

First Session – Forty-First Legislature
of the
Legislative Assembly of Manitoba
Standing Committee
on
Legislative Affairs

Chairperson
Mrs. Sarah Guillemard
Constituency of Fort Richmond

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Forty-First Legislature

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LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LEGISLATIVE AFFAIRS

Tuesday, November 1, 2016

TIME – 6 p.m.

LOCATION – Winnipeg, Manitoba

**CHAIRPERSON – Mrs. Sarah Guillemard
(Fort Richmond)**

**VICE-CHAIRPERSON – Mr. Len Isleifson
(Brandon East)**

ATTENDANCE – 11 QUORUM – 6

Members of the Committee present:

*Hon. Messrs. Fletcher, Gerrard,
Hon. Mrs. Stefanson*

*Mrs. Guillemard, Messrs. Helwer, Isleifson,
Michaleski, Nesbitt, Saran, Swan, Wiebe*

MATTERS UNDER CONSIDERATION:

*Bill 9–The Election Financing Amendment Act
(Repeal of Annual Allowance)*

*Bill 17–The Fatality Inquiries Amendment and
Vital Statistics Amendment Act*

* * *

Madam Chairperson: Good evening. Will the Standing Committee on Legislative Affairs please come to order.

Our first item of business is the election of a Vice-Chairperson.

Are there any nominations?

Mr. Reg Helwer (Brandon West): I wish to nominate Mr. Isleifson.

Madam Chairperson: Mr. Isleifson has been nominated.

Are there any other nominations?

Hearing no other nominations, Mr. Isleifson is elected Vice-Chairperson.

This meeting has been called to order to consider the following bills: Bill 9, The Election Financing Amendment Act (Repeal of Annual Allowance); Bill 17, The Fatality Inquiries Amendment and Vital Statistics Amendment Act.

How long does the committee wish to sit this evening?

Mr. Andrew Swan (Minto): I'd suggest we sit until the work of the committee is completed.

Madam Chairperson: Is that agreed? *[Agreed]*

Currently, there are no registered presenters for tonight's meeting. If there is anyone in the audience who would like to make a presentation this evening, please come forward and state your name clearly for the record.

Seeing none, we will proceed immediately to clause-by-clause consideration of these bills.

In what order does the committee wish to proceed?

Mr. Swan: Madam Chair, I'd suggest we just proceed numerically with Bill 9 and then Bill 17.

Madam Chairperson: Is that agreed? *[Agreed]*

During the consideration of a bill, the preamble, the enacting clause and the title are postponed until all the—all other clauses have been considered in their proper order.

Also, if there is agreement from the committee, the Chair will call clauses in blocks that conform to pages with the understanding that we will stop at any particular clause or clauses where members may have comments, questions or amendments to propose. Is that agreed? *[Agreed]*

**Bill 9–The Election Financing Amendment Act
(Repeal of Annual Allowance)**

Madam Chairperson: We will now proceed to clause-by-clause consideration of Bill 9.

Does the minister responsible for Bill 9 have an opening statement?

Hon. Heather Stefanson (Minister of Justice and Attorney General): I was very pleased to present Bill 9 to committee this evening. This bill will amend The Election Financing Act, removing the

annual allowance for registered political parties. Our government committed to end the vote tax in our first year in office as part of our better plan for better Manitoba, and this legislation, Bill 9, keeps that promise to Manitobans.

Our government committed to ensuring that Manitobans' tax dollars are invested in important priorities and services they rely on, including services like timely and quality health care, good roads and an education system that prepares their children for the future.

Manitobans work hard for their money to support themselves and their families. They expect the money they pay in taxes will be used to provide important services they and their fellow Manitobans rely on. Our government is committed to ensuring that Manitobans' tax dollars are invested in important priorities. We do not believe the annual vote subsidy is the best use of tax dollars.

We have refused to take this money each and every year, returning hundreds of thousands of dollars to Manitoba taxpayers. With this change, Manitoba will be more in keeping with other jurisdictions as the majority of provinces and territories do not pay such allowances.

Canada discontinued a similar allowance for federal parties in 2014. As with the majority of other jurisdictions, Manitoba will continue reimbursement of election expenses in accordance with the legislated formula. We need to work hard as candidates in a provincial election. We are no different than a candidate in a federal election or a municipal election. We need to earn public trust and support, not mandate support.

Actively engaging constituents is critical to strong democracy. Like those other candidates, we go out and spend time meeting people and hearing about what matters to them. We undertake fundraisers when we need to raise money for our campaign. We must, as candidates and as political parties, encourage the public to get involved in the electoral process.

