

Queensland



INTELLECTUALLY DISABLED CITIZENS ACT 1985

**Reprinted as in force on 12 November 1993
(includes amendments up to Act No. 55 of 1993)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This Act is reprinted as at 12 November 1993. As required by section 5 of the *Reprints Act 1992*, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the *Reprints Act 1992*, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the *Reprints Act 1992*, to do the following—

- omit the enacting words as permitted by section 7(1)(a) of that Act;
- use citations and references permitted by Division 2 of that Act;
- use updated references permitted by Division 3 of that Act;
- express gender specific provisions in a way consistent with current legislative drafting practice as permitted by section 24 of that Act;
- use gender neutral office names as permitted by section 25 of that Act;
- use different spelling consistent with current legislative drafting practice, as permitted by section 26(2) of that Act;
- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- relocate marginal or cite notes as permitted by section 34 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit provisions that are no longer required as permitted by sections 39 and 40 of that Act;
- use the numbering and renumbering of provisions and references permitted by section 43 of that Act.

Also see Endnotes for—

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

Queensland



**INTELLECTUALLY DISABLED
CITIZENS ACT 1985**

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INTELLECTUALLY DISABLED CITIZENS ACT 1985

[as amended by all amendments that commenced on or before 12 November 1993²]

An Act to assist intellectually disabled citizens in the least restrictive way to exercise their rights and carry out their responsibilities in society; to repeal the *Backward Persons Act 1938* and to amend the *Public Trustee Act 1978* in certain particulars; and for related purposes

PART 1—PRELIMINARY

Short title and commencement

1.(1) This Act may be cited as the *Intellectually Disabled Citizens Act 1985*³⁻⁶.

(2) This section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(3) Except as provided by subsection (2), this Act shall commence on a day appointed by proclamation.

Definitions

4. In this Act—

“**assisted citizen**” means an intellectually disabled citizen who is receiving, or has been approved to receive, the special assistance provided for by this Act;

“**Chairperson**” means the Chairperson of the Council;

“**chief executive**” means the chief executive of the department;

“citizen” means an adult resident of Queensland;

“Council” means the Intellectually Disabled Citizens Council of Queensland constituted under this Act;

“functional competence” includes—

- (a) the competence to carry out the usual functions of daily living; and
- (b) the care and maintenance of oneself and one’s home environment; and
- (c) the ability to perform civic duties; and
- (d) the ability to enter into contracts; and
- (e) the ability to make informed decisions concerning oneself;

“intellectually disabled citizen” means a citizen who is limited in his or her functional competence by reason of intellectual impairment which is—

- (a) of a congenital or early childhood origin; or
- (b) the result of illness, injury or organic deterioration;

“Legal Friend” means a barrister-at-law or solicitor appointed pursuant to the *Public Service Management and Employment Act 1988* to be the legal friend for the purposes of this Act;

“member” means a person occupying the office of member of the Council;

“nearest relative” of an intellectually disabled citizen is the first of the following relatives who, in descending order of priority, is reasonably available—

- (a) a spouse;
- (b) an adult son or daughter;
- (c) a parent;
- (d) a grandparent;
- (e) an adult brother or sister;
- (f) another adult relative who, in the Council’s opinion, has a proper interest in the wellbeing of the citizen;

“**panel**” means a panel constituted under section 13A(2);

“**panel member**” means a person appointed under section 13(1) to be a member of a panel;

“**volunteer friend**” means a citizen appointed as a volunteer friend under this Act.

Construction and application of Act

5. This Act shall be construed and applied so as to support and assist intellectually disabled citizens in participating in society in a positive way by providing a level of assistance which, in the least restrictive way, supports the individual and recognises the individual’s rights, needs and abilities as well as the limitations that may place the individual at a disadvantage.

PART 2—INTELLECTUALLY DISABLED CITIZENS COUNCIL OF QUEENSLAND

Division 1—Constitution, membership and functions of Council

Constitution of Council

7. The Intellectually Handicapped Citizens Council of Queensland constituted prior to the commencement of this section is hereby preserved, continued in existence and constituted under and for the purposes of this Act as a body unincorporate under the name ‘Intellectually Disabled Citizens Council of Queensland’.

Composition of Council

8.(1) The Council is to consist of at least 7 members appointed by the Governor in Council by Gazette notice.

(2) Members are to be persons who have, in the Governor in Council’s opinion, appropriate knowledge about intellectual disability because of their qualifications or personal or professional experience.

- (3) A person is not eligible for appointment as a member if the person is—
- (a) an officer or employee of the department; or
 - (b) a paid employee of an entity whose principal function is the delivery of services related to intellectual disability.
- (4) The Governor in Council may, by Gazette notice, appoint—
- (a) a member to be Chairperson; and
 - (b) a member to be First Deputy Chairperson; and
 - (c) a member to be Second Deputy Chairperson.
- (5) The First Deputy Chairperson acts as Chairperson—
- (a) while there is a vacancy in the office of Chairperson; and
 - (b) while the Chairperson is absent or is, for another reason, unable to perform the duties of Chairperson.
- (6) The Second Deputy Chairperson acts as Chairperson—
- (a) while there are vacancies in the offices of both Chairperson and First Deputy Chairperson; and
 - (b) while both the Chairperson and the First Deputy Chairperson are absent or are, for another reason, unable to perform the duties of Chairperson.

Term of appointment

9. The appointment of a member is to be for a term of not more than 3 years.

Vacation of office

- 11.(1) The office of a member shall become vacant if the member—
- (a) becomes bankrupt or compounds with creditors, or otherwise takes advantage of the laws in force for the time being relating to bankruptcy; or
 - (b) resigns office by writing under the member's hand addressed to the Minister—such resignation to be complete and take effect

from the time it is received by the Minister or the operative date specified in the notice (whichever is the later); or

- (c) is absent without prior leave granted by the Council from 3 consecutive meetings of the Council of which due notice has been given to the member; or
- (d) is convicted of an indictable offence; or
- (e) is removed from office as a member by the Governor in Council; or
- (f) becomes—
 - (i) an officer or employee of the department; or
 - (ii) a paid employee of an entity whose principal function is the delivery of services related to intellectual disability.

(2) For the purpose of subsection (1)(c), the attendance of a member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason of the lack of a quorum a meeting is not actually held, and the Chairperson shall cause to be entered in the minute book the names of all members who so attend.

Removal from office

12. The Governor in Council may at any time remove a member from office as member if—

- (a) the member becomes incapable, in the opinion of the Governor in Council, of discharging the duties of office;
- (b) the member is, in the opinion of the Governor in Council, incompetent or unfit to hold office.

