

# About The Public Trustee

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The Public Trustee has been serving Queenslanders since 1916 and is governed by the *Public Trustee Act 1978*. The Public Trustee is self-funding and receives no financial assistance from the Queensland Government. Operating as a corporation sole, we provide financial, trustee and legal services to the people of Queensland.

In providing our services we aim to ensure:

- prudent management of the financial assets of our clients
- support for vulnerable members of the community
- an orderly succession of assets between generations
- the provision of life-planning assistance to the Queensland community by making Wills free of charge and Enduring Powers of Attorney (EPA) documents at an affordable cost.

## Where to find us

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We provide our services through a network of regional offices in the following locations, including our head office at 444 Queen Street, Brisbane:



- Brendale
- Brisbane
- Bundaberg
- Cairns
- Gladstone
- Ipswich
- Mackay
- Maryborough
- Mount Isa
- Redcliffe
- Rockhampton
- Southport
- Sunshine Coast
- Toowoomba
- Townsville

We also provide services outside of the above locations through the Queensland Government Agent Program (QGAP) and the local court networks. For further information on the location of our offices or outreach locations please refer to pages 42-44 of the report. Alternatively you may also visit our website at [www.pt.qld.gov.au](http://www.pt.qld.gov.au).

## Our vision

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**To be the independent trustee for Queenslanders providing security and peace of mind.**

## Our purpose

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**To lead the evolution and delivery of trustee, estate and administration services that make a positive difference in the lives of Queenslanders.**

**We provide professional and accessible:**



Estate administration services



Financial management for those with impaired capacity for decision-making



Legal services



Trusts administration



Tax and investment services



Life planning services including making Wills, EPAs and Advance Health Directives



Safe and secure storage of Wills and other life planning documents



Real estate services



Philanthropy facilitation

**We also:**

- administer unclaimed moneys for the State of Queensland
- manage the estates of prisoners under Part 7 of the Public Trustee Act 1978
- carry out special functions of a public nature under Part 5 of the *Public Trustee Act 1978*
- promote and support community education on elder abuse.

## Our values

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On page 34, we demonstrate how The Public Trustee is implementing and embedding these values into all areas of our operations.



Customers first



Ideas into action



Unleash potential



Be courageous



Empower people

## Our legislation

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The Public Trustee administers the *Public Trustee Act 1978*. We have a wide range of powers and functions, and operate under many other Acts including:

