

[Chairman: Mr. Schumacher]

[8:34 a.m.]

MR. WRIGHT: Three.

MR. CHAIRMAN: Good morning, ladies and gentlemen.

MR. CHAIRMAN: Can we deal with them all at once? Okay. Fine.

SOME HON. MEMBERS: Good morning, Mr. Chairman.

MR. CHAIRMAN: It's a pleasure to see your smiling faces so early in the morning. I want to express my appreciation for your co-operation in responding to the call of the Chair for this meeting.

MR. WRIGHT: Speaking on that motion, Mr. Chairman, it's virtually impossible for people who have to go through the normal hoops to comply with Standing Orders in respect of the fall session, particularly when it's announced on fairly short notice. So I think we should . . . I see some heads being shaken here. Is there such a thing as . . .

First of all, I'd like to call upon Mr. Clegg to sort of advise us as to the matters that have collected for our attention since we last met. I believe there are three items.

MR. CHAIRMAN: I guess, Mr. Wright, the only thing is whether the committee feels that it should have an obligation to deal with private Bills at a fall session or whether the feeling of the committee is that they should all be dealt with at the spring session.

MR. M. CLEGG: Yes, Mr. Chairman. During the summer and in the last few weeks, we have received three requests for consideration for private Bills, all of which of course were received after the normal deadline provided for in Standing Orders for the receipt of private Bills, which is 15 days after the commencement of the annual session. The deadline in that case was early April.

MR. WRIGHT: Well, that's even sillier.

The three Bills, in the order in which we received an indication of request. First of all, a request from Mr. Pagtakhan, who is present as a witness before the committee today. He is requesting authorization to be admitted to the Bar of Alberta, notwithstanding that he is not yet a Canadian citizen but has achieved all the other qualifications. That Bill is present. The documents have been filed, and all the advertising has been completed. Although, of course, it was completed after the deadline, it has in fact been completed.

MR. CHAIRMAN: I'm not arguing with you, but I guess that's . . . Mr. Clegg.

The second Bill is an application for the incorporation of a trust company, the Security Home Trust Company Act. That Bill is also supported by the proper documents, and the advertising has now been completed. Again, the issue is whether or not the deadline would be waived on recommendation of the committee. They were required also to get consent from another company with a similar name, which is actually in receivership. That consent has been given. So the final documentation on that is before the committee.

MR. M. CLEGG: Mr. Chairman, may I just clarify for the members that Standing Orders only recognizes one deadline for private Bills, and that's with respect to the whole annual session. The deadline is in fact 15 days after the commencement of the spring sitting. All the private Bills for the whole year are supposed to be before the committee at that time. There is no provision in Standing Orders for another deadline to be commenced, unless there was a prorogation and a new session was started in the fall. So, in fact, the deadline on anything, with respect to the fall sitting, is still April 15 or whenever it was.

The third and final item is for the incorporation of an insurance company, the Fair & Millikin Insurance Company. Again, that petition is supported by the proper documents. The advertising has been completed. The issue here is whether or not the committee would recommend an extension of the deadline under Standing Orders to allow the Bill to be dealt with.

MR. WRIGHT: Yes, that was my impression too, until I read something in the documents here that seemed to imply there was in fact a fall deadline too.

In addition to the issue of whether a Bill could be received late, there is the opportunity to receive evidence from Mr. Pagtakhan on the facts of his circumstances, should the committee wish to do that today.

MR. CHAIRMAN: Well, Mr. Wright, I personally agree with you that everything doesn't stop at the deadline in April. Life goes on, and there are things to be considered, but that's for the committee.

Dr. Elliott.

Thank you, Mr. Chairman.

DR. ELLIOTT: Yes. I was just wondering, Mr. Chairman: are there any negatives? Is there anything in the statutes that says we can't accept them, or is it our privilege to make this decision?

MR. CHAIRMAN: Thank you, Mr. Clegg. Correct me if I'm wrong, but the first thing we should deal with is whether the committee wishes to receive the petitions at all and then, having been received, to see whether they wish to acknowledge the reasons for the lateness to proceed with them.

