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360 plaintes sur 700 000 transactions avec Phénix

Paul Gaboury, Le Droit, le 28 avril 2016

Malgré certains problèmes rencontrés par des employés fédéraux avec le versement de leur paye, l'implantation du système de paye Phénix se poursuit comme prévu, alors que 360 plaintes officielles ont été déposées, soit moins de moins de 1% de quelque 700 000 transactions.

«Mercredi soir, nous avons fait une mise à jour pour la paye de 300 000 employés de 101 ministères et organismes. Le paiement pour la paye du 4 mai a été effectué. Tout s'est bien déroulé», a expliqué Brigitte Fortin, sous-ministre adjointe responsable de la rémunération à Services publics et Approvisionnement.

Lors d'une conférence téléphonique jeudi, la direction du ministère voulait répondre aux inquiétudes soulevées au cours des derniers jours, concernant des problèmes liés à la paye de nombreux employés fédéraux, depuis l'implantation du système Phénix.

Les ratés touchent certains groupes d'employés, notamment ceux qui travaillent en mer ou sur des quarts de travail. Certains employés affirment aussi ne pas avoir été payés depuis quelques mois.

«C'est un changement d'envergure et notre priorité est que tous les employés soient payés à temps. Avec l'implantation d'un nouveau système aussi complexe, il peut y avoir certains problèmes. Mais dès que nous sommes mis au courant, nous travaillons à les régler. C'est notre priorité», a indiqué M^{me} Fortin.

Plusieurs problèmes soulevés peuvent ne pas être liés au système Phénix, mais plutôt aux informations concernant la paye qui ne sont pas transmises à temps par les gestionnaires ou par les responsables des ressources humaines.

«Malheureusement, quand cela se produit, les personnes vivent un stress. Mais les ministères peuvent faire des avances à ces employés pour éviter qu'ils aient des problèmes financiers», a indiqué M^{me} Fortin.

Environ 40 agents de rémunération ont été embauchés en janvier dernier, pour faire grimper le personnel à 590 employés à Miramichi.



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De plus, 50 employés supplémentaires ont été ajoutés pour répondre aux questions des employés, alors que le nombre d'appels au centre de Miramichi est passé de 800 à 1900 par jour. Les délais d'attente sont depuis passés de 20 à sept minutes, a expliqué la sous-ministre.

Unpaid public servants told to ask for emergency cheques

'There is no reason for employees not to get paid,' says assistant deputy minister
Alison Crawford, CBC News, April 28 2016

A senior federal civil servant overseeing the problem-plagued Phoenix payroll system has told public servants who are not getting paid properly to ask their departments for emergency cheques.

"Really there is no reason for employees not to get paid," Brigitte Fortin, assistant deputy minister with Public Services and Procurement Canada, said in a technical briefing with reporters. "Where employees' pay is delayed, departments and agencies can issue salary advances."

While some of the problems lie with her department, Fortin pointed out that some employees and managers are unfamiliar with the new system, or may have delayed inputting data into the new program.

- [Problems continue to plague public service pay system](#)
- [New payroll system leaving public servants in the lurch, says PSAC](#)
- [CPP disability claims delayed by massive backlog, auditor finds](#)

Yet the Public Service Alliance of Canada said this week that hundreds of public servants still aren't getting paycheques and the government's toll-free help line has been swamped with calls. The union is also urging employees to request priority pay if they have not received their wages on time.

Fortin told reporters the government has just hired 50 people to answer the phones and brought in 40 new compensation advisers.

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As for the problems with Phoenix, Fortin said the department subjected the new payroll system to rigorous testing for 18 months and submitted it to 16,000 different pay scenarios.

"We encountered some issues with particular types of pay such as shift work," she said. "These problems have been fixed. As well, we've seen some very specific problems with certain departments such as the coast guard where employees have unique work schedules.

"So we have fixed issues for the coast guard employees and we are continuing our work," she added during the briefing.

People surviving on loans, RRSPs

Yet James Stensrud told CBC News today that he still hasn't received a cent of top-up pay since he went on paternity leave in mid-February. The Canadian Coast Guard worker said he has been forced to ask his family for loans.

