

[Chairman: Mr. Schumacher] [8:34 a.m.]

MR. CHAIRMAN: I'd like to thank members of the committee for being so co-operative again this week.

We'll start with consideration of Bill Pr. 8, which is the City of Edmonton and Northwestern Utilities, Limited Agreement Act, 1986. I'd like to first of all introduce Marta Sherk, counsel for the city of Edmonton, and with her is Allan McLean of Edmonton Power. Maybe you would like to introduce the other people with you, Ms Sherk.

MS SHERK: Ladies and gentlemen, with me as well is Jill Mason, who is a student at law with our office. If I might by way of background to this Bill . . .

MR. CHAIRMAN: Before that we'll ask the counsel to give his report on the Bill, and then the procedure will be to swear the witness, which is normal for every applicant petitioning in our proceedings. I'll ask Mr. Clegg, the Parliamentary Counsel, to give his report relating to Bill Pr. 8.

MR. M. CLEGG: Thank you, Mr. Chairman. This is my report on Bill Pr. 8, the City of Edmonton and Northwestern Utilities, Limited Agreement Act, 1986, pursuant to Standing Order 99.

The purpose of the Bill is to authorize the extension of an exclusive franchise for the supply of natural gas in the city of Edmonton by a further 10 years. The Bill is in a form similar to Bills that have been presented in the past for previous 10-year extensions. The Bill does not contain any power which I consider to be unusual, and there is no model Bill on this subject.

[Mr. McLean was sworn in]

MR. CHAIRMAN: Now we will be able to start with the background leading up to this petition, and if there's any direct evidence to adduce, we will have that followed by questions.

MS SHERK: Ladies and gentlemen, by way of background bylaw 7870, approved on July 9, 1985, authorized the city of Edmonton to execute a 10-year extension agreement with

Northwestern Utilities Limited. This agreement has in fact been executed both by Northwestern Utilities Limited and by the city of Edmonton and has received the approval of the Public Utilities Board. The effect of this agreement is to renew the exclusive franchise which the city of Edmonton has with Northwestern Utilities Limited for a further period of 10 years, from November 16, 1985, to November 15, 1995.

The petition for this private member's Bill was required by paragraph 12 of that agreement. In essence, the private member's Bill will update the original 1915 agreement, which has been the subject of a series of approvals by way of private members' Bills throughout the years. Mr. McLean, do you have anything to add?

MR. McLEAN: No, I have nothing further to add to that.

MS SHERK: If you have any questions on this, we'd be pleased to respond to them.

MR. WRIGHT: Perhaps you can fill me in on a bit of history here. Prior to 1915, the city of Edmonton had its own well or wells in the Viking area, did they not, supplying gas to the city?

MR. McLEAN: I'm not aware of what arrangements existed prior to the 1915 agreement.

MR. WRIGHT: Prior to the last renewal there was some talk of the city of Edmonton buying the distribution system of Northwestern Utilities within the then city limits. It came to nothing. Was there any such discussion or negotiation this time around?

MR. McLEAN: Yes, sir, there was.

MR. WRIGHT: Can you tell us briefly how that went?

MR. McLEAN: As part of the renewal process at the end of each of the 10-year terms that the franchise extension periods have existed for, the city of Edmonton has conducted economic analyses to determine whether or not it would be in the interests of the citizens of Edmonton

to purchase the distribution system of Northwestern Utilities that exists within the city limits and operate its own gas utility. Generally speaking, the results of those analyses have shown that it is in the best interests to continue with Northwestern Utilities as the gas distributor.

MR. WRIGHT: But how is the price determined?

MR. McLEAN: Paragraph 12 of the 1915 agreement sets out the terms of how the assets of the company to be purchased would be valued. The interpretation of that clause has always been subject to some question, but our economic analyses have used two or three different methods of valuing those assets to arrive at a range of dollar values.

MR. WRIGHT: Are you satisfied that the clause that permits purchase by the city is a fair one, at least on what you consider to be a reasonable interpretation?

MR. McLEAN: Yes, sir.

MR. WRIGHT: Does the city of Edmonton have the exclusive distribution rights to the gas within the present city limits?

MR. McLEAN: I'm sorry, could you repeat that question.

MR. WRIGHT: Does the city of Edmonton distribute the gas on an exclusive basis within the present city limits, which have of course been greatly enlarged in the last 10 years?

MR. McLEAN: Northwestern Utilities has that exclusive right, yes.

MR. WRIGHT: I beg your pardon. It is Northwestern Utilities throughout the city? It's not any other gas utility within the expanded city limits?

MR. McLEAN: In most cases, sir, that's true. Northwestern Utilities Limited has the exclusive right to distribute gas to residential and commercial customers within the city of Edmonton. There is a class of customers, industrial customers . . .

MR. WRIGHT: One or two companies have private utilities along Refinery Row, don't they? At least one.

MR. McLEAN: The franchise only covers exclusivity as far as it relates to the supply of gas to residential and commercial customers. There are certain customers that are excluded right from the 1915 agreement, but that covers just a very, very small number of customers within the city of Edmonton.

MR. WRIGHT: Thank you. Those are my questions, Mr. Chairman.

MRS. HEWES: Mine is just a point of clarification, that this is a private Bill, not a private member's Bill.

MR. MUSGROVE: Mr. Chairman, for my own curiosity. The utility companies in the province have franchises for all utilities throughout the province. Their boundaries are generally set, I believe, by the Public Utilities Board. My question is: how does this differ from other franchise areas? Why does this one need legislation when other franchise areas are set by a different method?

MR. McLEAN: Sir, I believe this particular one is different only because of the historical precedence that has existed. This agreement originally was created under an Act of this Legislature. I believe that we have continued amending that original agreement just on historical grounds.

MR. MUSGROVE: Then it could be set by the Public Utilities Board without legislation?

MR. McLEAN: That's my understanding, sir.

MR. CHAIRMAN: I would like to ask our Parliamentary Counsel to comment on this question.

MR. M. CLEGG: As Mr. McLean has said, Mr. Chairman, the original agreement was incorporated an Act of the Legislature as a result of a decision made at that time about the powers of the city to enter into the agreement on the terms which were negotiated at that time and the powers that existed at that time. Therefore, if the agreement is to be effectively

altered, the original private Act which incorporated the original agreement has to be altered also.

It would always be possible for a different course of action to be taken; that is, for the original Acts to be repealed and the city to handle the franchise on the same basis as other cities do, providing it has the legal power to do all the things which are in the particular arrangement which it needs. If those powers didn't exist, they could be granted, so that this franchise could be negotiated and renewed from time to time without the involvement of the Legislature. That option is there, but it would require an amendment to the Act in a more permanent way rather than an adjustment every 10 years. This process, as has been said, has been going on for seven or eight successive renewals. It could be handled a different way, and they could be put on a similar basis to other cities. At least as far as I'm aware, I don't think there's anything particular about this agreement which would prevent that.

The Public Utilities Board, of course, has a role in the approval of rates, which are to be set in accordance with the terms of the agreement. That role would continue to exist whether the city was amending its agreement pursuant to some new arrangement which authorized it to do so without coming to us or whether we continue in this way. I hope that clarifies the matter.

