

DEBATES OF THE SENATE

2nd SESSION • 43rd PARLIAMENT • VOLUME 152 • NUMBER 23

OFFICIAL REPORT (HANSARD)

Thursday, December 17, 2020

The Honourable LEO HOUSAKOS, Acting Speaker

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Publications Centre: Kim Laughren, National Press Building, Room 926, Tel. 343-550-5002			
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THE SENATE

Thursday, December 17, 2020

The Senate met at 2 p.m., the Honourable Leo Housakos, Acting Speaker, in the chair.

Prayers.

Hon. Leo Housakos (The Hon. the Acting Speaker): Honourable senators, there has been an agreement amongst senators that we would go directly to Government Business today and bypass Senators' Statements. I do apologize for reading out the senators who are on the list, and if again you would acquiesce and let us skip Senators' Statements.

Thank you.

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION CONCERNING HYBRID AND ENTIRELY VIRTUAL MEETINGS

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I give notice that, later this day, I will move:

That the provisions of the order of October 27, 2020, concerning hybrid sittings of the Senate and other matters, and of the order of November 17, 2020, concerning hybrid committee meetings or meetings entirely by videoconference and other matters, be in force from February 1, 2021, to the end of the day on June 23, 2021, subject to the following conditions also applying in relation to the order of October 27, 2020:

- the Senate Administration will, as expeditiously as possible, endeavour to develop a system to allow senators in the Senate Chamber to be able to see, on screen, the senators participating by videoconference;
- when the sitting is suspended for any reason, the microphones of senators participating by videoconference shall be muted;
- 3. when a standing vote is underway, senators participating by videoconference must have their camera on for the duration of the vote and each senator must be seen on camera when voting; and
- written replies to oral questions deposited electronically with the Clerk of the Senate shall be distributed to all senators.

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

Hon. Senators: Agreed.

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT AND SITTING OF THE SENATE

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I give notice that, later this day, I will move:

That, in relation to its consideration of Bill C-7, An Act to amend the Criminal Code (medical assistance in dying), if the bill is referred to the committee, the Standing Senate Committee on Legal and Constitutional Affairs:

- 1. have power, pursuant to rule 12-18(2)(b)(i), to meet on Monday, February 1, 2021, even if the Senate is adjourned for a period exceeding one week; and
- 2. be authorized, on Tuesday, February 2, 2021, and Wednesday, February 3, 2021, to meet even if the Senate is then sitting, with the provisions of rule 12-18(1) being suspended in relation thereto.

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

Hon. Senators: Agreed.

ADJOURNMENT

NOTICE OF MOTION

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I give notice that, later this day, I will move:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, February 2, 2021, at 2 p.m.

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

Hon. Senators: Agreed.

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE AND HOLD HYBRID OR ENTIRELY VIRTUAL MEETINGS

Hon. Mobina S. B. Jaffer: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(a), I move:

That, for the purpose of its pre-study on the subject matter of Bill C-7, An Act to amend the Criminal Code (medical assistance in dying), the Standing Senate Committee on Legal and Constitutional Affairs be authorized:

- (a) pursuant to rule 12-18(2)(b)(i), to meet until February 1, 2021, even if the Senate is adjourned for a period exceeding a week; and
- (b) to hold hybrid meetings or to hold meetings entirely by videoconference, notwithstanding any provision of the Rules, past orders or usual practice and taking into account the exceptional circumstances of the current pandemic of COVID-19; and

That the provisions of subparagraphs 7 to 10 of the order adopted by the Senate on November 17, 2020, concerning hybrid meetings and meetings entirely by videoconference, apply in relation to any hybrid meetings of the committee or any meetings that are entirely by videoconference.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

• (1410)

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): Honourable senators, pursuant to rule 4-13(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-7, followed by third reading of Bill S-2, followed by Motions No. 25, 26 and 27, followed by all remaining items in the order that they appear on the Order Paper.

The Hon. the Acting Speaker: Does anybody oppose leave for the reordering, honourable senators? Accordingly, it is carried.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Petitclerc, seconded by the Honourable Senator Gagné, for the second reading of Bill C-7, An Act to amend the Criminal Code (medical assistance in dying).

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

REFERRED TO COMMITTEE

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

(On motion of Senator Gagné, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I apologize for the confusion, I maybe should have risen a minute ago.

I would just like to state for the record that we had an agreement earlier. As you will all recall, Senator Martin could not finish her speech last night and there was an agreement to go this way. There was also an agreement that her speech, as well as those on Bill S-2 at third reading, would be entered into the record.

I would like to make note of that — that her speech would also be entered into the record. Thank you.

CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT

BILL TO AMEND—THIRD READING

Hon. Mary Coyle moved third reading of Bill S-2, An Act to amend the Chemical Weapons Convention Implementation Act.

She said: I move that this bill be read a third time.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

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

Some Hon. Senators: Hear, hear.

THE SENATE

MOTION CONCERNING HYBRID AND ENTIRELY VIRTUAL MEETINGS ADOPTED

Hon. Marc Gold (Government Representative in the Senate), pursuant to notice of earlier this day, moved:

That the provisions of the order of October 27, 2020, concerning hybrid sittings of the Senate and other matters, and of the order of November 17, 2020, concerning hybrid committee meetings or meetings entirely by videoconference and other matters, be in force from February 1, 2021, to the end of the day on June 23, 2021, subject to the following conditions also applying in relation to the order of October 27, 2020:

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- when a standing vote is underway, senators participating by videoconference must have their camera on for the duration of the vote and each senator must be seen on camera when voting; and
- 4. written replies to oral questions deposited electronically with the Clerk of the Senate shall be distributed to all senators.

