

## Standing Committee on Private Bills

8:34 a.m.

[Chairman: Mr. Renner]

MR. CHAIRMAN: Good morning, everyone. I'd like to call this meeting to order. This is the regular weekly meeting of the Standing Committee on Private Bills. The first item of business this morning is approval of the agenda. The agenda has been circulated. I have one addition to the agenda, if I could maybe deal with that prior to a motion. We have one Bill that is left over from the first half of the Bills, and that is Pr. 11, Edmonton Chinatown Multicultural Centre Foundation Tax Exemption Act. I would like that added to the agenda this morning.

With that, unless there are any other changes, I would entertain a motion, then, to adopt the agenda.

MR. JACQUES: So moved.

MR. CHAIRMAN: That would be as amended.

MR. JACQUES: As amended.

MR. CHAIRMAN: Thank you. Moved by Mr. Jacques. Any discussion? All in favour? Opposed? Carried.

We also have a set of minutes from our last meeting to approve. They, too, have been circulated. I would entertain a motion to adopt the minutes. Mrs. Gordon. Any discussion, errors, or omissions? All in favour? Opposed? Carried.

We then move on to item 4, deliberation on Bills. Committee, the first four Bills we have to deal with this morning are adult adoptions. Due to the sometimes sensitive nature of adult adoptions, I suggest that a motion for the committee to go in camera for discussion of those four Bills might be in order at this time.

MR. SMITH: So moved.

MR. CHAIRMAN: Moved by Mr. Smith.

MR. WICKMAN: Mr. Chairman, can I ask a question?

MR. CHAIRMAN: Yes, Mr. Wickman.

MR. WICKMAN: Does any committee member feel they're going to have questions that require us to go in camera?

MR. CHAIRMAN: Well, I think Mr. Smith does. He just made the motion.

MR. SMITH: I'm just complying with your wishes, Mr. Chairman. I look forward to our in camera session.

MR. CHAIRMAN: Any other discussion? All in favour then? Opposed? The motion is carried.

[The committee met in camera from 8:36 a.m. to 8:46 a.m.]

MR. CHAIRMAN: The committee will now go back on the record. Once again, we'll deal with the Bills in order. With the committee's permission, I would like to deal with Pr. 6, the Gimbel Foundation Act, last because I don't know how much time the committee plans

to take. So we'll deal with the motions in order, as per the agenda, with the exception that Pr. 6 will be last on the agenda.

I would then entertain a motion with respect to Pr. 1, Mandy Anderson Adoption Act. Mr. Smith.

MR. SMITH: I move that we proceed with recognition of waiving the advertising requirements, or that waiver has gone through -- you know, the nice wording.

MR. CHAIRMAN: The committee recommends that the Mandy Anderson Adoption Act proceed. Any discussion? Seeing none, all in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

Pr. 7, Scott Peter Lavery Adoption Act. Mr. Herard.

MR. HERARD: Yes, I would move that Pr. 7 proceed.

MR. CHAIRMAN: Thank you.

Any discussion? I see none. All in favour of the motion?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

Pr. 12, Travis Trevor Purdy Adoption Act. We need a motion. Mr. Van Binsbergen.

MR. VAN BINSBERGEN: I so move that it proceed.

MR. CHAIRMAN: Mr. Van Binsbergen moves that it proceed. Any discussion? All in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

Pr. 14, Jody Anne van Overmeeren Adoption Act.

MRS. LAING: I move that Pr. 14 proceed.

MR. CHAIRMAN: Moved by Mrs. Laing that it proceed. Any further discussion? All in favour?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

We will skip Pr. 6, leave it till last, and move on to Pr. 4, Concordia College Amendment Act, 1994. Mrs. Soetaert.

MRS. SOETAERT: I move that the Bill proceed.

MR. CHAIRMAN: Thank you.

Any further discussion? I see none. All in favour of the motion?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

Pr. 13, TD Trust Company and Central Guaranty Trust Co. Act. We need a motion. For this one, you'll remember, the petitioners have requested deferral for further information. They want to bring it back in the fall.

Mr. Hlady.

