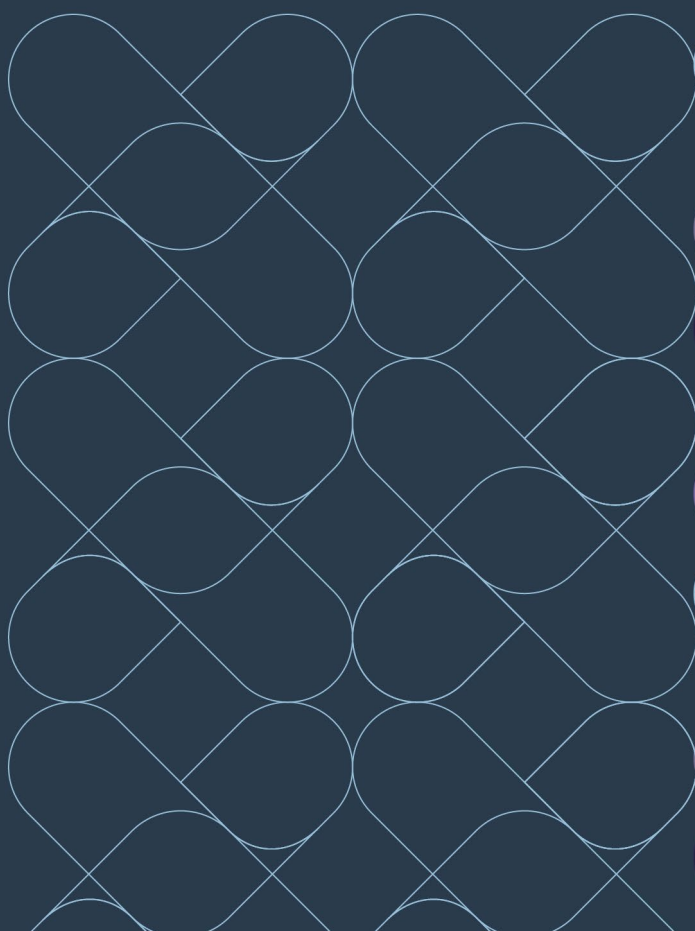
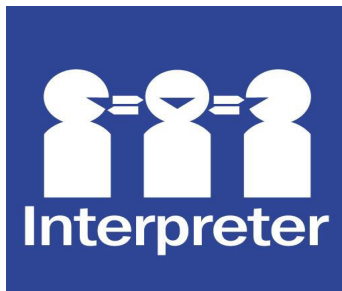




PUBLIC TRUSTEE ADVISORY
and MONITORING BOARD

Annual Report 2022/23





Accessibility

The report provides detailed information about the Public Trustee Advisory and Monitoring Board's performance for the 2022-23 financial year.

We are committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding the annual report, you can contact by email info@ptamboard.qld.gov.au or free call the Translating and Interpreting Service on 1800 131 450 and we will arrange an interpreter to effectively communicate the report to you.

Published by the Public Trustee Advisory and Monitoring Board, September 2023.

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Acknowledgement of Traditional Owners and Custodians

The Public Trustee Advisory and Monitoring Board (the Board) acknowledge the Traditional and Cultural Custodians of the lands, waters and seas across Queensland, pays respect to Elders past and present and recognises the role of current and emerging leaders in shaping a better service system. We recognise the First Nations people in Queensland are both Aboriginal peoples and Torres Strait Island peoples, and support the cultural knowledge, determination, and commitment of Aboriginal and Torres Strait Islander communities in caring for the wellbeing of our peoples for millennia.

The term 'First Nations peoples' and 'Aboriginal and Torres Strait Islander peoples' are used interchangeably in this report. Acknowledging First Nations peoples' right to self-determination, the Board respects the choice of Aboriginal and Torres Strait Islander people to describe their own cultural identities which may include these or other terms, including sovereign peoples or traditional place names.

The Board additionally acknowledge all First Nations people who are the clients or family of the Queensland Public Trustee.



The Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice and Minister for the
Prevention of Domestic and Family Violence
1 William Street
Brisbane Qld 4000

Dear Attorney-General

I am pleased to submit for presentation to Parliament the 2022/23 Report of the Public Trustee Advisory and Monitoring Board (the Board) as required by 117ZZA of the *Public Trustee (Advisory and Monitoring) Board Amendment Act 2022*.

This is the inaugural report, with the Board having been established on 9 December 2022 upon the announcement of six Appointed Members representing different areas of expertise within the community and four government Senior Executive Permanent Members.

The Board held its first meeting on 21 February 2023 and held three more meetings in the financial year, two of which included presentations from the Public Trustee.

The Board looks forward to continuing to work with the Public Trustee and yourself with the goal of assisting the Public Trustee improving outcomes for vulnerable Queenslanders.

Yours sincerely

Geoff Rowe
Chairperson
Public Trustee Advisory and Monitoring Board

15 September 2023



PUBLIC TRUSTEE ADVISORY AND MONITORING BOARD - ANNUAL REPORT 2022/23

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Foreword from the Chairperson, Public Trustee Advisory and Monitoring Board

I am pleased to present the first Annual Report of the Public Trustee Advisory and Monitoring Board (the Board). The Report reflects activities undertaken during the first six months of the Board's operation.

On 9 December 2022, the (then) Attorney-General, the Hon Shannon Fentiman MP, announced the six Appointed Members of the Public Trustee Advisory and Monitoring Board, who, together with four Permanent Members, formed the full membership of the Board.

The establishment of the Board was historic in that it sought to provide an additional oversight mechanism to improve the Public Trustee's performance, transparency and public accountability, to improve the outcomes for vulnerable Queenslanders who have been placed under the care of the Public Trustee.

Members bring to the Board a complementary skill set and experience consistent with that proposed under the Act. The Board's Initial focus has been on establishing a clear understanding of the overall work of the Public Trustee, and the issues experienced by those it supports.

As an entity the Public Trustee has been providing services to vulnerable Queenslanders for well over 100 years. While this can be viewed as a strength, in some matters the Board has identified that this has resulted in some services being grounded in historical practice rather than contemporary best practice.

This report outlines the Board's achievements during the initial period of operation as well as outlining plans for the coming financial year.

In performing its functions, the Board will continue to act independently and in the public interest.

Yours sincerely

Geoff Rowe

Chairperson

Public Trustee Advisory and Monitoring Board



The Public Trustee Advisory and Monitoring Board

In January 2021, Queensland's (then) Public Advocate, Ms Mary Burgess, delivered her report *Preserving the financial futures of vulnerable Queenslanders: A review of Public Trustee fees, charges and practices* to the (then) Attorney-General, the Honourable Shannon Fentiman MP. The review contained 32 recommendations, including:

Recommendation 30: Consider additional oversight mechanisms

The Queensland Government should consider whether the Public Trustee and its clients would benefit from additional oversight and/or reporting mechanisms to improve the Public Trustee's performance, transparency and public accountability.

