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The Honourable GEORGE J. FUREY,
Speaker

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THE SENATE

Wednesday, December 14, 2022

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

Prayers.

SENATORS' STATEMENTS

INTERPARLIAMENTARY FRIENDSHIP GROUP FOR A FREE IRAN

Hon. Ratna Omidvar: Honourable senators, I rise on a sombre note. The Islamic Republic of Iran continues to wage war on its own people, but with a laser focus on women. Women in Iran suffer under a system of discrimination and inequity. This is enshrined in their constitution and in their penal code. Their value under the law is precisely half the value of a man. They're not allowed to wear what they want. They're not allowed to practise certain occupations. They have limited property rights. Even worse, they are forced to give up their rights to their children on divorce. They are unable to travel without the permission of their male guardian.

Women who protest are routinely imprisoned, tortured, subjected to isolation in prison and raped. The Islamic Revolutionary Guard Corps, or IRGC, has been directed — directed — to shoot women who are protesting in their eyes, their faces and their genitals, making reconstructive surgery impossible to conduct.

Colleagues, women in Iran in the last month have said, "Enough is enough." They are not just speaking out. They are leading their revolution with a roar, which is resonating across the globe.

I am delighted to tell you that the United Nations just passed a resolution removing Iran from the Commission on the Status of Women. Its presence on this body would have been rubbing salt in the wound.

However, we need to take other action that is within our reach. I am, therefore, very pleased to inform you that I have, together with MP Ali Ehsassi of Willowdale, launched an Interparliamentary Friendship Group for a Free Iran.

I urge all of you to sign on as members. We are making it simple for you to do so. Check the box, and send back your reply. There is no money involved. By signing up, you will ensure that the voices of Iranians, Iranian-Canadians and democracy lovers are amplified on Parliament Hill, and, as appropriate, we as legislators and parliamentarians will add our voices to theirs. We will connect members of the Iranian diaspora to parliamentarians — to you — and convene discussions with thought leaders and civil society leaders. By so doing, we will animate the discussion on Parliament Hill in a way to support the movement to a free and democratic Iran.

Colleagues, this is your opportunity to join our call, and I call on all those who are fighting for women, for life and for freedom.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Jan, Jack and Freya Byrd. They are the guests of the Honourable Senator Bovey.

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

Hon. Senators: Hear, hear!

THE LATE HONOURABLE JIM CARR, P.C., O.M.

Hon. Patricia Bovey: Honourable senators, it was a shock on Monday to learn of the passing of Jim Carr. A proud Manitoban, Canadian, member of Parliament and former cabinet minister, he had the best interests of all at heart.

In each of his careers, he built on his myriad of skills and interests, and was a true Renaissance man.

I met Jim 50 years ago. He was working in communications for Manitoba's Assistant Deputy Minister for Cultural Affairs, Mary Elizabeth Bayer. I was organizing an exhibition for her to send to France. Jim was my public relations go-to person.

Jim was a superlative oboist and played with the Winnipeg Symphony Orchestra. He also served as CEO of the Manitoba Arts Council. He was a Member of the Legislative Assembly of Manitoba, founder of the Business Council of Manitoba, adviser to the University of Manitoba and, most recently, a member of Parliament and cabinet minister.

Our work, friends and lives overlapped for many years, more so when he was in the other place and I was here in the Senate. I was delighted that he agreed to sponsor Bill S-208, an act respecting the declaration on the essential role of artists and creative expression in Canada. He spoke of a Winnipeg Symphony Orchestra quartet visiting his Grade 3 class and its transformational effect on him. My experience, also in my Grade 3 class, was similar with a visit from the Winnipeg Art Gallery.

He well knew the importance of the arts, the challenges of arts cultural organizations and the very real needs of artists themselves. Those issues were the focus of many of our conversations in committee, in the airport and over lunch, along with conversations about our magnificent province.

Colleagues, I will miss this bridge builder, this author of a book on Senator Charles Dufferin "Duff" Roblin, this legislator who bridged our province to others and to the federal government, this community leader who bridged the arts and business, business and government and community and universities and this proud Jewish man who built interfaith bridges in Manitoba, on Parliament Hill and internationally.

Jim adored his family, and he smiled broadly when he talked about his grandchildren. In our last chat less than two weeks ago, he was looking forward to their Carr family holiday celebrations and an upcoming trip to Mexico with his wife, Colleen.

My heart goes out to his wife, Colleen, his children, grandchildren and many, many friends.

Thank you, Jim — dear friend, dear colleague — for your years of giving in so many ways to our community at home and nationwide.

Bless you.

JULIA LEVY

CONGRATULATIONS ON RHODES SCHOLARSHIP

Hon. Sabi Marwah: Honourable senators, I rise today to speak about Julia Levy, who was just announced as the newest Rhodes Scholar from British Columbia.

The Rhodes Scholarship is one of the most prestigious postgraduate awards for study at the University of Oxford. Established in 1902, it is the oldest graduate scholarship in the world. Key criteria for the Rhodes Scholarship includes academic excellence, leadership ability and commitment to service with a focus on contributing to positive change in the world.

Julia meets all these requirements and then some. She is a scientist, artist and activist, and she is also the first trans woman to be awarded the Rhodes Scholarship in Canada.

Julia graduated with a major in chemistry and a minor in visual arts from the University of Victoria. During her second year, she combined the two fields of study and invented a virtual reality program to help chemistry students visualize molecules in a better way. She went on to develop an augmented reality format for visualizing complex molecules. Professor Jeremy Wulff said in a statement on Julia that she is “destined for greatness.”

• (1410)

Julia also worked with the university’s Vancouver Island Drug Checking Project and the Gender Generation Project for trans youth and their families.

I spoke with Julia yesterday and asked her if there was a message she wished to share with Canadians. She said:

I want to celebrate how far we have come. Being a transgender woman is the most beautiful and joyous experience of my life.

Transgender people have something vital to contribute to our national community, and I hope that in receiving this award I will have a positive impact on the lives of others.

I am incredibly grateful to share these words with you; as a transwoman, a British Columbian, and as a Canadian. I hope and intend to impact the world in a way that will make Canada proud.

Colleagues, as many of you know, the Rhodes Scholarship comes with a dated set of rules and a history of racial inequality, gender and class discrimination.

Elizabeth Kiss, warden of Rhodes House in Oxford, acknowledged that the Rhodes Trust is grappling with its history. But the negative aspects of the founder’s vision for the scholarship have been rejected, except for the core values that still make sense. For example, Kiss says that Rhodes wanted to develop people with “an energy to lead and a kindness for others.” Levy has that in spades, Kiss said.

As Canada’s first trans woman to be awarded this scholarship, Julia is proving that excellence and success are accessible to everyone regardless of their gender expression or sexual orientation. Thank you.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Grand Chief Peter Johnston of the Council of Yukon First Nations and his family. They are the guests of the Honourable Senator Loffreda.

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

Hon. Senators: Hear, hear!

EXPRESSION OF GOOD WISHES FOR THE SEASON

Hon. Yuen Pau Woo: Apologies to Clement Clarke Moore.

’Twas the week before Christmas, when all through the Senate

Members were stirring for a way to adjourn it.
Speeches were made in the chamber with care,
In hopes that minds would be changed both here and over there.

A report on C-11 had been put to bed,
While visions of 3rd reading danced in the GRO’s head.

As dry leaves that before the wild hurricane fly,
When they meet with an obstacle, mount to the sky,
And so it was with the Broadcasting Act,
Yet “discoverability” was saved, as a matter of fact.

The Speaker in his robe and three-cornered hat,
Had settled down in the chair where he sat.

When out in the foyer there arose such a clatter,
Pages sprang up to deal with the matter.

With Black Rod in charge, so lively and quick,
I knew in a moment it wasn’t St. Nick.

The moon on the breast of the Ottawa snow
Gave lustre of mid-day to objects below,
When, what to my wondering eyes should appear,
But six new senators, bright eyed and clear.

More rapid than eagles the sponsors they came,
as they whistled, and shouted, and called out by name:

“Now, Shugart! now, Osler! now, Greenwood and Burey!
On, Cardozo! on Patterson! Shake hands with Furey!

We welcome you to the hallowed red chamber
And pray the PM will fill the remainder.

And then, in a twinkling, we received a note

From Clerk Gerald, and thusly he wrote:
 “When Christmas is over, this Christmas will be
 the last of our Christmas for Christmases to see.”
 We awed at this portent and wondered who?
 It was Dan, our senator and friend from Membertou.
 He was humble and wise, and a right jolly old elf,
 with a name like Christmas, he could hardly help himself.
 The gifts he left us are abundant and rare,
 Above all, kindness and patience and, well, savoir faire.
 When we return, he will have retired,
 But his example for us will long be admired.
 As we spring to our sleighs, and give the whistle,
 before we fly away like the down of a thistle.
 We will exclaim, ere Dan leaves our sight,
 CHRISTMAS is ever with us because he did right!

Happy holidays to one and all.

Hon. Senators: Hear, hear.

INDIGENOUS IDENTITY FRAUD

Hon. Mary Jane McCallum: Honourable senators, I would like to thank the Canadian Senators Group for allowing me space to speak today. I rise today in collaboration with the Indigenous Women’s Collective to address a pervasive and critical issue facing our nation: that of Indigenous identity fraud, or pretendianism.

This issue is not a victimless crime. It harms all Indigenous people, but it particularly harms Indigenous women. It allows interlopers to steal our voice, our power and our hard-earned places in society. These pretendians are cunning. They find cracks left by centuries of colonialism and squeeze through them. They then rely on the ambivalence of these colonial institutions and the silence of many Indigenous male leaders to claim support and legitimacy.

This deceit has allowed pretendians to infiltrate academia, politics, the judiciary, corrections and various other branches of power. This stealing of identity and parading of trauma for such personal gain is blatantly opportunistic racism. If such activity is not being outwardly renounced and combatted, it is being enabled — for it is the silence that surrounds colonial violence against Indigenous women that is killing us. The continued marginalization of Indigenous women that this fraud yields makes us further vulnerable to all forms of violence. It keeps us silent and isolated, with devastating effects.

Yet these pretendians do more than just harm Indigenous peoples. They harm those with whom they have worked and walked with. They hurt the causes these fraudsters pretend to support, and the individuals who rely on that work. They hurt reconciliation in Canada.

However, we Indigenous women are tired of being silent while our abusers enjoy impunity. We have value. We matter. We will continue to speak up and speak out in the face of the various forms of violence that oppress us — whether that violence is systemic, lateral, patriarchal, gender or otherwise.

If the Senate is committed to reconciliation, we must end the deafening silence surrounding pretendianism. We must denounce and renounce such shameful conduct and acknowledge the harm it causes to Indigenous people, particularly Indigenous women and children. It takes all of us, colleagues, to shed our complacency and ensure this violence is no longer empowered to further marginalize Indigenous women, thereby stealing their voice and power. Let us have the courage to be good allies and walk shoulder to shoulder in solidarity against this insidious activity.

Kinanâskomitin. Thank you.

QUESTION PERIOD

(Pursuant to the order adopted by the Senate on December 7, 2021, to receive a Minister of the Crown, the Honourable Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources, appeared before honourable senators during Question Period.)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, we welcome today the Honourable Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources, to ask questions relating to his ministerial responsibilities.

Pursuant to the order adopted by the Senate on December 7, 2021, senators do not need to stand. Questions are limited to one minute and responses to one and a half minutes. The reading clerk will stand 10 seconds before the expiry of these times. Question Period will last one hour.

MINISTRY OF NATURAL RESOURCES

ENERGY SECTOR

Hon. Donald Neil Plett (Leader of the Opposition): Minister, your government’s environmental plan is estimated to cost tens of thousands of good-paying jobs across the energy sector. Your mandate letter says that you must, “Work with the Minister of Labour in moving forward with legislation and comprehensive action to achieve a Just Transition. . . .” for these workers. One year later and your colleague, minister, has tabled no such legislation.

• (1420)

Minister, has your government abandoned the idea of coming up with a just transition plan for workers in the energy sector? How much longer are Canadian oil and gas workers, whose jobs are on the line, supposed to wait to see a meaningful plan from your government?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Let me just start by thanking the honourable senators for having me here today. I acknowledge that this session is taking place on the ancestral and traditional territories of the Algonquin Anishinaabeg people.

Thank you, senator, for the question. I would actually challenge one of the things you said at the very beginning, in that most forecasts say we will gain far more jobs than we may lose through the process of the energy transition.

I would also say that many of the jobs that we will see in the future, such as in the production of hydrogen or biofuels, from a skill set perspective, do not look much different from the types of skills that are required in the existing energy sector within this country.

But we are working on the discussion around the just transition. That includes an economic plan for a future economy that will be prosperous and strong in the context of a lower-carbon future. It is also about adjustment in cases where there is displacement of workers, like coal-fired power plant workers. That is certainly something we're working on, and we intend to introduce legislation in the new year.

Senator Plett: Minister, the fact of the matter is 300,000 Canadians working in the oil and gas sector have already lost their jobs since your government took office. Your colleague the Minister of Labour says that industry workers need to know how much we appreciate their talents and how valuable they are. With Christmas just around the corner, these workers need certainty that their jobs are safe, and that they will not be forced out of their rural communities to obtain employment.

Minister, can you assure energy sector workers today that their jobs will be protected during these already difficult economic times?

Mr. Wilkinson: Thank you, senator, for the question. I would say that right now we are actually seeing historic volumes of both gas and oil production in this country. There has been some attrition in terms of jobs in the energy sector, but that has largely been the result of automation. Certainly, we are saying that — as we move forward to a place where oil and gas will play a less significant role as a driver of economic growth in this country — we must ensure that we are putting in place economic programs that create jobs in the areas where the country will grow and be prosperous going forward, but also programs to ensure folks who may be affected can be transitioned with respect to the skill sets that they will require for the new jobs that will be created through this.

Yes, we are firmly committed to that. But with regard to your comment about the loss of jobs in this sector, at this stage the loss is primarily, given the volumes being produced, the result of automation.

ATLANTIC LOOP

Hon. Michael L. MacDonald: Mr. Wilkinson, the people of Atlantic Canada are concerned, and need some reassurance and support from the federal government regarding the Atlantic Loop. Not long ago, you indicated that recent events were “a bump in the road.”

