

Title: Tuesday, March 22, 2005 Private Bills Committee

Date: 05/03/22

Time: 8:36 a.m.

[Dr. Brown in the chair]

The Chair: Good morning. Welcome, ladies and gentlemen, to the first meeting of the Standing Committee on Private Bills for the First Session of the 26th Legislature. It's my privilege to chair this committee, and my colleague Ron Liepert is the co-chair. I look forward to meeting with you and working with you, especially the members of the opposition that we haven't had an opportunity to work with outside of the House. For most of us on this committee it's our first time sitting on the committee, so I'd like to make a special welcome to those that are veterans, who have been on the committee in the past. We'll certainly be looking to you to help us with your insights and your expertise as we move forward.

Perhaps we could start by just going around the table and introducing ourselves to one another. We'll start with George.

[The following members introduced themselves: Mr. Agnihotri, Dr. Brown, Ms DeLong, Mr. Eggen, Mr. Groeneveld, Mr. Johnson, Mr. Johnston, Mr. Liepert, Mr. Lindsay, Mr. Mitzel, Dr. Morton, Mr. Oberle, Mr. Prins, Dr. Swann, and Mr. VanderBurg]

Ms Dean: Shannon Dean, Parliamentary Counsel.

Ms Marston: Florence Marston, assistant to the committee and to Parliamentary Counsel.

The Chair: Well, what I thought might be worthwhile doing is: I've done a little bit of reading on the mandate of the committee and the functioning of the committee, and I'd like to just go through that briefly. There were some excellent notes that Shannon had prepared that were sent around on a yellow sheet, so some of that you may be familiar with already.

First of all, just to start with a little, brief overview on what the distinction is between a private bill and a public bill, private acts are legislation which are of a special kind, that give particular powers or benefits to a particular person. That person could be an individual, could be a corporation, could be a municipality, but that piece of legislation would be, usually, a specific exception to the general application of the law. Public legislation, on the other hand, is legislation that applies in a general manner to the broader community. It relates to matters of public policy.

There is also a distinction between the way that the public bills and private bills come before the House. The public bills, of course, are introduced by an individual member into the Assembly, and the private bills are introduced by way of a petition from an outside individual and then are simply sponsored in the House by one of the members. Incidentally, the sponsor of a bill has no obligation to support that bill when it reaches the floor of the House. In fact, they could argue against it.

The rules on private bills are found in your Standing Orders 84 to 101. Just where we're at now in terms of application of those orders: the Clerk has advertised the process in conformity with the Standing Orders, the petitioners have also advertised in conformity with their requirements under the Standing Orders, and our Parliamentary Counsel have advised us that there have been four petitions that have been completed and have fulfilled all the requirements for further consideration by this committee.

It will be our role as a committee to hear evidence and submissions on those four bills before us. We then have the power to do a recommendation to the House, which can take three forms. First of all, we could recommend the bill as presented in its draft form to the

House, we can recommend that it proceed with amendments, or we can recommend that it not proceed.

Once the bill is introduced to the House, it then proceeds in the normal course, as does any other piece of legislation, through second reading, Committee of the Whole, third reading, and if it passes all of those steps, it gets to royal assent. Once a private bill becomes law, it is of general application just the same as any other piece of legislation. It can be enforced by the courts in the same manner as any other law.

Ms Dean: Mr. Chairman, may I just interrupt briefly?

The Chair: Sure.

Ms Dean: My apologies for the interruption. I just wanted to clarify that the bill is introduced in the House, so you will have a bill that's actually on the floor of the House, and then it stands referred to this committee before it goes to second reading. Just a minor clarification.

Thank you, Mr. Chairman.

The Chair: Now, what is special about the deliberations of the Assembly and, by delegation, this particular committee is that we all act not only in our legislative capacity – and that is our capacity to make laws – but we also act in a judicial capacity. In effect we act as a court because we adjudicate between the parties which are presenting a bill: a petitioner on one side, and often, if those interests are impinging on any other parties, we also hear from the other side. So it's our obligation to adjudicate between those parties and in effect act as a court.

