



FREQUENTLY ASKED QUESTIONS

NWT Stakeholder Consultation on
Physician-Assisted Dying

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FINAL REPORT: PROVINCIAL-TERRITORIAL EXPERT ADVISORY GROUP ON
PHYSICIAN-ASSISTED DYING

Q. *What is the Provincial-Territorial Expert Advisory Group and why did they write a report?*

A. The Provincial-Territorial Expert Advisory Group was established by 11 provinces and territories. All participating provinces and territories had the opportunity to provide input into the Group's mandate, makeup, and activities. Ontario is the lead province responsible for the Group. Participation by provinces and territories was voluntary.

The Group was responsible for providing advice to provinces and territories on the implementation of physician-assisted dying. This advice has been provided through the recommendations released in the Group's Final Report.

Additional information on the individual experts who formed the Group is available in the Final Report.

Q. *How will the NWT use the recommendations made by the Provincial-Territorial Expert Advisory Group?*

A. It is up to each province and territory to determine how and if the recommendations will be used.

The Department of Health and Social Services is using the recommendations as a foundation for consultation. Consultation is important, as some of the recommendations may not account for the NWT's unique geographical and cultural aspects and these aspects deserve careful consideration before moving forward.

Q. *Is the NWT bound by the recommendations made in the Final Report?*

A. The recommendations in the Final Report are not binding on any jurisdiction.

CONSULTATION PROCESS

Q. *The Supreme Court of Canada made their ruling in February 2015. Why haven't I been consulted until now?*

A. It was necessary to identify the important questions, aspects, and issues associated with physician-assisted dying first. The Final Report provides a foundation for meaningful consultation, and the recommendations allow stakeholders to provide feedback on the numerous issues involved.

The Department wants to know if there is additional information that should be considered before moving forward. What do you think of the recommendations included in the Final Report? Are there recommendations you support or do not support?

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Q. *How can I provide feedback?*

A. Submit comments to our dedicated email address: PAD@gov.nt.ca by Monday, February 15th, 2016.

THE ROLE OF THE GNWT'S DEPARTMENT OF HEALTH AND SOCIAL SERVICES

Q. *Why is the NWT involved in this issue? Isn't the federal government responsible for addressing physician-assisted dying in Canada?*

A. The federal government is responsible for making changes to the Criminal Code in response to the Court's ruling, should they choose to do so.

Provinces and territories, including the NWT, are responsible for matters related to the delivery of health care and the health care providers involved in physician-assisted dying. For example, the Department of Health and Social Services is responsible for the regulation of physicians.

Q. *What is the role of the Department of Health and Social Services?*

A. The Department of Health and Social Services is one of the lead Government of the Northwest Territories' Departments responsible for implementing physician-assisted dying in the NWT. As such, the Department will be leading the development of a legislative and implementation framework in the next year.

BACKGROUND

Q. *Why does the NWT have to develop a framework for the implementation of physician-assisted dying?*

A. In February 2015, the Supreme Court of Canada struck down the Criminal Code prohibition against physician-assisted dying (*Carter v. Canada*). The Court suspended its ruling for 12 months, to give the federal and provincial/territorial governments the opportunity to enact new laws, policies, practices, and safeguards before the decision takes effect.

Without a framework, the NWT would not have any rules surrounding physician-assisted dying in the NWT. This could lead to significant confusion associated with its delivery, availability, eligibility, and accountability.

Q. *Are there additional panels on this issue?*

A. Yes, in addition to the Provincial-Territorial Expert Advisory Group, other panels have been established.

The federal government recently established an all-party Special Joint Committee on physician-assisted dying. This Committee will consult with experts, stakeholders and Canadians and make recommendations on the framework for a federal response on physician-assisted dying.

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The Government of Canada had also previously established the External Panel on Options for a Legislative Response to *Carter v. Canada*, which engaged Canadians and key stakeholders on issues the federal government should consider.

Q. *What is the timeline for developing a legislative and implementation framework for the NWT?*

- A. On February 6, 2015, the Supreme Court of Canada unanimously struck down the federal law prohibiting physician-assisted dying. The Court suspended its decision for 12 months, until February 6, 2016. The federal government has recently asked the Court to extend this timeline by six months (until August 6, 2016).

If the Court does not extend the timeline by six months, the Department will not be able to engage in meaningful consultation and develop a framework before February 6, 2016, but we will continue working to ensure a suitable framework is developed for the NWT as soon as possible. The NWT is among several other provinces and territories that require additional time to complete a framework. Quebec is the only jurisdiction in Canada with completed physician-assisted dying legislation.

Q. *Will each province and territory have different legislation and rules surrounding physician-assisted dying?*

- A. Each province and territory is ultimately responsible for developing their own rules and standards around physician-assisted dying. That said, it is a goal for most provinces and territories to have similar frameworks to prevent patients from jumping between jurisdictions because of differing standards. The Final Report developed by the Provincial-Territorial Expert Advisory Group helps established a foundation for these similar frameworks. The Department also recognizes there are unique geographical and cultural aspects that must be considered before developing any framework for the NWT.

Q. *Is there physician-assisted dying legislation in force anywhere in Canada?*

- A. Quebec is the only province with completed physician-assisted dying legislation (Bill 52: *An Act Respecting End-of-Life Care*), which came into force in December 2015. The Bill was introduced in the province's national assembly in 2013 (i.e. before the Supreme Court of Canada made their ruling on physician-assisted dying).

While implementation of the Bill was initially suspended by the Quebec Superior Court until certain provisions of the Criminal Code were changed, Quebec's Court of Appeal has maintained the province's right to allow terminally ill patients the choice to die with medical help.