




Speech By
Stephen Bennett

MEMBER FOR BURNETT

Record of Proceedings, 10 May 2022

PUBLIC TRUSTEE (ADVISORY AND MONITORING BOARD) MANAGEMENT BILL

 **Mr BENNETT** (Burnett—LNP) (6.33 pm): In talking to this bill on the Public Trustee, I declare that my family is currently going through, and has been for many years, nonsense that involves the betrayal of public trust. It is important that I put on record that we are currently dealing with that institution.

We all want to ensure that Queenslanders have fair access to a public trustee that is affordable, responsible and will always act in their best interests. From the very beginning I have concerns about the independence of the proposed board considering that the board will include the appointment of public servants, as mentioned earlier, who will be reluctant to raise issues of significant concern about the operations of the Public Trustee.

The 2019 report of the Public Advocate made 32 recommendations relating to the Public Trustee's fees, charges, financial management, client services, legal services and administration. The government response noted 23 recommendations of the report were already primarily the responsibility of this dysfunctional Public Trustee to implement. Of the 10 remaining recommendations, the government accepted one—recommendation 30—supported five in principle and committed to further consider four. Recommendation 30 called for the government to consider additional oversight and/or reporting mechanisms to improve the Public Trustee's performance, transparency and public accountability. In response to recommendation 30, the government introduced the bill we are discussing to bring in an advisory and monitoring board.

I note that many submitters to the bill expressed concerns about the proposed provisions in the bill. My problem with having another level of public servant bureaucracy is that there already exists a governance board within the Public Trustee—the financial risk board. I think it is clear that there are already many monitoring systems. I want to ensure that we understand that we already have a financial risk board and a number of other boards, all with remunerated positions, so I am struggling with the concept of a new monitoring and advisory board.

Are there legal frameworks under which board members have fiduciary rights to be held accountable? We know they do not because it is government and, of course, the responsibilities of the CEO will not really be challenged. We know the answers, as we said, because it is government and that came out in our inquiries. Mr Matt Dunn of the Queensland Law Society talked about the implications of that model, stating—

... those members are advisory in their role, as are all the members. If those members have a particular concern or problem, they have no right to make the corporate—the Public Trustee—do anything.

The board is an advisory board rather than a governance board and, therefore, will be unable to direct the Public Trustee in its functions. To maintain the Public Trustee's position as an independent statutory authority and avoid conflict with the Public Trustee's fiduciary and other obligations and duties, the department also advised—

If the Board was given governing functions, and if the Public Trustee's corporate structure or responsibility for discharging duties remained unchanged, this could be problematic, for example if a direction by the Board conflicted with the Public Trustee's discharge of a duty.

That point is very well made.

The government proposes to appoint highly paid and functioning public servants. I ask the question: what are they already doing? If they already have a role to play, why give them another role? We must remember that this is about protecting Queensland's most vulnerable. We want them protected but we are adding another layer of bureaucracy, without any real independence or power to take action, which I think is an unnecessary layer.

As I noted earlier and raised many times during our hearings, there are levels of management that already exist within the Public Trustee. I have concerns about the new board. We have an investment board that already exists in the Public Trustee. We have a board of management. We have a communication committee. We have an audit and risk management committee. Some of the members of those boards are collecting \$50,000 to \$60,000 and they are external to the committee. How will we see all of this coming together, including the remuneration of the members? We could not get that information from the department. It will be the sole responsibility of the minister to set the remuneration of the new board members. We could not establish what the overall costs would be or the appointment and remuneration arrangements, as I have already said. Again, that is at the sole discretion of the responsible minister.

In the committee hearings we talked many times about how the board members will be remunerated. Of course, the ex officio public servant members will not be paid. However, I have real concerns about how the terms and conditions of the other board members will be decided. Over the last short while in Queensland we have not had a good record with board appointments. We want to ensure that vulnerable Queenslanders can have faith in this system and that it is the best that it can be. In the hearings I raised the issue of the remuneration because the annual report of the Public Trustee clearly disseminates how much remuneration there is for positions that already exist within the Public Trustee. For transparency, I wanted those fees to be a part of the bill so that we could all make sure that we were comfortable not only that it was in line with what exists but also that we would not see more perverse outcomes in the appointment of people to this board.

The Public Trustee of Queensland provides financial management and services to 9,300 vulnerable individuals and families. Many Queenslanders often find dealing with the Public Trustee difficult, as financial management can be complex to navigate and they need assistance from the Public Trustee to understand financial administration. Every member in this House would have had someone come through their office to talk about a problem in dealing with the Public Trustee. There is considerable work to be done with reforms to the operations of the Public Trustee. In March 2021, the Public Advocate's report titled *Preserving the financial futures of vulnerable Queenslanders: a review of Public Trustee fees, charges and practices* was tabled in the Queensland parliament.

We should all be concerned about the Public Advocate's concern around the trustee's fees and other practices such as investment policy, information access and decision accountability. We should see faster action in bringing forward other recommendations to ensure Queenslanders are receiving the best representation from their Public Trustee without being excessively charged, burdened or put through the wringer.

That said, I give a shout-out to the secretariat and other committee members. It was a process we all got a lot out of. We certainly learned a lot about the Public Trustee's actions and about what it has to offer. I cannot speak on behalf of others, but I saw so many gaping holes. The people who appeared before the committee had the genuine needs of Queenslanders in their hearts and minds. We in this place have a role to play to give them the structures and the framework to allow them to do their job. I thank everyone involved with this piece of legislation.