

Standing Committee on Private Bills

10:07 a.m.

[Chairman: Mrs. Black]

MADAM CHAIRMAN: Good morning, committee members, and again welcome to Private Bills. I assume you've all received the agenda for today, and I'd refer you to the agenda. We will be dealing with three private Bills: Bill Pr. 6, Rocky Mountain College Act; Bill Pr. 12, the Calgary Foundation Amendment Act; and Bill Pr. 13, the Den Tobias Deane Adoption Act. We'll be dealing with them in that order.

[Messrs. Steinwand and Howard were sworn in]

MADAM CHAIRMAN: I'd like to welcome our petitioners today to our Private Bills Committee. We are a select committee of the Legislature made up of representatives from all three parties. You've all gone through the initial stages of applying for a private Bill, and now you're at the stage where petitioners meet with our committee itself. Our normal format is that we ask you to open with some opening comments, and then we revert to the committee and ask committee members if they have any questions pertaining to your petition for the private Bill. At a later meeting our committee will deliberate the Bill, and we will be making a recommendation as a committee to the Assembly as a whole as to whether we feel the Bill should proceed or not.

We do welcome you here today. I know many of you have traveled from other locations to come to Edmonton on not too nice of a day. It's a rather gloomy day, but I understand it's rather gloomy in southern Alberta. So we do welcome you.

Committee members, with us today representing Rocky Mountain college we have Mr. Randy Steinwand and Victor Howard.

Victor, would you like to make some opening comments?

MR. HOWARD: Actually, I was going to ask Randy if he would perhaps make a few initial comments about the background of the two colleges that are proposing to come together here and perhaps give the committee a bit of a flavour about what we're all about, if that would be suitable.

MR. STEINWAND: We appreciate the opportunity to come before you and petition this private Bill. Just a few words about the history of our college. We are proposing something new, but it does have some history, and I thought it might be valuable to give you a brief word about that.

The foundation of Rocky Mountain college is largely provided by two denominational Bible colleges that have been in our province for a number of years. One in Medicine Hat by the name of Hillcrest Christian College has been in existence for a little over 50 years and has served the denomination of the Evangelical church in Canada and comes originally out of Methodist roots in this country. The other college that is coming to merge as part of Rocky Mountain college is Mountain View Bible College, a small denominational college that has been in Didsbury serving largely the denominational needs of the Missionary Church of Canada. It has been there for, I guess, 66 years. The Missionary church comes originally out of Mennonite roots, just to give you a few flags, perhaps, to hang some hats on there.

Together these churches in Canada represent some 150 churches across our country. The primary purpose of Rocky Mountain college, as was the case with these other two small colleges I've just mentioned, was largely to provide leadership in clergy positions to

serve our churches. Chaplaincy positions have been filled, and people have gone on and served with mission agencies and various kinds of social work in our cities across the country and in other countries.

Just two or three quick features of Rocky Mountain college. The full title is Rocky Mountain College: A Centre for Biblical Studies, so we will continue to be a theological college providing degrees in divinity, again largely to serve the needs of our church constituencies. We are, however, trying to embrace the Christian community at large in Calgary and Alberta and, I suppose, western Canada. We have hired most of our faculty to date and have about nine denominations represented on our faculty and are receiving quite a warm reception in Calgary. I guess even the merger speaks to our desire to work together with other Christians in this country and to provide theological education for them.

We are endeavouring to provide some co-operative studies. We're poised just adjacent to the University of Calgary, where we've purchased our property. We've been receiving some nice signals from the University of Calgary and some of the other institutions close to us so that we can provide our students with some co-operative studies at some of the other institutions in Calgary. We're really looking forward to that, especially in the area of general arts, where we would not want to compete with what our universities are doing in the country. We will be transferring full accreditation from one of the small colleges with what is called AABC, the only association that accredits Bible colleges in our country. The full title is the American Association of Bible Colleges, under which they have an arm for Canada, and that, I guess, ensures some integrity as far as our school and the qualifications of our faculty and our library resources and those kinds of things.

I guess I just want to underscore that our desire at the college in this new endeavour is to really strengthen the values of our country and the leadership of our parishes and parish work and also to really provide a moral conscience and moral fibre in the lives of our youth. Some of you were given these little brochures. I'm not sure if they appeal much to you; they're geared toward youth. They're our youth recruitment brochures, but at least there is a picture as to what we stand for and a bit about our history and a brief word about the direction we're endeavouring to go.

Thank you.

MADAM CHAIRMAN: Thank you very much.

MR. HOWARD: I was going to make a few brief comments about the sort of legal aspects of the Bill.

I believe it's a fairly straightforward incorporation Act. It is needed in this particular case because one of the things, for instance, that the AABC accrediting institution looks for and it is very advantageous to have is degree-granting power, albeit only in the area of divinity. That is probably the main reason for seeking incorporation by private Act.

A couple of the other things that are happening in the Act. Because of timing concerns, the fact that we're not incorporated now but of course are gearing up to commence operations in Calgary in September of this year, we needed to take steps to acquire property and so on, so we did so in the numbered company that is mentioned in the recitals to the Act. That numbered company would be continued as Rocky Mountain college on passage of this Act. That actually solves a number of problems, one of them being our friend GST and the question of whether GST arises somewhere in terms of the transfer to this numbered company and then over to Rocky Mountain college and so on. That was one of the hiccups that arose along the way. The other matter that is helped by that continuation

is the fact that we just don't have to do a transfer; it becomes the very college.