Amber McCoy, an employee at Health Canada, hasn't received a regular paycheque since the introduction of Phoenix. She said she's getting by on a line of credit and emergency cheques from petty cash at work.

Colin Barnard works at a Department of Fisheries and Oceans spawning channel in northern B.C. and had to dip into his RRSP this month because he hadn't been paid since February. He said he recently received two small emergency cheques.

And Keyvan Abedi at Citizenship and Immigration told CBC he's been shortchanged \$900 every month since the introduction of Phoenix two months ago. When he complained, Abedi received an email that told him "the service standard for this case is approximately 40 business days."

"Why do you roll something out that's so complex to so many departments in such a short time. Like two months? For an IT system across so many departments? It makes no sense," Abedi said.

Problems arose after system was live

Fortin called the introduction of Phoenix a major undertaking that is necessary to replace a pay system that had been in place since the 1970s.

She said work on the transition began in 2009, and when the system wasn't ready to go as planned last spring, Public Services and Procurement Canada decided to delay implementation.

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"We knew we would encounter some challenges. These challenges could only be identified once the system was in use and exposed to a broad range of pay scenarios," Fortin said.

Système de paye Phénix : le véritable test aura lieu le 4 mai

Normand Grondin, ICI Radio-Canada, le 28 avril 2016

Depuis la semaine dernière, la paye de plus de 300 000 fonctionnaires fédéraux est traitée par le nouveau système automatisé Phénix, qui remplace l'ancien système qui datait des années 70. Même si on s'attend à connaître encore des problèmes, Services publics et Approvisionnement Canada estime que Phénix est rodé et prêt pour livrer à bon port la prochaine paye, le 4 mai prochain. Mais certains fonctionnaires en doutent.

« Mon employeur me doit à peu près 30 000 \$ de salaire brut. » Après des mois d'attentes, de tentatives pour se faire payer, de promesses non tenues et des dizaines d'heures passées à patienter au téléphone, une fonctionnaire québécoise s'est finalement plainte à l'ombudsman du gouvernement fédéral.

« Plus de trois mois sans recevoir un sou depuis son congé de maternité, c'est long. » Dernière nouvelle : elle devrait recevoir l'équivalent de deux semaines de salaire d'ici la mi-mai. Pour le reste, il faudra encore attendre.

Depuis la mise en place de Phénix, le nouveau système de traitement automatisé de la paye des employés fédéraux, et dans certains cas bien avant, de nombreux fonctionnaires se plaignent d'avoir des problèmes de paye.

L'Alliance de la fonction publique du Canada parle de milliers de syndiqués. Brigitte Fortin, sous-ministre adjointe à Services publics et Approvisionnement Canada, évoque plutôt le chiffre de 360 plaintes depuis février 2016 sur les 700 000 transactions déjà traitées par Phénix.

On reconnaît qu'il y a certains problèmes, notamment chez les employés de la Garde côtière, mais on estime être en mesure de les résoudre bientôt.

Brigitte Fortin, sous-ministre adjointe à Services publics et Approvisionnement Canada

Services publics et Approvisionnement Canada a d'ailleurs engagé du personnel supplémentaire au Centre national de la paye, à Miramichi, au Nouveau-Brunswick. Le Centre



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peut maintenant répondre à 1900 appels par jour plutôt qu'à seulement 800 et le délai d'attente moyen au téléphone serait passé de 20 minutes à 7 minutes.

La sous-ministre adjointe ajoute qu'il y a tout de même 80 000 règles administratives différentes intégrées au système de paye, ce qui le rend très complexe. « Mais on est confiant que tout va bien se passer le 4 mai prochain, jour de la prochaine paye. »

Kelly McParland: What good is a Liberal government if public servants can't expect special treatment?

Kelly McParland, National Post, April 27 2016

Canada's biggest public service union is disappointed in Justin Trudeau. It's hurt and upset. Already.

