



GO TO

- ⇒ [Main Menu](#)
- ⇒ [The Marketplace Services, Laws and Regulations](#)
- ⇒ [Office of the Superintendent of Bankruptcy](#)

Author - Industry Canada - Corporate Governance Branch - Corporate Law Policy Directorate

Publication Date - 1998-03-16

Report on the Bankruptcy and Insolvency Committee Consultation

Executive Summary

Objectives

The Bankruptcy and Insolvency Advisory Committee (BIAC) was set up by Industry Canada in 1993 as a vehicle for consultations with private sector bankruptcy and insolvency stakeholders. Industry Canada looked to BIAC, during its active period in 1993-94, to provide input and advice on bankruptcy and insolvency policy. The BIAC consultation process led to the development of Bill C-5, which amended the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act* and which became law on April 25, 1997.

The main objectives of this report are to assess whether the BIAC process provided an effective means of developing insolvency law policy proposals for Industry Canada, to assess whether all insolvency law stakeholders were adequately represented in the process and were given full opportunity to participate and contribute, and to identify improvements which can be made to the process for the next round of consultations, expected to begin in 1998.

Methodology

Approximately 50 organizations and 225 individuals were involved in the BIAC consultation exercise. To gather information on this process, a confidential, self-administered bilingual questionnaire was mailed to each BIAC participant in July 1997. The response rate was 31%, a good response rate for a mail-out questionnaire.

One of the limitations of the study is that it only surveyed people who had participated in the BIAC consultation process. It should not be assumed that the results can be extended to all parties with interests in bankruptcy and insolvency legislation.

Profile of Respondents

Respondents to the questionnaire included representatives of associations, provincial and federal governments and other types of organizations or individuals. The associations acted in the interests of industries, trustees, creditors/lenders, lawyers, consumers and others. The industry associations operated in the service, manufacturing, retail/wholesale and other sector(s).

Benefits of Participating in the BIAC Process

Respondents were asked whether they would participate in future

Table of Contents

- ✓ [Executive Summary](#)
 - ✓ [Summary of Recommendations](#)
 - ✓ [Introduction](#)
 - ✓ [Methodology](#)
 - ✓ [Findings](#)
 - ✓ [Profiles of the Respondents](#)
 - ✓ [Benefits of Participating in the BIAC Process](#)
 - ✓ [Possible Changes to the BIAC Process](#)
 - ✓ [Assessment of the 1993-94 BIAC Process](#)
 - ✓ [Conclusions and Recommendations](#)
-
- #### Appendices
- ✓ [Appendix A. Survey Questionnaire](#)
 - ✓ [Appendix B. Responses \(Raw and Percentage Scores\) for Quantitative Questions](#)
 - ✓ [Appendix C. Analysis of Cross-Tabulations](#)

consultations and whether the process met their expectations with respect to increasing their understanding of other participants' concerns, providing benefits to them personally in relation to time invested, and enabling them to make contacts and to influence legislation. They were also asked whether their expectations were met as regards expenses incurred and time spent on the process. In general, respondents were positive about the benefits they gained.

Key findings:

Most respondents (over 70%) would participate in the upcoming BIAC consultations and would recommend that others participate. Respondents gained more benefits than expected for the time invested and more understanding of others' points of view. In addition, their expenses were less than expected.

Possible Changes to the BIAC Process

Respondents were asked to assess possible changes dealing with reports, feedback, decision making, structure, Industry Canada's leadership role and a number of general process changes. Providing information (via reports) and feedback were seen as the most effective ways to improve the process. That there is a need for improvement is substantiated by written comments such as:

"Months would pass with no communication..."; and

"There was no explanations why some recommendations were ignored or varied."

Key findings:

The proposed changes that received the most support (ranging from 73 to 93 percent of respondents) are the following:

Distribute reports well before all meetings;
Task the Main Committee with preparing a report of the recommendations it has considered, with reasons for approval/disapproval, and
Circulate concise, analytical reports of working group recommendations before meetings.
After the next BIAC process has terminated, Industry Canada should publicly release a paper that gives its position on the issues and should provide periodic progress reports.

Industry Canada seems to have struck the right balance on the amount of direction to provide on selection of issues, importance of issues and time allotted to discuss issues.

For two of the proposed changes, it is interesting to note that views differed among groups of respondents:

Members of the Main Committee firmly opposed (69%) withdrawing its power to overrule the recommendations of a Working Group, even after the latter has reconsidered them, while more than half of the other respondents favoured this change; and
Half of the government representatives felt Industry Canada should provide more direction on the admissibility of possible recommendations while less than a quarter of the other respondents favoured this proposal.

Assessment of the 1993-94 BIAC Process

Respondents were asked to assess the 1993-94 BIAC process with respect to: results achieved, means and lines of communication, leadership, participation and representation. Respondents did not have strong views on lines of communication and representation (a majority chose either a neutral response or to not answer), but were generally supportive of the other topics. Some written comments from the questionnaires illustrate this general support:

"I think the process worked well"; and

"While the amendments are generally pretty good, I think a much more streamlined process could have achieved the same result."

Key findings:

Most respondents (over 80%) agreed that the BIAC process dealt with the important issues. The report also concludes that respondents feel that the resulting legislation is satisfactory.

There is **little dissatisfaction** (0 to 20%) with the lines of communication from one type of body (Main Committee, Working Group or Task Force) to another. However, there was **very little satisfaction** (0 to 10%) with the lines of communication among different Working Groups.

It is interesting that satisfaction with conference calls and time to deal with issues was mixed, varying among groups of respondents:

Respondents who expressed satisfaction with conference calls were, for the main part, neither members of the Main Committee nor members of large committees; and
Half the members of the Main Committee felt there was not enough time to deal with the issues, while only a third of the other respondents shared this view.

When invited to suggest additional participants for future consultations, about a third of respondents listed at least one group or region; most frequently a region.

[Help](#) [What's New](#) [Sitemap](#) [Feedback](#) [About Us](#) [Top of Page](#)


<http://strategis.ic.gc.ca>



GO TO

- ⇒ [Main Menu](#)
- ⇒ [The Marketplace Services, Laws and Regulations](#)
- ⇒ [Office of the Superintendent of Bankruptcy](#)

Author - Industry Canada - Corporate Governance Branch - Corporate Law Policy Directorate

Publication Date - 1998-03-16

Report on the Bankruptcy and Insolvency Committee Consultation

Summary of Recommendations

1. It is recommended that, in the next round of consultations, BIAC continue to stress the exchange of advice and information among insolvency stakeholders.
2. It is recommended that the next BIAC process include more activities that allow participants to interact on a one-on-one basis.
3. It is recommended that the next BIAC process include a framework that outlines the steps that will be followed within the process and the expected steps that will follow the process. As major milestones are reached, it is strongly suggested that participants be reminded of the limits of the process, their roles and responsibilities.
4. It is recommended that a communication strategy be established for the next BIAC process which outlines a format for the different types of reports to be generated, as well as how, when and where reports should be distributed. The message that the "paperload" must not become burdensome should also be part of this strategy.
5. It is recommended that distribution of reports be done electronically, via e-mail or by posting them on a password protected website, perhaps in combination with more traditional methods.
6. It is recommended that a series of concise, analytical reports of working group recommendations be circulated to all participants before Main Committee meetings.
7. It is recommended that the Main Committee prepare a report of the recommendations it has considered, with reasons for approval/disapproval, and circulate it to all participants.
8. It is recommended that Industry Canada issue periodic progress reports after the BIAC process has terminated.
9. It is recommended that, after the next BIAC process has terminated, Industry Canada publicly release a paper that gives its position on the issues dealt with by the BIAC process.
10. It is recommended that each Working Group and Task Force decide for itself, at the outset of the next BIAC process, whether it will make special arrangements (e.g., separate meetings for specific groups or specific times to deal with certain issues) to help increase the efficiency of its meetings.

Table of Contents

- ↪ [Executive Summary](#)
- ↪ [Summary of Recommendations](#)
- ↪ [Introduction](#)
- ↪ [Methodology](#)
- ↪ [Findings](#)
 - ↪ [Profiles of the Respondents](#)
 - ↪ [Benefits of Participating in the BIAC Process](#)
 - ↪ [Possible Changes to the BIAC Process](#)
 - ↪ [Assessment of the 1993-94 BIAC Process](#)
- ↪ [Conclusions and Recommendations](#)

Appendices

- ↪ [Appendix A. Survey Questionnaire](#)
- ↪ [Appendix B. Responses \(Raw and Percentage Scores\) for Quantitative Questions](#)
- ↪ [Appendix C. Analysis of Cross-Tabulations](#)

11. It is recommended that, before the next BIAC process, consideration be given to holding some meetings in both the eastern and western provinces and, if reaction is favourable, that this change be implemented.
12. It is recommended that alternatives to conference calls be used for groups with more than ten members or that working groups be limited in size.
13. It is recommended that when membership in the next BIAC consultation process is being finalized, stakeholder groups be advised to assess the time and funds they will need to participate on the various groups being considered, so they can best focus their input. Assistance could be offered to stakeholder groups that feel they must withdraw from the BIAC process due to lack of funds.
14. It is recommended that the next BIAC process use a broader communication plan in its call for members, in order to seek representation from a broader segment of the parties with interests in bankruptcy and insolvency legislation and from all regions.
15. It is recommended that, in the next BIAC process, a "membership" committee be established to select members for the various committees, based on pre-set criteria that would ensure that representation is balanced and the committee size is manageable.
16. It is recommended that, several months into the next BIAC process, each Working Group be asked to identify any issues they feel will not reach consensus by the end of the process. These issues could be treated differently from those expected to reach consensus.

[Help](#) [What's New](#) [Sitemap](#) [Feedback](#) [About Us](#) [Top of Page](#)


<http://strategis.ic.gc.ca>



OFFICE OF THE
SUPERINTENDENT OF BANKRUPTCY

[Help](#)
[What's New](#)
[Site Map](#)
[Feedback](#)
[About Us](#)
[Français](#)

GO TO

[Main Menu](#)

[The Marketplace, Services, Laws and Regulations](#)

[Office of the Superintendent of Bankruptcy](#)

Author - Industry Canada - Corporate Governance Branch - Corporate Law Policy Directorate

Publication Date - 1998-03-16

Report on the Bankruptcy and Insolvency Committee Consultation

Introduction

The Bankruptcy and Insolvency Advisory Committee (BIAC) was set up by Industry Canada in 1993 as a vehicle for consultations with private sector bankruptcy and insolvency stakeholders. Industry Canada looked to BIAC, during its active period in 1993-94, to provide it with input and advice on bankruptcy and insolvency policy. The BIAC consultation process led to the development of Bill C-5, which amended the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act* and which became law on April 25, 1997.

The Bankruptcy and Insolvency Advisory Committee was given the mandate to:

- provide for an exchange of advice and information among insolvency stakeholders;
- identify issues and make proposals for solutions;
- provide feedback on government policy and legislative proposals;
- and,
- build consensus to facilitate change.

The BIAC had three tiers - at the top was the steering committee, also known as the Main Committee; below that were eight working groups which were responsible for examining issues in the main areas of insolvency law, and at the bottom were a dozen or so task forces which examined specific issues. There were about 50 organizations and 225 individuals involved in this consultation exercise. The BIAC consultation process is referred to simply as the "BIAC process" throughout this report.

The main objectives of this report are to assess whether the BIAC process provided an effective means of developing insolvency law policy proposals for Industry Canada, to assess whether all insolvency law stakeholders were adequately represented in the process and were given full opportunity to participate and contribute, and to identify improvements which can be made to the process for the next round of consultations, expected to begin in 1998.

The results of this study will be used in designing and implementing the next round of consultations, expected to begin in 1998 and to carry through the five-year review period provided for in Bill C-5. The goal of this round will be to study and find solutions to the major outstanding insolvency issues facing Canada prior to the referral of the *Bankruptcy and Insolvency Act* and *Companies' Creditors Arrangement Act* to a Parliamentary committee in 2002.

Table of Contents

- ❖ [Executive Summary](#)
- ❖ [Summary of Recommendations](#)
- ❖ [Introduction](#)
- ❖ [Methodology](#)
- ❖ [Findings](#)
 - ❖ [Profiles of the Respondents](#)
 - ❖ [Benefits of Participating in the BIAC Process](#)
 - ❖ [Possible Changes to the BIAC Process](#)
 - ❖ [Assessment of the 1993-94 BIAC Process](#)
- ❖ [Conclusions and Recommendations](#)

Appendices

- ❖ [Appendix A: Survey Questionnaire](#)
- ❖ [Appendix B: Responses \(Raw and Percentage Scores\) for Quantitative Questions](#)
- ❖ [Appendix C: Analysis of Cross-Tabulations](#)

Canada
<http://strategis.ic.gc.ca>



OFFICE OF THE
SUPERINTENDENT OF BANKRUPTCY

[Help](#)
[What's New](#)
[Site Map](#)
[Feedback](#)
[About Us](#)
[Français](#)

GO TO

[Main Menu](#)

[The Marketplace: Services, Laws and Regulations](#)

[Office of the Superintendent of Bankruptcy](#)

Author - Industry Canada - Corporate Governance Branch - Corporate Law Policy Directorate

Publication Date - 1998-03-16

Report on the Bankruptcy and Insolvency Committee Consultation

Methodology

This section outlines the approach used to survey the participants in the BIAC consultation process, and the limitations of the results of the study.

Approach

The participants had very diverse backgrounds (main committee/working groups/task forces, government/private sector, associations/individuals, insolvency experts/business people, etc.). To ensure a sample is representative, the participants would need to be divided into several strata, and samples drawn from each. The relatively small number of participants and the need for multiple strata made a census an appropriate sampling technique. A census was also desirable because Industry Canada's Corporate Law Policy Directorate wishes to continue the BIAC objectives of exchanging advice and information, providing feedback and seeking consensus. That is, they want to involve participants in the design phase of the next round of consultations. A large number of issues were to be examined so it was decided to seek written input (from all participants) using a self-administered mail-out questionnaire.

Construction and Testing of Questionnaires

Two focus group sessions were held with participants of the BIAC consultation process to identify issues that were of concern to them. One focus group was held in Toronto where eight participants attended; the other was held in Montreal with six participants. A range of issues were identified; some of which were shared by the two groups. A questionnaire was constructed, dealing with most of these issues as well as some others. The resulting questionnaire had seven sections, covering the following topics:

1. Background;
2. Participation/representation;
3. Communications/leadership;
4. Results of the BIAC process;
5. Possible changes;
6. Personal assessment; and
7. General comments.

The bulk of the questions required rating a statement, change or topic on a five-point scale. Most sections finished with an open comment question. The questionnaire was pre-tested by seven participants at a focus group in Ottawa. Questions were modified to improve clarity and some new questions were added. The questionnaire was then translated.

Table of Contents

- [Executive Summary](#)
- [Summary of Recommendations](#)
- [Introduction](#)
- [Methodology](#)
- [Findings](#)
 - [Profiles of the Respondents](#)
 - [Benefits of Participating in the BIAC Process](#)
 - [Possible Changes to the BIAC Process](#)
 - [Assessment of the 1993-94 BIAC Process](#)
- [Conclusions and Recommendations](#)

Appendices

- [Appendix A: Survey Questionnaire](#)
- [Appendix B: Responses \(Raw and Percentage Scores\) for Quantitative Questions](#)
- [Appendix C: Analysis of Cross-Tabulations](#)

Sampling

A census was used to contact the participants, that is, every participant in the BIAC process whose current address was known was included on the mailing list and sent a questionnaire.

Data Collection

The bilingual questionnaires, with a requested return date of August 12, 1997, were mailed out to all participants on July 29, 1997. A total of 216 questionnaires were sent out. A follow-up letter was sent to all participants on August 15, 1997, thanking them for their participation and requesting those who had not yet responded to do so by September 2, 1997. A total of 68 questionnaires were returned prior to the deadline. Two questionnaires were identical (one copy arrived by fax, the other by mail) and so one copy was discarded. Three questionnaires were received after the deadline had passed and so were not included in the results. Thus, the number of useable questionnaires was 67. The rate of response was 31%, a good response rate for a mail-out questionnaire.

The results of the survey can be extended to the entire population with a margin of error of 0.10 and confidence level of 0.95. For example, if the proportion of respondents who said they would participate in Industry Canada's upcoming BIAC consultations is 76 percent, then the proportion of the entire population who would agree to join in the upcoming process lies between 66 and 86 percent, 19 times out of 20.

Relations between the characteristics of participants and their opinions with respect to specific questions were identified using cross-tabulations. These relationships are statistically significant at a confidence level of 0.95, that is relationships are correctly identified 19 times out of 20.

Limitations

Several factors influence the interpretation of the findings of this study as follows:

Due to time and budgetary constraints, the questionnaire was only administered to participants in the BIAC consultation process. It should not be assumed that the results can be extended to all parties with interests in bankruptcy and insolvency legislation. Individuals who participated in the process may have a different perception than individuals who were invited to participate and declined, perhaps because they were not in agreement with the proposed process. In addition, members of groups that were not invited to participate in the process may have different perceptions than those who were. In particular, the results of questions on representation are limited by the fact that non-participants were not consulted.

Many of the questions asked participants to rate whether a change would make the process more effective. There may be valid reasons to institute a change that will not be measured by this question, for example, making the process more representative or more open. However, respondents had the opportunity to provide written comments if they felt a change should be made even though it did not increase effectiveness.

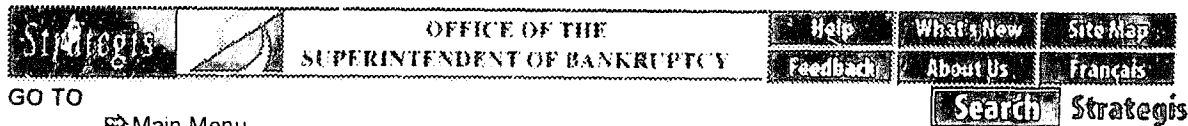
One question asked if some meetings should be held in the regions, without defining regions (question 11.6). Some respondents may have interpreted regions to mean western Canada and eastern Canada; others may have interpreted it to mean all areas outside the National Capital Region (Ottawa/Hull). This made it difficult to

interpret the results of this question clearly.

The placement of the five-point scales for two questions were not visually aligned with the other questions on the same page in the English version of the questionnaire (questions 8.2 and 14.2). Some respondents showed their awareness of the misalignment, for example, by rewriting the scale, but others did not. It is difficult to assess the impact of this problem, but in theory it is possible that some respondents circled a choice that was lower on the scale than they had intended.

[Help](#) [What's New](#) [Sitemap](#) [Feedback](#) [About Us](#) [Top of Page](#)

Canada
<http://strategis.ic.gc.ca>



GO TO

- ⇒ [Main Menu](#)
- ⇒ [The Marketplace: Services, Laws and Regulations](#)
- ⇒ [Office of the Superintendent of Bankruptcy](#)

Author - Industry Canada - Corporate Governance Branch - Corporate Law Policy Directorate

Publication Date - 1998-03-16

Report on the Bankruptcy and Insolvency Committee Consultation

Findings

This section reports findings relating to the profile of respondents, their perception of the benefits of participating in the BIAC process and their reaction to possible changes to the BIAC process. It also evaluates how BIAC participants assessed the 1993-94 BIAC process.

Profile of Respondents

This section reports the findings from questions on the respondents' roles in the BIAC process.