He said: Honourable senators, I move the motion standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT AND SITTING OF THE SENATE

Hon. Marc Gold (Government Representative in the Senate), pursuant to notice of earlier this day, moved:

That, in relation to its consideration of Bill C-7, An Act to amend the Criminal Code (medical assistance in dying), if the bill is referred to the committee, the Standing Senate Committee on Legal and Constitutional Affairs:

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- 2. be authorized, on Tuesday, February 2, 2021, and Wednesday, February 3, 2021, to meet even if the Senate is then sitting, with the provisions of rule 12-18(1) being suspended in relation thereto.

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

Hon. Senators: Agreed.

(Motion agreed to.)

[English]

ADJOURNMENT

MOTION ADOPTED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of earlier this day, moved:

That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, February 2, 2021, at 2 p.m.

She said: Honourable senators, I move the motion standing in my name.

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

Hon. Senators: Agreed.

(Motion agreed to.)

BUSINESS OF THE SENATE

EXPRESSIONS OF GOOD WISHES FOR THE SEASON

The Hon. the Acting Speaker: Honourable senators, we have agreement to stand at the end of the business of the day. I know that this being the end of the session before Christmas, I have a request from the leaders of the various caucus groups who would like to have a couple of minutes.

Hon. Scott Tannas: Honourable senators, on behalf of the CSG, Merry Christmas and happy holidays. This year — 2020 — has been an incredible and unforgettable year. The challenges of the year have shown cracks in some areas that need to be repaired for our national life. But I think, more importantly, it's confirmed the strength of character of Canadians.

Through it all, the Senate of Canada has done its work. We have much to be proud of. On behalf of our group, I want to add our admiration and thanks to all of the staff who worked together for the benefit of Canadians here in the Senate of Canada. We're a family, working together. This has been made much clearer this year.

All the best to each of you for a joyous holiday season and for a healthy and happy 2021. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Jane Cordy: Honourable senators, on behalf of the Progressive Senate Group, I'm pleased to join with my fellow leaders to mark the end of our proceedings for the holidays. We'll soon find ourselves at the end of another year, one that has brought what seemed to be one heartbreaking event after another. The word "unprecedented" has been used so often that it seems to have lost all meaning for us, but at the same time there has been light through the darkness. We have a vaccine now. Canadians everywhere have stepped up to help one another and to support local business owners. Frontline health care workers continue to work diligently for those in their care.

• (1420)

The Senate, too, has undergone a temporary — we hope — transformation, allowing us to fulfill our constitutional duties while ensuring the health and safety of senators and staff.

To Speaker Furey, you've helped to shepherd this chamber through the transition, always mindful of the Senate's role and responsibilities and the well-being of those who support us. On behalf of the Progressive Senate Group, Senator Furey, I would like to thank you and your staff for their efforts in managing these new hybrid proceedings.

I must also thank all those who make these hybrid sittings possible — the clerks, the pages, the Senate Administration staff, the Building Services staff, the Parliamentary Protective Service, our own office staff and the Information Services staff without whom none of us would be able to join virtually. I know the

effort and long hours that have gone into making the Senate function, and I thank you for all your dedication and hard work. You are an incredible team and we're lucky to have all of you.

Thank you also to my fellow leaders for your continued collegiality. While we've not always seen eye to eye — and that's a good thing — we have managed to come together when it counted and we do the work that Canadians expect of us. That sentiment extends to all my Senate colleagues for your contributions to the successes in this place. I believe that we have done some excellent work over the past nine months to improve the lives of Canadians.

Finally, thank you to my Progressive Senate Group colleagues. Our little group has had a great year. I appreciate your support, your openness, and I value your warmth and your collegiality. I very much look forward to all that we can accomplish together in 2021 and beyond. We are small, but I think we're mighty.

Honourable senators, the past few months have been trying for many. I hope that each one of us takes some much needed rest so that we can return renewed and refreshed to our work for Canadians in the new year.

On behalf of the Progressive Senate Group, I wish all senators and all staff a very happy holiday and our very best to each of you for the coming year. Thank you.

Some Hon. Senators: Hear, hear.

Hon. Yuen Pau Woo: Honourable senators, as we approach the final minutes of our 2020 sittings, I am challenged to deliver a closing message in a year that feels like it never even got started. It occurred to me this morning that I will be offering greetings at the end of 2020 to some honourable colleagues to whom I never got to offer greetings at the start of 2020.

So at the end of a most unusual year, I offer, on behalf of the Independent Senators Group, an unorthodox finale which I dedicate to the hard-working staff of the Senate, from clerks to cleaners, pages to the Parliamentary Protective Service and, of course, to the staff in our respective offices.

I give you, honourable colleagues, with apologies to Clement Clarke Moore, "The Week Before Christmas."

'Twas the week before Christmas, when all through the House

Not an MP was sitting, not even a mouse. The bills had been sent to the Senate with care, In hopes that Speaker George Furey was there; The senators were nestled all snug in their headphones, With visions of amendments engraved on their capstones; Clerks in 'kerchiefs, and Black Rod in his hat, Got us all ready for a nice long Zoom chat When from the canal, there arose such a clatter, I sprang from the chamber to see what's the matter. Away to the window I flew like a flash, Tore open the shutters and threw up the sash. The moon on the breast of the new-fallen snow

Gave the lustre of midday to objects below, When, what to my wondering eyes should appear, But a most vexing bill — C-7, my dear.

[Translation]

Its crackerjack sponsor so lively and with it, Senator Petitelere did not waste a minute.

[English]

More rapid than dinner break her emails they came, And she whistled, and shouted, and called us by name. "Now, Mute! Now, Unmute! Your video is off! On Zoom! On Teams! You are speaking too soft! To the top of the order paper! To the top of it all! Please, dear opposition, please, do not stall." As dry leaves that before the wild hurricane fly, When they meet with an obstacle, mount to the sky, So up to the chamber top, the speeches they flew, With a screen full of faces, and a china cabinet too. And then, in a twinkling, I heard on the roof, The prancing and pawing of each little hoof. As I drew in my hand, and was turning around, Down the chimney came . . . a court extension most sound. So we spoke not a word more, and ceased our work, We packed our things and turned with a jerk, iPads and laptops we finally did close, With a nod by the Speaker, from the chamber we rose; We sprang to the doors, to our teams gave a whistle, And away they all flew like the down of a thistle. But we heard HIM exclaim, ere he drove out of sight: I MOVE THE ADJOURNMENT OF THE SENATE! TO ALL A GOOD-NIGHT!