The Atlantic Loop is essential for Atlantic Canada. It will secure the power needed to phase out coal plants and pave the way for the provinces to meet their 2030 clean energy targets.

A few months ago, you indicated that the federal government was still actively pursuing this energy corridor, but, minister, I'm hearing that the project cannot be built on time if the construction doesn't begin very soon. Time is of the essence. Minister, is the funding for the Atlantic Loop required to be in the spring budget for the project to go ahead? What are the repercussions if funding is not in the budget?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you for the very important question. The Atlantic Loop is, as you say, a critical project with respect to electricity for Atlantic Canada — enabling the phase-out of coal, and the utilization of non-emitting energy, but also setting up Atlantic Canada for what will be necessary in terms of the augmentation of electricity, which we will need if we are looking to electrify transportation, home heating and a whole range of applications — let alone the need to have an abundance of clean energy to attract industry to come and produce products.

The Atlantic Loop is extremely important. I have been actively working with all of the provinces by speaking with Premier Houston, Premier Higgs and Premier Furey and, of course, with the Government of Quebec. It is a priority for all of us, but it is also something we have to be thoughtful about in terms of how we put it together. Certainly, the federal government recognizes it needs to come to the table to be part of the solution. That is something that we are actively working on. I would say, though, that we do intend to target arriving at some kind of agreement in principle within the first several months of next year. As you say, time is of the essence.

JUST TRANSITION

Hon. Hassan Yussuff: Thank you, minister, for being here today. I want to thank you again for all the good work that's happening across the country, especially on the file you're responsible for.

As you may know, I spend a great deal of my time advocating on behalf of working people across this country. In that context, I was a co-chair of the task force to phase out coal-fired generation in our country. Workers embraced the 10 recommendations that were made as part of our task force report. I know that the government has certainly been consulting workers in regard to implementing Just Transition legislation.

Can you assure our colleagues here in the Senate that sometime in the near future — which means spring of next year — we could see your government acting on the Just

Transition program? Would that also include all of the elements recommended by our Just Transition Task Force for Canadian Coal Power Workers and Communities?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you for the question. Yes, the Just Transition, sometimes referred to these days as a plan for sustainable jobs, is something that we have been working on very actively — certainly not just myself, but also Minister O'Regan, Minister Qualtrough and, of course, our counterparts in the New Democratic Party who are part of the Supply and Confidence Agreement.

That is something that we intend to deliver early in the new year with respect to introduction of legislation, but also the release of a draft action plan outlining a number of the elements — not only on what we've done, but where we're going. That will include a whole range of things that came out of the consultations that we held over the past couple of years, very much including the labour movement.

It certainly is not just about skills training and adjustment. It's also about building an economy that will create good jobs for Canadians as we move forward.

We certainly are reflecting on the coal-related work that was done previously. I know you were very actively involved in that, senator. Some of those have already been acted on, but certainly we are looking at the remainder of those recommendations as we go forward with the broader plan, which is meant to address not just coal workers but others as well. As you know, even the funding that was put into place for coal workers expires at the end of 2023.

There is obviously time between then and when some of these plants will shut down, so there's a broader conversation that needs to happen.

CARBON EMISSIONS

Hon. Paul J. Massicotte: Welcome, minister. Canada's boreal forests represent a quarter of the world's forests. For many years, we've been a leader in sustainable forest management. These forests store a significant amount of carbon in the soils, and that carbon is released into the atmosphere during logging. It is estimated that 122 megatonnes of CO₂ are released every year through logging. Are these emissions accounted for by the government? If so, how does your government envisage reducing these emissions to meet our net-zero targets?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you. Yes, as you say, forests are an important carbon sink, alongside wetlands and peatlands. Certainly, we are focused on trying to enhance the carbon sinks through programs like the 2 Billion Trees program. But as you also rightly point out, forestry, and particularly anything related to things like the waste that we leave in the forests, create methane and, at times, CO₂, which contribute to climate change.

Canada does account for all of that. We use guidelines that are recognized by the Intergovernmental Panel on Climate Change. There are some environmental organizations who think that some of those guidelines should be different and changed. We have

engaged with them — Nature Canada is one of them; Natural Resources Defense Council is another. We are engaged in conversations with them, but, of course, Canada doesn't want to invent its own guidelines. We want to work in lockstep with our international partners, and we are doing that on an ongoing basis.

Certainly, we are focused very much going forward on trying to find ways, for example, to better utilize the value that exists — for example, in waste which presently is often left in the forest, creating methane but also costing our economy dollars.

[Translation]

ATLANTIC LOOP

Hon. Clément Gignac: Hello, minister.

As the former Quebec Minister of Natural Resources, I want to recognize the great work you've been doing and point out that Canadians should know how important natural resource development is as a means of creating wealth while respecting the environment.

I want to continue the conversation that my colleague started about the Atlantic Loop. I'd like to hear more of your thoughts on it. The 2030 timeline is very short when it comes to getting infrastructure built. I'd like to know what kind of financial support could be granted for this project.

• (1430)

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: It's a very important issue. Certainly, the timeline is short for a project involving so much infrastructure. We have worked hard with our provincial and territorial counterparts. I have a meeting with Minister Fitzgibbon on Wednesday to discuss the issue. Of course, energy and electricity fall under provincial jurisdiction. We know that we have a role to play in supporting the project, particularly when it comes to funding.

Obviously, we can't have a situation where there is a cost for the people living in the provinces and territories in question, and we have some tools that we want to use, but right now, we are negotiating with our provincial and territorial partners. I am very optimistic that we can come up with a plan that works for Canada and for the provinces and territories, including Quebec, since Quebec is where the energy is coming from.

HYDROGEN STRATEGY FOR CANADA

Hon. Josée Verner: Thank you, minister. In April 2022, the Commissioner of the Environment and Sustainable Development, Jerry DeMarco, concluded in a report that the Hydrogen Strategy for Canada overestimated hydrogen's potential to reduce our greenhouse gas emissions because "unrealistic assumptions" were used. That's a direct quote. In testimony before the Standing Senate Committee on Energy, the Environment and Natural Resources in October, Mr. DeMarco explained that this was due in part to the fact that your department had favoured, and I quote, "a transformative scenario that assumed the adoption of aggressive and sometimes non-existent policies." How would you respond to Commissioner DeMarco's disturbing findings?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you for the question. I will answer in English to be clearer.

[English]

I certainly welcome Mr. DeMarco's report, and there were many elements of it that I agreed with. What I would say is what Natural Resources Canada did was different from what Environment and Climate Change Canada did. Environment and Climate Change Canada developed a climate plan that was actually based on what hydrogen could do in terms of emissions reductions within the relevant time frame, and they looked really only at one application. Natural Resources Canada looked at what's called a "full potential," which is all of the applications for which hydrogen could be utilized — if you actually seized all of those opportunities, what is the full potential you could look at?

Often, businesses, as you will know, do a full potential to try to understand what may be possible. It doesn't mean that's what you choose to do in terms of the specific avenues you will go down. But I would say the full potential is useful in terms of trying to actually ensure that we understand where the biggest opportunities are from both an emissions reduction and an economic perspective.

I am very comfortable that the work we did and will do going forward is helping us to move that forward with respect to the hydrogen strategy. I used to run a hydrogen business. It's an area I know reasonably well, and I do think hydrogen represents an enormous economic opportunity for Canada. It is also one of those things that we are going to need for applications that are very hard to use electricity in, for example, like heavy-duty trucking or even, in some cases, home heating.

So I welcome Mr. DeMarco's report, but I do think it is important to understand they are slightly different in terms of the focus.

CRITICAL MINERALS STRATEGY

Hon. Elizabeth Marshall: Welcome, minister, to the Senate of Canada. I have read your Critical Minerals Strategy and I watched your press conference. Given the billions of dollars to be devoted to this strategy, when will you begin to report to Canadians on the progress of the strategy; the money spent, which will be in the billions of dollars; and the strategy's achievements? I'm looking for accountability.

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: It's a very good question, senator. As you know, the money for the Critical Minerals Strategy was in the 2022 budget. It was \$3.8 billion. It is actually very unusual for a government to effectively pre-fund a strategy that has not been fully finalized, but that's what we did in the budget, and then we launched the final version of the strategy just last week.

It is critically important for Canada. I think it represents, as you would have seen me say in the press conference, a generational economic opportunity for this country, not just around extraction but around processing and the manufacturing of batteries and electric vehicles. It is also important, as we move

forward, that we are transparent with Canadians about the progress that is being made along the chain. Of that \$3.8 billion, some is for projects, some is for infrastructure and some is for geological science.

My expectation going forward is that at least annually we would be reporting out on the progress of the strategy.

[Translation]

GOLD MINING

Hon. Claude Carignan: Minister, Nordgold is a company whose headquarters are in Moscow. It was owned by Russian oligarch Alexei Mordashov until early this year, when he transferred his shares to his wife to avoid sanctions.

Thanks to its subsidiary Northquest, Nordgold has a mining concession for a gold-rich site in Nunavut. Mr. Mordashov has been banned from entering Europe, the United States and Australia, but not Canada. Gold is not on the list of strategic metals announced by Minister Champagne.

What do you plan to do to prevent a friend of Vladimir Putin from continuing to slip through the cracks and operate gold mines in Canada?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you for the question. I would say that the responsibility for the list of banned individuals falls to Minister Joly. I am very open to the idea of having a conversation, if you can give me the information you were talking about. It is important because Canada is a leader when it comes to banning bad actors, including Russia, which invaded Ukraine. I am very open to the idea of having a conversation with you and then with Minister Joly.

[English]

HYDROGEN EXPORTS

Hon. Peter M. Boehm: Minister, thank you very much for being with us today. It's no secret that our European friends and allies are in for a tough winter and probably an even tougher winter after that because of Russia's aggression in Ukraine and the shift away from Russian oil and gas.

When German Chancellor Olaf Scholz was here in Canada a few months ago, a Canada-Germany Hydrogen Alliance was signed, looking at the development of hydrogen exports, particularly from Newfoundland. I am wondering whether you can comment on the feasibility, and how the work is going with respect to the fact that it is a very competitive field out there with large international competitors.

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: It's a great question. I would say that Canada has been doing everything it possibly can to support our European friends and allies in the aftermath of the brutal and illegal invasion of Ukraine. That started with the commitment we made to augment production of oil and gas in this country by 300,000 barrels a day such that we were creating more liquidity

in the global market to enable countries like Germany to move away from Russian oil and gas. But it certainly also involves the conversation around hydrogen.

Chancellor Scholz and my counterpart, Vice-Chancellor Habeck, were here for a very important and, I think, successful visit. As you say, part of that was the signing of the memorandum on hydrogen. It relates to Newfoundland and Labrador and also Nova Scotia, which also has very significant aspirations in this area.

The first step is putting in place a regulatory regime to be able to appropriately regulate offshore wind. Some of these projects are starting with onshore, where there is a regime in place, or one can be put into place relatively quickly by the province. Then there is a federal-provincial offshore regulatory piece that we are working on with both of those provinces right now, and we are looking at ways we can do work even as that progresses.

The target is to be in a position to start to ship hydrogen to Germany by as early as 2025, which is not very far away. The Government of Nova Scotia, in particular, has set very aggressive public targets as to what they would like to see with respect to hydrogen going forward. So it's an area in which I am working closely with both of those provinces and territories.

• (1440)

More generally, hydrogen is an enormous opportunity also for Western Canada, but it will more likely be hydrogen derived from natural gas, with appropriate carbon capture. It is one of those things that Canada can actually do to help energy security around the world.

RING OF FIRE DEVELOPMENT

Hon. Donna Dasko: Welcome, minister.

The Ring of Fire in Ontario's James Bay Lowlands region has been identified as a region of critical minerals since the year 2006. It has been repeatedly described as a unique resource and opportunity.

The current pace of development, however, is discouraging. In fact, it's not at all clear whether that rich region will ever be developed.

I also understand that consultation with Indigenous communities is important — it is, in fact, vital — as are the various environmental and other assessments that must be conducted.

My questions to you are as follows: What will move that project forward? Is there a realistic and actual timetable that you can share with us for the development of the Ring of Fire? If it's clear in your view that it will not proceed, can the people involved know this sooner rather than later? Thank you.

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you.

I will speak generally and then speak to the Ring of Fire. More generally, we do have work to do to ensure our regulatory processes are able to move at the speed we need to in order for us to have access to the minerals that are required for the energy transition. We need to do that in a manner that is sensitive to the environment — not cutting corners on environmental sustainability — and in a matter that respects our duty to discharge and that respects the rights of Indigenous peoples.

We are working actively within the federal family to figure out ways to do that; there are a number of initiatives under way. We are working directly with most of the provinces and territories under the Regional Energy and Resource Tables to look at aligning those things.

The Ring of Fire, however, is a particularly complex area. Much of it is in peatlands, which are a huge carbon sink. The last thing we want to do when fighting climate change is to make climate change worse. Second, there are legitimate Indigenous concerns in the area that need to be heard and addressed.

There is a process going on in terms of assessing two roads, but those are largely independent of any project; they are for Indigenous communities. There is a regional assessment going on, which should help to enable specific project assessments going forward.

We do not yet have a specific project proposal. A lot of people think there is some project for the Ring of Fire. I know that Wyloo Metals, which holds the rights, is interested in moving forward, but we have not had any project enter the environmental assessment stage. There is the regional assessment going on.

At the end of the day, we are interested in finding pathways through which some portions of that region could be mined in a manner that is sensitive environmentally, but we have to address the environmental concern around the peat. We also have to address the legitimate issues the environmental communities have if we are going to find a pathway forward. That is the work that I am doing with every day.

INDIGENOUS-RELATED TRAINING

Hon. Brian Francis: Welcome, Minister Wilkinson. Last October, the CBC reported that few federal public servants are taking part in the Indigenous-related training offered by the Canada School of Public Service, or CSPPS. Given their key role in the design, implementation and maintenance of laws, policies and other measures that may adversely impact Indigenous people, those findings are alarming.

Could you please confirm whether you support issuing a directive to make Indigenous-related training mandatory for employees at Natural Resources Canada and all other federal departments and agencies?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: I certainly agree with you that the training you mentioned is extremely important. I am more than happy to come back to you with how Natural Resources Canada is performing relative to other departments, if that would be of interest.

