

[Chairman: Mr. Schumacher]

[8:30 a.m.]

MR. CHAIRMAN: This is the first meeting of the Private Bills Committee, which I am told is the most important committee of the Legislature. I want to thank you all for being so prompt.

The purpose of our meeting this morning is to organize the committee and try to schedule our work for this session. I'd like to call upon the Parliamentary Counsel, Mr. Clegg, to outline the nature and categories of the Bills that we are going to be asked to deal with.

MR. M. CLEGG: Thank you, Mr. Chairman. Within a few days I'll be submitting to the committee a report on each of the Bills, which goes into a little more detail than I will cover today, as is required by Standing Orders. To enable the committee to assess the Bills that it has received and to plan its work during the sitting, I have a brief description of the Bills we have received so far. This will then enable us to decide whether the Bills are extremely simple and noncontroversial, a little more complex, highly complex or controversial, or both. Based upon that, it is then possible for the committee, under the direction of the chairman, to select a program for dealing with the Bills.

Sometimes in the past the committee has selected, say, four of the very simple and noncontroversial Bills to be dealt with each Wednesday until we have disposed of all of those; perhaps deal with eight Bills that way. Usually there are a number of other Bills which are a little more difficult to deal with and where there are sometimes intervenors or very difficult issues to be assessed by the committee.

The numbering of the Bills doesn't indicate any particular priority. The Bills are numbered in the order in which the petitions are received by the Clerk and transferred to my office.

The first, Bill Pr. 1, is the Alberta Synod of the Evangelical Lutheran Church in Canada Act. This is a Bill to incorporate the Alberta synod of the church and to provide for its constitution. It is a fairly straightforward Bill; it doesn't provide for anything unusual in the constitution. Members may find that they have some questions of the synod representatives, and they are listed, but I think we'll find that

it's fairly straightforward.

Bill Pr. 2 is the Northwest Bible College Act, which incorporates the college and empowers it to grant academic degrees in divinity. This statutory power to grant degrees is required because of the provisions of the Universities Act. Most of the Bible colleges in the province now have this power to grant academic degrees in divinity only, so that of itself is not at all unusual. The committee may well wish to ask questions to the representatives of the college about its constitution, staffing, and operations. But again, the content and the structure of the Bill is very similar to other Bills that have been passed.

By the way, I would tentatively categorize those first two Bills as Bs. They're not so simple that they're almost automatic, but they are not of any great complexity or difficulty.

The third item is Bill Pr. 3, the Oxford Trust Company Ltd. Act. The Trust Companies Act requires that every trust company in the province be incorporated by a private Act, and that is why it has come to us on petition. The Trust Companies Act also provides for regulations to set the form of the Bill. So it's a standard Bill. The wording is provided for in the regulations, and all trust companies have substantially the same piece of legislation. The Trust Companies Act directs that the Legislature, through this committee, consider whether or not the creation of another trust company is warranted in the area in which it intends to operate; therefore, that is a matter to which the committee will wish to address its attention and to question the representatives of the company when it comes forward.

After the Act has been passed, if it is passed, the trust company has to go through further administrative checks and pass various other tests which are administered by the director of trust companies and the Consumer and Corporate Affairs ministry, which controls their capitalization and financial operation. So the source of the funds and the adequacy of funds is not a matter which this committee has to check and be responsible for. Those are done by the department at a later stage. They have two hurdles to cross. One is this committee, and the second is the department. That also is really a B Bill, because it's an important matter constituting a financial organization like a trust

company or an insurance company, which also has to be incorporated by the same means, but it's a fairly standard form of Bill.

The fourth is Bill Pr. 4, the Canada Olympic Park Property Tax Exemption Act. The purpose of this Bill is to exempt from municipal taxation the ski jumps and bobsled and luge runs which have been constructed at the Canada Olympic Park. It is only those improvements on the property which have been exempted from tax and not the rest of the property. The Bill has been consented to by the municipal district of Rocky View No. 44 in which it's located, and which would be the beneficiary of the tax if the tax were to be assessed. Therefore, it can't be regarded as controversial, being supported by both the taxpayer and the tax receiver. However, it is something which -- the committee may wish to question the operators of the Olympic facility and maybe even the district, because it does in fact exempt from property tax.

MR. CHAIRMAN: Did you say that's an A, a B, or a C?

MR. M. CLEGG: I think it's a B, Mr. Chairman. I think it's something which, unless the members feel very satisfied with -- I should mention that on some occasions the committee has agreed to recommend that a Bill proceed without hearing evidence in person from the petitioners. In other words, they have proceeded solely on the basis of the statements in the petition, what people have asked for and explained, which are in the preambles of the Bill, and on the fact that there is no opposition. The committee has said: "We won't ask the petitioners and their solicitors to come before the committee to answer questions. It is so self-evident that it wouldn't be controversial that we would grant it. We would not put them to that expense."

However, that isn't done very, very often, because it prevents members from asking questions, and matters may come to their minds later on. Granting a piece of legislation to enable someone to do something which they could not otherwise do is an important step. But if any member feels that any of these Bills could be dealt with without representation, this can be settled on a motion put before the committee. Some of these Bills are approaching that level of simplicity,

particularly where they have no opposition and where they follow a very clear precedent. But I would leave it to the committee to decide. It may well be that there are local issues of which I am not aware, and it would be wrong of me to make any particular suggestion in this regard. I can just outline to you how standard the Bills are. You will, of course, be notified if there is any opposition to any of the Bills. So far we have no opposition to any of the Bills at all, but there are certain issues which are very difficult in connection with at least two of them.

The fifth Bill is the Alberta Native Business Summit Foundation Act, which incorporates the foundation and provides for its constitution. It is an organization to facilitate native business and co-operation between native businesses and other businesses. It is a fairly straightforward Bill; it establishes a foundation. Although some of these establishments of foundations can be done by other means, such as merely the establishment of a trust or in some cases by the registration of a society under the Societies Act, quite often petitioners seek a private Bill constitution for two reasons.

