



Queensland

Public Guardian Act 2014

Public Guardian Regulation 2014

Current as at 1 April 2016



Queensland

Public Guardian Regulation 2014

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Public Guardian Regulation 2014

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*.

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).

1 Prescribed visitable sites

- (1) 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;
 - (e) a place where a funded adult participant with impaired capacity for a personal matter or a financial matter, or with an impairment, lives.
- (2) In subsection (1)—

funded adult participant means an adult who is a participant and has a participant's plan.

NDIS Act means *National Disability Insurance Scheme Act 2013* (Cwlth).

participant has the meaning given by the NDIS Act, section 9.

participant's plan means a plan for a participant that is in effect under the NDIS Act, section 37.

plan, for a participant, has the meaning given by the NDIS Act, section 9.

1 Index to endnotes

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2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Current as at	Amendments included	Notes
1 July 2014	none	RA ss 7(1)(k), 40
19 January 2015	none	RA ss 7(1)(k), 40

Current as at	Amendments included	Notes
1 April 2016	2016 Act No. 9	

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Public Guardian Regulation 2014 SL No. 105

made by the Governor in Council on 19 June 2014
 notfd <www.legislation.qld.gov.au> 20 June 2014
 ss 1–2 commenced on date of notification
 ss 7, 8 commenced 19 January 2015 on the commencement of Child Protection Reform Amendment Act 2014 s 6 (see s 2(2) and 2014 SL No. 284)
 remaining provisions commenced 1 July 2014 (see s 2(1))
exp 1 September 2024 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.
 amending legislation—

Disability Services and Other legislation Amendment Act 2016 No. 9 pts 1, 6

date of assent 24 March 2016
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 April 2016 (see s 2)

5 List of annotations

SCHEDULE 1—VISITABLE SITES

sub 2016 No. 9 s 59