



Australian Capital Territory

Protection of Rights (Services) Legislation Amendment Act 2016

A2016-1

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Australian Capital Territory

Protection of Rights (Services) Legislation Amendment Act 2016

A2016-1

An Act to amend legislation about the protection of rights services, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Protection of Rights (Services) Legislation Amendment Act 2016*.

2 Commencement

This Act commences on 1 April 2016.

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 *Human Rights Commission Act 2005* and the *Public Trustee Act 1985*.

Note 1 This Act also amends the following legislation (see sch 1):

- *Domestic Violence Agencies Act 1986*
- *Guardianship and Management of Property Act 1991*
- *Victims of Crime Act 1994*.

Note 2 This Act also repeals the *Public Advocate Act 2005* (see s 62).

Part 2 Human Rights Commission Act 2005

4 Main objects of Act New section 6 (2) (da) and (db)

insert

- (da) acknowledge, protect and promote the rights of victims; and
- (db) promote the protection of children and young people and people with a disability from abuse and exploitation; and

5 Section 6 (2) (e), (f) and (h)

omit

disability services, health services, services for children and young people and services for older people

substitute

prescribed services

6 Section 6 (2) (i)

omit

disability services, health services, services for children and young people, and services for older people,

substitute

prescribed services

7 New section 6A

insert

6A What is a *prescribed service*?

For this Act, a *prescribed service* means—

- (a) a health service; and
- (b) a disability service; and
- (c) a service for children and young people; and
- (d) a service for older people; and
- (e) a service for victims of crime.

8 New section 9A

insert

9A What is a *service for victims of crime*?

A *service for victims of crime* is a service provided in the ACT specifically for victims of crime.

Examples—services for victims of crime

- counselling and grief support services
- court support services

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**9 Members of commission
New section 12 (1) (aa)**

before paragraph (a), insert

- (aa) the president;

10 New section 12 (1) (f), (g) and (1A)

insert

- (f) the public advocate;
- (g) victims of crime commissioner.

Note The victims of crime commissioner is also the domestic violence project coordinator (see *Domestic Violence Agencies Act 1986*, s 11).

- (1A) The president of the commission is the human rights commissioner.

**11 Commission's functions
Section 14 (1) (b) and (c)**

omit

disability services, health services, services for children and young people, and services for older people,

substitute

prescribed services

12 Section 14 (1) (d), (f), (g), (h) and (i)

omit

13 New section 14 (1A)

insert

- (1A) The commission must exercise its functions—
 - (a) with regard to the principle—
 - (i) of the indivisibility and universality of human rights; and
 - (ii) that every person is free and equal in dignity and rights; and

- (b) efficiently, with a view to providing the greatest possible benefit to the people of the ACT.

14 Section 14 (2)

omit

15 New divisions 3.2 and 3.2A

insert

Division 3.2 President

18 President's functions

- (1) The president has the following functions:
- (a) managing the administration of the commission;
 - (b) the efficient and effective financial management of the commission's resources;
 - (c) ensuring the commission's functions are exercised in an orderly and prompt way;
 - (d) developing a governance and corporate support protocol in accordance with section 18A;
 - (e) developing a client service charter in accordance with section 18B;
 - (f) developing an operations protocol in accordance with section 18C;
 - (g) ensuring, as far as practicable, the commission's functions are exercised in a way that takes into account, and is consistent with, the governance and corporate support protocol, the client service charter and the operations protocol;

