

April 30, 2016

Brief on Bill C-14

Standing Committee on Justice and Human Rights

I am very concerned about the shortcomings of Bill C-14. I am also deeply disappointed that the government chose to ignore most of the carefully written recommendations of its own appointed Special Joint Committee on Physician-Assisted Dying. These were based on thoughtful consideration of dozens of submissions representing a wide spectrum of views.

1. Bill C-14 should meet the Carter decision and use Carter's wording. I believe the Bill erroneously limits the eligibility definition set out in Carter and will prolong suffering for those who have terrible, chronic degenerative diseases like MS and ALS. What is a death that is "reasonably foreseeable"? I asked a local physician this question recently; she replied that it will be very difficult for her to make a decision to offer MAID to a patient with a chronic degenerative disease who would otherwise qualify under the Carter decision. She feels C-14's definition will tie the hands of many physicians who do not want to face a lawsuit if challenged on their professional judgment. Instead of giving them flexibility in their professional judgment, it will add a barrier to access for their patients. The vagueness of this term is already stirring much public debate and interpretation: does it mean the patient must be terminal or not?

Amendments needed: Strike the "reasonably foreseeable death" section and the "advance state of irreversible decline"; return to the wording used in the Carter decision to ensure that legislation complies.

2. Canadians want the right to Advance Requests. By restricting that consent be sought right up until the time of death, C-14 does not respect the wishes of Canadians who do not want to suffer until they have a natural death. In 2015, I ran Advance Care Planning workshops in Nova Scotia; in every group people said they most feared the loss of quality and control over their own lives if they were to develop dementia and live until natural death. Most of the people said they wanted Advance Requests to be recognized in law and were frustrated that they could not include it in their Personal Directive at that time. 85% of Canadians feel this way but the Bill does not reflect that. I believe our human rights will be violated if Advance Consent is not included in legislation. This is very close to my heart, as I have a strong history of dementia in my own family. I do not want to live out my life as my mother did with fronto-temporal dementia and I want the law to let me choose my own manner of dying.

Amendments needed: Include Advance Requests in Bill C-14 or, at minimum, phase it in over 3 years.

3. The 15-day waiting period is not necessary. Do you really believe that those suffering so grievously that they would want to end their lives have not thought long and hard about this decision? What happens if a person falls into a coma during the 15-day waiting period?

Amendment needed: Remove the 15-day waiting period and add that the request must be enduring with an upper limit of 15 days to ensure access and limit suffering. Leave this decision up to the patient and their medical carers.

In conclusion:

Bill C-14 does not need to be a “middle ground” that respects all viewpoints. If you took that road as Parliamentarians you would have to ignore the Supreme Court of Canada’s decision completely, as there are people who firmly believe that no one should have an assisted death *ever* and who want as many barriers to access as possible “to save lives.”

The law needs to respect the Charter Rights of all Canadians who live in our secular country. Safeguards are already included in C-14 to protect vulnerable people by requiring 2 medical practitioners to approve a witnessed request from a requesting adult. Based on experience in other jurisdictions, we can expect very small numbers of suffering people to ask for MAID. Floodgates to assisted dying will not open.

I ask you to please respect Canadians’ rights to make our own life and death decisions by supporting amendments that will improve C-14. Please do not make Canadians face years of expensive court challenges, more suffering and a 5-year wait for Advance Requests.

Thank you for your time and consideration.

Yours respectfully,
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