Natural Resources Canada has been a leader with respect to many issues. In fact, the portion of the department that used to be called the Major Projects branch is actually now named Nòkwewashk, which is an Anishinaabe word, and is really more about partnership. We have worked hard to ensure that we are thinking about this in a completely different way.

One area we are looking at is how we can ensure, on a go-forward basis, that Indigenous communities benefit not just in terms of six jobs and three procurement contracts but in a long-term, sustained way from projects that take place in their traditional territories. We also want to ensure they have a voice in terms of how these projects are undertaken.

So I am very supportive of the work you mentioned. Typically, though, directives to staff within the departments fall within the purview of the deputy minister, who is responsible for the employees. But each and every day, I am and my deputy minister is encouraging the department to do better on those issues. I would be very surprised if we were not one of the best departments in the system.

[Translation]

HYDROGEN STRATEGY FOR CANADA

Hon. Josée Verner: Minister, the Hydrogen Strategy for Canada emphasizes green hydrogen because of Canada's enviable hydroelectric resources, especially in Quebec. This is indeed very promising, but electrolysis is expensive and uses a lot of electricity, which is in limited supply.

In March 2022, Sophie Brochu, the President and CEO of Hydro-Québec, said that the province's surplus of clean electricity will run out by 2027. What are your thoughts on this important issue? Does it make you think that it might be a good idea to revise the federal strategy in light of this important issue?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you for the question, senator. It's an important question, but not a very simple one. With green hydrogen, as some people call it, though I don't necessarily like to describe it using colours because I think we should talk about the intensity of the carbon emissions during electrolysis instead, choices often need to be made during the process. In other words, we have to decide how we want to use the electricity, and that depends on the circumstances.

The Atlantic provinces want to use wind power to produce hydrogen, but Quebec has a different perspective. Quebec wants to use some hydrogen for domestic use, but it has very little interest in exporting it. As I said earlier, there are other solutions. In Alberta, for example, natural gas can be used to produce hydrogen that doesn't create much CO₂.

Not all provinces and territories have the same perspective. Of course, we have to make some choices. Electricity costs more than natural gas, which is becoming a more economical choice for now. However, if the cost of electrolysis comes down in the future, this will change.

[Mr. Wilkinson]

[English]

CARBON TAXES FOR FARMERS

Hon. Denise Batters: Minister, one of Canada's most abundant natural resources are the agricultural products produced by our farmers, but the Trudeau government's tripling carbon tax threatens their livelihoods. While your government claims that farm fuels are exempt from carbon tax, natural gas and propane are not. Farmers who rely on those fuels to dry their grain and heat their barns see bills in the tens of thousands of dollars. The average \$860 carbon tax rebate you promise provides pennies on the dollar.

Canadian farmers are already careful environmental stewards, but they pay the Trudeau carbon tax on fuel, fertilizer and transporting grain and cattle to market, again and again. That drives up the price of food, which, again, affects the farmers as consumers. It also affects the grocery bills of every Canadian, rural and urban.

When will your government axe the carbon tax on all farm fuels and give our farmers and all Canadian consumers a much-needed break?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you for the question, senator.

I am from Saskatchewan and used to work for the premier of Saskatchewan. I certainly understand the agriculture sector and some of the concerns that have been raised.

The price on pollution is an important component of fighting climate change, both in terms of reducing emissions and in terms of incentivizing innovation and the development of technologies that can be zero- or ultra-low-emitting. We have put in place a retail rebate, including in Saskatchewan, where 80% of families get more money back than they pay. We have also come forward with a rebate for farm families to try to address the issue you raised, which was not addressed previously, but there is a repayment at this point in time.

• (1450)

It is important for politicians in both chambers of Parliament to really understand that climate change is a threat. It is an existential threat to the future of the human race. It is something that terrifies our children, in terms of the future going forward. It is not a responsible position for any political party to take that simply averts our eyes from the climate crisis. We must have a thoughtful approach, and it should be on the part of all political parties. From our perspective, it shouldn't be free to pollute anywhere in this country. Putting a price on pollution is an important component of having a credible climate plan that also accounts for economic realities.

ATLANTIC LOOP

Hon. Mary Coyle: Welcome, minister. I'm a proud Nova Scotian, but I'm concerned that in 2021, our provincial electricity mix included 47% — almost half — from coal. Our province just approved the reopening of the Donkin Coal Mine for seven more

years. My colleagues — Senators MacDonald and Gignac — asked you about the Atlantic Loop, which will connect our grid to hydro power from Labrador and Quebec, as you well know. Emera has paused their spending on the Atlantic Loop in response to provincial electricity rate caps, as you know.

Minister Wilkinson, you reiterated the government's commitment to the Atlantic Loop. Could you elaborate specifically on how you will work with Nova Scotia to move this critical project forward?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Yes, it is a critical project; I agree with you, senator. It is something that we have been working on actively over the past few years. I have been speaking regularly with Premier Houston about this. My view is that it is critical, and from what he has expressed to me — and I take him at his word — it is a critical project for him.

Obviously, we need to ensure we are doing this in a manner that works for ratepayers, for the province and other provinces that are involved, but that it also works for the federal government from a financial perspective. I do believe there is a pathway to doing that. That is what we are working to define. It is not straightforward or simple, but it is urgent. As I said in response to the previous question, my hope is to have some kind of an agreement in principle in place some time early in the new year.

[*Translation*]

FIRST NATIONS NATIONAL GUARDIANS NETWORK

Hon. Michèle Audette: Minister, I, too, am a proud Innu, Quebec and, to a small degree, Labradorian senator.

Last week, the government participated in the launch of the First Nations National Guardians Network, whose goal is to share expertise and knowledge, in particular about conservation carried out by and for Indigenous communities.

In your view, minister, how can Indigenous guardians support the key elements of your department's mandate with respect to resource development planning and forest fire management?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you, senator. I believe the event you're talking about is COP 15, the 15th Conference of the Parties to the United Nations Convention on Biological Diversity. I was there. It was organized in collaboration with the communities, as you said, and with me, the Minister of Natural Resources. I was there for the beginning of this very important conference.

We set up a process to discuss a framework that would enable us to examine the benefits of natural resource development projects, and we are working on that with Indigenous peoples, meaning the Inuit, Métis and First Nations. We need to have those conversations and get their agreement.

I am fully committed to making sure we talk about economic reconciliation, not just services and governance. We have to talk about economic reconciliation so that these communities can have the resources they need to support their people. That is very important.

[*English*]

NATIONAL TRADE CORRIDORS FUND

Hon. Dennis Glen Patterson: Welcome, minister. The rich Slave Geological Province alongside the Northwest Territories and Nunavut contains an abundance of minerals listed in the Critical Minerals Strategy — zinc, cobalt, rare earth elements and nickel, to name a few. The Kitikmeot Inuit Association advanced the all-weather Grays Bay Road and Port Project, which will, in addition to benefits such as community resupply and fuel storage, be key to unlocking the Slave Geological Province's potential in Nunavut.

However, due to the severe impact of the COVID pandemic in the North, \$21 million received by the KIA under the National Trade Corridors Fund to help further this project remains unused and is set to expire at the end of this fiscal year. I am asking if you would use your good offices to advocate for a year-long extension for this important infrastructure funding contribution.

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you for the question. Certainly, I think some of these infrastructure issues are critically important as we think about things like critical minerals. Two of the ministers from N.W.T. were here the other day speaking to us about a couple of infrastructure projects that are not dissimilar to what you are talking about. Part of this is about building roads. Part of this is about building transmission lines so that you have access to energy. Part of it is about ports; there is another port issue in the Yukon that is not dissimilar. We are certainly live to and thinking about this.

Of the dollars allocated for critical minerals, \$1.5 billion are around infrastructure, so there is money there and in Minister LeBlanc's area. However, there is also the Trade Corridors Fund, as you said, which is under Transport. I am happy to look at this. I'm not entirely familiar with where it sits from a status perspective, but I am more than happy to look at it and have a conversation with Minister Alghabra.

OIL AND GAS INDUSTRY

Hon. David M. Wells: Thank you, and welcome, Mr. Wilkinson. In late August, German Chancellor Olaf Scholz came to Newfoundland and Labrador, the province I represent, for an official visit. One of his objectives was to seek contracts for natural gas to replace the gas that he is under pressure to replace that he is getting from Russia. Chancellor Scholz noted that Canadian gas was his first choice, and I've heard from others in Europe that Canada is the first choice for natural gas and for oil-alternate energy.

He came to make a deal, minister, and he was shown the door. In fact, Prime Minister Trudeau said at a joint press conference that there has never been a strong business case. Of course, we know that's not the case. We have also now heard that Germany has signed a multi-billion dollar, 15-year agreement with Qatar on natural gas.

Minister, there is an existing regulatory regime, a market supply and there is a market. Germany is an ally and a CETA trade partner. When can Canadian industry get clarity from your government on these opportunities?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you for the question. As I said before, we are very interested in supporting, in any way we can, our friends in Europe at a time of great stress. That is why we augmented the production and supply of oil and gas through the United States by 300,000 barrels a day and we are on track to achieve that. There will be liquid natural gas flowing from Canada as early as 2024 through the Kitimat plant that is being built by LNG Canada.

On the East Coast, what the Germans have said very publicly — and often to me — is that they need something that could be up and running within three years, and if not, they are not interested. They feel they will be in a position to have fully displaced Russian gas by that time, partly through the transition they are trying to make on an accelerated basis to renewables and hydrogen, and partly through contracts they may secure with others who have the ability.

We have been working. There is really only one project that could meet that timeline. You would need to have an existing pipeline and, ideally, you would have some existing infrastructure. There is such a plant in New Brunswick, but it requires upgrades to the pipeline, some in Canada and through the United States; it runs through Maine and New Hampshire. We have been looking at that and working actively with Premier Higgs on that. If you ask TC Energy, which is the pipeline operator, they are concerned about the ability for the regulatory process in the United States to get approval. It's not in Canada that it concerns them.

As for the issue around the business case, I think we may have found a way around that, but it costs a lot of money to ship gas from Alberta all the way to New Brunswick. There may be a different funding mechanism where they don't pay exactly what they would pay from the Gulf of Mexico. We are still working on that, but we should understand that the regulatory issue actually lies with the Americans not the Canadians.

MARKET DIVERSIFICATION

Hon. Colin Deacon: Minister Wilkinson, thank you for being with us here in the Senate.

• (1500)

I'm interested in ways Natural Resources Canada might catalyze greater innovation and market diversification in the use of wood waste. You mentioned the topic earlier. As you know, there are a growing number of compelling use cases for wood waste, whether it be wood pellets, biochar — which sequesters carbon and improves soil health — or other innovative applications.

In Nova Scotia, we were overly reliant on a single use case for wood waste, and that was pulp. As a result, the closure of one pulp mill caused catastrophic consequences and economic hardship for thousands of rural families that were dependent on the sector — despite the high lumber prices of 2021.

What measures is your department considering — like regulatory reforms or incentives — to create innovative and more diverse market opportunities for value-added and climate-friendly uses of wood waste?

Thank you.

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you. I think it is an important area. It's also an area that I know reasonably well. I used to work for a biomass energy company that actually used wood waste to produce thermal energy, which provides all the energy at the University of British Columbia. No natural gas is used there.

It is the case that Canada, on a dollars-per-cubic-metre basis, does not do very well in terms of the utilization of our fibre resource. There are a number of reasons for that, but we need to do better. Part of that is about better utilizing what we often term as waste. That is a critically important area. It is part of the new strategy that we are looking to put into place at Natural Resources Canada. We're really focusing on that, which is driving the dollars per cubic metre up, which means investments in technologies and innovation relating to the utilization of waste.

I know this is an area that you have been involved with for some time. We are very interested in it as well.

SHIPPING OF OIL AND GAS

Hon. Patricia Bovey: Welcome, minister.

You are aware of my concern for oceans and their fragility from our work together on Bill C-55. With that in mind, my question relates to the many suggestions that have been made to ship oil and natural gas out of Churchill through Hudson Bay and the Arctic Ocean. As Minister of Natural Resources and former Minister of Fisheries, Oceans and the Canadian Coast Guard, do you support these ideas? If so, what is your concern about the potential for environmental harm?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: First of all, I haven't seen any specific proposals to date of people trying to advance something that's moved through

a lot of thinking. I would say that this is exactly why we have an environmental assessment process. To be honest, it's why we put better rules into place for environmental assessments — so that we can really look in a thoughtful way and engage with Indigenous communities. We would look in a thoughtful way at the risks associated with any of those types of projects.

From my perspective, I think the biggest challenge would be thinking about how you would do that kind of shipping in a manner that is safe in the Arctic. There's a reason there is a moratorium on Arctic drilling. It's a very sensitive ecosystem. We don't have the ability to actually clean things up there. We don't have much of a Coast Guard presence. We don't have the ability, as we do in the Port of Vancouver, for example, to very quickly get to a spill and contain it.

So any project that would be proposed would have to address those issues straight on if it were going to move forward. However, as I say, I have not heard any detailed project proposals coming forward with respect to that idea.

CRITICAL MINERALS STRATEGY

Hon. Dennis Glen Patterson: Minister, Nunavut has significant gold resources with four producing mines and more on the horizon. However, it also has significant infrastructure and transportation challenges.

I'm wondering if there is any consideration being given to adding gold to the critical minerals list.

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: There is a definition of how we deem things to be critical, and part of it is the resource availability in this country. Part of it is also related to where we actually see skyrocketing demand on a go-forward basis, and that is largely driven by minerals that are going to be in some way tied to the energy transition — not solely those that are used in batteries but, for example, uranium, which is used in nuclear power.

At this moment, I don't think gold would fit those criteria. However, what we have said is that the list is going to be reviewed every three years, and folks can make arguments. There are other minerals that are not presently on there that people are making the argument should be on there. That is why it is intended to be an evergreen list on a go-forward basis.

As you would know very well, senator, gold is one area where Canada has actually thrived in terms of being able to advance the industry. It is a pretty healthy sector. As I say, I would never say never. That's the reason we made it an evergreen list.