- (h) reporting, or coordinating reporting, on behalf of the commission in accordance with subsection (2);
 - (i) promoting community discussion, and providing community education and information, about—
 - (i) this Act and related Acts; and
 - (ii) the operation of the commission; and
 - (iii) the procedures for making complaints;
 - (j) advising the Minister about any matter in relation to this Act or a related Act;
 - (k) collecting information about the operation of this Act and related Acts, and publishing the information;
 - (l) dealing with complaints about the operation of the commission (but not a complaint about a decision of a commissioner in relation to a complaint made under division 4.1);
 - (m) if the president considers that a commissioner has a real or perceived conflict of interest in relation to a complaint—considering the complaint or allocating responsibility for consideration of the complaint to another commissioner;
 - (n) any other function given to the president under this Act or another territory law.
- (2) The president—
- (a) must for each inquiry and review mentioned in section 14 (1) (e)—
 - (i) report, in writing, to the Minister and other appropriate entities about the inquiry or review; and
 - (ii) advise the Minister and other appropriate entities about the those matters; and

- (b) is responsible for giving reports under the following sections on behalf of the commission:
 - (i) section 17 (Minister's directions);
 - (ii) section 83 (Third-party reports);
 - (iii) section 84 (Commission-initiated reports);
 - (iv) section 87 (Reporting to Minister); and
- (c) may report, in writing, to the Minister on the following systemic matters:
 - (i) a matter of public importance relating to the commission, including how the commission handles complaints under the Act;
 - (ii) a matter affecting the system—
 - (A) for the protection of the rights of users of prescribed services (or a class of user) as a whole, rather than a matter affecting an individual alone; and
 - (B) for the provision of prescribed services (or a class of prescribed services) as a whole, rather than a matter affecting an individual alone.
- (3) The president may exercise any function given to any other commissioner under this Act or another territory law.
- (4) To remove any doubt, the Minister may, but need not, present advice mentioned in subsection (2) (a) to the Legislative Assembly.

Note A report under s 87 must be presented to the Legislative Assembly.

18A Governance and corporate support protocol

The president must—

- (a) after consulting with the director-general, prepare a draft governance and corporate support protocol for each 3-year period that includes—
 - (i) how the responsible directorate and the commission will consult and communicate with each other; and
 - (ii) a strategic plan for the 3-year period; and
 - (iii) how funding will be allocated within the commission for each year in the 3-year period; and
 - (iv) a budget for each commissioner mentioned in section 12 for each year in the 3-year period; and
 - (v) performance criteria to be met by the commission in each year of the 3-year period; and
 - (vi) financial and performance reporting and auditing requirements for the 3-year period; and
 - (vii) processes for requesting funding; and
 - (viii) anything else prescribed by regulation; and
- (b) give the draft plan to the director-general for approval; and
- (c) publish the approved plan on the commission's website.

18B Client services charter

The president must—

- (a) every 3 years, after consulting with the ACT community for 8 weeks, prepare a client service charter that states—
 - (i) how the commission will provide services to the community; and

- (ii) what the community can expect when dealing with the commission; and
- (b) publish the charter on the commission's website.

18C Operations protocol

The president must—

- (a) every 3 years, after consulting with the other commissioners, prepare a protocol consistent with part 4 (Complaints) that provides for the following:
 - (i) how enquiries and complaints generally will be received by the commission;
 - (ii) how enquiries will be dealt with within the commission;
 - (iii) how complaints will be referred within the commission;
 - (iv) how clients can access the commission's services;
 - (v) how the president undertakes advocacy and reporting on systemic matters under section 18 (2);
 - (vi) the kinds of questions or matters that may be considered at a commission meeting under section 33;
 - (vii) when complaints should be referred to other complaint handling entities;
 - (viii) anything else the commission considers appropriate;
 - (ix) anything else prescribed by regulation; and
- (b) publish the protocol on the commission's website.

Division 3.2A Appointment of commission members

18D Appointment of commission members

- (1) The Executive must appoint the commission members.

Note 1 For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) However, the Executive must not appoint a person as a member unless satisfied that the person has the experience or expertise necessary to exercise the member's functions.
- (3) A member must not be appointed for a term of longer than 5 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see [Legislation Act](#), s 208 and dict, pt 1, def *appoint*).

- (4) A member's conditions of appointment are the conditions agreed between the Executive and the member, subject to any determination under the [Remuneration Tribunal Act 1995](#).

