

1980 BILL 58

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Second Session, 19th Legislature, 29 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 58**

**THE DEPENDENT ADULTS AMENDMENT ACT, 1980**

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DR. PAPROSKI

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

*Bill 58*  
*Dr. Paproski*

## **BILL 58**

1980

### **THE DEPENDENT ADULTS AMENDMENT ACT, 1980**

*(Assented to , 1980)*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

*1 The Dependent Adults Act is amended by this Act.*

*2 Section 1 is amended*

*(a) by adding the following after clause (h):*

*(h.1) "institution" means*

*(i) a facility,*

*(ii) a nursing home,*

*(iii) an approved hospital under The Alberta Hospitals Act,*

*(iv) a home or unit as defined in The Senior Citizens Housing Act,*

*(v) a place of care, licensed under The Social Care Facilities Licensing Act, for persons who are aged or infirm or who require special care,*

*(vi) a hostel or other establishment, licensed under The Social Care Facilities Licensing Act, operated to provide accommodation and maintenance for unemployed or indigent persons,*

*(vii) a jail or penitentiary or correctional institution as defined in The Corrections Act, 1976, or*

*(viii) any other establishment or class of establishment designated in the regulations as an institution;*

### **Explanatory Notes**

- 1** This Bill will amend chapter 63 of the Statutes of Alberta, 1976.
- 2** Defines “institution” and “place of care”.

*(b) by adding the following after clause (k):*

(k.1) “place of care” means a place designated in the regulations as a place of care;

*3 Section 2(2) is repealed and the following is substituted:*

(2) No application shall be made to the Court under subsection (1) unless it is accompanied by a report of a physician or a psychologist in the form prescribed by the regulations.

*4 The following is added after section 2:*

**2.1**(1) A physician or psychologist who makes a report under section 2 shall not acquire any liability for making the report.

(2) No person shall disclose any information provided in a report referred to in section 2 except

(a) where the disclosure is made to an interested person to assist him in deciding whether or not an application should be made under this Act, or

(b) at a proceeding under this Act.

(3) A person who contravenes subsection (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$1000.

*5 Section 3 is amended*

*(a) by repealing subsection (1) and substituting the following:*

**3**(1) An application for an order appointing a guardian shall be made

**3** Section 2(2) presently reads:

*(2) No application shall be made to the Court under subsection (1) unless it is accompanied by a report of a physician or psychologist containing*

*(a) the name and address of the person making the report, and*

*(b) a statement to the following effect:*

*"In my opinion ..... (full name)  
is in need of a guardian for the following reasons:*

*.....  
.....  
.....*

*and it would be in his/her best interests for a guardian to be appointed for him/her",*

*and signed and dated by the physician or psychologist making the report.*

**4** Protection of physician or psychologist and confidentiality of report.

**5** Section 3 presently reads in part:

*3(1) An application for an order appointing a guardian shall be made in the judicial district in which the person in respect of whom the application is made is ordinarily resident.*

(a) in the judicial district in which the person in respect of whom the application is made is ordinarily resident, or

(b) where the Court considers it appropriate in the circumstances of the case, in any other judicial district.

*(b) by repealing subsection (2)(b) and substituting the following:*

(b) the person living in Canada who is

(i) the nearest relative of the person in respect of whom the application is made, or

(ii) if the nearest relative referred to in subclause (i) is the applicant, the next nearest relative of the person in respect of whom the application is made,

*(c) in subsection (3)*

*(i) by striking out “or” at the end of clause (a),*

*(ii) in clause (b) by adding “and, subject to clause (c), the person in respect of whom the application is made, or” after “Public Guardian”, and*

*(iii) by adding the following after clause (b):*

(c) dispense with the requirements for service on the person in respect of whom the application is made if

(i) the Public Guardian consents, and

(ii) the Court is satisfied that it is in the best interests of that person to do so.

*6 Section 6 is amended by adding the following after subsection (3):*

(4) If the Court makes an order under this section, the applicant shall serve a copy of the order on the persons who are required to be served with an application under section 3(2).

