

[Chairman: Mr. Stiles]

[8:32 a.m.]

MR. CHAIRMAN: I will call the committee to order. We have three Bills to deal with this morning, and I think we'll deal with them in numerical order: Pr. 3 first, followed by Bill Pr. 4, and then Pr. 6. Mr. Acorn and the Reverend Ben Harder are here on behalf of the Foothills Christian College Act Bill. Mr. Clegg, would you like to swear in the witness.

[Mr. Ben Harder was sworn in]

MR. CHAIRMAN: Thank you, Mr. Clegg. Mr. Acorn, would you like to lead off with any opening comments to introduce the Bill to us?

MR. ACORN: Thank you, Mr. Chairman. Before I turn things over to the Reverend Ben Harder, president of Foothills Christian College, I would just like to make a few brief remarks about the Bill. The Bill will primarily incorporate Foothills Christian College as a corporation under this private Act, to replace the existing organization which is incorporated as a congregation under the Religious Societies' Land Act. Mr. Harder will indicate why the incorporation under that Act is now rather inappropriate.

In addition, sir, the Religious Societies' Land Act is, in general — that is, in respect of part 2, which incorporated congregations — a rather inadequate piece of legislation. It has stayed in this form for decades, without any real attempt at reforming or overhauling it. I sincerely hope that when the Institute of Law Research and Reform finishes its work on nonprofit corporations, they might see fit to also incorporate in their report recommendations for overhauling that part.

As to the Bill itself, I am not sure what I should attempt to explain, except that the Bill will provide for the transition from the society over to the new corporation and will set out its basic powers. The Bill has been drafted in such a way that the internal affairs of the college are left primarily to its bylaws. So in future the college will not be required to come back to this Legislature for amendments, such as we see in some other Bills this year; even a change in the name of one of the leading officers of the organization requires a private Bill to effect the change.

One of the main powers being sought is the power to grant degrees in divinity. In recent years this Legislature has conferred that power on a number of bible colleges, including King's College, Canadian Union College, the Prairie Bible Institute, and the Peace River Bible Institute. At the end, you will see a section dealing with the fact that no member of the college is entitled to make a personal benefit from the assets of the college, and there is a procedure for the transfer of all the remaining property of the college in the event of its winding up.

As it is presently constituted, the college had its origins with the Calgary Prophetic Bible Institute, which as you all probably know was founded by William Aberhart before he became Premier of Alberta.

Mr. Chairman, unless there are any other questions regarding the text of the Bill itself, I would like to have the Reverend Ben Harder make a submission to

the committee.

MR. CHAIRMAN: Very well. Do any committee members have any questions at the moment respecting the text of the Bill?

MR. OMAN: Mr. Chairman, only to say that I think they have been wise in making some areas general. I think I commented last time we met about some being so fixed in some of the bylaws that they had to come back. So I appreciate that.

MR. CHAIRMAN: Very well, Mr. Acorn. If you would like Mr. Harder to . . .

MR. HARDER: Mr. Chairman, I appreciate this opportunity of speaking on behalf of the Bill we are proposing for the Legislature. Foothills Christian College is a college of some 150 students, drawing our students from Canada — the Maritimes west through to British Columbia — the states of Idaho and Washington, and about 10 percent of the students come from the Far East. We are an interfaith, interdenominational college. Our students come from approximately 23 different denominational backgrounds. Many of our 700-plus alumni — perhaps the majority, if we really counted very carefully — have gone into church-related vocations. So the training they are receiving in divinity is appropriate to the things they do following graduation.

I'd like to comment briefly on why it is that we are now seeking incorporation. Mr. Acorn referred to the fact that the former incorporation, under the Religious Societies' Land Act, now is inappropriate. One of the reasons it's inappropriate is that when Calgary Prophetic Bible Institute was founded in 1930 and that institution merged into Berean Bible College in 1948, when we got our first incorporation, the society was in effect a very multifaceted kind of organization. They were involved in church planning here in the province of Alberta, and some 13 churches have sprung from that ministry. They were a mission organization, in and of themselves; they in fact supported missionaries, through people's donations. They were actually a church congregation, because the bible institute Baptist church, presently Bethel Baptist Church in Calgary, was formerly the official church of the society.

