

Standing Committee on Private Bills

9:31 a.m.

[Chairman: Mr. Renner]

THE CHAIRMAN: Well, good morning, everyone. I'd like to call this meeting to order. This is an organizational meeting for the Standing Committee on Private Bills.

I would first of all like to have a motion to approve the agenda. Everyone should have a copy of the agenda. It's in your binder.

MS MARSTON: No, it isn't. It was distributed this morning with the memo.

THE CHAIRMAN: It was distributed this morning. Okay.

I guess before that motion, are there any additions to the agenda? If not, then a motion would be in order.

MR. ZWOZDESKY: So moved.

THE CHAIRMAN: Moved by Mr. Zwozdesky. I'm going to have to make sure I learn names all over again.

The other thing we have is approval of the minutes from our last committee meeting. It probably would be appropriate for a carryforward member to make that motion. Dr. Oberg. Any discussion? Seeing none, then all in favour? Opposed? Carried.

Just before we get started with the overview of the petitions we have received, I want to give a very brief orientation. First of all, I want to welcome the new members to our committee. We have a number of new members from both the government and the opposition. I want to welcome the members and take just a few minutes to orient you, to brief you.

We all see private Bills going through the Legislature, and everyone's not necessarily aware exactly what they are and where they come from. We are the committee that is designated to have a look at private Bills that are proposed by the general public. Everyone understands that there are private members' Bills brought forward by members of the Legislature that create laws that affect all Albertans. There is also another category of Bills that this committee deals with, and that is private Bills. Private Bills are brought forward by petition from Albertans requesting legislation that affects a very limited group or, in many cases, an individual. If you look through the Bills that have been brought forward this time that are in your binder, you can get a bit of an understanding of where these private Bills come from. Mr. Reynolds did a really good job of summarizing in his memorandum that you received with your binders. If you have a chance to go through that, it will give you a better idea.

The procedure is that the Bills are referred to this committee. This committee then hears from the petitioner. The dates are advertised. The fact that the individuals have petitioned the Legislature for a Bill is advertised, and anyone from the general public that wishes to participate is invited to do so. We then have a hearing in this room. The committee sits on the government side of the House, and the petitioners normally sit on the opposition side of the House. They present their case. They let us know why they want this Bill passed on their behalf. Then members of the committee have an opportunity to ask them questions. At the same time, if someone from the general public has concerns or wishes to participate, they get the opportunity to present their case as well and committee members have the opportunity to question them.

At the conclusion of that process, the committee usually -- and we've set a precedent during the last couple of sessions, and we find it works better -- mulls it over for a time. Then we come back as a committee and meet without the petitioners present and have a discussion and make a recommendation to the Legislature.

There are three recommendations that our committee can make to the Legislature. We can recommend that the Bill proceed as it is, we can recommend that the Bill proceed with amendment -- and the amendments are our recommendation -- or we can recommend to the Legislature that the Bill not proceed. At that point, as chairman I will stand up in the Legislature and make a report to the Legislature saying that the committee has considered the following Bills and our recommendations are as follows. I just go through those recommendations and ask for the concurrence of the Assembly. If that is given, then they go on the Order Paper and are dealt with just like any other Bill of the Legislature.

The Bills that we'll be dealing with will receive first reading on Monday. Then they'll be referred to our committee. We go through the process, and at some point in time I may report on all of them or part of them. Last year we had, I think, 15 Bills we were dealing with, so we did them in two sections. This time there are 10, so I suspect we'll probably deal with them all at once. I will report to the Legislature. The Bills that we recommend proceed go through the normal process. They would then go on to second reading, committee, and third reading just as any other Bill, and they are subject to debate in the Legislature at that point in time. Normally there is very little debate because the Legislature has appointed us to look at these Bills and make recommendations, but there is opportunity for debate. The only time there is not opportunity for debate or there's very limited opportunity for debate is if our committee recommends that the Bill not proceed. That being the case, the only time there is debate in the Legislature is on my report. When I ask for concurrence of the Assembly, there is opportunity for debate at that time. If concurrence is given to my report, the Bills that we recommend not proceed are automatically dropped from the Order Paper and there is no further debate.