The other matter that you'll notice Mr. Steinwand had mentioned to you as well that is referenced in the Act and in this corporation's proposed powers is specific reference to co-operative endeavours with other institutions. It is our hope and aspiration that the college can continue to involve other institutions in a co-operative endeavour. I'm sure you of all people are aware of the costs of education these days, and it afflicts us as it does the province. So that is one of the objectives that we had in coming together in this venture.

The other matter of particular importance in the Act is in section 7, I guess it is, which basically provides for what amounts to continuation of the former colleges through Rocky Mountain. The two are coming together, in effect, to form Rocky Mountain college, and as you can appreciate, there are a number of gifts both testamentary and inter vivos that exist in favour of Hillcrest or Mountain View. Because this amounts to, in effect, the continuance of both of those institutions, section 7 is intended to provide that those gifts will continue to flow through to Rocky Mountain and in effect make it the successor of those two institutions.

MADAM CHAIRMAN: Thank you very much.

Parliamentary Counsel, have the petitioners been sworn in?

MR. RITTER: Yes, they have been, Madam Chairman.

MADAM CHAIRMAN: And have all of the Standing Orders been met?

MR. RITTER: Yes, Madam Chairman, they've all been met: the advertising, the submission of the documents.

MADAM CHAIRMAN: Are there any model Bills?

MR. RITTER: There are no model Bills for this type of institution. However, as we've found with other biblical colleges in the past, it is roughly based on the same type of legislation that's been previously passed by this Assembly.

Could I also take this opportunity now to advise all committee members that we do have an amendment where if the Bill is recommended to proceed, we will be dealing with it in Committee of the Whole.

Heather, you tell me that they've gotten all these amendments. These are just the correction of typos, and we changed some of the section numbers. In fact, it changes none of the substance of the Bill, just spelling errors and that type of thing, which I was lazy enough to let go through in the final printing. I believe we're going to catch it in the Committee of the Whole. [interjections] I know.

10:17

MADAM CHAIRMAN: Thank you, Counsel.

Can we now go to the committee members? Mr. Tannas.

MR. TANNAS: Thank you, Madam Chairman. First of all, I'd like to compliment you for merging in an era when so many things seem to be fractionalizing, whether we're talking about countries or other institutions. It's nice to see a merger.

I have three or four questions. First of all, are you a residential school? Do you intend to be a residential school?

MR. STEINWAND: We're providing a residence for some people, and a large number of them would be making contacts for their own

residence. We are providing some residence space in the form of some apartments.

MR. TANNAS: You indicated that you were receiving a number of encouraging signals from the University of Calgary; hopefully it's not the football team. You don't have specific commitments, then, to tie in. Is that right?

MR. STEINWAND: That's correct.

MR. TANNAS: But you have encouraging signs that maybe you might be able to.

I see in your brochure that you're indicating that the University of Calgary is next door, and many of their facilities are available for your use. Do you have some joint use agreement with the students' union?

MR. STEINWAND: We have talked about several, and we have already struck some agreements whereby for a certain fee, for example, our full-time students will be able to use all of their recreational facilities at the University of Calgary. There are obviously fees involved, but they've been very, very good to us in some ways already.

MR. TANNAS: So a deal has been struck; great.

I also wanted to ask a question with regard to the Alberta corporation 522450. Who are the listed shareholders of that company? [interjection] Oh, so it's a shelf company?

MR. HOWARD: Yeah. Basically, we had struck a deal actually last year for acquisition of what was Foothills Alliance Church in northwest Calgary. That is a site that is now being renovated and will form the site of the college. Closing time came March 31 or April 1; I can't remember just which, sometime right in there. We obviously did not have this corporation in existence. So for a number of reasons, including some interim financing, we needed to in effect take title to the property, and the logical way to do that was to put in place a temporary corporation. That corporation, however, is technically not the beneficial owner of the property. There's a declaration of trust that is in place. For the time being I am the sole shareholder and director of that as a solicitor for the college. There's also a declaration of trust that the numbered company has executed, indicating that it holds all its property, including this particular property, in trust for and unto the use of Rocky Mountain college when it becomes incorporated and in the meantime for the constituent churches, being the Missionary church and the Evangelical church.

MR. TANNAS: Thank you.

MADAM CHAIRMAN: Mr. Evans.

MR. EVANS: Thanks, Madam Chairman. I'm curious about this continuance of the Alberta company. I presume that a copy of this Bill will be forwarded to the registrar of corporations and that there will be some kind of a notation made to the corporate registry. Perhaps you could give me some detail on that.

Secondly, you've referred to a financial institution which has advanced money to allow you to purchase the church property. Has that financial institution been advised of this change of corporate structure and status, and have they consented to it?

MR. HOWARD: In response to your first question, there is in the Bill a provision which indicates that on continuance all the old

articles and so on are replaced by the provisions of this Act. So it would obviously be logical that we contact the registrar of corporations. In conversation earlier with Parliamentary Counsel, I had learned that there's a little bit of play, if you want to call it that, between the registrar of corporations and private Act incorporations. I was looking at some standing orders which tended to indicate that there was an additional incorporation fee that was supposed to be paid, for instance, to the registrar of corporations. When I called them up, they didn't know what to do with it, more or less. They just didn't have a procedure, actually, for dealing with special Act incorporations. Consequently, they are incorporated there for now, and logically to stop their notices coming every year for the annual returns and so on, a copy of this Bill would be forwarded to them to basically just tell them they can put this one to rest.

MR. EVANS: You're hoping that the registrar will comply with that. I don't think the registrar is under any legal obligation under the Act to dispense with the forwarding of those notices to you, and if you don't file those annual returns for the numbered company, it could be struck off.

