

[Ms Graham in the chair]

THE CHAIRMAN: Good morning, ladies and gentleman. Welcome to this meeting of the Standing Committee on Private Bills. I want to say at the outset that I neglected to welcome a new member to our committee last week at our organizational meeting, and that person is Mr. Wayne Jacques, the Member for Grande Prairie-Wapiti. Welcome. He was in attendance last week, and I apologize for not recognizing him.

At this time I would ask you to review your agenda for today's meeting, and assuming that it meets with your approval, I would entertain a motion to approve the agenda.

MR. STRANG: So moved, Madam Chairman.

THE CHAIRMAN: Mr. Strang moves that we adopt the agenda. All in favour, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Any opposed, please say no. The motion is carried.

I believe you will also have with your material the minutes from the last meeting, March 14, 2000. If you've had an opportunity to peruse those, I would entertain a motion relative to the adoption of those minutes. So moved by Mr. Thurber. All in favour, please say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Any opposed, please say no. The motion is carried.

This morning we have on our agenda, as you will note, three matters for hearing: Pr. 1, Pr. 2, and Pr. 3. Prior to calling in the petitioners on Bill Pr. 1, is there anything that needs to be discussed, any matters members wish to raise? I would just ask you to ensure that you have received from the clerk copies of each bill as well as a letter on Bill Pr. 3 from Alberta Environment dated March 20. If anyone hasn't received that, please indicate.

All right. Then we will proceed with the first hearing on Bill Pr. 1, Benevolent and Protective Order of Elks of the Province of Alberta Repeal Act.

[Mr. Blake was sworn in]

THE CHAIRMAN: Welcome, Mr. Blake, to this meeting of the Standing Committee on Private Bills. Please be seated. I'm your chairman, Marlene Graham, and I'd like to introduce you to other members of the committee. I'll ask that they each introduce themselves to you, starting with Mrs. Burgener.

MRS. BURGNER: Jocelyn Burgener. I'm the MLA for Calgary-Currie.

MR. BONNER: Bill Bonner. I'm the MLA for Edmonton-Glengarry. Welcome.

MRS. SOETAERT: Colleen Soetaert from Spruce Grove-Sturgeon-St. Albert.

MRS. SLOAN: Good morning. Linda Sloan, Edmonton-Riverview.

MR. COUTTS: Good morning. David Coutts, Livingstone-Macleod.

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

MR. RENNER: I'm Rob Renner, Medicine Hat.

MR. TANNAS: Don Tannas, Highwood.

MR. LANGEVIN: Good morning. Paul Langevin, Lac la Biche-St. Paul.

MR. CAO: Wayne Cao, Calgary-Fort.

MR. STRANG: Good morning. Ivan Strang, West Yellowhead.

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

MS KRYCZKA: Good morning. Karen Kryczka, Calgary-West.

MR. PHAM: Good morning. Hung Pham, Calgary-Montrose.

MR. JACQUES: Good morning. Wayne Jacques from Grande Prairie-Wapiti.

THE CHAIRMAN: All right. Assisting us, Mr. Blake, we have table officers: Parliamentary Counsel, Ms Shannon Dean – I think you've met – and Ms Florence Marston, our administrative assistant.

Prior to commencing the hearing, I will just go over in brief the procedure we use in the hearing process. As I'm sure you are aware, the purpose of the hearing is to allow you an opportunity to explain why the bill is being requested, the reasons for it. You are the only party here today on behalf of the petitioner. All submissions are made under oath. Once you have made your submission, members of the committee will have an opportunity to question you. If there were other persons whose rights might be affected, they would be entitled to be here today to make a submission. That doesn't appear to be the case.

Once we have heard all the evidence on the hearing, the committee will meet at a later date to deliberate on the evidence, and it is entitled to make one of three determinations: that the bill proceed as presented, that the bill proceed as amended, or that the bill not proceed. You will be notified of the committee's decision shortly after our meeting to deliberate. Assuming that it does receive the approval of the committee, then it will proceed through the Legislature through the same process as any other bill. It would go on to second reading, Committee of the Whole, third reading and then would receive royal assent.

Unless you have any other questions, I will ask you to proceed and tell us about Pr. 1.

MR BLAKE: Thank you, Madam Chairman, and good morning, everybody. The Elks of Canada is a national fraternal and charitable organization with lodges from coast to coast. We actually bill ourselves as the largest all-Canadian fraternal and charitable organization in the country. One of the things that confronts us as a national organization is the varying provincial legislation with respect to the ability of our lodges to own real estate and to deal in real estate.

In trying to work with our lodges in the various provinces in 1995 and 1996, it came to our attention that this particular act of the Elks of Alberta was in fact the act on which the Department of Municipal Affairs in Alberta had been basing their decision to allow some of our lodges to own real estate without incorporating provincially while others had incorporated provincially and, by virtue of their

status as a provincial entity, could buy and sell and deal in real estate. So that's how it came to our attention. I mean, obviously, as an organization we should have known about it, but it basically went to sleep 85 years ago and just surfaced here about four years ago.

The history of why the act is in place basically is that the individuals who attempted to organize the Elks of Canada were in competition with two other groups, and back in 1912 and 1913 there was a little bit of, I guess, a race across the country to see who could either incorporate in each province first or get a dominion charter. Consequently, there was some competing legislation.

In Alberta here a group had in fact incorporated as the Elks of the Dominion of Canada. So the organizers of the Elks of Canada, the organization that exists today, felt that by getting a private bill passed in this Legislature, that would supercede and give them the ability to, I guess, call themselves a truly national organization. There was a pending application before the House of Commons in Ottawa for a dominion charter, and our founders were operating under the belief that once the dominion charter was granted, there would no longer be any need for either a provincial statute or letters patent applications in the provinces that they did those in.

In March 1913 this act was given royal assent. Two months later the federal act was given royal assent, and it was the belief of our organization that that ended the thing. We didn't have to do anything about the provincial acts anymore. We had this great federal charter that was all-powerful and so on. So the organization simply forgot about this particular statute, another one that they had that existed in the province of Nova Scotia, and the letters patent applications subsequently expired because the annual filings weren't done.