Synopsis

Many of the respondents served on more than one of the three types of bodies involved in the BIAC process (Main Committee, Working Groups and Task Forces) while the vast majority of non-respondents participated on only one body. This was deduced by examining the actual participation rates of the individual bodies. The participation rate on these individual bodies was often higher than the 31% participation rate of the questionnaire. Only two of the working groups and three of the Task Forces had participation rates lower than 31%.

Respondents included representatives of associations, of provincial and federal governments and of other types of organizations or individuals. The associations acted in the interests of industries, trustees, creditors/lenders, lawyers, consumers and others interests. The industry associations and the companies or partnerships operated in the service, manufacturing, retail/wholesale and other sector(s).

BIAC Membership

Respondents were asked to indicate the committees, working groups (WGs) and task forces on which they served. They were asked to check all the bodies that applied, so the total number of responses is larger than the number of people who chose to answer the question.

STATEMENT:

Please indicate the committee(s) of which you were a member.

RESULT:

The respondents account for 161 "positions" on the committees. These positions

can be further broken down into 16 on the Main Committee, 74 on the 8 Working Groups and 71 on the 12 Task Forces.

Table of Cont

- ↻ [Executive Summary](#)
- ↻ [Summary of Recommendations](#)
- ↻ [Introduction](#)
- ↻ [Methodology](#)
- ↻ [Findings](#)
 - ↻ [Profiles of the Respondents](#)
 - ↻ [Benefits of Participation in the BIAC Process](#)
 - ↻ [Possible Change BIAC Process](#)
 - ↻ [Assessment of the 1993-94 BIAC Process](#)
- ↻ [Conclusions and Recommendations](#)

Appendix

- ↻ [Appendix A. Survey Questionnaire](#)
- ↻ [Appendix B. Responses \(Raw and Percentage Scores\) for Quantitative Questions](#)
- ↻ [Appendix C. Analysis Cross-Tabulations](#)

Fig. 1: Responses to Question 1

Name of Committee/Body	RESPONSES		
	Raw Scores		
Main Committee	16		
WG 1: Consumer Proposals and Bankruptcies		14	
Task Forces:			
Exemptions			4
Consumer Proposals			7
Consumer Bankruptcy			6
Counselling			3
Professional Fees			7
WG 2: Commercial Reorganizations, Bankruptcies and Receiverships		19	
Task Forces:			
Landlord and Lease Issues			8
Environmental Liability Issues			14
<i>Companies Creditors Arrangement Act</i>			9
Executory Contracts			2
WG 3: International Insolvencies		10	
WG 4: Stockbroker Insolvencies		7	
WG 5: Priorities and Privileges		12	
Task Force: Wage Earner Protection			2
WG 6: Legislative and Technical Issues		6	
Task Forces:			
Margin Deposits			3
Section 48 of the <i>Bankruptcy and Insolvency Act</i>			3
WG 7: Joint Committee on Bankruptcy		6	
WG 8: Directors' Liability		6	
TOTAL	16	74	71

The questionnaire used was blind, that is, respondents were requested not to identify themselves personally. Nevertheless, we can say something about the approximately 150 people who did not respond to the questionnaire: the vast majority served on only one committee. We deduce this from the fact that the total number of positions or seats on the committees was approximately 320 and the 67 respondents account for 161 of these positions. The remaining 159 seats were filled by approximately 150 non-respondents.

Most of the respondents served on several bodies, so the participation rate for each body is usually higher than the response rate for the questionnaire (31%). The only bodies with rates of participation lower than 31% are

- Task Force on Executory Contracts
- Task Force on Wage Earner Protection
- Task Force on Margin Deposits
- WG 7: Joint Committee on Bankruptcy
- WG 8: Director's Liability.

Organizations Represented

Respondents were asked to identify the parties they represented during the BIAC process and to provide more details on any associations, companies or partnerships they represented. For these questions respondents were asked to check all the organizations that applied, so the total number of responses need not be the same as the number of people who chose to answer the question.

Fig. 2: Responses to QUESTION:
Question 15 During the 1993-94 BIAC consultations, I was representing a(n)

Type of Organization	Raw Scores	RESULT:
Association	33	The respondents include 33 representatives of associations, 20 representatives of provincial and federal governments, 4 companies or partnerships and 7 other types of representatives
Provincial government	12	
Federal government	8	
Company or Partnership	4	
Other	7	

Fig. 3: Responses to QUESTION:
Question 16 If you represented an association during the 1993-94 BIAC consultations, please indicate in whose interests it acted

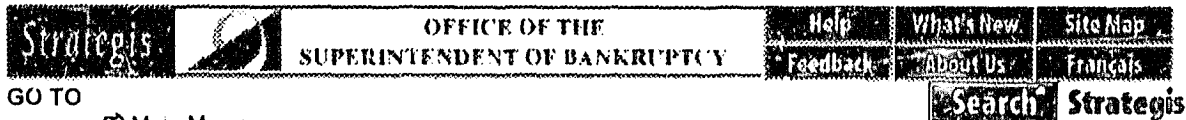
Interests of Association	Raw Scores	RESULT:
Industry	13	The associations acted in the interests of industries, trustees, creditors/lenders, lawyers, consumers and others
Trustees	11	
Creditors/Lenders	11	
Lawyers	9	
Consumers	7	
Other	3	

Fig. 4: Responses to QUESTION:
Question 17 If you represented a

Sector of Operation of Association Members or Businesses	Responses Raw Scores	company/partnership or an industry association during the 1993-94 BIAC consultations, please indicate the sector(s) in which the business or the association members operated
Service	9	
Manufacturing	3	the association
Retail/Wholesale	3	members operated
Other Sector(s)	5	<p>RESULT: The companies/partnerships and associations operated in the service, manufacturing, retail/wholesale and other sector(s)</p>

[Help](#) [What's New](#) [Sitemap](#) [Feedback](#) [About Us](#) [Top of Page](#)





GO TO

- ⇒ [Main Menu](#)
- ⇒ [The Marketplace, Services, Laws and Regulations](#)
- ⇒ [Office of the Superintendent of Bankruptcy](#)

Author - Industry Canada - Corporate Governance Branch - Corporate Law Policy Directorate

Publication Date - 1998-03-16

Report on the Bankruptcy and Insolvency Committee Consultation

Benefits of Participating in the BIAC Process

This section reports findings relating to participants' personal assessments of whether their expectations were met for six measures: increasing their understanding of other participants' concerns, providing benefits to them personally in relation to time invested, enabling them to make contacts, incurring expenses and influencing the legislation produced. It also reports participants' views as to whether they would participate in future consultations.

Synopsis

There was **strong** support (over 70%) by respondents for participating in the upcoming BIAC consultations (Question 18) and for recommending that others participate (Question 19).

Respondents were asked to assess whether their expectations of the BIAC process were met against six criteria. For two criteria, understanding of others' concerns and the benefit received for the time invested, the respondents' expectations were **exceeded**.

- After hearing the views of other participants during the process, my understanding of their concerns increased... (Question 14.5).
- The benefit that I received from the time I invested in the BIAC process was... (Question 14.6).

For two criteria, time spent on the process and useful contacts, expectations were **met**.

- The amount of time I spent on the BIAC process was... (Question 14.1).
- The number of useful contacts that I established with other stakeholders was ... (Question 14.4).

Expectations were **met or lower than** expected for expenses incurred. (In this case, not exceeding expectations is a positive finding).

- My expenses from participating in the BIAC process were ... (Question 14.2).

When asked whether their expectations of influencing government insolvency legislation were met, respondents' reactions were **mixed** (fairly substantial proportions of both positive and negative responses).

- My influence on government insolvency legislation was... (Question 14.3).

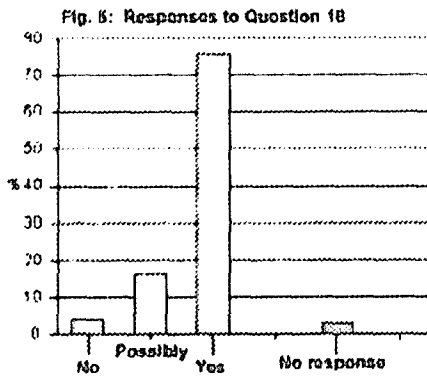
Table of Contents

- ⇒ [Executive Summary](#)
- ⇒ [Summary of Recommendations](#)
- ⇒ [Introduction](#)
- ⇒ [Methodology](#)
- ⇒ [Findings](#)
 - ⇒ [Profiles of the Respondents](#)
 - ⇒ [Benefits of Participating in the BIAC Process](#)
 - ⇒ [Possible Changes to the BIAC Process](#)
 - ⇒ [Assessment of the 1993-94 BIAC Process](#)
- ⇒ [Conclusions and Recommendations](#)

Appendices

- ⇒ [Appendix A. Survey Questionnaire](#)
- ⇒ [Appendix B. Responses \(Raw and Percentage Scores\) for Quantitative Questions](#)
- ⇒ [Appendix C. Analysis of Cross-Tabulations](#)

Respondents were asked to estimate the time they spent on the entire BIAC process (Question 13). The majority spent between 40 and 160 hours. Since many of the respondents participated on more than one body while most of the non-respondents participated on only one body, it cannot be concluded that this range of hours is representative of the entire population of participants in the process.

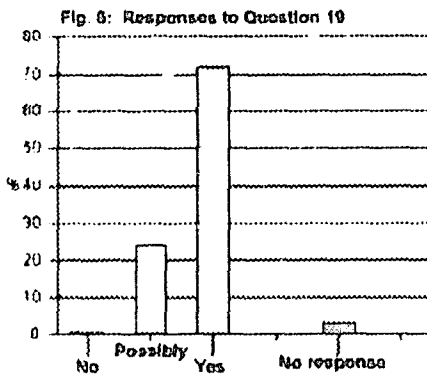


STATEMENT:

I would participate in Industry Canada's upcoming BIAC consultations

RESULT:

There is strong support for participating in the upcoming process. The vast majority would participate again (76%) and a further 16% might. There is very little opposition to participating again (4%).

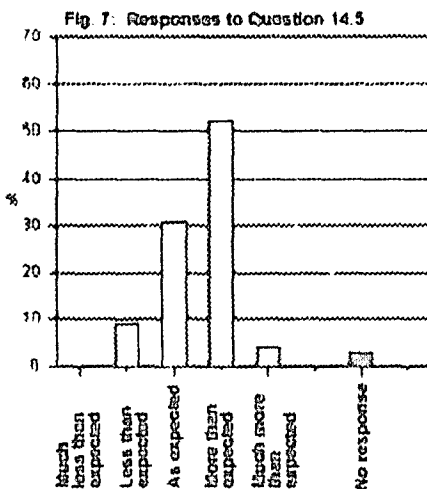


STATEMENT:

I would recommend to others that they participate in Industry Canada's upcoming BIAC consultations

RESULT:

There is strong support for participating in the upcoming process. The vast majority would recommend that others participate (72%) and a further 24% might. There is very little opposition to this statement (1%).

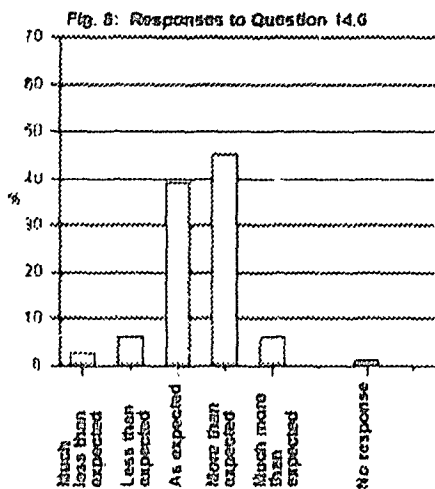


EXPECTATION:

After hearing the views of other participants during the process, my understanding of their concerns increased

RESULT:

For the majority, expectations were exceeded. More than half the respondents felt their understanding increased either more than expected (52%) or much more than expected (4%). Understanding increased as expected for a further 31%. No respondents felt that their understanding increased much less than expected.

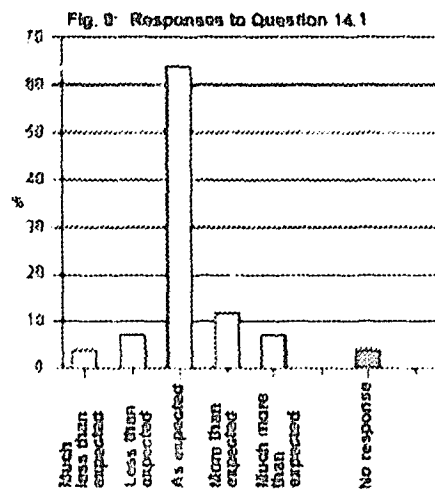


EXPECTATION:

The benefit that I received from the time I invested in the BIAC process was

RESULT:

For a slight majority, expectations were exceeded. More than half the respondents felt that the benefit received for the time invested was either more than expected (45%) or much more than expected (6%). The benefit was as expected for a further 39%. Only a small minority had opposite views (9%).

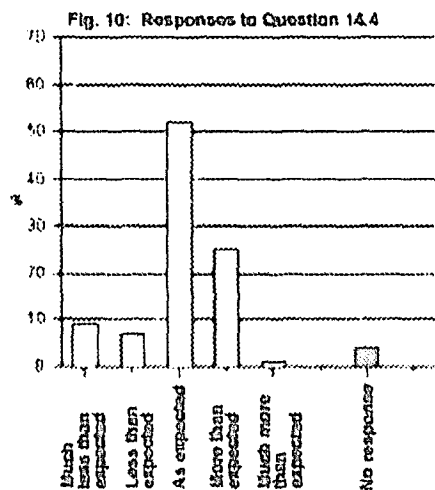


EXPECTATION:

The amount of time I spent on the BIAC process was

RESULT:

For the majority, expectations were met. Close to two-thirds of the respondents felt that the time they spent on the process was as expected (64%). The proportion that felt the time spent exceeded their expectations (19%) was somewhat larger than the proportion that felt the time spent was below their expectations (11%).

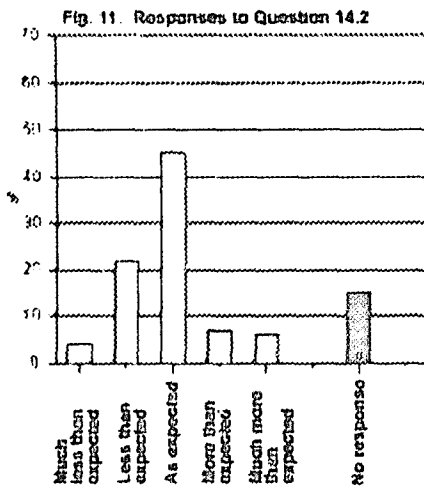


EXPECTATION:

The number of useful contacts that I established with other stakeholders was

RESULT:

For the majority, expectations were met. Approximately half the respondents felt that the number of useful contacts established was as expected (52%) and more than a quarter felt this number exceeded their expectations (26%). A smaller proportion felt that this number was lower than expected (16%).

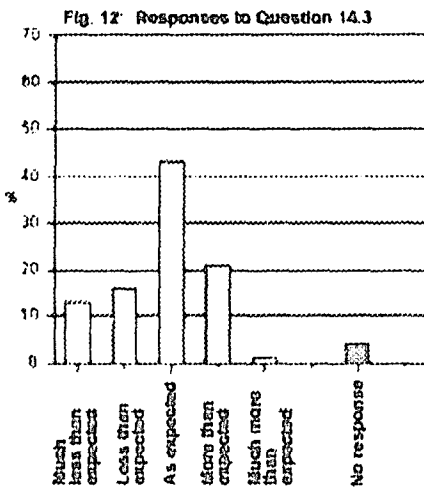


EXPECTATION:

My expenses from participating in the BIAC process were...

RESULT:

Expenses incurred were met or lower than expected. For the majority of respondents expenses were either as expected (45%) or lower than expected (26%). Only 13% felt their expenses exceeded their expectations.



EXPECTATION:

My influence on government insolvency legislation was...

RESULT:

Expectations of influence were mixed. The largest proportion of respondents felt that their influence was as expected (43%). The proportion who felt their influence was weaker than expected (29%) was comparable to the proportion who felt it was stronger (22%). However, 13% felt their influence was much less than expected while only 1% felt it was much more.

Fig. 13: Responses to Question 13

Total time	Responses Raw Scores (Percentage Scores)
Less than 40 hours	14 (21%)
Between 40-80 hours	23 (34%)
Between 81-160 hours	18 (27%)
More than 160 hours	11 (16%)

QUESTION:

Estimate the total time you spent on the entire BIAC process, including preparation time before and after meetings, travel time, etc.

RESULT:

A third of respondents spent 40 to 80 hours on the BIAC process while a quarter spent between 81 and 160 hours. Only a sixth spent more than 160 hours.

As expected, respondents who served on multiple bodies spent more time on the entire BIAC process. (See Appendix C (a) for a more detailed analysis.)

Since many of the respondents participated on more than one body...

while most of the non-respondents participated on only one body, it is likely that a larger percentage of non-respondents spent up to 80 hours on the process, and that a smaller percentage spent more than 80 hours

Recall that respondents expectations were met with respect to time spent on the process and exceeded with respect to benefit derived for the time invested.

[Help](#) [What's New](#) [Sitemap](#) [Feedback](#) [About Us](#) [Top of Page](#)

Canada
<http://strategis.ic.gc.ca>



GO TO

[⇒ Main Menu](#)
[⇒ The Marketplace: Services, Laws and Regulations](#)
[⇒ Office of the Superintendent of Bankruptcy](#)

Author - Industry Canada - Corporate Governance Branch - Corporate Law Policy Directorate

Publication Date - 1998-03-16

Report on the Bankruptcy and Insolvency Committee Consultation

Possible Changes to the BIAC Process

This section reports the findings from questions dealing with possible changes to reports, feedback, decision making, structure, Industry Canada's leadership role and a number of general process changes as well as a more general, essay-type question. The synopsis summarizes the overall findings. This is followed by detailed interpretations on each of the above topics and a summary of the written comments.

Synopsis

Most of the changes to reporting, feedback, decision making, structure, Industry Canada's leadership role as well as general process changes are supported by the respondents, that is, they feel the change will make the process more effective or about the same. Four proposed changes, the first three concerning reporting and the last one feedback, received **very strong** (over 80%) support:

1. Distribute reports well before all meetings (Question 10.8).
2. The Main Committee prepares a report of the recommendations it has considered, with reasons for approval/disapproval, and circulates it to all participants (Question 10.7).
3. Circulate concise, analytical reports of working group recommendations to all participants before Main Committee meetings (Question 10.6).
4. Industry Canada issues periodic progress reports after the BIAC process has terminated (Question 9.3).

One proposed change concerning feedback received **strong** (between 70 and 79%) support:

1. After the BIAC process has terminated, Industry Canada publicly releases a paper that gives its position on the issues (Question 9.2).

Five proposed changes, the first concerning decision making, the second feedback and the last three general process changes, received **firm** (between 60 and 69%) support:

1. The co-chairs of a Working Group are allowed to call for a vote on contentious issues if it appears that further discussion would not achieve a consensus (Question 9.6).
2. Industry Canada presents its position on the issues in writing before each Main Committee meeting (Question 9.1).
3. Set aside specific times to deal with technical items during working group meetings (Question 11.1).

