

**Response to Applicant – Full Disclosure
Form 4A**

December 10, 2019

Section 40(1)



Dear [REDACTED]:

Section 40(1)

Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act* File #: CSSD/76/2019

On December 5, 2019, the Department of Children, Seniors and Social Development (CSSD) received your request for access to the following records/information:

“Information Notes from October 2019 titled: - Medical Assistance in Dying (MAiD). - Provincial Sport Organization (PSO) Equipment Funding Requests.”

I am pleased to inform you that a decision has been made by the Deputy Minister for Children, Seniors and Social Development to provide access to the requested information. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.

The *Access to Information and Protection of Privacy Act* requires us to provide an advisory response within 10 days of receiving the request. As this request has been completed prior to day 10, this letter also serves as our Advisory Response.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the *Access to Information and Protection of Privacy Act* (“the Act”). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

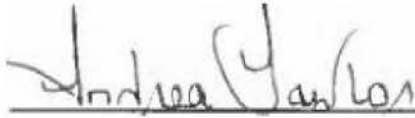
Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Stn. A
St. John’s, NL A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the *Act*.

If you have any further questions, please feel free to contact me by telephone at (709) 729-6370 or by email at andrealawlor@gov.nl.ca.

Sincerely,

A handwritten signature in black ink that reads "Andrea Lawlor". The signature is written in a cursive style and is positioned above a horizontal line.

Andrea Lawlor, B.A., B.S.W. (Hons), R.S.W.
Program and Policy Development Specialist / ATIPP Coordinator

Enclosures (2)

Access to Information and Protection of Privacy Act

Access or Correction Complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21 ;

(b) a decision respecting an extension of time under section 23 ;

(c) a variation of a procedure under section 24 ; or

(d) an estimate of costs or a decision not to waive a cost under section 26 .

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct Appeal to Trial Division by an Applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45 (2).

Information Note
Department of Children Seniors and Social Development

Title: Medical Assistance in Dying (MAiD)

Issue: To inform Minister Responsible for the Status of Persons with Disabilities on MAiD.

Background and Current Status:

- MAiD means the administering by a doctor or nurse practitioner of a substance to a patient, at their request, that causes their death, or the prescribing or provision by a doctor or nurse practitioner of a substance to a patient at their request, so that they may self-administer the substance and doing so cause their own death.
- Following a supreme court of Canada ruling, MAiD became legal on June 6, 2016 and is governed under federal law.
- A patient may receive medical assistance in dying only if they meet all the following criteria: possess a provincial health card; be at least 18 years of age; capable of making decisions with respect to their health; have a grievous and irremediable medical condition; have made a voluntary request for medical assistance in dying that, in particular, was not made as a result of external pressure; and, give informed consent to receive medical assistance in dying after having been informed of the means that are available to relieve their suffering, including palliative care.
- A capable patient has decision making capacity. The patient is able to understand the information that is relevant to making a decision about their health; and, appreciate the reasonably foreseeable consequences of a decision or lack of decision.
- All adults in Newfoundland and Labrador are assumed to have capacity unless it is clinically proven otherwise.
- A grievous and irremediable medical condition has to meet all the following criteria: the patient has a serious and incurable illness, disease or disability; the patient is in an advanced state of irreversible decline in capability; that illness, disease or disability, or the state of decline causes the patient enduring physical or psychological suffering that is intolerable to the patient and that cannot be relieved under conditions that the patient considers acceptable; and, the patient's natural death has become reasonably foreseeable, taking into account all of their medical circumstances.
- "Enduring suffering" is defined as physical or psychological pain or distress that the patient has lived with for a long time.
- "Intolerable suffering" is defined as physical or psychological pain or distress that the patient finds unbearable.
- In Newfoundland and Labrador, doctors and nurse practitioners are legally authorized to assess whether a patient meets the criteria. The patient will be assessed by two or more doctors or nurse practitioners independent of one another. The two physicians or nurse practitioners will have to agree that the patient meets the criteria.

- Patients are not required to have a terminal illness diagnosed to be eligible for medical assistance in dying. Rather, there must be a real possibility of death, evidenced by the patient's irreversible decline, within a period of time that is foreseeable in the not too distant future.
- In Newfoundland and Labrador, doctors or nurse practitioners are able to administer medical assistance in dying. The assessment includes: conducting a comprehensive assessment of the root cause(s) of the patient's suffering with the goal of providing relief; providing a diagnosis and prognosis of a patient's condition; and, assessing the patient's decision-making capacity.
- In Quebec, a court case (Truchon and Gladu; September 2019) granted an exemption to two individuals who were struggling with medical conditions that cause intolerable physical and psychological suffering. The nature of their diseases makes the likely timing and specific complications leading to their death difficult to predict. Therefore, they had been originally denied MAiD. The Canadian Association for Community Living and the Newfoundland and Labrador Association for Community Living have signed a letter asking the Federal Government to appeal the Truchon and Gladu ruling as they think it violates Article 10 of the UN Convention on the Rights of Persons with Disabilities.
- Article 10 of the UN Convention states that parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.
- In the first three years that MAiD has been available, almost 7000 individuals have availed of the option. Stories continue to surface about individuals who meet all criteria for MAiD except for the requirement that their death is foreseeable in the not too distant future.