MR. CHAIRMAN: Thanks, Mr. Clegg. Is that fine, Mr. Musgrove?

MR. WRIGHT: That prompts me to ask another question. I take it that if this was not renewed the agreement would simply expire. Am I correct? Then they could make a fresh start. Why is it better from the city's point of view to renew the agreement?

MR. McLEAN: There may be a couple of reasons the city of Edmonton has chosen to continue renewing the agreement in this particular form, Mr. Wright. The major reason that comes to my mind, though, is that if the city of Edmonton should decide to not renew the agreement with NUL, the takeover provisions that exist within clause 12 of the 1916 agreement are outlined in such a way as to open the analysis up to several different interpretations as to the value of the

company. Modern-day agreements -- if you want to describe them as such -- are issued under the authority of the Public Utilities Board. The asset valuation method is generally cut and dried, if you will.

MR. WRIGHT: So you've got more room to manoeuvre under the existing agreement?

MR. McLEAN: Yes, sir.

MR. WRIGHT: I see. That sounds like a very good reason to me.

MR. CHAIRMAN: Any other questions?

MR. WRIGHT: I take it Northwestern Utilities consents to this arrangement.

MR. CHAIRMAN: They've executed the agreement so . . .

DR. WEST: Am I to understand that this legislation is really not required and it's just that it could run out and therefore you could function under the present-day system without this paperwork, this indulgence, and this sort of thing?

MR. McLEAN: If the franchise agreement were not extended in this particular form, we would have to consider what other options are available to us. We feel it is most desirable for the citizens of Edmonton to continue extending the agreement in the manner we're pursuing and therefore consider it not just to be paperwork. We feel that the extension is being pursued in the way which is in the best interests of the citizens of Edmonton.

MR. CHAIRMAN: So there is no misunderstanding, Mr. McLean is here on behalf of Edmonton Power, which is the city of Edmonton, and is not here on behalf of Northwestern Utilities.

Any further questions? I think things have been rather well explained, and the fact there are no further questions indicates that we're happy with what's been presented. The procedure is for us to review all matters pertaining to private Bills in camera before making a report to the Assembly. We want to thank you for your attendance, and we trust things will proceed as you wish they would.

MS SHERK: Thank you very much, sir.

MR. CHAIRMAN: I'd like to now welcome Mr. Jerry Selinger and Sandra Bailey in respect of Bill Pr. 11, The McMan Youth Services Foundation Act. I gather you're familiar with our procedure now.

MR. SELINGER: Not yet, but I probably will be soon.

MR. CHAIRMAN: At this time I will call upon our counsel to give a report on the proposed Bill.

MR. M. CLEGG: Mr. Chairman, this is my report on Bill Pr. 11, the McMan Youth Services Foundation Act, pursuant to Standing Order 99. The purpose of the Bill is to incorporate the foundation and to provide for its constitution. The Bill is in a similar form to other legislation creating foundations; there is no model Bill on this subject. The Bill does not contain any powers which I consider to be unusual. I would note that background material has been provided by the foundation, and I believe all members will have a copy of this document by now.

[Mr. Selinger was sworn in]

MR. CHAIRMAN: If you'd like to proceed with the opening statement and/or evidence, Mr. Selinger, please feel free to do so.

MR. SELINGER: Thank you for having us here this morning. The situation has arisen in the McMan Youth Services Society where we felt that it would be important to create a foundation to assist us in regard to raising funds and accepting bequests and other cash donations to pursue the objects of the society. In the fall of last year a special meeting was held by the society to propose the private member's Bill which is now before you and has been accepted by the society.

The background of McMan Youth Services Society itself is as follows. In the handouts you will notice that it was created in 1975 under the Societies Act and has been in operation since then. It has grown from having one group home into an operation which now handles 13 programs throughout the province. I am the president of the provincial board and also a

lawyer, so I can maybe assist you in both aspects of this particular society. The society runs through four regional boards: Edmonton, Calgary, Lethbridge, and Medicine Hat. There is a provincial organization, which I am the head of, which is centered throughout the province has representation from throughout the province.

With these 13 programs you will also notice in the handout that it has grown from a matter of having, as I suggested, a minimal budget to one which accepts funds totalling approximately \$3 million a year from the three levels of government. It is probably one of the largest societies in our province.

One part that has been lacking and one reason why we have pursued the foundation Act is the fact that our access to private funds -- bequests, donations, and other similar types of fund-raising activities for the society -- has been lacking. In fact, 95 to 97 percent of our funds come from the three levels of government. You will know in these times of restraint that the levels of government are somewhat reluctant to drastically expand the budget, so to speak, on a year-to-year basis. In order for us to provide quality service to the youth that we do assist in the province, we have found that to create this foundation would be a positive step in obtaining additional funds to assist us in this particular area.

I have no further comments to make. If there are any questions, I would be happy to answer them.

MR. JONSON: Mr. Chairman, am I correct that the society is totally a nonprofit organization?

MR. SELINGER: Yes, it's totally nonprofit. It's registered under the Societies Act. There are a volunteer board of directors and four volunteer branch boards in the province.

MR. JONSON: Am I allowed a further question? Is the society affiliated with any other society or organization?

MR. SELINGER: Not at all. It was created by four individuals from Edmonton who were in fact taking courses in Edmonton in social work and decided to create a society in 1975 to assist them in organizing a group home. It's grown from there.

MR. JONSON: Thank you.

MR. DAY: Mr. Chairman, maybe Mr. Clegg could answer for us. Is there an advantage to a private donor giving funds to a foundation as opposed to an association incorporated under the Societies Act?

MR. M. CLEGG: Mr. Selinger might wish to add to my comment, Mr. Chairman, but the advantage is not direct. It is indirect. The tax treatment would be the same because the society presumably is registered as a charitable organization and is able to give receipts for deductions and the foundation will be in the same position.

The major advantage is one of certainty of purpose and stability of purpose. Many organizations find that donors, when considering what to put in their wills, may say to themselves: "I know what the society is doing now, but the society at a general meeting can always change its objects. Maybe the money I leave them might be used for something not necessarily having the focus that I intend." If the foundation is incorporated and constituted this way, its constitution objects and purposes are set down in an Act of the Legislature. It can always be changed, but it cannot be changed by a board meeting without publicity. It requires the advertising which we always require for private Bills. It requires a public hearing of this committee. It requires a certain amount of time to be passed, because of the procedure of the Legislature. Therefore, the certainty that no unexpected changes will happen is much greater, and it is therefore easier for a solicitor who is counselling a testator to say, "You know what this foundation is going to be doing, and no changes can be made which don't have very significant publicity." I think this adds to the confidence of the testator when he is drawing up his bequests.

MR. SELINGER: I have nothing further to add except to emphasize the fact that we had considered going by way of another society. The disadvantages for that are as follows. If we were to try to incorporate the objects of fund-raising and separate it from the society — if we were to create, for instance, another society — there is no way that it would maintain the same objects as the other society. So we might have

a situation where we have our fund-raising or our donation — I call it fund-raising but, in essence, our gathering of funds — with a different board of directors from the society. Then it creates a conflict. This way there is not only stability vis-a-vis the public but stability within our organization. You'll note that the board of directors of the foundation is the board of directors of McMan, with additional probably very public figures who add to the board. That creates a stability between the foundation and the society so that there won't be any flux or conflict possibilities between them.

