

Title: **Tuesday, March 11, 2003** **Private Bills Committee**

Date: 03/03/11

[Ms Graham in the chair]

The Chair: Well, everyone, good morning. I am pleased to call this meeting to order, the first organizational meeting of the Standing Committee on Private Bills for the Third Session of the 25th Legislature. Just having said that makes me think that attending this organizational meeting every session is a means of measuring how many years I've been here, and they are adding up, and I'm sure others of you can relate to that or will be able to soon.

Well, it's nice to see you all, and I'm glad to see that the doughnuts did arrive. We were a little worried about that. We know we need those to ensure good attendance, and it looks like we've got almost perfect attendance again.

So with that, I would ask you to consult the agenda that was circulated with all of your other materials, and if there's approval for the contents, I would seek a motion to that effect.

Dr. Massey: So moved.

The Chair: All right. Thank you, Dr. Massey.

All in favour of approving the agenda as circulated, please say aye.

Hon. Members: Aye.

The Chair: Any opposed, say no. Motion is carried.

I would also, then, ask you to refer to the committee meeting minutes of April 16, 2002, our last meeting from last session, and if those minutes meet your approval without any errors, omissions, or additions, I would seek a motion to that effect. Dr. Pannu so moves. All in favour, please say aye.

Hon. Members: Aye.

The Chair: Any opposed, say no. This motion is carried.

All right. We're moving along quite well. We're now to the item on the agenda where we will talk a bit about the purpose of this committee and the process that we follow and the petitions that we've received this year. I think we've all now gone through one cycle of private bills, so I'll just be very brief in reviewing that for us all.

Private bills are an unusual creature, and even though I had practised law for many, many years before I came here, I have to confess that I had never heard of a private bill. I didn't know what it was. I think now, after six years, I have somewhat of an understanding of what a private bill is. A private bill is different than a public bill, which consists of our government legislation and our private members' bills. These are bills that affect the community at large, the entire society, as compared to our private bills, which affect either an individual, a select group, or an organization. They do not have broad, general application to the general public. So that is a major differentiating factor between the two.

The purpose and content of a private bill is to seek some sort of relief or rights that are not available through any other means: through existing legislation, through the courts, or through some administrative body that might exist. When there is no other way and all other means have been exhausted of seeking the relief that is needed or an exemption from the existing law is sought, then one would petition the Legislature and the Lieutenant Governor for the relief being sought. As you know, we receive these petitions. We

review them to see that they comply with our Standing Orders 84 to 101. Assuming that the petitions comply, we report to the Legislature. The Legislature normally, in my experience, concurs with our report, and then these bills are introduced by first reading to the Legislature.

We then conduct hearings to evaluate the merits of the petitions, and we have the responsibility of deciding whether the petitions should be approved or changed or not recommended. We are the body that makes recommendations to the Legislature on whether the bills should or should not proceed. If they do proceed, then they follow the same procedure as any other legislation, and they go through second reading, Committee of the Whole, third reading, and eventually receive Royal Assent.

Would there be any questions, or have I suitably mixed everyone up yet again? All right. Well, we'll proceed, then, to item 5 on our agenda, and I'll tell you a little bit about the two petitions that we have received this year, this session.

The first is sponsored by Mr. Griffiths, and it is Bill Pr. 1, Sisters of St. Joseph of the Province of Alberta Statutes Repeal Act. The petitioner in this instance is Sister Theresa Carmel Slavik, who is submitting the petition on behalf of the Sisters of St. Joseph of the Diocese of London, Ontario, and is requesting the repeal of two previous private acts that were passed in this Legislature that relate to the Sisters of St. Joseph of the Province of Alberta. Those acts that are going to be repealed if we pass this bill are, firstly, an act to incorporate the Sisters of St. Joseph of the Province of Alberta, *Statutes of Alberta* 1927, chapter 82, and, secondly, an act to provide for the exemption of certain land which is the property of the Sisters of St. Joseph, Edmonton, Alberta, from assessment and taxation, and that's *Statutes of Alberta* 1964, chapter 147.