Fundraisers and door-to-door visits and canvassing are an integral part of that important work. When political parties are strengthened by a strong volunteer and donor base, I believe all Manitobans benefit.

We are in tough economic times and we do not need to make it tougher for Manitobans by continuing to impose a vote tax. All Manitobans

expect their government to put the public interest ahead of political interest. This bill is part of the work needed and that our government has committed to do for a better Manitoba, and I am proud of this proposed amendment to The Election Financing Act that will protect Manitoba tax dollars from partisan politics.

Thank you, Madam Chair.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Andrew Swan (Minto): Yes. Thank you, Madam Chair. Well, we now have the third bill the minister has brought forward in this new session and, once again, we don't have a single Manitoban who's been interested enough to come down to deal with it.

What is positive about this bill? Well, I guess it checks another item off the mandate letter dated May 3rd, 2016, which this minister is labouring under. As I pointed out in the House—I'm not sure if everybody was able to hear me when I was talking about it, but this mandate, of course, does not contain anything dealing with public safety, making our communities safer, making our homes and schools and workplaces safer, so, perhaps if the minister can check this off, she can get on to some of the very difficult issues.

And we heard that just yesterday when we were in the Public Accounts Committee. We found out about a major increase in the number of people in our correctional system, which may explain some of the great challenges the system is having. I am hopeful the minister will be able to focus, and as I said in the House, I don't blame the minister for trying to deal with this letter. It wasn't hers; it was the Premier's (Mr. Pallister) decision to give her a list of tasks that don't actually deal with public safety.

This bill would remove the annual allowance for registered political parties from The Election Financing Act. Of course, we believe that every Manitoban's vote should count, and historically it was the Progressive Conservative Party that preferred that elections were decided by big business and by wealthy insiders who could drop big cheques, and choosing leaders to represent Manitobans in the House shouldn't be a matter of who has the wealthiest friends and the deepest pockets. That's why our government took steps to ban corporate and union donations. Of course, we heard a lot about the

Progressive Conservative Party about the impact of unions.

So we said, fine. We won't take any donations from unions nor corporations. You won't either. I don't think they were getting any money from unions and they certainly won't be these days, but they used to rely on corporate donations. I know they were very, very upset and complained and moaned about that, but we moved on.

And we also restricted third-party advertising during election campaigns, which I think is important to try to level the playing field. We now have the bill which means that an annual allowance will not be payable. It was a promise that was made by the government and, again, it helps the minister check off her mandate items so she can get on with more important issues.

* (18:10)

I do take issue with the minister's point, talking about how concerned she is and this government is with public spending. I did a little bit of the math. We know we learned just on Friday afternoon that the management of Manitoba Hydro dropped \$4.2 million of ratepayer money on an untendered contract with Boston Consulting Group. And, of course, that report ultimately told the government to do as we had told them, which was to continue to build hydro, to finish up bipole, to finish up more hydro development and to finish the timeline to Minnesota.

And, of course, the question is how many years of this annual allowance would be equivalent to the amount that was dropped on an untendered contract, which, of course, is contrary to the very mandate that this minister was given. Well, the answer is 15.3 years of that annual allowance dropped in one day by the brand new hand-picked board of Hydro.

So, I know this minister and I know all of the other members will run around the province saying how concerned they are about taxpayers. They really aren't; that's been shown just recently. And every day that goes by we learn more about the difference between what this government says and what it actually does.

So with those comments, we're prepared to proceed to a clause-by-clause consideration of Bill 9.

Madam Chairperson: We thank the member.

Clauses 1 through 3—pass; clauses 4 and 5—pass; enacting clause—pass; title—pass. Bill be reported.

Bill 17—The Fatality Inquiries Amendment and Vital Statistics Amendment Act

Madam Chairperson: We will now deal with clause-by-clause consideration of Bill 17.

Does the minister responsible for Bill 17 have an opening statement?

Hon. Heather Stefanson (Minister of Justice and Attorney General): I do, thank you very much, Madam Chair. I'm very pleased to present this bill to committee this evening, The Fatalities Inquiries Amendment and Vital Statistics Amendment Act.

This bill is in response to the Supreme Court of Canada's decision in *Carter v. Canada* and the subsequent amendments to the Criminal Code that now permit Canadians who are at least 18 years of age and who are suffering with grievous and irremediable medical conditions to voluntarily obtain medical assistance in dying.

The bill amends The Fatality Inquiries Act and The Vital Statistics Act to clarify that a death that occurs by means of medical assistance in dying in accordance with section 241.1 of the Criminal Code is not a homicide or suicide within the meaning of those acts.