*7 Section 7 is amended by adding the following after subsection (1):*

(1.1) Notwithstanding subsection (1)(b), a person shall not be considered to be in a position where his interests will

*(2) The interested person making the application shall, at least 10 days before the date the application is to be heard, serve a copy of the application and the report referred to in section 2 on*

*(b) the nearest relative of the person in respect of whom the application is made who is living in Canada if he is not the applicant,*

*(3) The Court may, where it considers it appropriate to do so,*

*(b) dispense with the requirements for service on all or any of the persons referred to in subsection (2), except the Public Guardian.*

## **6 Service of order appointing guardian.**

## **7 Section 7(1)(b) presently reads:**

*7(1) The Court may appoint as a plenary guardian or partial guardian of a dependent adult, any person 18 years of age or older who consents to act as guardian and in respect of whom the Court is satisfied that*

conflict with the dependent adult's interests by reason only of the fact that the person is a potential beneficiary or a relative of the dependent adult.

*8 Section 8(a) is repealed and the following is substituted:*

(a) the time within which the order must be reviewed by the Court which shall not be later than 3 years after the date of the order,

*9 Section 10(2)(g) is repealed and the following is substituted:*

(g) the right to commence, compromise or settle any legal proceeding that does not relate to the estate of the dependent adult and to compromise or settle any proceeding taken against the dependent adult that does not relate to his estate;

*10 The following is added after section 10:*

**10.1(1)** Where an order has been made under section 6, the Court may, on application of any interested person and subject to subsection (2), make a compulsory care order in accordance with this section.

(2) An application for a compulsory care order shall be served on the persons who are required to be served with an application under section 3(2), except that service of the application on the dependent adult and on the Public Guardian may not be dispensed with.

(3) A Court shall only make a compulsory care order if

(a) it has considered a medical, psychological and social assessment that shows the extent to which the dependent adult presents a danger to himself or others,

(b) it is satisfied that it is in the best interests of the dependent adult that he be confined in a place of care,

(c) it is satisfied that the dependent adult is in a condition that presents a danger to himself or others, and

(d) it is satisfied that a compulsory care order is a proper means of ensuring the protection and treatment of the dependent adult.



*(b) he will not be in a position where his interests will conflict with the dependent adult's interests,*

**8** Section 8 presently reads in part:

*8 Upon making a guardianship order the Court shall specify*

*(a) the times at which the order must be reviewed by the Court which shall be at least once every two years,*

**9** Section 10 presently reads in part:

*(2) In making an order appointing a partial guardian, the Court shall specify whether all or any one or more of the following matters relating to the person of the dependent adult are to be subject to the power and authority of the partial guardian:*

*(g) the right to commence any legal action that does not relate to the estate of the dependent adult;*

**10** This section provides for the issuance of compulsory care orders and compulsory care certificates respecting dependent adults.

**10.2** Where the Court makes a compulsory care order under section 10.1(1), the applicant shall provide to the persons who were served with the application under section 10.1(2) a copy of the order and a written statement in the form prescribed by the regulations setting out

- (a) that the compulsory care order may be reviewed by the Court pursuant to section 10.4,
- (b) that the dependent adult may be represented by legal counsel at any hearing, and
- (c) the address and telephone number of the office of the Legal Aid Society of Alberta that is nearest to the Court.

**10.3(1)** A compulsory care order made under section 10.1 (1) is sufficient authority for any person to

- (a) confine the dependent adult in a place of care for the period stated in the order which shall not exceed a period of 3 years,
  - (b) apprehend and convey the dependent adult to a place of care and to detain him while he is being conveyed until he arrives at the place of care, and
  - (c) transfer the dependent adult to another place of care and to detain him while he is being transferred.
- (2) A compulsory care order remains in effect until it expires or is terminated or cancelled or until the dependent adult dies, whichever first occurs.
- (3) During the term of a compulsory care order, the person in charge of the place of care may, if he is satisfied that the security of the dependent adult will be assured, grant the dependent adult a leave of absence from the place of care for medical, rehabilitative or humanitarian reasons for a time, and on any terms and conditions, that the person in charge of the place of care may prescribe.
- (4) Where a dependent adult who is the subject of a compulsory care order
- (a) leaves a place of care and a leave of absence has not been granted, or
  - (b) leaves a place of care pursuant to a leave of absence but fails to return within the prescribed time,



the person in charge of the place of care may order any peace officer to return the dependent adult to the place of care.

(5) On receipt of an order made under subsection (4), a peace officer may apprehend the dependent adult without a warrant and return him directly to the place of care.

**10.4(1)** Where, in the opinion of the dependent adult, the guardian or any other interested person, it is no longer in the best interests of the dependent adult who is the subject of a compulsory care order that the dependent adult be confined in a place of care, the dependent adult, the guardian or other interested person may apply to the Court for a review of the compulsory care order, in which case sections 15 and 16 apply to the review of the order with all necessary modifications.

