



# DEBATES OF THE SENATE

---

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 41

---

## **CRIMINAL CODE**

**BILL TO AMEND—CONSIDERATION ON SUBJECT MATTER  
IN COMMITTEE OF THE WHOLE**

Question by:

The Honourable Claudette Tardif

Wednesday, June 1, 2016

## THE SENATE

Wednesday, June 1, 2016

### CRIMINAL CODE

#### BILL TO AMEND—CONSIDERATION ON SUBJECT MATTER IN COMMITTEE OF THE WHOLE

**Senator Tardif:** Minister, there is a commitment in Bill C-14, under section 9.1, that both the ministers of health and justice will:

. . . no later than 180 days after the day on which this Act receives royal assent, 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.

My concern here is that this section commits to a start date but not to an end date. Do you think your government should consider and commit to a set time frame with an end date as you have done with Bill C-14? And if so, what sort of time frame are you considering?

**Ms. Wilson-Raybould:** Thank you for the comments and acknowledging 9.1. This was an amendment that was recommended, made and agreed to by all parties in terms of setting a time frame for when these studies would commence.

Again, we would consider recommendations that would be put forward in terms of amendments. With regard to proceeding with an independent study or independent studies, we will do so on these more contentious and controversial issues to gain the evidence and the knowledge we need to ensure we can benefit from a regime and, if and when Bill C-14 passes, that we have the ability to monitor how medical assistance in dying has been operationalized and how effective it's been in this country, and to learn from that monitoring. In doing so, we would hope to benefit from the other studies and areas that we'll have to consider in terms of potential next steps for the medical assistance in dying regime.

I'm not certain that putting a time frame on that is necessarily the best approach to take, in that there's a lot of work to be done

and many considerations to be made related to engagement around those particular issues.

**Senator Tardif:** Would a time frame of three years seem suitable to you, minister?

**Ms. Wilson-Raybould:** Thank you, senator, for the question.

I know the honourable senator knows there is a five-year review written into the legislation, and certainly recognizes that this is not a conversation that's going to commence in five years upon Royal Assent, but one that will continue. I, the Minister of Health and the government are committed to ensuring that we commence an independent study or studies on these particular issues, and perhaps look at other issues that have been articulated here in this honourable house.

**Senator Tardif:** It just seems that five years is a long period of time to deal with some of these issues, minister.

On another matter, minister, the current version of this bill as adopted by the House of Commons reduces the number of clear days between which the medical assistance is requested and the date it is provided from 15 to 10, as indicated in the original version of the bill. Do you think this time frame is a sufficient safeguard against precipitous decisions based on temporary mental suffering? In other words, does this provide enough time for medical personnel to provide proper assessments and fulfill their legal obligations under Bill C-14?

**Ms. Wilson-Raybould:** As you rightfully point out, senator, this was another amendment that was made. Initially, it was 15 days, and now it's 10. This was put forward and approved at committee, and recognizes that a necessary reflection period of 10 days is sufficient. Obviously, we will not be privy to individual circumstances, but by all accounts, engagements and discussions that we've had, not only with our colleagues, but also with medical practitioners and others, a reflection period of 10 days is appropriate. That reflection period can be a bridge, given the patient's necessary terminality, and could be reduced.

**Senator Tardif:** Thank you, minister.