There's also an obligation in the case of private bills for government departments to scrutinize all of the private bills. When it comes time to deliberate, I will elaborate a little bit on some of the principles and factors which we should be considering in taking into consideration whether or not a particular bill is an appropriate bill which ought to become a private act.

With that, I think we'll move on to the items on the agenda, which is to first of all approve the agenda that we have before us today. I think that has been circulated. Does anyone not have a copy of the agenda? Okay. Could I have a motion, then, to approve the agenda as presented?

Mr. Oberle: So moved.

The Chair: All in favour?

Hon. Members: Agreed.

The Chair: Any opposed? The motion is carried.

First of all, let us go through the petitions, and I think that we'll just refer to the yellow sheet that Shannon has circulated. I think it articulates on pages 3 and 4 the nature of the bills before us. There won't be any need to go into any discussion on those today, but those are the four petitions that have been received and that have complied with all of the requirements to be here today.

Are there any questions about the petitions that have been received? We don't want to discuss the substance of them today. That's not the purpose of our meeting today. We're simply here to sort of get things rolling and get the agendas set up and the schedule for the next meetings.

8:45

Mr. VanderBurg: Mr. Chairman, the only request that I would have

is on Pr. 4, Brooklynn Hannah George Rewega Right of Civil Action Act. You know, we had considerable discussion last session about it, and I think it would be prudent to have the transcripts and a full background for all the members on that. It's a very difficult case to hear, and I would suggest that everybody really take the time to brief themselves on it before it comes here, on what's happened prior. Now, I would imagine this: you would automatically do it. But I just hope that it would be included.

The Chair: I'm certainly mindful of what you're saying here, and I'm just thinking out loud. I think we'll want to confer with our Parliamentary Counsel to see whether or not that might be an appropriate thing to do. Certainly, if you've already heard the materials anyway – George, you were on that previously – it may be a moot point. In one sense it may be prejudicial to the way that the proceedings went ahead for us to get evidence outside of the actual hearing of the petitioner and the opponent to the matter.

Mr. VanderBurg: Well, if it will be prejudicial, what will you do with those of us that have heard it before?

The Chair: Exactly. It's sort of a moot point in that case. Shannon, do you have any thoughts on that?

Ms Dean: Mr. Chair, I think as background briefing material it would not necessarily be problematic if committee members want those transcripts. I mean, certainly, they're already publicly available on the website. The substance of this particular bill is exactly the same as it was a year ago, so the bill itself hasn't changed.

Thank you.

Mr. Agnihotri: What's the date and time of those for the petition to be received?

Mr. Oberle: Couple more pages there, Bharat. There's the plastic thing right after that.

Ms Marston: Right in the front is where they put were originally. I'm not sure, you may have rearranged your binders.

Mr. Oberle: It's on a white sheet.

Ms Marston: It looks like this. It has the list of petitions on one side and the proposed schedule of hearings on the other.

Mr. Agnihotri: Oh, I see.

Mr. Oberle: If I could just for clarity declare that I'm sponsoring that bill, Pr. 4, the Brooklynn Hannah George Rewega bill, just so everybody knows that.

The Chair: Okay.

Mr. Liepert: I just wanted to know: in reading through these, the first private bill has reference to the fact that there is one individual expressing opposition. Can we assume that if there's nothing said, there is no opposition to it? Why is there nothing stated on the others?

The Chair: Well, at this point I would say that there's no opposition. I don't think there's any impediment to anyone coming along between now and when the matter is heard.

Mr. Liepert: So it's just a case that you haven't received them.

The Chair: We haven't received any notice.

Ms Dean: If I may just supplement, there's a Parliamentary Counsel report that you'll get prior to the hearing, and at that point in time I'll specifically state that we have or we have not received anything. I just put that little note in your organizational meeting notes because we did receive one letter, but frankly the signature is indistinguishable, so I don't know who the person is.

The Chair: Okay. For the record we'll just go through the four petitions that have been received here. The first one is Pr. 1, the Bow Valley Community Foundation Act. There are seven petitioners: Albert F. Holthuis, Marvin W. Phillips, Edward G. Latvala, Werner Sheidler, Brenda Caston, Richard Hester, and John Davis. They're seeking a private bill that will incorporate a charitable foundation that will service the Bow Valley area.

