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(HANSARD)

Wednesday, February 17, 2016

The Honourable GEORGE J. FUREY
Speaker

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THE SENATE

Wednesday, February 17, 2016

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

NOVA SCOTIA 55+ GAMES

Hon. Jane Cordy: Honourable senators, I want to thank and congratulate the organizers of the Nova Scotia 55+ Games, which were held in Pictou County last September. Close to 150 volunteers, under the leadership of co-chairs Nancy Dicks and Andy Thompson, and event coordinator Jan Keefe, worked hard to make the games a success.

The mission of the 55+ Games is to bring people together from across Nova Scotia to participate in the activities and encourage healthier and more active lifestyles, while having a lot of fun. About 750 athletes, ranging in age from 55 to 99, from around the province participated in the Pictou County games. Events included men's and women's hockey, swimming, cycling, curling, badminton, golf, archery, bowling, pickleball, darts, bridge, cribbage and Nordic walking.

My husband and I participated in the games, Bob played golf and I played pickleball, which is similar to tennis but is played on a shorter tennis court. Competitors use a paddle instead of a tennis racket and a perforated plastic baseball similar to a whiffle ball. Now, one of us won medals, and it wouldn't be fair to say who that was, but our grandsons were very happy to wear nana's medals when we got home from the games. The medals were thanks to my great partners, Joan Clark in women's doubles and Monty Johnson in mixed doubles.

Honourable senators, the games take place in Nova Scotia every two years, with the next Nova Scotia 55+ Games scheduled to take place in Lunenburg County in 2017. Again, I want to congratulate the organizers, volunteers and participants of the games. It was a fun time in Pictou County.

Thank you.

MANITOBA

ENFRANCHISEMENT FOR WOMEN— ONE HUNDREDDTH ANNIVERSARY

Hon. Janis G. Johnson: Honourable senators, the women of Manitoba were given the right to vote on January 28, 1916. Manitoba was the first province to pass legislation to this effect, which also defied the disgraceful clause in the Dominion Elections Act which read, "No woman, idiot, lunatic or criminal shall have the right to vote."

In the ensuing months and years, other provinces would follow suit, with the right granted at the federal level in May 1918. Our indigenous women were finally given the right to vote in 1961.

The icon of the Canadian suffragette movement was Nellie McClung, the leader of the Famous Five. The Famous Five have my undying respect and gratitude for their leadership and courage.

But like every major movement for gender equality, there are other heroines whose stories go untold and yet belong in the annals of Canadian history. I want to tell you about one such woman, Margret Benedictsson.

Like most Icelandic immigrants, both men and women, she brought with her a progressive and enlightened cultural background that placed education at the centre of domestic and civic life. Margret Benedictsson began her work not long after immigrating to Winnipeg in 1890. She was inspired by Icelandic trailblazers such as Briet Bjarnhéðinsdóttir and Ólafía Jóhannsdóttir, prominent leaders of the women's movement in Iceland.

After attending night school to improve her education, in 1898 Benedictsson founded Canada's first feminist literary journal, *Freyja*, published in Selkirk, Manitoba, and later in Winnipeg.

For over 12 years, honourable senators, the Icelandic-language paper would publish articles focusing on women's political, economic and social rights. By 1910, its readership had swelled to over 1,200 in Manitoba and North Dakota — unheard of in that era.

It stirred women to begin fighting for enfranchisement and also cultivated an intellectual atmosphere that flourished on the Prairies. In homes, fields and classrooms — where women worked — this would become a call to action.

After much campaigning, the Icelandic Suffrage Association joined forces with the Manitoba Political Equality League in 1915.

• (1410)

Only months later, on January 28, 1916, they would stand proudly when the province's Solicitor General and acting premier, Thomas H. Johnson, a fellow Icelander, moved third reading of the bill to grant women the right to vote.

Today we have a long way to go with respect to gender equality in Canada and indeed around the world. Honourable senators, progress is being made. We have legions of outstanding young women making it happen. Thank you very much.

Hon. Senators: Hear, hear!

LAWS OF SUCCESSION

Hon. Serge Joyal: Honourable senators, yesterday the Honourable Claude Bouchard from the Superior Court of Quebec in Quebec City released his judgment in a case that is of particular interest to the Senate as a whole.

Senators will remember that three years ago, in March 2013, we adopted a bill introduced by the government at the time that expressed Parliament's consent to changes to the British Succession to the Throne Act. Those changes aimed to abolish the male preference in the line of succession and to allow the sovereign to marry a Catholic without being barred from ascending to the throne. Those changes were endorsed by all 16 Commonwealth countries that have Queen Elizabeth II as a monarch.