MR. CHAIRMAN: I checked that with Mr. Clegg, and he says that this committee has done that in the past, has dealt with private Bills at fall sessions.

MR. M. CLEGG: Yes, Mr. Chairman.

DR. ELLIOTT: Thank you.

MR. WRIGHT: I move we receive the petitions.

MR. M. CLEGG: Mr. Chairman, the only circumstances where the committee has declined to do this is where it was felt that there was really no particular reason for dealing with them at this stage and they could be equally well dealt with the following year, or where the petitioners have had adequate notice and have been somewhat negligent in pursuing their interests before the committee.

MR. CHAIRMAN: Motion to receive the three petitions?

The committee itself does not have the final decision. The

only thing the committee can do is make a recommendation by the chairman's report to the Assembly that Standing Orders be suspended in order to permit these petitions to be received. If the Assembly concurs in that recommendation, then the Bill will be proceeded with in the normal manner.

MR. CHAIRMAN: Dr. West.

DR. WEST: Yes. Is there anything that would preclude acknowledging these if the time frame for looking at the petitioners or bringing in information . . . We had some lengthy ones last session, and if we got into any one of those situations -- what happens if this session ends before we are allowed to bring in the . . .

MR. CHAIRMAN: Well, I think, Dr. West, the petitioners all realize that things are uncertain, and they have proceeded on the basis that there will be time, risking the fact that the whole thing might collapse and the process might not be completed. This committee has certainly not held out any assurances of any kind to the petitioners. The only assurance I held out was that if there was a session and an opportunity to call the committee together, I would call the committee together to put their business before it. But they don't have any undertakings that this session is going to go a certain length of time or any length of time.

Mr. Wright?

MR. WRIGHT: Yes. There's really no difference in the consideration between waiving the advertising requirements, as we do commonly at the spring sittings, and doing it now. It's all the same session; it's just the second sitting of it.

MR. DOWNEY: Mr. Chairman, further maybe to Dr. West's questions. We have one petitioner before us. Do we expect petitioners on the other two Bills this morning?

MR. CHAIRMAN: No. In discussing the matter with them, I said that we didn't know what the committee's views were. One is local; the other two are based in Calgary. I thought it wise to not be too presumptuous, to have them here without hearing the views of the committee. So I've suggested to them that we would discuss their matters, and if the committee was willing, then they could come next Wednesday or some earlier time if the committee felt it wanted to do that. Now, maybe we could perhaps discuss that later, or we could discuss it now, for that matter. We don't appear to be having evening sessions. I'm just wondering, instead of meeting at 8:30 in the morning, whether the committee would like to have -- if it agrees to proceed, whether the next meeting might be held at a 5:30 hour.

MRS. MIROSH: Well, Mr. Chairman, we have a gentleman here this morning. I would like to proceed, since he is here, and then discuss in camera our further proceedings.

MR. CHAIRMAN: Certainly. Any further comments on the motion to receive these petitions?

DR. WEST: In view of what was just said by Mrs. Mirosh, would we just have the motion to receive this petition that's sitting before us at the present time and then discuss the others in camera after?

MR. CHAIRMAN: Oh, well, we're not going to be discussing the merits of anything. I don't think we have to. There's nothing that requires in camera, I don't think, because we're not going to be deciding whether we're passing or failing these matters. It's just whether we will proceed to hear them or give them an opportunity to explain to us why they should be heard.

DR. WEST: Well, can we take them for what is before us and then discuss the other two, whether we hear them or not, after then?

MR. CHAIRMAN: I'm in the committee's hands. If the committee wishes to do it that way.

MR. DOWNEY: Well, Mr. Chairman, I think I'm following Dr. West there. I would move to amend Mr. Wright's motion: that we hear the petition of the petitioner who is here and discuss the other two matters in camera.

MR. WRIGHT: I'll agree to that.

MR. CHAIRMAN: You'll agree to that?

MR. WRIGHT: To amend the motion, if no one objects.