8:43

This particular act has sat there since 1913. It's never been amended. Some of the clauses in it we quite frankly find repulsive, Madam Chairman, in today's age. Back in those days there were a lot of organizations, the Elks of Canada included, that restricted their membership to white males. That, of course, was the type of situation that changed several years ago, and the fact that this particular legislation is still sitting here is somewhat of an embarrassment to our organization.

As well, there is a restriction in there that restricts the lodges to holding real estate with an aggregate value not to exceed \$100,000. That was one of the original constitutional items when the federal statute was granted as well. However, in 1982, when we went to the federal government and had amendments made to the enabling statute, that was removed.

So it's sitting there. We don't believe we need it any longer. If you go into the history of our organization, in the original book that was written by our founder Charles Redeker, he actually makes reference in there as to why the provincial statute says the Benevolent Protective Order of Elks of the province of Alberta versus our body, which is the Elks of the Dominion of Canada. He also makes the statement that back then they recognized that this provincial statute was no longer required, but we simply didn't do anything about it.

I have a tendency sometimes, Madam Chairman, to go into too much detail, and I don't know if I've gone into too much or not enough.

THE CHAIRMAN: I guess we'll find out.

MR. BLAKE: I guess so.

THE CHAIRMAN: That completes your submission?

MR. BLAKE: That's it.

THE CHAIRMAN: All right. Thank you very much.

I'll entertain any questions committee members may have at this time. Yes, Mr. Tannas.

MR. TANNAS: Thank you, Madam Chairman. I just want to ask a couple of questions. One, you referred to the white males, so presumably males other than white may now belong to you and are indeed members of your society. Do you allow women in the main body, or are they still in the Royal Purple?

MR. BLAKE: Absolutely. Two years ago our organization had a national referendum vote in which the male requirement was removed as well, so now our organization is open equally to both men and women.

As well, there is the associate body, the Order of the Royal Purple, for those ladies that want to just belong to a ladies' organization.

MR. TANNAS: Thank you.

THE CHAIRMAN: Mr. Cao.

MR. CAO: Thank you, Madam Chairman. What is the other side of this? You repeal this piece of legislation, but are there members opposing this?

MR. BLAKE: We're not aware of anybody that's opposing it whatsoever. Simply nobody has come forward in our organization to let us know that they're in opposition to it. It's just simply not needed anymore.

THE CHAIRMAN: Any other questions from members of the committee?

Just for the record, Mr. Blake, perhaps you could confirm that the repeal of the act in question is not going to affect the rights of any third party or any contracts that might have been entered into with the entity formed by the act of 1913.

MR. BLAKE: Madam Chairman, to the best of our knowledge this repeal act will not affect any entity whatsoever in the province of Alberta. As well, to the best of our knowledge, the Elks of the province of Alberta did not conduct any business whatsoever in the province at any time. It was simply nonfunctioning.

THE CHAIRMAN: Thank you very much.

Parliamentary Counsel, any comments?

MS DEAN: Thank you, Madam Chairman. I just have one question for Mr. Blake. It pertains to your comments at the outset with respect to the real estate issue which led you to become aware of the 1913 statute. I'm just curious if you are concerned at all that this repeal would affect any of your real estate holdings in Alberta, because of course the committee, I'm sure, would not want to proceed if that is the case.

MR. BLAKE: To the best of our knowledge and understanding it will not affect any of the real estate owned by any of the Elks lodges in Alberta. There are currently 96 Elks lodges in the province of Alberta. Virtually every one of those lodges was chartered by the federal body under the federal legislation. There were no Elks lodges ever chartered under this provincial legislation. So the ability and capacity of the Elks lodges that currently exist are governed by two things, as we understand it. Number one, of course, is your

Land Titles Act and your Societies Act. Number two is the national constitution, bylaws of the Elks of Canada.

So where in your province an entity is required to be incorporated to own real estate, the majority of our lodges that own real estate are incorporated. Those that are not incorporated now that your land titles branch has allowed to purchase real estate – we are going to be recommending to them that it probably will be in their best interests to incorporate in the event that they want to sell off or change their holdings or whatever.

THE CHAIRMAN: Any concluding comments you wish to make, Mr. Blake? It appears that there are no other questions.

MR. BLAKE: No, I have none at all, other than if I could, Madam Chairman, through you, extend my appreciation to Shannon Dean and Florence Marston. This has been a totally enjoyable process. The help given to my office both last year and this year was just great. And to Mr. David Coutts for agreeing to sponsor this legislation for us, as a good brother Elk should, thank you very much.

THE CHAIRMAN: Well, thank you for those kind comments, and we thank you for your presentation here today. As I mentioned, we will be deliberating. Actually, our meeting is scheduled for April 18 to make a determination on this matter, and you will be notified soon thereafter.

MR. BLAKE: Thank you. Thank you, ladies and gentlemen.

THE CHAIRMAN: Thank you very much.

All right. We'll now proceed to call in the sponsors and other parties who are here on Bill Pr. 2, William Roper Hull Child and Family Services Amendment Act, 2000, sponsored by Mr. Stevens.

[Ms Rankin and Mr. Barber were sworn in]

8:53

THE CHAIRMAN: Well, I wish to welcome both of you to this meeting of the Standing Committee on Private Bills. Mr. Barber, you are counsel for the petitioner?

MR. BARBER: I am.

THE CHAIRMAN: Ms Rankin, you are representing Alberta Children's Services?

MS RANKIN: Yes.

THE CHAIRMAN: Welcome to our committee. I am your chairman, Marlene Graham, and I'm going to ask the committee members to introduce themselves to you before we begin, starting with Mrs. Burgener again.

MRS. BURGNER: Jocelyn Burgener, MLA for Calgary-Currie.

MR. BONNER: Bill Bonner, MLA for Edmonton-Glengarry. Welcome.

MRS. SOETAERT: Good morning. Colleen Soetaert, Spruce Grove-Sturgeon-St. Albert.

MRS. SLOAN: Good morning. Linda Sloan, Edmonton-Riverview.

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

MR. RENNER: Good morning. I'm Rob Renner, MLA for Medicine Hat.

MR. TANNAS: Good morning. Nice to see you again, Susan. Don Tannas, Highwood.

MR. LANGEVIN: Paul Langevin, Lac la Biche-St. Paul.

