

MEDIA RELEASE
QUEENSLAND LAW REFORM COMMISSION
Guardianship Laws being Reviewed

The Law Reform Commission is reviewing Queensland's guardianship laws. These laws are designed to assist adults who are unable to make some or all of their own decisions. They might apply to adults whose ability to make decisions is affected for a range of reasons, including intellectual disability, mental illness, acquired brain injury or dementia.

The Commission has been asked to undertake the review in two stages. The first stage involves considering the guardianship law's 'General Principles' and confidentiality provisions. The Attorney-General has requested an interim report by 30 June 2006 on these two issues. The Commission will then commence its second stage, which involves reviewing the rest of the legislation.

The General Principles are a set of principles that must be applied by those making decisions on behalf of an adult with impaired capacity. These principles require a decision-maker to consider a range of factors including:

- an adult's human rights and individual value;
- the importance of the adult's participation in community life and their own decision-making; and
- the importance of maintaining the adult's existing supportive relationships.

The Commission's review will examine whether the General Principles contain an appropriate balance of factors that assist adults who are unable to make some or all of their own decisions.

In relation to confidentiality, the Commission's review will consider the importance of maintaining the privacy of adults with impaired capacity, whilst still promoting transparency in decision-making under guardianship laws.

The Chairperson of the Commission, Justice Atkinson said: 'The Law Reform Commission has had a long association with Queensland's guardianship laws. Its recommendations in the mid 1990s led to the enactment of Queensland's guardianship legislation and the Commission welcomes the opportunity to review and improve these laws.'

The Commission has begun the first stage of its review and is planning to publish an Issues Paper next year to seek the public's views on the General Principles and the confidentiality provisions. There will also be opportunities to participate in the review through focus groups and public forums. The Commission invites people to contact it to register an interest in being notified of developments in the review.

More information about the Commission's review can be obtained by visiting its website: <http://www qlrc.qld.gov.au/guardianship/> or by phoning (07) 3247 4544.