One is very understandable; that is, it places the constitution onto firmer and more permanent ground than if it is placed in bylaws which can be changed by a majority of the organization at a meeting called and even with proxies, without any public input or notification. Whereas if a foundation which has been created by a private Act wishes to change its constitutional bylaws, it has to get an amendment to its Bill, which means that they have to come here with witnesses with a petition to appear before the committee, they have to advertise their intention weeks ahead of time, and there is opportunity for members of the public or other members of the organization to appear before the committee and state their position. It's a little more expensive and more time consuming, but it gives them greater certainty.

Foundations that are relying on charitable donations find that donors, people who are preparing their wills, are a little more confident that the organization will not change its purpose in midstream and start doing something else, which a charitable foundation or trust can do by a change of the trustee or by changing the society's purpose without any public debate; whereas if they make their donations to an organization which is either very well-

established in time or in the public eye or that has private legislation, any changes will at least receive a great deal of publicity. So I thought I'd mention that is the reason why some of these come to us.

There is another reason, which sometimes one guesses at; that is, it appears that some organizations gain a certain amount of status by having constitutions by private Act rather than by registration under public Act. Sometimes that status is merely one for a person's reputation perhaps, but sometimes there are reasons for that also. We had several representations from colleges asking for private Act incorporation in the past. They said that when they are receiving students from overseas -- which they are very pleased to do -- overseas governments often are hesitant to send students to organizations which are not incorporated by legislation, because a number of them are. They have perhaps an incorrect feeling that those that are not are of a lower status. Therefore, they need this to show to students and to governments responsible that they have a degree of recognition and control from government.

In addition, they find that their own graduates are better accepted overseas if they come from an organization which is created by statute. In many of these cases these people are missionaries and are working for the benefit of the host country, yet the host country is sometimes critical of the qualifications of the person who has come there for very little remuneration and at great personal effort. They find it better to have this little cache, that they have their degree in divinity, perhaps, from a legislated college.

So I thought I'd mention that that background has come up many times in the past before the committee, but it is something which might not be known to the members, et cetera -- those who've been on the committee for years, of course.

The next Bill is the Timothy Z. Marshall Bar Admission Act. This is a Bill to provide for the admission of Mr. Marshall, who is a British citizen but not a Canadian citizen, to the Alberta Bar. He does not intend to practise in Canada but in the Bahamas. The Bahamas do not have their own Bar admission; they require the person who is practising there to have admission in another commonwealth country.

Recently our local Legal Profession Act was

amended to require a person to have Canadian citizenship before he could become a member of the Bar in the province.

MR. DOWNEY: Why isn't he applying to the British Bar?

MR. M. CLEGG: He has taken his qualifications in Canada. At the time he commenced his studies in Canada and commenced articling in Canada, it was perfectly legal for him to apply for and receive admission to the Alberta Bar even if he was a British citizen. After all these years he's finished his studies, and the law has been changed. He's found himself having perhaps put aside rather a lot of years. His intention is to work in Bermuda; we also have a letter on file from the Attorney General of Bermuda requesting that we do this. The Law Society of Alberta is not opposing me here -- a petition -- which essentially means that they are giving it the classic okay.

That is certainly something which the committee should want, to have the matters on record and might wish to ask questions. It's not quite such an unusual request as we might normally see in this particular regard, but the special circumstances add some points to this matter.

MR. CHAIRMAN: Just to categorize the preceding...

MR. M. CLEGG: It probably also would be...

MR. CHAIRMAN: And also the native business section...

MR. M. CLEGG: I think so, yes, because that follows the format of similar Bills we've had in the past.

The Calgary Research and Development Authority Amendment Act, 1986, Bill Pr. 7, is a Bill which amends a previous piece of legislation passed by the Legislature only a few years ago. The amendments which they require are very simple; they are just operational amendments. They have found that some of the powers they have are not perhaps sufficiently clear in connection with dealing with property. It wasn't quite certain whether the drafted powers in the original Act, for example, gave them the right to lease and sublease property, although they had the power to hold it.

Somebody argued that perhaps they didn't have the power to take property under lease or sublease. That is one of the questions which they want clarified.

Another amendment is necessary, because one of the persons who was appointed ex officio to this board has had his title changed by the city and is no longer the person described in the Bill. It's a different office. They wanted an ex officio member, so they want it changed.

The final section is a clarification of the . . . Just a minute, I have just to remind myself about exactly what they're doing here. Yes, they're clarifying the section and changing the amount of tenure that a member of their committee can have. There was previously a limitation on the number of years a person could be on the board of the authority, and they wanted to remove that limitation and have the freedom to reappoint people if the people were serving on the committee and had long service.

So these changes are extremely simple. Members may wish to look at the Bill when it has finally been drafted and printed and consider whether or not they need to cross-examine the representatives of the authority or whether they would be satisfied just to recommend the Bill without examination. It's a very simple Bill. It's the kind of Bill which the committee in the past has sometimes agreed to deal with without witnesses attending.

But there are always some issues in cities — Edmonton and Calgary — which are not always apparent from the printed word. Members from that city may know more about the background of this than I do, and they may well wish to cross-examine the witnesses. So I'd hesitate to make a recommendation. I've seen hot questions coming out of the Calgary caucus on matters which I thought were totally noncontroversial in the past.

AN HON. MEMBER: That would be an A.

MR. M. CLEGG: It think it's an A or a B, yes.

AN HON. MEMBER: Just Calgary?

MR. M. CLEGG: Oh, no; from Edmonton as well. Certainly I wouldn't want to give the impression that Edmonton backbenchers have been quiet in cross-examining their own city representatives.

The next Bill is the City of Edmonton and

Northwestern Utilities Limited Agreement Act, 1986. At the beginning of this century or about that time an agreement was entered into between the company which was the predecessor of Northwestern Utilities for the monopoly of the supply of natural gas to the city of Edmonton. That agreement was validated by legislation and was incorporated in the statute in the early part of the 20th century. The agreement ran for a period of 10 years, and every 10th year since that time a Bill has been brought before the Legislative Assembly validating an amendment agreement, which extends the monopoly for a further 10 years.