MR. CAO: Wayne Cao, Calgary-Fort.

MR. STRANG: Good morning. Ivan Strang, MLA for West Yellowhead.

MR. THURBER: Good morning. Tom Thurber, MLA for Drayton Valley-Calmar.

MS KRYCZKA: Good morning. I'm Karen Kryczka, MLA, Calgary-West.

MR. PHAM: Good morning. Hung Pham, Calgary-Montrose.

MR. JACQUES: Good morning. Wayne Jacques from Grande Prairie-Wapiti.

THE CHAIRMAN: All right. Assisting us as table officers are Parliamentary Counsel, Ms Shannon Dean, and administrative assistant, Ms Florence Marston.

I expect that you heard my brief description of the hearing process, so I won't go into that at this time. I would just state for the record that I understand the petition is to seek amendments to the incorporating statute, the William Roper Hull Child and Family Services Welfare Act, that was passed many years ago. I would state for the record that this petition from our review fulfills all the requirements of the Standing Orders.

Without anything further, Mr. Barber, I'd ask you to proceed with your submission.

MR. BARBER: Thank you, Madam Chairman. Good morning, members. My name is Darryl Barber. I am legal counsel to William Roper Hull child and family services. William Roper Hull child and family services is a private, nonprofit treatment agency located in the city of Calgary. Young people and their families who are referred to the agency exhibit a great variety of severely problematic behaviors and developmental deficits in areas that include psychological, social, cognitive, family, physical, and behavioral functioning. As a result of that, the agency offers a wide spectrum of services ranging from intensive, comprehensive, and secure residential care as well as day treatment, clinical group homes and professional parenting programs, specialized foster care as well as in-home, community-based therapy, counseling, education, and preventative work.

Hull child and family services is dedicated to meeting the individual interests of each client, and as a result they are constantly adapting their programs to serve those ever-changing needs. Admissions to its residential programs are considered for children who clearly cannot be handled positively or effectively in the family home or in the community even with the support of various community resources.

The Hull centre offers residential services through a variety of cottage programs as well as a day treatment program and a campus-based school. Treatment at the Hull centre includes individual group and family therapy, remedial education services, milieu therapy, assessment and crisis intervention, recreation, art, drama, work study and work experience, parenting courses, community school support,

foster parenting, and in-home counseling services.

Hull community services offers a diverse range of in-home, community-based programs which assist youngsters and their families to function more successfully in their natural settings. Considerable emphasis is placed on strengthening the family unit and assisting each individual to assume responsibility for the control of his or her life. They offer short-term intensive support for families in their homes and schools, short-term out-of-home crisis intervention, professional parenting services, long-term family-style treatment homes, both group homes and foster homes for chronic and multiproblem older adolescents and young adults.

The agency has a staff complement of over 200 and is supported by an equal number of volunteers. Its professional staff includes psychologists, a psychiatrist, special education teachers, social work graduates, nurses, and child and community counselors. The staff receives in-service training and is complemented by personally focused supervision and feedback. The programs offered by the agency are regularly evaluated through consumer and youth satisfaction surveys, study of treatment data, and observation of staff skills as well as child and family progress.

The impetus for the legislation that is presented to you this morning is fundamentally threefold. First of all, the agency wishes to shorten its name, quite frankly, in a legal form to something that is a little more manageable and user friendly, from its current name of William Roper Hull child and family services to a shorter moniker of Hull child and family services. It's merely around a matter of presenting oneself to the marketplace, if you will, and being a little more effective in having a name that people can relate to.

The second change, which in our submission is a fairly minor technical change I guess, is that there is constituted within the existing legislation the mandated membership on the board of governors of the agency. The current legislation provides that the manager of the trustee – the agency was created by virtue of a will established by Mr. William Roper Hull and incorporated into legislation back in the early 1950s. The manager of the trustee is designated as being a member of the board of governors. Sometimes that particular manager of the trustee, which happens to be Royal Trust, is unable or does not choose to sit on the board of governors just due to time constraints. What we are requesting in that instance is that it be a designate, either the manager of the trustee or his designate, so that he could in fact have someone who can be in full-time attendance on the board of governors.

The third and perhaps most important change embodied in the legislation before you is to extend the jurisdiction of the agency to include treatment of adults. Currently, the jurisdiction is limited to children and their families. What we are seeking is children and their families and adults to be added to the legislation. The purpose for that is that in many instances the agency engages in the treatment of young people, and when they arrive at the age of 18, they do not wish to have to send them out the door. At this point in time there are several instances where the agency is continuing to treat adults in the sense that they've been within the program since they were 15, 16, 17 years of age, and they progress when they're 18, 19, 20, and they have a continuum of services to address the needs of those individuals.

Technically they would like to be able to treat adults in that sense as well, and sometimes they're not necessarily connected with a family. It might be an individual. So the impetus is that they are currently doing a couple of programs: the persons with developmental disabilities program, PDD, and also the assured income for the severely handicapped. In both those existing programs they are in fact treating adults, and we wish to ensure they have the jurisdictional right to do so.

So the purpose of the legislation before you this morning,

members, is to extend the objects of the act to include the treatment of adults. The agency desires to provide a continuum of community-based services to adults with mild mental handicaps, psychiatric diagnoses, behaviour and emotional problems, and social competency deficits. Typically these clients are over 18 and do not need the intensive support provided by a community-based group home or institution. However, they do need varying levels of support on a daily basis. They may have histories of long-term institutional care and may have recently been discharged from the mental health system or have been living at home but need more support than family caregivers can give to them. With the help of a live-in counselor the programs currently offered by the agency will offer these adults assistance in the development of daily routines such as home safety, money management, life and social skills.

So in principle we're seeking an extension of the jurisdiction to include the treatment of adults for this agency, a name change, and the technical change to allow the manager of the trustee to designate someone to sit in his place on the board of governors.

That is my submission this morning. Thank you, Madam Chairman. Thank you, members.

9:03

THE CHAIRMAN: Very good, Mr. Barber.

Ms Rankin, was it your wish to be present for questions, or did you wish to make a submission as well?

MS RANKIN: Yes, Madam Chairman, I'm here to answer any questions the members may have.

