

8:30 a.m.

[Mrs. Burgener in the chair]

THE DEPUTY CHAIRMAN: Ladies and gentlemen, if you take your seats, we're going to call the meeting to order. There are just a few more documents being circulated.

I'd ask you to turn to your organizational meeting agenda. Could I have a motion to approve the agenda? Yvonne. Could I have a seconder, please? Dave.

We're going to play name tag here for a few minutes. Could we just, for the courtesy of the chair, go and introduce everybody? Then we can have a record of who's here from the original point, because no one's in their usual chairs.

MR. BONNER: Bill Bonner, Edmonton-Glengarry.

MRS. PAUL: Pamela Paul, Edmonton-Castle Downs.

MR. MacDONALD: Hugh MacDonald, Edmonton-Gold Bar.

MR. CARDINAL: Mike Cardinal, Athabasca-Wabasca.

MR. MARZ: Richard Marz, Olds-Didsbury-Three Hills.

MRS. FRITZ: Yvonne Fritz, Calgary-Cross.

MR. COUTTS: David Coutts, Livingstone-Macleod.

MR. McFARLAND: Barry McFarland, Little Bow.

MR. THURBER: Tom Thurber, Drayton Valley-Calmar.

MR. CAO: Wayne Cao, Calgary-Fort.

MRS. TARCHUK: Janis Tarchuk, Banff-Cochrane.

MR. STRANG: Ivan Strang, West Yellowhead.

MR. HERARD: Denis Herard, Calgary-Egmont.

MR. TANNAS: Don Tannas, Highwood.

THE DEPUTY CHAIRMAN: Now, we're going to do a brief – there we go.

MS GRAHAM: We've started, have we?

THE DEPUTY CHAIRMAN: We did start. We have approved the agenda, and we're about to do orientation.

[Ms Graham in the chair]

THE CHAIRMAN: Just give us a moment to get set up.

Well, good morning, everyone. I am your chairman, Marlene Graham, and of course you've met the vice-chairman, Mrs. Burgener. We have assisting us as Parliamentary Counsel Rob Reynolds and Shannon Dean and of course our administrative assistant Florence Marston.

We've approved the agenda, and we'll move now to item 3 on the agenda, which is an orientation for basically new members of this committee. I'm going to call on Mr. Reynolds to just give a highlight of the information that has been circulated to you, outlining the purpose of this committee and the procedure that we follow.

MR. REYNOLDS: Thank you, Madam Chairman. I'm sorry to have

my back to you, hon. members. It's sort of unavoidable from where I sit. [interjections] I see that some would prefer to see my back. Thank you. It's not often I'm heckled this early in the morning.

I just want to say that you should have received, prior to the meeting, the briefing book and some time before that a petitioner's guide to the private Bills procedure entitled *How to Petition the Alberta Legislature to Pass a Private Bill*. This is a new, improved version. It was just revised in April, so it's up to date with respect to what sorts of things the Private Bills Committee does. In the four years that I've been here, the role of the Private Bills Committee has changed somewhat in terms of the nature of the Bills that come before it. For instance, you no longer see adult adoptions, which are now done by the courts.

Now, another document that you should have received yesterday was something called organizational meeting of the Standing Committee on Private Bills. In that memorandum from myself and Ms Dean it just goes into a bit of the background of what a private Bill is, what it can do, how a private Bill is an exception from the public law. It's really a unique form of legislation in the sense that you have government Bills or public Bills that are government Bills or money Bills, which obviously cover the entire spectrum of public legislation. Then you have private members' public Bills, which are ones introduced by private members of course, that amend public legislation, and then you have this odd historical carryover called private Bills, which is where an individual or a group can petition the Legislative Assembly for a remedy, a remedy that can't be achieved in another way.

Historically, if one looks back at the *Statutes of Alberta* – when you get the red volume, the annual *Statutes*, if you look in the index, you'll see some blue pages. The blue pages are the index for the private Bills since – well, I think they even go back before 1905. You'll see in there that a number of organizations over the years have been incorporated by a private Bill: for instance, I believe the city of Edmonton, originally the city of Calgary, and numerous railroads.

Over the years, of course, there have been other mechanisms developed for, let's say, the incorporation of companies. Now we have the Business Corporations Act, we have the Societies Act, and we have the Companies Act. But there is still a requirement for certain things to be achieved by a private Bill, such as under the Insurance Act. It requires that insurance companies created in the province of Alberta be established by a private Act, which is why you'll see before you petitions for some insurance companies. You'll also see that there are some petitions with respect to loan and trust companies that are seeking remedies, which Ms Dean can advise you about, that are just not available any other way. That's why it's interesting, I think, to be on the Private Bills Committee, if I may suggest, because you get to see this unique aspect of the legislative process.

Now, I should explain a bit about the process, because I know it's quite confusing. As I indicated, there are petitions that are presented. Now, the petitions are pro forma really in the sense that if you look at the petitioner's guide, at the back there's an appendix, and it just says: to the Lieutenant Governor, to the Legislative Assembly, we the undersigned petition for the XYZ insurance company, whatever.

