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Chair: Mr. Kody Blois





## Standing Committee on Agriculture and Agri-Food

Wednesday, June 21, 2023

• (1710)

[*Translation*]

**The Chair (Mr. Kody Blois (Kings—Hants, Lib.)):** I call the meeting to order.

Welcome to meeting number 70 of the Standing Committee on Agriculture and Agri-Food.

[*English*]

Thank you for your patience, colleagues, during the few minutes that we had some technical difficulties. Thank you to our team for getting us up and online.

We had more substitutions earlier on, but our regular members have come back.

I will welcome Ms. Khalid, who is here for Mr. Turnbull.

Welcome back to the committee. It's always great to have you.

Colleagues, pursuant to the order of reference of Wednesday, May 17, 2023, the committee is meeting to proceed with the clause-by-clause consideration of Bill C-280, an act to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act (deemed trust – perishable fruits and vegetables).

To help us with the clause-by-clause study of Bill C-280, I would like to welcome our witnesses.

From the Department of Agriculture and Agri-Food we have Mr. Tom Rosser.

Welcome back. You're no stranger, of course.

From the Department of Industry, we have Samir Chhabra, director general, marketplace framework policy branch; and Paul Morrison, special adviser, corporate, insolvency and competition directorate.

Thank you, gentlemen, for joining us here in the room.

I'd like to provide the members of the committee with some instructions and a few comments on how the committee will proceed with the clause-by-clause.

As the name indicates, this is an examination of all the clauses in the order in which they appear in the bill, except for the short title, which will be considered at the end. I will call each clause successively, and each clause is subject to debate and a vote.

If there are amendments to the clause in question, I will recognize the member proposing it, who may explain it. The amendment

will then be open for debate. When no further members wish to intervene, the amendment will be voted on. Amendments will be considered in the order in which they appear in the bill and in the package each member received from the clerk. Members should note that new amendments must be submitted in writing to the clerk of the committee.

The chair will go slowly to allow all members to follow the proceedings properly—slowly but efficiently.

Amendments have been given an alphanumeric number at the top right corner to indicate which party submitted them. There is no need for a seconder to move an amendment. Once moved, you will need unanimous consent to withdraw it.

During debate on an amendment, members are permitted to move subamendments. These subamendments must be submitted in writing. They do not require the approval of the mover of the amendment. Only one subamendment may be considered at a time, and that subamendment cannot be amended. When a subamendment is moved to an amendment, it is voted on first. Then another subamendment may be moved or the main amendment may be considered and voted on.

A lot of you have been around Parliament for a while and know the procedure. I'm sorry if that was repetitive; it's just for the benefit of the group.

Once every clause has been voted on, the committee will consider and vote on the short title, the title and the bill itself. If amendments are adopted, an order to reprint the bill may be required so that the House has a proper copy for use at report stage. Finally, the committee will have to order the chair to report the bill to the House. That report will contain only the text of any adopted amendments as well as an indication of any deleted clauses.

There you go. It's a lot of procedure, folks.

Pursuant to Standing Order 75(1), consideration of clause 1, the short title, is postponed.

(On clause 2)

**The Chair:** On clause 2, as I understand it—I have my agenda here; I think it's been shared—we have G-1, which is the first amendment to be called.

I'll look to you, Mr. Drouin, if you'd like to explain G-1 to us.

**Mr. Francis Drouin (Glengarry—Prescott—Russell, Lib.):** Mr. Chair, to save the committee some time, I will not be moving any amendments unless it has to do with coming into force.

**The Chair:** We'll go to Bloc-1, please.

Monsieur Perron.

[*Translation*]

**Mr. Yves Perron (Berthier—Maskinongé, BQ):** To save the committee time, Mr. Chair, we won't be proposing any amendments. Thank you.

[*English*]

**The Chair:** Then I guess the question is simply, shall clause 2 carry?

(Clause 2 agreed to)

(On clause 3)

**The Chair:** Mr. Drouin, I believe, unless I'm wrong, that you said you're not going to be moving G-3 then.

Okay.