Another facet of its ministry was the radio broadcast. That broadcast has today crystallized into former Premier Manning's broadcast, which is still carrying on. The other facet was of course education. Since my coming in 1981, we have set aside what was left of most of those other ministries, those adjunct things, and are now concentrating exclusively on education.

So the former incorporation under the Religious Societies' Land Act really does not apply now, and if you read the Bill — as you have — you'll recognize that we're no longer a congregation, in that sense. We are in fact an independent institute of higher education at the postsecondary level, and our business is now exclusively education.

The other thing that could probably be said is that at this point we need legal status in the province. Many of our students come from overseas. Some of our students come from the United States. One of the hurdles our students have to get past when they

register as students at Foothills Christian College is approval from their home governments, that in fact they are attending a reputable academic institution. They are afraid of many of the fly-by-night degree-mill kinds of institutions, which are so prevalent in our countries. So foreign governments want to be satisfied that if in fact they are going to fund those foreign students, they are attending institutions that have legal status within the jurisdiction where they exist. So we are asked constantly, are you chartered by your state or province? We have been able to get most of our students in, satisfying them that the former incorporation is appropriate. But a charter which specifically grants us the privilege to grant academic degrees, albeit in divinity, would certainly assist our foreign students enrolling in Foothills Christian college.

It also works the other way. A degree from Foothills Christian College, if in fact it has the power to grant that degree in their jurisdiction, helps foreign students get placements, in terms of church and various government organizations, when they go back. Incidentally, that's also true of United States students. So the legal status which the charter would provide, in terms of the province granting us the privilege to grant degrees in divinity, will certainly assist in that process.

The third point — and I'm in an area where we're trying to get some information through the Canada Student Loans Act people. Our students are currently eligible for loans under the Canada Student Loans Act. We are not eligible for the bursary section, which I understand is the provincial provision of that Act. We understand that many students who come from other provinces have difficulty getting designated as eligible for Canada student loans when they attend Foothills Christian College in Alberta, because in fact we are not chartered in the province. I don't think that's a magical formula necessarily, but it certainly will assist some of our students, especially some of our native students from northern Manitoba, which we now have in the Indian affairs department.

So at this point, we feel the charter we're seeking is appropriate because of where we are now in terms of the historical background of the institution.

MR. CHAIRMAN: Thank you, Mr. Harder. Are there any questions committee members wish to raise?

MR. HYLAND: The degrees — will that be in consultation with the Universities Co-ordinating Council?

MR. HARDER: No. We don't co-operate with the universities council. We don't fall under those jurisdictions; we are independent of that. Our degrees essentially are degrees in divinity, which are transferable in varying degrees of articulation with the universities in Alberta and in Canada.

MR. HYLAND: You do have some transferability then?

MR. HARDER: Transferability in Canada is a rather tenuous process, as you well know. Articulation is worked out individually with individual departments within universities. Some universities are very generous with bible college transfer generally, and

we fall under that category. Those would be particularly universities like the University of Waterloo and Brandon University in Manitoba. We do not have direct transfer arrangements at present with a provincial university, although we do have approximately 15 of our courses transferable to Mount Royal College in Calgary.

MRS. KOPER: My question is related to question of the hon. Member for Cypress. I wondered about that, as well as whether or not there are prerequisites for entering the college.

MR. HARDER: Yes, the prerequisites are normal university prerequisites in the province of Alberta.

MRS. KOPER: I see. May I ask a second question, Mr. Chairman?

Could you please give me a rough percentage balance, I guess, of students from Alberta versus from across Canada?

MR. HARDER: We have about 74 percent of our students from Alberta. The majority of the balance would come from Manitoba, Saskatchewan, and British Columbia; a very few from eastern Canada.

MRS. KOPER: Thank you.

MR. J. THOMPSON: As I understand it, Mr. Harder, the reason for this Bill is to narrow the focus of your organization. Maybe you could give me a little explanation of section 7(1)(c). It looks like you've got some pretty broad powers in that section; you can do just about anything you want. I need a little clarification on why that section is in there.

