

[Ms Graham in the chair]

THE CHAIR: All right, everyone; I think we'll get under way, and I'll call this meeting of the Standing Committee on Private Bills to order. I would entertain at this time a motion to approve our agenda, which was circulated to you late last week. Mr. Jacobs, thank you for that motion to approve the agenda. All in favour, please say aye.

HON. MEMBERS: Aye.

THE CHAIR: Any opposed, please say no. That motion is approved.

If I might have a motion as well to adopt the committee meeting minutes from April 9.

MR. JOHNSON: So moved.

THE CHAIR: All in favour, please say aye.

HON. MEMBERS: Aye.

THE CHAIR: Any opposed, please say no. All right.

Our business for today is to hold the hearing on Bill Pr. 1, the Synod of the Diocese of Edmonton Amendment Act, 2002, sponsored by Mr. Bob Maskell. You had circulated to you late last week Parliamentary Counsel's report on this matter containing her assessment and analysis of the bill and potential issues, and you also have a copy of the bill as well as the preceding pieces of legislation dating back to 1914, 1932, and 1953, the incorporating act and two amending acts as well as copies of sections of the Trustee Act. Are there any questions about the materials at this time before we call in the petitioners?

Prior to calling in the petitioners, I will call on Parliamentary Counsel to briefly summarize her report.

MS DEAN: Thank you, Madam Chairman. As noted in my report that was circulated last week, the petitioner for this private bill is requesting three amendments to the originating private act, the Synod of the Diocese of Edmonton Amendment Act, 2002. Two of the three amendments are fairly straightforward, simply adopting gender-neutral language and changing the reference in the name of the Synod from "Church of England." What I perceive to be the major amendment is the adoption of the prudent investor rules, which are now part of the general law of Alberta, as outlined in the Trustee Act.

The one thing I'd like to draw to the attention of the committee members is that we have not received notice from anyone that they are opposed to this private bill.

Thank you, Madam Chairman.

THE CHAIR: All right; thank you.

At this time, then, we'll call in the petitioners, represented today by Bishop Victoria Matthews and counsel David P. Jones.

[Bishop Matthews and Mr. Jones were sworn in]

THE CHAIR: Please be seated, and welcome, Bishop Matthews and Mr. Jones, to this meeting of the Standing Committee on Private Bills. I'm your chairman, Marlene Graham. Before we get under way, I'd like to introduce you to the members of the committee, and I'll ask them to introduce themselves to you, starting with Dr. Pannu.

[Rev. Abbott, Mr. Bonner, Mr. Goudreau, Mr. Jacobs, Mr. Johnson, Mr. Lord, Mr. Maskell, Dr. Massey, Dr. Pannu, Mr. Pham, Mr. Snelgrove, Mr. VanderBurg, Mr. Vandermeer introduced themselves]

THE CHAIR: We have assisting us this morning as table officers Parliamentary Counsel Shannon Dean and Legislative Assistant Florence Marston.

Just before I call on you, Mr. Jones, I think you've probably appeared before this committee before.

MR. JONES: Actually, I never have.

THE CHAIR: Oh, you haven't. Okay. Well, the purpose of the hearing, of course, is to allow you as the petitioners to outline the contents of the proposed bill and the purpose of it and to allow committee members to ask any questions that they may have. It's also an opportunity in the appropriate case, if there are persons that are affected that want to be heard on the matter, they can appear here and be heard. If any agencies or government departments are affected, they are of course able to appear here as well. Everyone gives evidence under oath.

Subsequent to the hearing today the committee will convene again in one week and make its decision on the bill, and that will be one of three options: that the bill proceed as it is or proceed with amendments or not proceed. Then the matter will go into the Legislature. It has received first reading. It will then go through second reading, Committee of the Whole, third reading, and Royal Assent in the usual course, assuming of course that this committee recommends that it proceed.

Would there be any questions at this point? Well, I will then call on you to present the case for the petitioner.

MR. JONES: Thank you, Chairman. The diocese of Edmonton is the middle of the three dioceses of Alberta. I have a map on the wall. It goes from the Saskatchewan border across to the British Columbia border in a band roughly from Ponoka to just south of Lac La Biche. There are two other dioceses in Alberta: Calgary and Athabasca. The Athabasca was created in 1872, although it was incorporated only in 1914. Calgary was created in 1884 and was incorporated by an ordinance of the North-West Territories in 1888. The diocese of Edmonton was carved out of the diocese of Calgary by ecclesiastical authority in 1913 and was incorporated by the Legislative Assembly in 1914. That is the act to incorporate the synod of the diocese of Edmonton and the parishes, which is chapter 48 of the 1914 statutes. That's the act that we're asking the Legislature to amend.