Table of Contents

- ↻ [Executive Summary](#)
- ↻ [Summary of Recommendations](#)
- ↻ [Introduction](#)
- ↻ [Methodology](#)
- ↻ [Findings](#)
 - ↻ [Profiles of the Respondents](#)
 - ↻ [Benefits of Participating in the BIAC Process](#)
 - ↻ [Possible Changes to the BIAC Process](#)
 - ↻ [Assessment of the 1993-94 BIAC Process](#)
- ↻ [Conclusions and Recommendations](#)

Appendices

- ↻ [Appendix A: Survey Questionnaire](#)
- ↻ [Appendix B: Responses \(Raw and Percentage Scores\) for Quantitative Questions](#)
- ↻ [Appendix C: Analysis of Cross-Tabulations](#)

4. Hold separate meetings of insolvency practitioners to discuss how to implement policy requirements (Question 11.4).
5. Hold separate meetings of insolvency practitioners to discuss policy questions (Question 11.3).

Four proposed changes, the first three concerning structure and the fourth concerning the general process, received **majority** support (between 50 and 59%):

1. Create a separate steering committee to deal with consumer insolvency issues (Question 10.5).
2. Limit the size of Task Forces to approximately 10 members (Question 10.4).
3. Limit the size of Working Groups to approximately 15 members (Question 10.3).
4. Hold separate meetings of stakeholder groups that represent common interests (i.e., consumer interests or trustee interests) to achieve consensus prior to Working Group meetings (Question 11.2).

The other proposed changes, listed in the order in which they appear in the following pages, received the support of less than 50% of respondents. The first of these changes concerned decision making, the next two concerned structure, numbers 4 to 6 concerned Industry Canada's leadership role and the last three concerned the general process.

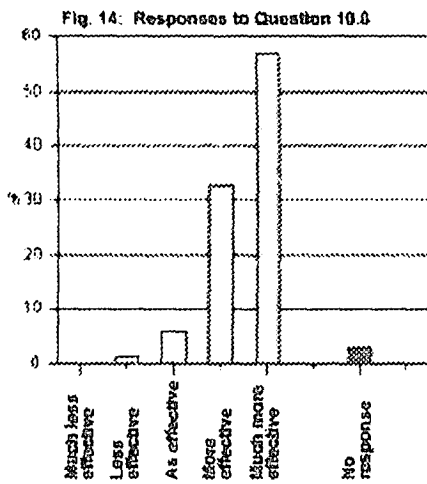
1. The Main Committee is allowed to send a Working Group recommendation back for further consideration only once (Question 9.4).
2. Reduce the Main Committee from about 30 to approximately 15 members (Question 10.2).
3. Strike a committee tasked with improving communications among the groups (Question 10.1).
4. Industry Canada should provide direction on the time to be allotted for discussion of each issue (Question 8.3).
5. Industry Canada should provide direction on the selection of issues to be reviewed (Question 8.1).
6. Industry Canada should provide direction on the importance of each issue selected for review (Question 8.2).
7. Hold some meetings in the regions (Question 11.6).
8. Hold separate meetings of all groups other than insolvency practitioners to discuss policy questions (Question 11.5).
9. Create new opportunities for public input (Question 11.7).

There were two changes, the first on decision making, the second on Industry Canada's leadership role, for which, unlike the others, respondents reactions were **mixed** (fairly substantial proportions of both positive and negative responses):

1. The Main Committee is not allowed to overrule the recommendation of a Working Group after the Working Group has reconsidered it (Question 9.5).
2. Industry Canada should provide direction on the admissibility of possible recommendations (Question 8.4).

Reporting

Respondents were asked whether the following three proposed changes to reporting practices would make the BIAC process more or less effective.

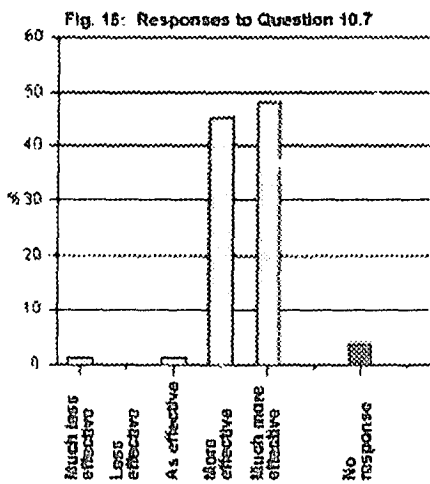


PROPOSAL:

Distribute reports well before all meetings.

RESULTS:

This proposal received very strong support. The vast majority felt this change would make the BIAC process either much more effective (57%) or more effective (33%). Very few respondents felt that this change would decrease the effectiveness of the BIAC process.

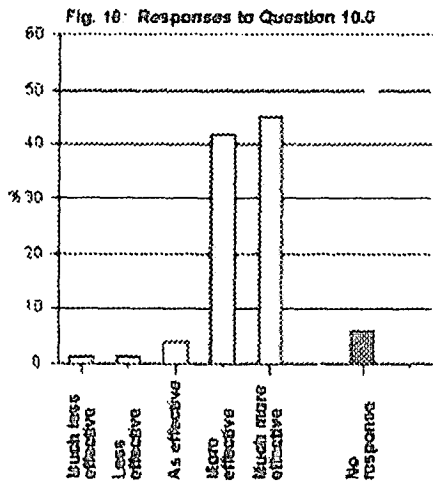


PROPOSAL:

The Main Committee prepares a report of the recommendations it has considered, with reasons for approval/disapproval, and circulates it to all participants.

RESULTS:

This proposal received very strong support. The vast majority felt this change would make the BIAC process either much more effective (48%) or more effective (45%). Very few respondents felt that this change would decrease the effectiveness of the BIAC process.



PROPOSAL:

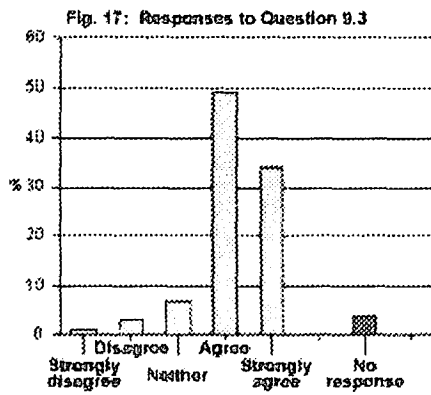
Circulate concise, analytical reports of working group recommendations to all participants before Main Committee meetings.

RESULTS:

This proposal received very strong support. The vast majority felt this change would make the BIAC process either much more effective (45%) or more effective (42%). Very few respondents felt that this change would decrease the effectiveness of the BIAC process.

Feedback

Respondents were asked whether they agreed with the following three changes concerning feedback.

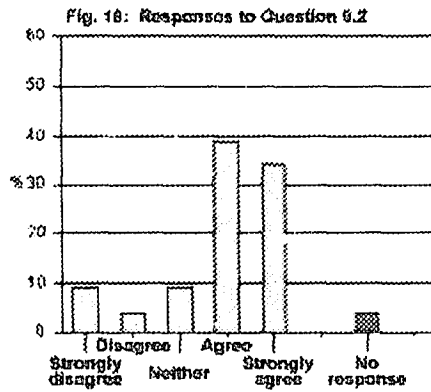


PROPOSAL:

Industry Canada issues periodic progress reports after the BIAC process has terminated.

RESULTS:

This proposal received very strong support. Most people either agree (49%) or strongly agree (34%) that the proposal should be instituted.

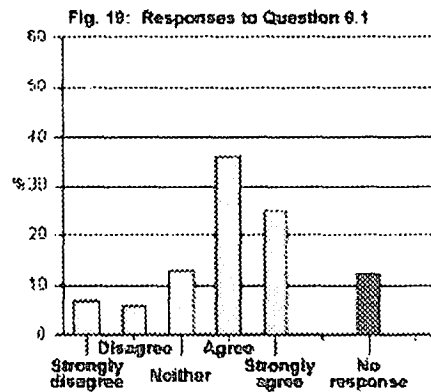


PROPOSAL:

After the BIAC process has terminated, Industry Canada publicly releases a paper that gives its position on the issues.

RESULTS:

This proposal received strong support. Most people either agree (39%) or strongly agree (34%) that the change should be instituted.



PROPOSAL:

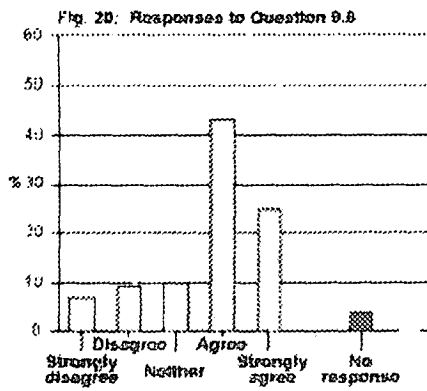
Industry Canada presents its position on the issues in writing before each Main Committee meeting.

RESULTS:

This proposal received firm support. Most people either agree (36%) or strongly agree (25%) that the proposal should be instituted.

Decision Making

Respondents were asked whether they agreed with the following three changes concerning decision making.

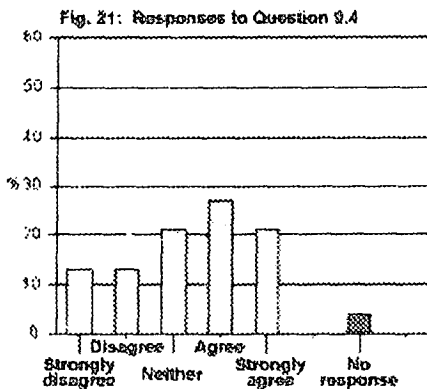


PROPOSAL:

The co-chairs of a Working Group are allowed to call for a vote on contentious issues if it appears that further discussion would not achieve a consensus.

RESULTS:

There is firm support for this proposal. The majority of respondents either agree (43%) or strongly agree (25%) that the change should be instituted.



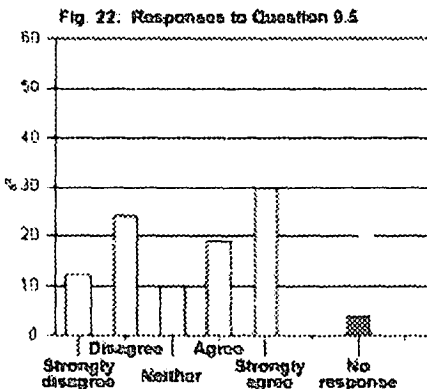
PROPOSAL:

The Main Committee is allowed to send a Working Group recommendation back for further consideration only once.

RESULTS:

This proposal is supported by slightly less than the majority of respondents. Nearly half the respondents either agree (27%) or strongly agree (21%) that the change should be instituted. On the other hand, only a quarter of the respondents either disagree (13%) or strongly disagree (13%).

Of the respondents who answered the question, exactly half feel that this change would increase the effectiveness of the process.



PROPOSAL:

The Main Committee is not allowed to overrule the recommendation of a Working Group after the Working Group has reconsidered it.

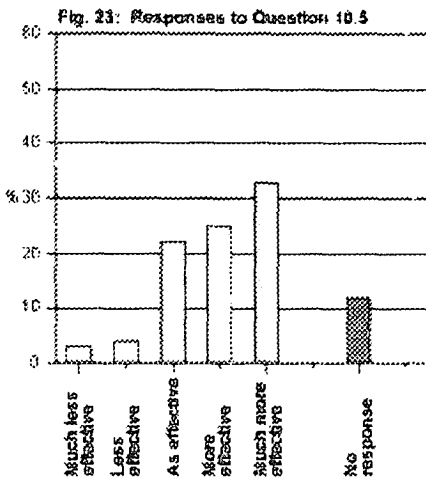
RESULTS:

Most people had an opinion on instituting this proposal, but reactions were mixed. Nearly half support the change: 30% strongly agree while 19% agree. On the other hand, a large number either disagree (24%) or strongly disagree (12%) with instituting it.

Members of the Main Committee firmly oppose the change while non-members support it. (See Appendix C (b) for a more detailed analysis.)

Structure

Respondents were asked whether the following five changes, each considered separately, would make the BIAC structure more or less effective.

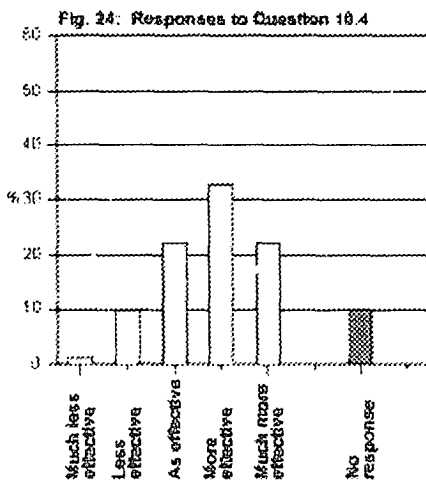


PROPOSAL:

Create a separate steering committee to deal with consumer insolvency issues.

RESULTS:

There is support for this proposal. A majority feel it will make the BIAC structure either much more effective (33%) or more effective (25%).

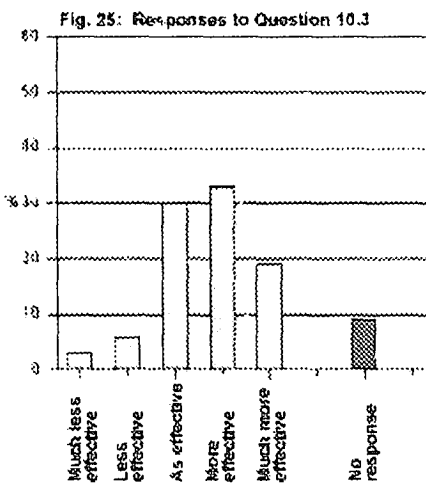


PROPOSAL:

Limit the size of Task Forces to approximately 10 members.

RESULTS:

There is support for this proposal. A majority feel it will make the BIAC structure either more effective (33%) or much more effective (22%).

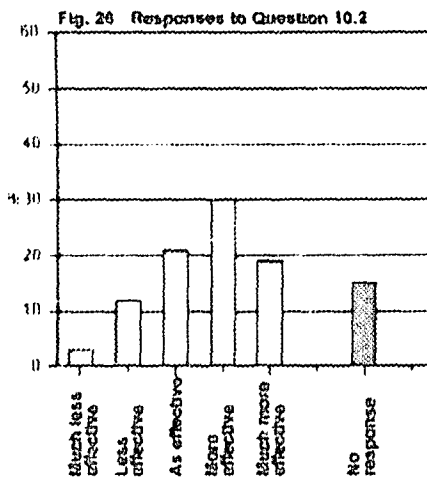


PROPOSAL:

Limit the size of Working Groups to approximately 15 members.

RESULTS:

There is support for this proposal. A majority feel it will make the BIAC structure either more effective (33%) or much more effective (19%).



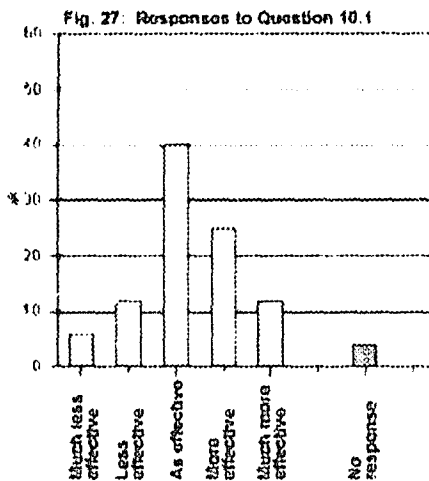
PROPOSAL

Reduce the Main Committee from about 30 to approximately 15 members

RESULTS

This proposal is supported by slightly less than the majority of respondents. Nearly half the respondents feel this change will make the BIAC process either more effective (30%) or much more effective (19%).

Of the respondents who answered the question, a majority feel that this change would increase the effectiveness of the process while one-fifth feel it would decrease the effectiveness of the process.



PROPOSAL

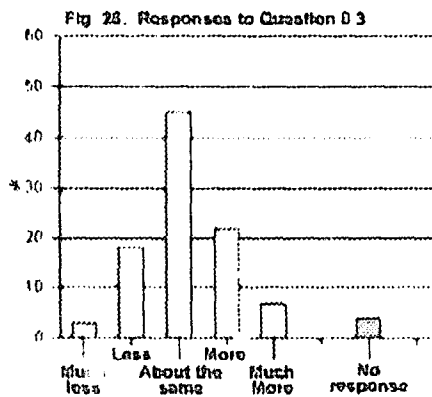
Strike a committee tasked to improve communications among the groups

RESULTS

Respondents do not support this change. The largest group of respondents (40%) feel such a committee will not change the effectiveness of the BIAC process. However, more than a third of respondents feel such a committee will increase the effectiveness (37%) while nearly a fifth feel it will decrease the effectiveness (18%).

Industry Canada's Leadership Role

Respondents were asked how much direction Industry Canada should provide in future on four topics.

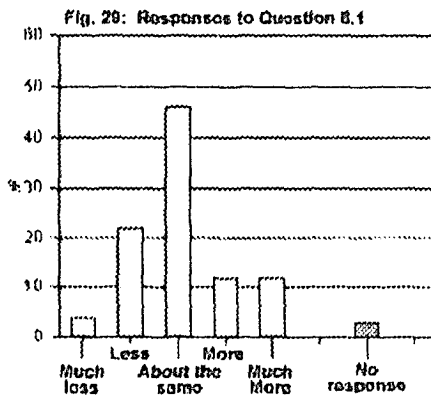


TOPIC

Time to be allotted for discussion of each issue

RESULT

Respondents do not support a change. Nearly half the respondents feel that about the same amount of direction should be provided in future (45%). The proportion of respondents that feel the amount of direction should be increased (29%) is somewhat higher than the proportion of respondents that feel the amount of direction should be decreased (21%).

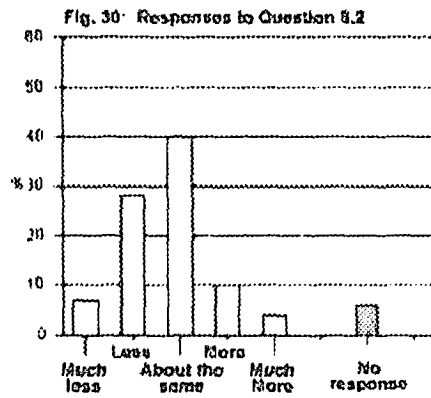


TOPIC

Selection of issues to be reviewed

RESULT

Respondents do not support a change. Nearly half the respondents feel that about the same amount of direction should be provided in future (46%). Approximately the same proportion feel that the amount of direction should increase (24%) as feel that the amount of direction should decrease (26%).



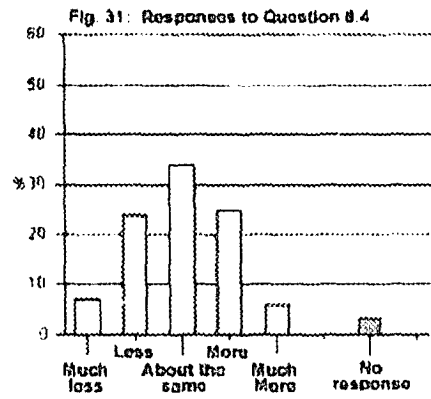
TOPIC

Importance of each issue selected for review

RESULT

Respondents do not support a change. More respondents feel that about the same amount of direction should be provided in future (40%) than favour a decrease (35%) or an increase (14%), however, the proportion of respondents that feel the amount of direction should decrease is more than double the proportion that feel it should increase.

It can be concluded participants feel Industry Canada should not be more directive with respect to the importance of each issue selected for review.



TOPIC

Admissibility of possible recommendations

RESULT

Respondents reactions to this topic were mixed. Approximately a third favour about the same amount of direction (34%), a third favour an increase (32%) and a third favour a decrease (31%).