NUCLEAR ENERGY DEVELOPMENT

Hon. Andrew Cardozo: Hello minister, I'm to your right. I don't know if that's politically or not, but —

Thank you for being here and answering our questions. I do appreciate the comments you made with regard to just transition, which is awfully important. I have a comment with regard to the

program called carbon tax. As I see it, it is a carbon tax and rebate, and people tend to talk about it as the tax only and not the rebate.

My suggestion is that you call it that. You call it “carbon tax and rebate” or “price on pollution and rebate,” but use that word “rebate” more often.

I don't say this so much as PR for your government but PR for this *projet de société*, which I think is the largest thing we're doing in terms of the environment. It perhaps needs to be better explained to Canadians so people have a better sense of it.

Lastly, I wonder if you could just make a comment on the future of nuclear power and the energy mix going forward.

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: I will take your suggestion away. I don't disagree with you. I do think it's important that it's more visible for Canadians.

In terms of nuclear power, I would say that we're moving toward a future that must be much lower-carbon, and that, from my perspective, means that all non-emitting forms of energy have to be very much on the table. There are some provinces in this country that are in the very beneficial situation that they have large amounts of hydro. That would include Newfoundland and Labrador, Quebec, Manitoba and British Columbia. You have a big storage battery, which enables you to potentially use more intermittent sources of power like wind and solar and to be able to balance that out.

But in provinces like Alberta and Saskatchewan, where the baseload power is provided primarily by coal and to a certain extent by gas, the choices are more challenging with respect to baseload perspective. I would say that at the present time, it would probably be nuclear energy or natural gas with a good carbon abatement and, potentially, in the future, hydrogen. The choices are not inexhaustible, and the idea that you can build a grid solely using wind and solar with some kind of storage is, certainly technologically, not there. Cost-wise, it is probably not there.

In that context, I think nuclear is a real option from a non-emitting perspective. It is a technology that I think people would say is very safe. There clearly is an issue with waste. We have to get Canadians comfortable about how we're going to manage the existence of nuclear waste. I think we have to have an adult conversation with Canadians about how we're going to do that. Let's be clear. A significant part of the electricity for the province of Ontario comes from nuclear power.

[Translation]

CARBON EMISSIONS

Hon. Julie Miville-Dechêne: Every year, the United Nations Environment Programme, or UNEP, publishes its *Production Gap Report*, which tracks the discrepancy between planned fossil fuel production and production levels consistent with limiting warming to 1.5 to 2 degrees Celsius. According to UNEP, in order to limit warming to 1.5 degrees Celsius, the world's

governments must cut fossil fuel production in half by 2030. However, Canada plans to increase its oil and gas production by almost 18% between 2019 and 2040.

Minister, isn't Canada's approach to climate change contradictory? We're committing to reducing our country's emissions while increasing our oil and gas exports at the same time.

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you for the question. To be very clear, I will answer in English.

[English]

I think it's a very important question. Step back and look at, for example, the International Energy Agency's 1.5-degree scenario. The world is not there yet; the commitments from all the countries are not there yet. However, assuming you achieve 1.5 degrees, over the course of the next number of decades you will still be using significant amounts of hydrocarbons. Even in 2015, with a 1.5-degree scenario, you will still be using some amount of hydrocarbons, but you won't be combusting them. You will be using them for solvents, waxes, petrochemicals and hydrogen. In that scenario, you're still using 25 million barrels of oil, a quarter of what we produce today, and about half the amount of natural gas that we use today.

• (1510)

In that scenario, you have to be able to produce them with virtually zero production emissions. There are combustion emissions and production emissions. Even if you eliminate all the combustion emissions because you're using them in applications where you're not combusting, you still have to produce them with zero or close to zero. That is where we are focused, namely, on driving emissions down in every natural gas and oil sector across the country — not only in Alberta and Saskatchewan but also in Newfoundland and Labrador — to the point where Canada is producing with virtually zero carbon emissions.

There is no forecast right now that says oil consumption will decline until somewhere between 2030 and 2035. At that point it will, as we deploy more vehicles. Of course Canada wants to extract value for its resources, but it wants to do it in a manner that is consistent with a net-zero world.

CARBON CAPTURE TAX CREDIT

Hon. Yonah Martin (Deputy Leader of the Opposition): Minister, oil and gas industry proponents have been asking for a 75% investment tax credit from the federal government in order to spur investment in carbon capture and storage technologies, which would reduce upfront capital costs involved in constructing this critical technology. However, your government's announcement fell short, promising only a 50% tax credit. Many in the industry have stated that the size of the credit means that many of these planned projects will not go forward.

[Senator Miville-Dechéne]

Minister, given the impact this technology could have on emissions reduction, does it concern you that many of these projects may now not go ahead?

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: I wouldn't agree with your assertion. It's extremely important that these projects go ahead. That's particularly true in the oil sands, where CCUS — carbon capture, utilization and storage — is one of the major opportunities for reducing emissions.

We must be sensitive to two things: the overall economics of the projects and what our friends in the United States are doing under the Inflation Reduction Act.

We brought forward what we thought was an appropriate incentive to bring forward the capital that's required to build these kinds of projects. We expect the private sector also to be putting its capital at play; it is part of the solution here, too. There are other ways in which we can create value — for example, contracts for differences, which is something we are embedding in the new Canada growth fund which is of value and must be calculated into the overall economics.

We are waiting for the Government of Alberta to come forward with what it is going to do under its royalty regime as part of this. They have been working on that for some significant time, but that's part of this on a go-forward basis. We have done lots of analysis with respect to how we compare vis-à-vis the United States, and Canada is actually quite reasonable in terms of where it sits.

We certainly want these to go ahead. I talk to the Pathways Alliance CEOs all the time; I talk to the Province of Alberta all the time. My view is that these are going to proceed. The Government of Canada is committed to doing what we need to do, but we obviously expect the sector to do their part as well.

PAN-CANADIAN GRID COUNCIL

Hon. Tony Loffreda: Minister, welcome to the Senate.

Exactly one year ago, you received your mandate letter asking that you establish a pan-Canadian grid council to promote infrastructure investments, smart grids, grid integration and electricity sector innovation.

Can you further elaborate on your update on the council, its establishment, structure, membership and the priorities it will have? I ask that question because, as a senator from Quebec, I am proud that 94% of our electricity is generated by hydropower. Canadians can be proud that over 80% of our electricity comes from non-emitting sources. However, according to some reports, despite major investments in recent years, we still need to invest about \$200 billion by 2035 to meet current green grid goals and even more to accommodate rapid growth in electricity demand.

Hon. Jonathan Wilkinson, P.C., M.P., Minister of Natural Resources: Thank you. That is a very important question.

People often focus on transportation, or oil and gas, or buildings — all of which are important in terms of reducing emissions and building an economy for the future — but they often don't talk about the grid. The grid underpins the entire thing.

Having a robust grid that has an abundant supply of non-emitting power is critical to phasing out coal and to eventually phasing out unabated natural gas, but it's also critical to being able to reduce emissions from transportation. If you're electrifying all the cars, you need more power. If you're electrifying home heating, you need more power. It's critical to the future of our economy.

Many battery manufacturers and, now, car manufacturers are locating in Canada because we have non-emitting power. At the end of the day, they want products that have almost zero embedded carbon. If you're burning coal and you're using electricity, you don't have zero embedded carbon in your car. To grow the industrial base in this country — whether it's hydrogen, biofuels, critical minerals or car manufacturing — we need a lot more. We will have to double or triple the amount of electricity generation in this country over the course of the coming number of decades.

The federal government needs to be part of that solution. From a financial perspective, I often say this is the railway of our century. It is fundamentally important. It is also important that we are working with provinces and territories, while respecting their jurisdiction, on ideas about how we can do this better and faster. That's the role of the proposed national grid council — namely, to try to think about outside-the-box ideas on the regulatory regimes to enable us to move in a manner that will meet the needs of the energy transition and to help us look at best practices.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired. I know you will wish to join me in thanking Minister Wilkinson for being with us today. Thank you, minister.

Hon. Senators: Hear, hear.

ROUTINE PROCEEDINGS

ONLINE STREAMING BILL

BILL TO AMEND—THIRD REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. Leo Housakos: Honourable senators, I have the honour to present, in both official languages, the third report of the Standing Senate Committee on Transport and Communications,

which deals with Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts.

(For text of report, see today's Journals of the Senate, p. 1152.)

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

Senator Housakos: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on the Orders of the Day for consideration later this day.

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

Hon. Senators: Agreed.

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

[Translation]

CRIMINAL CODE

BILL TO AMEND—NINTH REPORT OF LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Mobina S. B. Jaffer: Honourable senators, I have the honour to present, in both official languages, the ninth report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with Bill S-205, An Act to amend the Criminal Code and to make consequential amendments to another Act (interim release and domestic violence recognizance orders).

(For text of report, see today's Journals of the Senate, p. 1143.)

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

(On motion of Senator Jaffer, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[English]

• (1520)

**FEDERAL LAW—CIVIL LAW HARMONIZATION
BILL, NO. 4**

BILL TO AMEND—TENTH REPORT OF LEGAL AND
CONSTITUTIONAL AFFAIRS COMMITTEE PRESENTED

Hon. Mobina S. B. Jaffer, Chair of the Standing Senate
Committee on Legal and Constitutional Affairs, presented the
following report:

Wednesday, December 14, 2022

The Standing Senate Committee on Legal and
Constitutional Affairs has the honour to present its

TENTH REPORT

Your committee, to which was referred Bill S-11, A
fourth Act to harmonize federal law with the civil law of
Quebec and to amend certain Acts in order to ensure that
each language version takes into account the common law
and the civil law, has, in obedience to the order of reference
of December 8, 2022, examined the said bill and now reports
the same without amendment.

Respectfully submitted,

MOBINA S. B. JAFFER

Chair

The Hon. the Speaker: Honourable senators, when shall this
bill be read the third time?

(On motion of Senator Clement, bill placed on the Orders of
the Day for third reading at the next sitting of the Senate.)

[Translation]

**FALL ECONOMIC STATEMENT IMPLEMENTATION
BILL, 2022**

EIGHTH REPORT OF NATIONAL FINANCE COMMITTEE PRESENTED

Hon. Clément Gignac, for Senator Mockler, Chair of the
Standing Senate Committee on National Finance, presented the
following report:

Wednesday, December 14, 2022

The Standing Senate Committee on National Finance has
the honour to present its

EIGHTH REPORT

Your committee, to which was referred Bill C-32, An Act
to implement certain provisions of the fall economic
statement tabled in Parliament on November 3, 2022 and
certain provisions of the budget tabled in Parliament on
April 7, 2022, has, in obedience to the order of reference of
December 13, 2022, examined the said bill and now reports
the same without amendment.

Respectfully submitted,

PERCY MOCKLER

Chair

The Hon. the Speaker: Honourable senators, when shall this
bill be read the third time?

(On motion of Senator Loffreda, bill placed on the Orders of
the Day for third reading at the next sitting of the Senate.)

THE ESTIMATES, 2022-23

SUPPLEMENTARY ESTIMATES (B)—NINTH REPORT OF NATIONAL
FINANCE COMMITTEE TABLED

Hon. Clément Gignac: Honourable senators, on behalf of
Senator Mockler, I have the honour to table, in both official
languages, the ninth report of the Standing Senate Committee on
National Finance entitled *Supplementary Estimates (B) for the
fiscal year ending March 31, 2023*, and I move that the report be
placed on the Orders of the Day for consideration at the next
sitting of the Senate.

(On motion of Senator Gignac, report placed on the Orders of
the Day for consideration at the next sitting of the Senate.)

[English]

BUILDING A GREEN PRAIRIE ECONOMY BILLSEVENTH REPORT OF AGRICULTURE AND FORESTRY
COMMITTEE PRESENTED**Hon. Robert Black**, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Wednesday, December 14, 2022

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

SEVENTH REPORT

Your committee, to which was referred Bill C-235, An Act respecting the building of a green economy in the Prairies, has, in obedience to the order of reference of December 13, 2022, examined the said bill and now reports the same without amendment.

Respectfully submitted,

ROBERT BLACK

*Chair***The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

(On motion of Senator Cotter, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.)

FOREIGN AFFAIRS AND INTERNATIONAL TRADECOMMITTEE AUTHORIZED TO MEET DURING SITTING
OF THE SENATE**Hon. Peter M. Boehm:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That the Standing Senate Committee on Foreign Affairs and International Trade have the power to meet on Thursday, December 15, 2022, even though the Senate may then be sitting, and that rule 12-18(1) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?**Hon. Senators:** Agreed.**The Hon. the Speaker:** Is it your pleasure, honourable senators, to adopt the motion?**Hon. Senators:** Agreed.

(Motion agreed to.)

[Translation]

ORDERS OF THE DAY**APPROPRIATION BILL NO. 4, 2022-23**

THIRD READING—DEBATE ADJOURNED

Hon. Raymonde Gagné (Legislative Deputy to the Government Representative in the Senate) moved third reading of Bill C-36, An Act for granting to His Majesty certain sums of money for the federal public administration for the fiscal year ending March 31, 2023.

(On motion of Senator Martin, debate adjourned.)

[English]

ONLINE STREAMING BILLBILL TO AMEND—THIRD REPORT OF TRANSPORT AND
COMMUNICATIONS COMMITTEE ADOPTEDThe Senate proceeded to consideration of the third report of the Standing Senate Committee on Transport and Communications (*Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, with amendments and observations*), presented in the Senate on December 14, 2022.**Hon. Leo Housakos** moved the adoption of the report.

He said: Honourable senators, your committee has completed its study on Bill C-11, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts. The bill's stated intent is to modernize the Broadcasting Act by expanding the powers of the Canadian Radio-television and Telecommunications Commission, or CRTC, to include regulating online streaming platforms and requiring those online undertakings to contribute, including financially, to Canadian creators and cultural systems.

Your committee was initially authorized to examine the subject matter of Bill C-11 in advance of the bill coming before the Senate on May 31, 2022, and held its first committee meeting on the subject matter on June 8, 2022. The bill was referred to the committee on October 25, 2022, and the study concluded on December 8, 2022.

During its consideration of this bill, the committee held 31 meetings, including a record 9 meetings of clause by clause, for a total of 67 hours and 30 minutes.