Are there any questions from any of the new members?

We meet at 8:30 on Tuesday mornings, and since we have 10 Bills to deal with, we're going to try and handle two Bills at each meeting. We've already run into a slight problem in that we can't get two groups that are able to participate a week from today. When we get into scheduling of the hearings, I can explain that. But normally we would deal with two Bills each day. When we schedule them, we try and schedule them such that one is anticipated to be a little shorter than the other so the time frame works out. Normally the meetings are scheduled for two hours, so we would meet from 8:30 until 10:30. There is a little bit of leeway, a little bit of flexibility in that there is nothing else in the Chamber, so if we go a little bit past 10:30, that's all right. But I try and keep the meetings as close to 10:30 as possible.

In years past, Private Bills and Public Accounts were held the same day, on Wednesdays, but with the new schedule, moving the sitting time from 2:30 to 1:30, the time frame was just a little bit too tight. That's the reason we hold ours on Tuesdays and Public Accounts on Wednesdays.

With that, then, Mr. Reynolds, would you like to lead us through a review of the petitions?

Maybe before you do, I should explain that the Standing Orders have changed slightly this year, and I think they make much more sense. It's a twofold process. What we are doing today is dealing with the petitions themselves. The individuals have petitioned the Legislature to pass Bills on their behalf. I tabled those petitions in the House yesterday. Today we will look at the petitions, and in consultation with Parliamentary Counsel we will agree that the

petitions either do or do not meet the requirements in Standing Orders. I will then report our findings back to the Legislature either this afternoon or tomorrow. Then the Bills can be put on notice, and first reading will be held on Monday. The way we operated in the past is that the Bills received first reading and then came to the committee before the committee had a chance to examine the petitions. So it does make a little bit more sense this way. I as chairman was asking the House to waive Standing Orders when the committee actually hadn't had a chance to look at the petitions.

So we have 10 petitions we have received. Mr. Reynolds, our Parliamentary Counsel, will walk through them with us and point out any deficiencies that may be there.

9:41

MR. REYNOLDS: Thank you, Mr. Chairman. As the chairman indicated, the petitions for the private Bills come to our office, and they have to comply with several Standing Orders that are listed, Standing Orders 85 to 89. They have to be advertised twice in the newspaper. The notice has to be advertised in the *Alberta Gazette*. For those advertisements we receive what's known as a statutory declaration from the petitioners, which is an affidavit proving publication. That had to be done before February 28, 1995. We also receive a \$200 cheque payable to the Provincial Treasurer, and we receive copies of the Bills.

In all but two cases this year everyone met the requirements of the Standing Orders, and as indicated in the briefing note, the two noncomplying petitions really were quite minor in nature. There was the petition for the Colin Chor Wee Chew Legal Articles Act. The solicitor for the petitioner sent me a statutory declaration indicating that they had requested the *Edmonton Journal* to publish it on two consecutive weeks. However, it was not published on two consecutive weeks; it was published on the 8th and the 25th. I believe it was the 25th. In any event, it's a rather small error.

The other noncompliant petition was the petition for the Milk River and District Foundation Act. What happened there was that the petitioners published the ad in the *Lethbridge Herald*. The second ad ran on March 2 when in fact it should have run on February 28. They were out by two days, so they seek a waiver of Standing Orders 86(1)(b) and 86(2).

I should also point out that, as the chairman indicated, the committee is now considering the petitions, which are different than the Bills. The Bills will be introduced next week so the committee can then hear from petitioners next week. Obviously, the committee can't consider the Bills until they're introduced in the House. Some time before then, by the end of this week, you'll have Parliamentary Counsel's report on the Bills, which is a briefing on various aspects.

I should point out that we received a lot of these Bills quite late. In my limited experience here, Bills have come in, you know, months before with all the documentation. This year I think about seven of the 10 Bills -- we didn't receive everything until the last day. Well, between Friday and Tuesday, which was the deadline, we received seven out of the 10 Bills and documentations.

What normally happens with the petitions we receive: we ask the departments for a briefing, because they're the ones who would have policy concerns about certain Bills. That's the stage we're at right now. It makes it a little difficult to write the report without knowing what the departments' views are, but we'll push ahead anyway.

Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you.

Is there any discussion regarding the two Bills that have deficiencies? It is appropriate for this committee to make a motion asking that the Legislature waive the Standing Orders in light of the

deficiencies. Actually, I do have motions worded if anyone wishes to make one.

MR. ZWOZDESKY: We're not contravening anything by accepting them, are we? I mean, they're not contravening anything. There's no . . .

MR. REYNOLDS: The Standing Orders require that everything has to be done by the time stated in the Clerk's notice. The Clerk publishes a notice saying when everything has to be submitted. The date the Clerk gives is the 15th day following the opening of a sitting. So what happens is: in this year, that was February 28. The point is that they just didn't meet the February 28 deadline, but everything else has been done. It is of a rather technical nature. I couldn't say anyone's been prejudiced by anything like this. They've met all the requirements. It's just that they're a little late.

MR. VASSEUR: So the recommendation from Parliamentary Counsel would be that we go ahead with it?

MR. REYNOLDS: Well, that's up to the committee to decide, but certainly in my mind there's no prejudice by accepting this. It's just a mere problem with a few days.

MR. KOWALSKI: Mr. Chairman, what are the reasons for these deficiencies? Why did they happen?

THE CHAIRMAN: Why did they happen?

MR. KOWALSKI: Yes. Why are we even dealing with this today?

THE CHAIRMAN: Well, I can't speak for the petitioners. I would assume that in one case presumably it was a miscommunication between the petitioner and the newspaper, the fact that the ads did not run on consecutive weeks.

MR. KOWALSKI: Do we know that for a fact, or are we just presuming something here?

MR. REYNOLDS: Well, I have a statutory declaration from the lawyer where he gave his letter of instruction to the newspaper and requested that it run in two consecutive weeks. It was an error by the newspaper because it didn't run in two consecutive weeks.

MR. KOWALSKI: Is this the situation in both cases? There were errors by the newspaper?

MR. REYNOLDS: I don't believe so. I believe in the other case they were just a little late in getting it to the newspaper. It has to run one week apart, so the first ad ran in February and then the second ad ran on March 2. I have the solicitor's letter, but I can't actually remember why that was the case.

MR. KOWALSKI: There's no possible potential here of an individual who may be opposed to something, knowing the Standing Orders and knowing what the rules are, that there have to be two advertisements in two weeks; not a possibility of someone out there who might be opposed to whatever the heck it is, attempting to look at the papers, knowing the rules that certain things are supposed to happen and then finding out it didn't happen? We have no potential of that happening with either one of these?

THE CHAIRMAN: Well, the decision is not of this committee. The Legislature itself makes the final decision, and the Legislature is the

highest court in the land. Presumably after discussion it's up to the committee, but the committee could recommend to the Legislature that Standing Orders be waived in these two particular Bills. If the Legislature gives its concurrence, then that becomes the law.

MR. KOWALSKI: I understand all that. I'm just wanting to make sure nobody's been prejudiced. We shouldn't work on the word "assumption"; we should work with the word "fact."

MR. HERARD: I think the hon. member makes a good point. I suppose if a problem came up during the time we were hearing either of those two petitions, then a decision would have to be made as to whether or not there was prejudice as a result. I agree that right now we're making assumptions about prejudice. I certainly would not counsel that we not hear those petitions, but if a problem did arise, we would have to deal with it as a result of the Standing Orders and what they're telling us to do.

MR. BRACKO: I'll move we go ahead with whatever the motion is to proceed. We can discuss it all day, but I think enough has been said from your perspective that we can move ahead with it.

THE CHAIRMAN: It would probably be best to deal with them individually.

MR. REYNOLDS: Before you formally make the motion, could I just point out that there is in the Standing Orders the ability of the committee to require additional advertising if it believes that's necessary. It can advise the petitioners to undertake what additional advertising it feels is necessary. I should also point out that with respect to one of the Bills for which a waiver has been sought, the Colin Chor Wee Chew Legal Articles Act, we have already received one letter respecting that petition. With respect to the petition for the Milk River and District Foundation Act, we haven't received any letters or interventions at all, which is not uncommon.