MR. CHAIRMAN: Anybody objecting to the amendment? No objections; it's amended. All those in favour of the motion as amended?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Contrary? Carried.

Well, Mr. Pagtakhan, we have received your petition, and I guess what the committee would like to hear now is not the merits of your case but merely why we should waive -- and maybe the merits will be intertwined with that. But as best you can. I'll ask Mr. Clegg to administer the oath because this is going to be a matter of evidence, since it's the policy of this committee to have all evidence received before it, notwithstanding the source, under oath.

[Mr. Pagtakhan was sworn in]

MR. CHAIRMAN: Well, Mr. Pagtakhan, as you've heard, the deadline, according to our Standing Orders, for filing of petitions expired last April, and we therefore must obtain leave of the Assembly for waiving of that provision. The first step, of course, is to convince the committee to make that recommendation to the Assembly.

MR. PAGTAKHAN: If I may proceed, sir. The hon. Mr. Stan Schumacher, chairman of the Private Bills Committee and hon. members of this committee, my name is Hermo Pagtakhan. I'm a member of the Bar of the Philippines and practised law there for more than four years before coming over to Canada in June of 1985. The reason why I left -- and it may be moot and academic now, though it still seems uncertain -- is that I became disillusioned with our judicial system, and I had high hopes that I'd be able to practise my profession here, fully and completely.

The hon. Mr. Jim Heron, MLA, has agreed to sponsor my private Bill for this fall sitting. My petition is based on the fundamental notion and principle of equity and anchored on the basic and immediate issue of my family's survival. I wish to

advise this committee that I have fully satisfied all of the requirements for enrollment with the Law Society, and the only matter which prevents me now from being called to the Bar of Alberta is the fact that I am not a Canadian citizen. I would only be eligible to apply for Canadian citizenship by June of 1988. Providing some allowance of from two to six months for the processing of my application, I may only be able to take my oath of citizenship by December 1988. As such, I could not be admitted to the Bar of Alberta until late 1988 or early 1989.

Considering that, number one, it was only announced a few weeks ago that the Legislature would be having a fall sitting; number two, that the Law Society of Alberta has indicated it would not have any objection to the passage of the private Bill -- and I have attached a copy of that letter from the Law Society to the file -- considering further, number three, that I have fully complied with all the requirements for enrollment with the Law Society, except for my citizenship -- again, a copy of that letter or certification is attached to the file -- considering further that I have a wife, a three-year-old daughter . . . I'm sorry.

MR. WRIGHT: Mr. Chairman, I would suggest that we have heard basically the reasons for receiving the petition out of time. It's fairly similar to the other ones, and so far as I am concerned, I am ready to vote on that preliminary question.

MR. CHAIRMAN: Are there any further questions? Dr. West.

DR. WEST: Yes, just one question that I have, and it takes maybe an overall view of these types of petitions, not specific to this petition that's here today. Do we have a condition in the Bill that ensures that citizenship is taken out, that after this Bill has passed that citizenship indeed will take place within the specified time?

MR. M. CLEGG: Mr. Chairman, there is no such provision in that Bill. There is in this case, of course, an understanding that that would be proceeded with, as there was in the previous case. The Jimmy W. Chow Bar Admission Act, which was passed in the spring, was in the same terms as this Bill; it did not, in fact, contain an undertaking that he will seek citizenship. The question really is whether the citizenship qualification is one which the committee feels should be rigorously applied in all circumstances or whether in special cases it is the kind of qualification that could be lifted. There's also a question, which is as yet undetermined, as to whether the restriction might one day be challenged under the Charter of Rights and might be deemed to be reasonable or might on the other hand be deemed to be entirely justifiable.

DR. WEST: What you're saying, then, is that we have the Bar Association here that has this within their own Act, and that we're saying that the Charter of Rights is going to take precedence over this and people can come in under this Bill and not take out citizenship?

