

## Question on Notice

No. 327

Asked on 31 March 2022

**MRS L GERBER** ASKED THE ATTORNEY-GENERAL AND MINISTER FOR JUSTICE, MINISTER FOR WOMEN AND MINISTER FOR THE PREVENTION OF DOMESTIC AND FAMILY VIOLENCE (HON S FENTIMAN) –

### QUESTION:

Will the Attorney-General advise if there are any plans to deal with the Public Trustee's reported perceived or actual conflict of interest involving the investment of administration client funds in the Public Trustee's own products via legislation?

### ANSWER:

The Government is committed to ensuring vulnerable Queenslanders are supported and protected when they need it most.

On 10 March 2021, I tabled a report by the Public Advocate, *Preserving the financial futures of vulnerable Queenslanders: A Review of the Public Trustee fees, charges and practices* (the Report), in Parliament. The Report makes 32 recommendations to improve the way the Public Trustee engages with its customers.

On 24 February 2022, I tabled a progress update from the Public Trustee in Parliament. Further, in March 2022 the Public Advocate released an implementation update, monitoring the progress taken on the 32 recommendations.

As shown by these updates, the majority of the recommendations in the Report are for the Public Trustee to consider, and over this past year, under its new leadership the Public Trustee has taken comprehensive action to address many of these recommendations and put in place measures to protect Queenslanders.

These include the largest reform project in the recent history of the Public Trustee commencing - an independent review of all Public Trustee fees and charges. In addition, the Public Trustee has introduced other policies and practices to provide support for its customers, including a policy whereby customers are not charged outlays for expert financial advice if that advice only recommends investing in Public Trustee products.

Government has responsibility for ten recommendations in the Report and has already implemented one (recommendation 30) through the introduction of the *Public Trustee (Advisory and Monitoring) Amendment Bill 2021*.

Relevantly, another recommendation for Government (recommendation 29) is that legislation be amended to clarify the investments the Public Trustee is permitted to make using client funds, in particular addressing the issue of investments that are permitted that may amount to a conflict of interest, the circumstances in which the Public Trustee can earn revenue on those funds, and the conditions or limitations on those earnings.

I note that this recommendation is connected with a number of other recommendations in the Report, including recommendations 11 and 15.

Recommendation 29, like many of the remaining recommendations for Government, contemplates legislative change. The Public Trustee operates in a complex environment and these recommendations need to be fully considered, in consultation with key stakeholders, to ensure the best outcome for vulnerable Queenslanders. This consultation is currently underway.