

Title: Tuesday, March 23, 2004 Private Bills Committee

Date: 04/03/23

[Ms Graham in the chair]

The Chair: Okay; ladies and gentlemen, I'd like to call this meeting to order. We have quite a busy agenda in front of us, so let's not delay any further.

You have circulated to you the outline of today's agenda, and unless there is any discussion about it, I would entertain a motion to adopt that agenda. So moved by Mr. Johnson. All in favour, please say aye.

Hon. Members: Aye.

The Chair: Any opposed, please say no. Our agenda is approved.

You also have circulated to you the minutes of the last meeting, of March 9, 2004. Are there any errors or omissions in those minutes?

Mr. VanderBurg: Approved as circulated.

The Chair: Okay. Mr. VanderBurg moves that the minutes be adopted as circulated. All in favour, please say aye.

Hon. Members: Aye.

The Chair: Any opposed, please say no. Minutes are adopted as circulated.

We have before us for hearing today Pr. 1, Pr. 2, and Pr. 3. Any questions or any concerns to be addressed before we commence the first hearing? Hearing none, then I will have Parliamentary Counsel bring in the petitioners on Pr. 1, St. Mary's College Amendment Act, 2004.

[Dr. Downey, Mr. Freeman, Ms Grosse, and Ms Sprague were sworn in]

The Chair: Well, good morning to everyone involved with Bill Pr. 1, St. Mary's College Amendment Act, 2004. I'd like to welcome you to this meeting of the Standing Committee on Private Bills. My name is Marlene Graham, and I am the chair of this all-party committee. Before we get underway, I would like to take this opportunity to have us all introduce ourselves to you.

Welcome, Mrs. Ady. Mrs. Ady is the sponsor of Pr. 1.

[The following members introduced themselves: Rev. Abbott, Mr. Bonner, Mr. Goudreau, Mr. Jacobs, Mr. Johnson, Ms Kryczka, Dr. Massey, Mr. McClelland, Mr. Ouellette, Mr. Snelgrove, Mr. VanderBurg]

The Chair: Thank you, everyone. Assisting the committee this morning we have Parliamentary Counsel Ms Shannon Dean seated to my left and our administrative assistant, Florence Marston, seated to my right.

We also have, I believe, two people seated in the back who are observing the proceedings today, and perhaps we'll just have you put your names on the record, if you don't mind.

[Ms Sarcomani and Ms Tatchyn introduced themselves]

The Chair: Thank you very much.

Before proceeding to commence our first hearing, I would like to just, for a review for the benefit of all of us, go over the purpose of the hearing and the process that we will follow this morning. The

purpose of conducting this hearing is of course to allow the petitioners on each matter to outline the reasons the private bill is being sought and to hear from any other interested parties whose rights or interests may be impacted by the bill and also to hear from representatives of government departments that may be interested. It is also a time to allow members of the committee to ask questions about the merits of the matter before we deliberate. All submissions are taken under oath, as you've probably gathered, insofar as everyone has been sworn in.

8:45

Subsequent to hearing evidence today, our committee will reconvene one week from today, on the 30th of March, to discuss the matter and hopefully come to a decision, unless there is something that arises today that would prevent us from doing that. We then will make one of three decisions; that is, that the bill will proceed in the Legislature as presented, that it proceed with amendment if that is appropriate, or, alternatively, that it not proceed.

Petitioners on each matter will then be advised, and assuming that it is determined that the bill proceed, then the matter will be read for a second time in the Legislature and proceed through all stages that a regular bill would proceed through: through Committee of the Whole, third reading, eventually receiving royal assent, and then will be effective either upon royal assent or upon proclamation.

Are there any questions arising out of that brief description? All right. I'll just, then, turn things over to the petitioner. I see we have representing the petitioner Mr. Peter Freeman, QC, chair of the board of governors; Dr. Downey, president of the college; Ms April Grosse, barrister and solicitor. We have Ms Jean Sprague from the Department of Learning with us. Welcome to you all.

Mr. Freeman, are you spokesperson?

Mr. Freeman: No. We'll let Ms Grosse go first.

The Chair: Okay. Well, we'd invite you, then, to proceed with your presentation.

Ms Grosse: I take it, Madam Chair, that you prefer I remain seated here as opposed to standing to address the committee. Is that the procedure?

The Chair: That's typically what we do. With our system here I think it probably works best if you're seated.

Ms Grosse: Perfect.

Good morning, members of the committee, Madam Chair. Thank you very much for having us here this morning. I'm going to try to keep my comments quite brief in hopes of leaving ample time to have questions and concerns, any concerns you may have, raised by the committee, but I did want to provide you with a bit of the context that gives rise to St. Mary's petition before you today, just with an overview of what we're seeking in the petition in hopes that we're all on the same page.

St. Mary's College is a private academic college in Calgary. It had about 400 students in the last academic year and offers a wide range of courses. I won't go into the details of them now. You have, I believe, in some of your materials their course calendar and some more detail on the courses if you need to look at them. From a legal perspective St. Mary's is incorporated by a private act – that's the St. Mary's College Act, which was incorporated back in 1986 – and the petition before you today is seeking certain amendments to that private act.

Now, as you all know, other than people as natural persons any

other legal entity that we create needs to have some sort of legal capacity breathed into it, usually by statute. That's the same with a municipal corporation under the Municipal Government Act, a corporation under the Alberta Business Corporations Act, or a society under the Societies Act. In St. Mary's case, of course, rather than being under one of those more general acts, we look to the St. Mary's College Act for their legal capacity. Then once they have the legal capacity to do something, obviously they're still bound by any restrictions or permissions they need otherwise at law just as we all are as humans.

Over the last year or so two particular issues have arisen in terms of St. Mary's legal capacity to do certain things, and those have both come out of St. Mary's work with the Private Colleges Accreditation Board. I'm going to just touch a little bit more on the context of that.