Panel members

13.(1) The Minister, from time to time, may appoint such number of persons throughout Queensland as the Minister thinks fit as panel members for the purpose of assisting the Council in considering applications made under section 27 and carrying out reviews pursuant to section 28.

(2) Persons appointed pursuant to subsection (1) shall be persons who in the opinion of the Minister by reason of their qualifications or personal or professional experience have appropriate knowledge relating to intellectual disability.

(3) The appointment of a panel member is to be for a term of not more than 3 years.

(3A) A panel member holds office on the terms of appointment determined by the Minister.

(4) The Minister, by writing addressed to a panel member, may revoke that person's appointment as panel member at any time.

(5) The Chairperson, with the approval of the Minister, shall arrange for panel members to receive such training as the Minister considers necessary to enable panel members to perform their functions and carry out their duties under this Act.

(6) A panel member while carrying out the duties of such a member shall be deemed to be a worker within the meaning of the *Workers' Compensation Act 1990* employed by the chief executive and the provisions of that Act shall apply accordingly.

Allocation of duties to panels

13A.(1) Where the Council receives an application made under section 27 or proposes to carry out a review pursuant to section 28 the Chairperson may determine that the application or review be allocated to a panel in a place which, in the opinion of the Chairperson, is convenient to the citizen named in the application or the subject of the review.

(2) If the Chairperson makes a determination under subsection (1), the Chairperson shall constitute as a panel 3 persons who may be members or panel members or a combination of both, 1 of whom shall be appointed by the Chairperson to be convenor of that panel.

(2A) It is the duty of—

- (a) the Chairperson, to ensure, as far as is possible, that a panel constituted under subsection (2) does not comprise among its members a person—
 - (i) who, as an officer or employee of the department or a paid

employee of an entity whose principal function is the delivery of services relating to intellectual disability, is providing services to the citizen named in the application or the subject of the review allocated to the panel; or

(ii) who is a relative of the citizen named in the application or the subject of the review allocated to the panel or is a person who has a personal interest in that citizen or in the outcome of the proceedings;

(b) each member of a panel constituted under subsection (2), to notify the Chairperson forthwith if the member is a person to whom paragraph (a)(i) or (ii) refers.

(3) The panel shall consider such information as is placed before it by the Chairperson or by persons entitled pursuant to section 29 to be present during proceedings and shall furnish within such time (if any) as is specified by the Chairperson a report and recommendations to the Chairperson for consideration by the Council.

(4) An appointment as convener of a panel subsists only until such time as the panel furnishes its report and recommendations to the Chairperson.

(5) The constitution of a panel under subsection (2) shall not prevent the Council from exercising any power or authority or performing any function or duty under this Act in relation to the consideration of an application made under section 27 or the carrying out of a review pursuant to section 28.

Fees and allowances

14.(1) Members and panel members are to be paid the fees and allowances determined by the Governor in Council.

(2) Members and panel members are to be paid the expenses incurred by them in discharging their functions if the payment is approved by the chief executive.

Holder of office not affected by restrictive employment provisions

15. A provision of any enactment requiring the holder of an office to devote the whole of the person's time to the duties of office or prohibiting the person from engaging in employment outside the duties of office shall

not operate to hinder the person holding that office and also an appointment as member or panel member or acceptance and retention of any fees, allowances or expenses payable under this Act.

Functions and duties of Council

16. The Council shall—

- (a) consider each application made under section 27 and perform such other functions and duties as are imposed on it under this Act;
- (b) liaise with Government departments and other organisations or bodies for the purpose of considering an application made under section 27 or carrying out a review pursuant to section 28;
- (c) provide advice to the Minister in respect of matters concerning the operations of the Council when requested so to do by the Minister or when the Council thinks fit.

Division 2—Meetings, proceedings and business of Council

Conduct of business

17.(1) Subject to this Act, the Council shall conduct its business and proceedings at meetings in such manner as it determines.

(2) Without limiting the provisions of subsection (1), the Council may adjourn the proceedings on consideration of applications made under section 27 or on reviews carried out pursuant to section 28 in order to seek further information or for such other reason as it thinks fit.

(3) The adjournment may be requested by any person entitled to be present at the proceedings including the members of the Council.

Quorum

18.(1) At a meeting of the Council (other than a meeting mentioned in subsection (2)), a quorum is at least half the members constituting the Council at the time, of whom 1 must be the Chairperson.

(2) At a meeting of the Council to consider a report and the recommendations of a panel constituted under section 13A(2), a quorum is—

- (a) the person who, under section 19(2), is to preside at the meeting; and
- (b) 2 other members.

Meetings

19.(1) Meetings of the Council are to be held at the times and places determined by the Chairperson.

(2) The Chairperson is to preside at all meetings.

(3) However, at a meeting of the Council held for the purpose mentioned in section 18(2)—

- (a) if the Chairperson is not present at the meeting, but the First Deputy Chairperson is present—the First Deputy Chairperson is to preside; and
- (b) if the Chairperson and the First Deputy Chairperson are not present at the meeting, but the Second Deputy Chairperson is present—the Second Deputy Chairperson is to preside; and
- (c) if the Chairperson, the First Deputy Chairperson and the Second Deputy Chairperson are not present at the meeting—a member nominated by the Chairperson is to preside.

(4) A nomination for the purpose of subsection (3)(c)—

- (a) must be in writing; and
- (b) may be of general or limited application; and
- (c) may be revoked by the Chairperson by written notice given to the nominee.

(5) Two or more meetings of the Council may be held concurrently for the purpose mentioned in section 18(2).

Conduct of affairs

20.(1) The Council shall exercise or perform a power, authority, function or duty by a majority vote of its members present at the meeting and voting on the business in question.

(2) A member who is present at a meeting and eligible to vote, but abstains from voting shall be taken to have voted for the negative.

(3) The person presiding shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

(4) The Chairperson shall give effect to any resolution, minute or report that is passed or adopted by the Council.

Minutes

21. The Council must keep minutes of its proceedings.

PART 2A—LEGAL FRIEND**Legal Friend**

26.(1) Subject to the direction of the Minister, the Legal Friend—

- (a)** may obtain for or provide to an assisted citizen or the citizen's relative approved under this Act or, if a relative has not been so approved, the citizen's nearest relative, information with respect to the citizen's legal rights and legal procedures and specialised services that are available to give the citizen assistance;
- (b)** may, where the Legal Friend is satisfied that an assisted citizen cannot effectively instruct a solicitor, instruct a solicitor to act for or on behalf of the citizen;
- (c)** may liaise with Government departments and other organisations or bodies on behalf of an assisted citizen;
- (d)** shall perform such other functions or duties as may be prescribed.

