

Clause, as amended, agreed to.

Clauses 25 to 29 inclusive agreed to.

On Clause 30—*Stay of proceedings extended*

Mr. Foster moved:

That Bill C-117 be amended in paragraph (2) of Clause 30 by striking out line 1 at page 9 and substituting the following therefor:

"Board may extend that period for a maximum of two further periods of 30 days each"

He said: Essentially, the amendment would just allow the stay of proceedings to be extended from 90 days to 120 days.

Mr. Wise: Mr. Chairman, as I indicated in my opening remarks, this would be an acceptable amendment to us.

Amendment agreed to.

Clause, as amended, agreed to.

On Clause 31—*Arrangement to be put in writing*

Mr. Foster moved:

That Bill C-117 be amended in Clause 31 by striking out lines 9 to 12 at page 1 and substituting the following therefor:

"31(1) Where a farmer enters into an arrangement with any creditor pursuant to subsection 29(2), the review panel shall see to its signing by the parties thereto.

(2) Where a farmer is dissatisfied with an arrangement or with the conduct of the review panel, or where his creditors refuse without reasonable cause to enter into an arrangement with him, the farmer may appeal to the board for the appointment of a new review panel."

He said: My amendment to Clause 31 adds subclause 31(2). This concerns a simple review of the procedure when the review panel has not functioned properly, in the opinion of the farmer, when it has not seemed to be sympathetic to his position or has in fact erred in the making of an arrangement. It would allow a simple appeal procedure by which the farmer could appeal to the review board for the province or region so that he would not be locked into one review panel that may not have functioned properly or may have erred concerning the handling of the information available.

Mr. Wise: Mr. Chairman, the Hon. Member might take some satisfaction in the fact that we have been concerned about that aspect ourselves. We have satisfied ourselves that we need not amend the Bill. The criteria, the rules governing the actions of the appeal boards, will allow for such a review to take place.

Mr. Foster: Will that be done under the regulations that the Minister will draw to the Bill? How can that be done? Under another clause of the Bill, it states an arrangement can be made, but there is no recommendation in the present Bill, as I read it, for an appeal. The review board may be biased or its methods of handling the case may not be adequate. Under what section of the Act or the regulations will there be provision for a simple appeals procedure?

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Mr. Wise: Mr. Chairman, at the moment I do not have any more specific information that I can provide the Hon. Member, except to say that we had a discussion about that subject ourselves. He will reconfirm that we actually discussed the matter earlier this afternoon, and that provided me with another opportunity to confirm, with our officials, whether or not the amendment was required. I was satisfied that the amendment, indeed, was not required, with the help of my friend, my colleague from Bruce—Grey, an Hon. Member, a medical doctor and a bit of a messenger today—and I appreciate that very much—suggesting that the matter was dealt with in Clause 10(2).

The Assistant Deputy Chairman: Shall the amendment carry?

Mr. Hnatyshyn: No.

The Assistant Deputy Chairman: All those in favour please say yea.

Some Hon. Members: Yea.

The Assistant Deputy Chairman: All those against will please say nay.

Some Hon. Members: Nay.

The Assistant Deputy Chairman: In my opinion, the nays have it.

Amendment (Mr. Foster) negatived.

Clause agreed to.

Clause 32 agreed to.

On Clause 33—*Termination of stay of proceedings*

Mr. Foster moved:

That Bill C-117 be amended by inserting, immediately after Clause 33, at page 9, the following:

"33.1 Where in the opinion of a review panel, a satisfactory arrangement cannot be reached without injustice or undue delay, it shall report its finding to the Board and the Board may refer the matter to a court of competent jurisdiction to formulate the arrangement that it deems equitable under the circumstances."

He said: Under this provision, when a review panel feels that there is great injustice about to be done or that could be done to the farmer, or undue delay, the panel could make arrangements so that the review board could review the case and refer it directly to a court of competent jurisdiction.

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This would not follow in every case. However, where the review panel is convinced that there is about to be an injustice effected on a farmer as a result of the hearings or the meetings which have taken place, it could refer the case with its recommendations and suggestions to a court of competent jurisdiction. It is a safety-valve on the whole procedure. I urge the Committee of the Whole to support this amendment. It