MR. HOWARD: Well, the numbered company will in effect cease to exist on passage of this Act. This would be an Act by the specific Act of the Legislature as opposed to the general authority under the Business Corporations Act. So my sense of interpretation would lead me to conclude that the specific Act of the Legislature can obviously override the other to the extent necessary. Continuance is a concept which certainly is not unknown to the registrar; in fact, it's incorporated in the Business Corporations provisions of both the Alberta legislation and the Canadian federal legislation as well. So the concept of continuance, I don't really anticipate a problem in that regard.

MADAM CHAIRMAN: Might I interject? Parliamentary Counsel was going to shed some light on this, if we might, committee.

MR. RITTER: Madam Chairman, with regard to any corporate entity that's created or continued or somehow amalgamated through private legislation, there is in fact a very steady, ongoing communication between our office and the registrar of companies. We will in fact be sending him documentation of a certified Bill with regard to this particular corporation.

Incorporation fees and that type of thing at one time were actually collected by us on behalf of the corporate registry when we still had in effect the old Companies Act. That provision was dropped in the new Business Corporations Act, and in fact there is no device for the corporate registry having any type of influence in the types of legislation regarding companies that are passed in the Private Bills Committee. All we do is merely forward them the information, and it's quite automatic that they update. For example, in this particular case they will be updating their data base, dropping off the numbered corporation, having had proof that it's been continued and the jurisdiction is continued now under the Legislative Assembly rather than the corporate registry.

That's a fairly routine thing which we do all the time.

MADAM CHAIRMAN: Thank you, Counsel.

Mr. Evans.

MR. EVANS: My second question, Mr. Howard, was about notification of the financial institution.

MR. HOWARD: As I understand the status of matters, I think interim financing is just in the works, in fact in terms of probably being approved like this week. There have been some discussions. Basically they've been dealing with the two churches to this point as well as with the officers of the college, so to speak. As far as legal entity is concerned, the legal entity which owns the property at this point in time as per the certificate of title from the land titles office is the numbered company. I cannot recollect for sure, but my recollection is that we would provide a copy of the Bill as it stands now in terms of showing what the progression is going to be. Basically, from an institution's point of view such as that, all it amounts to is a name change. It's the same corporation.

MR. EVANS: However, just as a follow-up, Madam Chairman, what you are doing here is changing your objects. So depending on the instrument, if there was an instrument registered against the title, you might trigger a demand on that mortgage, on that instrument. I just point that out for your reference.

MADAM CHAIRMAN: Mr. Musgrove.

MR. MUSGROVE: Thank you, Madam Chairman. I have two questions, the first one being: does the college have any connection with the provincial Department of Advanced Education? If you do, what are the connections with it?

MR. STEINWAND: I do not believe there's any formal connection, no.

MR. MUSGROVE: Second question. I believe I heard you mention in your opening remarks that you would like to have degree-granting status. Now, I'm at a loss to understand the degree-granting status, in particular with no connection with Advanced Education. Secondly, is there a precedent here where other colleges might feel that they're different?

10:27

MR. STEINWAND: Yes, sir. If you look to section 6(b) of the Bill, basically the only degree-granting power that private colleges such as ours can have is in divinity. It must be restricted to divinity. Any other degree is reserved to the province under the Universities Act, I believe is the source.

Now, I was spoken to earlier this morning about one comment that arose, apparently out of the Minister of Advanced Education's office. They reacted to the word "academic" degrees in divinity. As I understand, I believe a subsequent amendment is likely to strike "academic" from that phrase, and we have no problem with that.

MR. MUSGROVE: What kind of a time frame have you got on a degree in divinity? Is it a two-, three-, or four-year course, whatever?

MR. STEINWAND: Four years.

MR. MUSGROVE: Four years.

MR. STEINWAND: That's right.

MR. MUSGROVE: Thank you very much.

MADAM CHAIRMAN: Mrs. Hewes.

MRS. HEWES: Thanks, Madam Chairman. A couple of questions to the gentlemen. First of all, understanding that Hillcrest and Mountain View now are merged into this new college, do all assets, properties accrue to the new college?

MR. HOWARD: Basically, yes. What is happening is that both colleges, most of their assets are coming together to form the capital, you might say, of the new institution. I guess I would say basically all, but there are some interesting projects that are going on at both ends. Hillcrest campus in Medicine Hat is being developed by the Evangelical church as a retirement centre, in effect. They have a building program, and they're selling some of the units and so on there. Those proceeds are in effect coming together in the college.

MRS. HEWES: So those campuses as colleges will disappear, and Rocky Mountain will be the college.

MR. HOWARD: Right.

MRS. HEWES: My other questions, Madam Chairman, relate to the student body and faculty. Can you give me an idea of the size as well as the shape of the student body and faculty and also what entrance requirements you would have? I see adult education and single courses are possible. Are you contemplating distance or extension education courses as well?

MR. STEINWAND: Just to give you a little bit of a picture with regard to enrollment, we have 83 students enrolled to date. We've been doing some projections and estimations, and hopefully we can begin with an FTE of a minimum of 100 students, which looks very realistic at this point because most of our enrollments, I think, will come in the summer. We have a total of 15 administration and faculty hired to date.

A word about extension courses: not outside of Calgary. Our extension courses would only take the form of night courses that would be available for nontraditional students or more mature students who can attend courses. They're usually working during the daytime, so we'll be providing some courses in the evening, perhaps some over the lunch hour in some settings for more mature adults.

MRS. HEWES: Madam Chairman, entrance requirements?

MR. STEINWAND: We require a minimum of a high school graduation or its equivalent, which could be obtained, if they did not have a graduation, through correspondence in Alberta Education. So we require a high school graduation for admittance.

MRS. HEWES: Thank you, Madam Chairman.

MADAM CHAIRMAN: Dr. Elliott.

