



DEBATES OF THE SENATE

1st SESSION



44th PARLIAMENT



VOLUME 153



NUMBER 177

OFFICIAL REPORT
(HANSARD)

Monday, February 12, 2024

The Honourable RAYMONDE GAGNÉ,
Speaker

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(Daily index of proceedings appears at back of this issue).

Publications Centre: Publications@sen.parl.gc.ca

Published by the Senate
Available on the Internet: <http://www.parl.gc.ca>

THE SENATE

Monday, February 12, 2024

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

SONJAA SCHMIDT AND DEREK DEULING

Hon. Pat Duncan: Honourable senators, I join with Yukoners, Canadians in honouring Sonjaa Schmidt and her gold-medal performance in the women's cross-country sprint at the U23 World Ski Championships — a first for Canada.

Sonjaa said it best when quoted in the *Whitehorse Star*:

It was such an amazing day, it hasn't really hit me yet. It was also so great to see all my teammates do so well, I think today was a huge step for Canadian Cross Country Skiing, and I hope that this result inspires the next generation of skiers.

Sonjaa, your Yukon, along with all of Canada, is so very proud of you and your teammate Derek Deuling, who won a gold medal as part of Canada's mixed relay team, adding to Yukon's pride and place in Canadian skiing. They are aware, although all of Canada may not be, that their success builds upon a long tradition of Yukon success in cross-country skiing and other sports.

Lucy Steele-Masson competed in the 1992 Olympics, being the first Yukon cross-country skier to compete in the games. Graham Nishikawa guided Paralympian Brian McKeever to three golds in the 2014 and 2018 Paralympic Winter Games, and his sister Emily is another Whitehorse Olympian. Dabria Beatty, now in Canmore, has also enjoyed national and international success.

These cross-country skiers and their coaches — notably Alain Masson, a Laval, Quebec native and a summer and winter Olympian in his own right — ski at Mount McIntyre, host of the 1980-81 cross-country World Cup. That facility now forms part of the Canada Games Centre.

The Games Centre was built to host the 2007 Canada Winter Games, the first such games held north of 60. It forms part of a legacy that fostered the success of cross-country skiers and many others.

Theirs are not the only athletic success stories from the Yukon. Senators will recall the success of the "Workhorse from Whitehorse," now a Buffalo Sabres player, Dylan Cozens. Hot on his heels — or skates — is the Western Hockey League's 16-year-old phenom Gavin McKenna.

One hundred and thirty athletes, coaches and cultural performers from the Yukon participated in the Indigenous Games this past summer in Halifax. All of these athletes are part of the more than the 3,000 residents to use the Canada Winter Games facility every day. While the success of all these individuals

immediately belongs to their dedication and hard work, each of these athletes also recognizes the support and dedication of their parents and of the wider Yukon and Canadian community. I believe we can credit the success to all of Canada and Canada's support for athletes and for games.

Next month, the twenty-seventh Arctic Winter Games will take place in Mat-Su, Alaska. The Arctic Winter Games, which includes cross-country skiing, is a sporting and cultural event that unites the Circumpolar North.

Honourable senators, these games, celebrations, athletes, coaches and support staff are something we can all be proud of as we celebrate the success of Derek Deuling and that of Sonjaa Schmidt, the first Canadian woman to win gold at the U23 World Ski Championships.

Thank you, *mahsi'cho, gùnáłchish*.

Hon. Senators: Hear, hear.

MI'KMAW CIRCLE OF HOPE SOCIETY

Hon. Judy A. White: Honourable senators, I rise today to speak to you about an amazing initiative of the Mi'kmaw Circle of Hope Society in Nova Scotia.

Heidi Marshall, a Mi'kmaw lawyer, created an organization to fill a void that she felt existed with respect to the Mi'kmaw experience. The goal was to create programming to support community and its culture.

During sitting break, I was fortunate to attend the second annual Wearing Our Identity fashion show. The event is a celebration of Indigenous women and resilience. The show featured a variety of local Indigenous artists, from designers to painters, singers and dancers. The artistry highlighted our identities and granted a space to share this with other community members. These initiatives are at the core of what Circle of Hope is motivated by: inspiring others by sharing our stories.

As women who pass through different communities, we must proudly wear our Mi'kmaw identity for all to see. This is imperative in taking the space we deserve in institutions and among groups that have not always been open to us.

As the first Indigenous senator from Newfoundland and Labrador, I practise this every day in Ottawa, as well as in this chamber. I'm proud to bring my Mi'kmaw identity to the Senate and strive to make our artists and community members known.

One occasion I'll highlight is that in November I had the privilege to feature my moccasins on social media here in the Senate Chamber during a worldwide event known as Rock Your Mocs. Featuring these artisans and the story of the moccasins I was wearing was a fantastic way to bring my identity into the chamber and support our work as parliamentarians.

It's fabulous to see Mi'kmaw women standing up in our communities and demonstrating leadership that will be passed down for generations to come.

I want to take this moment to thank the organizers of Wearing Our Identity and congratulate the organization for all its hard work. I'm inspired by your commitment to your community and thank you for your dedication to creating a community for Mi'kmaw individuals.

Thank you, *wela'lin*.

[*Translation*]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Kethlande Pierre and Mr. Steven Leconte. They are the guests of the Honourable Senator Mégie.

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

Hon. Senators: Hear, hear!

BLACK HISTORY MONTH

Hon. Marie-Françoise Mégie: Happy Black History Month, honourable senators.

The African Canadian Senate Group, under the patronage of our Speaker, invites you to an exhibit highlighting the achievements of Black inventors in Canada. I'm sure some of you have already seen it.

I'd like to thank the Canadian Intellectual Property Office for their hard work in putting this exhibit together to highlight the excellence and innovation of Black and African-Canadian scientists. We worked well together, and CIPO representatives are in attendance in the gallery.

The seven people featured in the exhibit hold patents. These inventors have made their mark in a wide range of fields, including high tech, industry, research and medicine.

Alan Emtage designed the world's first search engine. He was inducted into the Internet Hall of Fame as an innovator.

Alexandra Merckx-Jacques, a trained molecular microbiologist, has contributed to environmental microbiology, algal biofuel and immunotherapy.

Samuel Pierre is a professor at Polytechnique Montréal and is internationally recognized for his role in the field of information and communication technologies.

Frantz Saintellemy, Chancellor of the Université de Montréal, is an internationally recognized deep-tech expert and social entrepreneur.

Evelyne Nyairo, founder of Ellie Bianca, created a luxury skin care brand that innovates while caring for the environment.

• (1810)

Dr. Bernard Thébaud, a neonatologist and pediatric professor at the University of Ottawa, is a pioneering clinician-scientist whose work centres on advancing stem cell and gene therapies to combat lung diseases.

Dr. Juliet Daniel is a pioneering cancer biologist to whom we credit finding the missing puzzle piece explaining higher breast cancer mortality rates in Black women.

The exhibit highlighting these Canadian innovators is open to the public throughout the month of February. It is located in the Senate foyer.

If you haven't seen the exhibit yet, I would invite you stop by and have a look.

Thank you.

[*English*]

K'NAAN WARSAME

CONGRATULATIONS ON GRAMMY AWARD

Hon. Ratna Omidvar: Colleagues, I rise to speak about an extraordinary win at the Grammys this year — and no, I am not talking about Taylor Swift. Instead, I bring to your attention one of our own, the remarkable Somali-Canadian artist K'naan, who was awarded a Grammy for the Best Song for Social Change, honouring his 2023 single "Refugee."

It won't surprise you, therefore, to know that K'naan came to Canada as a refugee from Somalia when he was a teenager, and — like many other displaced people — that experience became a defining one for him and his music, which has always reflected this sensibility.

Many of you, I hope, will know his name and his music. His foot-tapping single "Wavin' Flag" went on to become the official Coca-Cola promotional anthem for the FIFA World Cup in South Africa, which I watched avidly. This tune was played over and over again, and every time it did so, I did feel an extraordinary sense of pride. You will remember the words:

When I get older, I will be stronger
They'll call me freedom just like a wavin' flag

Your Honour, I was going to sing it, but I suspect you would have called me out of order.

His music is not just words set to a nifty tune. He's a fierce advocate for refugees, and he has held the United Nations High Commissioner for Refugees, or UNHCR, to account for the

organization's failure in Somalia. He notes that it takes both courage and desperation to abandon your home for somewhere else. He says:

. . . You set aside whatever it is that once made you an individual, in order to join a kind of faceless mass. . . .

He objects to the everyday associations we make with the words "refugee," "displaced," "outcasts," "faceless" and "voiceless." Instead, through music, he presents hope, joy, justice and a sense of community.

His music will not change the fate of the close to 110 million displaced people in the world, but it will give them hope and provide them with a role model, as a young man, to know that someone out there is rooting for them.

Please join me in congratulating this extraordinary young Canadian for his contributions to music and social justice. Thank you.

Some Hon. Senators: Hear, hear.

POLYUNITY

Hon. Iris G. Petten: Colleagues, I rise today to tell you about the innovative work being done by PolyUnity, an additive manufacturing company located in St. John's, Newfoundland and Labrador. The company was founded in 2018 by three physicians with a passion for 3D printing and a vision for the impact of additive manufacturing and the digitization of the Canadian health care supply chain.

PolyUnity collaborates with front-line health care professionals to understand their everyday challenges and to design solutions and manufacture products, either on site or in local fulfillment centres. Innovation is key to improving health care, and PolyUnity is empowering our front-line workers to help solve their own challenges. They create wax moulds for cancer treatments via radiation therapy, they offer customized laboratory equipment and they develop new innovations to transform workflows and much more.

A solution created for one hospital can be shared across Canada via the PolyUnity platform thus connecting hospitals across the country challenged with the same problems. PolyUnity was the first solution procured in Atlantic Canada under the Coordinated Accessible National Health Network, and currently services all of Newfoundland and Labrador through an agreement with their innovative partner NL Health Services.

PolyUnity has a second manufacturing and design facility in Ottawa, and has a vision to expand to the rest of Atlantic Canada, Ontario and beyond.

The chief executive officer of PolyUnity is Jacqueline Lee. I want to take a minute to highlight some of the accomplishments of this impressive woman whom I had the pleasure of meeting at an event put on by the International Women's Forum.

[Senator Omidvar]

An alumnus of Memorial University, Jacqueline has extensive experience in establishing effective reporting and tracking systems that support the success of existing and accelerated growth business models. As chief financial officer of SkyHawk Telematics, she managed the sale of the local Newfoundland and Labrador tech firm to the largest tech firm in Canada. She currently serves as board chair for techNL, and is passionate about fostering an ecosystem in Newfoundland and Labrador that our kids will choose to stay and thrive in when they graduate.

The provincial government recently announced approximately half a million dollars to support PolyUnity in its business development efforts. Colleagues, this is just one example of how Newfoundland and Labrador is supporting research and development in the health care sector that will benefit not only Newfoundlanders and Labradorians but also people around the world. Thank you.

[*Translation*]

CANADA'S COMMITMENT TO THE FIGHT AGAINST HIV/AIDS

Hon. René Cormier: Colleagues, on February 7, the Canadian Foundation for AIDS Research, or CANFAR, unveiled its strategic plan in response to an alarming increase in cases of HIV in Canada.

The Public Health Agency of Canada reported 1,833 new HIV diagnoses in 2022, primarily among men aged 30 to 39. This represents a 24.9% increase in new diagnoses compared with 2021, the highest increase in more than 10 years.

Saskatchewan and Manitoba are the most affected provinces, with 19.0 and 13.0 new cases per 100,000 inhabitants respectively, compared with a national average of 4.7.

As CANFAR stated in its strategic plan, and I quote:

The HIV epidemic in Canada has been fueled in large part by health inequalities, the reduction of testing services during the COVID-19 pandemic, a lack of comprehensive youth sexual health education, the toxic drug crisis, and a lack of culturally-appropriate testing and care.

[*English*]

The Canadian Foundation for AIDS Research estimates that approximately 1 in 10 Canadians living with HIV are unaware of their status and have not received life-saving anti-viral treatment. Stigma, racism, homophobia and transphobia are other barriers that prevent people from getting tested without fear or judgment.

Lack of sexual education in schools, discrimination towards 2SLGBTQI+ communities, particularly towards trans young people, and restrictive public policies are all factors that increase discrimination and don't help eradicate this virus. What are we going to do to change this intolerable situation, colleagues?

As you may recall, four years ago, I tabled a motion in the Senate that was adopted the same day — thanks to you — urging the government to increase funding for the Federal Initiative to Address HIV/AIDS to \$100 million annually. While applauding the efforts of the federal government, sustainable funding for community response here in Canada is still lacking and inequities are growing.

We need more support for the organizations. We need to give better access to prep, to self-testing, to medication and other measures, and we need to stop discrimination.

[Translation]

Thirty-nine million people around the world were living with HIV in 2022, and 630,000 people died of it. Behind those numbers are women, men, children, people from all walks of life, all origins and all regions of the world.

Honourable senators, HIV is not a virus of the past. It is all too present here today, and it is especially affecting young people across the country.

UNAIDS and its member countries, including Canada, are committed to ending the AIDS epidemic by 2030. Time is of the essence.

Let's take action together, now.

Thank you. *Meegwetch.*

• (1820)

ROUTINE PROCEEDINGS

AUDITOR GENERAL

COVID-19 — REPORT 1: ARRIVECAN—REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report from the Office of the Auditor General of Canada entitled *COVID-19 — Report 1: ArriveCAN*, pursuant to the *Auditor General Act*, R.S. 1985, c. A-17, sbs. 8(1) and 8(2).

[English]

JANE GOODALL BILL

MOTION TO DISCHARGE BILL FROM LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE AND STUDIES ON ITS SUBJECT MATTER FROM AGRICULTURE AND FORESTRY COMMITTEE AND ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES COMMITTEE, AND TO WITHDRAW THE BILL ADOPTED

Hon. Pierre J. Dalphond: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(k), I move for Senator Klyne:

That:

1. Bill S-241, An Act to amend the Criminal Code and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (great apes, elephants and certain other animals), be discharged from the Standing Senate Committee on Legal and Constitutional Affairs;
2. the studies of the subject matter of the bill be discharged from the Standing Senate Committee on Agriculture and Forestry and the Standing Senate Committee on Energy, the Environment and Natural Resources; and
3. the bill be withdrawn.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

QUESTION PERIOD

PUBLIC SERVICES AND PROCUREMENT

ARRIVECAN APPLICATION

Hon. Donald Neil Plett (Leader of the Opposition): Government leader, the Auditor General's report into the Trudeau government's ArriveCAN app has laid out exactly why

the Conservatives call it the “ArriveSCAM.” Every single thing about it was a wasteful scam as Canadians go hungry. Among her findings the Auditor General said the estimated cost of “ArriveSCAM” is now \$60 million. She can only estimate the cost because of the Trudeau government’s shockingly poor financial record-keeping. In fact, \$12 million of the \$60 million could be unrelated to “ArriveSCAM.” The two-person firm GC Strategies got \$19.1 million, over twice the amount we were originally told, and they were involved in developing the original request for the proposal.

Senator Gold, who has been fired for this and who will be fired?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question. The Auditor General’s report is a devastating one. It is impossible not to see that basic management practices were not followed, and I can’t stand here and say more than that. The moment that allegations were made around the cost overruns and inappropriate contracting practices, the CBSA took the appropriate action and steps and launched an internal audit and made the appropriate referrals to the appropriate authorities.

The Government of Canada takes its obligations seriously and an internal investigation by CBSA is under way. CBSA has referred this matter to the RCMP. My understanding is that CBSA has accepted all the recommendations of the Auditor General and is committed to doing better.

Senator Plett: The Trudeau government never wanted the truth about the \$60 million “ArriveSCAM” app to come out. They voted against a motion in the other place to call in the Auditor General. Leader, the Prime Minister you represent in this chamber did not even have the courage, the guts or the respect for Canadians to go into the House of Commons this afternoon to answer questions. There is no accountability in this Trudeau government, is there? The Prime Minister isn’t worth the cost or the corruption, is he?

Senator Gold: There are no allegations of corruption in the Auditor General’s — there are no allegations of corruption. Surely there’s enough in this report where one can criticize how CBSA managed this without indulging in hyperbole. Minister LeBlanc was in Question Period today — it’s his responsibility to oversee it — and he answered all the questions directed towards him.

PRIVY COUNCIL OFFICE

PROCUREMENT PROCESS

Hon. Leo Housakos: Senator Gold, this government takes no responsibility. Another scathing independent report has been released and, of course, about overpriced technological flaws,

how unlawful it is and most likely fraudulent app known as ArriveCAN. That’s what we have before us, and you’re unwilling to answer basic questions. The Auditor General said she thinks it’s \$60 million. For all intents and purposes, the truth of the matter is she couldn’t get to the bottom of how much this thing has actually cost.

Three departments under your government’s watch were implicated in this assessment, Senator Gold, along with Liberal-friendly contractors GC Strategies.

Our question from this side is simple, and we want a simple answer: Has anyone in either of these departments been fired, demoted or been asked to return bonuses? What steps has your responsible government taken, besides the consequences of punishing the two gentlemen who were whistle-blowers and brought these facts to the public? They’re the only people that have been punished.

Hon. Marc Gold (Government Representative in the Senate): There are a number of people involved who offered very contradictory statements, each attributing blame to the other. Investigations are under way, both in the CBSA and in the RCMP. It’s important, colleagues, to understand, notwithstanding the mistakes and clear shortcomings in the process, that the CBSA has not waited for the Auditor General’s reports to take corrective action. This includes more training for their procurement team, increasing the procurement directorate’s capacity to oversee all procurement activities and creating a dedicated oversight body that approves both contracts and task authorizations. I’m also advised that the CBSA president has directed the agency to reduce the use of contractors without impacting the quality of services to Canadians. Again, I repeat that the CBSA has accepted all of the Auditor General’s recommendations which will help guide this ongoing work.

Senator Housakos: CBSA has accepted that something nefarious is going on and they’re sent this to the RCMP. That’s what CBSA has done. Furthermore, the one thing that your government has not done is accepted any responsibility other than to shift blame left and right, which is usually what your government does. You know why we see that? Because all contracts with GC Strategies should be cancelled, yet they haven’t been — only with one department. We’re waiting for all of them to be cancelled. Furthermore, I’ve been waiting for years and months for your government to waive these ludicrous fees they placed on the shoulders of hard-working taxpayers that are being punished over this “ArriveSCAM.” Waive those fees.

Senator Gold: I don’t think there was a question there, but it is worth noting, since we are relying on the Auditor General’s report, that the Auditor General did actually say that the ArriveCAN app did do the job it set out to do at the border at the beginning of the pandemic and at a cost considerably less per traveller than would have been had the paper approach been used.

