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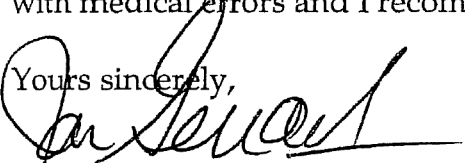
Office of the Premier "Registry"	
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Assigned To:	

Premier Danny Williams  
Confederation Building, East Block  
P.O. Box 8700  
St. John's, NL A1B 4J6

March 31, 2008

Dear Premier Williams, 

I have been following the news of the major problems you have had with medical errors in Newfoundland. I recommend that you consider passing the Apology Act as we have done in Manitoba to help deal with this situation. The Apology Act enables a physician or other health care worker to apologize for a medical error without the apology being considered evidence of liability. It does not protect health care professionals when there is evidence (other than the apology) of wrongdoing. It does provide a change in the approach to dealing with medical errors and I recommend you consider it in Newfoundland.

Yours sincerely,  


Dr. Jon Gerrard  
MLA - River Heights  
Leader - Manitoba Liberal

## First Session, Thirty-Ninth Legislature

This version is based on the printed bill that was distributed in the Legislature after First Reading. **It is not the**

## Bill 202

## THE APOLOGY ACT

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Explanatory Note

(Assented to )

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

**Definitions**

1 The following definitions apply in this Act.

**"apology"** means an expression of sympathy or regret, a statement that one is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit or imply an admission of fault in connection with the matter to which the words or actions relate. (« excuses »)

**"court"** includes a tribunal, an arbitrator and any other person who is acting in a judicial or quasi-judicial capacity. (« tribunal »)

**Effect of apology on liability**

2(1) An apology made by or on behalf of a person in connection with a matter

(a) does not constitute an express or implied admission of fault or liability by the person in connection with the matter;

(b) does not, despite any wording to the contrary in a contract of insurance and despite any other enactment, void, impair or otherwise affect insurance coverage that

(i) is available, or

(ii) would, but for the apology, be available,

to the person in connection with the matter; and

(c) must not be taken into account in determining fault or liability in connection with the matter.

**Evidence of apology not admissible in court**

2(2) Despite any other enactment, evidence of an apology made by or on behalf of a person in connection with any matter is not admissible in a court as evidence of the fault or liability of the person in connection with the matter.

**Coming into force**

3 This Act comes into force on the day it receives royal assent.

**Explanatory Note**

This Bill allows a person to make an apology about a matter without the apology constituting an admission of legal liability.

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