

10:04 a.m.

Wednesday, April 17, 1991

[Chairman: Mrs. Black]

MADAM CHAIRMAN: Good morning, everyone. I'd like to call the meeting of Private Bills Committee to order. This is the first meeting of this session, and I'd like to welcome all of you, those of you back that were with us last year, and those new members that have joined us for the first time.

This is an extremely interesting committee in that we deal with quite a variety of Bills. These are Bills that are put forward because they don't really fit into other pieces of legislation. They're special Bills, and they serve a certain or specific purpose. I hope most of you have received the package that was sent out by Noreen. Noreen again is our administrative assistant. If you didn't, it's probably in your mail this morning, but I hope most of you have received it.

I'd like to welcome our new counsel, Michael Ritter. Welcome to our committee. It's an interesting committee in that we usually rely upon you very heavily. I know that we will be calling upon your expertise in many different things over the course of the next few weeks.

Has everyone received a copy of the agenda for today? Today is an organizational meeting, and as such there are probably a couple of procedural motions that we'll make.

Mr. Tannas.

MR. TANNAS: That's what I was going to do. I would like to know when the meetings are going to be held and make a motion to that effect when it's appropriate.

MADAM CHAIRMAN: Well, we have normally held our meetings on Wednesday mornings between 10 and 12, and that has allowed members to book that time on a regular basis.

MR. TANNAS: That's the kind of motion that I would like to make, Madam Chairman. I would move that during session the Private Bills Committee meet on Wednesdays from 10 to 12 o'clock noon.

MADAM CHAIRMAN: Is there any discussion?

HON. MEMBERS: Question.

MADAM CHAIRMAN: All in favour? The motion is carried.

Now, I will say one thing. We have had a request from Public Accounts for the meeting on May 8 to change the timing of our Private Bills to start later in the morning due to a timing change they are experiencing. I would leave that - actually, this has been our first meeting. We are a little behind in starting, but what is the feeling of the committee?

Mr. Cherry.

MR. CHERRY: Madam Chairman, I believe that we are a little behind. We've just made the motion that our meetings will be held each Wednesday from 10 to 12. I think we should carry that with us, because if you oblige one party, you then have to oblige other ones that are coming forward. So I would like to just reinforce our meeting time from 10 to 12 on Wednesdays.

MADAM CHAIRMAN: Is that in the form of a motion?

MR. CHERRY: That is a form of motion, yes.

MADAM CHAIRMAN: Any discussion?

Mrs. Hewes.

MRS. HEWES: Madam Chairman, is this the sum total of the Bills that will be before us?

MADAM CHAIRMAN: Yes, I believe so.

MR. McEACHERN: Could we settle one issue at a time for the sake of the time . . .

MRS. HEWES: I thought I was on the same issue. I was just about to say that we don't seem to have a very heavy agenda and that possibly by that date we may be able to skip one meeting and accommodate the committee. It seems to me that we're not going to be overburdened by this number of private Bills, so I'd like to offer the idea that we leave it open-ended and let you negotiate that one. I'd like to accommodate the other committee if we can.

MADAM CHAIRMAN: Mr. McEachern.

MR. McEACHERN: I'd just be concerned that they give us a good reason why we should move the time or step aside for them for some particular reason. If it's a good one, then maybe we should consider accommodating them. That's all.

MADAM CHAIRMAN: Well, the rationale that is there - I'm a member of Public Accounts as well, so I guess I'll put the other hat on - is that one of the presenters was not able to come at the appropriate time for Public Accounts and was going to be coming later in the day. Normally what happens is that they then go to the next person on the list and fit the other one in. They adjust as well as what I'm saying. I will leave it up to the committee to make that decision.

Mrs. Gagnon.

MRS. GAGNON: Madam Chairman, I would support Mrs. Hewes' suggestion that on that date we cancel our meeting. We don't have much to do, and we'll get it all done by the end of June in any case.

MADAM CHAIRMAN: Well, I don't know that we should cancel our meeting. I think the proposal would be more to hold our meeting later, if we did anything. We have quite a bit of work to do. Keep in mind that our Bills have not been through first reading in the Legislature as yet. We've got to make sure that we have enough time to hear the petitioners, that we don't cut anyone short, plus we will then have to file a report before the session breaks. We do have that one week at the end of May where we will not be sitting due to the select committee on the Constitution, so we will be missing a week there.