MR. CHAIRMAN: Mr. Day, any further questions? Mr. Musgrove.

MR. MUSGROVE: He asked my question, thank you.

MR. WRIGHT: Could I ask Mr. Clegg if there is such a thing as a charitable organization that isn't nonprofit; i.e., that does make a profit?

MR. M. CLEGG: I don't think there would be, Mr. Chairman, not that I'm aware of. If they were making a profit, they wouldn't be able to get the tax benefits which are available to those which do not, of course.

MR. SELINGER: I'm not so sure that these were — as a matter of fact, the bulk of the operations in the province of Alberta regarding social services are profit companies. Societies are, I shouldn't say rare, but there are certainly a number of profit organizations in this province that provide services and, I expect, are obtaining money. I don't know their position as far as their charitable number, whether they can obtain one, but there are a number of them in the province.

MR. WRIGHT: You have contracts with Social Services for some of these group homes, do you?

MR. SELINGER: They're not just group homes, but in any event, all our programs are funded either through Social Services, Manpower federally or, for instance, the city of Edmonton and the city of Calgary. So we have contracts for all of them. We're in the middle of budgeting right now for next year.

MR. WRIGHT: Mr. Chairman, I would suggest consideration of the addition of some words in paragraph 10(2). The winding up provision provides that the assets shall be distributed to McMan in the first instance if that organization wants them. But I think there should be some guarding against McMan itself changing its objects. So we could have further words in there such as "so long as it remains a charitable organization."

MR. SELINGER: That is no problem, sir. Maybe that amendment could be suggested, and that is no problem for the society or for the foundation proposal.

MR. CHAIRMAN: Anything further, Mr. Wright?

MR. WRIGHT: No.

MR. DOWNEY: Mr. Chairman, I would appreciate getting a brief outline of what present and recent past programs are.

MR. SELINGER: In the society right now?

MR. DOWNEY: Yes.

MR. SELINGER: The society has at this particular time a number of different programs. In Edmonton and Calgary there is a supported independent living program, which has services in both centres. Supported independent living assists the older teen for his life skills training to live in an independent situation. These are people who have problems at home and can't live at home and their only other option would be foster care or living on the streets. Supported independent living program gives them another option, where we have various residences in both centres with a volunteer university student, normally, to assist two or three individuals in a living situation where they actually live with this particular volunteer, learn how to budget, learn how to make meals, and learn how to get jobs. One of the prerequisites for this particular program is that the older teen continues to go to school. Once they're out of school they have to leave the program.

There's a preteen program, which is similar to our supported independent living program, except it deals with younger teens. It's a more

structured situation, of course, because these are younger children who cannot live at home. This does not put them in a situation of total foster care, which is quite expensive for the province. In this particular situation it's quite reasonable. You'll note that in all of our programs it's approximately \$3,500 a year for maintaining these particular individuals.

Another program is the group home in Edmonton, which we have in fact for children who are under Social Services who have a problem. They maintain the group home to help them get — this is an even more structured situation than the two supported independent living projects. There's also a training unit for supported independent living in both of the centres. That is, again in a structured situation, to get the children into a position where they can live independently without the adult's care when they reach the age of majority.

We have various manpower projects. TEOP is a teen employment program. We have case workers who assist youth in obtaining jobs, finding positions for them in the community. That is in Edmonton and Calgary. In Lethbridge we have a receiving and assessment home under Social Services which handles a number of individuals in a crisis situation where the kids have to be removed from the family for a short period of time and allows the child to get normalized so that he or she can then go back into the community, possibly back home. Parent counselling goes with that particular program also, to help the parents.

In Medicine Hat there's another group home. That is a facility which is similar to the one in Edmonton. There is also a supported independent living program which is now going into Camrose and Stettler. That is the same as the Edmonton and Calgary operations. There is project break thru, which deals with kids who live at home but have problems at home. We have case workers that go into the home and do parent counselling and also help the children on their off hours away from the school and make sure they do get to school and back.

What have I missed? There are a couple more yet. There's also another program, the street worker program, which is a high visibility program in Edmonton because we have street workers who deal with kids on the drag, counselling kids, contacting kids. These are the homeless that are living on the streets in

Edmonton. That has support from the city of Edmonton, also, on top of Social Services on a contract basis. We're also looking at child abuse situations, although it has to be within our mandate.

We presented about 40 more proposals to the government last year and got accepted on three or four, so we are anticipating this particular operation to expand largely throughout the province. We're also looking at programs in St. Paul and Peace River.

MR. CHAIRMAN: Thank you, Mr. Selinger. Mr. Downey, is there anything further?

DR. ELLIOTT: Mr. Chairman, two short questions. As a matter of curiosity, where does the name McMan come from?

MR. SELINGER: Four individuals originally created the society. Those are the first initials of their names -- McMan. I could name them, but I think you . . .

DR. ELLIOTT: I am playing catch-up pretty fast here. How would you describe your general accounting and auditing procedures now? Do they change with the incorporation?

MR. SELINGER: Are you saying our present situation? Our present situation is fully computerized. We have computerized accounting, which has three centres: one in Edmonton, one in Calgary, and we're proposing to put one in Lethbridge also. We have audited statements annually. We are right now in our budgeting process. We're asking for an additional amount of money from Social Services and haven't as yet determined how much more we're going to get.

As far as the foundation is concerned, we anticipate in the initial stages of the foundation to use, obviously, our same physical facilities. It's just a matter of programming it through under the foundation instead of under the society. The executive director will be the same for the initial period.

DR. ELLIOTT: Thank you.

DR. WEST: I want to leave that question.

MRS. KOPER: Mr. Chairman, one question is to the group and the other to our solicitor. The

funding is largely from the Department of Social Services, I understand?

MR. SELINGER: About 80 percent of it is from Social Services.

MRS. KOPER: Your programs are tailored to the needs of children that Social Services may deal with, or are they specifically targeted to a certain age group?

MR. SELINGER: The way the society has been organized, we have some very specific criteria for acceptance of children into the care of McMan. We do not necessarily follow what Social Services is prepared to give us. In fact, in a lot of cases -- that's part of our budgeting process right now. We're trying to change their attitude of what type of children we would accept.

We have our own screening procedure in accepting the children into our programs, in the sense that we want to make sure that these children are going to, one, benefit from our assistance and, two, that there is a strong probability that our services will be successful. That's not to say, of course, that we're not embarrassed by failure at times. But all of these programs are treatment programs. There is nobody in our program that's -- we have 70 staff, 30 part-time staff, and a number of volunteers throughout the province. None of our staff has less than child care diplomas. Child care certification is one of our priorities at this time.

MRS. KOPER: Thank you.

MR. SELINGER: As far as we are concerned, we assist as many as we can. There's no age group that we deal with. Social Services' contribution ends upon majority, although Manpower doesn't. Manpower goes higher than the age of majority.

MRS. KOPER: It's largely Social Services, though? You don't get into the Solicitor General's department?