Now, Mrs. Burgener presented those petitions yesterday in the Legislative Assembly. Actually, we have the petitions, which of course any member can look at if they want. But what happens is that the petitions are presented. The committee today will deal with those petitions which do not comply with the Standing Orders. The relevant Standing Orders for private Bills, as I'm sure you're aware, are in chapter 8 of the Standing Orders, Standing Orders 84 to 101.

In the case of petitions that comply with the Standing Orders –

and those requirements generally are – you have to advertise once in the *Alberta Gazette*, you have to advertise for two consecutive weeks in an Alberta newspaper, you have to send the petition to the Lieutenant Governor, a petition to the Legislative Assembly, you have to send in a cheque for \$200, and you have to send in a draft Bill to us.

8:40

What will happen today is we'll talk about the petitions a little bit and what the petitioners have done. We'll talk about a couple of petitions, if I may, Madam Chairman, that don't comply, and the committee will be asked to deal with those. The chairman of the committee will then go to the Legislative Assembly and make a report with respect to whatever you decide today about the noncompliant petitions. After that, the petitions are read and received. Once that's done, the private Bills can be introduced. It's the private Bills that you're actually going to be concerned with, because that's the legislation that you're being asked to pass or recommend. The private Bills will be introduced, depending on the schedule of hearings that you approve, by next Monday, at which time you'll commence, according to your schedule, hearings next Tuesday.

When you've completed your hearings – and that's another unique process obviously, the private Bills procedure. These petitioners have to appear before you. Now, obviously that doesn't happen with Bills in the Assembly. In this Legislature we don't have committees of the Assembly where people come and appear, except for this private Bills procedure. So these petitioners will come before you, and they will state their case. You will be able to ask them any questions you want. That's the process here. You are the ones who get to ask the questions because you're the ones who make the decisions. Sometimes some of them might be very personal, and you may feel a little awkward, I would suggest, but it's just part of the process really, part of the job of being members and inquiring as to these factors.

I should point out that on these Bills we've also asked government departments for information. The departments will be providing that information to you, or they will be appearing here when the petitioners are heard.

After you've heard all the petitioners, what happens is that you're asked to make a decision. Should the Bill proceed, should the Bill proceed with amendments, or should the Bill not proceed: those are the three choices you'll have at the end of the day. Now, usually when there are amendments, the petitioner will agree to them, because this is a unique forum. If the petitioner doesn't agree to the amendments, then there's not much point in going ahead with the amendments because they're the ones who want the Bill. Or you can recommend that the Bill not proceed.

That report at the end of the day is made. Well, you make the recommendations, you the committee. The chairman then makes a report to the Legislative Assembly on what you've recommended. If the committee recommends that a Bill proceed or a Bill proceed with amendments, then it goes like any other Bill. It has to go to second reading. It has to go to Committee of the Whole for consideration, at which time if there are amendments, that's when the amendments will be proposed, debated, and passed, if the Committee of the Whole so feels. Then it will go to third reading.

Now, practically speaking, I can tell you, as can members who have been here prior to the previous election, that private Bills tend to move rather quickly through the Assembly once the committee has made its report. That doesn't have to be the case, but that's just the practice of the Assembly over the past few years.

With respect to the materials you'll be getting – and you can alert your assistants to this – you'll be getting materials from us to go

under the different tabs for the different petitions. That'll be coming this week. You'll also be getting something from us called Parliamentary Counsel's report, which we have to provide to you before Bills are considered. That's really our briefing notes, if you will. That's our explanation of what the Bill's all about, some of the points you may wish to consider, some of the legal problems that we see that the committee may be interested in. That's your guide, and that'll be provided before the committee meets next Tuesday.

Shannon, did you have anything on the process?

MS DEAN: No. If you wanted to start going through the different petitions.

THE CHAIRMAN: Yeah. Any questions?
Mr. Cardinal.

MR. CARDINAL: Yeah, I have a question. I noticed that on Bill Pr. 6 and Bill Pr. 7 you're asking for an exemption on the time lines. Will that be dealt with today?

THE CHAIRMAN: Yes.

MR. CARDINAL: Okay.

THE CHAIRMAN: Mr. Thurber.

MR. THURBER: Yes. Thanks, Madam Chairman. As was mentioned before, we no longer deal with adult adoptions in this room and in this process, but I note in here that there is a conclusion of an adoption, a termination of an adoption. I'm wondering why that's back here, why that couldn't be handled with the courts the same as the adoption was originally.

THE CHAIRMAN: Well, it's my understanding that the legislation that came through by way of a private member's Bill – I believe Mr. Renner sponsored that – only dealt with the granting of adult adoptions, not the termination.

Perhaps, Mr. Reynolds, Ms Dean, you'd like to comment on that.

MR. THURBER: Then I will wait till we see some background on it before I comment further, but I was just curious that it was here.