(2) In acting under subsection (1) on behalf of an assisted citizen the

Legal Friend shall endeavour to carry out the wishes of the citizen as the citizen has expressed them to the Legal Friend or, where the citizen is unable to express his or her wishes, the Legal Friend shall act in such manner as the Legal Friend considers the citizen would wish to act if the citizen were able to express his or her wishes.

(3) Subject to subsection (4), where the Council under this Act authorises the Legal Friend to act on behalf of an assisted citizen, the Legal Friend may on behalf of the citizen give consent to any medical, dental or surgical or other professional treatment or care (whether a single item of treatment or care or a course of treatment or care over a period) being carried out on or provided to the citizen for the citizen's benefit by a person professionally qualified to carry it out or provide it.

(3A) Such consent may be given effect to and, if given effect to, shall have the same force and effect as if—

- (a) it had been freely given by the assisted citizen; and
- (b) the assisted citizen were of full legal capacity.

(4) Where a committee of the person of an assisted citizen is appointed pursuant to the *Mental Health Act 1974*, the Legal Friend shall not act in accordance with subsection (3) without the prior consent of such committee.

(5) Before deciding whether or not to give consent under subsection (3) the Legal Friend shall—

- (a) take all reasonable steps to consult with relatives of the assisted citizen who are providing ongoing care for the citizen and give due consideration to any views expressed by the relatives;
- (b) take all reasonable steps to inform himself or herself as fully as possible on matters requiring consent and the options available and for that purpose shall consult with—
 - (i) persons who are providing ongoing care for the assisted citizen;
 - (ii) appropriate professional persons;
 - (iii) relatives of the assisted citizen or other persons who appear to the Legal Friend to have a proper interest in the wellbeing of the assisted citizen;
- (c) ensure that the assisted citizen is informed as fully as possible on

matters requiring consent and the options available, consistent with the citizen's ability to understand the information.

(5A) In giving consent, the Legal Friend must ensure that, as far as possible, the consent is for the least restrictive option available, after taking into consideration the health, wellbeing and expressed wishes of the assisted citizen.

(6) The supplying of information by any person to the Legal Friend pursuant to subsection (5) does not for any purpose constitute unprofessional conduct or a breach of professional ethics on the part of that person.

(7) Subject to any directions of the Minister, the Legal Friend may delegate the Legal Friend's powers under this Act to a barrister or solicitor.

(7A) The Legal Friend must not delegate a power that may involve the expenditure of an amount unless the chief executive has approved the expenditure.

(8) The Legal Friend shall obtain for or provide to the Council advice when requested so to do.

(9) In any case where, in the opinion of the Legal Friend, the circumstances are such that the obtaining of the Council's approval under section 31A would cause unreasonable delay the Legal Friend may, without obtaining such approval but with the prior approval of the Chairperson, act under this section on behalf of a citizen who, in the Legal Friend's opinion, is an intellectually disabled citizen as if that citizen were an assisted citizen and the Legal Friend had been authorised pursuant to section 31A(4) to act on that citizen's behalf.

(9A) Where the Legal Friend acts in accordance with the authority given by subsection (9)—

- (a) the Legal Friend shall as soon as possible thereafter make or cause to be made an application under section 27; and
- (b) the Legal Friend may, in giving consent referred to in subsection (3), only give consent to such essential medical, dental or surgical or other professional treatment or care (whether a single item of treatment or care or a course of treatment or care over a period) as is necessary to alleviate or prevent the citizen being subject to significant illness or suffering or to preserve the

life of the citizen.

(10) The Legal Friend shall not be accountable in the discharge of the Legal Friend's duties under this Act to the Council or the chief executive.

(11) For the purposes of subsections (3) to (5A), Legal Friend includes a barrister-at-law or solicitor authorised by the Council under this Act to act on behalf of an assisted citizen.

PART 3—INTELLECTUALLY DISABLED CITIZENS

Applications for approvals and reviews

27.(1) An intellectually disabled citizen may make an application to the Council for the provision to the citizen of special assistance under this Act.

(2) Where an intellectually disabled citizen appears to—

- (a) an adult relative of the citizen;
- (b) a police officer;
- (c) the Legal Friend;
- (d) any other officer of the department authorised in that behalf by the chief executive;
- (e) any other adult who satisfies the Council that the adult has a proper interest in the wellbeing of the citizen;

to be so severely limited in the citizen's functional competence that the citizen has or is likely to have functional, personal or social needs that are unsatisfied and that are likely to remain unsatisfied unless the citizen receives the special assistance provided for by this Act, the relative, member, Legal Friend, other officer or other person may make an application to the Council for the provision to the citizen of special assistance under this Act.

(3) An application may be made to the Council for a review of the kind and extent of special assistance being provided to an assisted citizen under this Act by—

- (a) the citizen;
- (b) an adult relative of the citizen;
- (c) any other adult who satisfies the Council that the adult has a proper interest in the wellbeing of the citizen.

(4) Where—

- (a) a police officer; or
- (b) the Legal Friend; or
- (c) any other officer of the department authorised in that behalf by the chief executive;

considers that it is in the interests of the wellbeing of an assisted citizen that the kind and extent of special assistance being provided under this Act to the citizen be reviewed and an application has not been made under subsection (3) the member, Legal Friend or other officer may make an application to the Council for such a review.

(5) Where a person referred to in subsection (2)(e) or (3)(c) makes an application under this section and fails to satisfy the Council that the person has a proper interest in the wellbeing of the citizen named in the application, the Council, without proceeding to consider the application, shall refuse the application.

Review

28. The Council shall review the kind and extent of special assistance that is being provided under this Act to every assisted citizen, at least once in the first 5 years after the date the citizen commences to receive the special assistance and thereafter at least once in every 5 years after the date the last review in respect of the citizen was carried out under this section or section 27.

Notice of proceedings etc.

29.(1) The Council shall cause not less than 7 days notice to be given to the persons entitled to receive notice under subsection (2) or such less notice as is agreed between the Chairperson and those persons of the time when and the place where—

- (a) an application made under section 27 will be considered; or
- (b) a review pursuant to section 28 will be carried out.

