

Legislative Assembly of Alberta

Standing Committee on Private Bills

9:01 a.m.

[Chairman: Mr. Renner]

THE CHAIRMAN: Good morning. I'd like to call this meeting to order. This is the organizational meeting for the Standing Committee on Private Bills. I would just like to make a few introductory remarks before we get started.

First of all, I'd like to welcome some of the new members to the committee. We look forward to working with some new faces and some new ideas over the next few weeks.

For the new members, I would like to just give a bit of a recap and a little bit of background information as to what we deal with in Private Bills Committee. I would refer you to the memo that came from Mr. Reynolds, and it's included with your notes. It's on yellow paper. It gives you a little bit of background information on private Bills. Private Bills are generated outside the Legislature from private citizens within the province of Alberta. They petition the Legislature, asking for a Bill to be passed on their behalf. The rules regarding private Bills are quite specific. I won't go into the detail – you can read it for yourself – but in essence private Bills deal with matters of law that are very specific to individuals or individual groups and do not apply to society as a whole. That's why they're dealt with in a separate manner. Yesterday, you will recall, I presented petitions in the Legislature. There were five petitions presented requesting private Bills. The process is that I as chairman of the committee present those petitions; the petitions are then referred to this committee.

The purpose of today's meeting is twofold: first of all, to review the petitions, to make a recommendation to the Legislature as to the legality and the appropriateness of the petitions. There are a number of requirements of the petitioners, and Mr. Reynolds will go over those when we get to them. The other thing I would like to do today is finalize the agenda for the upcoming meetings and the schedule for hearing the petitioners and having the public hearings for these Bills.

The process is that private Bills are not debated to the same extent in the Legislature as public Bills. The Bills are referred to this committee. We meet with the petitioners. We invite anyone from the public who wishes to speak to the Bill – we refer to them as intervenors – and they have an opportunity to come to the committee to voice their concerns or in fact their support for the Bill. Committee members have an opportunity to ask the petitioners questions, ask the intervenors questions. Then the Private Bills Committee deals with each of the Bills individually and makes a decision to recommend an action to the Legislature. All Bills will have first reading when they get to us. So the three alternatives the committee has are the recommendation that the Bill should proceed to second reading, committee, and third reading, the same as any public Bill; we can recommend that it proceed with amendment, at which point the amendments would be introduced at committee stage, the same as any public Bill; or the committee can recommend that the Bill not proceed.

So really that's the role of this committee. The reason both parties are represented on the committee is because these are nonpartisan Bills. Both caucuses have an opportunity to have a look at these Bills, and the recommendation of the committee is usually accepted by the Legislature. Like anything else, the Legislature itself is supreme and can overrule any rulings of this committee. It doesn't normally happen, but it could happen.

With that, I would like to turn the proceedings over to Mr. Reynolds. Maybe before I do, I'm sure everyone recognizes or

knows everyone at the Table, but I should probably introduce the rest of the Table officers that are with me for any new members that haven't had a chance to meet our Table officers. Rob Reynolds is our Parliamentary Counsel. I think you've probably all had a chance to meet him, and you've likely all had a chance to meet Earl Evaniew as well. Earl is working in Parliamentary Counsel office for the next year or so. Florence Marston is the administrative assistant to this committee.

Mr. Reynolds.

MR. REYNOLDS: Thank you very much, Mr. Chairman. As the chairman indicated, the purpose of this meeting is an organizational meeting to review the petitions. The Standing Orders were changed somewhat in February 1995, whereby a procedure was developed in the Standing Orders for considering the petitions, and especially noncomplying petitions, by the committee before they were recommended to the Legislature. Of course, the procedures for private Bills are found in chapter 8 of the Standing Orders, Standing Orders 84 to 101.

This session we have received five petitions for private Bills. Actually there was a sixth. There was one by a Canadian Life Line insurance company that submitted their request on the last day. They hadn't undertaken any advertising, and they decided not to proceed. They will start again next year.