Pr. 2 is the Camrose Lutheran College Corporation Act, and the petitioner is the Camrose Lutheran College Corporation, and they're requesting a private bill that will repeal and replace the Camrose Lutheran College Corporation Act. The committee members may be familiar with the institution known as the Camrose Lutheran College, and that was later changed to Augustana University College. They are trying to update the incorporating statute to reflect the fact that the corporation no longer owns and operates a college.

The third petition is Pr. 3, the Medicine Hat Community Foundation Amendment Act, 2005. The petitioners are Rodney A. Wutch, Kathy Mandeville, Walter Sauve, and Fred Weinheimer, and Michael R. Christie. They are seeking a private bill that will amend the Medicine Hat Community Foundation Act. Leonard Mitzel, I believe, is sponsoring that bill.

Pr. 4 is the Brooklynn Hannah George Rewega Right of Civil Action Act. This is a petition from a minor, Brooklynn Rewega, by her father, Doug Rewega, for a private bill that will provide a legislative exception to the general rule of maternal tort immunity for prenatal wrongful conduct. This was to allow some litigation to proceed that arose out of a single-vehicle accident where the mother had been driving the vehicle and an accident occurred December 31 of 2000.

So those are the bills that we have before us.

I think the next order of business is to schedule some hearings to deal with these items. Parliamentary Counsel and I have met to discuss some possible dates. It's been traditional for this committee to meet on Tuesday mornings. In keeping with that, we have recommended some dates starting on the 12th of April. Does everyone have a copy of the proposed dates before them in the materials? Is there anyone that doesn't? It's on the back side of the list of private bills, at least mine is.

Ms Marston: It was the first item inside the binders when the binders were distributed. I have extras if anybody can't find theirs.

The Chair: May I have some discussion on the suitability of those dates? Is there anyone for whom those dates are problematic?

Dr. Swann: I have a commitment at 9 o'clock with the Justice minister.

The Chair: On the 12th?
Anyone else?

Mr. Liepert: Mr. Chairman, I think that we are never going to satisfy everybody's schedule, so I would suggest that we approve the dates that have been laid out here. If we want to get these things done before the end of the legislative session, we've got to get moving on them.

I would move that we accept the dates that are proposed. There will be conflicts, recognize, but we need to get moving.

8:55

The Chair: I quite agree, but I think what we want to know is if there are significant numbers of people for which this is not convenient, then we can certainly look at being flexible there.

Mr. VanderBurg: Mr. Chairman, I think your deputy chair has made the right call. The only thing is that April 19 I would suggest that we could be here a little bit longer than the April 12 one, knowing that Pr. 4 will create a lot of questions. So I would just ask that you book a little more time in here on that morning.

The Chair: Mr. Vanderburg, are you suggesting that we meet at 7:30 instead of 8:30?

Mr. VanderBurg: Well, that's fine with me, too, or 6:30. I'm just saying: be prepared to stay right till 11, you know, if we start at 8:30 on that one. Parliamentary Counsel can help me.

Ms Dean: Our practice, typically, is to meet from 8:30 to 10:30 at the outside, with some recognition that, I think, the Official Opposition has a caucus meeting at 10 o'clock. Is that still the case?

Mr. Agnihotri: Nine-thirty; sometimes 9 o'clock.

Ms Dean: Okay. Anyway, there's some effort to accommodate the caucus meeting, but traditionally we've met between 8:30 and 10:30.

Mr. Agnihotri: Eight-thirty is okay.

The Chair: Any other comments from the opposition regarding their conflict with the caucus meeting there?

Mr. Agnihotri: Nine o'clock.

Dr. Swann: Well, if I may say on the 19th in reference to George's concerns, it would be preferable to meet earlier, if that was possible.

Mr. Oberle: Either that or add an extra week and have consideration of the only agenda item for that one week. It will be a lengthy one. I concur with George there.

Mr. Liepert: Will the family be showing up, Shannon, for that one?

Ms Dean: I haven't communicated with the petitioner's counsel at this point because I'm awaiting a decision from the committee as to what the date of the hearing is. So I'll find out after.

