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OFFICIAL REPORT
(HANSARD)

Thursday, May 5, 2016

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Thursday, May 5, 2016

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

ASIAN HERITAGE MONTH

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to celebrate the existence of Canadian diversity.

With the help and hard work of the Senate Human Resources committee, the Senate Communications Directorate and Joseph Law, the Senate honoured this very diversity by hosting its own celebration for Asian Heritage Month 2016. At the event, we were able to enjoy performances from different Asian cultures and enjoy a wide variety of music, dance and cuisine from many Asian countries, ranging from the dynamic energy of dragon and lion dances to the subtle grace of Bharatanatyam.

[Translation]

I also want to take this opportunity to thank the Speaker of the Senate, the Honourable George Furey, and Senators Ataullahjan, Dyck, Enverga, Martin, Ngo, Oh, Omidvar and Eaton, who contributed to the performances as well as the cuisine of their respective cultures. Their efforts showcased the beauty of their cultural traditions, and their speeches made us reflect on the contribution that Asian-Canadians have made to Canada's growth and prosperity.

I also want to take this opportunity to acknowledge the efforts of Senator Poy, without whom we would have never been able to celebrate this event. In 2001, the senator moved a motion designating May as Asian Heritage Month. In 2002, the government adopted the motion, which is why we are lucky enough to celebrate this event.

[English]

Honourable senators, watching these cultures come together last Tuesday reminded me why I am proud to be Canadian. Our collective experience is forged in our country. Canada welcomes and embraces the different cultures that form it, as we learn from each other and make our different traditions and cultures a source of harmony. Canada is a place where my daughter can be a professional Indian Bharatanatyam dancer and my son can be a professional Scottish piper. That is the essence of our country.

Honourable senators, in the spirit of Asian Heritage Month, I invite you all to recognize and celebrate the contributions of this country's Asian peoples. Thank you.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Ms. Dominique Doucette. She is the winner of Miss Teen Canada 2015 and Miss Teenager Universe 2015. She is the guest of the Honourable Senator McIntyre.

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

Hon. Senators: Hear, hear!

[Translation]

MISS TEENAGER UNIVERSE 2015

CONGRATULATIONS TO DOMINIQUE DOUCETTE

Hon. Paul E. McIntyre: Honourable senators, I am pleased to rise today to welcome in the gallery a young woman from New Brunswick who recently achieved a major accomplishment on the world stage.

Dominique Doucette, aged 20, from McLeods in northeastern New Brunswick, won the Miss Canada competition in March 2015, in Quebec City, and the Miss Teenager Universe title in August 2015. This year, this high-level pageant is being held in Panama, where more than 30 participants from around the world will vie for the top prize.

Ms. Doucette is the pride of New Brunswick for being the first Canadian to win this title in the pageant's history. Not only did she win Miss Teenager Universe, but she also won Miss Photogenic. If that were not enough, she also won a bursary and the honour of crowning the next pageant winner. In her words, this was an incredible experience.

Although she's had success on the international stage, this is just Ms. Doucette's fourth such competition. Her first pageant was in July 2014, when she was crowned Little Miss Salmon Festival in Campbellton. She was then crowned second princess at the Miss New Brunswick pageant before winning the Miss Canada title in March 2015 in Quebec City.

• (1340)

These experiences, as well as the support of her community, opened the door for her to participate in the international pageant in Panama. Dominique is very grateful to her parents, everyone back home and all those who supported her throughout the process.

Dominique Doucette plans to continue studying industrial relations at Laval University in Quebec City and wants to use her title to encourage young people to pursue their dreams and goals.

Her community is excited to follow this young woman's promising journey, and as a senator from New Brunswick, I wish her all the best in her future endeavours.

Hon. Senators: Hear, hear!

[English]

ALBERTA

WILDFIRES IN FORT MCMURRAY— EMERGENCY APPEAL

Hon. Elaine McCoy: Honourable senators, I rise today to draw your attention to one of the largest natural disasters that Canada has ever seen. That is, as you know, the fires in Fort McMurray, in my home province of Alberta. Last night it was thought that it might be the second largest natural disaster in Canada's history after the ice storms of several years ago, but it is not over yet, so it might yet be bigger than that.

Ninety thousand people have been evacuated; whole neighbourhoods. Sixteen hundred or more buildings have been wiped out, completely obliterated. Fortunately, there have been no deaths or injuries. The hospital was evacuated without incident. In fact, two babies have been born even as they were being evacuated. As true Albertans, everyone is out there helping one another and things are proceeding very well.

As an Albertan, I was deeply grateful to the Prime Minister of Canada for being very quick to step in and say that he would do everything he could to help us in our time of need. He has said that he will match any donation that any Canadian makes to the Red Cross. Our own premier, Premier Notley, has said the same thing. She will put whatever resources are needed to help the people of Fort McMurray and the surrounding region and her government will also match every dollar donated to the Red Cross.

If you, your family, your friends or your colleagues are in any way moved to make a donation through the Red Cross, they can be found at www.redcross.ca. I can tell you that every dollar, which will then become \$3, will be greatly appreciated.

I would also say that in any time of tragedy of this nature, you always find that the goodwill and heroism of people come to the fore. We have seen many Albertans take to the roads in their own cars, filling them up with petrol and driving all the way up to the highway, which is 300 or 400 or 500 miles north of Edmonton, just to meet the oncoming cars that are running out of gas and to enable them to move further south and out of danger.

[Senator McIntyre]

Others are saying that as a way of signalling you need help and are still on the road — I am sure you have seen pictures — if you put a sock on the aerial of your car to signal you need help, they will respond.

There are people reaching out from all across Canada, but in particular in Alberta. On behalf of my fellow Albertans, I thank each and every one of you who is reaching out to help us.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of grade nine students from the King's School in Winnipeg. They are guests of the Honourable Senator Plett.

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

Hon. Senators: Hear, hear!

ALBERTA

WILDFIRES IN FORT MCMURRAY— EMERGENCY APPEAL

Hon. Grant Mitchell: Honourable senators, I want to add my voice to those of our other Alberta colleagues, Senators Tardif, Black, Unger and McCoy, who spoke so passionately in statements and in Question Period yesterday and today in acknowledging the crisis facing the people of Fort McMurray and the devastating, almost incomprehensible impact it is having upon their lives and will, in fact, have for many years to come.

Fort McMurray is a very young city. It is filled with children and young families. It is at the cutting edge of our economy and of the technology, initiative and enterprise that drives it. I am struck by one persistent thought that seem stuck in my mind: a family from Fort McMurray who had made their stand in that city, escaping this inferno, driving just inches from this raging fire, in a car with very young children, a few quickly gathered possessions piled around them, mother and father just beginning to absorb that so many of their memories are burning behind them, and they are driving into a future that is about as frightening and unclear as the road ahead of them.

It is likely that the images of the fire will be seared in the memory of every one of us who has seen them for a long time to come. It is absolutely certain that they will be seared in the hearts and psyches and lives of those who are experiencing them.

This massive assault on that community adds insult to the already deep injury that the people of Fort McMurray have experienced over the past number of years due to the dramatic

economic downturn. While it is often said, it has been no truer at any time than in this case: The people of Fort McMurray are resilient, tough and strong, and they will recover and thrive once again.

I want to acknowledge the firefighters, paramedics, RCMP officers, public servants, community leaders, the military and the neighbours who are helping one another for all that they are doing, undoubtedly sometimes at great personal risk, to fight this fire and save this community and its people.

I know I speak for Albertans, senators and Canadians everywhere when I say our thoughts, prayers and hopes are with them all.

Hon. Senators: Hear, hear!

ROUTINE PROCEEDINGS

ABORIGINAL PEOPLES

STUDY ON CHALLENGES AND POTENTIAL SOLUTIONS RELATING TO FIRST NATIONS INFRASTRUCTURE ON RESERVES—TWELFTH REPORT OF THE COMMITTEE TABLED DURING THE SECOND SESSION OF THE FORTY-FIRST PARLIAMENT—GOVERNMENT RESPONSE TABLED

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, I have the honour to table, in both official languages, the government response to the twelfth report of the Standing Senate Committee on Aboriginal Peoples, entitled: *On-Reserve Housing and Infrastructure: Recommendations for Change*, tabled in the Senate on June 23, 2015, during the Second Session of the Forty-first Parliament.

The Hon. the Speaker: Colleagues, pursuant to rule 12-24(4), this response and the original report are deemed referred to the Standing Senate Committee on Aboriginal Peoples.

ENDING THE CAPTIVITY OF WHALES AND DOLPHINS BILL

STATEMENT TABLED

Hon. Wilfred P. Moore: Honourable senators, with leave of the Senate, I wish to table, in both official languages, a letter with regard to Bill S-203, An Act to amend the Criminal Code and other Acts (ending the captivity of whales and dolphins).