Following the adoption of that act by Parliament, two constitutional law professors from Laval University contested the validity of the legislation, arguing that this would be a change to the "Office of the Queen," as provided in section 41 of the Constitution and, as such, required the concurrence of the 10 provincial legislatures. This is what we call the unanimity formula of amendment to the Constitution, which is the highest level of consent and, needless to say, the most difficult one.

The issue potentially had a lot of consequences for the status of constitutional monarchy in Canada. If the petitioners were right in their allegations, any province refusing to concur with the changes would prevent the maintenance of the similarity of the identity of the person entitled to wear *à la fois*, the British Crown, and the Canadian Crown. This means that the Canadian monarch could potentially be a different person than the reigning monarch in the United Kingdom.

I was personally convinced that the federal Parliament alone was competent in expressing its consent to the changes to the British laws of succession. That is why I personally decided to seek authorization from the Superior Court of Quebec to intervene formally in support of the government and of our legislation. I tabled a brief, pleaded in person in court over the course of an entire week last June, and provided additional written arguments last fall.

For the sake of transparency, let me say that I personally assumed the costs of those interventions in court.

The Attorney General of Quebec intervened in support of the professors challenging the law, and quite astonishingly so did the Canadian Royal Heritage Trust.

The Attorney General of Canada was the defendant, and I sided with him. There were 11 lawyers in court, arguing on various grounds. I am proud to report that the court recognized clearly that changes to the laws of succession to the Throne that affect Canada are the sole purview of the federal Parliament.

A final note that will be of interest to my colleague and dear friend Senator Baker, let me remind you that the Senate was the only house of Parliament that debated and studied that bill, sent it

to the Standing Senate Committee on Legal and Constitutional Affairs, and heard and questioned expert witnesses. Some of that testimony was quoted at length in the judgment, as well as excerpts from my own brief.

Honourable senators, it is extremely important for the Senate to exercise its full responsibility to review legislation and to provide sober second thought, even though at first sight a bill may seem innocuous and receive no interest in the other place.

[*Translation*]

I am personally grateful to all the honourable senators who expressed their support for me in defending this case.

Thank you, honourable senators.

Hon. Senators: Hear, hear!

[*English*]

BRITISH COLUMBIA

ECONOMIC OUTLOOK

Hon. Richard Neufeld: Honourable senators, I rise today to bring your attention to British Columbia's encouraging fiscal outlook.

I am proud to say that my home province has the best provincial gross domestic product growth of all Canadian provinces and territories, and that trend will only continue.

According to a recent assessment by the Conference Board of Canada, the B.C. economy will also lead the country by a wide margin over the near term. Projections have B.C.'s GDP growth above three points for 2016. The Business Council of British Columbia also predicts that the province's GDP will continue to grow.

The B.C. government is also projecting a \$377 million surplus for the 2015-16 fiscal year. Yesterday the Government tabled its fourth consecutive balanced budget, an astonishing feat considering the current economic situation.

B.C. Finance Minister Michael de Jong predicts three more annual surpluses through 2018-19.

B.C.'s impressive balance sheet is due to the growth in the housing sector as well as the strong showing of the B.C. labour market and the manufacturing sector. B.C.'s forest industry also continues to grow with the U.S. housing market, and is picking up some speed.

The Conference Board also forecasts that the Vancouver Region will be the fastest-growing economy this year, among its survey of 13 major Canadian metropolitan areas. Retail, finance and real estate will be the main elements influencing this growth.

Honourable senators, British Columbia is also leading the way with its low-tax policy. Whether you are a two-income family of four, a single individual earning \$80,000 or a senior couple, British Columbians have one of the lowest overall tax burdens in Canada. Even with the most recent increase in the federal personal income tax, B.C. remains the lowest-taxed province in the country. Indeed, competitive tax regimes along with balanced budgets make B.C. a great place to live and an attractive place to invest because of its low corporate taxes.

B.C. also maintains a high credit rating, matching that of Canada, another sure sign that the province is focused on building a strong, diverse and growing economy. And two weeks ago, Premier Clark was ranked first among her peers by the Fraser Institute for her fiscal performance.

Honourable senators, one of the key factors that will have a huge impact on B.C.'s future GDP growth is the liquefied natural gas industry. It is my hope that 2016 will be marked by the official announcement of Canada's first LNG export plant.

I am confident that British Columbia will soon become a world leader in what is slated to become the cleanest liquefied natural gas sector in the world. I encourage the new federal government to acknowledge the many benefits — economic, social and environmental — of the B.C. LNG industry and strongly support the development of this industry.

