

**Title: Tuesday, March 30, 2004 Private Bills Committee**

Date: 2004/03/30

[Ms Graham in the chair]

**The Chair:** Well, everyone, ladies and gentlemen, I'll call this meeting to order. Florence is en route, but I think we can deal with some of the preliminary matters. It looks like we have excellent attendance here today, and I thank you for that.

You had circulated to you our agenda for today's meeting. Our business today, of course, is to deliberate and hopefully make decisions on the three hearings that we held last week. Is anyone prepared to approve the agenda as circulated? Mr. Johnson so moves. All in favour, please say aye.

**Hon. Members:** Aye.

**The Chair:** Any opposed, please say no. Our agenda is adopted as circulated.

Likewise you had a copy of the minutes from last meeting, March 23, 2004, circulated to you. Are there any errors or omissions or additions? Is anyone prepared to move? Dr. Massey moves the adoption of the minutes. All in favour, please say aye.

**Hon. Members:** Aye.

**The Chair:** Any opposed, please say no. Our minutes are adopted as circulated.

Now, we're deliberating on Pr. 1, Pr. 2, and Pr. 3 today, and the only additional material that I'm aware of that we have received, which you ought to have received, are two letters on Pr. 1. Did everyone get a copy of those two letters? I think they were circulated late yesterday. Everyone's got it? Okay; Mr. Johnson doesn't have it. We'll just give you a copy so you can review it.

**An Hon. Member:** What are the dates on those letters?

**The Chair:** The letters are both dated March 29, one from counsel Ms April Grosse and the other from Saint Mary's University in Halifax. I'll just pass mine over to you if you don't have it.

Okay. What I would propose to do, then, is deal with these in the order that we heard them for hearing, so we'll deal with Bill Pr. 1 first, and that is St. Mary's College Amendment Act, 2004. I thought I would just give a brief summary of what was being sought pursuant to that petition and the relevant legislation and the evidence that we heard.

You will recall that St. Mary's College is a private academic college in Calgary. It was incorporated by private act in 1986, and Bill Pr. 1 seeks certain amendments to the incorporating act. The first is to provide the college with the capacity, rights, powers, privileges, and immunities of a natural person; secondly, to give additional powers to the college to grant degrees, diplomas, and certificates in the fields of study taught at or in connection with the college; thirdly, the power and capacity for the college to change its name without further amendments to its incorporating act; and fourth, to clarify that the college is no longer affiliated with the U of C, which is referenced in the incorporating act, but as we heard, that's really never been in existence, that connection.

The relevant legislation that applies here is found in the Post-secondary Learning Act, which, as we heard, was proclaimed in force March 18, '04. In particular, the sections that are relevant are section 113, which deals with the process for private colleges to be enabled to grant degrees, and also section 36(3)(d), which deals with the power to change the name of a private college.

There is no legislation, I believe, that would specifically enable us to grant the natural person powers, although these go with the powers of incorporation under the Business Corporations Act, so I guess by analogy we would be able to grant that power. We do have a lot of power in this committee to grant relief that is requested, being the court of last resort.

The power to grant degrees, diplomas, and certificates is really just enabling wording to permit the requirements of the Post-secondary Learning Act to be put in place once the requirements have been fulfilled.

As you will recall, the evidence that we heard at the hearing from the petitioner and counsel for the petitioner as well as the representative from Alberta Learning was that the Private Colleges Accreditation Board, on application of the college, had recommended the three changes which form the subject matter of the amendments in this bill. These various changes were, firstly, the authorization for the college to be able to grant a three-year BA in English as well as a four-year BA in English and to use the word "university" in its name.

You will recall that the representative from Alberta Learning said that the department had no objection, in fact was supportive of the changes, but did have a slight amendment to the wording of section 4(b) of the bill. There was also a question raised about whether or not there would be any conflict with Saint Mary's University in Nova Scotia if the word "university" were to be incorporated in the name of this college. That is what is dealt with in the letter that was circulated, and it indicates that there's no objection being taken by the St. Mary's University in Halifax, Nova Scotia.

Parliamentary Counsel, anything that you'd like to add to that summary?

**9:15**

**Ms Dean:** No, Madam Chair. Those comments were very complete. I don't have anything further to add unless the committee has questions.

**The Chair:** Okay.

Maybe to get the discussion underway, then, I would entertain a motion relative to Bill Pr. 1. Mr. Snelgrove.