DR. ELLIOTT: A question again on the degree granting. Is your college granting degrees in divinity now?

MR. HOWARD: Yes, I believe they are.

DR. ELLIOTT: The Bill implies that you're not but that this Bill will give you that authority. I was wondering if you've already had the authority then.

I go back to our Parliamentary Counsel. Is this a rewriting of a previous Bill?

MR. RITTER: No, Madam Chairman. Because it's creating a new corporation, in essence what it's doing is duplicating certain powers that already existed in the two previous colleges before they were merged.

DR. ELLIOTT: Thank you very much.

MADAM CHAIRMAN: Mr. Lund.

MR. LUND: Thank you, Madam Chairman. I want to congratulate you folks on the amalgamation. My questions basically have been answered. I was concerned about the word "academic" in 6(b) and the question about the current status as far as degree granting in the two colleges, but I guess those have been answered. The only other question I had was: how many students do you anticipate having at your new college?

MR. STEINWAND: I made one comment that it looks like we'll easily have a minimum of a hundred full-time students. The architects are designing our first building here which they feel would accommodate up to maybe 350. It's difficult to imagine we'd have that many the first year, but we're hoping for perhaps somewhere around 100, 125 FTE.

MADAM CHAIRMAN: Mr. Gesell.

MR. GESELL: Thank you, Madam Chairman. There have been a number of questions asked with respect to the two existing colleges. I believe you indicated that they will disappear and that they do grant degrees in divinity right now. I'm a little bit unclear here; maybe you can help me. Under what authority do these two existing colleges exist? Have they been created under a private Bill, or were they created under the Business Corporations Act?

MR. HOWARD: The two existing institutions basically are arms of the two churches. The Missionary Church Act of the province of Alberta created the Missionary church, and it granted to that church the ability to carry on the work of a Bible college. I can't remember all the provisions. I can't remember for sure if there's a degree-granting power in there or not, but it became apparent that that was certainly necessary and strongly advisable in connection with operating a Bible college today. The Evangelical church is incorporated under federal legislation, a federal private Act which similarly enables it to carry on the work of a Bible college. So both of these Bible colleges to this point have, in effect, simply been one arm or ministry of those two existing churches. They have had separate existence in practice, so to speak, but from a legal point of view, whenever you wanted to deal with their assets and so on, you ended up going back to the constituent church.

MR. GESELL: If I may, then, follow up on that. I guess there are two alternatives that may be available here. Since those two colleges were set up as an adjunct of the church situation there, is that not then a possibility also for the creation of what you're proposing here, the Rocky Mountain College Act? Does that not enable you to do that as well, apart from the alternative of a private Bill?

MR. HOWARD: There are some problems, though, because of the fact that we have two churches that are coming together in a co-operative endeavour. The two churches actually are well progressed in discussions about a merger. It's actually very interesting. The

colleges sort of progressed along this first, and it rang some bells somewhere or other. The two churches are actually well along on the course to a merger, but there are quite different considerations. Certainly at this point it is strongly advisable that they at least have a separate entity to carry on the college. Certainly in terms of AABC and its review of the colleges, that's always a question that they ask: how do you rationalize your institutional integrity when you're just an arm of something else? Their job, obviously, in doing that is to make sure that the institution makes sense, and so that they can put their stamp of approval on it, they have to ask those questions. That is something that we've become very much aware of over the last 15 years in both institutions, so it's a step that's really overdue.

We could do something else. Particularly, we've got the two together. It was awkward enough where we always had to go to the district board, as it was called in the Missionary church arrangement for instance, and get them to sign off on property and so on whenever we needed to deal with things and so on. It would become doubly difficult now with the two different constituencies in the two different churches. So for practical reasons, it's virtually imperative.

10:37

MADAM CHAIRMAN: Mr. Bruseker.

MR. BRUSEKER: Thank you, Madam Chairman. Perhaps my question is more directed to Parliamentary Counsel. We've seen Bills like this to create new colleges, and I understand we're seeing a merger of two colleges here. Is there not a need somewhere in this legislation for reference to wrapping up the two colleges that are being merged? In other words, we're creating one new one, but it doesn't seem there's any mention of dissolution of the old ones.

MR. RITTER: In fact, Madam Chairman, the old ones do not cease to be. They're being merged and continued in the new corporation. In fact, there isn't a dissolution procedure because they will still continue to be in existence, only now under the new name under the new merged existence. There is no wrapping up of the old colleges simply because they're ongoing.

MR. BRUSEKER: Thank you.

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

Gentlemen, I'd like to thank you very much for coming before us. At this time I was wondering if you had any closing comments you'd like to make to the committee.

MR. HOWARD: I hadn't thought about closing comments.

MR. STEINWAND: Thank you.

MR. HOWARD: It was a pleasure to be here. This is my second time in this particular endeavour. Once before it was just an amendment. I do trust that you will favourably consider our Bill.

MADAM CHAIRMAN: Thank you very much for coming. Your college is located right in the beautiful riding of Calgary-Foothills, so I have been watching the development with quite a bit of interest.

[Mr. Bredin was sworn in]

MADAM CHAIRMAN: Committee members, I'd like to have you turn your attentions now to Bill Pr. 12, the Calgary Foundation Amendment Act.

Today we have Mr. Ed Bredin from Calgary representing the Calgary Foundation. We'd like to welcome you to our Private Bills Committee.

Counsel, has the petitioner been sworn in?

MR. RITTER: He has, Madam Chairman.

MADAM CHAIRMAN: Have the Standing Orders been followed?

MR. RITTER: In all respects they've been complied with.

MADAM CHAIRMAN: Thank you very much. Are there any model Bills?

MR. RITTER: For this particular type of statute, no. However, it is based on other corporations with similar objects.

