

Title: Tuesday, April 3, 2007 Private Bills Committee

Date: 07/04/03

Time: 9:01 a.m.

[Ms DeLong in the chair]

The Chair: Good morning, everybody. I think we should get going. My name is Alana DeLong. I'm the MLA for Calgary-Bow and the chair of the Standing Committee on Private Bills. This is going to be our first meeting officially of the Third Session of the 26th Legislature. I should also introduce our deputy chair, Neil Brown, from Calgary-Nose Hill.

There are a few people who are on this committee this year who have never been on the Private Bills Committee. So I really should go through the description of all that we're going to be doing and the meaning of private bills.

We also have some officials that I need to introduce to you. We have Shannon Dean here, who's our Senior Parliamentary Counsel who gives us legal guidance and background information and briefings as we go through things and any other advice that we might need. We also have our administrative assistant, Ms Florence Marston, on my right, who keeps all our paperwork straight. There can be quite a bit of paperwork here.

The purpose of this first meeting is to give everyone some basic information on how this committee works. As well, we're going to be reviewing the two petitions that we've received and set a schedule for the hearings over these next few weeks.

By the way, does anybody not have a package? We've got a couple of extra packages here.

If you could first of all look at the agenda for the meeting, I'd like to entertain a motion at this time to approve our agenda. All right. Moved by Mr. Johnson that the agenda be approved. All in favour, please say aye. Any opposed, please say no. The motion is carried.

Dr. Swann: Could I ask a question about the time of starting?

The Chair: Yes, certainly. The time of starting for . . .

Dr. Swann: For these meetings. Last time it was 8:30, was it not?

The Chair: I can see that if we're going to have a longer meeting, yes, it would be at 8:30.

Dr. Swann: Okay. We have an earlier start in the Legislature; that's why I wanted to ask. We have lots to prepare in the morning. So it would be my recommendation that we start these at 8:30 if it was possible.

The Chair: Well, most likely this will be quite a short meeting, so I'm hoping to get everyone out of here quite quickly.

Dr. Swann: This one is?

The Chair: Yes.

Dr. Swann: So they will change every time? Is that what you're saying?

The Chair: If you look at the agenda, that's a further discussion area that we should be looking at.

Dr. Swann: Okay.

The Chair: Now, I did say that that motion was carried, right?

We do have to next approve the minutes so if you could go to your

tab on minutes. I believe there are several people in the room who were at the last meeting, which would have been last year. Moved by Mr. Mittel to approve the minutes, and I should say the minutes for Tuesday, May 2, 2006, just for the record, so we know that those were the minutes that were approved. All in favour? Okay. Any opposed? Thank you.

Okay. So now we can move on to the orientation. Between Ms Dean and myself we're going to try to give you a background on private bills. I'll give you some general information. The main information is in How to petition the Alberta Legislature to pass a Private Bill, which is in your binder. It's a really good summary of exactly what it is that we're doing. Let me read through just so that we have everything really clear as to what we're doing.

Private bills are a rather unique type of bill because once they're passed, they've got the same force and effect as any other bill such as a government bill or a private member's bill. They become a statute of the province of Alberta and are enforceable like any other statute, but they've got a different origin and a different purpose. They're used when an individual or a group of individuals or a corporation need some sort of relief that's not available in the general law.

The rules which govern the procedure in our committee are found in the Standing Orders 89 and 94. You've all got copies of those Standing Orders, so you can have reference to those. Very generally, the basic requirements are that the petition must be filed on behalf of the petitioner to both the Lieutenant Governor and the Legislative Assembly within 15 days of the commencement of session. This deadline is advertised in the major newspapers. At about the time the session was announced, there were announcements in the major papers about this committee and the filing date for petitions. As well, the petitioner must advertise regarding the substance of the petition one time in the *Alberta Gazette* and for two consecutive weeks in an Alberta newspaper. The petitioner must provide proof of advertising as well as a draft bill and a filing fee of \$200.

So we must today review these petitions that we've received, and we must look at them only in the light of formal requirements. Once the petitions are presented in the Legislature, then they're referred back to our committee, and we will review them to see if they comply with our Standing Orders. As a result of our deliberations today I will then report to the Legislature as to what we've concluded. Now, hopefully, the Assembly will concur in that report, and it typically does.