Mr. Lund.

MR. LUND: Thanks, Madam Chairman. I think we should be sticking with our 10 o'clock schedule, and if Public Accounts has a problem on that day, so be it.

MR. EWASIUK: Well, Madam Chairman, I don't know what time frame we're looking at. What kind of adjustment do you want us to make?

MADAM CHAIRMAN: I would suggest, if we make any adjustment, that we don't cancel our meeting but start our

meeting later in the morning, possibly a half hour or three-quarters of an hour later. Now, it would cut in because we have to be finished by noon.

MR. EWASIUK: I was thinking perhaps that we might start at the other end, start earlier.

MADAM CHAIRMAN: I'm sorry, I . . .

MR. EWASIUK: I don't know how much time we're talking about. Could we not start earlier? When are they starting?

MADAM CHAIRMAN: Well, they normally start at 8:30 in the morning, 8:30 until 10. On that day they would propose to start at 9, until 10:30.

MR. EWASIUK: So we're talking about half an hour.

MADAM CHAIRMAN: We're talking about a half hour to three-quarters of an hour late start on our meeting.

MR. EWASIUK: I'm prepared to accommodate them. I have no problem with that.

MR. EVANS: This will be very brief, Madam Chairman. We're taking 15 minutes to discuss a half-hour problem. Let's get on with it. I'd move that we allow them to . . .

MADAM CHAIRMAN: The vote on the question?
Mrs. Hewes.

MRS. HEWES: Madam Chairman, I hope that we will, with respect, defeat the motion, and then I'll move that we convene at 11, if that will accommodate the other committee.

MADAM CHAIRMAN: Okay. Can we call for the question, then, on the original motion?

HON. MEMBERS: Question.

MADAM CHAIRMAN: All in favour of the motion? Opposed? The motion's carried. [interjection] You voted for the motion, Mr. McEachern.

MR. McEACHERN: I assumed I was voting for her motion.

MADAM CHAIRMAN: No. The motion.

MR. McEACHERN: Well, let's make it fair. We were voting for her motion. She made the motion. It was on the floor.

MADAM CHAIRMAN: The motion that was called was that we . . .

MR. McEACHERN: I would like a revote, please. I voted totally wrong because I understood that it was a different motion.

MADAM CHAIRMAN: Let's clarify, committee members. The motion that we were voting for was the motion by Mr. Cherry that we not change our meeting time and that Public Accounts would have to change their meeting time on the date of May 8. Now, can we call the question again?

MR. LUND: No; we voted on it once. How many times do we have to go through this?

MADAM CHAIRMAN: For clarity purposes only. All in favour of the motion? Opposed? The motion's carried. Thank you.

I'd like us to move now into our procedural section.

MR. McEACHERN: Madam Chairman, I would to have a word about another issue that's not on the agenda. Where can I do that?

MADAM CHAIRMAN: Can we put that down to the end of our agenda as new business? Thank you.

Could we now get on to our procedural responsibilities? I'd like to entertain a motion from Mrs. Hewes.

MRS. HEWES: Madam Chairman, I'll move that we go in camera to discuss the private Bills summary.

MADAM CHAIRMAN: All in favour? Thank you very much.

[The committee met in camera from 10:14 a.m. to 11:15 a.m.]

MADAM CHAIRMAN: I would ask the committee what their wish is as to how the Bills will be scheduled and how we will proceed.

Mrs. Hewes.

MRS. HEWES: Madam Chairman, I will move that we proceed to hear private Bills in the following order: One, Bills Pr. 2 and Pr. 3; two, Bill Pr. 1; three, Bill Pr. 7; four, Bills Pr. 5 and Pr. 6; and five, Bill Pr. 4.

MADAM CHAIRMAN: Is there any discussion? Are you ready for the question?

HON. MEMBERS: Question.

MADAM CHAIRMAN: All in favour?

HON. MEMBERS: Agreed.

MADAM CHAIRMAN: Thank you very much. Motion carried.

We have an administrative motion. Counsel, would you explain with regards to Bills Pr. 2 and Pr. 3?