The last time this came before the Assembly was in 1976, when the agreement was extended for 10 years. We now have another 10-year extension being done. This is the 8th extension on that agreement. It is probably noncontroversial, but there may be political issues that the Edmonton caucus might wish to examine in this regard, because the supply of natural gas in the city is a very important utility matter. Therefore, I wouldn't want to make any suggestions about that particular issue. It's no particular problem for Edmonton representatives to come and answer the committee's questions. The Bill itself is very simple in its content and in its purpose, but the existence of the agreement is obviously something which members may wish to comment on. I think it's adequate as a B in its categorization.

The 9th Bill is the Galt Scholarship Fund Act. This is a Bill which relates to a trust fund which was established in Lethbridge for certain charitable purposes relating to nursing and medical care. Over the past few years the trustees have reported that they have found it impossible to usefully utilize the trust funds for the purposes originally provided in the trust. Therefore, they are asking for legislative authority to put the money into a new trust for a slightly expanded purpose for nursing education and the promotion of advanced nursing studies at a hospital in Lethbridge.

The Bill provides for the creation of a fund and the transfer of money from the present trustee, which is Royal Trust, into the fund and, essentially, the variation of the original terms of the trust. Of course, the benefit is that they'll be able to use the trust fund in what they believe to be a worthwhile purpose. There is no

opposition to this. All the parties to the arrangement are satisfied with what is being proposed.

This kind of thing has been done before. The Burns trust, which members will be aware of, particularly Calgary members, has had a slightly less happy history. It has been before the Assembly dozens of times for changes to its purposes. There are reports that in that particular case there's more money being spent on legal fees than on beneficiary, because there is so much argument about what that particular trust could be used for. This particular trust is -- we are hoping we are starting off on a happy course in the useful usage of the trust fund. I think it's a B. It's not a Bill which is automatic and so simple, but it certainly has no controversy connected with it.

The next one, Bill Pr. 10, is the Joanna Olivia Kupiec and Agneiszka Jennifer Kupiec Adoption Act. This Bill provides for the adoption of two children who have been abducted by their natural mother, contrary to an interim custody order which gave custody to the father of the children, who is not married to the mother and has not been married to the mother. The children are now in Poland. The petitioners have come to us for private legislation because they believe, first of all, that the private legislation will give the petitioner greater [inaudible] standing when he applies in the Polish courts for custody. In addition, they have said -- but they yet have to demonstrate -- that the Child Welfare Act does not allow the director of child welfare to recommend or bring before the courts an adoption order for children who are not within the jurisdiction.

This is a very difficult legal question. I haven't any opinion on the matter at this point in time. But the other question is: if there is no legislative power under the Child Welfare Act to adopt children, is there legislative power in this Assembly to pass legislation to adopt the children? If they're beyond the jurisdiction of Alberta, they'll be jumped beyond the jurisdiction of Alberta. However, this is a very difficult legal point, and counsel for the petition is prepared to argue this point. There is no doubt that it's a very difficult matter, because adoption is already provided for in the Child Welfare Act, and of course in this committee what we'll have to deal with is whether that procedure should be short-circuited and a special Act granted in the

circumstances. What precedence will that set?

They have not been turned down by the department of child welfare; they have not gone to court. Under the provisions of that Act, an adoption order would have been refused. They are claiming urgency, and they will have a number of very important and difficult points to put to you and difficult legal issues to argue about jurisdiction and about the reasons we want private Act adoption for minors who are provided for in the public and whether or not they are correct in their assumption that it will be more effective or maybe ineffective under the Child Welfare Act.

I think this is certainly the most difficult Bill that we have, and we will need to spend time on it.

MR. DOWNEY: Isn't this a rather silly place to bring it if they require urgency?

MR. M. CLEGG: It is potentially quicker than the proceedings under the Child Welfare Act. They will be requesting us to look at the Bill quickly. Potentially this matter, if we were to recommend that this Act proceed, could be passed into law in eight weeks from now, even if we didn't give it early assent date. Whereas if they have to fight their way through difficult proceedings before the director of Child Welfare Act and before the courts, it might take longer than that. They have certainly made that representation in their correspondence. They have chosen this forum for several reasons: one is because they think it has a greater jurisdiction; secondly, because they think it would be more effective; thirdly, because it could be potentially quicker. There are delays in the courts. There is a large number of adoption applications apparently -- they allege -- before them. They will be arguing on that point. They will raise that point and discuss that point with us. They have raised the issue of urgency, but they're not running both proceedings in tandem.

But as I say, I think they would be very grateful if the committee could deal with the Bill at a fairly early stage even if we can't decide at an early stage, because I think there are some very difficult questions to be dealt with. I have no wish to influence the committee to prejudge the issues. I haven't researched the questions they brought forward, and they will be bringing forward careful

argument. They have in a way requested if possible an early hearing date, but we will certainly have to reserve a significant amount of time for it and maybe consideration of the issues in some extended way after we've heard the evidence.

AN HON. MEMBER: The father is not represented?

MR. M. CLEGG: The father is represented by counsel, and he is the petitioner. The mother, who is in Poland with the children, who has abducted the children, is not at this point represented. I have suggested to them that it would be very difficult if they came to the committee without showing us that they have not only advertised the Bill but had served her in Poland with the intention to seek legislation, to give her a chance to be represented before the committee. They hadn't done that, and I said that they should. They are at present arranging for personal service in Poland. That is another fact, the amount of time the committee feels the mother should have to arrange to be represented in Canada. But there are two court orders, interim custody orders, for the father, and those will also be brought forward.

MR. CHAIRMAN: They are from our Court of Queens Bench?

MR. M. CLEGG: Yes. As I said, this is by far the most difficult Bill that we have.

Bill 11 is The McMan Youth Services Foundation Act. This is a Bill to establish a foundation to deal with the money of the McMan youth services organization, which is already functioning in Calgary. The reasons for seeking legislative constitution of that foundation are, I think, the reasons which I mentioned in general terms before, certainty, and convincing testators that they are an organization that will not be blown around in the wind by temporary political moves amongst its trustees. That's a B; I would certainly say that the Kupiec Bill is a C if not a D.

