

10:01 a.m.

Wednesday, June 5, 1991

[Chairman: Mrs. Black]

MADAM CHAIRMAN: Good morning, ladies and gentlemen, and welcome again to another . . . Could we have order in the committee, please? Welcome again to another session of Private Bills. We have a few housekeeping items to take care of, and I would ask that we take five minutes and go in camera to discuss them. Could I entertain a motion? Alex? Thank you, Mr. McEachern. We'll go in camera now.

[The committee met in camera from 10:02 a.m. to 10:09 a.m.]

MADAM CHAIRMAN: [Not recorded] to make, one with regard to Bill Pr. 8. Mrs. Gagnon, would you like to make the motion?

MRS. GAGNON: Madam Chairman, I move that the committee hear the petitioners in regard to Bill Pr. 8 today and that we consider this Bill today.

MADAM CHAIRMAN: Are there any comments? All those in favour?

HON. MEMBERS: Agreed.

MADAM CHAIRMAN: Motion carried. Thank you.

We've had correspondence with regard to Bill Pr. 6, the Charmaine L. Toms Legal Articles Act. As we are aware, the Bill has been requested to not be heard further. There is a second request from the petitioner that the application fee of \$200 be refunded. Could I have a motion as to the wish of the committee?

Mr. McEachern.

MR. McEACHERN: Yes. I move that the committee not refund the \$200, that she forfeit that because of the work that's been done by the committee on this Bill.

MADAM CHAIRMAN: Thank you. Is there any discussion? All those in favour?

HON. MEMBERS: Agreed.

MADAM CHAIRMAN: Motion carried. Thank you very much.

Then today, committee members, our agenda will be adjusted somewhat. We will be hearing two Bills: Bill Pr. 4 and Bill Pr. 8. Our petitioners are coming in right now and will be sworn in.

Bill Pr. 4 is An Act to Amend an Ordinance to Incorporate Alberta College. We have with us today Mr. Alan Bryan, the legal counsel, and Dr. Pridham, the president of Alberta College. Legal counsel is swearing in the petitioners at this point. Have all members received copies of the Bills and the background information?

I'd like to welcome our petitioners today to our Private Bills Committee. We're a committee of the Legislature, a select special committee. We're made up of all three political parties within the Legislature, and representation is present today from all three. We as a committee deal with situations and petitions that create private Bills that don't fit into the normal legislative body. As such we hear petitions and are charged with making a report back to the Legislature as to recommendations as to the

outcome of the petitions or private Bills. In our normal fashion we will hear the comments and the petitions today, and then at a later time we will go through a deliberation process, followed by our recommendation back to the Legislature as a whole. At that point those Bills that are to proceed will go through the normal process of second reading and third reading and receive Royal Assent, in the normal process of any other Bill.

I'd like to welcome the people from the Alberta College. I would ask legal counsel if you have sworn in the petitioners.

MR. RITTER: Yes, I have, Madam Chairman.

MADAM CHAIRMAN: Then if you will brief the committee, please.

MR. RITTER: Madam Chairman, the first Bill that the committee will be considering is Pr. 4, An Act to Amend an Ordinance to Incorporate Alberta College. When we originally scheduled this Bill, I indicated that the degree of complexity was moderate. Since discussions with counsel, and we're in agreement on the draft language that's used, I would reclassify the complexity of the Bill as very simple. It is a charter of the Alberta College, which was incorporated by the Legislative Assembly of the Northwest Territories prior to 1905. It's merely a housekeeping matter to update the charter to bring it into sync with other colleges in this day and age. I would advise the committee members that all Standing Orders have been complied with as far as advertising and other matters. There is no model Bill which this Bill is modeled after, but in fact the subject matter is so simple that it's fairly routine.

That's my report, Madam Chairman.

MADAM CHAIRMAN: Thank you very much, counsel. Again I'd like to welcome the petitioners, and I would ask Dr. Pridham or Mr. Bryan if you would have any opening comments you'd like to make to the committee.

MR. BRYAN: Thank you, Madam Chairman. Just a few opening comments, and I suppose it's an opportunity to do a little marketing, so if you'd bear with me, I'll try to keep this to one or two minutes.

I'm appearing not only as counsel but also as chairman of the board of Alberta College. I think most of the members of the committee will be aware of Alberta College. Just to refresh your memories, Alberta College has 1,400 to 1,500 full-time students who are in a high school credit or postsecondary course. It also has over 2,000 music students who attend the college on a seven days a week basis. Alberta College presently operates out of four campuses in the greater Edmonton area.