*Acquisition of Land Act 1967*

*Adoption Act 2009*

*Agents Financial Administration Act 2014*

*Airports Assets (Restructuring and Disposal) Act 2008*

*Associations Incorporation Act 1981*

*Body Corporate and Community Management Act 1997*

*Building Units and Group Titles Act 1980*

*Charitable Funds Act 1958*

*Child Protection Act 1999*

*Child Protection (International Measures) Act 2003*

*Civil Partnerships Act 2011*

*Collections Act 1966*

*Companies (Acquisition of Shares) (Application of Laws) Act 1981*

*Corrective Services Act 2006*

*Criminal Proceeds Confiscation Act 2002*

*Debt Collectors (Field Agents and Collection Agents) Act 2014*

*Disposal of Uncollected Goods Act 1967*

*Drugs Misuse Act 1986*

*Financial Accountability Act 2009*

*Gaming Machine Act 1991*

*Guardianship and Administration Act 2000*

*Industrial Relations Act 2016*

*Information Privacy Act 2009*

*Integrated Resort Development Act 1987*

*Land Act 1994*

*Land Sales Act 1984*

*Legal Profession Act 2007*

*Liquor Act 1992*

*Local Government Act 2009*

*Local Government Electoral Act 2011*

*Manufactured Homes (Residential Parks) Act 2003*

*Mineral Resources Act 1989*

*Mixed Use Development Act 1993*

*Motor Dealers and Chattel Auctioneers Act 2014*

*National Injury Insurance Scheme (Queensland) Act 2016*

*Personal Injuries Proceedings Act 2002*

*Police Powers and Responsibilities Act 2000*

*Powers of Attorney Act 1998*

*Property Law Act 1974*

*Property Occupations Act 2014*

*Public Guardian Act 2014*

*Public Interest Disclosure Act 2010*

*Public Officers Superannuation Benefits Recovery Act 1988*

*Public Records Act 2002*

*Public Sector Ethics Act 1994*

*Public Service Act 2008*

*Residential Services (Accreditation) Act 2002*

*Residential Tenancies and Rooming Accommodation Act 2008*

*Retirement Villages Act 1999*

*Right to Information Act 2009*

*Sanctuary Cove Resort Act 1985*

*Second-hand Dealers and Pawnbrokers Act 2003*

*South Bank Corporation Act 1989*

*Storage Liens Act 1973*

*Succession Act 1981*

*Surrogacy Act 2010*

*Trust Accounts Act 1973*

*Trustee Companies Act 1968*

*Trusts Act 1973*

*Victims of Crime Assistance Act 2009*

*Workers' Compensation and Rehabilitation Act 2003*

*Work Health and Safety Act 2011*

*Youth Justice Act 1992*

## Official Solicitor

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The Official Solicitor is the Public Trustee's in-house legal advisor and is appointed pursuant to section 16 of the *Public Trustee Act 1978*.

The Official Solicitor provides advice and conducts litigation on behalf of the Public Trustee in his many different roles. These services include:

- providing legal advice and conducting litigation in circumstances where the Public Trustee is appointed personal representative of deceased estates
- providing legal advice and conducting litigation when the Public Trustee is appointed administrator for an adult with a decision-making incapacity
- conveyancing, leasing and other property related transactions on behalf of estates under administration and the Public Trustee as a corporation sole.

**The Official Solicitor** has identified a number of trends in the work he undertakes on behalf of the Public Trustee, for example:

- There continues to be a large number of referrals to the Official Solicitor in relation to family provision applications, often in circumstances where the Public Trustee has been appointed as financial administrator for an adult child of a deceased person. There were 118 referrals to the Official Solicitor in the last year in relation to potential applications and 75 referrals to the Official Solicitor where the Public Trustee is administering the deceased estate. Importantly, all mediations that the Official Solicitor attended during the year involving a family provision application (whether representing the Applicant or the Respondent) resulted in a settlement.
- The Public Trustee continues to find himself appointed administrator for an adult with impaired capacity in circumstances where that adult has been the subject of financial elder abuse. The Official Solicitor offers advice on the prospects of recovery of property or money misappropriated. These are often difficult cases where the adult for whom the Public Trustee is appointed administrator (as a result of the misappropriation) is of extremely limited means to support litigation. In addition, it is often the case that the funds or property misappropriated have been dissipated by the person who has acted improperly.
- The Public Trustee has observed an increase in the number of clients with complex financial affairs. For example, clients who are company directors, often relating to corporate structures set up for the Public Trustee client's Self-Managed Superannuation Fund.

While it is not unusual for the Public Trustee to bring an Application to the Supreme Court for the construction of a Will, in the matter of *The Public Trustee of Queensland v Neary & Ors [2018] QSC 9* the Public Trustee found it necessary to identify the members of four different generations of a family and the Official Solicitor was required to serve over 100 Respondents. The Will in question referred to a gift to "all my great nieces and nephews" and the same gift to various "grand-children". The Testator had died without issue but had many living relations. As all parties that might be affected by a Will construction had to be served, logistically this became a very large undertaking.

## Our 2017–18 achievements

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### Driving value for clients

- \$35.6 M in CSOs delivered at no cost to Government including
  - fees rebated for some clients with limited assets
  - 28,272 free Wills made
  - public education in areas such as Wills and EPAs with an emphasis on planning for life
  - funding for a range of community services through the Office of the Public Guardian and the Civil Law Legal Aid Scheme administered by Legal Aid Queensland
- financial management for 9,048 clients
- managing the estates of 512 prisoners
- acting as financial attorney for 251 clients
- managing 4,540 trusts
- making 3,477 EPAs
- accepting 2,221 new deceased estates for administration and reducing our average time to administer
- continuing to enhance frontline service delivery through:
  - demonstrating our commitment to our clients through the introduction of our Client Service Charter
  - introducing Express Will Appointments for clients who wish to update their existing Will with the Public Trustee
  - expanding and promoting our real estate model to enhance the overall client experience for deceased estates and financial management administration services including the sale of 236 properties valued at \$92 M.