Like other members of the civil service, the Public Service Alliance of Canada anticipated great things once the shadow of Stephen Harper had been lifted from the land. The PSAC couldn't stand Harper. The government towers of Ottawa were filled with people who didn't like the prime minister and were convinced he didn't like them. "Restraint" and "austerity" become curse words, code for [cutbacks](#) to their numbers and generous benefits. Stress leave proliferated. Canada's capital was an unhappy town.

Desperate to end the pain, the PSAC launched a \$2.7 million anti-Harper [advertising](#) campaign just as last year's election was to be called. The union proffered "16 reasons to stop Harper and the Conservatives." Liberals swept Ottawa ridings that are home to tens of thousands of bureaucrats. Justin Trudeau was [greeted](#) like a Roman general, entering Ottawa in triumph once victory over the barbarians had been secured. Canada was back.

Ottawa's bureaucrats think that after putting up with nine years of Conservatives, they deserve a reward

But now it's just an ugly memory. Once again, Ottawa's apparatchiks are disgruntled. The issue, as always, is their rights and benefits. The Conservatives sought to end the practice of "sick days," which allowed public employees to build up stockpiles of time they could use if they became ill. Treasury Board president Tony Clement proposed a short-term disability plan in its place. Employees would get six sick days a year, instead of 15. After that they could go on short-

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term disability. The sick days bank, which now [contains](#) about 15 million unused sick days, would close.

After waging war with the Conservatives, the union expected a new proposal from the Liberals. Initially, it looked like the government would deliver. Treasury Board president Scott Brison denounced the Tory program and pledged to roll it back, despite a \$900 million hit to the budget. “What the Conservatives did disrespected the negotiating process. It was irresponsible and unfair,” he [declared](#).

Then he introduced the “new” Liberal plan, which looked a lot like the Tory plan. Sure there was a change here or there, but the short-term disability proposal remained. “I have to say that our teams were disappointed, I’ll be really honest with you,” PSAC president Robyn Benson [complained](#). “We thought we would get something [new](#) from the Liberals, not the same old.”

The union, which represents 140,000 federal employees, says it will not cave on the sick day issue. But rather than continue bickering, it has offered the Liberals another chance to back up their sweet talk. The union’s [latest](#) contract proposal includes a 9% pay hike — 3% a year for three years. Benson made clear a second disappointment won’t go over well.

“We have given the Liberals ample time to reach a fair agreement with federal government workers that will strengthen the public service,” she said. “We expect the government to respond with proposals that are a real change from the previous government’s agenda.”

That’s the way unions always talk. Whatever they propose is “fair.” Whatever the employer proposes is unfair and disrespectful, and a betrayal of collective bargaining. Ottawa’s bureaucrats think that after putting up with nine years of Conservatives, they deserve a reward. Many are still spoiling over the fact the Conservatives insisted they pay a significant share of their own pension contributions. Nevermind that millions of Canadians have to do the same — if they’re lucky enough to have a pension at all. Union politics, and civil service expectations, have never been about equal treatment with other Canadians. It’s about using their position to get more.

Members of Parliament got a 1.8-per-cent raise for this year and a 2.3-per-cent boost last year. Senators — perhaps the least deserving people in Ottawa — received a 2.1 per cent increase this year. The Liberals have been throwing money around like confetti. So why should public servants not get their share?

Still, Benson and the other union bosses know they are in a delicate situation. After wailing so long and loud about the Tories, they can’t immediately turn against the Liberals. It would look

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bad. And, in a contest for public support, Justin Trudeau would be a lot tougher to demonize than Stephen Harper.

So they might have to go on being disappointed, and grumbling to themselves about the injustice of it all. What good is a Liberal government if public servants can't expect special treatment?

Problems continue to plague public service pay system

Woman being paid out of Health Canada petty cash as government rolls out problematic new payroll system

Alison Crawford, CBC News, April 26 2016

One of the unions representing public servants say many of its members still aren't getting paid despite assurances from the government that it had worked out all the bugs in its new automated payroll system.

"I hear stories every day ... We're getting literally hundreds of complaints," Chris Aylward, vice-president of the Public Service Alliance of Canada (PSAC), said of the new payroll system, called Phoenix.