MR. CHAIRMAN: That remains to be seen, Dr. West, but that's sort of hypothetical. I would suggest that if it's of concern to you, you could ask Mr. Pagtakhan for his undertaking to do that. A lawyer's undertaking is a very powerful thing, and if he makes it in clear terms and doesn't live up to his undertaking to this committee, then he's going to be in serious trouble with the Law Society and will no longer be a member of the Law Society, and you will achieve what you're concerned about.

MR. M. CLEGG: We could certainly agree on a form of written undertaking that Mr. Pagtakhan could sign that he would continue to actively pursue his application for Canadian citizenship, which is the maximum that he can do, of course.

MR. CHAIRMAN: And undertake that if it's not successful, if it's refused for any reason, that . . .

MR. WRIGHT: So long as that requirement remains the law of the land.

MR. CHAIRMAN: Yes. Does that help?

DR. WEST: Yes. That's fine. It's a point of reference. We had one before, and I was just making . . . There is no inference whatsoever, Hermo, about your destiny here in Canada.

MR. CHAIRMAN: Any further discussion on . . . Mr. Musgrove?

MR. MUSGROVE: It is my understanding there's a document in this package from the Law Society of Alberta approving this. Now, I haven't been able to run across it yet. It's in there though, is it?

MR. CHAIRMAN: Yes. It's the letter dated November 26, signed by Karen Boyd, members' secretary, and it says:

This is to certify that H.G. Pagtakhan has met the requirements, except Canadian Citizenship, for becoming a member of The Law Society of Alberta.

Mr. Pagtakhan has completed the required period of Articles of Clerkship, successfully completed the Bar Admission Course and satisfied the educational requirements of the Universities Co-ordinating Council.

Mr. Pagtakhan is eligible for enrolment as a member as soon as he becomes a Canadian Citizen.

And then there's another letter that says:

This is to inform you that the Education Committee extended your Articles to September 18th, 1988, or such earlier time as you qualify for enrolment as a member of the Law Society of Alberta.

With regard to your request for assistance and guidance in having a Private Act passed the Committee was of the opinion that it could not assist but would not stand in your way.

If there are no further comments, I'll ask for a vote on Mr. Wright's amended motion: that this petition be received. All those in favour. Opposed? Carried.

So the committee has now the petition before it. Mr. Pagtakhan, did you have . . . We didn't really get into the merits of the case, but you may wish to complete the presentation now as to why the committee should approve your petition, which it has received.

MR. PAGTAKHAN: Sorry about that, sir.

With the status of being a student at law it is sad to say that irrespective of one's background and previous legal experience, a student at law is nevertheless still a student of law, and there is not much that can be expected out of it in terms of financial compensation.

It is unfortunate and it deeply bothers me, but I'm proud to say that ever since I came to Canada to rejoin my wife and family, it was actually my wife who carried the bulk of the load in terms of supporting me and the family. Just recently, however, my wife has been diagnosed as pregnant, and owing to health complications she was advised by her attending physician

at the Royal Alex hospital to refrain from reporting for work this week and that should her condition not improve, she would have to be confined to the hospital. In any event, that would deal a severe blow to our financial capabilities, and this is what bothers me the most. Were it only for my sake, my personal sake, I wouldn't have bothered to go through this ordeal; however, I'm doing this for my family and I draw inspiration, private honour in doing that.

If my petition is not considered for this sitting, I'll face the harsh prospects of either looking for another employment or continuing with my present firm. I have not made up my mind on this, though. If my petition is considered for the spring session, that would render matters near moot and academic since I would only have to wait for a couple or three more months before I obtained my citizenship.

The second ground upon which my petition is anchored is better representation of my clients. As I mentioned before, a student at law is still a student at law, irrespective of one's background and previous legal experience. There are several opportunities which came my way and which I failed to capitalize on. Viewing from an outsider, even though I've been a full-fledged lawyer in another jurisdiction, I'm still a student at law, and frequently when asked as to my status, I could not explain to them that although I'm a student at law, I've been a member of the Bar of another jurisdiction and I've fully complied with the requirements of the Law Society. It takes a thousand words to say that and explain that to them. There was one time when the clients personally chose me to represent them and conduct the preliminary inquiry in a criminal case. We asked the permission of the Law Society; the permission was not granted, obviously for the reason that I'm not a full-fledged member of the Bar.

