

Title: Tuesday, March 25, 2003 Private Bills Committee

Date: 03/03/25

[Ms Graham in the chair]

The Chair: Well, ladies and gentlemen, we'll get under way. I'll call this meeting of the Standing Committee on Private Bills to order. I must say that I'm impressed with those of you that have appeared this morning, especially if you were sitting last night until 12:15 along with me and a few others. We do have the doughnuts and the coffee, so we're all ready to go.

If I could ask you to look at your agenda and if there are no changes, I would entertain a motion to approve the agenda. Mr. Goudreau so moves. All in favour, please say aye.

Hon. Members: Aye.

The Chair: Any opposed, please say no. The agenda is then approved.

Next I would ask you to have a look at the minutes from the last meeting, on March 11, 2003, and I would entertain a motion at this time to adopt those minutes. So moved by – I'm having a blond moment – Mr. Johnson, whom I know so well. I was up very late. Mr. Johnson moves that the minutes be adopted. All in favour, please say aye.

Hon. Members: Aye.

The Chair: Any opposed, please say no. All right; the minutes are adopted.

Mr. Ouellette, you have a point to make?

Mr. Ouellette: I'm sure I was at this meeting.

Ms Marston: On March 11, it says Mr. Luke Ouellette here.

Mr. Ouellette: I was looking at the wrong minutes.

Ms Marston: Tuesday, March 11.

Mr. Ouellette: I was looking at the wrong ones. It's okay.

The Chair: Have you found them yet? I'm looking at my copy of the minutes, Mr. Ouellette, and I do see you listed.

Mr. Ouellette: Okay. That's good enough.

The Chair: And I do remember that you were here.

Mr. Ouellette: I'll be quiet this time.

The Chair: No. We want to make sure that everything's correct on the record.

All right. Moving right along, as you know, we had two bills scheduled for hearing before the committee today, but in the meantime an issue has arisen with respect to Bill Pr. 2, Forest Lawn Bible College Act, sponsored by Mr. Pham. Mr. Pham did bring this matter to our attention. I had anticipated that he would be here today, but he is not.

In a nutshell, the problem that arose was that a key witness on this bill, a Mr. Roberts, was not able to be in attendance for the hearing.

As you will recall, there were a number of questions raised at our last meeting surrounding this bill. I understand that Mr. Roberts was the man with the knowledge, so we would have hoped that he could be here. That being the case, it was Mr. Pham's intention to apply for an adjournment of the hearing.

Mr. Rathgeber.

Mr. Rathgeber: Being that the Member for Calgary-Montrose is not present, on his behalf I would like to move that that matter be adjourned to a subsequent time and date, Madam Chair.

The Chair: All right. Thank you. Appreciate that. If I might ask, did Mr. Pham ask you to make that motion on his behalf?

Mr. Rathgeber: He did not.

The Chair: Oh, he did not. All right.

Mr. Rathgeber: It's just that there was considerable concern among members of the committee regarding this bill, and I think it would be efficacious that the key witness be present to answer those questions, Madam Chair.

The Chair: Well, thank you, Mr. Rathgeber. Ms Kryczka was prepared to make that motion, but if we all are in agreement, that's great.

Mr. Rathgeber: I'll withdraw the motion if Ms Kryczka would like to make it.

The Chair: Is there any discussion? Any questions?

Ms Kryczka: I think, then, that the wording of the motion should include that it has been scheduled for Tuesday, April 8, so I'd like whoever is making this motion to make an amendment to that motion.

Mr. Rathgeber: Yes, I will accept the amendment to my motion by Ms Kryczka, that it be adjourned to a time specific, April 8.

The Chair: That's the next time we're scheduled to meet.

Mr. Rathgeber: I think the wording of my motion was to a time and place to be determined, but apparently that has already been determined. So April 8 at 8:30 a.m. in this room.

The Chair: So your motion is that the hearing for Bill Pr. 2, Forest Lawn Bible College Act, be adjourned to April 8, 2003, at 8:30 a.m.

Mr. Rathgeber: Yes, Madam Chair.

The Chair: Parliamentary Counsel is saying that we can move it to 9 a.m.

