




Speech By  
**Natalie Marr**

**MEMBER FOR THURINGOWA**

---

Record of Proceedings, 14 March 2025

### **TRUSTS BILL**

 **Ms MARR** (Thuringowa—LNP) (8.15 pm): I rise very proudly today to speak on the Trusts Bill 2025, a critical piece of legislation that will modernise and reform the laws governing trusts in Queensland. Trusts are fundamental instruments that play a significant role in protecting and preserving assets, managing tax obligations, supporting charitable causes and protecting vulnerable people, including those with impaired decision-making capacity. They are an essential part of life for many Queenslanders, helping to ensure that property and funds are managed in a responsible and beneficial manner.

As members have heard tonight, the Trusts Act was first introduced in 1973, more than 50 years ago. Since that time it has not seen significant modifications. Over those decades the landscape of trust law has evolved significantly, and the time has come to ensure that the legal framework governing trusts keeps pace with these changes. We must recognise that it took nearly a decade after review by the Queensland Law Reform Commission for the former Labor government to introduce the Trusts Bill 2024, a bill that sought to address the growing need for reform. Unfortunately, that bill lapsed when the 57th Parliament was dissolved.

The Trusts Bill 2025 takes bold steps forward in modernising trust law in Queensland. It grants trustees broad powers to deal with trust property alongside new minimum statutory duties. These duties are designed to ensure that trustees exercise the care, diligence and skill that a prudent businessperson would apply when managing the affairs of others. This will bring Queensland's trust laws into line with contemporary expectations and provide greater clarity and guidance to trustees in fulfilling their duties.

The bill also addresses a range of important matters under trust law. It includes reforms to the appointment, discharge and removal of trustees; the devolution of trusts; and the general powers of trustees. It is essential that these areas are updated to ensure that trusts continue to operate efficiently and effectively for all parties involved.

Furthermore, the bill responds directly to several concerns raised by stakeholders due to the consideration of the lapsed Trusts Bill 2024. Let me highlight some of these key changes for the House. I will be brief. It will continue to be dry, but hopefully it will be easier to understand.

**Court power and trustee appointment:** the bill guarantees that the restrictions on people who can be appointed as trustees will not impede a court's power to order that they hold property as a trustee. This ensures that the judicial system maintains the ability to appoint a trustee where it is necessary for the protection and benefit of those involved in the trust.

**Executor and trustee roles:** this bill ensures that, if a person is appointed as both the executor and trustee of a will, the person's renunciation or failure to apply for probate does not affect any expressed trust established under the will. This clarification provides greater certainty for those administering estates and trusts.

The bill responds to concerns raised by the Queensland Public Trustee particularly around the automatic vesting of trust property in the Public Trustee if the last continuing trustee has impaired capacity. Compared to the lapsed bill, this approach retains the status quo, ensuring that the Public Trustee will not automatically assume control of trust property unless absolutely necessary. The bill also addresses concerns regarding changes to the requirement for Board of Benevolence approval for investments. This bill ensures that this requirement remains in place, preserving the integrity of the United Grand Lodge of Antient Free and Accepted Masons of Queensland Trustees Act 1942.

The bill responds to a technical issue raised regarding the ancillary provisions. By including a regulation-making power, the bill enables consistency with Commonwealth charities and taxation law, providing clarity and compliance for Queensland.

During the committee hearing, which I was proud to be part of, the Queensland Law Society indicated that the approach taken in the Trusts Bill 2025 effectively addresses their concerns. This collaborative effort between stakeholders and the committee demonstrates the comprehensive approach taken in developing this bill. The Justice, Integrity and Community Safety Committee considered the Trusts Bill 2025 and made only one recommendation: that the bill be passed.

This recommendation is a clear indication of the bill's broad support and its potential to significantly improve trust law in Queensland. However, it is important to note that the bill will require a generous lead-in time. This will ensure that all Queenslanders, particularly trustees and legal professionals, have sufficient time to prepare for the new requirements and understand the changes that will be implemented.

The Crisafulli government deserves commendation for introducing this important bill early in its term. It is a piece of legislation that has undergone extensive consultation and careful drafting to ensure it addresses the concerns of all stakeholders. It is a prime example of pro-active governance that responds to the evolving needs of Queenslanders. This is a long-overdue reform that will provide significant benefits to Queenslanders. It is critical for the future of trusts in our state, ensuring they continue to serve their important role in protecting assets and providing for those who depend on them. There is no reason to stand in the way of these reforms. The Trusts Bill 2025 is a product of extensive consultation and it is time for it to be passed into law. I support the Trusts Bill 2025.