So for those two reasons -- one is my family's survival; number two, better representation of my clients -- I appeal to this committee that favourable consideration and approval be granted to my petition and that this committee support it to the Legislative Assembly and to the Lieutenant Governor.

Those are all my comments, sir.

MR. CHAIRMAN: Thank you very much. Any questions? Mr. Musgrove.

MR. MUSGROVE: Mr. Chairman, how long does it take with one of these private member's Bills, if it were passed, before Mr. Pagtakhan would become a full-fledged member of the Law Society of Alberta?

MR. CHAIRMAN: Well, I think it probably could be accomplished within one week of receiving Royal Assent.

Mrs. Mirosh.

MRS. MIROSH: Mr. Chairman, while I don't disagree with what the gentleman has been saying, I'm wondering, though, if we are setting a precedent, and if the Law Society has this regulation in place, it must be there for a reason. I don't know what that reason is, but . . .

MR. CHAIRMAN: I believe the foundation for the reason is that courts are a very basic, integral part of our society, and it was felt that lawyers, as officers of the court, should be citizens of the country. Of course, some people feel that the Charter of Rights will overrule that, but that remains to be seen.

MRS. MIROSH: That's a good reason then. But if we see

every person that comes before us, if once we do it for one person -- and we have done; I suppose we have already set the precedent.

MR. CHAIRMAN: Mrs. Mirosh, that precedent was set by this committee some time ago, at least two or three or four years ago, or it may be much longer standing than that.

MRS. MIROSH: When people come to Alberta, though, they must understand that those are the laws and those are the chances you take when you do immigrate here. I understand all the reasons, but it bothers me that, you know, we are sort of overruling the Law Society's regulation.

MR. CHAIRMAN: Well, it's not the Law Society's regulation; it is a law of the province passed by this Legislature, as a matter of fact. That's what we're amending by these private Bills from time to time to meet special circumstances. I think I'm stating that correctly. It's not the Law Society; it's the Legal Profession Act that requires citizenship.

Mr. Wright.

MR. WRIGHT: Yes. I would have thought the Law Society was the best judge of that. What we really should deal with as protectors of the public interest are the capabilities of lawyers admitted to the Bar of this province, and the Law Society has judged the capability of this gentleman. He's passed all his examinations. He's served his articles two or three times over in terms of length, and there is absolutely no reason, from the protection of the public's point of view, why he should not be admitted.

MR. CHAIRMAN: I think, Mrs. Mirosh, probably your concern is very similar to that expressed by Dr. West, about not proceeding with citizenship, because I think we probably all agree that if it's going to be a long-term basis, that is certainly the philosophy of our present legislation, and that form of undertaking would probably make it easier for you to proceed with the matter. If he for any reason is turned down from citizenship, then he will lose his status as a member of the Law Society.

MR. M. CLEGG: Mr. Chairman, I would just like to comment on the question of precedent. It's indeed true that in the past two or three years we have passed two Bills of a similar nature to this one in special circumstances. However, the Legislative Assembly is not in the same position as the courts, in that it is not bound by its decisions as precedents. It has absolute discretion to consider each case as an independent case and to remember what it has done in the past but ought to make distinctions. We are different from the courts in that regard, and whatever precedent we set in this particular case, whatever we do in this particular case is not a binding precedent on this committee in the future.

DR. WEST: Is it fair or right to ask at this sitting: have the other petitions that came forth obtained their citizenship by now?

MR. CHAIRMAN: Of course, in the first one, it was not his intention to do that, because he was going to live in the Caribbean and was not going to live in Canada or practise here. But he had to be made a member of the Bar for him to proceed with his profession at his home.

The last one was Jimmy W. Chow. I don't know if there has been a follow-up or not. Of course, this point wasn't raised with him.