• (1530)

We received 67 briefs, heard from 138 witnesses from a variety of backgrounds including the arts and cultural sector, conventional Canadian broadcasters, big tech and streaming

platforms, online content creators, unions, visible and linguistic minorities, people with disabilities, LGBTQ2+, academics and researchers.

We also heard from officials from the Department of Canadian Heritage, Justice Canada, Global Affairs Canada, as well as from the Office of the Privacy Commissioner of Canada, the Canadian Radio-television and Telecommunications Commission, and also from former chairs and deputy chairs of the CRTC.

It was clear from the beginning that there were two distinct viewpoints on this legislation, even amongst the sector that it purports to assist. However, even the most ardent supporters of the bill appeared before our committee seeking amendments, and some of those amendments are reflected in the bill you have before you today.

There were a total of 73 amendments proposed at committee by Senators Batters, Clement, Cormier, Dasko, Dawson, Downe, Manning, Miville-Dechêne, Plett, Quinn and Wallin. In addition to 13 subamendments, of those proposed, 26 amendments were adopted affecting 11 clauses as well as 2 subamendments.

Perhaps the areas of greatest concern to witnesses are the inclusion — unintended or otherwise — of user-generated content, the definition of Canadian content, independence and transparency of the regulator, privacy concerns for social media users and possible trade ramifications and reciprocity.

I won't go through each one of the 26 amendments that were adopted, but I wish to highlight a few. Your committee adopted a motion in amendment moved by the Honourable Senator Miville-Dechêne in cooperation with Senator Simons with the goal of ensuring user-generated content is not captured by this legislation. This amendment to clause 4 seeks to require the regulator to consider specific criteria when adjudicating the inclusion of content in its scope.

There was an amendment put forward that some senators felt would further strengthen the requirement by making the criteria cumulative and determinative, but that was not adopted by your committee.

Your committee also adopted an amendment from Senator Manning that states that no one factor in Canadian content be determinative. This is reflective of the minister's own statement that the definition of CanCon be modernized and takes into account the investment foreign streamers are already making in Canada's TV and film industry and telling Canadian stories.

Additionally, your committee chose to remove clause 7, which senators felt risked further politicization of the work of the CRTC. Your committee believes the independence of the regulator is vital. There were a number of government amendments adopted, including one addressing some of the

concerns outlined by the Privacy Commissioner. Again, colleagues, this is but a snapshot of the 26 amendments that were adopted.

While your committee is confident that these amendments improve this legislation, it should be noted that there remained many concerns as outlined in the observations that have been included in this report from the Independent Senators Group, the Canadian Senators Group and the Conservative caucus in the Senate. We urge the government to properly consider the amendments and also the observations provided in the appendix by the committee.

In closing, I would like to thank all of my colleagues on the committee, each and every one of them, particularly the deputy chair, Senator Miville-Dechêne; my steering colleague Senator Dawson, the critic on the bill; and Senator Quinn. It was at times an acrimonious and arduous process, but I think democracy did have its voice in this particular study. You saw the exhausting number of witnesses and time that was put into it. We did our work in a diligent fashion.

I would also like to thank all stakeholders, witnesses and individual Canadians who came before the committee, because without their participation, democracy doesn't function. I also want to thank all the staff of each and every one of our colleagues because this was a long and cumbersome process, and without their support, none of the senators would be able to do the work that we have managed to do in this report.

I would also like to thank the administrative staff starting with the law clerk, Isabelle Brideau; our analysts Jed Chong and Khamla Heminthavong; our administrative assistant Brigitte Martineau; and, of course, the clerk of the committee, Vincent Labrosse, for their patience, support and the due diligence they provided to this study. Thank you very much, colleagues.

The Hon. the Speaker pro tempore: Are senators ready for the question? It was moved by the Honourable Senator Housakos, seconded by the Honourable Senator Martin that the report be adopted.

All those in favour will please say, "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: All those against, please say, "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: I believe the "yeas" have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: We will have a standing vote. We have an agreement on 15 minutes, with a standing vote at 3:50 p.m.

Call in the senators.

ABSTENTIONS
THE HONOURABLE SENATORS

• (1550)

Nil

Motion agreed to and report adopted on the following division:

The Hon. the Speaker: Honourable senators, when shall this bill, as amended, be read the third time?

(On motion of Senator Dawson, bill, as amended, placed on the Orders of the Day for third reading at the next sitting of the Senate.)

YEAS
THE HONOURABLE SENATORS

Anderson	Gignac
Bellemare	Gold
Black	Harder
Boehm	Hartling
Boniface	Jaffer
Bovey	Klyne
Busson	LaBoucane-Benson
Campbell	Loffreda
Cardozo	Marwah
Clement	Massicotte
Cordy	McCallum
Cormier	Miville-Dechêne
Cotter	Moncion
Coyle	Omidvar
Dagenais	Pate
Dalphond	Patterson (<i>Ontario</i>)
Dasko	Petitclerc
Dawson	Quinn
Deacon (<i>Nova Scotia</i>)	Ravalia
Deacon (<i>Ontario</i>)	Ringuette
Dean	Saint-Germain
Downe	Sorensen
Dupuis	Tannas
Francis	Woo
Gagné	Yussuff—51
Gerba	

STUDY ON ISSUES RELATING TO HUMAN
RIGHTS GENERALLY

FIFTH REPORT OF HUMAN RIGHTS COMMITTEE TABLED

Leave having been given to revert to Presenting or Tabling of Reports from Committees:

Hon. Salma Ataullahjan: Honourable senators, I have the honour to table, in both official languages, the fifth report (interim) of the Standing Senate Committee on Human Rights, entitled *Canada's Restrictions on Humanitarian Aid to Afghanistan*, and I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

(On motion of Senator Ataullahjan, report placed on the Orders of the Day for consideration at the next sitting of the Senate.)

[*Translation*]

NATIONAL COUNCIL FOR RECONCILIATION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Audette, seconded by the Honourable Senator Mégie, for the second reading of Bill C-29, An Act to provide for the establishment of a national council for reconciliation.

Hon. Renée Dupuis: Honourable senators, I rise to speak at second reading of Bill C-29, An Act to provide for the establishment of a national reconciliation council.

When I accepted the responsibility of serving as an honorary witness for the Truth and Reconciliation Commission of Canada, I made a commitment to pursue the search for the truth while engaging in reconciliation with Indigenous peoples.

NAYS
THE HONOURABLE SENATORS

Ataullahjan	Plett
Batters	Richards
Carignan	Seidman
Housakos	Smith
MacDonald	Verner
Martin	Wallin
Oh	Wells—15
Patterson (<i>Nunavut</i>)	

• (1600)

I support the principle of creating a national council for reconciliation. Bill C-29 is a response to several of the TRC's Calls to Action. Call to Action 53 reads as follows:

We call upon the Parliament of Canada, in consultation and collaboration with Aboriginal peoples, to enact legislation to establish a National Council for Reconciliation.

That is precisely what Bill C-29 does.

In addition, the TRC's Call to Action 54 calls upon the Government of Canada to ensure the following:

. . . multi-year funding . . . including the endowment of a National Reconciliation Trust to advance the cause of reconciliation.

Clause 16.1 of the bill references Call to Action 55, which details what must be in the report that the minister responsible must submit to the national council for reconciliation.

Lastly, subclause 17(3) of the bill references call to action 56. It states that the Prime Minister must, on behalf of the government, respond to the national council for reconciliation's annual report by publishing a report on the state of Indigenous peoples.

The sixth paragraph of the bill's preamble states that the Government of Canada is committed to achieving reconciliation with Indigenous peoples. The dictionary defines "reconciliation" as the act of making friendly again after an estrangement, of bringing into agreement or harmony. The term explicitly evokes the idea of coming together after a conflict.

The Truth and Reconciliation Commission of Canada is a national transitional justice mechanism, even though it was not presented as such. In a document published in March 2021, the Organisation internationale de la Francophonie included the TRC in a list of transitional justice processes used in different countries. Most of the time, such mechanisms are in response to particular political and legal contexts: civil or colonial wars, discriminatory policies, legal disputes, and so forth. But in all cases, they involve gross human rights violations and go beyond the limits of the usual judicial proceedings involving remedies, evidence and the like. Calls for justice, recognition and reparations give rise to alternative mechanisms designed to bring to light the truth of the victims, respect for their memory, which can potentially help strengthen democracy and public trust in government.

Honourable senators, I think that the Senate needs to take a close look at the aspects of the bill that I asked questions about, and we need to get answers to those questions from the government before we can pass this bill. Some of the concepts used in the bill are vague, poorly defined and confusing. There are also inconsistencies between the French and English versions.

In my opinion, it is vital to clarify legal elements that are critical to the work of this council. I invite the senators who will study Bill C-29 in committee to consider the following questions.

First, why does the first paragraph of the preamble use different terms in the French and English versions? For example, the English version uses the term "their Indigenous lands" while the French version uses "leur territoire" in the singular.

Second, the second paragraph of the preamble states that Indigenous peoples have been oppressed since the arrival of settlers and colonization. However, it was successive governments throughout history, including the current Government of Canada, that colonized Indigenous people by implementing assimilationist laws and policies. The wording should therefore be changed accordingly.

Third, why does the fourth paragraph of the preamble use the phrase "all peoples" when stating who is responsible for reconciliation? Which peoples are being referred to? Where does this concept come from? How is it defined? The wording used here is problematic. It should be revised to make it clear that reconciliation is the responsibility of the government and that it requires collective efforts from all and the commitment of multiple generations.

Fourth, why does clause 2(1) include provincial governments in the definition of "governments"? What authority does the federal Parliament have to include provincial governments in this bill?

Fifth, why does the same clause, clause 2(1), not mention the governments of the three territories, Yukon, Northwest Territories and Nunavut, in the definition of "governments"?

Sixth, clause 12 deals with the composition of the board of directors, which must reflect a diversity of representation. What does the phrase "other peoples in Canada" signify? Who are these other peoples who must be represented on the board of directors? This concept doesn't exist. If we're talking about people who aren't Indigenous, usually referred to as non-Indigenous people, the bill needs to be clear about that, especially since the term "non-Indigenous" is also used in clause 16 of Bill C-29. Reconciliation is the government's responsibility, but the members of this council are obviously people who are going to sit on its board of directors. It is crucial that Indigenous and non-Indigenous people meet on this path to reconciliation, since everyone must be involved in working toward the common goal of reconciliation. This must be explicit, not buried under a concept that has no basis in our political system or legal system.

Seventh, which organizations were consulted when developing Bill C-29? Last week, we heard the President of Inuit Tapiriit Kanatami publicly state that his organization was withdrawing its support for Bill C-29. Other groups, including the Native Alliance of Quebec, deplored the fact that they had no representation on the board of directors. I asked for the list of organizations consulted when developing this bill. It is important that the Senate obtain clear answers from the government to verify that there was real consultation.

Honourable senators, I invite members of the committee that will be studying this bill to ask these questions as well as others.

When I agreed to serve as an honorary witness for the Truth and Reconciliation Commission, I had the remarkable experience of listening to the traumatic stories of men and women I worked with for years and also of ascertaining how devastated these individuals were, their survival instinct and their resilience. In my view, the commitment of an honorary witness has two main components: first, to listen and to hear, among other things, the truths of residential school survivors who have become elders in their communities or spokespersons for former students who died and the truths of their descendants living with intergenerational trauma; second, to continue searching for and spreading the truth, especially in the media, educational institutions and the Senate of Canada, and actively participating in reconciliation with these survivors and their descendants once the work of the commission is completed.

Honourable senators, I will conclude by stressing the need to unfold the official historical narrative in order to make heard the voices that have been drowned out or silenced, voices that until now have been ignored, so that the respective memories, which are often different if not contradictory, can finally be heard in all of their complexity. This is what is needed first before we can have the rapprochement that forms the basis of reconciliation. As I've said before, reconciliation with Indigenous peoples must go beyond individual commitments. Bill C-29 is a vital institutional response to promote reconciliation. At this point, it is up to us ensure that the national council for reconciliation becomes a reality. That is our job.

Thank you.

(On motion of Senator Martin, debate adjourned.)

• (1610)

ONLINE NEWS BILL

FIRST READING

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons with Bill C-18, An Act respecting online communications platforms that make news content available to persons in Canada.

(Bill read first time.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Gold, bill placed on the Orders of the Day for second reading two days hence.)

CRIMINAL CODE IMMIGRATION AND REFUGEE PROTECTION ACT

MESSAGE FROM COMMONS

The Hon. the Speaker pro tempore informed the Senate that a message had been received from the House of Commons returning Bill S-223, An Act to amend the Criminal Code and the Immigration and Refugee Protection Act (trafficking in human organs), and acquainting the Senate that they had passed this bill without amendment.

[English]

PENSION PROTECTION BILL

BILL TO AMEND—SECOND READING

Hon. David M. Wells moved second reading of Bill C-228, An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act and the Pension Benefits Standards Act, 1985.

He said: Honourable colleagues, today I am pleased to rise as the Senate sponsor of Bill C-228, An Act to amend the Bankruptcy and Insolvency Act, the Companies' Creditors Arrangement Act and the Pension Benefits Standards Act, 1985.

This bill, known by its short title as the "Pension Protection Act," has been a long time in the making. This bill has three simple elements: The first is a requirement for the Superintendent of Financial Institutions to provide a report to Parliament every year. The second is that people holding defined benefit pension plans move up the line of priority for payout if a company goes bankrupt. And the last is that companies be permitted to fund deficient pension plans without financial penalty.

Most of you will recall the collapse of Nortel in 2009. On January 14 of that year, Nortel filed for bankruptcy protection, leaving over 10,000 pensioners to face the prospect of suddenly having no pension. When the dust finally settled, Nortel pensioners received about 50 cents on the dollar.

This story played out again in 2017 when Sears Canada filed for bankruptcy protection. Once again, it was pensioners who were left holding the bag. Sears Canada's defined benefit pension plan was underfunded by a quarter of a billion dollars, and in bankruptcy proceedings, the 16,000 former employees were lined up behind the banks, and other lenders, to collect their money. In the end, they saw their pensions cut by approximately 30%.

Colleagues, it has been estimated that over 100,000 Canadians have had their pensions slashed when firms went bankrupt. If you go back as far as 1982, the Canadian Federation of Pensioners suggests that number could be as high as 250,000. Colleagues, this is unacceptable.