• (1830)

[*Translation*]

IMMIGRATION, REFUGEES AND CITIZENSHIP

FAMILY-BASED HUMANITARIAN PROGRAM

Hon. Marie-Françoise Mégie: My question is for the Government Representative in the Senate.

Senator Gold, as of December 30, 2023, Immigration, Refugees and Citizenship Canada, or IRCC, may have received enough applications to fill the spaces available in the family-based humanitarian program for Colombians, Haitians and Venezuelans.

How many applications have been submitted per country of origin, and when did the applicants receive a response from IRCC?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. Right now, the Americas are experiencing unprecedented levels of migration and forced displacement. I have learned that Canada has committed to welcoming 15,000 people from the Americas. These are the only numbers that I have, honourable senators.

It is my understanding that Canada will welcome up to 11,000 displaced Colombians, Haitians and Venezuelans through a new humanitarian permanent residence pathway. Unfortunately, I cannot provide a specific breakdown by country. I'm sorry.

[*English*]

HEALTH

REVIEW OF PANDEMIC RESPONSE

Hon. Pamela Wallin: Government leader, we have all been listening to the Auditor General's report on ArriveCAN, which is profoundly disturbing, but I have a question on a larger point. We now know that the government has convened an expert panel to conduct a review of the federal pandemic response headed by former U.K. chief science adviser, Mark Walport. But this review has been shrouded in secrecy: Calls are not returned; questions are not answered. Most countries in the world have done a 360 review of their pandemic response so that we can all learn from mistakes. When will this report be made public? Will Parliament, including the Senate, be allowed to study this report and question the author, and will government ministers at the time and now come forward and be accountable for the decisions?

Hon. Marc Gold (Government Representative in the Senate): Thank you for your question.

It is certainly important that we learn from the very challenging experience that we all lived through. I will certainly bring your question to the attention of the minister because I don't have the specific answer to your question.

Senator Wallin: I think it's important when you are asking that to consider that many of the ministers changed jobs and responsibilities after the cabinet shuffle. So we would need to hear from them on their previous responsibilities as well as their current ones, if you could make that point.

Senator Gold: I think that's a legitimate point, senator, and I'll certainly add that to my inquiries.

CANADIAN HERITAGE

MEDIA SUPPORT

Hon. Andrew Cardozo: My question is for the Government Representative in the Senate. It's regarding the job cuts at CTV. Bell announced last week that it would cut 4,800 jobs in addition to 1,300 that it announced eight months ago. Now, it's important to keep in mind that the Canadian Radio-television and Telecommunications Commission, or CRTC, had approved over the last many years acquisitions by Bell that facilitated its becoming a considerable media empire. Now, it is selling off 45 of those radio stations, and it's going to make a lot of money in that.

Recently, though, Bell complained that it did not like the CRTC decision allowing some of the small competitors to have access to its fibre network, a policy that is designed to give Canadians competition in telephony. So my question is: What is the government's position on these cuts? What can the government do directly, or what do you think the CRTC should be doing at this point?

Hon. Marc Gold (Government Representative in the Senate): Well, thank you for this important question. First and foremost, on behalf of the government, I offer my sincerest thoughts to the employees of Bell who are affected by these very severe cuts.

My understanding is — and we have all seen the news reports — that the Prime Minister and the Minister of Canadian Heritage have expressed their disappointment, and they've expressed it in strong terms that I will not repeat in this chamber, and, indeed, their frustration that Bell is making this move, given their continued profitability — billions in profit — and this government's ongoing support for them, and the information crisis that we face in the communication services that Canadians count on. It's a regrettable decision that this government deplores.

Senator Cardozo: I want to ask you about the huge blow this decision is to news and journalism in Canada and certainly to democracy. What do you feel is the role of other media in filling these gaps, especially with regards to CBC/Radio-Canada?

Senator Gold: Thank you. The government has taken every opportunity to support local broadcasters, defend journalism and do its part to ensure that Canadians have access to reliable local

news. That includes passing the Online News Act that will support domestic broadcasters by making tech giants pay their fair share. Government is working towards a competitive, fair and future-focused system for public and private broadcasters, and will continue to do so in an environment that is changing rapidly and is incredibly challenging.

PUBLIC SERVICES AND PROCUREMENT

PROCUREMENT PROCESS

Hon. Yonah Martin (Deputy Leader of the Opposition): Government leader, in her testimony before the committee of the other place earlier today regarding the \$60 million ArriveCAN app, the Auditor General said:

I have to say that I am deeply concerned by what the audit didn't find. We didn't find records to accurately show how much was spent on what, who did the work, or how and why contracting decisions were made — and that paper trail should have existed. Overall, this audit shows a glaring disregard for basic management and contracting practices throughout ArriveCAN's development and implementation.

So, leader, at a time when 2 million Canadians are using the food bank, this app cost taxpayers \$60 million, 750 times more than what was first estimated. Why hasn't a single minister of the Crown apologized to Canadians today for this waste?

Hon. Donald Neil Plett (Leader of the Opposition): Because they are arrogant.

Hon. Marc Gold (Government Representative in the Senate): The important thing is that the Auditor General is correct to point out the glaring shortcomings in the processes that were followed, and I'm not going to stand here and take refuge in the fact that this was done early in the days of the pandemic when we were all scrambling here. I'm not doing that here. The examples of lack of proper management practices are glaring, should not have happened and should not be repeated. Steps are being taken to do that, and at the same time, the government is taking strong action to assist Canadians who are still struggling with the costs of food and, indeed, rent. I won't list all the measures that the government is doing. I see that my time has run out. One can deplore the shortcomings in the ArriveCAN process and continue to support — as this government is doing — Canadians going through difficult times.

Senator Martin: Leader, we're heading into tax season when individual Canadians and small businesses will be asked by your government to provide documents to prove the accuracy of their financial information. Yet, as today's report shows, the Trudeau government handed out millions to their friends with barely any supporting documentation; that is the irony here, leader. Please, why was this practice acceptable to your government, and why did the Trudeau government repeatedly try to keep it all a secret?

Senator Gold: Again, senator, with the greatest of respect, I think a number of the assertions and premises of your questions are not supported either by the report or the facts. The fact remains that the process that was run by the Canada Border Services Agency, or CBSA, failed to meet proper management

standards. CBSA is taking proper steps to correct that, and the inquiry and investigation by the RCMP are designed to find out if any wrongdoing took place and to make sure that those responsible are held accountable if such is the case.

[Translation]

Hon. Claude Carignan: My question is also about the ArriveCAN scandal.

Leader, I will summarize the Auditor General's findings.

The government's decision to rely heavily on external resources throughout the development, launch and updating of the application drove up the costs and raises questions about the optimal use of public funds. GC Strategies was involved in the development of the RFP for the contract it was then awarded.

• (1840)

The government bent the rules to favour a supplier that clearly wasn't qualified to do the job.

The government did not follow good management practices in awarding the contract. Contracts lacked essential information, such as a clear statement of deliverables and required qualifications.

The amounts allocated were exaggerated, and invoices were paid and approved without any details being recorded.

Leader, will the Prime Minister admit that his government is responsible and will he apologize?

Senator Gold: As I said, the minister responsible answered questions in the House of Commons. The problems were clearly outlined in the report, and the recommendations have been accepted. Apart from that, I'm not aware of any measures, other than what I've already announced, that will be pursued by CBSA. I have no other information to add.

Senator Carignan: Leader, who will be fired?

Senator Gold: An internal investigation and a police investigation are under way. Following those investigations, if people need to be held responsible, measures will be announced.

CANADIAN HERITAGE

MEDIA SUPPORT

Hon. Jean-Guy Dagenais: The economy and finances are certainly not part of Justin Trudeau's DNA. The Auditor General reminded us of that again this morning in her report on the ArriveCAN app.

In the media sector, the number of job losses is growing. Roughly 4,800 positions have been cut at Bell Media, but all your Prime Minister could say was that it is, and I quote, a “garbage decision.” Beyond these fine words, what meaningful action is the Liberal government proposing for the media? It is quite clear that the government is not going to save Canada’s communications industry with its Bill C-18 and its farcical threats against Meta.

Hon. Marc Gold (Government Representative in the Senate): The Government of Canada will continue to work hard to find solutions to the challenges faced by our journalists and communication networks to ensure that Canadians have access to the reliable news and services they need.

Senator Dagenais: Last November, Québecor announced major job cuts at TVA Group. CBC/Radio-Canada has a rather vague plan to make cuts. Now, it’s Bell Media’s turn, not to mention the weekly newspapers that are closing their doors. During the election campaign, Justin Trudeau portrayed himself as the saviour of the media industry. Is it a mistake today to say that, because of his lack of vision, he has actually killed thousands of communications jobs instead?

Senator Gold: If I understood the question correctly, the issue of government subsidies for the journalism industry is very complicated. There are divergent views, and that is important. As I pointed out before, the government will continue to work hard to help Canadians have access to the reliable news they need.

[English]

PUBLIC SERVICES AND PROCUREMENT

PROCUREMENT PROCESS

Hon. Donald Neil Plett (Leader of the Opposition): Leader, the Auditor General found that Trudeau government employees involved in the \$60-million “ArriveScam” app were invited by contractors to different dinners and other events. The Canada Border Services Agency, or CBSA, has a code of conduct that requires employees to notify their supervisors about these invitations. Yet, according to the Auditor General, nothing was ever documented.

We also know that GC Strategies invited the Trudeau government officials to — listen to this — an ArriveCAN whisky tasting in April 2021, and they received over \$19 million from taxpayers through the worst record-keeping the Auditor General has ever had. I imagine that must have been an awfully good whisky — better than what you and I have in your office, Senator Gold. If that’s not corruption, leader, what would you call it?

Hon. Marc Gold (Government Representative in the Senate): I’m not in a position to put labels on it. It’s easy for you to put labels on it, but I repeat — at your encouragement — that an investigation is under way both within CBSA and by the RCMP. Those are the proper ways in which one can determine what was done and what the consequences should be. As we know, once these allegations came to light — with CBSA — CBSA suspended contracts with GC Strategies and others.

With regard to the ongoing investigations, I cannot make any further comments at this time.

Senator Plett: What would have been proper, leader, is if they had not tried to shut down the Auditor General coming, and if they had not — together with your counterpart, the NDP — shut down committees on this. That would have been proper.

The RCMP is investigating the Trudeau government’s shady “ArriveScam” contract, and your government initially hid that investigation from the Auditor General. Now they have been caught. The Auditor General said in her report today that to avoid compromising the police investigation, she didn’t pursue further audit work around ethics. Leader, how much more corruption is the Trudeau government hiding about this scam?

Senator Gold: The Auditor General was correct to ensure that her work did not compromise ongoing police investigations. I wish that same discipline and sense of responsibility was shared in this chamber.

CANADIAN HERITAGE

ONLINE NEWS ACT

Hon. Leo Housakos: Senator Gold, last week, Bell Media announced it was laying off 500 employees across news platforms. This follows on the heels of CBC News announcing massive layoffs prior to Christmas. Senator Gold, these are the two outlets that stood to gain the most cash from your government’s social media shakedown under Bill C-18.

Your boss appeared quite angry about the announcement, Senator Gold, but how could that be? Did Prime Minister Trudeau not receive some assurances from Bell and CTV that the money you guys keep giving them hand over fist would protect jobs rather than go straight into the pockets of executives?

Hon. Marc Gold (Government Representative in the Senate): The Prime Minister has made it very clear that these cuts were regrettable, and he used stronger language than that, as you all know.

I’m not aware of what assurances, if any, were made with regard to those who received a share of the resources that were made available by that act. We seem to be relitigating the matter again, Senator Housakos, but the fact remains that Bell remains a remarkably profitable organization, and the Government of Canada deplores the decision to cut so many jobs which have an impact not only on the employees, their families and the communities, but also on the quality of availability of news programming in this country.

Senator Housakos: Only the Trudeau government could toss hundreds of millions of dollars to someone without any guidance or any strings attached.

Senator Gold, the problem began before Bill C-18, but now we have these massive job cuts in mainstream media, and online outlets are also struggling because their content no longer gets shared by Meta.

Why not just admit that trying to buy the media is never a good idea, and admit that this government's actions of throwing good money after bad failed? Will you repeal, once and for all, Bill C-18 — a fiasco of a piece of legislation?

Senator Gold: The short answer is no. The government does not accept the premise of your position, and there is no plan to repeal Bill C-18. Thank you for your question.

PUBLIC SERVICES AND PROCUREMENT

PROCUREMENT PROCESS

Hon. Yonah Martin (Deputy Leader of the Opposition): Leader, last week, when I asked you why the Trudeau government rigged the system in favour of the two-person firm GC Strategies, you said that you did not accept the premise of my question. But the Auditor General's report confirms the \$60 million ArriveCAN app was rigged from the start when GC Strategies was given a non-competitive contract with no record of a request or a proposal. Then, in May 2022, GC Strategies was actually involved in creating the requirements for a competitive contract.

• (1850)

Leader, we learned today that GC Strategies got \$19.1 million from the Trudeau government. I will ask again: Why was the system rigged in favour of GC Strategies, and what specific actions are being taken to get back taxpayers' money?

Hon. Marc Gold (Government Representative in the Senate): Thank you for the question. The Auditor General's report reveals, quite clearly, that there was involvement in the drafting of the specification. This is precisely why the investigations that are under way are necessary and important to find out exactly what happened, who was responsible and who should be held accountable among those who were actually involved in a tangible way in this whole process.

Senator Martin: The Auditor General's report also states:

. . . We estimated that the average per diem cost for the ArriveCAN external resources was \$1,090, whereas the average daily cost for equivalent IT positions in the Government of Canada was \$675.

Leader, how do you explain this difference?

Senator Gold: Thank you. Again, we thank the Auditor General for her report and for shining a light on the practices that took place. The investigations and the actions the Canada Border Services Agency has already taken will provide the answers in due course.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (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: Motion No. 152, followed by all remaining items in the order that they appear on the Order Paper.

THE SENATE

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO CONSIDER SUBJECT MATTER OF BILL C-62—DEBATE

Hon. Marc Gold (Government Representative in the Senate), pursuant to notice of February 7, 2024, moved:

That, notwithstanding any provision of the Rules, previous order or usual practice, on Wednesday, February 14, 2024:

1. the sitting be suspended at the time the Senate would normally adjourn or once the Senate has completed the consideration of items on the *Order Paper* and *Notice Paper* for the day, whichever comes earlier;
2. at 6 p.m., the sitting resume, and the Senate resolve itself into a Committee of the Whole to consider the subject matter of Bill C-62, An Act to amend An Act to amend the Criminal Code (medical assistance in dying), No. 2;
3. the Committee of the Whole on the subject matter of Bill C-62 receive the Honourable Mark Holland, P.C., M.P., Minister of Health, and the Honourable Arif Virani, P.C., M.P., Minister of Justice and Attorney General of Canada, each accompanied by two officials;
4. the Committee of the Whole on the subject matter of Bill C-62 rise no later than 130 minutes after it begins;
5. the witnesses' introductory remarks each last a maximum total of five minutes;
6. if a senator does not use the entire period of 10 minutes for debate provided under rule 12-31(3)(d), including the responses of the witnesses, that senator may yield the balance of time to another senator;

7. rule 3-3(1) be suspended and no motion to adjourn the sitting be received before the Committee of the Whole has reported; and
8. once the Committee of the Whole has reported, the Senate adjourn.

He said: Honourable senators, I would just like to make a few brief remarks about Government Motion No. 152, which would authorize a Committee of the Whole on the subject matter of Bill C-62.

This motion will allow for the appearance of the Ministers of Health and Justice in this chamber, and their respective officials, for a total of 130 minutes. This was a process agreed to by the Senate's leadership following open, collaborative and transparent consultations, and was ultimately deemed as the appropriate course of action to properly consider this legislation given the time sensitive nature of it.

This process is in addition to the comprehensive work already done by the Special Joint Committee on Medical Assistance in Dying, which was tasked by both chambers to calmly examine Canada's readiness in light of the timeline provided for in the sunset provisions. Indeed, the joint committee process itself came as a result of a Senate amendment to the former Bill C-7. As we know, ultimately, the joint committee determined that a further extension was warranted, and this has been supported by provincial and territorial governments. Both ministers will be here to engage with senators in this chamber as well as to answer any and all questions we may have as part of our deliberations.

Honourable senators, as you know, the Senate is meeting this evening precisely because our colleagues who were unable to be in this chamber on Thursday could be accommodated and wanted to be included in the debate on this motion. I strongly believe that those who wish to weigh in should have the ability to do so, and that is why we accommodated the request that we received from two Senators last Wednesday evening.

But as the Government Representative, I would like to stress the importance of the Committee of the Whole process that was agreed to by the leadership in this place. Therefore, colleagues, I would respectfully ask that we support Government Motion No. 152 as presented, and that we will all have the opportunity to debate the substance of this bill once we receive it in this chamber. Thank you.

Hon. Stan Kutcher: Honourable senators, I am not against having a Committee of the Whole on this bill to hear from two ministers, but I am opposed to the motion if the Senate decides to use the Committee of the Whole to deny additional pre-study of this bill. This cannot be the only pre-study that we conduct on this life and death issue affecting Canadians. If we do that, I think that we will have failed to meet our constitutional obligations. We will have failed Canadians. We will have failed the people whom this bill most directly impacts by denying them a chance to let us hear their voices.

Before going further, I would like to thank all my colleagues who sent me their messages of solidarity while I was in the emergency room of the Ottawa Civic Hospital all of Wednesday evening, all night and into Thursday. I particularly thank my

friend Senator Ravalia, whose advice forced me to seek the urgent care I needed. I also want to thank all of you who allowed this debate to take place this evening and those who took the time and effort to get to Ottawa tonight. We have shown by our actions that whatever the outcome of this bill will be, that we take seriously the work of this chamber. We have shown this country one small example of why this chamber matters.

The possibility of this Committee of the Whole being used as the only pre-study of Bill C-62 for the purpose of avoiding fulsome study of this bill is what concerns me. Many of you here, as individuals and groups, have previously voiced your valid objections to this kind of use of the Committee of the Whole. It must not be used to circumvent our duty of due diligence, and it must not be used to ram through government legislation.

We need to be sure that our Senate process hears the voices of the people most affected by this bill. We must not put political expediency in front of critical review. Our process must not replicate the flawed way that the joint committee majority report denied the voices of the limited few with long and horrible suffering to be heard. We must also hear directly from the health care providers who are responsible for this important work, not just from politicians who may have different reasons for the opinions they have shared publicly.

I would like to remind us what the Supreme Court wrote in its 2014 Senate Reform Reference SCC 32:

. . . “[i]n creating the Senate in the manner provided in the Act, it is clear that the intention was to make the Senate a thoroughly independent body which could canvass dispassionately the measures of the House of Commons” The framers sought to endow the Senate with independence from the electoral process to which members of the House of Commons were subject, in order to remove Senators from a partisan political arena that required unremitting consideration of short-term political objectives.