As a result, amendments to the *Public Trustee Act 1978* were undertaken and assented to by the Governor of Queensland, Her Excellency the Honourable Dr Jeannette Young AC PSM on 20 May 2022.

The amendment stipulated that a board of nine to ten members be appointed, four 'Permanent Members', comprising senior executives representing the government departments involved in the delivery of services to vulnerable Queenslanders, and six 'Appointed Members', selected for expertise and experience in a variety of fields covering the broad responsibility of the Public Trustee. With these appointments, the Board formally commenced on 9 December 2022.

The legislative basis of the Board

The legislative basis of the Board is enshrined in the Public Trustee (Advisory and Monitoring Board) Amendment Act 2022. Section 117Y of the Act stipulates the purpose of the Board:

- (a) to monitor and review the performance of the public trustee's functions;
- (b) to monitor complaints received by the public trustee about the performance of the public trustee's functions;
- (c) to monitor and review the public trustee's processes for managing complaints mentioned in paragraph (b);
- (d) to give written advice or make written recommendations to the Minister about the following—
 - (i) changes to legislation, or improvements to the policies, practices, resources, services or training of the public trustee, to ensure the public trustee can effectively perform its functions;
 - (ii) improvements or enhancements to the performance of the public trustee's functions to promote the interests of the public trustee's clients, particularly clients with impaired decision-making capacity;
- (e) if asked by the Minister, to give written advice or make written recommendations to the Minister about matters relating to the performance of the public trustee's functions;
- (f) to give advice or make recommendations to the public trustee about matters relating to the performance of the public trustee's functions;
- (g) another function given to the board under this Act.

Additionally, Section 117ZA provides that in performing its functions the board must act independently and in the public interest, and is not subject to direction by anyone, including the Minister in how it performs its functions.



Membership of the Board

Chairperson – Mr Geoff Rowe

Mr Rowe is the Chief Executive Officer of Aged & Disability Advocacy Australia and brings to the Board 40 years' experience in human services, including senior executive positions in the Queensland Government and not-for-profit sector. His current statutory appointments include the Queensland Voluntary Assisted Dying Review Board, and the Notifications and Immediate Action Committees of the Medical Board of Australia.

Members

Appointed Members

Professor Jennifer Cullen - Professor Cullen, who identifies as Indigenous, is CEO of brain injury organisation Synapse Australia Ltd., holds several statutory appointments, has held membership of various advisory and research groups, and also received many awards relating to support and advocacy for vulnerable persons.

Brendan O'Farrell - Mr O'Farrell is an experienced Non-Executive Director, and Advisory Board Member, currently sitting on a number of Company Boards across various industry sectors. Brendan currently operates his own consulting firm, Maple Tree Consulting Pty Ltd. Brendan's current directorships include Stadiums Queensland, TUH Health Fund, investLogan Pty Ltd, Broncos Leagues Club.

Brendan holds an MBA, is a Graduate from the Australian Institute of Company Directors and has undertaken various courses in Strategic Management from Wharton Business School and Leading and Building an Innovative Culture from Harvard Business School. Previously, Brendan had over 25 years' experience in Senior Executive Roles from General Manager to Chief Executive Officer.

Aimee McVeigh - Ms McVeigh is CEO of the Queensland Council of Social Services, was a Director of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, a Director of Disability Law Queensland, and has significant experience working with people with impaired capacity.

Joanne Peulen - Ms Peulen is a governance consultant specialising in strategic financial and business risk management with more than 20 years' experience working within and providing advice to large-scale energy and public sector organisations. She has non-executive director experience in the not-for-profit and disability sector and lived experience with disability.

Kym Vickery - Ms Vickery has extensive financial and public sector leadership experience, having held several senior roles within Queensland Treasury, Queensland Investment Corporation, Ergon Energy and Queensland Treasury Corporation.

Permanent Members

Helen Dogan, Assistant Under Treasurer, Queensland Treasury. Ms Dogan is a senior executive with over 20 years' experience in government working across a range of portfolios including Treasury, Agriculture and Fisheries, Health and Energy in policy and financial roles. Ms Dogan is currently responsible for leading the Social Policy teams within Queensland Treasury to work in close partnership with key government agencies to provide strategic economic and fiscal policy advice to government.



Jasmina Joldić, Acting Director-General, Department of Justice and Attorney-General (Board Member from 1 May 2023). Ms Joldić PSM is an accomplished senior executive and policy expert who has over 15 years of experience across the State and Commonwealth governments, as well as the higher education sector. In May 2023, Jasmina became Acting Director-General of Queensland's Department of Justice and Attorney-General.

David Mackie, (Now) Public Sector Commissioner, Queensland Government. (Formerly) Director-General, Department of Justice and Attorney-General (Board Member until 30 April 2023).

Kathy Parton, Deputy Director-General, Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts. Ms Parton is a senior executive with more than 20 years' experience in government, working across departments and statutory bodies. Ms Parton is responsible for leading the strategic policy, legislation and program reform for Aboriginal and Torres Strait Islander Partnerships, including progressing significant First Nations policy reform through the Path to Treaty, Local Thriving Communities and Indigenous Voice initiatives.

Max Wise, Max Wise, Deputy Director-General Disability, Seniors and Carers, LLB, MBA, FIML. Mr Wise has worked for the Queensland Government for over 35 years, including almost 20 years in senior leadership roles. He has extensive experience in regulatory, oversight and service delivery roles, across a range of portfolios including justice, treasury, health, child protection, disability and seniors.

Mr Wise currently works in partnership across sectors and government/s to drive the inclusion and participation of people with disability, seniors and carers. He also leads work on strengthening, streamlining and administering key safeguards for people with disability, seniors and carers and monitoring the performance of the NDIS in Queensland.

Board activities for 2022/23

Following the appointment of the full Board in December 2022, it met for the first time on 21 February 2023. The inaugural meeting was attended in person by full membership of the Board. There were three further meetings of the Board in the 2022/23 year, one of which was an externally facilitated planning session, aimed at setting priorities for the forthcoming year.

Dates of 2023 Board meetings were:

21 February	21 March
19 May	2 June

The Board has now established a solid governance framework under which it will operate. Importantly, this framework will consider relevant Acts and plans which are important to its work, such as the Human Rights Act (2019) and Queensland's Disability Plan 2022-2027: Together, a better Queensland. Moving forward, the Board expects to meet on a monthly basis as it pursues its work plan.

All supporting documentation for the establishment of the Board was completed in the financial year. This includes the:

- Board Charter (Appendix 2) which outlines all aspects of the Board's operations.
- Code of Conduct, signed by all Appointed Members (Appendix 3). All Permanent Members are bound by the code of conduct requirements of the *Public Sector Act 2022*.



