




Speech By  
**Hon. Leanne Linard**

**MEMBER FOR NUDGE**

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Record of Proceedings, 11 May 2022

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

 **Hon. LM LINARD** (Nudgee—ALP) (Minister for Children and Youth Justice and Minister for Multicultural Affairs) (12.33 pm): I rise in support of the Public Trustee (Advisory and Monitoring Board) Amendment Bill. The bill aims to amend the Public Trustee Act and establish the Public Trustee Advisory and Monitoring Board. The board is intended to provide additional oversight over the Public Trustee and enhance its transparency and accountability.

In March last year the Public Advocate's report—*Preserving the financial futures of vulnerable Queenslanders: a review of the Public Trustee fees, charges and practices*—was published along with the government response. The report made 32 recommendations relating to the Public Trustee's fees, transparency, sustainability and legal services. Recommendation 30 of the report requested the government consider additional oversight and/or reporting mechanisms to improve the Public Trustee's performance, transparency and public accountability. Our government's response to recommendation 30 led to the introduction of this bill to establish a Public Trustee board that had an advisory and monitoring function.

The board will be comprised of a mix of ex-officio members appointed by the office that they hold and members appointed by the minister. Following the report by the Community Support and Services Committee, the government has agreed to add an additional seat to the new board. This will be reserved for an appointed board member with lived experience of impaired decision-making capacity, either for themselves or for someone they care for. The value of lived experience, and learning from that experience, cannot be understated.

In a submission to the committee, Queensland Human Rights Commission's principal lawyer Rebekah Leong emphasised the importance of having a person with lived experience on the board to ensure the board could learn from their expertise and their experiences. As the Minister for Children, I know how important it is to talk with and hear the stories of those with lived experience. There is nothing more powerful than drawing on the wisdom and knowledge of young people who have been in care. Through conversations with key stakeholders, such as the Create Foundation, I certainly have a much better understanding of the issues affecting young people in care.

Similarly, Micah Projects' Queensland Parent Advisory Committee, a representative group for the parents and grandparents of children in out-of-home care, and the Truth, Healing and Reconciliation Taskforce, which advises government in relation to our response to the Royal Commission into Institutional Responses to Child Sexual Abuse, have both been invaluable in informing our work through amplifying the voices of those with lived experience. That was an excellent recommendation of the Community Support and Services Committee and a job well done. I thank all members on that committee and the chair for making that additional recommendation which our government has supported.

The Public Trustee of Queensland has been providing a range of services for Queenslanders since 1916, including acting as an administrator for those with impaired capacity, either under an enduring power of attorney or by order of the Queensland Civil and Administrative Tribunal. The Public Trustee has for a long time had a role in managing the finances of some children in or exiting the child protection system. Most children and young people in care have experienced trauma throughout their lives. Unfortunately for some children and young people in care, this trauma places them at even greater risk of financial abuse, particularly if they also have a disability that impacts their decision-making capacity.

Under division 5 of the Child Protection Act, the Department of Children, Youth Justice and Multicultural Affairs may seek to have the property of a child who is in the custody or guardianship of the chief executive managed by the Public Trustee until the young person turns 18. This property may include financial entitlements such as payments from Victim Assist Queensland, a disability support pension or an inheritance. All property administered by the Public Trustee is for the child only, and the department of course does not access this property to fund or subsidise funding for any costs related to their care. Victim Assist Queensland payments made to children who have been the victim of a criminal offence are often less than \$3,000. This sum is often eroded by fees charged by the Public Trustee until the child reaches adulthood.

The establishment of a Public Trustee Board is vital. They will provide oversight of the fees, and hopefully young people in care who were victims of crime will be able to access the compensation they received without having to go through the process of having those fees reimbursed once they turn 18. For young people with impaired decision-making who turn 18 and leave care, the department may seek to have the Public Trustee appointed to manage their finances. During the transition to adulthood planning process, which commences when a young person turns 15, the department will work with the young person and members of their care team to plan for their transition from care. If during this process it is identified the young person cannot make significant financial decisions or is vulnerable to financial abuse, the department may ask to have a financial administrator appointed by the Queensland Civil and Administrative Tribunal.

The department works closely with the young person to help them understand the process. They also assist the young person to give evidence to QCAT and liaise with the appointed QCAT human rights case manager to ensure the young person's human rights are being upheld. Once an administrator is appointed, the department will support the young person to meet and build a relationship with their administrator. They will continue this work through to when case management is formally handed over when the young person turns 18.

The report by the Community Support and Services Committee also recommended that the board prepare an annual report, separate to that provided by the Public Trustee, to increase the transparency and independence of the board. As noted in the report by the Office of the Public Advocate—

... clients of the Public Trustee are some of the most vulnerable members of the Queensland Community. The Public Trustee has been appointed to protect the person's interests.

It went on to say—

The Public Trustee has significant power over its administration clients. It is in a position of trust, controlling the person's money and property, making money, if not all, of the financial decisions for the person and having significant power over their lives.

It is important that a body with such a powerful role in the lives of more than 10,000 Queenslanders every year is held to a high standard of public accountability. The additional transparency recommended by the committee, and accepted by our government, will be a significant step to building public confidence in the operation of the Public Trustee.

I would like to thank the chair of the Community Support and Services Committee, the member for Mansfield, and all members of that committee and the secretariat for their hard work during the inquiry process for this bill. I would also like to thank the Attorney-General for introducing this important and timely bill to the House.

Our government was elected on a commitment and promise to be an open and transparent government. The creation of an oversight body described in this bill will provide greater transparency and oversight to an agency doing very important work supporting vulnerable Queenslanders. I commend the bill to the House.