

## Standing Committee on Private Bills

8:32 a.m.

[Chairman: Mr. Renner]

THE CHAIRMAN: Good morning, everyone. I'd like to call this meeting to order. This is the regular meeting of the Standing Committee on Private Bills. Everyone has a copy of the agenda that has been circulated. I would entertain a motion to approve the agenda as circulated.

MRS. ABDURAHMAN: So moved.

THE CHAIRMAN: Mrs. Abdurahman. Any discussion? All in favour? Opposed? Carried.

We also just circulated a copy of the minutes from the last meeting, held on Tuesday, April 11. A motion would be in order to adopt those minutes.

MRS. ABDURAHMAN: I'll move they be approved as circulated, Mr. Chairman.

THE CHAIRMAN: Mrs. Abdurahman. Is there any discussion? Errors or omissions? All in favour then? Opposed? Carried.

The purpose of our meeting this morning is to have a general discussion and make some recommendations on each of the Bills. We've heard presentations from each of the petitioners, and it's the responsibility of this committee now to make recommendations to the Legislature on whether these Bills should proceed, should not proceed, or should proceed with amendment.

Of particular interest to any new members on the committee and as a reminder to any of the members who have been here before, it has been the practice and tradition of this committee that discussion on the Bills themselves be somewhat more informal than the regular deliberations. As a result, if you'll go through copies of *Hansard* from these meetings, you'll note that in most cases, if not all cases, there has been a motion that the committee go in camera for discussion of the Bills. Certainly I take my direction from the committee, but a motion that the committee go in camera at this point in time would be appropriate.

Mr. Jacques.

MR. JACQUES: I would so move.

THE CHAIRMAN: Thank you. Any discussion? All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

[The committee met in camera from 8:34 a.m. to 9:07 a.m.]

THE CHAIRMAN: All right. I will now entertain a motion with respect to Bill Pr. 1, Missionary Church Amalgamation Authorization Act.

MR. WICKMAN: Mr. Chairman, I'll move that we recommend to the Legislative Assembly that Bill Pr. 1 proceed.

THE CHAIRMAN: Thank you. Any discussion? All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Next is Bill Pr. 2, City of Edmonton Authorities Repeal Act.  
Mr. Yankowsky.

MR. YANKOWSKY: Yes. I would like to move that Bill Pr. 2 proceed to the Legislature. Is that correct?

THE CHAIRMAN: Well, we recommend to the Legislature that it proceed.

Any discussion? All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

The next Bill is Bill Pr. 3, Alberta Stock Exchange Amendment Act, 1995.

Mr. Herard.

MR. HERARD: Thank you, Mr. Chairman. I would move that Bill Pr. 3, the Alberta Stock Exchange Amendment Act, 1995, be recommended to the Assembly to proceed.

THE CHAIRMAN: Thank you. Any discussion? All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

The next one is Bill Pr. 4, Galt Scholarship Fund Continuance Act.

MRS. ABDURAHMAN: I would move that we recommend to the Legislature Bill Pr. 4, the Galt Scholarship Fund Continuance Act.

THE CHAIRMAN: It will have to be with amendment.

MRS. ABDURAHMAN: Oh, with the amendments as drafted. Do we recommend the amendments or as amended?

THE CHAIRMAN: You recommend that we proceed with the following amendments.

MRS. ABDURAHMAN: Okay. The Galt Scholarship Fund Continuance Act be amended as follows: (a) the following is added in the preamble before the first recital:

Whereas the Board of the Lethbridge General and Auxiliary Hospital and Nursing Home District No. 65 was disestablished by Order in Council 159/95 on March 5, 1995, and its affairs were taken over by the Chinook regional health authority; and  
and (b) in section 2(b) by striking out "Lethbridge General and Auxiliary Hospital and Nursing Home District No. 65" and substituting "Chinook regional health authority."

THE CHAIRMAN: Does everyone understand the motion? All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

THE CHAIRMAN: Next is Bill Pr. 5, First Canadian Casualty Insurance Corporation Amendment Act, 1995. Can I have a motion on the floor?

