




Speech By
Joan Pease

MEMBER FOR LYTTON

Record of Proceedings, 11 May 2022

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

 **Ms PEASE** (Lytton—ALP) (3.07 pm): I rise to speak to the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021. I am happy to stand up here and talk about this today because I have been fortunate to have had some fantastic experiences with the Public Trustee over my years. I have had great service, and I acknowledge the great work of the people who work in the Public Trustee office. I also acknowledge that sometimes in our community there are people who do need a bit of a hand and they do not have anyone in their family who is capable or competent enough to undertake their financial care. I am also very proud to have done some review and revision, unlike those opposite who are just reading a pro forma speech one after another—

Mrs Frecklington interjected.

Madam DEPUTY SPEAKER (Ms Lui): Order! Member for Nanango!

Ms PEASE: It is also very good fun—

Mrs Frecklington interjected.

Madam DEPUTY SPEAKER: Member for Nanango, order!

Ms PEASE: Thank you very much for your protection, Madam Deputy Speaker. I have obviously touched a bit of a nerve there, but I shall continue.

Mrs Frecklington interjected.

Madam DEPUTY SPEAKER: Member for Nanango!

Ms PEASE: Do I need to ask for a withdrawal? I try to ignore the carry-on from that side. Perhaps I need to ask for a withdrawal; I am not sure. Was it inappropriate? No? I will continue. I am sorry that you take offence—

Mrs Frecklington interjected.

Madam DEPUTY SPEAKER: Member for Nanango, please cease all interjections.

Ms PEASE: Thank you very much for your protection, Madam Deputy Speaker.

Mrs Frecklington interjected.

Ms PEASE: Excuse me. That is inappropriate. That is absolutely inappropriate parliamentary language.

Ms McMILLAN: Madam Deputy Speaker, I rise to a point of order. I consider the comment made by the member for Nanango a threat and I ask that it be withdrawn.

Madam DEPUTY SPEAKER: Member for Nanango, I asked you to come to order and you continued to interject after my directions. I please ask you to—

Mrs FRECKLINGTON: I withdraw.

Ms McMILLAN: Madam Deputy Speaker, I rise to a point of order. The member for Clayfield made a comment that I find offensive, and I ask that it be withdrawn.

Madam DEPUTY SPEAKER: Member for Clayfield, I did not hear the comment that you made but can I ask you to withdraw.

Mr NICHOLLS: On the point of order, firstly, without hearing the comment, I do not know what it is you are asking me to withdraw. I would otherwise be happy to withdraw. Secondly, there is no naming of any person in any comments that I may have made to any person that they could take offence at. You can only be asked to withdraw if the member was named or directly able to be identified by the comment and there is no such thing. With respect, I ask you to reconsider your ruling.

Madam DEPUTY SPEAKER: I will seek advice. I did not hear the comments made directly. We will go back and review the tapes and will consult with Mr Speaker. Member for Lytton, you have the call.

Ms PEASE: Madam Deputy Speaker, thank you again for your protection. I would like to talk about this very important piece of legislation that is before the House today, the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021. As I have already said, the Public Trustee performs a vital role in our community, including financial management services to more than 10,000 vulnerable Queenslanders each and every year. Importantly, the Public Trustee forms a central role in the guardianship system in Queensland. The guardianship system provides for a range of substitute decision-makers to make decisions on behalf of adults with impaired decision-making capacity. The Public Trustee may be appointed by the Queensland Civil and Administrative Tribunal under the Guardianship and Administration Act 2000 as an administrator and by a principle under the Powers of Attorney Act 1998 and as an attorney in an enduring power of attorney to make decisions about financial matters or legal matters in relation to property. It is a very important role that the Public Trustee undertakes.

Protecting Queenslanders, especially those experiencing vulnerability, is a priority for the Palaszczuk Labor government, and that is why this government has moved decisively to establish the Public Trustee Advisory and Monitoring Board. This board is part of the government's response to the Public Advocate's report, *Preserving the financial futures of vulnerable Queenslanders: a review of Public Trustee fees, charges and practices*, which was tabled in the Legislative Assembly on 10 March 2021.