The Hon. the Speaker: Senator Moore seeks leave to table a letter. Is leave granted, honourable senators?

Hon. Senators: Agreed.

SENATE MODERNIZATION

NOTICE OF MOTION TO AUTHORIZE SPECIAL COMMITTEE TO EXTEND DATE OF FINAL REPORT

Hon. Paul E. McInnis: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the order of the Senate adopted on Friday, December 11, 2015, the date for the final report of the Special Senate Committee on Senate Modernization in relation to its study of methods to make the Senate more effective within the current constitutional framework be extended from June 1, 2016 to December 15, 2016.

• (1350)

[Translation]

QUESTION PERIOD

INTERNATIONAL TRADE

CANADA-EUROPEAN UNION COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

Hon. Claude Carignan (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate and is about international trade.

Yesterday, Statistics Canada reported that Canada's merchandise trade deficit with the world widened from \$2.5 billion in February to a record \$3.4 billion in March. Our trade relationship with our neighbours to the south is quite worrisome. Exports to the United States fell by more than six per cent in March, and imports were down nearly five per cent. Canada's trade surplus with the United States is at its lowest level since 1993.

The U.S. economy is going through tough times, so it is clear that Canada must continue to diversify its trade relationships. My question for the Leader of the Government in the Senate is therefore as follows: Is the Canada-European Union Comprehensive Economic and Trade Agreement a priority for the current government as it was for the former government at the time it was negotiated? Also, when will the agreement be ratified?

[English]

Hon. Peter Harder (Government Representative in the Senate): I thank the Honourable Leader of the Opposition for his question. I assure this house that the issue of trade and commerce, as the senator pointed out, is highly important for the Government of Canada, the people of Canada and our well-being. The Government of Canada has pursued a multi-dimensional strategy of enhancing our economic relationships and our trade agreements.

The senator referenced the North American context, and we all look forward to Canada hosting the North American leaders next month to reinvigorate this common economic space of North America that we share. Even though there are winds of anti-free trade in some of our neighbourhood, shall I say, it is important for all of us to restate to our people, our business and workers the importance of market access and free trade within this North America region.

The Leader of the Opposition is right to refer to CETA and its support in the previous administration and its continued support in this administration. There has been progress made very recently. As this house will know, we are very hopeful that this agreement can move forward in its final form very soon. It is not only an excellent market for Canada, but it would be a good signal to the international community that we are positively engaging in free trade agreements with significant partners.

FOREIGN AFFAIRS

HUMAN RIGHTS IN IRAN—UNITED NATIONS

Hon. A. Raynell Andreychuk: I have a question for the Government Representative in the Senate.

The Standing Senate Committee on Foreign Affairs and International Trade studied the issues in Iran some time ago. The nuclear issue was extremely important and needed to be dealt with for the safety and securities of the world, if not the region and Canada. The committee also stated that human rights were equally important.

This week, as part of Iran Accountability Week, we had before the Human Rights Committee Dr. Ahmed Shaheed, United Nations Special Rapporteur on the Situation of Human Rights in the Islamic Republic of Iran, who has not been allowed into Iran but had a mandate for many years. Fortunately he is a dedicated person and has found ways and means to help and assist society there and to obtain the evidence that he has. He has forwarded a compelling report to the United Nations about the plight of society on every human right you can think of: more massive executions than virtually any other country; nine-year-old girls being forced into marriages, which is intolerable. When we questioned him in committee, the response was, yes, it goes on elsewhere, but not with the rapidity and the acceptance of the government as we see occurring in Iran.

One of the things that Dr. Shaheed said, which was troubling, was that despite making the effort and the noise within the UN, the UN cooperation framework which is presently in place in Iran does not include human rights. It's not only the political arm; it's the operations arm of the United Nations.

Can you pass on to the Prime Minister that if he is dedicated to working within the United Nations, he should swiftly seek to ensure that the framework within Iran has a human rights dimension, because it is significant and it is horrific? We cannot stand and see that continue if we are supporting the United Nations.

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for her question.

As I indicated yesterday, the Government of Canada takes the human rights issues in Iran very seriously and has, as the Senate knows, raised these issues in the General Assembly last December 17. We are working toward the same effort of like-minded countries to speak to this issue in the next General Assembly.

The issue of the rapporteur, of course, is a separate one. I note the honourable senator's comments and can assure the Senate that I will bring this to the attention of the Minister of Foreign Affairs in the days ahead.

Senator Andreychuk: As a supplementary, we can't wait for the General Assembly. It has to be immediate. Young girls are in impossible situations. The executions are horrific. The United Nations is supposed to stand for the United Nations Universal Declaration of Human Rights and the Convention on the Rights of the Child. It has to be immediately. I cannot believe that the UN would not have had a framework for human rights on the ground.

Senator Harder: I do note that the rapporteur process is separate from the General Assembly, but I want to assure the house that we will use every occasion available. I will certainly bring this to the attention of the minister, as I indicated in my response.

THE SENATE

ROLE OF GOVERNMENT REPRESENTATIVE, LEGISLATIVE DEPUTY TO THE GOVERNMENT REPRESENTATIVE AND GOVERNMENT LIAISON

Hon. Donald Neil Plett: My question is for the Honourable Leader of the Government in the Senate.

On Tuesday when our leader brought forward a point of order, during those discussions I asked you a question. It was during the point of order, so I take no exception to the fact that you didn't answer it at that time, but I would like to pose that question again.

You have said on numerous occasions, including last evening in a committee meeting, that you are not the leader of any independents. I'm not sure what you are the leader of, the government obviously, but of no other people. Yet you have appointed an executive, if you will, in Senators Bellemare and Mitchell. I know you went to great lengths to find as non-partisan a whip as you could, and you did an excellent job in appointing Senator Mitchell to that position.

My question is: Who is Senator Mitchell the whip of? We know that you are the Leader of the Government in the Senate. The information that we got is that Senator Mitchell is the whip, to be styled as a liaison. I am not sure of the wording. Senator Bellemare is the deputy leader, to be styled as something else. You, of course, are styled as something other than the government leader.

My question is: Who are you the leader of in this chamber? Who is Senator Mitchell the whip of? I know what my duties as a whip are. I know what Senator Munson's duties were as a whip, but what are Senator Mitchell's duties as a whip?

Hon. Peter Harder (Government Representative in the Senate): Let me respond by saying that the institution is in a period of transition given the appointments that the Prime Minister has made and his explicit statement with respect to how he would deal with appointments in this Parliament. I would expect that in the course of this Parliament we'll see an increasing number of independent senators.

• (1400)

An Hon. Senator: Non-affiliated.

Senator Harder: That is the Prime Minister's approach to Senate appointments, and it does have an impact on the operations of the Senate, obviously.

The desire to have a less partisan approach, as well as the desire to have an accountable, credible and transparent Senate, is one that I hope we can all share, and we need to make some adjustments to that reality over time.

It is true that while I am appointed as an independent senator, I have accepted the responsibilities of being the Government Representative in the Senate, and that has certain roles that you would be well aware of, and it is in the same context that Senators Bellemare and Mitchell have agreed to perform roles to assist me. While I am not leader of the independent senators by any means, they do have the right to form whatever group or groups — or not — that they might choose, and we are going to have to accommodate that process that is evolving.

In the meantime, it is absolutely important for the government's business to continue that the government is aware of and works closely with all aspects of this house in the chamber to deal with the passage of government legislation and the operations of the institution.

In that context, Senator Mitchell's role is very clear in the context of the role that a whip has performed as the government whip, to be styled, as you've indicated, in a liaison function to recognize that he is not the whip of a caucus of members of a particular persuasion.

Senator Plett: Well, you are right, leader, that of course everything is evolving, and we want to go along with that. You are certainly right that there will be more independents here on a regular basis. We found out again today that there is one more independent. I'm not sure whether it's the Prime Minister's job to get the independents from over there or from outside, but nevertheless, he's doing a good job of getting them.

We have a Modernization Committee that is trying to deal with exactly what you're doing, and it seems to me that you are moving ahead of the Modernization Committee by trying to modernize us

all on your own. Again, I understand, senator, your position and possibly even Senator Bellemare's position, but you say that the independents may or may not want to form groups. We have at least one group that has been formed, and they elected amongst themselves a leader, a representative, in Senator McCoy.

So we understand that, but if other independent groups want to get together and caucus, and Senator Mitchell suggested in an article we read that he clearly believes they will be caucusing, why would we not allow these caucuses to form before we put executives in place? Because, again, you have not answered what his role will be. You say that he will be acting in a role that you have designed for him, but you haven't let us know what that role is.

