

[Chairman: Mr. Schumacher]

[8:33 a.m.]

MR. CHAIRMAN: Good morning, ladies and gentlemen. I'd like to welcome you to the first meeting of the Private Bills Committee for the Third Session of this Legislature and also to welcome a new member to our committee, Mrs. McClellan.

Just for Mrs. McClellan's information, she was here early, as everybody should be, including the chairman. One reason for that is that we always seem to have a time constraint because Public Accounts wants to push us out at 10 o'clock for sure, but this morning won't take anywhere near that length of time, I don't think.

The purpose of our meeting this morning is to have our Parliamentary Counsel sort of let you know what's on the agenda for our work this spring so far. There are still some potential Bills to come in, but Mr. Clegg is prepared to give us an overview of what's before us now, and maybe we can make some plans for next week's meeting and make some headway on that menu. So I'll call on Mr. Clegg to give us that overview.

MR. M. CLEGG: Thank you, Mr. Chairman. We have so far 18 Bills, some of which were not complete by the deadline, and therefore there will be requests directed to the committee to consider a recommendation to extend the deadline, for advertising in most cases.

I will go through the list and give a brief description of the purpose of the Bill so that the members may get an impression of the type of business that will be before the committee this sitting. We do expect that there will be a couple more. We're already aware of a couple more petitions which we have been told will come to us. Again, of course, they'll be late. So it appears that, as before, we'll be dealing one way or the other with about 20 petitions this year.

Some of them are quite straightforward and simple. Some are relatively more complex. In conformity with previous years' practice, we've made a suggested classification as to whether they are not particularly complex and rather straightforward or not likely to be controversial; we call those an A. Those which have some complexity and controversiality are Bs, and those which we have to recognize as being extremely complex, with a likelihood of intervention, dealing with difficult evidence, are classified as Cs. This enables the committee and the chairman to decide which Bills may be dealt with and how the Bills may be grouped.

Because of the number of Bills, we wanted to assist the committee to start on its consideration of Bills quite early. Therefore, we do have at least a couple of Bills that might possibly be dealt with as early as next week if the committee agrees. I will go through the Bills now, and subsequent to this meeting we will prepare a noted version of this list that I have, which we can provide to members, with a few more words of explanation on the list which I will make up. So maybe even today or within a couple of days you'll have a copy of this list that I have in front of me and which we've only just completed. But as I said, we wanted to help the committee to get its business going, so we've been working quite hard -- Nora has been working extremely hard on this; she always does -- to get all this paper in order.

The first petition is Royal Canadian Legion Alberta Property Act. This is a very straightforward and simple Bill. Although the Bill is not short, it is mainly a consolidation of the previous legislation in this regard and is to clarify and consolidate the property-holding rights of the Legion in Alberta and the relationship between the branches and the command, which is the

main Alberta organization. Although the Bill contains a tax exemption, it is not new. That tax exemption was there before, and we're merely consolidating the existing tax exemption into a new Act so that they have a clean Act and are not having to be concerned about the relationship between the previous Act and subsequent amendments. There was some lack of clarity about how they had been drafted.

MR. CHAIRMAN: Will we be repealing an existing Act with this one?

MR. M. CLEGG: Mr. Chairman, we will be repealing the existing Act and replacing it with this one. It is principally a revisionary process for them. They wanted to start with a clear Act which had some of the inconsistencies removed from it and to improve some of the drafting in it. It doesn't make any substantially new provisions or give them any substantial new rights. We classified that as an A; in other words, one of the simplest of the Bills that will be before us.

The second is the Canada Olympic Park Transfer of Title Act. This is a Bill which the Canada Olympic Park management had hoped to bring before us last year, but it just wasn't ready in time. It deals with a proposed agreement that is going to be entered into between CODA and the government of Canada, which authorizes the future dealings with the land, places restrictions on its use which can last into perpetuity -- in other words, last longer than the rule against perpetuities would otherwise permit -- which is deemed to be in the general interest of the use of the land because of its special nature, and deals with restrictions which will be placed on its transferability and to whom it may be transferred. It's not a particularly complicated Bill, and it's not seen to be controversial.