THE CHAIRMAN: Very good. Thank you.

All right. We have some questions. Mr. Renner.

MR. RENNER: Thank you very much, Madam Chairman. I see these requests as being relatively straightforward, and I have no questions on the requests themselves, but I do have a question on the process we are in. It seems to be a very cumbersome process to be incorporated under a private bill. You mentioned that this comes as a result of a will, and presumably that's where the private bill came from, but there are many, many organizations such as this one that operate all over the province incorporated under the Societies Act. I'm wondering why, when you've gone to all the trouble to come here before us today, you're simply requesting that this act be amended and not repealing the act and setting yourself up like everyone else does.

MR. BARBER: A fair question. I can't necessarily know what was in the minds of the people who set this up in 1953. I think that's when they first brought the legislation before this House. The last time we did an amendment of this legislation I believe was in 1987, so it hasn't come up very often that we've had to do anything, but there hasn't been an initiative taken by the board of governors. What we have works pretty well, and I guess they haven't reflected that they ought to turn it upside down. I'm at a bit of a loss to answer your question as to why it was done in the first place, but what they have in place seems to work fairly well, so it's been continued.

MR. RENNER: That's it.

THE CHAIRMAN: That's it?

Okay. Mr. Cao.

MR. CAO: Thank you, Madam Chairman. My question is more on when you say "adults." I'm also thinking about seniors. Is there any differentiation between the word "adult" here and looking at seniors?

MR. BARBER: No. I think an adult is someone who has achieved the age of majority within the province. It could include seniors, but the focus of this agency has been on the treatment of adolescents with various presenting problems. That's been their primary focus. They haven't focused on the seniors market, but in the context of treating adolescents, of course they deal with the entire family context, and that very often involves seniors. Certainly the jurisdictional change we're asking for here would allow them to deal with anyone who's achieved the age of majority, including seniors.

MR. CAO: Thank you.

Can you give me an assessment of, let's say, having this amended, enlarged, then I can see your staff and your ability to deal with the bigger market? Is there any thought around that? Give me some idea.

MR. BARBER: The understanding I have been given in terms of the instructions I received from the board of governors is that they are not seeking to expand their marketplace presence or anything like that in terms of the nature of the treatment services they offer. They're principally seeking to validate what they are currently doing, which is providing a continuum of treatment of some adolescents who reach the age of majority and continue for several years thereafter.

MR. CAO: Okay. Thank you.

THE CHAIRMAN: Mr. Pham.

MR. PHAM: Thank you. I have a few questions for you, Mr. Barber. How many people are in the program that you have now?

MR. BARBER: I don't have a precise number. There's quite a large number. As I indicated earlier, there's in the order of 200 staff. They have an on-school campus. I'm under oath, so I'd be very hesitant to offer up any numbers. I don't have the precise numbers of the client population at the moment.

MR. PHAM: Another question I would like to ask is: how many of them are adults?

MR. BARBER: How many of them are adults?

MR. PHAM: Yeah.

MR. BARBER: I think we're talking under 20, from the best information I have, in terms of ones that are in progressive sorts of stages that they've been treating and then they achieve the status of adult.

MR. PHAM: Correct me if I'm wrong, but the corporation is already providing services to adults today even though the objective is not set out that way.

MR. BARBER: There are situations where they are currently providing services to adults today. That is correct. Those are ones that have been in the programs of the agency already and have progressed, and they felt a professional obligation to continue with the treatment service rather than discontinue it merely because they turned age 18.

MR. PHAM: So what kinds of legal problems will the board and the corporation run into if they operate outside the objective of the corporation?

MR. BARBER: What is their legal liability responsibility if they are carrying on treating adults right now without the benefit of the legislation?

MR. PHAM: Yeah.

MR. BARBER: Well, I think as long as they conduct themselves in an appropriate and professional manner – in fact, in two of these instances, under persons with developmental disabilities and also the AISH program, they're receiving funding from the province of Alberta to assist individuals who are adults and achieving that status. So I think what we're trying to do is regularize something that has been going on for a couple of years as the mandate has sort of by natural consequence expanded itself.

I don't think there is a consequence. I mean, someone would have to have an issue with it. I suppose if someone pulled out the legislation and said, "You do not have the legal ability to treat this individual," they would probably be correct, but they're providing such a valuable and needed service that everybody is treating it as a necessity. What we're trying to do here today is ask the Legislature to legitimize and regularize what is in fact occurring and to allow that to continue.

MR. PHAM: The reason I asked those questions is that there could potentially be a case when an adult is being treated by the corporation right now. If the act is not changed, then he or she, if being treated unfairly or if not being dealt with properly, would have recourse to go back after the corporation. But by passing this act and by giving that authority, are we taking away that right of that person implicitly? That's the first question, and that question may be directed to you and may be directed to Parliamentary Counsel as well.

The next question I have is on the name. You still say that it is Hull child and family services only. Is that name misleading if you are seeking to provide services to adults as well?

MR. BARBER: The service to adults that is being requested is one that is an outgrowth of treating a child and often involves the family. My understanding from the board of governors of the agency is that they are not seeking to separately and individually target the treatment of adults per se as a client group, if you will, but it's fundamentally an outgrowth of their treatment of children and their families.

In responding to your first question – are we in any way depriving the rights of anyone? – I certainly don't believe so in any form or fashion whatsoever. I believe what we're seeking to do is merely extend rights to people, if you will, to receive treatment from this agency. If somebody experiences treatment in a negligent, unprofessional, or inappropriate manner, I think their rights would exist whether there's this legislation in place or not.

MR. PHAM: Thank you.

My last question. You have indicated time and time again that it is not the manager's and the board's intention to broaden this service to the adult community. However, when we pass the act, we do give them that right and they can use that right anytime they choose. Is that correct?

MR. BARBER: That would be correct.

MR. PHAM: Thank you.

THE CHAIRMAN: Mr. Pham, did you want to have Mr. Barber perhaps provide you with specific details as to the number of children at Hull home and the number of adults?

9:13

MR. PHAM: That might help in the deliberations later on, yes.

THE CHAIRMAN: All right. That would be obtainable?

MR. BARBER: I'd be happy to undertake to do that, Madam Chairman.

