TERMS OF REFERENCE – LRAC Guardianship Reference

The Law Reform Advisory Council is asked to inquire into the terms and operation of the Guardian and Management of Property Act 1991, to ensure that the Act reflects best practice in guardianship law relating to adults. The review does not include consideration of guardianship of children which is primarily a parental responsibility.

In making any recommendations, the Council should have regard to the General Principles established in the United Nations Convention on the Rights of Persons with Disabilities focusing on the principle of respect for individual autonomy and dignity of persons, which is reflected in supported decision making frameworks.

The review will include consideration of:

1. The impact of the United Nations Convention on the Rights of Persons with Disabilities and other international human rights instruments, on principles for guardianship and management of property in the ACT;
2. The Act’s consistency with other relevant ACT legislation, in particular the Human Rights Act 2004, the Mental Health (Treatment and Care) Act 1994; the Powers of Attorney Act 2006 and the Disability Services Act 1991; and
3. Current policy trends in the area of guardianship and substitute decision-making in the ACT.

The Council will report to the Attorney-General on its findings by 30 September 2015.