

[Chairman: Mr. Evans]

[10:07 a.m.]

MR. CHAIRMAN: Good morning, ladies and gentlemen. I'd like to call the meeting to order. This, of course, is Private Bills, and we will be dealing with three Bills this morning: Pr. 4, the Edmonton Community Foundation Amendment Act; Pr. 13, the Sherry Lynn Adam Adoption Act; and Pr. 11, the Tammy Lynn Proctor Adoption Act.

The first Bill that we will be dealing with is the Edmonton Community Foundation Amendment Act. The petitioner is represented by Mr. George Field, solicitor, and Mr. Eric Slatter, and both will be sworn in today and both will be giving evidence, as I understand it.

Just to advise you, gentlemen, my name is Brian Evans; I'm the committee chairman. The committee members are from all the parties that are represented in the House, and we will listen to your presentation today. It's not the position of this committee to come to a decision on your presentation today. We'll review the evidence that we have before us. We'll come to a conclusion and make that recommendation available to the Legislative Assembly in due course, and you'll be advised of that. So if we can begin, Mr. Parliamentary Counsel, with the swearing in.

[Mr. Field and Mr. Slatter were sworn in]

MR. CHAIRMAN: Gentlemen, it's customary to begin with a report from the Parliamentary Counsel, so we'll proceed with that.

MR. M. CLEGG: Mr. Chairman, this is my report on Bill Pr. 4, Edmonton Community Foundation Amendment Act, 1989, pursuant to Standing Order 99. I have examined the Bill, and it does not contain any provisions which I consider to be unusual, nor is there any model Bill on this subject. The Bill provides extensive amendments to the Act which incorporated the foundation. The amendments deal with the operation and constitution of the foundation and are quite complex.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you, Mr. Clegg. We can begin, Mr. Field, with your presentation.

MR. FIELD: Thank you, Mr. Chairman. Is it expected that I normally stand, or can I collapse in my usual fashion?

MR. CHAIRMAN: You may sit. It sometimes is easier for the microphone to pick you up if you're seated.

MR. FIELD: In that case . . . Mr. Chairman and hon. members of this committee, I am here on behalf of the petitioner, Mr. Slatter, and the proposed private Bill is to amend an existing Act, the Edmonton Community Foundation Act.

The Act originally was passed in 1971 by a private Act, and it was amended in 1974, really to get around an income tax problem because at that time one of the objects of the foundation was to support athletic endeavours, and at that time an athletic endeavour was not a proper object of charity. That has since been changed in Canada pretty well by a recent decision in the Court of Appeal for Ontario in the Laidlaw case so that athletic endeavour is now a proper object for charity in Canada, unless, of course, the Supreme Court of Canada changes that.

The Edmonton Community Foundation was originally de-

signed and came into existence -- it never really got off the ground. The directors of the corporation were named officers such as the mayor of the city of Edmonton, the president of the University, and these people are busy people. There was no one person who was really ramrodding the thing, and they never did raise much more than about \$40,000, which wasn't enough to hire any full-time staff. This money was eventually turned over to the united community fund, who have a sort of endowment fund in place. That fund is approximately \$260,000 now, and with these amendments, if they go through, the United Way is going to put that money back into the Edmonton community fund and it will be operated as a separate fund.

Sometime late last year a group of Edmonton businessmen, who wish to remain anonymous for the time being, contacted Mr. Slatter, who had had a vast amount of experience with charitable foundations -- for instance, the Devonian Foundation and things like this for Mr. Harvie -- and agreed to inject into the Edmonton Community Foundation, providing we can get the amendments through and get the thing properly set up and properly structured, \$10 million. Now, this will give the Edmonton Community Foundation a good starting nest. Mr. Slatter has already received three cheques from individual people in addition to that, some for smaller amounts and some for larger amounts, and he has commitments from other people already who would like to put money into this thing.

The income from these funds -- this is charitable money, and under the law once money is designed for charity, it is charitable forever. So the capital of the funds stays forever, and the income is used for various charitable objects within the city of Edmonton. Now, the city of Edmonton is also an expanded definition. It includes the greater Edmonton area, and it would include a place such as Fort McMurray in the event that the directors of the corporation decided to include Fort McMurray.

The main change to the Act is the method of appointing the directors. Under the old Act, as I mentioned, specific people were named, but under the new Act these people now appoint a director. Now, the people who can appoint directors are the mayor of the city of Edmonton, the president of the Edmonton Chamber of Commerce, the president of the Edmonton and District Labour Council, the senior justice resident in Edmonton of the Court of Queen's Bench, and three people appointed by the United Way, the University of Alberta, and the Edmonton Bar Association. In addition, the sponsors -- now, a sponsor is somebody who within five years of this Act coming into effect agrees to donate or commits to donate a sum not less than \$1 million. The sponsors are entitled for the first five years to appoint two directors. They don't have complete control, but they do have the right to appoint two directors of the foundation for the first five years.

One of the other major changes is the amount of publicity that the foundation will be required to give to its affairs. There's been a lot of changes in general thinking of corporate law since 1974, and this Act provides for an audit committee. It provides for audited statements. They must have an auditor. The statements must be published in a brief résumé so it's intelligible. It has to be published in an Edmonton newspaper each year when the statements are prepared, and the statements will be available at the registered office of the foundation for inspection by any member of the public. The whole idea is to involve the community as much as we can.

There are community foundations in two other cities in Canada. There's one in Winnipeg that's been in existence since

the early '30s. I think the first contribution to it was from a widow, \$17 and some odd cents, and it's still referred to in our annual reports as the widow's mite. They now have about \$60 million in their community foundation. The Vancouver foundation has about \$240 million, I understand, and both of them have been extremely successful.

The real problem is getting them organized and getting a good executive director. Now, we haven't got an executive director yet, but we hope to have one within about four to six months, and in the meantime Mr. Slatter will act as the secretary of the thing and try to keep it on track.

One of the unusual features about these amendments and this foundation will be that it will be able to act as a trustee and administrator for other funds. For instance, let's go back to Fort McMurray for a moment. They probably won't be able to raise sufficient money to actually hire somebody to administer the funds and to generally look after it. The community foundation will be able to set this aside as a separate fund or mix it with their other funds but keep track of it and administer these funds and simply pay out the income as directed by the board of the Fort McMurray community foundation. In other words, it will provide the administrative framework for smaller centres throughout northern Alberta.

I'm not sure whether any members are here from Calgary, but Calgary has a community foundation. It too has never quite got off the ground. We don't quite know why that is, but apparently it hasn't.

Most of the rest of the amendments to the Act are more or less technical in nature. I'm prepared to go through section by section should you so desire. This is a corporation. It's a charitable corporation but still a corporation, and it's really to modernize the corporate provisions. We have expanded the trustee provision slightly, in line with modern thinking and regarding trustees. Now, if there's anything else that any member would like to ask either myself or Mr. Slatter, Mr. Slatter is here and he's certainly prepared to answer any questions you may have. We'd certainly be prepared to answer anything.

