

SECOND READING SPEECH

GUARDIANSHIP AND ADMINISTRATION AMENDMENT **BILL 2013**

This Bill goes hand in hand with the Powers of Attorney Amendment Bill which has already been dealt with by this House.

The Guardianship and Administration Act allows a person to appoint another person or persons to make lifestyle decisions for them in the event that they are no longer capable of making those decisions. This person is referred to as an enduring guardian. An enduring guardian must act in accordance with the general principles laid down in the Act.

The Guardianship and Administration Act is not as deficient in protections for donors of a substitute decision-making power as the Powers of Attorney Act, but there is still room for improvement.

The amendments made by this Bill largely mirror the new provisions inserted in to the *Powers of Attorney Act* by the *Powers of Attorney Amendment Bill 2013*.

I spoke at length on the need for amendments to the Powers of Attorney Act when that Bill was before this House. As the same rationale apply here, I do not intend to repeat myself now.

Instead I will provide a brief outline of the amendments to the Guardianship and Administration Act contained in this Bill.

A provision is inserted to provide that a person appointed as an enduring guardian is entitled to obtain or be provided with any information that the appointer would be entitled to. This

provisions mirrors that inserted in to the Powers of Attorney Act.

A prohibition of conflict transactions has been introduced. Once again, this mirrors the new provisions inserted in to the Powers of Attorney Act.

An obligation has been imposed on the enduring guardian to keep accurate records of all dealings and actions taken under the power. Again, this mirrors the provision inserted in to the Powers of Attorney Act.

I commend the Bill to the House.