Bill 12 is the St. John's Institute Amendment Act. This is a Bill to provide for certain amendments to the St. John's Institute Act, which was passed in 1963. What it does is to extend the property tax exemption from the lands which were previously exempted by the

original legislation in 1963 and to cover other lands which they have since acquired. We have not been advised by any or either of the municipalities involved that there will be opposition to this, but that is still possible. The committee may well wish to ask questions about the operation of the institute and the reasons for the request for tax exemptions and the manner in which the lands themselves will be used. I would suggest that that would be a B.

Bill Pr. 13 is the Certified Management Consultants Act. The purpose of this Bill is to incorporate and provide for the constitution of the Institute of Certified Management Consultants of Alberta. This is a complicated Bill and is based on other pieces of legislation in force dealing with the regulation of professional bodies. The degree of complexity really springs from the fact that with the very recent proclamation of the Professional and Occupational Associations Registration Act, there is another avenue which the government has provided for the establishment of professional organizations.

It appears that government policy, which will have to be brought forward by members of the committee and balanced against this request, is to encourage professional organizations to incorporate under the Professional and Occupational Associations Registration Act rather than each one having its own private piece of legislation. They will be explaining to the committee why they want the legislation, why it's important for them to have an individual piece of legislation rather than registering under the Act. The Act has only recently been proclaimed. By that I mean that it was proclaimed last Friday. They would have been the first group who could have registered under the Act. This has, unfortunately, some status implications, because they're the first group who potentially might not get their own piece of legislation, and there is no doubt that it is rather nice to have one's own Act.

I think the committee will wish to look beyond that to see what other reasons there are and whether it will disadvantage this organization. The committee will perhaps also wish to find out how many of the very large number of management consultants in the province are actually represented by this group and to what extent they can claim to speak for the majority. We don't know whether there'll be any opposition to the Bill. We had a telephone

call, which has not been followed up in writing as we insisted, to suggest that the name is already being used by another organization and shouldn't be granted in legislation. There has been no follow-up of that. It was from some organization which called themselves the international management consultants association or something.

MR. CHAIRMAN: B or C?

MR. M. CLEGG: I think it may be a C, because there may well be some consideration of the views of the department about this type of legislation. The government has specifically taken a position. They hoped in future that professional corporations would be taken under the professions and occupations Act. That is a matter which this committee will have to weigh, the availability of that kind of legislation against the need for special legislation for each particular group of professionals.

Subsequently we received another petition for St. Mary's College in Calgary. The purpose of that Bill is to incorporate the college in Calgary, which has a particular purpose for providing additional education for students, both Catholic and other students, who are attending the University of Calgary. It is similar to other legislation which creates colleges and provides for similar powers in its constitution. It does not contain a degree granting power, as far as I recall. The members may consider that to be a fairly normal and standard request, with a B classification.

Mr. Chairman, that is the analysis of the legislation which is before the committee at this stage. In deciding which Bills you wish to deal with first, there is not only the matter of which ones are easy to deal with and which ones have to be given a full day or might have to be delayed for some time because of the difficulties; there is also the question of a number of these petitions not having yet completed their advertising or, even if they have done it now, they had not completed it by the deadline of June 27. We have an unusually large number of noncompliances this year. Members who have been on the committee before will remember the mild — or severe — frustration which the committee has had in the past with petitioners not completing their advertising in time. In some cases it was just

being slow off the mark. In some cases it was late instructions to solicitors. In some cases it was solicitors not acting when they should have.

In one or two cases and in this year it appears that almost all of the late advertising has been caused by the fact that there was a degree of uncertainty in two areas. Was the advertising that was done for the spring sitting adequate to cover the summer sitting? I felt that it was only correct — there was no committee here to consult. I didn't think it was satisfactory, because the previous advertising specifically referred to an intent to bring a Bill to the then-forthcoming session of the Legislature, which was the session we held in April. Therefore, it didn't talk about any subsequent session. None of the Bills were dealt with at that time. Their fees were refunded, and none of the applications were heard at all. Several of these Bills, but not very many of them, are Bills that were brought forward before. So for a while there was some confusion as to whether they had to advertise again at all.

Secondly, there was some uncertainty as to when the session would commence. There were some rumours that it wouldn't commence until the fall. Although petitioners are allowed to advertise early — they're allowed to advertise any time after November 1 in the previous year, so they could've started on a speculative basis — they didn't have the trigger of the announcement of the session, and some of them felt that perhaps they should make their advertising a bit more contemporary with the session and advertise it once the session had been announced. It's difficult to fault people for not advertising an intent to bring forward legislation at a session when the actual sitting of the session hasn't come forward. The committee might therefore feel inclined to be lenient in these circumstances.

There has been the view expressed in the past that deadlines are deadlines and that there should be some consequence for not meeting them. This is certainly true. The deadlines are very helpful for the committee in bringing all the Bills forward in time so that the committee can carry out this very kind of planning activity which it now has. But we do have all the Bills now. They're only slightly late. I'm not wishing to appear to be arguing one way or the other, but I think that a recommendation to the Assembly that the Standing Orders be relaxed

to allow these petitioners to complete their advertising -- most of them have completed it already. Some of them still have to advertise on July 15. I think that will complete it for everybody.

MRS. HEWES: Mr. Chairman, can I ask a question of Mr. Clegg? I take it it's not permissible for the ad to indicate "at this session or a subsequent."

MR. M. CLEGG: The Standing Orders say that it has to advertise the intention to bring the legislation to the next session. That's always the way it has been done. It is obviously of importance that the public is advised so that anybody who wishes to intervene can do so, because all these Bills are legal benefits being given to people who wouldn't otherwise have them. If the advertising is too far in advance of the time, it's more difficult. It is not so relevant to the session. It's more difficult for people who are looking for this kind of thing to make the connection. We haven't previously authorized that kind of combined advertising. It certainly wasn't authorized in the past. It's never been done before.

The main reason most of these petitions were late is the fact that they didn't know when the session was going to start. As soon as the sessional date was announced and gazetted, they started their advertising. In the past years the Alberta Gazette has required more and more working days of advanced notice before they could get an advertisement in. It seems that the more equipment they buy for word processing and printing, the longer it takes them to get the ads in. In the old cut and paste days, as Mr. Wright pointed out, it used to take about three days to get something into the Gazette. Now it takes 10 working days, which is perhaps . . .