The reason that this repeal act is being sought is that

The Sisters of St. Joseph of the Province of Alberta is no longer active, and that [all of] its assets and liabilities have been transferred to The Sisters of St. Joseph of the Diocese of London, which is registered in Alberta as an extra-provincial non-profit corporation.

We are advised by Parliamentary Counsel that all requirements of the Standing Orders have been fulfilled by the petitioner in this case.

The second petition is Bill Pr. 2, Forest Lawn Bible College Act, sponsored by Mr. Pham, and the petitioner in this case is Reverend Nguyen, who is requesting

a Private Act that will establish a body corporate called the Forest Lawn Bible College that will operate as a non-sectarian educational institute for secondary and post-secondary Christian Education with the right to grant certificates, diplomas and degrees in divinity. The head office of this [school] is to be located in Calgary.

Once again Parliamentary Counsel advises that all requirements of the Standing Orders have been fulfilled by the petitioner.

Before taking any questions from members, if there are any, I'm going to call on Parliamentary Counsel for any supplementary remarks that she may have on these petitions we have received.

Ms Dean: Thanks, Madam Chair. I just wanted to remind committee members of some of the things that the petitioners actually have to do to fulfill the requirements under the Standing Orders. First, they have to provide proof to our office that they've advertised the nature of their private bill petition in the *Alberta Gazette* as well as in a newspaper published in Alberta, and they have to do the newspaper advertising once a week for two weeks. So in both cases both petitions have complied with that requirement.

The other requirements are fairly straightforward: simply petitions to both the Assembly and the Lieutenant Governor, a draft bill, and a cheque for \$200. In terms of the process from here, we have received the draft bills. I'm just in the process of finalizing the bills

in terms of Alberta drafting style. I anticipate that they will be introduced next week, of course prior to the hearing, which the committee will be deciding on shortly, but if the committee concurs with the proposed date, it'll be in two weeks.

9:10

Rev. Abbott: I have a question just with regards to Bill Pr. 2. I'm just wondering: are there other educational institutions in Alberta that have their own acts such as this, or is this unique in this circumstance?

The Chair: Yes. To the best of my knowledge, this is not unique. I think we have in my experience had similar petitions, and while it isn't the only route for establishing an institution of this sort, if you are seeking some unique structure or rights or privileges, then this is certainly open to you. Now, the only consideration, I suppose, that a petitioner would have to look at is that by establishing a private institution, of course government funding would not normally be available.

Mr. Pham: Madam Chair, if I may, Tony did ask a fairly routine thing. In fact, there was a college right in my riding that was set up that way. The Eastside City Church set up a college more or less in the same way, and the reason it was set up in this way was because it was very difficult to obtain funding from the government. They approached the Minister of Learning and asked to become an accredited institution, and it was very difficult to do that. Therefore, many of them choose to go this route, and, you know, this is a hundred percent private and doesn't have anything to do with our money.

Ms Dean: The members of the committee that have been members of the committee for a number of years may recall that in 1996 there were at least two Bible colleges that were incorporated by a private act, and based on the proposed draft bill that Reverend Nguyen is proposing, he's using the very same language that was used in 1996, that was approved by the committee.

Mr. Goudreau: Under Pr. 2 are they presently operating now? Are they active as a college and they want to formalize themselves, or is this brand-new?

The Chair: I'll call on Mr. Pham to confirm, but I doubt very much that they are.

Mr. Pham: First of all, Mr. Nguyen is a remarkable guy. He was a refugee coming from Vietnam, and the reason that he left was because he was persecuted for his religious beliefs, and he continued following his beliefs. He was working very closely with the Eastside City Church, teaching there and helping them with their educational programs. He's presently very active. He's helping other students to go to school, and this is probably one of the reasons why he wants to set up a college at this time. But he worked very closely with the Eastside City Church, which is wanting a college at this time.

The Chair: Does that answer your question?

Mr. Goudreau: Not really, but that's okay.

