



Queensland

Public Guardian Regulation 2014

Subordinate Legislation 2014 No. 105

made under the

Adoption Act 2009

Child Protection Act 1999

Commission for Children and Young People and Child Guardian Act 2000

Corrective Services Act 2006

Guardianship and Administration Act 2000

Legal Profession Act 2007

Public Guardian Act 2014

Queensland Civil and Administrative Tribunal Act 2009

Statutory Bodies Financial Arrangements Act 1982

Youth Justice Act 1992

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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Public Guardian Regulation 2014*.

2 Commencement

- (1) This regulation, other than the provisions mentioned in subsection (2), commences on 1 July 2014.
- (2) Sections 7 and 8 commence on the commencement of the *Child Protection Reform Amendment Act 2014*, section 6.

Part 2 Visitable sites

3 Visitable sites—Act, s 39

- (1) For section 39 of the Act, definition *visitable site*, the places stated in schedule 1 are prescribed.
- (2) A reference in schedule 1 to the department that is mainly responsible for public health includes a reference to a Hospital and Health Service under the *Hospital and Health Boards Act 2011*.

Part 3 Amendment of Adoption Regulation 2009

4 Regulation amended

This part amends the *Adoption Regulation 2009*.

5 Amendment of sch 1 (Prescribed identity documents)

Schedule 1, item 9, ‘*Commission for Children and Young People and Child Guardian Act 2000*’—

omit, insert—

Working with Children (Risk Management and Screening) Act 2000

Part 4 Amendment of Child Protection Regulation 2011

6 Regulation amended

This part amends the *Child Protection Regulation 2011*.

7 Amendment of s 6 (Procedure about reporting matter of concern)

Section 6(2)(b), ‘section 148’—

omit, insert—

section 13F

8 Replacement of s 10 (Particulars to be included in report of harm to child)

Section 10—

omit, insert—

10 Information to be included in report to chief executive

For section 13G(2)(b) of the Act, the following information is prescribed for inclusion in the relevant person’s report—

- (a) the child’s name and sex;

- (b) the child's age;
- (c) details of how to contact the child;

Examples—

- the address at which the child usually lives
 - the name and address of the school the child attends
- (d) details of the harm to which the reportable suspicion relates;
 - (e) particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;
 - (f) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.

9 Amendment of s 15 (Report about information recorded under s 14)

- (1) Section 15, 'children's commissioner'—

omit, insert—

public guardian

- (2) Section 15, note—

omit.

Part 5

Amendment of Commission for Children and Young People and

Child Guardian Regulation 2011

10 Regulation amended

This part amends the *Commission for Children and Young People and Child Guardian Regulation 2011*.

11 Replacement of s 1 (Short title)

Section 1—

omit, insert—

1 Short title

This regulation may be cited as the *Working with Children (Risk Management and Screening) Regulation 2011*.

12 Amendment of s 4 (Documents relating to proof of identity—Act, sch 7, definition *proof of identity documents*)

Section 4(2)(c) and (4)(b), ‘commissioner’—

omit, insert—

chief executive

13 Amendment of sch 1 (Primary identification documents)

Schedule 1, seventh dot point—

omit.

14 Amendment of sch 4 (Fees)

Schedule 4, item 6, ‘commissioner’—

omit, insert—

chief executive

Part 6 **Amendment of Corrective Services Regulation 2006**

15 Regulation amended

This part amends the *Corrective Services Regulation 2006*.

16 Amendment of s 18 (Privileged mail)

(1) Section 18(1)(m)—

omit.

(2) Section 18(1)(n) to (s)—

renumber as section 18(1)(p) to (u).

(3) Section 18(1)—

insert—

(m) the public guardian under the *Public Guardian Act 2014*;

(n) a person appointed under the *Public Guardian Act 2014* as a community visitor (child);

(o) a person appointed under the *Public Guardian Act 2014* as a child advocacy officer;

Part 7 **Amendment of Guardianship and Administration Regulation 2012**

17 Regulation amended

This part amends the *Guardianship and Administration Regulation 2012*.

18 Omission of s 4 (Prescribed visitable sites—Act, s 222)

Section 4—

omit.

19 Omission of sch 2 (Visitable sites)

Schedule 2—

omit.

Part 8 Amendment of Legal Profession Regulation 2007

20 Regulation amended

This part amends the *Legal Profession Regulation 2007*.

21 Amendment of s 5 (Agencies for definition of government legal officer)

(1) Section 5(e)—

omit.

(2) Section 5—

insert—

- (ia) the office of the public guardian;
- (ib) the Public Safety Business Agency;

[s 22]

Part 9 **Amendment of Queensland Civil and Administrative Tribunal Regulation 2009**

22 **Regulation amended**

This part amends the *Queensland Civil and Administrative Tribunal Regulation 2009*.

