



Legislative Assembly of Alberta

The 27th Legislature
First Session

Standing Committee
on
Private Bills

Tuesday, May 13, 2008
9:04 a.m.

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Standing Committee on Private Bills

Brown, Dr. Neil, QC, Calgary-Nose Hill (PC), Chair
Woo-Paw, Teresa, Calgary-Mackay (PC), Deputy Chair

Allred, Ken, St. Albert (PC)
Amery, Moe, Calgary-East (PC)
Anderson, Rob, Airdrie-Chestermere (PC)
Benito, Carl, Edmonton-Mill Woods (PC)
Boutilier, Guy C., Fort McMurray-Wood Buffalo (PC)
Calahasen, Pearl, Lesser Slave Lake (PC)
Campbell, Robin, West Yellowhead (PC)
Doerksen, Arno, Strathmore-Brooks (PC)
Elniski, Doug, Edmonton-Calder (PC)
Fawcett, Kyle, Calgary-North Hill (PC)
Forsyth, Heather, Calgary-Fish Creek (PC)
Jacobs, Broyce, Cardston-Taber-Warner (PC)
MacDonald, Hugh, Edmonton-Gold Bar (L)
McQueen, Diana, Drayton Valley-Calmar (PC)
Olson, Verlyn, QC, Wetaskiwin-Camrose (PC)
Quest, Dave, Strathcona (PC)
Sandhu, Peter, Edmonton-Manning (PC)
Sarich, Janice, Edmonton-Decore (PC)
Swann, Dr. David, Calgary-Mountain View (L)

Bill Pr. 1 Sponsor

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[Dr. Brown in the chair]

The Chair: Well, good morning, ladies and gentlemen. Welcome to the first meeting of the Standing Committee on Private Bills. It's my privilege to have been appointed chair. This is my second tour of duty as chair. I'm replacing Alana DeLong, who was the chair last year.

I'd like to introduce my co-chair from Calgary-Mackay, Teresa Woo-Paw. I'd also like to introduce Parliamentary Counsel Shannon Dean, whose responsibility is to manage all the matters relating to the committee and to give us advice. Shannon also makes sure that there's technical compliance with all of the petitions that are received by the committee. Also with us is Florence Marston. She's the administrative assistant to the committee. She provides us with all the support necessary to carry out our work.

I look forward to working with all of you on this committee and participating in examination of any petitions that we might receive in the coming session.

Also joining us today is Sarah Dafoe, by the way, who is on secondment from the Department of Justice. Sarah is a lawyer who has been involved in some of our previous deliberations in committee.

I thought that at the outset it would be useful for us to go around the room and introduce ourselves since this is our first meeting and we may not know everyone. I'll start, I guess, on my left-hand side.

Mrs. Forsyth: I'm Heather Forsyth, Calgary-Fish Creek.

Mr. Quest: Dave Quest, Strathcona.

Mr. Jacobs: Bryce Jacobs, Cardston-Taber-Warner.

Dr. Swann: Good morning. David Swann, Calgary-Mountain View.

Mr. Olson: Good morning. Verlyn Olson, Wetaskiwin-Camrose.

Mrs. Sarich: Good morning. Janice Sarich, Edmonton-Decore.

Mr. Allred: Good morning. Ken Allred, St. Albert.

Mr. Fawcett: Hello. Kyle Fawcett, Calgary-North Hill.

Mr. MacDonald: Good morning. Hugh MacDonald, Edmonton-Gold Bar.

Mr. Sandhu: Good morning. Peter Sandhu, Edmonton-Manning.

Ms Calahasen: Pearl Calahasen, Lesser Slave Lake.

Mr. Campbell: Robin Campbell, West Yellowhead.

Mr. Elniski: Doug Elniski, Edmonton-Calder.

Mrs. McQueen: Diana McQueen, Drayton Valley-Calmar.

Mr. Doerksen: Arno Doerksen, Strathmore-Brooks.

Mr. Benito: Carl Benito, Edmonton-Mill Woods.

Ms Woo-Paw: Teresa Woo-Paw from Calgary-Mackay.

