

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*

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

1 **1 Name of Act**

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

4 **2 Commencement**

5 This Act commences on 1 January 2023.

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

8 **3 Legislation amended**

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

11 **4 Principles to be followed by decision-makers**
12 **New section 4 (2) (aa)**

13 *before paragraph (a), insert*

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

18 **5 Section 4 (2) (c)**

19 *after*

20 cannot be

21 *insert*

22 worked out or

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

3 *after the notes, insert*

- 4 (1A) In considering subsection (1) (c), the ACAT must consider—
- 5 (a) if support necessary for the protected person to make, participate
6 in and communicate their own decisions were to be provided or
7 facilitated—if it is reasonably likely the person’s—
- 8 (i) needs would be met; and
- 9 (ii) interests would be adequately protected; and
- 10 (b) if it is reasonably likely that the necessary support can be
11 provided or facilitated.

12 **7 Appointment and powers of managers**
13 **New section 8 (1A)**

14 *insert*

- 15 (1A) In considering subsection (1) (c), the ACAT must consider—
- 16 (a) if support necessary for the protected person to make, participate
17 in and communicate their own decisions were to be provided or
18 facilitated—if it is reasonably likely the person’s—
- 19 (i) needs would be met; and
- 20 (ii) interests would be adequately protected; and
- 21 (b) if it is reasonably likely that the necessary support can be
22 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 2022.

3 Republications of amended laws

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

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