18E Ending appointments

- (1) The Executive may end the appointment of a person as a commission member—

- (a) if the person contravenes a territory law; or
- (b) for misbehaviour; or
- (c) if the person becomes bankrupt or personally insolvent; or

Note **Bankrupt or personally insolvent**—see the [Legislation Act](#), dictionary, pt 1.

- (d) if the person is convicted, in the ACT, of an offence punishable by imprisonment for at least 1 year; or

- (e) if the person is convicted outside the ACT, in Australia or elsewhere, of an offence that, if it had been committed in the ACT, would be punishable by imprisonment for at least 1 year.
- (2) The Executive must end the person's appointment—
- (a) if the person is absent, other than on leave approved by the Minister, for 14 consecutive days or for 28 days in any 12-month period; or
 - (b) for physical or mental incapacity, if the incapacity substantially affects the exercise of the person's functions.

Note A person's appointment also ends if the person resigns (see [Legislation Act](#), s 210).

18F Delegation of member's functions

A commission member may delegate the member's functions under this Act or another territory law to another member or a commission staff member.

Note For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

16 Sections 19A, 19BA and 20

omit

17 Disability and community services commissioner's functions New section 21 (1) (aa) and (ab)

insert

- (aa) to exercise functions for the commission in relation to services for older people;
- (ab) to deal with the following complaints:
 - (i) a children and young people service complaint;

- (ii) a disability service complaint;
- (iii) an older people service complaint;
- (iv) complaints about the actions of a guardian or manager or a person acting or purporting to act under an enduring power of attorney;

18 Sections 21A, 22, 23A and 24

omit

**19 Health services commissioner's functions
Section 25 (1) (a)**

omit

and services for older people

20 Sections 25A, 26 and 27A

omit

21 New divisions 3.7A and 3.7B

insert

Division 3.7A Public advocate**27B Public advocate's functions**

- (1) The public advocate has the following functions:
 - (a) to advocate for the rights of people with a disability and, as part of advocating for those rights, doing the following:
 - (i) fostering the provision of services and facilities for people with a disability;
 - (ii) supporting the establishment of organisations that support people with a disability;

- (iii) encouraging the development of programs that benefit people with a disability (including advocacy programs, educational programs and programs to encourage people to act as guardians and managers);
 - (iv) promoting the protection of people with a disability from abuse and exploitation;
- (b) to advocate for the rights of children and young people and, as part of advocating for those rights, doing the following:
 - (i) fostering the provision of services and facilities for children and young people;
 - (ii) supporting the establishment of organisations that support children and young people;
 - (iii) promoting the protection of children and young people from abuse and exploitation;
- (c) to advocate matters about individual children or young people for whom the director-general under the *Children and Young People Act 2008* has parental responsibility;
- (d) monitoring the provision of services for the protection of children and young people;
- (e) dealing, on behalf of people with a disability and children and young people, with entities providing services;
- (f) any other function given to the public advocate under this Act or any other territory law.

Note The public advocate also has functions under the *Children and Young People Act 2008*.

(2) In this section:

disability means one of the following conditions if the condition gives rise to a need for protection from abuse, exploitation or neglect, or a combination of those things:

- (a) a physical, mental, psychological or intellectual condition;
- (b) a condition that would make a person a forensic patient.

forensic patient includes a person who has been—

- (a) apprehended by a police officer because the person's behaviour or statements indicate to the officer that the person may be suffering from a mental dysfunction or mental illness; or
- (b) found by a court or the ACAT to be unfit to plead; or
- (c) acquitted of a criminal charge because of mental impairment; or
- (d) found guilty of a criminal offence and is mentally dysfunctional or mentally ill, or has become mentally dysfunctional or mentally ill while serving a sentence of imprisonment.

mental dysfunction means a disturbance or defect, to a substantially disabling degree, of perceptual interpretation, comprehension, reasoning, learning, judgment, memory, motivation or emotion.

mental illness means a condition that seriously impairs (either temporarily or permanently) the mental functioning of a person and is characterised by the presence in the person of any of the following symptoms:

- (a) delusions;
- (b) hallucinations;

- (c) serious disorder of thought form;
- (d) a severe disturbance of mood;
- (e) sustained or repeated irrational behaviour indicating the presence of the symptoms mentioned in paragraphs (a), (b), (c) or (d).