During last Parliament's committee hearings on Bill C-253, this bill's predecessor, Ms. Laura Tamblyn Watts of CanAge relayed the story of a couple who had worked their whole lives, and contributed to their defined benefit pension plans. After the Sears bankruptcy, they lost their financial security. They asked, "How could it be possible that we both worked our whole lives, and contributed to our plans, and we now face poverty because we are last in line for our own money?"

The answer to that question, colleagues, is simple: It is possible because the law allows it. If a business goes bankrupt today, the assets currently get divided up in this order: The first are deemed trusts. This includes things like unremitted source deductions in relation to the Canada Pension Plan, or CPP, or the Quebec Pension Plan, or QPP, income taxes payable and Employment Insurance, or EI, contributions — basically, all those amounts that are deemed to be held in trust for the benefit of the Crown. In essence, colleagues, the government gets paid first.

After the government gets paid, there are unpaid suppliers. Suppliers have the right to repossess unpaid goods that were delivered 30 days prior to bankruptcy. Then those who are considered what is known as "super-priority" are paid out. This includes the value of unpaid agriculture and aquaculture products delivered 15 days prior to bankruptcy, the value of unpaid salaries and allowances up to a maximum of \$2,000 per employee, the costs incurred by a government to decontaminate land included in the bankrupt assets and the value of deducted salary contributions and employer contributions to a registered pension plan.

Now, colleagues, don't mistake that last item with pension benefits. It only covers the employee's contributions to the plan that were deducted from their earnings — not the amount that they are owed from the pension plan itself. It only represents a fraction of their actual pension entitlement — it is essentially what they paid in.

After super-priorities, secured claims are paid out. After that, there are preferred claims. And then finally, pension plan liabilities are addressed, which get pro-rated along with the value of all other unsecured claims. In other words, the protection for an employee's pension plan, which they may have paid into during their entire working life, falls to the end of the line. This needs to change. And, colleagues, that change is precisely what Bill C-228 will achieve.

Over the last 10 years, numerous attempts have been made to address this problem, beginning in 2010 with Bill C-501. Later, we had Bill C-405 in 2018; Bill C-253 and Bill C-269 in 2020; Bill C-225 in 2022; and finally, Bill C-228 which is before us today. All of these were private members' bills, and consequently struggled to get through the other place.

[Senator Wells]

Bloc Québécois MP Marilène Gill's Bill C-253 made it the furthest, going through seven committee meetings before being reported back to the House with one amendment. However, it was unable to move any further before the general election was called in the summer of 2021.

Rather than trying to recreate the wheel, MP Marilyn Gladu, the sponsor of Bill C-228, pulled together portions of the previous bills that had support, and removed those elements which were contentious. In her second-reading speech, MP Gladu specifically mentioned drawing heavily from Bill C-405 and Bill C-253. As you may be aware, the current bill received unanimous support in the other place, but, as I've said many times here before, that should not move this chamber from doing its due diligence.

The purpose of the legislation is actually quite straightforward. It will help protect pension plan assets, and ensure the solvency of defined benefit pension plans by addressing three areas.

Number one is Bill C-228 amends the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act to ensure that claims in respect of unfunded liabilities or solvency deficiencies of pension plans receive super-priority status in bankruptcy proceedings. Instead of being paid out an amount pro-rated with the other unsecured claims, pension funds will receive the same priority and protection as salaries and pension fund contributions. It moves these unsecured liabilities up the line of priorities.

Number two is clause 6 of the bill amends section 40 of the Pension Benefits Standards Act, 1985 to change the requirements of the annual report. Currently, there is a requirement for an annual report on the solvency of pension funds, but the report goes to the Superintendent of Financial Institutions.

• (1620)

It is not clear what, if any, actions are taken as a result of the generation or the receipt of this report.

Bill C-228 would require that an annual report on solvency of pension funds be tabled in both houses of Parliament. This would then provide it with the opportunity for greater oversight. This is a public tabling that ensures transparency and awareness.

Thirdly, colleagues, Bill C-228 will provide a mechanism to transfer funds to a pension fund without negative tax implications in order to help restore a pension fund to solvency. Together, these three changes will help ensure Canadians no longer find their pensions and their retirements in jeopardy.

Over the course of committee hearings for Bill C-228 and the earlier version, Bill C-253, three concerns were raised over this legislation, which I would like to address. The first is that if the bill is adopted, it will result in employers moving away from defined benefit pension plans. Colleagues, this is already happening.

Over the last 22 years, the percentage of defined benefit, or DB, plans has dropped from 21.3% in the year 2000 to 9.6% today. As noted by Mr. Brett Book, Policy Officer for CanAge, in his June 8, 2021, testimony at the House of Commons Standing Committee on Industry, Science and Technology, defined benefit plans are no longer being created.

He said:

In Ontario, DB plans fell by more than 10% between 2017 and 2019, even after the Ontario government lowered funding requirements for solvency from 100% to 85%.

The lowering of funding requirements did nothing to encourage more corporations to establish defined benefit plans. Instead, as stated by Mr. Book, “The only changes that happened were that there are fewer DB plans, not more, and corporations saved billions.”

The second objection which has been raised is the assertion that corporations with defined benefit plans will end up being subject to higher interest rates on their borrowing, which will make them uncompetitive and lead to more insolvencies. The Pension Investment Association of Canada and the Canadian Association of Insolvency and Restructuring Professionals brought this concern up at committee hearings on this bill. Their contention is that if pensioners are given priority, companies with insolvent funds will have to pay higher interest rates to obtain credit and will be less likely to apply for credit. This could, in turn, accelerate the rate of insolvencies.

Colleagues, this bill gives corporations four years to deal with any unfunded liabilities present in their defined benefit pension plans. As pointed out by the sponsor of this bill, MP Marilyn Gladu:

... if a company cannot restore the solvency of its fund after a period of five years, it should indeed pay a higher interest rate to obtain credit, because it really does present a higher risk.

The third argument, colleagues, is that giving super priority to pension plan assets could end up making it harder for insolvent companies to restructure and avoid bankruptcy. Quite frankly, as noted again by Mr. Book in his testimony:

This is simply not the case. Companies have the financial ability to fund pension requirements, but instead choose to use their cash for bonuses to corporate executives, dividends and share buybacks. Corporations do not have the legal requirement to protect pensions, so they don't.

Furthermore, as pointed out by Mr. Michael Powell, President of the Canadian Federation of Pensioners, this same concern was raised in 2005, when the Wage Earner Protection Program Act was passed. This WEPP Act gave super priority to unpaid wages, unpaid expenses and a few other things. Mr. Powell noted at the time that the Insolvency Institute of Canada was raising the very same warning, saying that giving super priority status to wages could create:

... a significant negative impact on Canadian productivity and employment since businesses ... will have a tougher time getting financing, and their costs could rise dramatically.

As Mr. Powell pointed out, it never happened. He noted that:

... nobody has provided any data that anything bad happened after WEPP. If it was that draconian, if the financial armageddon was going to occur, we should have data. These are things that people monitor.

Colleagues, the question could be asked: “Why couldn't this legislation also include protection for severance and termination obligations?” It's a fair question. In principle, it makes sense. Why would we protect wages and pensions but not severance? In fact, this amendment was proposed in committee, and the bill's sponsor, MP Marilyn Gladu, fully supported it. However, the amendment was challenged and ruled out of scope by the Speaker of the other place. Colleagues, if we include it here, it will suffer the same fate when returned for review.

I look forward to hearing from stakeholders on all sides of these issues at committee. It is important that we do our due diligence, as I said. As we do, it is essential that we do not lose sight of the goal of the legislation before us, which is to find a way to protect the pensions of workers who, after working and contributing to a pension, are faced with the news that a company holding their pension assets has gone bankrupt, and they're at the back of the line, behind all other creditors and executives.

As stated at committee by Bill VanGorder, the COO of the Canadian Association of Retired Persons:

Most older Canadians have fixed incomes but face rising costs, growing inflation, an unpredictable economy and retirement savings that suffer as a result. The Canadian Association of Retired Persons (CARP) believes it is vital that the Federal Government protect pensioners by giving them “priority” status ... This proposal would go a long way in making that happen.

Colleagues, I concur with Mr. VanGorder. This legislation makes the necessary changes which will significantly advance protection for the pension plans of hard-working Canadians who have literally paid their dues.

In *The Hill Times* article last week, Michael Powell of the Canadian Federation of Pensioners summed it up this way:

Under current insolvency law, banks eat first. When the assets of a failed company are divided as secured creditors, banks receive the first payouts.

Actually, colleagues, governments receive the first payouts, but he said, “banks receive the first payouts.” He went on to say:

Pensioners have no rights or status in insolvency. Super priority means that pensioners would move nearer to the front of the line, improving their likelihood of receiving their full pension.

The passage of this landmark bill marks the closest Canadian pensioners have come to meaningful pension protection.

Colleagues, I look forward to examining the bill in greater detail at committee and welcome your support in moving it forward.

Thank you.

Hon. Marty Deacon: Would the senator take a question?

Senator Wells: I will. Thank you.

Senator M. Deacon: Thank you for picking up the ball on this again and bringing it back to us to give it some thought.

My question is around the legal language in the bill and concerns around amendments to section 40 of the Pension Benefits Standards Act, 1985. The bill changes the language to say, as you mentioned:

The Superintendent shall . . . submit to the Minister a report on . . .

(b) the success of pension plans in meeting the funding requirements, determined in accordance with section 9, and the corrective measures taken or directed to be taken to deal with any pension plans that are not meeting the funding requirements.

Does this section give the superintendent power to compel these corrective measures to be taken, such as freezing dividend payments until a pension fund is solvent again, or is it up to the company in question whether they will take these steps or not?

Senator Wells: Thank you for your question, Senator Deacon.

The Superintendent of Financial Institutions is an arm’s-length federal regulator. Of course, regulators have laws enacted to permit regulations to be developed, and this is the supervisor or the superintendent of those regulations.

The Superintendent of Financial Institutions regulates financial institutions — banks, creditors and others. The rules under which they have to act are the regulations. The superintendent, on breach of regulations — and I’m fortunate enough to have been head of a federal regulator at one time, so I know how it

works — if they don’t act in accordance with the regulations, penalties can be imposed. In that respect, they are compelled and can be compelled by the regulations.

Very often, because you might be dealing with a financial institution, the financial institution will know immediately what the regulations are and what their obligations are.

Can they be compelled? Yes, they can be compelled, but they’re compelled by the regulations that they’ve signed onto in their licensing.

Hon. Lucie Moncion: Will the senator take a question?

Senator Wells, we have discussed this before. I want to understand the number of people who have access in Canada to a defined benefit plan and which of it is publicly funded and which of it is privately funded.

Senator Wells: Thank you very much for your question. I do know that there is approximately \$350 billion under defined plans now. I don’t know how many people that represents, and \$350 billion is a lot of money, of course. The number of companies that go bankrupt every year is in the hundreds. Recently, it has been in the low hundreds. About 10 years ago, it was in the high hundreds. I hate to say that the numbers are quite low, but they are.

• (1630)

Again, I don’t know the number of people under private or public, but that is something we could explore at committee.

Senator Moncion: I just want to add to the last comment you made. It’s information that would be valuable to the members of the committee so that we have a better understanding of how many people have the golden benefits and how many are maybe not as well protected. Having these numbers often makes it easier for us to make a decision at the end of the process when this bill comes back to us — wouldn’t you think?

Senator Wells: I know that defined programs are obviously less and less these days — I think even less than 10%. But you’re right. We need to know the scope of this. However, colleagues, it’s also important to not forget the principle of the bill, and that’s to protect those who are at the end of the line and who have been paying into a pension. In fact, when you sign on with a company and you pay into a pension, it’s essentially a contract. It’s an agreement that you have — that’s one of the benefits, like your salary or your hours — when you sign up with a company. It’s that contract that this bill aims to protect.

[Translation]

Hon. Pierre J. Dalphond: Would Senator Wells agree to take another question?

Senator Wells: Yes.

[English]

Senator Dalphond: I have two questions. The first question is about the Pension Benefits Standards Act — the question was asked by Senator Marty Deacon. It applies only to federal pension funds. It doesn't apply to most pension funds that are regulated by the provinces. Am I right or wrong?

Senator Wells: You're wrong. I don't want to say this again, but you're wrong. It would apply to both federal and provincial pensions.

Senator Dalphond: You mean the amendments to the Pension Benefits Standards Act will apply to provincial pension funds?

Senator Wells: It would fall under the financial institutions rubric, and therefore it would be nationally covered.

Senator Dalphond: I suppose that is an aspect the committee will look at because provincial pension funds are regulated by provincial regulators and not by the superintendent here in Ottawa. It is a constitutional issue, as a matter of fact.

My other question is about the scope of that bill. I certainly understand and share the goal of the bill to protect retirees. They have worked many years, and they come to retirement having managed their retirement based on the retirement benefits they expect to receive. If there is a reorganization of the company for which they were working, they may end up receiving a lesser amount. You referred to Sears and Nortel. Algoma Steel also went through that process, but were able to reorganize the pension funds and re-establish the pension benefits.

You referred to the fact that this will apply — if I understand properly — only to those who are entitled to defined pension benefits, and you said these now represent less than 10% of the retirees in Canada. I also understand this bill will not come into effect right away if it is adopted. It will come into effect in four years — further to an amendment that was adopted in the House of Commons — in order to give a transitional period to the employers who are providing pension benefits. Do you feel that at the end of the day the number of people who will benefit from that bill will be even less than 10% of the retirees?

Senator Wells: It could very well be less than 10%. I think it is important to note that the defined benefit pension plans right now are funded to about 109%. That's not to say that all the different pension plans are overfunded. They are not. Some are obviously below. Over time, you are right — that will decrease.

The whole idea of the four years is for a getting-up-to-speed for those that have to ensure that their pension funds are funded. That four-year period is to allow that to happen so there is no deleterious effect if a company has to reach in and pull out from some source — from revenues or asset holdings — enough to top up their plans. That four-year period is to allow that, and, of course, an important part of the bill is to allow that to happen without deleterious financial penalty by placing sold or liquidated assets or other revenues into that plan. It would essentially allow them to do it without a tax penalty.