MR. M. CLEGG: Mr. Chairman, I would undertake to check with Mr. Chow and see what his progress has been since the Bill. But my recollection is that he is not yet at the point where he could have achieved citizenship. I think Mr. Chow's citizenship is achievable early in 1988, if that's my correct recollection. It is certainly something which I will check on and report to the committee at its next meeting.

MR. CHAIRMAN: Are there any further questions of Mr. Pagtakhan? Dr. Elliott.

DR. ELLIOTT: Mr. Chairman, in view of this recent discussion, could we now go back to that earlier statement of yours where some letter of commitment or something is on file? I'd be very happy to support the petition.

MR. CHAIRMAN: And you would have no objection to providing such an undertaking, Mr. Pagtakhan, if the committee requested it?

MR. PAGTAKHAN: Yes, sir, I would absolutely agree and undertake to do that.

MR. CHAIRMAN: Well, if there are no further questions, we will excuse Mr. Pagtakhan and consider our further business and take the matter under advisement. That's our procedure, Mr. Pagtakhan. We don't come to a decision immediately upon hearing, but we'll consider it and then we'll make a report to the Legislature.

MR. PAGTAKHAN: Thank you.

MR. CHAIRMAN: Thank you.
Mr. Downey.

MR. DOWNEY: Well, Mr. Chairman, if the committee is prepared, I'm prepared to move that we recommend the petition of Mr. H.T. Pagtakhan to the Assembly, subject to a letter of undertaking to complete his citizenship.

MR. CHAIRMAN: Mr. Downey has moved that we present a favourable report on this petition, subject to our receiving the required undertaking. All those in favour? Opposed? Carried. Thank you with regard to that matter.

Now, with regard to Bills Pr. 25 and Pr. 26.

MR. WRIGHT: If you get it on the floor, I'll move my motion with respect to those two then, Mr. Chairman.

MR. CHAIRMAN: Mr. Wright is moving that those two petitions be received. If they are received, we will invite the principals involved to our next meeting. Then we'll decide when the next meeting will be. Mr. Musgrove.

MR. MUSGROVE: Mr. Chairman, it's my understanding that if these Bills are not completed by the end of this fall session they will die on the Order Paper and have to be brought back in the spring by the petitioners. Is that correct?

MR. CHAIRMAN: That's correct. They will have to do their advertising and petition over again. It'll just be . . . [interjection] Yes. When you say they die, they do die, and there'll be nothing left.

MR. MUSGROVE: Are these petitioners aware of that, Mr. Chairman?

MR. WRIGHT: Mr. Chairman, I was talking to Mr. Millikin, who is a friend of mine and a promoter of one of the Bills, and they certainly understand they're taking their chance.

MR. CHAIRMAN: Yes, I explained to them all they were taking a chance.

DR. WEST: There are two points I bring up. First of all, these packages they have presented to us: we're going to have to have a lot more information, and I'm sure the petitioners will come before us if we accept these at this time. Of course, we don't have the time. I look at the timetable I have that's set up with a lot of the committees and that sort of thing, and we're not going to have much time to set these in, to bring them from Calgary and set them down here. They get caught with the time frame that this session rises, and what happens to that then? I mean, is it fair to them to put them under that constraint or to put us under the constraints of gathering information? Because one is a trust company and one is an insurance company, and I would feel a lot more comfortable with these to have a complete outline of the individuals involved and the purposes of these Bills.

MR. CHAIRMAN: Well, all I can say is that as far as I'm concerned, I don't know if we're going to start putting higher standards on these petitioners for this session than we do at the spring session. We usually operate on the basis that the proponents appear and we question them. I don't know if there's any other investigation the committee has launched in regard to other matters.

DR. WEST: Could I reclarify that? Normally we've met every Wednesday, so there's one more Wednesday and the Wednesday after that. But if these don't get onto the floor of the Assembly, they die. I'm saying you're presuming a time frame that, unless we move on them on other days -- and I just said that our timetables are fairly full.

