

COMMONWEALTH OF AUSTRALIA

*Royal Commissions Act 1902 (Cth)*ROYAL COMMISSION INTO VIOLENCE, ABUSE, NEGLECT AND EXPLOITATION OF
PEOPLE WITH DISABILITY**STATEMENT OF SAMAY ZHOUAND**

Samay Zhouand, c/- Crown Law, 50 Ann Street, Brisbane QLD 4000, Public Trustee of Queensland and Chief Executive Officer, Public Trustee, states as follows:

1. I provide this statement in response to the Notice to Give a Statement in Writing dated 27 October 2022 (**Notice**). This statement accurately sets out the evidence in response to the notice from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. This statement is true and correct to the best of my knowledge and belief. Attached and marked **Exhibit A** is a copy of the Notice.

INTRODUCTION**Question 1 - Your position, powers, duties and responsibilities at the Public Trustee.**

2. I commenced as Acting Public Trustee of Queensland and Chief Executive Officer (**CEO**) in June 2019 and was appointed permanently to the role in May 2021 by the Governor in Council under section 9 of the *Public Trustee Act 1978* (Qld) (**PT Act**).
3. The appointment and terms of office of the Public Trustee of Queensland are as set out in the PT Act and otherwise as determined by the Governor in Council.

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Samay Zhouand
Public Trustee of Queensland

4. As the Public Trustee of Queensland and CEO, I am the accountable officer for the Public Trustee for the purposes of the *Financial Accountability Act 2009* (Qld) and I constitute the corporation sole of the Public Trustee under section 8 of the PT Act.
5. I am responsible for the administration and the proper performance of the functions of the Public Trust Office. Under section 11A(1), I may delegate my powers under the PT Act to any person.

Question 2 - Your relevant qualifications and experience.

6. Prior to acting as the Public Trustee of Queensland, I held senior executive positions with Queensland Corrective Services and the former Department of Community Safety.
7. I hold a Bachelor of Laws with Honours and a Bachelor of Arts, as well as qualifications in business and government. I was admitted as a Barrister-at-Law in 2002 and also worked as a solicitor in Crown Law and other government departments.
8. I have experience across my current and previous positions in the introduction of key innovative governance, performance management and operational effectiveness initiatives, including the Public Trustee Customers First Agenda.

Question 3 - A brief overview of the Public Trustee, its history, its organisation, structure and functions.

9. The office of the Public Trustee was established (as the Public Curator Office) in 1916 under the *Public Curator Act 1915* (Qld). *The Public Curator Act 1915* established the office as a corporation sole taking on responsibilities of the former offices of the Curator of Intestate Estates, Curator in Insanity, Official Trustee in Insolvency and Principal Receiver in Insolvency.
10. The agency became the Public Trustee in 1978 under the PT Act and operates as a corporation sole in perpetual succession with all the powers of an individual, under section 8 of the PT Act.
11. Under section 27(1) of the PT Act, the Public Trustee may in that capacity be appointed in the same roles as any person or corporation, as a trustee, executor, administrator, next friend, guardian, committee, agent, attorney, liquidator, receiver, manager or director or to or in any other office of a fiduciary nature.
12. The Public Trustee delivers services across four regions - Northern, Central, South-East Queensland (South) and South-East Queensland (East), via 15 regional offices

- Cairns, Townsville, Mount Isa, Mackay, Rockhampton, Gladstone, Bundaberg, Maryborough, Sunshine Coast, Toowoomba, Redcliffe, Brendale, Ipswich, Brisbane and Southport. From its Brisbane head office, the Public Trustee provides customer and corporate finance, investments, taxation, property and legal services. It also provides human resources, ICT and strategy and governance services.

13. The Public Trustee's main services to customers, provided through its Customer Experience and Delivery (**CED**) program are:
 - a. The preparation of Wills and Enduring Powers of Attorney;
 - b. Administering deceased estates, where the Public Trustee is appointed as executor under a Will or as administrator on intestacy;
 - c. Acting as trustee – for philanthropic trusts, testamentary trusts arising from the administration of deceased estates, and minors' trusts where a sum of money is settled on a child;
 - d. Acting as administrator – the Public Trustee may be appointed as an administrator under the *Guardianship and Administration Act 2000* (Qld) (**GAA**) for an adult with impaired capacity for a matter, where there is a need for an appointment and no person more appropriate than the Public Trustee is available to be appointed; and
 - e. Acting as Attorney for a principal's financial matters when appointed under an enduring power of attorney under the *Powers of Attorney Act 1998* (Qld).
14. The provision of customer services through the CED program is supported by the Public Trustee's financial, investment, taxation, property, legal and disability support services provided for the benefit of customers.
15. The Public Trustee also delivers a range of public functions, including:
 - a. Community education on matters in the Public Trustee's expertise and particular interest including the prevention of financial elder abuse, and making a Will and enduring power of attorney;
 - b. Receiving unclaimed money and property and maintaining a register to allow claimants to search and make claims for the same, under Part 8 of the PT Act;
 - c. Managing the estates of prisoners sentenced to imprisonment for a term of 3 years or longer or as otherwise provided under Part 7 of the PT Act;

- d. Sanctioning, in a quasi-judicial role, settlements reached for claims for money or damages advanced on behalf of persons under a legal disability (a minor or person with impaired capacity) under section 59 of the PT Act;
 - e. Holding property that is “restrained” under the *Criminal Proceeds Confiscation Act 2002* (Qld); and
 - f. Managing property for children pursuant to a notice under section 93 of the *Child Protection Act 1993* (Qld).
16. A Regional Director oversees the operations of each of the four regions (Northern, Central, South-East Queensland (South) and South-East Queensland (East)) reporting to the Executive Director, CED.
 17. The Public Trustee maintains an internal Board of Management which is responsible for providing strategic and operational direction within the organisation, consisting of the Public Trustee and CEO, and all Executive Directors.
 18. The *Public Trustee (Advisory and Monitoring Board) Amendment Act 2022*, which received assent on 20 May 2022, will establish on its commencement a Public Trustee Advisory and Monitoring Board, which will have the functions of reviewing, advising, monitoring and making recommendations on specified aspects of the Public Trustee’s functions.
 19. The Public Trust Office Investment Board is established under section 21 of the PT Act to control and manage all investments of the common fund. The Public Trustee is required under the PT Act to hold all money it receives in one or more common funds, and then invest those funds as permitted under the PT Act.

CLIENT DATA

Question 4 - Identify as at the date of this notice:

- a. **the number of persons who are under administrator appointment orders in Queensland**
20. The Public Trustee does not record all private administration appointments made by the Queensland Civil and Administrative Tribunal (QCAT). Consequently, we are unable to provide this information.
- b. **the number of Administration Clients**
21. Currently, the Public Trustee is appointed as financial administrator by QCAT or the Court for 9,635 clients. These appointments include plenary appointments and matters where the Public Trustee is appointed in a limited capacity.

- c. **the average period of time for administrator appointment orders for Administration Clients**
22. Based on a review of its financial management customer appointments in the past 10 years (2012 – 2021), the Public Trustee has identified that the average period of time for an appointment as administrator from commencement to completion is 6.5 years. The appointment of the Public Trustee typically concludes when the appointment order has been revoked by QCAT or with the death of the customer.
- d. **Statistics as to the:**
- i. **categories and/or types of disability experienced by Administration Clients**
 - ii. **age of the Public Trustee’s Administration Clients**
 - iii. **gender of the Public Trustee’s Administration Clients**
 - iv. **number of Administration Clients who are First Nations People**
 - v. **ethnicity of Administration Clients**

Per the above numbering:

- i. **categories and/or types of disability experienced by Administration Clients**
23. The Public Trustee receives a range of medical reports for customers during our appointment as financial administrator. This information is received from a range of sources, including material filed with QCAT or the Court and material provided to the Public Trustee on its appointment.
24. This material is reviewed by Trust Officers when allocating a customer matter and relevant details are included within our Customer Information Management system. To assist Trust Officers in dealing with customers, the following categories of primary disability are recorded for each customer:

Primary Disability (leading to impaired capacity for financial decision making)	Examples to assist in determining primary disability (may be listed on QCAT Health Professional Report)
Developmental Disability	<ul style="list-style-type: none"> • Intellectual Disability • Cerebral Palsy • Attention-Deficit/Hyperactivity Disorder (ADHD/ADD) • Down Syndrome • Foetal Alcohol Syndrome (FAS) • Prada Willi Syndrome • Phenylketonuria (PKU) • Fragile X Syndrome • Klinefelter Syndrome

	<ul style="list-style-type: none"> • Autism Spectrum Disorder (ASD)
Neurological Disability	<ul style="list-style-type: none"> • Acquired Brain Injury (ABI) • Traumatic Brain Injury (TBI) • Cardiovascular Accident/Stroke (CVA) • Parkinson's Disease • Huntington's Disease • Motor Neurone Disease (MND) • Multiple Sclerosis (MS) • Wernicke-Korsakoff's Syndrome • Muscular Dystrophy • Epilepsy • Early Onset Dementia (<65 years)
Age Related Disability	<ul style="list-style-type: none"> • Alzheimer's Disease • Other Dementia
Psychosocial Disability	<ul style="list-style-type: none"> • Schizoid Disorder (e.g., schizophrenia, schizoaffective disorder, other psychotic disorder etc) • Anxiety Disorder (e.g., anxiety, OCD, PTSD, agoraphobia, social anxiety etc) • Mood Disorder (e.g., depression, major depression, dysthymia and bipolar affective disorder) • Personality Disorder • Addiction Disorder
Other	<ul style="list-style-type: none"> • Any other disability not listed above.

