



## Public Trustee - Recommendations and Outcomes of Review

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Cassy O'Connor MP - Wednesday, 23 March 2022

**Tags:** [Public Trustee](#), [Justice](#)

### **Ms O'CONNOR question to ATTORNEY-GENERAL, Ms ARCHER**

On 30 November last year, an independent review into the Public Trustee by Damian Bugg QC was published. The review found the trustee has failed to correctly meet its duties for 26 years, and that as a result those on guardianship orders have had their rights and their assets stripped away from them. The independent review pointed to the trustee selling or disposing of personal property without consultation, in short, at times fleecing Tasmanians when they are at their most vulnerable.

Would you agree that all victims of the trustee should be entitled to compensation, and that mechanisms for this should be developed and made available as soon as possible? Will you commit to ensuring justice for those Tasmanians who have been harmed by the operation of the Public Trustee, without delay?

### **ANSWER**

Mr Speaker, I thank the Leader of the Greens for that question. It is a very important matter. My Department of Justice is working closely with the Public Trustee, and the Department of Treasury, including meeting on a weekly basis. I am anticipating receiving detailed advice on the recommendations of the review and the proposed pathway -

**Ms O'Connor -** When?

**Ms ARCHER -** I am getting to that; I cannot answer it in one sentence. The proposed pathway forward for consideration by the end of this week, I expect that. I am aware that the secretary of the department is meeting with the interim Public Trustee board's spokesperson, this week, to finalise the advice and proposed response.

However, from the preliminary advice received, I am able to advise that all of the Bugg review recommendations are accepted, either wholly in principle or in part. That will be explained in our response, and will be implemented as a matter of priority, as I have always said.

The following timings I can indicate are anticipated, for the implementation of recommendations. A number of recommendations have already been acted upon and are under way by the Department of Justice, the Public Trustee and TASCAT, the Tasmanian Civil and Administrative Tribunal. A majority of the recommendations will be implemented by the end of May, prior to the state Budget. Those recommendations that are subject to additional funding requests are likely to take additional time to consider and address through budget considerations. A number of recommendations requiring legislative reform may also be included in the work currently under way regarding the next tranche of the Guardianship and Administration Act reforms, with the draft bill anticipated to be out for consultation.

The recommendations relating to the operation, performance and culture of the Public Trustee have already been considered by that board, the CEO and management, with a number of these recommendations already under way, and others scheduled to be completed between now and the end of the year.

There are several significant recommendations that are supported in principle but do require further analysis, and indeed consultation and possible additional funding. That is why Treasury is involved as well. The detailed advice I am expecting by the end of this week will provide further information regarding this work.

Our Government recognises the concerns raised by the community and clients of the Public Trustee about how their cases are being dealt with, and administered, which is why we announced the review in June last year.

The independent reviewer, Damian Bugg AM QC, provided a very comprehensive report in December, with a number of significant recommendations relating to the future direction and operations of the Public Trustee. As I said, I expect to shortly receive that advice from my department, including options regarding the best way to implement the detailed recommendations and making the necessary improvements to better meet clients' needs and meet community expectations. Importantly, this will include a response to the calls for compensation made by community advocates as a result of identified shortcomings or failures.

Furthermore, I will soon be progressing further work to introduce tranche two of the guardianship and administration reforms to address the Tasmanian Law Reform Institute's work which will look towards entrenching further supports for vulnerable Tasmanians into the guardianship framework. It is my expectation that these recommendations and important reforms will be progressed and implemented as a matter of priority.