The purpose of the request to amend the incorporating ordinance is to allow for the disaffiliation of Alberta College from the United Church. This has come about at the request of the United Church, who, through their own assembly, have decided that their affiliated schools should be left as freestanding, independent schools. We have proceeded, with their agreement, to make the necessary changes and are, of course, applying to you today to approve those changes. The changes are essentially housekeeping, but they do allow us to arrive at a situation where we will then be a fully freestanding, self-governing college, a nonprofit, nonsectarian school.

Subject to any questions that may be posed, those are the only comments that we have.

Thank you, Madam Chairman.

MADAM CHAIRMAN: Thank you.

Are there any questions from the committee?

Mr. McEachern.

MR. McEACHERN: Yes. I see that you say you want to cut the tie with the United Church, but your last point, number 22 on page 3, is:

In the event of the winding up or dissolution of the College, any excess funds shall be paid to the United Church of Canada for the furtherance of education within the authority and under the direction of the Alberta College and Northwest Conference or its successors.

Where does this part, the title "Northwest Conference," come? What's the reference there? I guess all ties aren't severed if they are the fallback organization.

MR. BRYAN: Madam Chairman, if I may respond. This is what I would describe as the ultimate heir clause that most associations have, and it's always a question as to who should be the benefactor of the funds, if there are any, at the time, and I would say in the unlikely event, that the institution ceases operation. There was a significant amount of negotiation that took place, and initially we had suggested that the wording be that the extra funds, if any, be used for the furtherance of education within the province of Alberta. They have asked that that be extended to include the jurisdiction of their particular province, if I may refer to it as that. The wording is really the "Alberta and Northwest Conference." There is an error in section 22; the word "College" in the second last line has to be deleted. But the intent is that it will be used for educational purposes within that defined jurisdiction.

MR. McEACHERN: It's now reading not "Alberta College" but "Alberta and Northwest Conference" of the United Church?

MR. BRYAN: Yes.

MR. McEACHERN: Okay. I was wondering. It would seem to me that if, heaven forbid, some disaster should strike and all the top people on the board should be killed in an airplane crash or something, who would be left to pick up the pieces? Who would start again? If we lost the top people at the University of Alberta, obviously the Alberta government would be responsible for renewing the institution and getting it started again. Who would be in that position in your case? Would the United Church again step in, do you think?

MR. BRYAN: Madam Chairman, in response, I think the excess funds, and we're only talking about the excess funds, would be used for educational purposes within that jurisdictional description under the direction of the United Church. Now, that does allow them a small element of control in what I feel is an unlikely event, but that's how it would work as I see it.

10:19

MR. McEACHERN: I accept the remains, if there are any, if it falls apart.

I guess what I was wondering is how the organization would renew itself. Say in the institutions in this province that are owned by the government, if the top echelons at the University of Alberta were all killed in an airplane crash, let's say - just to make up some kind of natural disaster, or I suppose manmade disaster in that case - clearly the Alberta government, which gave them their Charter, would be responsible for renewing them. What about if the same happened at the Alberta Col-

lege? Who would pick up the pieces if most of the board and the leadership were gone suddenly? Who is responsible if you're totally a freestanding and independent institution? Who would be left to pick up the pieces, or how would it be picked up?

MR. BRYAN: I guess I'd have to suggest that those who are remaining as board members would have to then appoint new members, go through a process of revitalization. There is no obligation on the government to step in in this instance.

MR. McEACHERN: What kind of mechanisms do you have for renewal, then, on an ongoing basis? Who's in control of recruiting new staff, new board members, new controlling?

MR. BRYAN: One of the amendments provides for the setting up of a set of bylaws that would allow for the appointment of board members and thereby then the revitalizing process. I believe that's dealt with in section 9, and it spells out the authority of the board in terms of making bylaws. I think that is dealt with in that fashion. The bylaws have not as yet been prepared but they would be, following approval of this amendment.

MADAM CHAIRMAN: Thank you very much.

Mr. Severtson.

MR. SEVERTSON: Yes, Madam Chairman. I just wanted to ask a question on funding. Does the college receive any capital funding or just operating funding from the Department of Advanced Education?

MR. BRYAN: Madam Chairman, Alberta College does not receive any capital funding from the province.

