

Queensland



INTELLECTUALLY DISABLED CITIZENS ACT 1985

**Reprinted as in force on 5 June 1998
(includes amendments up to Act No. 22 of 1998)**

Reprint No. 3

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Information about this reprint

This Act is reprinted as at 5 June 1998. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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CITIZENS ACT 1985**

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INTELLECTUALLY DISABLED CITIZENS ACT 1985

[as amended by all amendments that commenced on or before 5 June 1998]

An Act to assist intellectually disabled citizens in the least restrictive way to exercise their rights and carry out their responsibilities in society and for related purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Intellectually Disabled Citizens Act 1985*.

Definitions

4. In this Act—

“**adult guardian**” means the adult guardian established under the *Powers of Attorney Act 1998*.

“**approved form**” see section 48A.¹

“**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.

“**citizen**” means an adult resident of Queensland.

“**council**” means the Intellectually Disabled Citizens Council of Queensland constituted under this Act.

¹ Section 48A (Approval of forms)

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“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 lawyer employed under the *Public Service Act 1996* as the legal friend.

“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 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 a member is taken to be employed by the chief executive.

(7) The chief executive must enter into a contract of insurance with WorkCover Queensland or another insurer for insurance for panel members.

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 decide that the application or review is to 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 decides that the application or review is to be allocated to a panel, the chairperson may constitute as a panel—

- (a) 3 people who are members or panel members or a combination of both, 1 of whom must be appointed by the chairperson as convenor of the panel; or
- (b) for a review, or an application for a review, that the chairperson considers would be appropriately dealt with by a single member panel—1 person who is a member or panel member and who must be appointed by the chairperson as convenor of the panel.

(3) If an application or review is allocated to a panel, the panel must—

- (a) proceed on the papers, that is, consider the written material and

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submissions placed before it, by the chairperson or by persons entitled to be present at the proceedings,² without an oral hearing unless—

- (i) the panel considers it inappropriate to do so; or
 - (ii) a person entitled to be present requires an oral hearing; and
- (b) decide the application or review unless the chairperson directs otherwise, for example, by asking the panel to make recommendations only.

(4) For this Act, a decision of a panel about an application or review is taken to be a decision of the council.

(5) 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.

(6) An appointment as convenor of a panel subsists only until such time as the panel furnishes its report and recommendations to the chairperson.

(7) 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.

² See section 29 (Notice of proceedings etc.) and section 30(3).

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. At a meeting of the council, a quorum is at least half the members constituting the council at the time, of whom 1 must be the chairperson.

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—

- (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.

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 AND ADULT GUARDIAN**Legal friend**

26.(1) Subject to the direction of the Minister, the legal friend may do any of the following—

- (a) obtain for or provide to an assisted citizen or the citizen's relative approved under this Act or, if a relative has not been approved, the citizen's nearest relative, information about the citizen's legal rights and legal procedures and specialised services that are available to help the citizen;
- (b) if the legal friend is satisfied that an assisted citizen cannot effectively instruct a lawyer—instruct a lawyer to act for the citizen;
- (c) liaise with government departments, other organisations or persons for an assisted citizen;

- (d) perform the other functions³ that are prescribed.

(2) In acting for an assisted citizen, the legal friend must carry out the citizen's wishes as expressed to the legal friend, or, if the citizen is unable to express his or her wishes, the legal friend must act in the way the legal friend considers the citizen would wish to act if the citizen were able to express his or her wishes.

Adult guardian

26A.(1) If the council authorises the adult guardian to act for an assisted citizen, the adult guardian may give consent for the citizen to medical, dental, 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.

(2) However, before deciding whether or not to consent, the adult guardian must—

- (a) take all reasonable steps to consult with relatives of the assisted citizen who are providing ongoing care for the citizen and give proper consideration to their view; and
- (b) take all reasonable steps to become as fully informed as possible on matters requiring consent and the options available; and
- (c) for paragraph (b), consult with—
 - (i) persons who are providing ongoing care for the assisted citizen; and
 - (ii) appropriate professional persons; and
 - (iii) relatives of the assisted citizen or other persons who appear to the adult guardian to have a proper interest in the wellbeing of the assisted citizen; and
- (d) ensure 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.

³ “Function” includes duty—*Acts Interpretation Act 1954*, section 36.