### Sustainable reinvestment to support business objectives

- maintaining strong financial performance which resulted in an operating surplus of \$3.4 M
- investing in capital upgrades for regional offices in recognition of our commitment to regional service delivery
- investing in digitisation projects to deliver organisational efficiencies and sustainable improvements in business processes.



## Strengthening confidence and value in our services

- strengthening relationships with a wide variety of stakeholders including other agencies and community groups, including:
  - hosting our annual Queensland Wills Week to promote the importance of every Queenslanders over the age of 18 having an up to date Will
  - collaborating with the Department of Communities, Disability Services and Seniors, the Office of the Public Guardian and members of the community to promote and participate in elder abuse awareness activities
  - establishing a partnership with the JPs in the Community Program, an initiative of the Justices of the Peace Branch, Department of Justice and Attorney-General. The partnership aims to educate Justices of the Peace (JPs) about life planning and estate administration. We provide JPs with current information regarding the witnessing of Wills and EPA documents, and we are available to respond to enquiries generated by the general public as they engage with the Program
- continuing to support philanthropic endeavours through the financial management of charitable and philanthropic trusts.



## Targeted and effective service delivery

- supporting Public Trustee clients who are eligible for the National Disability Insurance Scheme, and ensuring all eligible clients are registered for the Scheme
- redesigning our client surveys to better measure service effectiveness and client satisfaction for administration of deceased estates, financial management, trusts administration, and Wills and EPA services (results are available on page 16)
- fostering expertise in service delivery through operating five Centres of Excellence (Testamentary Trusts, Minors Trusts, Group Housing, Residential Care and Advanced Residential Care)
- focusing, through our Centres of Excellence, on improved communication, faster and more consistent responses to client enquiries, streamlined processes and building a specialist knowledge base.



## Engaging and empowering our workforce

- Engaging and empowering our workforce through:
  - coordinating a Recognition of Prior Learning program for all employees who have completed the Level 1 and 2 Technical Training programs to date. This program has enabled 16 eligible employees to achieve a nationally recognised qualification (Certificate IV in Personal Trust Administration)
  - delivering a Wills and Enduring Power of Attorney Accreditation Program
  - a Leadership and Management Development Program for 27 employees, delivered by the Queensland University of Technology (QUT) and aimed at developing the capability and competency of middle managers
  - technical training Level 1 for 25 frontline service delivery employees, focusing on foundational skills for entry level officers
  - technical training Level 2 for 39 employees, focused on complex skills for frontline staff
  - embedding the Queensland Public Service values across the Public Trustee through culture workshops for all employees, including values initiatives such as Values In Action and Confident Customer Conversations.

The progressive rollout of the **National Disability Insurance Scheme (NDIS)** continues to be an area of focus for our organisation, and our NDIS Program was pivotal in 2017–18. This scheme aims to provide about 90,000 Queenslanders under the age of 65 with a permanent and significant disability with the reasonable and necessary supports they need to live an ordinary life. For clients where we are appointed financial administrator for adults with a decision-making incapacity, our emphasis is to ensure they have access to the Scheme.

We have invested considerable effort in communicating with our client base to ensure they are aware of the Scheme, and are progressed towards registering for it. The Public Trustee understands the importance of stakeholder engagement – in particular, engagement with the National Disability Insurance Agency (NDIA). We initiated, and continue to host, the Justices' NDIS Interest Group Meeting of the Justice and Human Rights Agencies (Qld). We also actively engage with the Queensland Directorate of the NDIA (Scheme Implementation), the NDIS Whole of Government Scheme Implementation Regional Programs and the NDIS Project Management Office.

By the time Queensland's NDIS phasing-in is complete in 2019, we will have reviewed approximately 9,000 financial management clients to determine their eligibility for the Scheme. This equates to approximately 6,000 NDIS eligible clients.

During 2017, NDIS registration rollout for our clients was completed for:

- Townsville, Hinchinbrook, Burdekin, west to Mt Isa, and up to the gulf
- Mackay, Isaac and Whitsundays
- Toowoomba and west to the borders
- Ipswich, Lockyer, Scenic Rim and Somerset
- Bundaberg
- Rockhampton, Gladstone and west to the borders.