MR. SEVERTSON: It's operating funding, I think.

MR. BRYAN: Yes.

MADAM CHAIRMAN: Mr. Evans.

MR. EVANS: Thank you, Madam Chairman. I was going to make a comment on Mr. McEachern's concerns about appointment of new board members. Clearly, as Mr. Bryan has pointed out, as with other boards, other institutions of higher learning in the province, there is a mechanism for appointment of new board members. Luckily, we've never had the unfortunate circumstance of entire boards being wiped out, but there is clearly a mechanism to achieve a new board in that unlikely event. With the reputation that Alberta College has achieved over many years in expansion of the opportunities for students in the province of Alberta, I'm convinced that they would have no difficulty encouraging new and highly qualified board members to take on those kinds of tasks.

MADAM CHAIRMAN: Thank you very much.

Are there any other questions?

Mr. McEachern.

MR. McEACHERN: No, just a quick point. I certainly wasn't intending to impugn the Alberta College in any way, shape, or form by my questions. I have great regard for the work they do. I guess I was just trying to get at, since the United Church wouldn't be the overall backer, who and how was it going to be done to keep the institution healthy and alive. I'm sure it will.

MADAM CHAIRMAN: Are there any other questions?

Mrs. Laing.

MRS. B. LAING: Thank you, Madam Chairman. Gentlemen, I was going to ask you: since you mentioned your postsecondary courses, does this include a transfer arrangement to the University of Alberta or other institutions?

MR. BRYAN: Just in the music courses, Madam Chairman.

MADAM CHAIRMAN: Are there any other questions from the committee?

I'd like to thank you, gentlemen, for coming forward. As I say, we will proceed as a committee in deliberations probably in the next couple of weeks and then make a report to the Legislature. I'm sure if there are any questions, the counsel will be in touch with you to clarify situations for committee members. I do appreciate you coming today and thank you for appearing before our committee.

MR. BRYAN: Thank you, Madam Chairman.

MADAM CHAIRMAN: Committee members, if I could draw your attention to the next Bill, it is Bill Pr. 8, Jennifer Leanne Eichmann Adoption Act. I believe that you've received, hopefully, a copy of the Bill and some backup information from Parliamentary Counsel.

At this point I'd like to welcome the petitioners. We have Mr. Mel Svendsen, the stepfather and petitioner; Mrs. Marlene Svendsen, the natural mother of Jennifer; and Jennifer Eichmann is the stepdaughter of the petitioner. I believe we have the honour of having Jennifer's fiancé with us as well today. I'd like to welcome you to the Private Bills Committee and thank you for appearing on such short notice. I know it was a long trip up.

The petitioners have been sworn in. As I said earlier, we are a committee made up of all political parties that are represented in the Legislature. As such we act as a select committee of the Legislature, and we do report back to them.

At this point I'd like to go to Parliamentary Counsel for a briefing on the Bill, please.

MR. RITTER: Thank you, Madam Chairman. Bill Pr. 8 provides for the adoption of Jennifer by her stepfather. It's a fairly simple matter when we have an adoption Act before the committee and the natural father consents to it, as has been done in this case.

Briefly, the situation is that Jennifer's stepfather married her mother, and now that Jennifer is over the age of 18, we require a private Act of this Legislature to make the adoption legal. You were all briefed on the very hasty manner in which we pulled this thing together, but simply because we do have the consent of all individuals concerned and all parties are present before us whose rights will be affected save for the natural father, who has signed a consent which was witnessed by Jennifer's mother - I believe all members have a copy of the letter of consent - I would rate this Bill as very simple and would advise the committee that all other Standing Orders, save for the late filing with the Clerk's office, have been complied with.

MADAM CHAIRMAN: Are there any model Bills?

MR. RITTER: There aren't for this type of Bill, Madam Chairman. However, it follows the format of other Bills which were considered and passed by this Legislature.

MADAM CHAIRMAN: Thank you very much.

Mr. Svendsen, would you like to make some opening comments to the committee?

MR. SVENDSEN: Thank you, Madam Chairman; I would. I have acted as Jennifer's father from the time she was a very young child, and together Marlene and I raised her as though she was our daughter together. Just recently we had the permission of her natural father to complete this adoption. In order to make this family complete, we ask your approval in passing this Bill, and we look forward to the success of completing our family.

Thank you.

MADAM CHAIRMAN: Thank you very much. Questions from the committee?