This means that deaths that occur through medical assistance in dying that would otherwise be natural deaths do not need to be reported to the medical examiner. Treating these deaths in the same manner as natural deaths assists families in that it allows the death certificate to be signed by a physician and permits a burial certificate to issue without the involvement of a medical examiner.

The bill also allows for regulations to be developed to require information concerning deaths through medical assistance in dying to be reported to the Chief Medical Examiner. This will allow the Chief Medical Examiner to provide an oversight rule.

Currently, the physicians who are performing these procedures are informing the Office of the Chief Medical Examiner in advance of a pending death and then are informing the office once the death occurs. It is anticipated that this voluntary reporting will become mandatory once the amendments are in place.

The bill also creates a regulation power that will allow the Province to monitor medical assistance in dying by requiring the reporting of specified information.

Currently, Canada is proposing to collect national statistics including the total number of deaths through medical assistance in dying and whether those deaths were through clinical administration or self administration, the age and gender of the person, the underlying circumstances that precipitated the procedure—for example, cancer, neurodegenerative disease, respiratory disease or a cardiovascular disease—and the number of requests that were approved, denied and carried out.

Canada is planning on releasing its first national report on medical assistance in dying early in the new year. Manitoba proposes to pass regulations that will permit the collection of the necessary information so that Manitoba can meet the national reporting standards.

I'm therefore proud of these important amendments to legislation that will assist families by allowing deaths through medical assistance in dying to be treated in the same manner as natural deaths, and that will allow Manitoba to gather and make available to the public information respecting medical assistance in dying.

Such information is essential in order to foster transparency and public trust that this procedure is being provided lawfully and fairly.

Thank you, Madam Chair.

Madam Chairperson: We thank the minister.

Does the critic from the official opposition have an opening statement?

Mr. Andrew Swan (Minto): I want to thank the minister for bringing Bill 17 forward. I think it was a good discussion in the House and perhaps a better example of how questions and answers and debate can work in the Legislature. I know that the minister brought this in response to the decision of the Supreme Court of Canada, and it appears to be a reasonable and measured way to bring Manitoba law in compliance with what the Supreme Court of Canada has said.

You know, there's 57 of us in the Legislature. We may have different views on assisted death. Those views don't necessarily follow political lines

or geographic lines or anything else. It's possible for people to have different opinions on this. But I think we can agree that this is a reasonable step in making sure that Manitobans do have the choice with the appropriate checks and balances to choose to be assisted in ending their death where there is undue pain and suffering.

So I will have a few questions for the minister as we go through the clause-by-clause. They're not intended to be trick questions, and I hope we can put some answers on the record which will make this bill and the future interpretation of it a little bit clearer.

So thank you, Madam Chairperson.

Madam Chairperson: We thank the member.

Shall clause 1 pass?

An Honourable Member: No.

Madam Chairperson: I heard a no.

Mr. Swan: Just two questions I have for the minister dealing with the proposed section 43.1. I understand that the information to be provided is likely, then, to be determined by decisions made by the federal government still to come. Can the minister just clarify what process she will be using to determine compliance with any future federal regulations here in Manitoba?

Mrs. Stefanson: I want to thank the member for the question, and certainly, we'll be in constant dialogue with the federal government as their proposed—some of the proposed regulations federally come forward. And we want to make sure that we are in compliance with any changes that take place federally. So as those come forward, we will be working with our federal counterparts as well as other provinces across Canada to see, in some cases, how they may approach a specific change that is going to take place and how we can work together to ensure that we are in compliance as a province.

Madam Chairperson: Do you have a follow up, Mr. Swan?

Mr. Swan: Yes, Madam Chairperson. Is it the minister's intention to also engage doctors in Manitoba? We know that doctors, other caregivers and health-care authorities moved ahead and came up with protocols when it was clear the federal government wasn't going to be able to meet the timelines set by the Supreme Court. So does the—*is* the minister also open to getting further input from those stakeholders before any regulations are passed?

Mrs. Stefanson: Just a couple of things there. I mean, I think—I suspect that some of this is going to be on the reporting side to do with this. So, specifically, on that side, it will just be to ensure that we have regulations in place to comply with various reporting mechanisms. So I'm not sure that the rest of that in terms of the doctors' side of it will come into this, but, of course, we will always work in conjunction with our—with other departments as it—the needs arise.