- Confidentiality, Privacy and Conflict of Interest Deed (Appendix 4)

Of further importance were the two meetings at which the CEO of the Public Trustee, Mr Samay Zhouand, attended as a guest for part of the discussions. These two meetings were held on 21 March and 2 June 2023. The sessions attended by Mr Zhouand were essential in helping the Board better understand the operation of the Public Trustee.

The meeting on 19 May 2023 was an externally facilitated planning session.

The Board understands its primary function in terms of ensuring that the rights of people with impaired capacity are respected, protected and fulfilled. The Board has identified four key goal-based focus areas of work for the forthcoming financial year being:

- **Governance and structure of the Public Trustee** – is high performing with independent governance structures.
- **Fees and charges** – are fair and reasonable, and transparently calculated.
- **Complaints** – processes are accessible, transparent and deal with customer complaints effectively.
- **Culture and strategy of the Public Trustee** – is consistent with community expectations and in line with the Queensland Human Rights Act

These focus areas will guide and inform the Board's efforts throughout the 2023/24 year. The Board will rely on its expertise, the cooperation of the Public Trustee and any other relevant entity to ensure that these areas are addressed as priorities.

The Board will also seek to ensure that the views, perspectives and experience of the Public Trustee's customers is key in all considerations.

Acknowledgments

The Board wishes to thank the following for their assistance in undertaking its responsibilities through its first six months of operation:

- The Public Trustee and its CEO, Mr Samay Zhouand, for ongoing co-operation with the Board
- The Department of Justice and Attorney-General for its initial work in drafting the legislation for the Board, supporting the recruitment process and ongoing support as the host agency to the Board
- The Manager, Board Secretariat, Mr Michael Meehan, for providing the full range of secretariat services to the Board from the planning stages in 2022 to current operations.

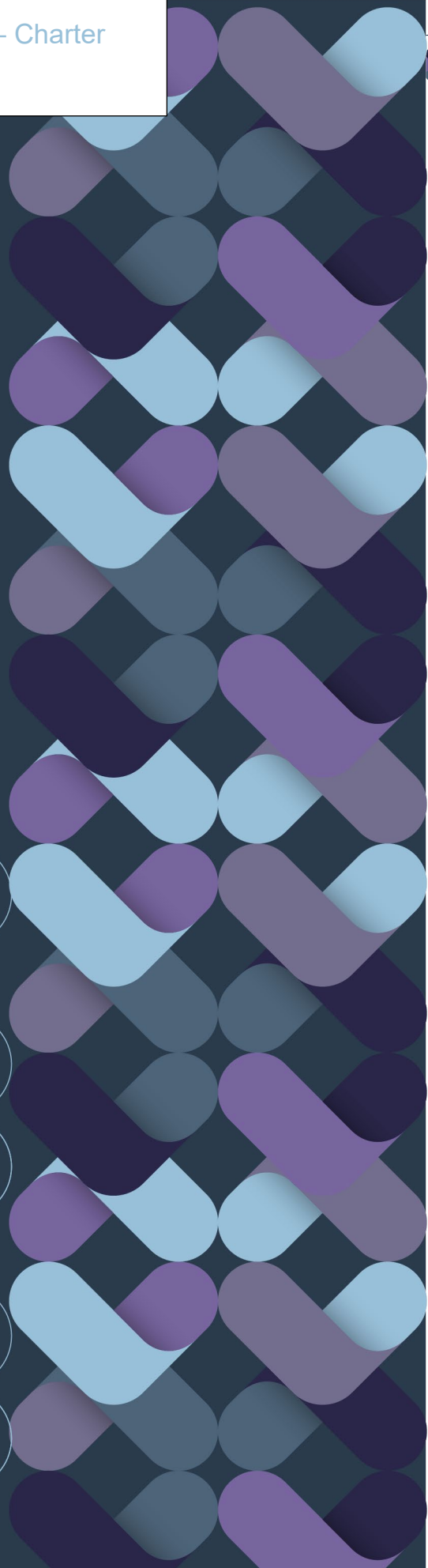
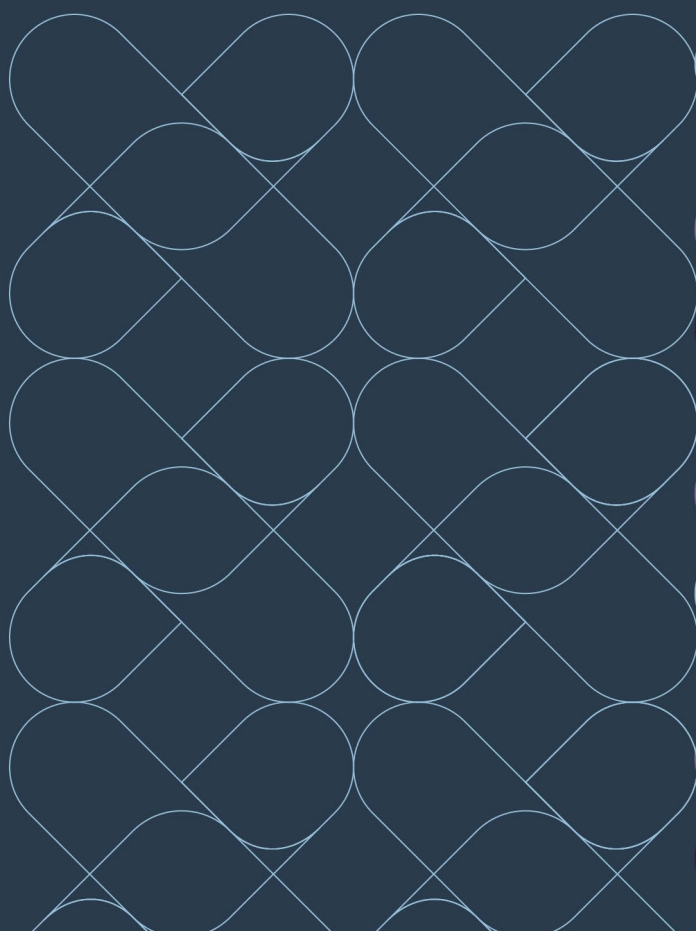


Appendix 1 - Member attendances and fees for 2022/23

Member	Meetings attended	Fees paid
Geoff Rowe (Chairperson)	4	\$780
Jennifer Cullen	3	\$450
Aimee McVeigh	4	\$600
Brendan O' Farrell	3	\$450
Joanne Peulen	4	\$600
Kym Vickery	4	\$750
Helen Dogan	4	Permanent Members do not receive payment
Jasmina Joldić	2 (Member from May 2023)	
David Mackie	2 (Member until April 2023)	
Kathy Parton	4	
Max Wise	3	

PUBLIC TRUSTEE ADVISORY and MONITORING BOARD

Public Trustee Advisory and Monitoring Board – Charter





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Introduction

This Charter outlines the responsibilities and membership composition of the Public Trustee Advisory and Monitoring Board (the Board).