Without a doubt, British Columbia's economic outlook is one all British Columbians, and indeed all Canadians, have much to be proud of. B.C.'s low taxes, stable and well-regulated financial system and fiscally responsible government are helping drive Canada's overall economy.

IRAN ACCOUNTABILITY WEEK

Hon. Linda Frum: Honourable senators, I rise to announce that during the week of May 2 to 6, Conservative members of the Senate and the House of Commons will be hosting Iran Accountability Week on Parliament Hill.

The events of this week, which will shine a light on the ongoing and extreme human rights abuses in Iran, will be led by the Honourable Tony Clement, the foreign affairs critic for the Official Opposition, in coordination with my office in the Senate.

Iran's human rights abuses have continued unabated despite a loosening of sanction regimes put in place by Western nations.

These abuses include the ongoing imprisonment of Canadian permanent resident Saeed Malekpour. During a visit to Iran to be with his dying father more than four years ago, Mr. Malekpour was arrested, charged with blasphemy and accused of crimes against the state. Saeed Malekpour still languishes in a Tehran prison.

There are thousands of other innocent Iranians who have been imprisoned or killed for crimes such as being a member of the wrong religion, possessing the wrong sexual orientation or expressing political dissent.

After Iran and six world powers reached a nuclear deal last summer, the number of people being put to death there has only continued to rise, averaging two per day.

We also know that Iran is the world's leading state sponsor of terrorism, providing funding for Hezbollah, Hamas, al Qaeda and others, both in the Middle East and around the world.

• (1420)

Just this week, Hezbollah leader, Sayyad Nasrallah, threatened to use rockets supplied by Iran to hit ammonia gas facilities in Israel, boasting that he could kill up to 800,000 people this way.

Some see the nuclear deal with Iran as a sign that the world can move toward normalized relations with that regime, but that deal has not stopped Iran's outrageous human rights abuses, its increasing use of the death penalty or its direct support of terrorism. That's why a week dedicated to shining a light on Iran's human rights abuses and terrorist activities is, more than ever, appropriate and urgent.

I hope everyone in this house will join the Honourable Tony Clement and me and take part in Iran Accountability Week, May 2 to 6.

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Elizabeth (Beth) Marshall, Chair of the Committee of Selection, presented the following report:

Wednesday, February 17, 2016

The Committee of Selection has the honour to present its

THIRD REPORT

Pursuant to the order of the Senate on December 10, 2015, your committee submits herewith the list of senators nominated to serve on the Special Committee on Senate Modernization:

The Honourable Senators Bellemare, Cools, Eggleton, P.C., Frum, Greene, Johnson, Joyal, P.C., Massicotte, McInnis, McIntyre, McCoy, Stewart Olsen, Tannas, Tardif and Wells.

Pursuant to rule 12-3(3) of the *Rules of the Senate*, the Honourable Senator Carignan, P.C. (or Martin) is ex officio member of all committees except the Standing Committee

on Ethics and Conflict of Interest for Senators and the joint committees.

Respectfully submitted,

ELIZABETH MARSHALL

Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Marshall: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be considered later this day.

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

Hon. Senators: Agreed.

(On motion of Senator Marshall, report placed on the Orders of the Day for consideration later this day.)

THE HONOURABLE MARIA CHAPUT

NOTICE OF MOTION

Hon. James S. Cowan (Leader of the Senate Liberals): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, at the start of the sitting on Wednesday, February 24, 2016, tributes be paid to the Honourable Senator Chaput upon the occasion of her retirement from the Senate, with these tributes being governed by the provisions of rule 4-3.

[*Translation*]

ORDERS OF THE DAY

NATIONAL SEAL PRODUCTS DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Hervieux-Payette, P.C., seconded by the Honourable Senator Joyal, P.C., for the second reading of Bill S-208, An Act respecting National Seal Products Day.

Hon. Ghislain Maltais: Honourable senators, I would like to take this opportunity to congratulate and thank the Honourable Senator Hervieux-Payette for her initiative to institute National

Seal Products Day. Everyone knows how hard she is working to help Canadian seal products become consumer products around the world.

We need to take a look back at history to see just how much today's Canada owes its survival to seals as food. Seals provided sustenance for Aboriginal people in Newfoundland and Labrador, Quebec, northern Ontario, the Northwest Territories and the Yukon, as well as for the first Whites in North America. Seals were a source of wealth for European countries, whether from the animal's fur, oil or meat.

In today's global green era, European countries have chosen to be taken in by the image of a cute little seal on the ice, with no thought for the harm they are causing to Canadians and Canada's Inuit people in particular. I will not go back over the key points of Senator Hervieux-Payette's speech, but I would like to say that I agree with her entirely.