Senator Harder: Well, senator, I have articulated the role in a statement to all senators, and I have reiterated it here. It is a role recognizing the evolution of the organization of the Senate, and, yes, this is a work-in-progress. We're using the tools that are available, and these will evolve over the coming months and, indeed, years, and we look forward not only to the modernization report but also to other efforts by senators to modernize the practices of this chamber that reflect the changing dynamics of both appointment and numbers and style.

PROCESS OF APPOINTMENT OF GOVERNMENT REPRESENTATIVE

Hon. Denise Batters: Senator Harder, right before Prime Minister Trudeau appointed you as Leader of the Government in the Senate, he appointed you as the head of his new Liberal government's transition team. One of the most important tasks of a federal government transition team is advising the Prime Minister on key appointments that must be made early in the government's mandate, which last fall included 22 Senate appointments. In their campaign platform, the Liberals promised to institute a new Senate appointment process, pledging non-partisanship and independence. The establishment of the Senate appointment process was one of the government's first major announcements, announced on December 4.

Senator Harder, when did you start your duties as head of the transition team? When did your duties conclude as head of the transition team? What was your precise involvement in formulating and implementing the Trudeau government's Senate appointment process, a process that, remarkably, concluded with your appointment by Prime Minister Trudeau as Leader of the Government in the Senate?

Hon. Peter Harder (Government Representative in the Senate): Thank you very much for your question. I don't have the precise date, but if you tell me when the writ was dropped, it was the Friday before that that the Prime Minister, the then leader of the third party, asked if I would advise him on transition. That was the second time I had met him, and he asked if I would, based on my previous experience, provide him advice, which I was happy to do in that capacity.

Obviously, the outcome of the election was at best uncertain at that point, and as it evolved, I pursued my work in transition planning. As it turned out, of course, that work was utilized, and I became directly involved after the election until the government was sworn in.

I should add that I believe that was November 4, a Wednesday, and on the Friday of that week, I did brief the then cabinet on a number of transition issues, and that was my last engagement as a transition person. I did not speak with the Prime Minister or senior people until he asked if I would take this role.

I don't think it's a stretch of the imagination to have somebody with my background in this role, but I leave that to others to judge.

Senator Batters: Again, you didn't answer the last question I asked: What was your precise involvement in formulating and implementing the Trudeau government's Senate appointment process, a process that concluded with you as Leader of the Government in the Senate?

Senator Harder: With respect, I do think it's appropriate for me not to comment on private advice I gave in a role as transition —

An Hon. Senator: How is it private advice? It's the government.

Senator Plett: It's the government. It's not private.

PUBLIC SAFETY

ASSISTANCE FOR VICTIMS OF FIRE IN FORT MCMURRAY

Hon. Douglas Black: Senator Harder, changing topics, if I may, and with your consent, you indicated yesterday, Senator Harder, that you would keep us updated on the efforts and initiatives of the Government of Canada in respect of Fort McMurray. Twenty-four hours have passed. Twenty-four hours are very significant in this context. Would you be kind enough to bring us up to date on the initiatives and efforts of the Government of Canada on behalf of the residents of Fort McMurray?

Hon. Peter Harder (Government Representative in the Senate): Thank you, senator, and I appreciate the opportunity to update this chamber, recognizing that this is an evolving situation, and events are moving and continue to move very quickly. As has been recognized in statements made earlier, there is a very large evacuation under way and, in some cases, a second evacuation.

The Government of Alberta has declared a state of emergency, and the Government of Canada stands ready to support them in any way that we can. In response to the request for federal assistance, the Canadian Armed Forces are deploying air assets in support of firefighting, evacuation and the delivery of essential aid.

The Public Health Agency is providing essential items to support evacuees, such as cots, blankets and generators. The Department of Innovation, Science and Economic Development is working to ensure that communications networks continue to function.

The local RCMP members, supported by members from detachments throughout Alberta, are fully involved in supporting evacuation efforts. The Government Operations Centre, which is the coordinating unit for federal resources in

cooperation with our partners, both private and public, is closely monitoring the situation to identify assistance where the federal government can do more.

• (1410)

As has already been referred to, the Government of Canada has announced that it will recognize, in equal measure, donations contributed to the Red Cross to support this relief effort.

What we all need to do now is to work closely and adapt our responses as required, and I would note that Employment Insurance measures are being taken to expedite claims for Albertans affected in this measure.

I expect that this evolving situation will require the evolution of responses, but I want to assure the chamber that the Government of Canada is very proactive and focused on this, and we'll look forward to reporting back to this chamber, as it wishes, on further actions taken.

HEALTH

PALLIATIVE CARE

Hon. Tobias C. Enverga, Jr.: I have a question for the Government Representative in the Senate. The Liberal Party's election platform for the last election promised:

As an immediate commitment —

Yes, it's quoted as an immediate commitment — \$3 billion towards improving the failing palliative care available to Canadians. With a new law allowing for physician-assisted death looming, palliative care is increasingly essential and extremely critical as an option for those thinking about ending their lives.

The Minister of Health reiterated that promise in our Legal Affairs Committee yesterday. However, I can see some inconsistencies between the promise and the budget. The budget that was tabled on March 22 this year, is completely silent on that promise. Where will the money come from if it is not stated in the budget?

Hon. Peter Harder (Government Representative in the Senate): I will definitely inquire with respect to the specific question, but it is not unusual for departments to reallocate to new priorities. I don't know if that is the case here, but you shouldn't look to the budget alone as the statement of intent.

FINANCE

TRANSFER PAYMENTS—YUKON, NORTHWEST TERRITORIES AND NUNAVUT

Hon. Daniel Lang: Colleagues, I'd like to draw your attention to another issue that is confronting Northern Canada, and I think it's important that it be brought to the floor of the Senate for debate.

I would like to put a question to the government leader with respect to the Federal-Provincial Fiscal Arrangements Act that is referred to in the budget tabled in the other house.

For background, on February 5 of this year I indicated to this house that I had corresponded with the Minister of Finance with regard to the significant transfer cuts to the three northern territories based on a new methodology used by Statistics Canada.

Further, later in that month I made a statement in this house with respect to the concerns by the northern territories with respect to the millions of dollars that have been cut from the transfer financial arrangements that were in place during the first two years of that agreement. Significant change was made in accepting Statistics Canada's methodology with respect to our transfer payments, and it has resulted in a shortfall of millions of dollars for the northern territories over the next five years. In fact, it is well over \$100 million.

Knowing that, more importantly there is a general principle here, and this is what I would like to put to the government leader. I have also found out that that same methodology was going to apply to a number of the provinces with respect to the calculation of their provincial transfers. Yet, when it was brought to the attention of those particular provinces and the federal government was approached, the federal government nullified that methodology. Thus, there were no shortfalls to those provinces in question.

Why would the Government of Canada treat the territories in such a manner that there are significant shortfalls over the next five years, whereas those shortfalls will not appear with the provinces because they did not treat them the same way as they treated the territories?

Hon. Peter Harder (Government Representative in the Senate): Thank you for your question.

Given the nature of the question, I will take note of it and get back to the honourable senator as quickly as possible.

Senator Lang: As you can see, it's a very concerning question. It's an issue that affects all three territories, and I said earlier it's well over \$100 million if the status quo remains in the next five years.

When you bring this question to the various responsible ministers in the other place, I would ask that consideration be given to restoring, in this budget implementation bill, the monies that the territories should have been getting and should get with respect to the methodology that was used prior to the one that they put in place, especially in view of the fact that we're being treated much differently than the provinces.

Senator Tkachuk: Hear, hear.

Senator Harder: I would be happy to pass that on for consideration.

JUSTICE

DESIGNATION OF IRGC AS TERRORIST ORGANIZATION

Hon. Linda Frum: Leader, in December of 2012, the Government of Canada added Iran's Quds Force, the overseas terrorist arm of the Islamic Revolutionary Guard Corps, to the list of terrorist groups under Canada's Criminal Code. This was an important step in recognizing the IRGC's threat to international peace and security.

Will the Government of Canada take the next logical step and designate the IRGC as a terrorist entity, in its entirety, under SEMA and under Canada's Criminal Code for its role in violating the human rights of the Iranian population and its role in terrorist operations?

Hon. Peter Harder (Government Representative in the Senate): I note the question and will take it up with the Minister of Foreign Affairs and respond accordingly.

[Translation]

PUBLIC SERVICES AND PROCUREMENT

CANADA POST—HOME DELIVERY

Hon. Claude Carignan (Leader of the Opposition): My question is for the Leader of the Government in the Senate. The newspapers are reporting what Minister Judy Foote said at a press conference this morning. The Quebec edition of the *Huffington Post* indicated, and I quote:

Canadians who were hoping that home mail delivery would be fully restored will have to lower their expectations.

Although the Liberals promised during the election campaign to restore home mail delivery, they are now setting up a panel to look at "viable options" for the future of Canada Post.