Ms Dean: Yes, 9 a.m.

The Chair: Good idea.

Mr. Rathgeber: Nine a.m. is fantastic.

The Chair: All right.

Mr. Goudreau.

Mr. Goudreau: Before we vote on this motion, I'm just wondering: will it allow us enough time to have second and third readings and Committee of the Whole this spring?

The Chair: It's my understanding, in conferring with Parliamentary Counsel, that yes, unless something drastic happens in terms of the length of this session. We still have a lot of legislation to go through.

So we would need how long, Ms Dean?

Ms Dean: In terms of the timing for second reading, Committee of the Whole, and third reading, that's really only two sitting days that you need, so you would have ample time.

Mr. Goudreau: Okay.

The Chair: These bills normally aren't controversial in the House.

All right. Unless there are any other questions or concerns, I will ask for a vote, then, on Mr. Rathgeber's motion to adjourn. All in favour, please say aye.

Hon. Members: Aye.

The Chair: Any opposed, please say no. The motion is carried, and the matter is then adjourned.

I suppose, Ms Dean, we should talk about a day to deliberate on the two hearings. Typically, we do that on a separate date, so I would be suggesting that the committee meet the morning of Tuesday, the 15th of April, to make our decisions on these two bills. Is anyone prepared to make that motion?

Rev. Abbott: So moved.

The Chair: Okay. Rev. Abbott moves that we meet, then, the morning of Tuesday, April 15, 2003, at 9 a.m. to deliberate. All in favour, please say aye.

Hon. Members: Aye.

The Chair: Any opposed, please say no. This motion is carried.

We are now ready to conduct the hearing into Bill Pr. 1, Sisters of St. Joseph of the Province of Alberta Statutes Repeal Act, sponsored by Mr. Griffiths. Any comments, Ms Dean, before we call in the petitioners?

8:45

Ms Dean: Yes. Committee members should have received my report summarizing some of the key issues regarding this bill. I would like to draw your attention just to one minor correction that should be made on page 3 of my report. In the first bulleted item three-quarters of the way down the page there is mention of a hospital being transferred to the ministry of health in 1985. In fact, that date should read 1978.

Unless committee members have questions, I would just like to add two points. I have consulted with the department of health with respect to this bill simply because they were referred to in the background material by the petitioner, and as you may know by copy of the letter from the deputy minister, that department has no objections or comments with respect to this bill. However, an official in Health recommended that I in turn consult with the Department of Infrastructure because there was another asset transfer involving the sisters last fall, the fall of 2002, and it's the Department of Infrastructure that's responsible for that type of thing.

So I have a letter out to the deputy with respect to that matter, and I am requesting comments prior to the committee's deliberations on this bill.

Those are my comments, Madam Chair.

The Chair: Thank you, Ms Dean.

Anything arising from those comments? Mr. Goudreau.

Mr. Goudreau: If the transfer was done in the fall of 2002, would it be complete by now?

Ms Dean: The submission presented by the petitioners indicates that it has been completed. Again, I've got a letter out to the Department of Infrastructure to confirm that fact.

The Chair: All right. If there are no further questions, then I'll ask Parliamentary Counsel to bring in the petitioners.

[Sister Slavik and Ms Mrazek were sworn in]

The Chair: Good morning, ladies. Welcome to this meeting of the Standing Committee on Private Bills. I'd like to introduce myself. My name is Marlene Graham, and I'm the chair of this committee. Before we get under way this morning, I'd like to introduce you all to other members of the committee. Just for the record I'll put on the record that we have representing the petitioner this morning Sister Slavik – welcome – and Ms Mrazek and Ms Edgington, acting as counsel for the petitioner. Welcome, ladies.

If we could start with Dr. Massey, if you could introduce yourself, we'll work around the table.

[The following members introduced themselves: Rev. Abbott, Mr. Goudreau, Mr. Jacobs, Mr. Johnson, Ms Kryczka, Dr. Massey, Mr. Ouellette, and Mr. Rathgeber]

The Chair: Assisting the committee, we have with us this morning Ms Shannon Dean, Parliamentary Counsel, and Ms Florence Marston, our administrative assistant.