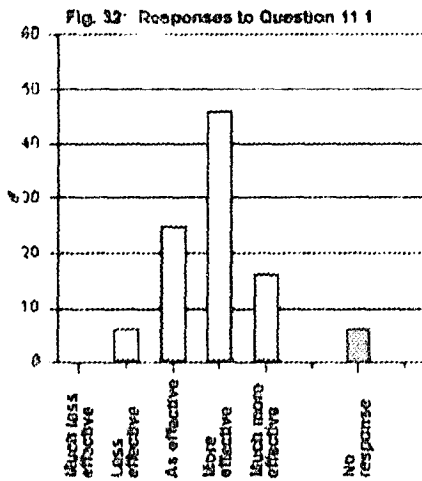
Half of the government representatives support an increase while less than a quarter of the other respondents support it (See Appendix C (c) for a more detailed analysis.)

Any change in the amount of direction will displease two-thirds of the respondents, as will the status quo.

General Process Changes

Respondents were asked whether the following seven changes to the

general process, each considered separately, would make the BIAC process more or less effective.

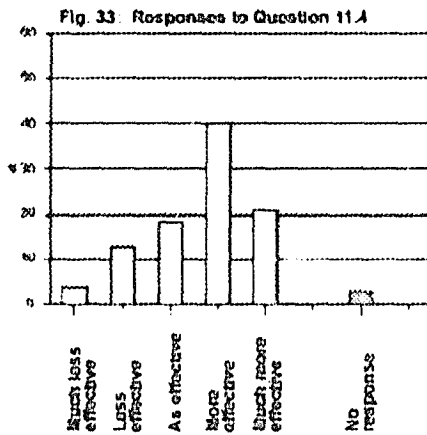


PROPOSAL:

Set aside specific times to deal with technical items during working group meetings

RESULT:

This proposal received firm support. A majority of respondents feel this change would either make the process more (46%) or much more (16%) effective. No respondents feel this change would make the process much less effective.

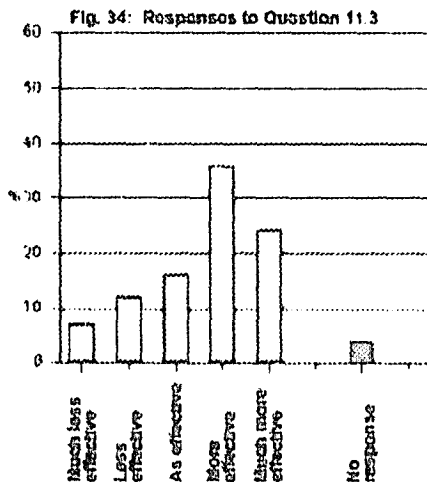


PROPOSAL:

Hold separate meetings of insolvency practitioners to discuss how to implement policy requirements

RESULT:

This proposal received firm support. A majority of respondents feel this change would make the process either more (40%) or much more (21%) effective.

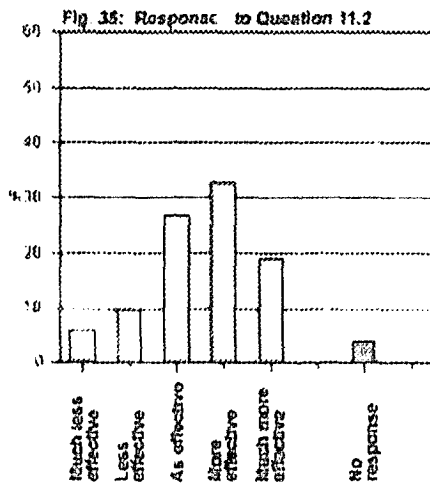


PROPOSAL:

Hold separate meetings of insolvency practitioners to discuss policy questions

RESULT:

This proposal received firm support. A majority of respondents feel this change would make the process either more (36%) or much more (24%) effective.

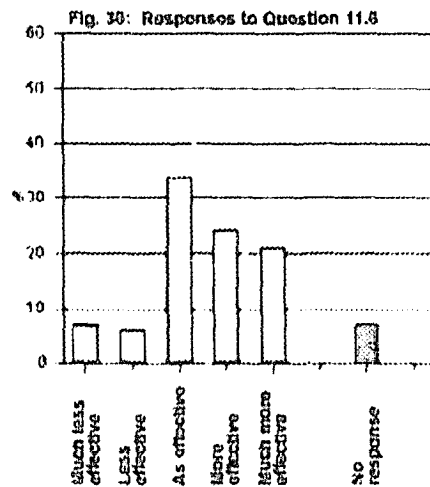


PROPOSAL:

Hold separate meetings of stakeholder groups that represent common interests (that is, consumer interests or trustee interests) to achieve consensus prior to Working Group meetings

RESULT:

This proposal received support. A majority of respondents feel this change would make the process either more (33%) or much more (19%) effective.



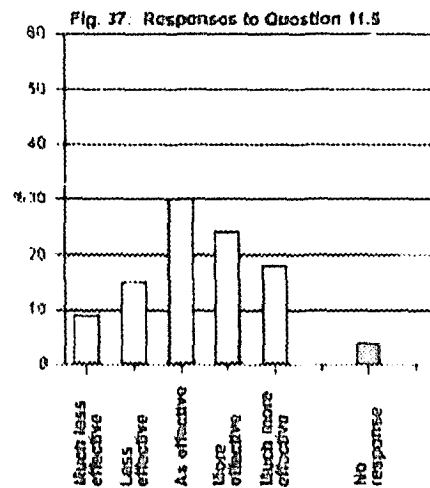
PROPOSAL

Hold some meetings in the regions

RESULTS

Slightly less than a majority of respondents supported this proposal. While slightly less than half the respondents feel it would make the process either more (24%) or much more (21%) effective, only a few feel it would make the process either less (6%) or much less effective (7%).

Nearly half the respondents who chose to answer the question support the proposal.

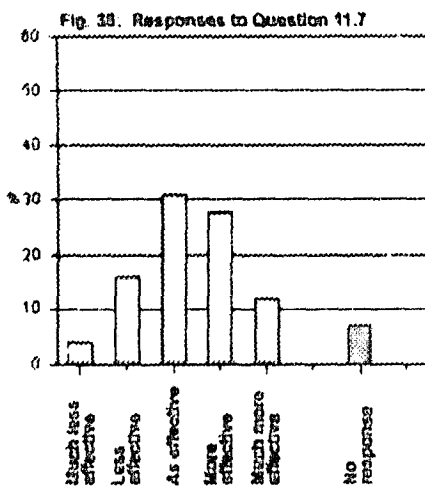


PROPOSAL

Hold separate meetings of all groups other than insolvency practitioners to discuss policy questions

RESULTS

This proposal is not supported by a majority of respondents. Less than half feel it would make the process either more (24%) or much more (18%) effective. On the other hand, only a quarter of respondents feel it would make the process either less (15%) or much less effective (9%). Nearly a third of respondents feel it will not change the effectiveness.

**PROPOSAL**

Create new opportunities for public input

RESULTS

This proposal is not supported by a majority of respondents. Less than half feel it would make the process either more (28%) or much more (12%) effective. On the other hand, only a fifth of the respondents feel it would make the process either less (16%) or much less effective (4%). Nearly a third of respondents feel it will not change the effectiveness.

Summary of Responses to Question 12

Respondents were given an opportunity to provide additional comments on key changes to the BIAC process. Nearly a third of respondents chose to submit additional comments.

STATEMENT:

Please use the following space if you wish to elaborate on key changes (or combinations of changes) to the BIAC consultation process (e.g., mandate, structure, feedback, etc.). (Any innovative suggestions will be welcomed and considered.)

RESULT:

Twenty responses were received. Among the comments received were suggestions that:

- domination by professionals be ended and a way found to enable non-professionals to participate in the process;
- working group and task force research be funded and independent researchers employed;
- economists be assigned to working groups;
- representation of conflicting interests on all working groups and task forces be ensured;
- group size be limited;
- stronger direction and better reporting be provided;
- the next consultation process be begun with a two-day retreat for informal discussion; and
- working groups and the main committee be required to report to Industry Canada.

Differing views were expressed on holding separate meetings of professionals and non-professionals: one view was that separate meetings were needed to support non-professional stakeholders and enable them to participate; another was that separate meetings could

undermine the process.

[Help](#) [What's New](#) [Sitemap](#) [Feedback](#) [About Us](#) [Top of Page](#)

Canada
<http://strategis.ic.gc.ca>



OFFICE OF THE
SUPERINTENDENT OF BANKRUPTCY

[Help](#)
[What's New](#)
[Site Map](#)
[Feedback](#)
[About Us](#)
[Français](#)

GO TO

[⇒ Main Menu](#)

[⇒ The Marketplace Services, Laws and Regulations](#)

[⇒ Office of the Superintendent of Bankruptcy](#)

[Search](#) [Strategis](#)

Author - Industry Canada - Corporate Governance Branch - Corporate Law Policy Directorate

Publication Date - 1998-03-10

Report on the Bankruptcy and Insolvency Committee Consultation

Assessment of the 1993-94 BIAC Process

This section evaluates how BIAC participants assessed the 1993-94 BIAC process by reporting the findings from questions on results of the BIAC process, communications and leadership, and participation and representation, respectively. There is a separate synopsis, followed by detailed interpretations and/or a summary of the written comments, for each of these three sets of questions.

Respondents were given an opportunity at the end of the questionnaire to elaborate on any issues raised or not covered. Since most of the comments raised in this general question dealt with their assessment of the process, a summary of these comments is included at the end of this section.

BIAC Results

Synopsis

Respondents were asked to rate their agreement with seven statements about the results of the BIAC process.

Respondents agreed **very strongly** (over 80%) that:

- The BIAC process dealt with the important issues (Question 6.1)

There is **firm** (60-69%) support for two statements:

- The quality of the recommendations that came out of the working groups was satisfactory (Question 6.4). -540
- In general, the BIAC consultation process was effective (Question 6.6). -540

Respondents reactions were **mixed** (fairly substantial proportions of both agreement and disagreement) to two statements:

- The BIAC process did not allow enough time to deal with the issues (Question 6.2).
- The Main Committee agenda dealt with too many issues (Question 6.3)

There is **little** support (11-20%) for the statement that:

- The Main Committee made poor decisions (Question 6.5)

There is **firm** disagreement (60-69%) with the statement.

Table of Contents

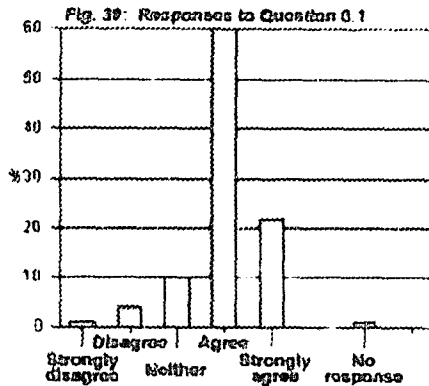
- ◊ [Executive Summary](#)
- ◊ [Summary of Recommendations](#)
- ◊ [Introduction](#)
- ◊ [Methodology](#)
- ◊ Findings
 - ◊ [Profiles of the Respondents](#)
 - ◊ [Benefits of Participating in the BIAC Process](#)
 - ◊ [Possible Changes to the BIAC Process](#)
 - ◊ [Assessment of the 1993-94 BIAC Process](#)
- ◊ [Conclusions and Recommendations](#)

Appendices

- ◊ [Appendix A. Survey Questionnaire](#)
- ◊ [Appendix B. Responses \(Raw and Percentage Scores\) for Quantitative Questions](#)
- ◊ [Appendix C. Analysis of Cross-Tabulations](#)

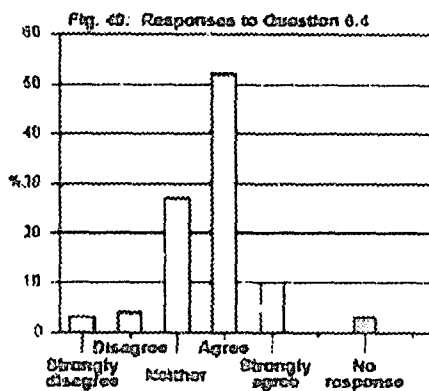
- The resulting legislation is unsatisfactory (Question 6.7)

Respondents were asked to indicate whether they agreed with the following positive and negative statements:



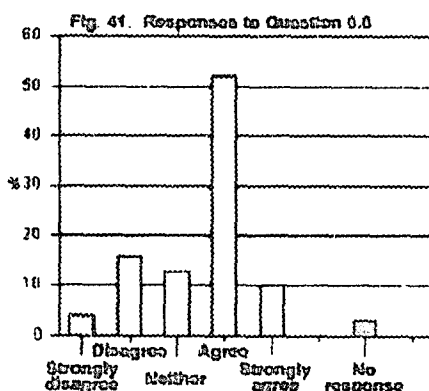
STATEMENT: The BIAC process dealt with the important issues

RESULT: There is very strong support for this statement. The majority either agreed (60%) or strongly agreed (22%) that the important issues were dealt with



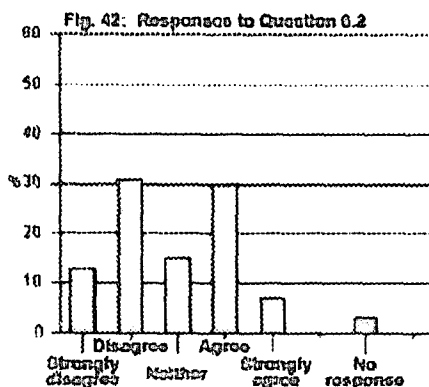
STATEMENT: The quality of the recommendations that came out of the working groups was satisfactory

RESULT: There is firm support for this statement. The majority either agreed (52%) or strongly agreed (10%) with the statement. Only a small minority either disagreed (4%) or strongly disagreed (3%)



STATEMENT: In general, the BIAC consultation process was effective

RESULT: There is firm support for this statement. The majority either agreed (52%) or strongly agreed (10%) that the process was effective

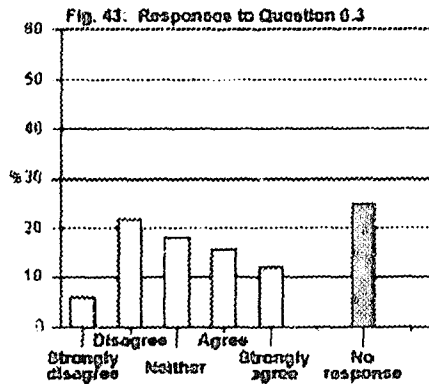


STATEMENT: The BIAC process did not allow enough time to deal with the issues

RESULT: Reactions were mixed for this negative statement. The proportion of respondents that either disagreed (31%) or strongly disagreed (13%) with the statement was slightly larger than the proportion that either agreed (30%) or strongly agreed (7%)

Half of the members of the Main

Committee support the statement while only a third of the other respondents support it. Participants who served on only one body firmly oppose the statement. (See Appendix C (d and e) for a more detailed analysis.)



STATEMENT:

The Main Committee agenda dealt with too many issues

RESULT:

Reactions were mixed for this negative statement. A quarter of respondents chose not to answer this question. Although the same proportion (28%) of respondents support the statement as do not support it, more strongly agree than strongly disagree.

Of the people who answered the question, 38% support the statement while the same proportion does not.

It can be concluded that a significant number of respondents felt that there were too many issues

STATEMENT:

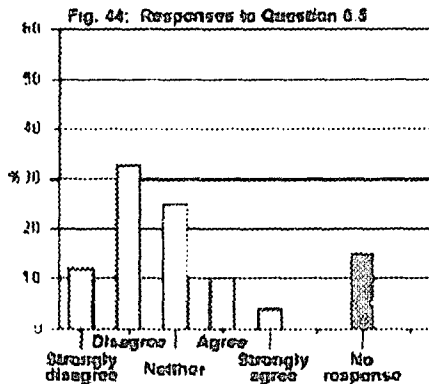
The Main Committee made poor decisions

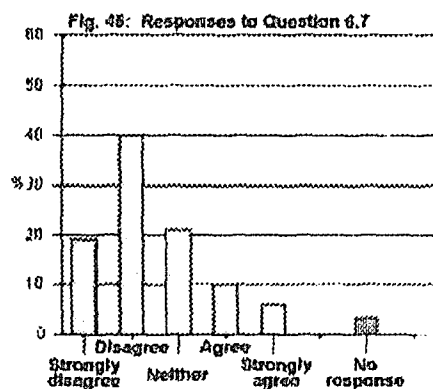
RESULT:

This negative statement is not supported. Close to half the respondents either disagreed (33%) or strongly disagreed (12%) with the statement. Only fourteen percent either agreed or strongly agreed

Of the people who answered the question, a majority either disagreed or strongly disagreed with the statement.

It can be concluded that respondents feel that the decisions made by the Main Committee were not a problem.



**STATEMENT:**

The resulting legislation is unsatisfactory

RESULT:

This **negative** statement is not supported. The majority of respondents either disagreed (40%) or strongly disagreed (19%) with the statement

It can be concluded that respondents feel the resulting legislation is satisfactory.

Summary of Responses to Question 7

Respondents were given an opportunity to further elaborate on the results of the BIAC process. Approximately a third of respondents provided comments; these are summarized below.

Statement

Please use the following space if you wish to elaborate on the results of the BIAC process.

RESULT:

Twenty responses were received. Among points raised were that difficult, contentious issues were put off and not resolved, that too much effort was expended on special interest group issues at the expense of more important issues and that results were not entirely satisfactory, due possibly to political factors or to the department having its own agenda.

Communications and Leadership**Synopsis**

Respondents were asked to rate their satisfaction with different aspects of communications and leadership. Respondents did not have strong views on these issues. A large number of participants chose not to respond. With the exception of one of the lines of communication which elicited a negative response, those who voiced an opinion usually selected a neutral or slightly positive choice.

Respondents were **positive** (50 to 59%) about two of the means of communication and about the leadership of the Working Groups:

- Written reports (Question 4.8)
- Leadership of the Working Groups (Question 4.11)
- Meetings (Question 4.7).

There is **very little dissatisfaction** (0 to 10%) with the leadership of the Main Committee and with one of the lines of communication:

- Leadership of the Main Committee (Question 4.10)
- Lines of Communication from Task Force to Working Group (Question 4.4).

There is **little dissatisfaction** (11 to 20%) with the leadership of the Task Forces and with three of the lines of communication:

- Lines of Communication from Working Group to Main Committee (Question 4.2)
- Lines of Communication from Working Group to Task Force (Question 4.3)
- Leadership of the Task Forces (Question 4.12)
- Lines of Communication from Main Committee to Working Groups (Question 4.1).

Reactions were **mixed** (fairly substantial proportions of both satisfaction and dissatisfaction) regarding two of the means of communication:

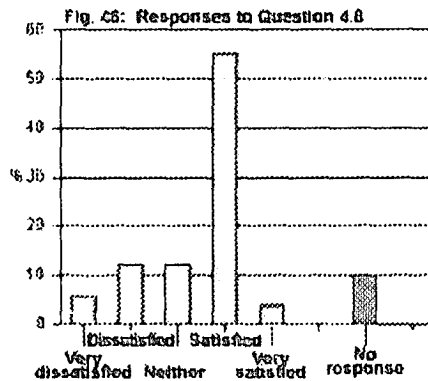
- Conference calls (Question 4.6)
- Newsletters (e.g. Insolvency Bulletin) (Question 4.9).

One of the lines of communication elicited a **negative** finding. There was **very little satisfaction** (0 to 10%) with:

- Lines of communication among different Working Groups (Question 4.5).

a. Means of Communication

Respondents were asked to rate their satisfaction with four different means of communication: conference calls, meetings, written reports and newsletters.

