



Plans for Life

**THE PUBLIC TRUSTEE OF
QUEENSLAND**

STATEMENT OF AFFAIRS

AS AT 30 JUNE 2008

ISSUED IN ACCORDANCE WITH THE
Freedom of Information Act 1992

CONTENTS

	Page
1. Introduction	1
2. Structure and functions of the Public Trust Office	2-6
3. Effect of the Public Trust Office functions on members of the public	6
4. Arrangements for public participation in the Public Trust Office policy-making activities	6
5. Categories of documents held by the Public Trust Office	7
6. Literature available free of charge from the Public Trust Office	7
7. Literature available from the Public Trust Office by way of subscription services or free mailing lists	7
8. Access to documents of the Public Trust Office	7
9. Bodies which have been established to advise the Public Trust Office	8
10. Freedom of Information procedures for the Public Trust Office	8-9

1. INTRODUCTION

BACKGROUND

The Public Trustee was established on 1 January 1916. The Public Trust Office [the “Office”] was known as the Public Curator of Queensland until 1978. The Office is the largest Public Trustee in Australia and the largest trustee Office in Queensland. We have 15 regional offices throughout the state, which allows us to provide economical and accessible financial, trustee, legal and associated services to all Queenslanders.

The Office was established initially to act in the capacity of administrator of deceased estates, providing financial management for people with a disability and giving aid in any legal proceedings by or against a disadvantaged person. The Public Trustee has continued in its role of assisting the community, and has responded to community demand by introducing many new services. Our services have expanded to include obtaining probate for private executors, investments, the auctioning of motor vehicles, property and other assets.

The Public Trustee’s services are provided at no cost to the Government. We are self-funded through revenue raised from fees and charges for our services. As an agency of the state government, the Office is subject to audit by the Queensland Audit Office. It presently employs over 537 specialist staff throughout Queensland to provide efficient and cost effective services to our customers.

OUR VISION

*We make a difference.
Queenslanders’ preferred trustee.*

OUR MISSION

To deliver a full range of professional, accessible and reliable trustee, financial and related services in a supportive, compassionate and ethical manner.

OUR VALUES

The Public Trustee will deliver its services adhering to the following core values:

- Modelling the highest standards of ethical practices as trustees and administrators.
- Treating our customers as individuals.
- Promoting independence and quality of life.
- Actively encouraging participation in planning and decision-making by customers, their families and other key people.
- Maintaining accountability in our practices and procedures and strive for transparency in our decision making.
- Recognising and responding to diversity in all aspects of our operations.
- Maintaining a high level of knowledge, business systems and customer service standards.

- Fostering and maintaining alliances which add value, range and quality in the services available to our customers.

OUR ETHICS

The Public Trustee has a policy to conduct its affairs in compliance with all applicable laws and regulations, observing the highest standards of professional and business ethics. It is the intention of the Public Trustee that the spirit as well as the letter of those standards is followed by the Executive, officers, contractors, and consultants of the Office. A Code of Conduct applies to all members of the Office and accords with the principles of the *Public Sector Ethics Act 1994*.

KEY CHALLENGES

- Understanding and meeting challenging community expectations.
- Enhancing the diversity and availability of services to meet the needs of the community.
- Working in partnership with the community, promoting innovation in the delivery of improved and integrated services.
- Ensuring quality of opportunity and equitable access of the community to our services.
- Improving workforce skills for current and future needs.
- Maintaining our ongoing financial viability to ensure that levels of service are sustainable.
- Maximising whole of office teamwork and cooperation in identifying opportunities, providing services, seeking solutions and managing change.
- Meeting key Government priorities.

OUR PEOPLE

We recognise that having skilled, empathetic and ethical staff is pivotal to the realisation of our values and our vision. We will only succeed through our people.

2. STRUCTURE AND FUNCTIONS OF THE PUBLIC TRUST OFFICE

The primary purpose of The Public Trustee is to deliver economical and accessible financial, trustee, legal and associated services to all Queenslanders. To deliver our services, the Office has five core service programs.