Hon. Senators: Hear, hear.

Hon. Donald Neil Plett (Leader of the Opposition): Honourable senators, I really think that should have been the last line and we should have all been running.

Thank you, Senator Woo, for those comments.

Your Honour, we had to forego Question Period, but I cannot forego my question. I know I am asking this question, really, on behalf of all groups. So I think, Your Honour, with everybody's indulgence, that we'll just think of this as Question Period, and before I wish people good wishes, I'm going to ask Senator Gold this last question of the year.

Leader, I — we — have a very special question for you today. As it's our last sitting of the year and Christmas is just around the corner, I would like for you to please pass on my Christmas list to the Prime Minister.

In the words of Amy Grant and her song, here is "My Grown-Up Christmas List" — not for yourself or for myself but for a world in need, but mostly for Canada.

Leader, I would like to see vaccines for everyone. We would like to keep our elders, health care workers and all COVID front-line staff safe. I hope we never run out of PPE again.

I ask for peace, joy and love for everyone. I would like for us all to feel the holiday spirit even though we were apart so much of this year.

Also, to the Canadian Armed Forces, I would like for them to know of our gratitude and, indeed, including all veterans, for your service to us.

For all Canadians to feel safe at home and abroad, for safe drinking water for all, for help for our farmers and small businesses — leader, I've asked you many times and I continue.

Please add heaters for our security personnel who are outside in the frigid cold.

This may be more isolated to one group but maybe others would want to second this — for a few independent, conservative-minded Senate appointments, so if you could ask the Prime Minister for that.

Respect for democracy and government accountability. Answers to written and oral questions and a better flow to Access to Information answers. Also, I would like to ask for help with our virtual hybrid sittings. We really could use it.

And I'd love to know where I can find a PlayStation 5 — not for me but for my grandchildren — as they seem not to be an "essential item" on the store shelves.

Last but not least, leader, a balanced budget — no, wait. Let's not make it too difficult. Just a budget!

Senator Gold, this is my grown-up Christmas list for 2020. Could you please commit to passing this along to Santa — I mean the Prime Minister? You know that we have all been good all year round — mostly.

I know you cannot answer today, leader, as many times you cannot, so we will wait for Delayed Answers as we do with so many of our questions.

With that, colleagues, I also want to add my voice to expressions of appreciation. I will repeat some of them that have already been made. I want to take a moment to thank you. This year has been a very unusual year, as we've all had to adapt to the COVID pandemic that hit our country and the world. There has been a lot of hard work behind the scenes in order to allow us senators to be efficient in our day-to-day duties and responsibilities.

• (1430)

I want to thank the maintenance staff. You have gone above and beyond this year. We don't say this often enough, but this year, you have kept us all safe — we hope. I wish to truly thank you for everything you do.

I also want to send thanks to the following: to other members of the property and services personnel; to all our pages and the excellent work they have done, and for doing what they do in very difficult times; to the broadcasting team — you have adopted to our virtual sittings; to translation and interpretation services; to IT, your patience with us as we adopted to virtual sittings has been remarkable; to Corporate Security and the PPS; to the Clerk of the Senate — Richard, we wish you a special Christmas this year — and your staff, including our table officers, the Black Rod, Communications, the Chamber Operations and Procedure Office, and Committees personnel; the Law Clerk and his staff; Human Resources; to the Chief Corporate Services Officer and her staff; Information Services personnel; Governance and Strategic Planning; and Finance and Procurement.

To all of my colleagues in our Conservative family and caucus, and especially to members of my leadership team, I appreciate your support.

To Senator Furey, I hope you're watching us, Your Honour. We want to thank you for your work, and we want to thank your team.

Colleagues, I want to thank each of the leaders. I'm going to start and name them. It's been a pleasure — it really has been a pleasure — to work with Senator Gold. I know that you have had difficult times as the Leader of the Government, and I want to assure you, as I did this morning, that we are going to spend the next year trying to find a way of relieving you of your duty to this chamber as the Leader of the Government, and maybe we can trade seats.

To our other leaders, Senator Woo and Senator Saint-Germain, working as a team, as has been said, we don't always see eye to eye, but I think, as I said in a tribute a week or two ago, we are all passionate about our work. As long as we're passionate about our work and doing what we believe is the right thing for Canadians, we want to respect each other. I do have that and an appreciation.

To Senator Tannas in Alberta and Senator Cordy. It's been a pleasure working with you. To Senator Cordy, in January we would sometimes be seen on the golf course together in Florida. That won't happen this year, so we'll have to wait until next year.

I also want to thank my incredible staff. Without our staff and without their help — they make us look good. I get so many compliments — and criticisms occasionally — on the speeches I make, but there are not many that I have written. So I appreciate all the work they do. They make us what we are.

Colleagues, I want to wish you all a Merry Christmas, a Happy Hanukkah and a Happy New Year. And please, all of you, stay safe. Thank you.

Hon. Marc Gold (Government Representative in the Senate): Honourable senators, let me begin by adding my voice to the deepest gratitude to the entire Senate family, staff and administration. Senator Plett, you released me of the obligation of listing them all, but do know that your work is so appreciated by all of us. I wanted to express my appreciation to you, first and foremost.

I want to thank the leaders with whom I've had the privilege to work. It's been an honour to do this, and each and every one of you has made my life actually richer. You've challenged me and you have supported me.