(2) A notice under subsection (1) shall be given—

- (a) if the proceedings relate to an application made under section 27(1) or (2), to—
 - (i) the citizen named in the application; and
 - (ii) the applicant, if the applicant is not the citizen; and
 - (iii) the nearest relative of the citizen; and
 - (iv) any other adult who appears to the Chairperson from information contained in the application to have exhibited a continuing interest in the wellbeing of the citizen;
- (b) if the proceedings relate to an application made under section 27(3) or (4), to—
 - (i) the assisted citizen named in the application; and
 - (ii) the applicant, if the applicant is not the citizen; and
 - (iii) the nearest relative of the citizen; and
 - (iv) any other adult who appears to the Chairperson from information contained in the application to have exhibited a continuing interest in the wellbeing of the citizen;
- (c) if the proceedings relate to a review carried out pursuant to section 28, to—
 - (i) the assisted citizen the subject of the review; and
 - (ii) the nearest relative of the citizen; and
 - (iii) any other adult who appears to the Chairperson to have exhibited a continuing interest in the wellbeing of the citizen.

(3) A person to whom a notice of proceedings is given under this section is entitled to be present and to be heard, in person, at the proceedings.

(3A) The citizen named in the application or the subject of a review is entitled, with the leave of the Chairperson or, as the case may be, convenor of a panel to be legally represented at the proceedings.

(3B) A relative (other than a relative who is given a notice under

subsection (2)) or representative of the citizen named in the application or the subject of a review as the Chairperson or, as the case may be, convenor of a panel authorises shall be entitled to be present and to be heard, in person, at the proceedings.

(4) Leave shall not be given under subsection (3)(b) unless the Chairperson or, as the case may be, convenor of a panel, in a particular case, considers that there are circumstances that warrant leave being given.

(5) Subsections (1) to (4) do not apply to a consideration by the Council of a report and recommendations of proceedings conducted by a panel pursuant to section 13A.

Proceedings on applications and reviews

30.(1) Proceedings on an application made under section 27 or a review carried out pursuant to section 28 shall be conducted in accordance with this Act, so far as it so provides, or, where this Act does not so provide or does not sufficiently so provide, in accordance with directions given by the Chairperson either generally or in a particular case.

(2) Where in the opinion of the Chairperson or, as the case may be, the convenor of a panel the citizen to whom proceedings referred to in subsection (1) relate is unable by reason of the severity of the citizen's disability to be present at those proceedings or otherwise fails to attend at those proceedings the Chairperson or the convenor, as the case may be—

- (a) may, in a case where the Council or, as the case may be, panel has received a report on the circumstances of the citizen from a person who has interviewed the citizen; or
- (b) shall, in a case where the Council or, as the case may be, panel has not received such a report;

cause a member of the Council or, as the case may be, panel or some other person authorised in that behalf by the Council or, as the case may be, panel to interview the citizen and furnish to the Council or panel a report on the circumstances of the citizen.

(3) A person authorised under subsection (2) to interview a citizen may be authorised to be present and to be heard at the proceedings referred to in subsection (1).

(4) With respect to any proceedings referred to in subsection (1) the Council or a panel shall not be bound by any rules or practice as to evidence and may inform itself on any matter in such manner as it thinks fit.

Information supplied to Council

31.(1) If a person is asked by the Chairperson or the convenor of a panel to supply to the Council or the panel information relevant to the consideration of an application under section 27 or the conduct of a review under section 28, the person must comply with the request to the extent that the person is able.

(2) The supplying of information pursuant to subsection (1) does not for any purpose constitute unprofessional conduct or a breach of professional ethics on the part of the person supplying the information.

(3) A person who supplies information under subsection (1) knowing that it is false or misleading in any material particular or malicious, commits an offence against this Act.

Consideration of applications etc.

31A.(1) In considering any application made under section 27 in respect of any intellectually disabled citizen or carrying out any review pursuant to section 28, the Council shall determine whether or not, in the opinion of the Council, the citizen named in the application or the subject of the review is so severely limited in the citizen's functional competence by reason of intellectual impairment that the special assistance provided for under this Act should be provided to the citizen or, as the case may be, should continue to be provided.

(2) If, after considering the matters referred to in subsection (1) and the report and recommendations of any proceedings before a panel—

- (a) the Council is satisfied—
 - (i) that sufficient support and assistance is being provided to the citizen by relatives of the citizen; or
 - (ii) that the special assistance provided for under this Act is not necessary;

the Council shall refuse the application or, as the case may be,

terminate the assistance being provided under this Act to the citizen; or

- (b) the Council is satisfied that the special assistance provided for under this Act should be provided or, as the case may be, should continue to be provided, the Council shall approve the application or, as the case may be, approve the continuation of the provision of special assistance under this Act.

(3) Where the Council approves the provision or, as the case may be, the continuation of the provision of special assistance under this Act, the Council shall—

- (a) consider the individual circumstances of the citizen;
- (b) ascertain whether, in the opinion of the Council, the citizen is competent in law to make informed decisions—
 - (i) by himself or herself;
 - (ii) by himself or herself with the support and assistance of a relative of the citizen;
 - (iii) by himself or herself with the support and assistance of the Legal Friend;

in cases where the citizen's consent in writing is required in respect of matters of medical, dental or surgical or other professional treatment or care;

- (c) ascertain whether the citizen in the citizen's activities is in need of friendly personal support of a kind usually provided by family and friends;
- (d) consider the need to maintain the dignity and self-respect of the citizen with a view to imposing the least restrictions possible on the citizen's dignity and self-respect;
- (e) give due consideration to the expressed wishes of the citizen with a view to supporting the citizen in exercising as much control as possible over the citizen's own life;
- (f) recognise that the needs, capabilities and wishes of the citizen may change in time;
- (g) take into account the indigenous or ethnic background and cultural

background of the citizen;

- (h) take into account such special circumstances concerning the citizen as the Council thinks fit.

(4) After considering the matters specified in subsection (3) the Council—

- (a) may, if it is of the opinion that the citizen is competent in law as provided in subsection (3)(b)(ii) or (iii)—
- (i) approve of support and assistance being provided to the citizen by a relative of the citizen approved by the Council; or
 - (ii) approve of support and assistance being provided to the citizen by the Legal Friend;
- (b) may, if it is of the opinion that the citizen is not competent in law as provided in subsection (3)(b)—
- (i) authorise the Legal Friend; or
 - (ii) where the Council considers that the circumstances of the citizen so require, authorise a barrister-at-law or solicitor nominated by a person entitled pursuant to section 29 to be present at the proceedings;

to act on the citizen's behalf to the least extent required in accordance with, in the case of the Legal Friend, the provisions of section 26 or, in the case of a barrister-at-law or solicitor referred to in subparagraph (ii), the provisions of section 26(3), (3A), (4) or (5);

- (c) may, if it is of the opinion that the citizen is in need of friendly personal support in the citizen's activities, determine that a volunteer friend be appointed to furnish that support to the citizen;
- (d) may, if the citizen is already being provided with special assistance under this Act—
- (i) continue the kind and extent of assistance being provided to the citizen; or
 - (ii) vary the kind and extent of assistance being provided to the citizen;

as the circumstances may require.