25. Based on these categories the Public Trustee has the following number of customers in each of the categories of primary disability:

- Age related disability – 1,413 customers
- Developmental disability – 1,545 customers
- Neurological disability – 1,112 customers
- Psychosocial disability – 2,670 customers
- Other disability – 953 customers
- No disability recorded – 1,942 customers

26. There are a number of circumstances where the Public Trustee may not have a record of a customer's primary disability, including:

- a. Medical reports received may not record a disability. A declaration of incapacity for financial matters and the appointment of an administrator is not reliant upon a disability diagnosis.
- b. It may be a new file and the customer record is yet to be completed through the onboarding process.

ii. age of the Public Trustee's Administration Clients

27. The number of customers in each of the age groups for which the Public Trustee has been appointed Financial Administrator are as follows:

- ages 17.5 – 20 - 149 customers (see Note below).
- ages 20 – 29 - 970 customers
- ages 30 – 39 - 1,233 customers
- ages 40 – 49 - 1,405 customers
- ages 50 – 59 - 1,734 customers
- ages 60 – 69 - 1,607 customers
- ages 70 – 79 - 1,282 customers
- ages 80+ - 1,255 customers

Note: under section 13 of the GAA, QCAT may appoint a financial administrator for a person aged at least 17.5 years in limited circumstances.

(iii) gender of the Public Trustee's Administration Clients

28. When recording our customer's gender, the Public Trustee uses 3 categories with the number of customers in each category as follows:

- Female - 3,945 customers
- Male - 5,688 customers
- Unspecified - 2 customers

29. To further support identification of customers, the Public Trustee also records a range of titles based on customer preferences:

- Dr;
- Father;
- Lady;
- Master;
- Miss;
- Mr;

- Mrs;
- Ms;
- Mx;
- Pastor;
- Professor;
- Reverend;
- Sir;
- Sr.

iv. number of Administration Clients who are First Nations People

30. During the Public Trustee's onboarding process, the Public Trustee seeks to confirm whether a customer identifies as a First Nations Person. This question is optional to answer but does assist with ensuring that the Public Trustee takes into account cultural considerations within our Structured Decision-Making Framework (see response to Question 14(a) below regarding the Framework). The Public Trustee currently has 829 customers who identify as First Nations People.

v. ethnicity of Administration Clients

31. The Public Trustee develops a Financial Management Plan for all financial management customers. This plan is developed in consultation with our customers and their support network, based on their individual circumstances. As part of this plan, the customer, with their support network, can self-identify details regarding their ethnicity, religious and cultural beliefs and these are recorded. This information assists the Public Trustee to "know the customer" as part of our Structured Decision-Making Framework.

32. The Public Trustee's records indicate that, currently, there are 76 customers who are non-English speaking. A customer may be non-English speaking for a variety of reasons including cultural backgrounds. The Public Trustee also has 17 customers who have identified themselves as being from non-English speaking backgrounds. The total number of customers identified as being from a non-English speaking background and/or non-English speaking is 87 customers.

33. This information is obtained through review of the customer's QCAT documentation and through discussions with the customer and support network during the onboarding process.

e. the number of persons who are under administrator appointment orders and who are also NDIS participants, where their appointee is the Public Trustee.

34. Currently, 6,353 of the Public Trustee's customers are recorded as being eligible to participate in the NDIS. 6,124 of those customers have a NDIS registration number recorded. 5,314 customers have a NDIS plan held on file.
35. The Public Trustee assists customers to register for the NDIS. Where we are aware that an NDIS plan is in place, we will seek a copy of the plan from the customer and their support network to inform financial decisions. The Public Trustee may also assist customers in the development of their plan by providing financial information, including offering the assistance of the Public Trustee's Disability Support Officers (**DSO**). Further information about the role of the DSO is included in the response to Question 14 (g).

Question 5 - How many administrator appointment orders are interim, under section 129 of the G&A Act, where the appointee is the Public Trustee?

36. The Public Trustee was initially appointed pursuant to an interim appointment under section 129 of the GAA on 258 occasions during the past financial year (1 July 2021 to 30 June 2022).

Question 6 – How many administrator appointment orders are to be reviewed by a particular time, under section 31 of the G&A Act, where the appointee is the Public Trustee?

37. We have identified 38 matters where the Public Trustee is appointed as administrator for a customer for a set period of time under section 31 of the GAA, after which our appointment must be reviewed.
38. There are a number of matters where the Public Trustee is appointed on a plenary basis (that is, without restrictions as to time), but the appointment is to be reviewed within a certain period of time. The review dates are not recorded by the Public Trustee, as QCAT notifies the Public Trustee when the review hearing is scheduled, so that the Public Trustee can provide a Tribunal Briefing Report.
39. All administration customers managed by the Public Trustee are subject to QCAT's appointment review process. A review of the Public Trustee's appointment may

occur for a variety of reasons, including an application by the customer or their support network, for a Declaration of Capacity, a review on QCAT's initiative or the Public Trustee seeking a review of its appointment.

40. During the past financial year (1 July 2021 to 30 June 2022), the Public Trustee provided 843 Tribunal Briefing Reports to assist reviews by QCAT of the Public Trustee's appointment.

Question 7 - In the period 1 July 2021 to 30 June 2022, how many administrator appointment orders were made by the Tribunal appointing the Public Trustee?

41. In the period 1 July 2021 to 30 June 2022, the Public Trustee was appointed financial administrator under 961 administrator appointment orders made by QCAT.

Question 8 - In the period 1 July 2021 to 30 June 2022, how many administrator appointment orders were revoked by the Tribunal, where the Public Trustee was the appointee?

42. In the period 1 July 2021 to 30 June 2022, 166 appointment orders were revoked by the Tribunal, where the Public Trustee was the appointee. Of these, the Public Trustee was replaced by a new administrator in 56 appointment orders.

Question 9 - In the period 1 July 2021 to 30 June 2022, how many administrator appointment orders were varied by the Tribunal, where the Public Trustee was the appointee?

43. Information recorded in the Customer Information Management system when an appointment order is varied for a customer, is not recorded in a way that allows us to reliably extract this data.

Question 10 - If the Public Trustee does not collect any of the data requested in paragraphs 4 to 9 above, please specify this in your response.

44. N/A.

WORKFORCE DATA**Question 11 - As at the date of this notice, how many full-time equivalent staff were employed by the Public Trustee to perform the functions, duties and/or powers of an administrator for financial matters of Administration Clients?**

45. As at 27 October 2022, the Public Trustee employed 218.5 Full Time Equivalent (FTE) frontline and frontline support staff to perform functions directly related to our financial administration customers. Frontline support functions include providing advice regarding a customer's assets, financial planning, property matters, tax obligations and legal advice.
46. In addition to the frontline and frontline support staff performing functions, duties and responsibilities related to financial administration customers noted above, the Public Trustee employs staff to perform supporting functions, such as the processing of customer mail and bills upon their receipt, performing quality assurance reviews and developing customer service improvements. As these officers work across multiple service lines and time recording is not captured at a service line level, an estimate of FTEs for these supporting functions is difficult to calculate.
47. Additionally, the Public Trustee employs corporate services staff in ICT, Finance, Human Resources, Corporate Legal Services, and Strategy & Governance, to support the frontline staff referred to above.

Question 12 - Does the Public Trustee engage Aboriginal Liaison Officer(s)? If so, as at the date of this notice how many does the Public Trustee engage?

48. No, the Public Trustee does not currently engage Aboriginal Liaison Officers.

Question 13 - If the answer to question 12 is no, what if any steps are taken to facilitate culturally safe communication and care relevant to First Nations Administration Clients?

49. The Public Trustee regularly delivers diversity training for its staff. Recently, this included the delivery of online diversity awareness training in March 2022, which included a module relating to Aboriginal and Torres Strait Islander peoples. The training was prepared by the Queensland Human Rights Commission for use across Queensland Government agencies and has been designed to build broad

understanding relating to Aboriginal and Torres Strait Islander peoples and how to increase inclusivity for First Nations peoples.

50. Diversity training must be completed by Public Trustee staff within 12 months of them commencing at the Public Trustee.
51. In addition to the module relating to Aboriginal and Torres Strait Islander peoples, the online awareness training also includes modules to introduce diversity, and modules to increase awareness of LGBTIQ+ communities, culturally and linguistically diverse communities and people with a disability.
52. Culturally safe communication and care relevant to First Nations customers is an area that has been identified for further attention across all Public Trustee customer services.
53. The Public Trustee currently includes the following principles in our five Financial Management Customer Service Standards:

Customer Service Standard No 1	Promote maximal participation in decision making by customers
Customer Service Standard No 2	Customers are treated as individuals
Customer Service Standard No 3	Recognise, respect and support diversity
Customer Service Standard No 4	Promote independence and quality of life
Customer Service Standard No 5	Accountability in our practices and procedures

54. The principles of the relevant standard for this question, Customer Service Standard No. 3, encourage Trust Officers to recognise a customers' cultural and linguistic environment and values (including religious beliefs) in planning and decision making. Customer Service Standard No. 3 requires Trust Officers to provide:
- a. Services responsive to the needs of rural and remote communities
 - b. Sensitivity and support for different cultural and linguistic environments and values
 - c. Disability awareness.
55. The internal technical training undertaken by Trust Officers supports their understanding of the Customer Service Standards, including Customer Service Standard No. 3.