As you know, the PCAB, as I believe it's known, was created back in 1984 through some amendments to the Universities Act, and its specific function in the process was to evaluate programs offered by private colleges to determine whether there should be a recommendation made to the Minister of Learning that that college or that program be designated as a baccalaureate degree program. Under the Universities Act and now the Post-secondary Learning Act not just any program can be offered as a baccalaureate degree program; that's controlled. The PCAB had the role of evaluating these programs and then making recommendations.

Similarly, it took on the role of advising the minister as to whether a private institution could use the word "university" in its name. Again, under the Universities Act and now under the Post-secondary Learning Act not just any institution can go around using the word "university." That is controlled. There was a specific provision in the Universities Act that has now been carried forward into the Post-secondary Learning Act – it's now, I believe, section 36 of the Post-secondary Learning Act – and one of the types of institutions that can use the word "university" in its name if approved by order in council is a private college. So the PCAB took on the role of making that recommendation to the minister as well, and St. Mary's has been going through that process.

Now, I should just note that I'm referring to PCAB a little bit in the past tense here because with the proclamation of the Post-secondary Learning Act just last week, the PCAB is going to be phased out and the Campus Alberta Quality Council brought in. Of course, St. Mary's over the past year has been dealing with the PCAB.

St. Mary's has made a number of presentations and worked with the PCAB, and beginning in June of 2003, the first recommendation was made to the Minister of Learning that St. Mary's be authorized to offer a three-year bachelor of arts baccalaureate degree program. Since then there have been further recommendations that it be able to offer a three-year baccalaureate program with a concentration in English and a four-year baccalaureate bachelor of arts program with a major in English.

Most recently, in February of 2004, the PCAB also recommended to the minister that St. Mary's be one of these private institutions that is entitled to use the word "university" in its title. That's university as an adjective as opposed to university the noun, like the University of Alberta.

Shortly after the first recommendation was made back in June, as I understand it, the minister and the Department of Learning were onside with the recommendation, and they began the work of preparing the order in council to bring forward. It was at that time that a legal eagle in there looked at the St. Mary's College Act and said: "Wait a second. Even with our permission, with us granting the power to do this, which we can do under the Universities Act,

we're not sure if they have the legal capacity to do it, whether it's within the specific capacities as set out in the St. Mary's College Act." That issue has now also arisen with respect to the use of "university" in the name.

So since then St. Mary's has been working continuously with the PCAB and with the Ministry of Learning to try to determine how this can all be resolved, and the consensus was that we should come before you here today with our petition to have the necessary amendments made to the act.

Now, the draft bill that is before you, I think it's fair to say, has essentially four components, and I just want to touch on each of those briefly. The first is primarily set out in sections 2 and 3 of the draft bill. The goal there is to clarify that St. Mary's College need not be affiliated with the University of Calgary. One of the issues that was raised in this whole process was that there were a number of references in the original act to the University of Calgary, and there was a question as to whether St. Mary's had the capacity to be offering these degree programs without some sort of affiliation with the University of Calgary.

Well, the fact is that St. Mary's has never been associated with the University of Calgary, never been affiliated, and I think it will provide some comfort to the members of the committee to know that we've consulted with the University of Calgary on this. They've seen the draft bill, and they've advised that they have no concerns about amendments being made to clarify that St. Mary's is not affiliated with the University of Calgary.

8:55

The second aspect – this is primarily set out in section 4(a) of your draft bill – is to provide St. Mary's College with natural person powers. Again, this is on the idea that it would have the general powers to act when it was given the permission to do so, any permissions that it requires under the Post-secondary Learning Act. It's still bound by all those laws and by needing ministerial approval to change name and that sort of thing, but it would allow the college not to have to specify every single legal capacity that it might need as it goes along in its development.

Again, I think it will be of relevance to committee members to know that under section 59 of the Post-secondary Learning Act universities and public colleges have natural person powers. Similarly, a corporation under the Alberta Business Corporations Act has natural person powers, as does a society incorporated under the Societies Act. So this is quite common for these other sorts of legal entities that are created.

Section 4(b)(g) of the draft bill deals with one specific type of power that a natural person would have, and that's the capacity to grant degrees, certificates, diplomas, that sort of thing. Now, it's my submission that that capacity goes hand in hand with operating a college, and it makes sense. The goal here is just to have it specifically stated so that there isn't a question in the future as to whether St. Mary's has the legal capacity to do this.

Again, their ability to grant a degree program is still subject to the minister making that recommendation and it being approved by order in council. This just gives them the legal capacity to carry that forward if the minister in fact makes that recommendation and it's carried through by order in council.

Similarly with the fourth point, which is the ability to change its name and the capacity to change the name of St. Mary's College, and that's set out in section 4(b)(h) of the draft bill before you. In any of these general statutes that I reference, be it the Business Corporations Act, the Societies Act, and also now the Post-secondary Learning Act, institutions or entities created under those acts have the ability to change name because there's a mechanism set up in those acts to change a name.

Right now in the current St. Mary's College Act there's no mechanism for a change of name, and what we're asking for in here is effectively a mechanism whereby St. Mary's would have to give notice by way of publication in the *Alberta Gazette* and also give notice to the minister that it was planning to change its name. So that would be St. Mary's mechanism. We suggest that giving this sort of notice allows any concerns to be raised about the name change.

I think a key point again for the committee is that to actually use the word "university," which is of course the context in which this particular thinking about name changing has arisen, St. Mary's, even if these amendments are made to its act, still needs to have that permission from the minister. That's still under the control of the minister under the Post-secondary Learning Act. All we're asking for at this point is the capacity and the mechanism to be able to do that. So that's the goal and that's the context in which that particular aspect of the requested amendment has arisen.

I think that I'm going to end my comments there. Thank you very much for hearing us this morning, and obviously Dr. Downey and Mr. Freeman and myself are all here to answer any questions that you might have. Thank you very much.