- [New payroll system leaving public servants in the lurch, says PSAC](#)
- [Canadians are not well served by some government departments, auditor general deplores](#)
- [CPP disability claims delayed by massive backlog, auditor finds](#)

Amber McCoy, who works for the government of Canada, is one of them.

"I'm sitting here waiting. I mean, I'm very lucky that my department is issuing me emergency cheques out of Health Canada's petty cash," said McCoy.

The last time McCoy received a paycheque was at the end of February for a pay period in January. She is among thousands of public servants who've been trying to get answers by calling a toll-free help line.

"I phoned on March 10 but couldn't get through again until April 1," said McCoy.

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Last week, Aylward told CBC News that people working those phone lines are getting up to 7,000 calls a day when they're only staffed to handle around 2,200 callers.

'I hear stories every day ... We're getting literally hundreds of complaints.'- *Chris Aylward, vice-president of the Public Service Alliance of Canada*

James Stensrud managed to get through Tuesday after weeks of bureaucratic back and forth. He's on parental leave from the Canadian Coast Guard and hasn't received a dime of top-up pay from the Department of Fisheries and Oceans since he went on leave in mid-February. Stensrud said he's receiving EI but that it's not enough to make ends meet.

"I last spoke with the pay centre a couple hours ago and the rep told me he was escalating my case to a team leader and that it looked like I wouldn't be paid next week either because of the massive backlog. I've already had to borrow money from family to cover expenses and it looks like I'll have to borrow more next week," Stensrud said Tuesday afternoon.

Last week Public Services and Procurement Canada, the department responsible for Phoenix, downplayed the problems.

"All employees who should have received a pay (i.e., whose information was entered into the system), have been paid," said a spokesperson for the department in charge of rolling out the Phoenix system.

But Stensrud said that is simply not true.

Aylward said most of the employees who aren't getting paid properly — or if at all — are those who don't work a typical 9 to 5, Monday to Friday schedule, or are coming off or going on a leave from work.

McCoy, who works three days a week after she and her son were hit by a vehicle as pedestrians, falls into that category.

"I feel I am experiencing more problems than a number of my other colleagues because I don't fall within that standard algorithm. My working schedule is quite different from my co-workers," said McCoy before adding, "We're lucky in a lot of ways, we're looking into loans to make sure we're not damaging ourselves financially but I shouldn't have to do that; I work for the government."

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Government pledges to hire more people

On Tuesday morning, in response to more questions from CBC News, the PSPC, under Minister of Public Services Judy Foote, said it is in the process of hiring 50 more people to work the phones at the pay centre to help resolve people's problems. It said it has also brought in 20 "Phoenix system experts" to provide assistance on site during the transition period.

"Our priority is ensuring that employees are paid as promptly as possible. Anyone experiencing an issue with their pay should contact the pay centre. Reported problems will be dealt with as quickly as possible," a PSPC spokesperson said in an email.

Yet McCoy first complained about her pay issues on March 10 and still hasn't received the money.

Neither has Colin Barnard, who works at the Department of Fisheries and Oceans Pinkut Creek spawning channel in northern British Columbia. Barnard spoke to CBC News last week and said the financial stress is "wearing me down".

Aylward welcomes the addition of more staff to help answer the help line, but said it's the Phoenix program that has to change.

He pointed to how it is unacceptable that members of the Canadian Coast Guard, who do a lot of shift work and are out at sea for weeks at a time, are among the hardest hit by the transition to Phoenix.

Without the means to check their bank accounts to monitor whether their pay is being deposited while they're at sea, Aylward said some employees returned home to find some of their utilities cut off because there were insufficient funds to cover automated bill payments.

The union vice-president says the government had better cover any re-connection fees incurred by those workers.

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Former PM Stephen Harper's tough-on-crime laws cruel punishment: B.C. court

Geordon Omand, The Canadian Press, April 25 2016

The former Conservative government's tough-on-crime agenda has suffered another blow as British Columbia's highest court strikes down two more mandatory-minimum sentencing laws, ruling them unconstitutional.