56. Additionally, the Public Trustee's CED manuals and procedures:
- a. recognise the importance of First Nations peoples' cultural rights as part of guidance around application of the General Principles under the GAA (specifically General Principle 5 – Maintenance of adult's cultural and linguistic environment and values); and
 - b. contain information around estates for Aboriginal and Torres Strait Islander Peoples and specifically 'Sorry Business' and the significance of this time of mourning for First Nations people.
57. Frontline staff also receive specific training on the Public Trustee's relevant obligations arising under the *Human Rights Act 2019*, including the recognition of Aboriginal and Torres Strait Islander cultural rights under section 28.
58. Wider engagement opportunities are enhancing the accessibility of Public Trustee services for First Nations customers. For example:
- a. The Cairns office of the Public Trustee works with the Community and Personal Histories team within the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP) in relation to deceased estates for intestate matters and with the Housing team for property matters, in particular, perpetual leases. Frontline staff from our Cairns office also participate in community hubs in rural and remote areas to assist customers.
 - b. Through attendance at the Townsville Aboriginal and Torres Strait Islander Elders Group, the Townsville office of the Public Trustee is building relationships, improving understanding of the Public Trustee's role and the services it can provide, and encouraging collaboration for solution-focused outcomes for customers.
 - c. Following the delivery of an information session on Wills and Enduring Powers of Attorney to the Minjerribah Moorgumpin (Elders-In-Council) Aboriginal Corporation, information sessions at Dunwich, North Stradbroke Island are planned in 2023 to ensure the needs identified by the First Nations communities' are being met.

TRAINING AND EDUCATION

Question 14 - Describe the support, education and/or training Public Trustee staff receive about...

59. The Public Trustee has developed training programs and manuals to prepare and guide staff in the day-to-day conduct of financial administration functions and powers under the GAA.

60. These general resources include:

a. Induction Programs (for frontline staff)

These provide basic foundational skills and knowledge at the commencement of customer-facing roles.

b. Technical Training (Level 1) to perform the Trust Officer role.

Supervisors and managers also undertake extensive training in this area so that they can support new staff throughout their training journey.

c. Technical Training (Level 2) - to provide learners with enhanced technical knowledge and skills to perform roles as Senior Trust Officers or supervisors within the Public Trustee.

This program focuses on developing critical thinking, judgement and problem-solving skills relating to matters encountered.

d. Customer Training Manuals, which include information, and examples where relevant, of:

i. Financial Management Plans, Statements of Advice and Statements of Account to equip Trust Officers for discussions on these documents with customers;

ii. Application of customer funds and how to support customers with ad hoc requests, budgets, and variances to the yearly customer budget;

iii. General Principles under the GAA; and

iv. The Public Trustee Customer Service Standards.

e. On the job training –Trust Officers are paired with and receive guidance from a more experienced team member.

f. One-on-one coaching is provided to staff by their supervisors or managers.

- g. “Lessons learnt” is a standing agenda item in monthly team meetings and statewide forums.
61. Specific, relevant initiatives are outlined below.
- A. *Describe the support, education and/or training Public Trustee staff receive about...The purpose to achieve balance and the way that purpose is achieved, as referred to in sections 6 and 7 of the G&A Act***
62. The Public Trustee provides support, education, and training to staff to ensure our actions and decisions comply with the GAA. These measures include:
- a. Resources published in customer training manuals relating to the appointment of the Public Trustee and functions of QCAT generally;
 - b. Manuals are maintained and updated with any legislative updates, including any changes to the GAA. Staff are updated with current practices as they occur; and
 - c. Education around the General Principles under the GAA (e.g., explanation of the presumption of capacity with examples provided for staff to consider and put into context).
63. Training on the seven steps in the Public Trustee’s Structured Decision-Making (**SDM**) framework is linked to the General Principles under the GAA. The SDM framework provides frontline staff with principles to apply when making customer related decisions. It sets out three guiding principles that are to be applied in decision-making:
- a. commitment – to the person and their rights and to the process;
 - b. co-ordination – with the support network, past and current records; and
 - c. reflection and review – of relevant policies and procedures, the customer’s budget (financial guardianship) measures to overcome any bias.
64. The training provided to Public Trustee staff also covers the topics of identifying priorities and constraints, ensuring adherence to GAA General Principle 10 and the need for the customer to make their own decisions or be supported to make a decision. As set out in the training, it is only after these issues have been considered and explored that the Public Trustee will consider exercising substituted judgment.

65. Additional education on structured decision-making is provided on the Public Trustee's Intranet and available to all staff.

B. *Describe the support, education and/or training Public Trustee staff receive about...Capacity, and capacity building and support, for a person to:*

- i. understand the nature and effect of decisions about financial matters**
 - ii. freely and voluntarily make decisions about financial matters**
 - iii. communicate their decisions about financial matters**
66. The Public Trustee has introduced a Steps to Financial Independence Pathway program (**FIP**) to support customers who wish to regain part or all of their financial independence. The FIP is outlined in greater detail in the response to Question 26.
67. To assist those customers who wish to regain part or all of their financial independence, staff have access to an internal web portal that contains guidance resources about the FIP. This includes Practice Guidelines, Steps to follow, an e-Awareness Video, Checklists, Training materials and details of regional representatives for the program.
68. Additionally, the Public Trustee has introduced Customer Budget guidelines with examples, training presentations and videos to help support our staff in explaining Public Trustee processes to our customers.
69. The Customer Budget cover letter template and initial budget letter provide explanations for staff reference about what a budget is, how budgets work and an example.

Customer correspondence containing budget information was redesigned in 2020-21 to improve readability and understanding for customers.

C. *Describe the support, education and/or training Public Trustee staff receive about...The range of substitute decision-makers contemplated by s 9 of the G&A Act*

70. Public Trust Officer Technical Training (Levels 1 and 2) provides training courses and information to staff on Queensland Civil and Administrative Tribunal (QCAT) resources including for example, 'Administer an EPA or Financial Order'.

71. The Public Trustee's SDM Training, Technical Training Levels 1 and 2 and relevant sections of the FM Manual assist Trust Officers in understanding considerations to support substitute decision making, including the role of formal decision-makers including guardians and statutory health attorneys and informal decision-makers including members of the customer's support network.
72. In addition, the role of support networks and informal decision makers is recognised in Customer Training Manuals through:
- a. Customer Service Standard 1, which refers to maintaining relationships with customer support networks
 - b. Information on the role and functions of QCAT, including the appointment of guardians and administrators to engage with customer support networks
 - c. Development of Customer Financial Management Plans in collaboration with the customer and their support network
 - d. Dedicated correspondence for customer support networks, covering "welcome and introduction" and "how the Public Trustee will engage with customer support networks."
- D. *Describe the support, education and/or training Public Trustee staff receive about...The general principles set out in s 11B of the G&A Act and how to apply them in decision making***
73. Training on the Public Trustee's 7-step SDM framework (referred to above) was developed to support practical application of the General Principles, as set out below:
- Step 1 'Knowing the Person' aligns to General Principles 2, 3, 4, 5, 8 and 10
 - Step 2 'Identifying the need for a decision' aligns to General Principles 2, 3, 8, 9 and 10
 - Step 3 'Obtaining the customer's views, wishes and preferences' aligns to General Principles 8 and 10
 - Step 4 'Identifying priorities and constraints' aligns to General Principles 2, 3, 4, 5, 6, 7 and 9
 - Step 5 'Undertaking a Structured Process' aligns to General Principles aligns to General Principle 10
 - Step 6 'Reaching a decision' aligns to General Principles 2, 3, 4, 8 and 10
 - Step 7 'Actioning and evidencing a decision' aligns to General Principles 1 to 10

74. Customer Training Manuals cover:

- General Principles under the GAA (with detailed examples); and
- information relating to General Principles and Human Rights considerations in the context of preparing a customer's budget.

Specific training was also provided to staff on the recent amendments to the GAA by the *Guardianship and Administration and other Legislation Amendment Act 2019*.

E. *Describe the support, education and/or training Public Trustee staff receive about...the Convention on the Rights of Persons with Disabilities*

75. Public Trustee staff do not receive specific training on the Convention on the Rights of Persons with Disabilities.

76. However, the SDM Framework establishes a practical approach for applying the principles under the amended GAA and explores the rights of persons with disabilities through contemporary, real-life examples.

77. Additionally, resources made available to all employees on our intranet about the recent legislative amendments note the relationship between those amendments and the *Convention on the Rights of Persons with Disabilities*.

78. The Public Trustee's Customer Advocate facilitates advocacy, education, mediation and communication for customers. The Customer Advocate is developing a charter which will advance the aims of the *Convention on the Rights of Persons with Disabilities*.

F. *Describe the support, education and/or training Public Trustee staff receive about...the Human Rights Act 2019 (Qld)*

79. From November 2019, all Public Trustee staff were enrolled in mandatory online training developed by the Queensland Human Rights Commission (QHRC) entitled "Public Entities - Human Rights Act (2019)." The training included an introduction to the *Human Rights Act 2019* for people working in Queensland public entities, outlining the functions of the QHRC, modern human rights law, human rights law in Queensland, responsibilities of public entities, courts, tribunals and Parliament, human rights dispute resolution and assessing compatibility with human rights.

80. 543 current Public Trustee staff (88%) have completed this training.

All staff are required to complete the training within three months of joining the Public Trustee.

81. CED Regional Managers and Directors also participated in targeted information sessions delivered by Crown Law to assist in their understanding of the consideration of human rights in making decisions for complex customer matters.
82. The Public Trustee has an intranet page for staff to access information about applying the *Human Rights Act 2019* including:
 - a. A guide to complying with the obligations on public entities to act and make decisions compatible with human rights;
 - b. Explanation on the *Human Rights Act 2019*;
 - c. How to apply the *Human Rights Act 2019* to work;
 - d. *Human Rights Act 2019* Evidencing Decisions Guide;
 - e. Nature and scope of rights;
 - f. Protected human rights;
 - g. Public Entities and Human Rights factsheet;
 - h. QHRC resource material and awareness video;
 - i. Human Rights Manual – the practice and procedures, human rights considerations, justified limits, identify the human rights engaged by the act of a decision, consider if rights will be limited and applying the proportionality test, and the Decision-Making process;
 - j. Decision-making templates: ranging from routine, less routine or where there is potential for contention and complex decisions that require significant analysis of the situation and evidence.