(5) Where the Council gives an authorisation under subsection (4)(b)(ii) the barrister-at-law or solicitor authorised shall be subject to the supervision of the Legal Friend and the Council may at any time on the application of the Legal Friend revoke the authorisation whereupon the authority of the barrister-at-law or solicitor to act on the citizen's behalf shall cease to have force or effect.

(6) The Council shall notify the citizen, the citizen's nearest relative and any other persons entitled pursuant to section 29 to be present at proceedings, of its decision on the application or, as the case may be, review.

Public Trustee to manage estates of certain assisted citizens

32.(1) Where the Council is of the opinion that an assisted citizen—

- (a) is subject to, or liable to be subjected to, undue influence in respect of the citizen's estate, or any part thereof, or the disposition thereof; or
- (b) is otherwise in a position that renders it desirable in the citizen's interests or the interests of the citizen's dependants that the citizen's property should be protected;

the Council shall cause notice to be given to the Public Trustee to that effect in the prescribed form.

(1A) In any case where, in the opinion of the Legal Friend, a citizen is an intellectually disabled citizen and is—

- (a) subject to, or liable to be subjected to, undue influence in respect of the citizen's estate, or any part thereof, or the disposition thereof; or
- (b) otherwise in a position that renders it desirable in the citizen's interests or the interests of the citizen's dependants that the citizen's property should be protected;

and the circumstances are such that the obtaining of the Council's approval under section 31A would cause unreasonable delay the Legal Friend may, without obtaining such approval, but with the prior approval of the Chairperson, notify the Public Trustee to that effect in the prescribed form.

(1B) Where the Legal Friend acts under subsection (1A) the Legal Friend

shall as soon as possible thereafter make, or cause to be made, an application under section 27 which application shall be dealt with by the Council as expeditiously as possible and in any case the Council or a panel shall commence consideration of the application within 28 days from the date of receipt of the application by the Council.

(2) The Public Trustee, upon receipt of the notification referred to in subsection (1) or (1A) shall, unless the Public Trustee or some other person is already a committee or manager of the estate of the assisted citizen pursuant to the *Mental Health Act 1974*, without further or other authority than this section, be the manager of the citizen's estate and shall have the same powers and authorities with respect to such estate as the Public Trustee has under the provisions of Part 6 of the *Public Trustee Act 1978* with respect to the estate of an incapacitated person.

(3) If the Public Trustee is of the opinion that adequate arrangements for the management of the estate of an assisted citizen exist and that it is unnecessary for the Public Trustee to undertake the management of such estate, the Public Trustee shall give notice in writing accordingly to the Chairperson and thereupon the Public Trustee shall cease to be the manager of such estate.

(4) If at any time the Council determines that the estate of an assisted citizen, of whose estate the Public Trustee has ceased to be manager pursuant to the provisions of subsection (3) should be placed under the management of the Public Trustee because, in the opinion of the Council, the arrangements for the management of the citizen's estate are not then adequate, the Council shall cause notice to be given to the Public Trustee in the prescribed form and, thereupon, the provisions of subsection (2) shall again apply.

(5) In subsections (2) to (4)—

“assisted citizen” includes a citizen mentioned in subsection (1A)(a).

Solicitor not to act

33.(1) Where the Public Trustee or some other person is or becomes a committee or manager of the estate of an assisted citizen pursuant to the *Mental Health Act 1974* or Part 6 of the *Public Trustee Act 1978*, and the Legal Friend has instructed a solicitor to act for or on behalf of the citizen the solicitor shall not do any act or continue or institute any proceedings in

relation to the citizen's property without the consent of the Public Trustee or, as the case may be, that other person.

(2) In this section—

“**proceedings**” has the meaning given by section 6 of the *Public Trustee Act 1978*;

“**property**” has the meaning given by section 6 of the *Public Trustee Act 1978*.

Cessation of management

34. Where pursuant to section 32, authority is conferred upon the Public Trustee to manage the estate of an assisted citizen that authority shall cease to have force or effect—

- (a) upon the making of an order by the Supreme Court to that effect; or
- (b) upon the making of an order by the Supreme Court that reverses the Council's approval that the citizen be provided with the special assistance provided for by this Act; or
- (c) subject to paragraph (d), after the expiration of 6 months from the date of receipt by the Public Trustee of notification from the Council of the Council's decision terminating the special assistance being provided under this Act to the citizen; or
- (d) in the case where an appeal is duly instituted against the Council's decision terminating the special assistance being provided under this Act to the citizen, upon the making by the Supreme Court of an order upholding the decision of the Council; or
- (e) where the Public Trustee or some other person becomes a committee or manager of the estate of the citizen pursuant to the *Mental Health Act 1974* or Division 2 of Part 6 of the *Public Trustee Act 1978*; or
- (f) upon receipt by the Public Trustee of notice in writing that the citizen has died; or
- (g) after the expiration of 14 days from the date of receipt by the Public Trustee of notification from the Council—

- (i) of the Council's decision that the citizen is capable of managing the citizen's estate; or
- (ii) that the Council is satisfied that adequate alternative arrangements for the management of the citizen's estate exist.

PART 4—VOLUNTEER FRIENDS PROGRAM

Establishment of Volunteer Friends Program

35. The chief executive shall establish a program to be known as the Volunteer Friends Program by means of which an assisted citizen may be provided with friendly personal support in the citizen's activities.

Appointment of volunteer friends

37.(1) Where the Council determines that a volunteer friend be appointed to furnish support to an assisted citizen the chief executive for that purpose shall endeavour to appoint a volunteer friend to provide friendly personal support to the citizen in the citizen's activities.

(2) An assisted citizen may nominate a person to be appointed as the citizen's volunteer friend.

(2A) A nomination under subsection (2) shall be subject to the approval of the chief executive and where a person so nominated is not approved, a second nomination may be submitted in its stead.

(3) A volunteer friend shall not be entitled to any remuneration in respect of the volunteer friend's appointment.

(4) In acting as a volunteer friend to an assisted citizen the volunteer friend shall endeavour to carry out the wishes of the citizen as the citizen has expressed them to the volunteer friend or, where the citizen is unable to express the citizen's wishes, the volunteer friend shall act with regard to the social and personal interests of the citizen in such manner as the volunteer friend considers the citizen would wish to act if the citizen were able to express his or her wishes.

(5) A volunteer friend shall not assume the role of a professional counsellor, therapist or other practitioner and any advice given in good faith to an assisted citizen by a volunteer friend shall not render the volunteer friend liable in any way in law or answerable on any account in respect thereof.