In that regard, as a representative of the government, I want to express to you and to all senators the thanks of the Government of Canada, because we have worked together through these extraordinarily difficult times. We have put aside deep convictions, partisan convictions and ideological convictions to pull together to help Canadians. There is something special about the Senate, and you've made it possible. It's as simple as that. We've been able to reach agreement so many times and to keep our word for the well-being of all Canadians.

Don, Pau, Raymonde, Scott, Jane — you've made it possible for me to do the best that I can. I really appreciate it.

To my team, I'm telling you things you know. Senators Gagné and LaBoucane-Benson are remarkable colleagues. This is a team effort, and behind the scenes, our incredible staff in the Government Representative office is not a big group, but we do big things and we do them well. I'm so proud and privileged to work with you all.

Colleagues, we've worked so hard under very difficult circumstances. How I wish we could have been together all the time to go through this together. To those of you online, we miss you and look forward to the time we can return to be physically together to do our work.

While we are apart and during this holiday time, just cherish and love the people you love and who love you. Be close to your families. Whatever holidays you celebrate, whether it's Christmas, Hanukkah, Kwanzaa, or however you celebrate this time, cherish it with your families and loved ones, stay safe, get some rest and may 2021 be the start of a new beginning for us all. Thank you.

The Hon. the Acting Speaker: Honourable senators, the Speaker has asked me to extend his best wishes to you and your loved ones as we approach the holiday season, and I join with him in doing so. Both he and I also extend our warmest thanks and best wishes to all those who support our work: our own office staff, the clerks, PPS officers, maintenance staff, Finance, HR, interpreters, stenographers, ISD, technical support, and on and on. So many in this institution help us do our work.

The Speaker and I also want to thank particularly a gentleman who is going to be with us in the Senate for his last day. He has served this institution under very strenuous and difficult circumstances. Of course, we're talking about our ever-so-dependable interim clerk, although since he has been such a long time here, he's been pretty much our permanent clerk. He has stickhandled us through what is probably the most existential crisis this country and this institution have faced. Richard Denis, as you go into a well-deserved retirement, we thank you for your support and service.

Hon. Senators: Hear, hear!

The Hon. the Acting Speaker: I hope everyone will be able to enjoy the season, even if you may have to be remote from your loved ones. I hope you will be close to them in spirit. Of course, you can use technology to connect with people.

This has been a hard year for many Canadians and people around the world. The Speaker knows this, and we all support these people in our thoughts and prayers. Let us look forward to 2021 with hope and confidence that we will get through the

difficult situation in this pandemic. Please, the Speaker says, and I agree with him, take care of yourselves, your loved ones, your families, your friends and your communities. It's all very important.

[Translation]

I also want to emphasize how difficult this year has been for our country and our fellow citizens. I'd like to extend my very best wishes to all for the new year, 2021. Above all, I wish all Canadians good health, good health and good health.

Thank you, my dear colleagues.

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate): With best wishes for a happy holiday, I move that we do now adjourn.

(At 2:40 p.m., the Senate was continued until Tuesday, February 2, 2021, at 2 p.m.)

APPENDIX

(Speeches appended pursuant to the order of February 8, 2021.)

CRIMINAL CODE

BILL TO AMEND—THIRD READING

Hon. Yonah Martin (Deputy Leader of the Opposition): Honourable Senators, I know it is late in the evening and many of the points I plan on raising in my speech have already been said. However, I still wish to add my voice to this extremely complex, sensitive and difficult debate that weighs heavily on all of us. As Parliamentarians, we know that the final words imprinted on this piece of legislation will literally determine who has the right to bring their life to an end, when, by whom and how it will be done.

The previous MAiD Bill (C-14) was one of the most difficult pieces of legislation for me personally, and our Chamber to deal with, as it was enacting an assisted dying bill for the first time in our nation's history and one that many other countries had not yet explored. We had robust debate at each stage, much longer than now, and our Chamber was extremely divided throughout the process.

Even then, there was not enough time to make such a monumental decision. As a Chamber we sought opinions, research and knowledge from experts, patients, families, indigenous leaders, nurses and caregivers. At the end of the day we came to a final vote on C-14 as the Supreme Court had imposed a deadline to pass federal legislation to allow Medical Assisted Dying in Canada.

From the onset, I was opposed to the bill and had every intention of voting against it to the very end, but there was a ruling in the Alberta Court of Appeal at that time that was opening up the doors alarmingly wide for MAiD, so I was advised that passing federal legislation with safeguards we had managed to include through amendments and the inclusion of the "foreseeable death" provision was better than not having a federal regime in place.

I was advised that provinces have the responsibility of administering MAiD and they would be able to tighten the Federal regime's framework by adding further safeguards, as needed. However, in my province of British Columbia, the opposite happened with the election of a new government. Rather than a strengthening and tightening of the MAiD regime, there have been several concerning developments. In fact, last July, Alan Nichols from Chilliwack, B.C. who struggled with depression with no signs of imminent foreseeable death was given approval for MAiD by health professionals despite pleas from his family who believed he did not fit the government criteria for MAiD eligibility based on Bill C-14. Therefore, I am on heightened alert as we debate C-7.

Honourable Senators, what I wish to raise today is the deep concern I feel and share with many constituents across Canada who have contacted my office. Should Bill C-7 pass unamended, it will bring unintended consequences on vulnerable individuals in our country during their time of deepest need and care.

In November, as ex-officio member on the Legal and Constitutional Affairs Committee, I participated in the pre-study of Bill C-7. We sat for 5 days straight and heard from a wide range of witnesses who shared their personal stories, expertise and recommendations to improve Bill C-7. The information and differing opinions were overwhelming and made it absolutely clear to me that there are significant issues with this Bill, gaps that need to be closed and that we cannot rush this legislation. There is no reversal of death. The end of life means the end. Full stop.

