

Legislative Update

by Kara Moore*

The following is a list of some of the Acts passed in the 1st session of the 41st Manitoba Legislature in 2016. While every effort has been made to ensure the accuracy of the information provided, lawyers should refer to the specific legislative or regulatory provision. Current versions of Manitoba statutes and regulations are available online at <http://web2.gov.mb.ca/bills/41-1/index.php>.

The Legislative Assembly Amendment Act, S.M. 2016, c.13 (Bill 2, 1st session, 41st Legislature)

Royal Assent: November 10, 2016

Summary: *The Legislative Assembly Act* currently requires a by-election to be held within one year of a vacancy occurring in the representation of an electoral division. This Bill requires a by-election to be conducted within 180 days after a vacancy occurs. This requirement does not apply if the vacancy occurs less than one year before a general election held on a fixed date.

In Force: Upon Royal Assent

The Mental Health Amendment Act, S.M. 2016, c. 8 (Bill 3, 1st session, 41st Legislature)

Royal Assent: June 30, 2016

Summary: *The Mental Health Act* requires a peace officer to take a person to a facility for an involuntary medical examination or psychiatric assessment and to stay with the person until the examination or assessment has been completed. This Bill enables someone who is not a peace officer but who has been appointed to a specified position, or who has received the required training, to stay with the person at the facility until the examination or assessment has been completed.

In Force: By Proclamation

The Labour Relations Amendment Act, S.M. 2016, c. 16 (Bill 7, 1st session, 41st Legislature)

Royal Assent: November 10, 2016

Summary: The Bill amends *The Labour Relations Act* to make a vote by secret ballot mandatory before a union can be certified as the bargaining agent for the group of employees.

In Force: Upon Royal Assent

The Protecting Children (Information Sharing) Act, S.M. 2016, c. 17 (Bill 8, 1st session, 41st Legislature)

Royal Assent: November 10, 2016

Summary: This Bill authorizes organizations and others who provide services to at-risk and vulnerable children to collect, use and disclose personal information or personal health information about them. This authority is in addition to that already found in *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act*.

Children whose information can be disclosed

The Bill allows information to be shared about "supported children" who are:

- children in care or who are receiving voluntary child and family services;
- school children who need an individual education plan;
- children who need disability services, mental health services, addiction services or victim support services;
- children in the youth criminal justice system.

Information may also be disclosed about their parents or guardians.

Who can disclose information about children

The Bill uses the term "service provider" to describe those organizations and others who are authorized to share information. Government departments are included, as are child and family services agencies and authorities, schools, police, and others who receive government funding to provide services to supported children.

Limits on disclosure

Information may be disclosed only if disclosure is in the child's best interests and only for the purpose of providing the child with services or benefits. A service provider may disclose no more information than is strictly necessary.

Amendments to other Acts

To permit disclosures to be made under the new *Protecting Children (Information Sharing) Act*, this Bill amends *The Addictions Foundation Act*, *The Child and Family Services Act*, *The Correctional Services Act* and *The Victims' Bill of Rights Act*.

The Personal Health Information Act is amended to allow personal health information to be disclosed when necessary to prevent or lessen a risk of harm to a child's health or safety. *The Mental Health Act* is similarly amended with respect to clinical records maintained by a psychiatric facility.

To ensure that disclosures remain restricted even under the new *Protecting Children (Information Sharing) Act*, amendments are made to *The Adoption Act* and *The Missing Persons Act*.

In Force: By Proclamation

The Fatality Inquiries Amendment and Vital Statistics Amendment Act, S.M. 2016, c. 21 (Bill 17, 1st session, 41st Legislature)

Royal Assent: November 10, 2016

Summary: *The Fatality Inquiries Act* and *The Vital Statistics Act* are amended so that an inquiry by a medical examiner is not required when a death results from medical assistance in dying as defined in the *Criminal Code (Canada)*. Cabinet may make regulations under *The Fatality Inquiries Act* requiring information about medical assistance in dying to be provided.

In Force: Upon Royal Assent

* Kara is starting her 3rd year of law school and was the MBA summer student for 2017. Thank you to Manitoba Justice- Legislative Counsel for reviewing the article.