




Speech By  
**Lance McCallum**

**MEMBER FOR BUNDAMBA**

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Record of Proceedings, 11 May 2022

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

 **Mr McCALLUM** (Bundamba—ALP) (11.42 am): I rise in support of the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021 which will help further enhance performance, transparency and public accountability by establishing the Public Trustee Advisory and Monitoring Board. The Public Trustee is a statutory authority that helps to make important decisions that can enhance the dignity, rights and interests of Queenslanders. The Public Trustee provides important financial management services to more than 10,000 Queenslanders each year, including more than 9,300 people who are under an administration appointment by the Queensland Civil and Administrative Tribunal. Importantly, the Public Trustee forms a central role in the guardianship system in Queensland which 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 principal under the Powers of Attorney Act 1978 as an attorney in an enduring power of attorney to make decisions about financial matters or legal matters in relation to property. Protecting Queenslanders and especially our vulnerable is a priority of the Palaszczuk government. The establishment of a Public Trustee Advisory and Monitoring Board is a great step forward in doing that. It is part of a broader response to a comprehensive report by the Public Advocate that also reviewed the Public Trustee's fees, charges and practices.

While the government is, of course, always respectful of the Public Trustee's independence, there is also a responsibility to ensure that the body is open, accountable and transparent and meets community expectations. We are committed to improvement. We also acknowledge that the Public Advocate's report found many of the Public Trustee's customers appeared to have a high level of service for very little or no cost. At the same time, there are opportunities to improve the way that the Public Trustee engages with customers and it is clear that the agency can take steps to be more transparent about its fees and charges.

Turning to the board, the new monitoring board will support 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 board will monitor and review the performance of the Public Trustee's functions; monitor complaints received by the Public Trustee about the performance of the Public Trustee's functions; monitor and review the Public Trustee's processes for managing these complaints; give written advice or make written recommendations to the minister; give advice or make recommendations to the Public Trustee about matters related to the performance of the Public Trustee's functions; and, finally, functions given to the board under the Public Trustee Act.

The Public Trustee Advisory and Monitoring Board will provide additional oversight over the Public Trustee to enhance transparency and public accountability of the service the organisation provides to Queenslanders. The board will monitor the performance of the Public Trustee's functions

and make recommendations about how the performance of these functions can be improved. In performing its functions, the board must act independently and be in the public interest. It is not subject to direction by anyone, including the minister, about how to perform its functions.

It is important, given the nature of the Public Trustee's roles and functions, that the board is comprised of persons with relevant knowledge, qualifications and skills, including in relation to the management and delivery of public sector services, including executive experience in management of human, physical and financial resources, experience in legislation, policy and programs for seniors and people with disabilities, including people with impaired decision-making capacity, finance, banking, financial services and legal frameworks and practices relevant to succession, powers of attorney, duties and obligations of trustees and substituted decision-making for adults with impaired capacity, also commercial litigation and the principles and rules of equity law.

I am very pleased to note that at least one member of the board is to be an Aboriginal or Torres Strait Islander person. It is important that boards such as these reflect the broader composition of Queensland and are diverse and have appropriate equity representation. I acknowledge the representations made to the committee by Aged and Disability Advocacy Australia which stated—

ADA supports the proposed composition and board membership, particularly, the obligation that members reflect the diversity spectrum of the Queensland community, inclusion of at least 1 member who is an Aboriginal or Torres Strait Islander person, as well as having regard to the lived and professional experiences of members.

In response to recommendations made by the Community Support and Services Committee in its report into this bill, the Attorney has notified the House that she has brought forward amendments to include a board member who has lived experience of impaired capacity, including as a carer or family member of a person with impaired capacity. I would like to acknowledge the committee's work in relation to that particular recommendation and the contribution of Dr Emma Phillips, the Deputy Chief Executive Officer and principal solicitor of QAI. She made representations in support of a board member with lived experience, stating—

... it is really important that people with firsthand understanding can provide that insight like no-one else can. We really think that is such a valuable insight to inform the work of the board in an authentic way.

That is an absolutely true statement. I am very pleased to see that the Attorney has brought forward amendments that will give effect to that representation.

In other jurisdictions there are no comparable boards or boards that are exactly the same as the board that is proposed in this bill in terms of having an advisory and oversight role. Yes, there are boards for similar public trustees but they are not exactly the same as this one. In effect, this is a national first. Given that, the committee's additional recommendation that the board should provide an annual report to the minister is very welcome. Again, it has been accepted by the Attorney who has circulated amendments that will give effect to it. I acknowledge the work of the minister in bringing this bill before the House, the committee for their diligent work inquiring into the bill and all of the department officers who have worked so tirelessly to bring this bill before the House.

In conclusion, this bill will provide independent and effective oversight of the Public Trustee to improve its performance, transparency and accountability. The proposed board is widely supported by those who submitted to the committee's inquiry process and it is specifically designed to be independent from both the Public Trustee and government. Importantly, it gives the board the tools it requires to effectively perform its oversight function, including a skilled and knowledgeable membership that will provide a fresh perspective. I commend the bill to the House.