Termination of appointment of volunteer friend

38.(1) The appointment of a person as a volunteer friend may be terminated—

- (a) by that person, by writing signed by the person furnished to the chief executive;
- (b) by the chief executive by notice in writing given to the volunteer friend.

(2) A request to terminate the appointment of a person as a volunteer friend of an assisted citizen may be made to the chief executive by—

- (a) the citizen;
- (b) a relative of the citizen;
- (c) any other person who appears to the chief executive to have a proper interest in the wellbeing of the citizen.

(3) The chief executive shall consider each request made under subsection (2) and if the chief executive considers that the appointment should be terminated, shall terminate the appointment.

PART 5—GENERAL PROVISIONS

Confidentiality

42.(1) A person whilst the person is a member, panel member or an officer of the department or any other person carrying out any official duties under this Act and after the person ceases to be such member, panel member or officer or ceases to carry out those duties shall preserve and aid in preserving confidentiality with regard to all matters that come to the

person's knowledge in his or her official capacity under this Act and shall not communicate any such matter to any person except for the purpose of performing the person's functions and duties under this Act.

(2) Any person entitled to be present at any proceedings under this Act shall preserve and aid in preserving confidentiality with regard to all matters that come to the person's knowledge during the proceedings.

Appeals

43.(1) Any intellectually disabled citizen, assisted citizen or other person who is aggrieved by a decision under section 31A to provide, terminate, vary or refuse assistance under this Act may appeal therefrom to a Judge of the Supreme Court who shall have jurisdiction to hear and determine the appeal.

(2) An appeal by an intellectually disabled citizen or assisted citizen pursuant to subsection (1) may be brought on the citizen's behalf by the Legal Friend and for the purpose of the conduct of the appeal the person's appointment as Legal Friend shall continue until its conclusion, notwithstanding that such appointment would otherwise be determined following the decision out of which the appeal arose.

(3) An appeal shall be by way of hearing de novo and shall be instituted within 6 months after the notification of the decision to provide, terminate, vary or refuse assistance is given to the intellectually disabled citizen, assisted citizen or, as the case may be, person aggrieved and no later or, where the citizen or person aggrieved has not been given such notification, within 6 months, and no later, after the date on which the decision first came to his or her notice, whichever is the later date.

(4) The appellant—

- (a) shall file a notice of appeal in the appropriate registry of the Supreme Court;
- (b) shall comply with all rules of court made with respect to the appeal;
- (c) shall serve a copy of the notice of appeal—
 - (i) on the Chairperson;
 - (ii) where the person aggrieved is an intellectually disabled

citizen or assisted citizen and the Public Trustee or some other person is a committee or manager of the citizen's estate, on the Public Trustee or, as the case may be, that other person;

no later than 21 days after it is filed.

(5) Until rules of court are made regulating the practice and procedure of the Supreme Court, for the purpose of giving full effect to this section, or in so far as rules of court do not extend, a Judge of the Supreme Court may give directions with respect to practice and procedure on the appeal, and in relation to the appeal such directions shall have the full force and effect of rules of court.

(6) The proceedings on appeal under this section shall be deemed to be a proceeding before the Supreme Court.

(7) Where the Judge on an appeal under this section considers that the appeal is likely to raise matters of special knowledge and skill the Minister may upon a request by the Judge, appoint a panel of not more than 3 assessors who in the opinion of the Minister possess the necessary qualifications to assist the Judge.

(8) An assessor appointed and acting as assessor under subsection (7) may advise the Judge on any matter relevant to the appeal and the Judge may give such weight as the Judge thinks fit to such advice but all questions of law and fact shall be determined by the Judge alone.

(9) An assessor shall be paid such fees and expenses as the Governor in Council determines.

Access to certain intellectually disabled citizens

44.(1) With the consent of the occupier or person in charge of premises in which an assisted citizen is at the material time—

- (a) the Legal Friend; or
- (b) a barrister-at-law or solicitor authorised under section 31A(4)(b) in respect of that citizen; or
- (c) the volunteer friend of the citizen;

may enter those premises, at any time, for the purpose of performing functions and duties under this Act.

(2) Where the occupier or person in charge referred to in subsection (1) refuses to allow a person referred to in subsection (1)(a) or (b) to enter the premises in question, the Legal Friend may call upon the occupier or person in charge to show cause to the Legal Friend why such entry should not be allowed.

(3) Where the Legal Friend believes on reasonable grounds that an intellectually disabled citizen, or an assisted citizen, who is the subject of an application made under section 27 or a review being carried out pursuant to section 28 is in premises and the occupier or person in charge of those premises refuses to allow a person referred to in section 30(2) to enter those premises for the purpose of ascertaining whether the citizen is in those premises and, if so, of interviewing the citizen, the Legal Friend may call upon that occupier or person in charge to show cause to the Legal Friend why such entry should not be allowed.

(4) Subsections (2) and (3) apply only in cases where the Legal Friend believes on reasonable grounds that the wellbeing of an intellectually disabled citizen or an assisted citizen is not at immediate risk.

(5) Where—

- (a) the occupier or person in charge of premises to which subsection (2) or (3) refers, after being called upon so to do, fails to show sufficient cause why entry should not be allowed to those premises; or
- (b) the Legal Friend believes on reasonable grounds that the wellbeing of an intellectually disabled citizen or an assisted citizen present or believed on reasonable grounds to be present in those premises is at immediate risk;

the Legal Friend may make application to a justice for a warrant to enter those premises.

(6) Where, upon application under subsection (5), the justice is satisfied upon the complaint on oath of the Legal Friend that—

- (a) there are reasonable grounds for believing that there is in the premises an intellectually disabled citizen or an assisted citizen; and
- (b) a warrant is reasonably required to allow—
 - (i) the Legal Friend or a person referred to in subsection (1)(b)

to enter the premises for the purposes of exercising therein powers and authorities and performing functions and duties under this Act; or

- (ii) a person referred to in section 30(2) to enter the premises and therein interview the citizen;

the justice may issue the justice's warrant in the prescribed form authorising the police officer named in the warrant with such assistance as the justice thinks necessary to enter the premises during such hours of the day or night as the warrant specifies or, if the warrant specifies, at any time, by force if necessary.

(7) In executing a warrant issued under this section the police officer by whom it is executed shall be accompanied by the Legal Friend or, as the case may be, a person referred to in subsection (1)(b) or (6)(b)(ii) and may be accompanied by such other persons as the member thinks fit.

(8) A warrant issued under subsection (5) shall specify a date after which the warrant ceases to have effect.

(9) A person shall not without reasonable cause, obstruct or hinder a person acting under the authority of a warrant issued under subsection (5).