MR. REYNOLDS: Oh. Just to concur with what the chairman has said. To be adopted as an adult, you go to the courts. To terminate an adoption that was granted under the Child Welfare Act, there is no remedy provided. So that's why it has to come to Private Bills Committee.

THE CHAIRMAN: Certainly in terms of whether this committee will recommend or not recommend that the adoption be terminated, we will have a hearing, and we will hear evidence in support of it.

MR. THURBER: Okay. I was just curious more than anything.

THE CHAIRMAN: Yeah. Good point.
Any other questions? Yes, Mr. Coutts.

MR. COUTTS: Thank you, Madam Chairman, and thanks to Mr. Reynolds for explaining in very good detail the process and how this thing happens and where we take it from this committee into the Assembly.

I just would like to have one clarification. You mentioned that the Bills are drafted by the companies or the people that present them. Do these Bills get any previous scrutiny by the Table officers that are here, are they done in consultation with you at that particular

point in time, or is this strictly all of their wording, between their own companies and their own legal counsel?

MR. REYNOLDS: Well, thank you, Mr. Coutts. The petitioners submit a draft Bill, if you will, of what they want to see in it. We ensure that it complies with the standards of drafting in Alberta as far as we can.

With respect to the substance, we can suggest technical drafting changes or we can suggest things to them, but if they say, "No, I want A," there is nothing we can do about it, because it is their Bill and that's the remedy they seek. I mean, we just make sure that it's drafted as well as it can be, I guess. When it comes before the committee, the committee can certainly raise that issue with them, and if there is a problem, the petitioner may agree to amendments that would correct the problem.

MR. COUTTS: Thank you very much for that clarification.

THE CHAIRMAN: Mrs. Burgener.

MRS. BURGNER: Yeah, I have a question. It's more a comment. I was looking at the schedule today, and I was delighted when we came in to recognize that we weren't Public Accounts. We were getting to meet as Private Bills. I spent four years doing Public Accounts. So I wanted to thank you for the opportunity to sit on this committee versus the other one. However, 25 years ago I was heading for Paris on my wedding day.

MR. COUTTS: When was that?

MRS. BURGNER: Twenty-five years ago, May 6.

So actually as glad as I am that I'm not on Public Accounts, I'd sure rather be in Paris.

THE CHAIRMAN: Congratulations on your anniversary.

MRS. BURGNER: But I will serve this committee with due diligence, as I've done for 25 years. My husband wouldn't come into the Assembly to get recognized, so I had to secretly do it.

Thanks, Madam Chairman.

THE CHAIRMAN: Okay. Well, if there are no other questions, perhaps we'll go through the petitions that have been received to date. I believe you've all received a page entitled 1997 list of petitions. It looks like this. You might want to have reference to that as we go through them. What I would suggest is that I'll just go through each petition, giving you the purpose or the object of each petition. We won't worry at this stage about the merits of the petition. Today we're addressing primarily whether or not these petitions comply with the Standing Orders, and later on in the meeting we'll hopefully set a schedule for the hearings that we'll be holding with respect to each petition.

As you can see, the first petition is by TD Trust Company and Central Guaranty Trust Company. I believe, Mrs. Burgener, you are the sponsor of this Bill?

8:50

MRS. BURGNER: Yes, I am.

THE CHAIRMAN: Right.

Basically the object of this petition is to secure the appointment of TD Trust as the successor trustee to Central Guaranty Trust Company. Just for your information, various other provinces across Canada have already adopted legislation affecting this transfer. So

that's the thrust of the first petition, and I'm advised that in all respects this petition complies with the Standing Orders.

MRS. BURGNER: If I may, Madam Chairman, the group that approached me to pursue this private Bill back in 1993 – it's been brought before this Assembly a number of times, and they have been waiting for some further work being done in other provinces. So just as background for those who are new on this committee, this is I think its fourth time coming, something like that.

MS DEAN: Third.

MRS. BURGNER: Third? Okay.

THE CHAIRMAN: So are you saying that there were . . .

MRS. BURGNER: Just for background information, it's been here before, and it's never been recommended because of further work being done in those other provinces, as you've alluded to.

THE CHAIRMAN: So you're saying that the petitioner has asked us to postpone the . . .

MRS. BURGNER: No. I'm saying that in its past life it had been postponed.

THE CHAIRMAN: Mr. Reynolds.

MR. REYNOLDS: Yes. Just for the benefit of the committee members, I believe this Bill in a similar form was brought forward in 1993. However, there were some questions in the committee, and the petitioners just did not want to go ahead at that time, so there was no recommendation by the committee on that Bill. The next year I believe they petitioned again, but there wasn't even a hearing on that because they wanted to await developments in other provinces.

THE CHAIRMAN: So basically, then, it was at the bequest of the petitioner that it not proceed further.

MR. REYNOLDS: Subject to checking my notes, yes, that's what I recall.

MRS. BURGNER: And it's back now, ready to proceed.

MR. REYNOLDS: So we were advised.

MRS. BURGNER: Good.

THE CHAIRMAN: All right then.