MR. RITTER: Yes, Madam Chairman. Bill Pr. 2 has a small typo in the statutory declaration attesting advertising in the *Grande Cache Mountaineer*, and Bill Pr. 3 was technically past the advertising deadline in the *Alberta Gazette*, but that requirement has now been completed. As both of them are very minor problems, I would recommend the Assembly accept as having complied with the requirements for advertising both Bills Pr. 2 and Pr. 3.

MADAM CHAIRMAN: Mr. Doyle, would you like to make a motion?

MR. DOYLE: Yes, Madam Chairman. I move that Bill Pr. 2 be advertised in the *Grande Cache Mountaineer* and that Bill Pr. 3 be accepted on the recommendation of administration.

MADAM CHAIRMAN: I'm sorry. I didn't get the first motion.

MR. DOYLE: The first motion is to move that Bill Pr. 2 be advertised in the *Grande Cache Mountaineer*.

MADAM CHAIRMAN: I believe it has been, has it not?

MR. RITTER: Yes, the advertising has taken place.

MADAM CHAIRMAN: It's a correction for the typing.

MR. RITTER: It's just a matter that the statutory declaration has to accompany the petition which certifies that the advertising had been carried out. There's only a minor typo in the statutory declaration, so technically that Standing Order hasn't been complied with until it's corrected.

MR. DOYLE: So the motion would be, then, to provide the statutory declaration. Is that correct?

MADAM CHAIRMAN: No; accepted as presented.

MR. DOYLE: My motion is to accept Bill Pr. 2 and Bill Pr. 3 as presented.

MADAM CHAIRMAN: All those in favour?

HON. MEMBERS: Agreed.

MADAM CHAIRMAN: Thank you very much.

Now we have determined the schedule for our petitioners to appear and we've set our meeting times. The next step is to have our Bills put on notice in the Legislature and read for the first time. If we complete that this week, then we would have our first petitioners appear before us, I presume, next Wednesday, and we will be ready to go.

I guess at this point we've completed our agenda. I would ask Mr. McEachern: you had an item you wanted to bring forward.

MR. McEACHERN: Yes, Madam Chairman. I want to remind the committee that this is a committee of the Assembly and it is the Assembly that accepts and passes the legislation requested by these various people, and to remind you also that last year when the committee's report came before the Assembly, it was somehow ruled by the Speaker – perhaps because of the form of the report or something; I'm not quite sure why – that that was not an appropriate time to debate any disagreement with the committee report on any specific Bills. I for one wanted to speak on two or three of the Bills that I disagreed with the decision of the committee on and wanted to raise those points in the Assembly. Thus, if the Assembly wanted, it could in fact get into a debate on them or not as they chose. I know certainly two or three years back we had a very extensive debate on one particular Bill in the Assembly because some people didn't want to accept the decision of this committee.

I am concerned this time around that when the committee reports in whatever form it reports, there is co-ordination between the committee chairperson and the Speaker of the Assembly so that it is abundantly clear – and perhaps this committee member should be notified beforehand – when the motion that puts the specific Bills on the floor of the Assembly is likely to come before the Assembly in such a manner that any one of us can, if we wish, speak for or against that Bill being

accepted by the Assembly at whatever reading stage is deemed most appropriate – obviously, it's debatable at second reading, in committee, and at third reading – so that when these Bills come to the Assembly at that stage, we know beforehand. In fact, I would ask that committee members by courtesy also probably give feedback to the Speaker and to our committee chairperson that they may intend to raise some objections, so that they can allow some debate time or at least put it in the Assembly at an appropriate time for debate.

MADAM CHAIRMAN: I think that's a valid point. We did have that situation last year. Keep in mind that these Bills do go through the normal parliamentary procedure; they must go through second reading and Committee of the Whole and third reading.

MR. McEACHERN: We're talking that that's supposed to be debatable, and we didn't get to it last year.

MADAM CHAIRMAN: At different stages there is debate allowed. It is important, I think, to notify the chairman and the Speaker of potential debate ensuing.

MR. McEACHERN: As it happened last time, it was the Speaker who sort of ruled that I didn't have the right to debate the Bills at the particular time, and then later it was too late or not appropriate. So I never did get to do that debate.

MADAM CHAIRMAN: Yes.
Mr. Thurber.