MR. CHAIRMAN: Thanks very much, Mr. Field. That's a very clear description of a rather complex Bill, and I'm sure there will be some questions.

Mrs. Hewes.

MRS. HEWES: Thanks, Mr. Chairman. Mr. Field or Mr. Slatter, I wonder if you'd explain to the committee who the beneficiaries are expected to be. That is, is it possible for an individual to apply to the foundation for a grant? What are the kinds of terms of grants that would be made by the foundation? Would they go to individuals, to groups, to any particular group in society?

MR. FIELD: I'll start out, and then Mr. Slatter can correct me. Under the Income Tax Act a foundation can only distribute its income to another charitable organization that can give it a receipt with the magic tax number on it. So an individual simply won't fall within that category. I suspect that a good deal of the money each year will be sent to the United Way. I don't know, but I suspect that some of it will. There are innumerable charities. I'm sure that any of you sitting here probably are like myself and you get at least one phone call a week from some perfectly worthy organization, and you wonder how long does this go on, and some weeks you get two or three. The idea is to

try to co-ordinate some of these efforts as well as providing a foundation. Hopefully some of this money can be raised through the foundation, but the income can only be distributed to other charitable organizations. Did you have anything to add to that, Mr. Slatter?

MR. SLATTER: Mr. Chairman, through you, that deals essentially with the modus operandi. The distinct feature of a community foundation is really that it accumulates a pool of capital, and the larger that pool of capital is, the more good it can do with the income. It is not restricted to any particular field. It can deal with arts. It can now even deal with athletics, as Mr. Field pointed out. It is not restricted as long as the beneficiary is a registered charitable organization. While you can't give funds to individuals, what frequently happens is that if, for instance, one of the funds is a bursary fund, bursaries essentially benefit individuals, but you can't give the money to the individual direct. It's usually then cycled through the particular college or university where they are recognized as charitable organizations, so you give the grant to them for the purpose of providing the bursary to an individual. I trust that answers the question.

MRS. HEWES: Mr. Chairman, if I can just pursue it with one or two more. I take it then that it's a wide-open field as far as the beneficiaries are concerned. I guess what my question really is: would the Edmonton Community Foundation in itself narrow down that field? That is, has the foundation any intention of saying that our major thrust will be towards families or towards seniors or towards athletics? Is that part of your intent?

MR. SLATTER: Mr. Chairman, through you. No, it is most certainly not. In putting together our initial board and our initial committees, we are attempting to have representatives of every charitable field in the Edmonton community. There are certain fields which are perhaps not at this time receiving what they -- they can never receive enough. But because there are no funds available for their particular line of endeavour, they are in greater need than some of the others, and one of the big tasks of the distribution committee every year, besides examining individual applications, is to consider where the priorities should be, where the most urgent requirements should be.

The only restriction on the community foundation's unrestricted revenues -- certain of the revenues are designated for particular organizations, but on its unrestricted revenues, they examine in their priorities what will do most good for the community in fields that are not otherwise represented. They provide a good deal of seed money to new organizations or existing organizations by saying, "We will give you this, and we hope this will give you a start to go out and encourage others to put in money too."

MRS. HEWES: Mr. Chairman, the other question relates to geography, I guess is the way to describe it. Mr. Field indicated that the foundation could serve as an administrator or a conduit for, say, Fort McMurray, for instance. I would like to know: is it the intent of Edmonton foundation to spend money that is from benefactors in Edmonton within greater Edmonton, and would the Fort McMurray money be used for Fort McMurray alone, or could Edmonton money be used for Fort -- is there some crossover here? I think we need to be clear about that.

MR. FIELD: Mrs. Hewes, there is no crossover, but let's say

that Fort McMurray got themselves a little community foundation going and they could only raise about \$120,000. This doesn't give them enough money to hire a full-time administrator for that fund. The income from that fund would be distributed according to their committee.

Now, Edmonton community, as we've changed the definition slightly,

means the City of Edmonton and such other areas in Northern Alberta as the Board may from time to time by resolution include.

Now, certainly we would be including Sherwood Park. Certainly we would be including St. Albert. Certainly we'd be including Spruce Grove, I should think. All of these -- I think they are referred to as dormitory communities -- would be included right from the start and probably St. Albert. The idea is to make it as broad as possible within what I would call the metropolitan area of Edmonton. But if these particular communities wish to have their own foundations and have us administer them, they certainly may do so.

MR. CHAIRMAN: Thank you, Mr. Field.
Mrs. Black.

MRS. BLACK: Yes; thank you, Mr. Chairman. Just a very quick question, Mr. Slatter. Am I to understand that all of the capital injected into the foundation will be coming through sponsorship donation, through corporate or individual sponsors?

MR. FIELD: That is correct.

MR. SLATTER: Through you, Mr. Chairman. The initial funding is from a mixed group of individuals, corporations, other trusts. Where the money comes from there -- we don't mind who puts it in.

MR. FIELD: I might explain that the community foundation under the income tax rules can't just accumulate the income and sit on it and let that income grow. Under the income tax rules it must distribute -- it's up to 90 percent now, isn't it? -- 90 percent of its income each year. So it can't be accumulating the income and adding it into the capital except for the small 10 percent.

MR. CHAIRMAN: Mr. Doyle.

MR. DOYLE: Yes, Mr. Chairman. My question has basically been answered by Mrs. Hewes' question. I was just wondering how far out your Edmonton community does actually go. Say, if somebody from Jasper or Lloydminster made a substantial contribution, would all the areas in between be included for grants from this particular foundation?

MR. FIELD: Well, there is a provision that a donor can designate the fund. Let's say we have a wealthy ski instructor in Jasper -- I don't know if there are any wealthy ski instructors; I've never met one -- and he chooses to donate a million dollars. Now, how is he going to administer this money? He can donate it to the Edmonton Community Foundation but designate the income from that money to be used for charitable endeavours in Jasper. Now, I cannot imagine that we in the Edmonton Community Foundation would be distributing funds outside Edmonton unless we had received donations from outside

Edmonton.

MR. SLATTER: Mr. Chairman, that is essentially so. Every community foundation in Canada has had this problem of defining what the community is. It's certainly not just the city, so one has to broaden it. Mr. Clegg was most helpful in this, went through several variations. It's what one might call, if such a thing existed, metropolitan Edmonton, which includes many of the dormitory . . . We are going to start, Mr. Chairman, by essentially adopting the same geographical boundaries as the United Way. While it's a separate organization entirely, they've had to deal with this problem for many years. We will start by essentially geographically accepting the same area they accept as the Edmonton community.