MR. ACORN: Mr. Chairman, this would simply enable the Foothills Christian College to assist other organizations that have similar objects or that engage in similar activities. We feel that such a clause is necessary to put beyond doubt the college's ability to provide that assistance. If the committee were to recommend the removal of clause (c) of section 7(1), I suppose it wouldn't be so earthshaking, but the power is there so it is available if it has to be used. I hope I've answered your question.

MR. J. THOMPSON: You've answered it, sir. The question I asked was this. You are narrowing your focus down to being strictly an educational institution, yet this particular section — I was wondering if it would be specified for research or whatever, but it seems to me that it could be classified as a charitable organization that can use its funds as it wishes.

MR. ACORN: Mr. Chairman, the Foothills Christian College is registered as a charitable organization under the Federal Income Tax Act, and of course there are rules under that Act as to how much money has to be expended each year on the objects of the organization. Clause (c) would, as far as I know — I could be corrected on this point but, if they did provide some financial assistance to another bible college, I think that would come within the 80 percent rule under the Income Tax Act.

MR. J. THOMPSON: Thank you, Mr. Chairman.

MR. PENGELLY: Mr. Chairman, I was wondering about section 7(1)(a): "establish, maintain and operate 1 or more colleges". Does this mean they wouldn't have to come back if they wished to start another college?

MR. ACORN: That is literally correct, sir. It would be one organization with several campuses if they ever went that far. Of course, as far as I'm aware from talking to Mr. Harder that sort of thing is not in the present plans of the organization. They do have plans to expand the campus they now have in Calgary.

MR. HARDER: May I just add to that? We have no ambitions for empire. We are involved, though, and there is a great need in the province of Alberta for extension of adult education. The universities, both Alberta and Calgary, are very involved in this. We are presently conducting extension courses in a variety of centres. We don't necessarily look at this as establishing a separate college but simply as establishing extension centres where we have individuals in place assisting us in putting those programs into operation.

MR. ACORN: Just as an aside, Mr. Chairman, as indicated, it says: establish, maintain, and operate one college. One might apply the rule in the Interpretation Act that the singular includes the plural, so you'd get the same result.

MR. CHAIRMAN: Thank you, Mr. Acorn. I was going to ask you to clarify that as a matter of fact. The way I read it, it says "1 or more colleges". It appears to me that you would not have to come back if you decided to establish a second college.

MR. ACORN: Yes, it would still be one organization, but hypothetically with two or more campuses.

MR. CHAIRMAN: It almost reads one or more independent colleges; it doesn't really read campuses.

MR. ACORN: There could only be one corporation, though, sir.

MR. CHAIRMAN: Well, that's clear. There's only one corporation.

Are there any other questions?

MR. APPLEBY: Mr. Chairman, I probably missed this, but I was just curious. I would like to ask Mr. Harder how many years of instruction or training each student would be taking in a program.

MR. HARDER: At present we have three programs. We have a one-year certificate in biblical studies, which is a preprofessional program for students who are moving into secular vocations. We have a two-year diploma in biblical studies, which is a more extensive program in biblical and theological areas. Then we have a four-year degree program, which offers various majors in various facets of divinity.

MR. APPLEBY: In connection with the degree program, I'm not aware of any colleges issuing degrees in the province at the present time that are not at the university level. Are there any that you

know of?

MR. HARDER: That are issuing degrees? Yes, there are a good number.

MR. APPLEBY: Could you give me examples?

MR. HARDER: Two examples come out of Mr. Acorn's previous comments. One is the Prairie Bible Institute; one is the Peace River Bible Institute. There are others as well.

MR. APPLEBY: Thank you.

MR. ALGER: Mr. Chairman, I simply wanted to discover, after this four-year diploma is issued — you seem to be an interdenominational college — what the graduate attains. What is his degree of divinity? In short, can he be a Catholic priest? Can he be a United Church minister? Can he be a Pentecostal minister, or a Jewish rabbi? What do you graduate them in?