MR. WICKMAN: I'll move that we recommend to the Legislative Assembly that Bill Pr. 5 proceed amended as follows: in section 3 by striking out 2.2.

THE CHAIRMAN: Thank you. Does everyone understand the motion? Any discussion? All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Bill Pr. 6, Colin Chor Wee Chew Legal Articles Act. Would someone like to make a motion?

MRS. ABDURAHMAN: I'll move that we not recommend that Bill Pr. 6, Colin Chor Wee Chew Legal Articles Act, proceed to the Legislature.

THE CHAIRMAN: Thank you.  
Discussion? Mr. Pham.

MR. PHAM: Thank you, Mr. Chairman. I would have to speak against the motion on the floor. There are several facts about this case that we received during the hearing. Number one, this man has practised law for 20 years in Malaysia, which is a common-law country. The second fact is that he will have to complete his articling and pass all the bar exams in Alberta before he can be considered a lawyer here. Fact number three: what the Law Society asked him to do was to go back to university and take two years of an undergraduate program in any discipline at all, which may have nothing to do with a law education. He can take economics or political science, and that will be conceded as sufficient for the Law Society to allow him to continue articling. Fact number four is that it costs us more than \$10,000 a year to educate a student at a university level.

I look at all these things, and they come down to one very basic thing: will anyone benefit from making him go back and take two years of undergraduate study? It will cost our society in excess of about \$20,000. I understand that the Law Society is a self-regulated body and we should not interfere with the decisions of the Law Society. However, I was elected on the basis that people asked me to come here and if there is anything that is not right, change it. They didn't ask me to come here to protect the status quo. In this case, I don't think the people of Alberta are better served by making this man go back and take two years of undergraduate study. Moreover, I don't know whether he has any children or family members to support or not, but that could put a lot of financial hardship on the man. It doesn't do anyone any good, because we are making him go through all these programs just to meet the fine print in the Law Society requirements.

I would appeal to the sense of justice of all members in this House. Just imagine yourself in that man's position and ask yourself the question: is it fair for someone to force you to go back to school to take two years that are totally irrelevant to what you want to do?  
Thank you.

THE CHAIRMAN: Thank you.  
Mr. Tannas and Mr. Herard.

MR. TANNAS: Thank you. Notwithstanding what our colleague Mr. Pham has said, I have some difficulty with this case in that there is already an open procedure he has recourse to, and he was reminded of that by the Law Society. I have great discomfort overriding the Law Society on something that is as straightforward as it is. It may or may not be fair that someone has to go to university or to law school for additional years, but that happens to be the entry point for all people who practise law in this province. I don't see a private Bill as a vehicle for circumventing the process that's in place.

THE CHAIRMAN: Thank you.  
Mr. Herard.

MR. HERARD: Thank you, Mr. Chairman. I have great sympathy for what my colleague from Calgary-Montrose said, because I was feeling much the same way with respect to the perceived unfairness of the situation, but at the same time, we're being asked here to make a change to legislation to accommodate this particular case. While I can understand the argument my colleague has made with respect to who will benefit, we don't want to set a precedent that could turn into a situation where indeed unqualified people could in fact bypass the Law Society. So while I sympathize with his point of view, I certainly would not want to recommend making a change in law simply to accommodate one case. The Law Society has in fact seen that they need to perhaps make some changes, and they did say under examination here in this Assembly that they are looking at making some changes. I think we need to let them do that and not interfere by opening up a situation that could, I suppose, be misused in the future.

Thank you.

THE CHAIRMAN: Thank you.  
Is there any further discussion?

MRS. ABDURAHMAN: Can I close debate, Mr. Chairman?

THE CHAIRMAN: Sure.

9:17

MRS. ABDURAHMAN: I speak in favour of my motion. I'm certainly sympathetic to this individual's plight, but as colleagues have stated, particularly the two previous speakers, this indeed could be a dangerous precedent. There are other mechanisms that I think would be more appropriate to try to correct this unfairness using the Law Society legislation.