G. *Describe the support, education and/or training Public Trustee staff receive about...engaging with the NDIA and/or support coordinators about the NDIS*

83. The Level 1 Technical Training Program offered to CED staff includes a learning module about the National Disability Insurance Scheme (**NDIS**). The training provides an introduction to the NDIS, and specifically addresses the role of the NDIS, the role of the National Disability Insurance Agency (**NDIA**), eligibility criteria for the NDIS and the types of support and services that can be funded for NDIS Participants.

84. The Public Trustee has a Disability Support Officer Unit. The unit comprises qualified Occupational Therapists who support Public Trustee staff and customers across Queensland. The role of the DSO and how Trust Officers can seek customer-specific advice is outlined in the Level 1 Technical Training Program.
85. One component of the DSOs role is to provide support to Trust Officers on a variety of disability/health topics to assist them to understand their customers, support positive day-to-day interactions with their customers and assist them in effectively undertaking the functions of their roles. This includes education about the NDIS relevant to our role as financial administrator including, for example, customer eligibility for funding and the role of support coordinators in NDIS Plan Implementation. DSOs also provide quarterly information sessions for Trust Officers which provide an opportunity to discuss emerging issues and challenges.
86. DSOs provide regular training to Trust Officers to recognise NDIS-type supports. Financial requests from customers of this nature are referred to the DSO Team for further advice to assist Trust Officers to make informed decisions in their role as financial administrators.
87. DSOs take a lead role in liaising with the NDIA and support coordinators, acting as a conduit between the Public Trustee, the NDIA and disability support providers. As appointed financial administrators, the Public Trustee does not have authority to make personal and lifestyle decisions for our customers. Information sharing protocols provide options to access information about our customers' NDIS Plans which can assist us in developing budgets and making financial decisions for our customers.
88. The DSO's services are provided at no additional cost to Public Trustee customers. The DSO's have clinical experience, professional networks and knowledge of relevant Commonwealth and State disability and health and aged care services and maintain up-to-date knowledge of funding and models of practice in the disability, aged care and health sectors, as required by their regulating authority, the Australian Health Practitioners' Regulating Authority (**AHPRA**).
- H. *Describe the support, education and/or training Public Trustee staff receive about...dignity of risk of people under administrator appointment orders***

88. The Public Trustee recognises the importance of dignity of choice and independence for customers. This value is reflected in guidance and training materials that support staff to promote customer choice, within the GAA framework.
89. The relevant Financial Management Customer Service Standard No. 4 – Promote Independence and Quality of Life incorporates three elements of financial administration services – promoting self-reliance, promoting maximal participation in decision-making and community participation.
90. Technical Training Level 1 for financial administration staff:
- outlines the General Principles under the GAA, particularly, General Principle 2 highlighting respect for adults’ inherent dignity and worth, individual autonomy (including the freedom to make choices) and independence.
 - reinforces that making sound judgments does not mean that a customer should be denied control over any aspect of their financial affairs, and a least restrictive approach is preferred.
91. The Public Trustee’s SDM framework and training gives practical guidance to Trust Officers on preserving customer choice in decision-making. The FIP program (outlined at my response to Question 14(b)) and related training provide staff and customers with an avenue for customers to exercise, but also build on, their autonomy in financial matters.

I. *Describe the support, education and/or training Public Trustee staff receive about...maintaining the cultural and linguistic environment and values of Administration Clients, including culturally safe ways to interact and communicate with Administration Clients, and taking account of the cultural and linguistic environment and values of Administration Clients in decision making*

89. All staff of the Public Trustee are required to complete online diversity awareness training, which explores disability in Australia with information and advice to help staff increase and support diversity in the workplace. The training modules are:
- **An introduction to diversity:** this topic introduces the concept of diversity with a focus on the business benefits of a diverse and inclusive workplace.
 - **Aboriginal and Torres Strait Islander peoples:** this module increases cultural awareness in relation to Aboriginal and Torres Strait Islander

peoples. The module contains an overview of history, language and statistics to help staff to better understand the context and barriers faced by First Nations peoples.

- **LGBTIQ+ communities:** this module introduces key terminology and concepts relating to LGBTIQ+ communities, gender identity and expression, and sexuality. The module requires staff to look at statistics and challenges in the workplace and in Australia for LGBTIQ+ people, as well as considerations and strategies for more inclusive workplace environments.
- **Culturally and linguistically diverse (CALD) communities:** this module provides information and tips to help staff increase and support diversity in the workplace. It examines what CALD means, statistics from around Australia and employment challenges, with workplace strategies to improve inclusion of CALD people in organisations.
- **Disability** - this module looks at disability in Australia and provides information and advice on supporting diversity in the workplace. It examines what disability is, including models and types of disability, as well as tips for communication, and improving inclusion of people with disability in the workplace.

90. As noted earlier, the Public Trustee collects information relevant to a customer's cultural identity during customer onboarding. Steps in this process prompt the collection of culturally significant information, including a Customer Profile Form with initial actions to be considered by Client Liaison Officers.

As also discussed above, Customer Service Standards are in place, specifically standard three (3) (recognise, respect and support diversity) to assist Trust Officers in recognising a customer's cultural and linguistic environment (including religious beliefs) in planning and decision-making.

- J. *Describe the support, education and/or training Public Trustee staff receive about...identifying and responding to the views, wishes and preferences of Administration Clients***

91. Please refer to my response to Question 14(d) above.

- a. The Public Trustee has in place practices and procedures in relation to customer budgets and the process to create a budget. There is emphasis on the need to identify and respond to customer views, wishes and preferences.

Technical Training Level 1 covers how to administer an EPA or Financial Management order. Section 6 requires staff to ensure customer participation to identify views, wishes and preferences when creating a budget.

K. *Describe the support, education and/or training Public Trustee staff receive about... identifying and/or providing supports necessary to enable Administration Clients to make or participate in decisions affecting them, and to communicate their decisions*

92. Please refer to my response to **Question 14(d)** above, particularly with respect to SDM Framework training.
93. Guidelines are available to staff on customer access to translator and interpreter services.
94. The templates for initial communication with customers provide guidance to Trust Officers on:
- information to be discussed;
 - information we need to know; and
 - information the customer is required to bring to the initial meeting.
95. The templates also invite the attendance of persons from the customer's support network if needed to support the customer.
96. The SDM Framework also sets out practices and procedures relating to the collection of information during Customer Onboarding, including the Customer Profile Form and initial actions to be considered by Client Liaison Officers.
97. Additionally, information factsheets and practice guidelines assist Trust Officers to prepare and discuss significant or complex decisions with the customer and their support network such as making a Family Provision application or an application to the National Redress Scheme.

L. *Describe the support, education and/or training Public Trustee staff receive about...Identifying circumstances where the views, wishes and preferences of an Administration Client should be overridden.*

98. Please refer to my response to Question 14(d) above, particularly with respect to SDM Framework training.
99. In these circumstances, the Public Trustee's role is to make decisions appropriate to a customer's circumstances. The SDM 7-step Framework steps staff through this process, noting the Public Trustee's obligations as a financial administrator under the GAA (section 35 of the GAA), specifically around:
- a. **Step 4** 'Identifying priorities and constraints' by:
 - o communicating with the customer and support networks to understand customer priorities
 - o identifying and communicating the constraints and risks, and
 - o determining how to collaborate effectively to modify customer preferences (if necessary).

M. *Describe the support, education and/or training Public Trustee staff receive about...identifying risks and/or incidents of violence, abuse, neglect or exploitation of people under administrator appointment orders and protecting them from these risks and/or incidents.*

100. As previously discussed in my response to Question 14(g), the Public Trustee employs a team of DSOs who work collaboratively, with Trust Officers and customers, and provide training on disability-related issues.
101. The DSOs have clinical skills and experience to recognise common indicators and signs of abuse, neglect, and exploitation among adults with disabilities, and engage in regular discussions with Public Trustee staff about these matters.
102. DSOs support Trust Officers through a variety of mediums, including input into formal training materials, provision of online quarterly Q&A sessions, formal training sessions delivered via Teams, remote attendance at regional meetings, outreach visits to regional offices, provision of relevant resources and, engagement in case discussions about individual customers as appropriate to individual needs.
103. The Public Trustee recently achieved White Ribbon Workplace Accreditation. As part of the accreditation all staff were enrolled in a DFV Prevention eLearning module

“Recognise, Respond, Refer” educating staff on recognising and responding to signs of possible domestic violence.

Question 15 – In response to each of the subparagraphs of paragraph 14:

- a. **whether any of the support, education and/or training was developed in consultation with:**
 - i. **people with disability**
 - ii. **First Nations people with disability**
 - iii. **people with disability from culturally and linguistically diverse backgrounds**
 - iv. **people with disability who identify as being members of the LGBTIQ+ community**
 - v. **advocates of persons under administrator appointment orders**
104. The Public Trustee’s SDM Framework was adapted from the La Trobe University’s *Support for Decision Making Practice Framework*.
 105. To understand and characterise the experience of support for decision making, researchers from the Living with Disability Research Centre at La Trobe University conducted seven exploratory studies with people with intellectual disability, people with an acquired brain injury, and those who support them to participate in decision-making. This included:
 - a. systematically reviewing peer-reviewed literature; and
 - b. undertaking qualitative exploration of the experience of support for decision-making from the perspectives of people with cognitive disabilities and their supporters through seven grounded theory studies.
 106. Phase two (feasibility and piloting) directly involved support workers and health professionals.
 107. Training on the SDM Framework was tailored to suit Public Trustee staff and customers, and includes:
 - a. a video titled ‘The Way We Use Language’ created by National Disability Services. This is a real conversation involving persons with disabilities and support workers talking about language they find hurtful. Training discussion is around alternative language and self-awareness on time we may have used hurtful language and

- b. customer personas that were designed following focus group meetings with various stakeholders and Public Trustee customers, and case studies that incorporate those customer personas.

vi. members of support networks of persons under administrator appointment orders

108. The La Trobe framework was piloted in face-to-face sessions with a range of participants including family members, support workers, public guardians, allied health professionals and community case workers.

b. Identify the number of current staff of the Public Trustee, and their level, who received this support, education and/or training.

