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(HANSARD)

Wednesday, June 15, 2016

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Wednesday, June 15, 2016

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[*Translation*]

SENATORS' STATEMENTS

DONALD J. SAVOIE, O.C., O.N.B.

CONGRATULATIONS ON DONNER PRIZE

Hon. Percy Mockler: Honourable senators, on April 27, a great honour was bestowed upon a great New Brunswick Acadian, Professor Donald J. Savoie, the Canada Research Chair in Public Administration and Governance at the Université de Moncton and a leading international expert in public administration and regional economic development.

This prolific author of 45 books and over 200 articles on regional economic development and government in Canada and the United States, among other things, was awarded the Donner Prize for his book *What is Government Good At?: A Canadian Answer*.

[*English*]

Donald Savoie has published 45 books and over 200 articles in journals and edited collections during his career. Among the most important are, let me share with you: *Federal-Provincial Collaboration*; two, *Breaking the Bargain: Public Servants, Ministers, and Parliament;* three, *Governing from the Centre*: *The Concentration of Power in Canadian Politics*, which was short-listed a year ago also for the Donner Prize; and four, *Thatcher, Reagan, Mulroney: In Search of a New Bureaucracy*.

Honourable senators will remember that not that long ago I rose in this chamber to congratulate Professor Savoie on being awarded the Killam Prize for his contribution to the field of social sciences. The Killam Prize is one of the highest honours given by the Canada Council for the Arts. It was created to honour eminent Canadian scholars and scientists actively engaged in research, whether in industry, government agencies or universities.

Honourable senators, he has also been awarded several other prizes and awards for his work in Canada, Europe and the United States, and his work has been translated into many languages, such as Mandarin, Russian and Bosnian.

[*Translation*]

Despite his many honours, Professor Savoie remains a humble and approachable person. He is a keen observer of politics in New Brunswick, Canada and the world.

[*English*]

He has been an adviser to prime ministers, premiers, ministers and to public servants all around the world. As New Brunswickers, we are proud of his accomplishments and always look forward to his comments on political and governance issues of the day.

I hope you will join with me in congratulating Professor Savoie for his great contribution to our country, the l'Université de Moncton and to public administration and governance around the world internationally.

[*Translation*]

Professor Savoie, please accept our sincere congratulations on this prestigious prize. You are our hero in New Brunswick.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Allan and Wendy De Genova. They are the guests of the Honourable Senator Campbell.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

ALLAN AND WENDY DE GENOVA

Hon. Larry W. Campbell: Honourable senators, I'm honoured to rise today to recognize Allan and Wendy De Genova.

Al has been involved in all aspects of life in Vancouver, from work as a Park Board Commissioner to Ronald McDonald House to the Chinatown revitalization. He has led by example.

Nine years ago, he was moved by the story of Captain Greene, who was attacked while serving in Afghanistan, suffering a severe head injury while meeting with tribal elders. Through his courageous efforts, he regained much of his capabilities. Al saw

the need for support for families whose loved ones were undergoing treatment. He started a campaign that culminated in Honour House.

Honour House Society is a refuge, a home away from home for Canadian Forces personnel, emergency services personnel and their families to stay, completely free of charge, while they are receiving medical care and treatment in the Metro Vancouver area. Honour House receives neither provincial nor federal funding, although BC Housing does provide some financing.

Since it opened, the 10—bedroom, 10—bathroom, wheelchair accessible home, which has a communal kitchen, living room and dining room, has saved its guests hundreds of thousands of dollars that would have had to go to accommodation fees during an already stressful time for the many emergency personnel who have stayed there.

Yesterday, Al was recognized by the Veterans Ombudsman in Halifax with a commendation for his ongoing work with Honour House.

Honourable senators, I have to tell you that in conversations with him, he would like Honour House to be present in every single one of our provinces and territories. If you have any ideas that could help or you would like to be involved, please contact me.

Simply put, Al De Genova is a person who sees a need and works collaboratively with others to ensure that the need is met. He is an outstanding Canadian.

Hon. Senators: Hear, hear!

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Dr. Lisa Goodyear. Dr. Goodyear is a pediatric oncologist from St. John's, Newfoundland and Labrador.

On behalf of all senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[*Translation*]

L'ASSOCIATION DE LA PRESSE FRANCOPHONE

AWARDS OF EXCELLENCE CEREMONY

Hon. Raymonde Gagné: Honourable senators, the Association de la presse francophone, the APF, held its awards of excellence ceremony on May 27 in Edmonton, Alberta. The APF is Canada's only network of newspapers serving francophone minority communities.

I am very happy to highlight the important contribution that all the members of the APF make to developing and promoting francophone and Acadian communities in Canada.

This year, weekly newspaper *La Liberté*, from Manitoba, received the award for newspaper of the year at the awards of excellence ceremony.

L'Acadie Nouvelle, from New Brunswick, and *Le Voyageur*, from Sudbury, Ontario, were also celebrated and received a special mention in the newspaper of the year category.

I want to recognize the success of the following newspapers, which also won awards:

L'Aquilon, from the Northwest Territories
Le Courrier, from Nova Scotia
L'Aurore boréale, from Yukon
La Voix acadienne, from Prince Edward Island
Agricom, from Clarence Creek, Ontario
Le Gaboteur, from Newfoundland and Labrador
Le Franco, from Alberta
and
L'Eau vive, from Saskatchewan

I want to congratulate all of the print media artists working in francophone minority communities on the excellent work they do.

Thank you.

[*English*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Cynthia Barnable, accompanied by her daughter Tracey Barnable. They are both from St. John's, Newfoundland and Labrador.

On behalf of all senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

• (1410)

FIRST RESPONDERS AT TRAGEDY IN ORLANDO

Hon. Carolyn Stewart Olsen: Honourable senators, I rise today to salute Orlando's first responders and all the staff at the Orlando Regional Medical Center whose response in the aftermath of the shootings in that city was nothing less than

spectacular. It's difficult to visualize the scale of this tragedy. Forty-four victims arrived in the emergency department in the space of less than two hours, many in critical condition. By Monday afternoon, only 29 victims remained in hospital; five of them are still in serious condition.

Through their skilful hard work, the experienced team of doctors and nurses were able to save all but nine who had arrived with inoperable injuries. Many, many more would have died had it not been for the coordination of Orlando's first responders and the incredible efforts of their emergency departments, trauma teams and surgical staff.

The efforts of the emergency responders and medical staff cannot be understated. A tragedy of this scale requires hundreds of people — many coming directly from a phone call to their beds — to work together as a team, as one body, with every choice meaning the difference between life and death.

Hundreds of tasks were performed with no room for error, from doctors and nurses triaging injuries and providing immediate intervention and lifesaving surgeries, down to all of the staff, such as the cleaning staff who had to move and free cubicles in seconds. I have to mention the cafeteria and the porters — all the services we take for granted. Blood bank workers went into overdrive with everyone to make sure there were enough units of blood to keep the operating theatres in action.

Staff arrived from all over the city. Many had never worked together before. It's impossible for many to imagine the type of coordination necessary to ensure this smooth-flowing operation.

Speaking from my own career as an emergency room nurse, I can say that terrible tragedies like this stay with you forever. Dealing with trauma opens a wound inside you that never fully heals and places an invisible burden on the first responders and medical staff who work with these victims.

Responding effectively to trauma is the result of experience, training and skill. This is a crack trauma team. They should be a source of great pride to the citizens of Orlando.

Watching the coverage of the events on the news, I feel we never do enough to praise the action of all our medical heroes. From the Senate of Canada, I personally thank you all. You are an example to all of us as we speak.

NISHNAWBE ASKI FIRST NATION

CHALLENGES FOR YOUTH

Hon. Murray Sinclair: Honourable senators, shortly we will be observing the arrival in the gallery of a number of indigenous young people from the members of Nishnawbe Aski Nation. Today, 22 young people accompanied by 10 chaperones met with me. Here they come now.

A number of other senators and I met with these young people earlier today in order to listen to the concerns that they wished to express to members of this chamber about their daily lives and the challenges they face. Their desire to come here was triggered by the frequent numbers of suicides that have been occurring throughout their communities.

The 22 young people that you will observe arriving shortly represent and are delegated by the young people from the 49 communities of the Nishnawbe Aski Nation, representing about 10,000 young people under the age of 30.

They represent the future of those communities and, to a large extent, are representing the future leadership of those communities as well.

Among their concerns, they spoke to us about the social conditions and the living situation they face and the challenges that that presents to them and to their colleagues.

It was interesting that in their comments today, they led off with the first issue being ongoing colonization. They feel that the relationship between their communities and the Government of Canada still suffers from attitudinal approaches to how they should be allowed to govern and that their relationship with the government impairs their ability to get control of their lives.

They talked about the fact that considerable efforts are being made to ensure that their needs are being met, but those efforts are falling short of what those needs in fact are. They talked about having members of their family, their very close friends, committing suicide as recently as this past weekend. Furthermore, they expressed concern that if things do not begin to be addressed shortly, the situation can deteriorate.

At the same time, they also expressed to those of us who were in attendance with them their hope for the future and the fact that they believe that, as young people, they are the ones who are going to find the solutions. They do not want solutions imposed upon them. They want to be full partners in the dialogue around the future of their communities and their role in it.

They did certainly talk about the fact that, as the representatives of the young people, they feel they have a responsibility to carry forward the concerns of young people as well from their community. They wanted us to know that they are here and that they also believe that they are now the ones who are going to make things happen. We acknowledged all of that while we were with them.

I encourage members of this chamber, all honourable senators, to understand that the message that comes from these young people is that they wish to have you ensure that you will listen to their concerns and that you are open to the things that they will be bringing forward to this chamber, to the Government of Canada

and to members of the other place, because, as one of them said early on at the beginning of our session, "This is where our future is created."

Thank you, honourable senators. I ask that you join, when they are all in place, in welcoming their arrival to the chamber. Thank you.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of a youth delegation from the Nishnawbe Aski Nation. They are the guests of the Honourable Senator Sinclair.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would also like to draw your attention to the presence in the gallery of our former colleague, the Honourable David Angus.

On behalf of all honourable senators, I welcome you back to the Senate of Canada.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

THE ESTIMATES, 2016-17

SUPPLEMENTARY ESTIMATES (A)—SIXTH REPORT OF NATIONAL FINANCE COMMITTEE TABLED

Hon. Larry W. Smith: Honourable senators, I have the honour to table, in both official languages, the sixth report of the Standing Senate Committee on National Finance on the expenditures set out in the Supplementary Estimates (A) 2016-17, for the fiscal year ending March 31, 2017.

(On motion of Senator Smith, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

• (1420)

APPROPRIATION BILL NO. 2, 2016-17

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-19, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2017.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Bellemare, bill placed on the Orders of the Day for second reading two days hence.)

APPROPRIATION BILL NO. 3, 2016-17

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-20, An Act for granting to Her Majesty certain sums of money for the federal public administration for the financial year ending March 31, 2017.

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Bellemare, bill placed on the Orders of the Day for second reading two days hence.)

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY ON MATTERS PERTAINING TO DELAYS IN CANADA'S CRIMINAL JUSTICE SYSTEM AND REVIEW THE ROLES OF THE GOVERNMENT OF CANADA AND PARLIAMENT IN ADDRESSING SUCH DELAYS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Bob Runciman: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

> That the Standing Senate Committee on Legal and Constitutional Affairs be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate an interim report relating to its study on matters pertaining to delays in

Canada's criminal justice system, between August 1st and 15th, 2016, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT REPORT ON STUDY OF INTERNATIONAL AND NATIONAL HUMAN RIGHTS OBLIGATIONS WITH CLERK DURING ADJOURNMENT OF THE SENATE

Hon. Jim Munson: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on matters pertaining to human rights and, inter alia, to review the machinery of government dealing with Canada's international and national human rights obligations on Monday, June 20, 2016, if the Senate is not then sitting; and that the report be deemed to have been tabled in the Chamber.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, I ask for leave of the Senate that Item No. 1 under the heading Other Business, Reports of Committees, Other be brought forward and called now because of what happened last night. So we are following this.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

Senator Plett: No.

The Hon. the Speaker: Did I hear a "no"? Leave is not granted.

[*Translation*]

BUSINESS OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 14-13(3), I would like to inform the Senate that, as we proceed with Government Business, the Senate will address the items in the following order: second reading of Bill C-10, third reading of Bill C-14, second reading of Bill C-15, consideration of the fourth report of the Standing Senate Committee on National Security and Defence, followed by all remaining items in the order in which they appear on the Order Paper.

[*English*]

BILL TO AMEND THE AIR CANADA PUBLIC PARTICIPATION ACT AND TO PROVIDE FOR CERTAIN OTHER MEASURES

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Pratte, seconded by the Honourable Senator Gagné, for the second reading of Bill C-10, An Act to amend the Air Canada Public Participation Act and to provide for certain other measures.

Hon. Donald Neil Plett: Honourable senators, I rise today to speak to Bill C-10, an Act to amend the Air Canada Public Participation Act.

Colleagues, I am a free market, pro-enterprise, small-government Conservative. In general, I believe that privatization allows a company to flourish and contribute to economic growth. That being said, I have some very serious concerns with this legislation, including a very suspicious timeline.

Let me state some facts. On November 2, 2015, the Liberal government confirmed that they remain opposed to allowing jets into Toronto's Billy Bishop Airport, which effectively killed an order worth more than $2 billion to Bombardier.

The next day, November 3, the Quebec Court of Appeal agreed with Quebec's Superior Court that Air Canada did not fulfill its obligation as per the Air Canada Public Participation Act concerning heavy maintenance of aircraft in Montreal, Winnipeg and Mississauga.

On December 11, Bombardier formerly requested financial support of US$1 billion from the Government of Canada.

On February 16, 2016, Republic Airways filed for bankruptcy and cancelled its order of nearly 80 Bombardier C Series aircraft.

The next day, February 17, Bombardier announced it was cutting 7,000 jobs.

The same day, Air Canada agreed to buy 45 planes from Bombardier's struggling C Series aircraft line, with an option to buy 30 more. Air Canada then announced that it would participate in heavy maintenance on the C Series aircraft in Quebec and construct a centre of excellence in Montreal.

After this announcement, Minister Garneau said the government would lessen Air Canada's obligations under the Air Canada Public Participation Act, and on March 8, the minister put Bill C-10 on notice in the House of Commons.

On March 24, the minister introduced the bill in the house. The minister claimed this bill would make Air Canada more competitive internationally. This is another principle that I can confidentially support. I am less confident, however, that this legislation will actually achieve that goal, mainly because Air Canada never once listed aircraft maintenance as a financial concern in its submission to the Canada Transportation Act Review board.

Air Canada did mention air traveller security charges, rapid growth of airport improvement fees and many more items that the government could have chosen to act on to alleviate the financial pressure for Air Canada. However, Bill C-10 addresses none of those concerns.

Air Canada's president, Calin Rovinescu, when testifying at the house committee, stated that the Air Canada Public Participation Act should simply be repealed, which would allow for the complete privatization of the company. This would essentially rid Air Canada of any commitment to taxpayers.

There may be some merit in discussing whether Air Canada is still benefiting from the Crown to the extent that they should still be subject to the obligations they agreed to in 1988.

• (1430)

If the government wanted to repeal the Air Canada Public Participation Act, they could have suggested that. However, they are claiming to uphold some level of commitment from Air Canada, when in reality their obligations with respect to employment under this legislation have no practical significance.

Let's review the language. Proposed subsection (4) of the bill, "Maintenance activities," reads:

> For the purpose of carrying out or causing to be carried out the aircraft maintenance activities referred to in paragraph (1)(d) in Ontario, Quebec and Manitoba, the Corporation may, while not eliminating those activities in any of those provinces, change the type or volume of any or all of those activities in each of those provinces, as well as the level of employment in any or all of those activities.

Colleagues, everyone in this chamber is intelligent enough to understand that this provision commits Air Canada to precisely nothing. As I said, if repealing this act entirely is the government's aim, then let's discuss that. But then we need to call it what it is, and if we are to repeal the act entirely, privatizing Air Canada without any obligation to the taxpayer, then the company should not be reaping taxpayer-supported benefits.

For example, today, Air Canada is the largest airline in this country and an important international player in the aerospace sector because of support from taxpayers over the years. Upon privatization in 1988, Air Canada inherited a fleet of 109 aircraft. Air Canada is the largest major carrier at almost every airport in Canada, with the exception of Billy Bishop and Calgary airports. This gives Air Canada significant influence over each airport's operation and access to the best landing slots in slot-controlled airports, including Reagan airport in Washington, Heathrow in London, and LaGuardia in New York.

Air France sold a pair of landing slots at London Heathrow for $75 million, colleagues. For perspective, Air Canada owns 150 weekly slots at that airport, worth an estimated total of over $5.5 billion. It may be time to revisit whether Air Canada's obligation to the taxpayer and perks from the Crown remain in balance and whether a further step toward complete privatization would be beneficial to the growth of the company and, therefore, to the economy. However, the government claims that through this legislation they are improving the competitive standing of Air Canada, yet nothing in the company's financial reporting would suggest that this bill would accomplish that.

As it stands, all this bill will effectively accomplish is the loss of thousands of Canadians' jobs.

Now, I understand, colleagues, that Quebec, after a net gain of $1 billion and a substantial number of aerospace jobs is now comfortable with this legislation. However, my province of Manitoba is home to a world-class aerospace industry. It is the largest in Western Canada with approximately 5,400 individuals employed directly and many more indirectly in related sectors.

The Aveos closure in 2012 impacted Manitoba greatly. In fact, we lost over 400 quality aerospace jobs. With respect to the job losses, I take objection to Air Canada passing responsibility off on Aveos and its closure when Air Canada was the main client of that maintenance company.

In February of 2006, the previous government in Manitoba submitted a request in writing that amendments to the Air Canada Public Participation Act be limited to expanding the geographical scope of Air Canada's commitments within Manitoba. Clearly, the amendments go well beyond that and essentially eliminate any obligation for the company to maintain high-quality, skilled, heavy maintenance jobs in Manitoba.

The combined benefit of this legislation and the Bombardier purchase guarantees Quebec at least 1,300 quality aerospace jobs. Manitoba has been told by Air Canada that they will guarantee 150 jobs beginning in 2017, which is a mere 37 per cent of the jobs that were lost. Keep in mind that this is predicated on the hope that Air Canada will, in fact, deliver. However, what is most concerning is that the precise commitments were made by the Minister of Employment, Workforce Development and Labour, MaryAnn Mihychuk, to Manitoba's previous government concerning significant investment in training in the aerospace sector in order to compensate for the job loss. The government has not yet delivered on this promise, meaning that there remains no net gain for Manitoba.

Again, colleagues, Manitoba's aerospace is world class. The largest aerospace presence in Western Canada, Manitoba's industry is recognized for the high value, challenging jobs it

supports. Manitoba companies are at the forefront in making significant annual investments in capital, research and development. Manitoba companies like Magellan and Boeing and unique Manitoba facilities like Composites Innovation Centre are often the first to implement advanced manufacturing processes and materials. Manitoba's interests are clear: economic growth, high-quality jobs and a strong competitive aerospace industry.

We need to ensure Manitoba's aerospace industry emerges strengthened and not weakened by decisions of our federal government. A recent motion in the Manitoba legislature received unanimous all-party support.

Maintaining a strong aerospace presence in Western Canada is in the national interest. One of the largest aerospace hubs in the country, the continued growth of Manitoba's critical mass of equipment and expertise is dependent on investment and innovation as well as the continuation of fair and open procurement policies. Combined, these factors will allow firms to maintain both their local presence and their global competitiveness.

In recent weeks, Premier Brian Pallister met with the Prime Minister to push for a commitment from the federal government to ensure the ongoing strength of Manitoba's aerospace.

Colleagues, I am disappointed with the complete lack of engagement by Manitoba's government MPs on this issue. I find it unconscionable that Manitoba Liberals are not standing up for Manitobans. It is my hope, colleagues, that in the coming days the government will deliver on their very clear commitment to Manitoba. However, until we receive some assurance that they will fulfill their commitments, colleagues, this legislation should not move forward.

Thank you.

Some Hon. Senators: Hear, hear!

Hon. André Pratte: Would the senator agree to a question?

Senator Plett: Certainly.

Senator Pratte: I agree with Senator Plett that the loss of 400 jobs in Manitoba will certainly be a tragedy for the concerned workers, as was the loss of 1,600 jobs in Quebec after the failure of Aveos.

Does the honourable senator fear that if Bill C-10 is not adopted before the summer recess, the Quebec Court of Appeal decision will probably stand and, therefore, the centres of excellence both in Manitoba and in Quebec will probably not be built, resulting in a net loss of 150 jobs in Manitoba and 1,000 in Quebec?

Senator Plett: Thank you very much for that question, Senator Pratte, and I want to assure you I am very concerned about that same thing. I sincerely hope that members opposite and, indeed, the Government of Canada are equally concerned. All they have to do, Senator Pratte, is not make new promises, not make new commitments, but complete the commitment that they made to Manitoba in the last provincial election — clear, concise, a number. Fulfill that commitment. There's lots of time in the next week. The minister needs only to make an announcement that, "We are fulfilling our commitment to our friends in Manitoba," and all of this will happen. I am very concerned about the government waiting until the eleventh hour to do this.

• (1440)

Senator Pratte: Would the senator take another question?

Does the senator agree that it doesn't make sense that Air Canada, a private company now, is still obliged to maintain its airplanes like it did in 1988, according to the current Air Canada Public Participation Act?

Senator Plett: Again, Senator Pratte, thank you.

In my comments I did not say that that did not make sense. My concern is not with Air Canada's commitments. As much as I don't agree with some of Air Canada's reasoning, and I do find it suspicious that now the maintenance issue has become front and centre when in fact it never appeared to be, I certainly am a private enterprise individual and I support that.

My argument, Senator Pratte, is not with Air Canada; it is with the federal government. They are the ones who committed a significant amount of funds for aerospace training in Manitoba, and it only makes sense that the government would want to do that. They would not want Manitoba to lose all of their aerospace training that they have had over the years and lose more jobs. My argument is with the government and the Minister of Transport and the Prime Minister. Let's fulfill the promises that were made and not the new ones.

Hon. Percy E. Downe: Would you take another question?

You may or may not be able to answer this, but I'm curious about the rules set in 1988 that obviously gave benefit to Quebec and Manitoba. Why was the rest of Canada excluded from any benefit in these aerospace contracts that you are talking about?

Senator Plett: Senator Downe, I would have to say I have no idea why they were excluded. Winnipeg is Western Canada's largest aerospace industry, and I guess Quebec is Eastern Canada's largest aerospace industry. Mississauga was obviously a significant one, and that's why they were included. I was not helping in 1988, so I cannot answer why the rest were not included.

Senator Downe: Would you agree with me that, in the spirit of free enterprise, the other provinces that have aerospace industries, like Prince Edward Island, which employs hundreds of people, should have the opportunity to participate as well?

Senator Plett: Again, senator, I will not comment on what other jurisdictions should do, and I didn't in my remarks. Again, my argument isn't with Air Canada. I think I have said that very

clearly. I certainly support Prince Edward Island's and New Brunswick's aerospace industries. And everybody's. I love everybody. Again, I even have a strong liking for Senator Mercer.

My argument, senator, is not with Air Canada, it is with the federal government. The federal government made a commitment. That's all I'm asking for.

Hon. Leo Housakos: Would Senator Plett take a question?

I want to expand further on the question from Senator Downe because I do agree with him in principle, and I do agree with your answer as well, because Montreal and Winnipeg are known as aerospace centres of excellence.

At the end of day, there are all kinds of talk about Air Canada, that once we get this new legislation in place it will create a new centre of excellence in Winnipeg to service the new C Series airplanes they are going to purchase from Bombardier. The reality of the matter is these centres have been centres of excellence for maintenance for many years, and Air Canada has decided to ship out the jobs in taking care of the maintenance of their fleet not to Nova Scotia, not to British Columbia but to Israel, the Far East and the United States.

Is there any explanation or reasoning behind why these centres of excellence have not been efficient and competitive enough for Air Canada, so that they choose to send their planes thousands of kilometres around the world to maintain them?

Senator Plett: Thank you very much, Senator Housakos, for that question.

As I did state, Air Canada never mentioned that this in fact was a problem. I think we all do agree with free enterprise, but that has never seemed to be a problem and not one of the reasons why Air Canada wasn't making money, and now all of a sudden, very suspiciously, that is a problem.

Senator Housakos, I certainly agree. Why are they not making sure that we keep good, well-paying jobs in the provinces of Quebec, Manitoba, P.E.I., New Brunswick and every other province in the country?

Hon. Serge Joyal: Would the honourable senator take a question?

Senator Plett: Yes.

Senator Joyal: Honourable senators, when I read the bill at clause 1(2), it states as follows:

> Maintenance activities
>
> **(4)** For the purpose of carrying out or causing to be carried out the aircraft maintenance activities referred to in paragraph (1)(d) in Ontario, Quebec and Manitoba, the Corporation —

These are the tricky words.

> — may, while not eliminating those activities in any of those provinces, change the type or volume of any or all of those activities in each of those provinces, as well as the level of employment in any or all of those activities.

In fact, what we are being asked is to relieve Air Canada of any obligation anywhere in Canada, if they conclude that they can change the type or volume or the level of employment.

They could maintain two people in any airport to brush the carpet inside planes and that is all. In fact this clause, as I interpret it, offers absolutely no guarantee for the centres of excellence in Quebec, even though they signed a letter with the government that would not be enforceable in court against the section of the bill.

It seems to me that if we are to relieve the company from specific obligations in Manitoba, Quebec and Ontario, there should be a guarantee in the bill that there be a minimum level of maintenance activities, otherwise Air Canada is committing to maintain activities under the guise of good intentions.

They are going to fight that in court and say that we have decided, for X, Y and Z reasons, that Manitoba or even Montreal two years from now, with the reconfiguration of aeronautical activities, led them to conclude that it is no longer profitable and they will close it.