THE CHAIRMAN: Thanks, Mr. Barber.  
Mr. Tannas.

MR. TANNAS: Thank you. Mr. Barber, I wanted to just make a little comment about the name and the reputation of your organization. For many years in another life I was a school principal just south of the city of Calgary and had occasion over the years to have students or individuals go into the treatment there or come out of treatment. Certainly the name was always referred to primarily as Hull home, but that's the physical location. You have a wonderful reputation and well earned.

Having been an MLA and involved with a case that remains clear in my mind, someone who had some great difficulties – and this may answer Mr. Pham's question – in getting along in the home, as a mid-teenager was placed in care of the Hull home and was doing very well. Then came the next crisis, that they were going to turn 18. They couldn't be dealt with at home, and there wasn't any other place for them to go. So your extending it for that family and for that young person who was about to face adulthood was a great relief to all, that they could continue in your organization's care.

I'm just wondering. Do you have intake of adults where they come in as an adult? Will that occur with the changes?

MR. BARBER: Not to my knowledge, Mr. Tannas.

MR. TANNAS: Okay. I think you've answered the other one, that this is not a move to extend your social assistance offerings or moving into greater involvement in PDD and that kind of thing.

My last question is: with the people turning 18, do your group homes fall under the Protection for Persons in Care Act, which kind of takes over in a sense from the Child Welfare Act?

MR. BARBER: I can't answer that. I'm sorry. I don't know.

MR. TANNAS: Do you know, Susan?

MS RANKIN: I believe they would, yes.

MR. TANNAS: Okay. Thank you.

MS KRYCZKA: Well, I think people prior to me have said almost everything I want to say, but I guess I still want to say my part. I'll make it really brief. I, too, was in the education system of the Calgary board of education, in particular in the late '70s at Bowness high school as a guidance counselor and certainly working with students in the school and through the Wood's group homes in that particular area. Any contact I had with William Roper Hull was, again, very positive, so I just speak very highly of the services you offer to the groups of people that do have special needs.

I understand this is part of the transition to adulthood, this extension you're asking for, or else a continuum of service. Would someone who has been in care as an adult somewhere along the way be able to discontinue the service, whether it's of their choice or there's no need at that time, and then also could they recommence programs or services down the road because of the earlier

connection with William Roper?

MR. BARBER: Yes, they could. I mean, the legislation that we're asking you to implement is not restrictive, as Mr. Pham has indicated. They would be able to treat adults. Of course, they have to fit into an existing program that has funding available to it. That's always the major challenge of these agencies, achieving programs that they can fund. So any issues that involve separate and individual treatment of adults would have to fall within some appropriate funding regime that would have to occur, but merely discontinuing treatment for a while with the agency wouldn't in any way disqualify an individual from coming back into their programs.

MS KRYCZKA: Thank you.

THE CHAIRMAN: Mrs. Sloan.

MRS. SLOAN: Thank you, Madam Chairman. I have questions both for Mr. Barber and Ms Rankin. I will start with Mr. Barber.

Currently, Mr. Barber, the petitioner provides primarily services to children and families. Would I be correct in saying that those services concentrate or focus primarily on intermediate or severe mental and behavioural problems?

MR. BARBER: That would be correct.

MRS. SLOAN: All right. What impact does the provider perceive the expansion of mandate will have on their focus and ability to provide those intermediate and severe treatment programs for children and families?

MR. BARBER: It will only enhance their ability to comfortably provide that continuum of care. As I indicated earlier, the direction I have from the board of governors is that they're not seeking to move into additional or new areas of treatment. They're merely wanting to ensure that they have the ability to provide a continuum of care to children, who become adults.

MRS. SLOAN: Do they envision that then there would be an integration so that treatment would be occurring side by side, if you will, or do they envision that there would be separate facilities developed to treat the adult population?

MR. BARBER: No, there's not a concept of separate facilities. They use a variety of group home settings and foster homes, and they have situations where they have contract people live with one or two or three individuals who are progressing out of the sort of group home context into a more socialized state. It's not a physical expansion of facilities or anything of that nature that is associated with this request.

MRS. SLOAN: My final question to Mr. Barber. We have a representative from the Department of Children's Services with us this morning. We have not had any submissions with respect to the department of health, the provincial developmental disabilities board, or the Canadian Mental Health Association relative to this submission, and because of the expanded provision of service, those departments would in fact be affected by this submission. Are you aware whether the petitioner has made their intentions known to those departments or organizations that I've spoken of?

MR. BARBER: I directly have not. I understood that there is some process within the procedures inherent in the private member's bill. I've been very gratefully guided through the process by your

Parliamentary Counsel, and I understand there is some form of circulation associated with that which results in Ms Rankin being here today, but we have not made direct solicitation or contact with those agencies or departments.

MRS. SLOAN: Just a point to leave with you, not a question. I'm wondering how you would interrelate with Alberta Hospital, because if you are in fact providing intermediate and severe services for adults, that overlaps with their provision of services. It would be of use to me if the counsel could provide some further clarification with respect to that mandate expansion in that particular area.

MR. BARBER: Thank you. I'll be happy to inquire and communicate, through Madam Chairman, with counsel.

MRS. SLOAN: Thank you.

Ms Rankin, in the current regulations the petitioner is covered by regulations in the Child Welfare Act; correct?

MS RANKIN: That's right.

MRS. SLOAN: Does the department anticipate that the regulations will need to be expanded or that additional regulations will be required to other statutes to encompass the mandate change?

MS RANKIN: I don't believe so. The regulation you're referring to designates Hull home as a secure treatment institution under the Child Welfare Act, and that would continue, obviously, with a name change down the road, but apart from that, the agency isn't regulated. Certainly when the department enters into contractual relationships with the agency, there are standards put in place through the contract.

MRS. SLOAN: But would I not be correct, Ms Rankin, in interpreting that the Child Welfare Act strictly applies to the provision of service to individuals under the age of 18? So the organization's standing relative to being recognized in a statute as a secure treatment facility would not – in fact, for the provision of treatment to adults they would not have a regulatory standing in that respect except in their traditional provision of service, to those under the age of 18?

9:23

MS RANKIN: Yes. Once the child reaches the age of 18, the Child Welfare Act wouldn't apply to that child, and any services the agency would provide to that individual would, of course, be outside the Child Welfare Act.