The Chair: Well, thank you. That was a very thorough explanation.

Would there be any comments that you would like to make, Dr. Downey?

Dr. Downey: I'd just reiterate, I think, the last point. The purpose of the amendments we're proposing here, which are being done at the suggestion of people we've worked with in the ministry, is to give the college the capacity to do what the minister might or might not allow us to do. If he allows us to do certain things, then we will have the legal capacity to do that, and that was really the objective of both of the major sections that she discussed.

The Chair: Thank you.

Mr. Freeman?

Mr. Freeman: No. Thank you.

The Chair: All right.

Ms Sprague, you're the director of private institutions with Alberta Learning, and I understand that you have some comments that you'd like to make.

Ms Sprague: Yes. Thank you. First of all, I'd like to thank the committee for giving Alberta Learning the chance to review the draft bill and provide any comments.

I'd like to say at the outset that Alberta Learning has no concerns about the intent of the proposed bill. As April has described, we're well aware that St. Mary's has successfully completed the Private Colleges Accreditation Board process with respect to a three-year baccalaureate program and with respect to a four-year baccalaureate program.

We would only suggest a minor revision to the last section of the act. I am not sure if the committee have copies of that. We would just want to clarify that if the name change is going to include use of the word "university," we reference in that section that when it's required by the Post-secondary Learning Act, the approval of the Minister of Learning be obtained. We would just like to see that as clarification.

The Chair: As specified, confirming what's already in the act.

Ms Sprague: Yes, that's correct.

The Chair: That makes sense.

Ms Grosse: St. Mary's doesn't take objection to that. You'll notice that in the original wording it already said "subject to this or any other Act," and our intention was always certainly to abide by those other acts, but if that clarification would help, we're quite happy with that.

The Chair: That's good to know.

Does that complete your comments then, Ms Sprague?

Ms Sprague: Yes, it does. Thank you.

The Chair: All right. Unless there are any further comments, then, from the petitioners, we'll proceed to questions from members of the committee. I have Rev. Abbott first.

Rev. Abbott: Thank you. My question is with regard – it's probably even more for Jean than anybody – to St. Mary's College being under the private institutions. I think of Camrose Lutheran College, that became Augustana University College, and I'm assuming that they don't have their own private act. I'm assuming that they're under a public institution. I'm just wondering if you can differentiate the difference for us. Like, I'm seeing with St. Mary's that maybe they should be progressing out of the private institution and into the more public or whatever.

Ms Sprague: Well, actually, I'll talk about the PCAB process because that is the one that St. Mary's has gone through. It is specifically for private colleges, and when a private college is designated through an order in council as an institution that can grant degrees, it does not change the fact that it remains a private college. So that is why when they obtain approval from the minister to use the word "university," it is used as an adjective. The entity does not change. They are then a private college that has been designated as an institution that can grant degrees.

Rev. Abbott: So if I may ask, then, just for my own understanding: what is Augustana university? Is it a private or is it a public?

Ms Sprague: It is private.

Rev. Abbott: Oh, it's a private also.

Ms Sprague: Yes. It became Augustana University College.

Rev. Abbott: Okay.

Ms Grosse: I can actually address that in perhaps a little more detail. That college is an interesting set-up. It's actually created under the Camrose Lutheran College Corporation Act, which is a private act just like St. Mary's. I have a copy of it here if you need to see it.

Under that act it talks about the college and actually defines the college as any university college now known as Camrose Lutheran University College or by whatever name may be directed by the board. They have since in their internal process named it Augustana University College. Augustana is actually just registered as a trade name, so the actual legal entity is still the Camrose Lutheran College Corporation, and then it operates Augustana University College, but it's still private.

Rev. Abbott: So then what you're doing is seeking a similar kind of enabling legislation, I guess.

Ms Grosse: Exactly.

Rev. Abbott: Okay. Thank you very much.

The Chair: Is there anything you wanted to add, Ms Dean?

Ms Dean: Not really, because Ms Grosse clarified the legal status of Augustana. It is in fact an entity created by a private act.

9:05

The Chair: Moving on then to Mr. McClelland.

Mr. McClelland: Thank you. My comment is directed to Ms Sprague. On page 2 of the letter sent to the committee regarding this bill, there is a question with regard to clarification of section 3(a): "to establish, maintain, conduct and support an educational institution for post-secondary Christian education in the fields outlined in section 5(1)(a)." Has that been satisfied?

Ms Sprague: Actually, that part of the letter is addressing the Living Faith Bible College Act. The comments with respect to St. Mary's are just on the first page.

Mr. McClelland: Oh, excuse me. Yeah. Sorry; I see that now.

The Chair: That answers your question?

Mr. McClelland: That answers that question.

The Chair: All right.

Ms Kryczka: Just if you could quickly clarify. I've seen it in a few places: "in the fields of study taught at or in connection with the College." In connection with the college: could you just explain that?

Ms Grosse: Well, I didn't originally draft that because that was in the original act. That's the wording taken out of the original act, so I can't say what was in the mind of the person that drafted that. I think it's probably leaving some room for some time when the college may have an association with some other body and a course be taught in connection with the college at some other body as opposed to physically at the premises of the college.

Ms Kryczka: So presently that is not happening. That's all I wanted clarification on.

Dr. Downey: No, that's not happening.

Ms Kryczka: No. Okay. Thanks.

The Chair: Mr. Goudreau.

Mr. Goudreau: Thank you very much. I just want clarification. Was St. Mary's College operating through or under the auspices of the University of Calgary in terms of granting certificates or degrees in the past? I guess it's just a comment today in terms of amalgamation of institutions rather than creation of new institutions, whether we're heading in the other direction rather than what we're seeing happening out there with some amalgamations.