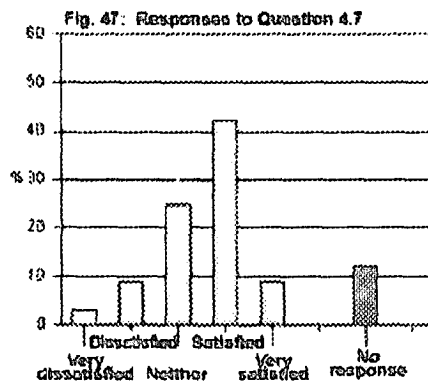


MEANS:

Written reports

RESULT:

Respondents were positive about the written reports. A majority were either satisfied (55%) or very satisfied (4%) with these documents.

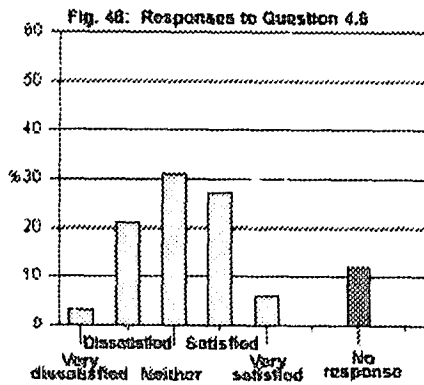


MEANS:

Meetings

RESULTS:

Respondents were positive about meetings. A majority were either satisfied (42%) or very satisfied (9%) with the meetings. Another quarter (25%) were neither satisfied nor dissatisfied.



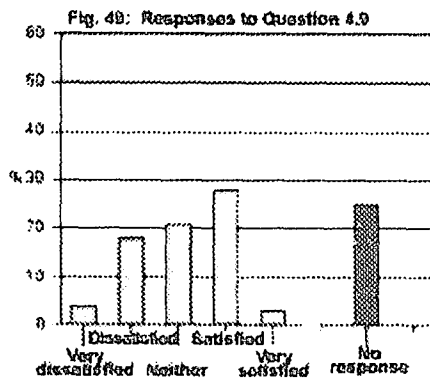
MEANS:

Conference Calls

RESULT:

Reactions were mixed regarding conference calls although most respondents did not express a strong opinion. One third were either satisfied (27%) or very satisfied (6%). Nearly a third were neutral (31%) and nearly a quarter were either dissatisfied (21%) or very dissatisfied (3%).

Respondents who expressed satisfaction were, for the most part, not members of the Main Committee. The size of the committee on which the respondents served also influenced their opinions. For example, respondents who were not members of a large committee firmly expressed satisfaction with conference calls. (See Appendix C (f, g, and h) for a more detailed analysis.)



MEANS:

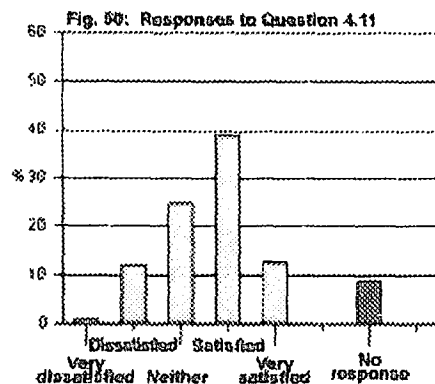
Newsletters (e.g. Insolvency Bulletin)

RESULT:

Reactions to newsletters were mixed, although most respondents did not express a strong opinion. Nearly a third were either satisfied (28%) or very satisfied (3%). A quarter did not answer the question and nearly a quarter were either dissatisfied (18%) or very dissatisfied (4%). A fifth were neither satisfied nor dissatisfied (21%).

b. Leadership

Respondents were asked to rate how satisfied they were with leadership of the three bodies involved in the BIAC process (Main Committee, Working Groups and Task Forces).

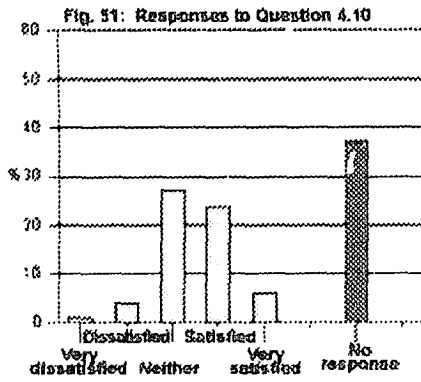


BODY:

Working Groups

RESULT:

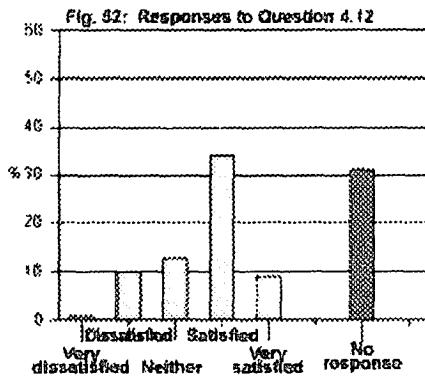
Respondents are positive about the leadership of the working groups. The majority were either satisfied (39%) or very satisfied (13%). The vast majority of participants chose to answer this question.



BODY:
Main Committee

RESULT:
There is very little dissatisfaction with the leadership of the Main Committee. Only five percent of respondents are either dissatisfied (4%) or very dissatisfied (1%) with the leadership. More than a third of respondents (37%) chose to not answer this question. Nearly a quarter (24%) were neither satisfied nor dissatisfied.

Almost half of the respondents who answered this question consider the leadership of the Main Committee to be satisfactory.



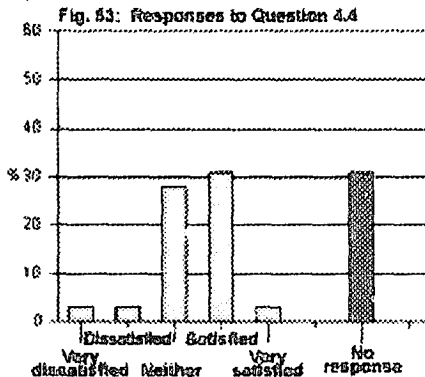
BODY:
Task Forces

RESULT:
There is little dissatisfaction with the leadership of the Task Forces. Nearly a third of respondents (31%) chose to not answer this question. Another third (34%) were satisfied and a further 9% were very satisfied.

The majority of respondents who answered this question consider the leadership of the Task Forces to be satisfactory.

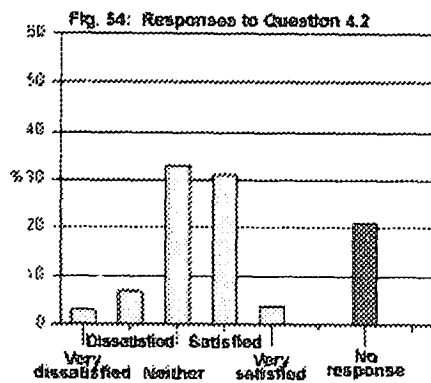
c. Lines of Communication

Respondents were asked to rate their satisfaction with the lines of communication between the three bodies involved in the BIAC process with respect to five directions of communication.



DIRECTION:
From Task Force to Working Group

RESULT:
There is very little dissatisfaction with the lines of communication from Task Force to Working Group. The majority did not express satisfaction or dissatisfaction; they either did not respond (31%) or were neither satisfied nor dissatisfied (28%). However, over a third were either satisfied (31%) or very satisfied (3%). Very few were either dissatisfied or very dissatisfied.



DIRECTION:

From Working Group to Main Committee

RESULT:

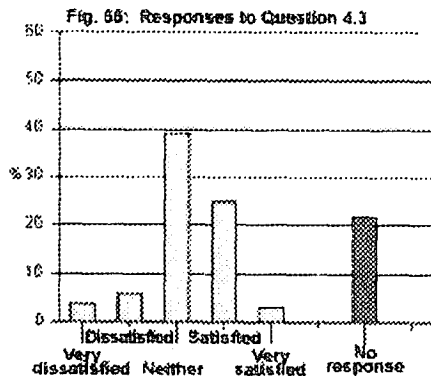
There is little dissatisfaction with the lines of communication from Working Group to Main Committee. The majority did not express satisfaction or dissatisfaction; they either did not respond (21%) or were neither satisfied nor dissatisfied (33%). However, over a third were either satisfied (31%) or very satisfied (4%).

DIRECTION:

From Working Group to Task Force

RESULT:

There is little dissatisfaction with the lines of communication from Working Group to Task Force. The majority did not express satisfaction or dissatisfaction; they either did not respond (22%) or were neither satisfied nor dissatisfied (39%). However, over a quarter were either satisfied (25%) or very satisfied (3%).

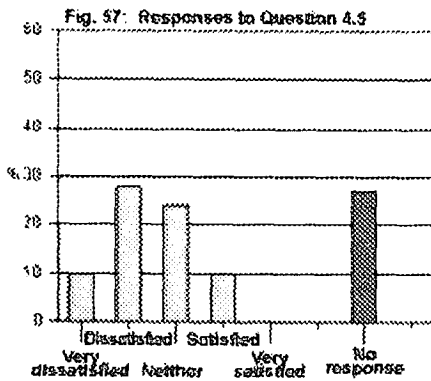
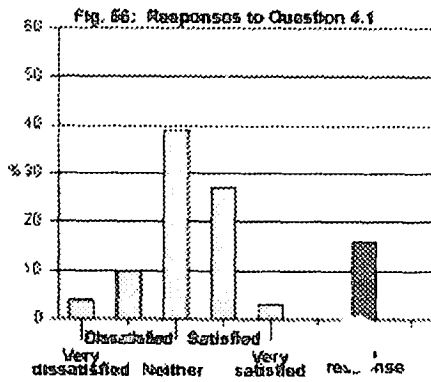


DIRECTION:

From Main Committee to Working Group

RESULT:

There is little dissatisfaction with the lines of communication from Main Committee to Working Group. The majority did not express satisfaction or dissatisfaction; they either did not respond (16%) or were neither satisfied nor dissatisfied (39%). However, nearly a third were either satisfied (27%) or very satisfied (3%).



DIRECTION:

Among different Working Groups

RESULT:

There is very little satisfaction with the lines of communication among different Working Groups. No respondents were very satisfied and only 10 percent were satisfied. The majority did not express satisfaction or dissatisfaction; they either did not respond (27%) or were neither satisfied nor dissatisfied (24%). However, more than a third were either dissatisfied (28%) or very dissatisfied (10%).

Summary of Responses to Question 5

Respondents were given an opportunity to further elaborate on communication/leadership issues. Approximately a third of respondents provided comments; these are summarized below.

Statement

Please use the following space if you wish to elaborate on any other communications/leadership issues.

RESULT:

Twenty-one responses were received. Responses were varied with little repetition of themes. Points mentioned included differing views on the effectiveness of conference calls - one view being that they were cost effective, another that they did not work in large groups and made participation in meetings difficult. A few respondents commented on the lack of feedback and direction from the top (Industry Canada and/or the BIAC Main Committee) down to working groups and task forces. Insufficient notice and lack of time to digest material distributed were also mentioned.

Participation And Representation

Synopsis

In this section of the questionnaire respondents were asked to indicate whether they agreed with various statements about the participation and representation of the process. The number of respondents who chose to skip some or all of these questions is much higher than in other sections. Respondents did not have strong views on representation.

There is **firm** (60-60%) support for the statement:

- Members of the Working Groups had ample opportunity to present and discuss their concerns at working group meetings (Question 2.2).

Support is **positive** (50-59%) for the statement:

- Insolvency stakeholders were adequately represented on the Working Groups (Question 2.7).

There is **little disagreement** (11 to 20%) with the statement:

- Insolvency stakeholders were adequately represented on the Task Forces (Question 2.8)

Views were **mixed** (fairly substantial proportions of both agreement and disagreement) on the statements concerning constraints on the contribution of stakeholder groups.

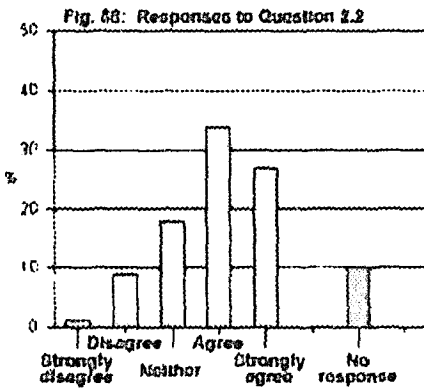
- The contribution of stakeholder groups was constrained by time (Question 2.4).
- The contribution of stakeholder groups was constrained by funds available (Question 2.5).

For the remaining statements, listed in the order in which they appear in the following pages, respondents did not have strong views. The majority either did not respond or answered "neither agree nor disagree." The first two statements concern participation; the remainder concern representation.

- Members of the Main Committee had ample opportunity to present and discuss their concerns at main committee meetings (Question 2.1).
- Members of the Task Forces had ample opportunity to present and discuss their concerns at task force meetings (Question 2.3).
- Some regions of the country were under represented on the Task Forces (Question 2.11)
- Some regions of the country were under represented on the Main Committee (Question 2.9).
- Some regions of the country were under represented on the Working Groups (Question 2.10).
- Insolvency stakeholders were adequately represented on the Main Committee (Question 2.6)
- When invited to list groups or regions that they felt should be invited to participate in future consultations, about a third of respondents listed at least one group or region; most frequently regions.

a. Participation

Respondents were asked to indicate whether they agreed with positive or negative statements concerning their opportunity to present and discuss their concerns at meetings as well as possible constraints to the contribution of stakeholder groups.

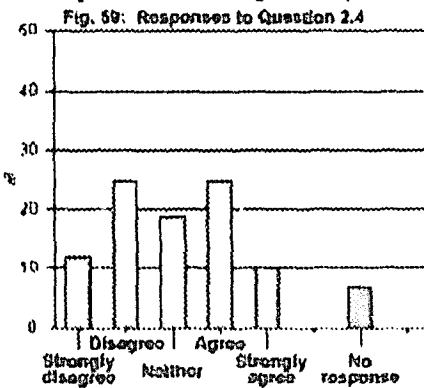


STATEMENT:

Members of the Working Groups had ample opportunity to present and discuss their concerns at working group meetings

RESULT:

Firm agreement was expressed for this statement. The majority of respondents either agree (34%) or strongly agree (27%) with it.



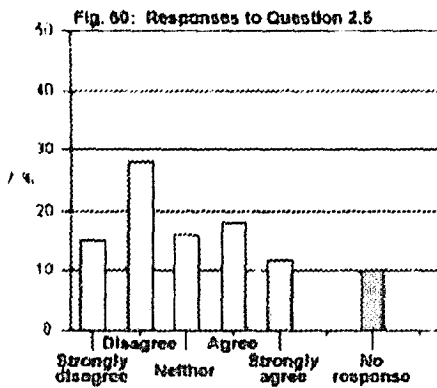
STATEMENT:

The contribution of stakeholder groups was constrained by time

RESULT:

Reaction to this negative statement was mixed. Roughly the same proportion either agreed (25%) or strongly agreed (10%) with it as either disagreed (25%) or strongly disagreed (12%)

Members of the Main Committee firmly support the statement. The respondents who oppose the statement are, for the main part, not on the Main Committee (See Appendix C (i) for a more detailed analysis)

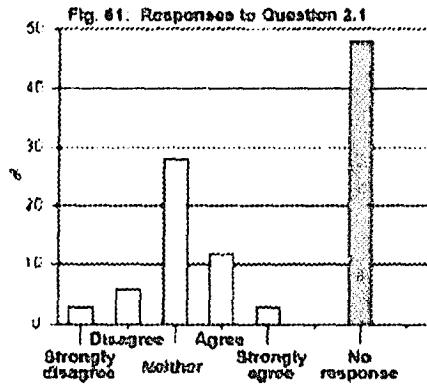


STATEMENT:

The contribution of stakeholder groups was constrained by funds available

RESULT:

Reaction to this negative statement was mixed. Most people did not express strong views. However, a larger proportion of people either disagreed (28%) or strongly disagreed (15%) with it than either agreed (18%) or strongly agreed (12%).



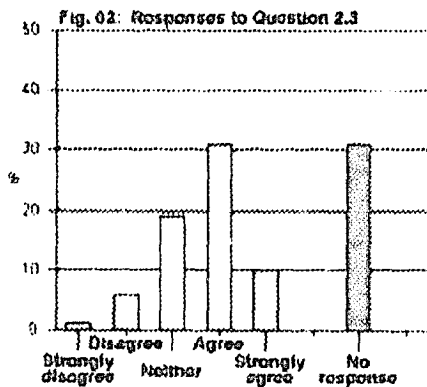
STATEMENT:

Members of the Main Committee had ample opportunity to present and discuss their concerns at main committee meetings

RESULT:

A large majority of respondents did not have a strong opinion about this statement. Almost half chose not to respond to this question (48%). Of those who did respond, most neither agreed nor disagreed with the statement (28%).

One can conclude that respondents feel Main Committee members had adequate opportunity to meet and discuss their concerns



STATEMENT:

Members of the Task Forces had ample opportunity to present and discuss their concerns at task force meetings

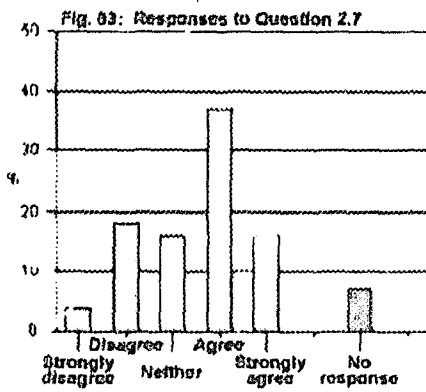
RESULT:

Respondents did not have a strong opinion about this statement. Half the respondents chose either to not respond to this question (31%) or to neither agree nor disagree with it (19%). Approximately 40% either agreed or strongly agreed with the statement.

Among the respondents who chose to answer the question there is firm support for the statement.

b. Representation

Respondents were asked to rate their agreement with six statements about the representation of insolvency stakeholders and of regions of the country on the Main Committee, Working Groups and Task Forces.

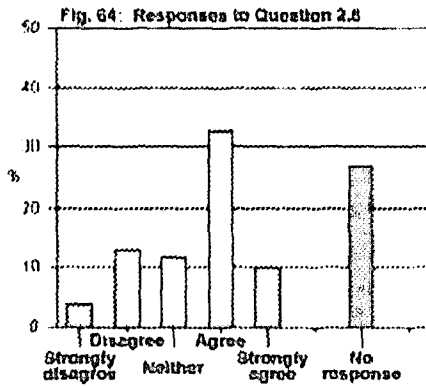


STATEMENT:

Insolvency stakeholders were adequately represented on the Working Groups

RESULT:

There is support for this statement. A majority of respondents either agree (37%) or strongly agree (16%) with it.



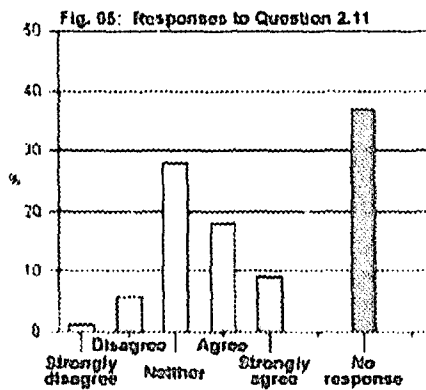
STATEMENT

Insolvency stakeholders were adequately represented on the Task Forces

RESULT:

Respondents did not have a strong opinion about this statement, however, there is little disagreement with it. The most common response was "agree" (33%), however, more people chose either to not respond to this question (27%) or to neither agree nor disagree with it (12%).

Among the respondents who chose to answer the question, there is firm support for the statement.