Before we invite you to make your presentation to the committee, I'll just briefly describe the procedure that is followed in Private Bills. Typically, aside from swearing in all of the participants and having all evidence given under oath, our procedure is quite informal. We ask you to give us a presentation outlining the reasons for the bill and any other features that you feel we should know about. Then we allow an opportunity for any other interested parties to present, and to the best of my knowledge no one has come forward indicating a desire to be heard today. After that, we have an opportunity for committee members to ask questions. At the conclusion of the hearing – well, we will not deliberate on the matter today, but in fact we will be meeting on April 15 to make our decision.

So are there any questions about procedure? All right. We'll proceed then. Ms Mrazek, if you would proceed with your presentation.

Ms Mrazek: I am Margaret Mrazek, and I am legal counsel for the sisters' Alberta corporation – and I'll talk a little more about it – and an agent for the Ontario corporation, which I'll also discuss this morning. With me this morning is Sister Theresa Carmel Slavik, and she's a member of the congregation of The Sisters of St. Joseph, London. Actually, we were just talking before we came in. She's been a member for 57 years. She is an Albertan, born in the Strome-Killam area. I think that, actually, most of her ministry with the sisters has been in Alberta. She's a member of the Sisters of St.

Joseph Alberta corporation, and also a member of The Sisters of St. Joseph of the Diocese of London, in Ontario, which is an Ontario corporation. So she has had her foot, if you will, in both of them. Like I said, I'll talk about both these corporations as I go on because it can be a little confusing.

She's currently carrying out her ministry here in Edmonton, although she's 74 years old. The sisters have a home here in Edmonton where they look after street kids. They really come to them through the Boyle Street centre. So just as a little background of what Sister is currently doing.

I also have the pleasure of having Angela Edgington, an associate of our firm, Reynolds Mirth Richards & Farmer, with me this morning, who's really assisted me on this matter, so she has come with me.

Now, the purpose of our appearance before the Private Bills Committee is that the Sisters of St. Joseph have asked that two private bills be repealed. The first is a 1927 private act, an act to incorporate the Sisters of St. Joseph of the Province of Alberta. This actually established the corporate entity known as the Sisters of St. Joseph. I'm going to refer to this as the Alberta corporation. So when I say Sisters of St. Joseph Alberta corporation, I'm referring to this corporation that was established under the 1927 act.

There's also a private act that was passed subsequent to the 1927 act. It's a 1964 private act called An Act to Provide for Exemption of Certain Land which is the Property of the Sisters of St. Joseph, Edmonton, Alberta, from Assessment and Taxation. We've asked that this act also be repealed as it relates to the initial act.

The sisters have requested that these two private acts be repealed because with the declining number of sisters and their increasing age the members of the congregation of Sisters of St. Joseph have transferred all ownership and operation of their assets and their works basically to a corporation in Ontario. Actually, the sisters really maintained their Alberta corporation until we could get the Killam General hospital transferred, which we did in 2002. That was the last remaining asset and operation, and now they would like that corporation and the act creating it repealed.

The purpose and objectives of the Sisters of St. Joseph Alberta corporation are now carried out under the corporate entity, The Sisters of St. Joseph of the Diocese of London, in Ontario. It's actually registered in Alberta as an extraprovincial, nonprofit corporation. So basically they can carry out all their works under that, and they've really put all of their works across Canada now under the one corporation rather than the separate one in Alberta and then having two separate corporations.

So I see the private bill as basically a housekeeping matter. The sisters could have left these private acts sitting on the books of the Alberta Legislature. We're asking that that not be so and that you actually repeal these acts. This is really required as the sisters no longer need those private acts as they will do everything through their Ontario corporation.

8:55

I think I'd also like to give the committee just a brief background of the types of activities or works that the Sisters of St. Joseph conducted during the time they operated under the Sisters of St. Joseph, the Alberta corporation. The Sisters of St. Joseph Alberta corporation owned a facility called the Sacred Heart convent, and anybody who was in Edmonton a number of years ago would have known that convent. It's near Sacred Heart Church, in sort of the Boyle Street area. They were there from approximately 1927 to 1962, at which time they built a new convent, which was called St. Joseph's convent, and it's actually in the northeast part of Edmonton. It was recently sold, and actually – I was talking to a sister – an assisted living facility is being expanded on that land, so

it's no longer part of the sisters' assets.