MADAM CHAIRMAN: Thank you very much.

Mr. Bredin, would you like to make some opening comments?

MR. BREDIN: Madam Chairman, the purpose of this Bill, as set out in the explanatory notes, is to increase the size of the board from the present nine members to a minimum of 11 and a maximum of 19 members. The purpose of increasing the board is to try and get some what I might call high-powered members on the board who are going to raise money for the foundation, and a number of candidates are in mind. The foundation presently has about \$5 million in assets. It is much smaller than, say, the Vancouver Foundation and some of the larger ones. We're trying to get some means of increasing the size of its fund so that its charitable purposes can be augmented by greater grants.

The purpose of the foundation is set out in section 3 of its Act. It is

to use the funds entrusted to it for such educational, recreational, cultural, and benevolent purposes as are charitable and which will, in the . . . discretion of the Board, most effectively assist, encourage and promote the well-being of mankind, primarily the inhabitants of the Calgary district.

I might say that Edmonton has a similar foundation, and I notice that there's a Bill to incorporate Medicine Hat's foundation. So they're the popular things.

We work very closely with the United fund, but the purpose of the foundation originally was to make a place available for money out of wills and other grants that will not become obsolete. There were a number of wills that left money to purposes which became extinct. There is one famous fund that left a great deal of money to poor and indigent cowboys, and that fund still exists; they're having trouble finding purposes for that. The purposes that the foundation can meet are current -- we get applications weekly from various charitable institutions -- so that we're able to make grants that are always current and never obsolete.

As I say, the purpose is to increase the board to get more people on who will assist us in getting more money to further the charitable objects. I'd be glad to answer any questions. I don't know that I should say any more, Madam Chairman.

MADAM CHAIRMAN: Committee members? Mr. Hyland.

MR. HYLAND: Thank you, Madam Chairman. A comment first and a couple of questions. One of our members perked up his ears when you talked about the program for indigent cowboys. I don't know if he thinks he can qualify or if he knows somebody that qualifies, but you got his attention at the time.

The Calgary Foundation Amendment Act -- I've been on Private Bills for quite a number of years, and it seems like every other year they're in for changes, you're changing something. Now you note that it's increasing the size of the board of directors. Is that all donated time, or does the operation of the board come out of the foundation funds, so that you're using up more under administration?

MR. BREDIN: I think it does come under the foundation's funds.

MADAM CHAIRMAN: Mr. Evans.

MR. EVANS: Thanks, Madam Chairman. A very brief question, Mr. Bredin. You've referred to the Medicine Hat Community Foundation private Bill, and one of the issues that came up when we were discussing that Bill was the description of "district." I note in your Bill that you're referring to "the Calgary district." I wonder if you could, from your recollection, identify what the Calgary district refers to. How broad is that?

MR. BREDIN: Well, it's been interpreted very liberally. I must say that Grant MacEwan, who was one of the founders of the Calgary Foundation, left some money which we're administering for environmental purposes in Newfoundland. That is the extreme extension of the Calgary district, but basically it's within a couple of hundred miles of Calgary.

MR. EVANS: Well, specifically, sir, I'm referring to the director's being a resident of the Calgary district. Do you have directors who are farther afield than the vicinity of Calgary?

MR. BREDIN: No, we don't at the moment.

MR. EVANS: But in your interpretation, your Act is broad enough that you could have directors much farther afield?

MR. BREDIN: Somewhere in the Act it gives a discretion to the directors to determine what the Calgary district is, and they have exercised that rather widely sometimes.

MADAM CHAIRMAN: Mr. Tannas.

MR. TANNAS: Thank you. I just wanted to get a little understanding of some of the charitable organizations or areas of your benevolence that the foundation is involved in. Is it involved with FCSS, United Way, Red Shield, cancer . . .

MR. BREDIN: I'm sorry. I'm not sure I understand you, sir.

MADAM CHAIRMAN: What type of charitable commitments, what activities does the foundation get involved in?

MR. BREDIN: I suppose the best way to answer that would be by way of example. They're quite broad. We bought a particular needed instrument or facility at the Foothills hospital, for example, but largely it's groups. The handicapped will apply for the cost of a bus or sending children to camp: current needs of that kind seem to be the predominant field.

MR. TANNAS: Thank you.

10:47

MR. BREDIN: The United fund is more circumscribed. It starts out at the beginning of the year with fixed places to put its money. We can fill in the gap sometimes when needs arise.

MADAM CHAIRMAN: Mrs. Mirosh, would you like to make a few comments as sponsor of the Bill?

MRS. MIROSH: Mr. Bredin, thank you for coming from Calgary for this. I tried to convince my colleagues here that it was a very simple amendment and you probably didn't need to travel so far, but we appreciate your coming. Perhaps now that you're here -- the Calgary Foundation has just received a bequest of \$5 million from a lady who wants an international piano festival this November in Calgary. This is the sort of thing that the Calgary Foundation is known for as well as the many things that you've mentioned, but this is a big one this year in Calgary, and we're all looking forward to that competition. We know that there is that need for this foundation. They've done great work in the past, and we commend you for that. And you're all volunteers.

MADAM CHAIRMAN: Thank you, Mrs. Mirosh.
Mr. Bruseker.

MR. BRUSEKER: Thank you, Madam Chairman. Mrs. Mirosh mentioned \$5 million. I wonder: would you have any kind of an idea as to sort of an average amount of dollars that come into the foundation in terms of bequests, wills, and so forth on a yearly basis?