(2) Where an appeal panel that reviews a compulsory care order under section 62 directs the Public Guardian to apply to the Court for a review of the compulsory care order, the Public Guardian shall make an application to the Court in accordance with subsection (1).

(3) Notwithstanding subsection (1), no person other than the guardian or the Public Guardian may apply to the Court for a review of the compulsory care order more than once every 6 months.

**10.5(1)** Where a dependent adult who is residing in a place of care is not the subject of an order under section 10.1, the person in charge of the place of care may issue a compulsory care certificate in the form prescribed by the regulations if

(a) he is satisfied that the dependent adult is in a condition that presents a danger to himself or others,

(b) he is satisfied that it is in the best interests of the dependent adult that he be confined in a place of care, and

(c) he has considered a written report of a physician or psychologist that shows the extent to which the dependent adult presents a danger to himself or others.

(2) A compulsory care certificate under this section is sufficient authority to confine the dependent adult named in the certificate in a place of care for a period not exceeding 72 hours from the time it was issued.



**10.6** Where a compulsory care certificate is issued with respect to a dependent adult, the person issuing the certificate shall, not later than 36 hours after issuing the certificate, give the dependent adult and his guardian a copy of the certificate and a written statement in the form prescribed by the regulations setting out

(a) that the person issuing the certificate must apply to the Court for a review in accordance with section 10.7,

(b) that the dependent adult may be represented by legal counsel at any hearing, and

(c) the address and telephone number of the office of the Legal Aid Society of Alberta nearest to the place of care where the dependent adult is confined.

**10.7(1)** Where a compulsory care certificate is issued under section 10.5, the person issuing the certificate shall, not later than 96 hours after issuing the certificate, apply to the Court for a review of the certificate and any subsequent certificates that may be issued with respect to the same dependent adult before the review takes place.

(2) The person issuing the certificate shall serve a copy of an application for a review under subsection (1) on those persons who are required to be served with an application under section 3(2) at least 5 days before the date fixed for the review of the certificate.

(3) The hearing respecting a review of a certificate shall be held within 28 days after the application for a review or within any further period that the Court may direct.

(4) On hearing an application for a review of a compulsory care certificate, the Court shall inquire as to whether

(a) the compulsory care certificate and any subsequent compulsory care certificates issued with respect to the same dependent adult were issued in the best interests of the dependent adult, and

(b) the dependent adult was in a condition that presented a danger to himself or others and whether he continued to be in such a condition after the certificate was issued.

(5) Where the Court is not satisfied that a compulsory care certificate should have been issued, the Court may order the person issuing the certificate to refrain from issuing any further compulsory care certificates respecting that dependent adult without leave of the Court.



(6) Where the Court is satisfied that the compulsory care certificate was properly issued, the Court shall

(a) issue a compulsory care order under section 10.1, if the conditions referred to in subsection (3) of that section are fulfilled, or

(b) refuse to issue a compulsory care order, if it is satisfied that no further period of confinement of the dependent adult is necessary.

**10.8(1)** The person in charge of a place of care shall ensure that every dependent adult confined in a place of care pursuant to a compulsory care order or a compulsory care certificate is provided with

(a) any diagnostic and treatment service that the dependent adult is in need of and that is reasonably required and that the staff of the place of care is able to provide, and

(b) the level of security that is reasonably required for the confinement of the dependent adult in view of all the circumstances.

(2) If a diagnostic and treatment service that relates to a condition referred to in section 10.1(3)(c) is provided under subsection (1) to a dependent adult who is the subject of a compulsory care order, the person in charge of the place of care

(a) at least once every 3 months shall reassess the diagnostic and treatment service, and

(b) upon the termination of the diagnostic and treatment services shall apply to an appeal panel for a review of the compulsory care order in accordance with section 62.

*11 Section 11 is amended by striking out “and” at the end of clause (a), by adding “, and” at the end of clause (b) and by adding the following after clause (b):*

(c) in the least restrictive manner possible.