Hon. Steven Fletcher (Assiniboia): Forgive me, minister. I didn't fully appreciate that this bill was coming up tonight. But it is my first opportunity to discuss it. Some of you may be aware that I brought forward a—several private member's bills federally on this issue and written extensively about it, even written a book about it. And the Supreme Court took the meat of my private member's bill and actually included that in their decision almost word for word.

There's—and I've participated in the Liberal consultation, committee consultation, and had a very thorough discussion with the Justice Minister, the Liberal Justice Minister, on this issue, to her credit, by the way.

* (18:20)

There is a big inconsistency with the federal legislation, as passed, and the Supreme Court decision specifically around terminal illness. That's what the federal legislation has focused on, but the Supreme Court decision actually is much more broad. It includes intolerable suffering of the individual as defined by that individual for catastrophically injured people or people with disabilities or just in a chronic state of pain. This is going to go to the Supreme Court. I fully expect that the section in the federal law on terminal illness is going to be struck down, and I would like to ask the minister what flexibility exists in the bill, or what you would like or if there is a plan to deal with that when it happens because I can guarantee you it will.

Mrs. Stefanson: I want to thank you, Mr. Fletcher, for your work on this file. And certainly with respect to this bill, it's specific to The Fatality Inquiries Act as well as—The Vital Statistics Act—thank you.

So with respect to any changes that occur as a result of that where there'll have to be some changes with respect to these acts on a provincial level, then of course we will look at making sure we comply with any changes that come forward. And so, whether it's done through regulation, which there

will be opportunities to do that to comply, we've added in that component here. But this will be specific to these two acts.

Mr. Swan: I also want to thank Mr. Fletcher for his involvement in this file. And as I've said, you can come to the same conclusion even if you have different political stripes.

One of the other questions I have relates to section 43.1(1), if required by the regulations, meaning the federal regulations, there must be information provided, it goes to the Chief Medical Examiner or to a designated recipient.

Can the minister confirm whether the Chief Medical Examiner in their annual report will then publicly report how many Manitobans chose assisted death in each year?

Mrs. Stefanson: You know, I can endeavour to get the specific answer to that and how that will be recorded moving forwards. I can get that for the member.

Madam Chairperson: Clause 1—pass.

Shall clauses 2 and 3 pass?

An Honourable Member: No.

Madam Chairperson: Okay, I heard a no.

Mr. Swan: Just my final question, unless there's other members of committee that want to ask a couple of things. I know we discussed this in the House and I just want to clarify something. Under The Vital Statistics Act, it's provided in section 14(7.1) that an assisted death would not be considered a suicide or a homicide, which we agree is the right thing to do.

I had asked a question about whether the death certificate and other information for vital statistics purpose would indicate the underlying cause of death for ongoing records. We can agree, I believe, that it wouldn't make sense for a death certificate or for any information to contain the term suicide or homicide. I just want to clarify that it will be that underlying cause of death that goes forward in vital statistics.

Mrs. Stefanson: Yes, just to clarify. Yes, it will, but it's the underlying illness as well which I think is the same thing that we're speaking of.

Madam Chairperson: Do you have a follow-up question?

Mr. Swan: I just want to thank the minister for that because I believe we're on the same page. It would

be the underlying illness or condition that gave rise to the person choosing to have an assisted death.

Mrs. Stefanson: Yes, that is correct.

Mr. Fletcher: Along those lines, a very important aspect that hasn't been dealt with at any level, as far as I know, is the issue of insurance. What the member from Minto has raised is very important as far as life insurance is concerned, and have we taken measures to ensure that insurance policies reflect that if an assisted death occurs, that it is not a suicide? This is very important.

Mrs. Stefanson: I think that's probably beyond the scope of this particular piece of legislation, but we knew—we do know that the Canadian Life and Health Insurance Association is on the record that they will not apply this rule in the case of medical assistance in dying. So I hope that clarifies that for the member in his question.

Hon. Jon Gerrard (River Heights): Just for clarity purposes, for vital statistics, if there was heart

disease, for example, as the underlying cause of death but it was a medically assisted death, will it be listed under vital statistics as a medically assisted death, as well as heart disease, so that one would have an opportunity to know how many medically assisted deaths have occurred in Manitoba, for example, as part of the vital statistics that are gathered?

Mrs. Stefanson: I believe that is the intent but, certainly, I can get clarification for the member further on that.

Madam Chairperson: Clauses 2 and 3—pass; enacting clause—pass; title—pass. Bill be reported.

The time being 6:27, what is the will of the committee?

An Honourable Member: Committee rise.

Madam Chairperson: Is that agreed? *[Agreed]*

Committee rise.

COMMITTEE ROSE AT: 6:27 p.m.

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