(3) If consenting, the adult guardian 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.

(4) However, the adult guardian must not consent if to consent would be inconsistent with a direction given by the assisted citizen in an advance health directive under the *Powers of Attorney Act 1998*.⁴

(5) Also, if a committee of the person of an assisted citizen is appointed under the *Mental Health Act 1974*, the adult guardian must not consent without the committee's agreement.

(6) Consent by the adult guardian may be given effect to, and, if given effect to, has the same force and effect as if the citizen—

- (a) had given the consent rather than the adult guardian; and
- (b) were of full legal capacity.

Acting before assisted citizen status

26B.(1) This section applies if the legal friend or adult guardian (the “officer”) considers that—

- (a) a citizen is an intellectually disabled citizen; and
- (b) obtaining the council's approval under section 31A would cause unreasonable delay.

(2) The officer may, with the chairperson's approval, act under this part for the citizen as if the citizen were an assisted citizen and the officer had been authorised under section 31A(4) to act for the citizen.

(3) However, when acting under subsection (2), the adult guardian may consent to treatment or care being carried out only if it is necessary to alleviate or prevent the citizen being subject to significant illness or suffering or to preserve the citizen's life.

(4) As soon as possible after acting under subsection (2), the officer must make or cause to be made an application under section 27.

⁴ Under section 31A(5), an assisted citizen's attorney (including a statutory health attorney) is subject to the adult guardian's control.

Protection when supplying information

26C. Supplying information to the legal friend or adult guardian for a purpose under this Act is not unprofessional conduct or a breach of professional ethics on the part of the person supplying the information.

Advice to council

26D. If asked, the legal friend or adult guardian must obtain advice for, or give advice to, the council.

Independence

26E. The legal friend and adult guardian are not accountable in the discharge of their duties under this Act to the council or the chief executive.

Powers of Attorney Act principles

26F. In performing a function or exercising a power, the legal friend and adult guardian must comply with the principles in the *Powers of Attorney Act 1998*, schedule 1.

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 any of the following persons—

- (a) an adult relative of the citizen;
- (b) a police officer;
- (c) the legal friend;
- (d) the adult guardian;

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- (e) an officer of the department authorised in that behalf by the chief executive;
- (f) 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 person may apply 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) the adult guardian; or
- (d) an 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)(f) 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, after that, as the council considers appropriate.

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 a proper 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 a proper 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 a proper 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, convener 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, convener 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 (3B) unless the chairperson or, as the case may be, convener of a panel, in a particular case, considers that there are circumstances that warrant leave being given.

Proceedings on applications and reviews

30.(1) In proceedings under section 28 or 29 concerning a citizen, procedure is according to the directions of the chairperson if it is not provided for by this Act.

(2) The chairperson may give procedural directions of general or limited application.

(3) In proceedings under section 28 or 29 concerning a citizen, the council or panel may—

- (a) receive in evidence in a proceeding a written report by a person on the citizen's circumstances; and
- (b) have regard to the matter contained in the report.

(4) The chairperson or, if the proceedings are before a panel, the convener may—

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- (a) authorise a person to interview the citizen and give the council or panel a written report on the citizen's circumstances; and
- (b) authorise the person to be present and to be heard at the proceedings.

(5) If the citizen does not attend the proceedings, the council or panel must receive a written report on the citizen's circumstances before deciding the application or review.

Example—

This may happen if the matter is decided on the papers (section 13A(3)(b)) or if the citizen is unable to attend because of the severity of the citizen's disability.

(6) The council or panel is not bound by any rules or practice as to evidence and may inform itself about a matter in the way it considers appropriate.

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

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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 adult guardian;

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

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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 adult guardian;
- (b) may, if it is of the opinion that the citizen is not competent in law as provided in subsection (3)(b), authorise the legal friend or adult guardian to act under part 2A for the citizen to the least extent required;
- (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

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- (ii) vary the kind and extent of assistance being provided to the citizen;

as the circumstances may require.

(5) If the council authorises the adult guardian to act under part 2A for the citizen, then, in relation to a matter for which the adult guardian may give consent, the citizen's attorney under the *Powers of Attorney Act 1998* (including a statutory health attorney) may exercise power only to the extent authorised by the adult guardian.