Moving on to petition 2, which is the Bank of Nova Scotia Trust Company, Montreal Trust Company and Montreal Trust Company of Canada Act, here I believe Mr. Jacques is the sponsor. The purpose of this petition is to transfer the trustee and agency business of Montreal Trust to Scotia Trust. I'm wondering – yes, there has been other legislation in other provinces of a similar nature.

MS DEAN: Yeah, it's in various stages across Canada. It has passed in New Brunswick at this point in time, but it's in committee stage in a number of other jurisdictions.

THE CHAIRMAN: It would be my understanding, both with respect to petitions 1 and 2, that this is more or less a housekeeping type of Bill.

MS DEAN: It's similar to the purpose of Bill Pr. 1, dealing with Toronto-Dominion Trust Company in terms of the appointment of a successor trustee.

THE CHAIRMAN: Right. For the information of the committee, I'm advised as well that this petition complies in all respects with the Standing Orders. Any questions or comments about petition 2?

You might wish to have reference to the various tabs at the back of your binders. Now, you don't have copies of the actual petitions, but you do have copies of the draft Bills, so as we're going through, you might want to have reference to the corresponding draft Bill.

All right. Petition 3 is by Trans Global Insurance Company. Sorry. That's the name of the Act. The petitioners are Mr. Karl Ewoniak and Mr. Gerald Chipeur. Mr. Chipeur is a Calgary lawyer, and the two petitioners are seeking to have an insurance company by the name of Trans Global Insurance Company incorporated. Any questions?

Mr. Reynolds, Bill Pr. 3, as far as we know, complies with the Standing Orders.

MR. REYNOLDS: Yes, as far as we know, except for one little point that maybe I can raise at the end of Bill Pr. 5 with respect to the advertising.

THE CHAIRMAN: Moving on to Bill Pr. 4, this is a similar petition to that described in Bill Pr. 3 by the same petitioners, Mr. Ewoniak and Mr. Chipeur, this time seeking to have a life insurance company incorporated by the name Trans Global Life Insurance Company. Both petitions numbered three and four are being sponsored by Mrs. Tarchuk.

Any comments you wish to make?

MRS. TARCHUK: No. I actually have been playing phone tag with Mr. Chipeur, so I actually haven't discussed this with him. Maybe for some clarification it would be useful to know the responsibility of the sponsor.

THE CHAIRMAN: I'll let Mr. Reynolds address that.

MR. REYNOLDS: Well, we were simply advised that you were the sponsor. We take the petitioners at their word on that. I apologize if there was any . . .

MRS. TARCHUK: I'm not questioning that.

MR. REYNOLDS: Sure. Well, in terms of the responsibility, usually it's the sponsor who would introduce the Bill in the Assembly. If the committee recommends the Bill or recommends the Bill with amendments, it would be the sponsor who usually moves it for second reading. If there is any debate on it in Committee of the Whole, it's usually, in past experience, the chairman of the Private Bills Committee who discusses it. You know, the sponsor can certainly speak to it in Committee of the Whole, and once again it's the sponsor who moves it for third reading typically, if it proceeds past Committee of the Whole. That is generally the role of the sponsor, and of course your name's on the Bill.

THE CHAIRMAN: And you mentioned that you don't have to necessarily support the Bill. Did you mention that?

MR. REYNOLDS: Thank you. I guess you don't necessarily have to support the Bill in order to sponsor it, as the chair has just pointed out. However, that's a decision for the member to make. Certainly

with adult adoptions or something like that it was the case that people in the committee would just be asked if they'd sponsor a Bill, because sometimes petitioners who weren't too familiar with the Legislature wouldn't have a sponsor, so individuals, members of the committee would take that responsibility on.

THE CHAIRMAN: So, really, you as the sponsor are just acting as a conduit to get the Bill into the Legislature. It's nonpartisan, as I understand it, and you're just assisting a member of the public or a corporation.

MRS. TARCHUK: Thank you for the clarification.

THE CHAIRMAN: All right. Good.
Mr. Thurber.

MR. THURBER: Thank you, Madam Chairman. I guess I'm a little curious about these two companies that they want to set up, too, and why they're not just setting them up under the Companies Act or some other function that's already there. Perhaps you could tell me why they're at this table as opposed to doing that, because there are companies being formed every day.

THE CHAIRMAN: Except that insurance companies do require an Act of the Legislature to incorporate them. The Insurance Act governs how they operate but does not give authority to incorporate an actual insurance company, so all insurance companies in the province must go through this procedure.

MR. THURBER: Okay. Thank you for that information.

THE CHAIRMAN: All right. Moving on to petition number five, this is a petition by Kenneth Garnet McKay. He is an adult now, and he's seeking to have his original adoption order terminated. The sponsor of this Bill is Mr. Grant Mitchell.

9:00

MR. REYNOLDS: Did you want me to just comment on that?

THE CHAIRMAN: Yeah, if you would.

MR. REYNOLDS: Okay. There's just one issue to advise the committee about with respect to advertising. For the previous three Bills, the two Trans Global insurance companies and the adoption termination one, the advertising was done for the McKay Bill on February 6 and 13, '97, for the Trans Global one on December 24 and 31, '96, and for Trans Global Life on December 23 and 30.