According to the letter of this bill, there is nothing that will be open to the governments of Canada, Quebec, Ontario or Manitoba to take them to court and say that you have failed in your obligations. The Quebec government has taken them to court and won twice in compelling them to maintain activities. Should we have a safeguard clause added to this bill to maintain a minimum level of activity?

Senator Plett: Thank you very much, Senator Joyal, for that question.

I certainly agree with every one of those statements. I'm reminded of my previous life as a contractor. My best friend, who passed away about a year ago of cancer, was also my main supplier, and I was always concerned when he came and put his arm around my shoulder and said "Trust me, Don." That's when I decided not to accept the prices he was giving me because "Trust me, Don" was not sufficient.

Air Canada is saying, "Trust us. We are going to do this with absolutely no guarantee that any of this will happen."

I certainly agree with Senator Joyal. Of course we are only in second reading and not at committee stage where some of that might be addressed, but thank you very much.

Hon. Pierrette Ringuette: Thirty-eight years of exclusive privilege in regard to Air Canada employment opportunities for Quebec, Ontario and Manitoba. As an Atlantic Canadian, I'm not aware of any other federal status that would provide such a privilege.

• (1450)

Senator Plett, since you believe so much in free enterprise, would you agree to an amendment that would remove the exclusive privilege of these three provinces with regards to maintenance service for Air Canada?

Senator Plett: You're absolutely right that I agree with free enterprise. You certainly make a valid point that we might want to consider at committee, and you might want to suggest that again. As I said to Senator Joyal, this is not the time to make amendments. Amendments are usually made at committee stage, and in the case of Bill C-14 they were made at third reading.

Hon. Terry M. Mercer: Perhaps Senator Plett could expand a little further. Other commitments were made by Air Canada those many years ago, and one of the commitments made was the fact that services from Air Canada would be provided to Canadians from coast to coast to coast in both official languages.

I don't know how many times I've been on a plane where the service was in only one language, and usually that language was English. So if I were a Canadian whose first language was French, I would not be getting the service that the airline committed to Canadians — not to me personally but to Canadians — that they would provide.

I would suggest that trust is a problem here. We trusted them. Your friend put his arm around your shoulder and said, "Trust me, Don" and you moved on to another supplier. Unfortunately, we don't have the opportunity to move on to another supplier, but this is an issue. Don't you think that as they continue to break their commitments to Manitoba, perhaps the next commitments they will break are to Quebec, and maybe even to Mississauga, and they will move their maintenance to Mexico or someplace else?

Is their commitment to provide service in both official languages going to be on the table next?

Senator Plett: Of course, I don't want to presuppose what Air Canada may or may not want to do next. Senator Mercer, I believe the fact that their head office is in Montreal had to do with their official bilingual status. I'm not entirely sure that wasn't part of it. That may not have been the reason. Nevertheless, they are in Montreal. They are supposed to be a bilingual airline.

I have not personally experienced what you are suggesting, quite frankly, in fairness to them. I'm sure it has happened. For most of the flights I have taken, French and English have been the two languages anywhere I have flown, and sometimes up to three or four other languages. Depending on what country I fly into, you can't get into a movie at all with all the languages they are speaking when they make announcements. For the most part, senator, where I have flown, they have had both French and English.

Senator Pratte: Senator Plett, don't you think people are a bit harsh? Don't you think people tend to forget that it took years for Air Canada to get rid of the many shackles it inherited as a Crown corporation? It nearly went bankrupt.

We are talking about trust here. Air Canada is recognized as one of the best companies in the world, one of the safest airlines in the world. It employs 33,000 Canadians and spends $10 billion a year in Canada. Maybe we tend to forget a few positive aspects of Air Canada.

Senator Plett: Senator Pratte, thank you. I don't think anything that has been said here today has brought Air Canada's professionalism into question. Certainly, Senator Mercer's questioning of their bilingualism is legitimate if he's on flights where they are not providing that service. That is a legitimate question.

I think Air Canada's safety record is great; it's second to none. The fact of the matter is how often have you heard of a United Airlines flight crashing in the last year or two? Not very often. I believe WestJet is a top-notch air carrier; Porter is a good air carrier, and certainly many of the United States and European airlines. I don't think that is a question here.

I'm certainly not questioning Air Canada's professionalism. I fly Air Canada at least twice a week and they treat me very well. I'm very happy with the service I get. There have often been comments made — and maybe not fairly — about Air Canada, that their slogan is "We are not happy until we know that you are not happy." That's not really always the case with them. They do treat us well.

Since I have the pulpit here, I can complain a little bit. Their on-time record isn't the best in the world. Nevertheless, they have always brought me safely to the other end, and that, to me, is the most important thing.

I think they are a professional company, a good company, and I certainly hope they will continue to do well.

You started off by saying that Air Canada took the company out of near bankruptcy to where it is now. I should be so lucky as to get 109 aircraft given to me by the federal government when I start a company.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Pratte, seconded by the Honourable Senator Gagné, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

(Motion agreed to and bill read second time, on division.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Bellemare, bill referred to the Standing Senate Committee on Transport and Communications.)

[*Translation*]

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

> That, for the purposes of its consideration of Bill C-10, An Act to amend the Air Canada Public Participation Act and to provide for certain other measures, the Standing Senate Committee on Transport and Communications have the power to meet, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Bellemare: Honourable senators, we have debated Bill C-14 at length over the past few days. Given that we are running out time in this session and there are still many witnesses to hear from, it is important that the Standing Senate Committee on Transport and Communications be authorized to meet while the Senate continues to debate Bill C-14 or examines other bills.

[*English*]

Hon. Terry M. Mercer: I find it curious that here we go again. This is not the budget bill. This is a bill going to the Transport Committee. The end is not in sight for this session, but already the government is adjusting the schedule around here to suit their needs.

An Hon. Senator: It happens every June.

Senator Mercer: It happens every June. These guys are new at it, but there must be a playbook laid out over there on the third floor that says: Here's how you get your bill through the Senate; just put the pressure on.

I don't know about the rest of you, but I get a little tired of this. I got tired of it with the previous government, I got tired of it with the government before that, and I'm already tired of it with this government — and we've just started.

I've said this before and I'll continue to say it. As a former finance minister of Nova Scotia would say when asked when this or that was going to happen, "We'll get to this in the fullness of time."

• (1500)

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Do the government liaison and opposition whip have a recommendation for time?

Senator Plett: Thirty minutes.

Senator Mitchell: Yes.

The Hon. the Speaker: The vote will take place at 3:31. Call in the senators.

• (1530)

Motion agreed to on the following division:

YEAS
THE HONOURABLE SENATORS

Ataullahjan	McCoy
Baker	McInnis
Batters	McIntyre
Bellemare	Mercer
Beyak	Merchant

Black	Meredith
Campbell	Mitchell
Cools	Mockler
Cordy	Moore
Cowan	Munson
Dagenais	Nancy Ruth
Day	Ogilvie
Downe	Oh
Doyle	Omidvar
Duffy	Patterson
Dyck	Plett
Eaton	Pratte
Eggleton	Raine
Enverga	Ringuette
Fraser	Rivard
Gagné	Runciman
Greene	Seidman
Harder	Sibbeston
Hubley	Sinclair
Jaffer	Smith
Johnson	Stewart Olsen
Joyal	Tannas
Lang	Tardif
Lovelace Nicholas	Unger
MacDonald	Wallace
Manning	Wallin
Marshall	Watt
Martin	Wells
Massicotte	White—68

NAYS
THE HONOURABLE SENATORS

Housakos	Ngo
Maltais	Tkachuk—4

ABSTENTIONS
THE HONOURABLE SENATORS

Carignan—1

CRIMINAL CODE

BILL TO AMEND—THIRD READING—
DEBATE

On the Order:

> Resuming debate on the motion of the Honourable Senator Baker, P.C., seconded by the Honourable Senator Harder, P.C., for the third reading of Bill C-14, An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying), as amended.

The Hon. the Speaker: Honourable senators, I have been informed by the Law Clerk and the table officers that no technical amendments are required.

Pursuant to the order adopted on June 8, once we start the final general debate, no further amendments can be moved and debate cannot be adjourned.

[*Translation*]

For that reason, once we start, the debate will continue until it is concluded or until the time of adjournment of the Senate. In the latter case, this item will be placed on the Orders of the Day for consideration at the next sitting of the Senate.

[*English*]

During this final general debate, the usual rules for speaking in debate apply, except in the case of the sponsor and the critic for the Senate Liberals, who have already used the period of 45 minutes provided for them under the order. The Government Representative and the Leader of the Opposition thus have unlimited time, while the Leader of the Senate Liberals has 45 minutes, as does Senator White, the opposition critic, and the critic from the independent senators, Senator Sinclair. Other senators will have their normal 15 minutes. Senators can speak only once in this final general debate.

Once the final general debate ends, we would follow the normal processes for a standing vote if one is requested. The vote cannot, however, be deferred unless the Government and Opposition Whips, together, request that the vote be deferred to a specified future time.

On debate, Senator Carignan.

[*Translation*]

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, as our debate on Bill C-14 comes to an end, I must admit that like many of my colleagues, I have greatly appreciated and admired the extensive discussions we have had, which have allowed us to elucidate various aspects of this legislation.

Senators can be proud of their tireless work and the high-calibre debates that have been held in this chamber.

• (1540)

Those of us who have been here for some time already know that the Senate is made up of competent, intelligent, compassionate people who want to work as hard as possible in the best interests of Canadians. It has always been that way. We are not surprised by the quality of the debates, the civility in this place and the absence of flagrant partisanship. It is no surprise that senators can work together. We generally address matters collegially in this place, no matter our political leanings or the prime minister who appointed us.

I am also pleased to note that more and more Canadians are rediscovering the Senate. We have done our job; we have studied, debated and reflected. At times, our debates have been vigorous, enthusiastic and passionate, worthy of the issue being studied, worthy of our institution.

Honourable senators, let us take a moment to listen to these important messages that, we hope, will be taken into consideration by our friends in the other place. I would like to congratulate every one of my colleagues who drafted them. Allow me to mention a few.

First of all, we must not lose sight of what Bill C-14 proposes to do. It will set the basic standard for medical assistance in dying in Canada, which was presented to our society for the first time. As many have mentioned, Canada is ahead of many countries in this regard. This matter transcends the issues of federal and provincial jurisdiction that characterize Canada. In other words, the role of the federal Parliament, through Bill C-14, is to decide where to draw the line between what is criminal and what is not, by adding a specific exemption to the Criminal Code. We must keep this in mind.

It is not up to the federal government to decide, down to the last detail, how and when to provide medical assistance in dying. That is up to regulatory bodies and the provincial governments.

Many have shown talent and sensitivity in managing this issue since June 6, and some did long before then. On that point, we must respect the provinces, as well as the professionals who will be providing this service to patients. It is clear that many senators feel that the provincial regulatory bodies that manage the health care system are better equipped to decide on the provision of medical assistance in dying. After all, they are the ones who treat cases day after day.

The message from the Senate is clear. Bill C-14, in its current form, without the Senate's proposed amendments, does not fully satisfy the criteria in *Carter* and raises serious concerns about its constitutionality. It remains to be seen how our colleagues in the other place will deal with this message. However the House of Commons responds, the Senate will be able to say that it did its job and that this issue was raised.

We also addressed the nurse practitioner issue, an issue that is important to many of you. The amendment was defeated by a single vote. I believe that this sends an important message, which I hope will be heard not only by the government, but also by the provinces and the regulatory bodies. Senators are obviously uncomfortable with the nurse practitioner's role, and I share that concern. Is it responsible to require professionals who may not be fully qualified in all disciplines to assess patients and give them a diagnosis, which might lead them to make the irreversible decision to request medical assistance in dying?

If access is the only argument to justify the role of nurse practitioners, other measures need to be put in place, which the authorities will do, we hope.

We are also calling on the government to improve palliative care. Palliative care was the subject of an amendment adopted by this chamber, and many government promises were made in that regard. Although we are still waiting for the government to take concrete action, I believe that palliative care is at the heart of the debate and the issue. Palliative care needs to be an option that is available to patients. In order to make an informed and unequivocal choice between life and death, people need to be given the option of living in a relatively comfortable environment, if that is what they want, the option of managing their pain and receiving end-of-life care.

We cannot abandon those who are suffering, and we cannot live in a society where people can decide to end their lives just because they were not given the option of choosing among various types of care that would ease their pain.

I would like to come back to another safeguard that we talked a lot about and that I hope will receive all of the attention it deserves in the other place. Our amendment brought to light the contradictory role that beneficiaries play in medical assistance in dying. Beneficiaries may act as independent witnesses or they may directly assist the person who is seeking to end his or her life. I do not want to debate this point again, but I hope that this inconsistency will be examined carefully.

Finally, colleagues, I would like to talk about the amendment to the provisions of the bill that deal with regulations, which was adopted in this chamber. It is important to remember this very important aspect, particularly when it is a matter of multiple jurisdictions and data collection. Without this type of information, future studies and research may be faulty or incomplete. I urge our colleagues in the other place to examine this amendment, as well as all the others, very carefully.

Of course, the elected representatives have the right to accept or reject any amendment we send them. There has been a lot of talk, especially in the media, about senators' right to reject proposed legislation. We certainly have the right to debate, study and challenge the proposals we receive in bill form. We have the right to express our conclusions at the end of that process, and we have the right to say what we think based on the extensive testimony we have heard.

The elected representatives in the House of Commons certainly have the right to accept or reject our opinion. However, MPs and the government must keep in mind that if Bill C-14 is passed at third reading and returned to the House of Commons with these amendments, it will come back to the Senate, and senators will have the final word.

Naturally, I am disappointed that my amendment did not receive majority support here. I think my amendment proposed an appropriate safeguard for people who are not at the end of life now that, as part of the group identified in *Carter*, they are eligible under expanded access to medical assistance in dying.

I hope that this proposed amendment will inspire the government's response if it decides to accept the amendment proposed by our colleague Senator Joyal. The Supreme Court may one day declare the restrictive nature of Bill C-14 unconstitutional and make this option available to a group of people beyond those at the end of life. If that happens, I hope this safeguard will make it possible to assess each individual's rights on a case-by-case basis. I hope that both federal and provincial

governments will take it into account in exercising their jurisdiction so that they can protect vulnerable people and give them access to care and medical assistance in dying.

Honourable senators, in closing, I hope that our debate and our amendments will be given very thoughtful consideration. I hope that the upper chamber, the government and the House of Commons will work together to make the best possible law for Canadians, especially those who are suffering. Regardless of whether or not we are elected, our job, our role, is to do the best for Canadians.

• (1550)

Honourable senators, we can be proud of what we have accomplished in this place.

[*English*]

Hon. James S. Cowan (Leader of the Senate Liberals): Colleagues, this has been a difficult debate for us all. As many senators have said, the issue of providing medical assistance in dying to someone could not be more profound. It deals quite literally with matters of life and death. The moral, philosophical and religious questions that underscore our individual attitudes towards medical assistance in dying are fundamental to who we are as human beings, and are an integral part of what each of us brings to our work here.

Over the last several weeks, we've wrestled with finding and upholding the line between our responsibilities as legislators and our own individual attitudes, beliefs and life experiences.

As challenging, though, as the past few days have been, the debate has always been very serious, respectful and thoughtful. Partisanship was truly not an issue, either in our debates or in the voting. With this bill, we've demonstrated the work that we can do as an independent chamber of sober second thought in Canada's Parliament.

As senators, we have been invited and indeed actively encouraged by the new government to do our job of legislative review, and we've been assured by the government that our recommendations will be carefully and respectfully considered. Our work on this government bill demonstrates that we have taken that invitation very seriously.

We heard extensive evidence from a range of experts, stakeholders and interested Canadians about Bill C-14. We heard witnesses not just in the usual one set of committee hearings, but in four separate sets — the hearings before the Special Joint Committee on Physician-Assisted Dying, the pre-study hearings conducted by our Legal and Constitutional Affairs Committee, the hearings by that same committee after second reading of the bill, and during Committee of the Whole.

We took the unusual step of inviting the Minister of Justice and the Minister of Health to appear before all senators here in this chamber, in Committee of the Whole, before second reading debate had even begun, so that all senators could have the opportunity to hear from the ministers directly and pose questions.

We then prepared amendments, and not one was frivolous and not one was partisan. All were serious attempts to reflect what was heard in our study, and they responded to the views and concerns we had been hearing from Canadians and in the course of our debate from other senators.

For many of us, the first concern was whether Bill C-14 was constitutional, seeing how it flowed from a unanimous Supreme Court of Canada decision that found that certain provisions of the Criminal Code violate the Canadian Charter of Rights and Freedoms.

After numerous constitutional authorities told us in no uncertain terms that the bill did not meet that constitutionality test, the very first amendment we adopted was to extend the eligibility criteria in the bill to match those set out in the unanimous decision of the Supreme Court of Canada in *Carter*. With that amendment alone, colleagues, I feel satisfied that as a chamber we did our job. I know that not all honourable senators agree, and I respect their opinion.

We then proceeded to consider a large number of other amendments. Except for a very few technical amendments, none of the amendments were passed unanimously. Indeed, many proposals were actually defeated. In fact, this may be the first time in the history of either chamber, going back to Confederation, that when examining a particular piece of legislation, individual amendments proposed by the Leader of the Government in the Senate, the Leader of the Opposition in the Senate and the leader of the so-called "third party," and, as I recall, the designated hitter for the independents, were each rejected by the house — and all the more remarkable, all in one day.

This, I believe, reflects the Senate's growing independence and is a testament to the power of our debate. There were serious and thoughtful views on both sides of virtually every amendment, all presented with passion and conviction. The new government leader in the Senate, along with his deputy and whip, all worked diligently to advocate for the government's position. We may be disappointed, but I suppose we should not be surprised that the government's position apparently is that the original bill, as originally introduced, was and remains the best bill.

I say "not surprised" because this has been the long experience of the Senate, with many governments of all political stripes.

However, I was more than a little discouraged by the reports in the press that suggested the Minister of Justice appeared to be prejudging our amendments, indeed before they were actually made. If the government is serious about the Senate fulfilling its role of legislative review, it should refrain from publicly attempting to influence or direct our work.

But, colleagues, it will be for the House of Commons, and not for the government alone, to determine what to do with these amendments. Canadians have been assured that the members of

the other place will be free to vote their conscience when it comes to Bill C-14. Just as the Senate is being encouraged by this government to be truly independent and give our best advice on legislation, so are members of the other place working to do politics differently.

As we've discovered here, doing things differently can produce very interesting results. I don't recall ever before having a meeting on a bill outside of the Senate Chamber of all interested senators, from organized caucuses and from unaffiliated senators, where we discussed our plans to propose amendments and indeed exchanged drafts for discussion and comments, so that the amendments finally tabled were the best that we could make them before consideration by the Senate as a whole.

I believe that the amendments we are recommending to the other place improve Bill C-14. From the many emails I have received and am continuing to receive from people who have been following our debates, Canadians believe the bill has been improved as well.

But of course we should not prejudge what the House of Commons will do with our amendments. We owe it to the members of the other place to allow them to make their own decisions in their own way. Of course, I hope they will accept our amendments. I continue to believe that our decisions and our amendments were the right ones. And if the members of the House of Commons should reject our amendments, then we will have further decisions to make. But let's not get ahead of ourselves.

Colleagues, I'm looking forward to the debate that will take place in the House of Commons on our amendments. I hope that our amendments will be considered in the spirit and with the purpose that they were made: first, to ensure that the bill meets the threshold of constitutionality established by the Supreme Court of Canada in the *Carter* decision; but, as importantly, to ensure that Bill C-14 addresses the needs and concerns of the many Canadians who are looking to all of us in Canada's Parliament to provide a pathway out of unspeakable suffering they have been forced to endure and hopefully to find the peace they seek.

Hon. Murray Sinclair: Honourable senators, I have the honour to speak on my own behalf but to also indicate that my thoughts, I believe, represent some of the thoughts of others who are sitting over here as well.

I want to begin by indicating that I am well aware of the fact that the amendments that have gone through have now resulted in the bill before us that will be returned to the other place. Early on in my comments on the arrival of this bill and our discussion of it on second reading, I had some comments to make with respect to what I saw the role of this place insofar as consideration of legislation that has advanced from the House of Commons to us.

• (1600)

You will recall, I trust, that I referred to this place as what I see as a council of elders - people who have wisdom and experience, who have been appointed to this place because of the provisions of our Constitution, in order to review and consider what the government and the people who have been elected to govern this country have decided to do with their power and forward to us in terms of legislation for our consideration.

I indicated that, as with elders in my community, the role of the Senate would be to recognize that the power to govern or the right to govern is for those who are elected to govern by the people of this country. While we are granted plenary power to be able to exercise certain authorities to amend or reject what it was that they had done, that we should exercise those powers very carefully. We should apply certain principles in doing that, among which is the obligation to ensure that the rights of minorities are protected, that the rights of all citizens are protected, and that government abuses are not allowed to occur as a result of the legislation, and that, in particular, those who are vulnerable are protected by the legislation as well.

Due to personal circumstances, I was not present in the chamber last week during the vote pertaining to the significant amendment with regard to the removal of the "reasonably foreseeable natural death" clause from the bill. I had already spoken to that in the course of second reading.

At that time, you will recall, I pointed out that the constitutionality question had been raised frequently, not only here in this house by others, but also in committee and in public discourse. I referenced some of the materials that I understood were being used. I also pointed out that I recognize that the "reasonably foreseeable natural death" provision in the bill was not in the *Carter* decision.

However, I did point out what I think is the correct legal interpretation, based upon my knowledge of the law and my experience with it, namely, that it is not necessary for the Government of Canada to follow the exact wording of the court decision that invalidated legislation, but that it had some room to be able to legislate with regard to a Charter right that was less than what the Charter granted, so long as it was defensible to do so under Article 1 of the Charter. That article provides that the government has to be able to show that it is a reasonable limitation prescribed by law.

In my view, without coming to any conclusion about whether it was a reasonable limitation prescribed by law, my point was that it appeared to me that the government had given serious consideration to the fact that they recognized the challenge, they recognized the distinction between the *Carter* decision and what is in the bill, and that they would have to defend it under Article 1 of the Charter. They would have to show that natural death, reasonably foreseeable, would be a reasonable limitation prescribed by law, and that therefore they were prepared to defend it on that basis. That was in the submission made in this chamber by the Minister of Justice.

My response at the time to those who were saying otherwise was that I think that for this chamber to decide that it wasn't a reasonable limitation prescribed by law, and to overrule and prejudge what a court would say, was not the way for us to go and that in fact we should allow the bill to stand as it was drafted,

because it was drafted and passed through the hands and the institution of people who had been elected by the Canadian population to put the legislation before us. We had only to recognize that there was a constitutional question perhaps, and that it might be receiving constitutional challenge but that there seemed to be a reasonable position advanced by the government that could be utilized to defend the legislation if it were ultimately challenged.

Having said that, I didn't have an opportunity to say that it was still open for senators to come to their own determination about whether or not they found that provision acceptable because, as Senator Joyal so eloquently put it in his opening statement when he spoke at second reading, this is really a question of whether this body is going to support legislation that denies the right to medical assistance in dying for those who are in need of medical assistance in dying but are not reasonably close to death.

That's a different question. That's not a constitutional question; that's a public policy question. I respect those who decided this question on that basis, and I understand those of you who feel strongly about that. We had an eloquent presentation made to us by our colleague Senator Petitclerc, who spoke about her friends having to leave the country in order to find relief from their suffering, from the conditions they had, because there was then — and would not have been under that bill — the opportunity for them to have exercised a right to medical assistance in dying.

Based upon her submission, I understand those who could be persuaded by this principle. However, my view still stands that when we are considering legislation provided to us by the government, our obligation is to consider whether or not the government has exercised its right reasonably, has recognized its authority reasonably, and whether we, as a body, need to interfere in order to protect the vulnerable. That's a different question than what we were called upon to consider in the area of constitutionality.

It was difficult to tell from the record — and it is difficult to know without engaging in conversation with each of you here — whether you are persuaded by the constitutionality argument or whether you are persuaded by your own consideration of the policy question. Therefore, I have no ability to measure that, not having been here myself. However, I can say that on the question of whether, as a matter of policy, that provision should have been allowed to remain in the bill, I would have deferred to the government of the day to be able to make that determination, because I think that's a determination that government should be allowed to make.

I recognize, of course, that the amendment has now been passed by this chamber and that the bill is to go forward as amended, with that particular clause removed. However, it causes me concern that it has gone forward in a way that does not appear to be supported by the evidence advanced to us by the government; it does not appear to have been supported by the Canadian public at large, if the minister's submission to us is accurate; and there appears to be a significant portion of the Canadian population who believe that the right to medical assistance in dying should be limited to those who are reasonably close to death. If that's the case, then this body is going against the will of the country in terms of its approach to this policy question.

I do not say this as a criticism to you; I just say this as a fact: I think we need to consider carefully how we deal with such matters in the future. You may remember that one of the points I made during the course of second reading is that we are not an elected body. We are accountable to the public in a very different way than those who are elected to govern this country. We must recognize that it is those upon whom we impose our will who are going to be held accountable for what we do in this house and therefore we need to use that power very carefully.

Having said all of that, I also want to acknowledge that there will be, I assume, a further conversation of sorts between this chamber and the other place, and that conversation may result in a different outcome down the road. But what I do know is that we have, in doing what we have done, drawn a line in the sand, and it causes me concern about what impact that will have upon the Canadian public. Because if we do not resolve that question, and there is no further legislation going forward, I am concerned about what will happen for the Canadian public in the absence of legislation.