MR. TRYNCHY: Was the letter that you received a concern?

MR. REYNOLDS: Yes.

MR. TRYNCHY: So it's an objection?

MR. REYNOLDS: Yes.

MR. TRYNCHY: Then I think we should think about it and have a motion that we have that readvertised if there's already an objection.

MR. REYNOLDS: I'm sorry. It wasn't an objection to the advertising; it was an objection to the Bill, which just means that they obviously knew about it and were able to object. I believe it's in your binders. This would be the one body that would have the only objection to it. I just pointed that out to indicate that the notice would have been sufficient so that the group that did protest knew about it.

MR. TRYNCHY: The only concern I have is that if we allow it to go, as Mr. Kowalski mentioned, we might run into trouble. If we can clear ourselves that it provides no difficulty, that's fine, but if it does, it might be better, as you mention, Counsel, that we advertise it if we have sufficient time to do it.

9:51

THE CHAIRMAN: Well, in this particular case the problem with the Standing Orders was that the ads did not run consecutively, but

there were two ads that ran. Both ads ran prior to the date that we have for a cutoff. Instead of running in consecutive weeks, there was a gap in between. Well, certainly it's up to the committee.

MR. BRACKO: I move, Mr. Chairman, that Standing Order 86(1)(b) be waived for the petition for the Colin Chor Wee Chew Legal Articles Act.

THE CHAIRMAN: Any discussion? Ms Hanson, you had . . .

MS HANSON: No, I had the same question as Mr. Trynchy.

THE CHAIRMAN: Okay.

So we do have a motion then. There's discussion to the motion.

MR. VASSEUR: The motion represents which Bill? Is that the Bill where the advertisement was done prior to the date but not consecutive weeks? That's the one there?

THE CHAIRMAN: That's right. That's the one.

MR. VASSEUR: Okay.

We're going to deal with the two issues independently?

THE CHAIRMAN: Yes.

MR. VASSEUR: Okay.

THE CHAIRMAN: Any further discussion, then, to that motion?

MR. HERARD: Yeah. I think we should probably add to the motion that that provision be waived unless we get an objection or a problem arising out of it, in which case I think we'd have to bring it back to the committee to see what we should do with it.

MR. REYNOLDS: Well, it would be a conditional motion then, so that would be difficult. But it's always in the committee's power to order more advertising. I mean, that's not something you need a separate motion on. When the petitioners appear, you could just ask them at that point. It's always in the committee's power to order it.

MRS. LAING: I really don't feel there's a big problem here, because they've advertised twice; they've done it before the deadline. Although they didn't meet the letter of the law maybe, I don't really feel there's a problem. It may even be advantageous to have more time between the two notices as well. You know, perhaps different people saw the second one from the first one. So I don't really feel this is a problem.

THE CHAIRMAN: Any further discussion on this motion then? I see none. I'll call the question on the motion then. Do you want to read the motion again just to be sure?

MS MARSTON: Mr. Bracko moves that Standing Order 86(1)(b) be waived for a private Bill, Pr. 6, the Colin Chor . . .

MR. REYNOLDS: No, sorry. You can't say Bill 6. It hasn't been introduced in the House yet.

MS MARSTON: I'm sorry. Mr. Bracko moves that Standing Order 86(1)(b) be waived for the petition for the Colin Chor Wee Chew Legal Articles Act.

THE CHAIRMAN: Okay. Is everyone straight?

All in favour of that motion? Opposed? Three opposed. The motion is carried.

Okay, let's deal with the second. Perhaps the best way to deal with it is to put a motion on the floor one way or the other, and then we can have discussion to that motion.

MR. BRACKO: I'll move, Mr. Chairman, that Standing Order 86(1)(b) and (2) be waived for the petition for the Milk River and District Foundation Act.

THE CHAIRMAN: Okay. Does everyone understand that motion? Discussion is then to that motion.

MR. VASSEUR: This particular motion is the one where the advertising was done late.

MR. REYNOLDS: Well, one of the ads ran two days late.

THE CHAIRMAN: The requirement is two ads to run two consecutive weeks prior to February 28, and one ran on March 2.