Analysis:

- The disability community has been vocal in their concern regarding the rights of individuals with disabilities in terms of biases and stigmas that persons with disabilities experience daily concerning their rights, their value in society and their self-worth.
- Of paramount concern is that individuals with disabilities will be coerced, forced or led towards a decision regarding their life or the life of a child with a disability.
- Responsibility for MAiD falls under the mandate of Health and Community Services.
- CSSD's Disability Policy Office (DPO) is Government's focal point for the inclusion of persons with disabilities including the rights of persons with disabilities.

Action Being Taken:

- The DPO is monitoring the legal Challenge to MAiD and is in regular communication with HCS in terms of ensuring we are aware of any issues that may emerge in NL or affect the rights of persons with disabilities.

Prepared/Approved by:

K. Hutchings/D. Barrett/A. Gogan/S. Walsh

Ministerial Approval:

Received from Hon. Lisa Dempster

October 21, 2019

S. Walsh
L. Dempster
 OCT 28 2019

Information Note
Department of Children, Seniors and Social Development

Title: Provincial Sport Organization (PSO) Equipment Funding Requests

Issue: Requesting Minister Dempster review and approve 2019-20 funding recommendations for PSO equipment.

Background and Current Status:

- PSOs can apply for equipment funding as part of their annual operating grant (AOG) application.
- Equipment funding is provided to support ongoing needs for equipment replacement and upgrade and to support new equipment that will support PSOs with their sport participation, development and/or excellence goals, within their respective organization.
- In 2019-20, \$90,000 is available in the Healthy Living, Sport and Recreation (HLSR) Division budget for equipment funding. The total amount of funding being recommended is \$81,800 for 15 sports.

Analysis

- Equipment requests are accepted from PSOs each year; however, efforts are made to ensure that the funding is shared among all interested PSOs. Consideration is given to the urgency of the request along with the year the PSO last received funding. PSOs who had not received an equipment grant since 2015-16 or before, or had received an equipment grant in 2017-18 for a small amount, were given priority for funding this year.
- Of the 41 sports who submitted an AOG in 2019-20, 26 of them requested funding for equipment.
- In the 2018-19 fiscal year, ten PSOs were granted a total of \$81,150 in equipment funding.
- Annex A includes a chart showing all recommended PSO equipment funding requests.

Action Being Taken:

- Letters and a chart listing the recommended PSOs for 2019-20 PSO equipment grants and amounts have been provided in Annex A.
- Minister Dempster to review and sign PSO equipment funding letters.

Prepared/Approved by: B. Taggart/J. Collins/A. Gogan/S. Walsh
Ministerial Approval: Received from Hon. Lisa Dempster

November 15, 2019



NOV 20 2019

Annex A
PSOs Recommended for Equipment Funding

Sport	Equipment Requested	Intended Purpose/Rationale	Amount Requested	Amount Recommended	Reason for Difference	Previous Funding
Hockey	High performance testing equipment	Avail of new training tools	\$10,000	\$10,000	N/A	No funding received since/prior to 2011
Athletics	Training equipment (pole vaults, javelins, discuss, hammers)	Replace old equipment	\$9,000	\$9,000	N/A	2015-16, Timing system, \$9,000
Basketball	Heart rate monitors, shot clocks, defensive simulation pads	Replace old equipment and avail of new training tools	\$6,800	\$6,800	N/A	2015-16, Heart rate monitors, \$2,000
Cycling	Race scoring equipment	Replace old scoring equipment	\$1,000	\$1,000	N/A	2015-16, Trial maintenance equipment, \$850
Rowing	Rowing machines and oars	Replace old equipment	\$13,500	\$10,000	\$10,000 is maximum amount granted	2015-16, Ergometers, \$10,000
Rugby	Balls, hit shields, corner flags	Replace old equipment	\$4,700	\$4,000	Requested \$700 for a generator that was not recommended for funding	2015-16, Balls, hit shields, tackle bags, \$5,000
Tennis	Training equipment (Target Trainer, EZ Airzone, Netzone)	Avail of new training tools	\$600	\$600	N/A	2015-16, Ball machine, \$2,700
Weightlifting	Competition platform and equipment	Proper equipment for hosting competitions	\$2,300	\$2,300	N/A	2015-16, Competition

						equipment, \$800
Wrestling	Wrestling mat	Replace old mat	\$5,000	\$5,000	N/A	2015-16, Wrestling mat, \$7,500
Artistic Swim	Training equipment (skale suits and swim ears)	Avail of new training tools	\$17,100	\$2,000	Requested \$15,100 training suit that was not recommended for funding	2017-18, Coaching tools, \$1,100
Badminton	Stringing machine and exercise equipment	Replace old machine and equipment	\$3,600	\$3,600	N/A	2017-18, Training equipment, \$2,800
Diving	Trampoline	Replace old trampoline	\$12,000	\$10,000	\$10,000 is maximum amount granted	2017-18, Safety training mats, \$1,500
Football	Goal posts	Build capacity for sport by adding posts to another field	\$7,500	\$7,500	N/A	2017-18, Goal posts, \$6,000
Squash	Automated ball machine	Enhance training opportunities	\$11,000	\$6,000	Requested \$5,000 stringing machine that was not recommended for funding	2017-18, Rackets, safety and agility equipment, \$3,000
Ultimate	Training and competition equipment (discs, equipment bags, field markers)	Distribution to new clubs	\$4,000	\$4,000	N/A	2017-18, School kits and equipment, \$3,690
Total			\$108,100	\$81,800		