Unlike C-14, bill C-7 expands the eligibility for medically assisted dying to those who are not facing near death but are living with a disability. However, it does not include those living with mental health issues. This opens up a consequential debate on whether this legislation implies that some lives are not worth living and covers up a deeper societal issue by providing an end of life solution to a greater social problem of neglect rather than fixing the gaps in our health care system across Canada.

In the words of Assistant Professor Jonas-Sebastien Beaudry who so clearly articulated in *Policy Options* magazine, is that it is not a matter of legal or ethical issue on whether people cannot judge for themselves when they feel their lives are not worth living, the issue is rather a political and social one because "Bill C-7 opens a normative space in which various social actors, including medical experts and the state itself, can discuss the topic of 'lives not worth living.'

Nicolas M. Rouleau, constitutional lawyer, represented Inclusion Canada and the Council of Canadians with Disabilities in the *Truchon* matter. He argued that extending MAiD to persons only with disabilities and not for other Canadians who are also not near the end of their life is discriminatory. He said "Canadians with disabilities are being singled out and told that only they have this right. We are accepting the stereotype that their lives may be worse than those of other people." The truth that the disabled community is already vulnerable was affirmed to me by Minister Carla Qualtrough who bluntly stated that "the harsh reality is that many Canadians with disabilities are not living with dignity, in the sense that they are not properly supported, face barriers to inclusion, and regularly experience discrimination."

Another concern I have with the current monitoring and reporting system is that it is not properly constructed and relies on self-reporting by MAiD providers, leaving families with no way to penetrate doctor-patient privilege if they suspect wrong-doing. Our colleagues in the House of Commons raised the need for a robust and standardized federal monitoring and data collection on MAID, to receive reliable national data sets, to understand who is accessing MAiD and why.

Dr. Leonie Herx added that there is no oversight system, separate from what is being done by Health Canada, where cases of MAiD administration and compliance issues can be reviewed at a provincial level along with more thorough reporting from provinces. Currently, only Quebec and Ontario have such an oversight system in place.

Not only are we lacking clear and specific data, but there is no proper standard in the delivery of MAID nor enough training for physicians and maid providers. Dr. Mona Gupta, in response to a question stated that the "clinical community has been crying out for more training in MAID, end-of-life care and a variety of domains...".

Without clear data collection, parliamentary review of Bill C-14, and set standards of MAiD training and delivery across the country, I am deeply concerned for the proposed changes in Bill C-7, which reduce existing safeguards for those who are near the end of life, and propose weak safeguards for persons whose natural death is not reasonably foreseeable but meet the other criteria for MAiD. As was previously mentioned, Bill C-7 goes beyond the *Truchon* ruling.

While I heard that the 10-day reflection between the day the patient signed the written request and the day MAID is provided has not served the purpose of its original intent and only prolonged pain for patients set to receive MAID. However, according to Health Canada's report on MAID in 2019, 263 people withdrew their requests for MAID, because they had changed their minds. Of those people who changed their minds about MAID, one in five withdrew their request immediately before MAID was to be carried out.

The current law allows for the reflection period to be reduced if death or loss of capacity to provide informed consent is imminent. As such, the removal of the 10-day period is dangerous in cases of patients who sign a request in the morning and can receive MAID the same day without reflection.

What unnerves me greatly is the wording of the "greater certainty" clause with regards to Advance Consent for MAID, which reads that "involuntary words, sounds or gestures made in response to contact do not constitute a demonstration of refusal or resistance and can receive MAID". Currently, if any patient resists at any time, practitioners would not be allowed to provide MAID. How can we, as legislators, be asked to pass such a provision of what constitutes a real sign of involuntary resistance.

Dr. Trudo Lemmens, Professor and Scholl Chair in Health Law and Policy, Faculty of Law has done extensive work on the study of international and Canadian MAID practices and law, and in his testimony to the Legal committee, he said that this clause "violates the Convention on the Rights of Persons with Disabilities, which says loss of capacity doesn't mean you lose your rights, including your potential right to express, in one way or another, your resistance to something, or your change of mind".

Dr. Harvey Max Chochinov, Distinguished Professor of the University of Manitoba shared data with the committee that the desire for death is fluctuant. One study done in Belgium by a psychiatrist (Thienpont) looked at 100 patients requesting euthanasia on the grounds of mental conditions alone. Of those 100 patients, 38 patients eventually withdrew their requests, 11 of them after they had been approved. In Oregon, 20% to 40% of the people who request lethal medications in fact never take that medication. Dr. Chochinov argued that according to data the idea that someone who makes up their mind today and holds steadfast to it, is simply not true.

When Minister Patty Hajdu came to testify to the Senate committee, I asked her about 'stop mechanisms' in place once MAID is triggered. She didn't answer with any explanation nor assurances of 'stop' mechanisms in place. I have heard from health professionals, though, that until the day of final consent, there are no mandatory checks about whether the patient has changed his or her mind. According to an article written by Dr. Leonie Herx, Dr. Margaret Cottle and Dr. John Scott in the World Medical Journal, there is no direct oversight or mechanism to stop the administration of MAID in real-time, even if red flags are raised. They state that "monitoring requirements include only basic demographic information and are only reviewed in retrospect. This means that there is no mechanism that halts the MAiD process where someone can pause and review whether an individual has received adequate care first before continuing with MAID. Only through retrospective review of the reports - after a person is already passed - will we see that a certain percentage of people did not have access to palliative care, for example.

Without adequate collection of information, how can MAID be delivered accurately and within compliance of all the regulations? Professor Jaro Kotalik identified in his article in the Canadian Journal of Bioethics that it took 2 years and 4 months after the delivery of MAID had begun for Federal monitoring regulations by the Federal Ministry of Health to take effect. One of the most concerning facts he presented is that "by the end of December 2019, over 13,000 Canadians died with medical assistance. For almost 10,000 of those MAID cases, we have no publicly accessible evidence that the eligibility criteria and safeguards prescribed by law were respected." Our provinces, territories and health institutions must work together to share information so that more information on who is receiving MAID, as well as any known vulnerabilities in socioeconomic status, is collected and analyzed.