MR. SELINGER: We are looking at that area. You see, the problem the society has -- I hope I'm not taking up too much time -- is the fact that under the Solicitor General's department there is a definite restriction on how our

treatment can be handled. We have treatment programs that we like to put every child through in every program, and if the Solicitor General gives us a child, they give us a child for a definite period of time. Whether our programs will be able to have any benefit for the shorter or longer period of time would require that we change our treatment programs to handle Solicitor General children. We are certainly looking into that, though.

MRS. KOPER: To counsel, if I may, Mr. Chairman. In clause 2(1) the people are named. Does this not mean that when there is a change we would have to alter the Act? I wonder if that's always done.

MR. M. CLEGG: Mr. Chairman, we have to incorporate certain people, and those are the four people who are incorporated by this Act. Then the foundation is made a corporation, and it's composition is governed by the provisions of the Act. The Act provides for further membership in the foundation in sections 7 and 8. Those two sections provide for substitutions and additional members of the foundation.

Some of these Bills are drafted in a way that says that the certain person's name and such other people as later become members are incorporated, and there are precedents in both directions. I somewhat prefer this form, although there are many precedents for both, because this gives a definite and certain incorporation of individuals who are specifically named. But there is provision for additional and substitution of members.

MRS. KOPER: To be clear then, if all four people named were no longer involved with the McMan Youth Services Foundation, it would still exist?

MR. M. CLEGG: Yes, there is provision for people to be named in their place.

DR. WEST: Yes, just a point of interest. You have facilities throughout the province. Do you own those facilities, computers, and buildings directly or do you rent those or are they part of the government's facility?

MR. SELINGER: The head office for McMan, if you want to call it a head office, the major office is very close to the Legislature

Building. It's the Oblate Fathers seminary. They had given that to us basically on a rental basis, a year's rent; so that facility is rented. We own five properties in Alberta. We also own a number of vehicles, basically a van for each program. In total I think we've got about 12 vehicles. Our computer system is owned by the society. So there are a number of fixtures and assets which the society owns, which will — and you will note in our background material that I've circulated — assist the foundation and the society in our budgeting process. I would suggest that we will move those assets into the foundation to start it off and give it some stability.

Also, it changes the structure. We find in our board meetings that discussion on things such as assets of course bogs down the goal of the society, which is assisting youth. By moving that object, the society itself becomes a fully functioning service organization, in the sense that the board will be mainly pointed toward service to the youth and will be depending on the foundation to assist in the funding and work it that way. It cleans up our act a little bit, if you see my point.

Hull Home is another organization centred in Calgary which is pursued basically along the same lines, and their Act was originally incorporated in 1953, I believe. That's not exactly the way we're going, but it gives us a good precedent to work from.

MR. CHAIRMAN: Any more questions, Dr. West? Any more questions from any other members of the committee? If there aren't, I'd like to thank Mr. Selinger and Miss Bailey for their attendance this morning. We will be considering this matter when we consider the remainder of the Bills. I guess there will be no problem with that matter of the amendment. It will be worked out with Mr. Selinger and our counsel.

MR. M. CLEGG: Mr. Chairman, I will draft a proposed amendment which I will discuss with the Member for Edmonton Strathcona to see that it achieves the purpose he suggested, and then I will contact Mr. Selinger and make sure it is satisfactory to him. Then we can bring it to the attention of the committee when it's considering the Bill in camera.

MR. CHAIRMAN: Thank you very much.



MR. SELINGER: Thanks.

MR. CHAIRMAN: We will now move on to Pr. 5, and I'd like to welcome Mr. Peter Knaak, QC, counsel for the petitioners. It's nice to have you in our Chamber again this morning, Mr. Knaak. With Mr. Knaak are petitioners Roy Louis, Muriel Stanley-Venne, Cliff Potts, and Debbie Moore. I'd like to also welcome all of you to our Chamber this morning. Mr. Clegg, do you have a report?

MR. M. CLEGG: Yes, Mr. Chairman. This is my report on Bill Pr. 5, Alberta Native Business Summit Foundation Act, pursuant to Standing Order 99. The purpose of the Bill is to incorporate the foundation and to provide for its constitution. There is no model Bill on this subject, but the Bill is in a similar form to previous legislation of the same kind. It does not contain any powers which I consider to be unusual. A submission was distributed to members of the committee this morning, I believe.

MR. CHAIRMAN: Thank you, Mr. Clegg. Mr. Clegg will now administer the oath to those who will be giving evidence.

[Ms Stanley-Venne and Mr. Louis were sworn in]

MR. CHAIRMAN: Thank you, Mr. Clegg.

MR. KNAAK: Thank you, Mr. Chairman. May I say that it's a pleasure to be in this Chamber again. I've always enjoyed being here, and I think I'll enjoy it today. I'm representing the petitioners and the Samson Indian Band in this regard.

The foundation is an idea that originated with the National Business Summit Foundation which just had a very successful conference in Toronto. The idea of a native business summit is something similar to a chamber of commerce, which we're all familiar with, only this is unique. It relates to the native community, aboriginal community, and it's intended to have an interchange of ideas between native business leaders and non-native business leaders. The ultimate purpose is to promote business of the native community. This is in other ways unique in that its initiators are native business leaders, it's nongovernmental, and it's intended to be primarily self-sufficient, in the sense that

donations will be solicited from Indian bands, native business leaders, and non-native business leaders. If that isn't enough, there may be a possibility that the government is approached as well, but there's no intention of doing so if sufficient funds are raised in the other direction, and that's the intention.

The objectives are set out in clause 4 of the Bill. The initial objective is to hold an annual conference in Alberta of native business leaders and non-native business leaders for the purposes of exchanging ideas and basically introducing the native business community to the Alberta business community at large, in order to promote the possibilities of joint ventures, partnerships, or even individual businesses.

Other objectives would have to be developed over time as the funding originates. As you may well know, the Edmonton Chamber of Commerce or the Alberta Chamber of Commerce have broader objectives than that, but this is the initial objective, which will expand from that point forward. It doesn't start off with a very broad number of objectives.

The reasons we are asking for a private Bill are twofold. One is — I had my own wording, but I like Mr. Clegg's wording better: it creates certainty of purpose and stability of purpose. In other words, it is the majority of members, who will be larger than the three petitioners at some point, cannot amend either one of those two if it's done by private Act. It's fixed. Only the Legislature can amend the Act in future. The second matter is that an Act of the Legislature creates a profile which we believe is necessary in order to encourage others to participate in this experiment.

I think if you look at the resumes of the three petitioners, you will appreciate that they are leaders of the native community. They will not be paid, and they will be doing hard work in terms of getting this organized. We ask for your support in really setting a foundation, something new, on its way.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Knaak. I want to apologize. I think I referred to Cliff Potts; it's really Rufus Goodstriker, who is the . . .

MR. KNAAK: . . . band manager of the Samson Indian Band, and Deborah Moore, Mr. Chairman, is a student-at-law and soon to be a lawyer with

our firm.

MR. CHAIRMAN: Thank you. Would there be any direct evidence before questions, or would you like to move to questions now?

MR. KNAAK: We're ready for the questions.

MR. CHAIRMAN: Any questions from the members of the committee?

MR. WRIGHT: I have my tiresome questions about the dissolution clause. I can't see one this time.

