



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Standing Committee on Justice and Human Rights

JUST • NUMBER 018 • 1st SESSION • 42nd PARLIAMENT

EVIDENCE

Wednesday, May 11, 2016

—
Chair

Mr. Anthony Housefather

Standing Committee on Justice and Human Rights

Wednesday, May 11, 2016

•(1615)

[English]

The Chair (Mr. Anthony Housefather (Mount Royal, Lib.)): Ladies and gentlemen, I would like to call to order this session of the Standing Committee on Justice and Human Rights, completing our clause-by-clause review of Bill C-14. When I use the word “completing”, I do mean completing.

I congratulate the members of the committee on their expeditious work so far, and hopefully today will be as collaborative as yesterday was.

Unfortunately, we have the challenge of the bells. We'll try to get as much done as possible between votes, and we'll figure out, when we go for the second vote, whether it pays to come back before the third vote or whether we stay there and just come back after the third vote. I guess we'll figure it out based on timing.

Mr. Ted Falk (Provencher, CPC): I think we'd be willing to sacrifice our three votes for your six.

The Chair: I think we only have five.

Mr. Ted Falk: Oh, there are actually only eight. I'm sorry about that, guys.

The Chair: That's very kind.

We're moving right now to the preamble of the bill, as we have covered all of the clauses.

I'd ask everyone to turn to the preamble, which is on page 1. We will go in order on the list of amendments for the preamble, but at various times there has been some collaborative work done to amend some amendments. We may be dealing with a different amendment from the one that's actually in the package.

We're going to start with amendment CPC-33.1.

Mr. Falk.

(On the preamble)

Mr. Ted Falk: Thank you, Mr. Chair.

The intent of this amendment is actually very simple, and that's to recognize an element in the Carter decision from the Supreme Court that references the sanctity of life. I just think it's important that it also be included in the preamble.

The Chair: Mr. Casey.

Mr. Sean Casey (Charlottetown, Lib.): I just want to put the government's position on the record. The government opposes this amendment. The charter provides a constitutional guarantee of the

right to life, liberty, and security of the person, which has informed every aspect of this bill. The provisions of Bill C-14 protect the sanctity of life, and the preamble already recognizes the inherent and equal value of every person's life.

Bill C-14 carefully weighs many important interests, including personal autonomy and the protection of the vulnerable. Separately recognizing a positive responsibility on the part of Parliament to uphold the sanctity of life is not necessary. The bill acknowledges the importance of suicide prevention, respect for Canadians with disabilities, and promotion of well-being more generally.

The Chair: Thank you very much, Mr. Casey.

Not seeing anyone who wishes to debate further, I will go back to Mr. Falk to close.

Mr. Ted Falk: While I recognize what Mr. Casey has said, I think this just adds a little bit of clarity and sets the proper tone and provides the lens through which the rest of the bill should be viewed. It's a very simple amendment. It's nothing that should be controversial, and I don't think it's anything that's redundant. This just clearly reiterates what the Supreme Court ruled in their decision on the Carter case.

The Chair: We will now go to a vote on amendment CPC-33.1.

(Amendment negatived [See *Minutes of Proceedings*])

The Chair: Next we will move to amendment CPC-34.

Just to note, CPC-34 is in conflict with amendment CPC-34.1. If CPC-34 is adopted, CPC-34.1 cannot go forward. Given that Mr. Viersen is not here, is there one you'd particularly choose, Mr. Falk, perhaps one that you drafted?

•(1620)

Mr. Ted Falk: You know, I'm actually going to withdraw it, because it would be inconsistent with the bill.

The Chair: Perfect. We will move, then, to amendment CPC-35, which conflicts with—

Mr. Colin Fraser (West Nova, Lib.): On a point of order with regard to amendment CPC-34, Mr. Falk withdrew his; I don't know whether he could withdraw Mr. Viersen's. Mr. Viersen is not here, so I would assume that—

The Chair: Mr. Viersen actually has no power to propose a thing. Mr. Falk or one of the members—

Mr. Ted Falk: On a point of order, I wouldn't move it.

