

## **COMMUNITY SUPPORT AND SERVICES COMMITTEE**

**Report No. 15, 57<sup>th</sup> Parliament, January 2022**

**Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021**

### **QUEENSLAND GOVERNMENT RESPONSE**

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#### **INTRODUCTION**

On 28 October 2022, the Honourable Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence introduced the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021 (the Bill) into the Legislative Assembly.

The policy objective of the Bill is to establish the Public Trustee Advisory and Monitoring Board (the Board) to provide additional oversight over the Public Trustee.

After introduction, the Bill was referred to the Community Support and Services Committee (the Committee) for consideration.

On 21 January 2022, the Committee tabled its report (No. 15, 57<sup>th</sup> Parliament) in relation to the Bill.

The Queensland Government response to the recommendations made by the Committee is provided below.

#### **RESPONSE TO RECOMMENDATIONS:**

##### **Recommendation 1 -**

The Committee recommends the Public Trustee (Advisory and Monitoring Board) Amendment Bill 2021 be passed.

##### **Queensland Government response:**

The Government thanks the Committee for its consideration of the Bill and notes the Committee's recommendation that the Bill be passed.

The Government supports this recommendation.

## **Recommendation 2 -**

The Committee recommends that clause 4, new section 117ZD (Appointed Board Members), be amended to add another Appointed Board Member to the Board, with lived experience, increasing the number of Board members by one. The Committee recommends that under new section 117ZD, subsection (2), the Minister must appoint at least five, but not more than six, appointed Board members, and under subsection (3)(a) in appointing the Board members, the Minister must ensure that at least one appointed Board member has lived experience with impaired decision-making capacity, either in regard to themselves or others.

### **Queensland Government response:**

The Government accepts this recommendation.

The Government acknowledges the value of lived experience and the important contribution and insight that this experience can bring to the Board. The Government also acknowledges concerns raised by submitters in relation to the balance of permanent and appointed Board members.

The Government will move amendments to the Bill during consideration in detail to provide that:

- the Minister must appoint at least five, but not more than six, appointed Board members;
- in appointing the Board members, the Minister must ensure that at least one appointed Board member has lived experience with impaired capacity, either in regard to themselves or others; and
- a quorum consists of at least half of the members, including at least four appointed Board members.

## **Recommendation 3 -**

The Committee recommends that the Bill be amended at clause 5, new section 141B, to ensure a separate annual report of the Board of the Public Trustee be provided to the Minister and tabled in the Queensland Legislative Assembly.

### **Queensland Government response:**

The Government accepts this recommendation.

The Government acknowledges that requiring the Board to prepare a separate Annual Report (rather than including a report in the Public Trustee's Annual Report) will increase the independence and transparency of the Board. The Government will move amendments to the Bill during consideration in detail to require that:

- the Board prepare and give to the Minister, as soon as practicable after the end of each financial year an annual report; and
- the Minister table the annual report within 14 sitting days after receiving the report.