

Guardianship and Administration and Other Legislation Amendment (Postponement) Regulation 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Yvette D'Ath MP, Attorney-General and Minister for Justice provide this human rights certificate with respect to the *Guardianship and Administration and Other Legislation Amendment (Postponement) Regulation 2020 (commencing remaining provisions)* (postponement regulation) made under the *Guardianship and Administration and Other Legislation Amendment Act 2019* (Amendment Act).

In my opinion, the postponement regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The *Guardianship and Administration Act 2000*, *Powers of Attorney Act 1998* and *Public Guardian Act 2014* form the legislative basis for the guardianship system in Queensland.

The objects of the Amendment Act include amending Queensland's guardianship legislation to:

- provide a focus on contemporary practice and human rights for adults with impaired capacity;
- enhance safeguards for adults with impaired capacity in the guardianship system; and
- improve the efficiency of Queensland's guardianship system or improve the clarity of Queensland's guardianship legislation.

The Amendment Act received assent on 11 April 2019.

Parts 2, 4 and 7 of the Amendment Act, which amended the *Government Owned Corporations Act 1993*, *Integrity Act 2009* and *Public Interest Disclosure Act 2010*, commenced on assent.

Section 2 of the Amendment Act provides for parts 3, 5, 6 and 8 and schedule 1 to commence on a day to be fixed by proclamation.

Under section 15DA(2) of the *Acts Interpretation Act 1954* (AIA), the remaining provisions of the Amendment Act will automatically commence on 12 April 2020. Section 15DA(3) of the AIA provides that, within 1 year of the assent day, a regulation may extend the period before commencement under section 15DA(2) to not more than 2 years of the assent day.

The postponement regulation will extend the period under section 15DA(2) of the AIA to the end of 31 July 2020, so that the remaining provisions of the Amendment Act will automatically commence on 1 August 2020. The postponement regulation will expire on 2 August 2020.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The postponement regulation will postpone automatic commencement of parts 3, 5, 6 and 8 and schedule 1 of the Amendment Act to 1 August 2020 and does not limit any human rights.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

The postponement regulation does not limit, restrict or interfere with human rights.

Conclusion

I consider that the postponement regulation is compatible with the *Human Rights Act 2019* because it does not limit any human rights.

YVETTE D'ATH MP
Attorney-General and Minister for Justice
Leader of the House