By
Cynthia Lui

MEMBER FOR COOK

Record of Proceedings, 10 May 2022

PUBLIC TRUSTEE (ADVISORY AND MONITORING BOARD) MANAGEMENT BILL

 **Ms LUI** (Cook—ALP) (6.40 pm): I rise to speak on the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021. In doing so, I acknowledge the Attorney-General, the Community Support and Services Committee—the chair, the member for Mansfield, and committee members the members for Burnett, Nicklin, Scenic Rim and Maiwar—the committee secretariat and Hansard for their work in the examination of the bill.

The bill was referred to the committee on 28 October 2021. During the examination of the bill the committee invited stakeholders and subscribers to make written submissions on the bill. We received a written briefing and had a public briefing on the bill from the Department of Justice and Attorney-General. The committee received a total of 10 submissions and had the opportunity to hear directly from submitters during the public hearing held on 29 November 2021.

It is important to note that the administration clients of the Public Trustee are some of the most vulnerable members of the Queensland community. The committee remained diligent in the examination of the bill to ensure certain structures were in place to safeguard the rights and interests of our most vulnerable Queenslanders. The Public Trustee, as an agency representing the state of Queensland, has been appointed to protect the person's interests and has a string of obligations that go with that responsibility, including: to act honestly and with reasonable diligence; to act in accordance with the general and health principles outlined under the Guardianship and Administration Act in all decisions; and to avoid conflict transactions. These are significant responsibilities that are unique to the Public Trustee and, in relation to guardianship, to the Public Guardian. I acknowledge the work of the Public Trustee to date. The Public Trustee forms a central role in the guardianship system in Queensland. This system provides for a range of substitute decision-makers to make decisions on behalf of adults with impaired decision-making capacity.

The committee heard from the Office of Public Advocate that the Public Trustee has significant power over its administration clients. It is in a position of trust, controlling the person's money and property; making many, if not all, financial decisions for the person; and having significant power over their lives. The administrator's role can include paying household bills, buying or selling property, running a business, entering into contracts, applying for government benefits, making business decisions, managing investments and bringing or defending legal proceedings of a financial nature.

There were concerns raised by people under administration with the Public Trustee, their families and supporters about the level and types of Public Trustee fees and charges and their negative effect on financial outcomes for people under administration. The Public Advocate launched a review in 2020 to explore the concerns raised. On 10 March 2021 the former public advocate's report, *Preserving the financial futures of vulnerable Queenslanders: a review of Public Trustee fees, charges and practices*, was tabled. The government response to the OPA report was also tabled on 10 March 2021.

The government response publicly committed to the establishment of a Public Trustee board with an advisory and monitoring focus. The OPA report made 32 recommendations relating to the Public Trustee's fees and charges, financial management, client services, legal services and administration. While 23 of the recommendations were the responsibility of the Public Trustee to implement, the government accepted OPA recommendation 30 to establish additional oversight and/or reporting mechanisms to improve the Public Trustee's performance, transparency and public accountability. The government response accepted this recommendation and stated that the government 'has committed to the establishment of a Public Trustee board that will have an advisory and monitoring function'.

Membership of the board would comprise permanent members; ex officio members appointed by virtue of the office that they hold; and at least four but no more than five appointed board members appointed by the minister for a maximum term of three years. Appointed board members may be reappointed. The bill proposes five permanent board members including: the chief executive—the director-general of DJAG or a senior executive of that department; the chief executive of the department in which the Financial Accountability Act 2009 is administered or a senior executive of that department; the chief executive of the department in which the Disability Services Act 2006 is administered or a senior executive of that department; the chief executive of the department mainly responsible for seniors or a senior executive of that department; and the chief executive of the department in which the Aboriginal Cultural Heritage Act 2003 and the Torres Strait Islander Cultural Heritage Act 2003 are administered or a senior executive.

Aged and Disability Advocacy Australia was supportive of the proposed composition and board membership reflecting the diverse spectrum of the Queensland community with the inclusion of at least one member who is an Aboriginal or Torres Strait Islander person as well as having regard to the lived and professional experiences of members.

The government listened closely to our most vulnerable and advocacy groups in Queensland to strengthen the processes. We are acting on the concerns raised to make this process more effective to serve those who have been impacted. I commend the bill to the House.