**11** Section 11 presently reads:

*11 A guardian shall exercise his power and authority*

*(a) in the best interests of the dependent adult, and*

*(b) in such a way as to encourage the dependent adult to become capable of caring for himself and of making reasonable judgments in respect of matters relating to his person.*

*12 Section 12(2) is amended by adding “or by an order of the Court or the Court of Queen’s Bench” after “regulations”.*

*13 Section 15(2)(b) is repealed and the following is substituted:*

- (b) the person living in Canada who is
  - (i) the nearest relative of the dependent adult, or
  - (ii) if the nearest relative referred to in subclause (i) is the applicant, the next nearest relative of the dependent adult,

*14 Section 16 is repealed and the following is substituted:*

**16(1)** On hearing an application for review of a guardianship order, the Court

(a) shall consider whether the guardian has exercised his power and authority in accordance with the guardianship order and section 11, and

(b) may amend, cancel, terminate, continue, vary or replace the order subject to any conditions or requirements it considers necessary.

(2) If the Court amends, varies or replaces an order under subsection (1), the applicant shall serve a copy of the order as amended or varied or of the replacement order, as the case may be, on the persons who are required to be served with an application under section 15(2).

(3) If the Court cancels, terminates or continues an order under subsection (1), the applicant shall serve on the persons referred to in subsection (2) a notice indicating that the cancellation, termination or continuation has taken place.

*15 Section 17 is amended by adding the following after subsection (2):*

(3) If the Court appoints an alternate guardian under subsection (1), the applicant shall serve a copy of the order appointing the alternate guardian on the persons who are required to be served with an application under section 3(2).

**12** Section 12(2) presently reads:

*(2) Where the Public Guardian is given any power or duty under this Act or the regulations, he may authorize in writing one or more persons to exercise or perform that power or duty upon such conditions or in such circumstances as the Public Guardian prescribes and thereupon that power or duty may be exercised or performed by the person or persons so authorized in addition to the Public Guardian.*

**13** Section 15(2) presently reads in part:

*(2) Where an application is made to the Court for a review of a guardianship order, the person making the application shall, at least 10 days before the application is to be heard, serve a copy of the application on*

*(b) the nearest relative of the dependent adult who is living in Canada if he is not the applicant,*

**14** Section 16 presently reads:

*16 Upon hearing an application for review of a guardianship order, the Court may amend, cancel, terminate, continue, vary or replace the order subject to any conditions or requirements it considers necessary.*

**15** Service of order appointing alternate guardian.

*16 The following is added after section 20:*

**20.1(1) Where an adult person**

(a) is, in the written opinion of two physicians, in need of an examination or medical, surgical or obstetrical treatment or is, in the written opinion of two dentists, in need of dental treatment,

(b) is incapable by reason of mental or physical disability of understanding and consenting to the examination or medical, surgical, obstetrical or dental treatment needed, and

(c) has not previously withheld consent to the examination or medical, surgical, obstetrical or dental treatment needed, to the knowledge of either of the physicians or the dentists referred to in clause (a),

a physician or dentist may, without the consent of any person, examine the person, prescribe treatment for the person and provide the person with the medical, surgical or obstetrical treatment or with the dental treatment, as the case may be, in the manner and to the extent that is reasonably necessary and in the best interests of the person examined or treated, in the same way that the physician or dentist could have acted if the person had been an adult of full legal capacity who consented to the examination or treatment.

(2) Subsection (1) does not apply to a dependent adult who is the subject of an order under section 6 appointing a guardian with the power and authority to consent to health care for that dependent adult.

*17 Section 21(2) is repealed and the following is substituted:*

(2) No application shall be made to the Court under subsection (1) unless it is accompanied by a report of a physician or a psychologist in the form prescribed by the regulations.

**16** Treatment of incapacitated adults other than dependent adults. Treatment of incapacitated adults is presently dealt with in section 4 of The Emergency Medical Aid Act.

**17** Section 21 (2) presently reads as follows:

*(2) No application shall be made to the Court under subsection (1) unless it is accompanied by a report of a physician or psychologist containing*

*(a) the name and address of the person making the report, and*

*(b) a statement to the following effect:*

*"In my opinion the estate of ..... (full name)  
is in need of a trustee for the following reasons:*

*.....  
.....  
.....*

*and it would be in his/her best interests for a trustee to be appointed",*

*and signed and dated by the physician or psychologist making the report.*

*18 The following is added after section 21:*

**21.1**(1) A physician or psychologist who makes a report under section 21 shall not acquire any liability for making the report.

(2) No person shall disclose any information provided in a report under section 21 except

(a) where the disclosure is made to an interested person to assist him in deciding whether or not an application should be made under this Act, or

(b) at a proceeding under this Act.

(3) A person who contravenes subsection (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$1000.