• (1610)

Some have pointed out that the *Carter* case alone and the principles in it could be sufficient to be able to proceed. I have my doubts on that question. My great concern is no one has ever really studied that question. We have no analysis. We have no more information than what we ourselves can come up with in our own heads, separately, about what *Carter* is going to result in if we don't have legislation, as anticipated by the *Carter* decision itself, to implement *Carter* and the principles it enunciates.

Without that, we can speculate about whether or not the provinces will adequately fill the gap. We can speculate about whether or not people who are not medically trained and are not medical professionals are going to assist other people to die and whether they will or won't be prosecuted, but we don't know the end result. It is only when law is clear and in place that we can safely predict what will likely happen.

With all that said, I do want to indicate that I have a concern about what we have done with respect to this bill and about what is going to happen in the event that the conversation does not result in a resolution of our differences as between this chamber and the other place.

I can't say I'm looking forward to this happening very often; I doubt it does. I'm told that this kind of situation has not occurred that frequently in Canadian history; I haven't had an opportunity to look that up for myself, but I accept that.

Having said that, as a rookie senator in this place, I want you to know I don't appreciate being given such difficult questions so early on in my career. I wish you had given me something easier to deal with, but I recognize that our responsibility is to accept things as they come. We have dealt with this in the best way we can.

You will remember I commented upon the level and quality of debate and presentations that I heard during the course of second reading. Having read the material from last week and having been

here this week, I am very impressed with you for the level of debate and the interchanges that have occurred between senators in this chamber during third reading. While a lot of the passions and feelings about what this bill should or should not do are still very intense and raw with all of us, I appreciate the fact that the debate has always been respectful and considerate of the needs of the Canadian public.

Having said all of that, I do want to repeat my position at the outset of second reading when I indicated that coming from the community that I come from, life is sacred, and putting a provision in place which allows a person to end life with the assistance of others is something we should approach very carefully and only incrementally. We shouldn't be too eager to rush forward and make it an expansive, all-embracing right that everybody can easily exercise. We should do what we can to ensure that that right is carefully monitored and supervised and that it is always subject to limitations that prevent it from being too accessible to people who are in a vulnerable state.

I say that partly because fellow senators and I have just come from a meeting with young people from the community of Attawapiskat. They talked with us about, among other things, the frequency of suicides in their community; and while these were all young people, most under the age of 18, and some of them as young as 11 and 12, if they believe that Canadian society looks with acceptance upon the issue of suicide, if they continue to see that Canadian society embraces the idea of suicide as a matter of principle, even if we say that you can only do it under medical supervision, they will see it as an acceptable alternative to living.

It will not take much for a young, vulnerable person to believe that their situation is intolerable to them, and therefore we need to ensure that the message we send to the Canadian public with this legislation is that this is not a right that should be easily exercised or that we are embracing; this is not a right that we should necessarily feel proud to be granting to all Canadians. We grant it because the medical necessity of it is very strong and compelling. At the same time, we want people to know you have to be very careful about exercising this right, and we're going to ensure that it's not easily accessed.

Thank you, colleagues.

Some Hon. Senators: Hear, hear.

Hon. Betty Unger: Honourable senators, I stand here today as but one voice in this chamber. My voice is not as loud or as strong as others in this house. Yet behind me stand many thousands who wish their voices could be heard. I am honoured to be speaking on their behalf. Today I hope you do not hear just my voice, but the sound of their voices as well.

These are the many people who weep that Canada's moral fabric is being destroyed, who beg us not to underestimate the harm that will follow when our hitherto and dearly held values are being shredded. These are the elderly and the vulnerable who have now been burdened with new fears of visiting their doctor or being admitted to the hospital.

I propose to you that if this legislation was for a clear moral good, there would be no need for debate. It would be of our nation, yet we do not hear such a sound; we hear the sound of division, anger, disagreement and fear. I do not know which is more alarming, the fact that we are on the wrong road or the fact that we do not recognize it and that so many are cheering.

A fundamental tenet is, "Do not kill the innocent; life is sacred," yet in considering this legislation we have dismissed so many safeguards that the innocent are certain to be killed. Why we cannot see it, I don't know.

Ignoring the lessons of history, we elevate the right of the individual over the good of society. Canada has had its democratic values uprooted. While in theory Parliament is supreme, this has become blatantly false. The Supreme Court has supplanted our elected parliamentarians by foisting judge-made law on Canadians. Although parliaments across the nation could invoke the "notwithstanding" clause to ensure that this decision receives its proper deliberation, they seem unprepared to do so.

• (1620)

Where did we go so wrong, and when will we admit that the Supreme Court has gone too far? What will it take and on what will they rule next?

Is there no situation under which the parliaments of Canada would be prepared to exercise their right under the Charter and invoke the "notwithstanding" clause? I, for one, am not holding my breath. I believe we are wrong, my friends. This story does not end well.

My only hope is that more and more Canadians are beginning to realize that something is terribly wrong and are rejecting the benign-sounding "medical assistance in dying" bill, C-14. Regrettably, far too few parliamentarians are amongst them.

I cannot support this legislation. I don't think this has been our finest hour; politics were ever present. But, may the gracious God who gave us life have mercy on us when he takes it in the end.

Hon. Terry M. Mercer: Honourable senators, this debate has been troubling me. Indeed, it has been difficult for us all. We find ourselves in quite a quandary: fix a bill that we may not entirely agree with or leave it as is and risk a constitutional challenge in the courts.

As we have seen over the past while, there are so many angles from which to examine this bill. There are questions of morality; there are questions of religion; there are questions of logic; there are questions of love, life, and death.

Each of us here, and each of our colleagues in the other place, has sought guidance from any number of avenues with which to satisfy our conscience but also to satisfy our obligation to the country.

The government tells us that the bill tries to strike a proper balance between the decision of the court and the protection of its citizens, including those who want to end their life and those who have to help them do it.

I'm not so sure that was accomplished. I am left to struggle with the decisions we have made here and what implications they will have for the future. I have struggled, as well, with our duty to uphold the Constitution but also to respect the will of Parliament to decide on legislation.

As Senator Joyal has stated, and I think it bears repeating:

> . . . I think there is only one question to be asked in relation to Bill C-14: Are we ready, as a Parliament, to deprive Canadians of their rights to medical assistance in dying when they are competent adults, when they have a grievous and irremediable health condition, and when they are in intolerable suffering? Period. That's the question.
>
> Are we ready to deprive Canadians, who are not terminally ill or close to death and who have the right to medical assistance in dying according to the Supreme Court, to deprive them from the benefit of their Charter right? That's the essential question we must face.

Many people smarter than I have already spoken on the legal ramifications of Bill C-14 in the form it was in when it came here. I am not a lawyer, but the Supreme Court of Canada gave Parliament time to craft legislation, and Parliament has done that. But it seems to me that many authoritative voices on this subject are prevailing in saying that if passed in its original form, this bill will be challenged and most likely overturned by the court.

If amendments that have been proposed here — those that were passed or defeated or that had already been suggested to the Senate from pre-study in committee — will bring the bill more in line with the *Carter* decision while still respecting the objective of what the government is trying to do with important protections for the vulnerable, why would we not do that now instead of passing a flawed bill that most certainly will be struck down?

Even Peter Hogg, one of Canada's foremost experts on constitutional law, has said that the bill in its original form was not consistent with the *Carter* decision because of the bill's narrowing of who is entitled to ask for doctor-assisted help in dying.

We now have a bill that we have amended. Have we done our best to ensure it is the best bill it can be?

In a recent interview with Paul Wells, the Prime Minster stated:

> Because, yes, defending people's choices and rights is part of being a Liberal — but protecting the vulnerable is, too.

I agree. But has the bill gone far enough to do both? Has it gone too far?

I want to take a moment to tell you a story about my wife's and my godchild. She was born to a very healthy mother who did everything right during her pregnancy. Unfortunately, at the time of her birth, there were serious complications. Indeed, she was born with severe cerebral palsy. She could not talk, walk or feed herself. She was fed through a tube in her stomach.

She had all of those things wrong with her, but what wasn't wrong was her love of life and her love of her family and friends.

Her smile and laugh would light up a room. When I went to her house to visit and announced my arrival with my big, loud voice, she would light up, smile and laugh.

She is gone now at the age of 18. She died in her sleep, a very peaceful and quiet death, which led to many days of celebration of her all-too-short life.

Why do I tell you this story? What worries me is that sometime in the future, another parliament might allow parents of children like my beloved godchild to be added to the list of those who might be eligible for doctor-assisted death. Have we opened the door for that?

Our goddaughter was in a similar situation to the daughter of Robert Latimer, a farmer in Saskatchewan. That child's life was taken from her by her father because he felt that she was in too much pain. He was wrong.

I am concerned that at sometime in the future, these children who cannot speak for themselves may have their conditions added to the list of those who can request assisted dying.

We have heard from many people and many groups about their concerns for this bill. Many supporters argue that we must respect the *Carter* decision but provide adequate safeguards in order to protect the sanctity of life.

Many dissenters argue that we should not be in the business of supporting doctor-assisted suicide at all. Who is right? Who is wrong?

I do not believe any of us want to do this for our own personal reasons or for legal ones.

Since I have been a member of Senate, I have had two brushes with death. A number of years ago, one of my knees that I had replaced went septic. I was rushed to the hospital here in Ottawa. I spent fourteen days in intensive care in a coma. My organs started to shut down, so that meant I was on my way out.

• (1630)

Thank God for the good doctors at Queensway Carleton Hospital who took care of me.

Secondly, a year and a half ago, as many of you know, I had a stroke, and thanks to the good reaction of my wife at the time of the stroke, I was saved by the good people at the hospital in Halifax.

But that's why when this bill came here I thought about where I was in both of those occasions mentally. What decision would I have wanted to have made at that time? I decided, and I related this decision to my wife and my son: I want to stick around. I don't want to go anywhere. I have a one-year-old granddaughter, and I want to spend as much time with her as possible.

The original Hippocratic oath states that a doctor will use treatment to help the sick according to their ability and judgment, but never with a view to injuring or doing wrong. Neither will they administer a poison to anybody when asked to do so, nor would they suggest such a course.

So are we asking doctors to break that oath?

Whether or not you leave the ending of your life to natural causes, in God's hands, or by the assistance of a doctor when you are in intolerable pain, death still comes to us all. How we choose that death is ultimately what this bill is about.

I ask you to consider these comments as you decide how you will vote on the final version of Bill C-14.

Some final words I leave you with have been attributed to Tecumseh:

> When it comes to your time to die, be not like those whose hearts are filled with fear of death, so that when their time comes they weep and pray for a little more time to live their lives over again in a different way. Sing your death song and die like a hero going home.

This is a tough decision, honourable senators. At this point in the day, after all of these debates, I still am not sure how I will vote today. Thank you.

Hon. Michael Duffy: Honourable senators, I don't want to prolong the debate. I think what we've heard in the last few minutes from both Senator Sinclair and the senator from Halifax has been quite moving and has summed up the problem we face. Neither choice is a perfect one, and we can only hope that the other place will put some reins on this legislation that is coming through. Therefore, in the hope of having a better product at the end of the day, I will be supporting this bill with those reservations — in the hope of having amendments made down the hall that will make it more acceptable to all Canadians.

Thank you.

Hon. Norman E. Doyle: Honourable senators, I rise to make a few remarks on Bill C-14. Needless to say, it's a very important bill. For me, it's probably the most important bill I've had to deal with in my time as a senator and an MLA and an MP. Quite frankly, the bill really concerns me because I think it will erode further the value of human life.

We need to reflect on the value of human life. That should be part of our debate as well. Not to think about the value of human life and its origins at a time when we are debating the end of life and its termination seems to be a little bit out of balance.

I think the government must make sure, and we have to make sure, that people who are challenged by either mental or physical disabilities and the elderly continue to be seen as valued members of our community and are protected in the whole process.

I hope the amendments we are sending over will help in some way to achieve that.

This bill will determine how our nation deals with death in the future. I know there are many in the chamber, including me, who believe that life is a great gift from God and that it should not be trifled with but protected in every way possible.

The House of Commons has grappled with the issue 15 times since 1991, and each time the notion of assisted suicide was voted down. In the most recent vote on the issue, in 2010, a bill to allow physician-assisted suicide was defeated 226-59. So this is a defining moment for the Senate, because here we are dealing with a bill that will not only provide access to euthanasia and assisted suicide, but will also promote a particular world view, a new way of looking at life.

This law reverses principles and values which innumerable generations have held, that protecting and saving life is essential for the common good. From time immemorial, the act of taking the life of another individual has been considered a wrong punishable by law. Now it's early in the 21st century, and some would have us believe that it's a good, but killing remains a grave evil, colleagues, even if it is disguised as medical aid in dying. I know we have amendments that will make the bill, if passed, more acceptable. However, there are no amendments that can make the bill right. It still remains a terrible bill — a bill that will make our nation part of only nine jurisdictions in the world that offer suicide and euthanasia as an alternative to a normal dying process.

I also want to put on record a remark or two about the rate at which the bill is moving through the House of Commons and through our chamber here as well. Major bills usually get a lot of study and hearing, and given its groundbreaking and controversial nature, Bill C-14 would normally get a very thorough going-over by the appropriate parliamentary committee, with a variety of witnesses being called to express their views and concerns. Many witnesses from the various faith communities, the medical community, the Aboriginal community and constitutional experts were heard. Unfortunately, though, many other witnesses were not heard. Groups like the Euthanasia Prevention Coalition, L'Arche Canada and Living with Dignity were not given the chance to appear. In addition, Dr. Balfour Mount, who is considered the father of palliative care in North America, did not get to appear.

On a major issue such as this there is an onus on the Canadian Parliament to ensure that our consultations are as wide as possible. That did not happen. That should be noted and it should be recorded, given the fact that most of our remarks have mentioned that it has been a rushed procedure.

Another criterion for the Senate's consideration of any bill is whether or not there are any obvious or glaring omissions in the bill. Bill C-14 comes up wanting on that front as well, especially when you think long and hard about how government handled the whole area of conscientious objection. There are many doctors and medical personnel across our nation who could not accede to a request to be involved in assisted suicide, yet Bill C-14 in its original form was mute on that issue and still is. If an

amendment had been accepted in this particular case, some corrections could have been made to address that concern of the medical community.

• (1640)

It's amazing that the House of Commons did not recognize that if the Supreme Court ruled that you have a constitutional right to seek medical assistance in ending your life, then surely there must be a corresponding constitutional freedom of conscience right on the part of the medical community. Surely, a doctor who is dedicated to saving lives cannot be forced, in a democratic country such as ours, to take a life.

Many doctors take their Hippocratic Oath very seriously. All of us hope they do. It is an oath that says, "Do no harm." However, Bill C-14 did not outline, again in its current form, any right of health care providers to opt out on the grounds of conscience.

Dr. Edward Rzadki recently made a telling statement. He said:

> I am a psychiatrist and a law that can force me to stop being a healer and become a doctor of death is beyond common sense.

What many doctors are saying is that suicide is not illegal in Canada. However, the person who decides to end it all places a terrible burden on the shoulders of the doctor who is involved.

So again, in Bill C-14 we have a piece of federal legislation that is incomplete and deliberately left out the general principle of conscientious objection and left the matter to either the provinces or the courts. That has not and will not, I suppose, change, in spite of our efforts to the contrary.

I believe also we have before us a bill that should not have been presented without a plan for a national palliative care program. If we wish the processes inherent in Bill C-14 to be a rarely used medical alternative, then a comprehensive national palliative care program is a must. However, this very important issue has not received the air time that it should. As a matter of fact, it's absolutely necessary if for no other reason than to provide a good alternative to physician-assisted death.

The dictionary defines the word "palliate" as "to lessen or abate without curing." In other words, palliative care is comfort care, care designed not to cure the incurable but to make pain more tolerable, less painful, more comfortable to the individual who is suffering.

It is my contention that if we are to have a new national law on physician-assisted death, then we should, on balance, also have a national law or national policy on a comprehensive palliative care program.

An Hon. Senator: Hear, hear.

Senator Doyle: I have no great knowledge on pain management. However, I do know, from talking to doctors, that palliative care is very effective. I also know, from what I've seen with respect to palliative care, that it is effective. I know it from dealing with my own family members. I had a sister who at the age of 21 died of cancer, a brother at 39 who died of cancer, a sister at 49 who died of cancer, a brother at 59 who died of cancer, a sister-in-law at 20 who died of cancer, a sister who died of Alzheimer's and a mother who died of Alzheimer's. I've seen palliative care up close, and it does work.

So death, like birth, is a natural part of the continuum of life and, pain notwithstanding, palliative care can be very effective.

As a country, maybe we have a problem in how our social policies are administered. Our social policies cover only the time from birth to the beginning of the end, but they rarely cover the period from the beginning of the end to the end itself. That's palliative care.

Unfortunately, Bill C-14 concentrates only on the end of life. With all due respect to the Supreme Court and their direction, it's all too little, too fast.

Honourable senators, in my view, the right course and the first course to take for the chronically and terminally ill is to develop and implement a national palliative care program. It's a sad commentary on a nation that many in the need of palliation are only offered a quicker death. We will be resorting to treating the illness by killing the patient.

In conclusion, I personally cannot support Bill C-14, first of all because of my views on the sanctity of life; and having seen this bill, I cannot support it for all of the foregoing reasons. A bad law is a bad law.

And as the great British statesman Sir Thomas More said, "What keeps a country peaceful is good laws." This is not a good law.

Hon. Claudette Tardif: Honourable senators, I will begin with my comments on third reading of Bill C-14. That will be followed by a statement by our honourable colleague Dennis Dawson, who is absent with cause and who has asked me to read his statement in his name to you.

I may have to ask your indulgence, honourable senators, for a few extra minutes should time not permit in the normal 15 minutes.

[*Translation*]

Honourable colleagues, I would like to speak to Bill C-14 one more time. The past few weeks have been a time of personal reflection for me. As Senator Baker told us at second reading, everyone needs to reflect on this and come to their own conclusions. As Senator Jaffer mentioned, our role as legislators and leaders in our respective communities is to listen to Canadians, take into account the Charter of Rights and Freedoms and ensure that our position reflects more than just our own personal convictions.

I came to a conclusion, but not without difficulty, given the respect that I have for everyone here and for the opinions

expressed during the debates. I am prepared to support Bill C-14, as amended, and here is why.

First, I indicated at second reading that I could not support Bill C-14 as introduced in the Senate. I felt that the bill needed to be amended to better reflect the rights guaranteed by the Charter of Rights and Freedoms and *Carter*. I have always believed that we need to keep in mind that the basic goal of medical assistance in dying is to show compassion for people with grievous and irremediable medical conditions, even if their death is not reasonably foreseeable. I therefore felt that the bill was too restrictive, discriminatory and even cruel to a certain class of people.

I am convinced that our quality of life depends on the freedom we all have to choose our next step in life, even if it is our last. Bill C-14, as introduced in the Senate, undermined that freedom. I sincerely believe that Senator Joyal's amendment makes necessary changes by broadening the eligibility criteria for medical assistance in dying so that everyone with grievous and irremediable medical conditions can have access to that assistance, not just those whose death is reasonably foreseeable. That is why I voted in favour of that amendment.

In our deliberations we often talked about the sanctity of life. The only certainty we have in life is that, despite all the advances in modern medicine, one day, each and every one of us will die.

• (1650)

This bill and the deliberations that have ensued were never meant to devalue life or encourage people to kill themselves. I think this is more about reflecting on our journey on this earth, our shared values, our individual freedoms and our own personal autonomy.

Much like Senator Frum, I tackle these deliberations with a love of life and with compassion. I respect all the various perspectives that have been expressed on these interrelated issues.

It is true, for instance, that we cannot separate medical assistance in dying from palliative care. We also must not avoid talking about the most vulnerable people in our society, especially since we are all vulnerable at some point.

Unfortunately, some people are more vulnerable than others, because of their socio-economic, physical or mental status. That is why we must do everything in our power to protect them and give them good quality of life.

We can help ensure that quality of life by putting in place the best possible safeguards to prevent abuse. That was the purpose of the amendments brought forward by Senator Eaton, Senator Plett and Senator Marshall, and I recognized their merits.

I even stated that expanding eligibility for medical assistance in dying to make the bill more inclusive and constitutional went hand in hand with incorporating appropriate safeguards to protect those who are most vulnerable. However, I do not see the rejection of some of the other amendments as fatal to the bill as amended. I believe that the safeguards provided are now sufficient.

I am also pleased that under this bill, no later than 180 days after the day on which the act receives Royal Assent, the government will be required to initiate one or more independent reviews of issues relating to requests by mature minors for medical assistance in dying, to advance requests and to requests where mental illness is the sole underlying medical condition.

I completely agree with Senator Eggleton's proposed amendment, which would require the government to present the subsequent report or reports to each house of Parliament, no later than two years after the day on which a review is initiated.

We have reached the end of some long and difficult deliberations on medical assistance in dying. We heard testimony and received letters from many Canadians, experts and senators here in the Senate, and I thank everyone for that. After considering all the possible aspects — constitutional, medical and personal — I was struck in particular by two statements, which reinforced my own position. One was a comment that Senator Ogilvie made at third reading. He said, and I quote:

[*English*]

> The most vulnerable Canadian is someone suffering from an intolerable medical condition. They are suffering in ways that are totally intolerable to their quality of life and are looking down the road to several years of their suffering increasing in magnitude and their ability to withstand it declining continuously over that period of time. Nobody could be more vulnerable than that person.

[*Translation*]

This reminded me of a particularly moving part of a letter from an Alberta woman. I quoted this letter at second reading, and I think it is worth reading again.

[*English*]

> Sound of mind but physically frail, my mother in her last few weeks of life was distressed that her end-of-life experience was going so badly. Becoming immobile and totally dependent on others for her most basic needs, she was humiliated by her loss of independence and distressed that she was a burden to her family and the health system. . . .
>
> Her pride, her dignity and her spirit were crushed to the point where she begged for help to end her life.

[*Translation*]

This person could have been my father. He also expressed a desire to die toward the end of his life. He could have been in a similar condition but not near death, and one day, it could be my turn.

That is why we are here today, for all those who are asking only for a bit of compassion and freedom, including the freedom to die with dignity.

I say yes to better palliative care, yes to reasonable safeguards to protect the most vulnerable. I say yes to medical assistance in dying for people who are suffering from grievous and irremediable conditions, whether their death is reasonably foreseeable or not, because no one should have to beg to die with dignity.

I will vote in favour of Bill C-14 as amended, and I invite all my colleagues to do the same.

[*English*]

I will now read to you Senator Dawson's statement:

[*Translation*]

> My dear colleagues, allow me to explain my absence from the Senate as we study this important bill. The reason is both simple and cruel: I am battling throat cancer, and my doctors required me to undergo treatment immediately, which is what is happening. The specialists tell me that my chances of recovery are excellent, but I didn't want to take any risks.
>
> I want to take this opportunity to thank those of you who have sent me words of encouragement during this very difficult time. I greatly appreciate it, and it is very much helping to motivate me to get through the necessary treatment so that I can join you again as soon as possible. Thank you.
>
> However, even though my health has to be my top priority right now, I am disobeying my doctors by taking part in this debate very briefly. It's not the first time I have been disobedient in my life, and it won't be the last.
>
> A number of clauses in Bill C-14 speak to me, but I will use my brief remarks to give you my opinion on the profound role of the Senate. I am one of a small group of us who have sat in both chambers. I think I fully understand the dynamic of the House of Commons, and I respect it. I mean that sincerely.
>
> It is no secret that one of the saddest days of my political career was when I, along with other Liberal senators, was expelled from the Liberal caucus by the leader who has since become Prime Minister and head of government. I had a very hard time accepting that decision two years ago.
>
> However, I finally learned to live with that choice, and now I have come around to thinking that it was a good decision. Now that an independent Senate is becoming the norm, criticism would be frowned upon when it exercises its independence.
>
> The recent appointment of seven high-calibre senators was an important first step toward restoring the Senate's legitimacy. Even my colleagues opposite seem interested in embracing a more independent Senate.
>
> If you are launching a campaign to recruit 20 new senators, for goodness' sake, don't tell them that you won't be listening to them. The quality of the candidates will depend on your willingness to respect an independent Senate. We spent two years with that new status under the previous government, and I sincerely believe that our newfound independence made for better opposition in the Senate.
>
> When called upon to play the role that, until further notice, it exists to play, the Senate cannot hold its nose, sit back, and let things happen because it might upset the other place. The role of the Senate, particularly an independent Senate, is certainly not to sabotage government legislation passed by the House of Commons. I will never be part of such an inexcusable spectacle. However, it is clear to me that the Senate's role is to improve legislation when necessary, as is the case with this bill.

• (1700)

> This must be done with a keen sense of responsibility, as demonstrated by Senator Joyal and our other colleagues when they propose legitimate amendments for the government and the House of Commons to consider. The Senate cannot and must not allow itself to be intimidated.
>
> We are providing sober second thought, which is the essential role of the Senate, and I am convinced that we are doing so with moderation, competence, and sensitivity to the interests of Canadians, the government and the House of Commons. Senator Dawson thanks you.

Hon. Thanh Hai Ngo: Honourable senators, I was not planning on addressing this matter. However, before continuing, I would like to tell you, as many of you have said so well, that I feel honoured to be with you in this honourable chamber to debate an issue that is central to the human adventure.

[*English*]

I believe we should be proud of the sober second thought we have given to this bill, and I hope that the House of Commons pays good attention to the amendments and the debates that were made to improve this legislation.

In the past weeks, we have debated ways to improve medical assistance in dying by adding restrictions on the beneficiaries, suggesting conscientious objection, raising the roles of nurse practitioners, allowing advance requests, requiring mental illness evaluation, clearly defining terminal illness and ensuring additional safeguards, to name a few. There are many well-thought-out and researched amendments that aim to protect the will and the well-being of the patient facing the most difficult of choices.

These discussions that took place in this chamber over the last few weeks and in the Standing Senate Committee on Legal and Constitutional Affairs are worthy of the hallmarks of this honourable chamber.