In 2018, NDIS registration rollout for our clients was completed for:

- Cairns
- Brisbane
- Redcliffe
- Maryborough
- Southport
- Ipswich
- Toowoomba.

Approximately 5,051 clients from Townsville, Mackay, Toowoomba, Ipswich, Bundaberg, Rockhampton, Logan and Redlands, Cairns, Brisbane and Fraser Coast regions have been registered for the Scheme. We are currently managing registration of the Moreton Bay and Sunshine Coast cohort (the final two phasing regions), which will see approximately 826 additional clients registered.

## Our strategic direction

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Our strategic direction is documented in our Strategic Plan, which can be accessed on our website. The Strategic Plan sets the parameters for our strategic direction to staff, clients and stakeholders. It also outlines how we will contribute to the achievement of the Queensland Government's objectives for the community, our priorities and our strategies. It also includes performance indicators determining how our objectives will be measured.

# The Public Trustee of Queensland Strategic Plan 2016-2020\*

100 YEARS  
since 1916



## Our Vision

The independent trustee for Queenslanders providing security and peace of mind.

## Our Purpose

Lead the evolution and delivery of trustee, estate and administration services that make a positive difference in the lives of Queenslanders.

We contribute to the Queensland Government's objectives for the community of delivering quality frontline services and building safe, caring and connected communities. We support vulnerable Queenslanders through our work in guardianship, by facilitating the orderly transfer of assets, and by providing life planning assistance through our Wills and Enduring Powers of Attorney services.

### Objectives and Strategies

### Performance Indicators



#### Drive value for clients through tailored services to meet changing needs

- Partner with clients to identify changing needs and demand for services by 2020 and beyond.
- Tailor our services to meet client needs and regional diversity.
- Improve our communication with clients by providing options in the way information is provided.
- Identify new client markets and develop services to meet requirements.

#### Client focus

- Client demand and preferences are tracked.
- Client satisfaction levels are improved.
- Take-up of services is increased.



#### Deliver the surplus required to enable sustainable reinvestment that supports current and future business objectives

- Optimise revenue from our business operations to ensure ongoing viability.
- Achieve service delivery cost target.
- Optimise return on our assets to meet business objectives.
- Strengthen and improve core services and identify future opportunities that build additional revenue streams.

#### Financial

- Revenue from services is increased.
- Return on assets is improved.
- New revenue opportunities are actioned.



#### Strengthen the Queensland community and government's confidence and value in our services

- Promote knowledge and benefit of the services of the Public Trustee.
- Collaborate and partner with inclusive community representative organisations and government.
- Strengthen positive engagements with our clients and their support networks.
- Enhance accessible and effective regional service delivery for all Queenslanders.

#### Stakeholder focus

- Stakeholder engagement and satisfaction metrics are implemented and monitored.
- Engagement and partnership activities with client and stakeholder networks are increased.
- Reputation management, branding and marketing activities contribute to greater community awareness.



#### Implement targeted service delivery models that increase client satisfaction and improve efficiency

- Identify preferred service models for each of the Public Trustee's core functions.
- Implement the preferred service delivery models in a staged manner.
- Develop supporting systems required to ensure agility, providing the foundations for future innovations that meet our clients' changing needs.

#### Process

- Achieve service delivery cost target.
- Service effectiveness and efficiency metrics are met.
- Implementation of new service delivery models is achieved on time and budget.



#### Develop an engaged, empowered and flexible workforce with the agility to readily respond to changing imperatives

- Build on our professional and capable workforce with the right skills, knowledge, attitude and tools to meet client and stakeholder expectations.
- Develop increased workforce agility through knowledge management, workforce mobility, embedded diversity strategies and flexible work practices.
- Grow and maintain a highly engaged workforce.

#### People

- Improvement in workforce capability.
- Employee engagement is increased.
- Workforce capacity is aligned, measured and improved.

### Strategic Challenges and Risks

- Maintaining delivery of quality frontline services.
- Ensuring service delivery model and information technology adapts and responds to client, community and business needs.
- Maintaining community confidence in the services we provide.
- Keeping strong leadership and governance frameworks enabling us to effectively respond to changes.
- Ensuring appropriate focus on business as usual while implementing longer term strategic initiatives.
- Continual focus on organisational capabilities and systems.
- Business model viability continues in face of any challenge by external economic factors.
- Meeting an increased demand for services that attract Community Service Obligations.