The Standing Orders require, under Standing Order 86, that the petitioner has to

publish a notice of the application

(a) in one issue of the *Alberta Gazette*, and

(b) once a week for two consecutive weeks in a newspaper published in Alberta,

commencing not earlier than November 1 preceding the session.

Now, these ads ran before this session after November 1, so they comply in that regard. They were undertaken with the expectation of a February sitting. So what our office advised the petitioners was that – as in 1993, the advertising done in a similar situation was fine. I mean, they've complied with the Standing Orders, but it's just that it was done before the February session as opposed to the April session.

THE CHAIRMAN: I had raised with Parliamentary Counsel that perhaps there was a need to have a motion deeming that advertising to be good and sufficient. Now, I'm quite happy to be guided by

other experienced members of the committee. I know Mr. Tannas, Mr. Herard, and maybe others have sat on this committee.

Mr. Herard.

MR. HERARD: Yes, Madam Chairman. I would move that the compliance with the Standing Orders be recognized, even though there was no spring sitting to deal with these. They certainly complied with giving due notice in the papers and so on, and I would move that we accept that.

THE CHAIRMAN: Okay. All those in favour then?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.

All right. Very good. That then deals with petitions 1 through 5.

We'll move on to petition 6, which is being sponsored by Mrs. Gordon. The petitioners in this case are once again Mr. Chipeur and Victor Fitch, both of Calgary. The object of this petition is to change the name of Canadian Union College to Canadian University College. I believe that's the institution at Lacombe, Alberta.

MR. REYNOLDS: I should point out, Madam Chairman, that we referred to this in our memorandum of May 5. There's a section under procedure that talks about this. I apologize that there's no Bill, but we received these petitions Friday, I don't know, late in the morning or early afternoon.

MR. CARDINAL: What did you do this weekend?

MR. REYNOLDS: Yeah. We were in here preparing these speeches for you.

Did you want to speak about the Canadian Union College?

MS DEAN: Well, the only purpose behind this Bill – it's actually an amending Bill – is to change the name of the college. As Rob mentioned, they have not met the Standing Orders requirement in terms of deadline, and the other requirement they have not met is with respect to advertising. The petitioners have advertised in two different publications on consecutive days, whereas the Standing Orders require advertising in two consecutive weeks. So there's another issue to deal with there.

THE CHAIRMAN: So is everyone clear on that? There are two problems. The petitioners were late in filing their material, and secondly, their advertising does not comply with the Standing Orders.

MR. HERARD: With respect to these two petitions, or are we dealing only with 6 at the moment?

THE CHAIRMAN: We're still on 5.

MR. REYNOLDS: Six.

THE CHAIRMAN: Okay.

MR. HERARD: Approximately when do you think these Bills would be coming up, because there may still be time, I would guess, to have the proper advertising done, depending on when they will come up in this session. Is that something that we have an option on, with respect to that, or not?

THE CHAIRMAN: Well, perhaps I'll be guided by Mr. Reynolds on

this, not having gone through this process before. In terms of the timing, I gather that previous committees have had hearings on all the petitions and then dealt with the petitions as a group rather than doing them piecemeal.

MR. REYNOLDS: I believe – and perhaps it's just my own misunderstanding. You mean the Bills at the end? When they deal with the Bills as a group as opposed to the petitions? When you said that the committee deals with them all at the end, you meant the Bills?

THE CHAIRMAN: Bills. Right.

MR. REYNOLDS: Right, exactly.

Well, Mr. Herard, of course you're absolutely right. The committee does have the ability – and I was going to get to this – to require petitioners to undertake supplementary advertising, which of course the committee can do in this instance.

Now, just to be clear, what we've got in the proposed Bill Pr. 6 is that they filed late. They had to file everything by April 30. They missed that deadline. We got it May 2. They advertised once in the *Lacombe Globe* on April 8, I believe, and once in the *Red Deer County Express* on April 9, and under the Standing Orders you have to advertise in two consecutive weeks in one newspaper.

The draft timetable or agenda of scheduled hearings was distributed, and it's my understanding that – perhaps the chair could comment on this – these people wouldn't be coming up perhaps until May 27, which would presumably give time for additional advertising.

THE CHAIRMAN: Does that answer your question? Do you have, maybe first off, in your materials this proposed schedule of hearings?

MR. HERARD: No.

THE CHAIRMAN: I'm advised that it was circulated with the memo that you received yesterday, attached to the binders and at the back of the material. Have you located that? Based on this proposed schedule of hearings, we wouldn't be holding the hearing concerning petitions 6 and 7 until May 27, that is if this schedule is adopted by this committee.

MR. TANNAS: Just a question to Parliamentary Counsel, Madam Chairman. We have a provision under Standing Order 86, as you say, that indicates “commencing not earlier than November 1.” Presumably if we are now in May, the petitioners have had six months in which to file the application, but they didn't make it within the six months. They're now over time. If we're going to entertain this one and perhaps others, at what time do we call it off? I guess that's something that the whole committee has to consider. It's not like it's a sudden deadline. It's one that's rather broad, and someone is still not being able to make it. Will this cause them any great injury by not getting in?