The third Bill is Paul Mark and Cheryl-Lynne Ibbotson Adoption Act. This is a Bill providing for the adoption of two persons who have passed the age of 18 who have been in the care of the adopting parents for about seven or eight years. The natural parents have either consented or have declined to do anything about whether consenting or refusing; there's been no refusal. There was to have been a petition regarding one of these two last year, but it wasn't completed in time. Now there are two of them, brother and sister.

MR. CHAIRMAN: Mr. Clegg, just before going on, would the second one be an A?

MR. M. CLEGG: Oh, the second one would be an A, Mr. Chairman, yes. We would suggest that the Canada Olympic Park Bill would be an A.

This adult adoption Bill we would classify as a B because it is a Bill where the current law, which says there should be no adult adoptions, would be set aside and a special provision made. This committee has considered circumstances like this or similar to this in the past, and there will be evidence presented to the committee by the petitioners about the family relationship between the adult children and the putative adopting parents. That is classified as a B.

The fourth is a Bar admission Act, the Warren S. Forest Bar Admission Act. The petitioner here is an American student at law who is awaiting Canadian citizenship. Apparently, he would gain that in about a year or 18 months from now and is asking the committee to authorize his application for Bar admission providing he's met all the other requirements. The committee has dealt with similar legislation before, but again it is a Bill

which requires the committee to recommend a change from the general public law. The present public law requires that all lawyers be Canadian citizens. We've classified that one as a B because of that step.

The fifth one is another adoption Bill, the Patricia, Alejandra and Marcello Becerra Adoption Act. They are three adult children who are currently resident in Chile and are the children of the sister of one of the petitioners. What they are requesting is that the petitioners, who are resident in Canada, should be permitted to become the legal parents of these three, notwithstanding that they're now adults. Again, the circumstances will be described to the committee by the petitioners and the issues considered in light of the evidence. I will also be making available to the committee, either directly or by a report by myself, comments about whether this kind of adoption of persons outside the country has any bearing on immigration qualification. We've classified that as a B.

The sixth Bill is Old Sun Society Community College Act. This is a Bill which deals with the incorporation of a community college which serves the native population on the Blackfoot Reserve. The college exists at present, and the purpose of this Bill is to incorporate what is at present a society under the Societies Act, to establish its constitution, and to provide for its operation. It's quite similar to a previous Bill that was before this committee last year on the same kind of topic. We've classified that one as a B.

Bill Pr. 7 is the Alberta Conference of the Seventh-day Adventist Church Act. This is a Bill which deals with the constitution of the operation of the church in Alberta, and it is fairly straightforward and doesn't contain any matters which are granting powers to the church or doesn't deal in any way with any matter which appears to be controversial. There are some questions which have arisen as to the way it's drafted, but I'm sorting those out at the moment. We have tentatively classified this as an A as well at this stage.

Pr. 8 is Rosebud School of the Arts Act. This is a Bill for the incorporation of a school of arts in Rosebud, which is currently operating as a society and wishes to have incorporation by private Act as an institution and guild school for the promotion of fine arts. The Bill deals with the constitution of the school and its general operation and powers. They are not asking for anything which is exceptional or special. There are no fiscal consequences for the province directly or indirectly as a result of this Bill. The only minor matter which is an exception to general law is that they're requesting that the Labour Relations Act and the Employment Standards Act should not apply to the school. This is a matter which we would of course expect them to explain to the committee. It is classified as a B, partly because of that exception on labour law.

Bill Pr. 9 is the Hungarian Cultural Society of Edmonton Act. This is one of several Bills before this committee this session which asks for a tax exemption on the basis of the nature of the operation of the society. We anticipate opposition to this Bill from the city of Edmonton. The matter of tax exemptions has been before the committee many times before. It was always a fairly difficult matter, and the evidence as to the exact nature of the society is sometimes detailed. We have therefore classified all of these Bills, of which there are several before this committee, as a C.

Bill Pr. 10 is the Brandon Paul Lumley Limitation Act. This Bill is a request that the statute of limitations provisions be set aside to allow a court to decide whether an action may be commenced for Brandon Paul Lumley, who is an infant. The allega-

tion being made is that he was injured at birth and that the extent and consequences of the injury were not discovered until after the limitation period had expired. This type of application is always extremely difficult for the committee. The evidence will be complex and controversial, and the Bill will be opposed by the parties who might be sued if the Bill were passed. We have classified this as a C, and I feel it may be the most complicated Bill before the committee this year.