Dr. Downey: I'll address that. The people that founded the college – this was before I was around, and perhaps Mr. Freeman would like to elaborate on what I have to say about it. As reflected in the original act, the plan of the people who founded the college was to affiliate or federate with the University of Calgary, one or the other. I think the reason for that is that some of the people that founded the college in the first place were products of St. Joseph's College here, perhaps, or St. Thomas More College in Saskatoon, where there was an affiliation with the Catholic college and the secular university. I think that's what they had in mind.

One of the interesting things I found in looking through the record is that although this was in the act, the application was formally made to the University of Calgary for affiliation after the act was passed. So it was wishful thinking, I think, on the part of the people that were there. So that's kind of the history of it.

There was no interest on the part of the University of Calgary at that time for an affiliated college, nor is there since, and I have spoken to the president informally about this recently, within the last year. The University of Calgary does not want an affiliated college such as you find here at the University of Alberta, so the decision, then, was made in the early 1990s that this college would go out on its own.

It's been functioning since the early 1990s, when it was first doing professional courses, and then since 1997 has been doing academic courses. So we've been on our own. It seems that the ethic, at least in Calgary as far as the University of Calgary is concerned, is that they did not want affiliated colleges, so we have been functioning for a number of years offering first- and second-year courses, and then students would have to transfer to do degrees. It's just now that we've been recommended to give our own degrees.

The Chair: All right. I have a couple of questions if members are finished with their line of questions.

Sorry. Did I miss someone?

Dr. Massey: I just have one question. I think it's for Ms Sprague. What's the difference between private colleges like St. Mary's and private colleges or institutions that call themselves private colleges like CDI and ITT, those commercial sort of strip mall colleges? How do they differ?

Ms Sprague: In the colleges like CDI or even with certain programs offered by DeVry, these are vocational programs. They are licensed under the Private Vocational Schools Act, and they have to meet licensing requirements. This is generally the case, but it doesn't have to be. These are generally not educational institutions that are aspiring to offer academic degrees. They are offering vocational training that leads to specific occupations.

Dr. Massey: Then, if I may, is there any restriction on the use of the name "college"?

Ms Sprague: No, there is not. That is why you see that a number of those institutions have the word "college."

Dr. Massey: Thanks.

The Chair: I just wanted to mention that the sponsor of Pr. 1, Mrs. Ady, has brought to the committee's attention the desire, of course, of the college to be able to grant the degrees to the students graduating at the end of this term. Can you give us any advice as to when you plan to have those graduation exercises?

Dr. Downey: Well, we can't move in advance of the committee or the Legislature. We have students registered in the third year who will qualify at the end of this year, will have met the requirements for the general studies bachelor of arts degree program that was recommended last summer by the Private Colleges Accreditation Board. When this hitch came up, when we discovered in July that there was a problem with our act and it would have to be amended and then we had to go into this process, we consulted with officials in the ministry and determined that it would be appropriate that we would actually enrol students in the third year in anticipation that this would come through.

The reason that we're concerned now about moving with some dispatch on this or as much as possible is that these students now are finishing. Some of them want to go on to other things. Because we don't have any formal standing until such time as the minister proceeds with the appropriate order in council, we want to get this into place as soon as possible for the well-being of our students that are finishing and may want to go on to something else.

We can write letters saying that they actually have a degree but it's pending, and so on. It's a real problem for them, so we would like to move as quickly as is possible to enable them to get out in the world and do what they want to do to proceed. We haven't formally scheduled a date, because we obviously will await the pleasure of the Legislature on that. We'll try to do it as soon as possible thereafter, when this is completed.

The Chair: When would the college be in a position to confer the degrees?

Dr. Downey: Well, our classes end just around the week after Easter. Our examinations end right at the end of the month, and then any time thereafter.

The Chair: So that's the end of April?

Dr. Downey: Yes, as soon as the exams are finished and they're marked, then we will have recommendations. The recommendations are made to me by the vice-president academic that so-and-so qualifies to graduate. So by the end of April they'll be done their part, and then it's up to us to do our part thereafter.

The Chair: Typically when would you hold graduation ceremonies or exercises?

Dr. Downey: Well, I think most universities – and they do it for this reason: to let people get on and go on to whatever they're going to do, whether it's practise their profession or go on to further studies or whatever. With most universities it's normal that it's held in May, usually in May, sometimes in June. Our faculty does research. I have one faculty member that will leave to do research in the United Kingdom, for instance, as soon as exams are finished or fairly soon thereafter. So universities try to have these convocations before their professors disperse all over the place to wherever they're doing their research.

So, you know, May, and the earlier the better presumably.

The Chair: You're not working on any target date?

Dr. Downey: Well, we are. We're working with a virtual target date; I guess you could use that term. I said to the people: "Look; plan a convocation. Strike a date, whatever that date is, and work to that in terms of getting our planning done. Then as soon as we're able to move legally, we will do so." So we're working to a virtual date but not to a specific one, because we realize we can't.

The Chair: So you don't have a preferred date in mind that you'd like to share with the committee?

Dr. Downey: Well, I can if you'd like. I mean, we'd like to do this thing the second week in May if we could. You know, the third week you get into holidays and all that sort of thing, but we realize that we have to respect what's happening here.

9:15

The Chair: All right. I thought it would be helpful for us to know because, you know, assuming that the bill does proceed we would, of course, like to . . .

Dr. Downey: Well, I would say May 15. I haven't got my calendar here, but on or about May 15.

The Chair: Okay. I appreciate that.

I have one other question. This arises out of the Parliamentary Counsel report prepared by Ms Dean because it potentially, I suppose, could be a problem similar to what has been experienced in a past hearing, and that is that I understand there is a Saint Mary's University in Halifax, Nova Scotia. I'm wondering if any communication has been directed to that university to see whether or not there's any problem with the use of "university" in St. Mary's College's name.

