



# Impact Analysis Statement

## Summary IAS

### Details

<b>Lead department</b>	Queensland Public Trustee
<b>Name of the proposal</b>	Public Trustee Fees and Charges Notice: minor amendment to the fee for making Enduring Power of Attorney document and minor technical amendments
<b>Submission type</b>	Summary IAS
<b>Title of related legislative or regulatory instrument</b>	Section 17 <i>Public Trustee Act 1978</i> Fees and Charges Gazette Notice
<b>Date of issue</b>	1 July 2025

Proposal type	Details
<b>Minor and machinery in nature</b>	<p>Section 17 of the <i>Public Trustee Act 1978</i> provides the public trustee may, by gazette notice, fix fees and charges for services the public trustee performs or provides.</p> <p>The changes to the Public Trustee's Fees and Charges Notice (No. 1) 2021 to implement minor technical amendments, such as updating legislative references to improve clarity and ensure consistency with the legislative framework, are machinery in nature, and do not result in a substantive change to regulatory policy or new impacts on business, government or the community.</p>

**Proposed amendment to fee for preparing enduring and general powers of attorney documents****What is the nature, size and scope of the problem? What are the objectives of government action?****Background**

1. The public trustee provides services for the preparation and revocation of enduring and general powers of attorney (PoA) documents for Queenslanders.
2. Section 51 of the Public Trustee Fees and Charges Notice (No.1) 2021 (Fees and Charges Notice) sets the fees for these services. The applicable fee for the preparation of the PoA document is waived (under section 51(2)) where the public trustee is appointed as the primary attorney.

**Rationale for the current policy**

3. The fee waiver provided under section 51(2) is consistent with historical practices in the legal and financial services sector where free services were offered to attract future business. A loss-leading strategy involves offering a service at a reduced cost or for free with the intention of cultivating a relationship with the customer that may lead to the purchase of additional, more profitable services in the future.
4. The potential for the public trustee to waive the fee for preparing PoA documents incentivises customers to appoint the public trustee as their primary attorney. The principal of the PoA (i.e. the person appointing the attorney) will become a customer of the public trustee's services if the PoA comes into force, with the public trustee acting as agent for the customer and exercising the powers granted to the agent which can be broad in scope.
5. The powers granted under the PoA may enable the public trustee to handle a wide array of tasks and decision-making processes that could include financial transactions, signing legal documents, dealing with property matters, and managing the principal's affairs. These powers may be expressed as enduring should the customer become incapacitated and the public trustee will continue to manage the customers affairs. The public trustee may charge fees for the services provided to the customer under both the general and enduring PoA.

**The proposed policy change**

6. The public trustee is proposing to abolish the fee waiver provided under section 51(2) of the Fees and Charges Notice, for the preparation of a PoA document where the public trustee is appointed as the primary attorney. This proposal aligns with the public trustee's practice of not actively encouraging its will-making customers to appoint the public trustee as their executor. It is part of the public trustee's strategy to primarily focus on providing services for people who cannot afford to obtain these services from the private sector. The current fee waiver is not based on concerns relating to affordability of the service.
7. This proposal is consistent with the Queensland Treasury's principles for fees and charges, including full cost recovery and beneficiary pays. It will also improve competitive neutrality by eliminating an unnecessary subsidy.
8. The public trustee has been preparing PoA documents since the late 1990s. These documents are mostly made when customers are making or updating their Wills. Over the past four years, the public trustee has made around 1,000 PoAs per year.
9. The public trustee does not proactively promote the appointment of the public trustee as the primary attorney. This option is only made known to customers if they are unable to name another person or organisation to undertake the role. The public trustee is appointed as the primary attorney in approximately 3 per cent of new PoA documents prepared by the public trustee.

**What options were considered?**

10. To expand the application of the fee to customers who may appoint the public trustee as their primary attorney, there is no other option but to abolish the fee waiver. Subsequently, only one option was considered, other than status quo.



### What are the impacts?

11. This proposal would have a negligible impact on the public trustee's customers. Based on prior years' data, the proposed abolishment of the fee waiver would likely result in approximately 30 potential customers per year having to pay between \$200 to \$300 each for preparing their PoA. Noting this is a discretionary service, and the potential for a fee waiver is not advertised, it is anticipated the public trustee's annual revenue will increase by \$7,500.
12. As the preparation of enduring and general PoA documents are generally a once-off service, the proposed change would only apply to customers seeking preparation of a new PoA and who appoint the public trustee as the primary attorney.

### Who was consulted?

13. The public trustee did not undertake external consultation due to the discretionary nature of the service and minimal financial impacts of the policy change. As the fee waiver will be removed for the development of future PoA documents, the policy change will not impact the public trustee's existing customers.

### What is the recommended option and why?

14. Only one option was considered, other than status quo. The proposed reform, removing an incentive to increase the public trustee's business, aligns with the public trustee's strategy to primarily focus on providing services for people who cannot afford to obtain these services from the private sector.
15. This proposal is consistent with the Queensland Treasury's principles for fees and charges, including full cost recovery and beneficiary pays. It will also improve competitive neutrality by eliminating an unnecessary subsidy.

## Impact assessment

### All proposals – complete:

	First full year	First 10 years**
<b>Direct costs – Compliance costs*</b>	Nil	Nil
<b>Direct costs – Government costs</b>	Nil	Nil

## Signed

Public Trustee of Queensland and CEO

Date: 25/06/2025