




Speech By
Sandy Bolton

MEMBER FOR NOOSA

Record of Proceedings, 11 May 2022

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

 **Ms BOLTON** (Noosa—Ind) (2.50 pm): The Public Advocate, or PA, is an independent statutory entity established under the Guardianship and Administration Act 2000. In 2020 the Public Advocate commenced a review to explore concerns raised by people under administration with the Public Trustee, their families and supporters about the level and types of Public Trustee fees and charges and their negative effect on financial outcomes for people under administration.

In 2019-20 the Public Trustee provided financial management services to over 10,000 Queenslanders, including 9,316 people under an administration appointment by QCAT. They form a central role in the guardianship system in Queensland, making decisions on behalf of adults with impaired decision-making capacity.

In January 2021 the Public Advocate's report titled *Preserving the financial futures of vulnerable Queenslanders: a review of the Public Trustee fees, charges and practices* was tabled in the Legislative Assembly. The government response was tabled on 10 March 2021. As we have heard many times today, the OPA report made 32 recommendations relating to the Public Trustee's fees and charges, financial management, client services, legal services and administration. The government accepted one recommendation—recommendation 30—which called on the Queensland government to consider whether the Public Trustee and its clients would benefit from additional oversight and/or reporting mechanisms to improve the Public Trustee's performance, transparency and public accountability. The reform proposed by the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021 is in response to that recommendation. Specifically, the bill intends to amend the Public Trustee Act 1978 to establish the Public Trustee Advisory and Monitoring Board whose role it will be to monitor and review the operations of the Public Trustee.

As we have heard, many have expressed concerns with the proposed provisions in the bill. For example, Queensland Advocacy Incorporated submitted that the establishment of the board alone is not sufficient to address the numerous issues of concern raised by the Public Advocate's report. I agree. The Queensland Law Society, while supporting the government's move to establish an oversight mechanism, submitted a preference for a stronger mechanism in the form of a governance board given the central role that the PTQ plays in Queensland, its breadth of services and the significant amount of funds under its management. A governance board would also be consistent with what occurs in some other Australian jurisdictions—for example, Victoria and Tasmania. While the amendments contained in the bill may provide an additional layer of transparency and oversight, the recent ABC story, which called out high fees and financial mismanagement together with two separate investigations into Queensland's office of the Public Trustee which are underway, raised significant doubts as to the capacity of this board to affect the changes needed.

The Public Trustee is an agency representing the state of Queensland, with a critical role in the lives of some of the most vulnerable members of our communities. It has been extremely disturbing to learn that these Queenslanders may have been mistreated, taken advantage of or financially abused.

We should all be deeply concerned about what has been reported and carefully consider the Public Advocate's concerns regarding the Public Trustee's fees and charges and other practices such as investment policies, information access and decision accountability.

There is considerable work to be done with regard to reforms to the operations of the Public Trustee. The establishment of the Public Trustee Advisory and Monitoring Board, while a first step, is not anywhere near enough without the needed accountability and transparency to ensure the rights of these vulnerable Queenslanders are protected. It is imperative that immediate action be taken in bringing the other OPA recommendations forward in response to the many devastating stories that were shared during the inquiry.

I thank the committee, submitters, attendees to the public hearing and public briefing and the department for their examination of this bill. While supporting the intent of the bill, it is difficult to support endeavours that continue to fall far short of community expectations.