




Speech By  
**Julianne Gilbert**

**MEMBER FOR MACKAY**

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Record of Proceedings, 11 May 2022

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

 **Mrs GILBERT** (Mackay—ALP) (2.55 pm): The Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021 is an important bill for those Queenslanders who find themselves using the services of the Public Trustee. The Public Trustee operates as a corporation, is governed by the Public Trustee Act 1978 and provides a range of financial, trustee and legal services to Queenslanders. 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, QCAT, under the Guardianship and Administration Act 2000 as an administrator and by a principle under the Powers of Attorney Act 1978 as attorney in an enduring power of attorney to make decisions about financial matters or legal matters in relation to property.

As other speakers have mentioned, we have all had constituents contact our electorate offices seeking assistance with their dealings with the office of the Public Trustee. Some constituents have gone down the path of seeking a QCAT decision to place a family member into the financial supervision of the Public Trustee to prevent financial elder abuse by another family member. There have also been disputes between family members as they decide who the best person is to look after a family member. When they cannot agree they go to QCAT to have a decision made. There are also families that do not feel comfortable having the responsibility for the management of funds on behalf of an incapacitated family member because they do not feel confident or are time poor or do not believe that they would do the right thing. Some family members want to be at arm's length of a loved one's finances so that lines do not get blurred.

My late sister-in-law Annette became a client of the Public Trustee when she had a stroke in her 60s. As a single woman this was the best outcome for her. She had made this decision with her solicitor legally before becoming unwell. She had set herself up and said what she wanted to happen to her if she ever became incapacitated. Her adult siblings were spread from North Queensland to Melbourne. She did not have the support she needed while she was in a nursing home on the Gold Coast.

During Annette's later years, when she was unable to make financial decisions for herself and for her estate, her finances were managed well by the Public Trustee. She was one of those people who had a good experience. At times the process was tough for her sister Mary Rose who would do some of her personal shopping. There was rigorous paperwork to be attended to to ensure that the money in her bank account was accounted for. It gave the family a lot of confidence in the system. After her death they also managed her will. Going through a local solicitor may have sped up the finalisation of her will, but the outcome was satisfactory and her siblings thought it was fair. I know that not every client of the Public Trustee and their family has had the same outcome.

To deliver a quality service to vulnerable Queenslanders, on 10 March 2021 the former public advocate's report titled *Preserving the financial futures of vulnerable Queenslanders: a review of the Public Trustee fees, charges and practices*, the OPA report, was tabled. Recommendation 30 of the

OPA report is that the government consider additional oversight or reporting mechanisms to improve the Public Trustee's performance, transparency and public accountability. The government's response to the OPA report was also tabled on 10 March 2021. The government's response publicly committed to the establishment of a Public Trustee board with an advisory and monitoring focus.

The bill amends the Public Trustee Act 1978 to establish the Public Trustee Advisory and Monitoring Board to provide additional oversight to the Public Trustee to improve its performance, transparency and public accountability. The board's functions are as follows: 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; to monitor and review the Public Trustee's processes for managing these complaints; to give written advice or make written recommendations to the minister about changes to legislation or improvements to the policies, practices, resources, services or training of the Public Trustee to ensure the Public Trustee can effectively perform its functions and 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; if asked by the minister, to give written advice or make written recommendations to the minister about matters relating to the performance of the Public Trustee's functions; and to give advice or make recommendations to the Public Trustee about matters relating to the performance of the Public Trustee's functions and another function given to the board under the PTA.

The Public Trustee Advisory and Monitoring Board will have a membership of up to 10 people, comprising up to five ex officio members or permanent board members and at least four, but no more than five, members appointed by the minister. The permanent board members will be the chief executive or nominated senior executive officer of the following departments: the department that administers the Public Trustee Act 1978; the department that administers the Financial Accountability Act 2009; the department that administers the Disability Services Act 2006; the department mainly responsible for seniors; and the department that administers the Aboriginal Cultural Heritage Act 2003 and the Torres Strait Islander Cultural Heritage Act.

There have been many stories today about unhappy clients of the Public Trustee. It upsets everyone to hear of vulnerable people's distress. On the whole, my family's personal experience with the Public Trustee was a very positive one because particular staff looked after Annette's finances with care. They were not always timely, but they did look out for her best interests. I would like to thank all of those employees of the Public Trustee who work very hard every day to look after vulnerable Queenslanders. They are doing the best they can with the resources at hand, so I would once again like to thank them. I support the bill.