



Queensland

Guardianship and Administration Regulation 2012

Explanatory Notes for SL 2012 No. 136

made under the

Guardianship and Administration Act 2000

General outline

Short title

Guardianship and Administration Regulation 2012.

Authorising law

Section 252 of the *Guardianship and Administration Act 2000*

Policy objectives and the reasons for them

The *Guardianship and Administration Act 2000* (the Act) establishes a comprehensive regime for the appointment of guardians and administrators to manage the personal and financial affairs of adults with impaired decision-making capacity in Queensland. The Act is to be read with the *Powers of Attorney Act 1998*, which establishes a scheme for the creation of general powers of attorney, enduring powers of attorney or advance health directives.

Similar legislation exists in other jurisdictions, establishing corresponding guardianship regimes. It is necessary to allow orders made under corresponding legislation to receive formal recognition under Queensland

law, so that the order may continue to operate where the principal or person with impaired capacity has subsequently relocated to Queensland.

The Act also creates and gives powers and functions to certain statutory positions to protect and promote the rights of adults with impaired decision-making capacity, including community visitors. Community visitors have an inquiry and complaint function to safeguard the interests of consumers at ‘visitable sites’.

The objectives of the Regulation are to support the operation of the Act.

Achievement of policy objectives

The Regulation achieves its objectives by:

- Prescribing the laws to be considered ‘recognised provisions’, so that an order made under a corresponding State, Territory or New Zealand law, may be recognised in Queensland under section 167 of the Act; and
- Prescribing the features of ‘visitable sites’, for the purpose of section 222 of the Act, to allow community visitors to perform their statutory functions.

The Regulation will commence on 31 August 2012 and will repeal and replace the *Guardianship and Administration Regulation 2000*.

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no identified impacts on the community as a result of the implementation of the Regulation.

Consistency with fundamental legislative principles

The Regulation does not conflict with fundamental legislative principles.

Consultation

The Queensland Civil and Administrative Tribunal, Queensland Health, the Department of Housing and Public Works, Queensland Treasury and Trade, the acting Adult Guardian and the Office of the Public Advocate were consulted about the regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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