MR. WRIGHT: [inaudible]

MR. M. CLEGG: I leave that to the committee to determine. The previous practice of the committee has certainly been that it would not deal with Bills until the advertising had been completed because then the public interest has been satisfied. There are at this point in time only four Bills -- actually the first four -- for which we have complete and full advertising. There are four that were completed before the

deadline, Bills 1 to 4. Bill 6, the Timothy Z. Marshall Bill, has since been completed. He completed his advertising on June 30, three days after the deadline. The Gazette only publishes twice a month, which makes it additionally difficult to get things done quickly.

So the first four were in by the deadline. They're all Bs. They are matters for which there may be questions, but there doesn't appear to be controversy or difficulty or unusual requests. The committee might consider scheduling some of those four Bills or even all of them for next week. It might be a little ambitious to deal with four because two of them -- trust company applications are often the kind of subject where members wish to ask questions of the proponents about what their business is going to be, where they're going to function, and what public services they're going to offer. There is that one which is providing for text exemption.

AN HON. MEMBER: How long do these meetings take?

MR. M. CLEGG: This committee is normally limited in its access to Chamber by the fact that the Public Accounts Committee usually comes in at 10 o'clock; therefore, we normally sit for 90 minutes. But I don't yet know whether the Public Accounts Committee is sitting next week, so the committee potentially could sit for as long as it chose next Wednesday morning, if it wishes to continue with Wednesday meetings, which have been traditional because they seem to fit in well with other obligations. That is certainly a point. We could probably go up in two-and-a-half hours and deal with four or even five Bills. If the committee wishes to get a fast start and be quite ambitious with its dealings, it could deal with Bills 1, 2, 3, 4, and 6 next week, all of which have interesting points, but I wouldn't foresee any of them taking a long time. If any of the members perceive some problems with the Bills I've mentioned, they might identify that they would need some time to discuss them. We could then schedule a longer time.

These Bills will be at the printers or coming back from the printers very, very soon, but if they're not back from the printers within several days before the committee meets, we will send you preprint copies of the Bills, so you'll have them several days in advance and



probably within two or three days from now, either the printed Bills or the preprints.

MR. DAY: Mr. Clegg, looking at Bill Pr. 3, the Oxford Trust Company Ltd. Bill, you'd mentioned that after the Act has been passed other tests and checks are required by another agency, and we don't have to worry about talking to them about the establishment of their assets or finances. What, then, in dealing with a trust Bill would we be looking at?

MR. M. CLEGG: Mr. Chairman, the issue referred to the Legislature by the Trust Companies Act is that the Legislature will wish to satisfy itself that there is a need for the service proposed, that there is a need for another trust company.

That legislation was drafted many years ago when trust companies mainly acted on a local basis. They would say: "There isn't a trust company in northeast Edmonton" or "There isn't a trust company in Canada." Most of the trust companies in the province now operate province wide, and usually the argument is presented to the committee that there are many trust companies operating in the province which are extra-provincial companies which do not go through this procedure at all. It is always of advantage for Alberta to have more Alberta-based trust companies. Applicants have usually made that argument rather than saying that they're going to provide a service in a city, town, or rural area which has been previously provided. They're saying, "We wish to be a part of the increasing Alberta activity in this area and prevent ourselves from being swamped by Toronto-based trust companies."

That is really the only issue which comes before the Assembly -- to report before its committee. As I said, you do not have to ask for evidence of assets because that's dealt with by the department, which is a neater way of doing this thing, to transfer that to that department. It is a very simple matter really, from this committee's point of view, to deal with the trust company applications. We haven't had one refused for years that I know of. Sometimes they do not pass the requirements of capitalization set by the legislation and do not satisfy the director of trust companies after they've got their Bill. In fact, the success rate -- by success I mean actually getting into operation -- of companies

which come before this committee is only about 50 percent. Only about 50 percent of the companies which have been incorporated in the last 10 years are now functioning, not because they've gone into business and failed but because either financial circumstances have changed or they've decided not to go ahead after a year or two. They have to satisfy the director of trust companies within, I think, a year or two years of the Bill being past or they lose their right to proceed and have to start all over again.

MR. CHAIRMAN: Is that all, Mr. Day? Any other comments or questions?

MR. WEST: In doing so, in looking at a trust company like this, do we get a true picture of the complete trust company before it starts, or does that go to the other board? I mean, as to the makeup of that trust company, who is involved in it.

MR. M. CLEGG: Mr. Chairman, the petitioners are normally the first members of the company, but it is always possible for them to add other principals to that corporation at a later stage. Therefore, at the time they come before us, we do not know whether the principals who are coming before the committee will be the final or the total principals of the company. The principals of the company are regulated by the director of trust companies eventually, because they have to satisfy the director as to the capitalization which they are putting into the company and the various other financial hurdles which they have to pass.

Realistically, this committee does not get very much of an in-depth view of the proposed operation at the time that they review the legislation. Some members have asked themselves why we do this at all and why the registration is not in the same manner as for an ordinary corporation. However, by going through this procedure and having advertising, it is always possible for any member of the public to come and say: "This person who is a promoter of this trust company who is coming before the committee has got a financial record that you wouldn't want seen on the back of a pornographic magazine, let alone operate a business in the province; therefore, I would oppose the committee giving this incorporation." This has not happened during

my time here, but it certainly places their application in very much exposed and public position. They have had to advertise. People in financial circles know that these people are advertising, and if they felt that there was something to be brought to the committee's attention, they would use this forum to do that. The very fact of the hearing, even if nothing happens, fulfills that purpose. It allows any member of the public to raise personal objections to the incorporators. So even if there is a five-second silence at the time when the witnesses stand up, I believe that a purpose has been fulfilled, as opposed to merely doing it on application to the director of trust companies, who might not have information which is useful to judge whether these are proper persons to be incorporated.

MR. CHAIRMAN: Would the committee feel that we could, particularly if Public Accounts is not meeting next week, deal with Bills 1 to 4 inclusive and number 6? We should try to accomplish that.