Beyond that, answering the question directly, just because the gentleman in Jasper was to make even a very substantial gift, it would not automatically extend the boundary all the way to Jasper. It would be examined in the context of the community, the designation that might attach to those funds, and of course requirements. There would certainly be no automatic expansion of the boundary.

MR. CHAIRMAN: Thank you very much, Mr. Slatter.
Something additional, Mr. Field?

MR. FIELD: There was one other point that I would like to raise with the committee. We started doing our advertising last December to be ready for the spring session, and of course the spring session lasted half a day. So we spent a total in the *Alberta Gazette*, the *Edmonton Journal*, and the *Edmonton Sun* of some \$595.28 in advertising. We didn't advertise again in the *Edmonton Journal* because it's very expensive compared to the *Edmonton Sun* and we'd already done it once.

MR. CHAIRMAN: Just to be clear, Mr. Field, we have dealt with this very issue in the House, and we have had a waiver of additional advertising because of the circumstances that you faced.

MR. FIELD: Unfortunately, that's not my point, really, Mr. Chairman. My point really is that we paid the usual fee as required under the Standing Orders of \$320, and I notice that in Standing Order 100(4) no refund of that can be made unless it's recommended by the committee. Naturally, we're here, as every charity is, on our knees and begging and hoping that this committee might see fit to refund the \$320 or might recommend that refund, because you recommend it to the main body of the Legislature. Our reasons for this are, one, of course, that we are a charity and like all charities we're beggars. The second is that we spent this extra money because we wanted to be absolutely sure the thing went through. So the first money was thrown away.

MR. CHAIRMAN: Thank you for that additional application.
I think we have a question from Mrs. Gagnon.

MRS. GAGNON: Thank you very much. Mr. Field, I have a series of four short questions. First of all, if I'm understanding this correctly, the foundation was incorporated 18 years ago, and there were some amendments sought 15 years ago. Now, what has been going on all these years? Has it been totally dormant? Has there been any money raised, any groups assisted?

MR. FIELD: We've raised about \$40,000, and when the thing just became completely inactive, that money was turned over to the United Way endowment fund, which is a permanent fund. They are going to give that money back to us, and they're going to let us administer their endowment fund.

MRS. GAGNON: It appears to me that the idea behind this is that you're creating an umbrella organization which will not compete with the United Way or any other such community fund-raiser which, as you said, is not in the business of creating investment capital and that kind of thing.

MR. FIELD: No. The money that the Edmonton Community Foundation will receive -- there will be some of it received from people during their lifetimes, but it won't be that much. These things are slow growers. This is what's happened in Winnipeg and in Vancouver. Most of the money they get will be by bequests in wills; I am certain of that. We are not going to go out and actively try to solicit funds that would normally go to the United Way. We want the organization to be there. It's a repository for money if people wish to give it, and there are a good number of Edmontonians -- we can think of three or four right now whom we haven't yet approached -- who would be perfectly happy to leave a million dollars in their will.

MRS. GAGNON: Okay. My last question, then, is: do you believe that the two amendments which you're seeking now will resolve the problems the foundation has faced during these last 18 years and help you to get kick-started, so to speak?

MR. FIELD: I think the biggest help is the \$10 million. That gives us money to hire a competent permanent executive director. But having got that far, we wanted a proper system to administer it, and I think this will be a much more effective system than the old one.

DR. ELLIOTT: Just a related question. Do these foundations ever cease to exist? And if they have a massive amount of money of the types you've been talking about, what happens to the funds if and when a foundation shuts down?

MR. FIELD: It's one of the few examples in law of a Norman French phrase that's called the cy pres doctrine. Charitable money is charitable forever. Every charity must have a charitable object. If the object of the charity changes -- for instance, if somebody had set up a charitable trust the income of which was to be used to educate the children of wagon wheel makers but there aren't any wagon wheel makers left, you can apply to the court, and this money will be used for the children, say, of automobile workers. You try to get the object as close to the original object, but if that object has disappeared, you can't do it.

Now, the amending Act contains several sections, particularly with regard to designated funds. So if somebody donates to the Edmonton Community Foundation and says that he wants the income from this money to be used to support the Edmonton Symphony Society and, let's say, the Edmonton Symphony Society disappears, where does that money go? The Act says that we can apply to the court and find out the closest object of charity to the Edmonton Symphony Society. That may be the Edmonton Opera society. I don't know what it would be; that would be up to the court to decide. But once the money is

charitable, it is charitable forever.

DR. ELLIOTT: My concern wasn't with the Edmonton Symphony Society as one of the recipients. My concern is with the Edmonton Community Foundation and its board of directors and the people who administer it. If that whole thing collapses and there is no further interest in maintaining the foundation, you've got a \$60 million bank account. What happens to the money?

MR. FIELD: Again, there's an application to the court. If the money is charitable, it goes to some charitable foundation. It may go to the Lee Foundation; it may go to another foundation to administer. The money is always charitable, and it can only be used for that.

MR. CHAIRMAN: One final question, Mr. Field. In the event of a sponsor designating funds to a specific charity and in the unlikely event that the foundation would not approve of that particular charity, is there an overriding discretion in the foundation to refuse to accept moneys?

MR. FIELD: Yes, there is. The board of the foundation can refuse to accept designated funds. You know, if somebody wants to donate, say, \$1 million to aid starving people in Somalia, we probably wouldn't accept that donation. There are other places that are much better equipped to handle that money than we are.

MR. CHAIRMAN: Thank you very much. I don't think there are any additional questions of the committee members, so if you'd like to sum up your presentation, Mr. Field?

MR. FIELD: I don't know that any summing up is needed. The whole point of the exercise is that we have a group of really concerned Edmonton citizens whom I think should be applauded and admired -- and we hope to be able sometime to say who they are -- for getting this thing off the ground.

The community foundations in Winnipeg and Vancouver have done wonderful things. It's a slow builder, and we have every hope that in another 25 years -- and we have tried to set it up on a basis so that there will always be consistent direction to it -- this will be a real boon to the greater Edmonton community. I don't think I have anything further to say.

MR. CHAIRMAN: Thank you very for your presentation, gentlemen. We'll move on to the next Bill. Thank you.

Committee members, the next Bill we'll be dealing with will be Pr. 13, the Sherry Lynn Adam Adoption Act. I trust that you all have copies of the Act.

MR. FIELD: Mr. Chairman and members of the committee, I thank you for your patient hearing.

MR. CHAIRMAN: Thank you again.

Perhaps while we're waiting, members, I'll just indicate to you that I hope we'll be able to go in camera, after hearing the three applications to day, to deal with at least four of the private Bills. The ones I am suggesting we deal with today would be Pr. 2, Pr. 7, Pr. 8, and Pr. 9. We would then attempt to deal in camera with the balance of the Bills next Wednesday.