Of the five petitions, four have complied with the requirements of the Standing Orders which are basically found in, as I said, 84 to 101. The only noncomplying petition relates to a petition by Unifarm to amend the Farmers' Union of Alberta Act. They submitted the petition and their cheque on February 28, which was the deadline, but they hadn't undertaken their advertising. Since that time they have advertised in the *Edmonton Journal*. We received the statutory declaration today. The advertisements ran on the 5th and the 12th. I should note that there is an error in the briefing note. They had advised me that they'd run on the 4th and the 12th, which is what's included in page 3 of my March 15 memorandum to the committee. In fact, they ran on the 5th and the 12th. It's my understanding, although I haven't seen a statutory declaration, that notice ran in the *Alberta Gazette* on March 15. In any event, as they are the noncomplying petition, they will require a waiver if their Bill is to proceed. The waiver would be waiving 89(1)(b) and 89(2) of the Standing Orders.

I believe there's a list at the front of your book as to what the other petitions are. There's one by the Alberta Wheat Pool for amendments to their Act. Mr. Evaniew has had carriage of that file. There are petitions for a tax exemption for Covenant Bible College. There are two Bills for incorporation of private colleges or private schools.

After this meeting and before the next meeting, you'll receive Parliamentary Counsel's report on the Bills – that should be in your hands later this week – which would serve as a briefing, if you will, on the essence of the Bills. There are in your binders draft Bills, but I would caution you that those are very rough drafts. The final Bills are not prepared yet. We'll still working with the petitioners to iron out some of the drafting requirements. So I would like you to perhaps exercise some caution when you see those, because they will be amended. You will have the final version when the Bills are introduced on first reading.

Mr. Chairman, I don't think I have any other points.

THE CHAIRMAN: Okay. Just before we proceed with some discussion, I was a bit overly aggressive in moving on to the discussion of the agenda. We have a little housekeeping matter to deal with, and that's the approval of the minutes from the last meeting. They have also been circulated in your binders, and I would entertain a motion to approve the minutes from the last

meeting. Mr. Trynchy. All in favour? Opposed? Carried.

All right then; let's move on to discussion. There's one other point that I think needs to be mentioned. There is a petition from Alberta Wheat Pool that proposes amendments to the Alberta Wheat Pool Act. There was some discussion as to whether or not members of this committee or in fact Members of the Legislative Assembly would be in conflict if they are also members of the Alberta Wheat Pool. I have a letter from the Ethics Commissioner advising all members that there would be no conflict for members participating in the debate and/or the vote on this Bill. Is a copy of that letter also included?

9:11

MS MARSTON: It isn't in this binder.

THE CHAIRMAN: Okay. Be advised that we do have the letter, and if any of you would like to see the letter, it's available.

Mrs. Laing.

MRS. LAING: Mr. Chairman, would that also cover Bill Pr. 5, the Farmers' Union of Alberta Amendment Act, 1996, as well?

THE CHAIRMAN: It's not specifically mentioned in the letter, but the same logic, I am sure, would apply.

MRS. LAING: Thank you.

THE CHAIRMAN: We were not aware of Bill Pr. 5 at the time I contacted the Ethics Commissioner.

MR. REYNOLDS: Mr. Chairman, if I might just for a second, I'd also like to point out that, unlike other years, it seems that all the Bills this year came rather at the last moment. I mean, there's only one that doesn't comply, but it seems that in past years we had some advance notice of these things. This year we didn't really receive the final documentation until the very last week, the 27th or 28th.

THE CHAIRMAN: Let's deal with the petition from Unifarm first. The facts are that they do not comply with Standing Orders in that the advertising that was required to be completed prior to February 28 was in fact not done until March. The committee has within its jurisdiction the ability to recommend to the Legislature that the Standing Orders be waived in this case, but I leave it up to the direction of the committee.

Mr. Herard.

MR. HERARD: Well, it seems to me that we're also starting late – are we not? – with respect to the committee, so that allows for the passage of time. I would think that the purpose of advertising is to surface any objection with respect to what is being proposed. So if the passage of time is about the same anyway, had we started the committee earlier in March, then I would see no problem with waiving the Standing Orders with respect to that as long as there are enough days in there to allow for a response.

MR. REYNOLDS: Perhaps I should point out, Mr. Herard, that the petitioner put in their notice that people should, if they have any concerns, identify them to Parliamentary Counsel 15 days after the date of the notice. So they wanted to make sure there was adequate time to provide notice in case there was something people objected to. I should also indicate that in discussing the matter with the solicitors for the petitioner, Unifarm, they indicated it's their strong preference that this proceed in this session, because there are certain aspects of their legislation with respect to making it a nonprofit

corporation that they'd like to amend just so that it complies with existing legislation, so there will be no uncertainty as to its nonprofit status.

