




Speech By
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MEMBER FOR MOUNT OMMANEY

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PUBLIC TRUSTEE (ADVISORY AND MONITORING BOARD) MANAGEMENT BILL

 **Ms PUGH** (Mount Ommaney—ALP) (2.40 pm): I mention at the outset of my contribution to the bill that in my community is a senior team member of the Public Trustee with whom I meet semiregularly in his capacity as a senior committee member at a local sports club.

As we know, the purpose of this bill is to amend the Public Trustee Act 1978 to establish a Public Trustee advisory and monitoring board. The board is intended to provide additional oversight over the Public Trustee to enhance transparency and public accountability which we all know is so important. The establishment of this board is in response to the Public Advocate's report, which hopefully I will have time to touch on later, that has recommended this additional oversight of the Public Trustee to improve its performance, transparency and public accountability. The Public Trustee Advisory and Monitoring Board proposed in this bill will provide independent and effective oversight of the Public Trustee to improve its performance, transparency and public accountability in all aspects of its functioning.

Let me speak briefly about some of the different functions of the office of the Public Trustee. The remit of the Public Trustee is a wide one. It assists members of the public with writing their wills. It also provides advice about writing those wills where people may want to write their own. It provides a large amount of advice about the importance of keeping your will up to date should your family circumstances change. It provides an enduring power of attorney service. Its website even provides very important information about organ donation.

For the information of the House, the best thing to do is to not register in your will your interest in being an organ donor as some people may have done. Including the information in a will is not best practice. It is very likely that, by the time your will is read, it would be too late to action such a request. In fact, people need to register on the website. If members have not registered to be an organ donor, they can certainly do that. There is a link on the Public Trustee site, such is the depth and breadth of functions it carries out. The key takeaway, of course, is not to put it in your will. By the time people are reading a will, it will be far too late to action that request. I digress. It is very important information.

It is worth recognising the emotive nature of the many issues that the Public Trustee deals with. If you need assistance with a will or with an enduring power of attorney, these are issues that can be traumatising, challenging and emotional for families at the worst of times. At best, they can be incredibly upsetting. Unfortunately, many of us leave these sorts of decisions until they have to be made. It is sad to see, but it is often the way things are.

When members of this House reflect on executor planning in their own family, I am sure that we can each attest to the difficulty of the task, the emotional duress and fractures that it can also create within families. It is in this environment that family members operate. It is for this reason that ensuring the best possible oversight through the creation of an advisory board is critically important, because we are dealing with vulnerable people in their time of need even if they are simply emotionally vulnerable.

We know that this board was widely supported by submitters to the committee. The proposed board is specifically designed to be completely independent both from the function of the Public Trustee and, of course, from the government.

This bill gives the board the tools it requires to effectively perform its oversight function, including: a skilled and knowledgeable membership providing a fresh perspective; the power to require the Public Trustee to provide the board with information; and the responsibility to publicly report on any recommendations made by the board to the Public Trustee or the minister. The composition of the board will have to include a person with lived experience. We all agree—and we have heard many stories today—that that is critical, because that person with lived experience will be able to provide that all-important, critical lens as to what it is like to work within the system and ensure that that is considered by the board in future dealings. This individual will have personal experience and firsthand knowledge of living with impaired capacity, including using and navigating Queensland's guardianship system.

As I said, a board member with lived experience will bring a unique perspective to the board, providing it with an insight it otherwise would not have had. Certainly, I do not think any of us in this House would have that lived experience. That is why it is critically important that we get that perspective.

The government considers that the addition of such a board member will result in an improved and more authentic performance of the board's function. The board will be accountable to the parliament through the tabling of an annual report—giving the community an assurance that the board's recommendations will be heard in parliament.

As I said, I believe—and I am sure every single member of this House believes—it is important to ensure that the Public Trustee is held to the highest level of integrity and confidentiality. There are over 10,000 people, some of the most vulnerable in our community, whose finances the Public Trustee manage. It is our responsibility to them and their families to ensure that their interests are protected.

In January 2021 the Public Advocate published its report titled *Preserving the financial futures of vulnerable Queenslanders: a review of the Public Trustee fees, charges and practices* which was tabled in parliament on 10 March. This bill acts on recommendation 30 of that report being that the government consider an additional oversight and reporting mechanism to improve the Public Trustee's performance, transparency and public accountability. In its response to the OPA report, the government publicly committed to the establishment of a Public Trustee board with an advisory and monitoring focus and, as I mentioned earlier, with that all-important lived experience. The board will have oversight of the Public Trustee to improve the performance of the Public Trustee.

We accepted written submissions from 4 November. We had public hearings. The Public Trustee has provided overall support for the bill. The Public Guardian has also provided support for the establishment of this board. During the submissions process we heard from stakeholders who were able to describe to the committee, and members of parliament, some of the barriers and challenges they experienced as clients of the Public Trustee. The committee recognised that the objectives of this bill are squarely targeted at ensuring those issues are not experienced again.

I return to the importance of lived experience. By having those with lived experience on the board we will ensure we always listen to the voices of the people who use this important service. We have over 10,000 Queenslanders currently relying on this service. As the member for Nanango said, this service has existed for about 100 years. When we think of the number of people who have used this service in the past and will use this service in future, it adds up to tens of thousands if not hundreds of thousands of Queenslanders. We owe it to past, present and future Queenslanders to ensure we get this vital service right. I believe that the creation of this board as proposed in this bill today is a vital step in doing that. With those few words, I commend this bill to the House.