The Board has been established to monitor and review the performance of the Queensland Public Trustee's functions and give advice or make recommendations about matters relating to the performance of the Public Trustee's functions.

The Board Members are not Board Directors and may not be purported to hold position of directors or any position within the Public Trustee.

The Board is advisory and the ultimate responsibility for the management of Public Trustee shall remain with the Public Trustee, and the portfolio of Queensland Attorney-General.

1. Purpose of Board

The Board is a fully autonomous and independent entity. The creation of the Board is as per Part 8A of the Public Trustee (Advisory and Monitoring Board) Amendment Act 2022 (the Act). ***The Act sets out that the broad purpose of the Board is to monitor and review the performance of the Public Trustee's functions.***

2. Role of Board

The Board's role is to monitor and review the performance of the Public Trustee's functions and provide advice or written recommendations to the Attorney-General and/or the Public Trustee. This advice may be provided by the Board or at the request of the Public Trustee and the Attorney-General.

This is to be achieved by the following:

- ❖ monitoring complaints received by the Public Trustee about the performance of the Public Trustee's functions
- ❖ monitoring and reviewing the Public Trustee's processes for managing complaints as above
- ❖ giving written advice or make written recommendations to the Minister. about the following:
 - ❖ changes to legislation, or improvements to the policies, practices, resources, services or training of the Public Trustee, to ensure the Public Trustee can effectively perform its functions
 - ❖ improvements or enhancements to the performance of the Public Trustee's functions to promote the interests of the Public Trustee's clients, particularly clients with impaired decision-making capacity
- ❖ if asked by the Attorney-General, giving written advice or making written recommendations to the Attorney-General about matters relating to the performance of the Public Trustee's functions
- ❖ to give advice or make recommendations to the Public Trustee about matters relating to the performance of the Public Trustee's functions
- ❖ any other function given to the Board under the Act.

Importantly, the following further guiding principles as outlined in the Act are:

- ❖ the Board must act independently and in the public interest; and



- ❖ the Board is not subject to direction by anyone, including the Attorney-General, about how it performs its functions.
- ❖ the Board may do anything necessary or convenient to be done in the performance of its functions. In relation to the third item above, this may include:
 - ❖ strategic input into business plans and other avenues of value creation
 - ❖ insights into best practice within the key areas of risk management and governance frameworks
 - ❖ act as a sounding board and challenge the status quo to ensure management and directors decisions are of high quality
 - ❖ provide fresh insights into emerging or unfamiliar issues
 - ❖ advise and provide guidance on sustainable practices to ensure efficient delivery of services and financial resources.

In relation to the above, key stakeholders are considered to be:

- ❖ the wider community of Queensland, especially the clients, families and carers of the Public Trustee
- ❖ the Public Trustee, which will both supply information to, and be engaged with, the Board and be advised on the above matters by the Board
- ❖ the Attorney-General of Queensland, to whom the Board may make recommendations
- ❖ peak bodies engaged in the Public Trustee space, such as the Queensland Council of Social Services.

Again, this must not interfere with the independence of the Board.

3. Independence of the Board

The Board is fully autonomous and independent in its advisory and monitoring duties. The only areas of direction from DJAG will be purely operational (e.g., budgetary constraints). If the Board is concerned with such directions, it may be raised through the Chair to the Secretariat, which will take the formal steps required to address the concerns with management of DJAG.

The Board is not to report to or receive direction from the Public Trustee in any regard.

4. Limitations of the Board

The Board has no delegated authority to:

- ❖ bind or direct the Attorney-General, the Public Trustee or management the Department of Justice and Attorney-General (DJAG) of on any matter considered by the Board
- ❖ approve or enforce the implementation of any actions
- ❖ set or approve budgets
- ❖ incur any costs associated with Board business unless expressly set out in this Charter.

5. Conflicts of Interest

If any Board Member, including the Chair, has a material or perceived personal interest by way of a personal or other relationship with any matter being considered by the Board, then that Board Member must provide the Board notice of such at the following meeting (or earlier at the Member's discretion). This must include details of the nature and extent of the conflict and the relevance to functioning of the Board.



The Board Member must not take part in any decision-making associated with that conflict and this should be noted in the minutes of any meeting or associated documentation. Note that the Act states that, if a Board Member does participate in any decision-making relating to the conflict, there is a more detailed process that must be followed.

6. Board Performance

In performing its responsibilities, the Board will, at all times, act in a manner that is:

- ❖ independent, including full independence from the Attorney-General or the Public Trustee
- ❖ in the public interest, including customers of the Public Trustee and their families and the broader community
- ❖ at all times in accordance with the Public Trustee (Advisory and Monitoring Board) Amendment Act 2022
- ❖ in accordance with the Board's Code of Conduct set out in Attachment A

7. Board Appointment and Composition

Composition

The Act 2022 has determined the size of the Board at a minimum of five (5) and a maximum of six (6) Appointed Members and four (4) Permanent Members. Selection of the Appointed Members is the responsibility of the Attorney-General. Likewise, the selection of the Chair, who is to be one of the Appointed Members, is the responsibility of the Attorney-General.

Requirements of Appointed Board Members

The Act stipulates in detail requirements in the selection of Board Members which is contained in Attachment B. In summary, these are:

- ❖ at least 1 appointed Board Member with knowledge, qualifications or skills in the area of: corporate governance, finance and banking, financial investment, financial services, insurance and the management of financial funds/trusts
- ❖ at least 1 appointed Board Member with knowledge, qualifications or skills in the area of: to advocacy, services and support for seniors and persons with a disability, including persons with impaired capacity
- ❖ at least 1 appointed Board Member with legal knowledge, qualifications or skills in relation to commercial litigation, duties and obligations of trustees, powers of attorney, substituted decision-making for adults with impaired capacity, succession law, the principles and rules of equity
- ❖ at least 1 appointed Board Member with knowledge, qualifications or skills in relation to human resource management and culture change management
- ❖ at least 1 appointed Board Member with experience living with impaired capacity, including as a carer or family member of a person with impaired capacity
- ❖ any other appointed Board Members have the knowledge, qualifications or skills the Minister considers appropriate.

Further, appointed Members should reflect the diversity of the Queensland community, including at least one appointed Board Member being an Aboriginal person or Torres Strait Islander.