Human Rights Training

109. The “Public Entities – Human Rights Act Training” provided by the Queensland Human Rights Commission:
- a. launched to all staff on 13 November 2019;
 - b. is accessible for all staff, across all PT locations;
 - c. contains an eLearning program available online via our learning management system; and
 - d. is part of mandatory, onboarding suite of training programs for all new staff.
110. As noted above, 543 current staff members (88%) have completed this training, including:
- a. 480 staff members at AO2-AO8 level; and
 - b. 63 above AO8 level.

Structured Decision-Making Training

111. Upon rollout of the SDM model, face-to-face and virtual training sessions were delivered to staff across all portfolios between August 2020 to April 2021.
112. 393 current staff members (including 310 CED staff) have completed the training as follows:
- a. 361 staff at AO2-AO8 level; and
 - b. 32 above AO8 level.

113. A dedicated intranet site was developed in May 2021 to complement training and ongoing learning and development in this space. Virtual instructor-led training sessions continue each quarter for all new CED staff members. Pre-course work is provided to build capacity before attending training.

Diversity Awareness Training:

114. This self-paced online course was launched to all staff in March 2022, with 12 months provided for completion.
115. 248 staff members (40%) have completed the training as follows:
- a. 223 staff members at AO2-AO8 level; and
 - b. 25 staff members above AO8 level.

PRACTICES AND PROCEDURES

Question 16 - What methods of communication are available to Administration Clients to provide and/or receive information from the Public Trustee in relation to decisions affecting them?

116. Administration Clients (customers) can communicate with the Public Trustee and choose to receive information:

(a) in person

- i. Customers are provided with contact details and the address of their relevant Public Trustee regional office and are encouraged to meet with their Trust Officer in person at the office if they wish.
- ii. Trust Officers will also meet with customers at their residence or care facility.
- iii. If the Public Trustee is providing complex information that requires detailed explanation, or context, the customer is invited to attend a face-to-face meeting along with their support network.
- iv. Customers may also access interpreter including sign language interpreters if required.

(b) by telephone

- i. Discussions between the Public Trustee and customers are by telephone for most matters. The outcome of the discussion may be confirmed in writing by a letter or email if requested by the customer, depending on the customer's

communication needs or preferences, and the complexity and significance of the discussion.

- ii. Customers may also contact their Trust Officer directly or through the Public Trustee's Welcome Desk.
- iii. The "Welcome Desk" is a 1300 number published on our website. Customers can call the Welcome Desk and have their call forwarded to their Trust Officer at any office.
- iv. SMS is not routinely used to communicate with individual customers. The Public Trustee uses bulk SMS messaging for general notifications, such as payment date changes for public holidays, office closures or significant weather events. Trust Officers can tailor individualised messages to customers where this is requested.

(c) by email or physical mail

- i. Customers can receive most communications and information from the Public Trustee by email or physical mail, as they wish.
- ii. Customers can contact the Public Trustee by email through a centralised email address (ClientEmail) through which emails are directed to their allocated Trust Officer.

(d) using Microsoft Teams

- i. Depending on the customer's preference, the Public Trustee makes meetings available over the Microsoft Teams platform for onboarding, stakeholder meetings and ongoing communication.

(e) Web-based general information resources

- i. Customers can view the Public Trustee's Financial Management Welcome video accessible through a supplied web link or QR code. The video can be viewed on a smartphone.
- ii. The Public Trustee uses QR codes in onboarding and offboarding communication to assist customers accessing information.
- iii. The Public Trustee website has been designed for people with impaired vision at level FCAG Level AA.
- iv. The text on the Public Trustee Queensland website has been developed for Grade 4 to Grade 10 reading level.

(f) Other Communication elements

- i. **Accessibility:** The Public Trustee provides customers with access to the National Relay Service for customers with a hearing impairment. Translation and interpreter services are available if required.
- ii. **Support Network**
 - As part of the Public Trustee's SDM Framework, customers are encouraged to advise the Public Trustee of any members of their support network they would like to be included in decision-making and to receive communication from the Public Trustee.
 - Some customers prefer that information is provided to their support networks, rather than to them directly.
 - Where appropriate, Statements of Account, Statements of Advice and Customer Budgets are routinely provided to customers and their support network to ensure transparency and understanding of actions being proposed and implemented by the Public Trustee. In limited cases, based on the customer's needs and supports in place, the Public Trustee may not provide written communication to the customer although the communication will be kept on file. Any such decision is reviewed annually for those customers. An example of where this may occur is where a customer has no fixed or email address.

Question 17 - As at the date of this notice, what is the average timeframe in which staff of the Public Trustee are expected to meet with Administration Clients when they first become the subject of an administrator appointment order, and what is the usual method of communication used to conduct this meeting?

117. The Public Trustee does not hold data that allows the calculation of the average timeframe in which staff make initial contact with customers.
118. The Financial Management customer Communication Plan outlines that initial contact will be made within one week of receiving confirmation of the Public Trustee's authority. This is usually on receipt of a copy of the Order issued by QCAT to appoint a financial administrator.

119. As part of the initial contact, the Public Trustee Liaison Officer will contact the customer and/or their existing support network by phone to introduce the Public Trustee and to arrange an initial meeting time.
120. This phone call is followed by standard initial correspondence sent to the customer and/or their support network by mail or email.
121. The timing of this communication can be affected by matters including:
- a) A customer's refusal to meet;
 - b) The customer's inability to attend in the timeframe, which may be due to private commitments such as holidays, or involuntary commitments including hospitalisation or incarceration; and
 - c) A support network member's inability to attend in the timeframe where their attendance is requested by the customer.

Question 18 - As at the date of this notice, what is the average frequency that staff of the Public Trustee will communicate with Administration Clients?

122. For the 12 months up to 27 October 2022, the Public Trustee, on average, communicated with each administration customer every 8 days. This interaction was based on in person, telephone, email, customer-initiated contact, and outgoing mail correspondence where the addressee is the customer.

Question 19 - As at the date of this notice, what is the average frequency that staff of the Public Trustee will meet in person with Administration Clients?

123. The Public Trustee does not hold data that allows the calculation of this information. While frontline staff have several methods to record that contact with a customer took place, the Customer Information Management system is not configured so that data about the mode of contact can be easily extracted.

Question 20 - What practices and/or procedures are staff of the Public Trustee required to follow in order to:

- a. identify that an Administration Client is at risk of experiencing and/or is experiencing violence, abuse, neglect or exploitation, including financial abuse; and

b. respond to that risk or occurrence?

124. The Public Trustee is appointed to make decisions in relation to financial matters when it is appointed as an administrator or financial attorney. Because of this, the Public Trustee's policies and procedures primarily relate to identification and response to alleged or actual financial abuse.
125. However, the Public Trustee has a range of relevant policies and procedures, manuals and guidelines dealing with the risk of abuse, most of which are published on the CED page on the Public Trustee's internal 'Insite' page and are accessible by all staff. The response to an indication of potential abuse, neglect, or exploitation will vary depending on the customer, the nature of the concerns and their individual circumstances.
126. These resources help educate and support staff to identify, respond to and support customers who at risk of, or are experiencing, a range of vulnerabilities.
127. In addition, some procedures are embedded in workflow and records management systems which aid in the identification and response to potential financial abuse.
128. The response will vary depending on the customer, the nature of the concerns and the customer's individual circumstances.
129. Staff are also actively encouraged to seek assistance from their supervisor or manager if they become aware of an issue and do not know how to respond.
130. Given the range of resources, some examples of practices and procedures for key stages of the Public Trustee's involvement are outlined below:

Onboarding

131. All new customers go through an onboarding process which includes the completion of a Customer Profile Form with the customer and their support network, to obtain information about the customer's financial matters such as their assets and liabilities, income sources, and the customer's relationships and support networks. This information helps to identify any issues that may need investigating and what type of assistance the customer would like.
132. Disability Services Allocation Guidelines ensure that customers with more complex financial matters are assigned to more experienced and senior Trust Officers – for example, this will include cases where QCAT has directed or recommended that the Public Trustee investigate the actions of a former administrator or financial attorney,

or into alleged misappropriation; or where the customer has complex cultural, disability or lifestyle needs.

