
NEWS RELEASE

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Ministry of Attorney General
and Minister Responsible for Multiculturalism

BILL UPDATES GUARDIANSHIP AND PERSONAL PLANNING LAWS

VICTORIA – The Adult Guardianship and Planning Statutes Amendment Act will offer greater clarity for families regarding adult guardianship and more planning options for adults in case of incapacity, said Attorney General Wally Oppal today as he introduced Bill 32 in the legislature.

“This bill is an important step forward for a province with a growing population of elderly citizens,” said Oppal. “These amendments follow several years of broad-based consultations among stakeholders and the public. British Columbians must have the legal tools to make effective personal plans for possible future incapacity. Further, a reliable guardianship system must be in place if a personal plan fails, or if a person decided not to make a plan.”

As part of today’s amendments, new provisions of the Adult Guardianship Act will replace the committee regime under the Patients Property Act with an updated approach to court-ordered and statutory guardianship.

“The replacement of the outdated Patients Property Act is welcome news,” said Public Guardian and Trustee Jay Chalke. “This new guardianship law better protects the rights and enhances the dignity and autonomy of adults who have a guardian, while still providing effective protection when needed.”

The act enhances personal planning options for British Columbians by strengthening and clarifying legal tools to address financial and personal care decisions, such as enduring powers of attorney and representation agreements. As well, it introduces an additional planning option, called an advance directive, for health-care decisions.

“The new law ensures that a person’s wishes can be effectively carried out and that a planning document will be valid when it is most needed,” said Health Minister George Abbott. “The introduction of advance directives gives British Columbians another choice for communicating their health-care wishes.”

“The new legislation recognizes that, as we age or are facing a life-threatening illness, some of us will lose the capacity to make decisions about health care when we need to,” said Carolyn Tayler, president of the BC Hospice Palliative Care Association. “This act offers people planning instruments that are both accessible and have the appropriate safeguards to protect against misuse.”

Interest in personal planning is on the rise, and public consultations indicate a need for clear and accurate information. Government will take steps in the coming years to provide resources on all incapacity planning options.

For more information on advance directives, visit the Ministry of Attorney General's website at www.ag.gov.bc.ca/personal-planning/index.htm.

1 backgrounder(s) attached.

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