Senator Dalphond: To conclude on the last question, I understand that during that period this bill will not prevent an employer from, with the consent of the union, moving from a defined benefit pension to a defined contribution system with no defined benefits.

Senator Wells: This bill is silent on that. That would be up to the company and its pension holders, whether that's the union, the employee association or just the general employee agreement that might be present.

Hon. Brent Cotter: Would Senator Wells take a question?

Senator Wells: I would.

Senator Cotter: By way of background — and I think Senator Wells knows where this is coming from — you observed the part about employees getting a modest degree of super priority for unpaid wages and the Wage Earner Protection Program filling in some of that gap. The evidence from the Wage Earner Protection Program is that there is still a significant shortfall for employees. Indeed, that plan itself acknowledges that its recovery — subrogated, that is, in the place of workers — is a recovery of about 2% or 3%.

I recognize the dilemma you described about the other place, but when one thinks about workers who might lose some portion of the pension they will collect 20 years from now versus the shortfall of last month or the month before and paying the rent with credit cards, the attraction of a super priority seems to me to be compelling for the parts of wages they have not been able to get. I would be interested in whether you think that's an appropriate issue to be considered in this exercise?

Senator Wells: It's a really good point, Senator Cotter, and you and I have spoken about this. I read the transcripts from the other place where they addressed it. It was removed not because it was a bad idea. I think it's a great idea. I agree that severances and unpaid wages may be even more important — they're certainly equally as important.

I think it's something we should explore further at committee. If there is an amendment to that, we will address it there. If there are some sharp edges that might suggest that it wouldn't pass again in the other place, then we would have to deal with that. On principle, I think it's an excellent idea. If this is the vehicle for it, then terrific. If it's not the vehicle for it, then maybe that's something this chamber should seek.

Hon. Hassan Yussuff: Honourable senators, I find myself in this very interesting moment in my life. I'm the critic of a bill that I can be a critic of, so I will try my best to tell you the best story I can invoke as to why this piece of legislation before us is worthy of our consideration and support.

I rise today to speak to Bill C-228, the pension protection act. Although this bill deals with the complex, confusing and often hard-to-describe subject of bankruptcy law, fundamentally it is

about something that everyone in this chamber can easily understand and wants not only for themselves, but for their children and grandchildren to retire with.

• (1640)

Simply, people want and deserve a dignified and respectful retirement. That is what this bill is all about. It ensures that people's dignity and respect are not kept at the back of the line, but instead will be placed at the front of the line in a bankruptcy when their pension plan is not fully funded.

Senators, we have all heard the devastating stories of pensioners who worked all their lives for companies like Nortel, Sears Canada and White Birch on a promise that they would have security in their retirement, only to find that security replaced with fear, anxiety and uncertainty when their company faced bankruptcy and their pension plan was not fully funded.

Since 1982, more than 250,000 seniors have suffered pension losses when their company underfunded their pensions and went bankrupt. The current bankruptcy laws kept those quarter million pensioners at the back of the line when their company went into bankruptcy. Bill C-228 will change the status quo and puts workers and pensioners first in line when a company goes bankrupt.

Colleagues, today I want to talk about why we should support this bill. It is to ensure retirees can live with the dignity and respect they have earned and deserve in their retirement.

Senators, let me start with some context for this bill. Bill C-228 deals with employer-sponsored pension plans, particularly defined benefit plans. Data shows there are currently some 1.2 million Canadians in private sector defined benefit plans, and it is estimated that 2.8 million retirees have the same.

Employer-sponsored pension plans are part of the collective bargaining process and agreement between employees and employers. They are negotiated and agreed to in the same way as wages. Workers will often agree to lower wage increases, preferring that money go into the pension plan to provide more security for their retirement.

What does that mean? In essence, pensions are deferred wages: Rather than being paid immediately, they are earned while working and payable upon retirement. Fundamentally, an employer-sponsored pension plan is a promise — a promise made between the employer and their employees. The employees commit to work to help their company succeed and grow today for their financial retirement security of tomorrow. The employer, in return, promises to fully fund their pension commitment. That is what is expected of each party — no less, no more.

Senators, I want to be clear that employee pension plan benefits are negotiated and earned. They are not a charitable handout. Employees negotiate and agree to have part of their wages being deferred to enjoy a better and more secure retirement — a retirement with dignity. That is the deal.

For retirees, the bankruptcy of their former employer whose pensions are underfunded can have dire consequences, not for a month or a year, but for the rest of their lives, as we have seen in past bankruptcies of other companies. It means their fixed income is reduced and it will be more difficult to pay for the necessities of life. Pensioners have had to sell their homes or their cars, or have had to choose between groceries, putting oil in the furnace, medication or even going back to work at a very late stage in their life despite the fact they had planned for their retirement.

So what will the amendments proposed in Bill C-228 do to help protect pensioners' retirement security? This bill will give employer-sponsored pension plans a superpriority in the case of bankruptcy and insolvency. That means that when a company goes bankrupt or seeks to restructure under the Companies' Creditors Arrangement Act, pension plan deficits will go to the front of the line, ahead of secured creditors, when funds are distributed.

The goal of the bill is to protect the pensions of retirees of companies that end up in insolvency, like General Chemical, Eaton's and Co-op Atlantic. In those cases, there was not enough money left in the pension fund to pay all of the liabilities, and because pension plans are unsecured creditors under current bankruptcy laws, pensioners were left to take a very painful cut in their retirement income.

Critics of the bill say that giving superpriority to pensioners ahead of secured creditors like banks will have a negative effect on lending, either preventing companies from getting loans or increasing the cost of loans.

Here is the truth: Secured creditors make informed investment decisions and adjust the terms of loans based on the risk of the investment every day. That's what banks do. They are sophisticated lenders that can easily assess risks even when they are hard to define or measure.

Workers and retirees, on the other hand, do not have the same opportunity or ability to diversify risk and pension investments. Pension plans are often their only savings, and they have no control over the investments. They have no option but to trust that the promise their employer made — that their pension fund would be fully funded — is kept. Their retirement future is dependent on that trust.

Unfortunately, for far too many, that trust has been broken. Bill C-228 is insurance for workers and retirees against employers breaking that trust and devastating their retirement security.

Here is another thing about superpriorities in bankruptcy law. The Bankruptcy and Insolvency Act already provides for a series of priorities that rank ahead of unsecured and secured debt, including taxes owing, Canada Pension Plan and Employment Insurance contributions, recently delivered goods and up to \$2,000 in salary.

The banks and other secured lenders already must factor in these superpriorities when they assess risk and consider lending to a company. I am confident they have the expertise and sophistication to factor in a superpriority for pensioners.

However, I know this is a big change that involves complex laws. That is why it is a fair compromise to allow banks and the pension investment industry four years after the bill is passed to adapt before it comes into effect.

The bill also requires an annual report on federally regulated pension fund solvency to be tabled in the House of Commons to provide more transparency on the health of pension funds within the federal sector, because on the provincial side, of course, provincial governments have that authority.

Colleagues, over 250,000 pensioners have had their retirement future turned upside down over the last 40 years. I ask you a simple question: After a lifetime of hard work, should anybody have to struggle to make ends meet in their retirement? This bill ensures that the answer is “no.”

Critics of the changes to bankruptcy laws in this bill would often talk about the unintended consequences, so I want to take a few minutes to talk about that — not the unproven unintended consequences of passing Bill C-228, but the real unintended consequences of the current bankruptcy laws that will persist if this bill is not passed. The unintended consequences of the status quo have resulted in some 250,000 pensioners over the last 40 years having their retirement blindsided with devastating effect because their former employer went into bankruptcy, and the deficit in their pension fund was at the back of the line when it came to trying to recoup the money it was owed.

I know the former employees of Sears, Eaton’s, Caterpillar and Co-op Atlantic truly felt, and had to live their remaining years with, the unintended consequences of our current bankruptcy laws.

Imagine dedicating your working life to one company for more than 27 years, only to find out you are out of a job and won’t be getting the full pension you’ve paid into all your life. Is that fair?

That was the reality that was faced by 62-year-old Gail Paul of Corner Brook, Newfoundland, and more than 17,000 Sears workers across Canada who were either close to retirement or already retired, and who lost almost 20% of their pension income for the rest of their lives. That’s what they had to face when their company went bankrupt, because they were unsecured creditors and the assets of their bankrupt company were not going to go to fund their pension plan because they were not a priority of previous governments and legislators at the federal level.

• (1650)

Honourable senators, the pensioners of companies like Wabush Mines, Timminco, Smoky River Coal and other companies whose pension plans were slashed are real people. You know

them. They are friends; they are neighbours. They are even family members. They have faced real hardship because of the current bankruptcy laws in our country.

I ask that you hear their stories because they have a lot to say about the unintended consequences of not passing this bill. If Bill C-228 had been the law, many of these retirees would have had a dignified and respectful retirement. That is what is possible if we pass this bill.

Colleagues, before I conclude, I want to acknowledge the activists and advocates who have worked relentlessly and tirelessly over the last two decades, fighting to make the amendments to the proposed Bill C-228 a reality. One of them is standing before you today. I want to start with the parliamentarians who began proposing private members’ bills and public bills going back some 15 years. They forged the path that eventually led to MP Marilyn Gladu working with all parties in the other place to achieve unanimous support to pass this bill last month in the other place.

I also want to recognize the labour groups such as the United Steelworkers, Unifor and the Canadian Labour Congress, who have fought for this day to come, not only for their pensioners but for their members who will one day rely on their pensions in retirement.

Finally, I want to recognize the pension advocacy groups who were here yesterday. They have never given up fighting for fairness and justice. These groups have fought not only for their own benefits — which they won’t get as a result of the passing of this bill — but for the next generation of pensioners should we pass this bill. I am speaking of groups such as CanAge; the Canadian Association of Retired Persons, or CARP; the Canadian Federation of Pensioners; the Canadian Network for the Prevention of Elder Abuse; Réseau FADOQ; the Congress of Union Retirees of Canada, or CURC; and National Pensioners Federation. I thank them for their hard work and their unwavering determination to change the laws that put them and their families at the back of the line.

In conclusion, colleagues, I want you to think about the unfairness in the current bankruptcy laws, which have caused so much pain for people who only wanted to retire with dignity and respect. These men and women have worked all their lives expecting the secure retirement that was promised to them by their employer-sponsored pension plan.

I want each of you to think about what it would be like for you and your family if, after working your entire life and retiring believing you have a guaranteed retirement income to rely on, you found out the company you worked for went bankrupt, and your pension will be cut 20% or more because the company pension plan was underfunded and in deficit. Your pension savings go to the back of the line during the bankruptcy proceedings.

That is the reality right now because of the current bankruptcy laws, laws that do not protect the interests of pensioners when companies go bankrupt or reorganize. Companies make promises to employees that they accept as being true: that they will have a guaranteed retirement income when they retire. The pension is a condition of employment to which both the employer and the

employees contribute. An employer who fails to properly fund their pension plan is at fault in the same way as an employer who fails to pay workers their agreed-upon wages.

Senators, we would find it unacceptable to allow an employer to not pay their employees the wages that were earned and owed. Allowing companies not to pay deferred wages should be equally unacceptable. You will hear from the critics of this bill, who will talk about potential unintended consequences. I want you to remember that the unintended consequences of the current laws are already known all too well by pensioners whose dignity and respect have been placed at the back of the line for far too long.

Colleagues, a lifetime of work should not leave someone to face insecurity and poverty in retirement because of an unjust law in this great land of ours. This bill can change that. I urge you to support it to get it to committee, where we will hear the witnesses. More importantly, it will come back to you for a final vote. I am hoping that, after decades of history, we can finally write the law in the way it was intended, to ensure that workers can have dignity and that companies can continue to be successful and to contribute to this great land of ours. Thank you so much.

Some Hon. Senators: Hear, hear.

Hon. Percy E. Downe: Honourable senators, I just realized, in listening to the last speaker, that we are almost in a conflict of interest because if the Government of Canada goes broke, our pensions will be protected under this provision.

Colleagues, we've all heard the stories: A company goes under, the creditors line up, and the workers and retirees of that company find themselves at the very end of that line. After those creditors are done, the workers and retirees get what is left. If what's left isn't enough to fund their pensions or health benefits, well, that's the way it goes.

We all remember Nortel. At its peak, they employed almost 95,000 people — 25,000 in Canada alone — but that all ended in 2013. Whatever the cause of Nortel's collapse — mismanagement on the part of senior executives or the Chinese government hacking and selling trade secrets — it is the impact of their bankruptcy that informs the bill we are debating.

Colleagues, similar bills have been brought forward in the past. In preparing this speech, I looked at correspondence I received during one such debate, correspondence from former Nortel employees facing financial hardship, if not ruin, as a result of its collapse; stories of workers unable to work due to disability. Family members wrote to me, saying:

He thought himself very fortunate that he had been working for a company that supplied the wonderful pension benefits held by Nortel. Can you imagine his shock when he was told that these benefits, in fact, did not exist?

They used words like “nightmare,” “desperation,” “shock and horror,” “financial destruction,” but there was another theme as well — anger — anger at seeing senior executives walk away with bonuses and severance packages while employees and pensioners found themselves at the end of their ropes and at the end of the line.

[Senator Yussuff]

It happened again with Sears. The company goes under. It is revealed that the pension fund had been grossly underfunded, even though, between 2005 and 2013, Sears Canada paid about \$3 billion in dividends to shareholders. The employees, current and retired, are left in the lurch. In fact, the story of Sears is even more shocking. Whereas the fate of Nortel may be attributed to market forces, there was something else at play with Sears Canada.

I mentioned the \$3 billion in dividends starting in 2005. That year, its American parent company was purchased by a billionaire hedge fund manager. From events that followed, one can assume that the “management” of Sears Canada had a job not so much to build the company as to strip it. Flagship stores in major cities, the financial services branch, which was a money-maker at the time, and other assets were sold off, providing a dividend yield to shareholders much higher than what other companies were providing at the same time.

And yet, all this time, Sears Canada's pension fund was underfunded by hundreds of millions of dollars, a situation that continued despite numerous warnings from Sears employees and pensioners. When the end finally happened, when there were no more assets to sell off, the company filed for bankruptcy in 2017, and creditors lined up, with pensioners at the end of the line again.