Once appointed

133. Once the Public Trustee has been appointed, there are a range of procedures in place to protect customer funds. For example, when a third party seeks payment of or reimbursement for an expense incurred on behalf of a customer, staff will request the third party to provide an invoice or receipt. This assists in reducing fraud, exploitation and financial abuse.
134. The Technical Training Program for Trust Officers also includes a range of information in relation to budgeting and payments. It outlines the Public Trustee's fiduciary duty and legislative obligations to the customer with practical examples of engaging with the customer and making decisions.
135. Where it has been identified that a customer is experiencing domestic or family violence and depending on the circumstances, the Public Trustee may assist a customer to make an application for a Domestic Violence Protection Order (Protection Order).
136. The Financial Management Manual outlines the Public Trustee's operational requirements in relation to misappropriation, undue influence, conflict transactions, and unconscionable conduct with practical examples for education and awareness. It also outlines the Public Trustee's responsibilities to the customer should there be alleged misappropriation, what kind of investigations should be undertaken and in what timeframe and includes a process map and templates for staff use.
137. The Financial Management Manual outlines how staff should seek assistance from the Disability Support Unit. The Public Trustee employs DSOs who are occupational therapists with specialist experience and knowledge in the disability and aged care fields. The DSOs assist staff to understand and respond to disability and lifestyle issues.
138. DSOs have skills and experience in the identification of common indicators and signs of abuse, neglect, and exploitation among adults with disabilities, and may meet with a customer in person, including at their home.
139. The DSOs will complete an objective report of their assessment and may include such recommendations as: referral to an external advocacy agency for further support; referral to Queensland Police for an urgent welfare check; referral to the Office of the Public Guardian for a formal investigation into alleged abuse (where the

abuse does not concern finances); application to QCAT for an urgent interim appointment of a guardian for personal matters; submission of a formal complaint to the NDIS Quality and Safeguards Commission about a NDIS Service Provider; or submission of a formal complaint to the Aged Care Quality and Safety Commission for a Commonwealth Aged Care Provider.

Review of Public Trustee's appointment

140. Prior to reviewing the Public Trustee's appointment as administrator, QCAT requests the Public Trustee to provide a Tribunal Briefing Report. The Tribunal Briefing Report, as detailed in the Financial Management Manual, is completed by the customer's Trust Officer and checked by the delegated officer.
141. The Trust Officer provides a brief summary of any major matters of interest or concern relating to the customer that QCAT should be aware of. This includes on-going or unresolved issues. Major matters of interest or concern include such issues as:
- a. concern that the customer may be subject to undue influence or abuse. Should this be the case, the Trust Officer is to use the standard comment "The Public Trustee holds concerns that (customer name) may be subject to undue influence"; and/or
 - b. concern that there is conflict within the customer's support network. Should this be the case, the Trust Officer is to use the standard comment "The Public Trustee holds concerns that there is conflict between members of (customer name)'s support network".

Question 21 - What, if any, practices and/or procedures are staff of the Public Trustee required to use to identify the views, wishes and preferences of an Administration Client? Do these practices and/or procedures take account of risks of undue influence or coercion that a person may experience when expressing their views, wishes and preferences to the Public Trustee?

142. The Public Trustee has a range of policies and procedures, supported by training, to ensure that staff obtain the customer's views, wishes and preferences. Please refer to my response to **Question 14** in addition to the responses below.

Onboarding

143. All new customers go through an onboarding process and the onboarding guideline is reviewed frequently to ensure continuous improvement. It was last updated in June 2022 to incorporate Easy English and improve accessibility for our customers.
144. Where appointed by QCAT, the Public Trustee reviews the hearing documents, medical reports and other material obtained from QCAT to gain an understanding of the customer and their views, wishes and preferences, the concerns that resulted in the Public Trustee being appointed, as well as other relevant matters such as family dynamics.
145. The onboarding process includes the completion of a detailed customer report and includes 'Frequently Asked Questions' (FAQs) to assist Public Trustee staff.
146. When the Public Trustee is first appointed, a meeting is arranged between a Client Liaison Officer (CLO) and the customer and any member/s of their support network that the customer would like to attend. The objectives of this initial meeting are to gain an understanding from the customer of their life, goals, financial circumstances as well as who is important in their life and who is part of their support network. This meeting captures a large amount of information about the customer, both personal and financial, and can lead to possible risks to the customer being identified – either by the customer directly, based on what is said, or based on the interaction between the customer and the person attending with them.

Once appointed

147. Based on the initial meeting, staff will work with the customer to develop a budget taking into account their income, expenses as well as lifestyle choices and goals. For example, some customers wish to save for a holiday each year while other customers may prefer to receive as much of their pension as possible to spend on activities.
148. Staff have multiple conversations with customers through different channels including face to face meetings, phone calls and emails, which may result in identifying where a customer is at risk. Depending on the circumstances, Public Trustee staff may, for example, consult with a customer's medical practitioner or a member of their support network.
149. In addition to training, policies and procedures, staff are encouraged to seek assistance from their supervisor and manager if they become aware of a potential risk to the customer and are not sure what to do.

150. As outlined in the response to **Question 20**, the Financial Management Manual outlines the Public Trustee's operational requirements in relation to misappropriation, undue influence, conflict transactions, and unconscionable conduct with practical examples for education and awareness. The Manual also outlines how staff can seek assistance from the DSOs who can assist staff to understand and respond to disability and lifestyle issues.
151. Where it has been identified that a customer is experiencing domestic or family violence and depending on the circumstances, the Public Trustee may assist a customer to make an application for a Domestic Violence Protection Order (Protection Order).
152. The Public Trustee uses a SDM Framework, with seven (7) steps, to ensure that a customer's views, wishes and preferences are ascertained in a supportive way and then appropriately considered as part of the decision-making process.
153. The Public Trustee also has a Financial Independence Pathway – for more information, please refer to the response to **Question 26**.

Question 22 - What practices and/or procedures are staff of the Public Trustee required to follow if an Administration Client requests that the Public Trustee not involve or contact a specified person in decision making concerning them?

154. The Public Trustee is required to protect an administration customer's privacy and confidentiality including under:
- a. the *Guardianship and Administration Act 2000* (Qld);
 - b. the *Human Rights Act 2019* (Qld); and
 - c. the *Information Privacy Act 2009* (Qld).
155. All Public Trustee staff are required to complete mandatory online training on the *Human Rights Act 2019* and *Information Privacy Act 2009*.
156. CED staff complete additional training on delivering services in a way to meet the Public Trustee's obligations as administrator.
157. The Public Trustee's policies, procedures and training incorporate understanding of these obligations and assist staff in acting in accordance with a customer's view's wishes and preferences, where they are able to do so.
158. As a financial administrator, the Public Trustee has a fiduciary duty to the customer. As such, the Public Trustee must act in accordance with the law and its legal

obligations and cannot facilitate the commission of a crime. Sometimes, the Public Trustee is obliged to disclose information without the customer's consent. This may include:

- a. consulting with a guardian or personal/health attorney as required under the GAA, to ensure that a decision is in the customer's overall interests;
 - b. notifying relevant government agencies about an adult's income and undertaking a tax return; and
 - c. liaising with the customer's support network, health providers and emergency services to ensure that the customer is supported and safe.
159. To ensure that staff comply with the Public Trustee's obligations and make appropriate decisions, templates have been developed for staff to work through their decision-making. The templates cover:
- a. everyday non-contentious decisions;
 - b. less routine decisions or where there is the potential for contention;
 - c. decisions that are complex in nature that require significant analysis of the situation and evidence for the decision-making process.
160. The Public Trustee has developed a financial management guideline to inform staff in respect to sharing customer's personal information with their wider support networks, and this is in process to be implemented.

Question 23 - What practices and/or procedures are staff of the Public Trustee required to follow if they receive a complaint about:

- a. **the services and/or decisions of the Public Trustee in relation to Administration Clients?**
 - b. **the conduct and/or decisions of a private appointee?**
- a. **Practices and/or procedures for dealing with complaints about the services and/or decisions of the Public Trustee in relation to Administration Clients**

161. The Public Trustee has a clear process for the reporting and management of complaints. Complaints can be made by customers or a member of their support network about a service or decision of the Public Trustee using a variety of methods

including in person, over the phone; via an online complaints form; or via email or post. Complaints can be made anonymously.

162. Under the complaints management framework:
 - a. complaints are acknowledged within 5 working days;
 - b. complaints are allocated to a suitable officer to be assessed. Further information is gathered if required, and complaints are referred to other agencies if this is more appropriate;
 - c. complainants are advised of the outcome of their complaint;
 - d. if the complaint has not been satisfactorily resolved, the complainant can seek an internal review of the original decision or the response to the complaint from a senior Public Trustee officer who has not been involved in the matter of the original decision or the response to the complaint.
163. Complainants who are unhappy with the response to an internal review are advised that they can also make a complaint to the Queensland Ombudsman.
164. The Public Trustee's complaints management framework includes a policy and procedure, and a discrete information technology system called the 'Complaints Management System' (CMS). This framework ensures that complaints about the Public Trustee are recorded, investigated and responded to in accordance with the statutory requirements, the Australian/New Zealand standard, and in consideration of our customers' human rights.
165. Separately to the standard, the Public Trustee has also developed its complaints management framework with its customers in mind, including customers with impaired capacity.
166. The Public Trustee provides a range of information to customers and their support networks, stakeholders and the community, on making a complaint including information on its website and in an animated video with a transcript – all of which are in Easy English.
167. A brochure titled 'Your Complaint's Journey' explains the Public Trustee's complaints management framework and customers' review rights in an infographic. It is available at regional offices, on the Public Trustee's website, on request and provided with responses to complaints.
168. The framework recognises that everyone has a right to complain and that customers have the right to be supported by a friend, advocate, interpreter, community elder or

other support person of their choice. The Complaints Management Policy and Procedure outline that all staff have a role in actively supporting stakeholders to be heard and that we will assist customers to make a complaint, in particular people with a disability or impairment or from a culturally and linguistically diverse background.