Each bill requires a sponsor, who doesn't have to be a member of this committee but who must be a member of the Legislature. This is the person who will take the bill through the stages in the Legislature: first reading, second reading, committee, and third reading. Anyway, that person or their designate will introduce the bill for first reading.

Now, once that's done, we're then in a position to proceed with the formal hearings on each of these petitions, and we'll set the schedule for those hearings today. All the participants – the petitioners, their counsel if they have lawyers, their witnesses, any other people that have an interest in the matter – are all sworn in. Everybody gives evidence under oath, and members of the committee are able to ask questions. So we have guidance from Parliamentary Counsel, who provides a thorough Parliamentary Counsel report in advance. After we've heard all the evidence and asked all our questions, we then deliberate in each of these matters at a subsequent date. So we'll probably have one hearing date for both bills and then a second meeting to deliberate.

Now, having heard all the evidence in each petition, we can do one of three things. We can recommend that the bill proceed as

presented; secondly, that it proceed as amended; or thirdly, that it not proceed at all. Once we have made our decision, then as chair I return to the Assembly, make another report as to our findings, and then the bills, depending on our findings, proceed through second reading, Committee of the Whole, and third reading if that's appropriate.

As you've probably noticed, all our proceedings are recorded by *Hansard* unless there's a motion of the committee to go in camera, so you might just want to keep that in mind. We only meet during session, and this is an all-party committee.

9:10

So now that we've gone through all of that proper orientation for the few people who haven't been here before, I'm going to turn the proceedings over to Ms Dean to talk to us about the petitions that we have received. But before I do that, are there any questions? Okay. All right.

Ms Dean.

Ms Dean: Thank you, Madam Chair. As you noted, there are two petitions that the committee will be considering this year. The first petition is for a bill to incorporate an entity called the CyberPol – The Global Centre for Securing Cyberspace Act. The petition is from Mr. Ian Wilms of the city of Calgary, who is represented by legal counsel Mr. Gerry Chipeur, also of the city of Calgary. The bill that's being requested will incorporate a not-for-profit corporation under the name CyberPol – The Global Centre for Securing Cyberspace. I understand that Mr. Cenaiko has agreed to sponsor this bill.

This entity is to have all the powers of a natural person and, in particular, the power to establish, construct, and operate an international centre for the co-ordination and advancement of public safety, intelligence gathering, and government response related to the problem of cybercrime such as child exploitation, financial systems fraud, threats to critical infrastructure, and intellectual property/identity theft.

The petitioner in this instance has to fill the Standing Order requirements with the exception of the requirement to provide proof of advertising in the *Alberta Gazette*. We were provided proof of the advertising prior to publication, but we're still awaiting receipt of the requisite statutory declarations that are requirements under the Standing Orders.

As noted in my briefing note, it's not unusual for the committee to recommend that a waiver be granted with respect to this late advertising subject to the condition that the advertising does occur and proof is provided before the hearing date. So at this point in time, unless anybody has questions with respect to the petition, it would be appropriate for the committee to consider a motion with respect to recommending a waiver in connection with the advertising.

Mr. Johnson: I have a motion here with respect to the petition for the CyberPol – The Global Centre for Securing Cyberspace Act that the Standing Committee on Private Bills

recommend to the Assembly that Standing Order 94(1)(b) be waived subject to the condition that the committee be provided with statutory declarations confirming that advertising has been completed before the committee hears the petition.

I so move.

The Chair: Any discussion on this?

Rev. Abbott: I have a question on the motion. What would be the

reason that they didn't advertise in the allotted time frame? Do we know that? Was it just an oversight?

Ms Dean: I've not been given any reason.

Rev. Abbott: Okay.

The Chair: Perhaps I can help with that. I was advised that they did put the advertising in, but because of the time delay between when they put the advertising in and when it actually appeared in the *Gazette*, they ended up a day over or something in terms of being able to do that. So the advertising has actually gone in, and it's actually been published now, but they still have to get to us that proof that it was published.

Rev. Abbott: I see. Thank you.

Ms Calahasen: Since the advertising occurred, have there been any concerns raised as a result of the advertisement?

The Chair: I don't know that. That would be something that we would discuss when the bill actually comes forward.

Mr. Lougheed: Well, my question would be similar to Pearl's. I don't think I've ever sat in one of these committees that the request has not been for a longer consultation period rather than a shorter one. It seems to me that we're expecting people to react to this and come to it and even, as Pearl just said, make comment on it, yet they may hardly even have become aware of it. We're looking at shortening the opportunity for even awareness.