Today, the European Community has somewhat traitorously forgotten what it received from the New World. That is completely unacceptable because Europe is doing the same thing as Canada, but in a much crueller way. Take, for example, the destruction of the schools of tuna in the Mediterranean Sea. The tuna are practically alive when they are put into cans because the Europeans are gutting them while they are still alive. I am wondering what the difference is. At least we have a duty to kill seals before we make use of them. I cannot understand or believe how the European Community could have become so ungrateful to our country, which fed them. I am sure that those European ecologists do not understand what impact their actions are having here in Canada.

By establishing National Seal Products Day, we would be paying homage to those who eat and earn a living from those products. I believe that the Canadian government has a very important duty to conserve and manage this animal. Some seal species reproduce quite rapidly and are jeopardizing our fishery resources.

I truly believe that the government should issue more seal hunting licences. However, if we are going to issue more licences, then we must also find a market for seal meat. I am from a northern region where seal meat made regular appearances on our tables. I sincerely believe that it is possible to develop markets around the world for that meat, thereby striking a balance with respect to resource conservation.

• (1430)

I fully support this initiative to institute National Seal Products Day, and I hope that all honourable senators will vote unanimously in favour of Bill S-208.

(On motion of Senator Patterson, debate adjourned.)

[*English*]

NATIONAL SICKLE CELL AWARENESS DAY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Jane Cordy moved second reading of Bill S-211, An Act respecting National Sickle Cell Awareness Day.

[Senator Marshall]

She said: Honourable senators, I'm pleased today to speak to Bill S-211, An Act respecting National Sickle Cell Awareness Day. I introduced a similar bill in the previous Parliament, and as I did at that time, I must begin by thanking Ms. Lanre Tunji-Ajayi, President of the Sickle Cell Disease Association of Canada. This bill would not be before you today without her passion and dedication to improving the lives of Canadians living with sickle cell disease. I'm honoured to work with her to introduce Bill S-211, An Act respecting National Sickle Cell Awareness Day.

Honourable senators, when I spoke to the previous incarnation of this bill, I mentioned taking part in the Sickle Cell Disease Association of Canada's advocacy day on Parliament Hill. I was honoured to meet with Dr. Robert Klaassen from CHEO, Princess Sanusi, whose 16-year old son has sickle cell disease, and Kemoh Mansaray, a nurse from Edmonton who has friends and family who carry the sickle cell gene. Along with other senators and MPs from all parties, I had the pleasure of attending the Sickle Cell Disease Association's reception on Parliament Hill. During the reception, several people told their personal stories about dealing with the disease. It was a moving experience to hear about the challenges of living with sickle cell. It was also touching to see the optimism in the room that life could improve for those with sickle cell because so many people were working together. Honourable senators, we all know that when people work together, good things can happen.

One mother at the reception told about her experience with her young son, who was frequently crying because of extreme pain in his arm. She and her husband thought he must have injured it in a fall, but they couldn't find any signs of bruising or swelling. They brought him to the hospital for examination by the doctor. An X-ray came up negative, and the doctor told the parents to take their son home and give him Tylenol. After three days with their child continuing to cry in pain, they returned to the hospital, and this time they were blessed. The doctor on duty that day had just learned about sickle cell disease. Because of this new knowledge, the doctor ordered a blood test. The boy's test came back positive for sickle cell. The parents were both carriers of the sickle cell gene, but had not even heard of the disease before that day. Now that the child's doctors and parents are aware of his condition, a suitable treatment and pain management plan has been put in place. This doctor has changed the life not only of this young boy but also of his family. How fortunate they were that this particular doctor, who was knowledgeable about sickle cell disease, was on duty that day. But, honourable senators, health care should not depend on being lucky.

We also heard from Adeniyi Omishore. Adeniyi is only 16 years old, and he was waiting for a hip replacement as the bones have been damaged because of sickle cell. His mobility has been so diminished that he needs a walker or wheelchair to move. He is a very courageous young man, who spoke openly about the challenges of being a teenager affected by this disease. You can't play soccer, hockey or baseball. You miss a lot of school because of the intense pain and time spent in the hospital for treatment. Yet this young man remains upbeat and positive when telling of his challenges of living with sickle cell. He is truly an inspiration.

We met Adeniyi last spring, and he is still awaiting a hip replacement. He is unable to socialize much due to reduced mobility and constant hospitalizations. He is in Grade 12 but is

unfortunately absent on quite a number of school days and is unable to do exams because of sickle cell disease. The good news is that all the surgical papers have been signed, and his family is now just waiting for a surgery date.