Requirements of Permanent Board Members

- (1) The permanent board members are the



following—

- (a) the chief executive of the department in which this Act is administered or a senior executive nominated by that chief executive;
 - (b) the chief executive of the department in which the *Financial Accountability Act 2009* is administered or a senior executive nominated by that chief executive;
 - (c) the chief executive of the department in which the *Disability Services Act 2006* is administered or a senior executive nominated by that chief executive;
 - (d) the chief executive of the department mainly responsible for seniors or a senior executive nominated by that chief executive;
 - (e) the chief executive of the department in which the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* are administered or a senior executive nominated by that chief executive.
- (2) If a chief executive of a department mentioned in subsection (1) may be a permanent board member under more than 1 paragraph in the subsection, that chief executive may nominate a senior executive for each paragraph under which that chief executive may be a permanent board member.
- (3) A senior executive nominated by a chief executive under subsection (1) is a permanent board member for the period decided by that chief executive.

Appointments

Each Appointed Board Member will receive a formal letter of appointment from the Attorney-General, setting out the terms of their appointment. The term of appointment has been determined by the Act as being not longer than three (3) years. Appointed Members may be reappointed to another term by the Attorney-General at the completion of a term.

The Attorney-General has the sole discretion to appoint or remove Appointed Board Members, as per the Act (e.g., resignation, criminal charges).

An Appointed Member may resign their position on the Board at any point in time in writing to the Attorney-General.

The Board Member must disclose all business, employment or consulting relationships relevant to the functions of the Board at a Board meeting at the time of appointment. A schedule of Board Member disclosures/interests will form part of each meeting and will be amended if required. The Board Member agrees that no activities are undertaken for competitors during the term of appointment.

All Board Members have undertaken criminal history checks prior to appointment. In the case of new offences, the Act details procedures to be undertaken. The Manager, Board Secretariat may be of assistance in the event.

8. Meetings

Number of Meetings

The Board must meet a minimum of three (3) each year to satisfy the requirements of the Act. The number of meetings held is to be determined by the Chair in consultation with the other Board Members.

The Chair may choose to hold one-on-one meetings with Board Members with specific expertise. Such meetings should be discussed at Board meeting and noted in the minutes.

It is anticipated that forward planning and yearly strategic planning workshops will be held. It is expected that Members take reasonable steps to attend these.

Meeting Quorum



A meeting quorum is no less than four (4) Appointed Members and no less than 50% of total current Board Members (i.e., excluding current vacancies).

Decisions

Decisions on agenda topics will be based on a simple majority of meeting attendees. If the votes are equal, the Chair has a casting vote.

Attendance

Board meetings may be undertaken using any technology available to the Board, subject to security requirements.

The Act does not provide for proxies. That is, all Board Members are appointed as individuals, not their respective roles. However, with written consent from the Chair, a Permanent Member may request a specific individual to replace them for a specified period of time. There is no such provision for Appointed Members.

9. Board Papers and Minutes

The Manager, Board Secretariat, must ensure that an agenda and meeting papers are distributed at least 5 business days prior to meeting, except in circumstances where this is not possible (e.g., urgent meeting). The Manager, Board Secretariat will also be responsible for the Secretariat administration including minute taking and distribution of meeting minutes within 5 business days following the meeting. Minutes will be distributed to all Board Members.

10. Manager Board Secretariat Responsibilities

A full-time, dedicated Manager, Board Secretariat position has been made available to the Board. Importantly, the Manager reports directly to the Chair, except day-to-day requirements (e.g., timesheets, training). The Manager, for the purposes of the Board, is the resource of the Board and may not be directed by the Attorney-General, the Public Trustee or DJAG in any regard. This is to facilitate the independence of the Board. Arrangements are in place such that all electronic and physical documents are only accessible to the Manager.

As above, it is the responsibility of the Manager, Board Secretariat to ensure the smooth conduct of meetings and other Board business as required. This includes timely distribution of meeting papers, agendas, minutes and other information to facilitate Board business and meetings.

Responsibilities include, but are not limited to:

- ❖ organisation of each meeting, including liaison with Members regarding dates and times, the booking of rooms or facilities, organisation of ICT requirements and any other requirements
- ❖ liaison with entities such as the Crime and Corruption Commission and DJAG's Right to Information and Internal Audit to ensure compliance with all governance requirements at all times
- ❖ assistance with authorship of the annual report as required by the Act each financial year
- ❖ Appointed Board Member payments
- ❖ any human resource or ICT requirements of Appointed Members
- ❖ high-level research as requested by or through the Chair
- ❖ any project work as determined by or through the Chair.



11. Remuneration and Expenses

Appointed Members of the Board shall receive the amounts as below. These amounts have been determined by Cabinet and will not change within the current term of the Board.

	Daily fees	Meeting fees (under 4 hours)
Chair	\$390	\$195
Appointed Member	\$300	\$150

Permanent Members are not entitled to remuneration as their appointment forms part of their duties for the Queensland Government.

12. Confidentiality

It is a requirement that all Board discussions and papers are kept confidential. No information may be disclosed to any party without the Chair's written consent. Board Members must take all reasonable measures to avoid disclosure and unauthorised use of confidential information.

Before attendance at a meeting, any Appointed Board Member is required to complete the Deed of Confidentiality (Attachment C) which outlines in further detail the confidentiality requirements of Appointment Members. Permanent Members are not required to complete the Deed of Confidentiality, as they fall under the jurisdiction of the Public Sector Act (2022), which contains accordant confidentiality stipulations.

All documentation and communication relating to the Board is subject to the Right to Information legislative of all Queensland government entities, under the *Right to Information Act 2009*. If Board Members have any concerns in this regard, they should address them through to the Chair to the Manager Board Secretariat, who will seek advice from the internal DJAG Privacy and Right to Information section.

13. Media requests or proactive communications

As a rule, any communication with the media is to be conducted by the Chair. Importantly, no Board Member may speak to any member of the media about Board business without the prior documented authority of the Chair. If a Member other than the Chair is asked for comment by a media outlet, it must be brought to the Chair's attention as soon as practicable. No Board Member may speak to the media or public about individual clients of the Public Trustee, as this is outside the scope of the Board. The Chair, through the Manager, Board Secretariat, may arrange the services of Departmental Communications staff, for example, in the preparation of presentations or media responses.

14. Liability

In accordance with s117ZZ of the Act an Appointed Board Member does not incur civil liability for an act done, or omission made, honestly and without negligence under this part. For protection from civil liability in relation to State employees, see the Public Sector Act 2008, section 26C.



15. Charter Review

The Board will review the Charter annually.