**Mr. Snelgrove:** Thank you, Madam Chair. I move that the Standing Committee on Private Bills recommend to the Legislative Assembly that Bill Pr. 1, St. Mary's College Amendment Act, 2004, proceed with the following amendment:

Section 4(b) is amended in the proposed section 5 by striking out clause (h) and substituting the following:

- (h) to change the name of the College incorporated by this Act, without further amendment to this Act, provided that
  - (i) if required by the Post-secondary Learning Act, the College obtains the approval of the Minister of Learning, and
  - (ii) no later than 15 days before the name change is to take effect, the College publishes a notice of the intended name change in the *Alberta Gazette*.

**The Chair:** Thank you, Mr. Snelgrove.

**Mr. Snelgrove:** You're welcome.

**The Chair:** As you will all recall, this amendment really restates what is already in the Post-secondary Learning Act, and that is that the college must obtain the approval of the Minister of Learning before charging ahead with a change of name, so that makes it very clear.

Is there any discussion on the motion put forward by Mr. Snelgrove? Yes, Mr. Goudreau.

**Mr. Goudreau:** Thank you, Madam Chair. Initially, when we were first exposed to this, there were a couple of objections brought up. I believe one was by Dr. Weingarten – is it? – and another by the COR, the Confederation of Regions, the political party in Alberta. Have they followed up on their objections? I'm just curious to see if there was more information provided as to why they would object. I support the motion, but I was curious to see if there was more information.

**The Chair:** Yes. The objection came from a gentleman associated with a group called COR, I believe, and he was given written notification of the hearing and advised that he had the right to appear in person or by agent and to contribute whatever further information he had. He did not respond, nor did anyone from that group. Dr. Weingarten from the University of Calgary – he's the president – I believe was always in favour of the bill or certainly confirmed that there was no connection between the University of Calgary and the college. So it's good to have that on the record. Any other concerns or questions?

All right. All in favour, then, of the motion, please say aye.

**Hon. Members:** Aye.

**The Chair:** Any opposed, please say no. All right. That motion is passed, and Pr. 1 will proceed, then, with amendment.

Moving on to Pr. 2, the Sisters of Charity of St. Louis of Medicine Hat Statutes Repeal Act, the relief being sought in this matter is a repeal of the incorporating act of 1915 and a subsequent 1965 private act on the basis that the operations of the congregation in Medicine Hat are now being handled by the Sisters of Charity of St. Louis of Calgary. So the key issue that I think the committee has to be concerned about is whether there is any impending litigation involving the Sisters of Charity of St. Louis of Medicine Hat, whether there are any outstanding financial obligations or any subsisting contracts that would be affected.

As you will recall, the evidence that we heard in the hearing, both under oath here at the hearing and in the affidavit of Sister Mulvihill, I believe it was, was that there was no litigation, there were no outstanding financial obligations and no subsisting contracts that would be affected, and that there are no assets held by the Sisters of St. Louis of Medicine Hat. There were no objectors, no objections taken by anyone on the relief sought in this bill.

Anything further, Ms Dean? Okay.

Mr. Bonner, I'll recognize you.

**Mr. Bonner:** Thank you Madam Chairman. I would like to move that

the Standing Committee on Private Bills recommend to the Legislative Assembly that Bill Pr. 2, Sisters of Charity of St. Louis of Medicine Hat Statutes Repeal Act, proceed.

**The Chair:** Thank you very much. All members in favour of that motion, please say aye.

**Hon. Members:** Aye.

**The Chair:** Assuming there was no discussion. Was there any discussion? I read your minds. Any opposed, please say no. All right. That motion is carried, and Pr. 2, Sisters of Charity of St. Louis of Medicine Hat Statutes Repeal Act, will proceed.

Moving on to Pr. 3, Living Faith Bible College Act, the relief sought is to incorporate a private college to be called the Living Faith Bible College. The legislation that we have to consider is the Post-secondary Learning Act, section 106 and 13(1) of the approval of programs of study regulation, which I believe is a regulation under that act. In fact, because this is a Bible college and divinity programs are not regulated under the Post-secondary Learning Act, we don't have to follow the requirements of the Post-secondary Learning Act, but we did have to have reference to it to determine whether or not this college would come under its purview.

At the hearing you will recall that all eight petitioners, I think, were in attendance as well as officials from the college and an official from the Department of Learning. There were no objections or objectors that came forward to object to this bill proceeding.