The issue we'll have to decide, and it is a bit time dependent, is whether we will begin the meeting next Wednesday, August

9, at 10 o'clock in the morning or at 11. There is a conflict with another committee, and if we were to change the time to 11 o'clock, we would avoid that conflict. That, I think, must be considered in light of two things: number one, we'll be coming back after the adjournment, and number two, it will likely require us to be here for two hours, anyway, and that would put us into 1 o'clock in the afternoon. We'll supply lunch for all committee members, so you don't have to worry about that. But there may be other, again, conflicting commitments. So if committee members could consider that, we'll have a discussion about it after we deal with the three Bills today.

Committee members, I would like to introduce Mr. Rowan, who is the solicitor for the petitioner with respect to Pr. 13, the Sherry Lynn Adam Adoption Act. We have on Mr. Rowan's left Sherry Lynn Adam. Perhaps I could ask you to give the last name of the next lady and next gentlemen, as it's a little bit of a tongue twister for me.

MR. ROWAN: Judy Leshchyshyn.

MR. CHAIRMAN: Thank you. And Mr. Allan Leshchyshyn. Thank you. We also have Mr. Richard Adam and Julia Pundik. I believe all will be sworn, other than Mr. Rowan. Is that correct, Mr. Clegg?

MR. M. CLEGG: Ms Pundik will not be sworn.

MR. CHAIRMAN: Ms Pundik will not be sworn. So perhaps we could proceed to the swearing in.

[Miss Adam, Mrs. Leshchyshyn, Mr. Leshchyshyn, Mr. Adam, and Ms Pundik were sworn in]

MR. CHAIRMAN: For the benefit of Mr. Rowan and all those in attendance, I'd like to just give you a brief preamble of what we do in this committee. We hear the petitions that come before the committee, we review those petitions, and then we make recommendations to the whole Legislative Assembly. We do not have a practice of coming to a decision the day the presentation is made, but we will be reviewing all of the matters that are dealt with today, and you will be advised of our recommendations.

Perhaps we will begin with the report from Parliamentary Counsel. Mr. Clegg.

MR. M. CLEGG: Mr. Chairman, this is my report on Pr. Bill 13, Sherry Lynn Adam Adoption Act, pursuant to Standing Order 99. I have examined the Bill, and it provides for the adoption of an adult. It does not otherwise make any provision which I consider to be unusual. There's no model Bill on the subject of this Bill, but it conforms to the content of other Bills that have been presented on this type of subject in the past.

MR. CHAIRMAN: Thank you, Mr. Clegg.

Mr. Rowan would you like to begin with your presentation, please?

MR. ROWAN: Yes, sir. Am I to assume that submissions can be made seated?

MR. CHAIRMAN: Please do, yes.

MR. ROWAN: Thank you. Good morning, ladies and gentlemen. We would firstly like to thank the committee for hearing this petition for this Bill for the adoption of Sherry Lynn Adam by Allan Leshchyshyn. My name is Kent Rowan. I am the solicitor for the petitioner. The petitioner is Sherry Lynn Adam. Mr. Allan Leshchyshyn is Sherry's stepfather, Judy Leshchyshyn is Sherry's mother, and Mr. Richard Adam is Sherry's natural father. This is a petition for a Bill to provide for the adoption of Sherry Lynn Adam by Allan Leshchyshyn. Mr. Leshchyshyn fully consents to this Bill. The petition is brought by Sherry Lynn Adam herself. Since the Child Welfare Act does not provide for the adoption of people over the age of 18 years, it is necessary to bring this petition to this House.

As a personal history, Sherry is 22 years old, born March 20, 1967. She is presently employed by the province of Alberta. She works at the department of energy and natural resources. She has been employed by the province of Alberta for approximately three and a half years. Sherry is presently engaged to be married on September 30, 1989, to Mr. Brian Clark of the city of Edmonton.

Mr. Leshchyshyn is 36 years old and is presently employed as an instrument technologist at the Petro-Canada refinery in the city of Edmonton. He has been so employed for eight years. Mr. Leshchyshyn has been married to Sherry's mother since September 12, 1981, almost eight years.

As a brief family history, Sherry's mother, Judy Leshchyshyn, and Richard Adam were married October 1, 1966. Sherry is the older of two children of that marriage and was born March 20, 1967. Sherry has one brother named Lance, who is now 18 years old. Judy Leshchyshyn and Richard Adam were divorced by decree nisi June 16, 1978. It became final three months later. At the time of the divorce, Sherry was almost 11 years old. I am informed that the cause of the divorce was alcohol abuse and physical abuse against Mrs. Leshchyshyn. Both of these acts were witnessed by Sherry on numerous occasions. Sherry explains that her childhood was not a happy one. Her parents fought often by reason of Mr. Adam's actions, and she resents him for that.

Together with the official divorce documents, there were minutes of settlement signed by both Mr. Adam and Mrs. Leshchyshyn. The minutes of settlement provide for child support to be paid by Mr. Adam in the amount of \$75 per month per child for a total of \$150 per month. Child support was to be paid by Mr. Adam until the child was 18 years of age or became self-supporting. If the children continued with their education after they were 18 years of age, he was to continue to pay until at least age 21 or until the education ended. Mr. Adam was granted visiting rights. Those visiting rights were one day every second weekend.

I am informed that support payments were sporadic. I am informed that although immediately after the divorce for two, three years support payments were regular, thereafter they became extremely sporadic. There were some support payments made for the months just prior to Sherry turning 18 years of age. I am further informed that although immediately after the divorce Mr. Adam took advantage of his access rights under the minutes of settlement, it soon waned so as to be sporadic as well. It has now come to the point that Sherry has not seen Mr. Adam for over two years until today. The last time they saw each other, it was apparent to Sherry that she had nothing in common with Mr. Adam.

At the time of the divorce Mrs. Leshchyshyn had few jobs

skills and found it necessary to seek social assistance to help support herself and her two children. She was at that time working for Otto Mobiles in the city of Edmonton, and it was while so employed that in December of 1978, after the divorce had been final, she met Mr. Allan Leshchyshyn, who was also employed by Otto Mobiles. It was shortly after that meeting that Mr. Leshchyshyn first met Sherry. I'm informed by both Mr. Leshchyshyn and by Sherry that from that first meeting it was apparent they would become close friends.

In April of 1979 Mr. and Mrs. Leshchyshyn decided to marry, but before proceeding therewith, Mr. Leshchyshyn decided to return to school in order to upgrade his education in the hope of getting a better job and thus being able to better support Mrs. Leshchyshyn, Sherry, and Lance. He did attend at NAIT to get his instrument technology degree. While in school for those two years Mr. Leshchyshyn lived at home with his parents and helped Mrs. Leshchyshyn financially, to the extent he could, to support both Sherry and Lance. Mr. and Mrs. Leshchyshyn were married September 12, 1981, after Mr. Leshchyshyn had completed his schooling and at a time when Sherry was 14 years of age.