On Monday, the B.C. Court of Appeal overturned compulsory two-year minimum sentences for drug trafficking convictions that involve someone under the age of 18 or that occur in a public place frequented by youth.

A unanimous decision from the three-person panel says a minimum sentence of two years in such instances may be at times "grossly disproportionate" to the crime committed, and therefore amounts to cruel and unusual punishment.

This week's ruling is the latest in several cases where courts have overturned mandatory-minimum sentences that are the legacy of the former Conservative government.

A Supreme Court of Canada decision earlier this month put an end to minimum sentences for specific drug crime convictions and limits on pre-trial credit in certain conditions where bail is denied.

Last year, the high court upheld a decision from the Ontario Court of Appeal, which ruled that minimum sentences for some gun crimes constitute cruel and unusual punishment because they risk ensnaring people with "little or no moral fault" and who pose "little or no danger to the public."

Prime Minister Justin Trudeau responded after the most recent high court decision saying that his government was reviewing the laws around such sentences.

The Justice Department did not provide a comment about the latest decision. The public prosecution service has 60 days to file leave to appeal.

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The federal government must now step up and reform the laws around mandatory-minimum sentences, said Darcie Bennett, interim executive director for Pivot Legal Society.

The legal advocacy organization was an intervener in two of the three cases referenced in this week's B.C. Court of Appeal ruling.

"Legislative reform would be the cheapest, fastest, most effective way to deal with this issue, and to deal with the issue not on simply a provision-by-provision basis," she said.

Reforming the system isn't about being soft on crime, but about allowing judges the discretion to craft sentences depending on the circumstances, she added.

David Fai, a defence lawyer in one of the three cases, said he believes the court is sending a clear message.

His client, Chad Dickey, was arrested in 2013 while selling cocaine to an undercover police officer near a gymnastics club in Quesnel, B.C.

Noting his considerable rehabilitation following his arrest, the B.C. Supreme Court judge sentenced Dickey to 20 months probation.

The other cases addressed in the decision stemmed from so-called dial-a-dope cocaine arrests in 2013.

Police arrested Marco Trasolini in Burnaby and Cody Bradley-Luscombe in Duncan on Vancouver Island. Both were sentenced to eight months in jail.

The Crown appealed all three decisions, calling them unfit, but the argument was rejected by the appeal court.

"It would be nice to put an end to these things," said Fai, who successfully argued for the Supreme Court of Canada to overturn two other mandatory-minimum laws.

"The public expense in taking these cases to appellate courts, it's not cheap."



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Parliament could pass a law rescinding the previous government's legislation around mandatory minimum sentences, said Fai, though he noted the dilemma of a government not wanting to appear soft on crime.

When appointed attorney general, Justice Minister Jody Wilson-Raybould was given a mandate letter directing her to quickly intervene in court cases where the former government's position is contrary to the Liberal platform.

"They may just prefer to have the courts rule on these things so they can stand on the sidelines," Fai said.

Le projet de loi fédéral sur l'aide médicale à mourir est vulnérable, selon Gaétan Barrette

Mylène Crête, ICI Radio-Canada, le 30 avril 2016

Le ministre de la Santé du Québec, Gaétan Barrette, est convaincu que le projet de loi fédéral sur l'aide médicale à mourir sera contesté devant les tribunaux. Ses propos font écho aux critiques formulées à l'endroit du projet de loi C-14 depuis son dépôt à la Chambre des communes il y a deux semaines.

« Je suis convaincu qu'il est certainement "débattable" juridiquement », affirme Gaétan Barrette dans une entrevue aux *Coulisses du pouvoir*. Il croit que ce projet de loi sera contesté parce qu'il n'aurait pas permis à Kay Carter, la femme à l'origine du jugement de la Cour suprême qui a forcé Ottawa à légiférer, de bénéficier de l'aide médicale à mourir.

Le gouvernement fédéral a inclus la notion de « mort raisonnablement prévisible » dans son projet de loi, une notion qui ne faisait pourtant pas partie des critères émis par la Cour suprême. Selon le projet de loi C-14, la mort d'une personne doit être « devenue raisonnablement prévisible compte tenu de l'ensemble de sa situation médicale » même si son médecin n'a pas émis de pronostic sur son espérance de vie.