The Senate has now taken a principled position on this most heartfelt of issues. It is important to remember that as parliamentarians we are all pursuing what we believe is in the

best interests of Canadians. I want to make sure that I can add my voice to yours before we send this bill back to the House of Commons.

This bill that stemmed from a time-sensitive Supreme Court decision has compelled over 30 million Canadians to reassess and re-evaluate their beliefs and their values.

[*Translation*]

More than ever before, the subject of assisted suicide has given rise to many discussions in the circles of law, ethics and medicine, but, first and foremost, among the general population and even within our families. This is a debate that forces us to examine our most ingrained beliefs and even our strongest values.

This legislative process has revealed how our religious traditions and cultural values have influenced the debates and our thoughts on this matter.

Death is certainly a subject that has an ethnocultural dimension, an essential variable that must be taken into consideration in a country as multicultural as Canada, especially since one of the largest demographic groups is from Asia. The issues surrounding the right to die with dignity are being re-examined in our communities, this time with the emergence of the individual right of every person to die with dignity and without suffering. Therefore, it is important to take note of my arguments here, which are based on my own consultations and a cultural attitude towards death.

We cannot forget that immigrants of Asian origin are very uncomfortable talking about death, especially with their doctors, because they are afraid that the doctors will not understand the traditions and customs associated with death, suffering and assisted suicide.

To understand the way Asian communities cope with death and grief, compared to the vast majority of Canadians, it is important to understand the fundamental difference in perception of existence as deeply embedded in family as opposed to the individual. In other words, Asian cultures view death as a family affair, since it is family that helps to make sense of the absurdity of dying. However, our debates revolve around absolute autonomy, meaning a sick person's absolute right to determine their own time of death.

[*English*]

There is indeed a strong taboo around talking about the individual choice of death in most Asian cultures, where individual preferences would not be sufficient ground for such an action. This is not because of a less caring society, but of a difference in perspective. For these communities, it is a dilemma between a higher respect for individual autonomy and freedom, and the prime, utmost value of the family as the doctrine of the relational autonomy.

Honourable senators, the Vietnamese people have a saying: If there is water, then there is a water fall, which means if there is a bit of life left, then there is life.

It is certainly true that every ethnic community perceives death through its own cultural lens, but to understand its meaning through Asian tradition, you first have to relinquish the notion that death is catastrophic or avoidable or even strange. It is a natural and sacred pathway that cannot be interrupted. It allows us to understand and preserve life. For example, there is no specific term for euthanasia in Vietnamese. The closest translation would refer to the act as making death painless.

Death is a part of the concept of fate and destiny, in which one is neither to be in despair, nor to be presumptive about death and life. For example, if you talk about hospice care in the community, you are basically accepting that you will die or that your family member will die. This is a stigma of hopelessness that is associated with assisted dying and senior residences.

But thanks to the continuing engagement and integration, such labelling is dissipating into acceptance. I'm certain that continued awareness will influence Asian-Canadian communities to look at euthanasia through a different lens if it is done correctly, which is one the great recommendations that followed this bill: to invest in palliative care to help the elderly embrace their death in better moral and physical comfort.

However, palliative care in Canada typically caters to the non-immigrant population by serving Western food and operating in English. This can make palliative care unappealing to the Vietnamese other minority groups who are used to eating their own food or speaking their own language.

Honourable senators, immigrants represent over 20 per cent of the total Canadian population, the highest proportion among the G8 countries.

These cultural societies seldom talk about assisted suicide. Their community elders have limited knowledge about pain management and could potentially risk choosing an early death because they are unaware of the options offered by palliative care.

Such virtues of respect for one's parents, elders or ancestors are an important aspect of Asian and the Vietnamese culture to consider when discussing end-of-life decisions. This tradition that we live could cause elders to take into consideration the expensive cost of hospice care and could lead them to treat euthanasia as a final recourse so as not to burden their families. But making senior homes affordable and palliative care accessible to all may bring them to take a different look at euthanasia. It would reduce the concern of families and incite them to re-examine whether medical assistance in dying is the right choice for their loved ones. In turn, we would see a different attitude about medical assistance in dying in ethnic communities where they feel empowered to properly weigh the need of an individual over the collective.

• (1710)

I believe the Ministries of Health and Justice could have done a better job consulting the different communities on this issue, because some of the ethnic communities, particularly the older, more traditional ones, risk not understanding their legal options, how palliative care can help them with what medical assistance in dying really means.

[*Translation*]

Esteemed colleagues, it is important for me to contribute to this rich conversation as a senator of Asian origin with a great respect for life. Assisted suicide conflicts with the traditional structure of our communities. However, what matters is the intent behind the decision to put an end to suffering or a terminal condition. It is a matter of having control over life until the end to avoid being confronted with meaninglessness and helplessness. Therefore, the will of the majority and modern society want to exercise control, which is reflected in the treatments that will or will not be offered to patients nearing the end of life. Now, this decision lies before you.

[*English*]

Honourable senators, it must be for Parliament to legislate necessary changes, such as has happened here with medical assistance in dying, precisely because opinion on this issue is deeply divided.

In doing so, it has been our role to represent the rights of minorities, to investigate the matter thoroughly and to uphold the constitutional rights. Because ultimately, regardless of our origin or tradition, it is the Constitution that binds us and defines the values that make us Canadian.

Honourable senators, as Senator Cowan said, "Canadians are looking at the Senate to fill a gap in this bill." However, this isn't just a matter of personal autonomy or choice; it is a matter of concern for all those involved in the process because we all have a responsibility to one another.

Medical assistance in dying must now respect the free will and the equal rights of all patients, abide by the physician's Hippocratic Oath, and include everyone involved in this process, including the family. That is why the protection of freedom of choice of all eligible patients and the inclusion of families is a line that cannot be crossed.

Dear colleagues, to conclude, let me share with you a wise quote from the philosopher Lao Tzu that reflects what I believe we have all come to realize:

> There is one appointed supreme executioner. Truly, trying to take the place of the supreme executioner is like trying to carve wood like a master carpenter. Of those who try to carve wood like a master carpenter, there are few who do not injure their hands.

Thank you.

Some Hon. Senators: Hear, hear.

Hon. Art Eggleton: Honourable senators, I rise for the first time to speak of this in a general context. My views have been well represented by the comments from Senators Cowan, Joyal and others in this chamber. I do want to thank them, and I also want to thank the special joint committee co-chaired by Senator Ogilvie and Rob Oliphant, MP, and those who sat from both sides of this chamber on that committee and helped guide us in terms of what the public was saying to them and what their findings were, with their very lengthy study. I think it's well-informed in terms of what decision has to be made.

I want to join with all others who have congratulated us in terms of how well this institution and the individuals within it have acquitted themselves in this debate. It has been a well-organized, high-quality debate. People have spoken with great conviction and passion in a non-partisan way.

We've heard today, as we've heard at other points in the debate, people's very deep, personal feelings based on their culture, upbringing, religious beliefs and personal experiences, all of which has to be reconciled with the need to act as legislators in what we believe is in the best interests of the people of this country and where the population feels that this country needs to go on this issue. That may be difficult for a lot of people, I understand that, but that is our responsibility as legislators.

All in all this has been a proud moment in terms of debate for the Senate of Canada.

I want to make two points: One is the need for a bill. We don't have a bill at the moment. It could be left to the provinces and regulatory organizations in the medical profession to lead the way within the framework of the Supreme Court decision, but I think that would not be in the best interests of Canadians. What is in the best interests is that we have a national bill so we can ensure there is a basic standard in terms of access to medical assistance in dying, and that there is an equality across the country.

They never did come back with an abortion bill; we've gone 27 years without one. But there is not that kind of equality that this issue should be getting, and so I believe it is necessary to have a bill.

The second point that I want to make is this discussion that has been going on here and in the media about the role of the elected chamber versus the unelected chamber, and our responsibilities as the Senate of Canada as an unelected chamber, I do subscribe to the belief that we should be a complementary chamber to the House of Commons; that we should provide sober second thought, but we should bear in mind the program on which the government was elected, their platform. We should bear in mind their responsibilities in financial matters, and we should be very careful about how we go about amending or rejecting bills that come to this chamber.

However, I believe very strongly that it is our duty to uphold the Constitution of this country and minority rights.

In the memo the Minister of Justice sent us the other day, she said that there is a lot of discussion about *Carter*, but it's not *Carter* that's important; it's the Charter. I agree, but in this case they are one and the same, because the *Carter* decision of the Supreme Court was based upon its view of whether that met the test of the Constitution.

• (1720)

I'm convinced by the testimony of such people as Peter Hogg. I'm convinced by the decisions that were made in both the Alberta and the Ontario courts subsequent to the decision of the Supreme Court. I'm convinced by the comments. I think Senator Joyal, on two occasions, has quoted a member of the Supreme Court of Canada who said they were not dealing with terminal illness in this bill; they were looking at a broader context.

I know there are different opinions on this and I respect that, but I fully believe that the original bill does not meet the test of the Constitution. Therefore, I strongly support the amendment that was made. I believe it does bring it in accordance with that.

But I want to again make the point that when it comes to matters of the Constitution, it is our duty in this chamber to uphold the Constitution and minority rights. We're not here just to provide an opinion or observations, although in many cases that would be the most appropriate thing to do. We are here as legislators. We are part of the constitutional framework of legislation in this country, and we have to take our duty very seriously in this regard. That's why I intend to support Bill C-14 as amended.

Hon. Don Meredith: Honourable senators, the decision facing us goes to the core of what we believe and value most. In the Judeo-Christian faith, we seek guidance for these core issues in the Bible. There we see in Ecclesiastes, chapter 3:1 — I won't be preaching to you tonight:

> There is a time for everything, and a season for every activity under the heavens:
>
> a time to be born and a time to die . . .
> a time to weep and a time to laugh,
> a time to mourn and a time to dance . . .
> a time to be silent and a time to speak . . . .

On this important matter, I rise as a person of faith to speak. I wish to speak on behalf of the many Canadians who, like me, are fundamentally and morally opposed to this bill because we believe strongly in the sanctity of life.

The fact that we suffer sometimes through extended seasons is a certainty of life that none of us welcomes. We do not like to suffer ourselves, and it even hurts more to see those we love living through such seasons. But is assisted dying a satisfying and sane solution? Is it the best way we can support someone who is deeply in pain or despair or going through very dark days that some illness has brought?

I think that as a society, our commitment should be unwavering to care for those who are most vulnerable, not accelerate them onto a convenient off-ramp. As we have all probably experienced, it is gut-wrenching to ponder what this bill proposes, but our duty as Canadians is to consider this with the care that life deserves and avoid setting long-term directions for our society based on polling opinions or trending Tweets.

I believe that we all want to feel that our work on this matter has made for deeper deliberation, wiser decisions and a safer space to be in for those who may be nearing the end of life. We want to do the right thing in this chamber and provide an environment where the right thing can transpire in homes, hospitals and hospices well into the future.

As individuals, we all go through crises in our lives. I believe that we are put to the test and that we will sometimes see loved ones in pain or suffering, and we or they may well want to make that suffering end. Should this be by any means, for any reason or at any cost to the meaning of the value of life?

I feel I must emphatically express to you my deep emotional and spiritual conviction that life, even with its suffering, is worth preserving. The role of the health care professional as a healer, not a helper of death, is worth preserving. The role of the loved one as a support and not an ambiguous gatekeeper is worth preserving.

Opposing this bill as currently written is, in my view, a matter of protecting as many lives of vulnerable Canadians as possible within the new reality of the Supreme Court policy directive decision.

I listened intently to the words of my honourable colleagues. Senator Sibbeston spoke passionately of the pain of the elderly, and our Aboriginal youth who are choosing to end their lives because of difficult circumstances. Senator Sinclair also expressed their concerns this afternoon.

These are able-bodied individuals who need hope and a reason to live, who need to know from their leaders that they will have opportunities to continue, to contribute to this country, to be happy and to live.

Senator Enverga also shared a personal story of the difficult choice he had to make.

How horrible it must have been for you, senator, to feel pressure to say goodbye permanently to a family member.

Senator Enverga's family chose life. For that he was blessed to share many more memories with his mother-in-law.

I commend the many honourable senators who shared their personal and emotional stories. You've inspired me to rise and raise my concerns.

Honourable senators, as it pertains to Bill C-14, I share the view of many in this chamber who believe that significantly strengthened conscience protection is needed. I firmly believe that the participation of all health care professionals in any way in assisted death should be voluntary and that conscience should be protected uniformly across this country.

It is very important to note that Bill C-14 does not create new medical or health care obligations. It simply proposes euthanasia

and assisted suicide as exempt from the Criminal Code provisions that forbid them, with certain parameters.

The international medical community has maintained to this day that it opposes these practices. As physicians, they have taken the Hippocratic oath, which rejects euthanasia and instructs them to do no harm.

Honestly, I don't believe it is within our authority to be radically redefining a profession as ancient, universal and crucial to human life as medicine. I believe we must protect the right of health care professionals, social workers, psychologists, psychiatrists, therapists and institutions to refuse to aide in provision of medically assisted dying.

We have heard a number of amendments affirming the protection of freedom of conscience and religion in the Charter of Rights and Freedoms and stating that individuals cannot be compelled to perform euthanasia and assisted suicide, but these have been insufficient.

It is my humble opinion that to truly protect our health care professionals who are opposed to this practice, we need strong and specific language around conscience protection, because when this bill passes, honourable senators, we know that doctors in some parts of Canada will be forced to choose between their conscience and their careers, and that is wrong.

We need a clear statement from the government that conscience protection extends to health care institutions like hospitals, nursing homes and hospice facilities. It also must be clearly stated that conscientious objection includes direct and indirect participation, such as referrals.

Like Senator Plett stated — and I hope he's listening — Canadians are divided on this, and because Canadians, including practitioners, are so passionately conflicted on this, we must protect them. I believe we can all agree this is the right thing to do.

Honourable senators, I also remain concerned about the unintended consequences that this bill unleashes. When the Canadian Medical Association testified before the Special Joint Committee on Physician-Assisted Dying, they indicated that 70 per cent of their membership was unwilling to participate in physician-assisted death.

I'm concerned that physicians may be required to perform assisted death to maintain their role in a hospital or other health care institution, whether they believe such assistance to be right or wrong. That could be viewed as discrimination based on the health care professional's religious belief or creed, which is illegal in Canada.

Honourable senators, we must be aware of the danger this bill poses to our most vulnerable citizens. I strongly believe that limiting accessing suicide for those nearing the end of life provides a measure of protection to those who are elderly, disabled and vulnerable.

Canada is a country with an aging population, and as our population grows older, health care professionals will have many more patients with grievous and irremediable conditions, and given their age, reasonable death could be reasonably foreseeable.

We must recognize that the problem of elder abuse has grown and is exceedingly difficult to identify and eliminate. In this context, the loose criteria in this bill and exemption from criminal liability for people who claim to have mistakenly believed that the person met the criteria set out in the law are very dangerous.

Patients are concerned about this because many of them are already suffering from grievous and irremediable conditions.

I share the concerns of Senator Cools, when she said, "Once we cross the clear line that we must not intentionally kill another person, there's no logical stopping point."

• (1730)

> "And once the initial justification for euthanasia is expanded, why not allow some other justifications, for instance, saving on healthcare costs, especially with an aging population? Until very recently, this was an unaskable question. . . ."

But now with the dystopia this bill presents, it seems all too possible.

The Supreme Court in *Carter* clearly stated at paragraph 127:

> The scope of this declaration is intended to respond to the factual circumstances in this case. We make no pronouncement on other situations where physician-assisted dying may be sought.

The situation before the court concerned individuals with terminal and degenerative conditions. The court reasoned that persons who might find themselves physically unable at some point to take their own lives might end their lives prematurely if no assistance would be available to them. The court did not propose extending assistance to those who wished to end their lives and were capable of doing so. The focus in this case was allowing assistance in suicide for those who would be physically incapable of taking their own lives. The court used the description "grievous and irremediable medical condition," in the context of these specific factual situations.

Following the reasoning of the decision, then, "grievous" would mean a person who is terminally ill with a degenerative condition who might choose to end their life prematurely if assistance to end their life may not be available to them later on when their condition became intolerable.

These facts led me to believe that limiting assistance in suicide only to those at the end of life provides a measure of protection to those who are elderly, disabled and vulnerable. Therefore, I think the definition of "grievous and irremediable medical condition," as presented in the bill, must remain in this legislation.

Minister of Justice Jody Wilson-Raybould said to us during Committee of the Whole on June 1:

> Parliament's duty is to listen not just to the voices of those who are asking to have access to the new service, but it's also our duty to listen to those expressing fear for their safety in their interactions with the medical community, fear for the safety of their communities and fear that their lives are being devalued.

As 21-year-old James Schutten said before the Justice Committee in the other place, ". . . this right to die makes me feel as if society thinks I should choose to die." The lives of the elderly and disabled are just as valuable as those of all Canadians, and Bill C-14 aims to promote this message by limiting access to those who are approaching death.

Finally, as I prepared to speak on this matter, I consulted with my constituents and with faith-based groups working on this file. I would like to share with you an opinion of the Evangelical Fellowship of Canada. They believe, like I do, that it is critical that access not be expanded to include individuals who suffer from mental illness in the absence of terminal illness, to minors, or to include the possibility of advance directives. Recommendations to expand eligibility to those suffering from mental illness or whose suffering is primarily psychological in nature are contrary to the testimony that the special joint committee and the Justice Committee heard from national associations such as the Canadian Psychiatric Association and the Canadian Mental Health Association.

As argued by the Government of Canada in the *Carter* case, sources of possible error and factors that can render someone "decisionally vulnerable" include depression and other mental illness.

Senators, we have to protect the vulnerable.

Persons experiencing mental illness are particularly vulnerable to suicidal suggestions. To extend this access to those whose suffering is psychological would place a large number of vulnerable Canadians at risk.

Similarly, assisted death must not be made available to minors. As obvious as this seems, we must remember that assisted death cannot be undone. It ends life. It cannot be considered like any other type of medical treatment over which minors may have legal decision-making power.

The Supreme Court used the term "competent adult" repeatedly and deliberately in the *Carter* decision. The court was fully aware that there was a difference in provincial standards and ages of competence for care, but nonetheless it chose to restrict the exemption to adults rather than simply competent persons.

It is a critical safeguard for both patients and medical practitioners for a patient to be competent at the time that medical assistance in dying is provided. For that reason, the evangelical community and I believe that Bill C-14 must not allow for advance directives. There is no way of being certain that a person's wishes might not change from the time the directive is made to when the assistance is provided if they are not capable of saying so.

The special joint committee heard from the Canadian Medical Association that it's extremely difficult to implement advance directives under normal circumstances and that to do so in the context of assisted death would be much more difficult. The evidence has made it clear to me that for this proposal to work, a patient must be able to either confirm their wishes or withdraw the request.

Honourable senators, I believe that only God can give life and only He can take away life. Canada's Charter of Rights and Freedoms states, under section 7, "Everyone has the right to life . . . ." It does not state everyone has a right to death.

The Supreme Court of Canada concluded that the Criminal Code prohibition infringes certain existing rights for certain individuals in circumstances, but in no way did it create a new Charter right. Such an exemption does not require the state, the health care system or any doctor to end a person's life. I believe, instead, as I know many of you do, that Canada's health care system must maintain a life-affirming philosophy. Our physicians should be trained to restore and enhance life by providing the best palliative care in the world. To promote any action intended to end human life, in my opinion, is morally and ethically wrong.

For we who share the opinion, it is our duty to ensure that if this legislation is passed, we move to improve access to quality home palliative care across our country. Good palliative care should not begin with a death sentence but rather with the necessary investment so that people and their families can feel valued and at peace.

I join many of you in expressing my belief that making hospice palliative care available to every citizen —

The Hon. the Speaker: Excuse me, Senator Meredith. Your time has expired. Are you asking for more time?

Senator Meredith: Thank you. I just need to —

The Hon. the Speaker: Hold on, Senator Meredith.

Is time granted, honourable senators?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

The Hon. the Speaker: No?

I'm sorry, Senator Meredith.

I'll ask again. Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

The Hon. the Speaker: I'm hearing no.

I'm sorry, Senator Meredith. Your time has expired.

Senator Meredith: Thank you.

Hon. Donald Neil Plett: Colleagues, I will not use my allotted time, and I will not speak to the constitutionality of the law or the constitutionality of what we have the right to do. I know that we have very learned people such as Senator Joyal, Senator Baker and now our rookie senator, Senator Sinclair, who have much more knowledge about the Constitution and the rights we have in order to do what we are doing.

I really want to only get on the record why I will at the end of the day and at the end of possibly Monday be doing what I will be doing and why I will be voting the way I will be voting.

I, too, want to express that I certainly consider myself as being — and I think most senators would agree — one of the more partisan senators in this chamber, and I don't apologize for that. As Senator Irving Gerstein said one day, "I am a Conservative bagman, and I'm proud of that." Well, I'm a Conservative partisan, and I'm proud of that.

But I do believe that we have had tremendously non-partisan, respectful debate on what is, for many of us, the most difficult vote that we will ever make in this chamber.

I take some solace in the fact that I do not believe for one second that, when I vote — and if I vote "yea" on either the bill as amended or the bill as it may come back, because I believe it probably will come back — we are making assisted suicide legal. I think that was done by the Supreme Court of Canada, and so we are now going to vote on whether or not this is as good a law as we can strike.

• (1740)

That allows me to sleep at night. For example, one of my amendments passed, and I thank the chamber for voting for it, but the other one didn't. I am passionate about that. I am equally sorry that some amendments did pass, but nevertheless, that again is the democracy that we have and that I always want us to keep.

At the end of the day, I want to be able to break bread with those senators that were on a different side of an issue than I was, and I know that we will be able to do that. I have tremendous respect for senators opposite and senators right here that voted differently than I did on some issues. That isn't what I want to speak to. I respect that.

I, as Senator Unger, am a firm believer that life begins at conception and ends when a natural progression occurs, whether that's God taking that life or whether that's just natural death. I'm not going to decide that.

I am sorry that we don't have an abortion law. I am sorry that Parliament at that time gave up on a tie vote and didn't ever revisit that. However, that's not what I'm revisiting today. I am just expressing my feeling on it.

Colleagues, I will struggle at the end of this debate with whether I can support the bill. It is an amended bill, and so I know that I have some choice. I'm going to be conflicted, because I do not want us to defeat this bill. I think that would be the worst thing in the world we could do. I think the bill in its original state is much better than what we will have if we defeat the bill. We will have a law in Canada. We have a law in Canada now, but it is not as good as it will be under the bill that was brought to us.

I have respect for the Minister of Justice and the Minister of Health and the work that they did. I don't believe for one second that either of them relished the task that they were given by the Supreme Court as brand new ministers needing to deal with that. I respect what they gave us.

I hope that they will respect — and this will be my own feeling — and accept three of the amendments that they got over there.

Sorry, Senator Joyal, that is what I hope they will do. But where I did not support Senator Joyal and the amendment, I support Senator Joyal 100 per cent in his expertise. One day I would like to see Senator Joyal and Senator Sinclair have a constitutional debate. I would pay money to hear and listen to that.

Colleagues, at the end of the day I'm not sure how I'm going to vote on the amended bill. I know that I want a different law than what we have today. Colleagues, we need to make sure that the House of Commons has the opportunity to look at this and then send it back to us if they don't like it or if they can't accept it. Defeating it again, colleagues, is the worst thing that we can do, in my opinion.

I will struggle and I will pray, and when we come to the end, I will vote.

Excuse me.

It has been suggested to me, "Don, leave the chamber or abstain." I will not do that. I will stand and be counted and hopefully the right thing will happen. Thank you.

Hon. Senators: Hear, hear.

Hon. Mobina S. B. Jaffer: Honourable senators, before I speak on Bill C-14, I want to thank the three leaders in the Senate: Senator Cowan, Senator Carignan and Senator Harder.

Senator Cowan, my leader in the Senate, you have truly been a role model. You have worked tirelessly for us and especially on this bill. You have worked hard and with compassion for Canadians. Thank you.

I also want to thank Michel Patrice, Michel Bédard and the legal team for all your hard work. I know even on Sunday, while I was asking both of you questions, you were available. Thank you.

I want to thank Jocelyn Downe and Josh Paterson for working with me to help me understand the consequences of this bill.

As a British Columbian, I would like to thank the British Columbia Civil Liberties Association for their great work on this issue. You have heard the cries of the most vulnerable in our society.

Honourable senators, I will be supporting this bill with its amendments.

Honourable senators, we need to ask ourselves: why did we pass Senator Joyal's amendment and fix this bill? It was because of our duty to protect people who are suffering from such excruciating and unbearable pain.

Honourable senators, at second reading I opened my heart and said to you that for me, as a practising Muslim, this bill was very, very difficult, but I as a legislator have to go beyond my personal feelings.

So I ask that we not forget, amid all of this very interesting and useful debate, what this issue is all about. It is about helping people with grievous and irremediable conditions escape enduring and intolerable suffering, to escape being trapped in torture, whether those people are near to death or not.

This bill is about people who suffer from grievous and irremediable conditions, including diseases that are disabling. This condition causes enduring suffering that is intolerable to the individual.

Honourable senators, "irremediable" does not require the patient to undertake treatments that are not acceptable to the individual. For example, I have spoken in this place about Elayne Shapray who was suffering intolerably on account of advanced secondary progressive multiple sclerosis. Under Bill C-14, as proposed to us by the other place, she would have been forced to starve herself to the verge of death in order to make herself eligible.

Carter didn't come into effect quickly enough for Suzette Lewis, another woman from Vancouver. She had multiple sclerosis for 20 years and her condition was not terminal. Her death was not reasonably foreseeable.

