

*Farm Products Marketing Agencies Bill*

national marketing agencies for farm products, be amended by adding thereto immediately after clause 36, the following:

## "APPEALS

37. (1) Where any person deems himself aggrieved by any order, direction or decision of an agency he may appeal to the agency by serving upon the agency a written notice of appeal.

(2) Where any person deems himself aggrieved by,  
(a) any decision of an agency on an appeal under subsection (1); or

(b) any order, direction or decision made by the council, he may appeal to the council by serving upon the council written notice of the appeal.

(3) Every notice under subsection (1) or (2) shall contain a statement of the matter being appealed and the name and address of the person making the appeal.

(4) Upon receipt of a notice under paragraph (a) of subsection (2), the council shall forthwith notify the agency and the agency shall forthwith provide the council with all relevant documents and other material, of any kind whatsoever, in its possession.

(5) In any appeal under subsection (1) or (2), the council or the agency, as the case may be, shall within seven days after the notice referred to in subsection (1) or (2) is received, serve notice upon the person making the appeal of the date, time and place at which the appeal will be heard.

(6) The council or the agency, as the case may be, shall hear any appeal under subsection (1) or (2) within thirty days after the notice of appeal is received but the council or the agency may adjourn the hearing from time to time for such reasonable period or periods of time as the council or the agency deems just.

(7) At any hearing under this section, the person making the appeal has the right to attend and make representations and to adduce evidence respecting the appeal either by himself or through counsel.

(8) At any hearing of an appeal under paragraph (a) of subsection (2), the agency has the right to attend and make representations and to adduce evidence respecting the appeal either by its officers or members or any of them or through counsel.

(9) Upon an appeal to the council under paragraph (a) of subsection (2), the council may, by order, direct the agency to take such action as the agency is authorized to take under this act and as the council deems proper, and for this purpose the council may substitute its opinion for that of the agency.

(10) The council or the agency, as the case may be, shall within ten days after the hearing is completed, serve notice upon the person making the appeal of its decision.

(11) A proceeding that is in substantial compliance with this section, is not open to objection on the ground that it is not in strict compliance therewith.

(12) Where a notice is served under this section, it may be served personally or,

(a) Where the notice is served on the council or an agency, by mailing the notice to the address of the council or agency, as the case may be, at its usual business address; or

(b) Where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

(13) After the council or an agency has decided an appeal under this section, the council or agency may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing."

and by renumbering subsequent clauses accordingly.

It is the pleasure of the House to adopt the said motion? All those in favour will please say yea.

**Some hon. Members:** Yea.

**Mr. Speaker:** All those opposed will please say nay.

[Mr. Speaker.]

**Some hon. Members:** Nay.

**Mr. Speaker:** In my opinion the nays have it.

**Some hon. Members:** On division.

**Mr. Speaker:** I declare the motion lost on division.

Motion No. 28 (Mr. McKinley) negatived.

**Mr. Speaker:** Mr. Rose moves motion No. 29 as follows:

—That Bill C-176, an act to establish the National Farm Products Marketing Council and to authorize the establishment of national marketing agencies for farm products, be amended by adding thereto immediately after line 34, page 23, the following:

"38. (1) Where any person, with the agreement of any five other persons, deems himself aggrieved by an order, direction, or decision of an agency, he may appeal to the agency by serving notice to the agency a written notice of appeal.

(2) Where any persons deem themselves, aggrieved by,

(a) any decision of an agency on an appeal under subsection (1); or

(b) any order, direction or decision made by the council, they may appeal to the council by serving upon the council written notice of the appeal.

(3) Every notice under subsection (1) or (2) shall contain a statement of the matter being appealed and the names and addresses of the persons making the appeal.

(4) Upon receipt of a notice under paragraph (a) of subsection (2), the council shall forthwith notify the agency and the agency shall forthwith provide the council all the relevant documents and other material, of any kind whatsoever, in its possession.

(5) In any appeal under subsection (1) or (2), the council or the agency, as the case may be, shall within seven days after the notice referred to in subsection (1) or (2) is received, serve notice upon the persons making the appeal of the date, time and place at which the appeal will be heard.

(6) The council or the agency, as the case may be, shall hear any appeal under subsection (1) or (2), within thirty days after the notice of appeal is received but the council or agency may adjourn a hearing from time to time for such reasonable period or periods of time as the council or agency deems just.

(7) At any hearing under this section the persons making the appeal have the right to attend and make representations and to adduce evidence respecting the appeal either by himself or through counsel.

(8) At any hearing of an appeal under paragraph (a) of subsection (2), the agency has the right to attend and make representations and to adduce evidence respecting the appeal either by its officers or members or any of them or through counsel.

(9) Upon an appeal to the council under paragraph (a) of subsection (2), the council may, by order, direct the agency to take such action as the agency is authorized to take under this act and as the council deems proper, and for this purpose the council may substitute its opinion for that of the agency.

(10) The council or the agency, as the case may be, shall within ten days after the hearing is completed, serve notice upon the persons making the appeal of its decision.

(11) A proceeding that is in substantial compliance with this section, is not open to objection on the ground that it is not in strict compliance therewith.

(12) Where a notice is served under this section it may be served personally or,

(a) where the notice is served on the council or an agency, by mailing the notice to the address of the council or agency, as the case may be, at its usual business address; or