The Chair: —of the Conservatives would have had to move it, so my understanding was that Mr. Falk was withdrawing both of them.

Mr. Colin Fraser: Fair enough. I just want to be clear.

The Chair: Next we get to CPC-35. It is in conflict with PV-13, NDP-5, and CPC-35.2, so basically I want to note that all the others would fall if CPC-35 were adopted. I would ask if any of the members here would want to move it. If not, CPC-35 goes by the wayside, and we move to the next one, which is CPC-35.1.

Mr. Falk, go ahead.

Mr. Ted Falk: This is an amendment that would clearly state that this bill in no way minimizes the efforts and the important public policy of the Parliament of Canada about suicide prevention. This is a significant public health issue, and we just want to recognize that in the preamble. Nothing after that minimizes this.

The Chair: Okay, that is easily understood.

I am not seeing anyone who wishes to debate. I will go back to Mr. Falk.

Mr. Ted Falk: I have no further questions. It is very straightforward.

The Chair: It is pretty straightforward. I like somebody who is simple and straightforward.

We will move to the vote on CPC-35.1.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Mr. Rankin's new proposal, which was an attempt at bipartisan discussion and bipartisan drafting—which hopefully will be somewhat satisfactory—actually comes now, because it is after line 12. This would be NDP-4.2.

Mr. Colin Fraser: Mr. Chair, why would that come before PV-13?

The Chair: After line 12.... You are right. It is after lines 22 and 23.

Mr. Colin Fraser: It is lines 22 and 23 on page 1.

The Chair: You are absolutely correct.

No, this one is line 12 on page 2.

The clerk has just received a number of different ones, so he mentioned it was here.

Mr. Rankin, did you make copies of this for everybody?

Mr. Murray Rankin (Victoria, NDP): This is the one that deals with conscience. Yes, I did.

• (1625)

The Chair: No, the conscience one is okay, but the one on mental health is apparently coming now.

Mr. Murray Rankin: I believe it was photocopied. It was submitted.

I guess we are just checking on the status of the photocopy.

In terms of where we are right now, I am not clear what we are debating.

The Chair: The one on mental health falls right here. It goes before PV-13.

Mr. Clerk, can I ask a question? In the preamble, is it as important to go sequentially as it is elsewhere?

A voice: It is the same principle, yes, unless the committee wants to do otherwise.

The Chair: My comment here is this. Mr. Rankin has a number of amendments—not the conscience one, the others—that tie into issues that everybody has been trying to work on. Would the committee be okay—since I think there still may be more discussion to have on that—to move to the other amendments and then come back, separately, to those dealing with palliative care and mental health that weren't put forward originally? Even if we go past that, we would be flexible to put them in the preamble, wherever they really fit. Would the committee be okay with that?

Mr. Murray Rankin: That works for me, Mr. Chair, as long as we don't forget.

The Chair: Okay, let's go with what was in the package.

No, I certainly won't forget. It is important to me, too.

We will go back to where the package was, and then we will come back to these when people have had a chance to talk at a break.

Next is Ms. May's PV-13, from the Green Party. She is not here, but the amendment is deemed moved because it was submitted by her on time. It is about replacing lines 22 and 23 on page 1 with the following: “competent adults who have a grievous and irremediable medical condition that causes them enduring and intolerable suffering strikes the most appropriate balance be-”.

Is there any desire by anybody to debate this?

Mr. Rankin.

Mr. Murray Rankin: Correct me if I'm wrong, but I note that on the following page is our proposal, amendment NDP-5, which I believe to be identical. Am I right?

The Chair: You are correct. They are absolutely identical.

Mr. Murray Rankin: I think they're both no longer valid because of the decision of this committee to withdraw the words “reasonably foreseeable”, which was the intention of both of them.

The Chair: They're in order, because they don't necessarily contradict, but I'd be very happy, if you feel that they should be withdrawn. I mean the NDP one.

Mr. Murray Rankin: I feel that the objective of these preamble positions was to work with the “reasonably foreseeable” language. We've withdrawn the “reasonably foreseeable” language, against my strong objection.

The Chair: You mean we've retained it.