On Bloc-2, Monsieur Perron.

• (1715)

[*Translation*]

**Mr. Yves Perron:** Same as I said before.

[*English*]

**The Chair:** To ensure that we're all on board, Mr. Drouin, you're not moving G-4. Correct? Okay.

(Clause 3 agreed to)

**The Chair:** We now have new clause 4.

Again, Mr. Drouin, just to be absolutely sure, you are not moving G-5.

I'm just getting some advice here from my legislative clerks. G-5 might be the "coming into force" one.

Mr. Drouin, you had mentioned that you might want to speak to the "coming into force" one. I believe that is new clause 4.

We're at G-5. I'll let you speak to it.

**Mr. Francis Drouin:** Yes, I'd like to.

First, I can read it for those who don't have it in front of them. It's clause 4, on page 4, after line 25, on the coming into force 12 months after royal assent:

This Act comes into force on the day that, in the 12th month after the month in which it receives royal assent, has the same calendar number as the day on which it receives royal assent or, if that 12th month has no day with that number, the last day of that 12th month.

Obviously, when there's new legislation coming into force, departments and stakeholders need time, but I would defer, probably, to the witnesses, just to ask them if they want to comment on the coming into force. Sometimes it's six months and sometimes it comes into force on the day of royal assent.

I would ask the witnesses to comment on why this might be important.

**Mr. Samir Chhabra (Director General, Marketplace Framework Policy Branch, Department of Industry):** Thank you, Mr. Chair. I'm happy to speak to this issue.

I think that generally when making adjustments to marketplace frameworks, including bankruptcy and insolvency, it's wise to give time to all participants in the marketplace to make adjustments.

In this perspective, it would give participants in the fresh produce market time to adjust to the new deemed trust provisions and provide time for regulations that prescribe the forms to be developed and put in place.

**The Chair:** Go ahead, Mr. Barlow.

**Mr. John Barlow (Foothills, CPC):** Thanks, Mr. Chair.

I appreciate the comments from our witnesses, and certainly from Mr. Drouin, but we have been working on this for many years. I think our stakeholders know that it's coming. There will be months of work that will need to be done on the regulations before royal assent comes.

I would not support the 12-month coming into force. I would not support the amendment.

**The Chair:** Is there any further discussion?

I do have Ms. Khalid, who just stepped out. I told her to go on the basis that I thought we were going to be in smooth sailing.

I don't want to disrupt the committee, but I think that procedurally it would be fair to let her return. Other people might have things to say.

Go ahead, Mr. Louis.

**Mr. Tim Louis (Kitchener—Conestoga, Lib.):** I just want to ask if there is a standard. Would six months be standard and 12 long? Also, they have royal assent as long as...

Maybe I can ask the witnesses through you, Chair, if there is a standard time.

**Mr. Samir Chhabra:** Thank you for the question, Mr. Chair.

There's no kind of standard approach in bankruptcy and insolvency policy or legislation. It is generally case-by-case, so the committee does have the opportunity to think about what might be most appropriate in this circumstance.

I'll just reiterate that it is about providing some marketplace certainty, to give both creditors and fresh produce marketplace participants time to adjust and, as well, to give government the time to put in place the regulations and prescribe the manner and form in which these will take place.

**The Chair:** Is there any further discussion?

Monsieur Perron and Mr. MacGregor, are you guys ready?

Look, I don't want to be unfair to Ms. Khalid. We'll give it a moment or two.

Okay. Let's go to a vote.

(Amendment negatived: nays 6; yeas 5 [*See Minutes of Proceedings*])

**The Chair:** Amendment G-5 does not carry.

Mr. MacGregor.

• (1720)

**Mr. Alistair MacGregor (Cowichan—Malahat—Langford, NDP):** Do we now have to vote on the clause itself? That was a vote on the amendment, right?

**The Chair:** It was a new clause.

**Mr. Alistair MacGregor:** That was an amendment. Do we now vote on the clause as unamended?

**The Chair:** Do you mean on clause 4?

**Mr. Alistair MacGregor:** That is my question.

**The Chair:** My folks are telling me that it's not necessary.

Thank you. We'll continue.