MR. HLADY: I'll move that Pr. 13 is deferred till future information is given to us. I move  
that the Standing Committee on Private Bills defer the hearing respecting  
Bill Pr. 13, TD Trust Company and Central Guaranty Trust Co. Act, until  
some future date.

MR. CHAIRMAN: Thank you.

Is there any discussion on that motion? Seeing none, I'll put the question. All in favour of the motion?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried.

Pr. 11, Edmonton Chinatown Multicultural Centre Foundation Tax Exemption Act. For this one, again there is a need for some further information, and a similar motion would be in order.

DR. L. TAYLOR: I'll make it.

MR. CHAIRMAN: Moved by Dr. Taylor.

DR. L. TAYLOR: Yes, a similar motion. I'm not as eloquent as Mark so early in the morning.

MR. SMITH: You're two rows back from the paper.

DR. L. TAYLOR: Yeah, I can't read the paper from here.

MR. CHAIRMAN: Do you have any further discussion with respect to this one? I'll then put the question.

Everyone understands the motion, I assume. Maybe you should read the motion.

MS MARSTON: Okay. The motion is  
that the Standing Committee on Private Bills defer consideration of Bill  
Pr. 11, Edmonton Chinatown Multicultural Centre Foundation Tax  
Exemption Act, until a future date.  
Do you want to add "this fall"?

MR. CHAIRMAN: Well, I think we probably will try and deal with it in the fall. Certainly it will come back on the agenda in the fall.

MS MARSTON: All right. Till a future date in the fall.

MR. CHAIRMAN: Any further discussion on that? All right. I'll put the question. All in favour of the motion?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Opposed? Carried. Then we have the TD Trust and the Chinatown both deferred for consideration in the fall.

We'll deal now with Pr. 6, the Gimbel Foundation Act. I need a motion to begin the discussion. Mr. Jacques.

MR. JACQUES: Mr. Chairman, I would move that the committee defer a decision on Bill Pr. 6, being the Gimbel Foundation Act, until the fall 1994 sitting of the Legislature. I make that motion, I guess, in recognition of four points. Number one, while from a personal point of view I think the Bill reflects a worthwhile endeavour, I don't believe the committee at this time is in the position or is ready to make a hard and fast decision or, for that matter, to close debate on the subject.

Secondly, notwithstanding the petitioner's response to the issues that were raised by the intervenors, there are still, I believe, a host of

questions and a host of issues that are going to have to receive greater scrutiny and greater debate over time and indeed more input from the public. Just for an example, this letter that came in dated May 9, where we're going back and forth between the intervenor and the petitioner, perhaps underscores that particular point.

Number three, I think it's fair to say that there appears to have been a fair amount of public interest created in this. I don't know whether it's a result of the media specifically, but obviously there has been much reporting on it. There seems to be more comment in the public circle than certainly we've ever seen on a private Bill before. I think that would underscore the fact that we need to get more input and get more views, whether they be of a pro nature or a con nature.

Lastly, Mr. Chairman, I think if we made a decision to proceed at this time or we made a decision not to proceed at this time, that would be effectively precedent setting in either direction. Given the debate we've had to date, the state of overall health care reform that we're still debating in the Legislature, and indeed, I think, debate yet to come on this Bill, I don't believe we're in a position to set a precedent. I have a further concern as to whether indeed the committee in its mandate should be setting a policy decision, particularly at this point in time, and I believe that would be a signal either to kill it at this time or to proceed with it at this time.

Those are my reasons, Mr. Chairman, for effectively deferring any further decision on the matter until the fall 1994 sitting of the Legislature.

Thank you.

MR. CHAIRMAN: Thank you, Mr. Jacques.

I have three people on my speaking list: Mr. Wickman, Mr. Beniuk, and Mr. Herard.

Mr. Jacques touched on the issue of the realm of this committee. Mr. Reynolds, you have prepared a briefing for the committee. Do you want to very, very briefly outline the position and the scope of this committee?