MRS. SLOAN: How is it envisioned that they would have statutory standing as a secure treatment facility for adults?

MS RANKIN: They wouldn't. The statutory standing as a secure treatment facility would only apply to their clients who are children and under secure treatment order.

MRS. SLOAN: Okay. But then if they are intending to provide service for intermediate or severe, it must be envisioned that some secure treatment would be required for adults. Am I wrong?

MS RANKIN: Well, I'm not familiar with what kinds of programs they intend to put in place for adults, but certainly the secure treatment wouldn't be provided under the Child Welfare Act, and I'm not aware of any legislation whereby they can provide secure

treatment for adults.

MRS. SLOAN: That would be another area I'd appreciate further information about.

MR. BARBER: If I might assist in that regard. The advice I had from the agency as of yesterday was that there are two instances now where they treat adults through programs. One is under the persons with developmental disabilities program, which involves an interdependent living program that is basically an individual contract, if you will, that the adult carries. The adult contract worker lives with several clients, so it's not of a secure treatment nature. The other one is dealing with people under the assured income for the severely handicapped program. I do not believe that they have any aspirations in any way for a secure treatment facility associated with treatment of adults.

MRS. SLOAN: My final question to Ms Rankin. In the department's review of the petitioner's application, have you been privy to any expansion of that provider's business plan that outlines either the qualifications or the additional resources they intend to provide in order to offer services to individuals at the age of 18?

MS RANKIN: No, we haven't. The only information that has been presented to us is the draft legislation.

MRS. SLOAN: Thank you, Madam Chairman.

THE CHAIRMAN: Mrs. Sloan, just to follow up on your questions, what I might suggest, in addition to any information Mr. Barber may provide to the committee, is that perhaps what we could do is circulate this bill to the departments that are in charge of the PDD program and the AISH program. You also had questions about the interface of Alberta Hospital with William Roper Hull's program for those over 18, and we could address that as well in our letter to Alberta Health. Would that be agreeable?

MRS. SLOAN: Thank you. Yes, that would be great.

THE CHAIRMAN: Parliamentary Counsel will in fact do that then. Mr. Strang.

MR. STRANG: Thank you, Madam Chairman. Just to Mr. Barber. I guess one aspect I was questioning was the aspect of the mandate, basically child and family. Now we're putting the aspect of adult in there. Is that going to detract from the original mandate by very much?

MR. BARBER: I'm assured not, by the board of governors of this agency. They feel it's a necessary addition to their mandate and jurisdiction to be able to effectively treat the children notwithstanding the notional age of majority of 18. When they're providing a continuum of treatment services to these individuals, they very much desire to fulfill that mandate by continuing that treatment notwithstanding they've reached the age of 18.

MR. STRANG: Okay. Thank you.

THE CHAIRMAN: There appear to be no further questions from members of the committee. Parliamentary Counsel, any comments?

All right. That being the case, then thank you very much, Mr. Barber and Ms Rankin, for being here today and presenting to us. I think we had quite a thorough hearing on this matter. We will be deliberating on this matter on April 18, and we'll notify you, Mr.

Barber, soon thereafter as to the committee's decision.

MR. BARBER: Thank you.

[Mr. Evans and Mr. Winnick were sworn in]

THE CHAIRMAN: Welcome, Mr. Evans and Mr. Winnick, to this meeting of the Standing Committee on Private Bills. Now that you've been sworn in, I'd just like to place on the record the fact, Mr. Evans, that you are counsel for the petitioner this morning, and, Mr. Winnick, you're representing Alberta Environment. All right?

I am your chairman, Marlene Graham, and I'd like to introduce you to other members of the committee. I'll ask each of them to introduce themselves to you, starting with Mrs. Burgener.

MRS. BURGNER: Thank you, Madam Chairman. Jocelyn Burgener, MLA for Calgary-Currie.

If I may, Madam Chairman, I have a perceived conflict of interest, so I will absent myself from this part of the proceedings.

THE CHAIRMAN: All right. We will note that for the minutes. Thank you.

MR. BONNER: Good morning. Bill Bonner, MLA for Edmonton-Glenarry. Welcome.

MRS. SOETAERT: Good morning. Colleen Soetaert from Spruce Grove-Sturgeon-St. Albert.

MRS. SLOAN: Good morning. Linda Sloan, Edmonton-Riverview.

MR. COUTTS: Good morning. Dave Coutts, MLA, Livingstone-Macleod.

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

MR. RENNER: Hi. I'm Rob Renner, MLA for Medicine Hat.

MR. TANNAS: Good morning. My name is Don Tannas, from Highwood.

MR. McFARLAND: Good morning. Barry McFarland, from Little Bow.

MR. LANGEVIN: Good morning. Paul Langevin, from Lac La Biche-St. Paul.

MR. CAO: Wayne Cao, Calgary-Fort.

MR. STRANG: Good morning. Ivan Strang, West Yellowhead.

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

MR. PHAM: Good morning. Hung Pham, Calgary-Montrose.

MR. JACQUES: Good morning. Wayne Jacques, Grande Prairie.

THE CHAIRMAN: I'd also like to introduce to you our table officers: Parliamentary Counsel, Ms Shannon Dean, and administrative assistant, Ms Florence Marston.

For the record, then, we are now dealing with Bill Pr. 3, Westcastle Development Authority Repeal Act, sponsored again by Mr. Coutts. Just briefly for the benefit of members, the petitioners in this

case, the town of Pincher Creek and the municipal district of Pincher Creek No. 9, are petitioning the Legislature to repeal the Westcastle Development Authority Act, being chapter 65 of the *Statutes of Alberta 1985*. For your information, the petition for this bill does fulfill all the requirements in the Standing Orders.

With that, Mr. Evans, I'll turn it over to you.

9:33

MR. EVANS: Thank you, Madam Chairman. Prior to 1985 there was a ski hill in southern Alberta called the West Castle ski hill. It got in financial problems and was going to go broke, so the town and the MD decided to take it over, to keep it as a recreational facility in southern Alberta. This was also heavily supported at that time by Lethbridge, Fort Macleod, and the area because we had no other ski facilities. As a result, the Westcastle Development Authority Act was passed. It was brought in as a private bill and was passed. The province got involved. There were grants involved, and the ski hill started to operate again. It operated with limited facilities. They had trailers for the ski house, and it was a T-bar operation.