Since that time and until Sherry moved out of the home approximately two years ago at the age of 20 years, Mr. and Mrs. Leshchyshyn together with Sherry and Lance lived together as a family unit. For a short period when Sherry was 17 years of age and after a major dispute at home with her mother, she did live with Mr. Adam and Mr. Adam's girlfriend. Since the time that she ceased living with Mr. Adam, she has only seen him twice: once approximately two years ago and once approximately three years ago.

Sherry is close to Mr. Leshchyshyn's immediate family, including Mr. Leshchyshyn's brothers -- she considers them uncles -- his sister, whom she considers as an aunt, and the various children, whom she considers as cousins. She has not seen any of Mr. Adam's family for at least four years and does not consider herself close to that family.

Mr. Leshchyshyn has, since shortly after meeting Sherry's mother, acted as Sherry's father figure. He was the one who was present at all the important occasions in her life: her grade 9 and grade 12 graduations, the announcement of her recent engagement, Christmases, and birthdays. Mr. Leshchyshyn was the one who, when Sherry was 15 years of age and required emergency surgery, was at the hospital during the surgery and visited her every day thereafter. Mr. Leshchyshyn was the one who helped to guide Sherry through her difficult adolescent years and who praised her when it was deserved and punished her when it was necessary. The fact that Sherry is a well-adjusted and contributing member of our society can in part be attributed to Mr. Leshchyshyn's guidance through Sherry's teenage years.

It is apparent by this petition and the history I've related to you that both in an emotional and a factual sense, Allan Leshchyshyn is Sherry's father. Sherry simply wants to make that situation, which has been a fact for many years, legal. That is the purpose of this petition and this Bill.

Sherry is a 22-year-old woman. She is fully capable of making her own decisions. She cannot be legally controlled by any person whatsoever. For the committee's benefit I have spoken at length with Sherry and explained all of the ramifications of her decision. I have also spoken at length with Mr. Leshchyshyn and explained to him and discussed with him the ramifications of this type of a proceeding. For your benefit I

have satisfied myself that the decision made by Sherry and the consent given by Mr. Leshchyshyn is informed; it is informed consent taking into account all of the variabilities. I would ask the committee to consider this petition and recommend to the House to pass this Bill.

Thank you, and unless you have questions for me, I will turn it over to Mr. Clegg.

MR. CHAIRMAN: Thank you, Mr. Rowan.

Committee members, we have received notice that Mr. Adam is opposing this petition and that he wished to be heard today. I would now ask Mr. Adam to make his presentation to the committee.

MR. ADAM: Members of the committee, I guess I've got to start right from the beginning. Married at 17, I raised my daughter for approximately 10 and a half years. I don't know; to me I was a good father. I raised her. I changed her diapers. I taught her how to ride a bike. I taught her how to ski. I took her for swimming lessons. Yes, I contributed a lot in her life.

We were divorced through alcoholism. I have since sought treatment. I have not had a drink for just about six years now. I have made efforts to contact my daughter. She refuses. I've sent her birthday cards. She has not acknowledged anything. I have tried to make up those years when I was lost.

Sherry's mother made it very, very difficult for me for visiting. I had to go to court at one time in my life. It was an argument about visitation rights. She had phoned me one night and said that I had to visit Sherry, pick up the kids, the day before, and she phoned me at night and told me I could not have them. It went on from there, the arguments. She'd hang up on me; I'd hang up on her. I ended up in court over it. I finally decided that I could not possibly afford a lawyer every time I was to see the kids, and that was the only possible way I was going to see them. To me it's not Sherry's decision. She's been influenced by her mother on this fact.

This is very hard for me. All I can say is that it's been very, very difficult trying to be a father when I was not allowed to. Since I quit trying -- I couldn't afford the legal battle to see my children. I've been employed with the railroad for approximately 22 years. For three and a half years I was fired from the railroad for my drinking. I have since been reinstated. I've sought treatment. I have done something about my alcoholism. I'm a member of the employee assistance committee with the railroad now, trying to help other people. I do service work. I go to hospitals for such people that are in the same problem.

To me Sherry is a very, very confused girl. I don't know. She has said to me that I would not be invited to her wedding and that she had to fight with her mother to get me invited. Now, a girl at 22 years old, being married, should be able to arrive at her own decisions as to who she is going to invite to her wedding or not.

Just in conclusion, I think she needs some counseling. That's all I can really think of now. If there are any questions, I'd be happy to answer them.

MR. CHAIRMAN: Thank you, Mr. Adam.

Committee members, questions? Mrs. Gagnon.

MRS. GAGNON: Thank you. My question through you, Mr. Chairman, is to Sherry. What are the legal advantages of this

adoption as far as you're concerned? I know there are some emotional and so on reasons, but what would be the legal advantage of proceeding in this way since you are 22?

MISS ADAM: The legal advantage is that Al is legally my father.

MRS. GAGNON: I'm sorry; I didn't hear that answer. The speaker wasn't on I guess. I'm sorry.

MISS ADAM: Al is legally my father if this Bill goes through.

MRS. GAGNON: Okay.

MR. CHAIRMAN: Any other questions from committee members?

MR ROWAN: For the committee's information, I have explained to her the legal ramifications of this, which are minimal in my opinion. They deal mostly with intestate succession and possibly some weight that may be given in the future should Sherry become mentally incapacitated and require a guardian. But those are the only two legal advantages, and those were explained to Sherry at the outset.

MRS. BLACK: Mr. Chairman, to Mr. Leshchyshyn. Are there other children? Have you and your wife had other children since you were married?

MR. LESHCHYSHYN: No.

MRS. BLACK: What is the status of Lance, the brother? Have you proceeded with adoption proceedings with Lance?

MR. LESHCHYSHYN: No.

MRS. BLACK: Is Lance living with you at this time?

MR. LESHCHYSHYN: Yes.

MRS. BLACK: He is. Okay.

Sherry, I understand that you're going to have a happy day this fall when you get married. Congratulations.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Committee members, I have one question that I'll address to Parliamentary Counsel, and perhaps Mr. Rowan may wish to give his comments on it as well. It's my understanding that under the Child Welfare Act with respect to an adoption of a minor, without the consent of the biological parent it would either be very difficult or impossible to obtain an adoption order. Parliamentary Counsel, may we have your comments on that?

MR. M. CLEGG: Mr. Chairman, that is indeed true. Of course, in the case of an adoption of a child under the age of 18 the custody factor is a reality, whereas in the case of an adoption of a child over the age of 18 the concept of custody really has expired. So there is a difference there, but it is true that under the Child Welfare Act adoptions are not usually accessible if the natural parents object.