Or as Nora Sheppard, my 96-year-old mother-in-law who has been following this issue closely, said to me this past weekend, “When health care gets mixed up with politics, then it’s not health care anymore.”

Honourable senators, it is essential that we don’t let ourselves get swept up in the tussles of short-term political objectives. As with many others in this chamber, I am concerned that Bill C-62 is clearly motivated by short-term political objectives.

I am speaking to this motion to ask that we ensure that when we come to vote on this bill, that we have been properly informed and that we have specifically heard from the people most affected and most knowledgeable. I am speaking in support of our chamber to do our due diligence and provide due process in our work on this bill.

We must listen to the people who have been waiting for three years to apply for medical assistance in dying, or MAID, consideration, those who have understood what the government’s own readiness criteria were, who have now had those goalposts moved and who have now been abandoned by this government. We must hear from them, and not only from the psychiatrists, lawyers, bioethicists and organizations that have self-appointed

themselves to speak on behalf of this small group of suffering people. Let me assure you that I spoke directly with many people who will be impacted by this bill. All were clear: None of the groups and individuals arguing against MAID MD-SUMC, that is MAID where a mental disorder is the sole underlying medical condition, have ever reached out to the very few Canadians who were suffering to ask what they needed.

• (1900)

“Nothing about us without us.”

When I spoke with those who are suffering and who have been waiting for three years for the Criminal Code repeal so they could apply to consider end-of-life-options, they all told me, “The anti-MAID MD-SUMC voices do not speak for me.”

We must also hear from the clinicians and regulators in the provinces and territories who actually know if they're prepared or not, and not only from politicians who may want to take this issue out of electoral play.

Addressing this legislation only through a Committee of the Whole pre-study is a massive disservice to Canadians, who expect our chamber to give careful, sober second thought to every piece of legislation that we study. A Committee of the Whole cannot substitute a solid and necessary Senate study. I speak to this motion to urge you that we must make sure that the necessary work of appropriate Senate pre-study by our standing committees is not circumvented. We must support due process.

There are a number of points I suggest we should consider, through the Social Affairs Committee and the Legal Committee, in addition to the Committee of the Whole, which has only asked two ministers to appear. First, this legislation deals with a deeply personal issue that directly impacts Canadians' ability to make end-of-life health care decisions equally. Colleagues, to date, parliamentarians have not provided a forum for those who are directly impacted to be heard. We have not heard from these people. This legislation has a profound impact on a small number of people, estimated to be about 250, who have suffered intolerably for decades, with no relief, despite trying everything available to them. It's not a lack of mental health care they're experiencing.

Yes, colleagues, they have experienced decades of unrelievable suffering, yet they've not had an opportunity to speak and share their perspectives. They must speak here because they were ignored by the joint committee and by those who created this legislation.

I've had opportunities to speak with several of those who will be directly impacted. These are people who have suffered intolerably for decades. They've tried scores of treatments with no success. Some are so unwell that they can't leave their homes; they're tormented day and night. These are not the people the anti-MAID proponents want you to hear from. When we hear from those whom this bill impacts, you will see that the myth that has been publicly propagated regarding who might be eligible will be shattered.

Let us take John Scully, for example. He's 82 and suffers from a severe, incurable, intolerable mental illness. He has been a patient in seven psychiatric wards. He has been treated by a dozen psychiatrists. He has had 19 shock therapies. He says he has tried every single psychiatric drug known to science. He has suffered for over 40 years, and nothing has eased his pain. He's not having trouble accessing mental health care.

Contrary to what we hear from the media hype, this is the type of person that MAID MD-SUMC should be considered for.

I'll read directly from his brief submitted to the Special Joint Committee on Medical Assistance in Dying but which was, interestingly, not considered by the committee:

I have the capacity to make decisions about my life and death. I want MAID for the mentally ill to be passed without any further cruel delays. It hasn't stopped. It will never stop and there is no cure.

He simply asks for the same right to health care that every other person in this country has.

I also spoke to Cathy Van Buskirk, a 56-year-old woman from Manitoba suffering for decades with a severe and intolerable mental illness. She is housebound. She has tried, as she said, every medication, 12 shock therapies, 12 ketamine infusions and multiple kinds of therapies. Nothing has worked. She said:

I wake up in the morning and immediately start crying and literally shaking with anxiety not knowing how I am going to make it through another day. . . .

. . . My illness is just as difficult and debilitating as a physical one. I should be given the same choice to end my suffering. I want to die peacefully with my family by my side. Please, no more delays.

Yet, colleagues, those who have never spoken with John, Cathy or others like them argue that she should be denied this right. Cathy and others like her want to be able to speak for themselves before us. They want us to listen to them.

I've spoken and corresponded with Jane Hunter, who has asked for an opportunity to speak to us directly. She's 75, and for decades, she has suffered from a severe, intolerable mental disorder and tried scores of treatments to no avail. She states:

How many parliamentarians spoke to someone with lived experience like me before making this decision? I don't know of one.

Colleagues, not hearing from those who have been suffering and waiting for three years is an injustice. This chamber must remedy the injustice.

The second reason I disagree with the possibility of only a Committee of the Whole pre-study with two ministers is because those physicians and nurse practitioners who are actually doing the work on the ground to ensure readiness have clearly indicated that many are actually ready. The joint committee received numerous timely briefs from aid providers across Canada, some of which were tabled into committee, that clearly state, “We are

ready.” The committee did not allow them into evidence, and a majority report does not even mention them. I will read directly from some of these suppressed briefs.

Dr. Hayden Rubensohn in Alberta stated:

I strongly believe that Alberta and other Canadian jurisdictions are ready. We are ready to face this challenge and rise to the task.

Dr. Mark Lachmann from Ontario stated, “We are, however, ready to move ahead with MAID MD-SUMC in Ontario as of March 17, 2024.”

Health care professionals, including psychiatrists, in Nova Scotia wrote, “. . . we feel well prepared in Nova Scotia.”

Dr. Lillian Thorpe from Saskatchewan wrote:

I believe that we can make the expansion to include MAID MD-SUMC safe and appropriate. I believe we are ready.

Colleagues, these are confirmations of readiness coming from many clinicians working on the ground. Honourable senators, they know if they’re ready.

Interestingly, this is 180 degrees different from what some provincial and federal politicians are telling us. Why the discrepancy? We need to know why there is a discrepancy.

Third, we need to hear from the clinicians who know if their readiness tasks established by this government and demanded to be in place in 2022 have been completed. These were, after all, the goalposts that were set to support the sunset clause expiration. It’s not difficult to determine if these tasks have been completed; it is “yes” or “no.” We need to hear from these people and not rely upon inputs from those who may not like one or other parts of these criteria or who want to substitute their own criteria to move the goalposts that the federal government had previously set. These readiness criteria were laid out in Minister Duclos’ letter of October 2022. These are the criteria for readiness that those who have waited for three years have been assured would be the goalposts.

Colleagues, with regard to readiness, we need to hear from these three key stakeholder groups, not via an undated letter from some provincial or territorial ministers who might never have spoken to a person who has waited for three years to apply for MAID — ministers who might have “short-term political considerations,” encouraging them to ignore the fact that many MAID providers in their own jurisdictions say they’re ready. What a contradiction.

Colleagues, today, we all received a letter signed by 127 MAID providers who say they’re ready for MAID MD-SUMC and that the health system in which they work is ready. This is more evidence that many MAID providers are ready. That’s 127 for 250 potential cases.

Let me address a canard I’ve heard — that being practice-ready and clinically ready are not the same thing, and that providers might be practice-ready but not clinically ready. Colleagues, speaking as a physician with the physicians in this

chamber, this is nonsense. Both the recent letters we’ve received state that the many providers are ready, and that means ready — period. This letter as well as the briefs that were not considered by the joint committee are in direct opposition to what the Minister of Health and the Minister of Justice have told Canadians. How can we expect that simply talking to the Minister of Health and the Minister of Justice is going to get at what we need to? Who is correct?

• (1910)

We have a huge discrepancy here that we must resolve. That will require Senate committee pre-study in addition to the Committee of the Whole. A Committee of the Whole listening to only two ministers who may not have been properly briefed will not allow us to do the work we need to, and I would like to point out that all this can be done without changing the timeline that the government has given us.

I will close with a quote from Jane Hunter, a person who is known to Senator Ravalia, who wrote to us, saying:

I want the opportunity to calmly answer to the objections of those who have not, so far, been able or willing to look beyond their own ideological paradigms and lived experiences and consider mine . . . we are out here, depending on your powers of reason and rational thinking.

Honourable senators, before we vote on the motion, we must ensure the government is not trying to use the Committee of the Whole to block us from hearing those we must hear from. We must do our job, follow due process and hear from those who must be heard. After all, honourable colleagues, this is why we have been called to this place.

Thank you, *wela'liog*.

Hon. Pamela Wallin: Honourable senators, I wish I could say that I am surprised by where we are on this issue, facing a motion that will have the effect of silencing the voices of those who are experts in this area and denying a voice to those who are suffering from mental illness. They’ve been disappointed and misled, and now they’re being denied the same right their fellow Canadians have to make their own end-of-life choices.

As one of the senators in this chamber who has been a long-standing member of the Special Joint Committee on Medical Assistance in Dying, I witnessed first-hand the deliberate mishandling of this issue. I am in many ways sorry to have been part of a process that brings us here and robs so many of hope. Here in the Senate, we are used to a committee process that is fair and rigorous, but unfortunately, that is not always the case in the House of Commons. Committees are routinely hijacked there by the majority, and debate is short-circuited. We in the Senate are the ones left to clean up the mess.

I want to remind everybody that when the Senate sent amendments to this government based on what we had studied and debated, calling for advanced requests and consideration of access to medical assistance in dying, or MAID, for those with

severe mental illness, it was the government itself that rejected advanced requests and said that access for those with mental illness would be their priority, their choice and their call.

We studied it. Outside groups and expert panels studied it, and then the government sought a year of delay. Now, just weeks before this delay was to be lifted, they have proposed yet another delay — in their words — until after the next election. This is despite the fact that the majority of witnesses stated clearly that the standards, testing and practitioners are in place and ready. The government has rejected this evidence and offered no new definition of what would constitute readiness. Therefore, once again, politics trumps the lives of those who are suffering and waiting.

Just to be clear, our mandate — what we were asked to do — was to assess in a very specific and narrow way whether the system was ready. Do we have the assessors and providers? Have they been trained? Are there standards so there is fair and equal access across Canada? The answer from 15 of the 15 professionals who were directly involved in readying the system was, “Yes.”

What I find so troubling is that this government says it is a powerful supporter of choice — choice when it comes to gender, a woman’s body and abortion and for many lifestyle issues — but it gives no choice for those who want a say in their end-of-life decision if mental illness is their malady.

MAID is about choice. Nobody mandates it, and nobody can force you, but if you are at stage 4 cancer, you can seek MAID. But if you have suffered from bipolar disorder your whole life and treatment with medication doesn’t work, or you have a dementia or an Alzheimer’s diagnosis, you don’t have a choice. Why? That is choice for some but not for all.

The government has built high fences to ensure safety, to offer reassurance for families and for the protection of the individuals. That matter is settled. We are not here to relitigate access to MAID. This delay, however — the denial of rights for some and the deliberate misrepresentation by government ministers of our mandate and of the evidence and testimony presented — is truly unacceptable. That is why I stand here today — to urge you to vote against this motion for a Committee of the Whole, because job one in the Senate is the proper review of legislation. We study, hear from witnesses, come to conclusions and offer the government of the day our best advice. This is not a forum for ministers to hold another press conference where we have limited questioning, no proper follow-ups and no time for sober second thought. They hijacked the joint committee but should not be allowed to undermine this chamber.

Stan Kutcher, Dr. Mégie and I, supported by Drs. Osler and Ravalia, all attended the hearings and agree that the committee report falsely represented the actual witness testimony — and other testimony that was submitted was simply ignored. Senator Dalphond, in his report, says the whole thing should be referred to the Supreme Court of Canada because there’s such an obvious

denial of Charter rights. Our Bloc Québécois colleague, in case you think it was only senators objecting to what took place at committee, said this:

We deplore the fact that, since the Carter decision, the federal government has been dragging its feet when it comes to MA, forcing parliamentarians to work in a hurry to meet often unrealistic deadlines in conditions that are far from optimal from both a methodological and work organization standpoint. . . .

The experts who gave their time and testimony are also angry that their words are being misrepresented by government. I know this is true because I sat through the testimony. They were questioned directly and repeatedly. These witnesses were people like Dr. Mona Gupta — from whom you’ve all received a letter — Chair of the Expert Panel on MAID and Mental Illness who, among others, has been directly involved in the process of developing the regulations and guidelines for MAID assessors and providers. I suggest you take a look at her letter if you haven’t already.

As the others have mentioned, this is the sad fact: Not one individual suffering from a mental disorder who has been waiting to exercise their right to simply apply for MAID was consulted during this process — not one. The government ignores those whose lives hang in the balance. It ignores the testimony of its own chosen experts and then tries to argue that there was a lack of consensus on the issue. In the first place, there will never be consensus on any issue that is so personal and moral — but again, no consensus was sought. We were not looking for consensus. We were asked and instructed to look for the state of readiness and preparedness, and we were told by the providers that the system was ready. The curriculum developed by the Canadian Association of MAiD Assessors and Providers has, in fact, already been approved by Canada’s formal medical accreditation bodies.

The government seeks to distract with talk about the state of health care and the fact that some provincial ministers say they are not ready. Well, they don’t have to be ready. It’s not about the sorry state of health care in Canada or the politics or preferences of provincial ministers. It’s about whether the system for assessment and provision of MAID is ready to deal with those with mental health issues, and the expert testimony indicated that it is, regardless of how you might feel about this issue. It must be a matter of choice.

For weeks in advance, we witnessed ministers of the Crown seeding the field, publicly sowing seeds of doubt prior to the report being released, even though they had heard the testimony. That’s not misinformation; it’s disinformation.

• (1920)

I urge everyone in this chamber to reject this motion for a Committee of the Whole for Bill C-62 on the grounds that the special joint committee failed in its deliberations to weigh evidence fairly and to present it fairly and failed in respect to its own mandate, which was limited to the preparedness to deliver MAID.

What this motion means is that government is asking us once again to pass a bill without proper study. This is not us delaying a bill. This is the government's decision to put it off, as they say in their own words, until after the next election.

The government is creating a false panic over timing. We have time to study this properly. The government itself anticipated that time might be needed for that study, because they have added the coordinating amendments in Bill C-62 that are essentially a fail-safe, that should this bill come into force after the March 17, 2024, date has passed, the proper clauses are repealed and come into effect as though the bill had been passed before the deadline and mental disorders would not be considered a condition eligible to apply for MAID. It's in the Criminal Code, and it will remain in the Criminal Code. If we were still to be studying this bill on March 18, no one with mental illness as a sole underlying cause would be eligible. So there's no urgency to do this in one day, just a political imperative.

I repeat, the Committee of the Whole is not a rigorous process. We see it here all the time, being asked to confirm five- or seven-year appointments in an hour or two.

We must do our job, shine a light on what has gone wrong and let the informed and the impacted voices be heard — in other words, to get at the truth.

It is in the interest of everyone here in this chamber and all Canadians that this institution preserves the integrity of our sworn duty by insisting that Bill C-62 face standard scrutiny and that we ask our committees to do what they do best.

The time is now to be brave, to embrace those who have done so much for each of us. They might be our parents or our grandparents, our husbands or wives, our sisters or brothers, our children or our neighbours — anyone who suffers needlessly. We must do what is right and give them, if they so choose, the right to leave us with dignity, please.

The Hon. the Speaker: Senator Wallin, will you take a question?

Senator Wallin: Certainly.

Hon. Frances Lankin: Thank you, Senator Wallin, for sharing your perspectives with us. You and I have worked on the issue of advance directives. That's not what we're talking about tonight, and it's not in Bill C-62, but I am with you all the way on that.

I'm struggling a bit with the arguments you put forward about not having a Committee of the Whole. Maybe I have a misunderstanding, but you made it sound as if the government was forcing this situation on us. My understanding is that it was this chamber and the groups in this chamber that asked for a Committee of the Whole and that incredible effort was put in to try and convince the government to make available two ministers, not just one, and one who was away and had to rearrange everything to come back and with an extended period of time. I've been in a lot of debates here where that's what we see, for we have the opportunity for all of us to participate and to ask.

Do you have information that suggests that the government is forcing this on us or information that it wasn't agreed to at a leaders' meeting and then the Government Representative went and sought a response? I'm confused by your remarks — by a lot of them, actually.

Senator Wallin: The motion has come forward from the government leader for a Committee of the Whole. Our standard procedure in here is when we get a piece of legislation — which we understand might come later this week — it is generally referred to Senate committees. We study it. We look at it. We give our advice back to the government, and they either accept it or reject it.

The Committee of the Whole — I've been here for a few years now — process is not, as I said in my remarks, in my own mind, rigorous. We're allowed to ask a question and then a follow-up might come 10 minutes or 15 minutes later, after we've gone through the speaking cycle, because we approach this very differently.

You might want to share the questions amongst your own group or however it works, but this is not the kind of work that goes on in Senate committees — even the new senators will now be familiar with it — where we do in-depth questioning of expert witnesses and people with vested interests. That's what the committee process is about.

We know it doesn't work that way in the House of Commons. That's a completely partisan body. They're there to fight their political battles. This is why we have a Senate in Canada, where there's sober second thought. Bills come here, and if they have not been handled thoroughly or procedurally in the other place, we can shine that light, as I said, on the issues at hand.

The Committee of the Whole, with two ministers for two hours, is just not my view of what the Senate of Canada is obliged to do. Our first and foremost job is to review government legislation.

Thank you.

Senator Lankin: May I ask a supplementary question, with leave?

The Hon. the Speaker: The time for debate has expired, so is leave granted?

Some Hon. Senators: Agreed.

An Hon. Senator: No.

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

Hon. Rosemary Moodie: Colleagues, I rise to speak to government Motion No. 152. This motion amounts to the use of a Committee of the Whole as a pre-study of Bill C-62.

I want to be clear at the outset that what I am considering and will be discussing is the process of our study of Bill C-62. This is not about my views or, frankly, about yours or anyone's views on the subject matter. It should be about the process we should be taking as an institution.

There is a very concerning trend that has emerged in the past years. Our chamber of sober second thought is increasingly a rubber stamp. We have allowed this because of a minority Parliament where brinkmanship is crucial to seeing anything accomplished.

While there have been many times when we may have thought that this was the right decision, I strongly believe, colleagues, that on this occasion, we must take the time to do a more thorough and considerable investigation on the study of this bill. A two-hour Committee of the Whole does not meet the standard.