MR. VASSEUR: Just to clarify, there could be a question that somebody could be prejudiced on this one here, because maybe they advertised the issue late purposefully. So I'm in concurrence with some of the comments that were made before, that this one is not at all what the other one was. It did run late, and I think it's a more serious one than the first one. That's my opinion.

MR. REYNOLDS: Mr. Chairman, sorry. I should just point out -- and of course this is in no way binding on the committee -- that I think in previous years motions like this have been made; have they not?

THE CHAIRMAN: Yeah. There are precedents that this committee has waived the requirement.

MR. VASSEUR: Is there time for readvertising and the Bill being dealt with in this session?

THE CHAIRMAN: Well, anything's possible. It depends how much of a time frame you would like to have from the time the ad runs until the committee deals with it.

MR. VASSEUR: Well, just the existing legislation that's in place, the two weeks that run consecutively, and go from there. Is there the time frame to do that and be within existing legislation?

THE CHAIRMAN: Well, it depends when we have the hearing here. It could be as much as five weeks from today.

MR. VASSEUR: Okay. So that hearing is not scheduled.

THE CHAIRMAN: Mr. Wickman.

MR. WICKMAN: Yes, Mr. Chairman. I think we're starting to get off on a tangent a wee bit. We would cause a tremendous amount of hardship to the applicant in terms of having to go through the process again, the cost of readvertising and such. We're only talking two days here. It's not a big deal. It's fairly customary for the committee to deal with these on that basis. When the application comes forward, if there is strong opposition to it and if the opposition points out that this is one of the factors, at that particular time we have the right to make a decision that's not favourable to them. Secondly, when it goes to the Leg. Assembly -- even if it's

recommended from here, again a second opportunity. So the checks and balances are there, and I don't think we should make it difficult for people.

MRS. LAING: Mr. Reynolds, were the petitions in the *Alberta Gazette* done on time? Because that's part of it.

MR. REYNOLDS: Yes. All the petitions in the *Alberta Gazette* appeared on time.

MRS. LAING: That's the more legal requirement; is it not?

MR. REYNOLDS: Yes. All the petitions appeared in the *Alberta Gazette* on or before February 28.

MRS. LAING: So it's had its two hearings there, and then it's actually had two advertisements, although the second one . . .

MR. REYNOLDS: It's only required to run once in the *Gazette*.

MRS. LAING: Once? Okay. But it has complied with that.

MR. REYNOLDS: Yes.

MRS. LAING: I agree with Mr. Wickman. I don't believe two days is a big problem. I mean, the legal requirements are through the *Alberta Gazette*; are they not? That's a sort of legal notice that everyone assumes is the correct one.

MR. REYNOLDS: Yes, that's one of the requirements.

THE CHAIRMAN: Mr. Herard.

MR. HERARD: Thank you, Mr. Chairman. I agree with both Mr. Wickman and Mrs. Laing. I think we're really splitting hairs here. You know, if the thing was in March where you've got more than 28 days, you wouldn't have a problem. In February there are 28 days. We'd be sitting at March 30 if it was March. So what are we worried about? If the conditions of the *Alberta Gazette* have been met, then certainly those would indicate the good faith of the applicant.

AN HON. MEMBER: Question.

THE CHAIRMAN: I had a call for the question. Are you ready for the question?

HON. MEMBERS: Question.

THE CHAIRMAN: Can we have the motion read, please?

MS MARSTON: Mr. Bracko moves that Standing Order 86(1)(b) and (2) be waived for the petition for the Milk River and District Foundation Act.

THE CHAIRMAN: You've heard the question. All in favour? Opposed? I'd better count. I think it's carried, but we'd better count. All in favour? I get 10. Opposed? Five. The motion is carried.

10:01

All right then. Let's move on to item 6 on the agenda, the schedule of hearings. As I mentioned, it's our intention to try and deal with two Bills, two Acts, per day. I've had Parliamentary Counsel working with the petitioners trying to organize some dates, and I have some tentative dates. Unfortunately, because of the fact that we need a certain amount of time to get ready for some of these and as some of them are reasonably complex and the petitioners in

many cases have to travel from out of town, we have to have some flexibility. But I do have a tentative schedule here. Do you have copies of this?