Does that mean that new community mailboxes will be set up in urban areas?

The minister responded, and I quote:

We're not ruling out anything.

My question is this: Is the Liberal government preparing to break another one of its election promises?

[English]

Hon. Peter Harder (Government Representative in the Senate): I think the minister answered that question by saying no options are off the table, but the inquiry is proceeding. I'm sure the advice that the government gets will help form their decision.

[Translation]

Senator Carignan: Am I to understand that the government might break another one of its election promises?

[English]

Senator Harder: I will have to take that on notice. I'm just not certain.

[Translation]

the youth suicides that are taking place. I just heard recently from the chief that there's still ongoing support that's needed. Can you please update this chamber? Thank you.

• (1420)

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for the question. I have not personally been updated in the last week or so. I can inform this chamber, as I'm sure you're well aware, that there have been a number of senior level visits, including parliamentarians, and discussions with the Province of Ontario to ensure that there is some immediate response increase available.

The reports of ongoing problems are a worry for everybody, and I look forward to and will definitely respond with a further update to the honourable senator.

CANADIAN HERITAGE

MONTREAL—FUNDS FOR THREE HUNDRED AND SEVENTY-FIFTH ANNIVERSARY CELEBRATIONS

Hon. Claude Carignan (Leader of the Opposition): Leader of the Government in the Senate, as you are no doubt aware, the City of Montreal will be celebrating its 375th anniversary in 2017, the same year that we are celebrating the 150th anniversary of Confederation. Last week, the Commissioner for Celebrations for the 375th anniversary of Montreal was invited to the Board of Trade of Metropolitan Montreal to give a conference presentation. Mr. Rozon, whom I am sure you know, at least by reputation, indicated that he currently has \$105 million to work with: \$60 million from Quebec, \$35 million from the City of Montreal, \$10 million from the private sector and, to date, nothing from the federal government.

Mr. Rozon asked the government to do its part to support the event by contributing \$20 million. Does the government intend to respond favourably to Mr. Rozon's request and, if so, what additional amounts will the government contribute?

[English]

Hon. Peter Harder (Government Representative in the Senate): I note the honourable senator's question and will respond when I have that information.

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

CRISIS ON RESERVES

Hon. Don Meredith: Government Representative, I asked this question a few weeks ago with respect to the ongoing crisis in Attawapiskat. Can you update this chamber as to what initiatives have been undertaken? We have a lot of young people in our chamber today, looking at this crisis from across this country and wondering what our government is doing specifically to deal with

DELAYED ANSWER TO ORAL QUESTION

Hon. Peter Harder (Government Representative in the Senate): Senator Downe isn't here, but as I indicated, honourable senators, I hope I can deliver on a commitment to respond as expeditiously as I possibly can to delayed answers. Therefore, I'm delighted to have the honour to table the answer to an oral question asked by the Honourable Senator Lang on April 21, concerning the Royal Canadian Mounted Police Auxiliary Constable Program.

PUBLIC SAFETY

ROYAL CANADIAN MOUNTED POLICE— AUXILIARY CONSTABLE PROGRAM

(Response to question raised by the Honourable Daniel Lang on April 21, 2016)

The men and women who serve as Auxiliary Constables provide countless hours of dedicated service to their communities, and are a vital part of the Royal Canadian Mounted Police. Auxiliary Constables are unarmed volunteers recruited to complement the community policing and crime prevention duties carried out by Royal Canadian Mounted Police regular members. It is the responsibility of the Royal Canadian Mounted Police to ensure Auxiliary Constables are not exposed to the same risks as regular members.

The safety of Royal Canadian Mounted Police Auxiliary Constables is paramount, and safety is indeed the major impetus for the changes made by the Royal Canadian Mounted Police to its Auxiliary Constable Program. Immediate changes made by the Royal Canadian Mounted Police to its Auxiliary Constable Program include the discontinuation of ride-alongs and firearms familiarization training.

The Royal Canadian Mounted Police is currently consulting with provincial and territorial partners as well as with Auxiliary Constables regarding proposed changes to the Auxiliary Constable Program. Auxiliary Constables remain an invaluable part of Canada's national police force.

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Chaput, seconded by the Honourable Senator Moore, for the second reading of Bill S-209, An Act to amend the Official Languages Act (communications with and services to the public).

Hon. Claudette Tardif: Honourable senators, I rise today to share with you the merits of Bill S-209, which seeks to update Part IV of the Official Languages Act (communications with and services to the public), which governs the provision of services in both official languages by federal institutions.

First of all, I would like to recognize the excellent work of our former colleague, the Honourable Maria Chaput, who initiated and developed this bill quite a few years ago. The rigorous analysis and many consultations of local and national associations and organizations by Senator Chaput enriched the bill and heightened its pertinence. The vast majority of witnesses who appeared before the Standing Senate Committee on Official Languages last year were strong supporters of this bill.

The most recent iteration of this bill was introduced for a fourth time in this chamber at the beginning of this Forty-second Parliament. The legacy of our former colleague, Senator Chaput, deserves our support, acknowledgement and appreciation.

The bill seeks to increase the pool of people who can request services in the official language of the minority. There is an urgent need to update the regulations and develop more flexible and inclusive methods for assessing the demand for services.

Bill S-209 and its regulatory update aim to ensure better alignment between the spirit of the Official Languages Act and the current profile of official language minority communities, in light of the new demographic, sociolinguistic, legislative and legal contexts.

The specific rationale for this bill is obvious, considering the restrictive and outdated criteria in the current method of calculation prescribed by the regulations. As a result, this calculation gives an inaccurate picture of official language minority communities. The regulations governing the provision of services to those communities date back to 1991.

Honourable colleagues, in 25 years, the face of those communities has changed considerably, which means that the numerical criteria currently used to assess the demand for federal services must be modified.

ORDERS OF THE DAY

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON MAY 10, 2016, ADOPTED

Hon. Peter Harder (Government Representative in the Senate), pursuant to notice of May 4, 2016, moved:

That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, May 10, 2016, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;

That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;

That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and

That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

He said: Thank you, Your Honour. I'll be very brief and simply inform the house that I expect Minister Sohi to attend for Question Period next Tuesday, as indicated in the motion, and look forward to him enjoying the Question Period here as much as I do.

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

Hon. Senators: Agreed.

(Motion agreed to.)

At present, the regulations base the calculation of significant demand on the relative size of the official language minority community, based on the most recent decennial census (for example, an arbitrary threshold of 5 per cent of the total population). The regulations therefore penalize communities that are not growing at the speed of the overall population. In other words, the numbers increase, but the relative size decreases.

According to the Commissioner of Official Languages, Graham Fraser, “using percentages to define the rights of the minority was unfair, as it allows the growth of the majority to define the rights and services of the minority, even if the minority is growing.”

Senator Chaput clearly illustrated the impact that applying the current regulations has on communities in her speech in this chamber on February 3, 2016, and I quote:

The government’s methods for calculating the size of official language communities are outdated, and those communities and Canada’s linguistic duality suffer as a result. This is urgent. Reducing services because of incorrect and outdated definitions leads to assimilation and flies in the face of the Official Languages Act.

Federal services offered in either official language are subject to the “significant demand” criterion. In order to determine whether there is significant demand within the meaning of the Official Languages Act, the regulations refer to “the English or French linguistic minority population.” This is determined on the basis of the Statistics Canada estimate.

• (1430)

The calculation of significant demand, which is based on the restrictive criterion of first official language spoken, ends up denying more and more people who can identify as francophone or francophile the right to obtain services in French.

For example, Canada welcomes between 200,000 and 250,000 newcomers every year. Over the years, more and more allophone immigrants identify with the francophone community but do not necessarily have access to services in French.

It is time the regulations took the changing face of Canadian society into account by enabling all immigrants who choose to settle in Canada to communicate in the official language of their choice and to receive federal government services in that language.

Let me provide some more concrete examples to illustrate why this bill makes sense. According to the 2011 Census, approximately 71,000 people in Alberta use French as their first official language spoken, but 238,000 people are capable of holding a conversation in French. In British Columbia, 62,000 people use French as their first official language spoken, but 298,000 people are able to communicate in French. Similar situations exist in other provinces as well.

Honourable senators, under the current regulations, none of those people who are able to communicate in French are factored into the calculation of significant demand.

Being bilingual can work against some people. A number of Canadians claim to have two mother tongues when filling out the census, but they are counted as anglophone if they use English more often than French at home or vice versa.

For example, Nathalie Smith, a fictitious person, is from an exogamous family, meaning that one partner is francophone and the other is not. Therefore both French and English are her mother tongues. She can speak both languages, but she speaks English with her husband and children. She lost a bit of her French, but wants to learn it again. Her children attend a French-language school. Since she uses English more often, she decides to indicate English as her mother tongue in the census, as the form allows for only one response. She is therefore not considered a francophone for the purposes of the regulations. According to the 2011 Census, nearly 70,000 Canadians are in the same situation.