The town and the MD over the next 10 years each put in about \$200,000 to keep it operating. It was getting to the stage where it was going to have to be shut down because the residents of both the town and the MD were questioning the viability of putting in further funds without expanding the development there. The town and municipal district couldn't expand the operation.

In 1996 a private company composed of people mainly from Lethbridge – and they were all skiers – formed a company, Castle Mountain Resort, and made an agreement to buy the assets and operate the ski hill. This involved the WDA, Westcastle Development Authority, exercising some options they had with the government and buying some of the land and then selling some of it to the new corporation. The new corporation has greatly expanded the ski hill and has been fairly successful with the operation. A large part of it was that they put in a lot more money than the Westcastle Development Authority could through the town and the MD.

The process has now evolved where the WDA, Westcastle Development Authority, no longer has any assets. An agreement was worked out between the town and the municipal district of Pincher Creek and the Westcastle Development Authority after the last sale of lands to Castle Mountain Resort Inc. whereby the assets were transferred to the town and the municipal district.

The purpose for the act in the operation of the ski hill no longer exists. Therefore, we would respectfully ask that this act be repealed as it's no longer needed.

THE CHAIRMAN: Thank you, then, Mr. Evans. Does that conclude your submission?

MR. EVANS: Yes. I might say that in all of this the Department of Environment has been aware of all the transfers. They've had to approve them, and in every one of the transfers of land there's a sale-back agreement to the government. So that's the way it operates.

Thank you, Madam Chairman.

THE CHAIRMAN: Mr. Winnick, do you wish to say anything at this point, or do you just want to answer questions if there are any?

MR. WINNICK: Basically nothing to say other than under the Public Lands Act we no longer have any dispositions with the Westcastle Development Authority. The last one has expired. Basically, the land was sold to them, and in turn it was transferred to the MD and to the Castle Mountain Resort. So we're no longer directly involved with the Westcastle Development Authority.



THE CHAIRMAN: All right. Very good.

Are there any questions from members of the committee? Mr. Cao.

MR. CAO: My question is perhaps just for clarification as far as the development in terms of environmental protection in that area. The Castle Mountain Resort now is running, owning the assets there. Under what sort of environmental approval, if any? Any aspect of that that you can share with us?

MR. EVANS: I wasn't involved in the environmental approvals they got, but I am aware that they did have to obtain environmental approvals. There are very strict approvals, especially on the water and sewer and the sewer lagoons they're operating, but that's all through the Department of Environment. I know it's been a long time getting those approvals. I acted as solicitor for the MD, and we were involved from the point of view of whether or not we approved the latest lagoon, but it depended on Environment's approval, and it took them a long time to get that approval. They can't make a move out there without the Department of Environment's approval. There's no question about that. They have a licence of occupation to use the ski hill. They don't own the ski hill. It's a licence of occupation.

MR. CAO: Thank you.

MRS. SLOAN: Good morning. My questions are to Counselor Evans. The Westcastle Development Authority was comprised of a number of representatives from municipalities and towns. I'm wondering: has the authority continued to function, hold meetings in the recent past?

MR. EVANS: It's comprised of councillors and reeves and the mayor from the town of Pincher Creek and the municipal district of Pincher Creek. It has held meetings up until about three months ago. The last meeting was to dissolve the corporation. The meetings in the last two to three years have been on resolving the disposition of assets, and part of it was the sale of some further lands to Castle Mountain Resort. The problem they were running into is that all these sales have to be approved by the municipal councils of the town and MD of Pincher Creek. So no matter what they did, it always had to go back to the town. They were more of an intermediary on the sale of these lands, and that's the way this act was set up, that the councils had to approve everything. They have been having meetings.

MRS. SLOAN: So was the motion to dissolve and the council's consideration of the dissolution for all the municipalities affected – were those all carried unanimously?

MR. EVANS: As far as I'm aware, they were. I had copies of the motion to the council meeting of the town and the MD, and all they ever said was "carried" on it. I'm not aware of any objection to dissolving this, and I live in the area and know the people.

MRS. SLOAN: My final question is to Parliamentary Counsel. We do not have a representative with us this morning from the Department of Municipal Affairs, and I'm wondering whether or not this sets a precedent with respect to the dissolution of corporations and distribution of municipal lands and what Municipal Affairs' position is on this application.

MS DEAN: The bill was provided to the Department of Environment for comment simply because the lands at issue are

Crown lands and they were being administered through the Department of Environment. I wouldn't say that this would constitute a precedent per se. However, if it would be your request, Mrs. Sloan, to have the bill provided formally to the Department of Municipal Affairs for comment to ascertain whether they have any objection to this repeal, I can certainly undertake to do that.

MRS. SLOAN: Thank you.

MS DEAN: We'll do that then.

9:43

MR. EVANS: Madam Chairman, if I could make a comment on that.

Mrs. Sloan, I did contact Municipal Affairs involving the \$50,000 worth of shares that the WDA had in Castle Mountain Resort. We had to transfer those shares to the municipal district of Pincher Creek. I spent quite a bit of time dealing with Municipal Affairs on it because I had wrongly assumed that we needed their approval. They came back about three times and said: no, we don't have to approve those shares; the MD is entitled to own them. They took a view then that it really didn't involve them. I was looking at a certain section of the act, and I guess I misinterpreted it. So I did involve them to that extent, telling them what was going on, and they showed no interest in it.

MRS. SLOAN: The origin of my question is: if municipalities are dissolving or dispersing Crown land, is there a standard process and protocol that must be followed from a statutory perspective, or does it just occur however the interests involved deem it should occur? That's the root of my question. Those are Crown lands that originally were dedicated to the development of this authority, and my question is: has this application followed a process, if that process exists, for the dispersion of the Crown landholdings?

MR. EVANS: Yes, we did follow it. The process was actually done in 1996 and '97, when the lands that were in the name of the WDA were transferred to Castle Mountain Resort. There was an order in council passed at that time authorizing the sale, O.C. 591/97, and that allowed the sale of 102.19 acres from the government to the WDA. Then subsequently roughly 25 acres of this was sold to Castle Mountain Resort. This was approved by Alberta environmental protection. All of these had to be approved, but the original sale was by an order in council.