MR. BREDIN: It varies very much. As Mrs. Mirosh says, the \$5 million is a large one. They're not typically that large. We'd get \$100,000 or \$50,000, some of them smaller and some of them larger. We've got \$5 million plus this recent addition. We're trying to get the fund up to \$20 million in the near future. It's hard to say just what the average donation is, but I know we have in the wings some wills coming up that are going to substantially increase the funds available.

MR. BRUSEKER: Thank you. I'm just following up then. The point of this Bill is to increase the number of directors. Are the directors all volunteers, or do they receive remuneration from the fund? Do they get a salary or an honorarium or anything?

MR. BREDIN: They're all volunteers.

MR. BRUSEKER: All volunteers?

MR. BREDIN: Yes.

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

Just for a point of interest, committee members, I'm looking at, I presume, the original Bill of 1955. I believe, Mr. Bredin, you were a member of that founding group back in 1955 along with -- many will remember particularly the involvement of Grant MacEwan in Calgary. So you've been with it a very long time.

I noticed Mr. Gesell. Did you have your hand up?

MR. GESELL: Yes, I did.

MADAM CHAIRMAN: I'm sorry. I didn't catch it. Would you like to pose a question?

MR. GESELL: Thank you. Just a question for clarification. I've looked at the original Bill from 1955 and one amendment that I have here. In the explanatory notes on this Bill Pr. 12 that's before us, it indicates that it "increases the number of directors from 9 to not less than 11 or more than 19," but if I look at the original private Bill and the amendment, unless I'm mistaken, the membership right now is between five and 21: a minimum of five and a maximum of 21. I understand your quorum is at seven, so I can see that the minimum might need to be increased. Maybe there's a very great interest in serving on the foundation, and that might be another reason for increasing to 11, but the ability to have that number of directors appears to exist right now, if I understand the original Act and the amendment that has been passed.

MR. BREDIN: My understanding, sir, is that that applies to the advisory board and not the board itself. The present section 9 says, "The Board shall consist of 9 residents of the Calgary district." Now, that figure in the original Act does not apply to the board, if I'm correct.

MR. GESELL: Well, Madam Chairman, if I might read from the 1955 Act, in section 9(1), and that refers to the board of directors . . .

MR. BREDIN: The 1957 Act was repealed by the Calgary Foundation Act in 1981.

MR. GESELL: I'm missing the '81 portion.

Madam Chairman, under 9(1) it indicates a minimum of five and maximum of nine members. Then in '73 I have an amendment that changes section 9. It changes the upper limit from nine to 21 members. I assume that the lower limit was still in effect, so the range that the petitioners seem to be asking for is actually in existence right now, unless there are some other amendments that I'm unaware of.

MADAM CHAIRMAN: Counsel.

MR. RITTER: I would just like to enquire of the petitioner, Madam Chairman, if in fact there was a 1981 amendment by private Bill, because we had the assistance of the library in getting us the previous amendments, and perhaps we had inadvertently missed one.

MR. BREDIN: I don't have it with me, but the 1981 amendment did repeal the original Calgary Community Foundation Act and change the name from "Community Foundation" to simply "Foundation" and made some of these changes.

MR. RITTER: Madam Chairman, we do undertake to get a copy to all members of the committee after this meeting.

MADAM CHAIRMAN: Thank you very much.

Are there any other questions?

Mr. Bredin, I'd like to thank you very much for coming up from beautiful Calgary to be with us today and join us in Edmonton and present your petitions. We wish you all the very best, and congratulations on your long tenure with the foundation.

Committee members, if we might draw your attention now to Bill Pr. 13, the Den Tobias Deane Adoption Act.

[Ms Neilson, Dr. Deane, and Mr. Deane were sworn in]

MADAM CHAIRMAN: We have with us today Linda Neilson, solicitor, Dr. John Deane, and Den Tobias Deane.

We'd like to welcome you to Private Bills. It is, as I said earlier, a committee of members of all parties of the Assembly. Normally, we do ask you to make some opening comments.

Ms Neilson, would you like to make some opening comments?

MS NEILSON: Certainly, if I may. Thank you. As you've already heard, my name is Linda Neilson. I'm appearing as counsel for Dr. John A. Deane, who is petitioning to adopt Den Tobias Deane. Den is known commonly as DJ, so I'll refer to him as that; otherwise, you'll get confused.

DJ is about 20 years old. Dr. Deane and DJ have known each other for slightly over a year, since about January 1991. The two of them have lived together in a father/son relationship for approximately a year now, since April of '91. DJ legally changed his full name in November of 1991 to Den Tobias Deane. Dr. Deane informs me that it was DJ's idea; he's the one who wanted to do it and went ahead and did it all on his own.

I believe that you have been provided with the statutory declarations of Dr. Deane and DJ. DJ has had quite a tumultuous life. He's been in and out of several foster homes and, as such, never established a relationship with his natural father. At the moment he's unaware of where he is and unaware if he's alive or dead. So Dr. Deane is not replacing his natural father but is simply filling a hole that's been in DJ's life. He does have contact with his natural mother, Laara Ashley. She's aware of the petition, and she's fully in support of the petition.

As I've already indicated, DJ's had a tumultuous life. The relationship and the adoption, if the committee approves it and if the Assembly passes it, would provide DJ with some stability, with a great deal of stability as a matter of fact. Dr. Deane has acted as a father for him for over a year. He lives with him and gives him the stability that a parent would.

Therefore, we would ask you to consider approving our petition. I will now ask Dr. Deane if he cares to add any comments.

10:57

MADAM CHAIRMAN: Dr. Deane.