The last thing is the date of receipt as opposed to the date of sending. You were saying it was several days late. Is that the date of receipt or the date of sending?

9:10

MR. REYNOLDS: I imagine it was the date of sending, because we had a faxed statutory declaration that was dated May 2 with respect to advertising for Bill Pr. 7.

I should also mention that you should have all received a letter from Mr. Chipeur of Milner Fenerty requesting a waiver. It's dated

May 5, and it refers to these two Bills. If anyone doesn't have a copy of it, Ms Marston would be pleased to provide you with one.

But you're quite right, Mr. Tannas. I should say that the deadline of April 30 is not something that we dream up off the top of our heads. It's provided for in the Standing Orders. The Standing Orders provide that the deadline for receipt of all materials for private Bills be 15 days after the opening of session, which in this case was April 30. Now, that notice is published in every daily newspaper in Alberta for two consecutive weeks and is published in the *Alberta Gazette*.

THE CHAIRMAN: Thanks, Mr. Reynolds.

MR. HERARD: Well, given all of that and given the fact that Mr. Chipeur has appeared here a number of times before and is I think quite conversant with the procedures, I think missing it by a couple of days only proves one thing, and that is that he's as human as the rest of us. I would so move,

that we accept that particular application with instructions that supplementary advertising be done under the Standing Orders and that we receive a confirmation of such.

MR. REYNOLDS: If I could just clarify perhaps, Madam Chairman. Would you then, Mr. Herard, be moving for Bill Pr. 6, the Canadian Union College Amendment Act, 1997, that Standing Orders 89(1)(b) and 89(2) be waived with respect to this petition and that subject to the petitioner undertaking supplementary advertising in the newspapers – you may wish to explain. They've only advertised once. Do you mean that they'd have to undertake one more advertisement?

MR. HERARD: For two weeks.

MR. REYNOLDS: They'd have to do two weeks.

MR. HERARD: One newspaper for two weeks.

MR. REYNOLDS: Okay. I see.

THE CHAIRMAN: So commence the advertising anew and do it properly.

MRS. FRITZ: Well, that was my question, if it was just a recommencement of the advertising. So it's for a two-week period? So this motion is simply asking that they follow procedure?

THE CHAIRMAN: Yes, and waiving the requirement that they have their material in by April 30. It was received May 2.

MRS. FRITZ: Can I ask, Mr. Reynolds, is there precedent that we have done this in the past as a committee?

MR. REYNOLDS: There's certainly a precedent for waiving the requirements. Now, I can't say every year for the past four years, but it seems that almost every year there's been some waiver granted for something. I mean, last year I believe the advertising was completed after the deadline for Unifarm, and it was approved. Certainly the committee has the power to recommend that supplementary advertising be undertaken, which is fine. In this case the chair could simply report that the waiver had been granted, the letter could be written to the petitioner, and the committee could just refuse to hear them until the advertising was completed, which would be the effect of a letter.

MRS. FRITZ: And it's traditional. Like, that has happened before with the committee, that we've done this, so it's not a problem.

THE CHAIRMAN: I believe that any waiver, though, would have to be conditional upon actual completion of the advertising. We can't grant the waiver until they actually comply with the condition. Would that not seem to follow?

Mr. McFarland, you have something?

MR. McFARLAND: Madam Chairman, with the comments about the experience that the person helping Canadian Union College apparently has had, he's not new to the routine. I think the onus is on the person to make sure that the deadlines are met. He's had since November to do it, so I don't think that's something that I would support. I think you get into the same situation when people come in and pay their taxes. December 30 is the deadline, and it doesn't get there until January 2. December 30 is the date. You had a whole year to plan on it. Tough.

THE CHAIRMAN: Well, I think it's important for the committee to also know that Mr. Chipeur did not seek the waiver until he was invited to seek the waiver by Parliamentary Counsel.

MR. REYNOLDS: Madam Chairman, with respect, that's quite common. They just assume that we're going to ask for it anyway.

MRS. BURGNER: To belabour this doesn't seem to be a fruitful use of our time. My feeling is that there is precedent to allow us to consider this Bill during this session, and I think we should support the motion and find a way to proceed.

THE CHAIRMAN: Any other comments on this point?

All right. Mr. Herard has moved, then, that we waive Standing Orders 89(1)(b) and 89(2) with respect to petition 6 on the condition that supplementary advertising be undertaken in accordance with the Standing Orders.

All in favour?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: All opposed? Carried.

All right. Moving, then, to the final petition. Petitioners again include Mr. Chipeur, John MacKay, and Dwight Bliss, all of Calgary, who are seeking to incorporate an insurance company under the name Altasure Insurance Company. You have a copy of the draft Bill under tab – no, you don't. It's too new; you don't have it. The sponsor of this Bill is Mrs. Kryczka. There are problems with this petition as well. This material was not received by Parliamentary Counsel until May 2?