Take for example John Smith, another fictitious person, who went to a French immersion school. We know that those programs are growing in popularity. John is able to communicate in English and French. His mother tongue is English, but he speaks French at home, because his wife is a unilingual francophone and his children attend a French-language school. He answers “English” to the census question on first language learned and still understood. He is not considered a francophone for the purposes of the regulations. According to the 2011 Census, nearly 80,000 Canadians are in that situation.

Honourable senators, those are a few examples of people who are not accounted for in the current calculation method in the regulations. The mathematical approach currently being used is incompatible with the spirit of the Canadian Charter of Rights and Freedoms and is inconsistent with the objectives of the Official Languages Act. Under both these statutes, access to services in both official languages must be provided to the entire public, not just members of the linguistic minority.

The Honourable Michel Bastarache, a former Supreme Court justice, confirmed this state of affairs when he appeared before the Standing Senate Committee on Official Languages on February 2, 2015. He said:

This mathematical, mechanical process for determining demand for service is not in line with the fundamental goal of the Official Languages Act, which is to promote the development of francophone and anglophone minorities and the full recognition and use of French and English in Canadian society.

According to renowned constitutional authorities, relying on a purely objective assessment is disturbing because it forces the government to move away from the fundamental purpose of the Official Languages Act, which is to enhance the vitality and protect the rights of official language minority communities. Beyond the numbers, Canadians have the right to federal services in the official language of their choice.

Bill S-209 makes two recommendations for modifications to the method of calculating whether there is significant demand. The first is to no longer use the first official language to determine the

size of the official language minority community. Bill S-209 proposes to include the number of people capable of “communicating in the official language” when calculating the significant demand.

This new approach is obviously logical and necessary, because it is representative of the current demographic and linguistic realities and provides a fairer portrait of potential demand. When he appeared before the Standing Senate Committee on Official Languages last year, Mr. Paul stated:

We are very glad that the definition of a francophone will be expanded to mean everyone who can express themselves in French, whether they are a francophile, a first-language francophone, a newcomer or someone for whom French is a second or third language.

The second recommendation in Bill S-209 is to include an element based on the particular characteristics of the community, such as institutional vitality.

The current regulations do not capture certain qualitative criteria that would paint an accurate picture of the official language minority community. In that respect, institutional vitality and the particular characteristics of the community would be better indicators of the real need for services in either official language.

Here is how the Commissioner of Official Languages described institutional vitality to the Standing Senate Committee on Official Languages on May 11, 2015:

Finding institutions is no more difficult than calculating the percentage. Is there a school there? Is there a community centre? Do community media exist? Are there other community institutions? What about an association of lawyers or business people? Those are all elements that are indicative of a community's existence and its vitality.

A community that functions in its language and has unique characteristics in terms of health care, education, social services and the arts should be supported by the federal institutions in its region. The government—

The Hon. the Speaker: Senator Tardif, do you want five more minutes?

Senator Tardif: Yes, I would like to ask my colleagues for five more minutes.

Hon. Senators: Agreed.

Senator Tardif: A community that functions in its language and has unique characteristics in terms of health care, education, social services, and the arts should be supported by the federal institutions in its region. The government, under the Official Languages Act, is required to encourage the institutional vitality of such communities.

• (1440)

Let us now take a look at amendments made by Bill S-209 regarding the offer of services. The bill introduces the concept of “equal quality” in order to better reflect certain recent Supreme Court rulings that recognize the need for equal access to services of equal quality for members of Canada's two official language communities.

For example, the decisions of the highest court of the land in *Beaulac* in 1999, and *Desrochers* in 2009, show that the applicable standard is that of substantive equality. According to this standard, official language minorities must be treated differently in accordance with their particular circumstances and needs, in order to ensure that their treatment is equivalent to that of the majority. These rulings remind us that exercising one's language rights is not equivalent to asking for an accommodation.

The bill also contains provisions on consultation and transparency. In order to encourage consultation, Bill S-209 proposes reviewing the regulations every 10 years, in consultation with official language minority communities, in order to ensure that the regulations are current and relevant.

To promote transparency, Bill S-209 would require the federal government to issue a public notice before cancelling or modifying services provided in the minority official language.

Honourable senators, this bill represents an important step forward in strengthening the linguistic duality of our country. The problem it addresses is very real and well known. Most of the evidence we heard in committee confirmed this reality during the comprehensive study of Bill S-205, the predecessor to Bill S-209. That study took place over 10 meetings. I would remind the chamber that the bill's goal is based on the fundamental principles of equity and equality, which are recognized by the highest court in the land. Official language minority communities are evolving, and legislators must amend the Official Languages Act without delay.

Honourable colleagues, I encourage you to support this bill, which is essential to the update to Part IV of the Official Languages Act, and to send it to the Standing Senate Committee on Official Languages as quickly as possible for further study. Thank you.

(On motion of Senator MacDonald, debate adjourned.)

[English]

NATIONAL SICKLE CELL AWARENESS DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Cordy, seconded by the Honourable Senator Baker, P.C., for the second reading of Bill S-211, An Act respecting National Sickle Cell Awareness Day.

Hon. Don Meredith: Honourable senators, I am pleased to speak today to Bill S-211, An Act to declare a National Sickle Cell Awareness Day in Canada. Sickle Cell Disease, or SCD, is simply defined as a group of red blood cell disorders where there are insufficient healthy red blood cells to carry adequate oxygen throughout your body. A major symptom is periodic and often severe and long periods of intense pain due to bone marrow necrosis, and from abnormal red blood cells blocking the blood flow through tiny vessels to your chest, abdomen and joints. Other effects of the disease include susceptibility to infections, increased risk of stroke and vision loss and the need for frequent blood transfusions. Because SCD is considered a multi-system disease, patients often require comprehensive care to prevent and manage complications.

Of the approximately 500,000 babies born with SCD each year, half of them will die before the age of 5. For those who survive beyond 5 years, life expectancy is reduced by about 30 years compared to the population average.

The gene affects millions of people worldwide, and is particularly common among those whose ancestors came from Africa, India, the Mediterranean countries, Saudi Arabia, the Caribbean Islands and South and Central America. SCD is also trans-ethnic and affects Black populations of African origin and Arabic, Indian and Caucasian populations from southern Europe.

A myth about SCD is that it is a disease of people of African and Caribbean descent. The truth is that individuals of South American, Indian, Mediterranean, Middle Eastern, African, Native American, Turk and Caribbean heritage are affected by Sickle Cell Disease.

An estimated 5,000 Canadians are living with SCD, and the Sickle Cell Disease Association of Canada estimates 1 in every 2,500 children in Canada will be born with the disease. While they may not have the disease themselves, a large portion of Canadians have the sickle cell trait, which may be passed to their children if their partner has the gene as well. Given the right treatment and support, these children can become productive contributors to our country. But there is a lack of understanding on the debilitating effects people with SCD live with, which prevents early screening and the right treatment to deal with this disease. The results of misdiagnosis can be devastating.

And this, honourable senators, is where Senator Cordy and I ask for your support. Despite more than 100 years of research and knowledge, and recognition of Sickle Cell Disease as a public health priority by the World Health Organization, Canadian health care professionals are not all trained on this disease.

Senator Cordy has brought forth valuable information, and I would like to add some additional context.

Sickle Cell Disease was first discovered in 1910. In 2008, the United Nations General Assembly adopted a resolution that recognized Sickle Cell Disease as a public health problem and “one of the world’s foremost genetic diseases.” The resolution resulted, in part, from the advocacy of the Sickle Cell Disease International Organization, the support of the Republic of Congo and the Republic of Senegal and the commitment in the scientific

world, the African Union and UNESCO in 2005 and the World Health Organization in 2006. The resolution calls for member states and the organizations of the United Nations system to raise awareness of the disease on June 19 of each year at the national and international levels.

In Canada, SCD advocacy and awareness groups organize activities in June each year specifically focused to raise awareness about the disease. However, what’s needed is a national health policy on Sickle Cell Disease to further raise awareness, along with Canada’s international leadership on such matters as maternal, newborn and child health.

Honourable senators, over the past several weeks, I have met several individuals living with Sickle Cell Disease. They have generously shared their stories and helped me to understand what they deal with on a daily basis. I would like to share some of those personal stories with you.

Ulysse is a gentleman who works at TAIBU Health Centre in Scarborough, Ontario. He works in the sickle cell program, and also has the disease. The night before our meeting he went into crisis, yet this issue is so important to him that he pushed through the pain to make sure the meeting took place with others who have the disease.

