




Speech By  
**Deb Frecklington**

**MEMBER FOR NANANGO**

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

 **Mrs FRECKLINGTON** (Nanango—LNP) (2.14 pm): I rise to contribute to debate on the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021. As the shadow Attorney-General has alluded to, we will be supporting this bill, but make no mistake: this bill is all talk and no substance. There were 32 recommendations made by the Office of the Public Advocate to the government and how many does this bill fix up, help or change? One of those recommendations. What is that recommendation? To extend the board by one person and tinker around the edges with the reporting recommendations. Honestly, that one recommendation—

**Mr Healy** interjected.

**Mrs FRECKLINGTON:** I take that interjection: because we do back that one recommendation, but we would like to see more of the recommendations adopted. I note that the shadow Attorney-General has spoken about that and will continue to speak about that during the consideration in detail stage of the debate. Again this looks like another one of the Palaszczuk government's photo-ops but then forgets about the follow-ups. That is exactly what this bill is all about.

I remind the House that the Public Trustee was established in Queensland in 1916 during the First World War to secure the affairs of Queenslanders in times of need and since then the Public Trustee has grown significantly. It has maintained bipartisan support, but unfortunately it just simply has not kept up with changes in estates and estate law in Queensland, and I speak from experience with that as a former estate lawyer. The LNP is well aware, as we have heard, of the community's growing concerns about the Public Trustee and has been calling for a review and changes into its practices for years.

The Public Trustee has strict legal obligations under its act, which states that it must always act in the interests of its clients and avoid conflicts with clients' interests and not profit from the relationship. The OPA report found that the opposite was more likely than not occurring. In fact, the review had to be expanded from its initial consideration about fees and charges to include significant broader concerns as more and more issues were raised by the community and agencies across the state. The Public Advocate raised serious concerns about the level of complexity in the Public Trustee's system of fees and charges and its lack of transparency. Further, it found that the Public Trustee was profiting from clients' funds.

It is all well and good to say that a lawyer can profit from its clients' funds, but the Public Trustee is there to act on behalf of the most needy in our state. It has raised issues in relation to the Public Trustee's investment policies and practices, its use of external financial advisers, its use of the Official Solicitor and the charging of management fees on clients' money invested in its own financial products.

The Public Advocate was most concerned with the Public Trustee's administration clients who had modest assets such as a home, superannuation or a pension. These clients are not entitled to fee rebates from the Public Trustee and for many in this group the fees and charges in combination with

their regular expenses simply exceeded their income, requiring them to spend their cash assets and eventually get rid of their assets over time. I just heard the member for Buderim give a very good local story about that exact case. As an example, it was found that the Public Trustee's personal financial administration fee for those on the highest level of the fee level equates to almost 37 per cent of a single person on a disability support pension.

This is a very large proportion of this pension and a significant financial burden for those clients. I note that it is 12 months since this review and there is still no word on the updated fee structure. This is a review that found major issues in relation to the fee structure. Those clients are waiting to hear about the update of that fee structure. It is simply not good enough.

I would like to share with the House the story of one of my constituents. This is just one of many Public Trustee complaints that we get into our offices. This is the story of Sue Goodman and her son John and their experience in this space. Sue first came into my office in November 2020 seeking advice and my advocacy in her dealings with the Public Trustee and their management of her son's affairs. Her son John, who at the time was 46, had suffered brain damage in 2018. He had an intellectual impairment, lack of capacity and could no longer read or write. His affairs were placed with the Public Trustee because Sue believed at the time that they were best placed to look after her son's best interests given his age at the time and, I dare say, her age.

Towards the end of 2020 Sue realised this was simply not the case. She looked at the budget, she looked at the fees and started to make inquiries. She could see that John's funds would be severely eroded in just 10 years if they were to continue where they were. She was hit with more fees because if you make more than two calls to the Public Trustee in one fortnight you are placed on a higher fee schedule.

With enormous tenacity, strength and determination Sue took on the Public Trustee through QCAT. She had no lawyer, relying on the help of Carers Queensland to lodge hundreds of pages of evidence and documents. Her wish was to help John build his own home on land that she owns in the South Burnett, a home where he could live with dignity and have his beloved dogs with him and be comfortable. Sue won her fight. She won the right to be free of the Public Trustee and was appointed as administrator of her son's finances. Unfortunately the story does not end there. After winning this David and Goliath battle Sue found out that the Public Trustee had placed all of John's finances in his super and therefore they were inaccessible. A second battle started for these funds and it continues to this day.

Sadly, John was never able to see his home. He passed away in November 2021. The delays and the unnecessary pain that the Goodmans experienced in their dealings with the Public Trustee should never have occurred. Sue should never have had to come to her local member of parliament to help her advocate. She should never have had to spend the last year of her son's life fighting for his financial security. May John rest in peace, but may Sue's fight on John's behalf speak loudly and proudly on behalf of other victims who are subjected to the same unfortunate circumstances. Let us hope that, while this bill is only one tiny step toward improvements to the Public Trustee, this government actually listens to people like Sue and the other people whose stories have been told in this House and that it makes changes.

In 1916 when the Public Trustee was set up in this state, it was set up to help those less fortunate, those people who needed advocacy on their behalf to look after their affairs. It was not set up to rip people off. It was not set up to make sure that people like John were not able to get into their own home for the last year of their life.

This bill does not go far enough. In my opinion it is a toothless tiger and another layer of bureaucracy with no real power but to provide general advice. It is a weak solution to just one of the 32 recommendations made by the Office of the Public Advocate. It has been 12 months since the review and we are still waiting on the updated fee structure. It is not good enough. People continue to lose almost everything at the hands of the very body that should be safeguarding their future. The LNP will continue to fight. We will fight for people like Sue so that vulnerable people like her son are protected into the future.