MR ROWAN: I would agree with Mr. Clegg in that respect and add that, of course, when someone is under the age of 18, there's a certain amount of control that can be exerted by the parent, and the natural parent is normally not denied that. Of course once someone is over 18, there is nobody who can legally control their actions except for the courts of Alberta.

MR. CHAIRMAN: I don't believe there are any other questions of committee members, so is there anything any of you would like to say in summation? Otherwise we'll thank you for your application.

MS PUNDIK: I have been sworn in, and I can give quite a bit of testimony that relates to this matter.

MR. CHAIRMAN: That's just fine. Thank you.

MS PUNDIK: You'll have to excuse me. I have laryngitis, and I'll try to do my best.

My name is Julia Pundik. I am the common-law wife of Richard Adam and have been for the last four years. I met Mr. Adam in July of 1985, and we dated for approximately one year. From December of '85 to approximately May of '86, Sherry and her brother did visit me at my apartment, did partake of food at my apartment. She came on the invitation of her father and me, so that right there clarifies that her seeing her father only two times in the last two years is not valid information. She did see me quite willingly at my apartment during that time. She did accept Christmas presents from her father and from myself.

Then in July of '86, approximately one year after Mr. Adam and I met, we took up residence as man and wife in a common-law situation. We did contact Sherry and her brother on numerous occasions to come and visit us. Her brother has visited us on numerous occasions. The first Christmas, which was December of '86, Sherry refused to ever come and visit us and has not visited us at our home in the last three years that we have been living together. Lance has visited us on numerous occasions. He has even taken Christmas presents home to Sherry.

Now, in approximately January of 1988, Sherry sent her father a letter full of hate and resentment and anger as to what had happened to her as a result of her parents being divorced. At that time, Mr. Adam called Sherry and confronted her with the canceled cheques of maintenance payments that he had made on behalf of Sherry and her brother. The only time Mr. Adam did not make maintenance payments was during the three and a half years that he was fired from his position with the CNR and did not have any income, after which time he sought treatment and started the maintenance payments at the time that he was employed again, which was June of 1985. Maintenance payments were stopped for Sherry when she was approximately three months past her 19th birthday, not her 20th birthday, which was July of '86, when we took up permanent residency. The reason Mr. Adam stopped those maintenance payments for Sherry was because she had been fully employed for over one year, even though she was at that time still living under her stepfather's and mother's roof. She proceeded to move in with her boyfriend approximately November of '86 and has been there ever since.

The only time Sherry would contact her father was when she wanted something or on the occasion of his birthday. She didn't ever, ever come to visit, because she was always too busy. Of course I can attest to that because this was during the time that

we were in a permanent relationship. We also have a copy of the letter if the committee wishes to have that as evidence.

Sherry announced her engagement in the *Edmonton Journal* on August 8 of 1987. Mr. Adam received a card with the announcement from Sherry, and the postmark on the envelope was August 25 of 1987, some two weeks after she announced it publicly and we saw it in the paper.

We have on occasion tried to speak to both children and have them seek counseling through Alateen, which is the arm for counseling of Alcoholics Anonymous, because they were both involved in an alcoholic situation. I do a lot of service work for Al-Anon, which is the arm for spouses or friends or family of Alcoholics Anonymous, and I do partake of meetings for Alcoholics Anonymous as well.

We have tried to provide a homelike situation for both the children, but Sherry is very confused. In fact we do have canceled cheques that on two occasions she did at the age of approximately 11 and a half and 12 and a half countersign the maintenance payments that her mother was receiving.

What else can I add? She has seen her father more than twice in the last two and a half years, and it's not two and a half years. The last time she did see him was on the occasion that he confronted her with the copies of all the canceled cheques for maintenance payments, which time was January of '88, which was one and one-half years ago. Prior to that she did see him a number of times. Now, after the occasion of her seeing these cheques for the maintenance payments, she was very taken aback. She was not aware that her father had been supporting. She was not aware that he had tried to visit. At that time she told Mr. Adam that she would discuss this matter with her mother. She postponed her wedding from September '88 to September '89 due to the fact of all this confusion. After that time we also told Lance.

Now, just to go back to the time when we took up residence together in a common-law relationship, we sent continuing payments for Lance's maintenance, at which time, July of '86, his mother returned the cheque and made a notation on the back of the cheque that the children were bought and paid for at this time, thank you very much; she did not need the money. I contacted the family court services and asked their advice as to what procedure we should follow, and they said that we should continue to bank the money, which we have to this point in time and still are doing monthly, in the view that Mrs. Leshchyshyn may come back to us for those back payments.

After the point in time that my husband, Mr. Richard Adam, spoke with Sherry about the canceled cheques and the confusion of everything, we also confronted Lance and told him what was happening and that we were making these payment for him. Now, when he turned 18, which was at the end of May, about a week after, he came over to our home and asked for the money that we were banking for him, because he wanted to buy a car. Mr. Adam refused and said it was for his education or what we saw fit to do with it in that matter.

So there is a lot of outside pressure. Mrs. Leshchyshyn has called our home on a number of occasions, three that I can recall. She had been drinking at the time and made remarks somewhat in this fashion: that she accused Mr. Adam of not sobering up for her but sobering up for someone else. Mr. Adam sobered up a year and a half prior to me meeting him, and he had sought treatment prior to that time, so it wasn't for me. There seems to be a lot of ill resentment on the part of Mrs. Leshchyshyn towards Mr. Adam, and my view of the cir-

cumstances now that I'm involved as well is that this has all been brought onto the children.

From the knowledge that we both have gained through the programs of Al-Anon and Alateen and Alcoholics Anonymous and doing service work, it is most important for them to seek counseling and clarify a lot of matters. So it is our view that Sherry is not doing this; she is doing it on persuasion by her mother. She is a mixed up, very confused young lady: living with one parent, living somewhere else, moving in with her boyfriend, postponing the wedding, and these sorts of things. If you wish a copy of the letter she wrote, to view the cards, or the dates, these are available to you.

The reason I'm speaking is because as a somewhat removed person from the immediate family, it's a little easier for me than for Mr. Adam, who is very emotionally upset by the whole matter. I thank you for the time the committee has allowed me. Thank you.

MR. CHAIRMAN: Thank you for your comments.

Any questions arising from committee members from these comments?

I appreciate, all of you, how difficult this is, and I'm sure the committee members do as well. We'd appreciate it if you'd consider whether you'd like to make any final comments. If not, we will certainly review the evidence that is before us today and will advise you of our recommendations, obviously after they're made available to the House.

MR. ROWAN: Just some final comments. We didn't come here to review the marital difficulties of Mrs. Leshchyshyn and Mr. Adam. Neither did we come here to review the difficulties that they have had since their divorce. We're here to deal with a request by a 22-year-old woman, legally of age, to do something she feels she would like to have done emotionally. I'm not a person who can stand in the way of a decision of a 22-year-old. I would ask the committee to consider that. This is the request of a person who is fully of age, someone who's thought about it and who's sought legal advice and has been given legal advice with respect to it.