*19 Section 22 is amended*

(a) *by repealing subsection (1) and substituting the following:*

**22**(1) An application for an order appointing a trustee shall be made

(a) in the judicial district in which the person in respect of whom the application is made is ordinarily resident, or

(b) where the Court considers it appropriate in the circumstances of the case, in any other judicial district.

(b) *by repealing subsection (2)(b) and substituting the following:*

(b) the person living in Canada who is

(i) the nearest relative of the person in respect of whom the application is made, or

(ii) if the nearest relative referred to in subclause (i) is the applicant, the next nearest relative of the person in respect of whom the application is made,

**18** Protection of physician or psychologist and confidentiality of report.

**19** Section 22 presently reads in part:

*22(1) An application for an order appointing a trustee shall be made in the judicial district in which the person in respect of whom the application is made is ordinarily resident.*

*(2) The interested person making the application shall, at least 10 days before the date the application is to be heard, serve a copy of the application and the report referred to in section 21 on*

*(b) the nearest relative of the person in respect of whom the application is made who is living in Canada if he is not the applicant,*

20 *Section 25 is amended by adding the following after subsection (2):*

(3) If the Court makes an order under this section, the applicant shall serve a copy of the order on the persons who are required to be served with an application under section 22(2).

21 *Section 26 is amended by adding the following after subsection (1):*

(1.1) Notwithstanding subsection (1)(a)(ii), an individual shall not be considered to be in a position where his interests will conflict with the dependent adult's interests by reason only of the fact that the individual is a potential beneficiary or a relative of the dependent adult.

(1.2) If the Court appoints the Public Trustee as the trustee under subsection (1) it shall include in the order appointing the trustee a direction as to the times at which the Public Trustee shall bring in and pass his accounts for the purposes of section 31.

22 *Section 27(2)(a) is repealed and the following is substituted:*

(a) the time within which the order must be reviewed by the Court which shall not be later than 3 years after the date of the order,

23 *Section 31 is amended*

(a) *in subsection (3) by adding "other than the Public Trustee" after "trustee",*

(b) *by adding the following after subsection (3):*

(4) If the Public Trustee is the trustee, he shall bring in and pass his accounts at the times that the Court directs under section 26(1.2) and under subsection (2) if the Court makes an order under that subsection.

(5) If the Court makes an order under this section the applicant shall serve a copy of the order on the persons who are required to be served with an application under section 22(2).



**20** Service of trusteeship order.

**21** Section 26(1)(a)(ii) reads:

*26(1) The Court may appoint as a trustee of the estate of a dependent adult*

*(a) any individual 18 years of age or older who consents to act as trustee and in respect of whom the Court is satisfied that*

*(ii) he will not be in a position where his interests will conflict with the dependent adult's interests,*

Proposed subsection (1.2) provides that the Court shall prescribe the times at which the Public Trustee must bring in and pass his accounts.

**22** Section 27(2)(a) presently reads in part:

*(2) Upon making a trusteeship order the Court shall specify*

*(a) the times at which the order must be reviewed by the Court which shall be at least once every two years,*

**23** Section 31(3) presently reads:

*(3) A trustee shall, at least once every two years, file his accounts with the clerk of the Court and apply to the Court, upon such notice as the Court may direct, for an order passing his accounts and for such further or other order or direction as circumstances require.*

Proposed subsection (5) deals with service of copies of an order to pass accounts or present an inventory.

24 *Section 48 is repealed and the following is substituted:*

**48** The Surrogate Court, the Court of Queen's Bench or the Court of Appeal may order that the costs of any application or report made to it pursuant to this Act be paid

- (a) by the Crown in right of Alberta,
- (b) where it is satisfied that it would not be a hardship to do so, by any or all of the following:
  - (i) the person making the application;
  - (ii) the person in respect of whom the application is made;
  - (iii) the estate of the dependent adult,

or

- (c) by the person making the application, where the Court is satisfied that the application is frivolous or vexatious.

25 *Section 49(1) is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding the following after clause (b):*

- (c) where in the opinion of the Public Guardian or the Public Trustee, as the case may be, it is in the best interests of the dependent adult to disclose the file, document or information.