And what about palliative care? Many honourable Senators have spoken about the need for better and more accessible palliative care across the country. When I stood to make the difficult vote on Bill C-14, we were told by the government that palliative care would be reviewed. However, due to COVID, this review has not happened, and yet we are being asked to vote on a bill that expands eligibility criteria to MAID.

Palliative care must be part of the spectrum of care and must be offered and made available before initiating conversations about MAID (NOT as an option along with MAiD). I believe that MAiD must be at the end of life, after all other services and support have been properly offered and made available. Finally, Bill C-7 in its current form does not adequately protect conscience rights against forcing a physician to refer a patient for assisted suicide when it is against their conscience to do so. We have heard that Bill C-14 outlines conscience rights however, the MAID regime is still relatively new and forcing an individual to refer a person for MAID has not been tested in the Supreme Court of Canada. Dr. Leonie Herx stated that the expectation of physician participation in MAID in Canada far exceeds that of any other permissive jurisdiction in the world. We heard from doctors that they wish to see Bill C-7 strengthened and clarify the conscience clause in Bill C-14. Dr. Ewan Goligher, Assistant Professor of Medicine, University of Toronto, stated that even a referral makes a physician morally culpable.

In 2018, Dr. Diane Kelsall highlighted that The Ontario Ministry of Health established a care coordination service where patients and caregivers can request directly to be connected to a doctor or nurse practitioner who provides MAID. However, the provincial college still required physicians to provide a direct referral. This is also the same in Nova Scotia, where physicians and nurse practitioners are required to make an effective referral for MAID. At committee, several witnesses recommended to us that, further clarification in the criminal code would provide better clarity on whether or not referrals would be participating in the act of providing MAID.

Professor Trudo Lemmens stated that Bill C-7 "undermines the balance the current MAiD law tries to achieve between the interest of some in controlling the manner and timing of their death; and the protection of people when they are vulnerable, the reaffirmation of our equal valuing of the lives of people who are elderly, ill or disabled, and suicide prevention. The bill prioritizes the right to liberty of some over the duty of the state to protect life, and this in a discriminatory way."

I believe we should put more focus on doing everything we can to help care for our patients and ensure that the most vulnerable Canadians have access to quality care. Everyone should have equal rights without being stigmatized.

On principle, I cannot support Bill C-7 in its current form. Not because I am against the right to autonomy and choice and dying with dignity, but because the removal of important safeguards without knowing with certainty that we have the necessary supports in place to support life, including access to good palliative care, will put some of the most vulnerable people at risk.

I do not believe the safeguards that are in C-7 adequately protect patients, physicians and those most vulnerable in our communities who may find themselves with no other choice but death by MAiD. Based on the compelling witnesses at committee for the prestudy, being on the forefront and having one of the most liberal MAID regimes, should C-7 be adopted unamended, is not something that I wish for our nation.

Honourable Senators, my hope and my wish for 2021, as we celebrate Hannukah or Advent and soon Christmas, is for the Senate to continue what we do best. As a Chamber of sober second thought, to fiercely debate the bill at each stage, further study and analyze it, and when we reach the end, for each of us to make a decision in the best interest of Canadians that we have the honour to represent and the duty to protect.

CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT

BILL TO AMEND—THIRD READING

Hon. Mary Coyle: Honourable Senators, I am honoured to be speaking to you today from Antigonish, the meeting place of the five forked rivers, where the branches are torn off by bears, in Mi'kma'ki, the unceded territory of the Mi'kmaq people.

Colleagues, as we have been gathering on line and in the Senate chamber this week to discuss matters of life, death and the humane alleviation of suffering, I am reminded of Article 3 of the Universal Declaration of Human Rights — that everyone have the right to life, liberty and security of person.

Honourable colleagues, I am pleased to speak to you today at third reading of Bill S-2, An Act to amend the Chemical Weapons Convention Implementation Act, an act that, at its core, is about life and the security of persons here in Canada and globally.

Colleagues, on November 5th I began my 2nd reading speech by highlighting the importance of this piece of legislation given our ever-changing world order.

Yesterday, at our Foreign Affairs committee meeting, Veronica Stromsikova, Director of the Office of Strategy and Policy at the Organization for the Prohibition of Chemical Weapons, reminded us of how critical it is to be alert to the rapidly changing and difficult to predict global security environment.

It is more important than ever to have effective rules, structures and systems in place to help guide states and businesses in the international system.

The work of the United Nations over the past 75 years has helped solidify a rules-based international order, a set of norms, institutions, treaties and arrangements that has provided rules of the road for managing competing national interests, facilitating international cooperation and fostering peace.

The Chemical Weapons Convention is the perfect example of what the world can accomplish when it comes together for peace.

Adopted in 1997 it was the world's first multilateral disarmament agreement to provide for the elimination of an entire category of weapons of mass destruction.

In November 2019, as a result of significant effort by Canada, the United States, and the Netherlands, the Conference of the States Parties to the Chemical Weapons Convention took the decision to add four new categories of toxic chemicals to Schedule 1 of the Convention's Annex on Chemicals. Included among these new chemicals was the Novichok-type nerve agent used in the attempted assassination of Sergei and Yulia Skripal in Salisbury, United Kingdom. A variation of this poisonous nerve agent was used earlier this year in the assassination attempt on Alexei Navalny.

The term Novichok means "newcomer" in Russian and has been applied to a group of advanced nerve agents developed by the Soviet Union in the 1970s and 1980s.

This addition to the CWC Annex renders Canada's Chemical Weapons Convention Implementation Act out of date. And this is the very issue which Bill S-2 seeks to resolve.

As I mentioned in my previous speech, Bill S-2 is a simple yet essential bill. The bill amends *Canada's Chemical Weapons Implementation Act* in order to clearly align our Act with the *Chemical Weapons Convention* or CWC.