The convent was a home base for all sisters working in Alberta, British Columbia, and the Northwest Territories. The six sisters that now remain in Edmonton live in other accommodations either owned or rented by the Sisters of St. Joseph Ontario corporation. There's also one sister in Red Deer and one sister in Calgary, but with the one in Calgary it's sort of a tentative thing in the sense that she's there temporarily. She's had a death in the family and is really looking after estate matters.

The members of the congregation of the Sisters of St. Joseph have served residents as teachers, hospital administrators, nurses, pastoral care workers, and also in the social work area. In regard to the sisters, they taught in Catholic schools owned and operated by the Archdiocese of Edmonton and by local school authorities. The sisters never owned any schools. They worked, if you will, for local authorities.

The sisters did own and operate small Catholic hospitals in four locations in Alberta. In Stettler they were there from 1926 to 1927, in Rimbey from 1932 to 1949, in Galahad from 1927 to 1978, and in Killam from 1930 to 2002. I think you have to remember that for the hospitals in 1926, '27, and the 1930s, for the ones I've mentioned, there was no public funding. These sisters actually did own and operate them because the funding did not come in until we had our health care system funding in 1959. At these hospitals the sisters provided administrative, nursing, and as I stated, pastoral care services.

The hospitals in Stettler and Rimbey were actually owned by the Roman Catholic Archdiocese of Edmonton, and the sisters really just provided personnel to provide care for the people in those communities. The sisters owned and operated the hospital in Galahad, but in 1978, with the declining number of sisters, they decided this was no longer the ministry that they were going to be involved with, and they transferred their operation and ownership of the hospital to the minister of health.

In 2002 the Killam General hospital was transferred to the Minister of Health and Wellness, with the operation of the hospital transferred to the Alberta Catholic health corporation, and that corporation, which actually held a transfer ceremony which MLA Doug Griffiths was at, is going to continue operation under the mission and values that the sisters had in that hospital for all those years. So at least there will be that hospital, and that community is very pleased to have the continuing mission and values of the sisters carried out in the care provided in that hospital.

Now, in regard to the assets and operations of the Sisters of St. Joseph Alberta corporation I can indicate – and I think you have documentation before you – that all assets of the operation of the Alberta corporation have been transferred and no longer remain with this corporation. The last asset transferred out was the Killam General hospital. With respect to outstanding liabilities and potential liabilities to the best of our knowledge there are no outstanding actions, suits, or proceedings pending. We have conducted court action searches for the judicial districts in which the Sisters of St. Joseph operated, and these searches have revealed no actions. I'd refer you to the statutory declaration of Sister Theresa Carmel Slavik, which you have before you. As well, we provided a copy of all our searches to Ms Shannon Dean.

The sisters are also not aware of any threatened actions. To the best of our knowledge the corporation has no outstanding debts and liabilities, and no creditor will be prejudiced by the dissolution of this corporation. Again I'd refer you to the statutory declaration of Sister Slavik. Specifically, we did real property registry searches, and no registrations were found against the Sisters of St. Joseph. Again I provided a copy of these searches to Ms Dean. A notice of intention to dissolve was advertised in the *Alberta Gazette* and the

Edmonton Journal, and we have heard no responses. With the presence of nobody here, I would think that there is no objection to this.

All assets of the sisters' Alberta corporation will be disposed of to third parties, such as to the Minister of the Health and Wellness with the Killam General hospital. They're all at arm's length or they were transferred to the Sisters of St. Joseph Ontario corporation. I think, Ms Dean, that they did receive also a statutory declaration from Sister Mary Diesbourg in that regard, and she's the general superior of the congregation of the Sisters of St. Joseph and also a member of the Ontario corporation. The Sisters of St. Joseph's Ontario corporation is going to be responsible – and it is – for all debts and liabilities. Again, Sister Mary Diesbourg has stated this in her statutory declaration that you have before you.