Just before I pass from that act, the act incorporates all of the parishes in the diocese as well. Therefore, some of the changes that are being made here in name will change their names, and the parishes won't be coming back to you to ask, each of them one by one, to be changed. It's a global change for this middle band of Alberta.

The bill seeks really three amendments. The first is to change the name of our organization from the "Church of England," diocese of Edmonton or the "Church of England," parish of Holy Trinity or All Saints, et cetera, to the "Anglican" parish or the "Anglican" diocese. The legal name has been the "Church of England," but colloquially we've been known as Anglican for probably 50 years, maybe longer than that. The diocese of Calgary sought a private bill, a private act in 1958, and they changed their name, so they're not going to be coming back to you to ask for that name to be changed.

The second thing that the act will do will be to make our language

gender neutral. The act contains two uses of “his” when referring to the bishop, and we are extremely pleased that we are the first diocese in Canada to have a female diocesan bishop, Bishop Matthews, who is also the first Anglican bishop in Canada. We thought that if we were taking the opportunity to do the amendment, we would also make our language gender neutral as we went.

The third conceptual change is to allow us to take account of the recent amendments in the Trustee Act, which changed the investments in which trustees can invest. That act requires an amendment that requires legislative action for any trust whose investment powers are contained in statute, and our consolidated trust fund is contained in statute. It was one of the previous amendments in our legislation in 1952, if I’m not mistaken. We, again, thought that if we were here, we should take advantage of that opportunity to change our trustee investment powers so that we’re then brought in line with the Trustee Act, that has just been brought into effect on the 1st of February. Those are the three conceptual amendments that are being made here, and the sections do that.

I’m glad to answer questions, and I’m glad to take the committee through the bill clause by clause – it’s quite a short bill – if that’s what you’d like me to do. I’m in your hands.

9:15

THE CHAIR: No. Well, I appreciate your conciseness.

Bishop Matthews, was there anything that you wished to say?

BISHOP MATTHEWS: I think it’s all been said.

THE CHAIR: Would there be any questions from members of the committee? Mr. Lord.

MR. LORD: Thank you, Madam Chair. Thank you for your presentation. The only question I was wondering about is: if you’re changing the prudent investor guidelines under the trust conditions, is it your intention to change the payout or the annual return that is taken from those trust funds if there is such? I mean, is there any change to the outgo of funds in addition to just changing the manner in which they can be invested?

MR. JONES: No, this would not change that. Currently, the synod, which is the diocesan level, administers a number of funds, and I would say that it’s about 20 or 25 funds. The consolidated trust fund allows them to be all invested together in one pool and the return from that allocated to each one of those funds on an annual basis. We have an operating procedure within the synod that only 85 percent of the income in a given year can be distributed, and 15 percent is kept to increase the capital so we can keep the real value of the fund as it is. That’s not a legislative requirement, although we don’t contemplate departing from that.

The purpose of this is only to change the investment vehicles so that we’re not – our current act refers to the Trustee Act as to 70 percent of our investments and allows us to invest the remaining 30 percent in those investments that dominion insurance companies can invest in. It just seemed to us that it made far more sense to just come completely within the Trustee Act, of the prudent investor rule.

MR. LORD: Okay. Well, that answers my question. Thank you, Madam Chair.

MR. SNELGROVE: Mr. Jones, you mentioned that Calgary had already addressed this in their makeup. Have you any indication as to what Athabasca is going to do? You know, are they likely to want to follow the same process, or have they already?

MR. JONES: You will appreciate that we’re separate legal entities and that we don’t speak for Athabasca or for Calgary. I just observed that historically Calgary had in 1958 changed its name. It hasn’t changed the gender-neutral language or changed to the Trustee Act amendments, so Calgary might some day come back to you, but I’m not aware that they are on the verge of doing that.

As far as I can tell – but Ms Dean may know otherwise – Athabasca has never approached the Legislature for an amendment to their act, and I’m not aware that Athabasca is in the process of coming to ask for one.

MR. SNELGROVE: Okay.

THE CHAIR: Rev. Abbott.

