

1968 Bill 55

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First Session, 16th Legislature, 17 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 55**

**An Act to amend The Alberta Evidence Act**

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THE ATTORNEY GENERAL

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 55

1968

An Act to amend The Alberta Evidence Act

(Assented \_\_\_\_\_, 1968)

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

1. *The Alberta Evidence Act* is hereby amended.

2. The following section is added after section 10:

10a. (1) A witness in an action, whether a party thereto or not,

- (a) is not liable to be asked and shall not be permitted to answer any question as to any proceedings before a committee to which this subsection applies, and
- (b) is not liable to be asked to produce, and shall not be permitted to produce, any report, statement, memorandum, recommendation, document or information of, or made by or made to, a committee to which this subsection applies and that was used in the course of or arose out of any study, investigation, research or program carried on by a hospital or any such committee for the purpose of medical education or improvement in medical or hospital care or practice.

(2) Subsection (1) applies to the following committees, namely:

- (a) a tissue committee of a hospital;
- (b) a research committee of a hospital;
- (c) a medical staff committee established for the purpose of studying or evaluating medical practice in a hospital;
- (d) a medical research committee designated by an order of the Minister of Health as an approved medical research committee for the purpose of this section.

(3) Subsection (1) does not apply to original medical and hospital records pertaining to a patient.

(4) Notwithstanding that a witness in an action

- (a) is or has been a member of, or

## Explanatory Notes

1. This Bill amends chapter 102 of the Revised Statutes.

2. The new section 10a is intended to provide legal protection to physicians and others who answer questions and give information to special committees in hospitals whose function is to investigate individual cases involving the physician's patients with a view to improving medical practice and care in the hospital or furthering medical education or research. Physicians are expected to cooperate in the work of these committees but at present the evidence and reports in the committee's hands are not privileged in a court action, e.g., an action against the physician or the hospital by a patient.

Section 10a provides that a witness is not permitted to give evidence pertaining to matters involving the committees.

Evidence that is not admissible under subsection (1) may nevertheless, by subsection (4), be admitted if the witness came by the information from some other source than the committee.

Subsection (5) states that a person who makes a disclosure or submission to any of these committees does not incur any legal liability by so doing.

Similar legislation was passed in Manitoba in 1965.

(b) has participated in the activities of, or  
(c) has made a report, statement, memorandum or recommendation to, or  
(d) has provided information to,  
a committee to which subsection (1) applies, he is not, subject to subsection (1), excused from answering any question or producing any document that he is otherwise bound to answer or produce.

(5) Neither

(a) the disclosure of any information or of any document or anything therein, or the submission of any report, statement, memorandum or recommendation, to any committee to which subsection (1) applies, for the purpose of its being used in the course of any study, investigation, research or program carried on by a hospital or any such committee for the purpose of medical education or improvement in medical or hospital care or practice,  
nor  
(b) the disclosure of any information, or of any document or anything therein, that arises out of such study, investigation, research or program,  
creates any liability on the part of the person making the disclosure or submission.

**3.** This Act comes into force on the day upon which it is assented to.