Mr. Murray Rankin: We retained it, and therefore there's really no benefit in having this.

The Chair: I agree with that. I don't believe that the Green motion can be withdrawn in that way. It should be voted on. I can't rule it out of order, because the words are actually in the bill. She's substituting one word from the bill for another word from the bill, so theoretically it is receivable, but I think it's easy, if we just debate or vote.

Is there anybody who wishes to debate this one?

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Amendment NDP-5 is withdrawn.

Now we come to amendment CPC-35.2.

Mr. Falk.

Mr. Ted Falk: No, that's also withdrawn.

The Chair: Yes. Just withdraw it. Thank you very much for you co-operation on that.

Now we come to amendment NDP-6. It is being replaced by a variety of others.

Again what I'd ask is the indulgence of the committee to deal with the others first and then allow us to work on the wording of the revised issues related to palliative care and mental health and aboriginal issues. Then yours will all be accepted to go after we get through that.

Now we get to amendment CPC-35.3.

Mr. Falk.

Mr. Ted Falk: I'll just quickly read it: "Whereas it is not against the public interest to hold and publicly express diverse views about medical assistance in dying, including the view that participating in a person's death is intrinsically morally and legally wrong;".

This is an amendment that I would say adds clarity to the fact that people can hold different views about this and that we don't have to all think alike, and that if we don't all think alike, it's not considered hate. I think it's important that it be in here that we don't all subscribe to medical assistance in dying, as being something that for any other particular individual might be morally or ethically acceptable. This just gives them a little bit of protection.

• (1630)

The Chair: Mr. Fraser.

Mr. Colin Fraser: Obviously we've inserted wording in the act making sure that it's crystal clear, for greater certainty, that there's nothing that compels an individual to participate in medical assistance with dying. We're working collaboratively to try to come up with wording in order to ensure that conscience rights are protected.

I don't see how this adds anything to those ends and I don't believe it would be appropriate to discuss morality of that nature in the preamble. I don't think it's rationally connected to the bill itself or anything in the bill, other than in marginally or incidentally being tied to conscience rights. We're trying to deal with that in what I would see as an appropriate way, so I can't support the amendment.

The Chair: Mr. McKinnon.

Mr. Ron McKinnon (Coquitlam—Port Coquitlam, Lib.): I was going to say much of what Mr. Fraser said, but not quite so eloquently. I agree with what he said. I also have a problem with the word "participating". It's far too broad.

In any case, I will not support this amendment.

The Chair: Is there any further discussion?

Mr. Falk, I'll go back to you to close.

Mr. Ted Falk: While I would agree with you that it doesn't add anything, it also doesn't take anything away. It doesn't add anything to the situations that you describe, but what it does add is that people outside of the medical profession, outside of the group of people who might be involved, can hold a view as to this practice, as to medical assistance in dying, without experiencing any negative consequences.

This particular amendment does not apply to people inside the medical field. I'm not looking for conscience rights protection. I'm looking to simply state that you don't have to agree with this, and that doesn't make you a criminal or it doesn't make you hateful. You can have a different opinion.

The Chair: Understood.

Now that we have gone through that, let's go to vote on CPC-35.3.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Now we go to CPC-36. I know there was wording that was worked out.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): I withdraw it.

The Chair: You'll withdraw it?

Is this where the revised wording is going to go, on line 7 on page 2, and line 12 on page 2?

Mr. Rankin.

Mr. Murray Rankin: I'm pleased to be moving this. It's the work of Mr. Fraser and Mr. Cooper, as well, and it's an objective that we tried to achieve in two phases.

The first was Mr. Fraser's amendment that was accepted for greater certainty, a clause that was added to the bill itself that there was no compulsion to provide or assist in providing medical aid in dying. This would do that by simply acknowledging that everyone has freedom of conscience and religion guaranteed under the charter: "Whereas nothing in this enactment affects the guarantee of freedom of conscience and religion". That was an objective we worked out together in this language in order to achieve a clear statement that nothing in the work we're doing would affect a person's conscience rights, which I want to stress was something the Supreme Court itself in Carter emphasized.