### Our Values

We align to the Queensland Public Service values



Customers first



Ideas into action



Unleash potential



Be courageous



Empower people

The Public Trustee

1300 360 044

www.pt.qld.gov.au

\*Reviewed and updated 2017

D16/6576

## The year ahead

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To support our strategies, our key priority for 2018–19 is our business transformation initiative to deliver organisational capability, process and technology changes aligned with our strategic objectives and to support future business needs.

The proposed business transformation will enable us to deliver the following strategic objectives:



**Drive value for clients through tailored services to meet changing needs**



**Implement targeted service delivery models that increase client satisfaction and improve efficiency**



**Strengthen the Queensland community and government's confidence and value in our services**

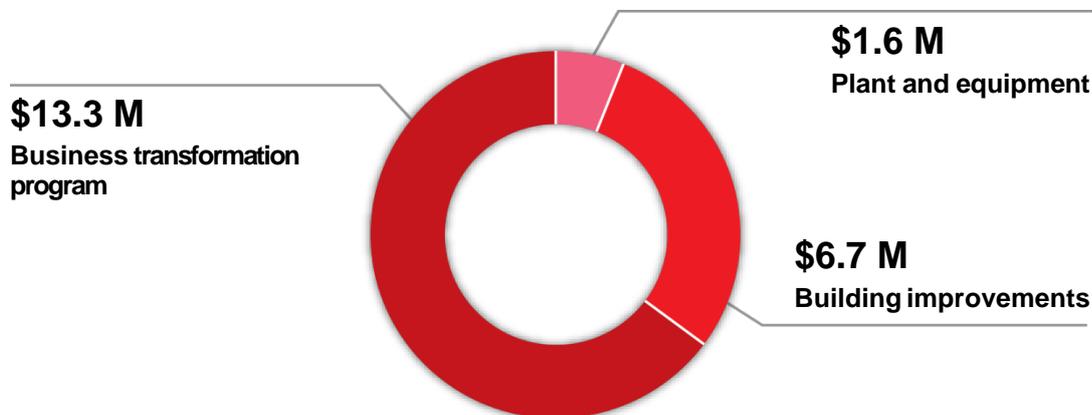
The organisation-wide initiative will include replacing the Public Trustee's core client information system, with a new system to provide a foundation for future innovation and to support our clients' changing needs, establishing information system platforms to facilitate an enhanced client experience (for example, website enhancements including portals providing clients with access to view and manage their information online) and digitisation projects which will deliver organisational efficiencies and sustainable improvement in business processes including records digitisation.

Additional key priorities for 2018–19 include:

- providing ongoing financial management for Queenslanders with impaired financial decision-making capacity
- ensuring strong leadership and governance frameworks to enable us to effectively respond to challenges
- investing in upgrading facilities at regional offices to better service clients
- enhancing frontline service delivery in response to client satisfaction survey outcomes
- continuing to enhance our organisational capability through investment in people and systems.

We are committed to providing efficient, quality services to our clients. We continue to redevelop regional offices to improve frontline service delivery, efficiency and accessibility for all clients, as well as continuing to maintain appropriate work health and safety standards for clients and staff.

During 2018–19 capital expenditure is estimated to be \$21.6 M comprised of:



## Meeting challenges in our operating environment

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Through our strategic planning, we have identified a number of key risks to achieving our vision and purpose. Increasing demand for services that support vulnerable Queenslanders and attract CSOs impacts our ability to fund service delivery at no cost to Government. We must also maintain community confidence and trust in the services we provide. Changing economic factors, government priorities and customer expectations could adversely affect the viability of our business model. Undertaking environmental scanning to ensure we focus appropriately on business as usual while also implementing longer term strategic initiatives is important.

The challenges posed by these risks present the Public Trustee with the opportunity to:

- deliver quality frontline services that respond to changing client and community needs
- implement new technologies and harness the benefits to be innovative and competitive in our service delivery
- ensure our leadership and governance frameworks enable us to effectively respond to challenges
- actively engage with government and other stakeholders to advocate for positive outcomes for our clients and the community
- implement incremental innovations to deliver improvements to customer and stakeholder experiences
- continue to enhance our organisational capability through investment in people and systems.