

GUARDIANSHIP AND ADMINISTRATION ACT — STATUTORY REVIEW — RECOMMENDATIONS

235. Hon NICK GOIRAN to the parliamentary secretary representing the Attorney General:

I note that it has now been more than 1 500 days since the Attorney General promised to expedite the enactment of amendments to the law surrounding enduring powers of attorney and guardianship.

- (1) Does the Attorney General recall telling the Select Committee into Elder Abuse on 26 April 2018 that a bill to amend the Guardianship and Administration Act 1990 was approved by cabinet in December 2017 and that it was anticipated that the amendment bill would be introduced in the spring session?
- (2) Is he aware that the select committee's twenty-fourth recommendation was that the government introduce a bill to amend the Guardianship and Administration Act 1990 to implement the recommendations contained in the 2015 statutory review of the act as a matter of urgency?
- (3) Is he aware that the government's response to that recommendation was —

As per the McGowan Government election commitment, the Government has committed to expedite the enactment of amendments set out in the recommendations of the Statutory Review. It is anticipated the Amendment Bill will be introduced in the first half of 2019.
- (4) Does the government retain any intention to introduce these amendments?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question. I provide the following response on behalf of the Attorney General.

- (1)–(4) The government has already implemented some of the recommendations of the statutory review as part of legislation urgently enacted in April 2020 in response to the COVID-19 pandemic. The Guardianship and Administration Amendment (Medical Research) Act 2020 expedited particular recommendations from the statutory review in relation to enabling and safeguarding decision-making processes to be carried out in respect of medical research. It was urgent that this be enabled for treatment of COVID-19, which only existed as an experimental treatment. As this indicates, all governments have had to adapt their legislative agendas to meet their overarching responsibility to respond appropriately to COVID-19. The government remains committed to introducing the remaining amendments to the act recommended in the statutory review, and these are being actively progressed.