Shall the short title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the bill carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the chair report the bill to the House?

**Some hon. members:** Agreed.

**The Chair:** Thank you, colleagues.

I'm a little bit awkward, because this is very procedural and you know I'm very laissez-faire, but there you go. Good job, everyone. That bill will be reported back to the House.

My understanding is that Mr. Barlow did some pretty good work in my stead on Monday, but there is still some work to be done on this.

It's up to you, colleagues. If you want to go through the report to try to get it done tonight, that's fine. The reality, based on my understanding, is that we're not likely to be here tomorrow, but I may be wrong. I'm not a House leader.

This won't get tabled until September anyway, so if you want to take some months over the summer to see how we can pare it down and make it even better, I'm all for it. It's really up to you.

Mr. Barlow.

**Mr. John Barlow:** Thanks, Mr. Chair. I'd like to thank the committee for working well together in your absence on Monday.

Looking through version two, and maybe another deeper glance at the recommendations, we're now at 33 recommendations. I know we talked initially about trying to pare this down. Significant new amendments were also added regarding neonicotinoids and bees. I would prefer to have a little bit more time to look at this to try to pare down these amendments, which I don't think we can do today.

I would suggest, and this is my suggestion only, that our teams go back and find ways to try to amalgamate some of these amendments. Some of them are fairly close. It would be my preference that we take this back—it's not going to happen anywhere between now and September, unfortunately, despite our best efforts—and try to pare this down into something that's a bit more manageable. We now have almost as many amendments as we do pages in the report. I just don't think that's constructive.

That would be my opinion.

• (1725)

**The Chair:** Also, thank you to our witnesses. I apologize. I should have done that sooner. Thank you for your respective work for the government.

Monsieur Perron.

[*Translation*]

**Mr. Yves Perron:** I realize that I won't get anywhere by trying to settle this tonight. I would, however, like us to agree that this should be our first order of business when we come back. It's been lingering since the election, and that is unacceptable. We have to get this done. It's fine if nothing happens between now and September, but we can't wait until November. That has happened before, as everyone recalls.

[*English*]

**The Chair:** Mr. MacGregor.

**Mr. Alistair MacGregor:** I agree with Mr. Barlow. It's makes no sense to try to rush through it in an hour. Let's give ourselves the summer, with the condition that this is our first order of business when we come back.

**The Chair:** I'm happy to make that the case. We'll see how the summer goes.

Monsieur Lehoux.

[*Translation*]

**Mr. Richard Lehoux (Beauce, CPC):** Thank you, Mr. Chair.

I completely agree with Mr. Barlow, but we have way too many recommendations. This is not the first time in the course of our studies that I've said we need to really pare down our recommendations. I think we should get it down to 15 or so, and that's being quite generous. I'm not sure that it's all that effective to propose 30 recommendations. Thank you.

**The Chair:** I agree.

[*English*]

I think most of the committee members agree.

Look, if we need this summer, I can always call a subcommittee, I believe, to discuss business. Otherwise, I will come ready when Parliament resumes. For our first meeting, this environmental report will be on the docket, and then we can have discussions if we need to to plan out our schedule.

Indo-Pacific, of course, is extremely important. We want to make sure that we don't delay that any further. There might be some legislation referred to our committee, etc., but we will leave it here.

Monsieur Perron.

[*Translation*]

**Mr. Yves Perron:** I still encourage everyone to use the time we've just given ourselves to think about how we can eliminate or combine certain recommendations. We may want to have a discussion before we come back, so that things run smoothly when the committee returns.

[*English*]

**The Chair:** I think we're all in agreement, colleagues.

Mr. MacGregor, I'll go to you, and then if we have no other business, what I'll make sure of is this will be the first thing on our agenda. We can discuss how we would maybe go between, as we've done in the past, finishing environment and getting started with Indo-Pacific, as we move to the fall.

Go ahead, Mr. MacGregor.