Ms Dean: I'm not quite sure about your comment, Mr. Lougheed. We're not shortening any opportunity. The requirement is simply that the advertising occur within 15 days after the commencement of the session. So we're not changing any requirement with respect to this.

Mr. Lougheed: Well, it's a motion.

Ms Dean: Well, the motion is simply to – they didn't meet the requirement in the sense that publication did not occur prior to the deadline, which was March 22. We understand that their publication occurred on March 31.

Mr. Lougheed: I don't understand how that doesn't make for less time than required.

Ms Dean: I understand what you're saying.

The Chair: There are two requirements for advertising. One is that it be published in the major newspapers. I believe it was published in the *Calgary Herald* and the *Edmonton* . . .

Ms Dean: Just the *Calgary Herald*.

The Chair: Oh, just the *Calgary Herald*. I guess it was twice in the *Calgary Herald*. Do we have examples of that?

Ms Dean: We have statutory declarations that attach, exhibits which evidence the advertising.

The Chair: Oh, okay. Do they have it in their folder, what that advertising was? The one that they were late on was the *Alberta*

Gazette. How do I say this? It's something that I don't know that it has a very wide circulation.

Ms Calahasen: It's not the issue the fact that – we would be concerned about any kind of concerns that would come from the general public. That would be our biggest concern.

The Chair: Yes.

Ms Calahasen: So if they have advertised on March 31 and we give them that leeway, then we would know at some point in time within a certain period, I would think, whether or not there is concern from the general public.

The Chair: Yes.

Ms Calahasen: How can we deal with the issues, then, if there's a concern that comes in after the fact?

The Chair: Perhaps we should go back to how we're approaching the whole thing in that right now we are not discussing the bills. Okay? We're only discussing whether the bills are moving forward. All of the discussion of the bills and any concerns about the bills: right now we're looking at scheduling them for April 17, two weeks from now.

Now, the two advertisements that were done in the *Herald* were done how long ago?

Ms Dean: For the record the *Herald* advertisements occurred on Sunday, March 11, and Sunday, March 18. Also for the record I typically don't circulate the advertisements in your materials unless they don't comply.

The Chair: Okay.

Ms Calahasen: So what's their process? What's the general time limit that we give for people to respond to the bills? What's our normal procedure from the time they advertise to the time that we take it forward?

Ms Dean: Any time up until the hearing.

Ms Calahasen: Oh, okay. Then I'm okay.

The Chair: Any more discussion?

Ms Calahasen: Question.

The Chair: So I can call the question? All in favour?

Hon. Members: Agreed.

The Chair: Any opposed? The motion is carried.
Shannon, do you want to go on with the next one?

Ms Dean: Thank you, Madam Chair. The next petition is for a bill to incorporate an entity called the Crest Leadership Centre. This is originating from a petition from Dan Reinhardt of the city of Calgary. Mr. Reinhardt is represented by legal counsel on this matter, who is again Mr. Chipeur.

The draft bill that's been provided outlines the following objectives for the proposed centre. First,

3.1 to establish, maintain, conduct and support an educational

institution for secondary and post-secondary education in such fields as the Board may from time to time determine;

3.2 to promote the advancement of learning and the dissemination of knowledge, whether theoretical or practical, in the field of leadership studies and other related studies;

3.3 to further the intellectual, spiritual, moral, physical, social and cultural development of its students, graduates, faculty and staff;

3.4 to conduct in-service and continuing education programs, workshops, exhibitions, conferences, institutes and other specialized educational programs which may be considered by the Board to be conducive to the attainment directly or indirectly of the objectives of the Center;

3.5 to award certificates, diplomas and degrees for merit and proficiency;

3.6 to appoint such professors, associate professors, lecturers, et cetera, as may be necessary to effect the objects and purposes of the Center;

3.7 to cooperate or enter into association with other organizations having objectives and characteristics considered by the Board to be compatible with and conducive to the advancement of the Center.