I guess one other sense of direction is: how long after Mrs. Kupiec is served should we suggest that she has to make some response, as far as scheduling that matter. Would you say a month, Mr. Wright, considering the distances?

MR. WRIGHT: I would say not less than six weeks, really, unless that means we might not be sitting.

MR. CHAIRMAN: That's always a consideration. Maybe we could say a month, and then her counsel could request further delay, but if she hasn't made any contact with us in a month, maybe that would indicate she's not — that should give her time to retain somebody.

MR. WRIGHT: It might be all right on that basis.

MR. CHAIRMAN: And then, maybe . . .

MR. YOUNIE: I would first wonder about the circumstances that led to custody of the children being given to the father and also whether or not she indicates a desire. So if she has served notice and said, "I'm not going to bother going over to Canada," why wait? Whereas if she says, "Yes, but I need some

time," then give her the time. It seems to me those two considerations are important.

MR. CHAIRMAN: I guess what I was asking is how much time should we give her to ask for time? I would think a month is all right for an initial response on the understanding that they would have time to prepare.

MR. MUSGROVE: What about the advertising of that Bill. Is that the one that is the furthest behind as far as advertising is concerned?

MR. M. CLEGG: It's not the furthest behind, Mr. Chairman. We don't know when they advertised in the Gazette. We haven't received any affidavit yet. They finished their advertising in the Calgary Herald on June 23, so I would assume that they must have been in the Gazette on June 30 and will probably be finished on July 15, which is only a week from now. They're all very, very close to having completed their advertising.

MR. WRIGHT: Mind you, the circulation of the Calgary Herald and the Alberta Gazette is not wide in Poland.

MR. M. CLEGG: That is true, yes. I should mention as background that it was the pit of the argument that the father did raise the children from birth, according to his allegations. Therefore, the interim custody order didn't appear to be a change of custody but a confirmation of custody. But we haven't got all those facts before us. It does seem to be very strange circumstances.

MRS. HEWES: We'll have to get verification that she has been served.

MR. M. CLEGG: Yes. I spoke to the solicitor in Calgary on the phone about a week or 10 days ago, and I asked him if he had served her, because I assumed that he would have taken that step. He said they hadn't, and I said that I was certain that the committee would want to be certain that she knew about the application and that he should do this immediately. Whether he has achieved that will depend on whether she is trying to avoid service. It's probably very simple to get service in Poland; probably in three or four days you can airfreight something to Warsaw and have an agent serve

it. Sometimes, as the committee will know from experience, if the person doesn't want to be served, it can take some time to catch them. But we have no evidence to believe that she is trying to do that. We may, in fact, have evidence of service quite soon.

MR. CHAIRMAN: Mr. Clegg, do you think it would be wise for you to contact the solicitor for the petitioner now and tell him of the committee's views, that she has to be served before we're prepared to proceed?

MR. M. CLEGG: Yes, Mr. Chairman, I will confirm that to him, and I will also confirm that it is the committee's view that after she has been served there should be a month's period before we assume that she's not going to take any action.

MR. CHAIRMAN: That's correct.

MR. M. CLEGG: If she expresses an intent in writing to the committee that she wishes to intervene, I would suggest then that the committee will consider how long she be given to prepare her representation before the committee. We'll consider that at that time.

MR. CHAIRMAN: Yes.

MR. M. CLEGG: We will wait a month before we decide that she is not going to appear before the committee. I would suggest to the committee that if the counsel for the petitioner in this circumstance wants to appear before the committee and request a different time, perhaps the committee would hear him. He may accept that one month, or he may wish to present other facts to the committee to try to persuade them to hear him, to shorten the month.

MR. CHAIRMAN: To bridge the time.

MR. M. CLEGG: Yes.

MR. DAY: Mr. Clegg, in prior consideration of any of these Bills, are we given supplementary information other than the wording of the Bill itself?

MR. M. CLEGG: Sometimes, Mr. Chairman, extensive background information is provided by

the petitioner. Sometimes the only other background will be in a selected, expanded report which I'll give to you, and you will receive the greater background from the witnesses when they appear. The normal procedure of the committee, if I could outline it very briefly, is that the chairman introduces the petitioners to the committee. They sit opposite the committee on the opposite side of the House. The solicitor will typically give an introductory comment on the legal reasons for requiring legislation to solve the problem and outline the legal issues, and he will then introduce evidence, either by questioning or by allowing his petitioner to make a statement to the committee about the facts surrounding it. We separate it this way so that the solicitor himself isn't acting as the witness. The witnesses are put under oath, and we [inaudible] to avoid making themselves witnesses in their own cause by giving direct factual testimony unless they are in fact the only people who have knowledge of the facts, in which case we'd have to treat them as witnesses too.

The committee members are then able to question either the solicitor on legal background or the witnesses on the facts and elicit further information. Sometimes the petitioners bring presentations with them. I have always in the past asked them for hand-written material, that they provide in advance of dropping it into the committee's lap on the day.

However, the committee does not usually make a decision on a Bill until it hears evidence, and usually this is decided at a subsequent meeting of the committee and often in camera, when the committee discusses between themselves the evidence that has been presented to them and the documents that have been presented, and makes one of the three recommendations that's there to be made: the first being the Bill to be proceeded with, the second, that it be proceeded with with some specified amendments, and thirdly, that the Bill not be proceeded with. Subsequent to that the chairman reports the same to the Assembly, and the Assembly almost invariably accepts the recommendation.

So the information comes to the committee in that way, and I have always encouraged people who have prepared presentations to bring them to me in advance, because questions may arise out of those presentations. We have sometimes asked that they be sent back again.

MR. CHAIRMAN: Thank you, Mr. Clegg.

MR. DOWNEY: My question is: is any matter that comes before this committee a matter of petition, or can a committee member raise a private Bill, that maybe is presently in existence, for examination?