• (1450)

As well, just last week I learned that an associate of mine, Mr. Felex, who has two boys, one four years of age and one three-month-old, now have the disease.

The stories are real, honourable senators. I also had a friend of mine, Mr. Trench, who died in his 30s of this disease. I remember visiting him in the hospital, with his eyes bulging from his head due to the pain he was in. As well my wife, Michelle, had two friends with the disease, she describes the unbearable pain they endured as teens, and how their parents were perplexed about how to deal with them. Thankfully, they have grown up with the disease and have pushed through the pain, gotten married and have had children.

Honourable senators, sickle cell crisis can vary in intensity for each person. A common denominator is the way red blood cells start to behave abnormally, sticking together, flowing into the wrong parts of the body and depleting the oxygen. Sometimes the crisis can be so severe that the individual has to be rushed to hospital for treatment.

I left my research meetings, asking myself: What would it be like not knowing each day of your life what moment you could go into crisis? What would it be like if my daughter, Dominique, had SCD and fell ill in the playground, falling into full-blown crisis in a matter of minutes? Or my son, David, not making it through a crisis to exchange wedding vows. I’ve imagined Michelle and I bringing our newborn home seemingly healthy, only to have her turn sick of an unknown ailment at three months, and not being able to find a specialist with the right experience and knowledge to diagnose her.

Honourable senators, I encourage you to reach out to at least one person in your community who is affected by SCD. Talk with them and hear their stories.

I'd like to touch on a few key things I have learned in my research and discussions with patients and disease advocates.

This is a debilitating disease. Patients need disability privileges broadened, as at times they can barely walk. But the Ministry of Transportation and doctors give them a hard time. SCD is not just recognized as a disabling disease and patients are unable to get the disability tax credit that the government has put in place, nor do they have ready access to transportation services.

Getting medical insurance for individuals with SCD is difficult, as they are often denied insurance coverage because of a pre-existing condition.

In Canada there's a lack of information and training for medical personnel. There is currently only one hospital in Toronto that has staff specifically trained to treat SCD patients.

There is a lack of awareness of this disease among medical staff that can lead to misdiagnosis and ineffective treatments. Sick cell patients, including babies, are experiencing comas, not because of the disease but because staff are not trained and are giving incorrect treatment. This could be prevented by a simple blood transfusion.

There is inadequate care in emergency departments. Some patients are mistaken for users who just want painkillers, especially if the patient is a teenager or a young adult, as personnel are not aware of the extreme pain that SCD patients experience and the need for strong pain medication to manage their pain.

Quebec ambulance drivers don't know about SCD. It is only recently that the sickle cell chapter in Gatineau opened. With the advanced health care system we have in Canada, there is no excuse for a lack of access to the right health care, resources and support for SCD patients, like the Felex family. They're just across the river in Gatineau.

Bone marrow transplants can be critical in babies for extension of life. Canada is not as advanced as the U.S. in terms of these transplants.

Honourable senators, since SCD is hereditary and there is currently no cure, there is a need to help with prevention. This is why it is important for couples to be tested, to know your sickle cell status before having children.

It's recommended that a couple be aware of each other's sickle cell status as this has an impact on family planning. It is important to know if you have the sickle cell trait, as couples need to be aware of the challenges they could face if they have children together.

If one parent has sickle cell anemia and the other has the sickle cell trait, the child has a 50 per cent chance of having sickle cell disease and a 50 per cent chance of having the sickle cell trait. When both have the sickle cell trait, the child has a 25 per cent chance of sickle cell disease. Twenty-five per cent do not carry any sickle cell alleles.

Only when we are aware of our status can we make more informed decisions. I share this so you can recognize that we are in a society with many different cultures that are connecting. SCD can affect all groups.

Patients and caregivers experience various forms of mental health issues and are not getting help.

Children and young adults experience major gaps in their education, as well as with social activities, which creates a need for a school plan for students living with SCD. Canada needs to provide more information to equip parents with more to help their children living with SCD.

Parents in hospital rooms right now staying by the side of their children with an acute illness like cancer can access assistance from social workers. However, parents who have children with SCD are not given the same level of help, compassion and care.

Canada needs more funding allocated for treatment so that life expectancy of SCD patients can live beyond the life expectancy of 50 years.

Patients can have difficulty holding down a full-time job, as they can experience a crisis at any time, which can take them away from work weeks at a time. In addition, parents and caregivers of patients require an understanding from bosses, peers and staff in their own work environments. For example, a simple fever is not so simple for a person with SCD. For a child with SCD, a fever higher than 38 degrees is very dangerous and requires an emergency department visit.

Ultimately, I have come to understand that Canada needs to demonstrate a strong commitment to those who live with sickle cell disease, and those who love and care for them.

We, as a country, need to recognize that SCD is a major health issue. Elected and appointed officials need to help advocates — like Lillie Johnson, founder of the Sickle Cell Disease Association of Canada and a 30-year activist — increase the knowledge of this disease among Canadians and ultimately improve care, treatment and support for the over 5,000 Canadians living with the disease, half of whom are children. We need to promote satisfactory access to medical services to people affected with the disease. We need to establish health programs at the national level and operate specialized centers for sickle cell disease and facilitate access to treatment. We need to promote and fund research to improve the lives of people affected with this disease. We need to help eliminate harmful prejudices associated with SCD.

Dr. Isaac Odame, of SickKids hospital, was delighted that the Sickle Cell Disease Association of Canada was formed in November 2012. He stated that, "Advocacy is necessary for the prevention, treatment and care of all those children and adults suffering with this disease."

Honourable senators, we can achieve this by supporting Bill S-211. Work with Senator Cordy and me to help change attitudes and replace ignorance with knowledge, empathy and compassion. Bill S-211 will add Canada's voice to this important cause by

formally marking June 19 as National Sickle Cell Awareness Day in Canada. I ask that we come together and follow the example set by other nations.

We also need a national strategy for SCD. We need emphasis on educating medical professionals, caregivers and associated personnel about prevention, research and resources to minimize the complications due to sickle cell disease.

With Canada's international leadership on such matters as maternal, newborn, and child health, I think it's time that Canada joins this worthwhile cause to raise awareness about SCD. We can and must stop the suffering and frustration on the part of patients and their families.

Honourable senators, thank you for taking the time to listen. I ask you to support this bill for an annual national sickle cell awareness day on June 19, and make a positive change in the lives of the thousands of Canadians living with Sickle Cell Disease.

(On motion of Senator Martin, debate adjourned.)

• (1500)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Maltais, for the adoption of the third report of the Standing Committee on Internal Economy, Budgets and Administration (Senate budget for 2016-2017), presented in the Senate on February 25, 2016.

And on the motion in amendment of the Honourable Senator Ringuette, seconded by the Honourable Senator McCoy:

That the Senate postpone debate on the third report of the Standing Committee on Internal, Economy, Budgets and Administration (Senate budget for 2016-17) until the full itemized budget has been tabled and distributed to Senators, as well as the detailed Senate expenses for 2015-16, and, five sitting days after it has been distributed, the Senate sit as Committee of the Whole for questions and that the Committee of the Whole sit until all questions by Senators have been answered.

Hon. David M. Wells: Colleagues, in January 2015, the Subcommittee on the Senate Estimates was struck and given a twofold mandate for the 2016-17 budgetary process. The first objective was to review and confirm the mandates of 13 directorates in the Senate administration, and the second was to initiate a zero-based budgeting process for 2016-17.

Zero-based budgeting is a planning and budgeting tool that uses cost-benefit analyses of activities to improve the allocation of resources. Typically, it is used in business, but we felt the key elements of resource investigation would be useful for the Senate's directorates. It evaluates activities based on priorities, relevance and resources, redefines resource allocation for activities, and helps free up source resources for other priorities — all built around the mandates of the directorates.

Membership on your subcommittee consisted of Senators Furey, Larry Smith, Cordy and Tannas. Upon being struck by Internal Economy, the subcommittee met through the summer months, throughout the writ period and right up to Christmas.

In December 2015, I had the pleasure of presenting the second report of the subcommittee of the Standing Senate Committee on Internal Economy, Budgets and Administration, which outlined the financial situation of the 2015-16 year, as well as the third report of the Subcommittee on the Senate Estimates that dealt with the Senate's Main Estimates for 2016-17.

This is the same estimates amount which is subject to Senator Ringuette's request for postponement of this debate.

The second report of the Subcommittee on the Senate Estimates dealt with the 2015-16 fiscal year. At our last subcommittee meeting on this topic, we were briefed by Finance and Procurement Directorates on the current situation. They forecasted a surplus of \$3.7 million for that fiscal year. The subcommittee believes that efforts should be made to maximize the use of surplus funds to reduce future pressures. The initiatives to be funded should represent operational requirements, such as IT equipment for anticipated Senate appointments or corporate Senate priorities.