MR. REYNOLDS: Thank you, Mr. Chairman. I provided some information with respect to a request by Mr. Herard last week concerning the scope of a private Bill. I trust you've all received it. I don't know whether there are any questions arising out of that. Just to briefly touch on it, I think the bottom line is that it's really up to the committee to decide whether a private Bill touches on matters of public policy to such an extent that it may not be appropriate. It's not like there's a line in the sand with respect to what is appropriate and what isn't appropriate. This would certainly be in a gray area. You can perhaps look at paragraph 1055 in *Beauchesne*, which outlines four principles that apply with respect to private Bills and when to consider when a private Bill is appropriate as such or when it should be a public Bill.

8:56

MR. CHAIRMAN: Thank you.

I think we'll proceed with the debate. Should we require any clarification, feel free to ask Mr. Reynolds.

Mr. Wickman.

MR. WICKMAN: Mr. Chairman, I believe the member making the motion said about half of what I was going to say. It's a question of whether this committee feels comfortable making decisions that reflect, really, a change in government policy. The member stated that he saw two options that we have. One option is to defer it till the fall; the other option is to kill the Bill. There has been ample, ample presentation made of widespread concern throughout the community on this not being a normal private Bill but rather a Bill that would in fact affect government policy. I believe this Bill

should be killed, and if the Gimbel group wants to pursue it, they should pursue it through the appropriate minister. If that minister determines it's appropriate, then, to bring forward a government Bill, so be it. Even though legally, technically it may be within our scope, morally I don't think it would be proper. We heard the Premier of the province yesterday say that policy-making is the responsibility of this Legislative Assembly. I believe we should defeat the tabling motion and then make a motion that we not proceed.

MR. CHAIRMAN: Mr. Beniuk.

MR. BENIUK: I totally agree with what my colleague from Edmonton-Rutherford said. I'd like to refer to the top of page 2 where the principles are. Each of those four principles impacts on this Bill. This Bill does have a strong statement on public policy and every other point there. This is not an ordinary private Bill. It must be killed. I suggest to you that to defer, to delay this Bill until the fall is nothing more than a Conservative manoeuvre to push it through in the fall after having some smoke-and-mirror roundtable sessions throughout this province.

The people in the medical profession that appeared before this committee from every corner of this province are very, very concerned. Out of courtesy to them and to the people of this province, this Bill must be killed now and not delayed till fall, creating more anxiety.

This is a lousy Bill. If Dr. Gimbel wants to come back in the fall with a more refined Bill narrower in scope, fine, let's take a look at it. As it stands now, it's absolutely unacceptable. I urge every person on this committee, out of courtesy to the very people that elected them and all the people that intervened before this committee, to vote against this Bill. The universities intervened and the nurses, doctors, you name it. This is a lousy Bill. To defer simply does not solve the problem. Let's just kill it.

MR. CHAIRMAN: Thank you.

I have Mr. Herard up next. Before you speak, Mr. Herard, I just want to point out that by deferring, as this motion is, a number of the concerns that both Mr. Wickman and Mr. Beniuk have pointed out could be addressed by Dr. Gimbel. I think Dr. Gimbel obviously knows what the opposition to his Bill is. If this Bill is considered in the fall, it would be somewhat incumbent on him to address some of the concerns by the fall through amendment or through further consultation with interest groups.

Mr. Herard.

MR. HERARD: Thank you, Mr. Chairman. I couldn't disagree more with Mr. Beniuk. This is not a lousy Bill. I have no objection in principle to this Bill. I have absolutely no doubts with respect to Dr. Gimbel's motivations to perpetuate a foundation with his own personal profits and the profits of his current operations. I don't quarrel with his right to ask this Legislature to pass a private Bill to bring into effect his legitimate desires. But I do have some concerns with respect to the effect of this Bill with respect to its adherence to the Canada Health Act, and that's something that I don't think is clear. I also have a concern with respect to the ability of this committee or the appropriateness of this committee to pass a Bill that has the potential of affecting many people as opposed to one or two, as we generally deal with items or even corporations that need to have a small change done to their Acts.

Based on those concerns, I would agree to and support deferring this Bill until we can have more information with respect to its ramifications, but I certainly don't feel that this is, as some other people have put it, a lousy Bill. I think any citizen who has the

kinds of motivations we saw in this Assembly ought to have the right to do that sort of thing.

Thank you.

MR. CHAIRMAN: Thank you.