23 **Amendment of s 10A (Application of pt 4)**

Section 10A(c), '*Commission for Children and Young People and Child Guardian Act 2000*'—

omit, insert—

Working with Children (Risk Management and Screening) Act 2000

24 **Amendment of sch 1 (Enabling Acts and provisions)**

(1) Schedule 1, part 6, '*Commission for Children and Young People and Child Guardian Act 2000*'—

omit.

(2) Schedule 1, part 6—

insert—

Working with Children (Risk Management and Screening) Act 2000

Part 10 **Amendment of Statutory Bodies Financial Arrangements Regulation 2007**

25 **Regulation amended**

This part amends the *Statutory Bodies Financial Arrangements Regulation 2007*.

26 **Amendment of sch 3 (Statutory bodies allocated category 1 investment power)**

(1) Schedule 3, entry for *Commission for Children and Young People and Child Guardian Act 2000*—

omit.

(2) Schedule 3—

insert—

Family and Child Commission Act 2014 Queensland Family and Child
Commission

Part 11 **Amendment of Youth Justice Regulation 2003**

27 **Regulation amended**

This part amends the *Youth Justice Regulation 2003*.

28 **Amendment of s 30 (Telephone calls)**

(1) Section 30(6)(c)—

renumber as section 30(6)(d).

[s 29]

(2) Section 30(6)(a) and (b)—

omit, insert—

- (a) the public guardian;
- (b) a community visitor (child);
- (c) a child advocacy officer;

29 Amendment of s 31 (Correspondence)

(1) Section 31(5)(c)—

renumber as section 31(5)(d).

(2) Section 31(5)(a) and (b)—

omit, insert—

- (a) the public guardian;
- (b) a community visitor (child);
- (c) a child advocacy officer;

(3) Section 31, note, '*Commission for Children and Young People and Child Guardian Act 2000*, section 114'—

omit, insert—

Public Guardian Act 2014, section 72

30 Amendment of s 34 (Reports of medical examination or treatment)

Section 34(4)(d), 'the commissioner or a community visitor;'—

omit, insert—

the following persons—

- (i) the public guardian;
- (ii) a community visitor (child);
- (iii) a child advocacy officer;

31 Amendment of s 37 (Information to be given to commissioner)

Section 37, ‘commissioner’—

omit, insert—

public guardian

32 Amendment of s 39 (Procedure for destruction of other property)

Section 39(2)(d), ‘a lawyer or community visitor’—

omit, insert—

a lawyer, community visitor (child) or child advocacy officer

33 Amendment of s 40 (Death of child in detention centre)

Section 40(d) and (e)—

omit, insert—

(d) the chief executive (child safety);

(e) a community visitor (child);

34 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *commissioner* and editor’s note—

omit.

(2) Schedule 2—

insert—

public guardian means the public guardian under the *Public Guardian Act 2014*.

Schedule 1 Visitable sites

section 3

Note—

An adult, with impaired capacity for a personal matter or a financial matter or with an impairment, who lives or receives services at a place prescribed in this schedule is a consumer. See the Act, section 39, definition *consumer*, paragraph (c).

A place, other than a private dwelling house, that is any of the following—

- (a) a place—
 - (i) where an adult with impaired capacity for a personal matter or a financial matter, or with an impairment, lives; and
 - (ii) that is wholly or partly funded by—
 - (A) the department that is mainly responsible for disability services; or
 - (B) the department that is mainly responsible for public health;
- (b) a place where an adult with impaired capacity for a personal matter or a financial matter, or with an impairment—
 - (i) lives; and
 - (ii) receives services from—
 - (A) the department that is mainly responsible for disability services; or
 - (B) an entity that receives financial assistance from the department that is mainly responsible for disability services, or from the department that is mainly responsible for public health, to supply the service;

- (c) a place, other than an aged care facility, where an adult with an impairment—
 - (i) lives; and
 - (ii) receives services from the department that is mainly responsible for public health;
- (d) a place—
 - (i) where an adult with impaired capacity for a personal matter or a financial matter, or with an impairment, lives; and
 - (ii) that is part of premises to which one of the following applies—
 - (A) a residential service conducted in the premises is registered under the *Residential Services (Accreditation) Act 2002* and personal care services are provided in the premises;
 - (B) there is a current application for level 3 accreditation under that Act of a residential service conducted in the premises;
 - (C) a residential service conducted in the premises is accredited at level 3 under that Act.

ENDNOTES

- 1 Made by the Governor in Council on 19 June 2014.
- 2 Notified on the Queensland legislation website on 20 June 2014.
- 3 The administering agency is the Department of Justice and Attorney-General.