Mr. Liepert: They did last time, and I would suspect that they will.

Mr. VanderBurg: I guess, just to make the point that we may not want to start too early because of the family. It's quite a chore for them to get the girl here.

Mr. Liepert: I was just going to make a suggestion, Mr. Chairman. Just in glancing at the other three, they don't seem to be very

contentious. What if we tried to schedule the three on the 12th and left the entire day on the 19th for that?

The Chair: I've already suggested that, but apparently the Bow Valley Community Foundation people are not available on the 12th. That was the reason for doing that.

Mr. Oberle: We could schedule the other two into the 19th and put Rewega on the 12th.

The Chair: Yeah, we could do that.

Ms Dean: Pr. 4 is a bill that I would suggest that we get consultation from the Department of Justice on. Frankly, I was looking for a little bit of time to allow for them to provide a brief to the committee and to make sure that there is an official in attendance at that date. So that was just really a timing thing. The other bills don't necessarily require other officials to be in attendance.

Mr. Oberle: Can we add a week, then, and hear that one on the 26th and add the next week for decisions?

The Chair: George, you sat through this. I think you could consume a morning on this one, eh?

Mr. VanderBurg: I think that there's no way that you'll come out of one meeting with any kind of decision anyway, because you're going to hear from government about the difficulties with this. You're going to need some time. Shannon will know better than I would.

I'm just reluctant to try to drag the family in here twice because we don't have enough time. I know how difficult it is for them and the distance they have to travel. I just want to give them ample opportunity to have everything discussed while they're here.

The Chair: Could we perhaps suggest that we meet earlier on the 19th and proceed then with hearing the representations that we need to hear then, perhaps, schedule two dates for deliberations after that? Does that get at what you're seeking, Mr. VanderBurg?

Mr. VanderBurg: Shannon would know better than I would.

Ms Dean: I think that if the hearing starts, perhaps, a little earlier than the 8:30 proposal – 8 o'clock, Mr. Chair. I don't perceive the Bow Valley Community Foundation taking a lot of time. I would say 15 minutes, 30 minutes at the outside.

Mr. VanderBurg: We'll knock that one off quickly.

Ms Dean: So an hour and a half of presentations and questioning I think is sufficient. If the committee decides that it needs to question the different parties involved, you can make that decision at that time.

Mr. VanderBurg: That's a good suggestion.

The Chair: Everyone agreed then?

An Hon. Member: Agreed with what? Eight o'clock?

The Chair: Eight o'clock on the 19th, and then we'll proceed on the 26th as scheduled with the deliberations, and perhaps if we need any

further argument from the petitioners, then we could continue. So would someone like to make a motion to that effect?

LeRoy?

Mr. Johnson: Well, why wouldn't we start at 7:30 and do Bow Valley right away?

Mr. Oberle: I echo George's comments that it is an unbelievable hardship for this family to travel. The mother, as well, has a severe medical problem, and this child is completely handicapped. It's a real hardship. Plus they're travelling from High Level, which is an epic journey. So as much time as we could possibly afford to make sure that they only visit us once.

The Chair: Is 7:30 a convenient time then?

Mr. Oberle: Seven-thirty and then do Bow Valley first?

Mr. VanderBurg: I think Shannon had the right call, Frank, on this because you can knock off Bow Valley in 15 minutes. Too early for the family might not be good either.

The Chair: Okay. Any other discussion?

Mr. Johnson: I would move that we begin the meeting on the 19th at 8 o'clock. I'm not sure if you want a motion on the 26th, whether you want that to be at 8 o'clock, or shall we leave that at 8:30?

The Chair: Well, let's deal with the first one first, April 19, and we'll call the question on that. Everyone agreed that we should meet at 8 o'clock on April 19?

Hon. Members: Agreed.

The Chair: Anyone opposed? Carried.

Let's talk about the 26th then. Mr. Johnson, do you want to make a suggestion in that regard or a motion?

Mr. Johnson: Well, I think that where we will need the most time is in the deliberations, so I'll try a motion there that we would meet at 8 o'clock as well.

The Chair: Any discussion? Can I call the question then? Everyone agreed that we should meet at 8 a.m. on April 26, then, to begin deliberations on these matters?