Mr. Chairman, it reminds me of the fact that it's not just the legal profession that faces difficulties when you immigrate to a new country. The same can be said for the medical profession. In actual fact, my husband is one of the fortunate individuals. He immigrated to Canada and Alberta, where he still is allowed to practise because he came in before legislation changed the requirement for the LMCC, but the reality is that he is restricted to Alberta even though being a practising doctor for over 35 years. If he moved to British Columbia without sitting the LMCC, he couldn't practise. So yes, we do have a problem within Canada when it comes to this type of issue, but this is not the way it should be addressed. I speak in favour.

THE CHAIRMAN: Thank you.

I think perhaps we should have the vote first, and then I'll make a comment.

The motion is that the Bill not proceed. All in favour of the motion?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Three opposed.

MRS. FRITZ: Mr. Chairman, can I ask that that be recorded as opposition?

THE CHAIRMAN: Yes.

MRS. FRITZ: Thank you.

THE CHAIRMAN: I will put in on the record. Mr. Pham, Mrs. Fritz, and Mr. Kowalski are opposed.

All right. As a result of some of this discussion, I would certainly take direction from the committee. It would be within the committee's prerogative to instruct the chairman to write a letter to the Law Society expressing our concern about the dilemma we had. If you wish, I can do that.

MR. BRACKO: Do you need a motion?

THE CHAIRMAN: Yes, it would require a motion. Moved by Mr. Bracko. What is the motion?

MR. BRACKO: To write a letter to the Law Society to let them know of the discussion that took place here and the dilemma we faced.

THE CHAIRMAN: Thank you.

Discussion to that motion then. Mr. Jacques.

MR. JACQUES: Thank you, Mr. Chairman. I would speak against the motion. I think the area of deliberation is quite clear with regard to the Bill that was put forward in terms of the rationale that was put forward by the petitioner and, equally important if not more important, the rationale that was put forward by the Law Society. It has been referenced in some discussion, and even by the petitioner himself, that there was some magic about England. Indeed, one of our colleagues has made some reference to the magic about the Commonwealth. The reality is that in terms of today's law there's probably less similarity between a practising lawyer in Canada and in the U.K. than there was perhaps 50 years ago, and there's probably more substance in terms of comparing the qualifications today with other countries that aren't even referenced.

So it seems to me that by proceeding with that type of letter, we're getting into an issue where quite frankly we're not capable of providing some form of direction to the society. I think the society itself, under the bylaws and under the Act, is much more capable of sorting out the qualifications that need to be in place. To the extent that they need some ability to change or to adjudicate circumstances that don't necessarily fit one hundred percent, they should have the freedom and the reference to do that.

With that, Mr. Chairman, I would indicate that I do not support the motion.

THE CHAIRMAN: Thank you.

MR. WICKMAN: I'm going to disagree with my esteemed colleague. I feel comfortable that the society will get a copy of *Hansard*, the proceedings, and take it upon themselves to do it. As much as I may sympathize with the very passionate speech by the Member for Calgary-Montrose, the other side of the coin is very, very clear. Whether it's doctors, whether it's architects, there are procedures in place, and to even suggest that special consideration should be made is unfair to all those others that worked so hard to achieve what they had to achieve -- what my son had to go through to become an architect, for example, or your husband to become a doctor. The rules are there. Certainly we are elected at times to review rules, but there is that procedure in place, and I'm sure the society is mature enough to review what happened here and make their own decision accordingly.

THE CHAIRMAN: Thank you.

Mrs. Abdurahman, and then Mr. Pham.

MRS. ABDURAHMAN: Yes. I'm very uncomfortable with this motion, quite frankly, Mr. Chairman. I think we're getting into an area that we should not be getting into. If we write a letter of this nature to the Law Society, why are we not writing it to all professions that fall into the same category?

I agree with comments made earlier that British law is substantially different from Canadian law or Alberta law. Within Britain, Scottish law is different from English law. If there's any area where I'd say there is more commonality, it would be in medicine. I would quite frankly prefer to see the motion withdrawn than actually voted on, because I think it's inappropriate for us as legislators to be writing a letter of this nature.

THE CHAIRMAN: Mr. Pham.

