2022

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Guardianship and Management of Property Amendment Bill 2022

A Bill for

An Act to amend the [Guardianship and Management of Property Act 1991](http://www.legislation.act.gov.au/a/1991-62%22%20%5Co%20%22A1991-62)

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

1 Name of Act

This Act is the *Guardianship and Management of Property Amendment Act 2022*.

2 Commencement

This Act commences on 1 January 2023.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended

This Act amends the [Guardianship and Management of Property Act 1991](http://www.legislation.act.gov.au/a/1991-62).

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](http://www.legislation.act.gov.au/a/2001-14) on 2022.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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