Gaétan Barrette y voit une contradiction. « On dit qu'il faut qu'il y ait une mort raisonnablement prévisible sans égard au pronostic sur l'évolution de la maladie, explique-t-il. C'est parce que si la mort est raisonnablement prévisible, ça veut dire qu'il y a un pronostic qui a été établi raisonnablement. »



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L'entrevue avec Gaétan Barrette sera diffusée aux *Coulisses du pouvoir* dimanche à 11h sur ICI Radio-Canada Télé.

Dans l'arrêt Carter, la Cour suprême a indiqué qu'une personne doit vivre des « problèmes de santé graves et irrémédiables » qui lui causent des « souffrances persistantes qui lui sont intolérables. »

« C'est un jugement qui traite du suicide assisté dans des circonstances qui s'apparentent à ce qu'il y a dans notre loi sur les soins de fin de vie au Québec, explique Gaétan Barrette. Alors, c'est clair et c'est pour ça que ça permettait à Mme Carter d'avoir accès à l'aide médicale à mourir parce qu'elle n'était pas dans une situation où la mort était raisonnablement prévisible. C'est simple cette affaire-là et actuellement on vient d'avoir, d'y ajouter un article qui vient complexifier la chose. »

À son avis, le gouvernement du Québec n'aura pas à apporter de changements significatifs à la loi québécoise sur les soins de fin de vie à la lumière du projet de loi fédéral. Le projet de loi C-14 doit être adopté d'ici la fin de la session parlementaire en juin.

Assisted death: Justice minister has 'utmost confidence' in officials' advice

Joan Bryden, CTV News, April 25 2016

Justice Minister Jody Wilson-Raybould says she has the "utmost confidence" in the advice her officials have given on medically assisted dying, even though the same officials spent years insisting suffering Canadians should have no right to seek a doctor's help to die.

In any event, Wilson-Raybould says Justice officials were not the ones who decided on the restrictive measures included in a proposed new law on assisted death.

Those decisions were made by her and her cabinet colleagues.

"I have a tremendous amount of confidence in my officials," Wilson-Raybould said Monday outside a cabinet retreat.

"This was not a decision of officials within my department," she added.

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"This was a decision of cabinet and we put forward what we believe to be a substantive piece of legislation that finds balance between personal autonomy and ensuring that we protect the vulnerable and put in the necessary safeguards."

Some advocates of a more permissive approach to assisted death have denounced the proposed law for disregarding the Supreme Court's ruling on the issue and disrespecting the charter of rights.

And they've suggested the reason the bill falls short is because it was drafted by justice officials who spent six years arguing in court that the ban on medical assistance in dying was a justifiable limitation on Canadians' charter rights.

The Supreme Court last year struck down the ban as a violation of the right to life, liberty and security of the person. It ruled that medical help in dying should be available to clearly consenting adults with "grievous and irremediable" medical conditions who are enduring physical or mental suffering that they find intolerable.

In response to that ruling, the federal government has introduced its proposed law but it has taken a more restrictive approach. It would allow assisted death only for consenting adults, at least 18 years of age, who are in "an advanced stage of irreversible decline" from a serious and incurable disease, illness or disability and for whom a natural death is "reasonably foreseeable."

It would also exclude mature minors and those suffering only from mental illnesses from the right to an assisted death. And it would not allow those diagnosed with competence-eroding conditions like dementia to make advance requests for medical assistance to die.

In a Justice Department analysis last week outlining the reasoning behind the bill, officials acknowledged that various provisions could violate the charter of rights. In particular, excluding those who are intolerably suffering but not near death, could violate their right to life, liberty and security of the person.

However, the analysis argued that the bill strikes an appropriate balance that respects "autonomy during the passage to death" while otherwise prioritizing respect for life. It also "furthers the objective of suicide prevention and the protection of the vulnerable."

But Josh Paterson, executive director of the British Columbia Civil Liberties Association -- which was a plaintiff in the court case -- said Justice officials are making the same kinds of arguments they made throughout six years of court battles on the issue.