MR. M. CLEGG: Mr. Chairman, if Mr. Knaak would like to give us his views on whether a dissolution clause would be acceptable to them, to provide for the disposition of the assets on the dissolution of the foundation rather than relying on their having to go to a court order for disposition of the assets, we've had a number of other Bills before us this sitting which have had provision for that end. The previous Bill which we've been considering has a clause which provides for the disbursement of the assets. In that particular case, the McMan — you may have heard us discussing it. You may wish to consider whether a dissolution clause would be feasible in your case. There is no organization which appears to be associated with you in the way that McMan is associated with the new foundation.

MR. KNAAK: Mr. Chairman, I hadn't considered the possibility of a dissolution in the sense that Mr. Clegg is thinking of it. I thought that if we wanted to dissolve we'd have to come back to the Legislature to basically remove the Act by another statute. In that particular instance we would make a recommendation to the committee with respect to the disposition of the assets. In other words, I think we would have difficulty deciding on our own when we should be dissolved. Even if the board of directors or the members are permitted to dissolve the foundation, it would remain on the books as an Act, unless another Act were passed removing it. I'd be happy to be guided by the  
...

MR. WRIGHT: Mr. Chairman, the only difficulty about that is that it costs money coming to amend a private Act. That's a

disincentive. The foundation conceivably could at some time in the future fizzle out and have some assets. If the people could see what they were supposed to do with the assets, then it might save argument and expense and even misappropriation conceivably, from the moral point of view.

MR. M. CLEGG: Mr. Chairman, I think the two approaches are alternates. In the case of some organizations there is already clearly a place to which funds should go, some brother or sister organization. If there is no present indication, it's certainly possible for the foundation to come back to this committee. All proceedings are of some expense, but our fees are so enormously reasonable in this committee that it's perhaps cheaper to come to us than to go to court. I believe, as Mr. Knaak has said, that if we make no specific provision, then they would have to come for a legislative solution or go to court perhaps. In fact, a legislative solution would be certainly an option. If they were to leave it in that way, I think it would work.

MRS. HEWES: Mr. Chairman, I'd like to ask Ms Stanley-Venne a question. I think all of us were impressed with the native business conference in Toronto, with what we read in the media or heard about it. Have you been working at this informally? Have there been informal activities here in Alberta that perhaps I don't know about that have given rise to this? That's one question. The other one is: as a result of that conference in Toronto, is this happening across the rest of the country? Is this one of a number of organizations that have sprung up across Canada to do the same thing?

MS STANLEY-VENNE: To answer your last question first, I'm not aware that there are other such foundation Acts being presented, but I would think that it's a possibility. I think Alberta has taken the lead in this regard and has been one of the driving forces in creating the native business foundation and the conference in Toronto. As you see, the chairman of the board of the native business foundation nationally is Roy Louis. So I think we're the first.

The other thing is that it is a new venture. The ideas have been somewhat widely distributed, not as much as we would hope, but we look to this to provide the basis for

promoting the native business foundation and the ideas that are contained in the native business foundation which are changing the view — one of the objectives is changing the view of the general public toward native people to the idea that we can conduct business as well as anyone else, and in some cases better, and that this is a new era. We are not only taking the step toward business, but we are taking the step toward self-government, self-determination, masters of our own destiny, and so on.

I think this is part of it, that we need to have the economic basis for our lives as well. I believe this is an important part of that evolution. We have a lot of work to be done, and we intend to do it. We think it will have benefits for all of this province and will greatly help in changing the views of some people in regard to the abilities of all native people, including the Metis/Indian people in this province and what they can do.

MRS. HEWES: Thank you. Mr. Chairman, just one follow-up. Is there a similar conference planned in the near future for Alberta? If there is, may we hear about it?

MR. LOUIS: Mr. Chairman, we have discussed that, and in fact we're having a meeting in Toronto in the middle part of August to discuss that issue. We certainly think there should be a miniconference or regional trade show in western Canada. Of course, it's up to the board and up to the executive committee to decide where they want to have that. As an Albertan I'll be vouching for the province of Alberta.

MRS. HEWES: Thanks, Mr. Chairman.

MRS. KOPER: Mr. Chairman, my question is very similar to Mrs. Hewes'. I talked to people that were in Toronto, and they were so excited about what happened there. It's good to see this happening. My question is in regard to membership. There are no ethnic ties at all to membership? Is there any plan to make sure there is membership from all bands? I'm basically asking if there's support from other bands for this endeavour.

MR. KNAAK: Mr. Chairman, my understanding is that other bands will be invited to participate to the extent that they have an interest in the business element. There is no intention to make

this another political, nonbusiness sort of entity. It is intended to have an emphasis on business interests. In that regard the membership will be determined with that objective in mind. But it's my understanding that none will be excluded in the sense of not being invited to participate. It's not just bands; it's individuals as well. Metis business leaders and non-native business leaders will be invited to be members or to be directors as well.

MRS. KOPER: I see. Thank you.

MR. KNAAK: The way it's set up is that the three petitioners will initially do the inviting. That's how it starts. After that there are substitutions just like in the former Bill.

MRS. KOPER: There's no limit on membership?

MR. KNAAK: There's no limit on membership.

MR. CHAIRMAN: Any further questions, Mrs. Koper?

MR. DAY: Mr. Chairman, just a couple of brief questions. Under 4(d) the objects of the foundation are "to encourage involvement by all sectors of society with the development of native businesses." Could the committee briefly outline for us the actual approach they're going to take to that?

MR. LOUIS: Mr. Chairman, I think there are many issues that affect the native people in this province. If you want to be very specific, there's the question of the reserve status on tax exemption. There are many issues that could be discussed that have some benefit or merit to the native people in this province and have merit also to the non-native business sector. That's an area we'd like to address as the foundation. The other, of course, is strictly the promotion of native business in this province. We'd like to change a lot of that attitude that exists out there right now. As Muriel stated in her presentation, we have to work toward issues like self-government, and if we're prepared to that, it's only up to us to change a lot of those attitudes that exist out there.

The question of joint venturing on reserves and in reserve communities: I think there are advantages there that should be looked at and aren't now. We would like to promote that idea

or concept. There are other issues that perhaps Muriel or Peter could explain.

MS STANLEY-VENNE: Mr. Chairman, one of the essential ingredients of this is the provision of contacts. There are small businesses being started in the native communities that really don't have the contacts they need to promote their marketing, to provide expertise, someone they can talk to about how they go about developing their business and making it successful. That is one of the things that we would like to see happen, that it be an important element. If you're not used to dealing with the business community, you need someone to talk to so you can get things done. That's very important.

The communities I'm representing and know of need those contacts very much. It isn't that they lack the will; it's that they lack where it is they go to get things done. This is what I hope will be an important function of the Native Business Summit, so that they can call us up and say: "I want to do this. How do I get it done?" Let's see who is selling what and where the contracts are and those kinds of things.

MR. DAY: Mr. Chairman, would the foundation also find itself from time to time in the position of lending or appropriating funds from the foundation's assets to businesses?

MR. KNAAK: If I understand the question, Mr. Chairman -- will the foundation have an independent source of capital to lend to businesses? -- that's not envisaged.