Dr. Downey: There is a Saint Mary's University in Halifax, and it's been there for ages, a hundred and some years or whatever it is. They never use the short form "St." They spell it out in full; that's deliberately. The chancellor of Saint Mary's University in Halifax is the Catholic archbishop of Halifax, Terry Prendergast, because it used to be a Catholic university. Now it's not, but they've still kept the archbishop as their chancellor.

So I contacted the chancellor and told him of the possibility of the name of this college being changed: would this present a problem? I have the e-mail correspondence here that's been going back and forth the last 10 days or so, and his initial reaction was that it would not be a problem. He's visited St. Mary's College; he's been at the college at least once. He came and spent two or three days there when I was first president and getting to know the place.

Terry Prendergast is the Catholic bishop's liaison with the university and college presidents, so he's quite familiar with all of them. He makes a point of visiting them all. So he knows that we're there; he knew that we had the name. At the same time, I remember talking to him about him being chancellor of Saint Mary's University. I got in touch with him via e-mail, and I talked to him on the phone as well. He ran it by the vice-president academic because the president was away at the time this was raised. The vice-president academic there, Dr. Murphy, did not see a problem.

Then I have here the e-mail he received in turn from the president. He sent this to me, and I think the e-mail of Saint Mary's University president, Colin Dodd, says it all, not to worry about the name; his original instincts were right. The president writes to his chancellor saying: Dear Terry; thank you for the e-mail; like you, I do not think this should/could cause a problem. So it's not an issue. The chancellor's original reaction was that it would not be an issue, and then he got the same thing from the vice-president academic independently of the president when he was away, and then when he returned he said: I don't think it's a problem.

The Chair: So I'm assuming that if this committee needed something a little bit more formal, that would be forthcoming then.

Dr. Downey: We'll do whatever you think is appropriate, but it's not an issue. I explained to them that we were coming before the committee and that I wanted to get a response, and I spoke to him on the telephone.

The Chair: I see.

Dr. Downey: I have the full exchange of e-mails here. I have copies of them if you wish.

The Chair: All right. Thank you for that.
Anything further, Ms Dean?

Ms Dean: I just wanted to follow up on that recent line of questioning. Is it possible for Ms Grosse on behalf of the petitioner to undertake to provide a formal letter from Saint Mary's University indicating that they have no concerns with respect to the change in name from St. Mary's College to St. Mary's University College?

Ms Grosse: If that's important to the committee, I can certainly undertake to make the request. I obviously can't undertake to write it on their behalf.

Ms Dean: I understand that, keeping in mind that, as you know, you've asked for an expedited petition, and the deliberations on this are occurring next Tuesday.

Ms Grosse: I'll make the request this afternoon.

Dr. Downey: We can do that.

Ms Dean: I'm sure the committee members would appreciate having it in their hands prior to the deliberations next Tuesday.

Dr. Downey: Next Tuesday morning.

Ms Grosse: We'll use our very best efforts in that regard. Should that be addressed to you, Madam Chair?

The Chair: Yes. We ask for this in your best interests as well. We don't want any problems down the line.

Ms Grosse: Understood. Thanks very much.

The Chair: Any closing remarks that you wish to make, anyone?

Mr. Downey: Well, I want to thank the committee for its time this morning, and I just want to publicly acknowledge here the support that we've received from the PCAB. This process has been going on for – I don't know; I was going to say ages – three years, I guess, since we first started it. We've had a constant kind of interaction with the PCAB. They've been very, very helpful, as have the people in the ministry, since the recommendations went through with the PCAB in terms of advising us on the shape of this amended bill. So I just want to express publicly . . .

Mr. Freeman: His hair wasn't grey when . . .

Mr. Downey: Yes. It used to be black just a short time ago.
We received very great support and co-operation from all hands, and the ministry has been very, very helpful in terms of advising us on the shape of this bill, and I want to express my appreciation publicly for that.

Thank you, Madam Chair.

The Chair: Well, that's very nice to hear, and I know I speak for all the committee members in telling you how much we appreciate your thorough presentation and coming here to Edmonton to describe the bill to us. So thank you all. Thank you, Mrs. Ady.

Mrs. Ady: Thank you.

The Chair: As you know, we will be deliberating next Tuesday, and we will endeavour to give you an answer on our decision very shortly thereafter. Thank you very much.

All right. We'll call in the petitioners and others interested in Pr. 2, being Sisters of Charity of St. Louis of Medicine Hat Statutes Repeal Act.

[Sister Mulvihill and Mr. Fleming were sworn in]

9:25

The Chair: Well, I think we can begin our second hearing this morning. I'd like to welcome the petitioner and counsel, Sister Mulvihill and Mr. Fleming, QC, counsel for the petitioner. I am Marlene Graham, the chair of this all-party committee.

Before we get underway, I would like to ask the committee members to introduce themselves to you. Of course, the sponsor for this bill is Mr. Bonner, who is a member of our committee.

[The following members introduced themselves: Rev. Abbott, Mr. Goudreau, Mr. Jacobs, Ms Kryczka, Mr. Maskell, Dr. Massey, Mr. McClelland, Mr. Ouellette, Mr. Snelgrove, and Mr. VanderBurg]

The Chair: Assisting our committee this morning we have Parliamentary Counsel Ms Shannon Dean and administrative assistant Ms Florence Marston.

I believe you probably listened to the brief description of the process that I gave at the outset while you were seated in the anteroom, so I won't go over that again. We'll then just call on you, Mr. Fleming, to make the presentation on behalf of the petitioner. We understand that the purpose of this bill is to repeal the incorporating statute, being An Act to Incorporate the Sisters of Charity of St. Louis of Medicine Hat. That is the purpose, and you most likely would like to elaborate on that for us.