169. All staff must complete mandatory online training on complaints management. A range of training and information sessions have also been developed on a number of complaints topics including Complaints 101 and Undertaking an Internal Review. These sessions are offered regularly to all staff responding to complaints.
170. A specific frontline complaints process was developed in 2019 to ensure that complaints received by frontline staff were received, recorded, investigated and responded to effectively and efficiently. Training was delivered as part of the rollout and subsequent complaints management information sessions have included information on the frontline complaints process.

b. Practices and/or procedures for dealing with complaints about the conduct and/or decisions of a private appointee

171. Complaints about private appointees are not dealt with through the Public Trustee's complaints management framework as this process relates to complaints about the decisions or actions of the Public Trustee.
172. If complaints are received in relation to a private appointee and the Public Trustee *is not* appointed for the adult, staff will:
- a) refer the person to the Office of the Public Guardian (OPG) if:
 - the concerns relate to alleged financial or elder abuse; and/or
 - the OPG is appointed for personal/health decisions;
 - b) speak to members of their support network or carers about their options; and
 - c) provide information about contacting QCAT for information on how a private appointee's appointment can be reviewed or revoked.
173. If complaints are received in relation to a private appointee, such as a guardian or personal/health attorney, and the Public Trustee *is* appointed for the adult, staff will:
- a) refer the concerns to the OPG if the OPG is appointed for personal/health decisions;

- b) speak to the customer and members of the customer's support network about the customer's options; and/or
 - c) provide information about contacting QCAT for information on how a private appointee's appointment can be reviewed or revoked.
174. If complaints are received in relation to a *former* private appointee for financial matters and the Public Trustee *is* appointed for the adult, staff have policies and procedures on identifying and investigating concerns in relation to alleged misappropriation, undue influence, unconscionable conduct and conflicts of interest.
175. The Public Trustee can become aware of a concern about a former private appointee for financial matters through:
- a) the customer and their support network
 - b) a review of the previous management of the customer's financial matters; and
 - c) the QCAT process, such as when concerns are raised at a hearing, or when QCAT directs the Public Trustee to investigate actions taken by a private appointee for financial matters.
176. The Public Trustee provides information about appointing or being a private appointee on its website. Resources to inform adults with impaired capacity and their support network about their rights and responsibilities is also included.
177. Information is also provided on preventing and identifying financial elder abuse and a fact sheet developed by the Public Trustee is available. A range of other resources can also be accessed such as a link to a fact sheet about elder abuse, created by Caxton Legal Centre Inc., and translated into 10 different languages.
178. Under section 219A of the *Public Service Act 2008* (Qld), the Public Trustee is required to have a complaints management system that complies with the Australian/New Zealand standard, and to report annually on a range of complaints statistics. The complaints framework has been designed to meet and exceed these requirements.
179. In addition, the Public Trustee has obligations under the *Human Rights Act 2019* (Qld) including accepting, investigating and responding to human rights related complaints and reporting on these annually.

EDUCATION RESOURCES

Question 24 - Describe what, if any, education resources the Public Trustee provides to:

- a. **people with disability**
- b. **people under administrator appointment orders**
- c. **private appointees**
- d. **informal substitute decision makers in people's support networks**
- e. **people supporting people with disability and people under administrator appointment orders, including support networks**
- f. **people working in professions that may result in them engaging in supported and/or substitute decision making, or having contact with systems that perform supported and/or substituted decision making**

to understand:

- g. **the functions of administrators**
- h. **the practices of substituted and supported decision making for people with disability and persons under administrator appointment orders**
- i. **the role of the Public Trustee**
- j. **the role of private appointees**
- k. **identifying and avoiding conflicts of interest as an administrator**
- l. **the role of the Tribunal in decision-making for adults with impaired capacity**
- m. **minimising restrictions on the human rights of people with disability and people under administrator appointment orders**
- n. **protecting people with disability and people under administrator appointment orders from violence, abuse, neglect and/or exploitation, including financial abuse**

180. The below resources are publicly available on the Public Trustee website and can be accessed by any person, including those in categories 24() to (f). In addition to these resources, as outlined in my response to **Question 14**, frontline staff have an important role in communicating information to customers and receive specific training on providing information to customers with a disability:

g. The functions of administrators:

- i. Guide to Financial Management brochure
- ii. An Easy Read Guide for Financial Management Customers

<https://www.pt.qld.gov.au/financial-administration/guide-for-financial-management-customers/>

Information on the role of an administrator is also provided in other educational materials including guidelines and factsheets on the role of the Public Trustee.

h. On the practices of substituted and supported decision-making for people with disability and persons under administrator appointment orders

The Public Trustee makes available the following materials about the roles of administrators and guardians, and about our SDM Framework:

- i. Information on the Public trustee website page titled “Guardianship and Administration” <https://www.pt.qld.gov.au/financial-administration/guardianship-and-administration/>

This page also links to resources from Aged and Disability Advocates Australia, the Australian Guardianship and Administration Council, the Queensland Disability Network and Caxton Legal Centre.

- ii. Information on the Public Trustee’s SDM framework in the fact sheet “Let’s talk about Decisions” <https://www.pt.qld.gov.au/media/2217/let-s-talk-about-decisions-fact-sheet.pdf>

i. On the role of the Public Trustee

- i. A short, animated, captioned YouTube video “Welcome to the Public Trustee” created by the Public Trustee accessed via a link from the Public Trustee’s website, sets out in Easy English, what happens when the Public Trustee is appointed as administrator and the general role of an administrator.
- ii. A short, animated, captioned YouTube video “How we manage complaints” created by the Public Trustee and accessed via a link from the Public Trustee’s website sets out in Easy English language the Public

Trustee's complaints process and the rights of customers and stakeholders to make a complaint.

- iii. The Public Trustee "Guide to Personal Financial Administration: A guide to how the Public Trustee helps people manage their finances" provides a more detailed overview of the Public Trustee's role for customers and is available both on the Public Trustee's website and via QCAT's website <https://www.pt.qld.gov.au/media/1094/guide-for-financial-management-clients.pdf>
- iv. This also comes with a complementary Public Trustee "Guide to Personal Financial Administration: A guide for carers, family and support people" which is tailored to support networks including family members, and professional supports such as social workers <https://www.pt.qld.gov.au/media/1925/guide-for-financial-management-carers.pdf>
- v. Fees and charges information for financial administration, including fees of the Official Solicitor, is published on the Public Trustee website <https://www.pt.qld.gov.au/about/fees-and-charges/>
- vi. The page includes a "Ready Reckoner: Public Trustee of Queensland Fees and Charges" guideline https://www.pt.qld.gov.au/media/2132/ready-reckoner_public-trustee_fees-and-charges_web.pdf
- vii. The Public Trustee issues regular "Stakeholder eNews" updates with a range of information on services and initiatives. These updates are also published on the Public Trustee website <https://www.pt.qld.gov.au/latest-news/stakeholder-eneews/>
- viii. The Public Trustee's Facebook and LinkedIn channels also provide information about the Public Trustee and its services.

j. On the role of private appointees

- i. The role of private appointees working in conjunction with the Public Trustee or other administrators is illustrated in the information provided on the following Public Trustee website pages:

- “The Public Trustee and the National Disability Insurance Scheme”
<https://www.pt.qld.gov.au/financial-administration/ndis/>
- National Redress Scheme – For people who have experienced institutional child sexual abuse <https://www.pt.qld.gov.au/financial-administration/national-redress-scheme/>
- ii. Several information pages on the Public Trustee’s website outline the role of, and the process for, appointing an attorney and nominated person under an enduring power of attorney:
 - The fact sheet “Let’s talk about Enduring Powers of Attorney”
<https://www.pt.qld.gov.au/media/1091/lets-talk-about-enduring-powers-of-attorney.pdf>
 - The fact sheet “Let’s talk about Nominated Persons”
<https://www.pt.qld.gov.au/media/1950/nominated-persons-fact-sheet.pdf>
 - A short, animated, captioned YouTube video “A year in the life of an attorney” created by the Public Trustee and accessed via a link on the Public Trustee’s website, sets out in simple language the role and duties of an attorney, with a view to assisting appointees to understand their obligations. The video includes examples of how to comply with these obligations (such as accounting for use of the principal’s funds).

k. identifying and avoiding conflicts of interest as an administrator

- i. The Public Trustee “Guide to Personal Financial Administration: A guide to how the Public Trustee helps people manage their finances” sets out in simple language the Public Trustee’s obligations as a financial administrator, including for managing any conflicts of interests
<https://www.pt.qld.gov.au/media/1094/guide-for-financial-management-clients.pdf>
- ii. The appointment of financial administrators other than the Public Trustee is referenced on the Public Trustee’s webpage “Private Administrators”, primarily in the context of examination of accounts
<https://www.pt.qld.gov.au/financial-administration/private-administrators/>

- iii. A Public Trustee education webinar program is in development to support individuals taking on the role of financial administrator. This is expected to be launched in 2022 – 2023.

I. the role of the Tribunal in decision-making for adults with impaired capacity

- i. The electronic fact sheet “Asking for a review of the Public Trustee’s appointment” outlines the role of QCAT in the appointment and removal of an administrator <https://www.pt.qld.gov.au/media/2257/qcat-referral-process-fact-sheet.pdf>

The fact sheet includes hyperlinks to the QCAT forms required to apply for a Declaration of Capacity or review of the appointment of an administrator or guardian. and there are other resources available on QCAT’s website.

m. minimising restrictions on the human rights of people with disability and people under administrator appointment orders

- ii. The Public Trustee “Guide to Personal Financial Administration: A guide to how the Public Trustee helps people manage their finances” sets out in simple language the Public Trustee’s obligations as a financial administrator, including respecting customers’ human rights <https://www.pt.qld.gov.au/media/1094/guide-for-financial-management-clients.pdf>

- iii. The Public Trustee website has a dedicated page on the Steps to Financial Independence Pathway providing information, resources and an illustrative case study <https://www.pt.qld.gov.au/financial-administration/steps-to-financial-independence-pathway/>

Further information about the Public Trustee’s Financial Independence Pathway are set out in the response to Question 26.