The Chair: I want to say I'm very pleased with the work you all did. It's great to see people working together.

Mr. McKinnon.

Mr. Ron McKinnon: I want to ask if you would consider adding the word "expression" as one of the freedoms to make Mr. Falk happy, perhaps?

The Chair: Where are you proposing to add that, Mr. McKinnon?

Mr. Ron McKinnon: "Whereas nothing in this Act affects the guarantee of freedom of conscience and religion, or expression", or "expression, conscience, and religion". I'm flexible.

I have to leave that up to Mr. Rankin to propose or not as part of his amendment.

The Chair: Mr. Rankin, what are your thoughts?

Mr. Murray Rankin: Is this a proposed subamendment that you're...?

The Chair: Before he subamends—because I don't think he was willing to go that far—he was asking you, as the mover, whether it was something you thought was appropriate, which is what I think Mr. McKinnon was asking.

•(1635)

Mr. Murray Rankin: I'm looking to my two colleagues to see how they react. I don't want to be in contradiction to the position they might take. There is a careful compromise that was reached among three parties, and to add words may be problematic. That's why I'm a little hesitant.

The Chair: The bells are going, but we have 30 minutes. Could I have unanimous consent to continue right now?

Some hon. members: Agreed.

The Chair: Thank you.

Mr. Fraser.

Mr. Colin Fraser: I was going to say we worked collaboratively to come up with this wording. The point of adding the wording was to link it and to refer to the conscience rights in the preamble. That wording is not in the bill itself. The word “compel” is in there, and we were careful not to include that word for constitutional purposes. I don't see what adding “expression” would have to do with it. I don't think that's been anything that we've heard from the testimony of witnesses that shows it was a concern. I would prefer if we left it this way, but I'll leave it to my friends.

Mr. Murray Rankin: I have the same reaction.

Mr. Michael Cooper: I'm in agreement.

Mr. Murray Rankin: I want to point out, this is a “for greater certainty” clause, in any event, so all those freedoms that Canadians enjoy under the charter are alive and well, whether we refer to them or not.

The Chair: As the chair, I would have to struggle with that addition because we did add a clause into the bill that deals with conscience rights. It's perfectly appropriate to insert that in the preamble. That clause had nothing to do with expression.

Mr. Ron McKinnon: Fortunately I didn't move it so—

The Chair: Oh, you didn't.

Is there debate on this?

Mr. Fraser, go ahead.

Mr. Colin Fraser: I was just going to say that obviously we heard from witnesses who were concerned about this. I think everybody agrees the conscience rights should obviously be protected, and we had to find a way that was appropriate in a Criminal Code amendment to do that. I believe inserting these words into the preamble is the appropriate way, especially since we dealt with it by using the word “compel” and not limiting it to this wording in the bill itself. I believe it was a collaborative effort in order to get the wording that everybody can agree with.

The Chair: Mr. Cooper.

Mr. Michael Cooper: Just to add to Mr. Fraser, yes, Mr. Rankin, Mr. Fraser, and I worked collaboratively to find a resolution to some

of the concerns around conscience rights. I think this preamble makes it absolutely crystal clear as to what the intent of the amendment in the legislation is, which is to protect conscience rights.

The Chair: Perfect: on the record.

Is there any further debate?

Mr. Rankin, did you want to finish up?

Then we'll go to a vote on NDP-4.2.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: Now, amendment CPC-37 from Mr. Viersen would conflict with NDP-4.2, which was just adopted, so CPC-37 is dropped.

Amendment NDP-7, from Mr. Rankin originally, would conflict with NDP-4.1, which was just adopted, I believe.

I'll turn to Mr. Rankin, but I would rule that these were two of the same purpose—

Mr. Murray Rankin: I would agree.

The Chair: So that one is dropped.

Next we move to CPC-38 from Mr. Viersen.

Does anyone want to move Mr. Viersen's CPC-38? This would delete lines 13 to 23 on page 2. I'm not sure why.

I'll look to my Conservative colleagues.

Mr. Ted Falk: We don't have to.... It is actually a little bit in conflict with CPC-38.1.