Mr. Fleming: Maybe I should at this point apologize, for one thing, for missing – I was saved by the bell on that by Parliamentary Counsel, who pointed out that we hadn't included the bill that gave an exemption from taxes. I had the wrong impression, that it was dead, because it gave the tax exemption down in Medicine Hat while they owned a particular property, and they don't own any other property. I rather thought but should have asked whether at the end of the day you sort of had an omnibus bill that wiped out any of these dead bills, dead acts, and I didn't. I'm sorry. Anyway, it was taken care of here.

The reason for this – Alberta is now the headquarters for what we call the western province of the order, the western province of the Sisters of Charity of St. Louis, and that includes the three western geographical provinces of B.C., Alberta, and Saskatchewan. There is currently more administration than is needed, and since the headquarters is now here and the Sisters of Charity of St. Louis of Calgary has been established as the headquarters spot, it just saves a whole lot of administration and a whole lot of travel for the sisters. This is the sole purpose in seeking the passage of this bill, to now eliminate the Sisters of Charity, the unnecessary company, in Medicine Hat.

I don't know what more there is to say.

The Chair: I know we have the statutory declaration of Sister Mulvihill, is it not, addressing whether there are creditors or other assets. You might want to just put that on the record, assuring us that there are no such things in existence.

Mr. Fleming: This particular declaration is one that was completed on the 18th day of March. Sister Mary Anne Mulvihill is, as you will have seen, the provincial assistant administrator. By provincial, we're still talking western provinces of the order, so the three geographical provinces out here.

Any real estate in Alberta is now in the name of Sisters of Charity of St. Louis of Calgary, any of it. Twice we have filed affidavits to the effect that there are no debts that anybody knows about, and in the most recent statutory declaration we state specifically about Sister Mary Anne, who's here if you have a question for her, that she has "full knowledge of the business and affairs of Sisters of Charity of St. Louis in Western Canada, which in Alberta are now under the sole management and control of Sisters of Charity of St. Louis of Calgary." As she points out, "There are no actions, suits or proceedings pending, or, to the best of my knowledge, information and belief, [none of these are] threatened against or affecting the . . . Sisters of Charity of St. Louis" of Calgary, described as the corporation, or "Sisters of Charity of St. Louis of Medicine Hat before any court or before or by any federal, provincial, municipal or other governmental authority." She says that the Sisters of Medicine Hat have no outstanding debts or liabilities and no creditor would be prejudiced by the dissolution of the Medicine Hat corporation.

We have, by the way, the titles to the property in Alberta, and there's nothing charging any of them. They're completely clear of any encumbrance of any kind.

The Chair: All right. Thank you very much.

Any questions from members? Yes, Mr. Goudreau.

Mr. Goudreau: A couple of things. It's my understanding, then, that all the properties have been transferred to your organization in Calgary.

Mr. Fleming: That's right. Yes.

Mr. Goudreau: And did the Sisters of Charity operate residential schools in the past?

Mr. Fleming: No.

Mr. Goudreau: They were never involved?

Mr. Fleming: Never have.

Mr. Goudreau: So there are no potential future claims in those areas?

Sister Mulvihill: No. We were never in any contract with the government for any of our schools at all, so we had no residential schools and we have no claims pending against us.

Mr. Goudreau: Thank you.

The Chair: If there are no other questions, I do have one. I was just wondering: will there continue to be Sisters of Charity of St. Louis of Medicine Hat in Medicine Hat? Are there sisters there who are working in the community?

Sister Mulvihill: There still are, yes, at the present moment. Obviously, it's hard for us to know how long we'll be able to remain there, just because of our declining numbers. There is right now one sister working there with the Medicine Hat Catholic board of education.

The Chair: I see. All right.

Anything that you wish to ask, Ms Dean?

Well, any closing remarks you wish to make, Mr. Fleming?

Mr. Fleming: Well, I think that covers everything, Madam Chairwoman. I must express my appreciation to you and to your Senior Parliamentary Counsel, Ms Dean, who helped me so much, and I express appreciation to all of your committee. Thank you for hearing us and for assisting us in getting this done.

The Chair: Well, I agree with you. We rely on Ms Dean very heavily, along with her assistant, Ms Marston, so I concur. Thank you for coming and appearing before us. We will be meeting next Tuesday, on the 30th, to deliberate on this matter and make our decision, and we will be in touch with you very soon thereafter.

Mr. Fleming: In the meantime, if any other questions should arise, you have my address here. Ms Dean has it.

The Chair: Yes, we will be in touch if we need you. Thank you so much.

Mr. Fleming: Thank you very much.

The Chair: We will now call in the petitioners and those others involved on Pr. 3, Living Faith Bible College Act.

9:35

[Mr. Gordon, Rev. Pope, and Rev. Reich were sworn in]

The Chair: Good morning, gentlemen and lady, all those involved in hearing Bill Pr. 3, Living Faith Bible College Act. I am Marlene Graham, the chair of this committee. Before we get underway, I'd like to have all of the members of our committee introduce themselves to you. I'd also like to welcome Mr. Marz, the sponsor of this bill.

[The following members introduced themselves: Rev. Abbott, Mr. Bonner, Mr. Goudreau, Mr. Jacobs, Ms Kryczka, Mr. Maskell, Dr. Massey, Mr. McClelland, Mr. Ouellette, Mr. Snelgrove, Mr. VanderBurg]

The Chair: Assisting the committee this morning we have Parliamentary Counsel Ms Shannon Dean, seated to my left, and administrative assistant Ms Florence Marston.

Before we call on you to make your presentation, I would like your spokesperson to put on the record the names of all members who are present with you. You have quite a delegation this morning, so if you wouldn't mind doing that. And that would be you, Rev. Pope?

Rev. Pope: Yes. My name is Dan Pope. I'm president of Living Faith Bible College. Rev. Paul Reich is the chairman of our board. Mr. Doug Gordon is our director of enrolment. Mr. Bob Klepel is our registrar. Gordon Setterlund, in the middle, is a member of our board, and Mr. Jim Blair is another member of our board.