REV. ABBOTT: Thank you. I was just going to ask you with regard to this decision: are the churches that are in your diocese supportive of this, or have you talked to them about this? What is their view on this name change?

MR. JONES: Our legislative body is the synod. It’s also the incorporated body, but it’s rather like the Legislature. The bishop is part of it, and there are representatives from every parish and mission in the geographic area. This amendment has gone to them, and they supported it. In addition, we have a committee called the legislative committee, which I chair and the bishop is a member of, and it is also supportive. It couldn’t have got to synod without the support of the legislative committee. So without any controversy at all, the synod passed that resolution.

REV. ABBOTT: Thank you.

THE CHAIR: I’d just like to place on the record that committee member Mr. Rathgeber has joined us.

Would there be any other questions or comments from members of the committee? Mr. Johnson.

MR. JOHNSON: Yes. Mr. Jones, would any of these amendments impact on any outstanding liabilities that you may have or any impending litigation involved in the synod?

MR. JONES: No, sir, it doesn’t change any liability. It just changes the name of the organization as far as that’s concerned, and the other two amendments have nothing to do with that.

But to focus squarely on the residential schools’ litigation, I can tell you that the diocese of Edmonton never had a residential school within its boundaries. Although we were named in one or two pieces of litigation, we’ve been taken out of that litigation because there was not one within us. I can also tell you that there’s nothing here, that even if there were one sitting within us or any other liability unrelated to that, we will not be affected in any way, shape, or form.

MR. JOHNSON: Thank you.

THE CHAIR: That’s good to know. Thank you for that.

Well, if there are no other questions. Ms Dean.

MS DEAN: Thank you, Madam Chair. In response to Mr. Jones’ statement in connection with the Athabasca diocese, you are correct. They’ve just come that one time to the Legislature for the 1914 incorporating private act.

Just one final note. I did mention to the committee members before you came in that our office has not received notice from anyone who voices any objection to this petition.

MR. JONES: We would liken this to weeding a garden: it's something you need to do every so often.

THE CHAIR: Housekeeping measures.

Well, with that, then, I would like to thank you both, Bishop Matthews. As I mentioned, the matter will, I would expect, proceed quite quickly after that in the House.

MR. JONES: Thank you.

BISHOP MATTHEWS: Thank you.

THE CHAIR: So I will allow you to take your leave.

MR. JONES: Shall I take my map, or can I get it back from Ms Dean later?

THE CHAIR: You can take it. You know, it's quite interesting. You might want to just point out those boundaries to the other committee members. The historical background is kind of interesting.

MR. JONES: The history of it is that in 1872 Rupert's Land, which was the mother diocese of western Canada, was not part of Ontario or Quebec or Upper or Lower Canada. It was founded through Hudson's Bay and divided into four: Rupert's Land, Moosonee, which is around Hudson's Bay, Athabasca, and Saskatchewan. The boundaries were indeterminate; that is the delightful way they put it. It didn't really matter in those days. Athabasca sort of took in all of the Arctic, and Saskatchewan took in much of what we know now and Calgary. In 1884 the diocese of Calgary was hived off from the diocese of Saskatchewan. It was incorporated in 1888 by the North-West Territories Legislature, and its boundary was our northern boundary. We were part of it. At the time, that coincided with the civil districts of Alberta, Athabasca, Saskatchewan, and Assiniboia.

When Alberta became a province in 1905, there was enormous debate as to exactly where the boundary between Alberta and Saskatchewan would lie, and throughout the summer of 1905 there was enormous lobbying going on about it. The original boundary between the civil districts was 10 ranges west of where our current boundary is. The federal order in council that created the provinces moved it 10 ranges east of where we now have it. Of course, nobody quite realized that it went right through Lloydminster when they did it, but they did it. That didn't change the ecclesiastical boundaries, and therefore originally our diocese was farther west.

In 1926 by church authority this strip was added to our diocese to bring it to here, but Calgary only did that in 1958. Athabasca did it in 1926 as well. The northern boundary was originally a line between township 69 and 70, which is about the 55th parallel, but it was moved south about 33 miles in 1891 by agreement between the two bishops. The bishop of Athabasca wished to live in Athabasca Landing because there was a road to Edmonton, but that wasn't in his diocese, so he moved the boundary south. Our diocese in about 1940 asked for it back. That motion has been tabled at the provincial synod, and of course it'll never be dealt with.

