




Speech By
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MEMBER FOR CURRUMBIN

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PUBLIC TRUSTEE (ADVISORY AND MONITORING BOARD) MANAGEMENT BILL

 **Mrs GERBER** (Currumbin—LNP) (2.31 pm): ‘They are evil. They’re terrible. They are heartless. They are thoughtless. And they’re just money-hungry users.’ Those are not my words. They are the words of a former Queensland Public Trustee client. In March this year, Anne Connolly’s *Four Corners* report shed light on the appalling practices still occurring inside the Queensland Public Trustee. That was after the Public Advocate delivered her scathing report into the financial practices of the Queensland Public Trustee in March last year and after the Auditor-General’s report into the Public Trustee’s handling of complaints, tabled in September 2020, which made damning findings about the Public Trustee’s processes.

The Public Trustee of Queensland is tasked with providing financial management services to approximately 9,300 vulnerable Queenslanders. However, the experience expressed by many is more like financial mismanagement. One Queensland advocate went so far as to say—

The Public Trustee are the biggest perpetrators of financial abuse of elders. And this is actually legal, and this is part of the system. So, this to me is state sanctioned elder abuse.

The committee heard from a number of submitters who provided firsthand accounts of experiences with the Public Trustee’s management of personal finances. They include having to get approval to purchase a stick blender to puree food and waiting weeks for that approval. In another case a family member was not given approval to purchase their daughter new clothes after she had lost a significant amount of weight. Another submitter told the committee—

I estimate the Public Trustee has taken upwards of \$270,000 in fees from me. They were unnecessarily cruel in how they managed the money. I had over \$500,000 in my accounts and I asked for a couch. They dropped my living allowance to \$80 per week. I was living alone and going to university at the time. It was not enough and there was no need for it.

In general, complaints about the Public Trustee range from not looking after assets properly to not consulting with loved ones and a complete lack of communication with the person they are supposed to be looking after, excessive fees and charges, charging property management fees when there has been no management of the property at all and forcing people with capacity issues to live where they do not want to live by selling their assets. Lives are ruined by those actions.

However, this state government refuses to address these systemic issues, turning a blind eye because the Public Trustee pays for itself. It is self-funded, paid for by the people under its administration, creating an inherent conflict of interest. I suspect this government does not want to have to ensure adequate funding for the Public Trustee in order to reform the Public Trustee in the way that is necessary. Therefore, the Public Trustee continues to operate as a law unto itself. The bill before the House today will not fix these very great issues with the Public Trustee. Instead, it tinkers around the edges.

Recommendation 30 of the Public Advocate’s report calls for the government to implement an additional oversight or reporting mechanism within the Public Trustee to improve its performance, transparency and public accountability. While this bill does establish an additional board, it has no

power. Instead, it will be advisory only. The government has tried to hide behind the departments, insisting that this format will maintain the Public Trustee's position as an independent statutory office and avoid conflicts with various duties and obligations owed. However, this is just another example of how this government is more concerned with how things look rather than how things are. The board will have no power to direct the Public Trustee on administrative issues. It will have no bearing whatsoever on the Public Trustee carrying out its common law and statutory duties. It cannot challenge the Public Trustee's decisions. It cannot even investigate a complaint. This is not the type of board proposed by recommendation 30 in the Public's Advocate's report and it is not the type of board that vulnerable Queenslanders deserve.

I note the comprehensive submission from the Queensland Law Society that reads—

... a stronger oversight mechanism than an advisory and monitoring board is required, given the central role that the PTQ plays in Queensland, its breadth of services, and the significant amount of funds under its management.

Given that similar entities and commissions manage to navigate boards with stronger governance functions—entities such as Legal Aid Queensland—there is absolutely no reason the Public Trustee could not have a similar system. Once again, political convenience and expediency trump meaningful reform, thanks to this Palaszczuk Labor government. Rather than giving the board the powers it needs to be effective, this state government is content to point to this toothless tiger and claim political victory.

Further, the composition of the board as originally proposed was going to be senior executives and public servants. As we have seen before, submitters expressed very serious concerns that this would result in a board that is unwilling to effectively review government decisions. The Queensland Law Society was firm in its disapproval of the original board composition, stating in its submission—

... QLS considers that it is problematic for the Board to have such a large number of Government department chief executives, and further, for the majority of permanent board members to come from the same Government department ... We highlight that the boards of other statutory entities, for example the Legal Aid Board, do not have permanent Government appointments.

It seems highly improbable that board members from government departments will feel confident criticising the state government given they are employed by that very state government—a government that will not afford whistleblowers the protection of a royal commission in the current integrity crisis.

In response to the immense criticism by stakeholders on this point, the committee made recommendation 2, which has been accepted by the government. There will now be an increase by one in the number of appointed board members, ensuring that the balance lies with the appointed members and not the bureaucracy. Had the government not agreed with the committee's recommendations about the composition of the board, the LNP would have moved amendments to ensure that the board is better balanced and free to pursue its mandate, as weak as it is.

I turn to the lax reporting requirements in the bill, which also leave much to be desired. This portion of the bill also attracted significant criticism from stakeholders and the committee rightly recommended changes to this section too. Originally, there was no obligation for the minister to table or release any recommendations made by the board. The government has accepted the committee's recommendation to require the minister to table the report in the House but is proposing an amendment that will require the bare minimum of reporting with no time limit. Currently, the clause simply says that the board will provide a report as soon as practicable and the Attorney has 14 sitting days to table that report after receiving it.

To ensure this state government upholds robust reporting requirements, the LNP will be moving an amendment to insert time frames around the reporting proposal, requiring the board's report to be tabled in the Queensland parliament annually within 30 days of being finalised, and it must be finalised within 30 days of the end of the financial year each year. This amendment will improve the timeliness of the board's deliberations, address the warnings given by the Auditor-General about the timeliness and adequacy of reports, and better reflect the recommendations made by the Public Advocate in her report of last year.

The work that the Public Trustee does is immensely important for our most vulnerable Queenslanders, but time and time again it is subjecting people affected by an incapacity to financial and emotional abuse. Significant reform is needed, but this bill barely scratches the surface. While with this bill some oversight will be provided and the amendments at least make it palatable, it is a missed opportunity to give hope to those who have been trapped, to those stripped of their assets and to those silenced by the Public Trustee to assure them that they are being listened to, that their concerns are being taken seriously. Meaningful action is necessary. Even if properly implemented, this board does not have the power to fix the substantial shortcomings of the Queensland Public Trustee, leaving our most vulnerable to pay the price for this state government's incompetence and failure to properly reform the system.

This bill had the potential to change lives, to give back Public Trustee clients their dignity. Instead, it barely scratches the surface of the issue so many Queenslanders currently face within the Public Trustee. It is a bill reflective of a government that only cares about how things look—not how things are. Sadly, it is Queenslanders paying the price for this government's incompetence. We deserve accountability from the state government and from the Public Trustee.