So the person selling couches or fridges in the Sears outlet in Charlottetown lost almost everything, but the hedge fund manager could buy a 300-foot yacht — not that I begrudge him his 300-foot yacht, but I do begrudge the lost pensions and benefits that paid for it.

Honourable senators, as was stated repeatedly during study of this bill in the House of Commons, pensions are not gifts provided at the whim of some employer. They are wages earned by employees, deferred until their retirement.

• (1700)

This bill, like those that came before it, seeks to recognize their contribution in a tangible way, by ensuring that, in the case of a company that has failed, those who worked to build that company have a greater claim on those assets that remain than those who would profit from its demise.

Honourable senators, this bill passed 318 to 0 in the House of Commons. That burst of energy, activity and even manic behaviour by the members of the House of Commons, after years and years of refusing to take any action, requires a sober second review by the Senate. Having said that, I believe this bill is long overdue, and the Senate may find ways at committee to improve it and correct any errors or omissions.

I take no joy in the anticipated final passing of this legislation. Parliament should be ashamed that it has taken so many years to do the right thing, and the sadness that connects to its eventual passing is that so many hard-working men and women, and their families, suffered so much while waiting for Parliament to finally take action.

Thank you, colleagues.

Hon. Mary Coyle: Honourable senators, as we meet today in the Senate of Canada on the unceded lands of the Algonquin Anishinaabe people, we have before us a bill at second reading, Bill C-228, which is fundamentally about fairness, justice and accountability for hard-working Canadians, their families and their communities.

It's a bill about income security and financial security for a significant number of Canadian seniors. It's a bill about parliamentary oversight and the prevention of further pension erosion and vulnerabilities in our country. It is a bill about my friends and neighbours, and yours, and it is a bill that is, unfortunately, too late for my friends Anne and Peter.

I do not intend to speak for long; rather, I will encourage us to send this bill, with its important pension protection objective, to committee for a thorough and thoughtful study.

While some colleagues in the other place had originally asked for the bill to be fast-tracked and moved quickly to Royal Assent, I would urge our Senate committee studying the bill to do so with great care and attention, as the last thing we would want is to cause unintended negative consequences to people paying into defined benefit pension plans or those reliant on payments from them.

And, of course, as Senator Yussuff has said, we would not want the consequences of not finding a way to protect our pensioners.

Colleagues, we have heard about previous bills with similar intentions — Bills C-253, C-405, C-259 and C-225 — and we have heard that the House of Commons sponsor of this Commons public bill, the Member of Parliament for Sarnia-Lambton, Ms. Marilyn Gladu, intends this bill to accomplish three things. The first two are focused on ensuring the health of defined benefit pension funds and the last one is focused on fairness and priority being given to workers and pensioners in the case of the bankruptcy of employer companies.

As you have heard, it would require that an annual report on the solvency of pension funds be tabled in the House of Commons for greater transparency and oversight. It would create a mechanism to transfer funds into a pension fund to restore it to solvency or to ensure the insolvent portion until the funds could be restored. Third, in the case of bankruptcy, pensions would be paid out to retirees ahead of large creditors and ahead of bonuses to executives.

Given the nature of these three key elements, changes are therefore required to the Pension Benefits Standards Act, 1985; the Companies' Creditors Arrangement Act; and the Bankruptcy and Insolvency Act.

Honourable senators, we have heard from our colleagues Senators Wells, Yussuff and Downe about the many devastated and rightfully aggrieved pensioners from Nortel, Sears, Co-op Atlantic and others. Debate in the other place also cited Eaton's, Cliffs Natural Resources and General Chemical.

I mentioned earlier that this bill is unfortunately too late for my friends Anne and Peter. My friend Anne and I are very similar in some ways. We were both born in 1954; we both come

from families of seven children; we both have children and grandchildren whom we cherish; we both live in Antigonish, Nova Scotia; and we were the first two women vice presidents at St. Francis Xavier University. We have enjoyed satisfying careers, largely working in the not-for-profit sector where defined benefit pensions were non-existent.

Unlike mine, Anne's professional career was cut short by severe health problems and accidents. Although she remains as active and productive as possible, writing and creating art when she is able, Anne experiences a lot of limitations in our ableist world. Identifying as a person with disabilities, Anne cannot drive anymore. She relies on a wheelchair to get around, and her severe health and pain management issues can be very consuming and expensive — and I underline "expensive."

Anne's husband, Peter, is older than she is. He also has cherished children and grandchildren. Peter had a very active and productive career, in his case as a professional forester. Peter worked for Stora Enso, a Swedish forest products company in Port Hawkesbury, Cape Breton, for 27 years. He was also a very skilled volunteer designer and builder of many of the beautiful nature trails in our area.

Unfortunately, fairly early into his retirement, Peter fell and broke a hip, and he developed dementia, which ultimately caused him to require specialized care in a long-term care home in our town.

Like many Canadians, Anne and Peter worked hard, saved for their retirement and were disciplined in trying to pay off their mortgage. For 27 years, Peter paid into his company pension plan, along with his coworkers. Stora was sold to an American company, NewPage, in 2007.

Unfortunately, the case of Peter, and his fellow Stora and NewPage colleagues, is another example of a company — NewPage — declaring bankruptcy in 2011, and its workers and pensioners were left holding the bag. NewPage was ultimately sold to Pacific West Commercial Corporation in 2012, which wanted nothing to do with pension plan liabilities. The mill now operates as Port Hawkesbury Paper.

As a result, after 27 years of service and his deferred wages being contributed to the pension plan, which, at the time, wasn't that high in the first place, Peter's pension was cut by almost one third, leaving him with a very basic level of pension income, close to the equivalent of the Canadian Emergency Response Benefit — and we know what that is. It is not the amount that he and Anne were counting on when they were planning their retirement and certainly not what they need, given their multiple and cascading health problems.

Anne believes the impact of the stress and trauma they have experienced due to the shock of the bankruptcy and their resultant financial insecurity has also exacerbated their many health problems.

They didn't lose their house — not at first, anyway — although many others did, but they did have to ultimately sell it to compensate for income lost and in order to support their health care and other costs of living, which we all know are only going up.

Anne tells me now that, however difficult it will be, she is looking into somehow finding paid employment. In a conversation with Anne this morning, she said that Peter paid thousands and thousands of dollars of his wages into his pension, and that it was his money and the money of his colleagues that went to pay New York lawyers, creditors and shareholders. She also acknowledged that although losing a third of Peter's pension has been extremely devastating for them, many forestry workers were hit with deeper cuts — more than that 30% — because their pension funds were in even worse shape.

Colleagues, I tell you the story of Anne and Peter, a story of vulnerable seniors with severe health issues facing a future of financial insecurity, because this bill, Bill C- 228, is about people like them and preventing that kind of injustice from happening again and again to Canadians.

As I said, unfortunately, this law comes too late for Peter and Anne, and the other Stora/NewPage pensioners. Colleagues, in 2012, the year after NewPage declared bankruptcy, the Superintendent of Pensions indicated that only 43% of the then 131,439 Nova Scotians enrolled in defined benefit pension plans had fully funded plans at that moment.

We know there are many people across Canada today who are vulnerable to similar pension losses.

Honourable colleagues, it is time to bring these serious pension vulnerability issues out of the shadows and into the light, and to find effective ways to protect our valued seniors.

• (1710)

Honourable colleagues, let's send Bill C-228 to committee. Let's ensure justice, fairness, accountability and dignity for Canadian seniors. As Chris Lewis, the Member of Parliament for Essex, said in his second reading speech on Bill C-228 in the other place, ". . . It is always a good time to do the right thing." I would add it is, frankly, high time to do the right thing. *Wela'liog*, thank you.

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

[Senator Coyle]

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Wells, bill referred to the Standing Senate Committee on Banking, Commerce and the Economy.)

CRIMINAL CODE JUDGES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Dalphond, seconded by the Honourable Senator Harder, P.C., for the second reading of Bill C-233, An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner).

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

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Dalphond, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.)

IMMIGRATION AND REFUGEE PROTECTION ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Oh, seconded by the Honourable Senator Wells, for the second reading of Bill C-242, An Act to amend the Immigration and Refugee Protection Act (temporary resident visas for parents and grandparents).

Hon. Ratna Omidvar: Honourable senators, I rise today to speak on Bill C-242, An Act to amend the Immigration and Refugee Protection Act, specifically on temporary resident visas for parents and grandparents. I am officially the critic of this bill, and the dictionary defines a "critic" as someone who finds fault with the substance, disagrees with it or has an unfavourable opinion of it. If that is the case, colleagues, I stand before you as a complete imposter because, in truth, there is very little in this bill that is not to like. I would like to congratulate MP Kyle Seebach and Senator Victor Oh for bringing this bill to our attention.

This bill is very personal to me, as it is to many immigrants and aspiring immigrants. Five short years after I arrived in Canada, I sponsored my parents to come and join me as we were building a new life. You have heard me say often in this chamber that I am only a senator today because my mother stayed behind to look after the children and the home while I worked long hours, evenings and weekends.

My application to sponsor my parents on a permanent basis was approved in six short months. Now, of course, that is a pipe dream, and we have had to find new pathways, new innovations and alternative routes to hold families together.

While I did not agree with many of the immigration policies of Prime Minister Harper, I must say that the expedited pathway for parents and grandparents through super visas was, frankly, a super innovation. It recognized that many parents and grandparents want a secure yet nimble pathway for extended stays without necessarily wanting to move permanently to Canada. They have lives of their own in their countries, they have homes and I know that many dread our winters. This is not to say that there are not others who want to live permanently in Canada, and I will remark on this cohort a little later in my remarks.

This bill is an expression of our larger ambitions for what I would say is a bigger, bolder Canada. We know that roughly one quarter of Canada's population is or has been a landed immigrant or permanent resident in the past. Recently, the government announced its ambition to bring in 500,000 immigrants. Further, a recent poll by Environics underlines that 7 in 10 Canadians support these immigration measures. I personally believe that more immigration — done right — is good for Canada, it's good for immigrants and it's good for all of us. This bill on parents and grandparents moves us in that direction for a simple reason.

Honourable senators, I believe that Canada has a competitive edge over other countries because of our stance on parents and grandparents. We know that there are backlogs in every business stream in the system. We know that there are challenges in integration, and yet immigrants are not turning their backs on Canada. In fact, the queue to get in is getting longer and longer. You may well ask why. Well, there are a number of really important reasons. First, we are a safe and secure country. Second, we have an excellent public education system and a public health system, which may be under stress at this point. As a final touch, it is our capacity to welcome parents and grandparents. This final bit is our secret sauce. This sets us apart from other countries. It is our jewel in the crown.

Yet, family reunification has had a very bumpy ride in the last 10 years. The demand has grown. The numbers for permanent family reunification of parents and grandparents are limited to 20,000 a year, and are scooped up in a nanosecond. Because this is an online application, I always worry about those who are able to fill out the application in a nanosecond and those who are left outside. The government has resorted to different strategies to try and manage the waiting time, including instituting a lottery system at one point, which in my view is an abrogation of their management responsibility.

Bill C-242 takes an important step to facilitate longer-term visas outside the permanent stream of parents and grandparents. It improves the off-ramp that we have created. It allows the parent or grandparent to apply for a temporary resident visa for a longer period of time — not 2 years out of 10, but 5 years out of 10. That doesn't mean they're going to stay here for five years. It means that they can come and go as they wish. It allows them to purchase health insurance from a company that is not located in Canada. Many of these parents and grandparents have insurance companies of their own. Like in Canada, they must buy car insurance, life insurance — all kinds of insurance. They have a relationship with these insurance companies, and it is likely that they will get better rates and better approvals with the companies that they are associated with.

This bill allows for international companies to provide health insurance to applicants of the super visa stream with a proviso. The proviso is that the minister has to approve their name. There has to be a list. This will likely be done by ministerial instructions, and I think this is a question that the committee that this bill is assigned to should reflect on carefully.

On the matter of cost, buying insurance from a Canadian company, depending on your age, can be anywhere from \$2,000 to \$5,000. Consider the cost of flights, medical checks and insurance — you're looking at possibly close to \$10,000 every two years in the current system. For many middle-class parents and grandparents, this could be a deterrent, and one I believe this bill seeks to remove.

The bill also has an extremely interesting nugget. The summary of the bill reads as follows:

It also requires the Minister of Citizenship and Immigration to prepare and table a report in respect of a reduction to the minimum income requirement that the child or grandchild must meet in order for the visiting parent or grandparent to be able to enter and remain in Canada for an extended period.

• (1720)

I support this measure. Studies have shown that the financial requirements for family sponsorship — either permanent or temporary — are onerous. New Canadian families are getting their lives started. We know the hurdles they face in obtaining employment. I believe it is precisely at the time when they are low-income that they most need their families with them so they can be helped — in the same way that my parents helped me.

This bill calls for the minister to table a report within one year of Royal Assent so that we can find a fact-based, reasonable way forward.

Honourable senators, I do have three comments, if I may put it that way: The first is outside the scope of this bill, but is worth your consideration.

There is a permanent stream of parent and grandparent immigration. It, too, is dependent on income level. Since we have this off-ramp that is largely designed for middle-income,

middle-class parents of immigrants outside of Canada, I believe the permanent stream should be privileged and prioritized for low-income parents.

The second is that no Immigration, Refugees and Citizenship Canada, or IRCC, official has ever been able to tell me the breakdown between how many parents versus grandparents enter in the permanent or the temporary stream. That information is important because there are too many myths surrounding this.

The third — and this is important for the committee to consider — is that this bill does not provide for any appeals for rejected temporary visas for parents and grandparents.

Finally, on a happy note, I should say that this bill was roundly supported in the other place. In an era of hyper-partisanship, I'm happy to see that there are moments when all parties agree — and agree on fixes to immigration, which we know can be a divisive issue. It is heartening that there is growing political consensus that immigration — when done right — is not only good for Canada, but integral to our future prosperity. Thank you, colleagues.

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

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Oh, seconded by the Honourable Senator Wells, that this bill be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and bill read second time.)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

(On motion of Senator Oh, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.)

(At 5:23 p.m., the Senate was continued until tomorrow at 2 p.m.)

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