



Australian Capital Territory

Guardianship and Management of Property Amendment Act 2023

A2023-2

An Act to amend the *Guardianship and Management of Property Act 1991*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

J2022-451

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Guardianship and Management of Property Amendment Act 2023*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Guardianship and Management of Property Act 1991*.

**4 Principles to be followed by decision-makers
New section 4 (2) (aa)**

before paragraph (a), insert

- (aa) the decision-maker must provide or facilitate, as far as practicable, support necessary for the protected person to understand the decision to be made, participate in decision-making and communicate their wishes;

5 Section 4 (2) (c)

after

cannot be

insert

worked out or

**6 Appointment and powers of guardians
New section 7 (1A)**

after the notes, insert

- (1A) In considering subsection (1) (c), the ACAT must consider—
- (a) if support necessary for the protected person to make, participate in and communicate their own decisions were to be provided or facilitated—if it is reasonably likely the person’s—
 - (i) needs would be met; and
 - (ii) interests would be adequately protected; and
 - (b) if it is reasonably likely that the necessary support can be provided or facilitated.

**7 Appointment and powers of managers
New section 8 (1A)**

insert

- (1A) In considering subsection (1) (c), the ACAT must consider—
- (a) if support necessary for the protected person to make, participate in and communicate their own decisions were to be provided or facilitated—if it is reasonably likely the person’s—
 - (i) needs would be met; and
 - (ii) interests would be adequately protected; and
 - (b) if it is reasonably likely that the necessary support can be provided or facilitated.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 21 September 2022.

2 Notification

Notified under the [Legislation Act](#) on 15 February 2023.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Guardianship and Management of Property Amendment Bill 2023, which originated in the Legislative Assembly as the Guardianship and Management of Property Amendment Bill 2022 and was passed by the Assembly on 8 February 2023.

Clerk of the Legislative Assembly

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