MR. PHAM: Thank you, Mr. Chairman. I would like to speak for the motion. My other colleagues have mentioned that the reason they voted against this one is to be fair to all the other people in the same category who want to become lawyers in Alberta. I would like to move that reason a little bit further. I would like to have the essence of fairness apply to society. Is it fair for the Law Society to ask Albertans, taxpayers, to pay for two years of undergraduate education for no reason at all? If the Law Society today allows this man to go back to school and take two years of undergraduate study and is willing to pay for him, I have no problem with that, but when they send a student back to school to take two years of study at the expense of taxpayers, I have great difficulty with that.

The purpose of us giving the Law Society the right to be self-regulated is to better serve Albertans, and we should never lose that sight in mind, because the power they have today was given to them by the Legislature.

The second fact is: if this person completed his articling in England and he spent two years articling there, he could have had no problem at all under the current provision of the law -- an obvious fact. At least beg the Law Society to take some measure to prevent a situation like this from happening again, because obviously everyone here agrees that it doesn't do anyone any good to make this man go back to take two years of undergraduate studies. The only reason we do that is to create some kind of equity of perceived fairness for all the other people who may or may not be in the same situation.

Therefore, I think that as the Legislature, the body responsible for reviewing this case, we say: okay, we respect your right to be self-regulated; therefore, we reject this Bill. However, we have great difficulties with the -- if I may use the word -- irrelevant requirements put on this man, and the Law Society should recognize that.

Thank you, Mr. Chairman.

THE CHAIRMAN: Thank you.

Mr. Herard, and then Mr. Jacques.

I would advise everyone that we are running a little low on time.

MR. HERARD: Thank you, Mr. Chairman. I find it very uncomfortable following my colleague for Calgary-Montrose all the time and in fact speaking in the opposite direction.

I guess my problem with writing a letter is: where do we draw the line? It seems to me these are management issues. The point has been made; the *Hansard* is clear: if they want to make changes they can. There are some people in this province who have spent years of their lives trying to make certain organizations, not the least of which is the Law Society of Alberta, make changes in their own regulations in terms of how they discipline themselves and so on. So

where do we draw the line? Why would we provide advice in this case and not in that one?

I think it would be inappropriate for a committee of the Legislature to make recommendations to an organization that is currently involved with all other professions in reviewing their own regulations through the deregulation efforts of this government. I don't think it's appropriate at all to write a letter.

Thank you.

9:27

THE CHAIRMAN: Thank you.

Just before I move on to the next speaker, I would like to welcome our guests in the gallery. This is a meeting of the Standing Committee on Private Bills, and today we are considering a number of private Bills. This is an all-party committee; there are both Liberals and Conservatives on the committee. The committee meets almost every Tuesday morning when the House is in session. Welcome.

Mr. Jacques.

MR. JACQUES: Thank you, Mr. Chairman. These will be my last comments. In regard to the last comments made by the hon. member, his two points, number one, the cost to society: I respectfully suggest there is no incremental cost to society. The reality is that admission requirements at our universities are for X number of students. There are certain qualifications that have to be made, and whether this individual is admitted to the bar or not admitted to the bar is really irrelevant in terms of the cost that may be incurred at the University of Alberta or the University of Calgary.

Secondly, we're still back to the fundamental issue that section 42 of the Legal Profession Act does exempt or make provision for certain bar requirements for those that have been in Northern Ireland or Eire, et cetera. I guess one could take the argument that that is a bunch of balderdash and indeed there shouldn't be that exemption. Why not include South Africa, and why not include et cetera? So I think the issue of trying to suggest to the Law Society that indeed the Act itself should be set aside would be the height of arrogance in terms of elected officials. Indeed, if those members of the Legislature who are members of the legal profession and members of the Law Society feel so strongly about it, it would seem to me that as members of that organization they should work inside it to get those changes if indeed it's so dramatic. I suggest that the change would be almost the deletion of section 42.

With that I'll conclude, Mr. Chairman.

THE CHAIRMAN: Thank you.

Mr. Bracko.

