



## North Shore News Column.

### Older & Wiser

By Tom Carney

## New B.C. legislation receives mixed review

### Seniors' advocate's independence questioned

By Tom Carney, Special to North Shore News April 28, 2013

LEGISLATION has been introduced by the B.C. Government to create the country's first-ever provincial seniors' advocate.

It is not yet known when the position will take effect or who will be appointed to the role, but at least it's done.

Let's see if the government got this one right.

The seniors' advocate isn't going to help Auntie Jane get a refund on her toaster.

Not every senior will be happy with that approach, but given the number of seniors in the province, it would be impossible for the office to take on trying to deal with personal complaints.

Instead, the office has been structured to look at systemic issues and to make recommendations to government to improve the welfare of seniors.

The legislation defines seniors services very broadly to include prescribed programs, services or systems of support, in relation to health care, personal care, housing, transportation or income support that are used by or associated with seniors.

It's a pretty broad mandate.

A public consultation on the role and function of the seniors' advocate took place over the spring and summer of 2012.

The preferred option that emerged from the consultation process was to establish the Office of the Seniors' Advocate as independent from government and the legislature similar to the B.C. Ombudsperson, the Auditor General of B.C. and the B.C. children's advocate.

A number of individuals and organizations stressed that without this independence, the position would not have the voice or legitimacy the position requires.

News that the seniors advocate will be appointed by government came as a surprise and a disappointment to most of the observers following this file.

At a recent all-candidates meeting sponsored by the North Shore Services to Seniors Coalition, I asked incumbent MLA Ralph Sultan, who served as the Minister of State for Seniors, about that decision. Sultan acknowledged that the preference that came out of the public consultation process was for an independent office. Sultan disagreed with the suggestion that the office lacked independence and would not be able to hold the government accountable.

He argued that the legislation to create the Office of the Seniors' Advocate promotes the advocate's ability to advise the government in an independent manner. He noted that the advocate may report to the public in any manner and on any matter pertinent under the act. He also noted that the minister must release any reports or requests received from the advocate in a timely way.

The legislation allows for the establishment of an advisory council and further allows the advocate to engage in activities like research. Sultan cautioned those in attendance not to give away the powers of elected representatives, including opposition MLAs, to those who are not accountable to the legislature.

What he didn't say, but what is obvious, is that given the beating the government has taken over the last 12 years from the aforementioned independent advocates, the idea of adding another one to the mix was about as appealing to government as bringing back the HST.

For me it's not the status of the advocate that is important, it's what happens with the reports once they are delivered to government that counts.

The fact is that advocates can investigate and make recommendations, but only government can implement changes. Advocates need to hold the government to account but when the independent advocates of the legislature are viewed by the government as political adversaries, not a lot is likely to happen with their reports.

I think that is what has happened here. The recent report on seniors care from the Ombudsperson, for example, was absolutely scathing, but it has been mostly ignored by the government.

I suspect that a report that is delivered by an advocate who works collaboratively with government and other agencies and reports annually to the minister would have a better chance of being implemented by the government of the day. But that is a minority view.

For those who think we would be better served by having an independent seniors' advocate, time may be on their side. At the same coalition meeting referenced earlier, Craig Keating, the NDP candidate for North Vancouver-Lonsdale, stated that should the New Democrats come to power in May, they would change the current legislation to make the seniors' advocate independent of government.

Tom Carney is the executive director of the Lionsview Seniors' Planning Society. Ideas for future columns are welcome. Contact him at 604-9853852 or send an email to lions\_view@telus.net.