MR. M. CLEGG: Mr. Chairman, the mandate of the committee is solely to consider private Bills which have been received on petition by the Assembly that have gone through the procedure in which they are currently started, whereby the petitions are presented, read and received, the chairman reports as to whether they have complied with Standing Orders, and the Bill is then introduced in the House and given first reading. Then the committee has official custody of the Bill, as it were. The committee does not have the power to commence investigations into any other matter, except that in the past it has without specific authority made a recommendation to request of the Assembly for amendments to Standing Orders which relate to its function. That's the only time it's ever stepped beyond the consideration of the Bills before it.

If any member wished to have any other piece of legislation, maybe an existing private Act, referred to this committee for consideration, it would have to be a result of a motion before the Assembly that the XYZ Act, a private Act of the Alberta Legislature, be referred to the Private Bills Committee for a report. That can certainly be done. It hasn't been done, to my knowledge, in recent years, but it's certainly the kind of thing which could be done. If any member has a concern about a particular private Act, he could have it referred to this committee by that route. It would have to be referred to this committee by the Assembly as a result of a motion.

MR. CHAIRMAN: Any other matters members wish to raise at this time? I think we have agreed on what our business will be next week. Or is there any other scheduling that we should consider?

MR. M. CLEGG: Perhaps the committee could authorize the chairman to pick the agenda for subsequent weeks so that we can advise the petitioners when they're likely to be coming forward. As the advertising is completed, I can

advise the chairman, and maybe in personal consultation with some members of the committee we can put forward a suggestion so that we don't necessarily have to wait until next Wednesday to have it approved. If any members have any particular wishes about when a particular Bill might be heard, they can communicate that to the chairman.

MR. MUSGROVE: Do you need a motion to do that?

MR. M. CLEGG: Mr. Chairman, we might put a kind of rolled up motion to deal with all the matters we've dealt with, but we should deal with the question of Standing Orders as a separate motion. Firstly, we need a motion either to deal with specific items or to deal with all of the Bills to extend the deadline to permit the advertising to be completed. I think that recommendation should be made conditional upon the advertising being completed before any matter on the Bill is heard. I think that's the first motion the committee should consider. Maybe one of the members would make such a motion.

MR. CHAIRMAN: Mr. Musgrove will make that motion. Any discussion on that motion? All those in favour? Opposed, if any? Carried.

MR. M. CLEGG: Mr. Chairman, I suggest that the next motion might be merely to deal with the items which will be put on the agenda for next week and to authorize you to settle agenda items in subsequent weeks, as and when the petitioners complete their advertising.

MR. CHAIRMAN: Mr. Brassard, would you make that motion? Any discussion on the motion? If not, all those in favour please signify. Opposed, if any? Carried.

Are there any other matters anybody would like to raise?

MRS. HEWES: Simply a matter of housekeeping, Mr. Chairman. The committee would ordinarily meet for a full morning? That is, should we block off every Wednesday?

MR. CHAIRMAN: When the Public Accounts goes, we have to close at 10. But next Wednesday I think we should block off right through to lunch time.

MRS. HEWES: And subsequently up until 10.

MR. CHAIRMAN: Depending on when Public Accounts gets itself organized. I would just as soon deal with all matters we can as soon as possible and get these matters out of the way.

MR. M. CLEGG: Mr. Chairman, my personal guess is that we might be finished next week by 11 o'clock. No one knows how long questions might continue on something which I would otherwise think very simple.

MR. CHAIRMAN: Of course, I'm in your hands. How does the committee feel about getting our work cleaned up as soon as we can? Or would you like to just go leisurely?

MR. DAY: Mr. Chairman, I'd like to see everything cleared up as quickly as we can, giving time to consider each one. B and C, I think, are the key.

MR. CHAIRMAN: The members' committee would like us to use any available time. If Public Accounts does not get itself organized, we'll plan on using the full morning from now on until we can get these things . . .

MR. BUBBA: Just on that, I'll be talking to the chairman of that committee as soon as he gets back in town this week and see what his intentions are with respect to Public Accounts.

MR. CHAIRMAN: We'll have a further report next Wednesday on what their intentions are.

MR. M. CLEGG: Mr. Chairman, the committee's secretary has reminded me that we should ask the committee whether there are any of these Bills which they feel they could deal with without the solicitors coming forward. What I would suggest in that regard is that there are one or two which might be, particularly 7, which is The Calgary Research and Development Authority Amendment Act and maybe the City of Edmonton and Northwestern Utilities, which extends that ten-year contract, depending on what members feel. It's not necessary to decide today what we do in this regard.

I think that before we were to waive attendance, members would like to have a copy of all the Bills. Perhaps the secretary could tell

us which of the Bills are currently at the printers. We are just in the process of completing the examination stage, and I've tried to iron out the wrinkles in the Bills and suggest gently to petitioners that they take out things that obviously will have to be refused or amended by the committee. I have virtually completed that. We hope to be able to send a large group of these Bills to the printers, probably today. We will try and get you a set of the Bills by the end of the week, either printed Bills or photocopies of preprints. Because the committee is not so large as it has been in the past, that's not such a monumental task. Then we'll have a whole set of the Bills for three days before we meet next week.

Mr. Chairman, I'd like to suggest that at the next meeting of the committee the members might be able to consider whether they would want to call forward witnesses. I think the first four Bills are perhaps all Bills where they would wish to have the witnesses or their representatives present to explain the circumstances, because they are all . . .

MR. CHAIRMAN: Except for number 4. How you feel about number 4? That's the Rocky View MD tax exemption one. That involves people coming from Calgary. It's a case where the municipal district is in favour of this happening. Do you think this is a case where we might dispense with the travelling involved?

MR. MUSGROVE: Mr. Chairman, I'm wondering about a precedent set there. There's certainly concern about recreation areas within our provincial parks at this time as far as assessment is concerned. I am reminded of an incident at Cypress Hills right now. Will this be exclusive to Kananaskis, or do we set a precedent?

MR. CHAIRMAN: It's just on the outskirts of the city of Calgary. It's where that ski jump is, where Paskapoo was. It's a very restricted and small area.

MR. DOWNEY: That doesn't really eliminate Tom's concern — because it's on the outskirts of the city. I have maybe just a little concern with that too. We're exempting a government recreation area, essentially. Are we going to be petitioned to exempt some private ones?