Mr. Pham: I think that you should ask them directly that question.

Mr. VanderBurg: On Pr. 1 is the whole intent to move the Sisters of St. Joseph to the Sisters of St. Joseph of the Diocese of London

just to get away from paying property taxes? Is that the whole intent of this?

The Chair: Well, you know, again, that's probably a good question when we conduct the hearing. I'm not in a position to comment one way or the other. I think this transfer of assets and liabilities, though, took place a number of years ago and this is sort of a housekeeping type of thing, but that's certainly something to remember to question when we have the hearing.

Mr. McClelland: Madam Chair, I think the documents will show that this is merely a winding up, that all of their assets have been transferred to the province of Alberta or to the Catholic hospitals, and it's just a winding up of all the loose ends of the assets. All their liabilities have been paid, and all their assets have been transferred to either the province or to the Catholic hospitals.

The Chair: I guess the other thing to remember is that the Ontario diocese is registered in Alberta. So if tax were an issue, I think the entity would attract tax here. I just throw that out.

Parliamentary Counsel.

Ms Dean: Thanks, Madam Chair. I just wanted to point out that, of course, it's a serious question, whether or not the committee should ever recommend that an act be repealed. So all of these are good questions.

I just wanted to let the committee know that I am working with the petitioner's counsel to confirm that the committee will have some form of substantive evidence before it showing that these assets and liabilities have actually been transferred, and of course a representative of the petitioner and the petitioner's counsel will be here to provide evidence under oath for you.

The Chair: Very good.

Dr. Massey, you had a question?

Dr. Massey: Yes. On Pr. 2 I wonder why credentialing by Alberta Learning was denied, as I understood that was the case.

Mr. Pham: It was not so much denial, but I think that the process would take a lot longer. Whenever Alberta Learning considers an institution or a college like that, there are many facts that they have to look at, and they also look at the issue of funding. Therefore, if these people are going to go there and approach them as a postsecondary institution with a request for funding, then the process will take a lot longer. They haven't been denied by anybody yet, but that's the route that these institutions take, because they are a Bible college and by nature a Bible college does not attract a lot of students anyway. They only attract a very few people who are committed to study the Bible. Therefore, rather than waiting for all those lengthy processes – Alberta Learning has to apply the rules to everybody, and if it is a postsecondary institution, it will probably take longer. If you compare this to the U of A, then there's no comparison.

Dr. Massey: Maybe it's a question we can ask the petitioners when they're here, because that credentialing process, as I understand it, also assures students some quality in terms of the degree that's granted by the institution. It is a long process. I realize that. Thanks.

The Chair: Yes. Just as follow-up to that, Alberta Learning will be asked for its comments on this petition. You know, we can certainly

request that a representative attend the hearing who could answer those questions, and we will do that.

Dr. Massey: Thank you.

Rev. Abbott: I'm a little bit familiar with the Bible college scene, and there certainly are accredited and then nonaccredited Bible colleges. So the nonaccredited ones would be the ones perhaps like this, where they maybe run out of a church basement or whatever, and they could never have the library and the various different accredited staff, you know, and all this kind of stuff that you would need in order to get provincial accreditation. This is a common way for a Bible college to be recognized as its own sort of degree-granting institution, I guess. The degree is generally only recognized by their own denomination or by their own certain circles, but it's not a transferrable accredited degree like you would get from, say, a larger institution.

The Chair: Thank you for that.

Dr. Pannu: On the same issue, Madam Chair, section 5 of the draft on Pr. 2 refers to the "degree programs in divinity and in certificate and diploma programs in education." Now, I suppose there is going to be more than one kind of divinity degree program. Is that what's implied here? Secondly, the certificate and diploma programs in education, "arts, science and other fields." Would these, then, remain unaccredited until the conditions are met? That's the other part I want clarified.

The second question on Pr. 2 has to do with the reference made in section 8 to members of the college. I haven't seen in section 1, which defines what a board is and bylaws are and what "college" means, who the members of the college are. That's not clear from the draft.