Division 3.7B Victims of crime commissioner

27C Victims of crime commissioner's functions

- (1) The victims of crime commissioner has the following functions:
 - (a) to exercise functions for the commission in relation to services for victims of crime;
 - (b) to exercise any other function given to the commissioner under this Act or any other territory law.

Note The victims of crime commissioner also has functions under the *Domestic Violence Agencies 1986* (as the domestic violence project coordinator), the *Victims of Crime Act 1994* and the *Victims of Crime (Financial Assistance) Act 1983*.

- (2) The exercise of the function mentioned in subsection (1) (a) is subject to any decision of the commission about the exercise of its functions in relation to services for victims of crime.

22 Ending appointments

Division 3.8

omit

23 New section 31

insert

31 Presiding member at meetings

- (1) The president presides at all meetings at which the president is present.
- (2) If the president is absent, the member chosen by the members present presides.

**24 Quorum at meetings
Section 32**

omit

$\frac{1}{2}$ the

substitute

3

**25 Voting at meetings
New section 33 (2)**

insert

- (2) A question is decided by a majority of the votes of the members present and voting but, if the votes are equal, the member presiding has the deciding vote.

**26 Individual with more than 1 role
Section 34 (1), example**

substitute

Example

The disability and community services commissioner may be appointed as the health services commissioner.

27 Section 34 (3)

omit

$\frac{1}{2}$ the

substitute

3

**28 Allocating complaints
Section 50**

omit

**29 Referral of advocacy matters
Section 51A (2) and (3)**

omit

commission

substitute

disability and community services commissioner

**30 Considering complaints
Section 52 (1), new notes**

insert

Note 1 Responsibility for considering complaints may be in accordance with the operations protocol made under s 18C.

Note 2 If the president considers that a commissioner has a real or perceived conflict of interest in relation to a complaint, the president may consider the complaint or allocate responsibility for considering the complaint to another commissioner (see s 18 (1) (m)).

**31 Protection of others from liability
Section 100A**

omit

Civil proceedings do not lie against a person in relation to loss, damage or injury of any kind suffered by another person as a result

substitute

Civil or criminal liability is not incurred only because

32 Dictionary, definition of *children and young people commissioner*

substitute

children and young people commissioner means the commission member exercising the functions under section 19B.

33 Dictionary, new definition

insert

commissioner means the following:

- (a) the human rights commissioner;
- (b) the disability and community services commissioner;
- (c) the discrimination commissioner;
- (d) the health services commissioner;
- (e) the children and young people commissioner;
- (f) the public advocate;
- (g) the victims of crime commissioner.

34 Dictionary, definitions of *disability and community services commissioner* and *discrimination commissioner*

substitute

disability and community services commissioner means the commission member exercising the functions under section 21.

discrimination commissioner means the commission member exercising the functions under section 23.

35 Dictionary, definitions of *health services commissioner* and *human rights commissioner*

substitute

health services commissioner means the commission member exercising the functions under section 25.

human rights commissioner means the commission member exercising the functions under section 27.

36 Dictionary, new definitions

insert

president, of the commission—see section 12 (1A).

public advocate means the commission member exercising the functions under section 27B.

37 Dictionary, definition of *related Act*, new paragraph (ba)

insert

(ba) *Domestic Violence Agencies Act 1986*;

38 Dictionary, definition of *related Act*, new paragraphs (f) and (g)

insert

(f) *Victims of Crime Act 1994*;

(g) *Victims of Crime (Financial Assistance) Act 1983*.