(10) A person who supplies information under subsection (3) or (5)(b) that is false or misleading in any material particular or malicious, commits an offence against this Act.

Offences generally and penalty

45. A person who—

- (a) contravenes or fails to comply with a provision of this Act;
- (b) fails to do that which the person is directed or required to do, or does that which the person is forbidden to do, by a person acting under the authority of this Act;

commits an offence against this Act.

Maximum penalty—40 penalty units.

Proceedings for offences

46.(1) A prosecution for an offence against this Act shall be taken by way of summary proceedings under the *Justices Act 1886* within 12 months after the offence is committed or within 12 months after the commission of the offence first came to the knowledge of the complainant, whichever period is the later to expire.

(2) In any proceedings for an offence against this Act any complaint under the *Justices Act 1886* may be made only by a person authorised in writing in that behalf by the Minister either generally or in a particular case.

(3) The authority of a person to make a complaint referred to in subsection (2) shall be presumed until the contrary is proved.

(4) Notwithstanding this Act or any other Act or law in a proceeding on a complaint under this Act, the Court may make an order on any matter within its jurisdiction though no application or complaint is made in respect of that matter.

Annual report

47.(1) As soon as is practicable after 30 June in each year the Council shall furnish to the Minister a report on its operations throughout that year.

(2) The report shall include such relevant information as the Minister directs.

(3) The Minister shall lay the report of the Council before the Legislative Assembly within 14 sitting days from the day on which the Minister receives the report.

Protection from liability

48.(1) This section applies to—

- (a) the Minister; and
- (b) a member; and
- (c) a panel member; and
- (d) the Legal Friend.

(2) A person to whom this section applies does not incur civil liability for

an act or omission done honestly and without negligence under this Act.

(3) A liability that would, apart from this section, attach to the person attaches instead to the State.

Regulations

49.(1) The Governor in Council may make regulations for the purposes of this Act.

(2) A regulation may be made prescribing fees and charges for the purposes of this Act.

ENDNOTES**1 Index to Endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in section 5(c) of the *Reprints Act 1992*. Accordingly, this reprint includes all amendments that commenced operation on or before 12 November 1993. Future amendments of the *Intellectually Disabled Citizens Act 1985* may be made in accordance with this reprint under section 49 of the *Reprints Act 1992*.

3 List of legislation**Intellectually Disabled Citizens Act 1985 No. 11**

date of assent 25 March 1985

s 1 commenced on date of assent

remaining provisions commenced 1 January 1986 (proc pubd Gaz 28 September 1985 p 391)

as amended by—

Acts Amendment and Construction Act 1988 No. 47 s 3 Sch 1

date of assent 12 May 1988

commenced on date of assent

Public Service Management and Employment Act 1988 No. 52 s 44 Sch 3

date of assent 12 May 1988

commenced 18 July 1988 (proc pubd Gaz 16 July 1988 p 2876)

Intellectually Handicapped Citizens Act Amendment Act 1989 No. 33

date of assent 28 April 1989

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1989 (proc pubd Gaz 24 June 1989 p 1822)

Statute Law (Miscellaneous Provisions) Act 1990 No. 88 s 3 Sch

date of assent 6 December 1990

commenced on date of assent

Health Services Act 1991 No. 24 s 7.3 Sch 3

date of assent 5 June 1991

commenced 1 July 1991 (proc pubd Gaz 22 June 1989 p 974)

Intellectually Disabled Citizens Amendment Act 1993 No. 55

date of assent 25 October 1993

commenced on date of assent

4 List of annotations

Key to abbreviations in list of annotations

| | | |
|--------|---|--------------------------|
| amd | = | amended |
| Chap | = | Chapter |
| cl | = | clause |
| def | = | definition |
| Div | = | Division |
| hdg | = | heading |
| ins | = | inserted |
| om | = | omitted |
| prec | = | preceding |
| pres | = | present |
| prev | = | previous |
| (prev) | = | previously |
| prov | = | provision |
| Pt | = | Part |
| RA | = | <i>Reprints Act 1992</i> |
| renum | = | renumbered |
| Sdiv | = | Subdivision |
| sub | = | substituted |

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Long title amd 1989 No. 33 s 4

Short title and commencement

s 1 amd 1989 No. 33 s 5

Arrangement of Act

s 2 amd 1989 No. 33 s 6
om 1993 No. 55 s 3

Repeal and amendments

s 3 om 1993 No. 55 s 3

Definitions

prov hdg sub 1993 No. 55 s 4(1)

s 4 def “**approved citizen**” om 1989 No. 33 s 7(a)

def “**assisted citizen**” ins 1989 No. 33 s 7(a)

def “**Chairman**” om 1993 No. 55 s 4(2)

def **“Chairperson”** ins 1993 No. 55 s 4(3)
 def **“chief executive”** ins 1989 No. 33 s 7(b)
 def **“citizen”** sub 1993 No. 55 s 4(2)–(3)
 def **“co-ordinator”** om 1989 No. 33 s 7(c)
 def **“Council”** amd 1989 No. 33 s 7(d)
 def **“Department”** ins 1989 No. 33 s 7(e)
 om 1993 No. 55 s 4(2)
 def **“Executive Officer”** om 1989 No. 33 s 7(c)
 def **“financial year”** om 1989 No. 33 s 7(c)
 def **“Fund”** om 1989 No. 33 s 7(c)
 def **“intellectually disabled citizen”** amd 1989 No. 33 s 7(f)
 def **“Legal Friend”** sub 1989 No. 33 s 7(g)
 def **“member”** amd 1989 No. 33 s 7(h)
 def **“Minister”** sub 1989 No. 33 s 7(i)
 om 1993 No. 55 s 4(2)
 def **“nearest relative”** amd 1989 No. 33 s 7(j)
 sub 1993 No. 55 s 4(2)–(3)
 def **“panel”** ins 1989 No. 33 s 7(k)
 def **“panel member”** ins 1989 No. 33 s 7(k)
 def **“Public Trustee”** om 1993 No. 55 s 4(2)

Construction and application of Act

s 5 amd 1989 No. 33 s 8

Administration of Act

s 6 amd 1989 No. 33 s 9
 om 1993 No. 55 s 5

**PART 2—INTELLECTUALLY DISABLED CITIZENS COUNCIL OF
 QUEENSLAND**

Pt hdg amd 1989 No. 33 s 43

Constitution of Council

s 7 sub 1989 No. 33 s 10

Composition of Council

s 8 sub 1989 No. 33 s 10; 1993 No. 55 s 6

Term of appointment

s 9 sub 1989 No. 33 s 11; 1993 No. 55 s 7

Casual vacancies

s 10 amd 1989 No. 33 s 12
 om 1993 No. 55 s 8

Vacation of office

prov hdg amd 1989 No. 33 s 13(a)
s 11 amd 1989 No. 33 s 13(b)–(e); 1993 No. 55 s 9

