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AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

GUARDIANSHIP AND MANAGEMENT OF PROPERTY REGULATIONS

EXPLANATORY MEMORANDUM

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## EXPLANATORY MEMORANDUM

## GUARDIANSHIP AND MANAGEMENT OF PROPERTY REGULATIONS

The Guardianship and Management of Property Act 1991 establishes the Guardianship and Management of Property Tribunal ("the Tribunal") which is empowered to make orders for the appointment of a guardian or manager (or both) to make decisions for a person ("the represented person") who is unable to make legally binding decisions because of a physical, mental, psychological or intellectual condition.

The Guardianship and Management of Property Regulations provide basic but necessary subordinate laws for the following purposes:

- . recognition of countries whose citizens may have guardianship orders registered with the Tribunal;
- . applications to the Tribunal to be in writing;
- . a standard application fee of \$20 with a waiver in hardship cases;
- . information which must be provided by a manager of the financial affairs of a represented person; and
- . the provision of an official seal for the Tribunal.

## Regulations

## Regulation 1: Citation

This Regulation identifies the subordinate laws as the Guardianship and Management of Property Regulations.

## Regulation 2: Interpretation

This Regulation identifies the Principal Act under which the Regulations are made (Guardianship and Management of Property Act 1991).

## Regulation 3: Corresponding laws of foreign countries

This Regulation allows the recognition of guardianship and management orders issued by countries which have similar guardianship legislation. The list of countries is based on the Hague Convention Abolishing the Requirement of Legislation for Foreign Documents which was tabled on 20 February 1991 in the ACT Legislative

Assembly. The ACT supported accession of the convention by the Commonwealth of Australia.

**Regulation 4: Applications to the Tribunal**

This Regulation specifies that applications to the Tribunal must be in writing.

**Regulation 5: Fees**

This Regulation applies a standard fee of \$20 to applications lodged with the Tribunal. A waiver may be granted in cases of hardship (Regulation 7), and no fee applies for official applications by the Community Advocate or the Public Trustee.

**Regulation 6: Manager's accounts**

This Regulation specifies the timing, documents and information to be lodged by a manager of the financial affairs of a represented person with the Public Trustee.

**Regulation 7: Waiver of fees**

This Regulation allows a waiver of fees where the fee would cause hardship and includes a waiver for applicants in receipt of Legal Aid.

**Regulation 8: Seal of the Tribunal**

This Regulations empowers the President of the Tribunal to approve a seal to be applied on orders issued by the Tribunal.