39 Dictionary, new definitions

insert

service for victims of crime—see section 9A.

victims of crime commissioner means the commission member exercising the functions under section 27C.

Part 3 Public Trustee Act 1985

40 Long title

substitute

An Act appointing the public trustee and guardian, and for other purposes

41 Section 1

substitute

1 Name of Act

This Act is the *Public Trustee and Guardian Act 1985*.

42 Sections 5 and 6

substitute

5 Public trustee and guardian

The Public Trustee and Guardian is the person exercising the functions of public trustee and guardian (however described) in the public service.

6 Deputy public trustee and guardian

- (1) The director-general may appoint 1 or more public servants as deputy public trustee and guardian.
- (2) A deputy public trustee and guardian may exercise a function of the public trustee and guardian, subject to any direction of the public trustee and guardian.

**43 Public trustee a corporation sole
Section 8 (1) (a)**

omit

Public Trustee

substitute

Public Trustee and Guardian

44 New section 9A

in division 2.1, insert

9A Delegation by public trustee and guardian

- (1) The public trustee and guardian may delegate to a member of the public trustee and guardian's staff any function under this Act or another territory law.
- (2) However, the public trustee and guardian may only delegate the following functions to a person exercising the functions of deputy public trustee and guardian:
 - (a) acting as a guardian or manager when appointed by the ACAT;
 - (b) applying to the ACAT for an appointment of a person as guardian or manager under section 19C (b).

Note For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

**45 Capacities in which public trustee may act
New section 13 (1) (h)**

insert

- (h) a guardian or manager for a person if appointed by the ACAT.

46 New division 3.3*insert***Division 3.3 Appointment of public trustee and guardian as guardian or manager****19A Application—div 3.3**

This division applies if the public trustee and guardian is appointed by the ACAT as a guardian or manager under the *Guardianship and Management of Property Act 1991*.

19B Other functions of public trustee and guardian as guardian or manager

- (1) In addition to any other function given to the public trustee and guardian under the *Guardianship and Management of Property Act 1991* or another territory law, the public trustee and guardian has the following functions:
 - (a) representing people with a disability at hearings before the ACAT in relation to guardianship applications;
 - (b) representing forensic patients before the ACAT or a court;
 - (c) promoting community discussion, and providing community education and information, about the functions of the ACAT under the *Guardianship and Management of Property Act 1991*.
- (2) In this section:

disability means one of the following conditions if the condition gives rise to a need for protection from abuse, exploitation or neglect, or a combination of those things:

 - (a) a physical, mental, psychological or intellectual condition;
 - (b) a condition that would make a person a forensic patient.

forensic patient includes a person who has been—

- (a) apprehended by a police officer because the person's behaviour or statements indicate to the officer that the person may be suffering from a mental dysfunction or mental illness; or
- (b) found by a court or the ACAT to be unfit to plead; or
- (c) acquitted of a criminal charge because of mental impairment; or
- (d) found guilty of a criminal offence and is mentally dysfunctional or mentally ill, or has become mentally dysfunctional or mentally ill while serving a sentence of imprisonment.

mental dysfunction means a disturbance or defect, to a substantially disabling degree, of perceptual interpretation, comprehension, reasoning, learning, judgment, memory, motivation or emotion.

mental illness means a condition that seriously impairs (either temporarily or permanently) the mental functioning of a person and is characterised by the presence in the person of any of the following symptoms:

- (a) delusions;
- (b) hallucinations;
- (c) serious disorder of thought form;
- (d) a severe disturbance of mood;
- (e) sustained or repeated irrational behaviour indicating the presence of the symptoms mentioned in paragraphs (a), (b), (c) or (d).

19C Guardian or manager of last resort

If appointed as a guardian or manager by the ACAT, the public trustee and guardian must—

- (a) endeavour to find a suitable person to be appointed as the guardian or manager; and
- (b) if a suitable person is found—apply to the ACAT for the appointment of the person as guardian or manager.

