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BACKGROUND

SENIORS ADVOCATE ACT

All referenced Acts appear in alphabetical order

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Schedule 1

Definitions

In this Act...

"personal information" means recorded information about an identifiable individual other than contact information;

"social media site" means the Internet site referred to as Facebook, YouTube, Twitter or MySpace or a prescribed social media site;

INTERPRETATION ACT

Powers to make regulations

- 41** (1) If an enactment provides that the Lieutenant Governor in Council or any other person may make regulations, the enactment must be construed as empowering the Lieutenant Governor in Council or that other person, for the purpose of carrying out the enactment according to its intent, to
- (a) make regulations as are considered necessary and advisable, are ancillary to it, and are not inconsistent with it,
 - (b) provide for administrative and procedural matters for which no express, or only partial, provision has been made,
 - (c) limit the application of a regulation in time or place or both,
 - (d) prescribe the amount of a fee authorized by the enactment,
 - (e) provide, for a regulation made by or with the approval of the Lieutenant Governor in Council, that its contravention constitutes an offence, and
 - (f) provide that a person who is guilty of an offence created under paragraph (e) is liable to a penalty not greater than the penalties provided in the *Offence Act*.
- (2) A regulation made under the authority of an enactment has the force of law.

OFFENCE ACT

General offence

- 5** A person who contravenes an enactment by doing an act that it forbids, or omitting to do an act that it requires to be done, commits an offence against the enactment.

BACKGROUND

SENIORS ADVOCATE ACT

All referenced Acts appear in alphabetical order

PUBLIC SERVICE ACT

Appointment by Lieutenant Governor in Council

15 (1) The Lieutenant Governor in Council may appoint persons the Lieutenant Governor in Council considers

(a) will be acting in a confidential capacity to the Lieutenant Governor, Executive Council or a member of the Executive Council, or

(b) will be appointed to a position that requires special professional, technical or administrative qualifications.

(2) A person referred to in subsection (1) (a) or (b) may be appointed by the Lieutenant Governor in Council on terms and conditions, including remuneration, authorized by the Lieutenant Governor in Council or set out in the regulations.

(3) This Act, other than subsections (1) and (2) and sections 21 and 25 (3), does not apply to a person appointed under this section.



Legislative Review Committee

Briefing Note (2012 Legislative Program)

Minister: Honourable Dr. Margaret MacDiarmid, Minister of Health
Honourable Ralph Sultan, Minister of State for Seniors

Ministry: Health

Date: 23/11/12

Ministry Document #: H12-20

Legislation: *Seniors Advocate Act*

Summary and Purpose:

New standalone legislation is required to enable the creation and operation of an Office of the Seniors Advocate.

Issues to be Resolved by the Amendment/Bill:

In February 2012, the Province announced that it would establish an Office of the Seniors Advocate as part of "*Improving Care for B.C. Seniors: An Action Plan*".

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Honourable Ralph Sultan
Date Signed

Contact: Corrie Campbell, Director,
Legislation Branch
(250) 952-2281


Honourable Dr. Margaret MacDiarmid
Date Signed

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Legislative Review Committee MINUTES

December 12, 2012

9:00 a.m. – 1:00 p.m.

Chambers / Premier's Vancouver Office

Attendance

Members Present:	Honourable Shirley Bond Honourable Ida Chong Honourable Moira Stilwell Douglas Horne John Rustad	Chair, JAG ARR MSD MLA MLA
Members Absent:	Honourable Mike de Jong Honourable Norm Letnick Blair Lekstrom	Vice Chair, FIN AGRI MLA
Guest Ministers:	Minister MacDiarmid Minister Sultan	HLTH SS
Officials	Neil Sweeney Ken Dawson Shazia Rana Corinne Swystun Sherie Verhulst Janet Erasmus Stephanie Weinhold Ken Downing Scott Webber Penelope Chandler Heather Davidson Sandra Carroll Corrie Campbell Lori Wanamaker Richard Fyfe Jay Chalke Kevin Jardine Karen Ayers Fraser Marshall Sam MacLeod Barry Bieller Diane Roberts Betty Graf Jennifer Furry Sheila Doyle	Office of the Premier Office of the Premier Office of the Premier Chief Legislative Counsel Legislative Counsel Legislative Counsel Legislative Counsel Legislative Counsel Legislative Counsel FIN HLTH HLTH HLTH JAG JAG JAG JAG EMNG JAG JAG EMNG JAG JAG Cabinet Operations Cabinet Operations

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Decision Items

1. Seniors' Advocate Act

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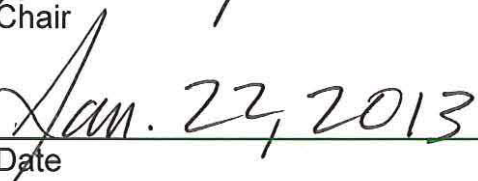
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Honourable Shirley Bond
Chair


Date

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4.

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5.

Not Responsive

6.

Not Responsive



Honourable Ida Chong
A/Chair

Date

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(3) This Act, other than subsections (1) and (2) and sections 21 and 25 (3), does not apply to a person appointed under this section.

Legislative Review Committee

Briefing Note (2013 Legislative Program)

Minister: Honourable Dr. Margaret MacDiarmid, Minister of Health
Honourable Ralph Sultan, Minister of State for Seniors

Ministry: Health

Date: Ministry Document #: HL12-25

Legislation: *Seniors Advocate Act*

Summary and Purpose:

New standalone legislation is required to enable the creation and operation of an Office of the Seniors Advocate. A revised version of Seniors Advocate Act Bill is being brought back to Legislative Review Committee for further consideration.

Issues to be Resolved by the Amendment/Bill:

In February 2012, the Province announced that it would establish an Office of the Seniors Advocate as part of "*Improving Care for B.C. Seniors: An Action Plan*".

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Dr. Ralph Sultan
Honourable Ralph Sultan

14 January 2013
Date Signed

Contact: Corrie Campbell, Director,
Legislation Branch
(250) 952-2281

Margaret I
Honourable Dr. Margaret MacDiarmid

14 January 2013
Date Signed

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Legislative Review Committee

Briefing Note (2012 Legislative Program)

Minister: Honourable Dr. Margaret MacDiarmid, Minister of Health
Honourable Ralph Sultan, Minister of State for Seniors

Ministry: Health

Date: 23/11/12

Ministry Document #: H12-20

Legislation: *Seniors Advocate Act*

Summary and Purpose:

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Honourable Ralph Sultan
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Contact: Corrie Campbell, Director,
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Honourable Dr. Margaret MacDiarmid
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February 25, 2013

Honourable Margaret MacDiarmid
Minister of Health

Honourable Ralph Sultan
Minister of State for Seniors

Re: **2013 Legislative Program**

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Sheila Doyle, Secretary
Legislative Review Committee

pc: Graham Whitmarsh, Deputy Minister
Ministry of Health

Corinne Swystun, Chief Legislative Counsel
Ministry of Justice

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ISSUE NOTE

Issue:

- Seniors Advocate Appointment

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Background:

- On February 20, 2013, the Minister of Health introduced the Seniors Advocate Act to create Canada's first seniors advocate. Establishing an Office of the Seniors' Advocate is a key commitment in Improving Care for BC Seniors: An Action Plan , released February 2012.
- At the time of writing, the Act has not yet advanced to second reading. If enacted, a hiring procedure will need to be in place to recruit the seniors advocate.
- Under the Act, the Lieutenant Governor in Council must appoint a seniors advocate. The appointment under subsection (1) must be made under section 15 (1) (b) of the Public Service Act.

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Pages 77 through 133 redacted for the following reasons:

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