16. Revision History

Revision number	Date endorsed	Changes Summary	Prepared by	Endorsed by
1.0		New Charter	Michael Meehan, Manager, Board Secretariat	Geoff Rowe, Chair
1.1	30 June 2023	Input from all members of Board	Michael Meehan, Manager, Board Secretariat	All Members of PTAMB



Appendix 3- Code of Conduct for Members of the Public Trustee (Advisory and Monitoring) Board

Code of Conduct

for

Members of the Public Trustee (Advisory and Monitoring) Board

1. The Board's Code of Conduct

Governance structure of the Board

The Public Trustee Advisory and Monitoring Board (the Board) is established by section 117X of the *Public Trustee Act 1978* (Public Trustee Act). The Board is constituted by:

- members appointed by the Minister (the Attorney-General and Minister for Justice) (the appointed Board members) under section 117ZD Public Trustee Act;
- chief executive officers of the following government departments, or their nominated senior executive (the permanent Board members) under section 117ZC Public Trustee Act:
 - The Department of Justice and Attorney-General (DJAG), being the department that administers *the Public Trustee Act 1978*;
 - Queensland Treasury, being the department that administers the *Financial Accountability Act 2009*;
 - Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, being the department that administers the *Disability Services Act 2006*, the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* and the department mainly responsible for seniors.

Collectively, the appointed board members and permanent board members are referred to in this Code of Conduct as 'the Board members'.

The Board is supported by the Manager Board Secretariat who:

- retains records of the Board and facilitates access to Board records in compliance with the *Public Records Act 2002*, *Right to Information Act 2009* and *Information Privacy Act 2009*;
- documents and processes financial transactions relating to the Board in compliance with the *Financial Accountability Act 2009*;
- maintains the register of gifts and benefits to the Board; and
- provides secretariat board services.

Application of the Board's Code of Conduct

The [*Public Sector Ethics Act 1994*](#) (PSEA) states that:

- The Board is a 'public sector entity';
- Every board member and employee of the Board is a 'public official';
- The Board must have a code of conduct that applies to all public officials of the Board;



- The Board's code of conduct may apply to persons who have a contract or other agreement with the Board, such as contractors, volunteers and students on work experience.

In addition to the Board's Code of Conduct, permanent board members are required to comply with the [Code of Conduct for the Queensland Public Service](#) as well as the Board's Code of Conduct.

The Board's Code of Conduct applies at all times that any Board member is performing official duties, including when representing the Board at conferences, training, or other events.

The Manager Board Secretariat is an employee of the Department of Justice and Attorney-General, and this Code does not apply to them; they are subject to the whole of government code of conduct that applies to an employee of the Queensland public service.

1.3 How the Board's Code of Conduct works

The Code is based on the ethics principles¹ and their associated set of values² prescribed in the PSEA. The Code provides standards of conduct which uphold the ethics principles.

The **ethics principles** are:

1. Integrity and impartiality;
2. Promoting the public good;
3. Commitment to the system of government; and
4. Accountability and transparency.

These are the fundamental principles of ethical behaviour essential to robust public sector integrity and accountability and which public sector entities must promote in their internal and external relationships.

The Code of Conduct helps Board members to understand how to put these principles and values into practice, by setting minimum standards of conduct. The standards are not intended to cover every possible scenario. In adhering to the Board's Code of Conduct, Board members are committed to upholding the intention and spirit of the ethics principles and values.

Additional policies and procedures can supplement this Board's Code of Conduct, to reflect and support the values and principles of the PSEA. Board members are expected to comply with the policies and procedures as issued by the Chairperson of the Board from time to time.

Board members will also comply with all relevant legislation, agreements, directives, policies and standards that apply to the Board.

¹ Section 4 PSEA

² Part 3, Division 2 PSEA



2 Standards of conduct

2.1 Commit to the highest ethical standards

Board members are required to ensure that their conduct meets the highest ethical standards when they are fulfilling their responsibilities as Board members.

Board members will:

- ensure any advice and recommendations that they provide is objective, independent, apolitical and impartial;
- ensure their decision making is ethical;
- engage with the community in a manner that is consultative, respectful and fair; and
- meet their obligations to report suspected wrongdoing, including conduct not consistent with this Code of Conduct.

As part of demonstrating their commitment to uphold the Board's Code of Conduct, Board members need to identify and report conduct that is not consistent with the Board's Code of Conduct, to the Chairperson. If the conduct to be reported relates to conduct by the Chairperson, the conduct should be reported to any permanent Board member.

The Chairperson of the Board is the public official responsible for notifying the Crime and Corruption Commission of any complaint or conduct which the Chairperson reasonably suspects involves, or may involve, corrupt conduct.

Where any concern relates to alleged conduct by the Chairperson of the Board, that allegation may be provided to any permanent Board member, who is then the public official responsible for notifying the Crime and Corruption Commission of any complaint or conduct which the Board member reasonably suspects involves, or may involve, corrupt conduct.

2.2 Manage conflicts of interest

A conflict of interest involves a conflict between a Board member's duty, as a Board member and their personal interests. The conflict may arise from a range of factors including personal relationships, employment outside the Board, membership of special interest groups, or ownership of shares, companies, or property.

Having a conflict of interest is not unusual and it is not wrongdoing in itself. However, failing to disclose and manage the conflict appropriately is likely to be wrongdoing.

Board members are committed to demonstrating their impartiality and integrity in fulfilling their responsibilities including by:

- a. disclosing a personal interest that could, now or in the future, be seen as influencing the performance of their Board member duties. This will be done in accordance with any applicable policies and procedures of the Board, and section 117ZS Public Trustee Act.
- b. actively participating in Board activities in developing and implementing resolution strategies for any conflict of interest,
- c. wherever possible avoiding any actual, potential or perceived conflicts; and
- c. ensuring that any conflict of interest is resolved in the public interest.



2.3 Contribute to public discussion in an appropriate manner

The Chairperson of the Board may make such public comment about the work of the Board as they deem appropriate and consistent with the role of the Board under the Public Trustee Act. Unless the Chairperson has agreed and given prior authorisation, Board members will not comment to the media on the activities of the Board.

Inquiries about the work of the Board, whether by the media or otherwise, should be directed to the Chairperson. The Board's Standards of Practice may outline the governance associated with responding to these inquiries.

If, in commenting on the work of the Board, it is necessary to discuss government policy, Board members will use their best endeavours to ensure government policy is fairly represented.

Like any other citizen, a Board member has the right to freedom of expression, and to contribute to public discussions on community and social issues in their personal capacity. In doing so, Board members will:

- a. take reasonable steps to ensure that any comment they make will be understood as representing their personal views, not those of the Board
- b. maintain the confidentiality of information they have access to due to their Board membership, that is not publicly available, and
- c. be aware that personal comments about a public issue may compromise their capacity to perform the duties of their role in an independent, unbiased manner.

2.4 Demonstrate a high standard of workplace behaviour and personal conduct

Board members have a responsibility to always conduct and present themselves in a professional manner, and demonstrate respect for all persons, whether fellow members, Secretariat staff or others, including members of the public.

