

[Chairman: Mrs. Black]

[10:07 a.m.]

MADAM CHAIRMAN: Good morning, ladies and gentlemen. Could we call the meeting to order, please. I presume that you've all received the agenda as circulated.

I'd like to ask for a motion. The committee will be dealing with Bill Pr. 9 in camera first. Could I have a motion to go in camera, please? Mrs. Laing. Thank you very much.

[The committee met in camera from 10:08 a.m. to 10:13 a.m.]

MADAM CHAIRMAN: Could I have a motion?

MRS. HEWES: I move that we recommend that Bill Pr. 9 be proceeded with.

MADAM CHAIRMAN: All in favour? Opposed, if any? Motion carried.

The second item on our agenda deals with an item outstanding from last year, Bill Pr. 4, the Edmonton Community Foundation Amendment Act, 1989, and I'd ask Mr. Clegg to bring the committee up to date on it.

MR. M. CLEGG: Madam Chairman, when this Bill was presented to the committee last year, their counsel made a passing reference that they might be applying to the committee for a refund of their fee, but they did not make a formal application until after the Assembly had adjourned for the summer. They then sent a letter to the chairman requesting that their filing fee be refunded. In this particular case, because it was a very long Bill, the filing fee was increased according to the formula in Standing Orders, from the normal \$200 to \$320. They mentioned that they had had additional advertising costs because they had advertised for both the session that was adjourned for the election and for the session which followed the election. Standing Orders provide that no refund of fees shall be made unless it is recommended to the Assembly by the Private Bills Committee.

The purpose of the fee which is charged, which is \$200 plus a certain amount for a longer Bill, is to pay for the cost of printing the Bill, on the principle that private business should be dealt with in the Assembly at private expense and that public money should not be spent to further a private interest. In the past the Assembly has received a small number of applications for refund of fees, and these have been granted in a very small number of cases when there has been a nonprofit organization involved, which is the case here, and when that organization has represented to the committee that they are in a very, very tight financial situation and that the sum of money is a significant sum for them. There has not been a refund for about 10 years, and the last time it was for an organization which had extremely limited funding. Since then, we haven't had any applications.

MADAM CHAIRMAN: Thank you very much.  
Mrs. Gagnon.

MRS. GAGNON: Madam Chairman, I'd like to ask counsel: what is the full extent of their costs? The \$320 plus advertising: what would it amount to?

MR. M. CLEGG: Madam Chairman, they have not told us exactly what their advertising fees were, but they would be some hundreds of dollars. That's all I can say. It would be more than \$300 and less than \$1,000. It depends on the exact length of the

advertisement they took and the number of times they advertised. It would be a few hundred dollars.

MADAM CHAIRMAN: Mr. Evans.

MR. EVANS: Thanks, Madam Chairman. Just to shed a little more light on this, I was the chairman last year when this application was made. Mr. George Field, who was counsel for the foundation, made a passing comment that given the circumstances of the election last year and the fact that they did advertise twice, perhaps the committee could consider a refund of their fees. I quite frankly did not consider it to be a formal request, and obviously none of the members of the committee last year considered it to be a formal request either, so we didn't take it into consideration.

As you indicated, Madam Chairman, I received a letter after that requesting consideration. I wrote back to Mr. Field, indicating that we would bring it forward at the next possible opportunity during this session but also reminding him that the previous general rule of the committee was as counsel has indicated: the fees are only refunded if we have an applicant who is without funds, in a difficult financial situation.

The only caution I would encourage committee members to consider is that the advertising was done twice. They did advertise before the election and then advertised again, and I believe Mr. Clegg has confirmed that. That is something to consider, but I think we have to consider just as carefully the financial situation of the Edmonton Community Foundation, and certainly my recollection is that they are in funds and that this should not create any great difficulties for them.

MADAM CHAIRMAN: Are there any other comments?

MR. McEACHERN: It seems to me the advertising twice might have caught a number of other organizations as well, as the timing was the same for everybody. I don't know that to be true. Perhaps Parliamentary Counsel could answer that question.

But I rather agree that this would not be any hardship on the Edmonton Community Foundation. They are a very big and very wealthy organization and do good work, but I can't see it being a hardship; they are a multimillion dollar foundation.

MADAM CHAIRMAN: Would you like to make a motion?

MR. McEACHERN: Yes. I would make the motion, then, that we not pay the fee as asked by the foundation.

MADAM CHAIRMAN: That we not refund.

MR. McEACHERN: That we not refund the fees.

MADAM CHAIRMAN: There's been a motion by Mr. McEachern that the committee not consider the refund of fees to the Edmonton Community Foundation. Is there any further discussion? Mrs. Hewes.

MRS. HEWES: Madam Chairman, what is the answer? Were there any others caught in the double advertising?

MR. M. CLEGG: Madam Chairman, there were one or two others who were. This organization did their second advertising without contacting my office. One or two others contacted my office to settle the wording of their advertising before the First

Session. At that time there was very wide speculation that the First Session would not continue for very long, and of course it was impossible for me to comment on that or to make any speculation. However, they did word their advertising that they would be presenting a Bill at the 1990 session, and I believed the wording of that advertising would be sufficient to cover either the first or the second, so a number of organizations did not advertise twice. As I have mentioned to the committee, they did in fact use wording which was adequately clear to cover either the first or the second of the 1989 sessions. This particular solicitor didn't discuss his advertising with me, and they had done it twice before they raised the matter with me. Therefore, the first advertising which they placed was so clearly related only to the session that was about to commence in March that it was necessary for them to advertise twice.

So the answer is that some of them did advertise twice; some of them didn't. It wasn't necessary, because they didn't start their advertising early enough and some advertised in words which were clearly general enough to cover both sittings and therefore avoided that by careful drafting.

MRS. HEWES: Thank you for the information. Perhaps it would have been prudent for them to discuss it with Parliamentary Counsel, but I don't support the motion, simply on the basis that this is a private, nonprofit organization. It's set up solely for the purpose of receiving bequests and supporting associations and the private, nonprofit organizations in greater Edmonton. The fact that they have a lot of money really is not of consequence to me. I believe we should support their request, so I won't support the motion.

MR. WOLOSHYN: I'd support the motion simply because they

had the opportunity – they should have taken the opportunity – to consult with counsel and word the advertising so as not to require the duplication of it. Whether they are charitable or not is quite immaterial. I would suggest that the desire to get a refund happened in a passing comment to the previous chairman, which doesn't seem to be very solid grounds, followed by a letter, and so on. I think this should be just looked upon from their point of view, whether charitable or not, as an ongoing expense that they are obligated to pay, and I don't think this committee should grant them any refund.

MADAM CHAIRMAN: Are we ready for the question?

HON. MEMBERS: Question.

MADAM CHAIRMAN: It was moved by Mr. McEachern that we not recommend to the Assembly that we refund the fees to the Edmonton Community Foundation. All those in favour of the motion? Opposed, if any? Motion carried.

Thank you very much. We've come to the end of our agenda this morning, and I did promise you a short meeting. I would like to thank all of you for your dedication and endurance through this process. It's been most enjoyable for me, and I guess we can adjourn until the next go-round.

Can we have a motion for adjournment, please?

MR. WOLOSHYN: I move that.

MADAM CHAIRMAN: Thank you very much.

[The committee adjourned at 10:24 a.m.]