26 *Section 53 is amended*

*(a) in subsection (2) by striking out "The Public Trustee shall, at least 10 days before the review is to be heard by an appeal panel, serve a copy of the application on" and substituting "The chairman of the appeal panel shall, at least 10 days before the review is to be heard by the appeal panel, give notice of the date, time, place and purpose of the hearing to", and*

*(b) in subsection (3) by striking out "the appeal panel" wherever it occurs and substituting "an appeal panel".*

27 *Section 62(1) is repealed and the following is substituted:*

**62(1)** An appeal panel shall

- (a) hear and consider appeals in accordance with this Act and the regulations, and

**24** Section 48 presently reads as follows:

*48 The Surrogate Court, the Court of Queen's Bench or the Court of Appeal may order that the costs of any application or report made to it pursuant to this Act be paid by*

- (a) the person making the application, or*
- (b) the person in respect of whom the application is made, or*
- (c) the estate of a dependent adult, or*
- (d) the Crown in right of Alberta,*

*or by all or any two of them.*

**25** Section 49(1) presently reads as follows:

*49(1) No person shall disclose any file, document or information obtained by the Public Guardian or the Public Trustee pursuant to this Act that deals with the personal history or records of a dependent adult except*

- (a) at a proceeding under this Act, or*
- (b) with the written consent of the Minister.*

**26** Section 53 presently reads in part:

*(2) The Public Trustee shall, at least 10 days before the review is to be heard by an appeal panel, serve a copy of the application on*

- (a) the person named in the certificate of incapacity to be reviewed,*

The amendment to subsection (3) will allow an appeal panel other than the appeal panel that reviews a certificate to review the certificate again at a future date.

**27** Section 62(1) presently reads:

*62(1) An appeal panel shall hear and consider appeals in accordance with this Act and the regulations and for that purpose the members of the appeal panel have all the powers of a commissioner appointed under The Public Inquiries Act.*

(b) review compulsory care orders issued under section 10.1

(i) on the application under section 10.8(2)(b) of the person in charge of a place of care, and

(ii) at intervals of 12 months after the issue of the orders until the orders expire or are cancelled or terminated

and for those purposes the members of the appeal panel have all the powers of a commissioner appointed under *The Public Inquiries Act*.

(1.1) If an appeal panel that reviews a compulsory care order under subsection (1)(b) is of the opinion that it is no longer in the best interests of the dependent adult who is the subject of the order that he be confined in a place of care, the appeal panel shall direct the Public Guardian to apply to the Court for a review of the compulsory care order in accordance with section 10.4.

28 *Section 67.1(1) is amended by adding “compulsory care order,” after “in respect of any”.*

29 *Section 68 is amended*

(a) *in subsection (1)(a) by adding “and the review of compulsory care orders by appeal panels” after “appeal panels”, and*

(b) *in subsection (2)*

(i) *by adding the following after clause (b):*

(b.1) designating establishments or classes of establishments as institutions for the purposes of this Act and the regulations;

(ii) *by adding the following after clause (e):*

(f) designating the places of care in which dependent adults may be confined pursuant to a compulsory care order or a compulsory care certificate;

Proposed subsections (1)(b) and (1.1) will provide for review of compulsory care orders.

**28** Section 67.1(1) presently reads:

*67.1(1) Subject to subsection (2), an appeal upon a question of law by a dependent adult or any interested person on his behalf lies to the Court of Appeal in respect of any guardianship order or trusteeship order by the Court.*

**29** Section 68 presently reads in part:

*68(1) The Lieutenant Governor in Council may make regulations*

*(a) governing appeals to appeal panels and proceedings in connection therewith and with respect to hearings, consideration and investigations of appeal panels and matters incidental thereto and consequential thereon;*

*(2) The Lieutenant Governor in Council may make regulations*

*(a) prescribing such forms as are necessary for the purposes of this Act and the regulations;*

*(b) designating places as facilities for the purposes of this Act and the regulations;*

*(c) designating the person in charge of a facility for the purposes of this Act and the regulations;*

*(d) approving jurisdictions outside Canada for the purposes of section 47;*

*(e) prescribing the remuneration and travelling and living expenses payable to the chairman and other members of appeal panels.*

(g) governing the procedure and criteria to be used in determining in which place of care a dependent adult shall be confined pursuant to a compulsory care order.

*30 In the following provisions “a facility, the person in charge of the facility” is struck out and “an institution, the person in charge of the institution” is substituted:*

section 3(2)(d);  
section 15(2)(d);  
section 22(2)(d);  
section 35(2)(d);  
section 53(2)(c);  
section 67(2)(c);  
section 67.1(2)(c).

*31 This Act comes into force on a date or dates to be fixed by Proclamation.*

**30** Reference to “facility” changed to reference to “institution”.  
See section 2 of this Bill.