The Chair: Since it's the first meeting and the first time for some of you on the committee, I thought it might be useful to give a brief overview, but before we do that, I will go through the approval of the agenda as circulated. Has everyone got a copy of the agenda? Yes? Could I have a motion to approve the agenda as circulated, then? Mr. Doerksen. All in favour? Any opposed? Carried.

Okay. I'll just briefly go through the overall mandate of the committee and the functioning of the committee. I'll first start by outlining what the nature of a private bill is. Private bills or private acts are legislation of a special kind which give particular powers or benefits to specific persons or bodies such as bodies corporate or societies and so on. Public legislation refers to acts of the Legislature which are matters of public policy. In general, private acts are meant to give specific benefits or powers or to provide exceptions to the general law. Public bills are introduced directly, of course, as we know, by Members of the Legislative Assembly. Private bills are before us only by petition of someone from the general public.

The rules on private bills are largely found in standing orders 84 to 101. The Clerk has advertised in accordance with the standing orders. Petitioners have also advertised the nature of their applications in conformity with the standing orders. Parliamentary Counsel has advised us that only one petition has completed the requirement for further consideration by the committee at this time, so sitting on the committee this session will be light duty, probably only three meetings at the most.

The petition that we have before us, Pr. 1, was put before the Assembly last week, which is a prerequisite to our meeting today. It's the role of the committee to hear evidence and submissions regarding any bills that are presented to us or petitioned to us and to make recommendations to the Assembly. There are three recommendations that we can make in respect of any bill: one is that the bill proceed as it is; secondly, that the bill proceed with amendments; and thirdly, that the bill not proceed. I think that over the last three years we've had incidences where any of those eventualities have occurred. We've dealt with some very interesting issues over the past three years, everything from rights of children to sue their mothers for events in the womb to incorporation of a cyberpolice organization. Nothing that earth-shaking before us this session, however.

9:10

Once introduced in the House as a bill, private bills proceed in the House to second reading, as with any normal bill. Then if they pass, they go on to Committee of the Whole and on to third reading and then receive royal assent. When they are made law, they're enforceable just like any other law.

What's special about the deliberations on private bills and through it our committee is that we not only exercise legislative power in this committee; we exercise quasi-judicial power. In other words, we act as a court. That means that we adjudicate between the interests of the petitioner and any other people who may have an interest in the bill. Quite often we would have individuals that would come to oppose a private bill on certain grounds, and that has been, in fact, the practice in the past. So we have to adjudicate between the parties.

There is also an obligation on government departments to scrutinize all private bills, so we receive recommendations from them as well as any other outside parties as to whether or not the petition ought to be granted.

When it comes time to deliberate, there are a number of principles and factors which we ought to consider in looking at petitions for bills. As I said, since we're acting as a court to some extent in the disposition of the bills, normally after we have a meeting to hear from the petitioner and any opponents to the petition, we set a

separate meeting to deliberate, and generally that's an in camera session.

Some of the interests that we are bound to safeguard are the public interests in looking at the petition, and we also look at the impact that any bill might have on any other private parties' interests. Even though the petitioner may show us beyond a shadow of a doubt that their own interests would be served by a bill if the legislation should be passed, it's not incumbent upon the committee to necessarily pass that if we deem that the community as a whole would be adversely affected by the passing of a petition.

I'd like to just briefly quote from *Erskine May* on some principles that have been followed in determining that a private bill should not be allowed to proceed as such but should be introduced as a public bill, and these are as follows:

- (1) the magnitude of the area and the multiplicity of the interests involved;
- (2) that the bill proposes to amend or repeal public Acts. In these cases, the nature and degree of the proposed repeal or amendment have to be considered;
- (3) that public policy is affected.

Those are some of the considerations that we will look at when we deliberate on any petitions that might come before us while we're sitting.

Those are the remarks that I have on the general layout of the committee, and I'll ask Shannon if she wishes to add anything to what I've said.

Ms Dean: Just a small addition to your comments, Mr. Chairman. One of the things that the petitioners have to do before they bring forward their petition is conduct advertising in the region where they are located with respect to the nature and content of what they're seeking to do.

Is it an appropriate time for me now, Mr. Chairman, to go into the petition we have before us?

The Chair: Sure.