MR. DAY: Thank you.

MR. DOWNEY: Mr. Chairman, my question relates to section 4, an omission in view of the evidence given. I've heard Ms Stanley-Venne and Mr. Louis both mention self-government as one of the aims and objectives of this foundation. I would certainly be interested to know what your objectives are in this area.

MS STANLEY-VENNE: Mr. Chairman, I would like to clarify that. I said that it was only a part of the desire for the native communities to have their own self-government. We are not involved in self-government. It is merely an evolution, and this is part of it. Owning their own stores and running their own businesses is

part of the picture, but it is not in the large sense to deal with self-government. It is merely the business section.

MR. DOWNEY: I'm not just sure if that clarifies it for me or not. My question would then go outside section 4 of this Act to maybe have you clarify what your objectives are in that area outside the foundation?

MR. KNAAK: Mr. Chairman, if I may be permitted to interject. The petitioners have presented a petition with respect to the objects found here. I do not believe they have the authority or the interest to discuss broadly the issue of native self-government. All we are doing here is presenting an Act with the objects clearly spelled out. We may have an omission, but that's not one of them. In other words, there is no intention to have as an objective anything other than what we have set out in the four, as far as I could determine.

MR. DOWNEY: Thank you, Mr. Chairman.

MR. CHAIRMAN: Mr. Wright, were you on that point?

MR. WRIGHT: Yes, I took it merely that Ms Stanley-Venne was citing this proposed foundation as evidence of the economic self-government of the native people.

MR. CHAIRMAN: Do you concur?

MR. MUSGROVE: Mr. Chairman, my question has pretty well been answered. I was a bit concerned, should I say, about looking for people to donate money to the foundation and then separating that from equity investments that might be made in the native business world. I believe that question has pretty well been answered. It would be completely separated, as I understand now.

MR. BRASSARD: I don't have a question at all. I just want to compliment you on your vision, and I wish you all the very best.

MR. YOUNIE: I think it was mentioned that one of the biggest problems of any new business venture, regardless of who is running it, is not lack of good ideas or potential but lack of expert advice and experience for a beginning

businessman. I was wondering if you have anything more specific in terms of how you plan to provide networks of advice and expertise for business. Will it involve bringing in outside experts and setting them up as sources of free information and advice for potential new businesses?

MS STANLEY-VENNE: Mr. Chairman, that will be part of it, but I don't envision our duplicating any existing services. I think we will be a catalyst. I wouldn't think that we're wanting to set up a large organization in the sense of doing things that are already being done. Our objective would be to facilitate the using of existing services. This is my vision. We have not discussed these specifics yet, but I would think that we, using our best judgment, would try to make sure that the existing services would be made available, which is a problem in a lot of cases. They're there, but they might as well be on the moon because they don't relate to this particular person who wants to start a business. I can't answer absolutely what we would be doing, but I don't think we would be setting up a huge organization to do those kinds of things. We may do some of it to facilitate other things happening.

MR. YOUNIE: I wasn't suggesting a monolithic sort of organization but merely a method of getting those people who want to start a business or who have an idea and are trying to start it in touch with those who have marketing expertise in that field, have management expertise in the field, and have knowledge of who to contact for making sure that the business becomes a success. You wouldn't be duplicating existing services because it is something that I don't think is done very well or to any great extent at present, other than informally for those who are lucky enough to have contacts. In fact, what I was hoping was that you would be looking for ways that a person starting a business within the native community could have access to or that you could help them gain access to those who do have the expertise to advise them, so that he doesn't learn how to do things right by doing things wrong and can avoid making mistakes rather than learning from them.

MS STANLEY-VENNE: Mr. Chairman, if I could just answer that a little more completely. For

example, Settlement Sooniyaw Corporation, the corporation I work for, is going to be doing that. That is a corporation that relates to the Metis settlements. Those are the kinds of functions that we wouldn't want to impinge on, and the Indian bands would probably have those same things. We want each community to do their own thing and develop their own businesses, but we wouldn't presume to do their work. Perhaps I'm not clarifying this, but there are organizations and corporations now that are beginning to be developed and are in the process of developing that will do that. The native business foundation would be more -- the example Mr. Knaak gave was a chamber of commerce, which would co-ordinate and facilitate and make things happen but not actually do the business. That's the clarification I wanted to make. I think the analogy was pretty good, that that would be the function of the Native Business Summit.

MR. DAY: Mr. Chairman, I'll try and be brief. Just to make me comfortable with the foundation aspect of this, would a native business working in conjunction with the foundation and then setting up in a town or a village or a city somewhere enjoy any tax-exempt status that a non-native business would be unavailable to?

MR. KNAAK: Mr. Chairman, the native business would not have any nontax-exempt status if he's not located on the reserve. It's not related to the creation of the foundation at all.

MR. DAY: Also, to echo what Mr. Brassard has said, personally I definitely see small business as the real engine of growth in the economy and also growth for individuals. So I certainly applaud your initiatives and wish you all the best. I think it's terrific.

MR. CHAIRMAN: Thank you, Mr. Day. Any further questions or comments by members of the committee?

I guess we don't have anything further. If there's a closing comment, we'd be very happy to hear it.

MR. KNAAK: Mr. Chairman, I think the questions have allowed us to clarify the concept of the foundation. We want to thank you for

the opportunity to be heard.

MR. CHAIRMAN: Thank you very much, Mr. Knaak.

Just for your own sense of order, I think we will move to Pr. 4 when we resume, after the table has refreshed itself, and then we'll go to Pr. 7. We don't have any representation with respect to these two. I think we had agreed that we would be prepared to look at these without having live evidence.

I will start by asking Mr. Clegg to give his report with respect to Pr. 4.

MR. M. CLEGG: Mr. Chairman, this is my report on Bill Pr. 4, Canada Olympic Park Property Tax Exemption Act, pursuant to Standing Order 99. The Bill provides for a property tax exemption for the bobsled, luge run, and ski jumps at the Canada Olympic Park. The petitioner is the municipal district of Rocky View No. 44, which is the taxing authority in this case. There's no model Bill on this subject, and the Bill does not contain any provision or grant of any power which I consider to be unusual.

MR. CHAIRMAN: Since that we have received the draft proposed amendment to add a couple more facilities?

MR. M. CLEGG: Yes, Mr. Chairman, the petitioners communicated with us that they wish to add to the exemption certain other facilities at the site, and I believe members of the committee have received copies of an amendment, which is put in the name of Mr. Stevens, which the committee could consider and which fulfills the request of the petitioner to put these extra properties into the tax amendment. One of the buildings is only going to be exempt as to 50 percent of its assessed value, and the other building, the maintenance building as defined in the amendment, is to be exempted as to all of its value. So the only change is a slight change in the description of the improvements on the property which are to be exempted.

MRS. KOPER: Just two questions. Have we a letter on file from the city of Calgary agreeing with this? And the other one: there's a restaurant on top of the ski jump, and I don't see it in this. I wondered if we should check

that out. Is the restaurant part of the nontaxable?

