



Queensland

# Guardianship and Administration Regulation 2012

## Subordinate Legislation 2012 No. 136

made under the

*Guardianship and Administration Act 2000*

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[s 1]

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Guardianship and Administration Regulation 2012*.

### **2 Commencement**

This regulation commences on 31 August 2012.

## **Part 2 Miscellaneous**

### **3 Prescribed recognised provisions—Act, s 167**

For section 167 of the Act, the Acts stated in schedule 1 are prescribed.

### **4 Prescribed visitable sites—Act, s 222**

- (1) For section 222 of the Act, definition *visitable site*, the places stated in schedule 2 are prescribed.
- (2) A reference in schedule 2 to the department that is mainly responsible for public health includes a reference to a Hospital and Health Service under the *Hospital and Health Boards Act 2011*.

## **Part 3                      Repeal**

### **5            Repeal of Guardianship and Administration Regulation 2000**

The Guardianship and Administration Regulation 2000, SL  
No. 126 is repealed.

## **Schedule 1      Recognised provisions**

section 3

*Adult Guardianship Act (NT)*

*Aged and Infirm Persons' Property Act (NT)*

*Guardianship Act 1987 (NSW)*

*Guardianship and Administration Act 1993 (SA)*

*Guardianship and Administration Act 1995 (Tas)*

*Guardianship and Administration Act 1990 (WA)*

*Guardianship and Administration Act 1986 (Vic)*

*Guardianship and Management of Property Act 1991 (ACT)*

*Protection of Personal and Property Rights Act 1988 (New Zealand)*

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## Schedule 2      Visitable sites

### section 4

A place, other than a private dwelling house, that is any of the following—

- (a) a place where a consumer lives that is wholly or partly funded by—
  - (i) the department that is mainly responsible for disability services; or
  - (ii) the department that is mainly responsible for public health;
- (b) a place where a consumer—
  - (i) lives; and
  - (ii) receives services from—
    - (A) the department that is mainly responsible for disability services; or
    - (B) an entity that receives financial assistance from the department that is mainly responsible for disability services, or from the department that is mainly responsible for public health, to supply the service;
- (c) for a consumer with a mental or intellectual impairment—a place, other than an aged care facility, where the consumer—
  - (i) lives; and
  - (ii) receives services from the department that is mainly responsible for public health;
- (d) for a consumer with impaired capacity for a personal matter or a financial matter or with a mental or intellectual impairment—a place where the consumer lives if—

- (i) a residential service conducted in the premises that the place is part of is registered under the *Residential Services (Accreditation) Act 2002* and personal care services are provided in the premises; or
  - (ii) there is a current application for level 3 accreditation under that Act of a residential service conducted in the premises that the place is part of; or
  - (iii) a residential service conducted in the premises that the place is part of is accredited at level 3 under that Act;
- (e) a place declared to be an authorised mental health service under the *Mental Health Act 2000*, section 495, where a consumer receives services as an inpatient;
  - (f) a place declared to be the forensic disability service under the *Forensic Disability Act 2011*, section 95.

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#### ENDNOTES

- 1 Made by the Governor in Council on 23 August 2012.
- 2 Notified in the gazette on 24 August 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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