MR. HARDER: Well, not quite that all-encompassing, sir. Because our students come from an interdenominational background, many of them would move back into ministry situations in their own denominations. A good number of our students would move on into seminary education. There are about 10 different theological seminaries in the country where our graduates would be accepted for graduate studies. They move into a variety of vocations in that sense.

MR. ALGER: In short then we don't grant a priesthood, for instance?

MR. HARDER: No. We do not ordain our students for ministry. Ordination is a denominational concern; it's not our concern.

MR. ALGER: Thank you, Mr. Harder.

MR. CHAIRMAN: If there are no other questions, if there are any closing remarks you'd like to make at this time, Mr. Acorn, you can do so.

MR. ACORN: No, sir. Except to thank you, and through you the members of the committee, for your courtesy this morning and to commend the Bill for the committee's approval.

Thank you.

MR. CHAIRMAN: The second Bill we'll deal with this morning is Bill Pr. 4, the Dino Alberto Knott Adoption Termination Act. We have Mr. Gordon Eamon here, the solicitor for the petitioner. Mr. Eamon, as you will be the only person before us this morning on behalf of this Bill, perhaps we should have you sworn, in case you are going to be giving anything in the nature of evidence.

Perhaps you could tell us if you do intend to give any direct evidence yourself.

MR. EAMON: No, Mr. Chairman. The evidence for the application: there is a statutory declaration sworn by the person who wishes to have his adoption terminated, namely Dino Alberto Knott, supported by a statutory declaration of Mr. Franklin S. Peta, a

solicitor in Lethbridge who swears he has explained to the young man that his request to be totally disassociated from the Knott family, and in particular his renunciation of any inheritance, would result in his not inheriting anything from them. He is in total agreement with that and understands the legal ramifications.

MR. CHAIRMAN: If that's the case, Mr. Eamon, perhaps we'll dispense with swearing you and permit you to make an opening statement at this time to explain the reason for the petition.

MR. EAMON: As members are aware from the Bill which is in front of them, the person for whose benefit this Act is being sought is one Dino Alberto Knott, who was adopted by the people presenting this Bill, Mr. and Mrs. Knott, who are farmers in the Stavely area who adopted Dino in 1973, I believe. The Knotts had previously wanted to adopt a child, and they applied to the department in Calgary. A baby came available about one year after they applied to the department. They took this child, and he was with them for about a year before they officially adopted him.

Prior to his coming to the Knotts, he had been in seven foster homes and, as a young man, there were evidently quite a lot of problems with him. When the Knotts had him on the farm, if he were remonstrated for anything he had done, he would pack his bag and run off, and the Knotts would have to search for him in the neighbourhood and get him back. This situation went on.

Finally in the fall of 1969, after one year in school, where he had not done very well, he was taken to see a psychologist in Lethbridge who put him through several tests. At that time they were advised that there was nothing wrong with him. However, after he was adopted in May 1972, in June he returned home with a report card with zero, as he couldn't read or write. A social worker was contacted and, as a result, he was put into a special school in Lethbridge in August 1972.

He was not successful in that school, and the people he lived with in Lethbridge and the school did not want to have anything further to do with him. He was then taken to see a psychiatrist and, after a series of tests, it was found that he had only a limited capacity to learn. The social worker was then contacted. As it was found that there were no facilities in Stavely to send him to for his education, he would go to school in Cardston. He was placed in a home in Cardston where he went to school.

At that point in time, due to the problems the Knotts were having with him and as he was upsetting the family home and so on, they came to the conclusion that it would be better if they did not have anything further to do with him. To make a long story short, he was then made a ward of the government and stayed in Cardston until he was 16. He has been on his own since that time. Payments for his support and maintenance were made by Mr. and Mrs. Knott until the period of the wardship was finished.

This application is being made solely at the instigation of Dino. He knew from the age of six that he was adopted, and his statutory declaration says that in the early part of 1984 he wrote to social services in the city of Edmonton and found out that

his surname was Argento. After some investigation, he discovered his family in Calgary and, as a result of that, he wants to again become a member of his own family. He has discovered his roots. He has met his five brothers and visited with them during the weekend of March 23, 24, and 25, and he visited with his father and his stepmother. His own mother was killed in an automobile accident when he was just a young child. He says that he is

most desirous of uniting our family as a whole unit and in fact, my brothers are looking for employment for me so I can move to Calgary. My brother, DARIO, has advised I can live with him for the time being once I have obtained gainful employment.