MR. CHAIRMAN: Of course, I'm just making that suggestion. Everybody involved with this Bill seems to be in agreement with it. The receiver of the tax money is supporting this Bill. I would certainly agree with you if there was any indication that there was opposition, but if the tax collecting authority is in favour of it, I don't know what they would say except yes.

MR. YOUNIE: I think his point, though, was: does that mean that next year or the year after this may be used as a precedent to allow somebody to pressure a municipal district not to collect taxes? Even though they protest, because there is a precedent, their case will be weakened. So without some consideration of that, we may be making things difficult for municipal districts down the road.

MR. MUSGROVE: I'm reminded right now of the ski hill that is about to be built in the Cypress Hills Provincial Park and the possibility right now of that being dropped because of the cost of the taxes to the municipality. I can see us hearing from the developers in Cypress Hills if we exempt a ski hill just out of Calgary. They will come back to us saying: "You people exempted those. Why doesn't this cover our particular . . ."

MR. CHAIRMAN: You'd feel more comfortable if the MD was here in person so that it's a matter of record of the MD saying, "We are in favour of this; we do not want the taxes in this particular case."

MR. WRIGHT: Mr. Chairman, it really doesn't seem to me a very fearsome precedent, because the essence of it is that the alleged victim, namely the municipality, has consented. That's not much of a precedent.

MR. BRASSARD: Not only that point, Mr. Chairman. I don't know if we're confusing the two items, because the matter of establishing precedent shouldn't be dependent on representation. I think whether they're here or not shouldn't really influence the precedent factor.

MR. DAY: I don't know that this committee, first all, is bound by precedent. If it were, the precedent we would be setting is that when a

municipal district is entirely in accord with the request, we don't require them the expense of having to come and sit before us. If that was a precedent, it's certainly not a very dangerous one to be presented, from my line of thinking.

MRS. HEWES: Mr. Chairman, just a question. The Bill relates only to the . . .

MR. CHAIRMAN: Ski jump and the luge run.

MRS. HEWES: . . . it specifies those particular things: improvements to the land and only to the foundation that operates them. I would want to be sure that it couldn't be that in the future the improvements and the land could be sold and operated by a private operation and still be tax exempt. We'll find that out, I'm sure. We don't need to have people present to see that.

MR. CHAIRMAN: It sort of bothers me that when everybody seems to be in agreement, we're making them jump through hoops for no apparent reason.

MR. YOUNIE: Just a question. If next week when we go through this in more detail and have had a chance to read it, we decide that we have some problems and we want to wait until the following week and have them come, we could . . .

MR. CHAIRMAN: The only thing is, I think we had agreed that this was one of the Bills we were going to deal with next week. The reason I'm raising it now is whether we have to ask these parties to appear next week, because it will be on our agenda to be dealt with. We won't be deciding next week whether we're going to hear . . .

MR. YOUNIE: My point is in that case, if we had some difficulties based on further reading and discussion, we could say, "Before we make a final decision, we want to ask some questions." If they don't come next week doesn't mean they never come.

MR. CHAIRMAN: It's a little difficult, because we won't be getting the Bill until Friday. I would think they're entitled to at least that much notice that they're going to have to be here.

MR. M. CLEGG: Mr. Chairman, maybe I could make a suggestion here. The Bill actually does provide that the exemption only exists so long as the Olympic Development Association owns that property. However, with regard to precedent, as the members have pointed out, the committee is not bound by precedent. The Assembly is not bound by precedent. There's a principle of Parliament that no Parliament can bind a subsequent Parliament. Even if there were specific legislation which said that all these things shall be granted, it can always be repealed by the next one. So it's not like a court, which is bound by the precedent of a court of equal or greater standing. The precedent is essentially a political one or a historic one or pressure. The precedent is not a legal one. That's what we're dealing with.

As the member suggested, Mr. Chairman, this committee can consider a Bill next week without having petitioners here. Then if a member wishes to suggest to the committee that the committee adjourn consideration of the Bill and bring forward witnesses to iron out a particular point, that can be done at a later meeting. The committee might also consider the case of the Marshall Bar Admission Bill in the same category, because there again, it would be a Calgary solicitor. Mr. Marshall very soon will have to return to Bermuda and will have to retain counsel in Calgary to represent him. That's a matter which the committee could look at and decide whether to deal with without representation or could adjourn on the matter and have Mr. Marshall's solicitor appear, whatever is the committee's wish in that regard.

MR. CHAIRMAN: I would think that's a reasonable suggestion. If after beginning consideration of the Bill next Wednesday, we feel that there should be representation, it can be adjourned until the following Wednesday.

Any other matters?

MR. M. CLEGG: Mr. Chairman, I think there's an adjournment motion.

MR. CHAIRMAN: I don't want to unduly delay matters, so I'll entertain the motion for adjournment.

MR. WEST: On that same issue regarding the taxes, these people may want to be represented,

when they find out that there may be some philosophical yes-or-no-type of approaches taken to what they're doing, from the rest of the taxpayers of this province.

MR. DOWNEY: Will they be notified that the Bill will be heard?

MR. CHAIRMAN: I think we'll be notifying the people who . . .

MR. DOWNEY: But not requiring them to attend?

MR. M. CLEGG: Yes, permitting them to attend.

MR. CHAIRMAN: We certainly won't tell people they can't attend. If they wish to attend they may, but at the present time they're not required to attend.

MR. M. CLEGG: Mr. Chairman, to follow. I think what is only fair is that they would also be notified that the Bill would not be refused in their absence, and that all the committee would do would be to grant the Bill or to summon them, or to make minor amendments for their consent, which I could negotiate. But there wouldn't be a refusal. I think that would be okay.

MR. CHAIRMAN: They may wish to attend on that basis, saying, "We'd like to get it through the first day, so we'll be here."

MR. M. CLEGG: That's right. They may wish to read some matters into the record, even if they know they're going to get their Bills.

MR. MUSGREAVE: I move that we adjourn.

MR. CHAIRMAN: Thank you very much, Mr. Musgreave. All in favour? Opposed, if any? The meeting is adjourned.

[The committee adjourned at 9:45 a.m.]