9:20

I would like to point out one of the provisions in the proposed bill. It's proposing that the centre be empowered to provide instruction in degree, certificate, and diploma programs in leadership studies, education, arts, science, and other fields. The draft bill indicates that the inaugural board of the proposed Crest Leadership Centre will be comprised of Mr. Dan Reinhardt, who is the petitioner, Mr. George Bears, Vaughn Inman, and Tory Webber, and all of these individuals are from the city of Calgary. There are a few outstanding items with respect to this petition. First, we're still awaiting confirmation regarding the sponsor of the bill. Secondly, we have the same situation where the newspaper advertising requirements have been met; however, the petitioner's counsel has requested a waiver in connection with the *Alberta Gazette* advertisement because it did not occur until March 31, and we're still awaiting statutory declarations confirming that advertising.

There is one point I would raise with the committee, and it has to do with the proposed advertisement that I saw in the *Gazette*. The wording did not parallel the advertisement that was found in the newspaper, and the wording in the *Gazette* advertisement was fairly minimal. All it said with respect to the proposed bill was that what was being sought was the incorporation of a not-for-profit co-operation, obviously a typo, to be known as Crest Leadership and that this entity would have the powers of a natural person. So that's the extent of the notification of what was being sought in the *Gazette* ad. I point this out to you because typically the ad in the *Gazette* and the ad in the newspaper are exactly the same. So it's within the purview of this committee to determine whether the substance of that advertising in the *Gazette* is sufficient and whether it's in the public interest to order the petitioner to undertake supplementary advertising.

The Chair: Reverend Abbott, did you have a general question on this?

Rev. Abbott: Yes. My question is with regard to the bill's sponsor. When you say you're still waiting to confirm that, are you looking for a member to carry this? I would be willing to do that unless you need to have somebody from Calgary.

Ms Dean: We're in discussions right now with Mr. Chipeur's office. I believe that there were two names that were being considered. It's just really a matter of getting confirmation.

Rev. Abbott: Okay.

The Chair: Mr. Rogers.

Mr. Rogers: Thank you, Madam Chairman. I realize that I snuck into the room late, and I apologize for that.

I just wanted to pursue the matter of the discrepancy between the two ads a little bit more. In all honesty, I think that we could probably all agree around this table that more people would probably read the *Herald* than spend time poring over the *Gazette*. I'm just wondering maybe from our counsel – it just seems odd – how much weight should we put on that. From a legal standpoint it would seem to me that it would be more important that what's in the *Gazette* be correct. Maybe you could comment on that. It just seems odd that the information in the *Gazette* would be so vague as opposed to the full substance of what was in the ad.

Ms Dean: I think the general point of the advertising requirement is that the public has notice of what's gone on. My comment would be that the newspaper, obviously, has wider readership than the *Alberta Gazette*, so I merely point this out to you because I think it's a technical deficiency. I think the committee should be aware of it. If they want to pursue it and order supplemental advertising, they can.

Mr. Rogers: So your suggestion, then, would be that certainly the intent would probably have been more met by the complete ad in the *Herald* rather than the omission in the *Gazette*.

Ms Dean: That would be my view, but again it's a decision for the committee.

Mr. Rogers: Thank you.

Ms Calahasen: Well, you would think that if it's the same solicitor, he would know that he should advertise the same way as he did in the other one. So is there anything in here that we should be aware of that maybe they don't really want the general public to know?

Ms Dean: I don't have any comment on that.

Ms Calahasen: It's just a question, you know, because I'm not exactly sure. Because it's the same solicitor, same person who is representing them, who is putting in the two acts coming forward, I would just assume that they would know that they have to follow the requests.

Ms Dean: Again, if the committee wants to order the petitioner to undertake an additional advertisement in the *Alberta Gazette*, that's within the committee's purview.

Rev. Abbott: Would there be time for them to do that?

Ms Dean: The committee may want to consider that issue in conjunction with the dates that have been established because the dates can be modified to accommodate that.

Mr. Lougheed: I don't know if I seem to be agreeing here. The comment was made earlier – and I've been thinking about that a bit – that somebody that's interested in things like private bills by chance would only perhaps live in Calgary and read the *Herald*, but I'm sure that people that are interested in this stuff probably peruse the *Gazette*. I don't know the thinking of these people's minds, but I wonder if that isn't where they would seek such information rather

than pore through all the different dailies in the province checking for some kind of private bills that might be coming forward. I don't know. This, again, seems like a flaw in the procedure, and we just ignore things like that. I think there are things that have been established, something that we should be adhering to and not treat lightly the expectations of the whole procedure.