Mrs. Soetaert and then Mr. Van Binsbergen.

MRS. SOETAERT: I'm very concerned about the ramifications of this Bill as well. I also feel that coming to Private Bills is not the route for this type of Bill. That's why I would rather see it die than defer it, just because I think the route the Gimbel foundation is going is not the correct route to go.

MR. CHAIRMAN: Mr. Van Binsbergen.

MR. VAN BINSBERGEN: Thank you, Mr. Chairman. I think indeed there are too many concerns and questions we all have, and therefore there are really two possible ways of solving this problem. One is to defer, as has been proposed, and one is to defeat. I think if we defer, we are probably sending the wrong message. It seems to me that by defeating it we are in fact saying that this Bill does not belong in this court. There are other venues Dr. Gimbel could use to gain that particular status, and I think only Revenue Canada really can give an organization charitable status. I find there's a very confusing conglomerate of concerns, and therefore I'd be in favour of just rejecting it outright.

MR. CHAIRMAN: Mrs. Gordon, then Mr. Yankowsky.

MRS. GORDON: Thank you, Mr. Chairman. I concur with my colleague from Grande Prairie-Wapiti. I would like to see this deferred. I think each of us on this committee should take some time and read all the information that has been made available to us. I would like to see this brought back in the fall and possibly Dr. Gimbel and some of the intervenors, if they wish to be here again, before us where we could debate and discuss it. I think a key and very important fact to keep in mind is that the Gimbel foundation has already been approved by Revenue Canada, and I would still like time to investigate, discuss, and debate this very innovative Bill. And I don't think we should fault Dr. Gimbel for coming before us, as has been indicated by some of the opposition members.

MR. CHAIRMAN: Mr. Yankowsky, then Dr. Taylor.

MR. YANKOWSKY: Thank you, Mr. Chairman. I say that this Bill must be dealt with here and now; either defer it or defeat it. Now, Mr. Jacques, when he spoke, said that there is much public outcry. I don't see too much of this. Everything I have read and seen says no to this Bill. Intervenors who were here all said: bad Bill; kill it. The government bureaucrats have made a statement and are saying it's a bad Bill; kill it. The government now seems to want to keep it alive, defer it to the fall. Now, is this part of the government's privatization plan? Is it that by this fall the government plan to privatize all medical services will be in place and then the Gimbel proposal will fit right in?

9:06

MR. CHAIRMAN: Dr. Taylor.

DR. TAYLOR: Well, I find kind of incredulous the credibility gap we have in terms of people making all kinds of speculation as to what the ultimate ulterior motive for all of this is, and it tends to be people who want status quo. Now, we can no longer live with status quo in this province in any area; we have to make radical change.

I don't even see this Bill as making radical change. It's been approved by the federal government and charitable foundations, and there are no consequences for the health care system from this Bill. As a result, I would have preferred to see us pass it. Unfortunately, that's not an option we have, so I support the motion that was made for deferral to the fall.

MR. CHAIRMAN: Thank you. I should correct you. That is an option that we have, but the motion under debate is to defer.

Dr. Oberg.

DR. OBERG: Thank you, Mr. Chairman. Being the only physician on the committee and the only person who has actively referred patients to the present Gimbel clinic and seen the level of care and level of expertise practised by the Gimbel clinic at present, that does tend to slant my views a little bit. I have seen patients come back that are extremely happy with the service. I feel that Dr. Gimbel is a very principled, ethical man, and I do believe him when he says that his motives for his Bill are for a charitable foundation to do more good for the community, to expand the research component of the work he does. Certainly no one in this room today can argue that Dr. Gimbel is not at the forefront of medical research in ophthalmology. I think he has proven that time and time again. Also, after examining the Bill, it is my opinion that this does not violate the Canada Health Act in that there are very similar conditions that he is operating under at the moment.

