

[Ms Graham in the chair]

THE CHAIRMAN: Well, good morning, everyone. I'd like to call this meeting of the Standing Committee on Private Bills to order. First off, I'd like to thank all of you for rearranging your schedules to be here this morning. I know how difficult that is, and I thank you for being here. I think we'll be able to deal with matters quite expeditiously this morning.

In your package of materials that you received on May 25, you have among other things the agenda for today. Unless there are any changes needed to that, I would entertain a motion to adopt the agenda as circulated. Okay. LeRoy Johnson moves the agenda be adopted as circulated. All in favour, please say aye. Any opposed, please say no. The motion is carried.

We also have the minutes from our previous meetings of May 15, 2001, and May 22, 2001, for approval, and you have been provided with copies of those minutes. I would entertain a motion with respect to each of those.

MR. GOUDREAU: I'll move May 15.

THE CHAIRMAN: Okay. Mr. Goudreau moves that the minutes of May 15, 2001, be adopted as circulated. All in favour, please say aye. Any opposed, please say no. That motion is carried.

With respect to the minutes of our May 22 meeting?

MR. LORD: I'll move those.

THE CHAIRMAN: Mr. Lord moves that the minutes of the May 22, 2001, meeting be adopted as circulated. All in favour, please say aye. Any opposed, please say no. That motion is carried.

All right. Moving on, then, to our business of the day, that is to deliberate and hopefully make our decision with respect to the four private bills that are before us. Of course, we have to rely in making our decision on the documentary evidence that was provided to us with respect to each petition as well as the sworn testimony that we received in the Chamber at the hearing with respect to each bill.

Our options, as you know, with respect to each of these bills are to recommend to the Assembly in our report that the bill either proceed as presented, proceed with amendment, or not proceed. In reaching our decisions, we can also be guided by the Parliamentary Counsel report that we have received, which sets out the legal considerations that we should direct our minds to.

Once we have made our decisions today, there will be a report made to the Legislature this afternoon, and Mrs. Kryczka as vice-chairman will be making that report. Then it is our hope and desire that the bills can proceed through all stages this afternoon in anticipation of the end of the session. That is our desire.

MS DEAN: If I could just make a clarification with respect to the procedure after today's meeting, this afternoon is private members' business, so I anticipate that the private bills will likely come up this evening for second reading and Committee of the Whole consideration. We'll take it from there in terms of how the House is proceeding with respect to its other business.

THE CHAIRMAN: Thank you for that clarification.

All right. Let's address our minds, then, to Bill Pr. 1, which is the Congregation of the Most Holy Redeemer Amendment Act, 2001. Just to refresh your memories, I'll briefly describe the purpose and content of each of these bills.

In this matter the congregation is petitioning for amendments to its 1925 incorporating private act for the following purposes. It's seeking to substitute the requirement that members of the congregation be Canadian residents rather than just Alberta residents. It is asking that the French language version of its corporate name be included in the bill. It wants to broaden its objects, and it wants to include the provision that the congregation has the rights and powers of a natural person.

Is there any discussion about the advisability of approving this bill? All right. Would anyone be prepared to make a motion, then, on this bill?

MR. SNELGROVE: I would, Madam Chairman. I would move that the Standing Committee on Private Bills recommend to the Legislative Assembly that Bill Pr. 1, Congregation of the Most Holy Redeemer Amendment Act, 2001, proceed.

THE CHAIRMAN: All right. Thank you. We've all heard Mr. Snelgrove's motion that the bill proceed as presented. All in favour of that motion, please say aye. Any opposed, please say no. That motion is carried. Thank you, Mr. Snelgrove.

Moving on, then, to Bill Pr. 2, the Burns Memorial Trust Act, in this matter the petitioner is the Royal Trust Corporation of Canada. It is the trustee in this case, and it is also the petitioner.

It is seeking to repeal the 1956 act by the same name and replace it with a new act. The substantive changes that are being requested are, firstly, the adoption of the prudent investor guidelines for investment of the trust property and, secondly, to change the investment policy to what is called a total return investment policy, which maximizes the overall return without distinction between income, capital gain, and dividends. The income would be paid in accordance with the disbursement quotas that are provided for in the federal Income Tax Act. Then there are a number of additional changes to modernize the provisions of the act regarding management of the trust.

Are there any comments or concerns about this bill that members would like to discuss? Parliamentary Counsel, Ms Dean, I hadn't called on you before, but anything you'd like to add?

MS DEAN: I don't have anything to add, Madam Chairman.

THE CHAIRMAN: All right. I'd look, then, for a motion on this matter. Mr. Lord.

MR. LORD: Thank you, Madam Chairman. I move that the Standing Committee on Private Bills recommend to the Legislative Assembly that Bill Pr. 2, the Burns Memorial Trust Act, proceed.

THE CHAIRMAN: All right. Thank you, Mr. Lord. All in favour of that motion, please say aye. Any opposed, please say no. The motion is carried.