- **CLIENT SERVICES**
- **INVESTMENT SERVICES**
- **LEGAL SERVICES AND HUMAN RESOURCE SERVICES**
- **ORGANISATIONAL SUPPORT**
- **EXECUTIVE SERVICES**

CLIENT SERVICES

Sub-Programs:

- Estate Services
- Disability and Aged Support Services
- Wills

Estate Services

Provides professional and client responsive services to administer deceased estates, which fulfil the Government's Community Service Obligations and meet the commercial objectives of the Office. In certain circumstances where a deceased person has not appointed an executor or made a Will, the Public Trustee may be granted authority by the Court to administer the estate.

Disability and Aged Support Services

Provides professional and caring trust and financial administration services for persons under legal disability, which satisfy both Community Service Obligations and commercial objectives of the Office.

Wills

Encourages all members of the community to make orderly arrangements for administration of their estates and utilise the full range of services of the Public Trust Office.

INVESTMENT SERVICES

Maximises returns on the Common Fund consistent with the obligations of a Trustee. Provides or arranges for provision of expert advice for achieving the financial objectives in a particular matter.

LEGAL SERVICES AND HUMAN RESOURCE SERVICES

Sub-Programs:

- Legal Services
- Conveyancing
- Human Resource Management

Legal Services

Provides cost effective civil law services to support Public Trust Office corporate activities, to satisfy its Community Service Obligations and to generate acceptable returns on commercial services supplied to the public.

Conveyancing

Provides commercially competitive conveyancing services for Community Service Obligations and commercial programs of the Office and the Government.

Human Resource Management

Provides leadership and services which ensure human resources are utilised and developed to best effect to achieve the corporate goals of the Office, and meet established standards for human resource management.

ORGANISATIONAL SUPPORT:

Sub-Programs:

- Accounts
- Information Services
- Property Management
- Taxation
- Public Affairs

Accounts

Operates efficient financial management information systems, which meet Public Finance Standards, serve the needs of clients and managers, and monitor the financial objectives of the Office.

Information Services

Provides effective and optimal computer and information services as well as administrative services, which support the goals and objectives of the Office.

Property Management

Acquires, manages and disposes of property in a professional manner meeting established commercial targets for the Public Sector, the public and the Office (in its corporate capacity and client service capacity).

Taxation

Provides professional taxation services for all Public Trust Office clients.

Public Affairs

Provides timely relevant information to the community and management, to enable the Office to meet its client service objectives and monitor the effectiveness of program performance.

EXECUTIVE SERVICES:

Provides cost effective executive support services, which meet the needs of management, and contribute to the achievement of the corporate goals of the Office.

POWERS AND FUNCTIONS

The Public Trustee has a wide range of powers and functions under the following Acts and Regulations:

Public Trustee Act 1978
Acquisition of Land Act 1967
Adoption of Children Act 1964
Art Unions and Public Amusements Regulation 1992
Associations Incorporation Act 1981
Charitable Funds Act 1958
Child Protection Act 1999
Child Protection (International Measures) Act 2003
Collections Act 1966
Companies (Acquisition of Shares) (Application of Laws) Act 1981
Corrective Services Act 2000
Criminal Proceeds Confiscation Act 2002
Disposal of Uncollected Goods Act 1967
Drugs Misuse Act 1986
Gaming Machine Regulation 2002
Guardianship and Administration Act 2000
Juvenile Justice Act 1992
Land Sales Act 1984
Local Government Act 1993
Manufactured Homes (Residential Parks) Act 2003
Mineral Resources Act 1989
Mixed Use Development Act 1993
Motor Accident Insurance Regulation 2004
Personal Injuries Proceedings Act 2002
Police Powers and Responsibilities Act 2000
Powers of Attorney Act 1998
Property Agents and Motor Dealers Act 2000
Property Law Act 1974
Public Officers Superannuation Benefits Recovery Act 1988
Residential Services (Accommodation) Act 2002
Residential Tenancies Act 1994
Retirement Villages Act 1999
Second-hand Dealers and Pawnbrokers Act 2003
Storage Liens Act 1973
Succession Act 1981
Trust Accounts Act 1973
Trusts Act 1973
Water Act 2000
Workers Compensation and Rehabilitation Act 2003

QUASI-JUDICIAL FUNCTIONS

The *Public Trustee Act 1978* provides that the Public Trustee may exercise various quasi-judicial functions as an alternative to the Court.