She decided to starve herself to death this past October at the age of 65. In the words of her daughter, Rachel Ricketts, a corporate lawyer, she was bedridden and subject to excruciating physical and emotional pain and was a prisoner in her own body. This suffering and total loss of quality of life consumed her entire person. Because assistance in dying was a crime, she could not be open with many people in her family. She was, in her daughter's words, condemned to whispers, but her conviction on the matter never wavered.

Her daughter, whom she did not tell about her wishes, was researching and considering flying to obtain drugs from veterinarians in Mexico or from drug dealers here.

As the mother suffered, her daughter, desperate to help her mother, had to go through this awful experience of considering criminal, back-alley dangerous ways to assist her mother.

Rather than choose an option that would place her daughter at risk of imprisonment and jeopardize her legal career, Suzette Lewis chose the only option that could protect her family while allowing her to escape suffering — suicide by starvation. Ms. Lewis starved and dehydrated herself until she died. For 14 unbearable days, her daughter Rachel had to sit and watch as her mother wasted away. Rachel described it as an "atrocious" and "barbarous" death.

• (1750)

The absolute prohibition on assistance in dying for those whose deaths aren't reasonably foreseeable — people like Suzette Lewis — has been eliminated by the Senate. We have together as senators stood up and said that situations like what happened to Suzette Lewis — having to starve herself to death when she had been granted by the Supreme Court the right to a humane and peaceful end — will not be allowed to occur.

Ms. Lewis is not the only person; there are many other people as well. We have stood up and decided that people like Ms. Lewis, who were granted the right to choose by the Supreme Court, should have the right to choose respected by Parliament.

We have spent much time talking about those who would be excluded from the bill had the Senate not eliminated the absolute prohibition on assistance in dying for those not near to death, but they are not the only people we helped with the amendment we passed last week. The requirement in Bill C-14 that the person's condition be incurable, instead of irremediable by any treatment acceptable to the patient — as set out by the Supreme Court — clearly do not mean the same thing.

While we heard from the Minister of Justice in this place that the meaning is the same, I have been convinced by the testimony we have heard that the words "incurable" and "irremediable" are different.

To change the word and to eliminate the qualifying language of not requiring the person to undergo treatments that are not acceptable to them clearly means something different on the face of the language. It was very important that we changed the word "incurable" back to the Supreme Court's terminology, because the result would otherwise be that people are trapped in suffering.

In the *Carter* case itself, there was evidence before the court of a patient with a condition that is potentially curable but only by treatment that she finds unacceptable.

Honourable senators, at committee we heard from Josh Paterson, Executive Director of the B.C. Civil Liberties Association, who very graphically — and I won't go into all the details that he did — described to us the plight of Leslie Laforest. She had Stage IIIC anal cancer. She had undergone multiple surgeries and three rounds of radiation therapy in an attempt to cure her cancer. Her doctors said a fourth round of radiation and chemotherapy would give a chance of survival, a chance to be cured of the tumours, but with no guarantee of success.

Leslie testified by affidavit that she found the side effects of the therapies and the drugs needed to control her pain to be intolerable. She was told that the radiation and chemotherapy will wipe out her red and white blood cells to dangerous levels, leaving her susceptible to infections, moulds and severe fatigue. Her doctor advised her that radiation is likely to severely burn her skin, including burning of her private parts and bladder; this

cannot be avoided, as she would be irradiated through her pelvis. She was told that if she survives, she may end up with permanent scarring of her bowel, resulting in diarrhea and incontinence.

Mr. Paterson went on and on in describing what would happen to her if she took the treatment. Yes, honourable senators, this treatment could have saved her life, but it is not certain and will result in a potentially significantly diminished quality of life.

Leslie told her doctor that she does not want to go through another round of radiation therapy but, rather, wishes to end her life in peace, through medical assistance in dying rather than continuing to endure the intolerable suffering until she dies, painfully, as a result of her cancer. Her oncologist says that her death from the cancer will be a death in agony, regardless of pain medications. Her legs will swell to gross proportion as poisons and toxins accumulate in her system. The tumour will grow to explosive proportions, blocking off the bowel, which will begin to contort and twist under pressure. She has been told that she will ooze mucous, blood and fecal matter out of every orifice, and that no amount of drugs will deal with the breakthrough pain.

Leslie would not have access to medical assistance in dying under the original wording of Bill C-14, because her doctors made clear to her that there was still a chance of cure. Honourable senators, Leslie's condition, according to her doctors, is not incurable.

Honourable senators, I want to first of all thank Senator Joyal for his leadership on this bill and on this amendment. I again want to thank Senator Carignan and Senator Cowan for their leadership on this as well.

As those who were in committee with me know and also heard from me in the chamber, I am absolutely obsessed with the word "incurable" in the bill. I have spoken to so many people and to so many doctors about this word. I was very graphic about what happened to Leslie, not because I am looking to be dramatic or graphic about it, but I want people to understand what we have done; and if we do not stick by this, there will be a lot of Leslies we will hurt.

To access medical assistance in dying under the original provisions, you would have either been forced to undergo painful treatments and fail those treatments until you become incurable, or continue to endure intolerable suffering until the point at which treatments would no longer have a chance of being effective; and while waiting, you could die a tortuous death. Under the *Carter* decision, people like Leslie will have a right to avoid this terrible death.

Honourable senators, it is simply cruel — in our great country, with all kinds of assistance in medicine — to have people suffer. With the amendment, we have given people like Leslie, and others, assistance in dying.

Honourable senators, I want to conclude by echoing the words of Dr. Forbes and Dr. Blackmer at committee, where they said that they and their colleagues will provide the service out of compassion in caring for their patients.

We have made these amendments to the bill, and we have heard a lot of constitutional arguments. Yes, that is part of it, but there is always a foundation on which we fight for constitutional rights. Honourable senators, here we are fighting for the right of people to die with compassion, to die with dignity. In our great country, we hear that innocent people will be killed. I don't know about you, senators, but I have great faith in our doctors. I haven't met a doctor who is keen to hurt a patient. However, I have met many doctors, as have you, who want to treat their patients with compassion.

Honourable senators, I say to all of you that, yes, we've had the foundation of the Constitution to guide us, but each one of us also has compassion, and we have heard from Canadians.

Hon. André Pratte: Honourable senators, let me briefly share the thoughts of a new senator about this very special debate and its implications. I found it at the same time fascinating, instructive, yet very difficult and sometimes frustrating. Like all of you, I had worked hard to understand the issues, but I found I was not ready for the votes on some of the amendments. I felt rushed. Many votes were wrenching experiences. I felt a responsibility on my shoulders like never before, especially as I thought of the pain of the patients and the very difficult decisions they would have to take, as well as the medical practitioners and the families.

• (1800)

When the debate began, I had opinions about medically assisted death, but also many questions. During the debate, new questions and new doubts arose, but I also found answers. It is a tribute to the quality of your speeches, honourable senators, that I found the answers less in my own research than in your wise words.

The bar is high. Those words have been echoing in my head since Senator Baker pronounced them with his usual eloquence last week: ". . . the bar should be very high for us to reject legislation that's passed by the elected body." I understood it to mean that we should not reject or even amend fundamentally the bill unless there is a serious motive and circumstances. Senator Baker quoted John A. MacDonald: The Senate "will never set itself in opposition against the deliberate and understood wishes of the people."

Now it is not easy to a find an authority to counter Sir John A., and I left most of my beloved books in Montreal. So I looked hard and finally found someone:

> There would be no use of an Upper House, if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere chamber for registering the decrees of the Lower House.
>
> John A. Macdonald

So I am convinced that we were right to amend Bill C-14. I think we have reached that bar Senator Baker was talking about where the Senate had to intervene on at least two counts. Number

one, fundamental rights, and Senator Joyal brilliantly pled that case. As Senator Cowan summarized:

> . . . whatever other roles we may take on as senators and as an institution . . . surely, at the core of our responsibilities is to ensure that bills that we pass meet the requirements of the Constitution.

Second, I believe firmly that the house has committed a grave error from the human standpoint to exclude from access to medically assisted death patients who are not terminally ill and who have only years of suffering in front of them. Why? Maybe the other place did not have the time to reflect upon it enough or because of the usual tumult of its debates. Maybe they simply did not have the same quality of debate we had.

Maybe they did not have people like Senator Petitclerc in their ranks. Allow me to remind you of the words that moved us so:

> I know first-hand what unbearable pain is. . . .
>
> . . . I can't help thinking of the people who live with intolerable suffering and have no hope of ever getting better. It is really for them, and them alone, that this law has to be the very best it can be.

Maybe the deliberate, thoughtful, respectful discussion we had — and that is what sober second thought really means — allowed us to see the fatal flaw in Bill C-14.

So there is no doubt in my mind, after hearing all sides of the issue, that this is a case where the Senate had to amend the bill before it. That is why I will vote in favour of Bill C-14 at third reading.

The question that haunts me now is what should we do next, as it seems very probable the house will send it back to us, having rejected some or most of our amendments? Should we defer to the house or stand our ground? I'm very much concerned about how Canadians will react in the case of a legislative deadlock.

Senator Joyal quoted from Professor Paul Thomas a list of circumstances when the Senate might invoke its veto to force governments to amend the law, a list that includes bills "that violate the Charter of Rights and Freedoms." According to that list, we should be justified to hold our ground in the face of the House of Commons if it refuses our amendments.

But Professor Thomas also writes: "Exactly when it is legitimate for the Senate to use its veto to defeat a bill remains largely undefined . . . ."

Although I certainly defer to Senator Joyal's unequalled expertise, I note that there is still a dose of constitutional and political uncertainty as to the Senate's use of its veto power when the house insists on its version of a bill.

[Senator Pratte]

[*Translation*]

There is absolutely no doubt in my mind that the Senate must warn the government and inform the public if it believes that the bill violates the Canadian Charter of Rights and Freedoms. However, should the House of Commons insist on maintaining its position, is it up to the Senate to ensure that the Charter is upheld by indefinitely obstructing the bill, or is that the Supreme Court's job?

However, my biggest concern for the immediate future has to do with how public opinion could change if there is an impasse, in other words, if the bill ends up being shuffled back and forth between the Senate and the House of Commons. Some people feel that we should not concern ourselves with public opinion, because we are defending the rights of a minority, so the opinion of the majority doesn't really matter. Others feel, however, that we need to take public opinion into account; otherwise our position will become untenable, which will hurt the institution. Regardless of our point of view, we also need to ask ourselves how we can measure where the public stands on such a complex issue. Personally, for a long time, I was a big fan of public opinion polls. I played that game quite a bit, but now I am much more sceptical.

Then again, the members in the other place might be in a better positon to gauge public opinion. They are in contact with their constituents on a regular basis, and let's not forget that their political survival depends on that public opinion.

That being said, should we not yield to the opinion of the House of Commons? You all know, honourable senators, the powerful response I got from Senator Joyal when I asked him that question last week. He said, and I quote:

> . . . not at the expense of the rights of citizens who have recently been granted that right and are in a condition of intolerable suffering. It would be cruel to leave them in that condition.

Nevertheless, I believe that we will face risks in the coming weeks if we ignore the change in public opinion.

[*English*]

We may have or we shall have or we must, I'm not too sure. So we may have to wage a communications war against the house and the government. The goal would be to have "the deliberate and understood wishes of the people" on our side. But keep in mind that we will face a very popular government and Prime Minister, elected. Our popularity is very recent — last week — and fragile.

Senator Harder said about Bill C-14 that, "This is a start of a public discussion." Issues like non-terminally ill patients, advance requests and mental illness will be the subject of further study. The government has said also that we have to proceed with caution.

Now the government may well look like they have a moderate position, and we may look like radicals, as surprising as this may sound, disconnected from political reality, grasping for influence

or power. We may try to make our case on constitutional grounds, fundamental rights. Those are certainly dear to Canadians, but it's a hard case to make and more theoretical.

We could try to make it on human grounds. It's more promising. We have very convincing spokespersons: Senator Petitclerc, Senator Ogilvie, Senator Frum, Senator Wallin, amongst others. We could try to convince Canadians that we are right on that count, that we are on the side of people who suffer and have the right to die in peace. I certainly share that opinion.

But there is a reverse side to that medal. If we defeat or delay the bill, there could be consequences on certain patients. Are we absolutely convinced that provincial directives are enough, that physicians will be reassured and will provide medically assisted death? If not, how many will suffer because of the deadlock we will have contributed to create? It takes only a few cases in the media of people who are refused access to fatally hurt our cause.

These are the questions I will ponder after tonight's vote, honourable senators. As I have throughout this debate, I will seek your guidance. Meanwhile, as I said, I will vote in favour of the amended bill because I am convinced it is much fairer for suffering Canadians who are not terminally ill than the original version.

• (1810)

As the debate comes to a close, I hope we will do the right thing for Canadians who have a serious medical condition and endure intolerable pain. Above all I pray that each and every one of them will have the right and means to choose to live and, when the time comes, to die in dignity and in peace.

Thank you.

Some Hon. Senators: Hear, hear!

[*Translation*]

Hon. Ghislain Maltais: Honourable senators, as my colleague Senator Baker would say, "just a few words."

We are all gathered here today as parliamentarians to make what is likely the most important decision of our lives. Those who have been working in the parliamentary domain for some time, whether at the federal or provincial level, know that, sooner or later, they will be faced with reality. The study of some of the bills dealing with language rights in Quebec evoked a lot of difficult feelings for me, but that is nothing compared to this bill on end of life.

This is a very difficult decision to make because people who are unable to make decisions for themselves are counting on us to make sure that they can die with dignity. We are a voice for the voiceless or, in other words, for those who are currently lying on stretchers or in hospital beds wracked by terrible pain.

Let's put ourselves in their shoes for a moment. Let's imagine we are lying on that stretcher or in that hospital bed. What would we want? We would want someone to ease our suffering. We would not leave an animal half dead. We would take care of it, if possible, or put it out of its misery.

Bill C-14 is a 21st-century law. It is a necessary law. It is necessary because science, attitudes and life have changed. We need to make sure that things will change for the better for those who are in excruciating pain and who have no hope of relief.

There are about 80 senators here and about 5,000 Canadians are currently asking us, "Senators, what would you do for me? What will you do for me?" It is up to us to answer. That is our mandate, and we must do so, without infringing on the powers and intentions of the House of Commons, of course, which is democratically elected by Canadians and for which we have the utmost respect.

I believe we must vote in favour of this bill with the amendments that many senators presented.

The exclusionary aspect of this bill concerned me a great deal. The Income Tax Act excludes no one, so why should the law on medical assistance in dying exclude a group of Canadians? Senator Joyal's amendment corrects that flaw. If the government really wants to help these people who are suffering, and we might be among them one day, then it must include Senator Joyal's amendment in its legislation.

Honourable senators, before the end of life there is a life, one that may be painful at times. We have all been to seniors' homes and palliative care centres and seen that for ourselves. However, before allowing a person to commit the ultimate act of ending that life, we have to take care of that person.

The health ministers met yesterday. They are asking the government for $3 billion. I am passing on the message to the Leader of the Government: the 10 health ministers from the provinces and territories want what was promised to them. In Quebec, that means $232 million, which would help us take care of seniors and addicts, among others. That is important.

Honourable senators, this medical assistance in dying legislation will have a lasting impact on the Canadian parliamentary system. It will be cited in other countries. We are responsible for it today. This legislation will guide us for a very long time to come, and it will outlast us. It has to be inclusive and compassionate.

During the successive debates of the past few days, many of us have relayed some personal stories. I will not share any myself, but those senators who did were right to do so.

All of the amendments were put forward with sincerity and passion. Some of the amendments came from senators who represent the territories because they were concerned that the services would not be available where they are from. Others were motivated by religious beliefs, which we can all respect.

All of the senators here did their very best to ensure that this bill will leave its mark on Canada's history. Any Canadian who must one day undertake this difficult journey will remember that people reflected carefully and at length about their fate. We will have done our duty of sober second thought, colleagues. The senators in this chamber have certainly given this matter intense thought over the past five days.

I will vote for Bill C-14 as amended, and when it comes back, unless of course the other place agrees to it, we will once again give it serious thought. Bill C-14 must be amended one way or another.

Thank you very much.

[*English*]

Hon. Lillian Eva Dyck: I rise tonight to support Bill C-14 as amended. First of all, I would like to make some general comments.

Over the last two weeks the debate in the chamber has been extremely intense, most respectful and has involved everybody in the chamber, either those who have gotten up to speak to the bill, asked questions or sat here listening intently to inform their thinking and decision making.

Prior to this, I haven't noticed the intense concentration I have seen on the faces of honourable senators on both sides of the chamber over the last couple of weeks. I would like to mention that when the bells were ringing and we had 15 minutes before we had to come back to do our standing votes, I noticed that a lot of us were getting together, regardless of party or non-party affiliation.

• (1820)

We were discussing, at the very last moments, our questions and our quandaries. In fact, some of those conversations were most helpful, because people were not afraid to put on the record the fears they might have. Sometimes you don't want to put on the record something where you may not look particularly intelligent, but you want to pose the question anyway. We were allowed to do that, and I thought that was very helpful.

Everybody seemed to be more open and thoughtful as we struggled to look at this bill and to come to a solution that we thought was the bill that was best for all Canadians. I've heard many of my colleagues tonight get up and talk about that struggle that we've had.

For the new senators, it certainly must be a very steep and unnerving learning curve to deal with a bill of such incredible importance. I recall when I first came to the Senate 11 years ago and was sitting as an independent, one of the first issues I had to deal with was the Chalk River nuclear reactor.

We sat as a Committee of the Whole to decide whether we should shut it down because it is getting old and no longer safe, but if we shut it down, there would no longer be medical isotopes, and patients' lives would be put at risk. That was also a very intense and unnerving situation. We voted to keep it going. So far, there have been no accidents. That was 10 or 11 years ago.

I commend all the independents. You have risen to the challenge so quickly and have spoken eloquently, deeply, emotionally, intellectually and spiritually as to the importance of this bill.

I would also like to commend Senator Joyal for bringing forward the amendment to which many of us have spoken at this stage in the debate, and to Senator Baker.

I believe in my heart of hearts that that was the amendment that had to go into the bill. Many others have spoken about how it created two classes of people with the same disease. Many people have spoken about how it was cruel to let some people suffer grievous, intolerable and intense pain, and to prolong their suffering when we could be compassionate and allow them the choice that if they did so under their voluntary request and with informed consent with the right condition, they could have the choice as to when they end their life.

I feel very comfortable with that amendment and, of course, voted for it at the time.

The minister has stated publicly that she is opposed to that amendment and believes that she and her advisers had come to the perfect balance. It will be very interesting to see what happens when the bill, as amended, does go back to the other place.

The minister and all of us were seized with finding the proper balance of protecting the vulnerable and also allowing people the choice to, if they believe so, have the freedom to choose when to die under the eligible circumstances.

I was particularly struck with Senator Petitclerc's description of protecting the vulnerable. There is a fine line between protecting the vulnerable but also patronizing the vulnerable, because they also are competent people and should be able to have some freedom in deciding what their future should be.

I believe that although we opened up the bill somewhat by putting in Senator Joyal's amendment, we didn't open it up completely because we chose not to add advance requests. So it's not completely wide open. It has opened the door but not as wide as it could have been.

We have also improved the safeguards in the bill. I believe it was Senator Plett's amendment that said that we will not allow people who are beneficiaries in the patient's will to be allowed to assist that person in their assisted death, so there could be no conflict of interest or financial gain. I think that is an improvement in the bill.

We also put in Senator Eaton's amendment that the patient should be required to be informed about their palliative care options and have a palliative care consultation, letting them know there are options other than ending their life.

We also strengthened the language on regulations and put in a deadline.

Finally, in the ongoing studies that the government will be doing to look at the safeguards and to see how the bill is operating, we also put a deadline in there as well. As we all know, when you have a deadline to work to, the work gets done much more quickly and efficiently than if you don't have a deadline.

Those are some of my general comments on the bill.

I would also like to reinforce the idea that it is not just about the constitutionality. That's a very important part of the bill. I particularly like Senator Ngo's comment this evening that our Constitution is what binds us all together. I thought that was such a beautiful phrase.

We are a nation composed of people from many different areas of the country, but it is the Canadian Constitution, our Charter of Rights and Freedoms, that binds us together as Canadians. As senators, we have an obligation to hold that to the highest standard and to the highest bar, as Senator Baker said. I feel that we are doing that, holding our decisions to that high bar.

We are showing compassion, as was mentioned earlier tonight by many senators, including Senator Tardif. Senator Jaffer gave us some quite stark examples, as well as Senator Pratte and Senator Maltais, urging us that we are being compassionate by allowing an assisted death to those patients where their natural death is not reasonably foreseeable.

I will conclude with something that is a little more difficult to talk about — and I thank my friend and colleague Senator Sandra Lovelace Nicholas — the issue of suicide. It is very difficult to talk to because there are so many conflicting thoughts in my head and my heart.

I did hear from a number of senators that life is sacred. I also believe that life is sacred. In the Aboriginal culture, the limited teachings I have also say that life is sacred. Senator Sinclair and Senator Sibbeston spoke to this.

Senator Sibbeston gave us some examples where there can be a suicide of an elder, but it was with the agreement of the whole community. There was community involvement.

In my teachings, I have been told that at times when our people were living a traditional lifestyle, when there weren't enough buffalo or enough berries and people were starving, the elders would choose to not eat. They would choose to die. They would essentially choose to commit suicide so that the youth could live. They were making a choice to sacrifice themselves so that the youth could live.

Today, unfortunately, we have an epidemic of suicide amongst the Aboriginal youth of Canada, up in the North particularly, where Senator Patterson is from, but also in northern Saskatchewan, northern Manitoba and other isolated areas of the country. Aboriginal youth are committing suicide.

I personally do not believe that this bill says it's okay for them to commit suicide. The reasons they are committing suicide are very different from the issues we are talking about here.

They are committing suicide because, in many cases, their whole community has suffered because of what happened to them during the residential school era. In their communities, and in many families, there are severe drug and alcohol addictions. So the community is not healthy, not functioning, and the youth do not see much hope or future.

But I think if we continue to see our youth in that fashion, if we continue to see them as vulnerable, that is a big mistake. It is a mistake because you are telling them, "You're vulnerable. You're weak. We're afraid for you." I think that's an awful message to give to youth.

• (1830)

I said what I think we need to say to our youth today at Senator Sinclair's event, where we had youth and they told us their stories of their friends, brothers and family members committing suicide. But I said to them: "I see strength. I see the resilience. I see that you have suffered that, but you're still here and you're still fighting for your place." So let's not see them as weak. I object to that so sincerely. Our youth are strong, so that's how I want to end. Thank you.

Hon. Senators: Hear, hear!

Hon. John D. Wallace: Honourable senators, as each of us is well aware, this issue of medical assistance in dying has been a very difficult and challenging one. It has been highly personal and, at times, very emotional not only for us but, as we know from the thousands of messages and advice we have received from across the country, it is as well for all Canadians and their families from all walks of life.

Each of us has been trying to find what we believe to be the right answer, that is, to find the right or appropriate balance that reflects, first, our Canadian society's respect for the value and sanctity of human life; second, our respect for the protection of individual rights of Canadians as recognized under the Charter of Rights and Freedoms; third, our respect and appropriate responses to broader collective societal interests, other than solely individual rights; and fourth, the legitimate societal concern for the potential acceptance of the normalization of suicide in our Canadian society such that it may appear to many to be just one more normal medical option, one more normal medical procedure that is available to address one's physical or psychological medical problems.

Finding that right balance between all of these at times competing societal interests and values is certainly not easy, nor should it be.

This particular societal issue for all Canadians, present and future, is as serious as it gets. It is truly a matter of life and death.

Against that backdrop, we have had, of course, to carefully consider the implications of the Supreme Court of Canada decision in the *Carter* case of 2015. The effect of that decision was to declare void the total prohibition that existed in this country against medically assisted death. It left open the door for a properly designed and controlled legislative and regulatory system

for medically assisted death that would include robust safeguards to protect vulnerable persons from being induced in moments of weakness to end their lives.

The government's response to the *Carter* decision was, of course, the introduction of Bill C-14, which included a requirement that the existence of a grievous and irremediable condition would be the underlying basis of all requests for medical assistance in death, and furthermore that this condition would lead to natural death that is reasonably foreseeable. The inclusion of this requirement for the reasonable foreseeability of natural death was subsequently deleted as a result of an amendment that was introduced in the Senate by Senator Joyal and later passed by a majority vote in the Senate Chamber.

The effect of this particular amendment was to greatly expand the circumstances and the extent to which medical assistance in death would apply in Canada, thereby increasing reasonable and legitimate concerns among many Canadians about the potential for the creeping normalization of suicide as a normal and acceptable medical option within our Canadian society.

In this regard, I believe it is particularly significant to draw to your attention the following reference that is presently found in the preamble of Bill C-14:

> Whereas suicide is a significant public health issue that can have lasting and harmful effects on individuals, families and communities; . . .

Throughout our discussion of Bill C-14, I became increasingly concerned that as a chamber of legislative sober second thought we were getting well beyond our required constitutional role of scrutinizing and providing advice and recommendations to the House of Commons on the legislation that is before us, Bill C-14. Rather, I believe we continued to drift from our legislative role into the development and creation of public, social and medical policy, which I strongly believe we in this chamber are collectively ill prepared and ill equipped to do.

I believe the most significant amendment to Bill C-14 is the one that was proposed by Senator Joyal, which, as I previously stated, removed the requirement for natural death that was reasonably foreseeable and, as a consequence, greatly expanded the circumstances in which medical assistance in death would apply in Canada. This amended provision is now part of the version of Bill C-14 before us today, and, as a direct consequence, I believe that the amended bill is now without the provision of adequate safeguards that would adequately protect vulnerable persons from being induced in moments of weakness to commit suicide.

I did not support the passage of this particular amendment, the effect of which would greatly expand the potential application of medically assisted suicide in Canada.

