

Farm Debt Review Act

Mr. Speaker, I think the last thing farmers need is to have one more process that will be even more intimidating than what they have at present. I fail to see what Canadian farmers have to gain with Clause 17 of this Bill. If the Minister was right in saying earlier that the purpose of the Bill was to protect farmers, I wish he would tell the House how Clause 17 is supposed to increase protection for Canadian farmers. How can the situation of a Canadian farmer be improved by a clause in this Bill which provides that a farmer may now be requested to appear before a debt review panel if, for instance, he has missed a payment or two? I can only wonder why this clause has been included in the Bill.

● (1640)

[English]

Perhaps the Minister could take a minute and tell us why it was put there. It seems illogical that it would even be there, if the whole purpose of this Bill is to improve the conditions for the farmer. This seems to improve a situation for the banks. At least that is the impression it gives.

Mr. Wise: Mr. Chairman, I wonder if I could ask for the co-operation of my colleagues opposite. Could we stand this particular clause and proceed? I am waiting for some information.

The Assistant Deputy Chairman: Shall Clause 17 stand?

Some Hon. Members: Agreed.

Mr. Althouse: If Clause 17 is going to be redrafted or changed, and I assume that is the reason why the Minister asked to have it stood, I am wondering if we could also stand Clause 18 (2)? If the clause is going to be withdrawn, which is the request of my hon. friend from Algoma, Clauses 19 and 20 should be reviewed as well.

The Assistant Deputy Chairman: Is there consent that we also stand Clauses 18, 19 and 20?

Some Hon. Members: Agreed.

On Clause 21—*Application*

Mr. Althouse: Mr. Chairman, Clause 21 states that: "Any insolvent farmer may apply, in the prescribed form containing the prescribed information . . .". Does the very fact of the application also begin a petition for bankruptcy? Will the courts or the lender be able to view this as the first step toward a petition for bankruptcy, which is quite important in certain provinces that have some protection otherwise?

Mr. Wise: Mr. Speaker, that is a very important question and one that was brought to my attention. I inquired about this and, in fact, expected a question in the House. The answer is no.

Clause agreed to.

Clause 22 agreed to.

On Clause 23—*Notice*

Mr. Foster moved:

That Bill C-117 be amended in Clause 23 by striking out line 40 at page 6 and substituting the following therefor:

"manner at least 15 business days before the".

He said: Essentially, the purpose of the amendment is to change the notice from five days to 15 days. I understand that the Minister has agreed to that amendment.

Mr. Wise: Mr. Chairman, as I indicated in my opening remarks in the Committee of the Whole, we would be happy to accept that amendment.

Clause, as amended, agreed to.

On Clause 24—*Stay of Proceedings*

Mr. Wise: Mr. Chairman, we have a small technical amendment that should be entered at this time. I therefore move:

That Clause 24 of Bill C-117 be amended by striking out line 43 on page 6 and substituting the following:

"24. Subject to sections 27, 30 and 33, and not with—".

Amendment agreed to.

Mr. Althouse moved:

That Bill C-117, an Act to facilitate financial arrangements between farmers and their creditors, be amended in Clause 24 by adding immediately after line 10 at page 7 the following:

"(2) On receipt of a Manitoba farmer, by the Manitoba Mediation Board, established pursuant to the Family Farm Protection Act of Manitoba, of an application for leave or an application for exemption order as contemplated by that Act, no creditor of that farmer acting pursuant to any security authorized, granted or taken, in accordance with this or any other act of Parliament, shall commence or continue any action or proceeding to realize upon or otherwise enforce such security without first obtaining leave of a court under Part III or Part IV of the Family Farm Protection Act of Manitoba."

He said: I have a very brief explanation, Mr. Chairman. An Act is being proposed in Manitoba which this amendment would complement. Part III of the Family Farm Protection Act of Manitoba deals with land as a security. The Province of Manitoba has clear jurisdiction over that. It only has partial jurisdiction over machinery, livestock and that sort of thing, which is what Part IV deals with. This is an attempt to transfer some of the residual federal powers to the province so that it will be able to act with certainty.

Mr. Wise: Mr. Chairman, I have looked at the amendment very carefully. I did not receive it until earlier today, although it might have been in the office yesterday.

The information I have from my legal advisers is that it would not be possible for us to accept this particular amendment. Their judgment is that it would be unconstitutional from our point of view.

● (1650)

Amendment (Mr. Althouse) negatived:

Yeas, 7; Nays, 28.