Honourable senators, these are just two Canadian stories of many who are living with sickle cell disease. According to the Sickle Cell Disease Association of Canada, over 5,000 Canadians live with debilitating and sometimes life-threatening sickle cell disease. Although the numbers will vary from one province and territory to another, the association reports that one in every 2,500 children in Canada will be born with this condition. In the United States, sickle cell disease is actually the most common genetic disease.

Honourable senators, I would like to take a moment to talk a bit about what sickle cell disease is, who has the disease, and how one gets sickle cell disease. Sickle cell disease or sickle cell anemia refers to a group of inherited red blood cell disorders. The three most common forms of sickle cell disease in North America are hemoglobin SS, or sickle cell anemia; hemoglobin SC disease; and hemoglobin sickle beta thalassemia.

Sickle cell disease is caused by an abnormal form of hemoglobin, the molecule in red blood cells that carries the oxygen throughout the body. With sickle cell disease, the red blood cells become deformed and the abnormal hemoglobin is unable to work properly. Normal red blood cells are doughnut-shaped and move easily throughout the body's blood vessels to deliver oxygen to the organs. In patients with sickle cell disorder, the red blood cells become stiff and sickle-shaped.

The sickle-shaped blood cells do not function like healthy red blood cells. A deformed cell does not flow easily through the blood vessels and can get caught up in the vessels and break apart. This can result in clogged blood vessels and low red blood cell count, or anemia. A normal, healthy red blood cell can carry out its job for 120 days, whereas a sickle-shaped cell has a lifespan of only 20 days. The compounding problem of clogged blood vessels and low red blood cell count drastically hampers the body's ability to deliver adequate oxygen to the organs. The continued starvation of oxygen to the body's systems most commonly manifests itself as severe pain, especially in the bones. It can also cause damage to shoulder and hip joints or cause chest pain from acute chest syndrome. This is why Adeniyi, the 16-year-old boy I spoke about earlier, requires a hip replacement.

• (1440)

There can also be damage to the lungs and heart — such as heart failure or pulmonary hypertension — and damage to the kidneys, liver and eyes. Sickle cell can also cause stroke, leg ulcers and infections. Because it can damage just about every organ in the body, sickle cell disease is known as a multi-system disorder.

Anyone can have sickle cell disease but, for an unknown reason, it is drastically more prevalent in people descended from Africa, the Mediterranean, the Caribbean, the Middle East, Southeast Asia, the Western Pacific Region, South America and Central America. In Canada, the Sickle Cell Awareness Group of Ontario conducted a study that showed 32 out of 40 African-Canadians are carriers of the sickle cell trait. Honourable senators, this is

80 per cent who carry the trait. This does not mean that they have sickle cell disorder, but they can pass it on to their children if both parents are carriers of the sickle cell trait.

Sickle cell disease is not contagious. You cannot catch it; you inherit it from your parents. To have sickle cell disease a person must inherit one sickle cell gene from one parent and one sickle cell gene from the other. If a child inherits a sickle cell gene from one parent and a healthy gene from the other, they will be a carrier of the sickle cell trait and may pass it on to their children but will never have the disease themselves. As I stated, it is not contagious but, rather, hereditary.

At this time there is no known cure for sickle cell disorders. Treatment consists of managing symptoms of the disease through penicillin to fight infections in children, blood transfusions and a drug called hydroxy-urea. Both transfusions and hydroxy-urea can have serious side effects. However, it is encouraging to learn that research is finding that changes to a healthier lifestyle and diet have a positive effect on patients' quality of life. Because of the lack of oxygen travelling throughout the body, including to the brain, children with sickle cell disorders often struggle in school with fatigue, loss of concentration and memory lapses. It is important for educators to be aware of these symptoms so they can tailor their teaching accordingly.

Infections can also be a major complication of sickle cell anemia, especially during childhood. Early diagnosis is extremely important so that children can be closely monitored by family and medical personnel. Because of its relative rarity, most clinicians have limited experience and expertise with sickle cell disorders. When patients come in with conditions associated with sickle cell disease, doctors may not think to test for the disease.

This was the case for the parents of the young boy who experienced extreme pain in his arm on his visit to the hospital. The lack of awareness of the disease among medical staff can lead to misdiagnosis and ineffective treatments. In some cases, because of the persistent pain and need and desire for pain management medications, it is not uncommon for doctors to dismiss a patient as someone just wanting painkillers — especially if the patient is a teenager or young adult. Something as easy as a simple blood test at birth would help prevent misdiagnosis and would provide medical personnel with the information needed to properly treat the patient.