9:20

Ms Dean: Dr. Pannu, that's the draft bill that's been submitted by the petitioner, so of course it has not been reviewed. That's the actual document that they've provided to our office, so I'll be vetting the document to make sure that the appropriate definitions are used.

I can tell you, though, after a review of it, that it does resemble very closely the wording that was used in 1996 for two Bible colleges that were established by a private act.

Dr. Pannu: I just wanted to draw attention to it. I asked myself: who are the members of the college?

Ms Dean: I think it's in section 2 . . .

Dr. Pannu: It's not clear in section 2 either here.

Ms Dean: . . . where it states who the incorporating members of the college are.

Dr. Pannu: These are members of the board, I guess, rather than members of the college. That's the distinction there. We know who the members of the board will be, but the reference to the members of the college creates some confusion here.

The Chair: Well, good points, and hopefully you will be at the hearing to put those forward.

Any other questions?

Mr. Vandermeer: Could I just ask who the other colleges were and

if we could get some information so that we know what the procedure is?

The Chair: Yes. The two that were referred to by Parliamentary Counsel predated me, but we can certainly, I'm sure, pull those comparative bills. Would that be sufficient?

Mr. Vandermeer: Yeah. That's what I'm looking for.

The Chair: Okay. And the background information relating to it?

Mr. Vandermeer: Do you have the names of the colleges with you right now?

Ms Dean: Yes. Evangel Bible College and Bethesda Bible College. But when I circulate a written report called the Parliamentary Counsel report, you'll have all that material provided to you.

Mr. Vandermeer: Thank you.

The Chair: Well, unless there are any other questions, I think this has been a good preliminary discussion and should make for interesting hearings when we get to that stage, and we are at that stage because insofar as the two petitions do comply with the Standing Orders, I will be making a report to that effect to the Legislature today. Both bills will be introduced for first reading . . .

Ms Dean: Next week.

The Chair: Next week? Okay. Next week. That will be the order of business.

We have now to determine our schedule of hearings. We are proposing that the hearings into both petitions take place on the same date, that being Tuesday, March 25, commencing at 8:30 a.m., to ensure that we can complete both of them. Traditionally we always allow a period of time before we confer to deliberate and make our decisions in case there is some more information that is needed or something is required to be done by the petitioner or Parliamentary Counsel or someone. So we're proposing that we meet after the spring break, then, on Tuesday, April 8, at 9 a.m., to deliberate and make our decision. Is that schedule of meetings acceptable? I would ask for a motion to that effect.

Mr. Rathgeber: I so move, Madam Chair.

The Chair: Thank you, Mr. Rathgeber.

Mr. Rathgeber moves that the meetings, then, be March 25 and April 8. Is everyone agreed? Please say aye.

Some Hon. Members: Aye.

The Chair: Anyone opposed, please say no.

Mr. VanderBurg: No.

The Chair: Well, I guess that means, Mr. Vanderburg, that you can't be here.

Mr. VanderBurg: You got it. Quick learner.

The Chair: On both dates?

Mr. VanderBurg: No. On the 25th. If you can't hear the hearing, you probably shouldn't be in the meeting.

The Chair: Well, that's really too bad. I'm sorry about that, but we will make sure that your pertinent question is canvassed.

Mr. VanderBurg: I'll bring you all a bucket of diamonds to make up for it.

The Chair: All right.

So those are our next meetings then. Is there any other business that we need to discuss? All right.

Well, thanks to all of you for attending this morning, and thank you to Parliamentary Counsel Ms Dean and parliamentary assistant Ms Marston for your usual excellent help in these matters.

I'll entertain a motion to adjourn.

Mr. Rathgeber: I so move, Madam Chair.

The Chair: Okay. You were very fast off the mark, Mr. Rathgeber. All in favour, please say aye.

Hon. Members: Aye.

The Chair: Any opposed, please say no.

We are adjourned, and we will see you on the 25th at 8:30 a.m.

[The committee adjourned at 9:26 a.m.]