So the request of the Sisters of St. Joseph of Alberta is that the private acts be repealed, and Sister Slavik and I are prepared to answer any questions that the committee has, Madam Chairman.

The Chair: Well, thank you very much, Ms Mrazek, for that very comprehensive description of the bill.

Would there be any questions by the committee at this time? Mr. Rathgeber.

Mr. Rathgeber: I actually have a question for Ms Dean. I take it that the due diligence that the sisters have undertaken with respect to searches is to your satisfaction?

Ms Dean: Yes. As Ms Mrazek has indicated, courthouse searches were conducted in the jurisdictions of Edmonton, Calgary, Wetaskiwin, and Red Deer, and no claims were revealed as a result of those searches. There were also personal property searches conducted in the personal property registry, and I have confirmed through a land titles search that the legal description mentioned in the statute from 1964 has in fact been transferred to some other third party. So I don't have any issues in connection with any outstanding liabilities or potential liabilities in light of the fact that there is a statutory declaration provided by the Ontario corporation confirming that they will be assuming or have assumed all liabilities in connection with the Alberta corporation.

Mr. Rathgeber: Thank you.

The Chair: Any other questions?

Ms Dean, is there anything that you want to clarify?

Ms Dean: I don't have any follow-up, no.

The Chair: Okay. Well, this is somewhat unusual. I must say that your material was certainly comprehensive, as was your presentation, and makes things much easier for us. As I mentioned earlier, the committee will meet on the 15th of April to deliberate on the petitions that it has received or the bills it has received this session, and you will be notified shortly thereafter as to the committee's decision.

The committee can do one of three things, either recommend that the bill proceed as presented or proceed with amendments or that it not proceed, and this recommendation will be made to the Legislature. Assuming that the committee recommends that the bill proceed as it is or as amended, then the bill will go through the normal stages of legislation. It has received first reading, so it would then go through second reading, Committee of the Whole, and third reading and then, hopefully, receive Royal Assent soon thereafter.

So thank you for your attendance here this morning. On behalf of the committee I would just like to acknowledge and thank Sister

Slavik for her many years of service in the province of Alberta, and we wish you many more. It's very nice to have met you, and we wish you all the best.

9:05

Mr. Pham: Madam Chair, I apologize for being late this morning. For some reason it was on my calendar as a 9 o'clock meeting instead of 8:30.

Thanks, Brent, for making the motion on my behalf.

Mr. Rathgeber: You're very welcome.

The Chair: Actually, Ms Kryczka was prepared to make the motion on your behalf as well, and it was unanimously endorsed. So we accept your apology.

Any other concluding thoughts on Bill Pr. 1? Yes, Mr. Goudreau.

Mr. Goudreau: I was just wondering: aside from waiting for the letter from Infrastructure, are there any reasons why we can't make a motion today to allow it to proceed?

The Chair: Well, typically the procedure is that we not deliberate on the same day that we have the hearing for the reason that we often don't have all the information. While we don't expect any problems to arise with the letter from Infrastructure, since we will have to meet anyway on that date, perhaps it's just as well that we wait.

Mr. Goudreau: I'm trying to get away from a meeting.

The Chair: Yeah, I appreciate that.

Any other business arising?

I'll entertain a motion to adjourn. Dr. Massey so moves.

Mr. Ouellette: I wanted to ask you a question.

The Chair: Oh, I'm sorry, Mr. Ouellette.

Mr. Ouellette: Is there any reason why we have to be typical? You say that typically we don't have to. But maybe the next one will be almost a no-brainer, everything in order like this, and we will save a meeting if we went ahead.

Mr. Pham: On the 8th we can do it.

The Chair: We can do it on the 8th.

Mr. Ouellette: Okay. That's fine.

The Chair: Yeah. It might be premature to make that decision now, but I can't prevent you from raising it at the next meeting.

Mr. Ouellette: Okay. That's fine.

I'll move, then, that we adjourn this meeting for today.

The Chair: Dr. Massey had already moved that. All in favour, please say aye.

Hon. Members: Aye.

The Chair: Any opposed, please say no.

We're adjourned, then, until Tuesday, the 8th of April, at 9 a.m.

[The committee adjourned at 9:08 a.m.]