MR. KOWALSKI: Well, I guess the basic question that has to be raised in answering the question you raised, Mr. Chairman, is: what do they want to do? All we have in this file is an extract from the '59 statute and the '71 statute. So what does Unifarm want to do? As we know, Unifarm no longer exists. Are they changing their name? Do they just want a name change? What is this? If it's simply as mundane and elementary as that, then I agree with my colleague who just spoke a minute ago.

MR. REYNOLDS: The petition from Unifarm which we have here is to change the name of the corporation to Wild Rose Agricultural Producers, to change the main objectives of the corporation,

to amend the constitution of the corporation to ensure it reflects the original and current intention of the corporation that it be a non-profit [society]. Section 9 of the Act allowing profits of the corporation to be distributed to its members will be deleted and replaced with the following:

- (a) a provision stating that all profits and property of the corporation shall be applied towards the promotion of the objects and purposes of the corporation;
- (b) a provision prohibiting the distribution of dividends to any member;
- (c) a provision stating that upon liquidation, dissolution or winding up of the corporation, any assets remaining, after payment of the corporation's liabilities will be given or transferred to another corporation or institution having similar objects; [and]

- v. To clarify that the corporation is exempt from the application of the Securities Act, the Business Corporations Act and the Companies Act.

MR. KOWALSKI: So there are basic changes to their statute of 1971 in addition to changing the name.

MR. REYNOLDS: Yes.

MR. KOWALSKI: This organization is a democratic organization that recently held an annual convention in the province of Alberta, transformed itself from Unifarm to now known as the Wild Rose Agricultural Producers. I've checked it to see how many farmers it actually represented in the past. They've represented major farm commodity groups throughout the province of Alberta. If they're not changing anything in terms of the basic intent, I see no reason why we wouldn't want to proceed with it this year irrespective of the time frame.

THE CHAIRMAN: Mr. Trynchy.

MR. TRYNCHY: Mr. Chairman, I agree with both comments on the left and on the right here, but would it be useful if we brought them in before we made a decision and said, "Look; go through it" – because this is the first time we've heard what they want – "and then we can make a decision"? Would that be useful, or should we just make a decision on our own?

THE CHAIRMAN: According to Standing Orders, there's no provision for us to bring a group in until the matter has been referred back to the committee. The decision we would be able to make is: if we feel there hasn't been a sufficient amount of public notice or we have concerns, we have the option of recommending that the Bill not proceed. But there wouldn't be any way we could have the group appearing prior to the hearing.

MR. TRYNCHY: Could I make a motion that we proceed with it and then hear them out?

THE CHAIRMAN: So the motion that would be in order would be that Standing Orders be waived. What are the . . .

MR. REYNOLDS: That Standing Orders 89(1)(b) and 89(2) be waived.

MR. TRYNCHY: I'll make that motion.

MR. STELMACH: Mr. Chairman, this is obviously my first meeting at Private Bills. Two questions. One: do you know if what is included in the petition, what Robert read out earlier, has been duly passed in the minutes of the organization at the annual general meeting?

THE CHAIRMAN: Those are the kinds of questions the committee would ask the petitioners when they appear.

MR. STELMACH: Okay. So what you're seeking permission for is just to . . .

THE CHAIRMAN: What we're seeking permission for is to allow the Bill to proceed to first reading and then be referred by the Legislature back to this committee, at which point committee members will have an opportunity to pose questions to the petitioners and hear any other public input there may be.

MR. STELMACH: So that means that after we hear them we can still say, "We're sorry; we don't proceed"?

THE CHAIRMAN: Yes. That's exactly the role of the committee.

MR. REYNOLDS: Excuse me. I should have mentioned that what happens is that the petitions are presented in the Assembly. They're referred to this committee in case there's a waiver. Then, if a waiver is granted or read and received, the petitions have to be read and received before a Bill can be introduced. After the Bill is introduced, then the Bill stands referred to the committee and the committee holds hearings.

MR. STELMACH: Thank you.