Bill C-62 represents an evolution in one of the most challenging public policy discussions here in Canada in the last decade. Medical assistance in dying is a hotly contested issue that engages our democracy in extraordinarily challenging ways. As our country's chamber of sober second thought, with a constitutional requirement to conduct rigorous debate before making decisions, 130 minutes is not enough. Hearing from the honourable ministers and no other Canadians is not enough.

Regardless of the final decision that we make on this bill, I would assert that a Committee of the Whole in the manner described in this motion would result in a failure — our failure — to fulfill our role here in the Senate. We must be mindful that Canadians are watching, but more important than that, we must keep ourselves accountable. We must look back on this week a few years down the road and be proud of our work, not embarrassed that we failed to meet the moment.

- (1930)

I want us to reflect on a recent experience we've had here in the Senate when, in another instance, we were forced to make a rash and speedy decision. I'm thinking about Bill C-28. This bill was adopted and received Royal Assent four sitting days after it was introduced in the other place in June 2022, following a Supreme Court ruling in May of that year. You will recall, colleagues, the collective unease that we felt. Our esteemed colleagues from the Standing Senate Committee on Legal and Constitutional Affairs were relegated to being reviewers, not legislators. We did not benefit from their sober second thought on this bill at that time, and there were negative consequences to our quick work on that bill.

In April of last year, after a thorough study, the committee noted that witnesses who were consulted on this bill felt that their consultations were insufficient. They had concerns about the harms that Bill C-28 would cause, including a disproportionate impact on marginalized women. The witnesses believed that Bill C-28 lacked clarity and precision, potentially resulting in the spread of misinformation and uncertainty about the law. Preventing such issues is the exact reason the Senate exists. We exist to bring clarity, to ensure equity and to meaningfully engage Canadians.

[Senator Moodie]

In light of this recent history, and facing a subject matter that is enormous in its social, legal and medical implications, I'm particularly concerned that we must do our due diligence on Bill C-62.

Medical assistance in dying, or MAID, is an issue that engages multiple dimensions of public policy. Much of our discussions within this chamber on MAID are focused on the legal and constitutional implications of the bill. As a result of the sunset clause in Bill C-7, more focus has been brought to the health systems' implication of MAID. This is the centre of the government's argument for Bill C-62.

I would propose there is a third dimension to consider: the dimension of public opinion. Now, as unelected senators, we relate to the public somewhat differently than our elected colleagues, and this, I believe, strengthens our democracy. One important way that we relate to the public is through amplifying their voice in our committee process.

I think we would be naive if we did not consider the role that politics and public opinion have had in bringing us here today. There is no doubt that we need to be mindful of these forces, but we must not be intimidated by these forces. We must not be rushed. We must not be relegated to becoming simple reviewers. We are legislators. We must do our job.

This is even more important because it seems that the other place will likely send the bill through with minimal scrutiny on this occasion as well.

Colleagues, I believe we must look deeper into the legal and health systems' implications of this bill, as well as the assertions that are at its origin, including those in the report of the Special Joint Committee on Medical Assistance in Dying.

Some believe that, at a minimum, the time for the Committee of the Whole should be doubled. Twelve slots of 10 minutes, even if split, allows a fraction of us the opportunity to ask questions, and certainly does not allow for deep and thorough study.

But I think we should be going further. I believe a more thorough and detailed pre-study of the subject matter of Bill C-62 is a necessary step. I would argue that the Social Affairs Committee and the Legal and Constitutional Affairs Committee should consider the subject matter. The Social Affairs Committee should consider it, as it was put forward by the Minister of Health, and because a central question of the subject matter is the readiness of the health care system. The Legal and Constitutional Affairs Committee should study the bill because of the important constitutional considerations.

I believe the committees should welcome both ministers and the chairs of the Special Joint Committee on Medical Assistance in Dying. But they should also bring in legal experts, health regulators, Canadians with lived experience and other concerned parties.

There is an important distinction to be made here between the mandate of the Special Joint Committee on Medical Assistance in Dying and our mandate in the Senate.

The Special Joint Committee on Medical Assistance in Dying had a mandate, in its most recent iteration, to verify the degree of preparedness attained for a safe and adequate application of MAID in situations where mental illness is the sole underlying medical condition.

As a result of the committee's recommendation, new legislation has been developed, and now we have a mandate with new legislation that is coming our way. As with every other piece of new legislation that comes our way, as legislators, we have a mandate to review and scrutinize every bill, including those that emerge from prior work done by Parliament. This is all that I'm proposing must be done for Bill C-62.

A pre-study in committee provides us with an opportunity for scrutiny from a broader set of senators and fresh perspectives with a specific focus on the bill that is now before us.

Canadians are watching, colleagues, and they are ready to come and speak to us. And we must be ready to listen. Even if we can only organize a few meetings, that is better than nothing.

Colleagues, adding committee pre-studies to this Committee of the Whole pre-study would allow us to go deeper and make the best use of our time. I know this might be considered more labour-intensive than what is being proposed by the motion, but I also know that you are willing to do this work.

It is most important to note that this pre-study does not — cannot — slow down the process of Bill C-62 when it comes to us, and would allow the bill to proceed even before the committee reports, if that be the case.

This is about process, colleagues. It is about doing our job.

You all know, honourable senators, how important this is. You know because you have seen countless reports in the media. You have seen this issue become a political football. You have read emails from thousands of Canadians in the past years, and I believe we all feel a collective duty to make every reasonable effort to get this right. Regardless of how we feel about this topic, you know, dear colleagues, that anything short of our best effort is failing Canadians.

MOTION IN AMENDMENT NEGATIVED

Hon. Rosemary Moodie: Therefore, honourable senators, in amendment, I move:

That the motion be not now adopted, but that it be amended by adding the following after the words “the Senate adjourn”:

“; and

That the Standing Senate Committee on Legal and Constitutional Affairs and the Standing Senate Committee on Social Affairs, Science and Technology be each authorized, in accordance with rule 10-11(1), to

examine the subject matter of Bill C-62, in advance of the said bill coming before the Senate, and that, for the purposes of these studies, each of these committees:

1. submit its final report to the Senate no later than February 27, 2024;
2. have the power to meet, even though the Senate may then be sitting or adjourned, with rules 12-18(1) and 12-18(2) being suspended in relation thereto;
3. hold its first meeting on the subject matter of the bill at the latest on Thursday, February 15, 2024, if this motion is adopted by then; and
4. be authorized to deposit its report with the Clerk of the Senate if the Senate is not then sitting”.

• (1940)

Hon. Mohamed-Iqbal Ravalia: Honourable senators, I want to preface my remarks with the following: Legislation can often seem theoretical, distant, ethereal. I fully recognize and accept that this is a highly emotional, controversial and political issue with, at times, polarizing viewpoints. However, this subject involves real people, real families and agonizingly real choices made in a context that cannot possibly be understood by those who have not lived or experienced it. It is important to keep that front of mind and to approach this topic with the humility it deserves.

The three-year delay in expanding medical assistance in dying for individuals with a mental illness will have profound implications. People waiting to apply to be assessed are essential voices that were not adequately heard during our committee discussions. Our duty as senators is to ensure that any legislative changes affecting minority interests and groups that are historically underrepresented or marginalized are recognized, thoroughly examined and, indeed, represented. Our responsibility is to ensure that we make informed decisions that reflect the values and concerns of a diverse Canadian population.

Honourable senators, through my decades as a rural physician, managing mental illness was a key component of my practice. The very harsh reality is that, like many other conditions in medicine, mental disorders can be severe and treatment refractory.

I want to assure you that the individuals impacted to this extent are minute; the numbers are very small. However, we are talking about pain and suffering, and a darkness that individuals described as being trapped in their own minds, riddled with anxiety, intrusive thoughts, social avoidance and total social isolation — this despite every available treatment avenue offered to these individuals.

Many are left with the horrific side effects of therapeutic interventions — often Parkinsonian effects from the use of antipsychotics; undergoing electroconvulsive therapies and memory loss; transcranial magnetic stimulation; deep brain

stimulation with the risk of infection; surgery; intensive individual and group counselling; and often multiple in-patient admissions.

I would like to read to you an email I received from Jane Hunter, with whom I have had a very moving conversation and subsequent correspondence:

I am in no way “vulnerable,” as I keep being described, intellectually.

I want the opportunity to calmly answer to the objections of those who have not, so far, been able or willing to look beyond their own ideological paradigms and lived experiences, and consider mine — not of my choice, I assure you.

We are out here, depending on your powers of reason and rational thinking. The Senate chamber of “sober second thought.”

The clinicians across Canada are ready for March 17, 2024.

Bouncing this 3 years out is a political “hot potato”;

We are talking about inclusiveness of suffering Canadian human beings and unconstitutional discrimination against the nature of one’s illness!

I do not want to plan a suicide. I simply have a desire to end my tragic life, which has never been and never will be meaningful, productive or joyful, with dignity. I want the choice to have a peaceful death with my loved ones by my side. Please allow me this last personal freedom.

Honourable colleagues, excluding individuals with a mental illness from applying to access MAID requires careful consideration of the legislative history — specifically, how we got to where we are today as our colleague Senator Kutcher has so eloquently outlined. Practically speaking, we need to hear from those whom this bill will most directly impact, all existing within the current legal framework governing medical assistance in dying.

Honourable senators, I urge you to consider a more thorough and inclusive examination of the proposed delay in expansion to medical assistance in dying. Let us fulfill our duty to those Canadians who feel so marginalized and alienated today by continuing to engage in a robust, compassionate and comprehensive debate so that we make the right decision for the right people. Thank you. *Meegwetch.*

Some Hon. Senators: Hear, hear.

The Hon. the Speaker: Senator Plett, do you have a question?

Hon. Donald Neil Plett (Leader of the Opposition): I have a question for Senator Ravalia.

The Hon. the Speaker: Senator Ravalia, would you take a question?

Senator Ravalia: With pleasure.

Senator Plett: Thank you. I won’t belabour this and I won’t debate this tonight, but I do have a question because I have heard it here a couple of times tonight. I think you inferred it — and I’m sure not intentionally, Senator Ravalia; I have all the respect and time for you.

However, what makes you or Senator Kutcher or anybody else in this chamber think that because some of us do not support this, that this isn’t as deeply personal for me as it is for you? I have also experienced, through friends and family, the difficulties — people who chose not to end their life, who probably don’t want to come to committee and talk about this. This is just as personal and deep for me and for those people as this is for you or Senator Kutcher or the people you are talking about who do want to avail themselves of MAID.

Why is it that whenever somebody is opposed that they are obviously hard-hearted, have no feelings and this has never affected them? This has affected me personally, Senator Ravalia, and I am upset and frustrated that people in this chamber would think that because I don’t support this that I haven’t felt that as well. Senator Ravalia, why is that?

• (1950)

Senator Ravalia: Thank you, Senator Plett. I have the utmost respect for everything that you are saying. I have had this very discussion and debate with close friends. The majority of my family are against medical assistance in dying for mental illness. However, I am speaking on behalf of a very small cohort of individuals whom I have witnessed suffering. I do not, in any way, discount the strength and depth of your emotions and of those individuals who have not had the voice to be able to speak. This is why I prefaced my remarks that this is, indeed, a polarizing, emotional and difficult debate. But it is an issue that, at the end of the day, in my role previously as a physician and now as a legislator, wherein I am attempting to speak on behalf of individuals who I consider are voiceless and suffering in a manner that is inexplicable to those who have not witnessed it. Thank you.

Senator Plett: As a legislator, a family member and a friend, I am speaking on behalf of the voiceless who do not want to share their experiences, who did not end their life and who saw psychiatrists who were worth their salt to help cure these people. I am speaking on behalf of them. The people I’m speaking on behalf of are just as important as the people you are speaking on behalf of, Senator Ravalia. Would you not agree with that?

Senator Ravalia: Thank you, Senator Plett. I will agree with you, absolutely, 100%. The point you make is valid, relevant, rational and absolutely worthwhile. Thank you.

Hon. Frances Lankin: Senator Ravalia, will you take a question?

Senator Ravalia: Sure.

Senator Lankin: Thank you very much. What we’re debating right now is a Committee of the Whole for this week, an opportunity for every senator to hear the ministers speak. You know I’m on the same page as you as to whether or not we should be expanding the provisions of MAID to those people

with the sole underlying cause of mental health, and I have supported and worked with Senator Kutcher through this. It's not what we're debating right now. Bill C-62 will come and we will speak on it.

I would like to understand why you don't think that, at this point in time, when we have a looming deadline and this has been studied by joint committees and here on Bill C-7, Bill C-39 and now Bill C-62, we would risk having the appropriate implementation of that provision put at risk because — now it's become clear to me what's going on with this amendment here — we're being rushed as senators by a group of people who didn't even share with us that they were going to bring an amendment, although I see you have prepared notes, so I guess you knew.

Why would you want the rest of us not to be able to participate in a full Committee of the Whole with ministers here, where we can take what we have seen and read — 400 submissions to the joint committee in writing, many of which I have gone through and read now, not just what was on the record. I may or may not agree with all the reasons of the committee report. Why would you not want us to be able to put those questions directly to two ministers for over two hours?

I applaud the leadership decision to move forward and ask the government to make the ministers responsible, and I'm beginning to resent the game that I see has started here to force us into a particular way of reviewing. I want to see those ministers. I want them to be accountable here. Why don't you?

Senator Ravalia: Thank you, Senator Lankin. I'm basing my brief and my discussions on the fact that I had the opportunity to attend the committee, and I believe that the report that was issued by that committee lacked key aspects of witness testimony that we heard, and that it was exclusionary of some critical elements, including hearing from people who are suffering from irremediable mental illness. So this is not a game. This is advocacy on behalf of a small group of individuals who are suffering irremediably on a daily basis. I speak to that from the point of view of a clinician who has witnessed this.

I truly believe that the committee failed in many respects. The night that I was there for one of the testimonies, the disrespect that was shown to my colleagues — psychiatrists and MAID providers — was beyond appalling. Thank you.

Senator Lankin: I appreciate the point that you just made because I have seen that in committees in this place, and I abhor that behaviour, where witnesses are not treated with respect.

The game that I'm talking about is not the game involving those people who need help. I want to be there to support them getting access to MAID with all of the criteria and all of the supports. We'll talk about Bill C-62, but what's happening now, without informing any of us so we could have been prepared to think about this amendment, appears — given it wasn't even on the scroll — to be a very tactical approach to this. I'm not saying you were the author, but I'm saying that I personally feel quite a growing resentment here at trying to be moved out of having the opportunity to speak to these ministers directly at Committee of

the Whole, and I don't understand why you are trying to prohibit the rest of us, who weren't at committee but who have read the submissions, from participating in the debate.

Senator Ravalia: I have no opposition to hearing from the ministers myself. I have some very deep questions for them as well. I am merely responding to the debate that has preceded this afternoon. Thank you.

Senator Moodie: Senator Ravalia, in your understanding, this amendment asks for the Committee of the Whole to continue as planned. In addition, an expansion of the pre-study to include — am I correct on that? Is that your understanding?

Senator Ravalia: Yes, that is my understanding. Thank you.

Hon. Flordeliz (Gigi) Osler: Honourable colleagues, I rise today to speak in support of the amendment and to thank Senator Moodie for bringing it forward. Colleagues, I will be brief.

The concept of medical assistance in dying, or MAID, is not being debated, nor is the content of the act. The matter before us is the timing of one's eligibility to receive medical assistance in dying if their sole underlying medical condition is a mental illness. As a senator, representing the minority is crucial for upholding the principles of democracy and ensuring that all voices are heard and considered in the legislative process.

When Motion No. 152 was tabled last week, my first thought was about the people most impacted by the bill, the people with mental illness who have been waiting for years to apply for consideration for MAID. My second thought was about due process. Currently, Bill C-62 is still in the House of Commons at second reading. Our elected colleagues are doing their due diligence.

Colleagues, I support this amendment, given that it is our fundamental responsibility to thoroughly scrutinize legislation passed by the House of Commons. Given that we have yet to receive the bill from the other place, we have the time to pre-study the legislation. The amendment is achievable and timely.

Expanding our pre-study to include committee work in addition to our Committee of the Whole would empower the Senate to realize its mandated work by examining a legislative amendment that is complex and deeply personal and emotional for many Canadians. Concerns have been expressed about the preparedness of Canada's health care system for MAID if the sole underlying medical condition is a mental illness. I have heard that while there may be practice readiness, there is not clinical readiness.

As a physician who has had a clinical practice for over 25 years, the distinction between those two terms is unclear and is not a distinction used in medicine. The pre-study could further explore concerns about readiness and health care system preparedness.

• (2000)

As a physician, I look forward to hearing from citizens, to give a voice to people with lived experiences, to have an opportunity to better understand their perspectives and to commit their

testimony to the record. Colleagues, I urge you to please join me in supporting this amendment, and I look forward to working with you to fulfill our duty to Canadians.

Hon. Tony Dean: Honourable senators, I rise to support Senator Moodie's amendment. I do that, first, because it strikes me, as I sit here, that it fully respects the government's preferred timelines and everything the government wants to achieve here, even though I've also learned while I've been in here that the government has given itself a little bit of flexibility beyond March 17.

I support it as well because this place has proven over and over again that we are at our best when we go the extra mile, we take our time and we ask questions, we're certain about evidence, and we feel that we know everything that we need to know as we come to a conclusion, and as we express our support or opposition to that in an important vote. That was true as you looked at MAID the first time. In the second tranche, I was privileged to be part of those debates, and I think we owe it to ourselves to do that here.

When we legalized cannabis, we spent nine months examining that bill. It was referred to five or six committees. I thought that was a bit of overkill at the time, but it added a great deal of value. It answered a lot of questions that people had about the impact of that bill on health, social welfare and social justice, many things that some people in this chamber were concerned about.

I've seen that it's good when we take our time. I count myself among those who were very concerned about what "irremediability" means — irremediable issues. I was concerned what was meant by "long term." As far back as a couple of years ago, I was meeting with providers, ethicists and regulators who had started the work then and were actually quite far down the road a couple of years ago in terms of preparedness. We've moved a long way since then, and I believe arguably that those safeguards are incontrovertibly in place. "Irremediability" means just that, and "long-term" means just that.

I've learned as well that all of that was made clear at the joint committee, but it appears not to have been reflected in the outcomes of the joint committee, and so I need to know more about that. I need to hear directly from some of the people who provided evidence to the joint committee, and some who were possibly excluded from it. We can do that comfortably within the timeline set out by the government.

Senator Moodie's motion, it seems to me — and I haven't had much time to think about it — provides a practical and methodical way of doing that, so I support it. It seems to me that it would exhort us to do our best to go the extra mile, to listen, to process, to use our very best judgment and be at our very best as the Senate of Canada that citizens of Canada want us to be. Those are the reasons that I'm supporting the motion.