The one concern I have is probably best summed up by a submission from one of the ophthalmologists, if I may quote from that: the proposed foundation structure seems to be very advantageous, and it seems likely that many other larger group practices will wish to adopt a similar structure. I think that in itself is the type of statement that would lead me to agree to defer this to the fall. I am not personally convinced that this is not a precedent setting Bill. I do not want to see more foundations set up by other physicians and other ophthalmologists purely to seek a tax advantage. I am not convinced that this Bill does that. However, I am convinced that there is that feeling out there among the medical community. Again, I repeat that I feel Dr. Gimbel's motives are completely true. However, I would not like to see a precedent being set by going through this committee, and for that reason I feel Dr. Gimbel should have more opportunity to clear it with his colleagues in the medical field and have the opportunity to bring this Bill back in the fall.

Thank you.

MR. CHAIRMAN: Thank you.

Mr. Pham, then Ms Leibovici.

MR. PHAM: Thank you, Mr. Chairman. I would like to echo my colleague's statement. I would like to see this Bill deferred to the fall as well, for three reasons. Number one, taking into account Dr. Gimbel's achievements and what he has done in this province. His foundation has helped thousands of Albertans, and that achievement should be taken into consideration.

The second point is: we should not make a decision until we have a chance to review and hear all the evidence before us. As many of my colleagues pointed out, the debate today is still continuing, and we should take some time and check all these facts out carefully.

Reason number three: I don't think this Bill should be killed now because the cornerstone of our legal system is: everyone is assumed innocent until proven guilty. We should not kill this Bill just because someone thinks Dr. Gimbel has some motive besides setting up a charity foundation. Therefore, I would prefer to have this Bill deferred until the fall.

MR. CHAIRMAN: Thank you.

Ms Leibovici.

MS LEIBOVICI: Thank you. I've heard with interest the comments for deferral, killing, and keeping. I don't know Dr. Gimbel; I've never been to the clinic. I'm not from Calgary, even though I visit there. So I'd like to think I'm unbiased in terms of the approach I'm taking to this Gimbel Foundation Act.

When I look at the letter from Alberta Health, the two most recent documents . . . We've had a pile of documents from a number of people, mostly against this particular Bill, but when I look at the document from Alberta Health and then look at the document we just received this morning from Milner Fenerty on behalf of Dr. Gimbel, there are inherent contradictions that I think we would be amiss as a committee to dismiss. Though I recognize the Premier has said that Alberta Health does not create policy, nonetheless Alberta Health is an organization, a department of government that provides advice. When I see Alberta Health saying that the Gimbel Foundation Act provides for the creation of "a new type of hybrid organization" that combines charity and professional medical corporations and that this is precedent setting, I'm not sure what deferral would do. I don't know that deferral will change that particular aspect of the Act.

When I look at some of the other things, it says in here from Alberta Health: "The Gimbel Foundation Act presents a substantial departure from current law." Well, current law is policy-making within the Legislative Assembly. I believe one of the members -- I'm not sure which member -- indicated that if that's the route we need to go, then it should be something coming forward from the Minister of Health, I believe, not from the Private Bills Committee in terms of the deferral. So to reiterate, it is "a substantial departure from current law regarding not-for-profit foundations and professional medical corporations."

Then -- and again, I haven't had a good chance to look at it -- in terms of the letter from the lawyer on behalf of Dr. Gimbel, it says in here:

The primary goal of the Gimbel Foundation is not to practice medicine but to pursue purposes historically recognized as charitable, including the relief of poverty.

Well, do we have a charity or do we have a medical organization? Again, I don't know that deferral is going to address those issues.

I think it would be best to kill the Bill to allow for there to be, perhaps through Alberta Health, some kind of committee set up or some kind of process where you can have public input into Alberta Health so they can come forward with guidelines. If this is a direction we wish to go in the province, then I think that should be brought forward through a Bill, either a private member's Bill through one of the members sitting in this Legislative Assembly or through the Minister of Health.

I'm not sure what the deferral will do. Are we between now and September going to set up committees to ask for input, or are we just going to receive more piles of paper? This is the second time we've deferred this Bill. I don't think we can come to a decision within this Private Bills Committee. The Private Bills Committee generally is not to deal with issues that are substantive in terms of impact on the total population. I haven't heard an argument as to what deferral is going to provide to us that we don't already have. So I urge strongly that we vote to say no at this point in time, that if there is some way of addressing these concerns, maybe either another Bill comes forward from Gimbel that breaks these two down so you don't have a hybrid organization or it's brought through the Department of Health or brought through a private member's Bill that we can debate in the Legislative Assembly as a whole.