The Chair: Nobody's moving it.

Mr. Ted Falk: No.

The Chair: Okay: so CPC-38 is not moved.

Let's go to CPC-38.1.

Mr. Ted Falk: Amendment CPC-38.1 relates to the second-last paragraph in the preamble. This amendment puts in a period on line 21, after the word “dying”, and deletes the balance of that paragraph.

The balance of that paragraph currently says, “namely situations giving rise to requests by mature minors, advance requests and requests where mental illness is the sole underlying medical condition;

I'd like to delete that from the preamble. I don't think it belongs there.

The Chair: This conflicts, by the way, with NDP-8. They are both on the same line.

Let's go to debate.

Mr. Fraser.

•(1640)

Mr. Colin Fraser: I do not support the amendment. I believe the purpose of this “And whereas” clause in the preamble is to allude to the review provisions that are in the bill itself. Those do include the situations giving rise to requests from mature minors, advance requests, and requests dealing with mental illness.

I believe that was the purpose of putting it in the preamble in that fashion, and I believe it should stay. Deleting those three other cases would basically limit the scope of what was being attempted here in the preamble that I think is appropriate.

I would not support the amendment.

The Chair: Mr. McKinnon.

Mr. Ron McKinnon: I would agree once again with Mr. Fraser. I think it's important that the government's position that these are issues that need to be explored as a consequence of...around the whole problem of assistance in dying, that are not dealt with in this bill, but there is actually no commitment that they will in fact be done; it's just that they need to be looked at, they need to be studied, and they need to be recognized.

I will not support this amendment.

The Chair: Is there any further debate or discussion?

If not, I'll go back to Mr. Falk.

Mr. Ted Falk: In that paragraph a little earlier on, it actually does say “the Government of Canada has committed to develop”, and that's troubling. I mean, earlier in our discussions with the amendments, one of the amendments put forward was that the government is committed to doing a review, and to study, but it's not committed to developing regulations.

That's where I have a problem.

The Chair: I think, though, it says “and explore other situations”. So that should tie to “explore other situations”, not “develop”.

Mr. Ted Falk: It sure would be nicer if there was a period, then, because it does somewhat tie it to the first part of that lengthy sentence.

The Chair: So if you were to put a period after the word “providers”, and say that the Government of Canada has also committed to explore other situations, would that satisfy what you're concerned about?

Mr. Ted Falk: Well, it would, because that's what the amendment we passed yesterday stated.

The Chair: That sounds perhaps like an easy fix, if you would agree to change that, to be what you're proposing....

Again, if the concern is a sentence, and you're afraid that the first sentence runs into the second, maybe—

Mr. Colin Fraser: With respect, I don't think it was a grammatical thing that Mr. Falk was talking about.

Am I wrong on that?

Mr. Ted Falk: Ideally, I'd like to take the entire sentence out. I guess that's really what the motion is.

The Chair: Okay. But from what you said there, if your concern was that the words at the beginning tied in to “develop”, that would have been a fix.

Mr. Colin Fraser: I get the point, but...

The Chair: If the issue is substantive, then let's have a vote on the substantive question.

The question is on amendment CPC-38.1.

(Amendment negated [See *Minutes of Proceedings*])

The Chair: Next we move to amendment CPC-39 from Mr. Kmiec.

Mr. Colin Fraser: Mr. Chair, I want to recognize that we're on Queen Street and I want to make sure we have enough time to get to the votes.

The Chair: You're absolutely right.

The question I'd like to ask the committee is, would you like to only come back after the third vote or do you want to come back in between two and three?

Is everybody good with that? The question is whether we come back between votes two and three, but they seem to say yes, we should come back.

Mr. Colin Fraser: The only thing I could propose, though, is that if some of us have to meet, maybe it's easier, if it's going to take 10, 15, or 20 minutes, to meet in Centre Block and not come back from there until after vote three.

The Chair: You mean, to work out the wording on the palliative care and....

Mr. Colin Fraser: I'll leave that open to my friend.

