

April 30, 2016

## **Brief to the House Justice and Human Rights Committee RE: Bill C-14**

I write this with knowledge and experience as a palliative care volunteer and devoted son of my deceased parents. Over 5 years of volunteering, I met 1000 patients at the end of life and their visitors/family members.

I sense that Canadians with personal experience support dying with dignity to a great extent. Those opposed fall into two camps: religious beliefs or no personal experience with a loved one's suffering and death. Polls over the past 5 years show an ever increasing majority of Canadians support physician-assisted dying.

### **C-14 Does not meet the requirements of Carter**

Briefly, I feel C-14 clearly does not meet the requirements of the Supreme Court of Canada decision in *Carter v. Canada*. The *raison d'être* of C-14 and the promise of PM Justin Trudeau was to meet the requirements of Carter and the Charter.

- 1) With 100% certainty, Kay Carter would meet *Carter v. Canada*. Under C-14, she would not meet criteria as death, for her, was not reasonably foreseeable. Same for Gloria Taylor. So in effect both would have to go back and re-fight their case. The Bill should be amended to remove "reasonably foreseeable death" and terminal illness.
- 2) C-14 requires the patient be competent at the time medical aid in dying is administered. As a palliative care volunteer, I can say it is perfectly normal for end of life patients, often highly medicated, to slip in and out of consciousness and competency. So if a patient met the criteria one day and was to undergo MAID the following week when he had an off day, he would be denied. This is cruel. This must be amended.
- 3) C-14 does not accept mental illness as a valid disease that would qualify in the criteria for MAID. Carter was clear: irremediable illness or disease. Mental illness and dementia would be included under Carter but not C-14. The Bill should be amended to include mental illness and to include Advance Consent for those who want to make the request for MAID when faced with a competency-robbing diagnosis like dementia.

### **Access**

The SCC decision of *Carter v. Canada* was a judgement of the specific case before the court involving Kay Carter and Gloria Taylor. So there are issues not in this case and therefore not in Carter that need to be addressed in specific legislation so as to *apply uniformly across Canada*. One example is access to palliative care and medical aid in dying: Access to palliative care should be a right of every patient requiring it just as any other indicated medical service is.

Patients meeting the criteria should be provided access to MAID in the institution they find themselves in at that time of their life. They must not be transferred to another institution or be denied MAID if they meet the criteria simply because they find themselves in a specific institution or a part of an institution that does not want to offer MAID. The Bill should be amended to protect patient rights to access.

## **Language of C-14**

C-14 introduces new terminology in many areas. I find some of the language chosen to be confusing, ambiguous. I see no reason for making C-14 anything but clear and easy to understand for both physicians and patients. The SCC decision of Carter v. Canada was clear, easy to understand. The new terms found in C-14 do not add value or clarify anything. Instead, they restrict the intentions in Carter.

I urge the committee to revise C-14 to adopt the terminology of Carter and the Special Joint Committee.

### **Takeaway:**

C-14 does not represent what Canadians were hoping for, not what some desperate patients need.

The result if C-14 is not seriously amended in so many ways will be cruel to many Canadians at the end of life. This is senseless and unkind. Some will as in the past decide to take their own life while they are able. We want better.

If someone decides suffering has become intolerable to them, they should have a choice to have their death hastened. Carter v. Canada means those who don't want to suffer can ask for MAID.

Respectfully,

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