That report made recommendations in relation to the Public Trustee's fees and charges regime, sustainability and provision of legal fees. Government is responsible for the implementation of 10 of these recommendations, including one jointly with the Public Trustee. The report found that many of the Public Trustee's customers are happy to receive a high level of service for very little or no cost. However, the report also identified opportunities for improvement in the way the Public Trustee engages with its customers. Relevantly, recommendation 30 of the report was that the government consider additional oversight and reporting mechanisms to improve the Public Trustee's performance, transparency and public accountability.

The bill is consistent with the government response to the Public Advocate's report, which was tabled in March this year, in which government publicly committed to the establishment of a Public Trustee board with an advisory and monitoring focus. The board will monitor the performance of the Public Trustee's functions and provide advice and make recommendations about how the performance of these functions can be improved.

Specifically, the bill provides that the board will have these functions: to monitor and review the performance of the Public Trustee's functions; to monitor complaints received by the Public Trustee about the performance of the Public Trustee's functions; and to monitor and review the Public Trustee's processes for managing these complaints. The board may also give advice or make written recommendations to the Attorney-General about, for example, changes to legislation or improvements to the policies, practices, resources, services or training of the Public Trustee to ensure the Public Trustee can perform its duties. The board may also suggest improvements or enhancements to the performance of the Public Trustee's functions to promote the interests of the Public Trustee's clients, particularly clients with impaired decision-making capacity.

The Attorney-General can also request the board to give advice or make written recommendations to the Attorney-General about specific matters relating to the performance of the Public Trustee's functions. Separate to this, the board may also give advice or make written recommendations to the Public Trustee about matters relating to the performance of the Public Trustee's functions. The board will not have any management functions or the ability to direct the Public

Trustee, except to require the Public Trustee to provide it with information about the performance of the Public Trustee's functions. This will maintain the Public Trustee's independence as an independent statutory office and avoid a conflict with the Public Trustee's statutory, fiduciary and other obligations.

In performing its functions, the board must act independently and in the public interest and is not subject to direction by anyone, including the minister, about how to perform its functions. That is important, given the nature of the Public Trustee's role. The board is comprised of persons with relevant knowledge, qualifications and skills including in relation to: management and delivery of public sector services, including executive principles in management of human, physical and financial resources; legislation, policy and programs for seniors and people with disability, including people with impaired decision-making capacity; finance, banking and financial services; and legal frameworks and practices relevant to succession law, powers of attorney, duties and obligations of trustees, substituted decision-making for adults with impaired capacity, commercial litigation, and the principles and rules of equity.

The committee recommended that clause 4 be amended to add an appointed member to the board with lived experience, which is a sensible and welcome amendment. The permanent board members will be the chief executive, or nominated chief executive, of the following departments: the department that administers the Public Trustee Act; the department in which the Financial Accountability Act 2009 is administered; the department in which the Disability Services Act 2006 is administered; the department mainly responsible for seniors; and the department in which the Aboriginal Cultural Heritage Act 2003 and the Torres Strait Islander Cultural Heritage Act 2003 are administered.

The appointed board members will be comprised of: at least one person with knowledge, qualifications or skills in corporate governance, finance and banking, financial investment, financial services, insurance, or the management of financial funds, financial risk or trusts; at least one person with knowledge, qualifications or skills in relation to advocacy, services and support for seniors and persons with a disability, including persons with impaired capacity; at least one person with legal knowledge, qualifications or skills in commercial litigation, duties and obligations of trustees, powers of attorney, substituted decision-making for adults with impaired capacity, succession law, or the principles and rules of equity; at least one person with knowledge, qualifications or skills in relation to human resource management and, importantly, culture change management; and any other persons with the knowledge, qualifications or skills the minister considers appropriate. When appointing board members, the minister must ensure the members reflect the diversity of the Queensland community and that at least one person is Aboriginal and Torres Strait Islander and one person, as I said, has a lived experience.

Given that the purpose of the board is to provide oversight over the operations of the Public Trustee, the Public Trustee will not be a member of the board. However, the board may invite a person to attend board meetings for the purposes of advising or informing the board and this could include the Public Trustee.

Before I conclude, I would like to again acknowledge the great work that the Public Trustee has done over many years and the service that they have given and their care of many people. In my community, some people have had problems, but on the whole many have had great success and a great relationship with the Public Trustee's office. I acknowledge their great work. I look forward to the continual growth and improvement of the service. I commend the bill to the House.