




Speech By
Sandy Bolton

MEMBER FOR NOOSA

Record of Proceedings, 30 April 2025

TRUSTS BILL

 **Ms BOLTON** (Noosa—Ind) (8.51 pm): This bill, as we have heard, is a reintroduction of one the previous government brought to the House. However, it lapsed prior to the election. Briefly, the bill rewrites trust laws in Queensland, completely replacing the 1973 act with what is described as new, modernised and simplified trusts legislation. This followed an extensive review by the Queensland Law Reform Commission. The department stated that the bill largely retains and re-enacts many of the existing provisions in the act in modern drafting and plain English, all the while continuing the application of well-settled trusts laws.

There was extensive consultation undertaken by the QLRC in developing this bill during a review conducted from January 2012 to February 2013. Yes, it was a long time ago and in its first version last year there were only five submissions. However, in reintroducing this bill the government has provided a consultation process so brief it is quite indefensible. The bill has changed since then, maybe only in a small way, maybe not. Who knows. The explanatory note has no section outlining the differences, with the minister stating that this bill substantially, although not completely, reflects the lapsed bill. The minister, however, does note a set of changes from the old version of the bill, including in response to concerns raised by the Queensland Law Society, the Society of Trust and Estate Practitioners, or STEP, and the Public Trustee of Queensland, and also there was a small technical amendment requested by the Queensland Freemasons. Whether this was all of the changes we do not know. As STEP pointed out, the consultation period for this bill was ridiculously short. It is worth quoting them in detail, especially as this involved volunteers. They said—

... In reality the time-frame for making submissions is so short as to be illusory.

...

We are told that that 2024 Bill 'largely mirrored the current Bill being considered by the committee with some key amendments'.

There is no indication of what those 'key amendments' are.

Then they go on—

The present Bill is 221 pages in length. We have been given:

...

three business days to make whatever additional submissions we might wish to make.

They continue on—

Our volunteers have not had the capacity to do a clause-by-clause comparison of the 2024 Bill and the present 2025 Bill.

...

Our silence should not be taken as support for the Bill in its present form; it simply reflects what is possible in a volunteer organisation—

I reiterate—

... a volunteer organisation on three business days' notice.

We are disappointed that such an important piece of legislation is being treated in this way.

They were right to be disappointed—and so should we all, given that literally on one hand the government is asking what is it going to take to retain volunteers and then on the other it is putting them through this type of duress.

The QLRC, as I said, began its review in 2012. The bill has been over a decade in the making, hence there is no reason to rush now at the last moment. The Queensland Law Society also raised that three days for consultation on a 221-page bill with no detail on what has been changed does not amount to meaningful consultation. The committee report was published on 7 March and while it considered issues raised by submitters it made no recommendations for change. This is not the way to conduct business if we want to engage and listen to Queenslanders. The bill should have come with a page-by-page comparison with the last version of the bill or the consultation should have been four weeks at a minimum. I want to thank the committee and secretariat who had to conduct such a rushed inquiry and the submitters, including those volunteers in those organisations who had such a thankless task in trying to respond in three business days. Really, we must do much better. Thank you.