The subcommittee recommended to the Committee on Internal Economy, Budgets and Administration that the surplus in 2015-16 be transferred to support authorized funding requirements.

With regard to the third report, as I mentioned, the subcommittee reviewed the mandate of every directorate and carefully considered their budget proposals. All directorates were required to present their budget proposals for 2016-17, including justification for expenditures based on their mandates, any risks in their directorates that should be identified to the subcommittee that could be impacted by their budget, and a detailed explanation of any requests for additional funding.

The subcommittee concluded that it is particularly useful to use the zero-based budgeting process when a new directorate is being created and the appropriate activities and resources need to be identified, or when an existing directorate is undergoing significant restructuring.

It is also useful where significant funding is allocated for non-core activities and special initiatives — for instance, the activities of the Black Rod, which include public outreach and education of young Canadians — where, if they didn't happen, the Senate would still continue to function.

On this basis, it was determined that there would be value in applying the full zero-based budgeting process to five other directorates for 2016-17. These were the Executive, Finance and

Procurement, Corporate Security, Building Services, and Real Property Planning. In terms of the other directorates, it was determined that undertaking full zero-based budgeting would not be of significant value for the coming fiscal year. For instance, in the case of Chamber Operations and Procedure Office, it would require identifying what proportion of the directorate's resources would be allocated to chamber sittings and to procedural research and writing. It was not possible to know what the Senate's sitting schedule would be in 2016-17, and the more the Senate sits, the less time would be available to do procedural research and writing. The balance exists there, and there is little additional cost. Likewise, if the Senate sits less frequently, more resources would be allocated to procedural research and writing.

So while zero-based budgeting could come up with numbers, they would not be particularly helpful or meaningful.

Another example is the Committees Directorate. Committee activity levels are determined by the Senate through orders of reference and by committees through their work plans, not by the Senate administration. It was, therefore, not possible to know what the activity levels of Senate committees would be in 2016-17 or how resources might be allocated among activities. The effort that would be required to complete a zero-based budgeting exercise was not justified.

Senators, throughout this process your subcommittee had an opportunity to question directors on their roles, responsibilities, accountability and priorities. The Subcommittee on the Senate Estimates fulfilled its mandate, and, for the first time in the Senate's history, a dedicated subcommittee performed an exhaustive budgeting process, and reports on these activities were tabled publicly. I encourage all senators to consult these public documents in order to get a better understanding of the important work the Subcommittee on the Senate Estimates completed regarding the state of our fiscal affairs.

I am pleased to contribute to the debate on the Senate's continued accountability and transparency when expending public monies. Thank you, senators.

(On motion of Senator McCoy, debate adjourned.)

[Translation]

THE SENATE

MOTION FOR MEMBERSHIP OF STANDING COMMITTEE ON CONFLICT OF INTEREST FOR SENATORS—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Joyal, P.C.:

That, notwithstanding rule 12-27(1) and subsections 35(1), (4), (5) and (8) of the *Ethics and Conflict of Interest Code for Senators*, the Honourable Senators Andreychuk,

Cordy, Frum, Joyal, P.C. and Tannas, be appointed to serve on the Standing Committee on Ethics and Conflict of Interest for Senators, until such time as a motion pursuant to rule 12-27(1) is adopted by the Senate; and

That, when a vacancy occurs in the membership of the committee before the establishment of the committee pursuant to rule 12-27(1), the replacement member shall be appointed by order of the Senate.

And on the motion in amendment of the Honourable Senator McCoy, seconded by the Honourable Senator Wallace:

That the motion be not now adopted, but that it be amended by replacing all words following the words "*Ethics and Conflict of Interest Code for Senators*," by the following:

"the Standing Committee on Ethics and Conflict of Interest for Senators be composed of two Conservative senators, two Liberal senators, and one independent senator;

That the Conservative senators select the Conservative members to sit on the committee by means of a secret ballot;

That the Liberal senators select the Liberal members to sit on the committee by means of a secret ballot;

That the independent senators who are authorized to attend the Senate select the independent member to sit on the committee by means of a secret ballot;

That each of the groups of Conservative, Liberal and independent senators select a representative to move a motion in the Senate without notice that the selected senator or senators be a member or members of the committee, which motion shall be deemed seconded and adopted when moved;

That, when a vacancy occurs in the membership of the committee before the establishment of the committee pursuant to rule 12-27(1), the replacement member be appointed by the same process used to name the previous member of the committee; and

That the membership of Standing Committee on Ethics and Conflict of Interest for Senators as established pursuant to this motion remain in effect until such time as a motion pursuant to rule 12-27(1) is adopted by the Senate."

Hon. Pierrette Ringuette: Honourable senators, this motion was moved on February 4, 2016. It was tabled in this place with a sense of urgency. I remember quite well some senators saying that the Standing Committee on Ethics and Conflict of Interest for Senators should urgently study certain matters and that the members should meet as soon as possible. Here we are three months later and Senator McCoy's amendment still has not been debated. It seems this was not so urgent after all.

• (1510)

I would like to go over some of the highlights of the amendment from my honourable colleague Senator McCoy, regarding the Ethics and Conflict of Interest for Senators Committee. I'll read part of the amendment, which states:

[That] the Standing Committee on Ethics and Conflict of Interest for Senators be composed of two Conservative senators, two Liberal senators, and one independent senator;

I think that this was quite generous of her, since the reality is that we now have 23 — No, there are no longer 23 Liberal senators; there are 22, since Senator Sibbeston is now an independent senator. We therefore have 22 Liberal senators, which is the equivalent of 20 per cent of the 105 senators. There are now 19 independent senators, excluding His Honour the Speaker, and excluding the government's designated team, so that is 19 independent senators, or the equivalent of 18 per cent. In a few months, we will have another 20 senators, likely independents, which will bring the percentage of independent senators in this chamber up to 40 per cent.

I therefore think that, with respect to the amendment proposed by my colleague, Senator McCoy, who says that the independent senators will be accommodating, even if there is no parity or proportionality, it would be appropriate and required that at least one independent senator be a member of the Standing Committee on Ethics and Conflict of Interest.

That's essentially the objective of the motion and of my colleague's amendment. Senator Wallace addressed this issue in another motion.

What is more, in Senator McCoy's motion in amendment, she says, and I quote:

That the independent senators who are authorized to attend the Senate select the independent member to sit on the committee by means of a secret ballot;

That each of the groups of Conservative, Liberal and independent senators select a representative to move a motion in the Senate without notice that the selected senator or senators be a member or members of the committee, which motion shall be deemed seconded and adopted when moved;

I would therefore like to inform you that since the group of independent senators is accommodating and since there is a democratic synergy within that group, on May 3, 2016, we decided the following, and I quote:

[Senator Ringuette]

[English]

In the spirit of our Ethics and Conflict of Interest Code, we have unanimously elected Senator John Wallace as the independent, non-partisan senator whom we would expect to fill the fifth seat of that committee.

[Translation]

Mr. Speaker, honourable senators, you can already see that the group of non-partisan, independent senators is proactive. Given that, on February 4, the Liberal and Conservative senators indicated in this chamber that it was extremely urgent to continue the committee's work, this chamber is now advised that the group of independent senators has unanimously elected Senator Wallace. In order for the Ethics and Conflict of Interest Committee to continue its supposedly urgent work, we have proposed, in this chamber, the name of Senator John Wallace to represent the group of independent senators on that committee.

You have therefore been advised, and should you wish to continue the urgent work, we ask you to accept Senator Wallace as a member of that committee.

Thank you very much.

[English]

Hon. Yonah Martin (Deputy Leader of the Opposition): As a proud Conservative senator with as much independence as I choose and with as much independence as every other Senate colleague in this chamber, I would like to adjourn this debate for the remainder of my time.

(On motion of Senator Martin, debate adjourned.)

PARTISANSHIP, POLITICS, POLICY AND PARTY

INQUIRY—DEBATE ADJOURNED

Hon. Elaine McCoy rose pursuant to notice of February 3, 2016:

That she will call the attention of the Senate to partisanship, politics, policy and party and how they play out in a Parliament.

She said: Honourable senators, I have been working very hard on the research to support this inquiry, and I'm looking forward to sharing the fruits of my reading with all of you. I anticipate being able to speak to this matter next week, and so I would take an adjournment for the remainder of my time on this item. Thank you.

(On motion of Senator McCoy, debate adjourned.)

[Translation]

LEGISLATIVE WORK OF THE SENATE

INQUIRY—DEBATE ADJOURNED

Hon. Diane Bellemare rose pursuant to notice of March 24, 2016:

That she will call the attention of the Senate to the Senate's legislative work from the 24th to the 41st Parliament and on elements of evaluation.

She said: Honourable senators, I will try to be brief.