Ms Dean: The petition, again, for your consideration this year is from the YMCA Edmonton. They have fully complied with the standing order requirements, which means advertising in a newspaper published in Alberta on two consecutive weeks. They also must advertise in a publication called the *Alberta Gazette*.

What YMCA Edmonton is seeking is an amendment to its 1907 incorporating statute. They're seeking a general provision which would simply state that any property held by them is exempt from municipal taxation. This is a provision that parallels the wording that's found in the YMCA Calgary statute. I just give you that background at this time.

At this point I'll just close my comments because I don't believe that now is the appropriate time to discuss the merits of this petition. There will be a hearing scheduled, and that's your next item on the agenda to consider.

The Chair: Any questions on what the role of the committee is before we proceed to setting the next hearing date?

Ms Calahasen: Mr. Chair, maybe you want to explain that meetings do occur for this committee as needed.

The Chair: Yes, that's right. As required. I mean, depending upon whether or not we receive petitions and, of course, given the number of petitions we may have scheduled. Last year I think we had two bills. We've had as many as four. When I was chairing it previously, we had four during one session. It's not so much the number of petitions, however; it's the issues involved that may protract the

proceedings somewhat. As I mentioned earlier, we've had some that have been pretty weighty in terms of the issues that they dealt with.

Dr. Swann: I'm just curious. Is it 50 per cent plus one on votes? I don't remember discussing that in the past.

The Chair: That's correct. If there is a tie, then the chair would break the tie.

Mrs. Forsyth.

Mrs. Forsyth: Thanks, Mr. Chairman. This is the first time I've been on this committee, and as a veteran I'm looking forward to participating. I just need some clarification. Last year we dealt with the CyberPol bill, which was quite controversial, if you'll recall. Now, am I understanding that it is the committee's responsibility to listen to a hearing, and then we recommend that the bill proceed?

The Chair: Yes. We could recommend that it proceed or that it proceed with amendments or that it not proceed.

Mrs. Forsyth: So, if I recall, this particular committee recommended that that bill, the CyberPol bill, proceed.

The Chair: Yes. That's correct.

Mrs. Forsyth: Okay. So then it goes before the Legislature, and it's similar to any bill that goes before the House. They can debate it. They can amend it. They can decide to defeat it, et cetera.

The Chair: Right. When the session ends without any progress, it just drops off the table.

Mrs. Forsyth: It dies on the Order Paper.

The Chair: Correct.

Mrs. Forsyth: Okay. So how do we determine what comes before the committee and what doesn't come before the committee? Is that procedure defined under what you've explained?

The Chair: Well, Shannon could probably elaborate on it. Basically, anyone who wants to petition us on any private bill can do so provided they make technical compliance with the standing orders. So we could receive a private bill on nearly anything. Whether or not it would get past this committee is another issue altogether. Basically, if they meet the technical requirements, including the advertising, and they jump through all the necessary hoops, then they're allowed to bring a petition for a private bill before us.

Mrs. Forsyth: Okay. Thank you.

The Chair: Anyone else?

Okay. I guess we can move on to the scheduling of the hearing for the next meeting. The proposed date for the meeting of our committee is May 27 at 8:30 a.m., and at that time we will hear from the petitioner for Bill Pr. 1, the Young Men's Christian Association of Edmonton Statutes Amendment Act, 2008. The sponsor is Mr. Lukaszuk.

Can I have approval of that date, then? Mrs. Forsyth so moves. Does anyone wish to contribute anything? All in favour, then? Anyone opposed? Carried. So that's our next meeting.

I would also like you to reserve June 3, 2008, at 9 a.m. as a possible date for deliberations and a decision. It is conceivable that we might be able to deal with this after the hearing of the petition on

May 27, but I wouldn't want to count on it because depending on the number of questions and how long that gets protracted, we may not have time to complete it before 11 o'clock, when some of us have a caucus meeting. So June 3, 2008, at 9 a.m. would be another meeting date that you might want to put in your calendars.

Anything further, Shannon?

Ms Dean: No.

The Chair: Then I would ask for a motion for adjournment. Mrs. Sarich. All in favour? Any opposed? Carried.

[The committee adjourned at 9:20 a.m.]