Mrs. Gagnon.

MRS. GAGNON: Thank you. I just wondered: had you tried earlier to get consent of the natural father, or was this just something that was put off until he came forward with the consent?

MR. SVENDSEN: Madam Chairman, we discussed this with the natural father a number of years ago. At that time it wasn't a suitable arrangement in his opinion, but as Jennifer became an adult and our relationship matured, he gave his approval this year. So it was very timely.

MRS. GAGNON: Thank you.

MR. SVENDSEN: Thank you.

10:20

MADAM CHAIRMAN: Are there any other questions?
Parliamentary Counsel.

MR. RITTER: Madam Chairman, just for the record for the members of the committee, I understand that Mrs. Svendsen was present when the natural father signed his consent on the consent form that committee members have.

Is that correct, Mrs. Svendsen?

MRS. SVENDSEN: Madam Chairman, yes, it is. I witnessed it February 17 of this year.

MADAM CHAIRMAN: Thank you. Are there any further questions?

Mr. Doyle.

MR. DOYLE: Madam Chairman, having sat on this committee other years, I was wondering when an adoption as simple as this one was coming forward. As you know, we have very many contentious adoptions, and I'm pleased that the families worked this out prior to coming to the committee. I'm sure that this committee will support this adoption when the time comes to make that motion.

MADAM CHAIRMAN: Thank you, Mr. Doyle. Any other questions?

I'd like to let the committee know that this summer there will be a wedding in the family. Jennifer and her fiancé will be getting married. I believe it's in August. We'd like to wish you all the best in the future. From us on the committee, congratulations and all the best.

We will let you know in the very near future as to the deliberations of the committee. I do thank you very much for coming before us today on such short notice. Thank you very much.

MR. SVENDSEN: Thank you, Madam Chairman. Thank you, members.

MADAM CHAIRMAN: Well, committee members, I think we've come to the end of our . . .

Yes, Mrs. Laing.

MRS. B. LAING: Madam Chairman, I was wondering if we could have the complete Bill Pr. 4, the original Bill, instead of the bits and pieces.

MADAM CHAIRMAN: I'm sorry? You haven't received the full Bill Pr. 4?

MRS. B. LAING: I was wondering if we could see the original Bill, the complete Bill, because we only have bits and pieces, and it says, you know, section 18 is repealed.

MADAM CHAIRMAN: This is the amendment Act. You want the original Act for the Alberta College?

MRS. B. LAING: I was wondering if we could have a copy of that, because it says that section 18 is repealed, and we aren't sure what it means.

MADAM CHAIRMAN: Parliamentary Counsel, could you provide that to all members of the committee, the original Bill?

MR. RITTER: I will, Madam Chairman.

MADAM CHAIRMAN: Thank you. Are there any other questions?

Mr. Gesell.

MR. GESELL: The original Bill is there, and then there are some amendments. I think what we're talking about is, is there some sort of a consolidation? But even in that respect, the point is clear. In this proposed Bill certain sections are being repealed; we don't know what they actually say. If you look at the very end, under 9, 10, and 11, sections 18, 19, and 20 are repealed, but we don't know what they actually say.

MADAM CHAIRMAN: Parliamentary Counsel has agreed to provide that information before the end of the week to you and to all members of the committee.

Mr. Cherry.

MR. CHERRY: If there's nothing further, Madam Chairman, I move . . .

MADAM CHAIRMAN: Well, I'd just like to ask that next week committee members try to come prepared to discuss the petitions that have come forward, because we have heard the last petition for this session, and I'd like to use next week's

meeting as a meeting of deliberation. So please try to come prepared for that.

Mr. Gesell.

MR. GESELL: Are we going to be dealing in order, Pr. 1, Pr. 2, and so on, or in the way they were heard?

MADAM CHAIRMAN: Yes, we will go in the chronological order of the Bills.

Now, could we entertain a motion for adjournment?

MR. DOYLE: Is this an in-camera meeting, the next meeting, or is it an open meeting?

MADAM CHAIRMAN: It'll be both.

MR. DOYLE: If people from outside of Edmonton would care to listen to the debates on their particular Bills, they can be present?

MADAM CHAIRMAN: No. In our normal procedure when we are in deliberation, we will go in camera, and then we will come out of camera to make our recommendations.

Motion for adjournment? Mr. Cherry.

MR. CHERRY: Yes.

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

[The committee adjourned at 10:33 a.m.]