Today, I wish to share with you the research that I have done with my legislative assistant and the Library of Parliament in order to collect statistics about the legislative work accomplished by the Senate since 1960, so from the 26th Parliament to today.

• (1520)

Raw statistical data are available on my website, and I invite everyone to consult them. Through this analysis, I wanted to respond to a question that I am often asked: "What do you do in the Senate? What value do you add?"

My instinct as an economist was to try to come up with some facts, an indicator of the legislative work we do. We received some help from the Library of Parliament, and I was greatly inspired by the work of a professor and political scientist named Andrew Heard, who did a statistical analysis similar to the one on my website, except that his ends in 2000. However, he recently updated his data and presented a very interesting brief to the Senate Modernization Committee, which I also posted on my website.

I would like to go over some of the highlights of that analysis. As you all know, there are several categories of bills. The bills we talk about the most are government bills. There are also public bills, which are introduced by a member in the House of Commons and by a senator in the Senate.

Finally, there are private bills introduced in the House of Commons and the Senate. All of these bills need to be passed by both chambers in order to be granted Royal Assent.

What really surprised me is that from 1960 until the end of the Forty-first Parliament, 12,774 bills were introduced in the Parliament of Canada. This averages out to 710 bills per Parliament, which represents a great deal of work, but very few of those bills received Royal Assent. According to our data, about 20 per cent of the bills introduced in Parliament receive Royal Assent.

The statistics show an upward trend in the number of bills introduced in Parliament and a downward trend in the percentage of those bills that receive Royal Assent. The good news in all of

this is that, fortunately, all of the bills that are introduced are not passed. Imagine if the opposite were true. We'd be overwhelmed by legislation.

Many of the bills are rejected in the House of Commons. Between 1997 and 2015, 80 per cent of bills did not make it out of the House of Commons. About 40 per cent of bills did not get past the Senate.

The figures also show that many bills in the House of Commons are introduced by opposition members. These bills are debated, but they will not make it to the Senate.

In the Senate, numerous bills are introduced by a senator but very few are passed. Between 1997 and 2015, senators introduced, on average, 59 public bills per Parliament, and of these bills, just four received Royal Assent.

To the new senators who wish to introduce a bill, you will have to be patient. These bills are not necessarily rejected, but they die on the Order Paper and often come up again during a later session. This is the case with Bill S-204, introduced by Senator Moore, which has been coming back to the Senate every session since 2008.

However, during the last Parliament, between 2011 and 2015, the Senate did well: nine of the 56 Senate public bills were enacted. That is 16 per cent, which is higher than the 6 per cent average observed over the extended period.

During the last Parliament, a number of Senate bills sought to institute special days, such as the celebration of a special event, the commemoration of Korean War veterans, National Philanthropy Day, and even National Fiddling Day.

Some bills amended important legislation. For example, Senator Runciman was successful in his bid to pass Bill S-221, which amended the Criminal Code to require a court to consider the fact that the victim of an assault is a public transit operator to be an aggravating circumstance for the purposes of sentencing.

The statistical data show that the Senate does some trimming, when we look at the percentage of bills that the Senate receives from the House of Commons, which are mainly private members' bills. From 1997 to 2015, 87 per cent of the bills from the House of Commons were passed by the Senate, most without amendment. During that time, a total of 33 bills were passed with amendment, representing 6.3 per cent of the bills passed. I should also point out that these are mostly government bills.

Andrew Heard's document is quite helpful in understanding how government bills go through the Senate. He recently updated his statistical analysis. In the new analytical report he submitted to the Senate Modernization Committee, we learn that almost 80 per cent of the bills studied in the Senate are government bills and 91 per cent of those bills receive Royal Assent. During this period, 26 of the 427 government bills that were passed, or 7 per cent, were amended.

As noted by Andrew Heard, government bills are quite often fast-tracked through the Senate. In fact, 23 per cent of government bills are not studied in depth in committee and are passed within a day or two. Nevertheless, he states that 77 per cent of bills are analyzed more thoroughly, which is not that bad.

Furthermore, committees spend very little time on government bills as compared to bills originating in government. In short, Andrew Heard finds that government bills are rarely amended and that they are not directly or indirectly rejected either. Naturally, some die on the Order Paper. However, those are often the bills that are introduced not long before prorogation and they generally return if the government is re-elected.

• (1530)

When government bills are amended, the House of Commons is usually quick to respond. More than half the time, the House of Commons approves the Senate's amendments within three weeks. Heard noted that, during the period studied, there were only two occasions when the other place took longer than 60 days to review the amendments.

During the previous Parliament, the Senate officially amended only one government bill. That was Bill C-10, the Safe Streets and Communities Act. It was passed by the Senate at third reading with six amendments on March 1, 2012. The House of Commons agreed to the Senate's amendments on March 12, 2012, and the bill received Royal Assent on March 13. This proves that the Senate amendment process can move quickly when there is political will.

According to Professor Heard, party discipline seems to play an important role in the progress of government bills through the Senate.

This review of how government bills move through the legislative process corroborates popular opinion about the Senate's legislative work. That's why Professor Heard concluded that changes were called for to improve the Senate's legislative work and be accountable to Canadians.

Heard also pointed out that private members' bills do not receive as much attention as they deserve even if they obtain a majority vote in the House of Commons.

The statistical tables on my website also reflect this reality. During the reference period from 1997 to 2015, the Senate let 14 per cent of the bills from the House of Commons die on the Order Paper, which is a total of 89 bills, most of which were private members' bills. In fact, according to Professor Heard's data, private members' bills spend four to five times more time in the Senate than government bills. They are rarely amended and die on the Order Paper. During the Forty-first Parliament, we let 19 private members' bills die on the Order Paper.

Why is this? There could be many reasons. Senators may be too divided on the outcome of the vote. There may also be political pressure to prevent these bills from passing. We have to wonder

why Bill C-290 on sports betting, Bill C-279 on gender identity, and Bill C-520 to support non-partisan offices of agents of Parliament all died on the Order Paper. Why were these bills not put to a vote? Was it because of a lack of time, or was it an indirect veto?

Professor Heard essentially concluded that the Senate does not amend, but exercises an indirect veto, not on government bills, but on private members' bills.

As a result, we end up with a democratic deficit, because the public needs to know why bills that pass in the other place do not get through here.

Let's compare our legislative work with that of senates around the world. Although international comparisons are difficult, since we are not always comparing apples with apples, a comparison can still shed a little bit of light.

For example, in France, from 2013 to 2015, 107 amendments were made to the legislation under review. In 2015 alone, the Australian Senate adopted 57 amendments to assented bills. In the United Kingdom, the numbers are astounding. The House of Lords reported 1,163 amendments in 2014-15. Although it is true that the House of Lords also conducts regulatory reviews, these numbers still speak for themselves.

What about our legislative review work? Are we doing too little? Is the legislative work done by the House of Commons so perfect that it does not require any amendments?

Is the Senate's work so subtle that it doesn't leave any visible trace?

The Hon. the Speaker: Do honourable senators agree to give the honourable senator more time?

Hon. Senators: Agreed.

Senator Bellemare: As Professor Thomas pointed out in an article in Senator Joyal's book that comments on the statistical work of Professor Heard, statistical data may hide the subtlety of the Senate's work. The purpose of this inquiry is to bring to light the subtlety of the Senate's legislative work. This information will be useful in improving our legislative work.

Perhaps the work we do during pre-studies is useful, but the data do not show it. If we amend bills during pre-studies, Canadians need to know about it, or at the very least, we need to leave some sort of evidence of what we have done.

I initiated this inquiry so that the senators who have been here for a long time can bolster these statistics and talk about their own experiences.

In closing, the data support public opinion, but they also show that there is a democratic deficit when it comes to private members' bills, and that is something that we absolutely need to address.

What is more, the Senate's legislative review work is not transparent. I believe that in order to make that work transparent, committee reports on bills originating in the House of Commons need to be more substantial. That is why I moved this motion, which I will talk to you about again another time.

Thank you.

[*English*]

Hon. A. Raynell Andreychuk: Just to start the debate, I am rather surprised at the approach Senator Bellemare has taken to the work of senators and individual senators in the legislation. I respect a certain professor's work, but I don't think that binds me. I would like to take the adjournment to speak about my experience of what the work of the Senate really is.

(On motion of Senator Andreychuk, debate adjourned.)

ADJOURNMENT

MOTION ADOPTED

Leave having been given to revert to Government Notices of Motions:

Hon. Peter Harder (Government Representative in the Senate): Honourable senators, with leave of the Senate and notwithstanding rule 5-5(g), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, May 10, 2016 at 2:00 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

(Motion agreed to.)

(The Senate adjourned until Tuesday, May 10, 2016, at 2 p.m.)

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