Universal screening for sickle cell disorders now occurs in every state in the United States. In Canada, newborn screening is available in Ontario, British Columbia, Yukon, New Brunswick, Prince Edward Island and Nova Scotia. Right now, newborn screening is taking place in hospitals in the Greater Montreal area and Laval, with commitments to expand screening across Quebec by March.

Honourable senators, shouldn't every newborn in Canada have access to screening? The screening provides so much information to health care providers patients and their families. Early diagnosis would mean ongoing care from birth. The Sickle Cell Disease Association of Canada is aggressively advocating for a national newborn screening program. A national approach to the disease is something that is sorely missing in Canada. Guidelines for universal screening would identify the disease and other blood disorders. The screening program would also identify carriers.

Optimal treatment and management of sickle cell disease requires knowledge and understanding of the disorder, not only by medical personnel but also by the patient and their family. Managing sickle cell disease is a lifelong process; the logical first step is early and proper diagnosis.

When a child is born with sickle cell disease it is impossible to predict which problems will develop, when they will start, or how bad they will be. During the first six months of life, infants have a high level of fetal hemoglobin in their blood which protects them from red-blood-cell sickling. The dangerous complications of sickle cell disease may quickly develop between ages six months and five years, after levels of fetal hemoglobin decrease. Infection is a major concern for children with sickle cell disorders, and an immediate regimen of daily penicillin is required to manage infection.

Older children and adults with sickle cell disease may have few problems or may have a pattern of ongoing complications such as organ failure or stroke, which can shorten their life. Stroke affects around 10 out of 100 children who have sickle cell disease. Screening all newborns would provide families and their doctors with the information needed to develop a plan of action to manage the disease.

Honourable senators, newborn screening can save lives and improve quality of life. Universal screening for sickle cell disorders of all Canadians will also provide doctors and researchers with the ability to track the disease and, honourable senators, because it is genetic, it can be tracked. It will also provide those planning a family with valuable information about their risk of having children with sickle cell disease. Screening of newborns will also eliminate the mystery surrounding patients with the disorder and will establish early recognition and management of the disease. The longer a child goes undiagnosed, the greater the chance of organ damage, episodes of severe pain or stroke, or possibly death. Early diagnosis means better care and a better health management plan.

Honourable senators, June 19 of each year is recognized as World Sickle Cell Day by organizations such as the African Union, the United Nations Educational Scientific and Cultural Organization, the World Health Organization and the United Nations to promote awareness of the disease around the world. Bill S-211 would add Canada's voice to this important cause by marking June 19 as "National Sickle Cell Awareness Day" in Canada.

We are a diverse country, and many Canadians can trace their roots to Sub-Saharan Africa, India, Saudi Arabia and the Mediterranean, all countries where the sickle cell trait is common. It is important for Canada to recognize this and develop strategies and policies which reflect the ever-evolving health care needs of our citizens.

The Sickle Cell Disease Association of Canada is doing great work to further the awareness of the disease, particularly among parliamentarians provincially and federally. The people I have met and had the pleasure to get to know within the Sickle Cell Disease Association of Canada are very positive, upbeat people. They just want Canadians to be more aware of sickle cell disorders. They want newborn screening to detect sickle cell at birth; they want treatment that will improve the quality of life for

those with sickle cell and their families; and they would like to see a national strategy for sickle cell disease. Honourable senators, Bill S-211, which would mark “National Sickle Cell Awareness Day,” is just a small step, but it is a positive step in the right direction.

Honourable senators, I am hopeful that you will see the positive change this bill can make in the lives of those Canadians living with sickle cell disease, and I am hopeful that you will help to make “National Sickle Cell Awareness Day” a reality with the passage of this bill.

Thank you.

(On motion of Senator Meredith, debate adjourned.)

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Committee of Selection (nomination of senators to serve on the Special Committee on Senate Modernization), presented in the Senate earlier this day.

Hon. Elizabeth (Beth) Marshall moved the adoption of the report.

She said: Honourable senators, this is the third report of the Committee of Selection. We met yesterday, and it was in response to a motion passed in the Senate in December to establish a special Senate committee on modernization of the Senate. It provided for the nomination of 15 members. This is the nomination report that lists the 15 members, and a copy of the report has been provided to each senator in the house today.

The names are there, and I move the adoption of the report.

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

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

• (1450)

THE SENATE

MOTION FOR MEMBERSHIP OF STANDING COMMITTEE ON CONFLICT OF INTEREST FOR SENATORS—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. George Baker: I wish to say a few words concerning this motion. Before I do, let me use this opportunity to take note of the fact of the great contribution of senators in this place in their role as senators, in what the courts claim is sober second thought.