19D Engagement of lawyer

The public trustee and guardian may engage a lawyer to appear before a court or tribunal in relation to the exercise of the public trustee and guardian’s functions under this division.

**47 Express powers of public trustee
Section 21 (1)**

omit

as an executor, administrator or trustee

substitute

in a trust or protective capacity as an executor, administrator, trustee, guardian or manager

48 Section 21 (1) (a)

substitute

- (a) buy, sell, realise and mortgage (with or without a power of sale) real and personal property, altogether or in parts, and subject to any condition the public trustee thinks fit; and

49 Section 21 (1) (p)

after

things

insert

(including execute all documents)

**50 Dealings with other public trustees
Section 30 (1) (a)**

omit

public trustee

substitute

public trustee and guardian

51 Section 30 (1)

omit

the public trustee may

substitute

the public trustee and guardian may

52 Section 30 (2) (a)

omit

public trustee

substitute

public trustee and guardian

53 Section 30 (2)

omit

the public trustee may

substitute

the public trustee and guardian may

54 Section 30 (3)

omit

public trustee

substitute

public trustee and guardian

**55 Establishment of board
Section 46**

omit

Public Trustee

substitute

Public Trustee and Guardian

56 New section 65A

in part 7, insert

65A Use and disclosure of protected information

- (1) An information holder commits an offence if—
 - (a) the information holder uses information; and
 - (b) the information is protected information about someone else;
and

- (c) the information holder is reckless about whether the information is protected information about someone else.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) An information holder commits an offence if—
 - (a) the information holder does something that discloses information; and
 - (b) the information is protected information about someone else; and
 - (c) the information holder is reckless about whether—
 - (i) the information is protected information about someone else; and
 - (ii) doing the thing would result in the information being disclosed to someone else.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) Subsections (1) and (2) do not apply if the information holder uses or discloses protected information about someone else (the *protected person*)—
 - (a) under this Act or another law applying in the ACT; or
 - (b) in relation to the exercise of a function, as an information holder, under this Act or another law applying in the ACT; or
 - (c) in a court proceeding; or
 - (d) with the protected person's consent.

Note The defendant has an evidential burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 58).

(4) An information holder need not disclose protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act or another law applying in the ACT.

(5) In this section:

court includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

disclose includes—

- (a) communicate; or
- (b) publish.

information means information, whether true or not, in any form and includes an opinion and advice.

information holder means—

- (a) a person who is or has been—
 - (i) the public trustee or guardian; or
 - (ii) a deputy public trustee or guardian; or
- (b) anyone else who exercises or has exercised a function under this Act.

produce includes allow access to.

protected information means information about a person that is disclosed to, or obtained by, an information holder because of the exercise of a function under this Act by the information holder or someone else.

use, in relation to information, includes make a record of the information.

57 Dictionary, definition of *board*

substitute

board means the Public Trustee and Guardian Investment Board.

58 Dictionary, definition of *deputy public trustee*

omit

59 Dictionary, new definition of *deputy public trustee and guardian*

insert

deputy public trustee and guardian means a deputy public trustee and guardian under section 6.

60 Dictionary, definition of *public trustee*

substitute

public trustee means—

- (a) the public servant who is the public trustee and guardian under section 5; or
- (b) the public trustee and guardian in its corporate capacity under section 8.

61 Further amendments, mentions of *public trustee*

omit

public trustee

substitute

public trustee and guardian

in

- sections 8 to 12
- part 3 heading
- sections 13 to 16
- division 3.2 heading
- sections 17 to 19
- part 4 heading
- sections 20 to 29A
- sections 31 to 33
- sections 34 to 45
- sections 47 to 53
- section 53G
- sections 55 to 69
- sections 71 and 72
- section 74

Part 4 Repeal

62 Repeal of Public Advocate Act 2005

The *Public Advocate Act 2005* (A2005-47) is repealed.