MR. M. CLEGG: Mr. Chairman, the city of Calgary is not the taxing authority in this case. It's the municipal district of Rocky View No. 44, and not only do we have their consent but they have actually submitted the petition. So we have assumed that the Olympic Development Association will be extremely pleased with this legislation as it will save them from some tax burden. As the taxing authority the recipient of the money is the petitioner. There doesn't appear to be a need to obtain the consent or comment of any other body. If any municipality wishes to comment on this because of the precedent it might be setting with respect to their own area, they would have had the opportunity to do so because the Bill has been advertised in the appropriate way. One presumes that the city of Calgary is well aware of what is being asked for in this case.

As far as the restaurant is concerned, the petitioners have specifically defined which properties they want to be exempted. They presumably decided that they didn't wish to ask for the restaurant to be exempted, probably on the grounds that it will be a commercial operation generating money, whereas the other functions are to support the sporting facilities at the site and as such could not be run as a profit centre.

MR. MUSGROVE: Mr. Chairman, being as it was the taxing authority that submitted this, it really doesn't cause any problems. Under the Municipal Taxation Act, there is provision for them to have a refund of taxes for a certain amount of years to encourage industries into a municipality. I don't understand from this whether there is a limit to the time this would happen, but I'm wondering why they didn't go through the other provision of the refund of taxes as compared to through legislation to accomplish this.

MR. M. CLEGG: Mr. Chairman, perhaps I can offer a comment which would help here. The provisions of the Municipal Tax Exemption Act permit a person to apply for tax exemption, which is one route. But it doesn't apply to this kind of operation, I believe. The Municipal Taxation Act does provide for the refund of taxes, but it is necessary to make an

application, and it can only be done for a certain number of years. This particular Bill covers the facilities for such time as they are owned by the Calgary Olympic Development Association, which could be quite a long time.

This particular solution to that problem gives them greater certainty and will enable CODA to plan their fiscal operations for the whole of the time they are going to be owning this property, whereas they might otherwise have to be applying for refunds on a year-to-year basis or maybe on a three-year-to-three-year basis.

MR. CHAIRMAN: Is that satisfactory, Mr. Musgrove?

MR. MUSGROVE: I understand that this will go on as long as the Olympic Committee owns those facilities?

MR. M. CLEGG: Yes, Mr. Chairman, that is exactly what is provided. In section 2 it says:

For so long as CODA is the owner of the ski jumps and bobsled and luge run, that property should be exempt.

MR. CHAIRMAN: Yes, and as Mr. Wright pointed out, the Act remains unamended.

DR. WEST: Mine was much the same question. The ability to waiver: does that municipal district have the right to waive taxes? This was a refund. Could they not by themselves without coming through here waive taxes in this case and not go through all this process, or is that not [inaudible]?

MR. M. CLEGG: Mr. Chairman, I believe they would have that power. They are required to assess taxes as defined in the Municipal Taxation Act.

MR. CHAIRMAN: And deal with applications for remission.

MR. YOUNIE: Mine is just a question of format in the amendment itself. I'm wondering why the maintenance building is included under (d), which defines the Crown, rather than being listed as a separate thing, as the ski jump purchaser and training centre are. I'm wondering if there's some reason for that, or if it shouldn't have just been listed as (l) or something like that.

MR. M. CLEGG: Mr. Chairman, the definitions are inserted in alphabetic order, and the definition of "maintenance building" is inserted under the alphabetization of M and it just happens to come after (d), so it's inserted as (d.1). What will happen is that when this Bill is passed and given Royal Assent, I will renumber these sections and that will then become clause (e). Then we'll renumber the other clauses of the definition section. The juxtaposition with the definition of Crown has no significance at all; it's merely alphabetic.

MR. YOUNIE: I wondered if as a subpoint of (d) there was some connection.

MR. M. CLEGG: Being a subpoint, that's a decimalized clause. It isn't a subclause of (d). We do this so as not to cause confusion during the time the Bill is being considered by committee by renumbering clauses during the consideration. The only time clauses are reshuffled and renumbered is when the Bill is being prepared as a statute, which is one of the duties of my office. The only other time is during the 10-year annual revision of public statutes when clauses are renumbered. Apart from that it's the general practice to avoid renumbering sections and clauses to avoid historic confusion.

MR. CHAIRMAN: Any other questions or comments by members of the committee? If not, we'll pass on.

MR. WRIGHT: Just a point to the hon. member that if it was intended to be a subclause of (d), it would be d(1), but (d.1) always means that it's just a clause of equal rank inserted.

MR. CHAIRMAN: Thank you, Mr. Wright.

We'll move on to Bill Pr. 7, the Calgary Research and Development Authority Amendment Act, 1986, which has been categorized as an A, which is the simplest and least complex. Just a point of order or a question of clarification.

MR. DOWNEY: Going back to Bill Pr. 4, can we not dispose of this at the committee stage and recommend it to the House? What is the procedure?

MR. CHAIRMAN: We try to keep these in a

group so that we don't have this coming in piecemeal. We try to organize things, I believe, so that we have at least a bundle of a significant number of Bills to pass on. I think it's customary that our respective caucus consider reports from their representation on these committees so that we can have an understanding that they will be dealt with expeditiously when they do reach the Chamber.

MR. M. CLEGG: Mr. Chairman, I would add that it has usually been the practice of this committee to allow, except in cases of time pressure, one week to pass from the time when the evidence is received and explanations are given before an actual motion is entertained, not only to allow caucus consideration and consultation but to allow members to consider the materials they may have received on the day of presentation. We happen to have all the materials before us on this one, but of all the other seven or eight Bills that we've considered so far, we haven't yet put the question on those to the committee. Following our practice, we might do that next week and deal with all those. It does give all the members of the committee, including perhaps some members who weren't able to attend today, the opportunity to look at all the documents and have one further consideration and, if they wish, look at the transcript.

Occasionally toward the end of session we get under time pressure, and we have to deal with a motion on the same day. The advantage of a week of quiet consideration has sometimes brought forward other questions or suggestions for amendments. It also allows my office to have a third, fourth, or fifth reading of the Bill to make sure I haven't forgotten anything.

MR. CHAIRMAN: Fine, Mr. Downey? Then we'll have the report with regard to Bill Pr. 7.

MR. M. CLEGG: Mr. Chairman, this is my report on Bill Pr. 7, the Calgary Research and Development Authority Amendment Act, 1986, pursuant to Standing Order 99.

The purpose of the Bill is to clarify the power of authority, to take property on lease or sublease, to change certain references to positions in the city which now have a different title, and to remove the five-year limit on tenure of office by a member of the authority. There is no model Bill on this subject, and the

Bill does not contain any power which I consider to be unusual.

MR. MUSGROVE: Mr. Chairman, could we have a little background of the Calgary Research and Development Authority? Are they a city of Calgary organization under the city's status or are they a provincial organization?

MR. M. CLEGG: Mr. Chairman, perhaps I can answer that question for the member. The authority was created by an Act of this Legislature and was put through this committee in 1981 under chapter 84, which constituted the authority and provided for its powers to stimulate research and development for industry in the city of Calgary.

The changes requested by this particular legislation do not have any bearing on the objectives and the main principle of that. They're merely fine-tuning adjustments to the original Act. It's similar to the Act which was passed by the city of Edmonton which also went through this committee.