Hon. Marty Deacon: Would you take a question, Senator Dean?

Senator Dean: Yes.

Senator M. Deacon: Thank you. Just listening to all the folks speaking tonight and reading 15 or 16 hours of documents over the weekend, I'm trying to look at the real issue here. I want to make sure I understand it. Having the committees instead of the Committee of the Whole would provide, then, the opportunity to still be pretty quick — this is a short period of time — but to be more thorough and listen to witnesses' testimony that may or may not have been heard in the previous joint committee. Those witnesses would not be heard in a Committee of the Whole format. Am I correct in this?

Senator Dean: To the best of my reading of the motion and what I've heard so far, that is indeed the intention. There are others who have had time and thought about this for a longer period than me, and they can comment on that as well, but I believe those are the intentions behind it. Thank you.

Senator M. Deacon: Thank you very much.

Hon. Colin Deacon: Senator Dean, I want to thank you for your intervention, and the thoughtfulness in terms of you reminding us how important the process is that we undertake in this place every day.

I was reflecting on, and I think it's probably worthwhile to consider, even the emotion we've heard in this debate in this chamber so far tonight is a reflection of the diversity of views in Canada, and how complex this issue is. Would you feel that underscores even more the importance of our taking our time to do this properly and really hearing from those sides directly? Thank you.

Senator Dean: You make a good point. I find it compelling, and I hope that others do also. Thank you.

Senator Lankin: Thank you very much, Senator Dean. Will you take another question?

Senator Dean: I'm happy to, yes.

Senator Lankin: I, too, appreciate the context that you set out and your contribution. I'm finding myself trying to catch up from an amendment that I didn't know was coming. You said you haven't been able to reflect on this, and obviously I haven't either. I'm sorry to do this, but I'm really trying to understand how this has come about.

In your remarks, when you said you didn't have time and you hadn't reflected on that, are you suggesting that you found out about this amendment here tonight when Senator Moodie moved it, and you had no knowledge of it before that? I'd like to understand, because most of us in the chamber had no knowledge of it. I'm wondering, honestly, did you?

Senator Dean: Actually, I heard about this a short time before I came into the chamber. I had a sense that there may be alternative approaches to this. I think we all did. I'm not at all surprised by it, frankly. I didn't have much time to prepare. I wrote a few notes as I sat here, so that will give you a bit of an indication of the amount of time that I had to prepare for it.

Senator Lankin: I remain surprised by the fact that you were called by the Speaker in what appears to be a scrolls note list, but didn't have time and only just heard of it. I'm struggling with what is going on here.

Hon. Andrew Cardozo: I have a question for Senator Dean. So I understand, the motion talks about a Committee of the Whole — maybe I'll just wait for Senator Lankin.

The Hon. the Speaker: Order. Senator Cardozo has the floor.

Senator Cardozo: As I understand it, this motion calls for having a Committee of the Whole, and adding to it committee hearings, which will go into this in more depth.

Senator, as I approach this, I am undecided at this point on Bill C-62. I think I have a deep understanding and respect for people who are for Bill C-62, as I have a deep understanding and respect for people who are against it. Then there's a third group of people who are really torn between the two, and that's where I fall at this point.

Do you understand that position? Is that one that you've come across as you've been involved in this debate? It's something I've thought long and hard about over many years, in some cases for personal reasons, but more because of the precise bill we have here. I'd like your thoughts on that.

• (2010)

Senator Dean: That's a really good question. I think it would be rare for any of us, when confronted with something of this complexity and on which there are such divided views and which goes absolutely to the core issue of life and death, to quickly come down heavily on one side of it or another. I put myself in that place and, in that respect, I'm just like you. I've wrestled with it. I wrestled with it earlier.

At the end of the day, these are personal reflections of our life and our experience. Senator Plett has talked quite convincingly about that. We all have to come at this having made our own evaluations and judgments. These are tough calls. It is as tough for me as it is for anybody else.

Hon. Sharon Burey: Senator Dean, will you take a question? You may need some assistance in this.

Senator Dean: I will.

Senator Burey: Thank you, everybody, for sharing your very important thoughts. I can't add anything else to the gravity of the decisions that we have to make.

My question, Senator Dean, concerns the lack of data that has been collected so far. I understand that the government has expanded the metrics that they're collecting starting in 2023 — they won't be available, unfortunately, until 2024 — especially regarding Indigenous communities, Black communities and persons with disabilities. We're talking about systemically marginalized communities. Do you think we'll have enough time for the pre-study? That is the question we're hearing. My concern is whether we have enough time to really explore these issues, which are extremely significant.

Senator Dean: That's a great question. When it comes to issues of this import, I don't think we ever have enough time. However, when we're responsive to the concerns of people who are struggling with difficult issues — and I'm going to be short about this — do we ever really have enough time? At a certain point, we have to exercise our own judgment. That's tough, especially when it comes to life and death matters.

None of us come to this easily — none of us. I certainly don't. I understand the import of this; I know that Senator Ravalia and others do. Sometimes we have to base our decisions on the information that is available to us now. We'll always hear that we don't know enough. I think we've been hearing that for three or four or five years now. At a certain point, we have to make a judgment call, and that's tough, and we have to live with it. There are some cases in which we don't get to change our minds afterwards because when it's done, it's done.

On balance, I think we know as much as we need to know, given the balance between the difficult situation a relatively small number of people find themselves in and the compulsion that some of us have to provide relief to them. That's all I can say, I'm afraid.

Hon. Raymonde Saint-Germain: My question is for clarification, Senator Dean, regarding what you said in your speech. Did you say that even if there's a sunset clause and if we don't adopt Bill C-62 before March 17, the government still has a margin of manoeuvre? Have I misunderstood you? If you did say that, could you explain what it is about?

Senator Dean: Yes, I believe that clause 3 of the bill provides latitude for the government to extend out the period where there is a bar against access to MAID for those suffering irremediably. I'm not sure of the period, but as far as I can tell, clause 3 says that the government would give itself 90 days or something. There are experts in the room, but that is my understanding. Again, I only learned that today. However, I'm not a lawyer. Others will answer that question for us.

The Hon. the Speaker: The time for debate has expired.

Hon. Hassan Yussuff: Honourable senators, as I stand here this evening, I realize that we're dealing with a very emotional issue. I can only speak for my own beliefs and my reflection on the legislation before us.

I want to start by thanking our colleagues who served on the joint committee. I am trying to understand the phase that we're in right now, which is a continuation on the adoption of the previous legislation. In their deliberate engagement with the joint committee, they felt that the committee chose not to acknowledge certain elements in relation to the hearings that were held. I wasn't there, so I'm going to take their word for what it is. I accept the reflection that they have given to this chamber here tonight.

I rise to support Senator Moodie's proposed amendment because I believe in the context of our responsibility. As a chamber on its own, we have some obligation to look at the issues through our own lens and be informed by that. At the end of the day, we'll still come to our own decision, regardless of what decisions we may come to. I can only tell you about my own conscience and my own beliefs, but I would not try to impose them on anyone else because I understand how important this decision is for each one of us, regardless of what it may be at the end of the day.

I also want to hear from the ministers who will be coming here and from their officials. I want them to explain why we're at this juncture, why we have to extend out the time frame that the courts have provided, and why we weren't able to come to a decision. They will provide an explanation. We've heard part of that from our colleagues, but if Senator Moodie's motion is adopted, we will hear from the experts whom we will summon before our two joint committees. They will tell us their perspective, and we'll consider it. That's all we can do.

At the end of the day, we will eventually vote on Bill C-62. It may not be to the government's liking if we don't get to that deadline. By the way, I've been in this chamber for quite some time. I've listened ad nauseam to people telling us how we should not be rushed by the government. I respect that too. I've been one of those who have been championing bills and telling you that you need to vote on a bill because it has to be passed by a certain date. So we're full of contradictions, to put it politely.

However, colleagues, I do believe — in the context of minority rights and a small group of minority rights — that as senators we have an obligation to think with our heads and our hearts at the same time. I can't speak for you, but I know my own experience. I know how hard it is to lose a loved one. I know the pain and that you would like to retrace how it could have been different. I know the difficulty in having to help a loved one make tough decisions about other loved ones. It is very painful.

- (2020)

This bill is very personal for all of us in this chamber. I don't think Senator Moodie is taking away from the objective of the government to pass Bill C-62. It simply allows time for our two standing committees to hear from those who want to be heard — those who do not think that this opportunity should ever be offered to those who suffer from mental illness and those who believe it's fundamental to their rights.

As a senator, we have listened, very tentatively at times, to how this chamber has failed Canadians who are minorities. Under the Constitution, we have an obligation to reflect on that. I know what it's like to be in a minority and to be in a majority. I'm a male, so I understand that very well. I also am a brown person. When I get up in the morning and brush my teeth, I look in the mirror and see a brown man. Before I go to bed, I brush my teeth again and he's still there in the mirror. I don't get to escape that. That's who I am.

[Senator Yussuff]

I've been judged by my name, religion and the colour of my skin. I accept that. That's who I am. I can't change it. People have loved me for who I am and they've treated me with disdain for who I am. I accept that too. It is the luck of the draw. I don't get to choose.

For those who are struggling with a very personal decision about the end of life, I cannot put myself in their shoes, but I can bring understanding and reflection.

In this chamber, we have a responsibility as legislators. I can disagree with what our colleagues in the other place are doing and how they're getting to this legislation they will be sending us. However, at the end of the day, that is their right. Equally, we have our responsibility to have our own debate and discussion and come to our own conclusions.

I respect the hard work we all do here. I also respect the time frame. However, I believe if we allow Senator Moodie's motion to be accepted, it will not take away from the greater good we want to do with Bill C-62; it will enhance it and inform us about the care we sometimes have to take, even if our emotions or political beliefs might get in the way, because we don't have the luxury of ignoring the people who are asking us to be heard.

Also, we don't get to ignore the people who are asking us to reject the notion that this bill might extend a right to some. We need to hear all these views and make our own decisions.

I recognize that tonight is very emotional. I want to thank all my colleagues who are speaking about this, because I know it's hard to get up and do so. We may not agree about how we got to this motion here tonight and why we're debating it but, as colleagues, we're smart political people in this chamber.

Let's be honest — at the end of the day, we're going to have to make a tough decision. The ministers need to come, because they've made a decision. We have every right to examine them, as we have every right to have our committees hear from witnesses who want to be heard and make our final decision.

Colleagues, I would urge you to support the motion. More importantly, while we may disagree on the outcome of this legislation, hopefully we can still remain united as friends and colleagues.

Thank you.

[*Translation*]

Hon. Éric Forest: Senator Yussuff, thank you for your very relevant comments.

Over the past few weeks, some people close to me have had some close brushes with death. As you put it so well, we often have a sword of Damocles hanging over our heads in this chamber, because we are often facing deadlines by which we must accept bills. That's what bothers me about the March 17 and March 30 deadlines. This is a fundamental issue for Canadians, one that challenges our values and touches us deeply.

That's one of the reasons I'm sitting in this chamber. We're debating the passage of an extremely important bill that will have a profound impact on human beings.

Do you think that clause 3 of the bill would allow the government to extend the deadline we have on the table by 90 days? If so, that would change the perspective on the possibility of studying the merits of a bill that is fundamental to Canadians.

[English]

Senator Yussuff: First, thank you for your intervention.

I've never been a lawyer, even though I have degrees: Doctorates of Laws from two universities.

I do believe, regarding the point that my colleague made earlier in regard to section 3, I've taken the same view. I might be wrong. When the ministers are here or, for that matter, the government office, one of them could provide clarification.

I do take the same view that my colleague gave in regard to the government giving themselves an out with respect to the time frame regarding March 17.

Hon. Pamela Wallin: I will forfeit my time to others who want to speak on this.

I can take a minute to refer to some questions that were raised about the government, anticipating that there might be a lengthy debate here. They have put in what are called "coordinating amendments" that are essentially a fail-safe, which say that if the bill doesn't come into force until after March 17, the proper clauses will be dealt with as if the bill had passed before the deadline. That's how they are protecting people.

I should say that for any person seeking MAID at this point, under the new rules, it would be, at minimum, a 90-day evaluation process. Nothing would happen in the short term. Certainly, nothing would happen before this chamber. Under the suggestions of Senator Moodie's amendment, nothing would happen. They anticipated that.

They've put in the fail-safe. There is the double fail-safe in how the MAID system itself works in terms of assessment. I will let others join the debate because I spoke earlier.

Thank you.

Hon. Paula Simons: I don't often allow myself the opportunity to speak extemporaneously in this chamber for fear of what I might say. The good news for all of you is that I have terrible laryngitis. Whatever I'm going to say this evening will be short.

We are here today on quite a remarkable anniversary; quite by coincidence, it was on this day — February 12 — in 1994 that Sue Rodriguez, who had campaigned so passionately and personally for medical aid in dying, ended her life with the assistance of an anonymous physician.

• (2030)

Ms. Rodriguez suffered from amyotrophic lateral sclerosis, what we then called Lou Gehrig's disease, and fought in the courts for the right to end her life even though she was not immediately terminally ill and even though her death was not immediately foreseeable. The court ruled against her five to four, and she nonetheless found a brave physician who volunteered to end her life and end her suffering.

In consequence of Ms. Rodriguez's high-profile legal battle, later on in *Carter*, the Supreme Court ruled that medical aid in dying was a constitutional right to be afforded to all Canadians if their suffering was intolerable to them and irremediable.

In 2016 in the case known as *E.F.*, the Court of Appeal in Alberta — not necessarily known for its wildly progressive views — ruled unanimously that those same protections should be afforded to those whose primary cause of suffering was mental illness.

But we are not here tonight to litigate that issue. I would like to speak specifically to Senator Moodie's proposed amendment and why I think it's important for all of us in this chamber to support this amendment, whatever we feel about medical aid in dying itself.

But whatever we feel about the proposition of offering medical aid in dying to those with a psychiatric condition, whether we are opposed vehemently — as Senator Plett has expressed so eloquently — or whether we are in support — as Senators Ravalia and Kutcher have expressed so eloquently — we must surely all agree that rushing Bill C-62 through the Senate without due process does a grave injustice to those on all sides of the debate. For weeks now, I have been hearing from Canadians who have said, eloquently and correctly, that our psychiatric care system in this country is devastatingly broken. The people who desperately want psychiatric care cannot receive it. We don't have enough psychiatrists, psychologists, counselors or funding. There are people in this country who are suffering and who want aid in getting better and cannot get it. There are those who have also accessed every kind of treatment and counselling available, to no avail, and want their suffering to end.

We have not, at any point in this body, given people on both sides of those issues the chance to speak. Senator Moodie's amendment would allow us to do that, to interrogate the terrible crisis in our mental health care system and, at the same time, examine the Charter issues which are the purview of the Senate.

Now, there is often a canard out there that senators don't like to work, that we have joined some wonderful retirement club here. What Senator Moodie is proposing is that we give up potentially a break week for those of us on these two committees — the Legal and Constitutional Affairs Committee and Social Affairs Committee — or that we work while the Senate is sitting and perhaps while our other committees are meeting.

Now, I think if we are fair, we have to say that what Senator Moodie is asking is a lot; she is asking a lot of our analysts and our clerks to round up the witnesses, to convince people to speak on something that is so personal and so triggering for so many people. It will not be easy to meet the deadline that Senator Moodie has proposed. It will cost money if we have to return, those of us who are on those committees, to come to Ottawa to sit during a break week. There will be extra airfares, hotel costs and staff costs. What Senator Moodie is proposing is not a small ask. It asks a great deal of those of us who are on those committees, it asks a great deal of the staff in our offices, it asks a great deal of the staff on those committees, from the interpreters to the pages.

But if we are not prepared to make that kind of investment on this topic which deals with fundamental human rights, with the rights both of those who seek treatment and cannot find it and the rights of those who desire to rest and who desire for the state not to tell them how to control their own bodies, for the state not to interfere in their relationships with their physicians, I think this is a time when we could be safely called upon to move heaven and earth to make this happen.

Senator Lankin has raised an important question, and it's really important to state that we still need to hear from the ministers, and I don't think anything in Senator Moodie's amendment is meant to preclude a proper Committee of the Whole. But I think that whatever you believe about MAID in general or in this specific instance, we owe it to ourselves and to the Canadians we serve to deliberate thoroughly, properly and efficiently. Now I think I am literally out of voice, so thank you very much for your patience with my croaking.

Some Hon. Senators: Hear, hear.

Hon. Pierrette Ringuette: Honourable senators, I don't want to talk about the substance of Bill C-62 because I feel like most of you, I am very torn. In my small, rural area, we have practically no mental health service at all. So I really feel torn. Actually, I would be more in support of Bill C-62 than not right now. But the question before us is in regard to having a Committee of the Whole with two ministers. We have that routinely before looking at a bill. So that's not a concern for me.

What I must say that I found a little difficult was the fact that all of a sudden we have an amendment, but it's an amendment that I will support because the routine after having the ministers here and us having the ability to question, then at least all senators have the minimum of information, and then it's sent to committee. Personally, I wish we would act that way all the time in regard to bills, that the minister would come before all of us to talk about their bill and be questioned by all of us, and then, afterwards, the bill could be sent to committee for senators to have a deep dive, as you say.

Essentially, Senator Moodie's amendment would have a report to the Senate by February 27. Okay. So that gives a full break week of committee work, and that too, honourable senators — maybe not in recent years — but we used to have break weeks that were committee weeks, that committees would go on and study the issues if it was on an urgent basis. I find that this pre-study of Bill C-62 is on an urgent basis.

Before I conclude, I would like to say another thing also. In my previous life in the other place, I was co-chair of a joint committee. It's a disaster. It was then, and I feel that it is still now. The senators and MPs may have the best wishes in the world to do the best work in the world, but we do not have the same perspective. I think that before we agree to another joint committee, we certainly need to have a very harsh discussion because if the senators in this room had done their own study on this issue, we wouldn't be here tonight. We wouldn't be questioning a pre-study. All of that would have been done. We would be talking about the substance.

• (2040)

Honourable colleagues, this process is good. A week ago, I heard that the ministers would be coming around the end of the month. Thank you, Senator Gold, for making it happen this week. Colleagues, I support the amendment and the motion. Thank you.

[*Translation*]

Hon. René Cormier: Would Senator Ringuette take a question?

Senator Ringuette: Yes.

Senator Cormier: Senator Ringuette, thank you for clarifying the issue. Can you identify the negative consequences that might arise if we adopt Senator Moodie's amendment?

Senator Ringuette: I don't have a crystal ball, Senator Cormier, but the fact is that if we adopt the amendment and the February 27 deadline, which falls during a week the Senate is scheduled to sit, we will have only a few days to discuss the report from both committees and make a decision. By then, Bill C-62 might have been introduced in the Senate, which might hold a vote on the bill. Does that answer your question?