Panel members

s 13 sub 1989 No. 33 s 14
 amd 1993 No. 55 s 10

Allocation of duties to panels

s 13A ins 1989 No. 33 s 14
amd 1993 No. 55 s 11

Fees and allowances

s 14 amd 1989 No. 33 s 15; 1991 No. 24 s 7.3 Sch 3
sub 1993 No. 55 s 12

Holder of office not affected by restrictive employment provisions

s 15 amd 1989 No. 33 s 16; 1993 No. 55 s 13

Functions and duties of Council

s 16 sub 1989 No. 33 s 17

Conduct of business

s 17 amd 1989 No. 33 s 18

Quorum

s 18 sub 1989 No. 33 s 19; 1993 No. 55 s 14

Meetings

s 19 sub 1989 No. 33 s 20; 1993 No. 55 s 14

Conduct of affairs

s 20 amd 1993 No. 55 s 15

Minutes

s 21 amd 1989 No. 33 s 21
sub 1993 No. 55 s 16

Validity of proceedings

s 22 om 1993 No. 55 s 17

Division 3—Officers and Employees of Council

Div hdg om 1989 No. 33 s 22

Officers

s 23 amd 1988 No. 52 s 44 Sch 3
om 1989 No. 33 s 22

Employees

s 24 om 1989 No. 33 s 22

Executive officer

s 25 om 1989 No. 33 s 22

PART 2A—LEGAL FRIEND

Pt hdg ins 1989 No. 33 s 22

Legal Friend

s 26 sub 1989 No. 33 s 22
amd 1993 No. 55 s 18

PART 3—INTELLECTUALLY DISABLED CITIZENS

Pt hdg amd 1989 No. 33 s 43

Applications for approvals and reviews

s 27 sub 1989 No. 33 s 23
amd 1993 No. 55 s 19

Review

s 28 sub 1989 No. 33 s 24

Notice of proceedings etc.

s 29 sub 1989 No. 33 s 25
amd 1993 No. 55 s 20

Proceedings on applications and reviews

s 30 sub 1989 No. 33 s 25

Information supplied to Council

s 31 amd 1989 No. 33 s 26; 1993 No. 55 s 21

Consideration of applications etc.

s 31A ins 1989 No. 33 s 27
amd 1993 No. 55 s 22

Public Trustee to manage estates of certain assisted citizens

prov hdg amd 1989 No. 33 s 28(a)

s 32 amd 1989 No. 33 s 28(b)–(g); 1990 No. 88 s 3 Sch; 1993 No. 55 s 23

Solicitor not to act

s 33 amd 1989 No. 33 s 29; 1990 No. 88 s 3 Sch; 1993 No. 55 s 24

Cessation of management

s 34 amd 1989 No. 33 s 30

Establishment of Volunteer Friends Program

s 35 amd 1989 No. 33 s 31

Co-ordinator of Volunteer Friends Program

s 36 om 1989 No. 33 s 32

Appointment of volunteer friends

s 37 amd 1989 No. 33 s 33

Termination of appointment of volunteer friend

s 38 amd 1989 No. 33 s 34

The Intellectually Handicapped Citizens Council of Queensland Trust Fund

s 39 om 1989 No. 33 s 35

Gifts, devises and bequests

s 40 om 1989 No. 33 s 35

Requirements in respect of property given, devised or bequeathed and financial provisions generally

s 41 amd 1988 No. 47 s 3 Sch 1
om 1989 No. 33 s 35

Confidentiality

s 42 sub 1989 No. 33 s 36

Appeals

s 43 amd 1989 No. 33 s 37

Access to certain intellectually disabled citizens**prov hdg** amd 1989 No. 33 s 38(a)

s 44 amd 1989 No. 33 s 38(b)–(c); 1993 No. 55 s 25

Offences generally and penalty

s 45 amd 1989 No. 33 s 39

Proceedings for offences

s 46 amd 1989 No. 33 s 40

Annual report

s 47 prev s 47 sub 1989 No. 33 s 41

om 1993 No. 55 s 26

pres s 47 (prev s 49) renum 1993 No. 55 s 27

Protection from liability

s 48 prev s 48 om 1993 No. 55 s 26

pres s 48 ins 1993 No. 55 s 28

Regulations

s 49 prev s 49 renum as s 47 1993 No. 55 s 27

amd 1989 No. 33 s 42

pres s 49 ins 1993 No. 55 s 28

SCHEDULE

om (see s 40 RA)

5 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS

under section 43 of *Reprints Act 1992*

| Original | Renumbered as |
|---------------------------|---------------|
| 13A(2) (2nd sentence) | 13A(2A) |
| 17(2) (2nd sentence) | 17(3) |
| 20 (1st sentence) | 20(1) |
| 20 (2nd sentence) | 20(2) |
| 20 (3rd sentence) | 20(3) |
| 20 (4th sentence) | 20(4) |
| 26(3) (2nd sentence) | 26(3A) |
| 26(3) (2nd sentence) (i) | 26(3A)(a) |
| 26(3) (2nd sentence) (ii) | 26(3A)(b) |
| 26(9)(a) | 26(9) |
| 26(9)(b) | 26(9A) |
| 26(9)(b)(i) | 26(9A)(a) |
| 26(9)(b)(ii) | 26(9A)(b) |

| | |
|----------------------|----------|
| 29(3)(a) | 29(3) |
| 29(3)(b) | 29(3A) |
| 29(3)(c) | 29(3B) |
| 32(1A)(a) | 32(1A) |
| 32(1A)(b) | 32(1B) |
| 37(2) (2nd sentence) | 37(2A) |
| 38(2)(a) | 38(2) |
| 38(2)(a)(i) | 38(2)(a) |
| 38(2)(a)(ii) | 38(2)(b) |
| 38(2)(a)(iii) | 38(2)(c) |
| 38(2)(b) | 38(3) |
| 43(7) (2nd sentence) | 43(8) |
| 43(7) (3rd sentence) | 43(9) |
| 45(b)(i)–(ii) | 45(b) |

6 Transitional and savings provisions

Section 44 of Act No. 33 of 1989 provides—

Provisions re The Intellectually Handicapped Citizens Council of Queensland Trust Fund

44. On and from the commencement of section 35 of this Act the trust fund kept at the Treasury known as “The Intellectually Handicapped Citizens Council of Queensland Trust Fund” shall cease to exist and any moneys standing to the credit of that fund on that commencement shall be paid to Consolidated Revenue.