My personal conclusion in all of this is that although I have reservations about particular aspects of the original unamended version of Bill C-14, I believe that on balance, at this point in time, it is the appropriate step for our Canadian society to take on this highly contentious and socially divisive issue of medically assisted suicide. As a consequence of the significance of this issue within our Canadian society, my personal belief is that we should proceed very cautiously and incrementally in considering and proceeding with medically assisted suicide in Canada.

Bill C-14 was amended in the Senate, and I can tell you that there are three particular amendments that I am not supportive of and particularly so the one that would remove the requirement for the reasonable foreseeability of natural death.

The difficult situation I now find myself in is that if, as a result of the Senate amendments, I were to vote against this amended Bill C-14 before us today, and if the majority in this chamber were to do likewise, the bill would be defeated and would not be returned to the House of Commons for its consideration and determination. The bill at that point would be dead. That would be the wrong conclusion.

Bill C-14, in whatever its amended final form happens to be, must be returned to the House of Commons for its further consideration and what I consider to be its final determination. Consequently, for that reason and despite my strong personal reservations about this amended Bill C-14, I find myself compelled to support its passage in this chamber.

Our institution, the Senate of Canada, exists to review, scrutinize and provide advice to the House of Commons on the legislative bills we receive. The Senate's review and provision of advice to the House of Commons on Bill C-14 will have occurred on three separate occasions: first, through the report and recommendations of the joint Senate and House of Commons committee that considered all of the substantive issues contained in Bill C-14; second, the report and recommendations of the Senate's Legal and Constitutional Affairs Committee — both of these reports were provided and made available to members of the house prior to their final third reading passage of Bill C-14; and third, the amended version of Bill C-14 today, which will be sent back to the house if it is passed and adopted in this chamber.

Our Senate of Canada is a complementary legislative body to the House of Commons. We are not its perennial rival. The Supreme Court of Canada made that abundantly clear in the 2014 landmark decision in *Reference re Senate Reform*.

If the Senate returns this amended Bill C-14 to the house, the response and final conclusions by the members of Parliament to our proposed amendments should be the final determination on this matter. That should be the end of it.

• (1840)

Hon. Tobias C. Enverga, Jr.: Honourable senators, it is with deep concern that I rise today to speak to third reading of Bill C-14, An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying), as amended, because it is the final legislative stage before we will allow for the state in Canada to take people's lives.

Many Canadians have contacted us in the past few days to urge us not to let this happen. Many Canadians from coast to coast to coast have prayed for all of us to make the right decision. Today,

we are going to sanction ending the lives of the most vulnerable, for those in most need of our care and for those who have reached a stage with only death as an option.

Honourable senators, look around us. Look at the paintings around us. These paintings depict scenes from the First World War and are a constant reminder of generations before us that gave the last full measure of devotion in a valiant fight to preserve peace and justice. It is a constant reminder to all of us of the sacrifices of our brave soldiers so that we can all live in peace, harmony, justice and prosperity.

Today, we are those very soldiers. Let us make that sacrifice. Let us have that wisdom and compassion. Let us make the right decision so that all Canadians will choose to live in this great country and not choose to die in it. Let us have the wisdom to persuade and lead them to live and not to harm themselves. This honourable chamber will be forced to choose between killing — killing less or killing more.

The right to life is clearly stated in our Canadian Bill of Rights, passed in 1960, and the first federal human rights law in Canada. It guarantees many basic rights and freedoms, including the right of the individual to life, liberty and security of the person and enjoyment of property. It does not say the right to death, liberty, security and so on.

Honourable senators, a person suffering intolerable pain due to a serious illness is among these most vulnerable. Within this group, we find those who are even more vulnerable, like minors and those who suffer mental and developmental disabilities and disorders. It is our duty to protect them all from harm, including others who may, for whatever reason, influence the patient's decision or patients making an ill-informed decision based on lacking palliative care options to alleviate pain and to spend their final days in a dignified environment. By not insisting that palliative care has to be offered by the provinces, we are giving up hope for the ill and we are surrendering ourselves to failure. The truth is that medical care and treatment is advancing rapidly.

One colleague urged us to visit a chemotherapy clinic to see human suffering with our own eyes. Chemotherapy treatment, honourable senators, is one of the areas which has seen recent significant improvements. Some chemotherapy treatments can now be administered orally rather than intravenously. This is a great improvement.

What a waste of human life if we kill someone today and suddenly found a cure for their ailment tomorrow. I repeat — what a waste of human life if we kill someone today and suddenly found a cure for their ailment tomorrow.

Honourable senators, I made my concerns and convictions clear in my speech at second reading. I have made many interventions during the debates, some would argue too many, but I have not been swayed by anything said during the debate or by statements from senators reported in media.

I want to warn honourable senators and Canadians that we may be of the illusion that we ourselves, or our loved ones, are guaranteed a peaceful and calm exit from this world to the next, whatever that may be. I call it an illusion because all the language used by proponents of this bill is about ending suffering and bringing peace to a patient and their loved ones.

Honourable senators, while reading about the subject matter of the state taking lives, I have come across much literature on capital punishment. During this reading, I have come to realize that some drugs used will not necessarily bring the peaceful end a patient hopes for.

I am no medical expert, but I want to share some examples. In Ohio, they use a hydromorphone overdose to execute persons. According to Jonathan Groner, a professor of clinical surgery, the effects of a hydromorphone overdose include an extreme burning sensation, seizures, hallucination, panic attacks, vomiting and muscle pain or spasms.

David Waisel, Associate Professor of Anesthesia at Harvard Medical School, states that a hydromorphone overdose could also result in soft tissue collapse, which is what causes sleep apnea patients to jerk awake. Persons who have been paralyzed are unable to clear this by jerking or coughing, and these persons experience a feeling of choking to death rather than dying peacefully.

Honourable senators, imagine a frail patient who is ready to peacefully die suddenly waking up from sedation to undergo this horrific experience.

Similarly, colleagues, Amnesty International USA has stated that some lethal injection executions have lasted between 20 minutes to over an hour, and that prisoners have been seen gasping for air, grimacing and convulsing during executions. Autopsies have shown severe foot-long chemical burns to the skin, and needles have been found in soft tissue. Let us remember, honourable senators, that there is no such thing as one killer drug that fits all.

Further, the organization claims the following:

> Lethal injection was designed to prevent many of the disturbing images associated with other forms of execution. However, lethal injection increases the risk that medical personnel will be involved in killing for the state, in breach of long-standing principles of medical ethics.
>
> Virtually all codes of professional ethics which consider the death penalty oppose health professional participation. Despite this, health professionals are required by law in many death penalty states to assist executions and in some cases have carried out the killings.

Honourable senators, the crucial concept here is not about killing someone for a crime committed versus someone who wishes to die; it is that medical personnel are involved in killing for the state. It is an ugly business that we are about to sanction.

Honourable senators, I want to revisit a comment by a learned senator regarding the facts coming out of Belgium. I have read several alarming studies from Belgium and the Netherlands, which I spoke to in my speech at second reading. It was claimed in a speech on June 10 that there is too much misinformation with

regard to the Belgian experience and that the evidence was dismissed by the Supreme Court in its decision. This is true — in part. The ruling states in paragraph 112 that:

• (1850)

> . . . the permissive regime in Belgium is the product of a very different medico-legal culture.

And because of this:

> In the absence of a comparable history in Canada, the trial judge concluded that it was problematic to draw inferences about the level of physician compliance with legislated safeguards based on the Belgian evidence.

Please note: It is the absence of a comparable history in Canada which informs the court's opinion. The lack of research and evidence does not mean that such activities do not take place in Canada; it means that we simply do not know if this practice is prevalent here. If any of my honourable colleagues are aware of such a Canadian empirical study — which has been conducted over decades in Belgium — that debunks the fears that the Belgian experience has instilled in some of us, I would greatly appreciate that input.

The lack of research leads to lack of evidence, but it does not mean that there is nothing to be concerned about. We simply do not know.

I want to remind honourable senators of the pure factual numbers from the Netherlands. With a population of about 17 million, nearly 5,000 people died with their physician's assistance in 2013. This is a fact and cannot be disputed.

What it will entail in the Canadian case, with over twice the population, is unknown. But not approaching with caution, and expanding access to assisted death at the beginning, is counter to the safeguards that are needed.

The Supreme Court was quite clear in its ruling. The court used the term "competent adults" to describe who should be allowed access to physician-assisted dying.

I was terribly concerned about the joint committee's report once it was tabled here because it opened the door for mature minors and those who suffer from an underlying mental condition. The bill before us now does not specify that persons with an underlying mental condition do not qualify for assisted dying. It is alluded to in the bill's preamble under the guise of development of non-legislative measures, but it is far from clear. Departmental officials and the responsible ministers have repeatedly stated that where mental illness is the sole underlying medical condition, assisted dying will not be provided, but the bill does not state this.

There are two main arguments used: first, that the eligibility criteria together make it highly unlikely that such a person would qualify; and, secondly, that future expansion of access to assisted dying will undergo further study.

Honourable senators, by adopting Senator Joyal's amendment to the bill, we have widened the criteria and are welcoming more people to gain access to assisted death. The safeguards to protect those most vulnerable are weaker because of us.

In this respect, the Supreme Court in its *Carter* ruling left a great responsibility with our health care practitioners. Paragraph 116 of the Supreme Court ruling states, in part:

> . . . it is possible for physicians, with due care and attention to the seriousness of the decision involved, to adequately assess decisional capacity.

Having personal experience, and having been told stories of physicians being a little too hasty to offer the option of withdrawing care and maybe offering assisted death, I am concerned that we, as federal legislators, do not provide the clearest safeguards possible. I want to make it crystal clear to you, colleagues, that I am in no way trying to insult or pass judgment on the fine physicians and nurses we have in Canada. They all do incredible work, under great pressure. I admire what they can do to save lives and improve their patients' health and quality of life. I am outraged when I hear of these fine professionals having their fees cut by provincial governments, because they deserve every penny they make.

However, I am also concerned that this law may put doctors and other health care practitioners in a perceived conflict of interest. We put our health care professionals in a situation where loved ones can mistakenly misjudge the intent and motivation of the doctor or nurse practitioner. It is not fair to them.

Honourable senators, this is a dark day, and I am filled with disappointment and fear of what the future holds. I hope that history will not judge us too harshly for what we are about to do; and frankly, I had never thought that I would wish for a Liberal-controlled House of Commons to not agree to an amendment adopted in our upper house.

Hon. Pana Merchant: Honourable senators, I say to my fellow senators of varied views that I respect your depth of understanding and the clarity of your positions with regard to this complex and emotional decision vis-à-vis this legislation.

Colleagues, I am concerned about where the right to assisted suicide legislation is going to take us, the legitimatization of the idea of suicide which is implied, and the change in our approach to the sanctity of life. I am concerned that as this practice becomes normalized, "the system" will lead to unintended consequences and wrongful deaths — a high price to pay to acquire the right and to justify the practice on which we are now embarking.

I do not accept that the current interpretation of the Charter by the Supreme Court meaningfully informs our decision, as members of Parliament, to determine what is right for society. With great respect for the depth of your empathy, and sensitive to your stand on this legislation, I will speak briefly on Bill C-14.

Honourable senators, I am disheartened by the decision of the Supreme Court. I am concerned about where the right to assisted suicide legislation is going to take us and about the profound

change in our approach as we contemplate the sanctity of life. For thousands of years, the issue of sanctity of human life has been considered in a broader legal, medical and moral scope than to consider the issue of suicide as an individual right.

Human life is not owned only by us as individuals, but throughout history the protection of human life has been a part of community; and if life can be possessed, our lives are possessed by us both individually and collectively within our communities. That is not a reflection of religion, although all religions reflect that value; it is instead an expression of the community's value of life and human dignity.

In the *Carter* decision itself, the Supreme Court held that sanctity of life is the most fundamental value but — different from their 1993 decision — held that the Charter trumps sanctity of life.

I wish it had been open to me to vote neither "yes" nor "no" to the amendments, but I voted "no" as the least harm.

The Supreme Court, in its current interpretation, created a dilemma for the government. If the government did nothing, then suicide and assisted suicide would be ungoverned.

The Supreme Court, having held implicitly that suicide itself — which for hundreds of years was a crime — is no longer a crime, would now visit upon Canada a circumstance with no limits or controls whatsoever. The government instead decided to attempt to throw grappling hooks on what could become a runaway train of uncontrolled suicide and assistance to suicide.

I voted "no" to amendments because, while well-intentioned, I disagree with enlarging the ambit for assisted suicide.

• (1900)

The problem with change is that the legislation going back to the House of Commons might never be passed and our nation would slide toward increasing numbers of suicides and assisted suicides without any controls whatsoever.

Colleagues, I oppose suicide and assistance to suicide. But the option of "no" is not available to us. The options available to us are some controls or no controls. I oppose the amendments, and now I struggle with how I'm going to vote tonight. I may decide to abstain because of the enlarged scope of this bill; however, I do commend all of you sincerely for your respectful debate in dealing with this very difficult issue.

[*Translation*]

Hon. Pierre-Hugues Boisvenu: Honourable senators, I will try not to ramble too much. I do not have my speech written out. I am speaking from the heart.

First, I would like to thank all of the senators who spoke to Bill C-14. I was very touched by your great sensitivity and compassion, which helped me to advance my thinking on this bill.

Like all of you, I have been thinking about my spiritual, social and political values, but above all, I have been thinking about my belief in fair justice for all. I have done a lot of listening. We talked to each other during the breaks before votes. I actively participated in the work of the Standing Senate Committee on Legal and Constitutional Affairs. I was shaken by some of the testimony, particularly that of the daughter of Ms. Simard, a woman who committed suicide by going on a hunger strike after being refused medical assistance in dying. I heard from other witnesses after that, boys and girls who talked about how their mother, father or grandparent committed suicide because they were refused medical assistance in dying.

This made me think a lot about values, but also about my own personal experience. In recent years, I have lost six members of my family. My father, my mother, my sister, and three of my brothers, including my twin brother, all died of cancer. All of them had faith in life and wanted to live. I saw them suffer with pain that could have been alleviated by drugs. In a way, they benefited from medical assistance in dying. The health care system provides medical assistance in dying in a somewhat hypocritical fashion, when medical professionals increase a patient's drug dose or unplug medical devices. I am thinking about my brother Paul. He was taken off life support and was supposed to die at 4:30 p.m. Instead, he died at 8 p.m. In my opinion, that caused his wife and children intolerable suffering.

I thank God that I am alive, I thank Him for giving me the energy to live and for giving me the task of standing up for vulnerable people and victims of crime. I also thank Him for letting me be here to address this matter on behalf of Canadians.

During this debate, I asked myself which right I would want to have if I were to be stricken with a deadly disease. The right I would want to have is the right to put an end to my suffering when it causes more suffering to my loved ones than to me. What I learned when my loved ones died is that their loved ones suffered more than they did. The desire to end one's life often stems from the desire to put an end to the suffering that is inflicted on our loved ones. It is not suicide, it is an act of great humility, and it is the gift of oneself to ensure that our loved ones do not suffer as much as we do.

What I said during the debate on the first amendment to extend the right to die with dignity to those who are suffering as well as to those who are dying was that we must not discriminate between those who are suffering and those who are dying. I am not saying that those who are dying are not suffering, but it seems to me that it is vital that there be equal justice for both. That is what made me change my mind about my vote on this bill. We do not discriminate against suffering; we do not discriminate against those who want to end their life because they are suffering. It is their right. It is not a right dictated by policies or religion; it is their right alone, and the right to freely make decisions about one's own life is a fundamental right.

All that this bill will do is decriminalize the act of helping people die and to remove the label of "suicide" from those who put an end to their own life because of their suffering.

I would like to thank Senator Joyal, who taught me a lot during our discussions on the constitutionality of this bill — with which I was very uncomfortable in the beginning — and over the course

of all of the amendments we have made. It was our duty to make these amendments. I do not agree with those who claim that it is only up to the House of Commons to make amendments. It is up to us as well. It is up to us because over time, we can set aside any apprehensions about electability, which often force members of Parliament to take either partisan or personal positions. We can do that, here in the Senate, and it's a huge privilege for us to be able to make a decision about a bill based on our own values.

This is an essential role, and I think it is commendable that we have improved this bill so that we will not need to work on it again in a year or two. I'm sure that would have been the case if we had not made these amendments.

I will vote in support of Bill C-14, because we did what needed to be done to make this bill acceptable for people who are suffering and dying.

[*English*]

NATIONAL ANTHEM ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-210, An Act to amend the National Anthem Act (gender).

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Nancy Ruth, bill placed on the Orders of the Day for second reading two days hence.)

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Baker, P.C., seconded by the Honourable Senator Harder, P.C., for the third reading of Bill C-14, An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying), as amended.

Hon. Carolyn Stewart Olsen: Honourable colleagues, I had a prepared text. But pretty much everything that I was going to say has been said by much more eloquent speakers than I.

Bill C-14 is the most important legislation we've considered in this chamber. It is an issue literally of life and death. It touches on many of our most deeply held beliefs and assumptions about aging, the rule of law and the rights of individuals to die with comfort and dignity.

I'm very grateful for the wisdom of all the senators who have spoken on this issue.

• (1910)

I will support the amended legislation.

Dear senators, I ask that you do not put your own beliefs before those who wish to have this option. I ask that you allow choice and respect those who wish to have this option. I ask that you keep mercy in your hearts, and I ask that you walk a mile in their shoes before judging them.

Thank you very much.

Hon. Joseph A. Day: Honourable senators, each of us have received a flood of messages on virtually every aspect of medically assisted dying and this legislation, Bill C-14.

The legislation is shared jurisdiction between the federal government under criminal law and health care, which is primarily the responsibility of the provinces. We need to avoid the temptation to spread criminal law into provincial jurisdiction. Drafters of this legislation were well aware of this separation of powers, but the heat of this debate, we may have sometimes been somewhat less disciplined in this regard.

As we proceed with third reading, we are mindful of what Senator Sinclair said a few days ago about the defining nature of what Bill C-14 entails and our opportunity to make a bold statement of who we are as a nation.

My remarks at this stage of the debate will reflect some of my observations about the debate thus far. Canadians are commenting to us in letters and in phone calls, which have exposed many loose ends in this legislation.

Price Carter, the son of Kay Carter, one of the appellants in the Supreme Court matter who chose to die in Switzerland beyond our restrictive environment on assisted dying, wrote in *The Globe and Mail* last week. Many of you may well have seen the article. He explained many of the inadequacies he saw in Bill C-14 as it was presented.

The amendments we have adopted have improved, in my view, the proposed legislation, but we have a ways to go yet, perhaps not at this time but in the near future.

I'm reminded of the expression that we must avoid missing out on the good in pursuit of perfection, and I would apply that to the work we are doing on this particular bill. The bill is not perfect, but it is a good step in the right direction. Some of the shortcomings are highlighted in clause 9.1, which incidentally was added by the members of the House of Commons.

Legalization of medically supervised dying is both complex and emotionally difficult for legislators. Parliamentarians have worked long hours on this matter, and we've taken leadership from those who worked on these particular matters on the joint committee. We then did the pre-study, followed by extensive committee work both here and in the House of Commons. Then we've had several days, if not weeks, of debate in this chamber.

How does one get it right? There are many answers needed to ensure tightly controlled national standards that are transparent, trustworthy and effective. The issue crosses partisan and religious ideologies, encompassing moral, legal and ethical questions. It is as deeply personal to Canadians as any issue that has ever been debated here in this chamber.

Many senators have explained their motivation by sharing their very personal experiences. Senator White's tribute to his parents' suffering expresses that eloquently. Senator Neufeld has stated that Canadians want freedom to dictate when and if they die, and Canadians want to die with dignity.

Perhaps we need to have a broader discussion about death itself as part of the cycle of life. I believe that in part is what Canadians are telling us. Future research and dialogue will be necessary to find the balance that we have been looking for on these many issues. Clause 9.1 may help us in relation to some of the other matters, but some of the matters will be in the jurisdiction of the provinces.

Medically assisted dying is largely within the Canadian health system. Wherever there might be discrepancies, complexities and conflicts between the federal government's position and those of the provinces, the federal regulatory landscape must prevail. There should never be localized tweaking of nationally mandated standards. We need a national standard. It's the Criminal Code standard that we've been looking for, and that is Bill C-14.

Senator Tkachuk lists the names of prominent Canadians who have stated that Bill C-14 does not get it right, and there are areas of the assisted dying landscape that provoke ongoing debate.

It's clear that one of the areas, honourable senators, that must be well established is the ability to opt out. It should be fairly clear that there must be provisions without qualification in the federal regulatory framework for assisted dying applicants to opt out of the process at any stage.

A change of mind should be regarded as a no-brainer. Without qualification, there should clearly be no hint of encouraging the applicant not to withdraw from the assisted dying application. In those cases, there should be no discussion whatsoever. The applicant has changed his or her mind. That's it, period.

In her remarks before us, the Minister of Justice stated that she believed we needed more time to get things right. I agree with her in part. Her dream is that clause 9.1 will serve that purpose. Issues affecting mature minors, advance requests and mental illness are of concern to all Canadians. These matters must ultimately be dealt with by Parliament. The Canadian public expects no less of us.

I am delighted that at this pivotal moment in our parliamentary history, in the middle of such an important issue, that my colleagues and I were not expected to follow the beck and call of the government of the day or of a particular political party. Plainly whipping a vote on the subject matter of this legislation would have been wrong.

I am proud of the independent approach that individual senators are pursuing with respect to this bill. Initially there was an attempt to force senators into quick and hasty action due to the Supreme Court of Canada decision. The thorough work that Senator Jaffer pursued revealed June 6 to have been a date that was not as critical as it might initially have seemed to have been. The sky doesn't collapse on that particular date at the whim or direction of the executive branch, with or without judicial prodding. An arbitrary date is unacceptable when that date prevents us from doing a thorough and complete job, as we are expected to do. Senator Jaffer's work shone an intense light on reality, making a solid case for doing it right.

• (1920)

I believe that it's irresponsible for us to hold our collective parliamentary noses and let the incompleteness of the task slide into the hazy and unknown future. The more of this work we can achieve now, in my view, the better. I was very pleased that the second portion of Senator Lankin's motion, with respect to producing a result out of the research and the work under clause 9.1, was resurrected through the efforts of Senator Eggleton last evening. We have that, which will help move this along more quickly.

Honourable senators, assisted dying should never be a substitute for palliative care. Our health minister has stated that only 15 per cent of Canadians have access to high-quality palliative care when they need it. The Standing Senate Committee on Social Affairs, Science and Technology studied the issue in numerous hearings during the spring of this year. The most dramatic requirement for high-quality palliative health care is the challenge of providing training for those who will work in the field.

How can the assisted-dying process be fair and even-handed if 85 per cent of Canadians do not have access to alternatives through the palliative care resources?

I was very pleased that Senator Eaton brought forward that particular amendment. Much of the international literature on the subject reminds us that the lack of adequate palliative care should not be an excuse to accelerated assisted-dying applications. Many doctors assert that the chatter of assisted dying would become somewhat muted if patients could be assured that they would die in comfort, without pain, without future medical intervention and with dignity.

I'm not certain that the amendments we adopted from Senator Eaton's amendment will solve the lack of palliative care in Canada. Major investment in palliative care could provide that balanced approach to the assisted dying challenge, but we need a firm government timeline to enhance palliative care throughout the country.

There is a shortage of comprehensive counselling as well, and that applies throughout Canada. Not only should assisted-dying applicants have appropriate access to such resources, but that should be an essential part of the entire process. Comprehensive approaches to the issue will be needed more and more as end-of-life applications increasingly emerge. I believe that that will happen with our aging population.

Our health providers will need to boost dramatically the availability of counselling tools to respond to that possibility. I expect that a new regulatory framework of safeguards will be required as well to assist the breadth and depth of end-of-life applications.

As Senator Cowan stated, I believe that the Canadian public is far ahead of the government, of Bill C-14 and of both houses of Parliament in the general application of doctor-assisted dying.

What about the physician's traditional role as a healer? That has been commented upon on a number of occasions. There has always been a big difference, honourable senators, between actively trying to prolong someone's life as opposed to letting someone die in as comfortable a situation as possible.

Assisted dying is quite a change from the latter, commonly employed practice that is engaged in with the wink-wink consent of loved ones when they realize there is no hope of recovery for a family member. That is, keep the patient comfortable and without pain but take no extraordinary measures to prolong life. Morphine is being used regularly in hospitals and nursing homes. This provides for a quickening of death but is not recognized in that regard. It is recognized as providing comfort and reducing pain. It is a key aspect of the advance directive entailed in the living will.

If honourable senators would recognize the living will as the next step of a future directive, that would solve a lot of the anguish that we are reading in the letters that are being forwarded to us.

Honourable senators, those are my points —

The Hon. the Speaker: Senator Day, your time has expired. Are you asking for more time?

Senator Day: I could be finished in two minutes, if I could have two minutes to do so.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Day: So, honourable senators, those are generally my comments with respect to some of the issues as I sat through the debate here over the past several weeks. I have been very proud of all of us for the work that we've done on this particular matter.

I would now like to comment on the process. If we send this bill back to the House of Commons and they decide to accept the amendments, then that's wonderful. If they decide not to and send it back to us, then we will be required to stand up and make a decision as to whether we stand by our amendments or not. That is the phase we were at in the beginning of Mr. Harper's government with Bill C-2. It was sent back after the house looked at it and said, "We're not going to take any of your amendments." We had 150 of them, and they said, "We're not taking those," and they sent the bill back. We didn't have a formal hearing on it. We set the time up to begin formal hearings again, and then the minister saw that we were fixed in our position, and the minister approached us. I led the debate from the Senate point of view on that, and we worked out a compromise. That's what legislation is in the end, a compromise. Positioning will happen from both sides. In the end, we will get together and come up with a reasonable resolution of this matter.

Some Hon. Senators: Hear, hear!

Senator Day: Thank you, honourable senators. I will be voting for this particular legislation, as amended.