Board members will:

- treat others with courtesy and respect, be appropriate in their relationships with them, and recognise that others have the right to hold views which may differ from their own;
- ensure their conduct reflects the Board's commitment to a workplace that is inclusive and free from harassment;
- ensure their fitness for duty, and the safety, health and welfare of themselves and others in the workplace;
- ensure their private conduct maintains the integrity of the Board and their ability to perform their duties, and
- comply with legislative and/or policy obligations to report matters that would disqualify or limit their appointment as a Board member (including those under sections 117ZF, 117ZI and 117ZL and 117ZS Public Trustee Act)

2.5 Care, diligence and skill

Board members will exercise their powers and perform their functions with a reasonable degree of care, diligence and skill. They understand the Board's business and the role of the Board and its members. They act responsibly, drawing on any knowledge they possess when considering matters before the Board.



Board members commit to regularly attend Board meetings. They are aware that absence from 3 consecutive Board meetings without the Board's permission and without reasonable excuse, may be grounds for termination of appointment (section 117ZJ Public Trustee Act).

Board members are actively involved in matters before the Board and consider the financial, strategic and other implications of Board decisions. Board members seek and consider all relevant information and ignore irrelevant information. They base their decisions on the best information available at the time, seek further information if necessary, and accept responsibility for their actions. Board members ask questions about matters before the Board.

2.6 Best interests of the Board

Board members act in good faith in the best interests of the Board. They are active members of the Board and professional in all dealings with fellow members, the Board Secretariat, and others. Board members do not allow their personal or professional interests or relationships to influence their judgment. This impartiality means they are objective when participating in Board discussions and decisions. Board members behave in a way that reflects well on their standing as a member and on the Board's reputation.

Board members will ensure they notify the Chairperson of any matter they believe may impact on the best interests of the Board. The Chairperson will decide whether the matter needs to be reported to the full membership of the Board, and/or to the Minister, and will ensure the matter is appropriately managed to protect the Board's reputation.

2.7 Fairness and impartiality

Board members act fairly, honestly and impartially, and are open and transparent in their dealings. When participating in Board deliberations and decisions or when resolving disputes between members, they behave in a manner that is free of favouritism and self-interest. They will express their views genuinely, clearly and without ambiguity. They will disclose the information or considerations they relied on in coming to their view.

Board members will speak up in meetings when a decision or advice is being considered that may be detrimental to the public interest and vote to record their view. Board members consider all relevant facts objectively.

Board members act in accordance with the human rights and obligations for consideration of those rights, outlined in the *Human Rights Act 2019* and equal opportunity legislation which protects people from discrimination.

Board members will:

- take reasonable steps to ensure that any review, advice or recommendation made by the Board is objective, independent, apolitical and impartial;
- take reasonable steps to ensure that their decision making is ethical;
- engage with others in a manner that is consultative, respectful and fair;
- meet their obligations to report suspected wrongdoing, including conduct that is not consistent with this Code;
- ensure that any conflict of interest a Board member has, in relation to their role on the Board, is properly recorded and managed.



2.8 Proper use of position

Board members use their position to promote the best interests of the Board. They do not use their position to seek an advantage for themselves or another person or to cause detriment to the Board. Board members do not seek gifts or favours for themselves, members of their family or other close personal or business associates in their capacity as a member of the Board. Any gifts or benefits that are received in their capacity as a Board member must be declared to the Chairperson; or if received by the Chairperson, to any permanent Board member. In addition, they decline gifts or favours that may cast doubt on their ability to apply independent judgment to their work as a Board member.

2.9 Proper use of information

Board members use the information they gain in the course of their Board duties only for its intended purpose. They do not use the information, including confidential, privileged or sensitive information, to obtain an advantage for themselves or for another person, or to cause detriment to the Board.

Board members are well informed about right to information, privacy and protected disclosure legislation. They respect confidentiality and use their discretion, prudence and good judgement when deciding how to treat information.

Board members must store official information securely and shall only disclose official information or documents when required to do so by law, in the legitimate course of duty, when called to give evidence in court or when proper authority has been given.

Board members may make a public interest disclosure, under the *Public Interest Disclosure Act 2010* (PID Act) to the Crime and Corruption Commission if they believe corrupt conduct or other conduct prescribed in section 13 of the PID Act is occurring within the Board. They do not disclose information about a public interest disclosure either internally or externally.

3. Version Control

Version Number	Approved	Notes
Draft	16/2/2023	Prepared by Secretariat
Version 1	21/3/2023	Approved by the Board



Appendix 4 - Confidentiality, Privacy and Conflict of Interest Deed

Confidentiality, Privacy and Conflict of Interest Deed

For Public Trustee Advisory and Monitoring Board Members

Board: Public Trustee Advisory and Monitoring Board

Member:



General information

No.	Topic	Details	
1	Board	Name:	Public Trustee Advisory and Monitoring Board
2	Member	Name:	
		Street address:	
		Postal address:	
		Email:	

1. Background

1.1 The Board is established under the *Public Trustee Act 1978* to perform the following functions:

- (a) to monitor and review the performance of the public trustee's functions;
- (b) to monitor complaints received by the public trustee about the performance of the public trustee's functions;
- (c) to monitor and review the public trustee's processes for managing complaints mentioned in paragraph (b);
- (d) to give written advice or make written recommendations to the Minister about the following—
 - (i) changes to legislation, or improvements to the policies, practices, resources, services or training of the public trustee, to ensure the public trustee can effectively perform its functions;
 - (ii) improvements or enhancements to the performance of the public trustee's functions to promote the interests of the public trustee's clients, particularly clients with impaired decision-making capacity;
- (e) if asked by the Minister, to give written advice or make written recommendations to the Minister about matters relating to the performance of the public trustee's functions;
- (f) to give advice or make recommendations to the public trustee about matters relating to the performance of the public trustee's functions;
- (g) another function given to the board under the *Public Trustee Act 1978*.

1.2 The Minister appoints members to the Board under the *Public Trustee Act 1978*.

1.3 The Member has been appointed as a member of the Board, to assist the Board in the performance of its functions.

1.4 The Member may have access to or become aware of Confidential Information and/or Personal Information or information that may give rise to a Conflict of Interest in connection with their Duties as a member of the Board.



- 1.5 The Member acknowledges that improper use or disclosure of Confidential Information or Personal Information and/or the failure to disclose any Conflict of Interest to the Board may severely damage the Board's ability to perform its statutory functions.
- 1.6 The Member is required to sign this Deed by the letter of appointment which appoints the Member to the Board, as a condition of their appointment.
- 1.7 This Deed sets out:
 - (a) the Member's obligations in relation to Confidential Information and Personal Information; and
 - (b) any declarations of the Member's Conflict of Interest (if any) and the Member's obligations in relation to the disclosure and management of any Conflicts of Interest.

2 Definitions and interpretation

Board is specified in the 'General information' details above.