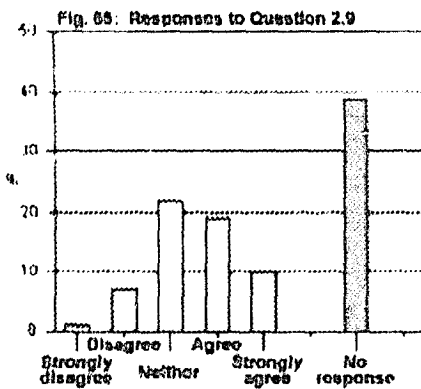
STATEMENT:

Some regions of the country were under represented on the Task Forces

RESULTS:

Respondents did not have a strong opinion about this negative statement. A majority of people chose either to not respond to this question (37%) or to neither agree nor disagree with it (28%).

However, among those who chose to answer the question, more than three times as many either agreed or strongly agreed there was under representation as either disagreed or strongly disagreed.



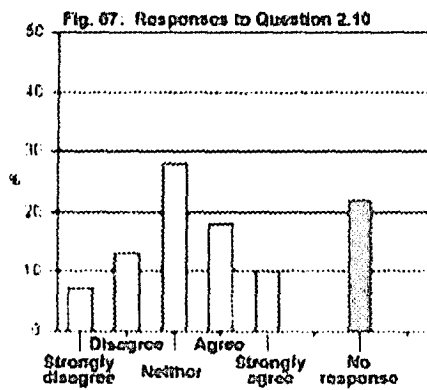
STATEMENT:

Some regions of the country were under represented on the Main Committee

RESULT:

Respondents did not have a strong opinion about this negative statement. A majority of people chose either to not respond to this question (39%) or to neither agree nor disagree with it (22%).

However, among those who chose to answer the question, more than three times as many either agreed or strongly agreed there was under representation as either disagreed or strongly disagreed.



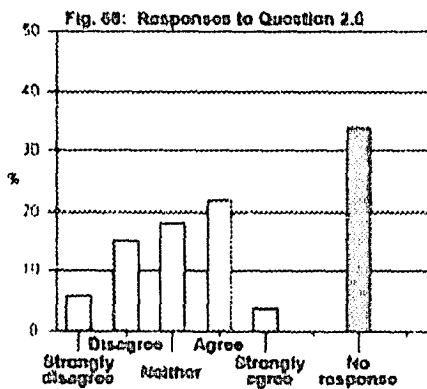
STATEMENT:

Some regions of the country were under represented on the Working Groups

RESULT:

Respondents did not have strong opinions about this negative statement. Half the respondents chose either to not respond to this question (22%) or to neither agree nor disagree with it (28%).

Among those who chose to answer the question, reactions were mixed.



STATEMENT:

Insolvency stakeholders were adequately represented on the Main Committee

RESULT:

Respondents did not have a strong opinion about this statement. The majority chose either to not respond to this question (34%) or to neither agree nor disagree with it (18%).

Among those respondents who chose to answer the question, reactions were mixed.

The section of the questionnaire dealing with Participation/Representation finished with an open question that allowed respondents to list additional groups or regions for future consultations.

Fig. 69: Responses to Question 3

Group or Region listed	Number of respondents
West	8
East	5

STATEMENT:

If there were groups or regions not represented in the BIAC process that you feel should be invited to participate in future consultations, please list them.

Credit Grantor	5	RESULTS: The majority of respondents did not identify any such group(s) or region(s). Only 34% of respondents listed groups or regions that they felt should be invited to participate in future consultations, the most frequent being regions.
Consumers	3	
Bankrupts	2	
NGOs related to environmental issues	2	
Other	11	

Summary of Responses to Question 20

Respondents were given an opportunity at the end of the questionnaire to elaborate on any issues raised or not covered. Only a fifth of respondents availed themselves of this opportunity.

Statement

Please use the following space if you wish to further elaborate on any of the issues raised in the previous questions or to highlight any issues that were not covered.

RESULT:

Thirteen responses were received. Points were made that there was too much reliance on volunteers in BIAC, too much emphasis on technical issues and not enough on basic questions of policy. Differing views were expressed concerning Canadian bankruptcy initiatives: one view was that the BIAC model will be copied in many parts of the world; another was that Canada's bankruptcy and insolvency law compares badly with the rest of the world.

[Help](#) [What's New](#) [Sitemap](#) [Feedback](#) [About Us](#) [Top of Page](#)

Canada
<http://strategis.ic.gc.ca>



GO TO

- ⇒ [Main Menu](#)
- ⇒ [The Marketplace, Services, Laws and Regulations](#)
- ⇒ [Office of the Superintendent of Bankruptcy](#)

Author - Industry Canada - Corporate Governance Branch - Corporate Law Policy Directorate

Publication Date - 1998-03-16

Report on the Bankruptcy and Insolvency Committee Consultation

Conclusions and Recommendations

The evaluation of the BIAC process shows that most participants were satisfied with the process, but that the process can and should be improved before the next round of consultations begins. Changes to communication are seen as the most effective ways to improve the process.

Profile of Respondents

Despite the lack of strong reactions on the part of respondents to the process itself, in general, respondents were positive about the benefits they gained. Respondents gained more than expected for the time invested. They also gained more than expected in understanding others' points of view. The best indication of benefits gained is that almost all respondents would be willing to participate in the next round of BIAC consultations, and almost the same number would recommend that others participate as well.

Recommendation 1 It is recommended that, in the next round of consultations, BIAC continue to stress the exchange of advice and information among insolvency stakeholders.

Recommendation 2 It is recommended that the next BIAC process include more activities that allow participants to interact on a one-on-one basis.

Expectations of influence on government legislation were mixed. Some management of expectations is needed here. Participants need to clearly understand where their role begins and ends in the consultation process, how the consultation process fits in to the drafting of legislative proposals, and how other factors influence the legislation enacted.

Recommendation 3 It is recommended that the next BIAC process include a framework that outlines the steps that will be followed within the process and the expected steps that will follow the process. As major milestones are reached, it is strongly suggested that participants be reminded of the link of the process, their roles and responsibilities.

Possible Changes to the BIAC Process

Providing information (via reports) and feedback were seen as the most effective ways to improve the process. That there is a need for improvement is substantiated by written comments such as: "Months would pass with no communication...", and "There was no explanation why some recommendations were ignored or varied."

The high value placed on exchanging points of view and communications in general suggests that an overall communication strategy should be worked

Table of Contents

- [Executive Summary](#)
- [Summary of Recommendations](#)
- [Introduction](#)
- [Methodology](#)
- [Findings](#)
 - [Profiles of the Respondents](#)
 - [Benefits of Participating in the BIAC Process](#)
 - [Possible Changes to the BIAC Process](#)
 - [Assessment of the 1993-94 BIAC Process](#)
- [Conclusions and Recommendations](#)

Appendices

- [Appendix A. Survey Questionnaire](#)
- [Appendix B. Responses \(Raw and Percentage Scores\) for Quantitative Questions](#)
- [Appendix C. Analysis of Cross-Tabulations](#)

out before the next BIAC process.

Recommendation 4 It is recommended that a communication strategy be established for the next BIAC process which outlines a format for the different types of reports to be generated, as well as how, when and where reports should be distributed. The message that the "paperload" must not become burdensome should also be part of this strategy.

Recommendation 5 It is recommended that distribution of reports be done electronically, via e-mail or by posting them on a password protected website, perhaps in combination with more traditional methods.

Recommendation 6 It is recommended that a series of concise, analytical reports of working group recommendations be circulated to all participants before Main Committee meetings.

Recommendation 7 It is recommended that the Main Committee prepare a report of the recommendations it has considered, with reasons for approval/disapproval, and circulate it to all participants.

Recommendation 8 It is recommended that Industry Canada issue periodic progress reports after the BIAC process has terminated.

Recommendation 9 It is recommended that, after the next BIAC process has terminated, Industry Canada publicly release a paper that gives its position on the issues dealt with by the BIAC process.

Industry Canada seems to have struck the right balance with respect to the amount of direction to provide on selection of issues, importance of issues and time allotted to discuss issues. There is no consensus on how much direction should be provided on the admissibility of possible recommendations, so the status quo can be maintained here as well.

Several changes that proposed dealing with groups or issues separately (in time or place) were favoured, but not by large numbers. This may be due to different exposure to various problems cited; for example, members of some committees felt insolvency lawyers had dominated policy issues while members of other committees noted that not enough time was spent discussing consumer issues.

Recommendation 10 It is recommended that each Working Group and Task Force decide for itself, at the outset of the next BIAC process, whether it will make special arrangements (e.g., separate meetings for specific groups or specific times to deal with certain issues) to help increase the efficiency of its meetings.

The results of the question dealing with holding some meetings in the regions were inconclusive possibly due to the lack of a clear definition of "region."

Recommendation 11 It is recommended that, before the next BIAC process, consideration be given to holding some meetings in both the eastern and western provinces and, if reaction is favourable, that this change be implemented.

Assessment of The BIAC Process

Respondents were asked to assess the 1993-94 BIAC process with respect to: results achieved, means and lines of communication, leadership, participation and representation. Respondents did not have strong views on

lines of communication and representation (a majority chose either a neutral response or to not answer), but were generally supportive of the other topics. Some written comments from the questionnaires illustrate this general support:

"I think the process worked well"; and

"While the amendments are generally pretty good, I think a much more streamlined process could have achieved the same result."

Respondents were moderately favourable towards the results of the BIAC process: they agreed that the process dealt with the important issues, that the quality of the recommendations that came out of the working groups was satisfactory and that, in general, the BIAC consultation process was effective. Respondents did not feel there was a problem with the Main Committee's decisions and they believe that the resulting legislation is satisfactory. However, respondents' views differed on whether there was enough time to deal with the issues and on whether there were too many issues. Nearly half felt there was not enough time and nearly a third felt there were too many issues.

With respect to leadership and communications, written reports were the means of communication that received the most support. Coupled with the many changes dealing with reports that were supported by respondents, it can be concluded that respondents put a high value on access to information during and after the consultation process.

Members of the Main Committee, for the most part, did not express satisfaction with conference calls, nor did members of large committees. On the other hand, respondents who were not members of large committees were satisfied.

Recommendation 12 It is recommended that alternatives to conference calls be used for groups with more than ten members or that working groups be limited in size. [Recall that the change to limit Working Groups to approximately 15 members received support from a majority of respondents.]

Respondents' views on whether the contribution of stakeholder groups was constrained by time and/or funds were mixed. Thus, it can be concluded that these constraints affected some stakeholder groups and not others.

Recommendation 13 It is recommended that when membership in the next BIAC consultation process is being finalized, stakeholder groups be advised to assess the time and funds they will need to participate on the various groups being considered, so they can best focus their input. Assistance could be offered to stakeholder groups that feel they must withdraw from the BIAC process due to lack of funds.

Respondents had several opportunities to bring attention to groups whom they felt were not represented. Although this issue did not garner a lot of support, approximately a quarter of respondents agreed that the regions were under represented on all three types of committees.

One of the limitations of the study with respect to evaluating representation is that only people who participated in the BIAC consultation process were consulted. Therefore, if a pertinent group was not represented during the process the study might not have detected this.

Recommendation 14 It is recommended that the next BIAC process use a

broader communication plan in its call for members, in order to seek representation from a broader segment of the parties with interests in bankruptcy and insolvency legislation and from all regions.

As noted previously, some of the proposed changes that dealt with holding separate meetings for certain groups or issues were supported, but not as strongly as other possible changes. This could indicate that membership on the committees was not as balanced as it might have been.

Recommendation 15 It is recommended that, in the next BIAC process, a "membership" committee be established to select members for the various committees, based on pre-set criteria that would ensure that representation is balanced and the committee size is manageable.

Consequently, while potential members can be asked to indicate their preference for serving on the various committees, the actual composition could be finalized by a "membership" committee. Some of the criteria to consider with respect to representation are: number of professionals, number of association representatives, number of government representatives, number of BIAC process "alumni" and geographic location.

Resolving Difficult Issues

The changes explored in the questionnaire dealing with the decision-making process did not receive as strong support as some of the others. This could be due to differences in the issues dealt with in the different committees as well as differences in leadership style and in the characteristics of the members themselves. Nevertheless, the decision-making process may need to be modified for the next round of consultations.



One point raised in the comments that was not covered in the questionnaire is the fact that the next round of BIAC consultations will be dealing with some issues that are intrinsically difficult. These are issues left-over from the previous round because the views/concerns of interested parties were too far apart to achieve consensus. Special techniques may be needed to resolve these outstanding issues. Possible techniques include:

1. Voting within the Working Groups. The results of this vote would not be binding on the Main Committee.
2. Submitting a report from each faction outlining its analysis of the issue and its proposed solution. Each faction would also be asked to submit a critique of the solutions proposed by the other faction. The Main Committee would make the final decision.
3. Providing a facilitator to lead a round of discussions at the Working Group or Task Force level that would lead to a binding vote to be upheld by the Main Committee. One technique, which has been used successfully to achieve a binding vote when consensus is not likely, allows members to put points forward but does not allow them to refute other members points. Members then have an opportunity to state which points they feel are most important, and why, before the vote is taken.

Recommendation 16 It is recommended that, several months into the next BIAC process, each Working Group be asked to identify any issues they feel will not reach consensus by the end of the process. These issues could be treated differently from those expected to reach consensus.

[Help](#) [What's New](#) [Sitemap](#) [Feedback](#) [About Us](#) [Top of Page](#)

Canada
<http://strategis.ic.gc.ca>

 	OFFICE OF THE SUPERINTENDENT OF BANKRUPTCY	Help	What's New	Site Map
		Feedback	About Us	Francis

GO TO **Strategis**

- ⇒ [Main Menu](#)
- ⇒ [The Marketplace: Services, Laws and Regulations](#)
- ⇒ [Office of the Superintendent of Bankruptcy](#)

Author - Industry Canada - Corporate Governance Branch - Corporate Law Policy Directorate

Publication Date - 1998-03-16

Bankruptcy and Insolvency Questionnaire

Appendix A

INSTRUCTIONS/COMMENTS TO PARTICIPANTS

- First reactions are usually the best;
- There are no right or wrong answers, only your own frank opinions;
- If a question deals with an aspect of the process in which you were not involved, you may indicate your impression or opinion;
- If there is a question you cannot answer or the question is not applicable, please proceed to the next question;
- In accordance with good survey design practice, there is a mix of positive and negative phrasing of questions or statements. Please read carefully.

Please be sure that you do not provide any information that would identify you personally.

Please return this questionnaire in the stamped, self addressed envelope by **August 12, 1997**

or fax it to 613-954-0017
 ATTENTION: JANICE JEFFS
 235 Queen Street
 807C, 8th floor East
 Ottawa, Ontario K1A 0H5
 (Phone: 613-957-8255)

THANK YOU FOR YOUR PARTICIPATION

Table of Contents

- ❖ Executive Summary
- ❖ Summary of Recommendations
- ❖ Introduction
- ❖ Methodology
- ❖ Findings
 - ❖ Profiles of the Respondents
 - ❖ Benefits of Participating in the BIAC Process
 - ❖ Possible Changes to the BIAC Process
 - ❖ Assessment of the 1993-94 BIAC Process
- ❖ Conclusions and Recommendations

Appendices

- ❖ Appendix A: Survey Questionnaire
- ❖ Appendix B: Responses (Raw and Percentage Scores) for Quantitative Questions
- ❖ Appendix C: Analysis of Cross-Tabulations

QUESTIONNAIRE CONTENT

BACKGROUND

1. Please indicate the committee(s) of which you were a member. (Check all that apply.)

Main Committee

Working Group 1 Consumer Proposals and Bankruptcies

Task Force on Exemptions

Task Force on Consumer Proposals

Task Force on Consumer Bankruptcy

Task Force on Counselling

Task Force on Professional Fees

Working Group 2 Commercial Reorganizations, Bankruptcies and Receivables

Task Force on Landlord and Lease Issues

Task Force on Environmental Liability Issues

Task Force on the *Companies' Creditors Arrangement Act*

Task Force on Executory Contracts

Working Group 3 International Insolvencies

Working Group 4 Stockbroker Insolvencies

Working Group 5 Priorities and Privileges

Task Force on Wage Earner Protection

Working Group 6 Legislative and Technical Issues

Task Force on Margin Deposits

Task Force on Section 48 of the *Bankruptcy and Insolvency Act*

Working Group 7 Joint Committee on Bankruptcy

Working Group 8 Directors' Liability

PARTICIPATION/ REPRESENTATION

2. Please indicate whether you agree with the following positive or negative statements. Circle the number that best represents your views or impressions, where 1 is strongly disagree, 2 is disagree, 3 is neither agree nor disagree, 4 is agree and 5 is strongly agree.

Participation	Strongly Disagree				Strongly Agree
	○ 1	○ 2	○ 3	○ 4	○ 5
2.1 Members of the Main Committee had ample opportunity to present and discuss their concerns at main committee meetings.	○ 1	○ 2	○ 3	○ 4	○ 5
2.2 Members of the Working Groups had ample opportunity to present and discuss their concerns at working group meetings.	○ 1	○ 2	○ 3	○ 4	○ 5
2.3 Members of the Task Forces had ample opportunity to present and discuss their concerns at task force meetings.	○ 1	○ 2	○ 3	○ 4	○ 5
2.4 The contribution of stakeholder groups was constrained by time.	○ 1	○ 2	○ 3	○ 4	○ 5
2.5 The contribution of stakeholder groups was constrained by funds available.	○ 1	○ 2	○ 3	○ 4	○ 5
2.6 Insolvency stakeholders were adequately represented on the Main Committee .	○ 1	○ 2	○ 3	○ 4	○ 5
2.7 Insolvency stakeholders were adequately represented on the Working Groups .	○ 1	○ 2	○ 3	○ 4	○ 5
2.8 Insolvency stakeholders were adequately represented on the Task Forces .	○ 1	○ 2	○ 3	○ 4	○ 5
2.9 Some regions of the country were underrepresented on the Main Committee .	○ 1	○ 2	○ 3	○ 4	○ 5
2.10 Some regions of the country were underrepresented on the Working Groups .	○ 1	○ 2	○ 3	○ 4	○ 5
2.11 Some regions of the country were underrepresented on the Task Forces .	○ 1	○ 2	○ 3	○ 4	○ 5

3. If there were groups or regions not represented in the BIAC process that you feel should be invited to participate in future consultations, please list them.

1 _____

- 2. _____
- 3. _____

COMMUNICATIONS/LEADERSHIP

4. How satisfied were you with communications and leadership? Circle the number that best represents your views or impressions, where 1 is very dissatisfied, 2 is dissatisfied, 3 is neither satisfied nor dissatisfied, 4 is satisfied and 5 is very satisfied.