(6) Subsections (1) to (5) apply to a panel deciding an application or review as if it were the council.⁵

(7) 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 must give written notice to the public trustee to that effect in the approved 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

⁵ Under section 26A(4), the adult guardian must not consent if to consent would be inconsistent with a direction given by the citizen in an advance health directive.

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- (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 approved 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 notice 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 the *Public Trustee Act 1978*, part 6 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 must give written notice 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 must give written notice to the public trustee in the approved 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 the *Public Trustee Act 1978*, part 6, and the legal friend has instructed a lawyer to act for or on behalf of the citizen the lawyer 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 the *Public Trustee Act 1978*, section 6.

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

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 notice 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 the *Public Trustee Act 1978*, part 6,

- division 2; or
- (f) upon receipt by the public trustee of written notice that the citizen has died; or
 - (g) 14 days after the public trustee received the notice 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 give 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 written notice given to the chief executive;
- (b) by the chief executive by written notice 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—

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- (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

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in which an assisted citizen is at the material time—

- (a) the legal friend; or
- (b) the adult guardian; 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) If the occupier or person in charge refuses to allow the legal friend or adult guardian (the “**officer**”) to enter the premises, the officer may require the occupier or person in charge to show cause to the officer why 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

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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 adult guardian 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, adult guardian or a person referred to in subsection (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.

(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 give 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; and
- (e) the adult guardian.

(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.

Approval of forms

48A. The chief executive may approve forms for use under this Act.

Regulations

49.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made prescribing fees and charges under this Act.

ENDNOTES**1 Index to endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 5 June 1998. Future amendments of the Intellectually Disabled Citizens Act 1985 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 55 of 1993	12 November 1993
2	to Act No. 58 of 1995	29 January 1996
2A	to Act No. 37 of 1996	10 December 1996
2B	to Act No. 75 of 1996	12 May 1997

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Renumbered provisions	1

6 List of legislation

Intellectually Disabled Citizens Act 1985 No. 11 [prev Intellectually Handicapped Citizens Act 1985]

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

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

WorkCover Queensland Act 1996 No. 75 ss 1–2, 535 sch 2

date of assent 12 December 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 February 1997 (1996 SL No. 442)

Powers of Attorney Act 1998 No. 22 ss 1–2 ch 9 pt 3

date of assent 14 May 1998

ss 1–2 commenced on date of assent

remaining provisions commenced 1 June 1998 (1998 SL No. 123)

7 List of annotations**Long title** amd 1989 No. 33 s 4; R2 (see RA s 7(1)(k))**Short title****prov hdg** amd 1995 No. 58 s 4 sch 1**s 1** amd 1989 No. 33 s 5; 1995 No. 58 s 4 sch 1**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 “**adult guardian**” ins 1998 No. 22 s 167def “**approved citizen**” om 1989 No. 33 s 7(a)def “**approved form**” ins 1995 No. 58 s 4 sch 1def “**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)

om 1995 No. 58 s 4 sch 1

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)

amd 1995 No. 58 s 4 sch 1

sub 1996 No. 37 s 147 sch 2

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; 1995 No. 58 s 4 sch 1; 1996 No. 75 s 535 sch 2

Allocation of duties to panels

s 13A ins 1989 No. 33 s 14
amd 1993 No. 55 s 11; 1998 No. 22 s 168

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
amd 1998 No. 22 s 169

Meetings

s 19 sub 1989 No. 33 s 20; 1993 No. 55 s 14
amd 1998 No. 22 s 170

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 AND ADULT GUARDIAN

pt hdg ins 1989 No. 33 s 22
sub 1998 No. 22 s 171

Legal friend

s 26 sub 1989 No. 33 s 22
amd 1993 No. 55 s 18; 1995 No. 58 s 4 sch 1
sub 1998 No. 22 s 171

Adult guardian

s 26A ins 1998 No. 22 s 171

Acting before assisted citizen status

s 26B ins 1998 No. 22 s 171

Protection when supplying information

s 26C ins 1998 No. 22 s 171

Advice to council

s 26D ins 1998 No. 22 s 171

Independence

s 26E ins 1998 No. 22 s 171

Powers of Attorney Act principles

s 26F ins 1998 No. 22 s 171

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; 1998 No. 22 s 172

Review

s 28 sub 1989 No. 33 s 24
amd 1998 No. 22 s 173

Notice of proceedings etc.

