




Speech By  
**Patrick Weir**

**MEMBER FOR CONDAMINE**

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Record of Proceedings, 11 May 2022

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

 **Mr WEIR** (Condamine—LNP) (12.27 pm): I rise to make a contribution to the debate on the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021. The Public Trustee operates under the Public Trustee Act 1978 as a corporation sole. A corporation sole is described as a corporate entity embodied in a singular titular head whose personal identity changes as the office is vacated and a new appointment made. According to the *Public Trustee annual report 2020-2021*, the role of the Public Trustee of Queensland is to guide the Public Trustee to deliver high quality, sustainable and reliable financial, trustee and administration services to the Queensland public in a supportive, compassionate and ethical manner.

The Public Trustee may be appointed by the Queensland Civil and Administrative Tribunal under the Guardianship and Administration Act 2000 as 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.

In 2020 the Public Advocate commenced a review into concerns that were raised by members of the public who had not had a good experience with the Public Trustee. That report was published in January 2021 and tabled in the parliament, along with the government's response, on 10 March 2021.

The report made 32 recommendations; 23 of these recommendations were the responsibility of the Public Trustee and 10 were the government's responsibility. Of these, the government supported five in principle and four for further consideration and accepted one. That would appear to be a very poor uptake of the recommendations that were made in the report. Recommendation 30 called on the Queensland government to consider whether the Public Trustee and its clients could benefit from additional oversight and/or reporting mechanisms to improve the Public Trustee's performance, transparency and public accountability. Queensland Advocacy Incorporated expressed support for the establishment of the board. However, they noted—

The establishment of the Board alone is not sufficient to address the numerous issues of concern raised by the Public Advocate's report.

The QAI recommended—

... the government to continue working towards implementing the remainder of the Public Advocate's recommendations that fall within the government's remit.

Membership of the board would comprise permanent members, ex-officio members appointed by virtue of the office that they hold and at least four but no more than five appointed board members appointed by the minister for a maximum term of three years. Submitters expressed concern as to the composition of the board. In relation to the proposed permanent members of the board, the Public Advocate stated—

I wonder whether the Board's expertise in the area of seniors, for instance, could be achieved by removing one of the permanent Board positions ... and by adding the requirement for one of the appointed Board members to have expertise in that field.

Dr Emma Phillips, the deputy chief executive officer and principal solicitor of QAI, stated—

There is some really significant skills that will be needed on this board to ensure that it is not, as the concern has been raised, simply another layer of reporting requirement—that it is actually genuinely making a difference to the lives of people who are under the administration of the Public Trustee. There are many, many Queenslanders. We would certainly like to see a person with lived experience—someone who has had impaired decision-making capacity or currently has impaired decision-making capacity. We believe that, with support following the capacity guidelines, they can make a really important contribution to a board. That could be someone with intellectual disability or someone with psychosocial disability or mental illness. They can bring quite different experiences to the board.

I am pleased to see the recommendations to the committee regarding these concerns will be included in the bill. Whilst I welcome these amendments, they are but a first step in resolving the issues involving the Public Trustee. The experience that we have had in the Condamine office with problems arising from dealings with the Public Trustee means we would certainly benefit from some real-life experience. The public need to be confident in that process. Too often we receive complaints that the Public Trustee lacks compassion and is inflexible at a time of deep distress for the impacted family. The public deserve a decent hearing and for their concerns to be dealt with in a respectful and timely manner.

There is no doubt that this bill was introduced in reaction to the *Four Corners* program, which shone not a very favourable light on the Public Trustee. This bill is really a bill so the government is seen to be doing something because of the number of recommendations in that report that are still to be addressed. There was a chance to bring in a bill to address all of those recommendations. Instead of that, we are standing here talking about one. This goes nowhere near far enough to restore the public's confidence in the Public Trustee. It is another example of this government always being seen to be doing something rather than actually getting in, doing the hard work and doing something.