DR. J. DEANE: Thank you, Linda. As indicated in our petition, I first met DJ as a relative of a patient of mine in my office and was casually introduced. One April morning last year I get a phone call from DJ: "Guess where I am?" I said, "Well, you're not in Vancouver," because he had implied before to me when he was in the office that he was going to be going to Vancouver shortly to further his education. I said, "You're in jail, aren't you?" "Yup. Can you bail me out? Nobody else will." It took about two weeks. DJ phoned me two or three times, and I finally decided, well, okay. I spoke to DJ on the phone whilst he was still in the remand centre: "You're welcome to stay at my place until your court appearance," which was about two more weeks down the road.

So that was fine. On our way home from the remand centre, one thing that struck me about DJ which I had not known before, because I had never spoken to him much before, was his relative honesty. He told me quite a bit about his past life, and we sat up until probably 2 o'clock that morning talking about his past life, what he had been through, and his future. He wasn't too sure of his future, but over the next few days I felt, and I'm sure he felt too, that he was starting to feel a little more secure than perhaps what he had been.

He had indicated to me that he did have a desire to further his education. I happened to be speaking to one of Linda's partners a few days after that and was talking about DJ. Knowing about some tax ramifications as to whether a person happens to be a legal child of a person or not as far as educational expenses are concerned, I was talking to Linda's associate about this, and the fellow said, "Well, why don't you consider adopting him?" So later on that evening at home, I put this to DJ. I said: "Well, this is something that we were talking about today: it's about adopting you. Just think about it for a while and decide upon it." About three minutes later he says, "Well, how do we do that?" I remember this so distinctly. I said: "Pardon me? How do we do what?" "That adopting me." I said, "Well, if you're interested, we'll proceed onward," and it's just gradually gone on since then.

We've had our ups and our downs, as in any relationship. That has occurred, but as time has progressed, and especially lately, DJ has become a lot more secure in his feelings, because many times -- in fact, for about the first three months he kept his suitcase in his room. I said, "Why don't you put it downstairs where all the others are?" He said: "No, because I'm so used to getting kicked out of places where I am. I want to be ready to go. Or I've just gotten so annoyed with places where I've been, I just leave when I want to." His suitcase is still downstairs except when we have to take it out to go places.

It's just developed as a good relationship. I feel very strongly towards DJ. We call each other father and son, or dad. It's just developed to the point where I feel that I am quite comfortable with DJ becoming my son, should the Assembly so approve. I feel very strongly, too, that DJ very decidedly wants me to be his legal father.

Thank you.

MADAM CHAIRMAN: DJ, did you want to make any opening comments? You don't have to.

MR. D. DEANE: Sure. Let's see; where can I start here? I got out of foster homes when I was 13, and I moved back with my real and natural mother, Laara Ashley. She's in the Bill here. I ran away from her when I was 15, and I hit the streets right away. Since I was a kid, you know, everybody used to call me down. Then I eventually grew up thinking, hey, I'm not worth nothing, and that's the way I treated myself. One reason I do want this to go through is because my dad here -- I call him dad now because I feel good about it. I've met my real dad. He's a drug addict, and he's just not a suitable person. You know; he's not a nice guy. My mom likes my dad here. She agrees with everything that's happening because she can't and she hasn't been able to give me the things that he has offered me, which I find very secure. I've never had security in my life. I know I'd appreciate it if you guys would consider this Act, please.

Thanks.

MADAM CHAIRMAN: Counsel, have the petitioners been sworn in?

MR. RITTER: They have been, Madam Chairman.

MADAM CHAIRMAN: Have all of the Standing Orders been abided by?

MR. RITTER: They've been complied with.

MADAM CHAIRMAN: Are there any other model Bills?

MR. RITTER: This is a standard adoption Bill, so in fact it follows exactly the same format as the other ones we've passed.

MADAM CHAIRMAN: Are there statutory declarations on file?

MR. RITTER: Yes, Madam Chairman, there are. The statutory declaration is with regard to the advertising as well as an affidavit of Dr. Deane just outlining the evidence that he's giving here today. Those affidavits have not been distributed to the committee members because oral evidence under oath is preferred by the committee. We do have them on file, but the evidence is always preferred by committee members to be given verbally, if there are any questions.

MADAM CHAIRMAN: Thank you.

Mr. Thurber.

MR. THURBER: Thank you, Madam Chairman. Just a question to Dr. Deane. Of course, I can appreciate what you're doing and appreciate the relationship that you have established with DJ and intend to continue with. I'm assuming that you have other family, and there's always an impact on other members of your family through a relationship like this. My question to you is: could you give us a little bit of insight into that?

DR. J. DEANE: I am a single child. My parents first met DJ in June of last year. He was with me for a little over a month, and then he spent some time back in Prince Albert, where he had lived for three or four years previously. My father subsequently passed away just a couple months ago, but both my parents were quite supportive of DJ. An aunt of mine in Vancouver is very supportive. I am not married. I was best man at three of my friends' weddings in the age 20 to 30 group. Two became divorced, one traumatically, so that it took him five years before he even got over it again. I guess I just never found the right person for myself.

I've been very independent. I grew up with dad working for CN. I was put on the trains by myself when I was 10 years. When I grew up, I was able to do what I wanted to, when I wanted to, and how I wanted to, and sort of never had to consider anybody else. This is a dramatic change for me, where I'm now having to start to consider the desires of a person whom I really consider as my own son. In fact, a couple of times DJ has said, "I wonder what would have happened if you had had me when I was three years old, when I was first taken away from my mother." My relatives who are living now and many who have not met DJ are certainly quite anxious to meet him in the near future.

MADAM CHAIRMAN: Mr. Tannas.

MR. TANNAS: Thank you. Several of the questions that I was going to ask are there. You said the natural mother supports this. Is there a document to attest to that?

MADAM CHAIRMAN: Do you have a copy?