MR. REYNOLDS: Yes. Six and seven arrived at the same time.

THE CHAIRMAN: All right, May 2. So they were late in filing their materials with Parliamentary Counsel, and their advertising is not complete. They've advertised May 2 and presumably will be doing so on May 9, but that's this Friday, so their advertising is not in compliance with the Standing Orders.

MR. McFARLAND: I'll try it again. An experienced person knows the routine. In this case he hasn't even filed the material. With the technology that's available, it is really unfortunate that he didn't meet the deadline, let alone have the advertising. I would move that your first recommendation be upheld.

THE CHAIRMAN: So you're moving that the committee not grant

waivers of the Standing Orders.

MR. McFARLAND: Quite different in this case, I believe, than just simply saying that you didn't have your advertising complete. If I understand you correctly, the material wasn't received until after the deadline?

THE CHAIRMAN: Right, two days late with incomplete advertising.

MR. McFARLAND: Two days doesn't matter. They had from November to work on it.

MRS. BURGNER: For clarification, because I don't have the material for this particular petition, the names that you have read out, is there any connection between Bill Pr. 5 and this next one?

THE CHAIRMAN: The only common denominator is Mr. Chipeur.

MRS. BURGNER: So the name MacKay isn't the same?

THE CHAIRMAN: Bill Pr. 5?

MRS. BURGNER: I don't have any documentation. I thought I heard you read out that this petition included Mr. Chipeur and a Mr. MacKay. I'm just asking for clarification whether Bill Pr. 5, which also has a MacKay on it, is one connected in any way, shape, or form with the other.

MR. REYNOLDS: No, that's not my understanding at all.

MRS. BURGNER: Okay. Then having said that, I would support the earlier procedure in dealing with a late petition.

THE CHAIRMAN: In other words, you're saying you would support a waiver?

MRS. BURGNER: We're a government that's on record as being involved with efficiency, and for two days I would not put the lawyers through that many more billable hours.

9:20

THE CHAIRMAN: Okay.

Mr. Herard.

MR. HERARD: Yeah. Speaking against the motion for the same reason that Mrs. Burgener has just said, I'm wondering if this particular insurance company Bill has been before us in some other form. Do we have any background as to how long they've been trying to incorporate this particular insurance company? I seem to recall in the past that there was one insurance company who was trying to establish and incorporate under an Act but had not complied with all of the rules. I'm wondering if this is the same one or if this is a new one. Mr. Reynolds?

MR. REYNOLDS: Mr. Herard, do you mean another insurance company this session?

MR. HERARD: No. In the last four years I seem to recall dealing with a petition with respect to incorporating an insurance company, but under the rules of incorporation for insurance companies they had to have certain capital and certain shareholders and all this sort of stuff, and it didn't seem to materialize. So I'm just wondering if there's a link between this one and that one.

MR. REYNOLDS: Mr. Herard, I have no idea.

MR. HERARD: Okay.

MR. REYNOLDS: The petitioners certainly haven't indicated that. The Bill I believe you may be referring to passed in 1993, and I believe it was the – I can't even say what it was off the top of my head.

MR. HERARD: Fine. As long as there's no . . .

MR. REYNOLDS: I don't know if they're linked. I think some of the petitioners are the same, but I don't know the linkage at all.

MR. HERARD: All right. Thank you.

THE CHAIRMAN: Well, we have a motion put forward by Mr. McFarland with respect to Pr. 7

that the committee not grant waivers of Standing Orders 89(1)(b) or 89(2) in this case.

All in favour?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? All right. It's defeated.

MR. TANNAS: Abstained.

THE CHAIRMAN: Mr. Tannas is abstaining for the record.

MRS. BURGNER: You had a motion not to proceed with it. Do you need one to proceed with it?

THE CHAIRMAN: Right. Mrs. Burgener has moved that in fact . . .

MRS. BURGNER: We waive Standing Orders as per our previous discussion on Pr. 6.

AN HON. MEMBER: Seven.

MRS. BURGNER: No. I know. I'm saying as per the one we just did prior to this one.

THE CHAIRMAN: All right; with the condition that the advertising be completed.

MRS. BURGNER: That they readvertise, the same conditions, yes. For clarification on the motion, I would like to move that we waive the Standing Orders and assure the committee that the advertising has proceeded as per required, and that if that is complied with, then we are able to hear the petition.

THE CHAIRMAN: So that's the waiver of 89(1)(b) and 89(2).

MR. REYNOLDS: Yes, Madam Chairman. Mrs. Burgener, I certainly don't want to change the intent of your motion, but would it be safe to say that the motion be rephrased: that the committee waive Standing Orders 89(1)(b) and 89(2) subject to the condition that the confirmation of the advertising being completed?

MRS. BURGNER: You took the words right out of my mouth. I don't know how you did that.

THE CHAIRMAN: In compliance with the Standing Orders. So we

want advertising once per week in two successive weeks in the local newspaper.