- **Section 59**

Provides that the Public Trustee may exercise statutory power of sanctioning settlement out of Court of claims for moneys or damages on behalf of minors or incapacitated persons, subject to being satisfied as to the reasonableness of the proposed settlement

- **Section 61**

Provides for a mortgagor to be assisted in the release of a mortgage or other security where all moneys owing have been paid or is subsequently paid but the mortgagee is not available e.g. through death or disappearance.

- **Section 62**

In similar circumstances as s.61, the Public Trustee may assist a purchaser by executing a transfer of land where all purchase money has been or is subsequently paid.

- **Sections 98-117**

The Public Trustee has the authority to hold unclaimed money and administer unclaimed property on trust for the owner of the property.

3. EFFECT OF THE PUBLIC TRUST OFFICE FUNCTIONS ON MEMBERS OF THE PUBLIC.

Apart from some quasi-judicial functions, the Public Trustee does not exercise functions, which affect members of the public generally. However, a wide cross-section of members of the public are clients of the Office and as clients they are affected by functions exercised by the Office.

These functions include:

- acting as personal representative in deceased estates
- acting as a trustee
- acting as attorney under a Power of Attorney or Enduring Power of Attorney
- acting as agent
- acting as administrator
- preparing Wills
- providing advice associated with the Office's activities
- acting as solicitor for executors
- providing a taxation service.

4. THE ARRANGEMENTS FOR PUBLIC PARTICIPATION IN PUBLIC TRUST OFFICE POLICY MAKING ACTIVITIES.

There are no arrangements for public participation in Public Trust Office policy making activities however, there is the Public Trust Office Investment Board which provides advice to the Public Trustee in areas of investment policy and this Board has a community representative member.

5. CATEGORIES OF DOCUMENTS HELD BY THE PUBLIC TRUST OFFICE.

Categories of documents include correspondence, internal working documents, publications and policy documents. General publications of the Office include the Interim Corporate and Strategic Plans, the Corporate Programs and a magazine "Willpower". Policy documents include Office Memoranda, Client Service Program Administration Practice Memoranda, Office Circulars, Procedure Manuals, Training Manuals, Computer Bulletins and Conveyancing Instructions.

6. LITERATURE AVAILABLE FREE OF CHARGE FROM THE PUBLIC TRUST OFFICE

The following material is available from any branch of the Public Trust Office and most items are able to be down loaded from:

www.pt.qld.gov.au/pubs/index.htm#legal

- A range of promotional brochures and information sheets:
 - **Our Services**
 - **Making Your Will**
 - **Executor Services**
 - **Enduring Power of Attorney**
 - **Disability Services Standard**
 - **Personal Profile Record**
 - **Public Trustee Investment Funds**
 - **Dealing with Bereavement**
 - **Resolving Concerns**
- **Brochures in other languages [Chinese, Greek, German, Italian and Vietnamese]:**
 - **Who We Are**
 - **Enduring Power of Attorney**
 - **Wills & Deceased Estates**
- *Annual Reports*
- *Corporate Plan 2007-2012*
- *Code of Conduct*
- *Complaint Management Policy*

- *Fraud and Corruption Control Policy*
- *Auction Catalogues*

- *Gaming Tender Documents*

- *Plans for Life Magazine*

- *Privacy Plan 2007-2008*

- *Disability Support Service – Information*
 - *Disability Action Plan*
 - *Role of an Administrator*
 - *Duties of an Administrator*
 - *Guide for Financial Administrators*
 - *Prudent Person Rule –Part Three of the *Trusts Act 1973**