MR. REYNOLDS: Then the petitioners appear, and those are the sorts of questions members may choose to ask.

THE CHAIRMAN: Mr. White.

MR. WHITE: Yes. With Mr. Reynolds' advice as to the time lines here and Mr. Kowalski's comments as to the nature of this application, is it possible that this item be laid over with the reference to staff members to review and answer those questions that are posed by some of the members of the committee so as to give us advice as to if, in fact, it is as mundane as name changes and object changes and that sort of thing? If it is that, then obviously we would proceed. But if it is not, and we have no knowledge of that, I'm asking first: is there sufficient time in order to bring this matter back with that information on the 26th of this month?

9:21

THE CHAIRMAN: Well, obviously anything's possible. I guess the crux of the matter is that the committee really cannot deal with the specifics of the Bill until we have the Bill before us. It's a catch-22 situation. The Bill doesn't come before us until it's introduced in the

Legislature and the Legislature refers it back to us. I guess all I can do is reiterate my earlier comments that if the Bill comes before the committee and the committee is not comfortable with the Bill and feels that sufficient notice had not been given to the public and perhaps even to the members of Unifarm, it's certainly within the committee's purview to recommend that the Bill not proceed. But I'm not sure what advantage there would be to either the committee or the petitioners to defer the decision on hearing the petition for another week. I'm not sure what more information would come forward other than what we have at this point. We could perhaps, if committee members feel comfortable, circulate a copy of the petition itself, the letter from the Unifarm solicitor.

MR. REYNOLDS: Mr. Chairman, I also want to point out that, as indicated, there will be a report from Parliamentary Counsel later in the week, and I've asked the petitioners for Unifarm, if this is successful and the waiver is granted, to submit more briefing material for the committee's consideration.

MR. WHITE: So in fact your advice is to move on with it as opposed to hearing from them in the interim?

MR. REYNOLDS: Well, I wouldn't presume to offer any advice in that respect. That's totally the committee's decision, with respect to whether you choose to grant a waiver or not. All I can say is that in previous years the way it's gone is that the waiver has been granted and then the process has proceeded apace.

MR. HERARD: I think the motion we have before us is not dealing with the substance of the Bill; it's actually dealing with the timing of notices. It is number 5, which means that it won't be dealt with until later in the session, and I think it certainly will have had enough public scrutiny from the point of view of notice. I think we should just proceed and waive the Standing Orders, as my colleague from Whitecourt has moved, and not be concerned with the substance at this point, because we do in fact have to examine the substance to recommend whether the Bill proceed or not proceed anyway, and that will happen in due course.

HON. MEMBERS: Agreed.

THE CHAIRMAN: Any further discussion? Are you ready for the question? On the motion, then, that the committee recommend to the Legislature that the waiver be granted. Agreed?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Any opposed? Carried.

All right. Let's move on, then, to the scheduling of the hearings themselves. I took the liberty of preparing a draft schedule, and you'll find that in your documents, the second page in. You'll see that we have March 26, April 2, April 16, and April 23 as tentative days the committee would meet: the Alberta Wheat Pool on March 26, the Evangel Bible College, Bethesda Bible College on April 2. By the way, those two organizations requested that their hearings be held at the same time. There's no meeting on April 9, and the Covenant Bible College and Farmers' Union of Alberta Amendment Act, 1996, are on April 16. That would leave April 23 for committee deliberations and decisions. Does anyone have any objection to that tentative schedule? All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

MRS. SOETAERT: Mr. Chairman, what time would our meetings start? I would make a suggestion for 8:30. Five-thirty is fine, but I would prefer 8:30.

THE CHAIRMAN: Traditionally the meetings have started at 8:30. The chairman, aware that this one likely wouldn't take long, decided it would be nice to let committee members sleep in a little longer, but from this point on the meetings will start at 8:30.

MRS. SOETAERT: Thank you.

MR. KOWALSKI: Why so early? Bending over backwards to accommodate the opposition, are we?

MRS. SOETAERT: It's rare that it happens. We appreciate it, Mr. Chairman.

THE CHAIRMAN: Any other business to come before the committee? Questions? Comments? Seeing none, a motion to adjourn would be in order. Mr. Bracko. All in favour? Opposed? Carried.

[The committee adjourned at 9:29 a.m.]