It further goes on to say:

That I am most desirous of changing my name back to my real surname and am most desirous of uniting with my own blood family.

He further says:

That I want to totally disassociate myself from the Knott family and also renounce any right to inheritance through my adopted parents, Mr. & Mrs. Knott.

MR. CHAIRMAN: Mr. Eamon, I believe you're now reading from the statutory declaration, and that should be read into the record in its entirety. So perhaps if you'd like to submit the... Is this the original that we've got? I'll have Mr. Clegg read the statutory declaration into the record, if you don't mind.

MR. CLEGG: Mr. Chairman, this is the statutory declaration of Dino Alberto Knott executed on April 16, 1984.

I, DINO ALBERTO KNOTT, of 320 - 7th Avenue South, of the City of Lethbridge, in the Province of Alberta, Cook [his occupation], do solemnly declare:

1. THAT my real name is DINO ALBERTO ARGENTO and I was adopted when I was approximately five or six years old by Mr. & Mrs. Knott from Stavely, in the Province of Alberta.
2. THAT I lived with Mr. & Mrs. Knott for approximately a two-year period and left them to go to Lethbridge, in the Province of Alberta to obtain special training to read because of a reading disability.
3. THAT I remained in Lethbridge, in the Province of Alberta, until age nine.
4. THAT at age nine I was then placed in a foster home in Cardston, in the Province of Alberta, with Mr. & Mrs. Knott and I remained with them until age sixteen.
5. THAT since age sixteen I have been on my own and have a Grade 10 education and have been supporting myself since then.
6. THAT all during this time I was most desirous of contacting my natural parents.
7. THAT since the age of six I knew I was adopted and finally, in the early part

of 1984 I wrote to Social Services in the City of Edmonton, in the Province of Alberta, who provided me with particulars indicating a surname of ARGENTO.

8. THAT I tracked my family to Calgary, in the Province of Alberta.

9. THAT I have now been in communication with my brothers, DARIO ARGENTO, MARIO ARGENTO and VIC ARGENTO. I have also visited with them during the weekend of March 23rd, 24th and 25, 1984, and I have also visited with my father and my stepmother.

10. THAT I am most desirous of uniting our family as a whole unit and in fact, my brothers are looking for employment for me so I can move to Calgary. My brother, DARIO, has advised I can live with him for the time being once I have obtained gainful employment.

11. THAT I am most desirous of changing my name back to my real surname and am most desirous of uniting with my own blood family.

12. THAT I want to totally disassociate myself from the Knott family and also renounce any right to inheritance through my adopted parents, Mr. & Mrs. Knott.

13. THAT I understand the contents of this my Declaration and am making this application for strictly very personal reasons.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of The Canada Evidence Act.

Dino Knott

Declared before me at the City of Lethbridge, in the Province of Alberta, this 16th day of April, A.D. 1984.

Franklin Steve Peta, A Commissioner for Oaths in and for the Province of Alberta.

In addition, there is a statutory declaration by Franklin S. Peta to support this declaration and which reads:

IN THE MATTER OF DINO ALBERTO KNOTT

I, FRANKLIN S. PETA, of 318B - 13th Street North, of the City of Lethbridge... Solicitor, do solemnly declare:

1. THAT I have spoken to DINO ALBERTO KNOTT swearing his Declaration of April 16, 1984.

2. THAT DINO ALBERTO KNOTT understands the Declaration and is in full agreement with the same.

3. THAT I have explained to DINO ALBERTO KNOTT that his request to be totally disassociated from the Knott family and in particular, his renunciation of any inheritance, would result in him not inheriting anything from them, and he is in total agreement with same and understands the legal ramifications

thereof.

And I make this solemn declaration... believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of The Canada Evidence Act.

[Sworn before a Commissioner for Oaths in the Province of Alberta and signed by Franklin S. Peta.