Board Data includes but is not limited to any information, material, data, dataset or database, including Metadata derived from:

- (a) submissions made to the Board;
- (b) information relating directly or indirectly to the activities of the Board;
- (c) information disclosed to the Board during consultation activities, including discussions (face-to-face or via other media), focus groups and forums;
- (d) discussions or communications relating to or during meetings, including minutes of meetings, as part of the activities of the Board.

Chairperson means the Chairperson of the Board.

Member is the person listed above at 'General Information'.

Confidential Information means all information (in any form including hard copy or electronic form) disclosed by or on behalf of the Board or from a third party to the Member in connection with the Member's role as member of the Board or created using that information, whether apparently confidential in nature and designated as confidential, or which a reasonable person receiving the information would realise is sensitive or confidential, and all information to the extent it is derived from that information, and in the case of the Board, all Board Data. Confidential Information does not include any information which:

- (a) is or becomes public, except through breach of a confidentiality obligation;
- (b) the Member can demonstrate was already in its possession or was independently developed by the Member; or
- (c) the Member receives from another person on a non-confidential basis, except through breach of a confidentiality obligation.

Conflict of Interest means having an interest, affiliation or relationship, or owing an obligation (whether personal, financial, professional or otherwise), which conflicts, may reasonably have the potential to conflict or may reasonably be perceived as conflicting with the ability of the Member to perform its activities as a member of the Board fairly and objectively.

Deed means this document.

Duties means the duties and functions under the *Public Trustee Act 1978* for which the Member is appointed as a member of the Board which are to be carried out under the direction of the Chairperson for the Term of Appointment specified by the Minister.

Information Privacy Act means the [Information Privacy Act 2009 \(Qld\)](#).

Laws means all:



- (a) Acts, ordinances, regulations, by-laws, orders, awards and proclamations in force from time to time in Queensland and any other relevant jurisdiction;
- (b) certificates, licences, consents, permits, approvals and requirements of organisations having jurisdiction in connection with the Contract;
- (c) the requirements of any authority with jurisdiction in connection with the Taskforce.

Metadata means any system-generated data that is created or generated in connection with the Board's use of information and communication technology services, including in using, processing, storing or hosting any information, material, data, dataset or database in the provision of those services and includes any descriptive, structural and administrative metadata.

Minister means the Minister for Justice and Attorney-General.

Personal Information has the meaning given:

- (a) for the purposes of the [Information Privacy Act](#) – in that Act; or
- (b) for the purposes of the *Privacy Act 1988 (Cth)* – in that Act.

Term of Appointment means the term of appointment as a member of the Board as specified by the Minister.

3 Undertaking

3.1 The Member undertakes to comply with the terms of this Deed.

4 Confidentiality

4.2 The Member must:

- (a) keep all Confidential Information confidential;
- (b) use the Confidential Information only for the purpose of performing the Member's Duties to assist the Board achieve its obligations under the *Public Trustee Act 1978*;
- (c) ensure that any Confidential Information in its possession or control is protected against loss or unauthorised access, use, modification or disclosure or other misuse;
- (d) not disclose the Confidential Information to any person except:
 - (i) with the Board's prior written consent (consent is at the absolute discretion of, and subject to any conditions imposed by, the Board); or
 - (ii) as required by Law; and
- (e) immediately notify the Board if it becomes aware:
 - (i) that a disclosure of Confidential Information is, or may be, required by Law;
 - (ii) of a breach of this clause; or
 - (iii) of any loss, unauthorised access, use, modification, disclosure or other misuse of any Confidential Information.

4.3 The Member must:

- (a) not take or retain any material containing any Confidential Information after the end of the period of appointment that the Member is a member of the Board; and
- (b) immediately deliver up to the Board, at the Board's request, all material in its possession or control containing the Confidential Information.

4.4 The obligations imposed upon the Member in Clause 4 are ongoing obligations and apply during the Term of Appointment as a member of the Board and on a continuing basis beyond the Term of Appointment.



5 Privacy

5.2 This clause applies to Personal Information:

- (a) in the Board's documents and other material or information systems; or
- (b) collected or accessed by the Member in connection with the Duties performed as a member of the Board.

5.3 The Member must:

- (a) not access, use, modify or retain Personal Information except for the purpose of performing the Duties;
- (b) not disclose the Personal Information without the Board's prior written consent (consent is at the absolute discretion of, and subject to any conditions imposed by, the Board);
- (c) not transfer any Personal Information outside of Australia, except with the Board's prior written consent;
- (d) ensure that any Personal Information in its possession or control is protected against loss or unauthorised access, use, modification or disclosure or other misuse;
- (e) comply with such other privacy measures as notified by the Board;
- (f) immediately notify the Board if it becomes aware:
 - (i) that a disclosure of Personal Information is, or may be, required by Law;
 - (ii) of a breach of this clause; or
 - (iii) of any loss, unauthorised access, use, modification, disclosure or other misuse of any Personal Information.

5.4 The Member must:

- (a) not take or retain any material containing any Personal Information after the end of the appointment for the Duties; and
- (b) immediately deliver up to the Board, at the Board's request, all material in its possession or control containing Personal Information.

5.5 The obligations on the Member in Clause 5 are ongoing obligations and apply during the Term of Appointment as a member of the Board and on a continuing basis beyond the Term of Appointment.

6 Conflict of interest

6.1 The Member declares that they do not have an actual, potential or perceived Conflict of Interest, except as follows:

Conflict of interest details

Provide a brief outline of any actual, potential or perceived conflict of interest, whether personal, financial, professional or otherwise.

If there is no Conflict of Interest, leave blank or insert 'nil'.

6.2 The Member must:



- (a) keep the declaration under clause 6.1 of this Deed updated throughout the term of the Member's appointment to perform the Duties; and
- (b) comply with the Board's requirements to manage, mitigate or eliminate any Conflict of Interest.

7 General

- 7.1 This Deed is executed as a deed poll for the benefit of the Board.
- 7.2 The obligations under this Deed will continue after the end of the Duties.
- 7.3 This Deed may only be varied by a deed entered into by the Board and the Member.
- 7.4 This Deed does not exclude the operation of any Laws concerning Personal Information or principle of law or equity concerning Confidential Information.
- 7.5 The Board's rights concerning this Deed will not be deemed to be waived except by notice in writing signed by the Member. Failure or delay by the Board to enforce any provision of this Deed will not waive the Board's rights.
- 7.6 The rights and remedies provided under this Deed are cumulative and not exclusive of any rights or remedies provided by Law or any other such right or remedy.
- 7.7 The Member must not assign or novate this Deed, in whole or part, except with the prior written consent of the Board.
- 7.8 The laws of the State of Queensland govern this Deed and the Member submits to the non-exclusive jurisdiction of the courts of Queensland.

Executed as a deed poll

Date	
SIGNED AND DELIVERED as a deed by:	
..... Name of Member (block letters) Signature of Member
in the presence of:	
..... Name of Witness (block letters) Signature of Witness