Mr. Murray Rankin: Why don't we meet over there in any event and then see whether we can huddle, if we have a few minutes before or after, and then come back with this? Perhaps we can do both, in other words.

Mr. Colin Fraser: That's perfect.

The Chair: The meeting is suspended.

• _____ (Pause) _____

•
•
•(1725)

The Chair: We are now reconvening this meeting of the Standing Committee on Justice and Human Rights. We are resuming our work on the amendments to the preamble of Bill C-14.

Before we do so, I have a small housekeeping note.

Mr. Rankin, in the amendment that was just unanimously adopted—we had this discussion yesterday, and probably should have dealt with it at the time—the word “enactment” is not the right.... The clerk advises me we should put the word “act”.

Mr. Murray Rankin: That is perfectly fine with us. We struggled with the right word as well.

The Chair: Is everyone in agreement? He's going to administer the change, from “enactment” to “act”.

Some hon. members: Agreed.

The Chair: Thank you; that's perfect.

Now we're on amendment CPC-39, from Mr. Kmiec. I'm not sure whether anyone wishes to put this one forward.

Mr. Ted Falk: I don't think there's a mover.

The Chair: There's no mover. We're going to move beyond amendment CPC-39. We'll move to amendment NDP-8.

Mr. Murray Rankin: I believe that is no longer relevant.

The Chair: Right. I think you had done this in association with a different theme for the body—

Mr. Murray Rankin: —for the advance request. Since that didn't succeed, there's no purpose for this amendment.

The Chair: Amendment NDP-8, then, is not moved.

Then we move to amendment CPC-39.1.

Mr. Ted Falk: Thank you, Mr. Chair.

This is a motion to amend the preamble saying that where a person is able....

There are quite a few problematic things here that are going to create a problem. I'm just going to withdraw it.

The Chair: Thank you, because we would have had to drop the word “terminal”.

Then we move to amendments that everyone was working on related to palliative care.

I'm wondering who will be starting with that.

• (1730)

Mr. Colin Fraser: We need a few minutes, unfortunately, to complete that.

The Chair: Can I ask for a short break for a few minutes while the drafters try to work together on this?

Perfect. We shall suspend.

• _____ (Pause) _____

•

• (1745)

The Chair: We're resuming.

I'm going to call on Mr. Rankin to read what I believe is a consensus resolution.

Mr. Murray Rankin: I want to say again that it was a collaborative piece of work, and I'm proud of the result.

It builds on the three or four separate preamble suggestions that we brought forward and puts them together in one “whereas” clause, which I'd like to read: “And whereas the Government of Canada recognizes that there are diverse circumstances in the living conditions of Canadians and that different groups have unique needs, it commits to working with provinces, territories, and civil society to facilitate access to each of the following: (a) palliative and end of life care; (b) care and services for individuals living with Alzheimer's and dementia; (c) appropriate mental health supports and services, and (d) culturally and spiritually appropriate end of life care for indigenous patients.”

The Chair: Good. Is there debate?

Ms. Khalid.

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): Although I'm not really debating on the provisions of what you've stated in the preamble, I want to congratulate the committee. Just watching all of you huddle over there provided a great feeling, to know that democracy is truly at play here.

Thank you very much.

The Chair: Let the record show that.

Is there any further debate?

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: Mr. Rankin, can you give a copy to the clerk, please?

Mr. Murray Rankin: Yes, of course.

Mr. Colin Fraser: I guess the only thing that I don't know is clear is where it would be inserted in the preamble. After line 12 is where we were originally going to put it, on page 2.

Mr. Murray Rankin: Yes, that would be right. It would become line 13.

Then the last part would continue “And whereas”, so I think it fits perfectly.

The Chair: Is there anybody who wishes to debate the preamble?

(Preamble as amended agreed to [See *Minutes of Proceedings*])

The Chair: That was unanimously adopted. Excellent.

Now, Mr. Viersen's proposed amendment to the title is not receivable, because his amendments tied to it were not receivable.

Now we move to a vote on the title of the bill, which is:

An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying)

Can I have unanimous consent to keep sitting while the bells start ringing?

Thank you.

Shall the title carry?