Bill S-2 amends our Act to remove the old, out of date, list of prohibited chemicals appended to that Act and makes it clear that the current up to date list of prohibited chemicals under the Convention is kept by the *Organization for the Prohibition of Chemical Weapons* and is readily available on its website.

During second reading of Bill S-2, Senator Ataullahjan, the critic of the bill, indicated that she didn't believe anyone in this chamber, or indeed within the Parliament of Canada would object to this legislation. She also cautioned us, though, that this bill by itself would not solve the global chemical weapons threat. She encouraged us to delve deeper into the matter of practical ways Canada could pursue to prevent the kinds of recent Russian and Syrian attacks on their own citizens and to better enforce the Convention.

Senator McPhedran also rose at second reading and spoke in support of Bill S-2, but she urged us to encourage Canada to also take a stand against the proliferation of nuclear weapons by prohibiting them and signing and ratifying the *United Nations Treaty on the Prohibition of Nuclear Weapons*.

The Bill was sent to the *Senate Standing Committee on Foreign Affairs and International Trade* on December 2nd where an efficient and thorough study of the bill was undertaken.

The report of that committee was tabled by our committee chair, Senator Boehm yesterday.

The committee convened 4 panels and heard from 7 witnesses, including senior representatives of the *International Security and Political Affairs division of Global Affairs Canada*, the Chair of the *Biological and Chemical Defence Review Committee*, the *Organization for the Prohibition of Chemical Weapons* and a professor from *Royal Military College* who has worked from the early days on the *Chemical Weapons Convention*.

It is clear, colleagues, that Bill S-2 demonstrates Canada's commitment to the Chemical Weapons Convention and most importantly solves the issue of our act being out of date.

Unfortunately, Bill S-2 alone does not reduce the risk of a foreign actor, like the Russian Federation, using a Novichok for nefarious purposes. It does, however, make it fully clear which chemicals are subject to control within Canada.

The broader questions of reducing the risk of chemical warfare or targeted chemical attacks on individuals, and holding perpetrators to account, are questions the Government of Canada is clearly seized with, and as we heard in witness testimony , to which it continues to devote significant diplomatic and financial resources.

Alongside our allies, Canadian embassies and High Commissions around the world regularly promote the importance of the OPCW and seek broad support on decisions to bolster the Chemical Weapons Convention.

It is likely that many of the decisions taken within the OPCW, including the creation and funding of the team investigating chemical weapons use in Syria, passed by large margins because of Canada's advocacy.

Also, through the Weapons Threat Reduction Program, Canada's flagship contribution to the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction that was launched at the 2002 G8 Kananaskis Summit, Canada has contributed more than \$230 million to combat the spread of chemical weapons including their destruction in Russia, Syria, Iraq and Libya. To complement this, Canada has contributed to the OPCW's new centre for chemistry and technology, thus bolstering its investigative capabilities.

Honourable colleagues, as you can see, Canada has been a proud leader in the fight against chemical weapons. We were one of the first countries to sign the Convention on January 13, 1993 and we remain faithfully committed to the work of the Organisation for the Prohibition of Chemical Weapons.

98.37% of the world's declared chemical weapons stockpiles — 71,123 metric tonnes, have been destroyed to date. This is a significant step for the international community, but we know the work is far from done.

While 193 states have signed the chemical weapons convention, 4 States remain outside the Convention, with Israel having signed it but not yet ratified it, and Egypt, North Korea, and South Sudan having done neither.

Colleagues, amending the Chemical Weapons Convention Implementation Act is an act of good governance, with two main benefits.

First, it makes clearer which chemicals are prohibited to Canadians without explicit authorization, and secondly, it is also underscores our commitment to the Chemical Weapons Convention and more broadly to the rules based international order.

Honourable colleagues, I would like to conclude with these thoughts. We cannot forget that real people are behind the stories that fleetingly captivate the headlines about dangerous and deadly chemical weapons use.

People whose lives can be ripped apart by the cruel and arbitrary actions of states, and in some cases, non-state actors, that ignore the laws, the norms and the obligations that have evolved over time to help foster and maintain global peace and security for all persons. Many of these people have come here to Canada seeking a peaceful and secure place to live.

We must think of them today as we weigh our legislative and political responses to those actions.

Colleagues, at this time of year, people of many faiths and cultural traditions are gathering to celebrate peace, love and community.

Many do that with symbols of light. Be they the clay diyas used by Hindus, Jains and Sikhs in their recent celebrations of Diwali, the candles lit by Jewish families for the eight days of Hanukkah, which ends tomorrow, the birthday candles celebrating the Ismaili Muslim celebration of Khushiali, the black candle lit on the kinara in celebration of the first day of Kwanza, December 26th, the light of the star that shone brightly over Bethlehem marking the first Christmas or the lights we adorn our trees and homes with at this time of year.

Colleagues, I believe that the global disarmament effort is an important beacon of light for so many in this world.

The Chemical Weapons Convention is a powerful disarmament instrument.

Let's support Bill S-2 and its swift passage to the Other Place so that Canada's Act implementing that convention is clear and up to date.

Colleagues let's add our light to the world today, as we advance, in this concrete way, one of Canada's important contributions to world peace.

Thank you, Merci, Wela'lioq.

Hon. Salma Ataullahjan: Colleagues I rise today to speak to third reading on Bill S-2, An Act to amend the Chemical Weapons Convention Implementation Act.

As Senator Coyle has explained, with this Bill the Government proposes amend the Act to add four new categories of controlled chemicals, banned by the Organization for the Prohibition of Chemical Weapons.

The Bill would add Novichoks to the list of banned chemicals.

Novichok is an umbrella term that collectively includes several families of nerve agents developed by the Soviet Union during the Cold War under the scope of its chemical weapons program.