The denial of this petition and the Bill is not going to create a reconciliation with Mr. Adam. It's definitely not going to assist the situation. It will probably alienate them further. We can hope that with the Bill being granted, there could be a new start on a different basis or relationship between Sherry and Mr. Adam. Those are my final submissions.

MR. CHAIRMAN: Thank you.

If there are no further comments . . . Mr. Adam.

MR. ADAM: It's exactly those situations that arrived after the divorce that have caused all this, and changing her name is not going to solve her problems.

MR. CHAIRMAN: Thank you all very much for your presentation.

Committee members, the last Bill we will be dealing with today will be Bill Pr. 11, the Tammy Lynn Proctor Adoption Act. Again, I would remind committee members that following the presentation we will review in camera at least four Bills. I hope at least four Bills; we'll see what happens with the time. I would again impress upon members that time is of the essence here. We have to get through these.

Good morning. We'll proceed with Bill Pr. 11, the Tammy Lynn Proctor Adoption Act. I'd like to introduce myself. My name is Brian Evans. I'm the chairman of this committee. It's a committee made up of members from all of the parties represented in the Legislative Assembly.

I'd like to introduce Mona Duckett. I hope that's the correct pronunciation. Miss Duckett is the solicitor for the petitioner. Miss Duckett, perhaps you could begin with just introductions of those who are here with you, and then we'll have the swearing in.

MISS DUCKETT: Thank you, Mr. Chairman. Seated immediately to my left is Tammy Lynn Proctor. She is the proposed adoptee. To Mrs. Proctor's left is Caroline Walsh, the proposed adoptive mother, and to Mrs. Walsh's left is her husband, Alexander William Walsh, the proposed adoptive father.

[Mrs. Proctor and Mr. and Mrs. Walsh were sworn in]

MR. CHAIRMAN: On behalf of the committee, I'd just like to give you a little bit of information about how we proceed here. We'll hear your petition. The committee members may very well have some questions arising from the presentation. It's not the practice of the committee to come to a decision today. We, of course, make recommendations to the Legislative Assembly. We will be doing that in due course, and we will relay that information to you once the recommendations have been made.

So if you'll please proceed Miss Duckett.

MISS DUCKETT: Thank you, Mr. Chairman.

MR. CHAIRMAN: Excuse me for interrupting. Perhaps before you do proceed, we'll have a brief report from Parliamentary Counsel.

MR. M. CLEGG: Thank you, Mr. Chairman. This is my report on Bill Pr. 11, Tammy Lynn Proctor Adoption Act, pursuant to Standing Order 99. The Bill provides for the adoption of an adult and does not provide for any other provisions which I would consider unusual. There is no standard or model Bill on this subject, but it does conform with other Bills that have been brought before the Assembly dealing with this matter.

I would like to draw the committee's attention to three minor errors in the Bill as printed. These were changes which were agreed to during the examination stage, minor corrections, but unfortunately due to my fault did not get to the printers in time to be changed in the Bill. The official copy of the Bill has got these changes made as editorial changes. The three minor changes are, firstly, the second preamble is struck out because it is not exactly correct. It states that she "has had no contact with her natural mother since she was 9 months of age." That is struck out. Secondly, in the third preamble the spelling of her natural father, "Teddy Frank Barnes" is incorrect. It should be Bernas. Thirdly, in the third line the date of August 1980 should read 1981.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Clegg.
Please proceed, Miss Duckett.

MISS DUCKETT: Thank you, Mr. Chairman. In response to Mr. Clegg's report I might just add that Mr. Bernas' name also

appears in the first paragraph of the preamble and that too, I take it, will be the subject of an editorial amendment.

I understand that the committee has been provided through Mr. Clegg's office a copy of an affidavit sworn by Mrs. Walsh in anticipation of an application of this nature being made to the Court of Queen's Bench before her former counsel discovered that such could not be done. In addition thereto, I have provided to Mr. Clegg's office a copy of an affidavit of service of notice of this application personally upon the natural father, Teddy Bernas.

I'm in a position to simply summarize the facts and then perhaps have them adopted by Mrs. Walsh and by Mrs. Proctor. I would proceed in that fashion unless there's any objection to that, Mr. Chairman.

MR. CHAIRMAN: Please proceed.

MISS DUCKETT: Thank you.

Summarily, then, the proposed adoptee, Mrs. Proctor, was born to Teddy Bernas and Linda Rowe September 4, 1966. After approximately nine months Teddy Bernas became the sole custodian. He raised Mrs. Proctor, Mrs. Rowe having left the scene as it were at that point in time. Approximately Christmas of 1972, Caroline Walsh, as she now is, and Teddy Bernas began to co-habit. Tammy was approximately six years of age at that time. In October of 1976, some four years later, Mrs. Walsh, as she now is, and Mr. Bernas married. That marriage was an unhappy one, and in October 1980 they separated. Tammy remained with Mrs. Walsh, then Mrs. Bernas, at the time. In August 1981 a decree nisi was granted in the Court of Queen's Bench of Alberta granting custody of Tammy Lynn to Mrs. Bernas, as she then was, now Caroline Walsh. In December of 1981 Caroline Walsh married her present husband, Bill, Alexander William Walsh. Tammy Lynn changed her name to Walsh legally upon reaching the age of majority. She has since married. In March 1987 she married Derek Proctor. They now have a child.

Those are the facts in support of the Bill in terms of the background of the parties that appear before you this morning. With respect to notice to the natural parents of this application, I can advise and I anticipate that these statements will be adopted by Mrs. Proctor -- you have before you the affidavit of service of notice upon Teddy Bernas personally. There has been no notice received to any of the parties nor, I understand, to the committee in response to that notice. Linda Rowe, the natural mother of Mrs. Proctor, is aware that adoption proceedings are undergoing.

Tammy discovered a short a while ago that she has two half-brothers, sons of Linda Rowe. In the course of looking for those half-brothers, she discovered Linda Rowe, who has a different last name now, and has spoken to her on the telephone. Their last contact, I am advised, was in May of 1989 on the telephone. Tammy has had an opportunity to explain to Linda that she wishes to be adopted by the Walshes, that she is undergoing proceedings to be adopted, although she did not explicitly use the term "private member's Bill." Linda expressed to her an understanding of that desire and a lack of objection.

Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you for that presentation.
Any questions from committee members? Mr. Lund.

MR. LUND: Thanks, Mr. Chairman. I'm very interested to know why you want to be adopted by the Walshes.