Thank you.

9:16

MR. CHAIRMAN: Thank you.

Just before I call on the next speaker, I would like to welcome our guests to the gallery. This is a meeting of the Private Bills Committee. This is a committee that discusses Bills that are brought forward from the general public through the form of a petition to the Legislature. Individuals have petitioned the Legislature and asked that Bills be passed on their behalf. The purpose of this committee is to consider the petitions and make recommendations to the Legislature as to whether or not those Bills should be debated in the Legislature. We're discussing a number of Bills this morning. Presently we're discussing Bill Pr. 6, which is the Gimbel Foundation Act. This is a committee of the Legislature, all parties. We have both government members and opposition members on the committee.

I welcome you here this morning. I hope you enjoy seeing democracy in action.

Mr. Hlady.

MR. HLADY: Thank you, Mr. Chairman. Contrary to the last member speaking, I think this is the ideal way for us to address it, by deferring it, and I agree with the Member for Grande Prairie-Wapiti in putting that forward. By deferring it we're going to have a chance to have more information without saying that it is completely wrong and defeating it. What we do by deferring it is have more input. It also gives Dr. Gimbel the chance to come forward and give us other options or look at differences and make us understand the reasons for what he is doing. At the same time, the intervenors will have a chance to come forward and will possibly have some specific suggestions on what they feel needs to be changed that would make it acceptable.

As the Member for Cypress-Medicine Hat stated, we don't want to defend the status quo. We don't want to stay with what we have. We're challenging. We're looking for changes in our society. We want to make a better health care system in the future, and if we have private people in our society that want to come forward and give us opportunities and ideas to change an existing system that is not working well for us, then this is one way in one area that we can make it happen. I think the deferral is the best route for us to go.

MR. CHAIRMAN: Thank you.

Mr. Hlady was the final speaker I had on my list.

Mr. Beniuk, and then Mr. Jacques.

MR. BENIUK: Yes, I just want to add something. The Member for Calgary-Varsity felt I wasn't specific enough. I totally oppose this Bill, absolutely, totally oppose it. I think we should kill it. However . . .

MR. SMITH: I did not say that on record.

MR. BENIUK: On record you did not say that.

MR. SMITH: You did not understand the satirical style of comment.

MR. BENIUK: Through the chair. I would like to know, Mr. Chairman, what the member who presented this motion specifically has in mind that will allow the people who have concerns about this Bill to have an opportunity to appear before this committee: the time frame, the number of meetings, and exactly what the process will be. If you're deferring, then you must have a plan in mind of how you're going to have more input. I suggest we kill it, but if the member is saying delay to get more information, I would like to know exactly what the process is going to be and the time frame.

MR. CHAIRMAN: I'll let the member answer the question himself. But before I do, Mr. Smith would like to speak.

MR. SMITH: Thank you, Mr. Chairman. Never before have I heard such clear suppression of the individual's rights to access the Legislature than what I've just heard from the hon. member from Edmonton-somewhere. The inability for an individual to access the Legislature and ask an MLA to introduce a Bill is clearly in violation of the democratic process and certainly that of private Bills. Having said that, it's important that private Bills work as a springboard for some of these instruments of change, and I think that Dr. Gimbel, having done his homework, having had a foundation cleared by Revenue Canada, having produced this Bill, warrants the debate. Indeed by having the initial discussion -- we have had intervenors; we've had supporters -- there's clearly a need for further debate and further due democratic process. So in direct contradiction to the member from Edmonton-whenever, I cannot in all good conscience ask for this Bill to be defeated at this stage. To in fact accurately reflect the democratic process, deferment is indeed an excellent choice. Edmonton-Norwood; sorry.

MR. BENIUK: For the record, I have no problems -- in fact I believe everybody has the right to appear before this committee with a Bill. However, I totally oppose this Bill, and I suggest we defeat it. There's a difference between supporting the right of a person to appear before this committee . . .

AN HON. MEMBER: Point of order. It's not his turn, Mr. Chairman. [interjections]

MR. CHAIRMAN: I did recognize him. He raised a point of order.