When Bishop Matthews became the bishop of Edmonton, I tried to send her a map of her diocese, and I realized that it wasn't quite so easy to do. What was easy was to say which parishes were ours and which were Athabasca's or which were ours and which were Calgary's. So I've spent the last five and a half or six years reading quite a bit.

The other interesting thing is that the western boundary turns on the 120th parallel of longitude and goes north. Originally the

boundary between what is now British Columbia and Alberta followed the great divide all the way up, but that was changed by an imperial act of the British Legislature in 1863 to turn at the 120th parallel of longitude. For many years the Peace River pocket belonged to the diocese of Athabasca, and that was changed in 1926 actually. So there's a lot of history of western Canada just in those boundaries.

9:25

THE CHAIR: We appreciate that summary. I wish I had been in one of your classes.

MR. MASKELL: Madam Chairman, considering that Canadians don't know who the first Prime Minister was, the first Francophone Prime Minister, and the War Measures Act Prime Minister, is there going to be a test on this later?

MR. BONNER: Only if it's multiple choice, Bob.

MR. MASKELL: Thanks, Bill.

THE CHAIR: Well, we'll see what we can do for next meeting. Being the teacher and principal that you are, maybe I'll delegate that to you.

MR. MASKELL: Thank you.

MR. PHAM: I would like to bring two points to your attention, Madam Chairman. The first one is in the transcript. In the minutes of May 30, 2001, my name was missing from the transcript of the names of the committee members. That was dealt with last week, but I just discovered it today.

THE CHAIR: Oh, I see. The last meeting from a year ago?

MR. PHAM: Yeah. So I would appreciate it if you would put my name back on there.

The second thing is that I look at the agenda of our meeting today, and seeing that we've only used half an hour and most of our members are here, I would like to ask for a motion to deal with this bill today rather than waiting until next week. That way we can wrap everything up today. I would ask for unanimous consent on that one.

THE CHAIR: All right. Well, I'm going to call on Ms Dean to comment on that.

MS DEAN: It's entirely up to the committee as to when they want to deliberate on this bill, but I would just point out for the benefit of all members that the practice of the committee is to not deliberate or make decisions on the same date that the petitioners have been heard.

THE CHAIR: But I take it that there's nothing in our Standing Orders that would prevent us from dealing with the matter.

MS DEAN: No.

MR. PHAM: Actually, when I was here from 1993 until 1997, it was common practice for the committee to deal with a bill immediately, on the same day. Just recently, since 1997 and until 2001, because of the complexities of the bills and because of the number of bills in front of the committee, we decided that we should have all the public

hearings and then have one or two days when committee members can sit down and review all the facts in making decisions.

THE CHAIR: Well, I know what you're saying. In some previous hearings I know that we've had to ask other parties to come forward and provide further information, and we've had more investigation to do. No contentious issue has been raised in this matter, so that certainly wouldn't be a consideration.

Rev. Abbott.

REV. ABBOTT: Sure. Can I speak to the motion? I'd like to speak in favour of the motion as well. I just think that in this case it is fairly straightforward, and if we could, you know, take care of it today, then that might be helpful for all of our schedules.

THE CHAIR: All right. Is there any other discussion? I certainly think that it's a reasonable request and suggestion. All right. All in favour of the motion that we proceed to deliberations today, please say aye.

HON. MEMBERS: Aye.

THE CHAIR: Any opposed, please say no. The motion is carried.

All right. Is anyone prepared, then, to make a motion relative to the bill proceeding?

MR. MASKELL: I so move.

THE CHAIR: All right. Mr. Maskell, you are moving that

Bill Pr. 1, Synod of the Diocese of Edmonton Amendment Act, 2002, proceed.

MR. MASKELL: Yes.

THE CHAIR: Any discussion on the motion? All in favour, please say aye.

HON. MEMBERS: Aye.

THE CHAIR: Any opposed, please say no. That motion is carried.

Thank you, Mr. Pham, and to all the committee members, I am sure.

All right. It would appear, then, that unless there is any other business that anyone can think of, we won't be having that test next week.

MR. LORD: I'd just move that we adjourn.

THE CHAIR: All right. On the motion of Mr. Lord that we adjourn, all in favour, please say aye.

HON. MEMBERS: Aye.

THE CHAIR: Any opposed, please say no. The motion is carried. I thank you all for your good attendance and for your participation. We've had a short season.

[The committee adjourned at 9:32 a.m.]