MR. RITTER: We don't have one on file, Madam Chairman.

MS NEILSON: No, I'm sorry; we don't have anything in writing from Laara Ashley. I don't know whether you're aware or not, but DJ is part native, and Laara, his mother, is fully native. His natural father was white. Laara is difficult to get ahold of, as she lives out

of the city and has not provided anything to us in writing. But DJ and Dr. Deane have both talked to her several times. She's always indicated that she's supportive, but just has never provided anything in writing.

11:07

MADAM CHAIRMAN: Dr. Deane.

DR. J. DEANE: Three Sundays ago now I phoned Laara where she was staying near Melfort, Saskatchewan. It was just before 8 in the morning. I think she was still kind of sleepy, but I think I got her awake enough to explain that we had been asked by Linda to get a written document from her stating that she was fully supportive. Then both DJ and I spoke to her one week and a bit, like two weekends, ago. She implied at that time that she was intending to come to Edmonton either on Friday or Thursday of last week for us to put it down in writing and that she would sign this document. She had actually implied that she hoped to even be here herself today, but unfortunately she was unable to make it.

MS NEILSON: The Bill would not change the relationship that DJ has with his mother. Everything would stay exactly as it is now.

MR. TANNAS: Dr. Deane, what is the nature of your doctorate?

DR. J. DEANE: General practitioner.

MR. TANNAS: Is there any reason why the father-and-son relationship could not continue if this request was not granted? Is it based solely on legality? I mean, a relationship is more than just the legal part.

DR. J. DEANE: The relationship is quite important to both of us. As it is now, we would certainly continue considering each other father and son. But we have spoken to Linda because we do want this to be a legal father and son for future, down-the-road ramifications; for example, on my death, for passage to a legal son rather than to a complete stranger, in essence, which DJ would be if this were not legal. We have every intention of still being father and son, and this is how we do consider each other.

MS NEILSON: The adoption would also provide more security to DJ. This is a young man who's been bounced around in society, and to have a Bill legally having him adopted by Dr. Deane would give him, I would assume, some emotional security.

MADAM CHAIRMAN: Mrs. Mirosh.

MRS. MIROSH: Thank you, Madam Chairman. Most of my questions have been answered. As the mother of three sons in their 20s, you're getting him at a good age. You missed the rough part. I know also that the need for security never does stop, and I commend you for this.

MS NEILSON: I should also indicate to the committee that DJ's natural mother and father are not married.

MADAM CHAIRMAN: Mr. Ewasiuk.

MR. EWASIUK: Thank you, Madam Chairman. My question is on the same lines as Mr. Tannas's. I was thinking about the father's point of view. Perhaps legal counsel or Ms Neilson would respond.

What obligations are there, as a result of this application, to the father of DJ, if any?

MS NEILSON: There would be the legal obligations of any parent with an adult child. That's exactly the ramifications that there would be. Dr. Deane has already indicated that he's aware of the legal ramifications in regards to his estate, and there would also be the moral ramifications.

MR. EWASIUK: I was thinking more that you're going to require some approval. At least you have the approval of the mother. What kind of arrangements have you made with the father of Deane?

MS NEILSON: We don't know where he is.

MR. D. DEANE: My father and I had an apartment before we met here. I kicked him out of my apartment because of his drug use. He's a cocaine addict, and he intravenously injected himself with cocaine in my apartment. He was a drug dealer as well, and he kept the stuff in my apartment. I kicked him out, and he hasn't been around since. I don't know where he is. The last I heard, he had been stabbed about three times. I don't know if he's dead or alive, and I don't care. He has nothing to do with my mother and me or my dad. He hasn't shown any interest in me or any of my family.

MR. EWASIUK: Thank you for that. I was just wondering: is there any need to have anything from the birth father to provide approval for this application to take effect?

MR. RITTER: Madam Chairman, the present status right now is that an adult parent of an adult child has very few legal ties. Once the child exceeds the age of 18, there's very little legal ramification, except an emotional one, as far as an adoption.

MR. D. DEANE: My brother is two years older than me. He passed away about four or five months ago, and my dad never had any concern whatsoever. He never showed up; nothing.

MR. EWASIUK: Thank you.

MADAM CHAIRMAN: Mrs. Hewes.

MRS. HEWES: Thanks, Madam Chairman. DJ's just touched on one question I have. You have brothers and sisters, do you?

MR. D. DEANE: I have one full brother, but he's passed away, like I mentioned, and one half-sister on my mother's side. She's in Red Deer going to school right now, and there's not very much communication between us.

MRS. HEWES: Madam Chairman, DJ, we heard before that you were interested in furthering your education. Do you work? Are you going to go to school? What are your own plans?

MR. D. DEANE: Right now I'm working in my dad's office as receptionist and doing certain things in the office. My plans are to finish and get an equivalency of grade 12; that's something that I've missed out on. To start off with, I want to go into medical terminology to be qualified to work in the office. After that, in a couple of years I want to get into accounting. I was surprised at these people here who were talking about Bible college. That's

something I was thinking of myself too. I've checked into two of each.

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

I'd like to thank the petitioners for coming today and wish you all the very best. We will be deliberating at a later date on all of the Bills and making our recommendations back to the Assembly. So thank you very much for coming, and we wish you all the best of luck.

Could we entertain a motion for adjournment?

Mr. Ewasiuk.

MR. EWASIUK: Thank you. I just wanted to make a suggestion, if I may. When we get additional material given to us, could we get the necessary holes put in so we could put them into our folders?

MADAM CHAIRMAN: I'm sure Parliamentary Counsel will poke the holes for you.

Motion for adjournment? Mr. Bruseker. Thank you.

[The committee adjourned at 11:16 a.m.]