MR. CHAIRMAN: I'm just saying that if we are in session next Wednesday, these matters should be able to be dealt with next Wednesday if the committee receives the petitions. It isn't a matter of them coming back twice. The only time we did that was on the city of Calgary thing. As far as I know the operations of the committee, it just seems to be a half-hour or a little bit more for each of them.

Mr. Downey was actually on the list first, Mr. Musgrove.

MR. DOWNEY: Thank you, Mr. Chairman. I have a question, and I think I'd like to reserve a spot for comment here. When were these two petitions filed, and when was the advertising completed?

MR. CHAIRMAN: That's a good question.

MR. M. CLEGG: Mr. Chairman, with respect to Security Home

Trust Company, the documents were signed two weeks ago and received by us last week. They were awaiting the completion of their advertising. The advertising was completed on November 14 with respect to Security Home Trust Company. With respect to Fair & Millikin Insurance, it's the same advertising; it was completed on November 14. Their documents were received on November 19. So the receipt of documents and the completion of advertising is quite recent. In both cases the advertising was completed November 14, the last entry in the *Gazette*.

MR. CHAIRMAN: So apparently they both started advertising as soon as the date of this session was announced.

MR. M. CLEGG: Yes, that's correct, Mr. Chairman.

MR. DOWNEY: Mr. Chairman, then in light of that, I share some of Dr. West's concerns. When a petition comes before a spring sitting, the members do have an opportunity at least to gauge the principles and some of the intricacies of the operation. Given the short notice here and the fact that we're dealing with insurance and trust business -- and I'm talking about both Bills here -- I have a serious concern about receiving those petitions on such short notice in the fall sitting.

MR. CHAIRMAN: I would like to remind you, Mr. Downey, and other members of the committee, though, that in these two particular things, the fact that we open the door for them doesn't mean they're ever going to operate, because they must then go through a rigorous investigation by the bureaucracy before a licence is issued. It's a two-stage thing.

MR. DOWNEY: Mr. Chairman, may I comment on that?

MR. CHAIRMAN: Yes.

MR. DOWNEY: If I may, Mr. Chairman, certainly the authority to operate is granted by this committee and by the Legislature. Well, I think I hear a legal argument coming from there, but in fact it cannot operate without this approval. Therefore, I take my responsibilities on this committee rather seriously, and I have problems with it.

MR. CHAIRMAN: Oh, yes, it's very important, but it's a two-stage thing. There's no question about that.

MR. MUSGROVE: Mr. Chairman, I'm still a bit hung up on the procedure here. If we accept these and we don't complete them, it dies on the Order Paper at the end of the session. Now, if we don't accept them, do their advertising and application then carry on to the spring sitting? I mean, do they have to go through the hoops again even though we don't accept these?

MR. CHAIRMAN: Yes, because these were done during this session for this session, so if you don't accept them, you're just killing it now instead of it dying on the Order Paper.

MR. M. CLEGG: Mr. Chairman, I just want to add for the information of members that they have, through their solicitor, indicated that they well appreciate the time limits in this sitting and that the committee might not have time to do all the investigation and ask the questions they wish to do. They are well aware that by starting this process they're taking the risk, at least as far as they're concerned, that their application may not

be completed and the Bill may not go through. They have said that they're willing to take that risk, and they are just asking that at least the committee give them permission to start the process. But they certainly are aware of the fact that the time constraints may prevent the Bill being completed.

MR. WRIGHT: Mr. Chairman, I see no reason for discriminating against these petitioners. We should treat them the same as we treat all of those at the spring sittings of this session who wished the time waived. We invariably do it unless there are cogent reasons to the contrary, and they fully understand that if we don't complete dealing with them within the time available, they've had it for that sitting. Both these Bills are proposed to incorporate institutions in the form that's stipulated in the Standing Orders, and if they want to take a chance, then I don't see that we should stand in their way.

MR. CHAIRMAN: Nice to hear those entrepreneurial comments, Mr. Wright. That's refreshing, considering my friends in the back row there.