MR. BENIUK: I was going to go through 23(h), (i), (j), but I'll simply say there's a difference between supporting the right of a person or a group to appear before this committee and supporting this Bill. I oppose this Bill. It's a bad Bill, and I think we should defeat it.

MR. CHAIRMAN: I don't see a point of order in that, but you did get back in the speaking order, so congratulations to you.

Mr. Herard.

MR. HERARD: Yes, it was on that point. It's now the third time we hear from Mr. Beniuk that he is opposed to this Bill. I suppose we could go around this committee a number of times restating our positions. Now, I think we've all had an opportunity to speak, unless someone has not, and we should call the question.

MR. CHAIRMAN: Thank you. The question has been called.

Mr. Jacques, you made the motion. Would you like to summarize? Are we ready for the question and we'll give Mr. Jacques the opportunity to summarize?

MR. JACQUES: Thank you, Mr. Chairman. If we look at the summary of the debate, I think there are various categories we could put it in, from thoughtful debate, particularly those that indeed were suggesting the Bill be defeated at this point in time for very valid reasons, and those that suggested that perhaps we should pass the Bill at this time, again for very valid reasons and I guess to a large extent reflecting the motion I made which obviously did receive some support during the debating process. I find it regrettable, Mr. Chairman, that some members of the committee had to use this as political grandstanding and cheapen the debate. That is unfortunate, and I guess that's the way the process works. To suggest that in

some way the integrity of the individual putting forward the Bill or the suspicion of motives or even the fact that this is a government ploy or a government agenda -- I just find it incredible that anybody would even bring that up at this point.

I think the issue we're dealing with also in terms of deferment -- somebody said this doesn't solve the issue, but I would remind members that indeed we already deferred two prior Bills today to the fall, and we do that continually. We do that on the basis of either the petitioner wanting to supply further information or, indeed, the committee at times wanting to develop further information and positions.

So certainly the motion with regard to this particular Bill I believe fits in terms of the precedent we've established before. More importantly, I think it does reflect quite frankly the genuine degree of interest a lot of people on both sides of this House have on this issue. I don't believe it's necessarily a partisan view. I think it's one they're trying to come to grips with in terms of the best options for Albertans and not because of a political agenda.

With that, Mr. Chairman, I would like to close debate and ask for the question.

MR. CHAIRMAN: Thank you.

I'm going to now put the question. Mrs. Marston would you read the motion.

MRS. MARSTON: The motion by Mr. Jacques is  
that this committee defer its decision of Bill Pr. 6, being the Gimbel  
Foundation Act, until the fall 1994 sitting of the Legislature.

MR. CHAIRMAN: Thank you.

All in favour of the motion say aye.

SOME HON. MEMBERS: Aye.

MR. CHAIRMAN: All opposed say no.

SOME HON. MEMBERS: No.

MR. CHAIRMAN: The motion is carried.

MR. WICKMAN: Mr. Chairman, I would ask that the vote be recorded.

MR. CHAIRMAN: Sure. We've never had a recorded vote; we have noted objections. We'll have a show of hands.

MR. WICKMAN: Mr. Chairman, it's standard procedure in committee that if a member requests an opportunity for a recorded vote, the vote be recorded.

9:26

MR. CHAIRMAN: Fine. That's fine with me.

All in favour, please indicate by raising your hand. Mr. Amery, Mr. Fischer, Mrs. Laing, Mrs. Gordon, Mr. Jacques, Mr. Herard, Mr. Smith, Dr. Taylor, Dr. Oberg, Mr. Pham, Mr. Hlady.

All those opposed, please raise your hand. Mr. Wickman, Ms. Leibovici, Mr. Beniuk, Mrs. Soetaert, Mr. Van Binsbergen, Mr. Yankowsky, and Mr. Sekulic.

The motion is carried, by the way.

If nothing else, in the past months we've spent together in this group, at least I've learned everyone's name and we don't need name tags any more.

