

STANDING COMMITTEE ON LEGISLATION

*Forty-eighth Report — “Guardian and Administration Amendment (Medical Research) Bill 2020 and Amendments Made by the Guardianship and Administration Amendment (Medical Research) Act 2020” —
Tabling*

HON DR SALLY TALBOT (South West) [1.09 pm]: I am directed to present for tabling the forty-eighth report of the Standing Committee on Legislation titled “Guardianship and Administration Amendment (Medical Research) Bill 2020 and Amendments Made by the Guardianship and Administration Amendment (Medical Research) Act 2020”.

[See paper [4668](#).]

Hon Dr SALLY TALBOT: The report that I have tabled advises the house of the committee’s findings and recommendations following its inquiry into the Guardianship and Administration Amendment (Medical Research) Bill 2020 and the resulting act, the Guardianship and Administration Amendment (Medical Research) Act 2020.

Medical research involving incapacitated people was previously conducted in Western Australia based on laws governing medical treatment. However, this practice was discontinued in 2018 after the Department of Health issued guidance to health service providers in Western Australia advising them against performing medical research in this way. The discontinuance of medical research involving incapacitated people has negatively affected the treatment of patients with conditions such as dementia, traumatic brain injury and cardiac arrest. It has also created a barrier to developing treatments for new illnesses.

The bill and the resulting act have introduced a comprehensive framework of laws to enable medical research involving incapacitated patients to resume in Western Australia. The committee is of the view that the new laws introduce important safeguards that will protect incapacitated research candidates involved in medical research.

The Department of Health advised the committee in October 2020 that nobody has been enrolled in medical research since the introduction of the bill and the resulting act. However, the committee is of the view that there are currently no legislative barriers to recommencing medical research involving incapacitated people in Western Australia. The committee made three recommendations to improve the new laws. These are to amend the definition of “independent medical practitioner” to alleviate confusion among health service providers about who can perform this role; to amend the definition of “lead researcher” to allow nurses, psychiatrists, paramedics and other allied health professionals to be a lead researcher; and to repeal the four-year sunset clause that will delete the provision allowing medical research involving incapacitated research candidates in urgent circumstances.

I commend the report to the house.