



Guardianship Review Newsletter

Edition 1 (April 2006)

WELCOME

Welcome to the first newsletter of the Queensland Law Reform Commission's Guardianship Review. The goal of this newsletter is to keep people informed of the progress of the Review and about forthcoming events.

If you have received this newsletter directly from the Commission, it is because you have registered an interest in the Review with us. If you have received it from another source, you may wish to complete a *Register an Interest* form (see attached) to ensure that you receive all future updates about the Review.

THE REVIEW

The Queensland Law Reform Commission has been asked by the Attorney-General to review Queensland's guardianship legislation and make recommendations as to how it could be improved. This legislation regulates the making of decisions by, and on behalf of, adults with impaired capacity. It deals with issues such as:

- When is an adult unable to make their own decisions?
- If an adult cannot make their own decisions, who should make them on their behalf?
- How should those decisions for an adult be made?

The Commission has been asked by the Attorney-General to report in two stages. The first stage will focus on reviewing the legislation's confidentiality provisions and its General Principles. The second stage involves reviewing Queensland's guardianship laws

more generally, although particular regard will be had to the matters specified in the Commission's terms of reference. The Commission will present its final report to the Attorney-General at the end of 2008.

The Commission has prepared a series of fact sheets to explain its processes and various areas of law such as the confidentiality provisions and the General Principles. These fact sheets, and the Review's terms of reference, can be downloaded from the Commission's website or are available on request from the Commission.

STAGE 1 OF THE REVIEW

Work on Stage 1 of the Review is well underway and the Commission is focusing first on the confidentiality provisions. A Discussion Paper is due to be released in July and the Commission will be consulting on that document until November. A final report on the confidentiality provisions is expected in March of next year. The Commission will then examine the General Principles, releasing first an Issues Paper, and then delivering its report after a period of consultation.

The Commission's consultation process on the confidentiality provisions is discussed below.

CONFIDENTIALITY DISCUSSION PAPER

As mentioned above, the Commission is currently preparing a Discussion Paper on the confidentiality provisions. The complexity of the provisions has meant that its preparation has taken longer than expected but the paper is due to be released in late July.

The Discussion Paper will be supplemented by:

- An Accessible Companion Paper – a more accessible version of the paper which will be approximately 20 pages long.
- A Key Issues Sheet – a 2 page document dealing with the key issues in the Review. There will be two versions of this document, one version which is written for adults with impaired capacity and the other for members of the public generally.

Finally, the Commission is also producing a 15 minute CD-ROM to help explore in an accessible way some of the issues raised by the confidentiality provisions. This presentation will involve a mixture of audio, video and other visual material.

On the *Register an Interest* form attached to this newsletter, people can nominate which documents they wish to receive.

PUBLIC CONSULTATION

After the release of the Confidentiality Discussion Paper, the Commission will be consulting widely for approximately three months. This consultation will occur throughout the State and the Commission will be travelling to a number of regional areas.

The consultation will include holding a number of public forums to promote widespread community participation in its review. We will also be holding focus groups to hear the views of different groups of people from particular interests or backgrounds. The Commission will also be inviting people to make written submissions or to contact the Commission in person or via telephone to share their views.

Further details of the Commission's public consultation process, including details of the dates, venues and times of public forums, will be included in a later newsletter and will also be posted on the Commission's guardianship website and advertised widely.

GUARDIANSHIP WEBSITE

The Commission has developed a section on its website that is dedicated to the Guardianship Review. It can be found at:

<http://www.qlrc.qld.gov.au/guardianship/>

The Commission has surveyed users of the site and is in the process of making changes in response to the feedback that we have received. We welcome any further comments you might have on the site.

HOW CAN YOU GET INVOLVED?

To ensure that you are notified of the Commission's consultation, we invite you to *Register an Interest* on the form attached to this newsletter.

Even if you have already registered an interest, you may still wish to complete this form to nominate whether you would like to receive the Commission's full Discussion Paper, or whether you would prefer to receive the Accessible Companion Paper, a Key Issues Sheet, or the CD-ROM.

If you would like more information about the Guardianship Review, please feel free to contact the Commission.

Queensland Law Reform Commission

Post: PO Box 13312, George Street Post Shop, Brisbane, QLD, 4003
Phone: (07) 3247 4544
Fax: (07) 3247 9045
Email: qlrcguardianship@justice.qld.gov.au
Web: <http://www.qlrc.qld.gov.au/guardianship/>



REGISTER YOUR INTEREST

QUEENSLAND LAW REFORM COMMISSION GUARDIANSHIP REVIEW	
Name	Mr/Ms/Mrs
Organisation and position (if appropriate)	
Postal Address	
Telephone Number (optional)	
Email Address	
Please tick here <input type="checkbox"/> if you would prefer to be sent information and material via email rather than post	
Interest in review (optional) eg, person with a decision-making disability, family, friend, carer, interest group.	
Preferred consultation method Would you prefer to be consulted by (please tick): <input type="checkbox"/> Discussion Paper (approx 150 pages) If so, would you prefer to receive it in: <input type="checkbox"/> hard copy or <input type="checkbox"/> electronically on CD <input type="checkbox"/> Accessible Companion Paper (approx 20 pages) <input type="checkbox"/> Key Issues Sheet (approx 2 pages) <input type="checkbox"/> Accessible CD-ROM presentation (approx 15 minutes)	
Please return to Queensland Law Reform Commission PO Box 13312 George Street Post Shop Brisbane QLD 4003 Fax: (07) 3247 9045 Email: qlrcguardianship@justice.qld.gov.au	