MR. WRIGHT: Yes, I don't think we should stand in the way of enterprise, but particularly these Bills are both financial institutions in the province. Those financial institutions have taken a beating recently. Here are two sets of promoters that are willing to try again under what we hope are improved regulations and so on. It's all the more reasonable that we should attempt to deal with them.

MRS. MIROSH: Well, I just have some reservations about the little bit of information that has been received with regard to these Bills, particularly with the trust company. It's such a sensitive issue these days that I really feel there should be more information on this. But the insurance company I don't have any problem with.

MR. CHAIRMAN: The way the committee operates, then maybe we should . . . Well, we'll see what the feeling is after, but we can adjourn this matter of receiving the petitions and ask them to be here the same way Mr. Pagtakhan was, as to why the committee should waive that if that is really a very serious concern of the committee.

MR. ADY: Well, I think we should hear them. I can't think they're expecting us to make any shortcuts. I think we go through our process and we satisfy ourselves, and if we don't have the time to do that, then it dies on the Order Paper. But I can't see any reason . . . Are we going to receive any more information in the spring than we are receiving now? Do we have any more right to ask for more than we do now? I think we have a process and we go through it, and if it doesn't make it, it doesn't make it.

MR. CHAIRMAN: I take your question as being rhetorical.

MR. ADY: Yes. No question.

MR. CHAIRMAN: Mrs. Hewes, have I been overlooking you?

MRS. HEWES: Just a reinforcing comment. I don't know that I can add anything except that I see no reason whatsoever, Mr. Chairman, that we should not accommodate them, especially now in the present climate for financial institutions. I think it's

very important that we do try to make the path quicker, but they understand there's no guarantee whatsoever. If we don't have enough information, then it doesn't go.

MR. CHAIRMAN: Does anybody else wish to discuss the matter of whether we should receive these petitions?

MR. MUSGROVE: Another question on the procedure. If these are accepted and debated and die on the Order Paper, do these people then have the option of re-entering them in the spring session for consideration?

MR. CHAIRMAN: Absolutely. They just lose their advertising and other expenses related to the fee.

Is the committee ready for the question on whether or not we should receive these petitions?

MR. DOWNEY: What's the motion?

MR. CHAIRMAN: The motion is that we receive these petitions in regard to Pr. 25 and Pr. 26. Mr. Clegg is going to suggest a formal wording.

MR. CLEGG: Mr. Chairman, at this stage the motion before the committee would be that the committee recommend to the Assembly that the Standing Orders be waived to permit these petitions to be received, notwithstanding that the advertising was completed after the deadline.

MR. CHAIRMAN: I think Mr. Wright moved that. That was what he intended to move.

All those in favour of that motion? Opposed? Carried.

Now, the only other remaining matter is whether you wish to meet again next Wednesday morning, or would you wish to consider another time and date?

MR. WRIGHT: Mr. Chairman, because of the fact that we

know this is going to be a short sitting obviously, but not when it will end, we could consider 5:30 on Monday. In fact, we could consider any other time, and I am suggesting that might be a not unreasonable time.

MR. GIBEAULT: Mr. Chairman, that particular time of Monday at 5:30 is a conflict for me. I'd appreciate staying with the Wednesday morning or some other time.

MR. DOWNEY: Well, Mr. Chairman, I have the same problem as Mr. Gibeault. I haven't got my calendar with me, but if we change the meeting time, I have this time open if we're going to meet. I think we'd better keep the same time.

MR. CHAIRMAN: Dr. West.

DR. WEST: Well, I was just saying education caucus on Monday night.

MR. CHAIRMAN: Then we will advise the petitioners that they may come and do their thing next Wednesday morning.

MR. WRIGHT: The Assembly must first [inaudible], must they?

MR. CHAIRMAN: Yes, I'll be making a report . . .

MR. WRIGHT: Subject to that?

MR. CHAIRMAN: Yes.

MR. DOWNEY: I move we adjourn.

MR. CHAIRMAN: Thank you. Thank you very much members of the committee.

[The committee adjourned at 9:25 a.m.]