Schedule 1 Other amendments

(see s 3)

Part 1.1 Domestic Violence Agencies Act 1986

[1.1] Section 11

substitute

11 Domestic violence project coordinator

The victims of crime commissioner is the domestic violence project coordinator (the *coordinator*).

Note The victims of crime commissioner is a member of the human rights commission appointed under the [Human Rights Commission Act 2005](#), s 18D.

[1.2] Dictionary, definition of *coordinator*

substitute

coordinator—see section 11.

Note The victims of crime commissioner is the coordinator.

Part 1.2 Guardianship and Management of Property Act 1991

[1.3] Section 8AA (2) (a)

omit 1st mention of
public trustee
substitute
public trustee and guardian

[1.4] Section 8AA (2) (b)

omit
public trustee
substitute
public trustee and guardian

[1.5] Section 8AA (5)

omit 1st mention of
public trustee
substitute
public trustee and guardian

[1.6] Section 8AB (f)

omit

[1.7] Section 9 (2)

omit

public advocate, the public trustee,

substitute

public trustee and guardian,

[1.8] Section 9 (5)

omit

public advocate, the public trustee

substitute

public trustee and guardian

[1.9] Section 10 (2)

omit

public advocate, the public trustee

substitute

public trustee and guardian

[1.10] Section 10 (3)

omit

public advocate or public trustee

substitute

public trustee and guardian

[1.11] Section 30A

omit 1st mention of

public trustee

substitute

public trustee and guardian

[1.12] Section 32 (4)

substitute

- (4) If the notice indicates that the public trustee and guardian (the **public trustee**) or a person stated by the public trustee will act as guardian, the notice is taken to be an application for the appointment of the public trustee or person as the guardian.

[1.13] Section 32 (6)

substitute

- (6) If the notice indicates that the public trustee or a person stated by the public trustee has consented to act as manager, the notice is taken to be an application for the appointment of the public trustee or person as the manager.

[1.14] Section 64 heading

substitute

64 Request for accounts—enduring powers of attorney

[1.15] Section 64 (2)

after 1st mention of

public advocate

insert

or the public trustee and guardian (the *requestor*)

[1.16] Section 64 (2)

omit 2nd mention of

public advocate

substitute

the requestor

[1.17] Section 67 (3), definition of *emergency order*

substitute

emergency order means an order appointing the public trustee and guardian to be—

- (a) the guardian for a person under section 7; or
- (b) a manager of a person's property under section 8 or section 8AA.

[1.18] Section 72A (2) (h) and (i)

substitute

- (h) the public trustee and guardian; and

[1.19] Further amendments, mentions of *public advocate*

omit

public advocate

substitute

public trustee and guardian

in

- section 9 (1) and (4)
- section 32 (3) and (5)
- sections 32H to 32J
- section 68
- section 70

[1.20] Further amendments, mentions of *public trustee*

omit

public trustee

substitute

public trustee and guardian

in

- section 8AB
- sections 26 to 27AA
- section 64, note
- section 67
- section 75

Part 1.3 Victims of Crime Act 1994

[1.21] Division 3.1

omit

[1.22] Section 11, new note

insert

Note 1 The commissioner is a member of the human rights commission appointed under the [Human Rights Commission Act 2005](#), s 18D.

[1.23] Dictionary, definition of *commissioner*

omit

section 7

substitute

the [Human Rights Commission Act 2005](#), section 18D.

Note The commissioner is a member of the human rights commission (see [Human Rights Commission Act 2005](#), s 12 (1) (g)).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 November 2015.

2 Notification

Notified under the [Legislation Act](#) on 23 February 2016.

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 Protection of Rights (Services) Legislation Amendment Bill 2016, which originated in the Legislative Assembly as the Protection of Rights (Services) Legislation Amendment Bill 2015 and was passed by the Assembly on 9 February 2016.

Acting Clerk of the Legislative Assembly

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