MR. THURBER: Yes, Madam Chairman, I'm in opposition to this procedure, because in my view we debate these Bills within this group here. When we go forward with a recommendation that is from this group, it's already been debated and a decision has been reached. I don't know if there are provisions for everybody to go forward with a minority report on everything. You know, if you lost your case in this committee, why would you then keep beating a dead horse once you get on down the line?

MADAM CHAIRMAN: Counsel, would you like to . . .

MRS. GAGNON: I think the point is that there may be other people in the Chamber that want to debate, not only members of this committee. We don't have the final say.

MADAM CHAIRMAN: Counsel, would you like to explain that these Bills go through the normal process of all other Bills, even though there is a committee? Because they're special by nature, there is a committee that makes a recommendation to the Legislature, but they do follow the normal procedure of other Bills.

MR. RITTER: Yes, Madam Chairman. There is one thing. It certainly was unfortunate what happened last year. I was sitting at the Table when the Speaker ruled the way he did. I think there might have been some confusion that concurrence in the report wasn't necessarily in concurrence with the recommendations of the committee. I think that's what occurred last year.

It has always been a tradition in this House, even though it's not written in the Standing Orders, that the chairman of the committee submits the report to the House and says – and this is where it's different from other committees – "and I recom-

mend concurrence in the same." The Assembly then traditionally has in the past just rubber-stamped its concurrence on the report, although the recommendations of the report are not what is discussed at the time; the Bill still has to go through the various stages. The motion, in my feeling, is in fact a debatable one, the concurrence in a committee report. I think it was just because it has been done as an almost rubber-stamp process that one accepts the report of the committee and saves the debate on the issues for later. I think that's the reason the Speaker ruled the way he did.

Certainly I will endeavour as much as I can to influence the Speaker to consider perhaps another way of asking for concurrence in the report than the way in which it's been done traditionally.

MRS. HEWES: Madam Chairman.

MADAM CHAIRMAN: Just a moment.
Mr. Hyland.

MR. HYLAND: Thank you, Madam Chairman. I don't see why we would worry about concurrence in a report. Concurrence in a report is 50 percent plus one of the committee. That doesn't mean that once that's done . . .

MADAM CHAIRMAN: Excuse me. I think the question wasn't concurrence in the report. Mr. McEachern's question dealt with a particular discussion of a particular Bill. It was misinterpreted as concurrence with a committee report. I think that's where the confusion stemmed from originally. He wanted to get into a discussion on a particular Bill, not the concurrence in the report. I think that's the question he's asking this time, that the Bills do proceed through in the normal fashion of every other Bill.

MR. McEACHERN: Yes, and I don't mind that. Once the committee has decided that's the report, I'm not going to argue that that's not the report, but I want to have it fairly clear that there will be some point when those Bills are brought forward one at a time - second reading, Committee of the Whole, and third reading - that it is appropriate to stand up and say, "Well, I want to talk about this Bill."

11:25

MADAM CHAIRMAN: As they were last year. They were taken through those steps, yes.

MR. McEACHERN: But it was not clear when one should have done that.

MADAM CHAIRMAN: Well, hopefully we'll have a better communication with our House leaders to know when those will be coming forward. They've given me the transcript of the misunderstanding.

Anyway, Mr. Gesell.

MR. GESELL: Madam Chairman, I think the rules are quite clear. One needs to differentiate between recommendations of the committee and the actual Bills. I'll draw your attention and the members' attention to 101 of our Standing Orders, which basically says that "Private Bills, when reported . . . shall be placed on the Order Paper for second reading." If you read 18(1)(d) of our Standing Orders, second reading of a Bill is

debatable. The opportunity is there. He should take it up with the Chair at the appropriate time.

MRS. HEWES: I think that's all we need to have clarified for this committee and for the House leaders. When is the appropriate time for a member of the Legislature, who may or may not be a member of this committee, to raise it once the committee is finished with it? When?

MADAM CHAIRMAN: Well, the debate takes place in second reading and Committee of the Whole, so we'll try and know ahead of time when that will occur.

Is there any further business to come before the committee at this time?

A motion for adjournment? Mr. Evans. Thank you very much.

[The committee adjourned at 11:27 a.m.]