Although Western governments were aware of the Russian program, and of Novichok agents by the 1990s, they did not seek to include these agents in the Chemical Weapons Convention (CWC) negotiations for fear of compromising sources and methods, and due to the proliferation risk associated with publicizing a new class of nerve agents.

As a result, when the CWC was opened for signature in 1993, its original Schedule 1 omitted the Novichok families of nerve agents.

After attacks in Salisbury, England, in 2018 where Novichoks were evidently used, Canada, the Netherlands and the United States jointly submitted a proposal to formally ban Novichoks.

After considerable discussion an agreement was reached among the various state parties and Novichoks will now been added to the list of banned chemicals.

What is interesting is that a consensus was formulated to accomplish this. While initially objecting, Russia later modified its own proposals allowing the approval of both its proposal and the joint Canadian-Dutch-American proposal by consensus.

At the time, this agreement was described by some as a victory for diplomacy and international cooperation and the amendment entered into force on June 7, 2020.

Regrettably, however, much of this is smoke and mirrors. There is no certainty that all the state parties that are signatories to the Convention will actually abide by its provisions.

The evident poisoning of Russian Opposition figure Alexi Navalny, with an apparent Novichok agent, just four months ago, and just two months after Novichoks were supposedly banned, is testimony to that fact.

I believe it is very important that the CWC regime has strong verification provisions. But even with such provisions, we cannot be sure that adherence to the regime by all states is guaranteed.

When I spoke to this Bill at second reading several weeks ago, I suggested that several questions had to be addressed in Committee related to Canada's plans concerning the implementation of this legislation.

- Is what we are doing actually going to prevent similar attacks?
- How do we plan to engage in our allies on this matter in the years ahead?

- How do we plan to convince other countries, Russia most notably, that such chemicals must be effectively controlled?
- How far are we prepared to go to impose sanctions on countries that violate these provisions?
- Are we actually prepared to sacrifice other interests in order to achieve the objectives of the legislation that we have before us today?

These questions were posed to Canadian officials at the Senate Foreign Affairs Committee by myself, by Senator Ngo and by other Senators on the Committee and, in general, the answers confirm it will take considerable effort to effectively maintain this expanded CWC regime and to hold states who may violate the regime accountable.

With respect to the first question, I asked Mr. Dan Costello, Assistant Deputy Minister, International Security and Political Affairs at Global Affairs Canada whether these measures will prevent future attacks. He responded quite frankly by saying:

"We have no illusions that this act to amend Canadian domestic implementation legislation will have an effect in assuring prevention around the world, because that's clearly beyond what we can reach through our domestic legislation."

He said that while this legislation will not prevent future attacks he hoped that the Bill would be part of an effort to strengthen international rules and implementation mechanisms to build advocacy among like-minded allies.

I thought that this was an honest response that goes beyond some of the rhetoric that we have heard from the Government.

For instance, when he introduced these measures, Minister Champagne argued that, through this action, "Canada is taking a strong stance for a safer world by controlling dangerous chemicals".

Well clearly what we are talking about here is in reality a more modest step.

For this to be successful, it will need to go beyond just being a public relations exercise and it will require continuous and close engagement with our allies.

It will also be important for the Government to figure out exactly how we are going both pressure and engage with Russia on this matter.

That is because it is very clear that Russia has been prepared to use toxic agents against dissidents in order to send a message.

The message is that we will find you, and we will eliminate you if we believe that you have betrayed, or pose a threat to, the State.

It is a chilling message. But the use of toxic agents, not only in the Salisbury attacks and in the Navalny poisoning, but also in a previous infamous attack in which a former Russian intelligence agent, Alexander Litvinenko. He was murdered in London in 2006 and his murder illustrates that this is a pattern.

On the other hand, we have the fact that the Organisation for the Prohibition of Chemical Weapons itself has confirmed that of 2017, Russia has destroyed 39,967 metric tons of chemical weapons.

Officials informed us at Committee that they believe that about 98% of the world's chemical weapons stockpiles, totalling 71,000 metric tonnes, have been destroyed. This makes the Russian component of that campaign significant.

So Canada and its allies are on the horns of a dilemma: we have to call out the Russians for their behaviour — behaviour is clearly repulsive and murderous — but at the same time the issue is more complex.

Senator Ngo raised this at Committee when he asked officials whether Canada is ultimately prepared to push Russia to the point where it might leave the Chemical Weapons Convention regime?

Mr. Costello responded to that question by stating

"It's an interesting comment in the sense that you're rightly pointing to the fact that, on the one hand, we want to insist upon consequences for this kind of outrageous behaviour, this flagrant violation of international law and international relations, while at the same time we want to encourage the most transgressive and difficult actors internationally to remain within the bounds of the norms and standards of international law and international treaties".

Indeed, that is the essence of the dilemma.

So I must return to the concerns that I expressed when I spoke to this Bill at second reading.

We still do not really know how the Government is going to actually enforce the broader objectives related to this legislation.

As I stated at second reading, it is very easy to declare that Canada is, as the Government has claimed, taking a "strong stance" for a safer world. It is quite another thing to put that claim into practice.

Unfortunately, I am reminded of the fact the fact that this is the same Government which also arrogantly declared in 2015 that "Canada was back" as a strong actor on the international stage.

But since that time, many of our bilateral relationships around the world have collapsed and we recently lost a bid to secure election to the United Nations Security Council — despite spending hundreds of millions of dollars in that effort.

What I fear is that what the Government is proposing here with this legislation is an initiative that falls within the same category.

That is, a relatively inexpensive and ultimately minor public relations success which, in the end, may actually mean very little of substance. One way that the Senate Foreign Affairs Committee might try to ensure that this does not just evolve into a forgotten public relations exercise would be for the Committee, in a year or two, to call the Government to account in order to evaluate what has actually been accomplished to implement the "strong stance" that Minister Champagne claims the Government is taking.

I would certainly support such an initiative and if the Government is serious, I would hope that it will be anxious to report to the Committee on all that it has achieved.

Thank you!

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