



The Hon Jarrod Bleijie MP  
Attorney-General and Minister for Justice

Our ref: 544895/1

15 JUN 2012

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Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
Cnr Alice and George Streets  
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter dated 23 May 2012 notice of the above petition on 23 May 2012 regarding petition 1866-12: Request for the Public Trustee of Queensland to be instructed to take certain action.

The Public Trustee of Queensland is the Administrator of an adult pursuant to the *Guardianship and Administration Act 2000* (the Act). An administrator is a substituted decision maker, appointed under the Act in respect of financial matters. An administrator is authorised to do, in accordance with the administrator's appointment, anything in relation to a financial matter that the adult with impaired capacity could have done if the adult had capacity for the matter when the power is exercised. The Public Trustee's appointment for the adult the subject of the petition is for all financial matters. Financial matters are defined pursuant to the Act to include legal matters.

Section 114A of the Act provides that a person must not, without reasonable excuse, publish information about a guardianship proceeding to the public if the publication is likely to lead to the identification of the adult with impaired capacity. Further, general principle 11 in Part 1 of Schedule 1 to the Act provides for the adult's right to confidentiality. The affairs of an adult with impaired capacity are private and should be treated sensitively. The petitioners have not identified the adult. For these reasons, and in accordance with the spirit of the legislation, I have adopted the view that it is not appropriate to identify the adult or convey details that might lead to the identification of the adult.

I have been assured by the Public Trustee that he undertakes his role as an Administrator diligently and that he complies with his fiduciary duties. It is not generally appropriate for me to direct the Public Trustee in the discharge of his fiduciary duties owed to a particular individual, in circumstances where such matters are within the jurisdiction of the court and the Queensland Civil and Administrative Tribunal (QCAT).

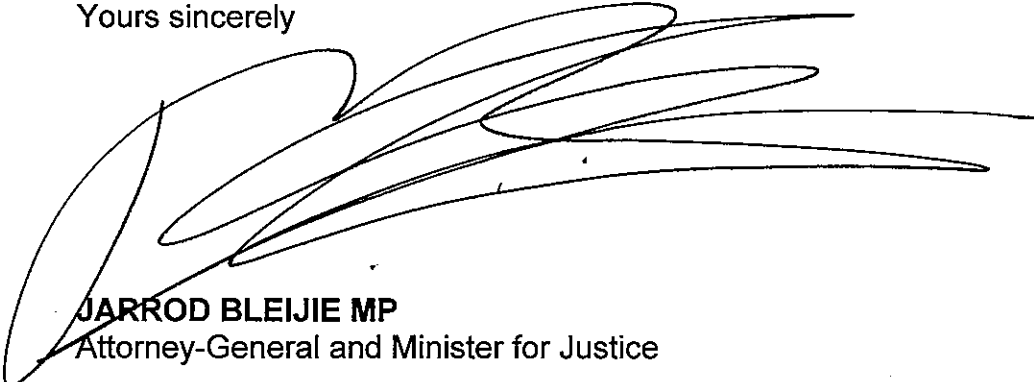
In this matter the appropriate entity who, in effect, supervises all administrators, including the Public Trustee, is QCAT. Administrators are required to comply with the provisions of the Act. QCAT requires financial plans and reports from administrators, and can review the conduct of an administrator at any time. The Act also gives QCAT power to give advice, directions or recommendations to an administrator, and if appropriate, remove the administrator. In this matter, QCAT has reviewed the actions of the Public Trustee, including the matters the subject of the petition. As a matter of course, in his role as Administrator, the Public Trustee regularly has his actions independently scrutinised by QCAT.

The review was prompted by an application dated 7 February 2012 to QCAT. The application canvassed numerous issues regarding the Public Trustee's management of the adult's financial affairs, including the same issues raised in the petition. I am advised by the Public Trustee that at a QCAT hearing on 19 April 2012, persons advocating on behalf of the adult raised their concerns during the course of the hearing. QCAT adjourned the hearing and issued directions with which the Public Trustee will comply. QCAT has not directed the Public Trustee to act in the manner proposed by the petitioners.

The proper legislative avenue for a review of the Public Trustee's actions is QCAT. This process has been engaged and the application before QCAT addresses the same issues raised in the petition.

I would like to thank the petitioners for their advocacy in support of an incapacitated adult.

Yours sincerely

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**JARROD BLEIJIE MP**  
Attorney-General and Minister for Justice