In a nutshell, we heard that this college, which has been actually operating under the auspices of the Living Faith Evangelistic Association since I believe 1972, wants to join the ranks of other Bible colleges in the province of Alberta that have been established under their own private acts of the Legislature. We were told that this college does not want to become a Christian liberal arts college. It wants to continue as a Bible college providing divinity programs, but the rationale that was provided for why incorporation was seen as necessary at this time was to give the college further credibility, particularly for its students when they went to transfer to other schools for graduate work. It was also seen as a first step towards the stand-alone status necessary for accreditation with the national accrediting body for Bible colleges, which this college presently does not have.

9:25

Also, it is seen as a way to obtain tax concessions under the Municipal Government Act for student dorms, and I gather that this will give it more credibility that way as well. Lastly, it's to give its students accessibility to student loans under the federal Canada students loan program and then generally to give it better credibility and recognition in the public domain.

The only change that was suggested came from the Department of Learning representative, who recommended a slight wording change in section 3(a) to link section 3(a) with section 5(1)(a) of the proposed bill. I think I'll put that on the record. The suggested amendment is that section 3(a) is amended by striking out "in such fields as the Board may from time to time determine" and substituting "in the fields outlined in section 5(1)(a)." So it's just to narrow down the granting of degrees to be those that are actually in the fields of study provided by the college.

Is anyone prepared to make a motion on this bill? Yes, Rev. Abbott.

**Rev. Abbott:** Thank you, Madam Chair. I move that the Standing Committee on Private Bills recommend to the Legislative Assembly that Bill Pr. 3, Living Faith Bible College Act, proceed with the following amendment:

section 3(a) is amended by striking out "in such fields as the board may from time to time determine" and substituting "in the fields outlined in section 5(1)(a)."

**The Chair:** Thank you. Is there any discussion on that motion?

**Mr. McClelland:** Should that amendment be clarified by section 5(1)(a) of the appropriate – should section 5(1)(a) be referenced?

**The Chair:** You know, we could add that. I think it's probably sufficient as it reads.

**Rev. Abbott:** I think it will make sense when it's in the bill because it's referring back to a portion of the bill.

**Mr. McClelland:** Thank you.

**The Chair:** Yes, Mr. Lord.

**Mr. Lord:** Thanks, Madam Chair. I guess I just have one quick question. Was that a friendly amendment?

**Rev. Abbott:** Yes. They were in favour of it. They had no problem with it.

**Mr. Lord:** Okay. Thank you.

**The Chair:** Thanks for bringing that up.

Any other points to be discussed? Hearing none, then, all in favour of this motion, please say aye.

**Hon. Members:** Aye.

**The Chair:** Any opposed, please say no. The motion is carried, and Pr. 3, Living Faith Bible College Act, will proceed with amendment.

**Mr. VanderBurg:** There was a concern from one of the petitioners that we carry this through in a manner as fast as possible because of graduation ceremonies or something, so when would we be presenting this to the Legislature?

**The Chair:** Well, we've spoken to the House leader about that, and assuming that there's no objection from the opposition parties, we would propose to have that receive second reading and Committee of the Whole stages today, tonight. We will endeavour to do Pr. 2 and Pr. 3 as well if there is no objection.

**Mr. VanderBurg:** Good.

**Dr. Pannu:** I just heard about it, Madam Chair, so I'll need some time to consult with the House leader.

**The Chair:** All right. I don't know, Dr. Pannu, if you were aware that St. Mary's College, the petitioner involved in Pr. 1, wanted the ability to be able to grant degrees to the students.

**Dr. Pannu:** I don't see any problem with that, frankly. I'm just saying that I need to just for reasons of . . .

**The Chair:** Hopefully, there won't be a problem. Thanks for bringing that up.

Any other new business?

**Mr. McClelland:** Madam Chair, what happened to Pr. 4? That was the bill that . . .

**The Chair:** Yes. We're having a hearing on Pr. 4 and Pr. 5 on Tuesday, April 20, at 8:30 a.m. in this room.

**Ms Dean:** Just one follow-up to your comment, Mr. McClelland. I anticipate that bills Pr. 4 and Pr. 5 will be ready for introduction on Thursday.

**The Chair:** Any other questions or concerns?

Anyone prepared to move that we adjourn? Mr. Maskell so moves. All in favour, please say aye.

**Hon. Members:** Aye.

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

Have a great spring break, and we'll see you on the 20th of April.

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