"These kinds of arguments were tried by federal lawyers in court and failed," he said.



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A total ban on assisted death for Canadians who are intolerably suffering but not close to death is "a disproportionate response" to the government's desire to protect the vulnerable and is, therefore, unconstitutional, Paterson added.

Jocelyn Downie, a professor of law and medicine at Dalhousie University, said it's reasonable to assume cabinet made its decision about the proposed law based on the analysis provided by Justice officials -- unless they were given additional or different information that hasn't been provided to the public.

"Unfortunately, that document is deeply flawed and, therefore, albeit unintentionally, so too is their decision."

Justice officials have maintained that the proposed law would have allowed Kay Carter, a central figure in the court case, to seek medical help to die. Paterson and Carter's own children have said she wouldn't have been eligible because, while she was suffering intolerably from spinal stenosis, she was not near death.

"With great respect, government lawyers have been wrong on assisted dying for the last six years and they're wrong today when they say that," Patterson told a news conference last week with two of Carter's children.

Former CRTC head praises Ottawa for rethinking CanCon

Daniel Leblanc, The Globe and Mail, April 25 2016

The former head of the CRTC is applauding Ottawa's decision to review the rules governing cultural industries in the country, pointing out that imposing regulations on the broadcast industry is increasingly difficult and ineffective.

"Clearly the Internet and the digital age have changed things, and we have to rethink how we foster Canadian content," Konrad von Finckenstein, who was chairman of the Canadian Radio-television and Telecommunications Commission from 2007-12, said in an interview.

"You can no longer use control, like we used to do in the past, in order to try and steer things in a certain way. ... [The government's] regulatory levers are becoming fewer and fewer, and so



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it's going to be more difficult and we have to rethink how we do this and how we do it effectively."

Former Conservative heritage minister James Moore added he is impressed by the ambitious scope of the review undertaken by his Liberal successor, Mélanie Joly, who made a surprise announcement over the weekend to reassess all of the rules and regulations governing Canada's \$48-billion broadcasting, media and cultural industries.

Announcing the launch of consultations with consumers and creators of cultural content, Ms. Joly said she is willing to change laws such as the Broadcasting Act and the Telecommunications Act, modify the mandates of the CRTC and the CBC and create new laws or agencies as needed. The scale of the coming upheaval hasn't been seen in 25 years, since the Mulroney government revised the Broadcasting Act in 1991, at a time when no one could foresee the arrival of YouTube, Netflix and iTunes.

"Everything is on the table," Ms. Joly told The Globe and Mail.

However, Mr. Moore cautioned that the exercise is rife with political perils, saying Canadians do not share a unanimous view of culture.

"There are some very difficult and divisive issues that will come to the fore very quickly," he said. "The vast majority of the public pressure is toward maximizing consumer freedom and choice, while all of the stakeholder pressure is toward subsidizing the creation of content or regulating the distribution of that content to the consumer. These are two worlds that often collide."

In addition, Mr. Moore said, there is a large segment of the population, especially outside of Quebec, that is not interested in picking up the tab for increased assistance to the creation and distribution of Canadian content.

"Canadians believe in the value of investing in the arts and the role of the government in investing in the arts," he said. "But forcing people to pay for something, forcing people to pay for the infrastructure to make it available, and then forcing people into having to purchase it at the end? That is the third step that people are very wary about."

Still, Mr. Moore agreed that Ottawa needs to update the legal and regulatory framework over Canada's cultural industries, stating that "the private sector is way ahead of the government in recognizing the demand and servicing that demand" for digital products.

"The government is still playing catch-up," he said.

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Ms. Joly said her ultimate goals are to foster the creation of Canadian content across the country, but also to increase the international audience for Canadian creators.

“I think the current model is broken, and we need to have a conversation to bring it up to date and make sure we harness its full potential. For a long time, politicians have been afraid to deal with these difficult issues, but I don’t understand why it wasn’t done. ... The issue is how can the government be relevant today, instead of being left behind,” she said.

The consultations are starting Saturday with an [Internet poll](#), to be followed by public hearings after Labour Day.