Bill Pr. 11 is a petition by the city of Edmonton for the repeal of two provisions which have been enacted by this Assembly in the last few years. One is a provision which exempts the Jewish Community Centre of Edmonton from property taxes for certain property, and the other is a provision which altered the property tax liability of certain land owned by the St. John's Institute in Edmonton. This is a petition by the city, not by those institutions, to essentially reverse what this committee did respectively, I think, in 1986 and '84. We've classified that as a C. It has to be rather a difficult matter, perhaps. Obviously, the two organizations concerned will be intervening to oppose the petition.

Bill Pr. 12 is the Canadian Southern Baptist Seminary Act. This is a Bill to incorporate a seminary. It is currently operating, and the Act sets out its constitution and powers and determines its relationship to the convention of Southern Baptists. The Bill does not contain any property tax exemption as far as I recall. I think that's correct; is it? That's correct. We have classified it as a B, but it's a kind of minor B. It's somewhere between an A and a B. Although it's fairly lengthy, it's because of its detailed provisions. I don't see anything which is controversial or difficult in the Bill, nor, of course, is there any opposition to it. It is a B that could be dealt with with maybe one or more other Bs on the same day.

I would comment at this point that the Bills are numbered in the order in which we receive the petitions. They're not grouped by type or anything, and there is no other judgment applied to giving them particular numbers. So we haven't grouped them as types of Bills together. Nor are we superstitious, and we hope they're not either.

Bill Pr. 13 is the German Canadian Club of Calgary Act. The German Canadian Club is requesting tax exemption for its properties in Calgary. We are not aware of what position the city of Calgary will be taking on this one. We have it classified as a B, although it might be more complex. It's difficult to determine whether these are Bs or Cs. There are a number of cultural clubs from Calgary that have brought petitions this year, and depending on the views of the committee, these might not be too lengthy.

Bill Pr. 14 is the Austrian Canadian Society of Calgary Act. This again asks for a tax exemption for properties owned by the society. Bill Pr. 15 is the Polish Canadian Cultural Centre of Calgary Act, a further tax exemption Bill for a cultural society. Those are also classified as Bs.

Bill Pr. 16 is the Leslie Roy Peck Adoption Act. This is not complete yet, and we do not have much detail on exactly what the background to this Bill is, nor as to why they are late and as to whether they are likely to be able to convince the committee that there is good reason to deal with the Bill this year and not next year. We'll brief the committee further on, when we get more information on that one.

Bill Pr. 17 is St. Vladimir's Ukrainian Orthodox Congregation at Calgary Tax Exemption Act. The title speaks for itself. It is a further tax exemption Bill for a community organization, again classified as a B.

Bill Pr. 18, the final one we have at present, is the Donald Roy Deen Compensation Act. We are waiting for further documentation on this, but apparently the Bill deals with a request that a person who was injured while working for an extraprovincial corporation not covered by workers' compensation some years ago should be deemed to be covered. The argument that they have made, and I have not yet verified this, is that if the accident were to happen today in the same circumstances, he would be covered because this loophole has since been closed, where there is a corporation which is operating in the province but is not yet registered in the province. It's an open question as to whether it should have been registered because it was operating and doing business in the province. But this person believes that he was caught in a hole in the provisions for workers' compensation. I can brief the committee further when we receive more detail on that. It may be fairly complex, and we have put it down as a B. When we see more evidence, it might be that we will reclassify it as a C, because it's a little bit the same as a limitation Bill, although not as complex as that, because it is putting a person back in time or bringing him forward in time to give him coverage.

Those are the Bills that we have at the present, Mr. Chairman.

MR. CHAIRMAN: Are there any who are ready to proceed?

MRS. MacKENZIE: Pr. 1 and Pr. 2. All the ones that have . . .

MR. CHAIRMAN: No, but I meant as far as evidence is concerned for next Wednesday.

MR. M. CLEGG: Mr. Chairman, we would recommend to the committee that it could deal with Bills Pr. 1 and Pr. 2, the Royal Canadian Legion Alberta Property Bill and the Canada Olympic Park Bill, next Wednesday, which would dispose of two Bills which both have an A categorization. We had contacted the petitioners for the Alberta Conference of the Seventh-day Adventist Church Act, Pr. 7, which is also an A, and they are unable to attend at this short notice and on that particular date. So we could bring forward two Bills to the committee next Wednesday which are, as I say, very straightforward ones. We could also give a little more briefing at that time on the further petitions we had received.