Mr. Ted Falk: On division.

The Chair: The title is carried on division.

Mr. Fraser.

Mr. Colin Fraser: It was only brought to my attention just a moment ago from one of the department officials, in fact, who caught it, that the blues that were circulated.... I haven't had a chance to read them, but in what the clerk had adopted, I guess, as the amendments that were passed yesterday, there seems to be some conflict under the regulations that the minister may make. I inserted “(iv) for information to be collected by coroners and medical examiners”

There apparently is a conflict between the blues and what I actually said and how it's actually written, in what seems to be the interpretation of the clerk.

I don't have a copy of any of this, so I don't know what the problem is, but there seems to be a conflict there.

• (1750)

The Chair: Colin, isn't it by adding "after line 28, on page 9, the following: "the collection of information from coroners and medical examiners"?"

I believe that's correct.

Mr. Colin Fraser: We were adding number (iv).

The Chair: Yes, it's here: by adding after 28 on page 9 the following "(iv) the collection of information from coroners and medical examiners" in the middle of page 2.

Mr. Colin Fraser: Yes.

The Chair: That was the last resolution, I believe.

Mr. Colin Fraser: Yes, but it's different. I verbally amended this amendment LIB-9, on the record. Although it was in the pack, it's not what I was advancing; I did amend it.

The Chair: What was in the package was not what you put forward?

Mr. Colin Fraser: That's correct.

The Chair: You put forward—

Mr. Colin Fraser: Yes, I put forward the amendment verbally.

The Chair: Yes.

Mr. Colin Fraser: I'll just ask Ms. Klineberg.

Are you seeing something I'm not, here?

Ms. Joanne Klineberg (Senior Counsel, Criminal Law Policy Section, Department of Justice): Well, we received a document that has a list of all the amendments that were adopted, and the list seems to show that the committee adopted your amendment LIB-9 as it was originally drafted, plus subparagraph (iv)—

Mr. Colin Fraser: Oh, I see. Yes, I get you now.

Ms. Joanne Klineberg: —as opposed to replacing—

Mr. Colin Fraser: Yes, the (a) is incorrect.

Ms. Joanne Klineberg: —amendment LIB-9 as it was originally drafted with the new subparagraph (iv).

The Chair: Yes, I see what you're saying. Clause 4 is only amended by adding, after line 28, on page 9, the following: "the collection of information from coroners and medical examiners".

The Chair: The first part is not what was amended, only the last one.

Mr. Colin Fraser: Exactly.

Do you see the problem?

A voice: No.

Mr. Colin Fraser: The blues are correct.

The Chair: We do see it.

This is what is right, and this is not right. He substituted this for the resolution.

A voice: Oh, okay.

Mr. Colin Fraser: He's only inserting to the bill "(iv)", stating: "the collection of information from coroners and medical examiners".

A voice: So you wanted to remove (a) and (b)?

The Chair: Yes, this is all removed and it's by adding line....

A voice: Okay, it's adding line 28, on page 9.

The Chair: Yes, exactly.

Mr. Colin Fraser: —adding line 28 on page 9, with the subparagraph (iv). The rest of the bill is intact.

The Chair: Starting at "(c)", this text is right; everything before (c) is wrong after the word "amended".

A voice: Okay.

The Chair: I'm sorry. We haven't had a chance to look at this yet.

Mr. Colin Fraser: No, this is the first chance.

Thank you very much for bringing this to our attention.

The Chair: Yes, thank you so much for pointing it out.

Shall the bill, as amended, carry?

I believe Mr. Falk wanted to read something.

Mr. Ted Falk: Bill C-14 is called medical assistance in dying, but make no mistake, Bill C-14 is physician-assisted suicide.

The Supreme Court was very clear that physician-assisted suicide is not a charter right, but an exemption that could be provided on an exception basis provided that individuals meet certain criteria. The person must be a competent adult who clearly consents to the termination of life and who has a grievous and irremediable medical condition that causes enduring suffering that is intolerable to the individual in the circumstances of his or her condition.