Senator Cormier: Yes.

[*English*]

Senator Lankin: Honourable senators, I have a few points to make with respect to the process of how we got here, and how we have reasonable and well-prepared discussions.

I would remind people — because some people have made some comments behind my back that maybe suggest I'm coming from another place — that I have supported medical assistance in dying, or MAID, from the beginning. I have supported access to MAID for individuals meeting the criteria that is set out: those who suffer from mental health issues as the sole underlying condition. I have supported Senator Kutcher in his brilliant leadership of getting us to the point of including that amendment in the bill and having it accepted by the House of Commons. I understood the reason for the first extension of that, and I'm at a point now where Bill C-62 and its substance are about whether there would be another three-year extension.

If someone at home were listening to many of the speeches tonight, they might think that the actual regime of MAID is in question, and that if this fails or is passed — or whatever is going to happen — it will have an impact on the fundamental underlying law and the Criminal Code provisions, but that's not the case. It would, if passed, give a three-year extension before it comes into force.

I want to ensure that everyone realizes that it's already been passed and is in the law — this is a question of the coming-into-force date that we will be discussing. Many of the comments that we have made in discussing this do come from personal places, and my concern does too. This was an issue of discussion between me, my husband and his doctor before his passing. I made a number of calls in December to a number of organizations — community mental health service deliverers in the community and Indigenous leadership — only in the province of Ontario. From my regional background, that's where my interests lie.

Also, I was the Minister of Health in Ontario, and I have a particular view — which I'll discuss when we come to Bill C-62 — that is important to the process, as well as the importance of the fact base from clinicians and others who develop and propose policy, which is the democratic governance process. I really do object to some of the comments that have been made about some politicians or bureaucrats. We are all part of the process to reach policy. You can't implement policy just based on the clinicians' point of view; we need to understand that.

We also need to understand that when clinicians disagree, what does that mean? Again, we'll come to this in Bill C-62, but what does it mean when the Centre for Addiction and Mental Health or the chairs of psychiatry or the Canadian Mental Health Association has different points of view than some of the renowned clinicians whom we have heard from in this chamber, or some of the witnesses whom we heard from who hold a similar point of view?

I don't think there is an "us" and a "them," but I was so disturbed this evening because that's exactly how I felt at the beginning of this. All of a sudden, there was an amendment that hasn't been shared with any of us. That's highly unusual. Sometimes, Senator Plett, it is a step that the opposition will take; I understand the reasons and how that happens, where we may not be informed. But I never believed that in the new, emerging and reformed — it's being reformed — Senate of Canada, which focuses on the independence of senators and the relationship, when coming into an important debate like this, we would leave our colleagues with no knowledge of this being moved, except, apparently, a select handful. I find that really surprising, and it is very disappointing to me in the process of exchange. It is not what I would expect of colleagues in terms of how the rest of us are brought into this debate, or left without time to think or respond.

I don't have any notes. I have scribbles from listening to some of you.

My concern about the committee proposal is the date to report back. That's my concern. I never object to committee hearings. In fact, I might attend these hearings because it's relevant to me

both personally and professionally. In my role here in the Senate, one of the first bills that I worked on when I joined the Senate was medical assistance in dying.

I'm very concerned about the deadline. There are two arguments that I have heard. First, there is a full week left to deal with it before we leave, and it is reported back no later than February 27. However, let's presume it's Tuesday, February 27, in this chamber. There is a Wednesday sitting and a Thursday sitting left that week before there is the school March break and a two-week break. When we come back at the end of that, we will have passed the March 17 date, and this provision will come into full effect as it is without any sense of an extension and a period of time to ensure that we have the readiness. I'm very concerned about those arguments, as the former Minister of Health. Again, we'll talk about it then.

This date is very concerning to me, and I hope that those who have authored and proposed this understand what they are putting at risk. I have heard the arguments in response to this — it's what I think Senator Wallin referred to as a coordinating clause. I have been trying to do a little bit as we've been sitting here so that I have a full view, and my understanding is that the law would come into full force as of March 17.

• (2050)

If there is a passage of Bill C-62 in the future, it would apply — I think what people have been saying, using other words, but as I read it, I think it means retroactively. We would have a period of time after March 17 in which people would be eligible to apply; people would be making representations on their behalf. Health systems would have to be able to start to respond to that process, and many of them — as we have seen from the letters — clearly the provinces and territories are saying that they are not ready. That's a point of debate, and we will look at that when we get to Bill C-62.

But if those provinces are not ready to move during that period of time, if people think that they can apply and then apply, and then it gets pulled back because there is another extension — there is some chaos being created here.

So at this point in time, again, because I didn't know it was coming, I haven't been able to speak to Senator Moodie or others about what a possible better approach would be. I really think that if there is some genuine desire to hear from witnesses whose accounts weren't heard before — although I have read the report of the committee, I have a record of the dissenting report and that caused me to look back at written submissions, which is all part of our job too. We don't just wait until it lands here.

I would really like to see this date moved back so that it is reported — at least tabled and reported before we're back on February 27 so that we can read these things before we come in here, and it has to go to debate. I don't know why one senator is looking at me and shaking her head. I'm not reading the body language there, so I will just continue with my own thoughts on this.

Madam Speaker, what time do I have left?

The Hon. the Speaker: Five minutes and 51 seconds.

Senator Lankin: Five minutes. Okay.

It seems to me that the chaos that can be created by those who suggest we can very easily just go past March 17, I believe it is not a good process and not a respectful process to the public who are looking for this — those individuals who have been talked about, their personal situation — and/or the myriad systems deliverers and clinicians. Some of the recent things I received were letters from people who were health practitioners in the MAID system and who have not received the training yet. So I think we at least need a few more days.

Is there a way, I ask of those senators, to scope these hearings, and get the voices that you believe were not heard, or were not acknowledged, as well as some of the representatives of things like the Centre for Addiction and Mental Health, or CAMH, and others whose voices are very important and saying, “we’re not ready,” remembering that we’re only dealing with this issue of whether or not there should be an extension allowed at this point in time?

So if there is a way to move this date back and to be reasonable in terms of hearings and witnesses and still be respectful of the March 17 deadline and what it means practically in the lives of the people that you have been speaking about so powerfully and correctly — it is their lives that will be put in chaos too by a stop-and-go, stop-and-go. Again, we didn’t have the time to prepare. We weren’t given the courtesy as a group of primarily independent senators to think about this or to bring suggestions or to prepare another subamendment. I regret that. I don’t think it’s a good development in the course of our reform.

But on this particular motion, I think having committee hearings are fine. I think the date puts at risk bringing into effect the existing clause and leaving people starting to question whether it should ever be taken back again with the period of delay. So I think the way it has been written has a cause that maybe was unintended, and I’m sorry if it was, in fact, intended. I’m calling it, and I would appreciate if there was a way that the authors of this could bring the report date back so it’s not vulnerable to the obvious allegation that this is being done to create a situation with us. The provision of the current legislation will come into force before we will be able to finish the debate about whether there should be an extension or not.

Senator M. Deacon: Will you take a question, Senator Lankin? Thank you. I think we’re all trying to work through the amendment and information we have tonight and taking the best path forward.

I’m asking you this question knowing that on this TV screen right now are people — dear, dear friends — sitting there, waiting desperately for what the direction is. I think we all know that, desperately.

I just want to clarify what you said about March break, dates and those kinds of things. Was it your suggestion that the hearings and the report are in the hands of senators one day, I think, before we come back as a group — the last time we come back before March 17?

Senator Lankin: I’m not understanding. I’m sorry.

Senator M. Deacon: Your suggestion on wanting to see the report before we walk in — those, I think, were your exact words: “before we walk in.” What date was that that you were looking at?

Senator Lankin: I just pulled up the Senate calendar, and the committee would be authorized — directed — to meet later this week and next week and report on February 27, which is the following Tuesday. I would appreciate seeing a report by February 23. Then we would have February 24, 25 and 26 as an opportunity for us as individual senators who have been following and working on this bill in many ways, to review that and be ready to come back and start the debate on either February 26 or 27 so that we have a few days to actually debate third reading of Bill C-62 and deal with it before the March break occurs.

Hon. Jim Quinn: First, I want to thank everybody for the speeches they have made tonight. It really underscores the importance of thoroughness. I think we are on that road.

Senator Lankin, if it comes into force on March 17, the clause — as I understand clause 3 — puts it as if it did come into force if it is, in fact, adopted. That plus the 90-day waiting period doesn’t put it into chaos. Would you not agree that we need to do the due process?

The Hon. the Speaker: Senator Lankin, the time has run out. Would you like —

An Hon. Senator: No.

The Hon. the Speaker: I heard a no.

[*Translation*]

Senator Saint-Germain: I did not plan on participating in this debate, and I have to say up front that this is a difficult situation for me as facilitator of a group whose members, I believe, have differing views on this issue.

I am speaking — and I must reiterate this — as an individual senator who also has a right to speak.

This amendment is being presented to us as a procedural amendment. There has been some insistence that there were many shortcomings in the process, the way this file has been handled in the Senate.

We too often avoid saying that a joint committee, which is a committee that represents both chambers, has been studying this issue for a long time. We all have a duty to read the joint committee’s majority report, as well as the four dissenting reports, all of which are available to us. However, not all of us, as senators, have had an opportunity to ask questions directly. Once again, we are being presented with the suggestion that a certain number of senators be appointed to two committees, of which the majority are not members.

• (2100)

Now that we are just a few days away from a deadline with a sunset clause, it is once again being recommended that a small group advise us on an issue for which we now have a bill to

study. I have procedural concerns about that, because I am wondering to what extent the Senate as a whole will be objectively informed.

I am trying not to repeat what was said by other senators with whom I am in agreement, but there is something that I want to point out that doesn't seem to have been addressed yet, and that is the fairness and impartiality of the process to be followed by the two committees if the amendment is adopted this evening.

I heard a lot of people speaking up to support the idea of hearing from witnesses who we know disagree with the bill and the three-year extension. If the motion is adopted, will we have the time, the will and the conditions necessary for the two committees to hear from witnesses who are selected to represent both sides of the issue so that we maintain a proper balance?

The second point I want to make — and some people might be shocked to hear me to say it, but this is what I really think — is that the word “advocacy” has been used a lot tonight. Should we be advocates ourselves, or should we hear from them in committee? This poses a serious problem for me, a fundamental problem. I wonder whether there are ulterior motives behind the pretext of wanting to improve a procedure or method. I'd like us to be clear about these motives.

Are these motives, out of necessity, about ending up with a report that would belatedly recommend amendments, in which case — and there's been a lot of talk about the calendar — we will have to take into account the fact that the Senate and the House of Commons have a two-week break in March? Isn't there a risk, in a roundabout way, that the sunset clause would expire and the MAID provisions for people whose only condition is a mental disorder would come into effect?

There's been a lot of talk about partners and the vulnerable people involved. No one doubts that vulnerable people would be eligible if MAID became available to people whose only underlying condition to be eligible is related to their mental health. That's not the issue we need to address right now. I'm concerned that, by delaying the process, we could cause the clause to lapse and MAID to become available immediately.

In closing, I not only hope the report we receive will be balanced and unbiased, but I have another consideration, namely, the point of view of the provincial and territorial governments and the role they play in health care management. The Senate is independent from the House of Commons. That is clear, but some of the presentations that I hear leave me with the impression that some think the Senate is above the House of Commons. It is a serious problem.

I hope that the provincial and territorial governments, which are also responsible for health care management, will be heard and that consideration will be given to the opinions they have expressed about immediate implementation and the current capacity of health care networks throughout Canada to provide this service in a safe, quality context.

That is why I think this amendment presents many risks that senators may not have considered. Again, I personally have serious reservations about it. Thank you.

[English]

Senator Moodie: Senator Saint-Germain, it may be the impression of this chamber that I, as a physician, have a certain position. I'm also struggling. My position on MAID has also softened significantly. I'm also trying to understand where we need to be right now. Let's start with that.

When I put this forward, one of the things we considered — I'm sure you're aware of it. The question I have is: If this is a pre-study from two committees that we are asking for in this amendment, is it not a fact that the report of a pre-study does not affect coming back to the Senate and it being tabled back in the Senate? It does not affect whether or not the Senate can proceed from second reading to third reading to a vote. Is it not a fact that the Senate is a master of its own timeline despite what happens with the pre-study report? Therefore, is it not a fail-safe that if there were to be a delay in the pre-study, that the Senate could proceed with its own timeline notwithstanding?

Senator Saint-Germain: You are right, senator, and thank you for this. It is a fact that a pre-study doesn't lead to a conclusion, but wouldn't you agree that any senator would then be able to table any amendment to Bill C-62?

Senator Moodie: I will pose the question this way: Would that not have happened anyway?

Senator Saint-Germain: It would have happened earlier and in a timelier way, so that we have a democratic vote on a bill — timely — that has a sunset clause.

Senator Quinn: Will the senator take a question?

Senator Saint-Germain: Yes.

Senator Quinn: Thank you, Senator Saint-Germain, for your commentary.

Since having been here, there have been a number of bills that have come through where there have been amendments proposed and maybe all of us did not know that such an amendment would be made. You made the point that this amendment may be questionable because we did not have advanced notice. I'm suggesting that has happened before.

In terms of pre-study, I recall that there was great debate about the pre-study on Bill C-11, and yet we did a pre-study. I also understand that we moved into the examination of the bill.

What I'm hearing tonight is slightly different than what you're hearing. What I'm hearing, from both sides, is about not only the toughness and the emotion of the decision, but the reality that we're looking to have more information so that we can be in a better position to make a decision. But I'm not hearing that the committees are going to be directed to take people from just one side of the argument.

My understanding, in my short experience, is that the steering committees will help steer and say, “These are the types of witnesses that we need here.” I would hope that the committees would, in fact, do their job and have witnesses from both sides of the equation, not just the minorities that we've heard about

tonight, which are very important, but also from others. It's almost like I'm hearing things from before. Would you agree with that summary?

Senator Saint-Germain: I consider your question to be: Do you wish that the process, if we go there, is fair within committees, and that both the Legal Committee and the Social Affairs Committee have a balanced panel of witnesses? My answer is yes.

[*Translation*]

Hon. Diane Bellemare: Aren't I correct in saying that the question before us is not whether vulnerable people with mental health issues will have access to medical assistance in dying? The answer to that is yes, they will. The date has been pushed back to 2027. In light of that reality, isn't the real question whether this country is prepared to consider this possibility for people with mental health issues?

• (2110)

With that in mind, don't you think it will take a long time to determine whether that is the case and, furthermore, that if the bill were passed, it would give us the time to measure how quickly Canadians are ready to show they are open to it?

Senator Saint-Germain: You raise an important point. The provincial and territorial governments have recently shared their views and have all written to the federal government. This is extremely important in the context of implementing the legislation. Of course, we can't make such a decision lightly, when it would lead to the immediate implementation of this measure without any consequences. As I see it, the process at both committees must be extremely rigorous. Personally, I doubt we'll have enough time to do really solid work in this context.

[*English*]

Hon. Mary Coyle: Thank you, Senator Saint-Germain, for your intervention. Thank you and all the leaders for encouraging the government to set up this very important Committee of the Whole that we look forward to this week; I think all of us are looking forward to that.

When you set that agreement in place, did you foresee that being the only opportunity for us to have a discussion in this chamber on this important bill? From my perspective, as much as I'm really looking forward to that — and I know it will be highly informative — it's insufficient. Do you agree that it's sufficient? Was the intention that the Committee of the Whole would be it, or do you believe that we should have something more, as is represented by this amendment?

Senator Saint-Germain: Thank you for that question. Actually, this won't be the only occasion. As with every bill, we will have a second-reading study and then a third-reading study. One of my concerns is that the amendment will deprive us of the possibility to study the bill — those who are not members of the Legal Committee and the Social Affairs Committee — before we are back after the break week.

[Senator Quinn]

Then, let's suppose there are amendments. Out of respect for the other place, we won't have time to go back. They will be rushed then. That is why, process-wise, I have concerns with this amendment.

Senator Coyle: Did you foresee, or would you like to see, study of the bill other than in the Committee of the Whole? I'm not getting your answer to that.

Senator Saint-Germain: We will have the Committee of the Whole, which is in addition to our second reading of the bill in this chamber and then the third reading. All of us who would like to speak to the bill will have the opportunity to do so.

Also, don't forget that we still have all the documents of the joint committee, including the dissident reports. We have colleagues who were members whom we can ask to give us more information. They will speak in the chamber. We can ask them questions.

The time is very tight. That is why I'm really concerned with this proposal — that it will, once again, delay our study of this bill in the chamber, and not only delay but deprive us of precious sitting days working on this.

Hon. Stan Kutcher: I must that admit I'm surprised to hear an argument that we shouldn't study a bill that is life and death. I have here before us — and I'd like your opinion on this — the legislative summary from the Library of Parliament. I will read some of it for our consideration:

The third clause provides an alternative legislative pathway to extend the temporary exclusion of eligibility for MAID MD-SUMC in case Bill C-62 doesn't receive Royal Assent before the sunset clause comes into force on 17 March 2024. In that case, clause 3 would amend the Criminal Code directly, so we'll have to reintroduce the provision prohibiting MAID MD-SUMC, along with a new sunset clause that will expire 17 March 2027.

All of us have received that. I think all of us understand what that means. It doesn't mean that we shouldn't do a thorough pre-study of the bill. I don't understand — and maybe you can help me understand — why you say that if we do a pre-study, we're just not doing our work. That's a difficult argument for me to understand.

Senator Saint-Germain: My essential point is not about being for or against the extension of MAID for people who have mental illness as a sole condition. I am personally in favour of it.

That's not the point. The point is the fact that the provinces — those who manage the health systems — say that they are not ready. So what would be the consequences of pushing for it to happen now if the service is not there or not in quality?

I know that your views are different — and I respect your views; it's not the point — but today, I fear that we don't measure the consequences of what is proposed. At the end of the day, we might arrive on March 16 with a kind of enforcement of MAID now when the provinces are not ready, and I don't believe that we will have then abided by the principle of precaution. For the sake of these vulnerable people, it is, for me personally, very

important that we are very cautious in making sure that they will receive the excellent services, the important medical services they need.

Senator Kutcher: I completely agree with you that we need to determine whether the provinces are telling us they're ready. The joint committee never heard from ministers. The joint committee never heard from provinces. The joint committee did hear from providers who said they were ready.

We have a huge discrepancy here. We have to sort that out. We cannot let Canadians — don't you think we need to sort out this discrepancy? We have completely different perspectives from some provincial leaders, and yet in the same provinces, perspectives that are completely opposite. Don't you think that would be us not doing our due diligence to try to understand why that might be?