The Chair: Thank you very much.

Welcome again, Ms Sprague, from Alberta Learning.

Unless you have any questions, Rev. Pope, I will call on you to make the presentation on behalf of the petitioner.

Rev. Pope: Thank you very much. We certainly appreciate the opportunity to be here and to make our presentation to you. We want to begin by sharing just a very brief history of Living Faith Bible College and our rationale for beginning this process that we are in right now.

Living Faith Bible College has its roots in the ministry of Rev. Clifford Stalwick, who is an ordained Lutheran minister and a graduate of Concordia College and Luther theological seminary. After eight years of ministry in Lutheran churches in Saskatchewan, Pastor Stalwick left parish work to travel as an evangelist in Canada and the U.S. and overseas. In 1967, to govern his work and to give accountability to his work, Living Faith Evangelistic Association was incorporated in Saskatchewan.

As Pastor Stalwick travelled, particularly in North America, he encountered a number of young people who wanted to attend a Bible college that offered a practical ministry training. With that in mind, Pastor Stalwick started Living Faith Bible College in response to this expressed need. However, he also wanted to establish a school that stood firmly on the solid ground of the doctrine and faith that other Christians from conservative, reformational, evangelical backgrounds ascribed to.

Living Faith Evangelistic Association moved to its present site near Caroline, Alberta, in 1970 and was incorporated in Alberta in the spring of 1971 under the Societies Act. The Bible college was immediately formed as a ministry of the Living Faith Evangelistic Association and commenced with its first classes in the fall of 1971. So the college is now almost 34 years old and trains pastors, ministers, and cross-cultural missionaries.

Pastor Stalwick retired in May 2002, though he remains as our chancellor and a part-time instructor. I became Living Faith Bible College's second president at the same time, and I am ordained with and remain on the clergy roster for the Christian and Missionary Alliance in Canada.

Living Faith Bible College is the Canadian training college of the Fellowship of Christian Assemblies, a denomination of approximately 200 churches in Canada and the U.S. However, we are also very highly interdenominational in that we have drawn students from the Fellowship of Christian Assemblies, Pentecostal Assemblies of Canada, Christian and Missionary Alliance, Baptist, evangelical missionary, Mennonite, Lutheran, Lutheran Brethren, Anglican, and Moravian denominations as well as others. We currently have a Roman Catholic student and have had others in the past. We have graduates in churches and ministries all over North America and in fact around the world. We have had a number of international students who have studied at Living Faith Bible College and are now leading churches and ministries in their own nations.

Almost all of our resident instructors either have master's degrees or are working toward that. In addition, by far the majority of our adjunct faculty have their master's degrees, and several have doctorate degrees.

Moving to our rationale, Living Faith wishes to join the ranks of other Bible colleges in Alberta that have been established under their own private acts of the Legislature. As you probably know, there are currently 18 Protestant and Roman Catholic Bible colleges in Alberta that have been incorporated under private acts of the Legislature since 1937. This includes Forest Lawn Bible College in Calgary, which was incorporated as late as 2003. Others that began as ministry training institutes, such as Concordia College in

Edmonton in 1921, have since left the Bible institute ranks and gone to a liberal arts emphasis and association with the University of Alberta.

Living Faith Bible College does not wish to become a Christian liberal arts college such as Augustana University College, Taylor University College, or King's University College. We do not wish to become a seminary. We are a 33-year-old undergraduate college of the Bible which trains pastors and missionaries, and we wish to remain so. However, we maintain that Bible colleges and Christian liberal arts colleges who have been given the privilege of being incorporated under an act of the Legislature in Alberta have been given a legislated form of public credibility, accountability, and recognition. Living Faith Bible College wishes to gain this privilege as well.

Our second rationale is that we wish to become incorporated under an act of the Legislature because of the credibility it gives us with other accredited Bible colleges and seminaries. Living Faith Bible College is not presently accredited with the North American accrediting body for Bible colleges, the Accrediting Association of Bible Colleges, or the AABC. However, if we choose to move in this direction in the future, we will be required to be a stand-alone entity, not a ministry of the Living Faith Evangelistic Association. By being incorporated by an act of the Legislature, we take one step in the process of moving toward possible accreditation with the AABC as a stand-alone entity. We also gain more credibility with graduate schools or seminaries in North America with whom we are working on transfer agreements for our graduates to go on and study for their master's degrees.

9:45

We have had a number of graduates who have gone on to accredited seminaries in Canada, but until recently this was always under academic probation because we are not accredited. However, this is changing as more and more seminaries see the quality of our graduates. We have received confirmation from Providence Seminary, a fully accredited seminary outside Winnipeg, Manitoba, that they will accept our students directly into their master's degree programs. We are also working on similar agreements with Briercrest Seminary in Saskatchewan and Canadian Theological Seminary in Calgary. An act of the Legislature improves and increases the credibility of our students and college when transferring credits to other accredited Bible colleges or seminaries.

Our third rationale: to establish or strengthen tax concessions under the Municipal Government Act. Under the Municipal Government Act colleges formed under an act of the Legislature can receive tax concessions from their municipality, at that municipality's discretion, for student dorms. Living Faith Evangelistic Association has historically received these concessions from our municipality for our three dormitories as a registered nonprofit corporation. However, in times of falling revenue and rising costs, being an actual stand-alone college with dormitories increases our chances of retaining this privilege from our municipality, and this is a very significant financial matter for us.

Finally, our last rationale: to establish that our students will be able to have access to Canada student loans. Because Living Faith Bible College is not a stand-alone entity that is incorporated as a private college in Alberta, our students do not have access to Canada student loans. The federal government of Canada will only grant student loans to colleges who are either provincially accredited or have been established by an act of the Legislature, and this we have under the advisement of Dr. Lyle Oberg, who, as you well know, is the Minister of Learning.