s 29 sub 1989 No. 33 s 25
amd 1993 No. 55 s 20; 1998 No. 22 s 174

Proceedings on applications and reviews

s 30 sub 1989 No. 33 s 25; 1998 No. 22 s 175

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; 1995 No. 58 s 4 sch 1; 1998 No. 22 s 176

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; 1995
No. 58 s 4 sch 1

Solicitor not to act

s 33 amd 1989 No. 33 s 29; 1990 No. 88 s 3 sch; 1993 No. 55 s 24; 1995 No. 58
s 4 sch 1

Cessation of management

s 34 amd 1989 No. 33 s 30; 1995 No. 58 s 4 sch 1

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; 1995 No. 58 s 4 sch 1

Termination of appointment of volunteer friend

s 38 amd 1989 No. 33 s 34; 1995 No. 58 s 4 sch 1

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; 1995 No. 58 s 4 sch 1;
1998 No. 22 s 177

Offences generally and penalty

s 45 amd 1989 No. 33 s 39

Proceedings for offences

s 46 amd 1989 No. 33 s 40; 1995 No. 58 s 4 sch 1

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) amd 1989 No. 33 s 42
renum 1993 No. 55 s 27
amd 1995 No. 58 s 4 sch 1

Protection from liability

s 48 prev s 48 om 1993 No. 55 s 26
pres s 48 ins 1993 No. 55 s 28
amd 1998 No. 22 s 178

Approval of forms

s 48A ins 1995 No. 58 s 4 sch 1

Regulations

s 49 ins 1993 No. 55 s 28
amd 1995 No. 58 s 4 sch 1

Transitional provision about forms

s 50 ins 1995 No. 58 s 4 sch 1
exp 28 May 1996 (see s 50(3))

SCHEDULE

om R1 (see RA s 40)

8 List of forms**IDCA Form 1 Version 1, section 26(7) of the *Intellectually Disabled Citizens Act 1985* (“IDCA”)—Delegation of the Legal Friend**

notfd gaz 13 September 1996 pp 164–5

IDCA Form 3 Version 1, section 27 of the IDCA—Application Form

notfd gaz 13 September 1996 pp 164–5

IDCA Form 4 Version 1, section 27 of the IDCA—Review Form

notfd gaz 13 September 1996 pp 164–5

- IDCA Form 5 Version 1, section 31 of the IDCA—Request for Supply of Information**
notfd gaz 13 September 1996 pp 164–5
- IDCA Form 6 Version 1, section 32(1) of the IDCA—Notice to Public Trustee to Manage**
notfd gaz 13 September 1996 pp 164–5
- IDCA Form 7 Version 1, section 32(1A) of the IDCA—Urgent Notice for Public Trustee to Manage**
notfd gaz 13 September 1996 pp 164–5
- IDCA Form 8 Version 1, section 32(3) of the IDCA—Notice to Intellectually Disabled Citizens Council of Queensland of Adequate Arrangements for Management**
notfd gaz 13 September 1996 pp 164–5
- IDCA Form 9 Version 1, section 32(4) of the IDCA—Notice to Public Trustee to Resume Management of Estate**
notfd gaz 13 September 1996 pp 164–5
- IDCA Form 10 Version 1, section 34(f) of the IDCA—Notice to Public Trustee of Death of Assisted Citizen**
notfd gaz 13 September 1996 pp 164–5
- IDCA Form 11 Version 1, section 34(c) and (g) of the IDCA—Notice to Public Trustee to Cease Management**
notfd gaz 13 September 1996 pp 164–5
- IDCA Form 12 Version 1, section 44(2) of the IDCA—Notice to Show Cause**
notfd gaz 13 September 1996 pp 164–5
- IDCA Form 13 Version 1, section 44(3) of the IDCA—Notice to Show Cause**
notfd gaz 13 September 1996 pp 164–5
- IDCA Form 14 Version 1, section 44(6) of the IDCA—Complaint in Support of a Warrant to Enter Premises**
notfd gaz 13 September 1996 pp 164–5
- IDCA Form 15 Version 1, section 44 of the IDCA—Warrant to Enter Premises**
notfd gaz 13 September 1996 pp 164–5