Senator Saint-Germain: Senator Kutcher, on that, I have to tell you that none of these committees will receive any minister or official from the government, be it territorial or provincial. It doesn't work like that in federal-provincial-territorial relations.

We know — and it has been made public — the views of all governments in Canada — health ministers — and you have witnesses — many regulators. But regulators are not the managers of the health policies and services in the provinces and territories.

So if it is a key point, we won't solve it with the amendment that is proposed, because neither committee will receive any official from any provincial government.

Hon. Pat Duncan: Will Senator Saint-Germain take a question?

Senator Saint-Germain: Yes.

Senator Duncan: Senator Saint-Germain, respectfully, I disagree that the committee will not hear from provincial or territorial representatives, because they have. The Senate Defence Committee heard from the Premier of the Yukon on defence and Arctic security. This question is very important to me because I, in an effort to understand and review this legislation, have spoken with the provider of medical assistance in dying in the Yukon — in our small population — and they have assured me that the Yukon is, in fact, ready. They have no understanding as to why the Minister of Health signed on to that letter. It seems to me that it's caught up in politics.

• (2120)

Before I make a decision on this — if, in fact, it's a political situation and they want to lean on cabinet confidence, so be it. However, there's only one vote in this place from the Yukon. I need to make the right vote for not only my conscience, but also for the minorities that I represent. I need all the facts. I really believe this pre-study is an important point, and I do believe we have every right to summon whomever we want. They don't have to answer the question, but we have the right to ask it.

Would you not agree with that?

Senator Saint-Germain: Thank you for this comment. I will only agree, senator, if the two committees invite the Minister of Health from the Yukon, and if the minister comes.

Senator Plett: Honourable senators, I will try not to be as emotional as I was earlier, and I will try to speak to the motion and not to the bill. We have had a lot of both today. A lot of people have been arguing the merits of the bill — who has or has not been heard, and who is or is not being represented. However, I want to put at least a few things on the record, Your Honour.

At the very outset, Senator Lankin asked Senator Wallin whether there had been a leaders' agreement, and why she wouldn't be supporting a Committee of the Whole. I don't think Senator Lankin received an answer, and, of course, I was rude enough to say that Senator Lankin's time had run out and she couldn't ask another question. If I had let her go on long enough, she might have been able to wrestle the answer out of Senator Wallin, but she couldn't in the time that she was given. I want to put on the record that, in answer to Senator Lankin's question, yes, there was a leaders' agreement — five leaders. Five leaders agreed that we would have a Committee of the Whole.

This, colleagues, is not the first time that we would be having a Committee of the Whole on a very important issue because of time constraints. This isn't the first time that this government has sent us a bill very late in the day. I am on record complaining about that many times, just as I was on this. The different leaders will bear me out on my discontent and unhappiness — and I explained it clearly to Senator Gold — but nevertheless, that's what we have.

One of the reasons, of course, was the joint committee did extensive work. We're now being heard by members of that same committee that the committee didn't do a good job. Those people were on that committee. They should have seen to the fact that the committee would do a good job. We had a bill pass here very recently — and I really don't think the gun bill is as important as a bill that clearly deals with assisted suicide — and I didn't think the committee had done a great job there because I lost the fight. But when you lose, you eventually accept the fact that you've lost. We had some very passionate debates here a month or so ago on a bill relating to the carbon tax for farmers. I didn't think it was fair the way we lost, but we lost. You haven't heard me mention that here again in the chamber. You haven't heard me say that we should bring that issue back again. I've accepted the fact that we will have a good government sometime in the next year or year and a half, and we'll make things right. But, at least, until then, I'll let it go.

However, this was a clear leaders' agreement. Now I know that many people here are saying, "We're independents and a leader doesn't speak for us." Well, you elected that person to do something for you. I'm not sure what it is. But Senator Gold, Senator Saint-Germain, Senator Cordy and Senator Tannas — for all of you passionate Canadian Senators Group members, Senator Tannas was there — all agreed to a Committee of the Whole, and we agreed not to have something other than that because there wasn't time.

Then we received a letter, and I won't read the whole letter, although I don't think it's a confidential letter — it's not marked as confidential. It's addressed to the five leaders from two

senators. Senator Kutcher already alluded to his appreciation that we had given him time, because he had to go to emergency on the advice of Senator Ravalia, and that, of course, is part of this letter. However, another part of this letter is the following:

Senator Kutcher is on his way to emergency to deal with his illness at the suggestion of Senator Ravalia. Other senators like Senator Osler are also ill.

Senator Osler actually was in the chamber all of Thursday.

The letter continues:

We believe that it is crucial we all be given the opportunity to speak to this crucial issue on Tuesday.

We all know what happens on Thursdays. I'll paraphrase here: Too many senators don't want to stay here very long on Thursdays. They want to fly home right after lunch. The letter states:

Too many of our colleagues will have to leave

— not “have” to leave, but “want” to leave —

. . . and then there are those who are ill. So we're asking all of you, as leaders, to move this important debate to Tuesday, and we commit that there will be a vote on that same day.

Granted, there will probably be a vote today unless we defer it. Nevertheless, if we don't, there will be a vote today. However, we were of the mindset that this promise meant that this would be resolved today. We weren't told — Senator Lankin has said a few times that she was blindsided. We weren't told there would be an amendment. We were told that we should commit ourselves to a vote. We thought that was a vote on the Committee of the Whole. We asked if there was an amendment. Senator Gold said, “I don't know. There might be, but I don't know what it is if there is one.”

Senator Lankin, as leaders, we weren't aware either. Today, when I read the scroll, we saw that Senator Moodie would possibly bring forward an amendment. We had no idea what it was.

Again, there was an agreement. We agreed because Senator Gold asked us to consider doing something to allow this debate to happen so that everybody could be here, and so that we don't have it on Thursday. We came up with sitting on Monday. That, colleagues, is why we're all here on a Monday — because we didn't want to do this on Tuesday and not give the minister proper time.

Senator Gold — and it's not my job to defend Senator Gold, and I usually don't at Question Period — guaranteed us the Minister of Justice, but he said the Minister of Health would not be able to be here because of his travel schedule. I, and the rest of my Senate leadership colleagues, said that the minister could change his schedule. He could take a government jet. He could fly from wherever he was in Canada, and he could darn well be here to come to the Committee of the Whole, or we would not have a Committee of the Whole. I, for one, did not want to agree to it, and neither did the others. Senator Gold went and expended

whatever political capital he had to expend in order to make sure that the Minister of Health would be here for the Committee of the Whole — so that we could all ask the minister questions.

Now we're being told that's not good enough because the right people have not been asked what their opinion is on it. We had a joint committee that studied this at length. Again, there are senators who don't like the outcome of it. I'm not going to keep any secrets: I like the outcome of that, and, at the end of the day, I will vote for Bill C-62, if we ever bring it to a vote. But again, that's not what this is about.

• (2130)

I do want to hear from the minister. I want to ask the minister questions. If there will be committee meetings, we will attend them and ask people questions. But so far, the people who have asked for these committee meetings have only talked about one side of the issue — suggesting that only those people who are asking for assisted suicide have not been heard. There hasn't been any balance in that part of the discussion, which is why I got a little emotional when I asked Senator Ravalia a question.

There is the other side. How much time are we going to have? How many witnesses are we going to get in the few days that we have before February 27?

Then we have no guarantee, because, again, we were promised something for today. That's not happening. We're not having a final vote today. We're going to vote on an amendment. We have no guarantee that we're simply voting on whether we have a Committee of the Whole.

If we accept Senator Moodie's amendment today and on February 27 we have a report from these two committees, if that is, in fact, doable, and they get agreement — I was led to believe that early on, before this debate even started, one of the committee chairs was already asking the steering committee to meet, so somewhere along the line, Senator Lankin, again, somebody knew something that we didn't know. There are, certainly, some people who know things and others who don't, but if we get that on time and we get that on February 27, they are going to report. We're going to get the bill, quite likely this Thursday. Then, after this pre-study is done, the question will come to the Senate and we'll have second reading debate. What guarantee do we have that the bill won't then get moved over to the committee again? We have now done only a pre-study. Now the committee will again be able to study it because Senator Kutcher hasn't had quite enough of the witnesses that he wanted. Now we'll have committee hearings again. Then we'll have clause by clause and then third reading debate.

Colleagues, we will do one of two things — or one of three, maybe. We will either shelve this — not finish it — or we will not only have a committee sitting during the break week but the Senate coming back and committees sitting during our March break weeks. If that's what we want, then fine, but let's accept that. Then everyone who votes for this amendment better be here and not say, “Well, I have now got what I want but, no, I'm not coming back on March 7. It's not that important to me.” That's what's going to happen. We will have to come back in March to deal with this because we have no commitment. Senator

Moodie's amendment does not say we will not have further committee hearings. What happens if we still haven't had the answers we like?

We have heard a number of times here that this was a political decision that was made — a political decision made by whom? All the parties voted for this over there, so who is doing the politicking over here? I'm the leader of the Conservative caucus in the Senate and I'm agreeing with the Leader of the Government in the Senate, and over there, Justin Trudeau is agreeing with Pierre Poilievre. Where is the politics? But that's what we were told here a number of times tonight: that these are political decisions. No, they are not. The decisions were made because the government and the joint committee decided that we are not ready to advance that far.

What's the harm in waiting? The harm in waiting is some people will live longer. I'm sorry. I really find it strange to believe that that's a bad thing. People will be forced to live a little longer if we take a little longer.

Again, this is not a partisan issue. The time isn't there to do this. We are not voting tonight on Bill C-62. We may have different opinions, and I will not be happy at the end of these committee hearings if my witnesses and the people I want aren't there. And there is going to be blessed little time. There will be a couple of committee meetings, Senator Moodie, and how many witnesses will we have? We were told that the joint committee had 21. I believe that is what I heard tonight. How many are you proposing? How many witnesses will there be at Social and how many at Legal? There is nothing in the amendment that says that. It simply says that we'll have a meeting on February 15 and we have to report by February 27.

Colleagues, I am strongly opposed to this amendment, and not because I think the bill will pass faster or slower. We will have two ministers here on Wednesday and can ask them all the pointed questions we want. I would even be okay if we proposed having a four-hour Committee of the Whole. But let's get this done; it has to be done. We are on a timeline here whether we like it or not. We can blame the government for the timeline. I do all the time, so feel free to join me, but we are where we are.

Colleagues, I'm sorry if I have broken confidence here about what we decided at leaders' meetings, but Senator Lankin asked the question; she didn't get the answer. This was decided by five leaders.

They don't always vote the way I want, but I thank my colleagues for their confidence when they elected me to this position. If I make enough bad decisions, they will unelect me, but until then, I thank them for allowing me to make some decisions and for supporting them.

Colleagues, you have also elected leaders, facilitators, liaisons and so on. They also deserve that respect. They do a good job for you.

I often give Senator Gold a very difficult time, but he worked hard to get something done here. I know he finds it difficult because he has so many different factions that he has to work around to ensure that he gets the votes for the government.

I will leave it at that. Colleagues, I hope that you will decide that this is not a good amendment and that we move forward with this bill with all the expediency that we can. Thank you.

Some Hon. Senators: Hear, hear.

Senator Moodie: Would Senator Plett take a question?

Senator Plett: Certainly.

Senator Moodie: I have a follow-up as well, if that is possible.

Senator Plett, thinking back to our recent experience here in the Senate, almost every budget has a pre-study. Supply bills have pre-studies. Bill C-56 at National Finance had pre-studies. With those agreements, when we made them, was there ever a precedent set where someone forced a committee study after the fact, or did we adhere to that agreement that we made? If we were to make an agreement today, would this not mirror that situation?

Senator Plett: First, yes, we have had pre-studies and then still had committee meetings.

Second, there is nothing that is binding us in your amendment. The *Rules of the Senate* are very clear that we have committee meetings.

I think you would still be able to do a subamendment, which would certainly make your amendment seem more palatable. I'm not saying I would support it, but it would make it more palatable if we had some guarantee as to when we could have a final vote, because your amendment doesn't guarantee us a final vote ever.

• (2140)

Senator Moodie: I want to shift the question to: Would you agree, Senator Plett, that leaders' agreements are subject to the whole chamber and that senators, especially independent senators, reserve the right to propose changes to those agreements subject to the full approval of the Senate? Would you agree that it is all parliamentary privilege to reserve amendments and to keep them confidential or talk about them, if we wish?

Senator Plett: First of all, I agree with that, and I agree with your right to ask me a question, and I agree with my right to disagree with you. I take some exception to your comment, "especially independent senators." You are sitting in caucuses. It's an oxymoron to say, "I'm an independent group." But you are sitting in caucuses. Be that as it may, I have my opinion there, Senator Moodie; you have yours.

I have a 14-member caucus. Conservatives are not known to be followers. They are known to be leaders. I have 14 independent people in my caucus as well. First of all, every decision we make, whether they are at leaders' meetings, whether they are at committee, whether they are anywhere else have to be approved by the full chamber. This chamber can make changes as they see fit.

Earlier today, this chamber had to give leave for Senate Dalphond to withdraw a certain bill. That was subject to the entire chamber. He couldn't withdraw that on his own tonight, so, yes, everything is subject. It doesn't mean that I don't have an opinion on whether we should respect people we elect to certain positions.

The Hon. the Speaker: Senator Coyle, you have a question?

Senator Coyle: Senator Plett, thank you for your remarks. I agree with almost everything you said. We have a responsibility here to get this done within a timeline. We need to respect what our leaders have bargained for. I am fully looking forward to that Committee of the Whole. I can't think that anybody here would not be looking forward to that.

However, I don't see that it has to be this or this. Why can it not be let's have the Committee of the Whole, and if we can have the benefit of further study while still meeting our timeline, why would we not do that?

Senator Plett: You are absolutely right, Senator Coyle, it can be both. That's, of course, what we're debating and then we will have a vote. One thing I will assure you of, Senator Coyle, if we have a vote today and I'm on the losing side of that vote, I won't come back tomorrow and say, "Let's vote again on that." I will accept the results tonight, and that's what I'm asking everybody else to do.

We had a joint committee that made a decision. They were appointed. Senator Kutcher, Senator Wallin, Senator Martin and Senator Dalphond were the members of that committee.

An Hon. Senator: Senator Mégie.

Senator Plett: And Senator Mégie, I'm sorry. They were members of that committee and members of the House, and they brought a decision. The House voted on it and passed it. Now we're asked to do the same thing.

If we want a committee meeting, fine. We're short on time. We may just be able, if everything lines up right, to do Senator Moodie's amendment. But we have no guarantee, Senator Coyle, because there is nothing in her amendment that says what we're going to do after February 27. It only says that the committee will report at that point. At the end of that week, it's what I said. We will either somehow manage to vote on the final bill or we will be back here, I'm sure.

Again, I'm not going to help Senator Gold on this, but I'm sure Senator LaBoucane-Benson may not move the adjournment motion on the day that we want the adjournment motion moved at the end of the month.

Hon. Pierre J. Dalphond: Maybe I will start by offering an answer to Senator Forest's very good questions and try to understand what we're trying to achieve and what we are being asked to consider.

[Senator Plett]

[*Translation*]

Section 3 of the bill is written in legal terms and, in order to understand it, it's important to understand what was done previously. The Senate amended the bill to include a second pathway for MAID for people whose death was not imminent, but who suffered from an incurable condition causing unbearable suffering. With the second pathway, the government excluded MAID for those suffering from only one condition when the sole condition was mental illness.

However, in cases where people have heart failure or kidney failure, if they are constantly on dialysis, for example, they have the right to receive MAID. If they are waiting for a transplant, but it looks unlikely that they'll get one, they can apply for MAID. This is true even if it's someone with a mental illness that doesn't affect their ability to recognize their situation and their suffering and to accept or refuse dialysis. We must not forget these nuances.

We told the government that people with mental illness should not be prohibited from accessing MAID unless there are mechanisms in place to ensure that people with incurable suffering who are able to assess their situation can have access, with sufficient safeguards.

The House of Commons, the government and the then justice minister accepted that proposal. The House of Commons voted and a majority accepted the proposal, but they increased our deadline from 18 months to 24 months. Everyone wanted a deadline to ensure that we would be ready if we decided to go in that direction.

Before the 24-month deadline was up, the special committee was re-established, and its mission was to assess whether we were ready. It came to the conclusion that we needed another year and that we needed an expert panel to table a report giving us the broad outline, the training required and all that. Then we would be able to determine whether we were ready.

The committee was re-established in October 2023 to study this very issue, in other words, the two-year deadline, two and a half years later because we were getting close to March 17, 2024. March 17 is a very important date. Are we ready this time? That was the mandate of the joint committee. The Senate was represented on this committee, and the senators had to answer that question, just as members of the House of Commons did. Why is March 17, 2024 important? It is the date of the sunset clause, as Senator Saint-Germain explained so well.

[*English*]

In English, it's a sunset clause. It means that on March 17, if nothing is done, if no bill is passed, the exemptions will end. Therefore, that very day and the day after and the following week, a person that thinks that he is qualifying but the sole health issue is a mental illness will be able to go knock on the door and ask to be assessed. That is a long process. It's not going to be given the following day. The law provides for 90 days before the time you're finally assessed and the time you can receive it and the day you receive it you must still consent to it.

It's not a depressive person who will walk into a clinic on a Friday night and because they broke up the night before, that will get MAID the following Saturday. Forget about what was said in some papers. But the issue here is that if we do nothing on March 17, access will be in full force.

So section 3 says there are two scenarios. Either Bill C-62 is adopted before that date and, therefore, the date of March 17, 2024, will read March 17, 2027. But you never know in Parliament what might happen. We don't even know sometimes what will happen in the Senate, and maybe it's good. When it's too predictable, maybe it's a sign of something else.

• (2150)

If this bill is not passed, there is a second provision that says when the bill passes, if it's after March 17, the day it receives Royal Assent — maybe that same day — then it will no longer be possible to access MAID. If it takes three weeks to get there, if we finally vote on the bill after a full study in March or in April, and the bill is finally adopted, then it will no longer be possible to access MAID. You will have a very special system. Until March 17, nobody can have access to it. If there is a gap, some people may have access to it, and then the gap will be closed.

Colleagues, I invite you not to walk into that. This is the worst scenario of all scenarios. That gap will be legal chaos, which will put the medical profession in a very awkward situation. People will be wondering, "If I do it, but it becomes illegal next week or next month, will I be sued?" No. It's going to be terrible for doctors, terrible for MAID assessors and terrible for those who will be entering the system, but the door will shut on them. It will be worse than it is now because they will have faint hope that they will get it, and then the door will be slammed shut.

I'm sure that this bill, if it comes into effect, it will happen within less than 90 days after March 17. It will happen a week or a month later. I can bet you we will sit during break weeks, if necessary, in April, and that it will be passed. So the 90-day period will not be exhausted. Faint hope will apply to all those who apply and start the process within that period. I don't want that to happen, because it's adding to people that are suffering on faint hope. We must prevent that.