MR. CHAIRMAN: Is that satisfactory, Mr. Musgrove? Any other questions or comments? Then we'll just treat this the same as Bill Pr. 4. Apparently there's going to be no difficulty, but we'll put it with the rest of them, to be proceeded with at the same time.

Before we adjourn, we'll go on to discuss next week's work. I am advised that there are only a couple of matters that are ready for consideration. That is: Bill Pr. 9, the Galt Scholarship Fund Act, and Bill Pr. 12, the St. John's Institute Amendment Act.

Also, I'd like to consider a memorandum that I received today from the Hon. Elaine J. McCoy with regard to Bill Pr. 13, the Certified Management Consultants' Act. I don't think we want to come to any decision today except what our procedure will be. The gist of the memorandum is that she feels that instead of this Certified Management Consultant's Act, Bill Pr. 13, being proceeded with, she would like to have them advised that they should apply for registration under the Professional and Occupational Associations Registration Act. I am advised by our secretary that a lot of the material has not yet been forthcoming by the petitioners; their advertising hasn't been completed. I, of course, will be in your hands. But I want you to realize that there is this little



problem on the horizon. I don't know whether you wish Miss McCoy to be invited to discuss the matter with the committee next week. That's the reason I'm raising it, to see if I can get some guidance as to how you wish to proceed with the thing.

MR. WRIGHT: Could you refresh our memories on this, Mr. Chairman. Is it the case where the petitioners would have been quite willing to go under the new Act had they known when it was going to be proclaimed but they didn't know or what?

MR. CHAIRMAN: As a matter of fact, the Act hadn't been proclaimed by the time the petition had been received, but I don't think we know whether they would have been happy even if it had been proclaimed.

MR. WRIGHT: Anyway, the fact is that they went under the only existing route at the time they commenced it.

MR. CHAIRMAN: I believe that's correct. I'll let Mr. Clegg correct me if I'm wrong.

MR. WRIGHT: If that's so, it does strike me as just a bit hard on them to say, "Sorry, we've changed the rules now; go back to square one."

MR. M. CLEGG: Mr. Chairman, the Professional and Occupational Associations Registration Act was proclaimed on or about July 14. The deadline for receipt of private Bills for this session was two or three weeks earlier than that date, so they did not know when it would be proclaimed. However, they may have other reasons for wishing to have their own legislation, and I would suggest to the committee it would be fair to let them explain those reasons to the committee before reaching any conclusions about their motives for having brought the Bill.

Also, if the minister who is responsible for this particular legislation wishes to make any points to the committee on this particular issue, it might be fair process if she did that in the presence of the petitioners, and perhaps it might be indicated to her that she might attend to make those points when the petitioners are here so that they are able to respond to the argument she makes. In fact, from a process point of view it might be somewhat unfair if the

committee were to receive representations from the minister in the absence of the petitioners.

The only thing which is holding things up on this from a procedural point of view is advertising in the Gazette, which I think has been completed now, but we haven't received the statutory declarations. I'm just finalizing some minor changes in the wording of the Bill, but that should be settled within a very short time. We should be in a position to hear this Bill not next week but the week after, I would think.

MRS. HEWES: Mine has been answered, thank you.

MR. MUSGROVE: Mr. Chairman, do we require a motion to have Miss McCoy come in and present her points of view on this topic?

MR. CHAIRMAN: I think there'd just be an invitation, if it's the feeling of the committee. If there's no dissent from that, we would just invite her.

MR. M. CLEGG: Mr. Chairman, she did communicate to me her concern that the other legislative route should be considered, and in my response to her I indicated that whether or not she was a member of the committee, she was free to attend and address the issues and cross-question the petitioners at any time. She is free to do that without an invitation from the committee, as any MLA is free to do.

MR. CHAIRMAN: But we would put her on our mailing list to our business.

MRS. HEWES: Are the petitioners, Mr. Chairman, aware of the problem and the suggestion of the minister that perhaps it should come under the new legislation?

MR. CHAIRMAN: I don't know. Are they, Mr. Clegg?

MR. M. CLEGG: Mr. Chairman, when they submitted that petition they were made aware both by myself and by their drafting counsel, Mr. Acorn, of the fact that there was another route available to them and that they would certainly be put to the task of explaining to the committee why they wanted their own private

Act and why they couldn't register under the professions and occupations Act. At the time they started this — they even had prepared a Bill for last year's session which was not in a satisfactory form to be presented to the committee. That was the reason it wasn't presented. But they were aware of the fact that the professions and occupations Act has been passed since then and has since been pending proclamation. I think they were aware of the fact that that would be a potential problem for them. The only thing that would have removed that as a problem for them would have been if the Professional and Occupational Associations Registration Act had not in fact been proclaimed even by this time. Even if that had not happened, they would always, as have other organizations, had to justify to the committee why they needed legislation and why they could not operate as they operated so far, as a society registered under the Societies Act, and what additional powers they needed under that route. So they are prepared to justify this particular.

MR. CHAIRMAN: Mr. Brassard.

MR. BRASSARD: I've been answered, thank you.

MR. CHAIRMAN: I would assume from our discussion that this matter would not be dealt with next week but could well be dealt with two weeks from today. At that time we will ensure that the minister is advised and invited to attend if she so desires.

MR. M. CLEGG: Mr. Chairman, in addition to the Bills which have been identified for next week, Bill Pr. 9 and Bill Pr. 12, we're of course awaiting the one-month-from-service period to expire for Bill Pr. 10, which is the Koupiac adoption Bill.

MR. CHAIRMAN: Have you heard anything as to how that is proceeding, whether there has been service?

MR. M. CLEGG: I have not had any confirmation yet, Mr. Chairman. Service may already have been effected, but I haven't been advised.

We have had a 14th petition from St. Mary's College. They have not yet completed their

advertising, and there is a further petition which will be received. They will be approaching the committee asking if the committee will be prepared to waive or extend the deadline for them as well, but that is not yet complete. I'm expecting them to approach the committee soon.

We might also consider putting on the agenda for next week consideration of a number of the Bills which we have dealt with so far with witnesses, considering them in camera to pass a recommendation to the Assembly of Bills 1 through 8, but it would depend on how much time we have, because with the Public Accounts Committee we wouldn't have time.

MR. CHAIRMAN: For the information of members I gather that an attempt was made to change the meeting time for the Public Accounts Committee to Tuesday, and they did in fact meet yesterday. That's the reason they're not here today. But at their meeting yesterday it was decided that they would go back to form, and they will be knocking on our door at 10 o'clock next Wednesday morning, so we won't have the luxury that we're having this morning.

MR. BRASSARD: I'd just like to make a comment. If Miss McCoy's input into this Bill is critical, I would hope that the request to attend would be more than just a casual drop-in.

MR. CHAIRMAN: No, I'm going to ask that a letter be written advising of our discussion and giving her advance warning as to when we anticipate this coming up.

Mr. Clegg has said that we could give consideration to an in-camera session next week to try to move along those measures that we have dealt with. Would there be general agreement that if we have time to do that that, we do that? Okay.

I'll entertain a motion for adjournment. All those in favour? Contrary, if any? Carried.

[The committee adjourned at 10:14 a.m.]