About a week ago, since this motion is about committees, I went through the decisions of quasi-judicial bodies and tribunals. I wrote down the names of senators who were quoted in decisions over a period of two years: Senator Demers, Senator Ogilvie, Senator Seidman, Senator Enverga, Senator Ngo, Senator Day, Senator Moore, Senator Dyck, Senator McIntyre, Senator MacDonald, Senator Downe, Senator Beyak, Senator Oh, both Senator Smiths, Senator Campbell, Senator Tannas, Senator Raine, Senator Ringuette and Senator Dagenais. That was just over a short period of time. A short period of time. This is our committee work, in our tribunals and quasi-judicial bodies.

I was prompted to do this because Senator Joyal just won a court decision in the Quebec Superior Court, which may, senators — I don't know if he's thought about this — be appealed to the Quebec Court of Appeal.

This was a classic case of our committees. That bill, in March of 2013, March 7, went through Legal Affairs after it had gone through the House of Commons. A government bill, gone through the House of Commons, no examination in committee, nobody knew what the meaning was or the intent of certain sections of the bill. It came to Legal and Constitutional Affairs here in the Senate, and the witnesses were brought in, for and against. It was the witnesses who were brought in against who then appealed to the Quebec Superior Court on the unconstitutionality of the bill, and our great Senator Joyal then became an intervenor. The battle took place with, of course, the Crown, the Department of Justice, as the respondent. The judge, in this decision, quoted the members and witnesses of Legal and Constitutional Affairs to buttress the arguments of Senator Joyal, and Senator Joyal won the day in the decision of the court. But it just shows the value of our Senate committees.

That's in our courts. Recently, for example, Senator Frum asked a simple question one day in our committee. She just asked a simple question; she said, "Okay, well, I'm not sure that this means that or this." Well, that question and the answer now become a part of case law in *Her Majesty the Queen, the Crown, and Travis Brandon Baumgartner, the accused, 2013, Alberta Court of Queen's Bench* — that's the superior court — 761. Just a simple question put by a senator, and then that was followed by another senator. If you go to the Federal Court of Appeal just recently, you find this remarkable account of Senator Art Eggleton, where Senator Art Eggleton is quoted in paragraphs 85 and 86, and the testimony and the senators who make up the Standing Senate Committee on Social Affairs, Science and Technology, at five different meetings, are quoted by the court. That's by the Federal Court of Appeal in the case called the *Minister of Public Safety and Emergency Preparedness (appellant) v. Thanh Tam Tran (respondent)*, and it is 2015, Federal Court of Appeal 237.

I could go to the Federal Court below, since that time, to find that Senator Bellemare is quoted. It's a simple question. She says: "Were they consulted?" That caused the official then to have to answer it. That was determined by the court to be the reason for the legislation being passed, the intent of the Government of Canada. It was Senator Bellemare.

You don't see any of these from the House of Commons. The real purpose of the Senate.

[Senator Baker]

Then we see this rare instance where a speech here in this chamber is used in case law. Not very often. It's always in the committees. It is not here. The most quoted people in the Senate are not, I'm afraid, the leadership in the Senate. They are not. It is the members of the committees who do their work and who ask those questions.

Honourable senators, that is what is meant by sober second thought. It does not mean an amendment to legislation. You go back over all the decisions of the Supreme Court of Canada. It does not mean amendments. It doesn't mean defeating bills. Sober second thought. It means giving meaning to legislation passed in the House of Commons. So you see this strange — well, I don't know if it's strange, but I know the senator is not strange. Senator John D. Wallace is quoted, together with Senator Pierre Claude Nolin, in a speech, in paragraph 49, of *Her Majesty the Queen (the appellant) v. Robert Henrico*. That is the Quebec Court of Appeal 1431. My point in bringing this up — and I'll get to the bill in just a second, I think; I'm not sure what bill I'm talking about — is that it's an illustration, senators. We can search for different things to do here in the Senate, but —

Hon. Yonah Martin (Deputy Leader of the Opposition): On a point of clarification, sorry, senator. I was just wondering; the senator said he will get to the point of the bill —

The Hon. the Speaker: Are you raising a point of order?

Senator Martin: Yes, a point of clarification, a point of order, Your Honour. I was just wondering because Senator Baker just said he'll get to the point of the bill, but we are on a motion. So would you clarify, senator?

Senator Baker: Well, a bill is a motion, but you are absolutely correct that I was incorrect, as you were the other day when you shut me off in a motion to the Senate. The Speaker agreed with you, and he cut me down and didn't permit me to continue. You are absolutely right again, but I meant a motion that is put to the Senate.