MRS. SLOAN: I wonder if I could have a copy of that order.

THE CHAIRMAN: Yes.

MRS. SLOAN: Thank you.

THE CHAIRMAN: We'll circulate that.

Do you have that with you today, Mr. Evans?

MR. EVANS: No. All I have is the letter. I don't have the order in council.

THE CHAIRMAN: We can obtain it. That's fine.

Were there any other questions, Mrs. Sloan?

MRS. SLOAN: There is one just on that last piece of information.

Mr. Evans, you said that 102.19 acres was sold originally to the WDA and then 25 acres was sold to Castle Mountain Resort; correct? So where are the remaining acres? Who holds those acres

today? Do they remain with the municipality, or has the WDA resolved who will hold those?

MR. EVANS: They're in the name of the municipal district of Pincher Creek No. 9. They're holding the lands. Probably 80 percent of those lands are watercourses, undevelopable land, 80 to 90 percent. There's not much that can be developed. Again, those lands are still subject to a sale-back agreement with the government. If the municipality does nothing with them by the year 2017, they go back to the government, and I don't think they can do anything with the great majority of them. I'm just saying that from my knowledge of the area.

MRS. SLOAN: So if the order in council sold those acres to the WDA and this bill repeals the existence of the WDA, is there some kind of fallback clause that says that upon the dissolution of the WDA the remaining lands go to the municipality of Pincher Creek?

MR. EVANS: No. They've already been transferred out. The Department of Environment approved the transfer, and it was on the basis of their approval that we were able to transfer them out.

MRS. SLOAN: All right. Thank you very much.

THE CHAIRMAN: That clarifies the situation. Nevertheless, Parliamentary Counsel will still contact Municipal Affairs for their comments.

MRS. SLOAN: And we will receive a copy of the OC?

THE CHAIRMAN: You will receive a copy of the OC.

MRS. SLOAN: Thank you.

THE CHAIRMAN: Yes, Mr. Coutts.

MR. COUTTS: Thank you very much, Madam Chairman. Good morning again, Mr. Evans. I just want to say a couple of things about the WDA and the long struggle they've had in trying to get some proper development for the area and their own endeavours to make it work earlier on in the process. Certainly the direction they have taken in the past five years has been one of a positive move, not only for the area but also for the residents of Pincher Creek and southern Alberta, when we see the expanded facility by Castle Mountain Resort Inc. being so successful. The original intent by the WDA was to look at expanding a recreational area and operating it, and those people are to be commended for what they have done.

For the benefit of the committee, do I understand that that recreational development was more for the ski hill complex and to make sure that progressed, or did it have some possibilities outside the area in terms of developing and looking at how snowmobile trails and off-highway vehicle paths and that type of thing could be developed in a year-round type of situation? If this is repealed, I'm wondering whether that would dampen any of those kinds of initiatives. As you know, we've got a southwest Alberta consortium for snowmobile development coming forward. Could the Westcastle Development Authority have any part in expanding that initiative if they were allowed to keep going?

MR. EVANS: Thank you, Mr. Coutts. My understanding through all of this is that the total focus was the ski hill. They were never going to get involved in the snowmobiling and cross-country skiing and these other sports interests that could be developed. This first came to light when another corporation went through hearings on

development – their name escapes me at this time – but the Westcastle Development Authority really was set up for the ski hill, to keep the ski hill functioning. That was basically their mandate. I might say that they ran into some tough, tough years of no snow, limited financing, and municipal districts that were hard pressed at the time to put in the money they did put in to keep it going. Politically it had become very difficult for the councils at the time. I know as a skier some of the tough times we had out there. Some years we never skied.

MR. COUTTS: That's absolutely right. It's tough to ski on rocks, particularly if you have a bad year.

Thank you for your comments on that, and congratulations to the Westcastle Development Authority for what it has done. You did some really, really good work there. Now that it's in private hands, it's doing very, very well. Congratulations.

9:53

THE CHAIRMAN: All right. There appear to be no further questions by members.

I'll call on Parliamentary Counsel for comments.

MS DEAN: Mr. Evans, I was wondering if you could make available to the committee actual original certified copies of both the resolutions of the town of Pincher Creek and the municipal district. In addition, you mentioned today that there was a meeting a number of months ago of the Westcastle Development Authority at which time they decided to dissolve. Could you please provide the committee with a certified copy of that resolution?

MR. EVANS: Yes. I don't have it with me. One of the local members kept the minutes, and I'll get him to do it. I do have the certified copies from both the town and the MD, and I have that letter with regard to Order in Council 591/97 that it refers to, if you want it.

THE CHAIRMAN: We appreciate that, Mr. Evans.

MR. EVANS: I will get the other.

THE CHAIRMAN: Okay.

Mr. Winnick, anything you wish to say?

MR. WINNICK: I just wanted to mention about the earlier question on the sale of public lands. Under the Public Lands Act all public lands in municipalities are sold by order in council. That's a standard practice or procedure. Just a point of clarification to all municipalities.

THE CHAIRMAN: Any concluding comments, Mr. Evans?

MR. EVANS: No. I'd like to thank you, ladies and gentlemen, for listening to us and pray that you'll grant our petition.

THE CHAIRMAN: We'll do our best. We thank you for your presentation. As I've indicated before, this committee will be meeting on April 18 to consider all the evidence on all the hearings. Hopefully we'll make a decision at that time, and we'll notify you in due course.

Thank you very much.

MR. EVANS: Thank you, Madam Chairman.

THE CHAIRMAN: All right. Is there any other business that

committee members want to raise? If not, I'll just mention to you that our next meeting, to deal with Bill Pr. 4 and Bill Pr. 5, is April 4, 2000, at 8:30 a.m. in this Chamber.

I would at this time entertain a motion to adjourn. Mr. McFarland so moves. All in favour, say aye.

HON. MEMBERS: Aye.

THE CHAIRMAN: Any opposed, say no. The motion is carried. Thank you, everyone.

[The committee adjourned at 9:56 a.m.]