MR. REYNOLDS: Right, and they've already advertised May 2.

THE CHAIRMAN: All right.

MR. McFARLAND: Could I just ask a question, Madam Chairman? I can understand the delay and the rationale in the confirmation for the advertising, but the question that I felt was important was the late filing of material. The next private Bill that comes forward that misses the deadline by seven days: are we going to waive that right then? We're setting a precedent.

THE CHAIRMAN: I don't disagree with that.

MR. McFARLAND: Well, so long as we don't start doing this a month into the process.

MR. THURBER: I wonder if Parliamentary Counsel could provide us with a little further insight into Mr. Chipeur, because I notice that he's on just about every Bill we've got here in one form or another.

THE CHAIRMAN: As a petitioner.

MR. THURBER: Yeah, as a petitioner and as a legal person to do with the unadoption as well.

THE CHAIRMAN: No, he's not involved in that one. I myself queried Parliamentary Counsel about that because I thought it was odd that a lawyer would be including himself as a petitioner. It's probably just a matter of form.

MR. THURBER: He's the lawyer for the Canadian Union College Amendment Act as well. I think we should do a little bit more background and find out exactly where this guy's coming from. If he's one of the experienced lawyers that does this, then that's one thing.

THE CHAIRMAN: Yes, he is. Apparently he has appeared before this committee many times.

MR. THURBER: If he is, then why isn't he able to meet the deadlines? I guess I have the same concerns as my colleague here.

THE CHAIRMAN: Well, I can't answer that, but I don't disagree with the sentiment.

MR. HERARD: We have a motion on the floor, I believe.

THE CHAIRMAN: Yes. Mrs. Burgener has moved that with respect to Bill Pr. 7 the committee waive Standing Orders 89(1)(b) and 89(2) on the condition that the advertising conform to once per week in two successive weeks in the local newspaper. Fair enough? All in favour?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed?

SOME HON. MEMBERS: No.

MR. TANNAS: Abstained.

THE CHAIRMAN: Mr. Tannas is abstaining. Carried.

All right. The next thing on our agenda is to look at the proposed schedule of hearings. It is proposed that we hold hearings next Tuesday on petitions 1 and 2; the following Tuesday, the 20th, on petitions 3, 4, and 5; and the following Tuesday on petitions 6 and 7, and that we then make any final decisions that I guess carry over from May 27 to June 3. I understand it's been the procedure of previous committees not to make a decision the day of the hearing but in fact to wait a week in case there's any other information that needs to be forthcoming or just to allow members to confer with their caucuses or whatever. Then a decision is made the following week after the hearing. That seems to be a reasonable way to proceed. Any comments about this schedule?

MR. HERARD: Madam Chairman, it's not with the schedule so much as with the starting time. With respect to the fact that the petitioners in a lot of these cases have to come from Calgary and with respect to air schedules and so on, I'm wondering if it would not be wise to begin at 9 o'clock instead of 8:30 in the future.

THE CHAIRMAN: That seems most reasonable, certainly from my perspective. I believe the Liberal caucus has a meeting at 10 o'clock each day, so I was wanting to accommodate members from that caucus. Assuming that we could complete our deliberations in an hour, then there's no problem with starting at 9, but if we can't . . .

MR. HERARD: Well, I'm not sure with respect to past meetings if we've had any petitioners who in fact took any longer than an hour. You know, if we were just going by experience, then I think we'd be fine.

THE CHAIRMAN: All right.

So we're agreed, then, that we will . . . Oh. Mrs. Soetaert.

9:30

MRS. SOETAERT: Sorry. Going by experience, the petitioners didn't take longer but some of our discussions did, so we ended up often going over an hour, as I recall. Are you thinking of changing the time to 9 because of air flights from Calgary?

MRS. FRITZ: It's just a comment, Madam Chairman, that over the past four years the traditional start time has been 9 a.m. I think that's well known. The Liberals would have known that for this committee.

THE CHAIRMAN: I'm advised by our administrative assistant that the Chamber is booked from 8:30 to 10:30 for this committee and that in her experience starting at 9 has been more the exception than the rule. I think it would be safer to start at 8:30. I mean, 8:30, 9 o'clock, it's all early.

MRS. BURGNER: Madam Chairman, are we debating this motion now?

THE CHAIRMAN: There is no motion.

MR. HERARD: Yes, I move that we start at 9 o'clock.

THE CHAIRMAN: Okay. There is a motion now from Mr. Herard. Any other thoughts? If not, Mr. Herard has moved that we commence this committee meeting Tuesday at 9 a.m. All in favour? Opposed? Defeated. So we'll be starting then at 8:30.

All right. Any other business that anyone has? I guess we haven't moved the format of the schedule. Anyone prepared to make that

motion, that we adopt the proposed schedule of hearings for 1997?
Okay. Mr. Thurber has moved that. All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Opposed? Carried.
Any other business?

MR. THURBER: Adjourn.

THE CHAIRMAN: Okay. All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: We're adjourned.

[The committee adjourned at 9:32 a.m.]