Bill C-14 clearly goes beyond this Supreme Court decision, with a mandate to study making physician-assisted suicide available to mature minors, advance directives, and mentally disabled individuals. This committee heard testimony from approximately 42 individuals and/or groups who have a vested interest in this issue, in addition to officials from the justice department and the Minister of Justice and the Minister of Health.

Over 100 amendments were presented to committee, based on evidence from witness testimony that was provided to committee. Sadly, the government did not present, and in fact voted against, any meaningful amendments. The Conservatives presented many thoughtful amendments that would have strengthened the bill and added important safeguards. This is a missed opportunity.

Let me highlight a few of these missed opportunities. These amendments included assuring that only fully trained and qualified medical practitioners would assess the individual and administer the lethal cocktail that would procure death. We also provided an amendment that would remove psychological suffering as an eligible consideration for physician-assisted suicide. We also suggested that "reasonably foreseeable death" should be replaced with "imminent" or at least "expected death within 30 days".

Insofar as safeguards, we presented amendments that when a person is self-administering suicide, a physician would be required to be present. We also presented an amendment where we thought judicial review... to ensure that all criteria for physician-assisted suicide eligibility had been met. We also presented an amendment where palliative care consultation, including awareness of all the options and ensuring that palliative care access was available and offered.

We also presented an amendment that would require psychiatric examination to confirm capacity to consent, when mental health was a factor. We also had an amendment that would require reasonable proof that all the criteria had been met, and not just an opinion to that extent.

Finally, we presented an amendment to Bill C-14 that would have provided meaningful conscience protection for individuals and institutions that do not want to participate in the killing of human beings for reasons of conscience and/or religious beliefs. We got a weak compromise.

Regrettably, Mr. Chairman, these opportunities based on evidence from the testimony and interventions of committee witnesses have been forfeited. Bill C-14 is a bill that could have been and should have been better and a bill that I can't support.

• (1755)

The Chair: Thank you very much.

Mr. Rankin.

Mr. Murray Rankin: I would like to begin by thanking you, Chair, for an excellent job as chair of this committee. I see nodding around the room. I think you did an excellent job.

I must regretfully agree for different reasons that I cannot support this bill.

I believe this bill to be unconstitutional. I take that on the basis of advice we have received from eminent lawyers from coast to coast, from the Canadian Bar Association, from the Quebec bar association, and my own understanding of constitutional law. I believe that to have defined "grievous and irremediable medical condition" as this bill does not only flies in the face of the recommendation of the special joint committee that recommended that we not do that; I believe it fundamentally undercuts the victory that people achieved in the Supreme Court of Canada in the Carter case.

I do not believe this bill to be either Carter-compliant or charter-compliant. As a lawyer, I am simply unable to support a bill that I believe to be fundamentally unconstitutional.

Thank you.

The Chair: Thank you very much, Mr. Rankin.

Does anyone else wish to speak to the bill?

Not hearing anybody, we're going to move to the vote on the bill as amended.

Shall the bill as amended carry?

Some hon. members: Agreed

An hon. member: On division.

The Chair: Shall the chair report the bill as amended to the House?

Some hon. members: Agreed

The Chair: Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

Some hon. members: Agreed.

The Chair: May I just close our review of clause-by-clause of the bill by thanking every single person on this committee; all I think have worked extremely hard where it was possible to forge compromises, and where not, were incredibly respectful in terms of both tone and manner of debate.

Thank you all so much.

Mr. Fragiskatos, I have to name you. Thank you so much for coming to our committee.

Mr. Peter Fragiskatos (London North Centre, Lib.): I was going to say, Chair, you left me out.

The Chair: I know, I know. I didn't mean to.

Thank you all so much. Let's all go and vote.

Remember that our next meeting is on Tuesday. We have the minister coming. I'll send everybody a reminder.

Hon. Rob Nicholson (Niagara Falls, CPC): It's on the main estimates.

The Chair: Thank you very much.

The meeting is adjourned.

Published under the authority of the Speaker of
the House of Commons

SPEAKER'S PERMISSION

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité
du Président de la Chambre des communes

PERMISSION DU PRÉSIDENT

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>