MRS. PROCTOR: I don't even know where to start. I've never had one set of parents for very long, and as was already said, I've been with Carol since I was six years old. I've known Bill since I was 14 or 15. They've both really helped me out a lot in quite a bit of things. I don't know how to put it. I've never had a mother and father for very long, and I'm just tired of always ending up with different sets of parents. I just decided that I want to have a mother and a father, together. I don't know what else to say.

MR. CHAIRMAN: Perhaps we could just have confirmation, Miss Duckett, from Mrs. Proctor and Mr. and Mrs. Walsh that they do confirm the statements that you have made under oath, or made to the committee.

MRS. WALSH: Yes, I do.

MR. WALSH: Yes.

MR. CHAIRMAN: And Tammy Lynn.

MRS. PROCTOR: Sorry. Can you repeat that again?

MR. CHAIRMAN: Do you confirm the statements that have been made by counsel?

MRS. PROCTOR: Yes, I do.

MR. CHAIRMAN: Thank you.
Yes, Mrs. Black.

MRS. BLACK: Mr. Chairman, my question is to Mrs. Walsh. Do you and Mr. Walsh have any other children?

MRS. WALSH: No, we don't. We look upon Tammy as our daughter.

MR. McINNIS: Just one question. Tammy Lynn, you're still married at this time?

MRS. PROCTOR: Yes, I am.

MR. McINNIS: Does your husband agree with all of this?

MRS. PROCTOR: Oh, yes, he does.

MR. CHAIRMAN: Thank you very much for your presentation. If you'd like to summarize at all... Otherwise we'll thank you and get back to you as soon as we've made our submissions to the Legislative Assembly.

MISS DUCKETT: I have no further comments. Thank you, Mr. Chairman.

MR. CHAIRMAN: Thank you very much for attending.
Committee members, I would appreciate it if you'd bear with me and allow us to go in camera so that we can have some at least preliminary discussions on some of the Bills.

[The committee met in camera from 11:26 to 11:45 a.m.]

MR. CHAIRMAN: [Not recorded] Bill Pr. 2, the General Hospital (Grey Nuns) of Edmonton Amendment Act, 1989, is approved by the committee.

Secondly, Bill Pr. 7, the Calgary Foundation Amendment Act, 1989, is approved by the committee as amended. Shall we discuss the amendments, Parliamentary Counsel? That should be on the record, I believe.

MR. M. CLEGG: Mr. Chairman, I will summarize the amendment briefly for the committee: that the Bill be amended in section 3 by striking out all those words after "district." I've undertaken to prepare an amendment for presentation with your report and to go to the Committee of the Whole.

MR. CHAIRMAN: Thank you, Mr. Clegg.

Next Bill Pr. 8, Omprakash Panjwani Adoption Act is rejected. Finally, Bill Pr. 9, the Claudia Elizabeth Becker Adoption Act is approved.

MRS. HEWES: Mr. Chairman, on your report on the Panjwani adoption, may I request that my vote in favour be recorded.

MRS. GAGNON: Mine as well, please.

MR. CHAIRMAN: Mrs. Gagnon and Mrs. Hewes. Thank you, ladies.

I would ask that my report be concurred in by the committee. Question. All in favour? Anyone opposed? That's carried unanimously.

Committee members, I would like to discuss briefly the time frame for next week. Perhaps I should preambule. Ordinarily, of course, we would be meeting in camera next Wednesday because we have now heard all of the petitions. We would meet in camera to discuss as many of the petitions as we could and to make our recommendations. Normally that would happen at 10 o'clock. It's the first day back after the adjournment over Heritage Days, and we have a request by some committee members who have a conflict with another committee meeting, a health committee meeting, to start the meeting at 11 o'clock rather than at 10 o'clock. It's important that we realize that that may create some time problems for us. We are in a situation where we may very well be running out of time, and I know that there are other commitments by committee members later on in the day. I would expect that we would take at the very least an hour to deal with the other nine Private Bills. So I would entertain any comments from committee members with respect to either starting at 10 o'clock or at 11 o'clock. Members? Mr. Lund.

MR. LUND: I would move that we start at 11 o'clock.

MR. CHAIRMAN: Any further comments on that?

MRS. HEWES: Mr. Chairman, that unfortunately works a problem for both Mrs. Gagnon and me. I'll have to let you know if we can rearrange a meeting we have already committed ourselves to.

MR. CHAIRMAN: May I ask what time that meeting would begin.

MRS. HEWES: Eleven o'clock. It's possible we can get it changed.

MR. CHAIRMAN: See, unfortunately even if we were to begin at 10, I don't think we'll have all of these dealt with by 11 o'clock. So you would miss some of them anyway.

MRS. HEWES: Today we had ours postponed until 11:30. It's now 20 minutes after that.

MR. CHAIRMAN: Thank you. Is there a compromise situation here? Is 10:30 a possible time? We have a motion on the floor, but I'm just trying to reach a compromise situation.

MRS. HEWES: Mr. Chairman, I'll undertake to get back to you within the hour if there's a problem for us. Can we have a plan A, plan B?

MR. CHAIRMAN: Certainly. Why don't we consider the 11 o'clock as our first plan, I think, if we can vote on that. Any further comments? Ready for the question? All in favour of beginning the meeting at 11 on August 9? Anyone opposed? Okay.

Now, in the event that there is a conflict with Mrs. Hewes and Mrs. Gagnon, might we have a motion to begin at 10:30? Mr. Woloshyn. All in favour? Anyone opposed? Okay. Very good. We'll let you know. We'll notify everyone as quickly as possible. I'll wait for Mrs. Hewes to contact me.

Mrs. Black.

MRS. BLACK: Yes, Mr. Chairman. Just on a point of order. Our committee has an awful lot of legislation before us, and

even though our proceedings are public by nature, I think it's important that we do not have other members of the Legislature address the applicants, that the questioning should come from the members of this committee. Today we experienced a member -- and I really didn't notice it -- but I know we've had this on other House committees where we're decided that because of the time constraints involved, by all means they are allowed to observe, but the participation really should come from the committee members themselves.

MR. CHAIRMAN: Thanks for those comments and because I'm not aware of any precedent on the matter, I'd ask Mr. Clegg if he has any comments.

MR. M. CLEGG: Mr. Chairman, the parliamentary practice throughout the Commonwealth and also here is that any member of the Assembly may attend any committee meeting, even if he's not a member of the committee and may speak at the meeting but may not vote or make a motion. That has been the practice of this Assembly for many years, and without instruction from the Assembly I do not think this committee would have the right to deny an MLA from attending the committee and asking questions.

MR. CHAIRMAN: I hope that satisfies. I recognize your concern, but I think we do have precedent that does allow for that kind of interaction from other MLAs, Mrs. Black.

If there's nothing else, I'd like to thank you all. Could I have a motion to adjourn? Mr. Doyle. See you next week.

[The committee adjourned at 11:52 a.m.]