- iv. The fact sheet “Financial Independence Pathway” introduces customers and stakeholders to the Steps to Financial Independence Pathway <https://www.pt.qld.gov.au/media/2102/fip-fact-sheet.pdf>

The fact sheet provides an overview of the pathway and the role of QCAT in administration appointments and refers customers to their Trust

Officers for assistance. An Easy Read version of the fact sheet is provided.

n. On protecting people with disability and people under administrator appointment orders from violence, abuse, neglect and/or exploitation, including financial abuse

- i. Information on the Public trustee website page
 - o titled “Guardianship and financial administration” <https://www.pt.qld.gov.au/financial-administration/guardianship-and-administration/> links to a fact sheet on elder abuse produced by the Caxton Legal Centre Inc and is translated into 10 different languages.
 - o Titled “Elder Abuse Awareness” <https://www.pt.qld.gov.au/other-services/elder-abuse-awareness/> outlines signs, relevant considerations in choosing an attorney, and actions that may be taken where elder abuse is suspected.

Question 25. In response to each of the subparagraphs in paragraph 24, identify the following:

a. the format in which resources are provided, including whether provided online, in person, through information sheets, as easy read materials, and/or the language the information is provided in

181. The format and medium of particular educational resources is outlined in the Public Trustee’s response to Question 24.
182. Resources are generally provided through various communication channels and formats which include –
 - i. In person – direct customer enquiries or general enquiries from the Queensland community to the Public Trustee’s 15 regional offices;
 - ii. As hard copy or electronic enclosures to postal or email correspondence;
 - iii. By telephone – to the Public Trustee’s centralised contact centre ‘Welcome Desk’ or directly to one of the Public Trustee’s 15 regional offices;
 - iv. By accessing the Public Trustee’s website;
 - v. Factsheets;

- vi. QR Codes;
 - vii. Videos; and
 - viii. Links to external websites.
183. The Public Trustee is in the process of updating all communication materials with a contemporary look with Easy English principles incorporated to improve readability for our customers and other stakeholders.
184. The Public Trustee does not currently produce educational materials in languages other than English but arranges interpreter services where required for customers and may refer in the Public Trustee's information to multilingual resources produced by other agencies and organisations.
185. At the local level, the Public Trustee provides information sessions and presentations to sector partners on request, about the Public Trustee's services and opportunities for collaboration to better support customers. This may include direct engagement with aged care providers and hospitals.
186. In 2022, the Public Trustee piloted a series of three information webinars aimed at industry professionals to promote greater understanding of its role and the services it provides. The Public Trustee is developing future webinars to be delivered monthly commencing in 2023.

b. if the resources are provided in person, the location(s) in which they are provided

187. All staff across the Public Trustee's 15 locations have access to the resources noted in the response to Question 24 when engaging with customers. Staff can also assist customers with provision of hard copies (aside from video resources) of materials produced electronically.

c. Consultation

188. As a first step in the recent commencement of the Public Trustee's **Customer Support Network Initiative**, the Public Trustee has collated customer feedback, customer research and staff consultation to develop and amend our existing onboarding and offboarding collateral.

189. This ongoing work is directed at recognising and valuing financial administration customers' support networks and engaging with them in a positive and meaningful way.
190. As noted above, the Public Trustee SDM Framework was developed in consultation with La Trobe University and is based on the La Trobe Support for Decision Making Practice Framework.
191. **Public Trustee website**
- a. The Public Trustee Queensland website has been designed for people with impaired vision at level FCAG Level AA.
 - b. The text on the Public Trustee Queensland website has been developed for Grade 4 to Grade 10 reading level.
192. **Customers First – Engagement Strategy (2022-25)** - The Public Trustee's Stakeholder, Community and Customer Engagement Strategy for 2022-2025 identifies the following priority initiatives:
- a. Redevelopment of the Public Trustee website to enhance accessibility across all audiences, in particular financial administration customers, support networks and advocacy groups, ensuring all content is accessible to people with disability.

This project will include consultation with advocacy groups and people with disability, CALD and First Nations peoples.
 - b. Further development of resources in consultation with vulnerable customer groups such as CALD, First Nations peoples and people with disability – to ensure communications meet their needs.
 - c. Further development of Easy English resources and other communications to better communicate with hard-to-reach and vulnerable audiences.

SKILL BUILDING

Question 26 - Describe the programs, resources and other supports (if any) that the Public Trustee offers to people under administrator appointment orders to develop and build their capacity, capabilities and skills in:

- a. **decision-making; and/or**
- b. **managing their finances and financial affairs.**

193. The Public Trustee has the following particular programs and procedures in place to assist people under administration develop and build their capacity, capabilities and skills in decision making and managing their finances and financial affairs.

The Steps to Financial Independence Pathway program (FIP)

194. The FIP commenced in 2020 and is designed to assist Financial Management customers who want greater control of their money and a path to greater independence in decision making and/or managing their finances and financial affairs. The FIP program is available to all administration customers.
195. As of 31 October 2022, the Public Trustee had 78 customers participating in the program.
196. Trust Officers receive information about the FIP in their onboarding and technical training.
197. Customers can ask to join the FIP or Trust Officers may identify customers who either wish to undertake it or are suitable for it. The Public Trustee has a set of practice guidelines for frontline staff that includes direction and support for Trust Officers to begin discussions with customers about taking over the process of paying some of their bills. These practice guidelines are also publicly available on the Public Trustee's website.
198. The guidelines highlight that, while it is QCAT which makes financial independence decisions for customers, the Public Trustee is there to support customers in this process.
199. The FIP pathway generally takes twelve months.
200. Customers commence FIP by making one payment (one service provider/biller) for the first three months, based on the customer's wishes. Milestones tailored to individual customer needs and capabilities are then set and regularly reviewed.
201. Under part two of FIP, customers are referred to an external financial literacy education program to educate, support and empower them to manage their money and, where possible, to assist them to achieve independence from administration.
202. The Public Trustee has established referral pathways with financial literacy providers across Queensland, including:

- UnitingCare Community
 - Indigenous Consumer Assistance Network
 - The Salvation Army
 - Kyabra Community Association
 - Redland Community Centre Inc.
 - Deception Bay Neighbourhood Centre
 - South Burnett CTC Inc
 - The Salvation Army (Moneycare Lockyer Valley)
 - YOUTURN Youth support
 - Money Matters.
203. If the customer is seeking to take back control of all of their finances, the Public Trustee assists them with gathering the evidence required to complete an application for a Declaration of Capacity from QCAT.
204. Customers can still be part of FIP if they are seeking greater control of some, but not all, aspects of their financial matters and do not want a Declaration of Capacity.
205. Further information about FIP is also publicly available on the Public Trustee's website - www.pt.qld.gov.au/financial-administration/steps-to-financial-independence-pathway/

Customer Budget process

206. One of the Public Trustee's practical responsibilities as a financial administrator is to develop a customer budget. This budget sets out how the customer's funds managed by the Public Trustee will be applied. The views, wishes and preferences of the customer and their support network are taken into account to the greatest extent practicable in the development of their budget.
207. The Public Trustee redesigned the format of the Customer Budget in 2021 to address feedback that the budget layout was confusing. The revised budget format was further refined during a trial with a sample of customers.
208. The Public Trustee has received feedback that the new format – with its improved structure, categories and layout – is easier to read and understand.

209. The Public Trustee considers that this initiative improves transparency of the Public Trustee's financial administration services and assists customers' knowledge and understanding of their financial matters.

Referral pathways to Queensland Advocacy for Inclusion

210. The Public Trustee is committed to ensuring customers have access to support if they wish to seek independence in their financial decision making. The Public Trustee has partnered with Queensland Advocacy for Inclusion (QAI) to assist customers seeking to make an application to QCAT to remove the Public Trustee as their financial administrator.
211. Trust Officers can refer customers directly to QAI or provide information about the referral process and the services offered by QAI. This material also includes a factsheet about how to ask for a review of the Public Trustee's appointment.

TRENDS

Question 27 - What do you consider are the key barriers that prevent people under administrator appointment orders in Queensland from having those orders revoked?

212. The Public Trustee recognises that there may be barriers preventing individuals under administration orders in Queensland from having those orders revoked. Under the GAA, an order for the appointment of an administrator made by QCAT may only be revoked by a further hearing of the Tribunal. Key barriers include:
- a) A lack of understanding by the adult and/or their support network of the process whereby an administration order may be revoked leading to a reluctance to instigate an application. The adult may not be aware for example, who can initiate an application for a Declaration of Capacity.
 - b) A lack of understanding about the hearing process and uncertainty about what to expect. This may be an outcome from the circumstances in which the administration appointment order was first made for the customer and the experience they felt at that time.
 - c) The process may seem complex or challenging for persons with complex medical conditions and difficulties with literacy.

- d) There may also be financial barriers which limit the individual's ability to obtain the necessary evidence of capacity, for example, reports from various medical specialists.
- e) There may also be a lack of understanding of the process by some members of the medical profession.
- f) Where a person lives may impact the outcomes of a hearing, especially for those in rural and remote areas - attending a QCAT 'Declaration of Capacity' hearing by phone may be an impediment in some cases as it could be more difficult for the individual to express their views.
- g) A lack of formal and informal support networks to assist persons navigate the process, particularly those in rural and remote areas.

213. The Public Trustee has introduced a range of initiatives which are intended to support customers achieve financial independence as follows:

- a) The FIP program referred to in Question 26 which is a twelve-month program that assists customers to build financial capability and gather evidence for a Declaration of Capacity.
- b) A referral pathway to an independent advocacy organisation (QAI) for customers who have indicated that they wish to have the Public Trustee's appointment revoked. QAI will assist customers in navigating QCAT processes.

214. The Public Trustee supports implementing initiatives to assist adults in understanding and navigating the guardianship and administration system better. This includes the appointment of advocates at their first contact with the system to help participants navigate and better understand the system and the need (or otherwise) for an administrator or guardian to be appointed.