Hon. Elaine McCoy: Honourable senators, I, too, have very few remarks to make. First, my respect for my colleagues throughout this debate and the Committee of the Whole — the whole process — has, like that of many Canadians, risen considerably. I'm particularly pleased to have observed the thoughtful questions. It is a weighty matter that touches all of us and all Canadians very closely. I saw people with different opinions dealing with one another respectfully, collegially and collaboratively. Never before have I seen so many senators come together to discuss how we might proceed in an orderly fashion on a bill that matters to all of us and how we might arrange to present amendments in a fashion that actually enhances our understanding of them. I have not seen, as Senator Dyck said, so many senators staying as the bells are ringing to continue the discussions, regardless of affiliation or non-affiliation between senators. I have not seen so many senators sharing so many personal stories with tears, exposing their own vulnerabilities and hoping for the best of society going forward.

Senator Plett said tonight as well how we have such respect here. Although we don't all agree, our respect for one another I think has increased. In this spirit, and to continue that respect and collegiality and camaraderie, I am going to take this opportunity to read into the record the final few words that Senator Meredith had prepared to share with us.

• (1930)

As we have done time and again over the last 10 days, we have allowed one another to speak and to go over our speaking times, even sometimes to go over twice or three times.

Earlier tonight, sadly, someone said no. I think all but that one person was agreeing to allow Senator Meredith to continue, and I know you would like to hear what he had to say, and so I will read his remarks into the record.

Some Hon. Senators: Hear, hear.

Senator McCoy: Thank you. The remainder of his speech begins this way:

> For us who share this opinion, it is our duty to ensure that if this legislation is passed we move to improve access to quality home and palliative care across our country.
>
> Good palliative care should not begin with a death sentence, but rather with the necessary investments so that people and their families can feel valued and at peace.

Senator Meredith joins many of you in expressing his belief that making hospice palliative care available to every citizen when and where they need should be the ultimate Canadian goal and standard. In his life, honourable senators, as a believer in the Lord Jesus Christ, Senator Meredith tries to seek his guidance. His direction, in Senator Meredith's heart, is to vote no to this bill. Senator Meredith wrote:

> "Thou shalt not kill" is clear as the sixth commandment. This is a value worth upholding.
>
> Honourable senators, as we make a decision on this bill, we must stay true to our core moral values. We must not be afraid to speak our minds and express our beliefs. It is in these challenging times that we must reach out to God to guide us in making these important decisions. The laws of our country may change at times, but there is consistency in the principles we have from God.

Senator Meredith believes that our faith must inform our politics and not our politics inform our faith. It is in these challenging times that he believes we must seek the wisdom of God to give us the wisdom to make decisions with such far-reaching implications on life. I will continue:

> These decisions must be seasoned with appropriate deliberations. Our actions should incorporate both courage and grace. The Justice Minister said we ought to take our time and do the right thing. What is the right thing? Should that right thing not be the preservation of life? Should our actions as legislators not be to promote and protect life?
>
> This bill is flawed. It is open to constitutional challenges, and it could leave Canadians open to further impediments and great loss.

If Senator Meredith became terminally ill tomorrow, he says he would not be looking to take his own life. He knows that his family would protect him, and he would expect his government to protect him also.

As one human being to others, he wants to draw your attention to what he believes are spiritual truths and realities that should be on the table as we discuss this bill.

Whatever one's religious beliefs, he thinks we need to speak our minds and act with clear consciences on such a nation-changing piece of legislation. The majority of the recommendations that have been put forward have been shut down because they lack the clarity and proper deliberation and consultation that are required where they overlap or wade into provincial and territorial mandates.

Senator Meredith applauds all who have put forth their recommendations, and it is then up to the House of Commons to accept or reject, and we will deal with the bill at such a time when it is returned to this chamber. He has expressed personally to the minister his fundamental opposition to this bill, a view that she respects as a fellow parliamentarian. And he knows when it comes to this bill, he is only one vote, but he wants to be on the record as not promoting death.

He says we are surrounded by death. We see young people, especially, taking their lives. And as Senator Mercer said, what is the message that we are sending to our young people? What is the message that we are giving to our citizens by not protecting life? I will continue:

> Honourable senators, let us do the right thing. Let's make the right decisions. Let's do this in the best interests of Canadians, not following what other countries have done, but what Canadians would expect of us as thoughtful legislators. Let's take the time to truly contemplate our decisions on this bill and the ramifications of this bill. No matter our struggle, God is with us, supporting us at every step, especially as each of us approaches the brink of a great beyond.

This belief guides Senator Meredith and urges him to speak out today. He trusts that you will allow God to guide your decision on this matter of life and death. Thank you very much.

Hon. Fabian Manning: Honourable senators, I am pleased to have the opportunity to make a few remarks on Bill C-14.

I will begin by saying that I truly believe this has been the best debate and discussion I have witnessed in my seven years in the Senate on any piece of legislation we have had the opportunity to participate in. I did not detect in any way, shape or form any politics involved. There was great respect for everyone's opinion, whether you agree or not. There were no cheap shots or foolish games on this very important piece of legislation. Even though I didn't support all of the amendments that came forward, I certainly thank everyone for bringing forward their viewpoints, through the amendments.

I truly believe that with Bill C-14 we have done our duty to Canadians, regardless of what the end result of this debate will be today or within the next few days.

Friends, I have had the honour and privilege of serving as a member of the House of Assembly in Newfoundland and Labrador and as a member of Parliament before my appointment to the Senate. I truly believe that this bill is the most thought-provoking and important piece of legislation that I have had the opportunity to deal with.

I also believe that the greatest gift we have ever been given is life itself, and I do believe that God has given me life and only God can take it away.

Like many of you, I too have witnessed the death of loved ones. Sixteen years ago my eldest sister passed away at the age of 48 of complications from breast cancer. I stood with her husband and three daughters day after day and night after night and watched her suffer. Did it hurt? Indeed it did. But I was inspired as she tried new medications and options and as she tried to hang on to the last thread of life.

Five years ago I witnessed the passing of my mom. She had been extremely ill for several years, and the last year of her life, she spent 51 of the last 52 weeks of that year in a hospital bed. But I was once again inspired by her incredible faith that it was God's way. I was inspired by her efforts to enjoy each day, hour and breath. She believed and I believe that there is a master plan.

Colleagues, during the past two years, as most of you know by now, I witnessed the slow, agonizing death of my father, who passed away on my birthday, May 21, just a few days ago. Dad had to spend the last two years of his life confined to his bed; a big, strong, independent man who became small, weak and dependent for every human need. But we were blessed. We had the opportunity to keep my dad at home and provide him with home care. Two years confined to a bed, and he didn't have one bed sore. Truly palliative care at its best.

I realize that many families don't have the opportunity to provide that to their loved ones. Even though dad had an incredible faith, the agony at times was too much to bear. Many times he would whisper to me, and I'm sure to my brothers and sister, "I wish I was gone. I wish I was with your mother."

• (1940)

Many nights when I sat by his bedside doing my shift, I thought about what I would do if I had the opportunity to grant him that wish at that time. I struggled with that. I struggled with the fact that we were talking about it and dealing with it here in the Senate of Canada at the same time that my dad was on his last days.

But I can say without hesitation that I would never be able to give my dad a pill or a needle to end his days.

An Hon. Senator: Hear, hear.

Senator Manning: I treasured every last minute. Just days before he passed, he told me that he felt the end was near. He felt God's presence, and he was at peace. He was ready to go home. I feel considerably blessed and happy that his end was the way it was.

Friends, none of us have a monopoly on this important issue. I do believe that more time and consultation was needed to ensure the best bill possible. I do not believe we have it all here.

I worry about protection of our youth; I worry about the area of conscientious objection; I worry about the safeguards for vulnerable Canadians; I worry about the slippery slope; I worry about the concern of the medical communities; and I worry about two different types of suicides.

Bill C-14 did not outline, in its current form, any right of health care providers to opt out on grounds of conscience. As I said a few moments ago, I would never be able to give my dad a pill or a needle, and I do not think it is fair that I would pass that to some health care provider who does not want to participate in assisted death and be forced to do so. I believe this is very wrong.

I'm a strong believer in the positive side and comfort of palliative care. I am not a doctor, but I am a human being. I have seen and witnessed with family members the benefits of palliative care. I hope and I wish today that our government moves to enhance and improve on that type of care for all Canadians.

No one is perfect. We all make mistakes. Thirteen years ago this month, my wife and I visited the hospital. She was pregnant with our third child, our daughter. Something showed up on the scan. Again, I'm no doctor; I wasn't aware of what it was.

The doctor came in and said to us, "There are going to be some issues with your child, some major health problems due to what they see on the scan." She said, "It's too late to abort here in Newfoundland and Labrador, but I can make arrangements for Monday morning in Halifax." My wife was crying. I looked at the doctor said, "Whatever the good Lord gives us, we'll deal with it."

Today, I have a beautiful, intelligent, bright side of my life in a 13-year-old daughter, absolutely the treasure of my life.

Hon. Senators: Hear, hear.

Senator Manning: I am so pleased that we made that decision.

I'm not going to force my beliefs on anybody else. This is a vote of consciences. You believe what you believe, and I respect that. I believe what I believe, and I ask that you respect that, too.

I am not blind to the fact that the Supreme Court can make mistakes. I do not appreciate what I believe is a forced and rushed decision for us all to make.

Having served as an MP, I also know that the decisions made in that other place are not always right either. They're not always the best, thought-out decisions. They don't take the time in the other place like we do here; I guarantee you. I stood and voted for things that I wasn't 100 per cent aware of, fully educated on. Sometimes time is of the essence in the other place.

We are blessed to be here, to be able to take the time to talk about these very important pieces of legislation, to debate them, discuss them, move amendments, talk to each other across the aisle and to make what we believe is the right decision.

The other place does not hold a veto on being right.

I have never felt more proud to be a senator than I have in the past week or 10 days that we have been here discussing this bill. For a while, we all had to worry about that. I've had people come up to me in the grocery store and at church and talk about what has been going on here in the Senate of Canada over the past

couple of weeks. People are tuning in. Even if they're not tuned in on their TV screens, they're tuned in. They're listening. That's why we're receiving emails and correspondence.

This is the first time in almost 25 years of being involved in the political game that I have felt true freedom and true independence in how to vote with my conscience and with my heart.

I will not be supporting this piece of legislation for the obvious reasons that I have already stated. I don't consider myself right on this; I don't consider myself wrong. It's what I believe and what I want to do.

I will close with a little quote that my dad used to tell us when we were growing up. He said, "Just because you're on one side of the roadway and everyone else is on the other side may mean you're lonely, but it does not mean you're wrong."

Hon. Jane Cordy: Honourable senators, human life is precious and valuable, and it is a gift. When babies are born, it is a celebration. But, honourable senators, death is also part of the continuum of life. As Senator Carstairs used to say, "It's not if we die; it's when we die."

Because of the Supreme Court decision in *Carter*, we as parliamentarians have been tasked with bringing forward and debating a bill to allow Canadians access to assisted dying. The Supreme Court, in February of 2015, gave the Government of Canada one year to pass legislation to complete this. As Senator Plett said earlier, this was a court directive to Parliament.

Like many of you, I have struggled with how I would vote on this legislation. Do I vote no because I don't agree with parts of the bill? Do I abstain because I don't agree with all aspects of the bill as amended? Do I vote in favour of the bill?

Honourable senators, I will be voting in favour of the bill. I will be voting in favour of the bill because I believe it is better to have a bill with national guidelines and national safeguards rather than no bill at all. I believe that if we vote against the bill, the floodgates will open, as they did when the abortion bill died in the Senate, which was before my time.

I believe that assisted dying in Canada with no national safeguards and with no national guidelines in place would not be in the best interest of Canadians.

Honourable senators, as others have said, this has been an exceptional debate in the Senate. I respect the opinions of all who spoke, all who asked questions and all who brought forward amendments, even if I voted against many of them. All senators spoke passionately, from the heart, but always respectfully, and I am proud to work with each of you.

Honourable senators, as a result of the *Carter* decision, our job is not to determine whether or not assisted dying should be available to Canadians. That decision has already been made by the Supreme Court. Our job is to determine the how, the when and the where. I believe that deciding not to have assisted dying in Canada is not an option for us as senators.

• (1950)

So while I disagree with some of the amendments, I do believe that it is in the best interests of Canadians to provide national safeguards and national guidelines around assisted dying in legislation. In other words, this bill puts controls in place.

Because of that, I will support this bill.

Hon. Anne C. Cools: Honourable senators, I rise to say a few words as we reach the end of this thoughtful debate on Bill C-14 on medical assistance in dying.

For myself, I came to this debate with a heavy heart and a heightened uneasiness. I think most senators did. This subject matter is daunting, humbling and, as death is, sacred and final.

Colleagues, I first encountered death as a four-year-old child. I lost two siblings six months apart; one was eight and one was two.

I support Bill C-14 as amended. I thank all senators for their patience and perseverance over these many days and nights of concentrated debate. I thank senators for their heartfelt work on this matter. I thank our stalwart leaders, Senator Harder, Senator Carignan and Senator Cowan for their outstanding efforts.

I thank Attorney General, Minister of Justice Wilson-Raybould and Minister of Health, Dr. Jane Philpott, for their carefully considered and well thought through policy as put before us in Bill C-14.

I thank our Speaker, Senator George Furey, and our Black Rod, Greg Peters.

Finally, I thank all our faithful staff: the table officers, the law clerks, the pages, the reporters, the Senate Debates crew, our security people and even the restaurant staff for feeding us so well.

Colleagues, I conclude with the scriptures. I have always found that scriptures speak most clearly when we confront certain occasions. I wish to read from the New Testament book, Ephesians 3:16-19:

> I ask God from the wealth of his glory to give you power through his Spirit, to be strong in your inner selves, and I pray that Christ will make his home in your hearts through faith. I pray that you may have your roots and foundation in love, so that you, together with all God's people, may have the power to understand how broad and long, how high and deep, is Christ's love. Yes, may you come to know his love . . . — and so be completely filled with the very nature of God.

Colleagues, I do this because this bill and this issue are sacred ground. I thought we should note that in this debate.

I thank honourable senators very, very much.

[*Translation*]

Hon. Percy Mockler: Honourable senators, every time I take part in a debate as important as the one we have been having for the past few weeks, I take some time to calm myself by reciting a little prayer that I would like to share with you all now:

> God, grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference.

[*English*]

Honourable senators, first and foremost I want to recognize the leaders, Senator Carignan, Senator Cowan and Senator Harder, for their distinctive leadership in this debate to make it possible to have this great societal debate that has expunged a lot of energy in each and every one of us as senators.

I want to share a few life experiences that I have had and also as a parliamentarian.

With my experience serving the public, I have always engaged myself in fighting for the most vulnerable in our society. Being the son of a single mother, I often think what my mother would tell us, and I want to share this with you. As I was growing up on social assistance, my mother always reminded my sister and me: "You will see in life people do not care who you are until they know what you care for." And I know what we all care for in this chamber.

From the very beginning of my public life as a member of the Legislative Assembly of New Brunswick, from 1982, approximately 23 years serving the people, and almost 8 years in the Senate, my motto has always been defending and fighting for the most vulnerable.

When I read Bill C-14, medical assistance in dying, it was evident we had to defend the rights of patients and those who are most vulnerable. We must respect their desire and their decisions.

As we close this debate, honourable senators, I would like to speak today on third reading of this bill and the amendments that have been put forward in this chamber.

[*Translation*]

Honourable senators, I am proud to take part in the third reading debate of Bill C-14 today, because this is a matter of life and death and an issue that is important to all Canadians who are nearing the end of life.

I do realize, though, that medical assistance in dying can evoke strong emotions in many Canadians, whether because of their religious beliefs, the cultural practices in their country of origin or the traditions they inherited from their ancestors. In Canada, however, our traditions and rights are enshrined in the Constitution and the Charter of Rights and Freedoms.

One of those rights —the most important one, I think— is the freedom to choose and obtain medical treatment universally, no matter where in Canada we live. As my colleague the Honourable Senator Joyal put it so well, Bill C-14, which came from the lower chamber, imposes restrictions that fly in the face of the Charter of Rights and Freedoms. Instead of referring the bill to the Supreme Court, however, we decided to debate it here in the Senate chamber in order to improve it.

[*English*]

In fact, also as mentioned by members of the Carter family, the proposed legislation negates the objective of the bill, that is, to allow Canadians to decide to put an end to their suffering due to severe illness.

[*Translation*]

As senators, we have a responsibility and a duty to ensure that bills from the other place are carefully considered and that they respect Canadians' rights and freedoms.

[*English*]

Honourable senators, we must first and foremost champion people's rights and liberties and ensure Canadians are able to make their own decisions concerning their life and their quality of life without risking legal procedures for doing so.

[*Translation*]

One thing is obvious: Bill C-14 limits the power to choose of Canadians who face extreme suffering due to serious illnesses or physical deformities, especially those with a severe physical disability.

In my opinion, honourable senators, we must become the champions of the power to choose and universal access to end-of-life care.

New Brunswick has palliative care centres in every region. Obviously, our country has palliative care facilities that are managed by the private sector or by non-profit organizations. Palliative care and medical assistance in dying should be able to co-exist, so that patients and their families can decide what is best for them and be fully informed of all options available to them.

• (2000)

I strongly believe that, as a parliamentarian, the amendment proposed by my colleague, the Honourable Senator Eaton, reflects that reasoning about palliative care. I watched my grandfather and grandmother suffer from their illnesses, in our little home, and I understand that there may come a time when someone might want to put an end to their own life because of the loss of their quality of life.

[*English*]

Much has been said in this great debate. There is no doubt in my mind, as Professor Peter Hogg noted, that Bill C-14 without any amendment would be found unconstitutional, as it deprives certain Canadians of the right to choose.

I want to share with you, honourable senators.

[*Translation*]

I must admit that this bill really had an impact on me and that this debate kept me up at night on several occasions. As a parliamentarian, here in the Senate and also in the Legislative Assembly of New Brunswick, I've always worked to ensure that bills protect the public. Laws must be consistent, fair and accurate, and they must respect the Canadian Constitution, regardless of where we live. During previous debates, we heard all kinds of opinions that made us think about how to improve Bill C-14 on medical assistance in dying. The debate on this bill is obviously polarizing.

[*English*]

Yes, it is a polarized debate, but as parliamentarians we must require the proper amendments to assure Canadians that they are well protected. We must get it right, and we must protect our people and respect their decision with dignity if they choose the process of medical aid in dying.

[*Translation*]

Honourable senators, let us respect the applicant's decision by considering their right to choose and their right to dignity. Respect for human rights is a fundamental value in our modern society.

[*English*]

Honourable senators, we have had a great debate on Bill C-14, and I believe we have succeeded in making the proper amendments in order to better this piece of legislation. I do not need to relate any portion of this great debate, because we all witnessed it. However, I believe we have succeeded where others have failed in such debates. Collectively, we managed to set aside our emotions and our cultures, with the main objective of improving the legislation that was sent to us by the House of Commons.

Our amendments have strengthened this legislation. It will permit the applicant to make a decision with respect and dignity. It is their right to do so.

[*Translation*]

Honourable senators, now that we have finished studying Bill C-14 on medical assistance in dying, I am satisfied with the great debate we have had over the past three weeks. We had to provide a framework. We did it, and there is no doubt in my mind that we succeeded.

[*English*]

Honourable senators, we had to get it right. I believe we have, with our amendments, put the necessary mechanisms in place to protect and to respect with dignity the decision of the people requesting medical aid in dying.

There is no doubt in my mind that we have improved Bill C-14. We have done extraordinary work in protecting patients, doctors, medical staff, institutions and, better still, in laying down a road map to secure for Canadians a procedure in requesting medical aid in dying from coast to coast to coast. Nevertheless, we must remind ourselves that our partners, the provinces and territories, are linked to this road map going forward.

Honourable senators, I believe that as senators we have fulfilled our constitutional mandate with honour, loyalty and commitment. I believe that collectively we have all played the role of the most valuable player in this great Canadian debate on Bill C-14.

I agree, honourable senators, to send Bill C-14 back to the House of Commons to accept our improvements. Let us give Canadians the choice and the right to make a decision. I will support the amendments in this bill to be sent back to the House of Commons.

Hon. Wilfred P. Moore: Honourable senators, it is indeed a unique honour and privilege to engage in the debate on Bill C-14. First of all, I want to compliment the work of the Special Joint Committee on Physician-Assisted Dying, which laid out a solid road map for the government to follow. I applaud the superb speeches by the leadership on all sides, as well as the remarks of Senator Ogilvie, and I sincerely appreciate the deeply personal experiences shared by so many of our colleagues.

The work of the Senate on this file has been textbook. I regret that the Minister of Justice commented that she would not accept any amendments to the bill. In doing so, I'm concerned that the minister not only prejudged our work but that she may not understand or appreciate the legislative role of the Senate.

I want to tell you a little bit about a similar exercise that I was deeply involved in here in the chamber in 2001. At that time we were looking at amending the Youth Criminal Justice Act. I was on the Legal and Constitutional Affairs Committee at the time. We heard evidence that the judge, in handing out the sentence to a First Nation youth, should consider the punishment that was considered in First Nations. That provision existed in the Criminal Code for adult First Nations offenders but not for youth. We heard that it should apply to youth.

I brought in an amendment to that effect, and I can tell you that I have been on that lonely side of the road that Senator Manning spoke about: tremendous pressure from all sides. I was sitting as a

Liberal senator, being pressured by all heights of authority within the government, but I took an oath to the Queen and country to do the best thing for the good of the country. That didn't include deferring to the House of Commons. They are not always right.

We got to the vote, and thankfully it went through on a vote of 51 to 50, with one abstention.

The message is that the people spoke. They spoke to us in committee. We heard that in the exercise here — in the various committees, pre-studies, and in the Special Joint Committee on Physician-Assisted Dying, which did the work in advance.

It's our job to be legislators, to consider the legislation and the views expressed to us by the public, and not to give in to the House of Commons or to the executive. If we, in our wisdom, think that it's right, I'll put my stock in this gang right here.

• (2010)

Some Hon. Senators: Hear, hear!

Senator Moore: Many amendments have been adopted by the collective wisdom of this chamber, and I don't believe that work is to be taken lightly or dismissively. That wisdom saw the Senate approve numerous amendments, including an important one introduced by our learned colleague the Honourable Serge Joyal. It is an amendment which provides for the inclusion of the minorities, persons to whom medical assistance in dying was not available under the bill in its original form.

Therefore, senators, remember who you are, remember your oath, remember the people. I shall be voting in favour of this bill as amended.

Hon. Kelvin Kenneth Ogilvie: Thank you, Your Honour.

Colleagues, my experience with this began with the special joint committee. I'd like to repeat that the primary objective of the Special Joint Committee on Physician-Assisted Dying was the protection of the vulnerable.

There were two principal aspects of that protection. One was to assure their Charter rights under the Constitution and in light of the *Carter* decision.

Second was their protection against coercion. We made a number of recommendations in that regard. We also made some recommendations that we didn't feel could be put into law. You've discussed a number of those here and attempted to put them into law, but in actual fact, many of these issues can only be dealt with by the federal government in good faith working with the provinces and territories to come up with agreements on how you move forward. I commend you before this process is over to look at the last two paragraphs in the preamble to the existing Bill C-14. These cover a number of issues that we raised in that regard. It is not in the same language we used, but they identify those as issues that the government must proceed with.

There is one, however, whose language I would like to refer to because it has been identified here. It's recommendation 18 of our report.:

> That the Government of Canada work with the provinces and territories, and their medical regulatory bodies to ensure that culturally and spiritually appropriate end-of-life care services, including palliative care, are available to Indigenous patients.

So we did, I think, in our report, attempt to deal with those two issues of protecting the vulnerable that I referred to. I will not speak at length on that this evening at all.

We have spent a great deal of time dealing with a major aspect of Bill C-14, and that is the compliance of Bill C-14 with the Charter. I will not go over the pros and cons and come to a conclusion on that. I can say with 100 per cent confidence that our modified bill is compliant with regard to eligibility under the law. It will meet that critical test.

In my opinion, the most important issue of Bill C-14 in its original form is that it took away a right from our most vulnerable — those who have perhaps years to endure intolerable suffering from an irremediable medical condition. I sincerely hope that all of those who are able to argue against that right never have to face that issue from their own bed.

Our amended bill restores that right. I will vote for our amended bill. Thank you.

Hon. Lynn Beyak: Thank you very much. Thank you to my esteemed colleagues.

I have been a proud senator since the first day I came here. I have the greatest respect for the vast majority of everyone in this chamber. I always have felt that our debates were meaningful and thoughtful. This one is the most serious that we have ever discussed, and I agree with everyone who said that. I have thought for the last few years the media has focused on sensational issues and it has taken away from the valuable work we have done here for 150 years. The Senate's reputation over a couple of scandals has always emerged stronger and better. Our committees are world-renowned, as are our committee reports. We do this because it is what we are tasked to do under the founders, who I think got it right.

I used to believe in an elected Senate. I don't any longer. My elected colleagues are as meritorious as the unelected, and the new ones as meritorious as the rest. The work we do here is valuable and has not had the focus it deserved for a long time.

I stand today to say that my belief is that the Supreme Court is not supreme. The people are supreme. I wish we had challenged their decision. I believe it's wrong. I believe in God. I was raised at

the feet of a mom and dad who were Christian to their core. They taught me to live by the golden rule. That the Lord giveth and the Lord taketh away, and His name is blessed.

I will always stand by those values, but I don't believe I have the right now to impose them on anyone else after the Supreme Court's decision. They've told us that we must make a good law, and a good law we must make. So I will support Bill C-14 as amended. I hope that the Joyal amendment is turned back by the other side, personally. While I respect the work that went into it, I believe the people have twice rejected it; once when the ministers crafted it — a wonderful woman, a lawyer and another wonderful woman, a doctor. They crafted it, they believe, in the best interests of Canadians taking small steps in the beginning, making it greater later on if we have to. I believe it was perfect the way it came to us.