We are suggesting to the chairman that he can now present a number of these petitions to the Assembly and take them under consideration and report to the Assembly as to which ones have not complied; in other words, generally speaking are late. Those that have not complied with Standing Orders will be brought before this committee again so that this committee may make a determination as to whether there are grounds for recommending an extension of the time limits to permit them to be brought before the committee.

MR. YOUNIE: For the third Bill classed as an A, the one dealing with the Seventh-day Adventists, I'm wondering if there is any reason why we couldn't consider it next week. Then if there were something controversial that we wanted to ask them about, we could have them scheduled to appear the week after. If there's nothing there that would block us from passing it — is there some other reason why they want to be here to talk to us about it? We could pass it without that necessarily happening.

MR. CHAIRMAN: Well, we generally have somebody here,

don't we?

MR. YOUNIE: I would presume that if there was a problem and we wanted to ask them, then we would not pass it without having questioned them. But if we see nothing controversial in it and could pass it without them being here to necessarily testify, is there any ruling that says we can't?

MR. M. CLEGG: Mr. Chairman, there is no rule which requires us to hear evidence if we are satisfied, and there have been a number of cases in the past where we have waived attendance because we felt that the Bill was very simple and straightforward and noncontroversial. On this Bill there's one small legal point on which I'm waiting for clarification from the petitioners which arose in my mind after we had classified it as an A. I need their briefing as to why they're asking for a particular provision in the landholding. They've asked for the statement that the common law rule about mortmain, which is an old property rule, doesn't apply to their property. I'm not certain what their concern is here. It may be that they're being overcautious or it may be that there's something that is a valid concern. I hope to have that sorted out within a couple of days. But the committee could certainly look at their Bill next Wednesday and could decide whether they would recommend it, if I've finished sorting out those legal concerns by then, or whether they would wish to have the petitioners come forward at a later date.

MR. YOUNIE: I would move that we deal with Pr. 1, Pr. 2, and pending counsel's recommendation Pr. 7, if possible, next week.

MR. CHAIRMAN: Any discussion on that? All in favour of the motion?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed, if any? Carried.
So that looks after our business for . . . Dr. West.

DR. WEST: Yes, Mr. Chairman. A comment on a principle. If there is a group of Bills that deal with the same topic and deal with a policy or principle that has been set in precedents before, can they be dealt with first on a discussion level by this committee as to a determination of direction for the group, or do they have to be dealt with individually?

MR. CHAIRMAN: You're referring, sir, to these property tax exemption Bills?

DR. WEST: That's correct.

MR. M. CLEGG: Mr. Chairman, if I may comment. The committee is free to deal with the Bills in any way it chooses, and it could certainly discuss the Bills prior to the witnesses coming. There is a slight risk that that might be perceived as prejudging the issues before we'd heard the evidence. However, the committee is always free to develop certain principles in a prior discussion and then to hear the evidence, as opposed to hearing the evidence first and then distilling it and deriving the application of principles to the particular cases depending on the evidence. It's a matter of choice for the committee.

MR. G. CLEGG: I just want to follow up on that very topic that Dr. West did. Certainly I said last year that maybe there should

be -- maybe; I used the word maybe -- a change in the taxation Act or the exemption or something. It's happening. You know, when we pass a Bill, right away people know, and then they -- and I'm not speaking against the Bills; get me very plain. But maybe there is something else that we should be looking at, because we're getting these and everybody is wanting an exemption from something. I know the circumstances too, and we'll have to deal with them until that change is made.

MR. CHAIRMAN: I guess, Mr. Clegg, we did give some indication with regard to these cultural organizations when we refused to proceed with the German-Canadian club of Edmonton,

and of course now we have five very similar ones to one we turned down last year. The repeal one is slightly different than the five that we do have which are practically identical to the one we did turn down last year. So this may be a matter which you may -- I think it's a good point that you've raised, Dr. West and Mr. Clegg, but maybe this a point we can all mull over in our minds between now and next week. We will try to proceed with three Bills next week, then, as Mr. Younie has suggested.

Any further business to be brought before the committee? Hearing none, I'll entertain a motion to adjourn.

[The committee adjourned at 9:02 a.m.]