**Mr. Alistair MacGregor:** I just wanted to take this moment, Mr. Chair, to thank you, to thank our clerk, thank our analysts.

I hope all colleagues have a great summer and we come back rested and ready.

**The Chair:** Wonderful. Thank you very much.

Yes, let me echo that to our wonderful clerk and to our assistants. I won't leave before, but while I'm on the topic, to our technical team.... But Stéphanie came in new as our clerk, and she's done a tremendous job. I can say that.

**Some hon. members:** Hear, hear!

**The Chair:** Our analysts are old hat, but they're also very good as well, so thank you so much.

**Some hon. members:** Hear, hear!

**The Chair:** Monsieur Lehoux.

[*Translation*]

**Mr. Richard Lehoux:** I have a question, Mr. Chair. Did we get a response to the letter we sent to Mr. Fraser, the immigration minister?

[*English*]

**The Chair:** I'll reference our clerk on that. I think, no. What I've said to this committee before is that from my understanding the deputy minister and officials have committed to coming. If we're serious about getting the questions answered, I do think the committee can take up the deputy minister, Ms. Fox, who is tremendous. I've seen her appear before parliamentary committees and I'm sure she can get the answer. Being very close to the flame, I'm sure

she could be accountable to this committee. I don't know if Mr. Fraser has been available. I don't think that has been the case yet.

Am I correct, Madam Clerk? Okay.

I have Ms. Rood, Mr. Barlow and then Monsieur Perron.

**Ms. Lianne Rood (Lambton—Kent—Middlesex, CPC):** Thank you, Chair.

I just wanted to take a quick opportunity to thank all of the staff who work so hard for us on these reports, and say thank you to the committee members for getting Bill C-280 passed. I know our fruit and vegetable farmers will be happy to see this go back to the House. It's great to be able to work together to get something done, so congratulations, team.

● (1730)

**The Chair:** Mr. Barlow.

**Mr. John Barlow:** I didn't think we had to thank everybody, but I would just ask the chair, I think you're right in that maybe we should have a subcommittee meeting in the summer. I would just ask all of us with this environment study to make a concerted effort to try to whittle down these recommendations between the four or five of us so we don't come back in the fall and at meeting one say, "Here we go. Let's start right now." Again, to be efficient, maybe we can just commit to one another to start sharing some of these ideas over the summer and get her done.

Thank you to everyone.

**The Chair:** Thank you, Mr. Barlow.

Mr. Perron is next.

[*Translation*]

**Mr. Yves Perron:** I'm always shocked when Mr. Barlow agrees with me.

I, too, want to thank the committee staff and the whole gang. We argue from time to time, especially with Mr. Drouin. It doesn't happen often, but it does happen. At the end of the day, we are all members of Parliament trying to do the right thing for people in the agriculture and agri-food community. I think that's what sets us apart from other House committees. That's an important factor.

Our staff are amazing, especially the interpreters. Agriculture and agri-food is an extremely complex subject with a lot of technical jargon. I want to thank the interpreters for their incredible work. They know that they can always whisper in my ear when something is wrong and that I will flag it immediately.

I want to thank all the staff members. I hope our Library of Parliament analyst will never tell me "no" again. It happened just once, so it's okay.

[*English*]

**The Chair:** Look, we'll all second that, Mr. Perron. I know that when I try to work on my French our translators do a great job, and even with my English. Being a maritimer, I'm sure that sometimes it's hard for them to keep up with me.

Thank you to our translation team.

Colleagues, the last thing I'll say is just what has already been said, which is that we do have good collaboration on this committee. I think it is a bit symbolic of how this place should operate at the best of times. Let's keep up the good work.

The only thing on the subcommittee, John, is that it will have to be in person if we do it.

Let's do this. I have all your numbers. We can keep in touch over the summer. I know what my first bit of business is in September,

which is the environmental report. If we really feel the need to do the subcommittee, we can, but if not, I'm sure we can manage even by just having a conversation amongst colleagues.

We will see you in September. Enjoy your summer. Enjoy your time with your family and your constituents.

The meeting is adjourned.

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