MR. BRACKO: Thank you, Mr. Chairman. I guess the motion is for them to examine, to look at it, and as legislators that's what our job here is: to say we have a problem or concern. We're not telling them what to do. We're not telling them how to manage their affairs. We're just pointing out this problem. As people come from all over the world, there will be more problems like this. So they can look at it from different perspectives, from a total perspective, and make changes if need be. If not, they continue on. I think that has to be done. We have a responsibility to do that and not just sit back here and say: carry on the way it's been done for the last 20 years. In education we always re-examine things and always make changes that are flexible. The Law Society and every other professional association have to do the same. If we send a message to them, the other professions, if they follow *Hansard*, will do the same. Also, if we send them a letter, they have to respond to a letter. Putting it in *Hansard*, it may never even be looked at. I don't know what they

do or how they do it, but this way they'd at least have to respond and say "We're doing it" or, whatever's happening, examine it. That's really important, so I think we should support this motion and encourage other members to do so.

THE CHAIRMAN: Thank you.

I have Mr. Pham and Mr. Kowalski. I would encourage you, Mr. Pham, to be very brief. You have had an opportunity to speak already.

MR. PHAM: Thank you, Mr. Chairman. I will be very, very brief. The point my hon. friend raised earlier regarding the cost to society -- of course, there is a cost. Every student who attends university today is subsidized by taxpayers' dollars. That is a fact. The second thing is that during those two years he goes to university he may ask, "Will I be making money and paying tax to our society?" That is another cost too.

THE CHAIRMAN: Well, I think we're entering into some debate that's really not relevant to the motion. I think you've made your point.

MR. KOWALSKI: Mr. Chairman, I'd really like to have the motion read for us one more time, please, as we don't have a copy of it in front of us. Are we asking the Law Society to do something, or are we just conveying the minutes and some information from this committee to the Law Society?

THE CHAIRMAN: The motion is that we're asking -- we would write to the Law Society and explain the motion to them.

MR. KOWALSKI: Can I have the motion read, please?

THE CHAIRMAN: Ms Marston, would you read the motion?

MS MARSTON: Mr. Bracko moves:

that the chairman write a letter to the Law Society explaining our discussions here and expressing this dilemma that we face.

MR. KOWALSKI: We've been debating this for 20 minutes?

HON. MEMBERS: Yes.

MR. KOWALSKI: Okay; thank you. That's all I wanted to know.

THE CHAIRMAN: All right. All in favour of the motion? You just heard the motion being read. Six. Opposed? The motion is defeated.

We move on now to Bill Pr. 8, Milk River and District Foundation Act. Mr. Jacques, do you have a motion?

MR. JACQUES: Yes, Mr. Chairman. With regard to Bill Pr. 8, Milk River and District Foundation Act, I would make a motion that the committee recommend to the Legislature that the Bill proceed.

THE CHAIRMAN: Thank you. Any further discussion?

MR. WICKMAN: Just to point out how healthy the discussion here can be at times, the comments that have been made, in particular by members representing smaller municipalities throughout Alberta, have convinced me that my earlier comments were wrong, and I will now support the Bill.

THE CHAIRMAN: Thank you. Any further comments? I'll call the question then. All in favour? Opposed? Carried.

Bill Pr. 9.

MRS. LAING: I move that Bill Pr. 9, University of Calgary and University of Alberta Charitable Annuity Act, not be proceeded with as the petitioners have asked that it be withdrawn.

THE CHAIRMAN: Thank you. Any discussion to that motion? All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Bill Pr. 10, Calgary Regional Health Authority Charitable Annuity Act.

MRS. LAING: I move that Bill Pr. 10, Calgary Regional Health Authority Charitable Annuity Act, be delayed for one week pending further information coming forward.

THE CHAIRMAN: Thank you. Any discussion to that? All in favour? Opposed? Carried.

I have no other business at this time, other than to announce that next Tuesday our meeting will commence at 9:30 and we will conclude deliberations with respect to Bill Pr. 10.

MR. PHAM: I move that we adjourn, Mr. Chairman.

THE CHAIRMAN: All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

Thank you very much.

[The committee adjourned at 9:37 a.m.]