The Chair: My sense of what happened is that they rushed to get the publication into the *Gazette*. Actually, I think the delay that the *Gazette* has between when you give them the information and when it actually gets published: that's what has caused this problem.

Mr. Lougheed: It's up to us to defend flaws in people's – they should know this years ahead of time. I mean, the law has been here. This isn't a new requirement.

The Chair: So would you suggest, then, perhaps further advertising that they should do?

Mr. Lougheed: Comply with what the expectations are. They've already missed it, have they not?

Ms Marston: The *Alberta Gazette* is published twice a month, on the 15th and the last publication day.

Mr. Lougheed: They already had extra time because we started late. Next year they can do it again.

Ms Calahasen: The fall session is good too.

Ms Dean: Can I just clarify Ms Calahasen's comments? If the committee decided not to hear the petitioner for failure to comply with the requirements, then the next time that they could be heard would be next year.

Mr. Prins: Hearing that, I would think that it's obviously a typo, and not misleading information because first of all it says "incorporate" and then it says "cooperation." If it was misleading, it would be a co-operative not a co-operation. So I think for anybody that has any interest in this issue, they would notice that this is just a typo.

9:30

Rev. Abbott: My view is that I agree that we do need to be stringent with regards to our rules and whatnot, but I would have to agree with Mr. Prins that this was not an intent to mislead. It was strictly a typo. Anybody who is seeking more information would be able to get it through that ad, would be able to find out where to go and get information. Certainly, they would realize that they would need to come to the Legislature and do some more inquiries and whatnot. I know we did many, many bills back in my first term, when I was on Private Bills, that are similar to this, so I don't think the bill itself is really out of order. I won't make it a motion, but I would certainly suggest that we go forward with this bill at this time and that we entertain a motion, if it's prepared, to waive the *Gazette* requirement.

The Chair: Mr. Prins.

Mr. Prins: Okay. Well, then in that case, with respect to the petition for the Crest Leadership Centre Act, I would move that the Standing Committee on Private Bills recommend to the Assembly that Standing Order 94(1)(b) be waived subject to the condition that the committee be provided with statutory declarations confirming that advertising has been completed before the committee hears the petition.

The Chair: Any further discussion? All in favour?

Some Hon. Members: Agreed.

The Chair: Any opposed?

Mr. Lougheed: Opposed.

The Chair: Thank you. The motion is carried.

We've now reviewed the petitions. We need to schedule our hearings. I believe it's at the front of your books, the very first item. That's our proposed dates. Now, what we have proposed here is that April 17 – and, yes, Dr. Swann, it would be starting at 8:30 – we would hear both of those bills. That would be our one heavy meeting, and then on May 1 we would do the deliberations and decisions.

Any discussion on this agenda?

Question?

Could I have a motion, please, to approve?

Rev. Abbott: So moved.

The Chair: Reverend Abbott. Okay. Any discussion? Okay. All in favour? Any opposed? Okay. The motion is carried.

Any other business?

Mr. Cenaiko: Just for clarification because I haven't and some of us haven't gone through the Private Bills Committee. The presentations will start at 8:30? The petitioners, whoever and how many there might be, come and make their presentation to this committee, and the committee has the opportunity to ask questions about the bill and this and that and this and that. Do you know roughly how long these presentations are?

The Chair: I believe that we'll be trying to get finished by 10:30.

Mr. Cenaiko: So two hours. Approximately an hour each, then?

The Chair: Yes.

Ms Calahasen: At that time if we are very uncomfortable about any of the answers we get, can we reconsider the decision we made today?

The Chair: The decision today was just that we would discuss them. Essentially, that we would proceed to discuss them.

Ms Calahasen: Yeah. Okay.

Ms Dean: I just wanted to add that with respect to both of these petitions, in keeping with the normal practice with the Standing Committee on Private Bills, we request comments from certain government departments which have mandates that may interface with the subject matter of these bills, so I anticipate that two or three departments and their officials will be providing comments and appearing.

Dr. Swann: Is this the time to discuss other avenues for these to have been presented, or do we leave that until after we have the hearings of both?

The Chair: That would be part of the hearings.

Mr. Rogers.

Mr. Rogers: Thank you, Madam Chairman. I lost my train of thought. It will come back to me. Sorry.

The Chair: It's not a problem.

Any other business? Could I have a motion to adjourn? Dr. Swann. Thank you.

[The committee adjourned at 9:36 a.m.]

