

## DRAFT SECOND READING SPEECH

HON ELISE ARCHER MP

### *Justice Miscellaneous (Advance Care Directives) Bill 2022*

*\*check Hansard for delivery\**

Mr Speaker, I move that the Bill now be read a second time.

This Bill contains minor amendments that update and clarify a number of provisions in the *Guardianship and Administration (Advance Care Directives) Act 2021* (the Advance Care Directives Act).

Advance care directives are instructions around a person's future decisions regarding health care which enables Tasmanians to put their affairs in order when they are able, typically as they age. They can be an important part of end-of-life care.

As members will recall, the Advance Care Directives Act was passed by Parliament in October last year and provides greater clarity about advance care directives, including their legal status, and greater certainty about protections for health practitioners and others responsible for giving effect to them.

The Advance Care Directives Act also enables those who are providing health care to understand the values, wishes and preferences of a person at a time when they have lost the ability to make decisions and communicate those views.

The Advance Care Directives Act draws on the important and extensive work delivered by the Tasmania Law Reform Institute (TLRI) in its review of the *Guardianship and Administration Act 1995* (the Guardianship Act).

The minor amendments proposed in this Bill are needed now to reflect the abolition of the Guardianship and Administration Board and the transfer of responsibility for related proceedings to the Tasmanian Civil and Administrative Tribunal (TASCAT).

Mr Speaker, the need for these amendments arises because the Advance Care Directives Act and the *Tasmanian Civil and Administrative Tribunal Amendment Act 2021* (the TASCAT Amendment Act) were considered by Parliament at approximately the same time last year.

Due to the similar timing, the TASCAT Amendment Act could not amend the Advance Care Directives Act at that time, in respect of terminology and other matters that were intended to be transferred to TASCAT.

These amendments are now required, as I am pleased to advise the commencement date for the Advance Care Directives Act will be 21 November 2022, as reflected by a suitable amendment in this Bill.

Many of the amendments simply substitute references to the 'Board' (being the Guardianship and Administration Board) in the Advance Care Directives Act with references to 'Tribunal', to reflect the commencement of TASCAT in November 2021.

Mr Speaker, the Bill also updates some provisions contained in the Advance Care Directives Act to address matters that were repealed in the Guardianship Act and are now reflected in the TASCAT Amendment Act.

For example, this includes giving effect to the Advance Care Directives Act's amendment to extend protections available to the former Guardianship and Administration Board, to the Public Guardian. These relate to actions taken by the Public Guardian, or information provided, as a consequence of the expanded responsibility of the Public Guardian in relation to advance care directives.

The Bill also inserts a definition of 'Tribunal' into the Guardianship Act and a definition of 'advance care directives' into the *Tasmanian Civil and Administrative Tribunal Act 2020*, for the purposes of clarity.

Finally, Mr Speaker, as I mentioned before, the Bill provides for a commencement date for the Advance Care Directives Act of 21 November 2022. This is required to ensure that amendments to the Guardianship Act and the TASCAT Amendment Act have commenced prior to Parliament's consideration of the second tranche of reforms to the Guardianship Act in a Bill which I intend to consult on in October.

In conclusion, the proposed amendments are administrative in nature and will enable the Advance Care Directives Act to commence.

Mr Speaker, I commend the Bill to the House.