



DEBATES OF THE SENATE

1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 50

CRIMINAL CODE

**BILL TO AMEND—THIRD READING—
DEBATE**

Speech by:

The Honourable Claudette Tardif

Wednesday, June 15, 2016

THE SENATE

Wednesday, June 15, 2016

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE

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.

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.

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.