



# Guardianship Amendment (Interstate Enduring Guardians) Regulation 2003

under the

Guardianship Act 1987

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Guardianship Act 1987*.

CARMEL TEBBUTT, M.L.C.,  
Minister for Disability Services

## Explanatory note

Section 6O of the *Guardianship Act 1987* provides for the recognition in this State of enduring guardians appointed in other States and Territories. The object of this Regulation is to prescribe, for the purposes of that section, instruments made under laws of other States or of Territories with the result that persons appointed under those instruments will be interstate enduring guardians within the meaning of that section.

This Regulation is made under the *Guardianship Act 1987*, including section 6O (as inserted by the *Guardianship Amendment (Enduring Guardians) Act 2002*) and section 108 (the general regulation-making power).

## **2003 No 529**

Clause 1            Guardianship Amendment (Interstate Enduring Guardians) Regulation 2003

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### **1 Name of Regulation**

This Regulation is the *Guardianship Amendment (Interstate Enduring Guardians) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 8 August 2003.

### **3 Amendment of Guardianship Regulation 2000**

The *Guardianship Regulation 2000* is amended as set out in Schedule 1.

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**Schedule 1 Amendment**

(Clause 3)

**Clause 5B**

Insert after clause 5A:

**5B Interstate enduring guardians**

For the purposes of the definition of *interstate enduring guardian* in section 6O (5) of the Act, the following instruments are prescribed:

- (a) a power of attorney created under Division 2 of Part II of the *Medical Treatment Act 1994* of the Australian Capital Territory,
- (b) an enduring power of attorney created under section 12 of the *Powers of Attorney Act 1956* of the Australian Capital Territory,
- (c) an enduring power of attorney made under Part 2 of Chapter 3 of the *Powers of Attorney Act 1998* of Queensland,
- (d) an advance health directive made under Part 3 of Chapter 3 of the *Powers of Attorney Act 1998* of Queensland,
- (e) a medical power of attorney made under Division 3 of Part 2 of the *Consent to Medical Treatment and Palliative Care Act 1995* of South Australia,
- (f) an appointment of an enduring guardian made under Part 3 of the *Guardianship and Administration Act 1993* of South Australia,
- (g) an appointment of an enduring guardian made under Division 5A of Part 4 of the *Guardianship and Administration Act 1986* of Victoria,
- (h) an enduring power of attorney (medical treatment) made under Part 2 of the *Medical Treatment Act 1988* of Victoria,
- (i) an appointment of an enduring guardian made under Part 5 of the *Guardianship and Administration Act 1995* of Tasmania.