Hon. Members: Agreed.

The Chair: Anyone opposed?

Mr. Liepert: Can I ask a process question?

The Chair: Yes.

Mr. Liepert: Are these hearings in the Legislative Assembly, as I understand, or are they here?

The Chair: Right here.

Mr. Liepert: Okay.

Ms Dean: Just as a matter of historical interest, before these committee rooms were developed a few years ago, we used to meet in the Chamber. So that's what you're probably recollecting.

Mr. Oberle: Another process question. We have no meetings between now and the first hearing then?

The Chair: That's correct. If we require additional dates, obviously we can schedule them at a later time, but I think that gets us started down the road there with those subsequent meetings.

So that brings us to the next item on the agenda, which is the issue of fees. Mr. VanderBurg, since I think you were the one that raised this in the last session, would you like to speak to that issue?

Mr. VanderBurg: Well, again, it was just an issue that I raised. In my previous position I chaired the fees and charges committee for government, and I had asked our parliamentary team and the Private Bills Committee as a whole: are the fees that we charge for this enough to cover our costs, our advertising costs and those types of things? I really never did get that answered.

9:05

Ms Dean: I'll give you the answer now. Just for clarification, that committee that you chaired previously doesn't have any jurisdiction with respect to the fees that are charged for private bills because that's governed by the Standing Orders.

Mr. VanderBurg: I absolutely know that. Yes.

Ms Dean: But you are very correct in terms that the fee probably should be reviewed because it's been \$200 since 1916. Okay? Now, on a cross-country survey right now that's not unreasonably low, but the federal House, I think, is either \$250 or \$500. B.C., I think, might be \$500. Anyway, Alberta is arguably on the lower end, so you may want to consider making a recommendation for an amendment to the Standing Orders in this regard. I wouldn't propose that you consider that now. That's an item of business that could be put on the agenda for the deliberations meeting.

Again, out of interest, you'll find it kind of amusing that when you compare \$200 in 1916 to 2005, we're looking at over \$3,000. Just to draw a comparison with respect to incorporating a company in Alberta, there's a government fee of \$100 plus a service fee that registry agents charge, which I understand is \$200 to \$300. So, again, we're on the low side.

I will leave it there, but if the committee does determine that they want to recommend a change to the Standing Orders, the committee would have to pass a resolution to that effect, and the chair would report that to the House. I would suggest follow up with a letter to the Government House Leader for a recommendation for a change to the Standing Orders.

Thank you.

Mr. VanderBurg: Shannon, the advertising cost that we spend on any one single hearing is what? How much do you spend?

Ms Dean: We don't have advertising costs on the hearing per se. We have advertising costs associated with publishing the deadline for receipt of the petitions.

Mr. VanderBurg: Right.

Ms Dean: That's in the neighbourhood of \$3,000 to \$4,000. Just in terms of printing the bills, that's getting close to about \$200 a bill.

Mr. VanderBurg: It's a very good deal, Mr. Chairman, for someone to come to this committee and get a name change. A lot of what we may deal with is a college wanting to change their name to a university. It's a bargain, and the taxpayers of this province pay for that. Why I brought it up is that I just didn't feel that the fee that we were charging was fair to all Albertans, so I thought we should have something more in line with trying to cover some of our costs at least.

The Chair: Well, I think perhaps the way that we'll deal with that is that we'll sort of cogitate on it, or deliberate on it, and bring it back before the committee when we get into our later meetings and our deliberations. But I think that we've raised the issue now, and I think everyone's aware of what the issues are. Perhaps we can receive some advice on that and take it forward. So would that be agreeable, then, to you?

Mr. VanderBurg: Oh, I think that Shannon has come up with the right suggestion, that after meeting with these four groups on the 26th, we have that as part of our discussion. But I would like a recommendation from her.

The Chair: Okay. Is there any other business to come before the committee? Shannon, are you aware of anything else that we need to deal with today?

Ms Dean: No.

The Chair: Then I'll accept a motion to adjourn. Fred. All agreed?

Hon. Members: Agreed.

The Chair: Opposed? Thank you very much.

[The committee adjourned at 9:10 a.m.]