Lines of Communication	Very Dissatisfied				Very Satisfied
	○ 1	○ 2	○ 3	○ 4	○ 5
4.1 From Main Committee to Working Group	○ 1	○ 2	○ 3	○ 4	○ 5
4.2 From Working Group to Main Committee	○ 1	○ 2	○ 3	○ 4	○ 5
4.3 From Working Group to Task Force.	○ 1	○ 2	○ 3	○ 4	○ 5
4.4 From Task Force to Working Group.	○ 1	○ 2	○ 3	○ 4	○ 5
4.5 Among different Working Groups	○ 1	○ 2	○ 3	○ 4	○ 5
Means of Communication	Very Dissatisfied				Very Satisfied
	○ 1	○ 2	○ 3	○ 4	○ 5
4.6 Conference calls	○ 1	○ 2	○ 3	○ 4	○ 5
4.7 Meetings	○ 1	○ 2	○ 3	○ 4	○ 5
4.8 Written reports	○ 1	○ 2	○ 3	○ 4	○ 5
4.9 Newsletters (e.g. Insolvency Bulletin)	○ 1	○ 2	○ 3	○ 4	○ 5
Leadership	Very Dissatisfied				Very Satisfied
	○ 1	○ 2	○ 3	○ 4	○ 5
4.10 Leadership of the Main Committee	○ 1	○ 2	○ 3	○ 4	○ 5
4.11 Leadership of the Working Groups	○ 1	○ 2	○ 3	○ 4	○ 5
4.12 Leadership of the Task Forces	○ 1	○ 2	○ 3	○ 4	○ 5

5. Please use the following space if you wish to elaborate on any other communications/leadership issues.

6. Please indicate whether you agree with the following positive and negative statements. Circle the number that best represents your views or impressions, where 1 is strongly disagree, 2 is disagree, 3 is neither agree nor disagree, 4 is agree and 5 is strongly agree.

Results	Strongly Disagree				Strongly Agree
6.1 The BIAC process dealt with the important issues.	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
6.2 The BIAC process did not allow enough time to deal with the issues.	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
6.3 The Main Committee agenda dealt with too many issues.	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
6.4 The quality of the recommendations that came out of the working groups was satisfactory.	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
6.5 The Main Committee made poor decisions.	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
6.6 In general, the BIAC consultation process was effective.	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5
6.7 The resulting legislation is unsatisfactory.	<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5

7. Please use the following space if you wish to elaborate on the results of the BIAC process.

POSSIBLE CHANGES

This section of the questionnaire explores possible changes to the insolvency consultation process. These changes are based on focus group discussions with a selection of BIAC participants during the preparation of the questionnaire and do not necessarily represent the views of Industry Canada.

8. In future, how much direction do you feel Industry Canada should provide on the following? Circle the number that best represents your views or impressions, where 1 is much less, 2 is less, 3 is about the same, 4 is more and 5 is much more.

- | Possible Changes | Much
Less | | | | Much
More |
|---|--------------|-----|-----|-----|--------------|
| | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 8.1
Selection of issues to be reviewed | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 8.2
Importance of each issue selected for review | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 8.3
Time to be allotted for discussion of each issue | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 8.4
Admissibility of possible recommendations | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |

9. Do you agree that the following changes with respect to feedback and the decision-making process should be instituted. Circle the number that best represents your views or impressions, where 1 is strongly disagree, 2 is disagree, 3 is neither agree nor disagree, 4 is agree and 5 is strongly agree.

- | Feedback | Strongly
Disagree | | | | Strongly
Agree |
|--|----------------------|-----|-----|-----|-------------------|
| | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 9.1
Industry Canada presents its position on the issues in writing before each Main Committee meeting | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 9.2
After the BIAC process has terminated, Industry Canada publicly releases a paper that gives its position on the issues | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 9.3
Industry Canada issues periodic progress reports after the BIAC process has terminated | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| Decision-making process | | | | | |
| 9.4
The Main Committee is allowed to send a Working Group recommendation back for further consideration only once | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 9.5
The Main Committee is not allowed to overrule the recommendation of a Working Group after the Working Group has reconsidered it | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 9.6
The co-chairs of a Working Group are allowed to call for a vote on contentious | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |

issues if it appears that further discussion would not achieve a

10. Would the following changes make the BIAC reporting and structure more or less effective? Each change should be considered separately. Circle the number that best represents your views or impressions, where 1 is much less effective, 2 is less effective, 3 is as effective, 4 is more effective and 5 is much more effective.

Structure	Much less effective				Much more effective
	○ 1	○ 2	○ 3	○ 4	○ 5
10.1 Strike a committee tasked to improve communications among the groups.	○ 1	○ 2	○ 3	○ 4	○ 5
10.2 Reduce the Main Committee from about 30 to approximately 15 members.	○ 1	○ 2	○ 3	○ 4	○ 5
10.3 Limit the size of Working Groups to approximately 15 members.	○ 1	○ 2	○ 3	○ 4	○ 5
10.4 Limit the size of Task Forces to approximately 10 members.	○ 1	○ 2	○ 3	○ 4	○ 5
10.5 Create a separate steering committee to deal with consumer insolvency issues.	○ 1	○ 2	○ 3	○ 4	○ 5
Reporting					
10.6 Circulate concise, analytical reports of working group recommendations to all participants before Main Committee meetings	○ 1	○ 2	○ 3	○ 4	○ 5
10.7 The Main Committee prepares a report of the recommendations it has considered, with reasons for approval/disapproval, and circulates it to all participants.	○ 1	○ 2	○ 3	○ 4	○ 5
10.8 Distribute reports well before all meetings	○ 1	○ 2	○ 3	○ 4	○ 5

11. Would the following changes make the BIAC process more or less effective? Each change should be considered separately. Circle the number that best represents your views or impressions, where 1 is much less effective, 2 is less effective, 3 is as effective, 4 is more effective and 5 is much more effective.

	Much Less				Much More
	○ 1	○ 2	○ 3	○ 4	○ 5
11.1 Items during working group meetings.	○ 1	○ 2	○ 3	○ 4	○ 5

- 11.2 1 2 3 4 5
 Hold separate meetings of stakeholder groups that represent common interests (i.e. consumer interests or trustee interests) to achieve consensus prior to Working Group meetings.
- 11.3 1 2 3 4 5
 Hold separate meetings of insolvency practitioners to discuss policy questions.
- 11.4 1 2 3 4 5
 Hold separate meetings of insolvency practitioners to discuss how to implement policy recommendations.
- 11.5 1 2 3 4 5
 Hold separate meetings of all groups other than insolvency practitioners to discuss policy questions.
- 11.6 1 2 3 4 5
 Hold some meetings in the regions.
- 11.7 1 2 3 4 5
 Create new opportunities for public input.

12. Please use the following space if you wish to elaborate on key changes (or combinations of changes) to the BIAC consultation process (e.g., mandate, structure, feedback, etc.). (Any innovative suggestions will be welcomed and considered.)

PERSONAL ASSESSMENT

13. Estimate the total time you spent on the entire BIAC process, including preparation time before and after meetings, travel time, etc. (Check the appropriate box.)

- Less than 40 hours
- Between 40-80 hours
- Between 81-160 hours
- More than 160 hours

14. To what extent were your personal expectations met with respect to the following factors? Circle the number that best represents your views or impressions, where 1 is much less than expected, 2 is less than expected, 3 is as expected, 4 is more than expected and 5 is much more

than expected.

- | | Much less
than expected | | | | Much
more
than
expected |
|--|----------------------------|-----|-----|-----|----------------------------------|
| | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 14.1
The amount of time I spent on the BIA process was | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 14.2
My expenses from participating in the BIA process were | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 14.3
My influence on government insolvency legislation was | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 14.4
The number of useful contacts that I established with other stakeholders was | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 14.5
After hearing the views of other participants during the process, my understanding of their concerns increased | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |
| 14.6
The benefit that I received from the time I invested in | ○ 1 | ○ 2 | ○ 3 | ○ 4 | ○ 5 |

15. During the 1993/94 BIA consultations, I was representing a(n): *(Check all that apply.)*

- Association
- Company or Partnership
- Federal government
- Department/Agency
- Provincial Government
- Department/Agency
- Other

16. If you represented an association during the 1993/94 BIA consultations, please indicate in whose interests it acted. *(Check all that apply.)*

- Lawyers
- Trustees
- Industry
- Consumers
- Creditors/Lenders
- Other
- Does not apply

17. If you represented a company/partnership or an industry association during the 1993/94 BIAC consultations, please indicate the sector(s) in which the business or the association members operated. (Check all that apply.)

- Service
- Manufacturing
- Retail/Wholesale
- Other sector(s)
- Does not apply

18. I would participate in Industry Canada's upcoming BIAC consultations.

- Yes
- Possibly
- No

19. I would recommend to others that they participate in Industry Canada's upcoming BIAC consultations.

- Yes
- Possibly

No

GENERAL

20. Please use the following space if you wish to further elaborate on any of the issues raised in the previous questions or to highlight any issues that were not covered.

THANK YOU FOR YOUR PARTICIPATION

[Help](#) [What's New](#) [Sitemap](#) [Feedback](#) [About Us](#) [Top of Page](#)

Canada
<http://strategis.ic.gc.ca>

Strategis		OFFICE OF THE SUPERINTENDENT OF BANKRUPTCY	Help	What's New	Site Map
			Feedback	About Us	Français

GO TO [Main Menu](#)

[The Marketplace: Services, Laws and Regulations](#)

[Office of the Superintendent of Bankruptcy](#)

[Search](#) **Strategis**

Author - Industry Canada - Corporate Governance Branch - Corporate Law Policy Directorate

Publication Date - 1998-03-16

Report on the Bankruptcy and Insolvency Committee Consultation

Appendix B

RESPONSES:

Raw and Percentage Scores for Quantitative Questions

List of Tables

1. [Profile of Respondents - BIAc Membership](#)
2. [Assessment of the 1993-94 BIAc Process - Participation and Representation](#)
3. [Assessment of the 1993-94 BIAc Process - Additional Groups for Future Consultations](#)
4. [Assessment of the 1993-94 BIAc Process - Communications and Leadership](#)
5. [Assessment of the 1993-94 BIAc Process - Results](#)
6. [Possible Changes - Industry Canada's Leadership Role](#)
7. [Possible Changes - Feedback and Decision Making](#)
8. [Possible Changes - Reporting and Structure](#)
9. [Possible Changes - General Process](#)
10. [Profile of Respondents - Time Spent on Entire BIAc Process](#)
11. [Profile of Respondents - Benefits of Participating in the BIAc Process](#)
12. [Profile of Respondents - Type of Organization Represented](#)
13. [Profile of Respondents - Interests of Associations Represented](#)
14. [Profile of Respondents - Sectors of Operation of Association Members and Businesses Represented](#)
15. [Profile of Respondents - Future Participation](#)
16. [Profile of Respondents - Participation of Colleagues](#)

Table of Contents

- ☛ [Executive Summary](#)
- ☛ [Summary of Recommendations](#)
- ☛ [Introduction](#)
- ☛ [Methodology](#)
- ☛ [Findings](#)
 - ☛ [Profiles of the Respondents](#)
 - ☛ [Benefits of Participating in the BIAc Process](#)
 - ☛ [Possible Changes to the BIAc Process](#)
 - ☛ [Assessment of the 1993-94 BIAc Process](#)
- ☛ [Conclusions and Recommendations](#)

Appendices

- ☛ [Appendix A. Survey Questionnaire](#)
- ☛ [Appendix B. Responses \(Raw and Percentage Scores\) for Quantitative Questions](#)
- ☛ [Appendix C. Analysis of Cross-Tabulations](#)

PROFILE OF RESPONDENTS - BIAc Membership

Question 1 : Please indicate the committees of which you were a member. (Check all that apply.)

Name of Committee/Body	RESPONSES	
	Raw Scores	
Main Committee	16	
WG 1: Consumer Proposals and Bankruptcies	14	

Task Force on Exemptions			4
Task Force on Consumer Proposals			7
Task Force on Consumer Bankruptcy			6
Task Force on Counselling			3
Task Force on Professional Fees			7
WG 2: Commercial Reorganizations, Bankruptcies and Receiverships		19	
Task Force on Landlord and Lease Issues			8
Task Force on Environmental Liability Issues			14
Task Force on <i>Companies' Creditors Arrangement Act</i>			9
Task Force on Executory Contracts			2
WG 3: International Insolvencies		10	
WG 4: Stockbroker Insolvencies		7	
WG 5: Priorities and Privileges		12	
Task Force on Wage Earner Protection			2
WG 6: Legislative and Technical Issues		6	
Task Force on Margin Deposits			3
Task Force on Section 48 of the <i>Bankruptcy and Insolvency Act</i>			6
WG 7: Joint Committee on Bankruptcy		3	
WG 8: Directors' Liability		3	
TOTAL	16	74	71

N.B. :

Respondents were asked to check all the bodies that applied, so the total number of responses may be larger than the number of people who chose to answer the question.

ASSESSMENT OF THE 1993-94 BIAC PROCESS - Participation and Representation

NO.	QUESTION	RESPONSES					
		Raw Scores (Percentage Scores)					
		Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly Agree	Did not answer
2	Please indicate whether you agree with the following positive or negative statements.						
2.1	Members of the Main Committee had ample opportunity to present and discuss their concerns at main committee meetings	2 (3 %)	4 (6 %)	19 (28 %)	8 (12 %)	2 (3 %)	32 (48 %)
2.2	Members of the Working Groups had ample opportunity to present and discuss their concerns at working group meetings	1 (1 %)	6 (9 %)	12 (18 %)	23 (34 %)	18 (27 %)	7 (10 %)
2.3	Members of the Task Forces had ample opportunity to present and discuss their concerns at task force meetings	1 (1 %)	4 (6 %)	13 (19 %)	21 (31 %)	7 (10 %)	21 (31 %)
2.4	The contribution of stakeholder groups was constrained by time	8 (12 %)	17 (25 %)	13 (19 %)	17 (25 %)	7 (10 %)	5 (7 %)
2.5	The contribution of stakeholder groups was constrained by funds available	10 (15 %)	19 (28 %)	11 (16 %)	12 (18 %)	8 (12 %)	7 (10 %)
2.6	Insolvency stakeholders were adequately represented on the Main Committee	4 (6 %)	10 (15 %)	12 (18 %)	15 (22 %)	3 (4 %)	23 (34 %)

2.7	Insolvency stakeholders were adequately represented on the Working Groups	3 (4 %)	12 (18 %)	11 (16 %)	25 (37 %)	11 (16 %)	5 (7 %)
2.8	Insolvency stakeholders were adequately represented on the Task Forces	3 (4 %)	9 (13 %)	8 (12 %)	22 (33 %)	7 (10 %)	18 (27 %)
2.9	Some regions of the country were under represented on the Main Committee	1 (1 %)	5 (7 %)	15 (22 %)	13 (19 %)	7 (10 %)	26 (39 %)
2.10	Some regions of the country were under represented on the Working Groups	5 (7 %)	9 (13 %)	19 (28 %)	12 (18 %)	7 (10 %)	15 (22 %)
2.11	Some regions of the country were under represented on the Task Forces	1 (1 %)	4 (6 %)	19 (28 %)	12 (18 %)	6 (9 %)	25 (37 %)

N.B. :

Percentages for rows may not sum to 100% due to rounding.

ASSESSMENT OF THE 1993-94 BIAC PROCESS - Additional Groups or Regions for Future Consultations

Question 3: If there were groups or regions not represented in the BIAC process that you feel should be invited to participate in future consultations, please list them.	
Group or Region Listed	RESPONSES Raw Scores
West	8
East	5
Credit Grantors	5
Consumers	3
Bankrupts	2
NGOs related to environmental issues	2
Credit Rating Bureaus	1
Smaller Insolvency Practitioners	1
Debtors - Officers and Directors	1
Provinces on BIAC as opposed to lower levels	1
Judges	1
Court Administrators	1
Members of Parliament	1
Drafters of Legislation	1
Industry	1
Business	1
CFIB - Small Business	1

N.B. :

Respondents were asked to list groups or region, so the total number of responses may be larger than the number of people who chose to answer the question.

ASSESSMENT OF THE 1993-94 BIAC PROCESS - Communications and Leadership

NO.	QUESTION	RESPONSES					
		Raw Scores (Percentage Scores)					
		Very dissatisfied	Dissatisfied	Neither satisfied nor dissatisfied	Satisfied	Very satisfied	Did not answer
4	How satisfied were you with communications and leadership?						
4.1	Lines of	3	7	26	18	2	11

	Communication From Main Committee to Working Group	(4 %)	(10 %)	(39 %)	(27 %)	(3 %)	(16 %)
4.2	Lines of Communication: From Working Group to Main Committee	2 (3 %)	5 (7 %)	22 (33 %)	21 (31 %)	3 (4 %)	14 (21 %)
4.3	Lines of Communication: From Working Group to Task Force	3 (4 %)	4 (6 %)	26 (39 %)	17 (25 %)	2 (3 %)	15 (22 %)
4.4	Lines of Communication: From Task Force to Working Group	2 (3 %)	2 (3 %)	19 (28 %)	21 (31 %)	2 (3 %)	21 (31 %)
4.5	Lines of Communication: Among different Working Groups	7 (10 %)	19 (28 %)	16 (24 %)	7 (10 %)	0 (0 %)	18 (27 %)
4.6	Means of Communication: Conference Calls	2 (3 %)	14 (21 %)	21 (31 %)	18 (27 %)	4 (6 %)	8 (12 %)
4.7	Means of Communication: Meetings	2 (3 %)	6 (9 %)	17 (25 %)	28 (42 %)	6 (9 %)	8 (12 %)
4.8	Means of Communication: Written reports	4 (6 %)	8 (12 %)	8 (12 %)	37 (55 %)	3 (4 %)	7 (10 %)
4.9	Means of Communication: Newsletters (e.g. Insolvency Bulletin)	3 (4 %)	12 (18 %)	14 (21 %)	19 (28 %)	2 (3 %)	17 (25 %)
4.10	Leadership of the Main Committee	1 (1 %)	3 (4 %)	18 (27 %)	16 (24 %)	4 (6 %)	25 (37 %)
4.11	Leadership of the Working Groups	1 (1 %)	8 (12 %)	17 (25 %)	26 (39 %)	9 (13 %)	6 (9 %)
4.12	Leadership of the Task Forces	1 (1 %)	7 (10 %)	9 (13 %)	23 (34 %)	6 (9 %)	21 (31 %)

N.B. :

Percentages for rows may not sum to 100% due to rounding.

ASSESSMENT OF THE 1993-94 BIAC PROCESS - Results

NO.	QUESTION	RESPONSES					
		Raw Scores (Percentage Scores)					
		Strongly disagree	Disagree	Neither agree nor disagree	D'accord	Agree	Strongly Agree
6	Please indicate whether you agree with the following positive and negative statements.						
6.1	The BIAC process dealt with the important issues.	1 (1 %)	3 (4 %)	7 (10 %)	40 (60 %)	15 (22 %)	1 (1 %)
6.2	The BIAC process did not allow enough time to deal with the issues.	9 (13 %)	21 (31 %)	10 (15 %)	20 (30 %)	5 (7 %)	2 (3 %)
6.3	The Main Committee agenda dealt with too many issues.	4 (6 %)	15 (22 %)	12 (18 %)	11 (16 %)	8 (12 %)	17 (25 %)
6.4	The quality of the	2	3	18	35	7	2

	recommendations that came out of the working groups was satisfactory.	(3 %)	(4 %)	(27 %)	(52 %)	(10 %)	(3 %)
6.5	The Main Committee made poor decisions.	8 (12 %)	22 (33 %)	17 (25 %)	7 (10 %)	3 (4 %)	10 (15 %)
6.6	In general, the BIAC consultation process was effective.	3 (4 %)	11 (16 %)	9 (13 %)	35 (52 %)	7 (10 %)	2 (3 %)
6.7	The resulting legislation is unsatisfactory.	13 (19 %)	27 (40 %)	14 (21 %)	7 (10 %)	4 (5 %)	2 (3 %)

N.B. :

Percentages for rows may not sum to 100% due to rounding.