MS MARSTON: I brought them, if you'd like to distribute them.

THE CHAIRMAN: Okay. Let's do that. Can you distribute these at this point, and then we can go through and see if there are any concerns or other suggestions? We would end up from this list only dealing with one petition on March 14, and then we would have three petitions on April 11. Other than that, we would have two each day.

MR. WICKMAN: Mr. Chairman, while it's being distributed, can I ask as to what time you intend to have the committee meet in the mornings?

THE CHAIRMAN: Well, on the days when we're dealing with two petitions, I think 8:30 is still necessary. For next week, a week from today when we only have one petition, it's up to the committee, whatever you like, but it wouldn't be necessary that we meet at 8:30 if you want to start a little bit later. For the rest of the days I think 8:30 would be appropriate.

MR. WICKMAN: I raise the point, Mr. Chairman, in respect of our caucus meetings which start at 9:45. We went through this difficulty last year. We were able to work around it, so I hope we could do the same this year.

THE CHAIRMAN: Well, it's fine with me. If we want to start at 8:30 next week, provided there's concurrence in this schedule, we could start at 8:30. We'll probably be finished by 9:30.

Are there any comments or suggestions to this schedule?

Mr. Reynolds indicated that he will be preparing briefing notes and a report on each Bill for this committee, and those will be ready by the end of this week or the first of next week.

Okay. Now that everyone's had a chance to have a look at it, could I have a motion that we proceed with this schedule?

MR. WICKMAN: Just one question, if I could, Mr. Chairman. There's already an indication that Pr. 10, the Calgary Regional Health Authority Charitable Annuity Act, could in fact become very complex in that some people have already seen some relationship, some similarities to that in the Gimbel Bill. If that's the case, one of three in one morning is going to be a little difficult.

THE CHAIRMAN: Well, I had a look at the Bill, Mr. Wickman, and I don't think that once you have a chance to look at the Bill that's the case. It's pretty straightforward.

The Bills are in the binders?

MR. REYNOLDS: The draft.

THE CHAIRMAN: The draft. Okay. If you want to have a look, there is the draft of that Bill in your binder.

MR. WICKMAN: Okay.

THE CHAIRMAN: If we do run into a problem, we have the flexibility of extending a meeting. So this is tentative. This is subject to availability of the petitioners, and obviously if the committee requires extra time, we'll have to take extra time.

MRS. LAING: Mr. Chairman, I move that we adopt the schedule of meetings as outlined.

THE CHAIRMAN: All right.

MRS. LAING: Do you want a little . . .

THE CHAIRMAN: That's fine. Mrs. Laing moves that we adopt the schedule as outlined.

Mr. Zwozdesky.

MR. ZWOZDESKY: I was going to move it just to move on.

THE CHAIRMAN: All right. Any further discussion, then, to that motion? All in favour? Opposed? Carried.

Just before we adjourn, I need some volunteers. Of the 10 Bills, we already have seven of them with designated sponsors. Three of them do not have sponsors. Those are the Alberta Stock Exchange Amendment Act . . .

Mrs. Laing.

MRS. LAING: Yes, I was asked to sponsor Pr. 10, as it's very similar to Pr. 9.

THE CHAIRMAN: Oh, okay. So you were going to do 9 and 10. We just had your name on 9.

MRS. LAING: Yes. I realized that. I told Mr. Reynolds last night.

THE CHAIRMAN: Okay; good.

Then that's only two. We need the Alberta Stock Exchange Amendment Act, 1995, and the Concordia College Amendment Act, 1995.

MS HANSON: I'll volunteer to sponsor Concordia College. They're in my constituency.

THE CHAIRMAN: Concordia College? Good. Ms Hanson. And how about the Alberta Stock Exchange? Mr. Herard. Good.

Because, as I mentioned earlier, these are private Bills, that does not necessarily mean the sponsor is obligated to support the Bill. It's just that the sponsor will introduce the Bill in the House for first reading and then follow through after the committee makes its recommendations.

All right. Does anyone have any further business that needs to come before this committee? If not, then I will entertain a motion to adjourn.

DR. OBERG: You've got it.

[The committee adjourned at 10:07 a.m.]