Moving on to Bill Pr. 3, The Bank of Nova Scotia Trust Company and National Trust Company Act, Mr. McClelland is the sponsor, and the petitioner is, in fact, the Bank of Nova Scotia Trust Company. In this private bill it is requesting transfer of the personal trusteeship and personal agency business of National Trust Company and to be appointed successor trustee in respect of most of the documents, deeds, and instruments to which the National Trust Company is a party.

Any discussion? Parliamentary Counsel, any comments you'd like to make?

MS DEAN: I would just like to point out to committee members that there was some correspondence from the Department of Government Services on this bill. They recommended what appears to me a fairly minor change for the wording of section 7(2) of the bill. This deals with a requirement – and according to the recommendation it would be a mandatory requirement – that any instrument registered at land titles would include a preamble, which would be basically a history of the transfer of the trustee, in each of these documents when they're registered at land titles. Again, I think this is a very straightforward amendment, and as you will recall from last week's committee hearing, the petitioner's counsel and the petitioner weren't opposed to this amendment.

9:15

THE CHAIRMAN: Thank you. Just to refresh the memories of committee members, this committee passed a similar private bill in 1997, with the same petitioner at that time seeking to have the trust property of Montreal Trust transferred to it. So there is a precedent that we have already established ourselves here.

Is there a member prepared to make a motion?

MS KRYCZKA: You said it was a similar bill in 1997?

THE CHAIRMAN: Yes.

MS KRYCZKA: Did it have this minor change incorporated that Shannon was referring to?

MS DEAN: No, it did not. Again, I can't speak on behalf of the Department of Government Services, but I think one could suspect that perhaps they're recommending this change based on their experience with the previous legislation.

MR. LORD: I'm just wondering in terms of process. This has received first reading, and we are now proposing an amendment. Should the motion to proceed with this proceed on the motion as amended or just on the motion?

MR. McCLELLAND: It's as amended.

MR. LORD: I see. Okay.

THE CHAIRMAN: The bill as presented will proceed with amendment.

MR. LORD: Right. I missed that; sorry.

THE CHAIRMAN: I'll call on Mr. McClelland as the sponsor of the bill unless there were any other questions.

MR. McCLELLAND: I move that the Standing Committee on Private Bills recommend to the Legislative Assembly that Bill Pr. 3, The Bank of Nova Scotia Trust Company and National Trust Company Act proceed with the following amendment: Bill Pr. 3, The Bank of Nova Scotia Trust Company and National Trust Company Act is amended in section 7(2) by striking out "may contain a recital" and substituting "shall contain a recital".

THE CHAIRMAN: Thank you very much. All in favour of the motion as made by Mr. McClelland, please say aye. Any opposed, please say no. That motion is carried.

We'll move on to Bill Pr. 4, Western Union Insurance Company

Amendment Act, 2001, the sponsor being Mr. Hlady. The petitioner in this case is of course the company. It is requesting amendments to its incorporating statute, allowing the company to be incorporated under the federal insurance legislation, which it can do pursuant to provisions which now exist in our new but unproclaimed Insurance Act. Our new Insurance Act, which was passed in 1999, is proclaimed to be effective September 1. So what the petitioner is asking for is nothing more than it would be entitled to receive come September 1. Would that be correct, Parliamentary Counsel?

MS DEAN: That's correct, Madam Chairman. I would just like to point out for committee members that in terms of the history of events in the last month this petition for a private bill was presented prior to the announcement of the proclamation date of the new Insurance Act. In fact, the hearing for this private bill took place, I think, the day or two days before that date was announced. Since the hearing we have received a letter, and it was circulated to you this morning. This letter is from Bruce Green, with the law firm Fraser Milner Casgrain. It simply reiterates their desire for this bill to proceed as they may wish to seek continuance under the federal jurisdiction within the immediate few months before September 1. Those are my comments.

THE CHAIRMAN: Okay. Any discussion?

MR. VANDERBURG: I'm prepared to make a motion to proceed.

THE CHAIRMAN: Very well.

MR. VANDERBURG: I move that the Standing Committee on Private Bills recommend to the Legislative Assembly that Bill Pr. 4, the Western Union Company Amendment Act, 2001, proceed.

THE CHAIRMAN: Very good. All in favour of the motion made by Mr. VanderBurg, please say aye. Any opposed, please say no. That motion is carried.

That does, then, conclude our deliberations for today. Is there any other business?

MR. LORD: I move that we adjourn.

THE CHAIRMAN: Well, I'm sure that will receive quick passage as well.

Before we do that, I would just like to thank all of you for your attendance at our meetings during the session and for the very professional way that our business was conducted. That can only happen with the co-operation of members, and I thank you for that. I'm proud of our meetings, and I think that's important, so thank you very much.

I should certainly thank Parliamentary Counsel, Shannon Dean, who is immensely helpful, and Florence Marston as well, who always has our paperwork in order. Thank you very, very much.

MR. OUELLETTE: I'd like to add that I think you did a very good job as chairman, and I've appreciated being on your committee.

THE CHAIRMAN: Well, thank you. A mutual adoration society. Thank you very much.

With that, all in favour of Mr. Lord's motion to adjourn, please say aye. Any opposed, please say no. The meeting is adjourned.

[The committee adjourned at 9:22 a.m.]