I wanted amendments for palliative care, and for a doctor to be able to not perform if he didn't want to. One was done, one is not. I just wanted to put my views on the record.

I'm nervous, and I've been sitting between Senator Plett and Senator Manning in tears for most of the debate.

Thank you all for helping me in this Senate to get the work through that I did, the three bills I sponsored. I could not have done it without Liberal and Conservative colleagues. We've always been proudly partisan, but that's what government is. The house is partisan, we're partisan, but we're thoughtful and caring and we always respect one another's opinions. That has been my experience anyway.

Thank you.

Hon. Serge Joyal: Thank you, Your Honour.

Honourable senators, after those 12 days of debate and reflection, I have the conviction that I am a different person. I would say I'm more human in a way because of the testimony of our colleagues: Senator Verner, who very candidly avowed in front of us her cancer, and this afternoon when I heard our colleague Senator Tardif delivering the message of Senator Dawson, also fighting a cancer with all the strength and conviction that we know both of them have.

I'm very grateful personally to all the senators. I'm looking at Senator Wallin, Senator Manning, just a couple of minutes ago, and other senators who came forward very openly, in almost an intimate manner. They shared with us the plight of their life in relation to life and death. That's why I'm telling you I feel I'm a different person, maybe a better person also, because that debate has brought every one of us closer to one another.

As you know, most of the time we debate issues that are to a point outside of us. We debate issues of transport, but I'm not a bus driver. We debate issues related to ports. We debate the issue of administration of finance. I'm looking at our colleagues Senator Day and Senator Tkachuk in the Banking Committee. I'm not a banker, but of course I have some accounts in banks.

• (2020)

Senator Tkachuk: Tell us more.

Senator Joyal: My income taxes were published last year, so you should know about it.

This issue has brought the best of us into the open. I was asking myself, to whom am I indebted for that? Whom should I thank for that? I think Senator Plett said it in the plainest and most direct way: the Supreme Court. If the Supreme Court had not ruled in the *Carter* decision, we would not be here tonight discussing this after 12 days of exchanging views, and we would not be wrestling with three of the most important questions that we, as legislators in the Senate, have to address.

What are those three questions? The first one was raised by our esteemed colleague Senator Sinclair: Were we founded, to a point, to outwill the House of Commons? It is a very serious question, because we have a fresh government with a popular mandate. The Prime Minister is skyrocketing in the polls, and the government is young and enthusiastic. We should not stand in the middle of that. Who can fight the Prime Minister's popularity? I think one of you raised that question today.

I want to say something to Senator Sinclair that my colleague Senator Moore raised. I remember very well because I was on that committee at the time, on the Legal and Constitutional Affairs Committee, and the question was raised: Were we founded to amend the youth criminal justice bill that came to us after a year and a half of debate in the House of Commons? It had 160 amendments. I checked the record; 160 amendments were applied to the bill in the other place.

When Anne McLellan, then Minister of Justice, came to testify in front of the Legal and Constitutional Affairs Committee, she said the following:

> . . . I do not believe any amendments are necessary in relation to that area. This proposed legislation speaks directly to the circumstances of Aboriginal people. It directs the court to respond to the circumstances of Aboriginal young people.

The question put to her was essentially in respect to the international Convention on the Rights of the Child. In the bill, as our colleague Senator Moore has proposed, there was absolutely no mention of Aboriginal youth. That was in 2001, more than 14 years ago. We amended the bill against the will of the Minister of Justice.

Our colleague Senator Cools, who was on the committee, asked the following question, if I can quote her:

> The minister has told us that no amendments are necessary to this bill. She has said that quite strongly and forcefully. Consequently, it has caused a degree of distress and agitation among senators.

> Since no amendments are necessary, could the minister tell us, in her view, what is the role of the House of Commons and the Senate in legislation in this country?

That was the very question of Senator Sinclair. It was almost taken out of his mouth, asked by his seat colleague Senator Cools 14 years ago in relation to the plight of Aboriginal people.

When I read your Truth and Reconciliation Commission report, which was tabled a year ago, June 2015, I read section 38 of your report:

> We call upon the federal, provincial, territorial and Aboriginal governments to commit to eliminating the overrepresentation of Aboriginal youth in custody over the next decade.

So it seems to me that when I look into perspectives against the minister's wishes, repeated three times at the committee and in the other place, with the pressure of the government of the day, against senators who were members of that committee, I want to remind you of the status of Senator Grafstein, who was on the committee with me, Senator Cools and Senator Moore. You know what happened to Senator Grafstein after we voted on the amendment in committee? He was kicked out of the committee by the then leadership.

So if you think that when we vote and stand up against the will of the government on an issue that calls upon the respect of minority rights for minorities who have been the object of systemic discrimination for 150 years and there are no consequences, I think the Senate has been founded to stand by such an amendment.

I will tell you who placed the winning vote: It was former Senator Hervieux-Payette. She was sitting beside me, and she never told me at any time during that debate how she would be voting. When we voted in support of the amendment, with the support of the opposition of the time, we won by one vote.

So I think that, honourable senators, these questions are real. They are as real as the objective of the former government to change the structure of this institution.

Seven iterations of bills were tabled in this place and in the other place to have senators elected. Some of you might remember those debates. It was not that long ago, 2005-06. The first bill introduced by the new government, which had received an electoral mandate to reform the institution, was printed into the platform of the Conservative Party. It was with respect to reform of the Senate, one of the foremost five objectives of the new government. We studied that bill at the Legal and Constitutional Affairs Committee, and we concluded that it was not constitutional.

Senator Cowan would testify to that. He had just arrived in the Senate at the time, and he asked me: "Can we oppose the government, which has the popular mandate on restructuring the institution?" I will put it in simple terms: We stick to our guns.

Seven times the bill was reintroduced, and each time we proposed that the government refer the bill to the Supreme Court for a ruling. As I say it here, the government of the Right Honourable Stephen Harper had the wisdom to come to that conclusion. To honourable senators who have just been appointed, you would not be sitting in your seats today if that bill had been adopted, because you would have had to run to sit in this place instead of being appointed.

So I think it's a very serious issue that the Supreme Court, nine judges, concluded that those bills were not constitutional. Each time, on seven occasions, various ministers of justice came to us to tell us that they were absolutely convinced the bill was constitutional. Were we founded to maintain our position on principle?

Honourable senators, I think that when a minority like the Aboriginal people is at stake in a bill — not protected, not recognized — and there is any concern about the discrimination that has plagued them for so many centuries, we were founded to stick to the will of the other place. Why, honourable senators? I'll tell you why. Because we are the federal chamber of Parliament. That is the fundamental difference between them and us, not that they are elected and we are appointed. That's not the main difference. The main difference is that they are a chamber that is designated by the majority of the population, and we know how the majority serves its interests. This chamber has been structured to protect the minorities. So by our very being, as a legislative chamber, our role is first to look after the minorities.

• (2030)

There has been a lot of speculation, honourable senators. What happens if the house refuses your bill and comes back with no amendments, or with three amendments, or accepts the second but not the third one? Honourable senators, I would say cool off. Ask yourself who we are and where you come from. You have been appointed here to be independent of an electoral mandate. That's why you are here up to age 75. That doesn't mean that we don't listen to what public opinion is. I am like you. Each morning I look at the polls and I say, "Where are they? Are they going up or going down," but we are not elected people. That's not the determining factor if we are convinced on a principled basis that we are right to stand for what we conclude is a fair respect of the Charter of Rights and the Constitution of Canada. That's what Senator Bellemare has in her Motion No. 89. She wants the first thing that we do when we study a bill to be to look at whether it is Charter compliant and Constitution compliant. If, after reasonable reflection and after hearing from all the witnesses that we can, we come to the conclusion that the bill doesn't meet that threshold, we have the independence of status to maintain our position. We cannot compromise on the basis that, well, the majority is against it.

As Senator Ogilvie and Senator Mockler have said, we are dealing with the rights of people here, not in a theoretical manner. We are dealing with people that the Supreme Court has said have the right to medical assistance in dying in a certain number of conditions. The government decides to blankly exclude a large group of them without any evaluation of minimal impairment; that is, how to frame a better system. On the basis of all the interpretation, we know there is a fundamental risk of constitutional failure.

Honourable senators, I have stood up in this chamber on many occasions. Looking at our esteemed colleague Senator Runciman, I ask: How many amendments to the Criminal Code have we been asked to debate in the last 10 years?

An Hon. Senator: A lot.

Senator Joyal: Some of them raised very serious issues, as my colleague Senator Baker will know.

If we are of the opinion — sincerely and rationally — that there is probably a risk of excluding those people from their rights, as Senator Plett has said, as interpreted and directed by the court, then we have the choice to define a regime of regulation for them to exercise their rights. However, we cannot say, "You're out; you're suffering more than someone else and longer than someone else."

The Hon. the Speaker: Senator Joyal, your time has expired. Are you asking for five more minutes?

Senator Joyal: Yes.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Joyal: In my opinion, this the fundamental point.

The second one I want to touch on is how can we reconcile our strongly held personal beliefs and our job as legislators? This was raised by Senator Stewart Olsen, Senator Boisvenu and other senators. Tonight, those are the two that I remember well because I was struck by their comments.

When we are sitting in this place, what is prevalent? Of course we have conviction, each one of us. Those convictions belong to different faiths. If we were basing our decision only on our faith, that faith would be one of the majorities that would impose its belief on the others.

Think it through twice. I don't want to give any examples of a majority faith. I could use one that is in a minority position to show you how outrageous it could be, however. We're not in a situation to impose any legislator to vote contrary to his or her strongly held belief. We put that in the Charter and we fight for this.

But, honourable senators, that's not the way legislation is drafted. Legislation is drafted in the context of a society that has a separation between church and state. The state rules are defined by the way the Supreme Court interprets the Charter. Read paragraph 63 in the *Carter* decision and how the Supreme Court interpreted the right to life. The Supreme Court interpreted the right to life as including the right to death. If the Supreme Court would not have concluded that, all advance directives implemented in the provinces about not being artificially maintained in life would be struck down as unconstitutional. That's the principle of lay society. In any church we belong to, in any faith we belong to, in any personal values we cherish, that could not violate our conscience to vote against it. That's for sure.

We also must pay attention to the fundamental way that the Charter has been interpreted. If you want me to remind you of another excruciating debate, it was the debate over gay marriage. Honourable senators, for those of you who were not here 11 years ago, we debated this for two months. It ended July 28. Do you want to stay here up to July 28 to debate physician-assisted death or medical assistance in dying? We debated civil marriage for two months. Do you know how we debated it? The members on the committee were allowed to sit for a month. When the report was completed, the chamber was called back for third reading debate. That's how it happened. There were senators on all sides of that debate according to their faith. They had a definition of marriage that was, as I said, totally contrary to the definition of marriage in that bill.

Honourable senators, those are the most important moments of our legislative life. They are the moments where we have to take into account the values that are enshrined in the Charter, which is our social covenant, and our personal belief to be truthful to what we consider is our intimate meaning of life. This is why it is difficult, but it is not difficult in a way that we cannot reconcile the two.

The important thing, as I said, is to maintain the freedom of anyone to exercise his or her decision in relation to his or her faith in the conduct of his or her life. This is the important aspect.

Honourable senators, there is another point I wanted to cover, but my time is up and I will certainly not abuse your patience. It is, essentially, what will happen next.

Honourable senators, we are here for the long term. That's why you were appointed here up to 75 years of age. I have been in this place for 18 years. When I make a decision, I think about the perspective.

Second, you are independent. Nobody can oust you, so take the decision. Think of maintaining a decision that serves that principle. As I said earlier, we are a federal chamber, and our fundamental and primary role is to protect minorities.

In our heart and conscience, in the days to come we will be able to reflect upon those issues and continue our exchange.

Some Hon. Senators: Here, here.

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable senators, I rise on this occasion to add my voice just ahead of our crucial third reading vote.

This bill, as sensitive and complex as it is, has been a very demanding test of our abilities as parliamentarians, especially since it arrived in this chamber with such a wide and deep range of legislative gaps and concerns.

• (2040)

Medical assistance in dying is a complex, multi-faceted subject. As well as being deeply personal and despite our individual differences I believe we have fulfilled our responsibilities as

senators by undertaking the critical process of examining and debating every aspect of this difficult bill. And given the magnitude of this subject, one that strikes at the core social consciousness of our country, Canadians expect us to ensure that no stone is left unturned.

Since the Supreme Court's June 6 deadline has passed, and with the current legislative void that exists, I acknowledge the urgency in putting a federal framework into law.

Above all else, this legislation needs to be as robust as it can be because there is no room for error. The end of life means the end of life. There is no reversal of death.

On a very personal note, as a Christian, a teacher of 21 years, a parent, and daughter of a mother with dementia, who is losing her memory with great dignity, and a daughter of a father who taught me and all those who cared for him for over a two-year period that while the physical world fades for each of us, when our time comes, what we do in the face of suffering and impending death can define our character, reveal God's grace, and inspire great love and compassion.

I was at my father's bedside when he died with great dignity and eternal peace.

While in principle I do not support Bill C-14 as amended, I will qualify that by saying I know it is our duty to eventually enact a robust, complex, federal regime to provide a needed national framework. As such, my willingness to support the passage of the bill at third reading is equal to my reluctance to do so.

A number of important amendments were proposed, examined, debated, rejected or adopted. We adopted Senator Eaton's amendment to include provisions around palliative care, which would act as an extra layer of safeguards before a patient can become eligible for medical assistance in dying. This amendment is extremely important because it seeks to protect vulnerable Canadians who have the right to know all of the options available to them.

I was proud to support this amendment, as well as the other amendments that added greater safeguards because the safety and protection of vulnerable Canadians need to be at the heart of Bill C-14.

I believe that the underlying premise of the Supreme Court's *Carter* decision was not the right to die but the right to life, liberty and security of person. Therefore, I believe that a more permissive regime is not what the Supreme Court had intended when it rendered its *Carter* judgment.

As I've said before, on principle I fundamentally oppose medical assistance in dying. That said, I'm awake to the reality that the prohibition on medical assistance in dying has been lifted, that the status quo has been radically altered, and that the social consciousness of Canada has been significantly shifted. I fully acknowledge that some version of Bill C-14 will become law. However, as previously stated, I believe that a bill with the strongest and greatest safeguards is better than one that is too permissive. I maintain that one loss of Canadian life is too many, and for that reason achieving eligibility for receiving medical assistance in dying should be restrictive, not permissive.

I remain very worried about Bill C-14 as amended, but despite my own reservations about this bill, I am very proud of the high degree of attention and diligence that honourable senators, our staff and the Senate personnel have given to this critical issue.

I believe that we have carefully examined, debated and considered every major aspect. This is the duty placed on us by Canadians, and I am confident that we have fulfilled that duty. Thank you.

Hon. Peter Harder (Government Representative in the Senate): Colleagues, I am not going to take long, but I do think it's appropriate for me, in my role, to say a few words at this time, as we are about to vote on this matter.

Two weeks ago yesterday, a bill arrived in this chamber from the other house. It was a bill which I commended to this chamber, as I felt it was a finely crafted balance that had received bipartisan support, thoughtful engagement in the process that led the bill to come to this chamber. We have been engrossed in this bill conversation in a rather unique way. I am obviously not as long-serving as most of you. My colleagues and I who joined in the recent appointments in some ways have been blessed, frankly, with the proximation of this bill to our arrival because we've benefitted from the engagement with senators in a rather unique way over an intense two-week period.

Earlier today I looked at the *Debates of the Senate* from the last two weeks, and for the record, I am the thirty-third speaker today, and I'm sure that you're recognizing that we have been here for a while.

But two weeks ago today, when the ministers were here, 29 senators asked questions of the ministers. When we had our second reading debate, 35 senators spoke. When we began third reading and amendments, we had 104 interventions; 21 votes, 11 standing and 10 voice. And then we have today.

I mention this not because I'm an accountant but because it's important to remind ourselves of the intensity of the engagement. And what's most surprising about the intensity of the engagement is the quality of the respect, the quality of the argument, the quality of the difference that has been so obviously put before us by a wide range of views.

I am not here to rehash or re-litigate the amendments or the bill itself, but you know where I stand.

But I am here to thank everyone for the quality of the debate, my leadership colleagues in particular for supporting an organization to the debate that was quite different than normal, and it has accomplished what we all hoped it would, which is to have a debate that was about the issues that showed respect for differences of view and allows us to come to a conclusion, and it is a conclusion we come to tonight.

I mentioned in my speech at second reading debate that I took seriously my role to represent the government to the Senate, but I also said I respect my role to represent the Senate to the government, and now is the time for me to do that.

And I want to assure you that how we vote tonight and the amendments that we may vote for tonight ought to be respectfully considered, appropriately accommodated, and there has to be some level of engagement. I'm not one that we should insist on everything, nor am I saying that we shouldn't expect something, and that engagement process will begin after this vote.

• (2050)

But I do want to emphasize that our engagement with the other chamber, our engagement as parliamentarians, and, indeed, our engagement on behalf of Canadians is one where, at the end of the day, the quality of our democracy will rest on how we, as a chamber, proceed even after today.

I want to make a commitment to you that I will work as hard as I can to ensure that what we accomplish as a Parliament of Canada on this bill is one that Canadians can be proud of and one that reflects and benefits from the debate that we've had over the last two weeks. And I trust that all colleagues will have a spirit of openness when the bill comes back to us.

In the spirit of ensuring that this bill does go forward, because a rejection of the bill before us is a result of bringing the whole law down, and we will have a dead bill and a situation which, in my view, would be intolerable and Canadians would find unacceptable, I will vote for the bill as presented tonight to ensure that the engagement with the other chamber takes place appropriately, respectfully, and that we re-engage at some point with equal respect and an equal sense of obligation to serve Canadians.

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Baker, P.C., seconded by the Honourable Senator Harder, P.C., that this bill, as amended, be read the third time.

All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Is there an agreement between the Government Liaison and Opposition Whip on time?

Senator Mitchell: Fifteen minutes.

The Hon. the Speaker: The vote will take place at 9:07 p.m. Call in the senators.

• (2110)

YEAS
THE HONOURABLE SENATORS

Ataullahjan	Maltais
Baker	Marshall
Bellemare	Martin
Beyak	Massicotte
Black	McCoy
Boisvenu	McInnis
Campbell	McIntyre
Carignan	Mercer
Cools	Mitchell
Cordy	Mockler
Cowan	Moore
Dagenais	Munson
Day	Nancy Ruth
Downe	Ogilvie
Duffy	Oh
Dyck	Omidvar
Eaton	Patterson
Eggleton	Pratte
Fraser	Raine
Frum	Ringuette
Gagné	Rivard
Greene	Seidman
Harder	Sinclair
Housakos	Smith
Hubley	Stewart Olsen
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Johnson	Tardif
Joyal	Wallace
Kenny	Wallin
Lang	Watt
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Doyle	Poirier
Enverga	Runciman

Manning
Meredith
Ngo
Sibbeston
Tkachuk
Unger—12

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Merchant—1

BILL TO AMEND THE PUBLIC SERVICE LABOUR RELATIONS ACT, THE PUBLIC SERVICE LABOUR RELATIONS AND EMPLOYMENT BOARD ACT AND OTHER ACTS AND TO PROVIDE FOR CERTAIN OTHER MEASURES

FOURTH REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on National Security and Defence (Bill C-7, An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures, with amendments), presented in the Senate on June 14, 2016.

Hon. Daniel Lang moved the adoption of the report.

He said: Honourable senators, I know it's been a long evening, and I'll try to be as brief as I can. I'd like to begin with a bit of background.

Your committee held four meetings on Bill C-7 and heard over 25 witnesses. You should know that the bill before you, where we're recommending amendments, is in response to a January 2015 decision by the Supreme Court. It's now almost 17 months since that decision was taken, and members of the RCMP, who won an important court decision, are waiting for the government to act on this bill.

Bill C-7 would allow the approximately 25,000 Canadians who are members of the RCMP to establish a meaningful collective bargaining process and a process for the establishment of collective representation.

I should point out, colleagues, that over the course of our hearings we recognized that the RCMP are facing significant challenges when it comes to recruitment for members; the fact that they are not competitively paid compared to other jurisdictions, such as the municipalities and the provinces; and also, the question of public perception is, at times, questionable.

They have lowered their standards for recruitment. They have removed the requirement for entrance exams, eliminated the fitness test and allowed, for the first time, non-Canadians to become cadets. At the same time, it has to be said for the record that, unfortunately, our national police force has faced serious issues relating to harassment over the last number of years.

The bill before you we see as a first step — a significant step forward in meeting many of the challenges that are faced by our national police force.

During our hearings, we became quite convinced that the initial Bill C-7 was not fair to the members of the RCMP and not in keeping with the Supreme Court's decision. That's why the members of our Standing Senate Committee on National Security and Defence unanimously amended the bill that we're asking you to consider. We want to ensure the protection of management rights. We also want to ensure a secret ballot during the certification process and to remove prohibitive exclusions from collective bargaining, which even the Commissioner of the RCMP said were not needed for the bill.

• (2120)

We also want to ensure that the Public Sector Labour Relations Employment Board had the necessary authorities to interpret legislation and we have made recommendations for consequential amendments.

Going through the amendments, colleagues, first, protection of management rights: clause 4.1, section 7.1 of the PSLRA. The new clause 4.1 clarifies in the Public Service Relations Act the protection of management rights of the Commissioner of the RCMP in accordance with the RCMP Act.

Section 5 of the RCMP Act gives the authority to the commissioner to control and manage the force, and clause 4.1 is modeled on current sections 6 and 7 of the Public Service Labour Relations Act, which protects the management rights of the Treasury Board in relation to the federal public administration.

Second, to ensure secret ballot: Clause 33, section 238.13 of the Public Service Labour Relations Act, we recommend the amendment provide that the Public Service Labour Relations and Employment Board may certify an employer organization only after a secret ballot was cast.

Bill C-7 was silent on this issue. However, Bill C-4, An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act, the Public Service Labour Relations Act and the Income Tax Act proposes to amend the Public Service Labour Relations Act to restore bargaining agent certification procedures to the former card-checked model. This amendment to the bill is modeled on current section 64.1 of the Public Service Labour Relation Act, which requires a secret ballot for the certification of the board.

Third, removing exclusions from the collective bargaining and consequential amendments, clause 33, section 238.19 and 238.22, the initial bill, Bill C-7, had exclusions on what could not be in a collective agreement and an arbitral award. These exclusions included any terms or conditions that relate to law enforcement techniques, transfers, appointments, probations, discharges, demotions, conduct, including harassment and equipment.

The amendment we are proposing removes these exclusions from the bill. Other police services in Canada do not have these exclusions listed expressly. As I said earlier, the Commissioner of

the RCMP told the committee that these exclusions are superfluous because they are already covered by the management's rights found in the legislation.

I refer to section 671.13 of the Public Service Labour Relations Act in section 5 of the RCMP Act, which the committee has just amended in order to make it clear. The consequential amendments in clause 17, 51 and 53 are necessary to ensure consistency.

Fourth, ensuring the Public Service Labour Relations Board has the necessary authority to interpret the legislation, clause 33, section 238.24 and 238.25, Bill C-7 provided RCMP members with a limited right to grieve. The only type of grievance that could be filed by RCMP members is one related to the interpretation or application of the collective agreement or arbitral award.

The amendment, which we're recommending, is modeled on section 208 of the Public Service Labour Relations Act, and allows RCMP members to grieve also on the interpretation or application of a provision of a statute, regulation or employer's directive that deals with terms and conditions of employment.

In addition, this amendment will enable the board to consider, in his or her interpretation, not only the collective agreement but also the legislative context. The consequential amendments in clauses 40, 62, 68 and 69 are necessary to ensure consistencies.

Colleagues, as I said at the outset, our committee had extensive hearings on this particular bill. We believe we brought forward an act that was badly flawed, have improved it dramatically so that we could set a framework for the rank and file of the RCMP, the members of the RCMP and, as I stated earlier, over 25,000 members are affected. My hope is that during the course of our deliberations we will find acceptance to what the committee is recommending.

I want to add that these are unanimous recommendations from the committee.

Senator Campbell: I move the adjournment in my name.

An Hon. Senator: No.

The Hon. the Speaker: It is moved by the Honourable Senator Campbell, seconded by the Honourable Senator Ringuette, that further debate be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: All those in favour of adopting the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker: Is there an agreement as to time?

Senator Plett: Fifteen minutes.

The Hon. the Speaker: The vote will take place at 9:40.

Call in the senators.

• (2140)

The Hon. the Speaker: Honourable senators, the sitting is resumed.

Senator Campbell?

Senator Campbell: Honourable senators, I would like to withdraw my adjournment motion.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: The motion is withdrawn.

An Hon. Senator: Question.

The Hon. the Speaker: All those in favour of adopting the report will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it.

(Motion agreed to and report adopted.)

The Hon. the Speaker: Honourable senators, when shall this bill, as amended, be read the third time?

(On motion of Senator Lang, report placed on Orders of the Day for third reading at the next sitting of the Senate.)

[*Translation*]

COMMITTEE OF SELECTION

FOURTH REPORT OF COMMITTEE ADOPTED

Leave having been given to proceed to Other Business, Reports of Committees, Other, Item No. 1:

On the Order:

> Resuming debate on the motion of the Honourable Senator Plett, seconded by the Honourable Senator Carignan, P.C., for the adoption of the fourth report of the Committee of Selection, entitled *Change of membership on committees*, presented in the Senate on June 8, 2016.

Hon. Claude Carignan (Leader of the Opposition) moved the adoption of the report.

He said: Honourable senators, I believe there is consensus to proceed to the question.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted)

(The Senate adjourned until Thursday, June 16, 2016, at 1:30 p.m.)

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