

South Australia

# Guardianship and Administration Regulations 2015

under the *Guardianship and Administration Act 1993*

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## Legislative history

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### 1—Short title

These regulations may be cited as the *Guardianship and Administration Regulations 2015*.

### 3—Interpretation

In these regulations—

*Act* means the *Guardianship and Administration Act 1993*.

### 4—Public Advocate's annual report—prescribed particulars of warrant applications (section 24(2) of Act)

For the purposes of section 24(2) of the Act, the prescribed particulars of applications for warrants made during the year are as follows:

- (a) the number of applications for warrants made during the year;
- (b) the age, sex and details of the alleged mental incapacity of the persons to whom the applications related;
- (c) the grounds on which the applications were based;
- (d) the number of applications withdrawn during the year;
- (e) the number of warrants issued during the year;
- (f) the number of warrants refused during the year;
- (g) in relation to warrants issued—
  - (i) the age, sex and details of the mental incapacity of the persons to whom the warrants related;
  - (ii) the grounds on which the warrants were issued;

- (iii) the action taken under the warrants.

## **5—Limits on expenditure by administrators (section 39(3) of Act)**

- (1) For the purposes of section 39(3) of the Act, the administrator of the estate of a protected person cannot, except with the prior approval of the Tribunal, expend in any 1 year of administration more than the following amounts of money out of the estate in respect of the following matters:
  - (a) for accommodation costs (by way of rent or board and lodging) for the protected person—\$19 000;
  - (b) for premiums paid under the *Retirement Villages Act 1987*—\$100 000;
  - (c) for the maintenance of the protected person's spouse or domestic partner—
    - (i) the sum produced by adding together the amount of average weekly earnings applicable in respect of each week in that year; or
    - (ii) one half of the protected person's net income (that is to say, taxable income less tax) for the last financial year,whichever is the lesser;
  - (d) for the maintenance, education or advancement of the protected person's children and grandchildren—\$8 700.

- (2) In this regulation—

*average weekly earnings* means the amount published quarterly by the Commonwealth Statistician as the average full time adult ordinary time earnings across private and public sectors.

## **6—Reporting fees for private administrators (section 44 of Act)**

A fee prescribed for the purposes of section 44 of the Act in relation to the provision of a statement by an administrator of a protected person's estate to the Public Trustee for examination and preparation of a report for the Tribunal by the Public Trustee may be paid by the administrator from the protected person's estate.

## **7—Rate of remuneration for professional administrators (section 46(2) of Act)**

For the purposes of section 46(2) of the Act, the prescribed rate is \$71.50 for each hour.

## **8—Scale of legal practitioner fees (section 65(3) of Act)**

A legal practitioner (not being an employee of the Crown or a statutory authority) who represents a person under section 65 of the Act is entitled to receive fees for their services from the Minister in accordance with the scale prescribed by fee notice.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Guardianship and Administration Regulations 2015* revoked the following:

*Guardianship and Administration Regulations 2010*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2015	19	<i>Gazette 5.3.2015 p893</i>	29.3.2015: r 2
2020	108	<i>Gazette 4.6.2020 p2923</i>	1.7.2020: r 2
<b>2022</b>	<b>14</b>	<b><i>Gazette 17.2.2022 p496</i></b>	<b>21.3.2022: r 2</b>

### Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2020</i>
<i>r 6</i>	inserted by 108/2020 r 4	1.7.2020
<b>rr 7 and 8</b>	<b>inserted by 14/2022 r 3</b>	<b>21.3.2022</b>
<b><i>Sch 1</i></b>	<b><i>deleted by 14/2022 r 4</i></b>	<b>21.3.2022</b>
<i>Sch 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2020</i>

### Historical versions

1.7.2020