Since theological education is not regulated in Alberta by Alberta

Learning and we are a private college, our students are ineligible for any provincial assistance. However, this is not the case with federal student loans. Once recognized by the Alberta Legislature, Canada student loans become an option for our students. In recent years we have lost a number of potential students who are not able to secure student loans for their education. This has caused a lower enrolment and a loss of potential income for the college. Current students struggle to make enough money each summer to return to continue their studies. Being incorporated as a private theological college by the Alberta Legislature will help us to remedy this situation by being able to help our students gain access to Canada student loans.

Thank you very much.

The Chair: Thank you, Rev. Pope.

Ms Sprague, would you care to make your comments now?

Ms Sprague: Thank you, and thank you once more for inviting us to review the bill and provide comments.

As you know, divinity programs are not regulated under the Post-secondary Learning Act, nor were they regulated under the Universities Act, so the department has no concerns with respect to the reference in the proposed bill that talks about degrees. It specifically references the fact that these would be degrees in divinity, so the department has no concern with respect to that.

Previously there had been a couple of matters that were identified to do with the exclusion of divinity programs from what was then the Universities Act and the fact that there was no description of what a divinity program was. The new regulation that has come into force along with the Post-secondary Learning Act speaks to that and describes a program that is a divinity program. It also references the type of nomenclature that must be used with respect to these programs. In terms of the description, these are programs that prepare individuals for service within a religious organization. The nomenclature should be such that a prospective student or a member of the public can discern the difference between this type of a degree and a traditional academic degree. So both these things are referenced in the new regulation.

Thank you.

The Chair: Were there questions from any members of the committee? Rev. Abbott.

Rev. Abbott: Thank you, Madam Chair. I just have one question. Last week or a couple of weeks ago when we were first looking at your petition, the question arose about there possibly being another Living Faith Bible College somewhere. Are you familiar with that? Is that name protected in any way, or are you affiliated with anybody else?

Rev. Pope: No.

Rev. Abbott: You're just a stand-alone?

Rev. Pope: A stand-alone, yes.

Rev. Abbott: Okay. Good.

The Chair: Are there any other questions?

I have a couple, and the first one I'll address to Ms Sprague. It was my understanding that the Department of Learning was suggesting a slight amendment to the wording of paragraph 3(a) of the bill.

Ms Sprague: Yes, that is correct. It was a minor revision just to bring about some clarification. In the proposed bill section 3(a) speaks very generally about the objects of the college in terms of establishing, maintaining, conducting, and supporting "an educational institution for post-secondary Christian education in such fields as the Board may from time to time determine." Section 5(a) is much more specific in terms of describing the types of educational programs to be offered. The suggestion that we would make would be to revise section 3(a) to state: to establish, maintain, conduct, and support an educational institution for postsecondary Christian education in the fields outlined in section 5(a). So that would be just to link those two sections.

The Chair: Exactly.

Rev. Pope, were you aware of that suggested amendment?

Rev. Pope: Yes, and we have no objection whatsoever.

The Chair: That's good.

Just to further clarify the point that was raised by Rev. Abbott just so it's clear in our minds, it is the case that the college that is currently operating – I mean, there's only going to be one college. This isn't yet a new college?

Rev. Pope: That's right.

The Chair: It's just that we're changing the entity that will operate the college by incorporating a new entity.

Rev. Pope: Yes.

The Chair: Mr. Marz, was there anything you wished to add?

Mr. Marz: No, not at this time. I don't have any questions. I've gone over it with the members here, and I think it's very typical of some of the other ones that have gone through the Legislature in the past.

The Chair: All right. If there are no further questions from members of the committee, any closing comments?

Ms Dean: I have a question for Ms Sprague, and it's in reference to the student financing issue that was raised by Rev. Pope. As I understand it, I believe there's a Students Finance Board policy that deals with eligibility for federal funding for students. Can you perhaps elaborate on that and draw the connection to institutions incorporated by a private act for the benefit of myself and the committee.

Thank you.

Ms Sprague: Yes, it is a Students Finance Board ruling. Alberta has the authority to designate institutions and programs for the purpose of giving both provincial student assistance to students and federal student assistance. In terms of the eligibility for federal, for Canada student loan assistance, what is being looked for is the entity to have been incorporated under a private act of the Legislature, and then Canada student loan assistance may be provided to students. That would also be for programs that are of a vocational nature that lead to employment for the individuals. In terms of provincial student assistance there is the desire to have the institution either fully accredited or working in affiliation with an accredited institution.

So Canada student loan assistance can be provided when there is the presence of a private act. Provincial student assistance can also

be provided if there's full accreditation or if there's an affiliation agreement with a fully accredited institution.

Does that answer your question?

9:55

Ms Dean: Thanks.

The Chair: Rev. Pope, anything further?

Rev. Pope: No. Just thank you very much for allowing us to be here.

The Chair: And we appreciate your attendance here, as well, and for answering our questions.

Well, as you probably have heard, we will be meeting next Tuesday, March 30, to deliberate on this matter and the others that we have heard this morning. We can make one of three decisions: that the bill proceed as presented, proceed with amendment, or that it not proceed. We will advise you of our decision as soon as we can after March 30. Then this matter, assuming that we decide to proceed, will go through the normal stages of a bill in the Legisla-

ture: proceed through second reading, Committee of the Whole, third reading, and then receive royal assent.

All right. That completes the hearing. Thank you very much.

Rev. Pope: Thank you very much.

The Chair: Our next meeting then, members, is next Tuesday, March 30, 9 a.m. in this room. Unless there's any other business, I'll entertain a motion to adjourn.

Mr. Goudreau: I move that we adjourn.

The Chair: Mr. Goudreau so moves. All in favour, please say aye.

Hon. Members: Aye.

The Chair: Any opposed, please say no. We are adjourned.

[The committee adjourned at 9:57 a.m.]