- *Fees & Charges*
 - *Cost to Administer a Deceased Estate*
 - *Disability Services & Administrators*
 - *Obtaining Probate*

- *Unclaimed Money Claim forms*

- *Investments:*
 - Daily Unit Prices*
 - Fund Returns*
 - Fund Distributions*
 - PTIF Brochure*
 - PTIF Information Memorandum*
 - PTIF Product Profiles*
 - *Cash Fund*
 - *Australian Fixed Interest*
 - *Conservative Fund*
 - *Growth Fund*
 - *Higher Growth Fund*
 - *Australian Equities Fund*
 - PTIF Withdrawal Form*
 - Quarterly Report (to Investors)*

7. LITERATURE AVAILABLE FROM THE PUBLIC TRUST OFFICE BY WAY OF SUBSCRIPTION SERVICES OR FREE MAILING LISTS

Any material referred to in 6.

8. ACCESS TO DOCUMENTS OF THE PUBLIC TRUST OFFICE

Copies of policy statements and policy documents are available for inspection. Any queries in relation to the accessibility of Public Trust Office documents may be directed to the Freedom of Information Coordinator on (07) 32139337 fax (07) 32139486.

9. BODIES WHICH HAVE BEEN ESTABLISHED TO ADVISE THE PUBLIC TRUST OFFICE AND WHOSE MEETINGS ARE OPEN TO THE PUBLIC OR THE MINUTES OF WHOSE MEETINGS ARE AVAILABLE FOR PUBLIC INSPECTION.

There are no bodies within the above description.

10. FREEDOM OF INFORMATION PROCEDURES OF THE PUBLIC TRUST OFFICE.

Formal requests made under the *Freedom of Information Act 1992* for access to documents or amendment of documents held by the Public Trust Office should be in writing and directed to:

*The FOI Co-ordinator
Public Trust Office
GPO Box 1449
BRISBANE Q 4001*

Applications may be delivered personally or by post. If delivered personally, the Office is open to the public between the hours of 8:15 a.m. and 5:00 p.m. Monday to Friday inclusive.

Requests for information concerning the personal affairs of the applicant are free of all charges.

All other requests attract a \$38.00 application fee as well as \$5.80 per quarter hour processing costs and 20 cents per page photocopying charges.

Employment-related issues are not considered, personal affairs under the *Freedom of Information Act 1992*.

Other charges may apply for special access arrangements such as copying of audio-visual material or creating transcripts of audiotapes. There are no charges to the applicant for internal or external review procedures.

These charges are in accordance with the *Freedom of Information Regulation 2006*.

Procedure

All applications are registered by the Co-ordinator. The Co-ordinator assesses whether or not the application constitutes a Freedom of Information request, and whether grounds exist for refusal of the request/application.

Applicants are advised, by consultation where possible and subsequently in writing, of any decision to refuse an application and the reasons for the refusal. Applicants are also advised of their appeal rights concerning the decisions.

Acknowledgment of an application must be made within 14 days of receipt by the Office through the Co-ordinator. Applicants must be advised of decisions about access to documents within 45 days of receipt of application unless additional time is allowed under the Act. Refusal of a request must be notified within 14 days.

Upon receipt of a request the Co-ordinator undertakes a search of all documents held by the Office relating to the request. All documents, which are relevant to the request, which have been located, are then perused by the Co-ordinator so that a decision can be made on the request.

If the request is too broad in its application, the Co-ordinator may consult with the person making the request with a view to narrowing the request down.

Once a decision has been made to grant access to documents to an applicant, access to the documents is arranged by the Co-ordinator. The Co-ordinator will also arrange for photocopies and/or inspection of documents.

Review

A person dissatisfied with the decision of the FOI Co-ordinator may appeal to an internal reviewer.

Requests for external review of a decision can be directed to:

*Information Commissioner,
Freedom of Information,
PO Box 10143
Adelaide Street
Brisbane, Qld 4000*

12. PRIVACY

For details of the *Public Trust Office Privacy Plan 2008-2009* go to:

www.pt.qld.gov.au/pubs/docs/privacy_plan.pdf