We should always remember, I believe, senators, that there it is. I have been here for 42 years, and I can tell you — 42 years, yes — that the Senate is doing its job, and it's doing a better job today than it did yesterday. For the past 10 years, we've had more usage of the Senate's sober second thought than we had in the previous 32 years that I was here on Parliament Hill.

Hon. Senators: Hear, hear!

Senator Baker: We have the most quoted group of senators in our history in case law, and we should not forget that when we seek new ways of doing things here in the chamber. We have our tribunals, quasi-judicial bodies — the nurses' appeal board of Manitoba, the doctors' disciplinary committee, the Law Society's disciplinary committee — quoting in constitutional matters things that were said by senators in committee. You don't get that in the House of Commons. However, that is not their job. Their job is politics. The difference between a politician and a senator is, I think, that the politician looks to the next election, and the senator looks to the next generation.

Hon. Senators: Hear, hear!

• (1500)

Senator Baker: I am out of time, and I have forgotten exactly what the motion was. When I have had a chance to digest the motion further, I will speak to the motion itself. Thank you.

Hon. Senators: Hear, hear!

(On motion of Senator Frum, debate adjourned.)

PHYSICIAN-ASSISTED DYING

MOTION TO AUTHORIZE SPECIAL JOINT COMMITTEE
TO DEPOSIT FINAL REPORT WITH CLERK—SPECIAL
JOINT COMMITTEE AUTHORIZED TO DEPOSIT
FINAL REPORT WITH CLERK

Hon. Kelvin Kenneth Ogilvie, pursuant to notice of February 16, 2016, moved:

That the Special Joint Committee on Physician-Assisted Dying be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate its final report between February 24 and February 26, 2016, at a time of day that the Senate is not sitting, and that the report be deemed to have been tabled in the Chamber.

He said: Honourable senators, this is a request from the special joint committee to enter its report through the so-called “back door” of the Senate. The reason for this request is the following: We are charged under the motion passed by both the House of Commons and the Senate to bring our report to both chambers at the same time and by February 26. It looks like the time we are aiming to bring this report to both chambers is February 25.

The two Houses of Parliament have different times for tabling of documents. In the House of Commons the normal time on a Thursday is 10 a.m. In order to ensure that both chambers receive the document at the same time and that it is made available through both chambers at the same time, we request that our colleagues adopt this motion, allowing us to bring the document and enter it into the Senate slightly before 10 a.m. on the day that it is ready. We have put in the dates from February 24 to 26 to give us some flexibility because honourable senators will know that in a committee of this nature nothing is certain in terms of time of completion.

Honourable senators, I would be pleased to answer any questions, but that is the basis of the request.

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

Hon. Senators: Question.

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

(Motion agreed to.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

MOTION TO AUTHORIZE COMMITTEE TO DEPOSIT
REPORT ON STUDY OF THE INCREASING INCIDENCE
OF OBESITY WITH CLERK DURING ADJOURNMENT
OF THE SENATE—COMMITTEE AUTHORIZED TO
DEPOSIT REPORT ON STUDY OF THE INCREASING
INCIDENCE OF OBESITY WITH CLERK DURING
ADJOURNMENT OF THE SENATE

Hon. Kelvin Kenneth Ogilvie, pursuant to notice of February 16, 2016, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be permitted, notwithstanding usual practices, to deposit with the Clerk of the Senate a report relating to its study on the increasing incidence of obesity in Canada between February 29 and March 4, 2016, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

He said: Honourable senators, the Standing Senate Committee on Social Affairs, Science and Technology has been working on a report on obesity for some time. We have been confounded by summer breaks, elections and other events, and we are now approaching a position to be able to bring our report to the Senate.

As colleagues will know, Internal Economy and the leadership have substantially revamped the communication strategy for the Senate and we now have very dynamic individuals within that operation.

It is the hope of the committee, with the enthusiastic and very innovative leadership of the Director of Communications, that we would bring the report to the public through the Senate on the break week in March. In order to do that, we need permission to bring the document through the back door, which will allow us to hold a press conference that has been well proposed to the committee. We will be discussing that tomorrow in the committee. That will allow everything to be done simultaneously without any diminishment of interest in this report.

I think it would be fair for me to say, colleagues, that there has been a tremendous amount of interest in this report and people are wondering when it will become available as a public document.

That is the basis of the request, and I would be pleased to answer further questions.

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

Hon. Senators: Question.

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

(Motion agreed to.)

(The Senate adjourned until Thursday, February 18, 2016, at 1:30 p.m.)

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