The answer is that we have to pass this bill or reject it by March 17. If we reject it, this is the end, and it will be accessible forever, until maybe a change of government reinstitutes the exclusions, but that might not be for a year and a half, maybe longer. In the meantime, there will be a lot of things happening. Some people will receive it, and maybe the mood will change, whatever.

The issue that was before the committee — and Senator Wallin referred to my opinion, saying what is being proposed is clearly unconstitutional. Sorry, but that's not what I wrote. I wrote that what the committee was proposing risked to be declared unconstitutional. Why? Because what the committee was proposing is that the exclusion of access — the denial of access — continues as long as both the Minister of Health and the Minister of Justice have agreed, after consultation with department officials and all of the provincial and territorial

counterparts, that we are ready. Well, I assume if there is a change of government within the next year or year and a half, both ministers will never agree on such a situation.

If that conclusion were reached, then a committee would have to be set up, and that committee would have to work on it at least for about a year before it could come into effect. It was meant to be, as I refer to it in my report, a clearly indeterminate but long period. That was a kind of way that could be read as a permanent exclusion because it depended on the will of two ministers, and we know that politics may bring ministers to change their minds.

The government responded to that, and what did they say? That it will be three years because they read my dissent, I believe — or maybe I heard — and they felt that indeterminate could be easier to challenge than a specific period, so they put in three years. We know we're extending it for three years. What will happen next year? There will be an election. So don't think that this issue is going to be dealt with by Parliament in 2025. Either you go for one year or you go for three years because 2025 is a gap year.

That's what we have. This is what we're dealing with. This is what has been proposed to us. Let's not forget about that.

The second point I want to make is that on February 8, the Department of Justice published a Charter Statement acknowledging that sections 7 and 15 are engaged — the right to life and liberty and the right to equality. They said the debate goes on regarding section 1. So the issue that the courts will have to eventually decide, if there is a court challenge, is that a reasonable measure in a democratic society to extend if all the provinces are of the view that they are not ready, if the Collège des médecins du Québec is of the view that they are not ready; if the Quebec legislators say that even if it's legal according to the Criminal Code, it won't be accessible in Quebec. These are all parts of the puzzle that we have to think about.

This is an issue that, unfortunately, the Legal Committee will not decide. The Legal Committee will not be able to do a better report than the Charter Statement I read. I invite you to read it. It's on the Department of Justice website. It's a Charter Statement of February 8.

In my view, this proposal to send it to the Legal Committee is to get what? Well, I'm telling you it is to get less than a Charter Statement. In a week, the Legal Committee can hear from a few witnesses and prepare a report, but it won't be as good. The second issue is that it won't be up to us to decide what is acceptable and reasonable under section 1. It should be left to the courts. The courts are those who must answer that question.

Is what has been proposed clearly unconstitutional? In my view, no. It's a debatable issue, so it's not up to us to decide; it's up to the courts. I think that's what everybody must understand, and I'm getting a bit tired of hearing that I said this bill is unconstitutional. I did not say that. My dissenting opinion is full of nuances in a context which has evolved, and this new context is three years, not an indefinite period. That's the second point.

Maybe the Social Affairs Committee could hear from witnesses, but I'm concerned about what the witnesses are supposed to be coming for. I hear now that we want to test — and, sorry, I was supportive of the idea of having Social Affairs give us more information, but what I'm hearing tonight is certainly different from what I thought. What I'm hearing tonight is that we're going to challenge the provincial assessment of the situation. Sorry, colleagues, it's not up to us to do that.

If the four parties in the House of Commons come to the conclusion that we should postpone because we're not ready for three years because the provinces are all saying they are not ready, all the elected officials in these provinces have legitimacy because they are elected. They may make wrong decisions — that's their thing — but they deliver health care in the provinces, they assess their abilities, they know their resources and we know there is a critical shortage of mental supports for those who are suffering from mental illness across the country. It's unfortunate, but maybe it's a reason to be more cautious. It's like having access to palliative care. I'm for MAID because I know there's access to palliative care, and Canadians can choose the alternative they prefer. I'm not so sure if this alternative is as available with mental illness and mental health supports and care. These are things we should consider.

Finally, we're not rubber-stamping, and we haven't been doing so over the last five years. We amended 30% of the bills that came through here, and of the bills we did not amend, half were budget bills we could not amend. We have a good batting average so far. Even recently, the government bill that Senator Moodie herself proposed was amended, despite her reluctance, by Senator Cormier. We are doing our work.

But here, there is an urgent call to act, and it must be done by March 17. Quite frankly, the more I hear about the proposed amendment, the less inclined I am to support it. Let's do the job we do properly. Let's study the bill. The ministers will both appear. A political choice was made by elected officials across the country. The ministers will come to explain. At the leaders' meeting, I was representing my group that morning because Senator Cordy was in snow over her head, and we agreed that the ministers should come this week, not in two weeks from now, because we wanted people to ask questions and have time to listen to their answers and to think about it.

The time has come now, colleagues, to listen to these ministers. A political decision has been made. Let's listen to them and challenge them if need be. Some of the findings might be wrong, but let them explain their political decision. Thank you.

• (2200)

Some Hon. Senators: Hear, hear.

[Senator Dalphond]

[*Translation*]

Hon. Julie Miville-Dechêne: I will draw a bit on what my colleague Senator Dalphond said. I'm rather shocked by the harsh criticisms that some senators have levelled at the joint committee, which heard from approximately 200 witnesses and wrote three reports at various times over a three-year period.

I would have loved to be part of that committee, but priority was given to doctors and lawyers. I watched what was happening from afar, but I read a lot about the subject.

Claiming that this report is worthless because it obviously does not correspond with what you wanted it to say and because it did not set out the conclusion that you wanted it to call into question all of the parliamentary work that we do here, because all we have are imperfect reports and committees. When I arrived in the Senate, there was a very biased initial report that I criticized. Our political process has its flaws.

That being said, I read the joint committee's most recent report and it made no secret of the fact that opinion was divided. What the report did was indicate that A thinks this, B thinks that, and C thinks this. The report described a variety of different views on each of the issues, such as irremediability and suicide. This is not some major report that will go down in history, but it made no secret of the fact that opinion was deeply divided on these issues.

In the end, the committee decided to choose and rely on the experts who recommended caution. You are right to say that the experts advising caution were outnumbered by the experts saying to move forward. However, is this a math exercise, where we can say that a certain percentage of people said such-and-such and therefore it is true?

In my opinion, it is wrong to believe that the only thing this committee was supposed to do was establish protocols. No. Behind these protocols, there are principles and questions having to do with the state of our knowledge, the availability of existing care, the scientific and ethical grey areas, and the precautionary principle, which we talked about here. I think it is absurd for anyone to claim that the committee could just talk about protocols on how to administer medical assistance in dying and not listen to the witnesses who talked about it more broadly, because the situation can't be reduced to a series of protocols.

To roundly denounce the entire process, even though I'm sure it had its flaws, is to deny part of our democratic system. We could all do that with the committees we sit on, but we don't do it because, generally speaking, we believe that democratic debate is more or less balanced. That is the first thing.

The second thing that struck me came from Senator Kutcher. You said that we must hear from those who want and have been calling for MAID for months. These are obviously appalling stories. However, is it our role to do that right at a time when there is an attempt to delay MAID? Where is the balance in hearing only one side of the story? There are also people with

mental illness and mental disorders who, on the contrary, are very afraid of MAID being an option. They are afraid for all sorts of reasons, good and bad, but they are thinking, “If I completely lose it, am I going to die?” This debate is not a simple one for many people with psychiatric issues. I get letters from people who are afraid. People like that exist too.

I really wonder about the reason for setting up this committee, which will obviously not exist for long and will not be able to hear from 200 experts as the joint committee did. Is it posturing? Is it a symbolic gesture, just so we can say that we really did our job? It’s also part of our job to read what has been done elsewhere.

You said we hadn’t heard from the provinces. Not all provinces are willing to appear in committee. I’m thinking of the Quebec government, which consistently refuses to come and explain its positions. However, on the issue of medical assistance in dying for people suffering from mental disorders, the province does have an opinion. Quebec considers itself well ahead on these issues. The Quebec select committee on end-of-life care produced a very serious report, interviewing a number of people and saying that not only were we not ready, but that opinion was starkly divided on the issue of irremediability and suicide, and that going forward . . .

I want to read a sentence from the report that is absolutely staggering:

We are faced here with the grim prospect of individuals obtaining medical aid in dying rather than appropriate medical follow-up that would favour a fully satisfying life.

This brings me to the other issue, namely the cruel lack of psychiatric care. We had this debate three years ago. I was told by several people that that was irrelevant. Some people aren’t interested in debating the lack of care. They want to stick to the constitutional and medical aspects. However, this is a societal, human and ethical issue. Everyone has a say, whether you’re a constitutional expert, a doctor, or a former journalist who doesn’t specialize in this field at all.

You said that you didn’t hear from the provinces. I would like to point out to you that, unlike the government, the Collège des médecins du Québec largely supports medical assistance in dying for people with mental disorders, but its representative, Mauril Gaudreault, told the committee that there was still work to be done in order to be ready.

Basically, we are not ready. It seems to me that that is the clinching argument for not moving forward. The fact that the profession is divided and that we still don’t know everything about all of these issues justifies holding a committee of the whole. It justifies not taking the risk of missing the March 17 deadline so as not to create chaos, if that is what happens. Given how little time we have to conduct a study, given the hundreds of witnesses that we have heard from over three years, objectively, I don’t see what good that would do, other than enable us to check a box saying that the Senate did its work and that it examined the issue. We have been examining the issue for three years.

The last thing I wanted to say is that a minority of experts told the special committee that we needed to wait, that we aren’t ready, yet some senators are saying that this makes the committee biased. Let me take you back three years. There were studies in committee. The Standing Committee on Legal and Constitutional Affairs heard from several witnesses, about 20 of whom specialized in psychiatric care, and, believe it or not, even they were divided on this. Did that stop us from voting for an amendment opening up MAID to psychiatric patients? Not at all. At the time, the fact that the committee was hearing from experts who were divided did not seem to be a methodological problem, so we moved on quickly with the thought that there was some openness to this. If I remember correctly, at the time, three years ago, there was no in-depth study on this particular aspect of MAID, and we decided to move forward. I have said enough.

• (2210)

Hon. Bernadette Clement: Would Senator Miville-Dechêne take a question?

Senator Miville-Dechêne: Yes.

Senator Clement: Thank you for your comments. When I was the mayor of Cornwall, I was criticized because my meetings always ran long. That was because I let people come and talk to us. I always want a little more. It’s a trait of mine.

The question that I want to ask you has to do with the next three years. Could a pre-study, even if it is a short one, send a message to the country and the government — which government, we don’t know — that we must not remain paralyzed over the next three years and that we need to do something? If we put this issue off for another three years, then won’t we just be wasting those years doing nothing? Could a pre-study send a message to the government?

Senator Miville-Dechêne: I wouldn’t overestimate the amount of media attention that a Senate pre-study on this issue would get. If you want to talk about it, go to the media, make a statement, send out a press release. I’m not sure a pre-study has the same effect. It would be great if it did, but it does not. Not everyone listens to us that closely.

I understand what you mean about always wanting to know more, but we have studied this subject so much over the last three years. Hearing from 200 witnesses over a three-year period is no small feat. I understand that things were not perfect, but the witnesses were there. There was testimony; we can read it. The reality is that, at the end of the day, you’ll see that there is no consensus on mental illness and its irremediability, or on the fact that it is very difficult to distinguish the idea of suicide from a genuine desire for medical assistance in dying. I am not sure we will get there in the near future. The conversation will have to continue for the next three years, but I don’t know if that is possible.

What happened in Belgium, for example, if I remember correctly, is that they realized there was a problem because requests for MAID from people with mental disorders exploded. They realized that some people were suffering terribly. In such cases, it absolutely must be the very last resort. They realized that they had to be able to offer specialized services. They

created an intensive psychiatric unit precisely for these extremely difficult cases. When someone was approved for MAID, they would also be told about these services that were designed specifically for cases like theirs, and they would be encouraged to start there. The notion that all reasonable treatments should be tried first wasn't included in our legislation, for all sorts of reasons. We could learn a few things from the two countries that have done it. They have made a bunch of mistakes, since this is so complex, but they have found a way to lower the risk of abuse.

[English]

Senator Kutcher: Thank you, senator.

I want to be clear that we're in favour of a balanced, thoughtful review. Don't you think we should have that? Don't you think we should challenge the idea, if it's wrong, that the people who are applying for MAID with a sole condition are really applying for MAID, not because then can't get access to care — it's a bit of a red herring — they had decades of care and not getting well.

The question I would like you to answer is: Has the government proven to us that it is necessary to exclude people for three years? Has it proven that to us? We're not going to get that answer from the ministers only. We need to look more deeply. Don't you think that we need to ask that question of the government? Has it proven that it needs to have for three years?

The Hon. the Speaker: The time has expired.

Hon. Scott Tannas: I won't be long. It's time to make a decision.

I would say this is an unusual set of circumstances that we have where we have a debate on process. We have the subject matter that has been studied by several committees — joint committees, as well as Senate committees at different times.

For those of you who weren't here — many of us weren't here — the Senate was the architect of the sole condition being mental illness. We sold this to the government. They weren't planning this.

Now, you can say it's because they've received evidence that's disputed here on whether or not we're ready but, for whatever reason, they've lost their heart. They're proposing to push this off beyond the life of their government to somebody else. That's the reality.

This is not something we run into every day here. It deserves this kind of debate. I want to put my comments on the record following Senator Plett and Senator Saint-Germain about the deal that was made.

There was no deal. There was a discussion, an agreement amongst all of us. All of us considered thoughtfully that the Committee of the Whole process was the best way to go under the circumstances.

There is only one of us at the leaders' table who can deliver a block of votes without having to check with anybody, and it isn't me.

Senator Plett: It is Senator Gold.

Senator Tannas: We spoke at length about the fact that this was not going to be something we were easily, as a group, going to come to a consensus on how to go forward. All we had was our own best judgment on how to do it. Senator Gold has an obligation to put a proposal forward.

We talked about the fact that there could be amendments. We discussed the request to have Senator Kutcher here, when he was in the hospital, to give him an opportunity to speak to all of us while we made the decision.

We all agreed — and we always agree — that it's the collective wisdom of senators here that will make the decision on how to move forward. We'll deal with it, whatever it is.

I have not changed my mind. I believe that the best way forward is a Committee of the Whole process, given all of the circumstances, including how emotionally charged this is; how much time has been spent on this in joint committees and committees and the debates we went through to put mental illness into the government's hands and have them accept it. Senator Miville-Dechéne has reminded me. I'm not sure what it is we would gain.

This is deeply personal for each of us. There is more data, information and testimony than we could ever individually absorb already available to us.

In the same way as it is time tonight to make a decision, in the next few weeks we will have to come to our own decisions. We are armed with enough information to make it.

Thank you.

• (2220)

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

An Hon. Senator: Question.

The Hon. the Speaker: On amendment, it is moved by the Honourable Senator Moodie, seconded by the Honourable Senator Patterson, that the motion — may I dispense?

Hon. Senators: Dispense.

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: I think the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: I see two senators rising. Is there an agreement on a bell?

An Hon. Senator: Fifteen minutes.

The Hon. the Speaker: Is there leave that the bells ring for 15 minutes?

Some Hon. Senators: Agreed.

The Hon. the Speaker: The vote will be held at 10:36.

Call in the senators.

• (2230)

Motion in amendment of the Honourable Senator Moodie negated on the following division:

YEAS

THE HONOURABLE SENATORS

Audette	Moncion
Black	Moodie
Cardozo	Omidvar
Clement	Osler
Coyle	Patterson
Dagenais	Prosper
Dasko	Quinn
Deacon (<i>Nova Scotia</i>)	Ravalia
Deacon (<i>Ontario</i>)	Ringuette
Dean	Ross
Downe	Senior
Galvez	Simons
Gerba	Verner
Kingston	Wallin
Kutcher	White
McNair	Yussuff—33
Mégie	

NAYS

THE HONOURABLE SENATORS

Al Zaibak	Lankin
Anderson	Loffreda
Arnot	MacAdam
Ataullahjan	MacDonald
Aucoin	Manning
Batters	Marshall
Bellemare	Martin
Boniface	Massicotte
Boyer	Miville-Dechêne
Burey	Mockler
Carignan	Oh
Cordy	Petitclerc
Cotter	Petten
Cuzner	Plett
Dalphond	Poirier
Duncan	Richards

Forest	Saint-Germain
Francis	Seidman
Gignac	Smith
Gold	Sorensen
Harder	Tannas
Housakos	Varone
Jaffer	Wells
LaBoucane-Benson	Woo—48

ABSTENTIONS THE HONOURABLE SENATORS

Boehm	Cormier—3
Brazeau	

• (2240)

[*Translation*]

MOTION TO RESOLVE INTO COMMITTEE OF THE WHOLE TO
CONSIDER SUBJECT MATTER OF BILL C-62 ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gold, P.C., seconded by the Honourable Senator LaBoucane-Benson:

That, notwithstanding any provision of the Rules, previous order or usual practice, on Wednesday, February 14, 2024:

- the sitting be suspended at the time the Senate would normally adjourn or once the Senate has completed the consideration of items on the *Order Paper and Notice Paper* for the day, whichever comes earlier;
- at 6 p.m., the sitting resume, and the Senate resolve itself into a Committee of the Whole to consider the subject matter of Bill C-62, An Act to amend An Act to amend the Criminal Code (medical assistance in dying), No. 2;
- the Committee of the Whole on the subject matter of Bill C-62 receive the Honourable Mark Holland, P.C., M.P., Minister of Health, and the Honourable Arif Virani, P.C., M.P., Minister of Justice and Attorney General of Canada, each accompanied by two officials;
- the Committee of the Whole on the subject matter of Bill C-62 rise no later than 130 minutes after it begins;
- the witnesses' introductory remarks each last a maximum total of five minutes;

6. if a senator does not use the entire period of 10 minutes for debate provided under rule 12-31(3)(d), including the responses of the witnesses, that senator may yield the balance of time to another senator; [English]
7. rule 3-3(1) be suspended and no motion to adjourn the sitting be received before the Committee of the Whole has reported; and
8. once the Committee of the Whole has reported, the Senate adjourn.

BUSINESS OF THE SENATE

Hon. Patti LaBoucane-Benson (Legislative Deputy to the Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-13(2), I move:

That the Senate do now adjourn.

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

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

Hon. Senators: Agreed.

Hon. Senators: Agreed.

(Motion agreed to.)

(At 10:46 p.m., the Senate was continued until tomorrow at 2 p.m.)

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