




Speech By
Ariana Doolan

MEMBER FOR PUMICESTONE

Record of Proceedings, 1 May 2025

TRUSTS BILL

 **Miss DOOLAN** (Pumicestone—LNP) (4.25 pm): I note that I have an interest in a trust as a beneficiary, which is declared on my register.

Ms FARMER: Mr Deputy Speaker, I move—

That the member for Logan be heard.

Division: Question put—That the member for Logan be heard.


AYES, 31:

ALP, 31—Asif, Bailey, Bourne, Boyd, Bush, Butcher, de Brenni, Dick, Enoch, Farmer, Fentiman, Grace, Healy, Howard, J. Kelly, Linard, Martin, McCallum, McMillan, Mellish, Miles, Mullen, Nightingale, O'Shea, Power, Pugh, Russo, Ryan, Scanlon, Smith, Whiting.

NOES, 50:

LNP, 50—Baillie, Barounis, Bates, Bennett, Bleijie, Boothman, Camm, Crandon, Crisafulli, Dalton, Dillon, Doolan, Dooley, Field, Frecklington, Gerber, Head, Hutton, Hunt, T. James, Janetzki, G. Kelly, Kempton, Kirkland, Krause, Langbroek, Last, Leahy, Lee, Lister, Mander, Marr, McDonald, Mickelberg, Minnikin, Molhoek, Morton, Nicholls, O'Connor, Perrett, Poole, Powell, Purdie, Rowan, Simpson, Stevens, Stoker, Watts, Vorster, Young.

Resolved in the negative.

 **Miss DOOLAN** (Pumicestone—LNP) (4.30 pm): I note that I have an interest in a trust as a beneficiary, which is declared on my register of interests. Nonetheless, to ensure compliance with standing order 260, I note that I again declare my interest as a beneficiary.

Today I rise to speak in support of the Trusts Bill 2025, which is legislation that is long overdue and essential to modernising Queensland's trust laws. Trusts play a fundamental role in the lives of many Queenslanders, including many in my community, providing a mechanism to protect and preserve assets, support charitable causes, manage tax obligations and ensure the financial wellbeing of children and individuals with impaired decision-making capabilities.

Our current legislative framework, the Trusts Act 1973, has served Queensland for over 50 years. However, in that time our economy, legal landscape and community expectations have evolved significantly. It is incumbent upon us to ensure our legislative framework keeps pace with these changes. This bill brings Queensland's trust laws into the 21st century, providing greater clarity, efficiency and fairness for trustees, beneficiaries and all stakeholders involved in trust management.

The necessity for reform has long been recognised. Under the former LNP government, in 2012 and 2013 the Queensland Law Reform Commission undertook a comprehensive review of the Trusts Act. Their extensive consultation with legal, charity and trust-sector stakeholders resulted in a clear recommendation: Queensland needed updated and modernised trusts legislation. Unfortunately, under the former Labor government nearly a decade passed before the Trusts Bill 2024 was finally introduced, only for it to lapse when the 57th Parliament was dissolved. That delay left Queensland behind other jurisdictions in providing a clear, modern framework for trust administration.

The Crisafulli government, however, is taking decisive action. Within the first year of this term, we have reintroduced and refined the reforms, ensuring Queensland finally has a modern and effective trusts act that will be fit for today's needs. This bill carefully balances continuity with modernisation. It does not codify all aspects of trusts law but, instead, supplements common law principles with clearer statutory guidance. It grants broad powers to trustees, ensuring they can effectively manage trust property while imposing minimum statutory duties requiring them to exercise the care, diligence and skill that a prudent businessperson would in managing another's affairs.

The bill also provides necessary guidance on critical matters such as the appointment, discharge and removal of trustees; the devolution of trusts; trustees' duties and general powers; indemnities and protections for trustees and other persons; remuneration of trustees; and court powers, particularly regarding charitable trusts and philanthropic gifts. Importantly, it enables the District Court to hear trust related matters within its jurisdictional limit, currently \$750,000, reducing the burden on higher courts and expediting resolutions for smaller trusts. For trustees of smaller charitable trusts, the bill introduces a streamlined process to vary trust purposes when original objectives can no longer be fulfilled, ensuring funds continue to serve community needs.

This bill is not simply a reintroduction of the lapsed 2024 bill; it is an improved and refined piece of legislation that reflects the concerns raised by stakeholders during previous committee reviews. Key refinements include ensuring restrictions on trustee appointments do not impede court powers to appoint trustees; clarifying that a person's failure to apply for probate does not affect express trusts established under a will; addressing concerns from the Queensland Public Trustee by maintaining the status quo on how trust property is handled when the last trustee has impaired capacity; responding to concerns from the United Grand Lodge of Queensland, ensuring the requirement for Grand Lodge approval for certain investments remains intact; and including a regulation-making power to ensure Queensland's fund provisions align with Commonwealth legislation, addressing concerns raised by the Queensland Law Society.

The Justice, Integrity and Community Safety Committee conducted a thorough review of this bill and made only one recommendation, that it be passed. This strong endorsement reflects the high quality of the legislative drafting and the extensive consultation underpinning this reform.

Charitable trusts play an invaluable role in Queensland, supporting essential community initiatives, funding medical research and providing financial assistance to those in need. This bill strengthens the legal framework surrounding charitable trusts, ensuring they are administered effectively and that funds are used for their intended purpose. By streamlining processes for varying charitable trusts when their original purpose is no longer viable, this bill ensures trust funds remain impactful and relevant. This is an essential step in adapting to the changing needs of our society while preserving donor intent and ensuring charitable giving remains a powerful force for good.

The Trusts Bill 2025 is the product of more than a decade of review, consultation and refinement. It is balanced, it is modern and it is necessary. This legislation ensures Queensland's trust laws provide certainty, clarity and fairness for all stakeholders. It upholds the integrity of trust management, enhances trustee accountability and simplifies processes where needed, all while ensuring charitable and philanthropic giving remains protected and effective.

The Crisafulli government should be commended for acting swiftly to introduce this bill early in the term. After so much time and effort from legal experts, charities and community stakeholders, it is time to finally deliver these long-overdue reforms. There is no justifiable reason to stand in the way of this bill. I urge all members of this House to support its passage.