POSSIBLE CHANGES - Industry Canada's Leadership Role

NO.	QUESTION	RESPONSES					
		Raw Scores (Percentage Scores)					
		Much less	Less	About the same	More	Much More	Did not answer
8	In future, how much direction do you feel industry Canada should provide on the following?						
8.1	Selection of issues to be reviewed	3 (4 %)	15 (22 %)	31 (46 %)	8 (12 %)	8 (12 %)	2 (3 %)
8.2	Importance of each issue selected for review	5 (7 %)	19 (28 %)	27 (40 %)	7 (10 %)	3 (4 %)	6 (9 %)
8.3	Time to be allotted for discussion of each issue	2 (3 %)	12 (18 %)	30 (45 %)	15 (22 %)	5 (7 %)	3 (4 %)
8.4	Admissibility of possible recommendations	5 (7 %)	16 (24 %)	23 (34 %)	17 (25 %)	4 (6 %)	2 (3 %)

N.B. :

Percentages for rows may not sum to 100% due to rounding.

POSSIBLE CHANGES - Feedback and Decision Making

NO.	QUESTION	RESPONSES					
		Raw Scores (Percentage Scores)					
		Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Did not answer
9	Do you agree that the following changes with respect to feedback and the decision-making process should be instituted.						
9.1	IC presents its position on the issues in writing before each Main Committee meeting	5 (7 %)	4 (6 %)	9 (13 %)	24 (36 %)	17 (25 %)	8 (12 %)
9.2	After the BIAC process has terminated, IC publicly releases a paper that gives its position on	6 (9 %)	3 (4 %)	6 (9 %)	26 (39 %)	23 (34 %)	3 (4 %)

	the issues						
9 3	IC issues periodic progress reports after the BIAC process has terminated	1 (1 %)	2 (3 %)	5 (7 %)	33 (49 %)	23 (34 %)	3 (4 %)
9 4	The Main Committee is allowed to send a Working Group recommendation back for further consideration only once	9 (13 %)	9 (13 %)	14 (21 %)	18 (27 %)	14 (21 %)	3 (4 %)
9 5	The Main Committee is not allowed to overrule the recommendation of a Working Group after the Working Group has reconsidered it	8 (12 %)	16 (24 %)	7 (10 %)	13 (19 %)	20 (30 %)	3 (4 %)
9 6	The co-chairs of a Working Group are allowed to call for a vote on contentious issues if it appears that further discussion would not achieve a consensus	5 (7 %)	6 (9 %)	7 (10 %)	29 (43 %)	17 (25 %)	3 (4 %)

N.B. :

Percentages for rows may not sum to 100% due to rounding

POSSIBLE CHANGES - Reporting and Structure

NO.	QUESTION	RESPONSES					Did not answer
		Raw Scores					
		(Percentage Scores)					
		Much less effective	Less effective	As effective	More effective	Much more effective	
10	Would the following changes make the BIAC reporting and structure more or less effective? Each change should be considered separately.						
10 1	Strike a committee tasked to improve communications among the groups	4 (6 %)	8 (12 %)	27 (40 %)	17 (25 %)	8 (12 %)	3 (4 %)
10 2	Reduce the Main Committee from about 30 to approximately 15 members	2 (3 %)	8 (12 %)	14 (21 %)	20 (30 %)	13 (19 %)	10 (15 %)
10 3	Limit the size of Working Groups to approximately 15 members	2 (3 %)	4 (6 %)	20 (30 %)	22 (33 %)	13 (19 %)	6 (9 %)
10 4	Limit the size of Task Forces to approximately 10 members	1 (1 %)	7 (10 %)	15 (22 %)	22 (33 %)	15 (22 %)	7 (10 %)
10 5	Create a separate steering committee to deal with consumer insolvency issues	2 (3 %)	3 (4 %)	15 (22 %)	17 (25 %)	22 (33 %)	8 (12 %)
10 6	Circulate concise, analytical reports of working group recommendations to all participants before Main Committee meetings	1 (1 %)	1 (1 %)	3 (4 %)	28 (42 %)	30 (45 %)	4 (6 %)
10 7	The Main Committee prepares a report of the recommendations it has considered, with reasons for approval/disapproval, and circulates it to all participants	1 (1 %)	0 (0 %)	1 (1 %)	30 (45 %)	32 (48 %)	3 (4 %)
10 8	Distribute reports well before all meetings	0 (0 %)	1 (1 %)	4 (6 %)	22 (33 %)	38 (57 %)	2 (3 %)

N.B. :

Percentages for rows may not sum to 100% due to rounding

POSSIBLE CHANGES - General Process

NO.	QUESTION	RESPONSES					
		Raw Scores					
		(Percentage Scores)					
		Much less effective	Less effective	As effective	More effective	Much more effective	Did not answer
11 1	Would the following changes make the BIAC process more or less effective? Each change should be considered separately.						
11 1	Set aside specific times to deal with technical items during working group meetings	0 (0 %)	4 (6 %)	17 (25 %)	31 (46 %)	11 (16 %)	4 (6 %)
11 2	Hold separate meetings of stakeholder groups that represent common interests (i.e. consumer interests or trustee interests) to achieve consensus prior to Working Group meetings	4 (6 %)	7 (10 %)	18 (27 %)	22 (33 %)	13 (19 %)	3 (4 %)
11 3	Hold separate meetings of insolvency practitioners to discuss policy questions	5 (7 %)	8 (12 %)	11 (16 %)	24 (36 %)	16 (24 %)	3 (4 %)
11 4	Hold separate meetings of insolvency practitioners to discuss how to implement policy requirements	3 (4 %)	9 (13 %)	12 (18 %)	27 (40 %)	14 (21 %)	2 (3 %)
11 5	Hold separate meetings of all groups other than insolvency practitioners to discuss policy questions	6 (9 %)	10 (15 %)	20 (30 %)	16 (24 %)	12 (18 %)	3 (4 %)
11 6	Hold some meetings in the regions	5 (7 %)	4 (6 %)	23 (34 %)	16 (24 %)	14 (21 %)	5 (7 %)
11 7	Create new opportunities for public input	3 (4 %)	11 (16 %)	21 (31 %)	19 (28 %)	8 (12 %)	5 (7 %)

N.B. :

Percentages for rows may not sum to 100% due to rounding

PROFILE OF RESPONDENTS - Time Spent on Entire BIAC Process

Question 13 : Estimate the total time you spent on the entire BIAC process, including preparation time before and after meetings, travel time, etc.	
Total time	RESPONSES
	Raw Scores (Percentage Scores)
Less than 40 hours	14 (21 %)
Between 40-80 hours	23 (34 %)
Between 81-160 hours	18 (27 %)
More than 160 hours	11 (16 %)
Did not answer	1 (1 %)

N.B. :

Percentages may not sum to 100% due to rounding

PROFILE OF RESPONDENTS - Benefits of Participating in the BIAC Process

NO.	QUESTION	RESPONSES					
		Raw Scores					
		(Percentage Scores)					
		Much less than expected	Less than expected	As expected	More than expected	Much more than expected	Did not answer
14	To what extent were your personal expectations met with respect to the following factors?						
14.1	The amount of time I spent on the BIAC process was.	3 (4 %)	5 (7 %)	43 (64 %)	8 (12 %)	5 (7 %)	3 (4 %)
14.2	My expenses from participating in the BIAC process were.	3 (4 %)	15 (22 %)	30 (45 %)	5 (7 %)	4 (6 %)	10 (15 %)
14.3	My influence on government insolvency legislation was.	9 (13 %)	11 (16 %)	29 (43 %)	14 (21 %)	1 (1 %)	3 (4 %)
14.4	The number of useful contacts that I established with other stakeholders was.	6 (9 %)	5 (7 %)	35 (52 %)	17 (25 %)	1 (1 %)	3 (4 %)
14.5	After hearing the views of other participants during the process, my understanding of their concerns increased.	0 (0 %)	6 (9 %)	21 (31 %)	35 (52 %)	3 (4 %)	2 (3 %)
14.6	The benefit that I received from the time I invested in the BIAC process was.	2 (3 %)	4 (6 %)	26 (39 %)	30 (45 %)	4 (6 %)	1 (1 %)

N.B. :

Percentages for rows may not sum to 100% due to rounding

PROFILE OF RESPONDENTS - Type of Organization Represented

Question 15 : During the 1993/94 BIAC consultations, I was representing a(n): (Check all that apply.)	
Type of Organization	RESPONSES Raw Scores
Association	33
Company or Partnership	4
Federal government	8
Provincial government	12
Other	7

N.B. :

12 Respondents were asked to check all the organizations that applied, so the total number of responses may be larger than the number of people who chose to answer the question.

PROFILE OF RESPONDENTS - Interests of Associations Represented

Question 16 : If you represented an association during the 1993/94 BIAC consultations, please indicate in whose interests it acted. (Check all that apply.)	
Interests of Association	RESPONSES

	Raw Scores
Lawyers	9
Trustees	11
Industry	13
Consumers	7
Creditors/Lenders	11
Other	3
Does not apply	8

N.B. :

Respondents were asked to check all the interests that applied, so the total number of responses may be larger than the number of people who chose to answer the question

PROFILE OF RESPONDENTS - Sectors of Operation of Association Members and Businesses Represented

Question 17 : If you represented a company/partnership or an industry association during the 1993/94 BIAC consultations, please indicate the sector(s) in which the business or the association members operated. (Check all that apply.)	
Sector of Operations of Association Members of Businesses	RESPONSES Raw Scores
Service	9
Manufacturing	3
Retail/Wholesale	3
Other sector(s)	5
Does not apply	12

N.E. :

Respondents were asked to check all the sectors that applied, so the total number of responses may be larger than the number of people who chose to answer the question

PROFILE OF RESPONDENTS - Future Participation

Question 18 : I would participate in Industry Canada's upcoming BIAC consultations	
Recommend	RESPONSES Raw Scores (Percentage Scores)
Yes	51 (76 %)
Possibly	11 (16 %)
No	3 (4 %)
Did not respond	2 (3 %)

N.B. :

Percentages may not sum to 100% due to rounding

PROFILE OF RESPONDENTS -Participation of Colleagues

Question 19 : I would recommend to others that they participate in Industry Canada's upcoming BIAC consultations	
Recommend	RESPONSES Raw Scores (Percentage Scores)
Yes	48



	(72 %)
Possibly	16 (24 %)
No	1 (1 %)
Did not answer	2 (3 %)

N.B. :

Percentages may not sum to 100% due to rounding.

[Help](#) [What's New](#) [Sitemap](#) [Feedback](#) [About Us](#) [Top of Page](#)

Canada
http://strategis.ic.gc.ca

 	OFFICE OF THE SUPERINTENDENT OF BANKRUPTCY	Help	What's New	Site Map
		Feedback	About Us	Français

GO TO [Main Menu](#) [Search](#) **Strategis**

- ⇒ [The Marketplace: Services, Laws and Regulations](#)
- ⇒ [Office of the Superintendent of Bankruptcy](#)

Author - Industry Canada - Corporate Governance Branch - Corporate Law Policy Directorate

Publication Date - 1998-03-10

Report on the Bankruptcy and Insolvency Committee Consultation

Appendix C - Analysis of Cross-Tabulations

APPENDIX C

ANALYSIS OF CROSS-TABULATIONS

Interpretative Notes

1. It is assumed that the respondents are representative of all participants in the BIAC consultation process. Therefore, the cross-tabulation tables presented in this appendix represent links between **characteristics of participants and their opinions with respect to specific questions**. Appendix B contains the quantitative results of the questions that appear in the tables below.

2. These results are based on X^2 tests. The X^2 test is used here to measure the probability that the observations (in the table) are from a population where the characteristics of participants and their opinions are **independent**. When the probability p is small (i.e., $p=0.05$), it is concluded that a relationship exists between the characteristics and opinions of the participants. In the absence of a relationship between two variables, the X^2 test will confirm it 19 times out of 20 (i.e. the probability $p=0.05$). The smaller the value of p , the greater the likelihood that a relationship exists. All relations reported in this appendix are statistically significant.

Table of Contents

- ↻ [Executive Summary](#)
- ↻ [Summary of Recommendations](#)
- ↻ [Introduction](#)
- ↻ [Methodology](#)
- ↻ [Findings](#)
 - ↻ [Profiles of the Respondents](#)
 - ↻ [Benefits of Participating in the BIAC Process](#)
 - ↻ [Possible Changes to the BIAC Process](#)
 - ↻ [Assessment of the 1993-94 BIAC Process](#)
- ↻ [Conclusions and Recommendations](#)

Appendices

- ↻ [Appendix A. Survey Questionnaire](#)
- ↻ [Appendix B. Responses \(Raw and Percentage Scores\) for Quantitative Questions](#)
- ↻ [Appendix C. Analysis of Cross-Tabulations](#)

(a) Member of Multiple Bodies Versus Time Spent on the BIAC Process

(Question 1 Versus Question 13)

The number of hours a respondent spent on the BIAC process was related to the number of bodies on which the respondent served. As expected, members who served on multiple bodies spent more time on the entire BIAC process.

	Member of Multiple Bodies	
	(Based on Question 1)	
	No	Yes

Question 13: Total time spent on the entire BIAC process, including preparation time before and after meetings, travel time, etc.	<i>Between 0 and 80 hours</i>	22 (76%)	16 (42%)
	<i>More than 80 hours</i>	7 (24%)	22 (58%)
$\chi^2 = 7.635$	$p = 0.006$	29 (100%)	38 (100%)

(b) Member of the Main Committee Versus Main Committee Overrides Recommendations

(Question 1 Versus Question 9.5)

Respondents views on not allowing the Main Committee to overrule the recommendation of the Working Group are related to whether or not the respondent was a member of the Main Committee. Members of the Main Committee firmly oppose the proposal while non-members support it.

		Member of Main Committee	
		(Based on Question 1)	
		No	Yes
Question 9.5: Main Committee is not allowed to overrule the recommendation of the Working Group after the Working Group has reconsidered it.	<i>Support</i>	30 (59%)	3 (19%)
	<i>Neutral or Did not answer</i>	8 (16%)	2 (12%)
	<i>Oppose</i>	13 (25%)	11 (69%)
$\chi^2 = 10.417$	$p = 0.005$	51 (100%)	16 (100%)

(c) Government Representative Versus Direction on Admissibility of Recommendations

(Question 15 Versus Question 8.4)

Respondents' support for increased direction from Industry Canada on the topic of admissibility of possible recommendations is related to whether or not the respondent was a government representative. Half of the government representatives support an increase.

		Government Representative	
		(Based on Question 15)	
		No	Yes
Question 8.4: In future, how much direction should Industry Canada provide on admissibility of possible recommendations.	<i>Increase amount</i>	11 (23%)	10 (50%)
	<i>Do not increase amount</i>	36 (77%)	10 (50%)
$\chi^2 = 4.612$	$p = 0.032$	47 (100%)	20 (100%)

(d) Member of the Main Committee Versus Time to Deal with Issues

(Question 1 Versus Question 6.2)

Respondents support for this negative statement, that the BIAC process did not allow enough time to deal with the issues, is related to whether or not the respondent was a member of the Main Committee. Half of the members of the Main Committee support the statement while a majority of non-members either oppose it, are neutral or did not answer.

		Member of Main Committee	
		(Based on Question 1)	
		No	Yes
Question 6.2: The BIAC process did not allow enough time to deal	<i>Support</i>	17 (33%)	8 (50%)

with the issues.	<i>Neutral or Did not answer</i>	7 (14%)	5 (31%)
	<i>Oppose</i>	27 (53%)	3 (19%)
$\chi^2 = 6.175$	$p = 0.046$	51 (100%)	16 (100%)

(e) Member of Multiple Bodies Versus Time to Deal with Issues

(Question 1 Versus Question 6.2)

The number of bodies the respondent served on is related to their support for this **negative** statement, that the BIAC process did not allow enough time to deal with the issues. Participants who served on only one body firmly oppose the statement.

		Member of Multiple Bodies	
		(Based on Question 1)	
		No	Yes
Question 6.2: The BIAC process did not allow enough time to deal with the issues.	<i>Support</i>	7 (24%)	18 (47%)
	<i>Neutral or Did not answer</i>	3 (10%)	9 (24%)
	<i>Oppose</i>	19 (66%)	11 (29%)
$\chi^2 = 8.925$	$p = 0.012$	29 (100%)	38 (100%)

(f) Member of the Main Committee Versus Conference Calls

(Question 1 Versus Question 4.6)

Satisfaction with conference calls was related to whether or not the respondent was a member of the Main Committee. Respondents who expressed satisfaction were, for the main part, not members of the Main Committee. The majority of members were either neutral or did not answer.

It should be noted while conference calls were widely used by working groups and task forces, the Main Committee rarely used them.

		Member of Main Committee	
		(Based on Question 1)	
		No	Yes
Question 4.6: How satisfied were you with conference calls?	<i>Satisfaction expressed</i>	21 (41%)	1 (6%)
	<i>Neutral or Did not answer</i>	20 (39%)	9 (56%)
	<i>Dissatisfaction expressed</i>	10 (20%)	6 (38%)
$\chi^2 = 6.974$	$p = 0.031$	51 (100%)	16 (100%)

(g) Member of a Large Committee Versus Conference Calls

(Question 1 Versus Question 4.6)

Satisfaction with conference calls was related to whether or not the respondent was a member of a large committee (more than twenty members). Those who were not members of a large committee firmly expressed satisfaction with conference calls. The majority of members of a large committee were either neutral or did not answer, a further third expressed dissatisfaction.

		Member of Large Committee (Based on Question 1)	
		No	Yes
Question 4.6: How satisfied were you with conference calls?	<i>Satisfaction expressed</i>	17 (65%)	5 (12%)
	<i>Neutral or Did not answer</i>	7 (27%)	22 (54%)
	<i>Dissatisfaction expressed</i>	2 (8%)	14 (34%)
$\chi^2 = 20.998$	$p = 0.001$	26 (100%)	41 (100%)

(h) Member of a Large Working Group Versus Conference Calls

(Question 1 Versus Question 4.6)

Satisfaction with conference calls was related to whether or not respondents were members of a large working group (more than twenty members). Those who were not members of a large working group expressed satisfaction with conference calls. Nearly a majority of members of a large working group were either neutral or did not answer, while more than a third expressed dissatisfaction.

		Member of Large Working Group (Based on Question 1)	
		No*	Yes*
Question 4.6: How satisfied were you with conference calls?	<i>Satisfaction expressed</i>	17 (57%)	5 (14%)
	<i>Neutral or Did not answer</i>	11 (37%)	18 (49%)
	<i>Dissatisfaction expressed</i>	2 (7%)	14 (38%)
$\chi^2 = 16.686$	$p = 0.001$	30 (100%)*	37 (100%)*

*Does not add to 100% due to rounding.

(i) Member of the Main Committee Versus Stakeholder Group Contribution

(Question 1 Versus Question 2.4)

Respondents support for this negative statement, that the contribution of stakeholder groups was constrained by time, was related to whether or not they were a member of the Main Committee. Members of the Main Committee firmly support the statement. The respondents who oppose the statement are, for the main part, not on the Main Committee.

		Member of Main Committee (Based on Question 1)	
		No*	Yes
Question 2.4: The contribution of stakeholder groups was constrained by time.	<i>Support</i>	14 (27%)	10 (63%)
	<i>Neutral or Did not answer</i>	13 (25%)	5 (31%)
	<i>Oppose</i>	24 (47%)	1 (6%)
$\chi^2 = 9.763$	$p = 0.008$	51 (100%)*	16 (100%)

*Does not add to 100% due to rounding.

[Help](#) [What's New](#) [Sitemap](#) [Feedback](#) [About Us](#) [Top of Page](#)

Canada
<http://strategis.ic.gc.ca>