

FACT SHEET

Justice Miscellaneous (Advance Care Directives) Bill 2022

The Bill will make minor amendments that update and clarify a number of provisions in the *Guardianship and Administration (Advance Care Directives) Act 2021* (the ACD Act) following the passing of other amending legislation. The Bill also amends the *Tasmanian Civil and Administrative Tribunal Act 2020* (the TASCAT Act).

The nature of the amendments proposed in the Bill are:

- Updating terminology in the Advance Care Directives Act to substitute references to 'the Board' (being the former Guardianship and Administration Board) with references to the 'Tribunal' (being the Tasmanian Civil and Administrative Tribunal) (TASCAT). The Board ceased to exist when TASCAT commenced operations in November 2021.
- Inserting provisions in the Guardianship Act to give effect to amendments that were intended by the original Advance Care Directives Act, and address issues arising from the repeal of some provisions in the Guardianship Act by the TASCAT Act.
- Amending the TASCAT Act to address matters intended by the Advance Care Directives Act. These relate to provisions of the Guardianship Act that were repealed with the passing of the TASCAT Act.
- Inserting a definition of 'advance care directives' into the TASCAT Act and a definition of 'Tribunal' into the Guardianship Act for the purposes of clarity.
- Providing a commencement date for the Advance Care Directives Act of 21 November 2022.