Committee members, that concludes our business on the agenda this morning, and that concludes the business of the committee. It

will not be necessary for this committee to meet again until the fall. The procedure is that as chairman I will be making a report to the Legislature with respect to the decisions we've made this morning, and if you are sponsoring one of the Bills that is proceeding, be prepared to make the appropriate motions in the Legislature. As in the past, if any member is not present when a Bill comes forward, as chairman I will make a motion on your behalf, but it probably would be best if you are in the House when Bills come through various stages.

Dr. Oberg.

DR. OBERG: Thank you, Mr. Chairman. I'm not entirely sure if this is appropriate, but what I would suggest to you is that when the message is parleyed to the Gimbel foundation, you make suggestions such as the Gimbel Foundation Act be run by the federal government to see if it does contravene the Canada Health Act. I would also suggest that the Gimbel foundation sit down with Alberta Health to reconcile their differences, and hopefully when they come back in the fall, there will be some answers to some of these questions.

MR. CHAIRMAN: Thank you. I will draft an appropriate letter.  
Ms Leibovici.

MS LEIBOVICI: I don't quite know how to do this, but my worry is that in terms of a deferral not much is going to happen. We'll just get more piles of paper. I'm wondering if there's some way of having a process where we can meet with Gimbel and the intervenors between now and September. I don't know if that has ever happened before, if you can do it as a public hearing, because that's what I've heard people say. We need to open up the debate, and how do we do that?

MR. HERARD: What agenda item is this, Mr. Chairman?

MR. CHAIRMAN: Well, we're just discussing other business. The question is appropriate.

This committee does not meet when the House is not in session, so it would not be possible for us to meet out of session on a formal basis. Certainly informally, if members want to have discussions over the break, that's up to them. But this committee does not meet on an informal basis. Basically, as I see it, the ball is in Dr. Gimbel's court at this point. He should be aware now and will be aware of the concerns of this committee, of the debate. Certainly all the debate that we had today is on the record. I would view it as being really Dr. Gimbel's responsibility to be prepared to come back in the fall with answers to some of the questions that have been raised and have been posed not only by this committee but by intervenors.

MS LEIBOVICI: I guess it's a public policy decision that we're going to be making, though, and the argument I heard was to have public input. Is there some way we can ask Alberta Health to do that, to set up a process where they have meetings in Edmonton, Calgary, Red Deer . . . No? That's not appropriate?

MR. CHAIRMAN: I don't think that's within the purview of this committee. No.

Mr. Hlady.

MR. HLADY: Mr. Chairman, I believe Dr. Gimbel and/or Mr. Chipeur would be more than willing to sit down with members if Ms Leibovici or any of the other members are concerned and want to meet with them privately. They would be more than willing to do that. I think it's just a matter of the individual members letting them

know that they want to know more and have concerns and would raise them personally on a one-to-one if they want.

MR. CHAIRMAN: Mr. Jacques.

MR. JACQUES: Just a clarification, Mr. Chairman. Dr. Oberg made the suggestion with regard to some follow-up, and you said you would draft an appropriate letter. Would it be your intention to circulate the letter and any responses to members of the committee when the House is not sitting? I assume that type of activity could continue.

MR. CHAIRMAN: Yes. It's pretty much standard that as chairman I would advise all the petitioners of our decisions today. As well as Dr. Gimbel, I'll also be having letters forwarded to everyone else whose Bills were dealt with today. Copies of those will be distributed to the committee.

MR. JACQUES: Okay. Well, to the extent that ultimately there will be some replies received, whatever those replies may say, would it be your intention as well to somehow make that information public so that either intervenors of the past or possible intervenors of the future could be aware of that on a developing basis rather than at one point in time?

MR. CHAIRMAN: Well, I'm not sure what the logistics of that might be. I'd have to give some consideration on how that might be possible. Certainly the committee continues to exist even though it doesn't meet, and there would be ongoing communication with the committee on any number of Bills and topics. But the committee does not meet when the House is not in session. That doesn't preclude correspondence. As I say, the committee continues to exist; it just doesn't meet.

Mr. Herard.

MR. HERARD: I would like to make a motion that we adjourn.

MR. CHAIRMAN: Well, I think that would be appropriate. All in favour of the motion to adjourn? Opposed? Carried.

[The committee adjourned at 9:34 a.m.]