MR. CHAIRMAN: Thank you, Mr. Clegg. I believe we'll open the matter, Mr. Eamon, unless you have something further you wish to say in the way of...

MR. EAMON: I just overlooked saying that it has come to my attention -- was there some reason Mr. and Mrs. Knott did not make an application within a period of a year to terminate the adoption? I inquired of them, and at no time did anyone ever tell them they were able to make such an application. It was only when Dino pressed them that he wanted to return to his own name that they consulted me with a view to having a special Act of the Legislature passed, because that's the only way it can be accomplished. Thank you very much.

MR. CHAIRMAN: Thank you, Mr. Eamon.

MR. ALGER: Mr. Chairman, it strikes me as being a little funny; if this young man went to see a psychiatrist in 1969, obviously that should have been reported to the Knotts. Was it not reported, or was that report of the '69 interview such that they felt they should go ahead with the adoption anyway? It seems to me that an ounce of prevention is better than a pound of cure in this case. Why he was adopted in the first place is beyond me.

MR. EAMON: The answer to that question, sir, is that the Knotts were being pressed by the social workers to proceed with the adoption. They had been assured by the psychiatrist at that time that whatever the problem was, he would grow out of it.

MR. ALGER: I see, and they went ahead with it. All right. Thank you.

MR. SZWENDER: Do you have information as to why Dino Alberto was originally separated from his family if he had a natural father and mother and five brothers?

MR. EAMON: Sir, the reason was that the father was having problems with his running away as well as which...

MR. SZWENDER: At age five?

MR. EAMON: Yes.

MR. SZWENDER: So his father voluntarily gave him up?

MR. EAMON: The father would take him into his home occasionally, and then when the problem got difficult, he would return him to social services who would place him in another foster home. He was in seven foster homes before the Knotts got him.

MR. SZWENDER: Supplementary then. What impact

is this having on the Knotts? Are they quite in an agreement with Dino Alberto's request? What ages are the Knotts?

MR. EAMON: I don't know their ages exactly. I expect they're 55, in that area. Yes, they are in agreement because they wish to comply with the wishes of Dino. They think it's better for him that he return to his own family, which he wishes to do. They are agreeable to accepting that.

MR. CHAIRMAN: If I might be of some assistance, the Knotts are the petitioners in this matter. They are making the petition for the private Bill, and Dino Argento is concurring in it.

MR. SZWENDER: I thought it was Dino. That was my misunderstanding.

MR. CLEGG: Mr. Chairman, I'd just like to ask a couple of questions for the record and to clarify matters. Mr. Eamon, what age was Dino when he was adopted by the Knotts?

MR. EAMON: I think he was six and a half years old.

MR. CLEGG: Mr. Chairman, did you say that he had been in a number of foster homes prior to that?

MR. EAMON: Seven, I am told.

MR. CLEGG: Mr. Chairman, was the mother's death prior to Dino's being put up for a foster home? Was that the reason for him being put into a foster home?

MR. EAMON: Yes. I understand she was killed crossing a street when he was quite young — two years old or something like that.

MR. CLEGG: Mr. Chairman, were the Knotts given any information at the time Dino was made a ward of the province as to their continuing responsibility for him? Did you say in your presentation that they continued to pay his support even after he had been placed in a special school?

MR. EAMON: Yes. They paid support for him until he was 18.

MR. PAPROSKI: I'd like to ask, if I could, why Dino Knott is not here today?

MR. CHAIRMAN: Is that something you're aware of, Mr. Eamon? Do you know the reason he's not here?

MR. EAMON: No, I don't know any reason. I think it was more convenient for him to swear the statutory declaration. I know that's secondary evidence. He is employed in a Colonel Sanders chicken restaurant in Lethbridge, and I presume getting leave to come here may have created some problems for him.

MR. PAPROSKI: A supplementary question. You indicated that this gentleman did indeed have a learning disability of some sort with respect to reading, et cetera. Although the declaration has been sworn, do you feel comfortable that he is totally cognizant of what is on that particular document?

MR. EAMON: Having regard to the sworn statutory declaration of Mr. Peta, in paragraph 2 he says he "understands the Declaration and is in full agreement with it". I think Mr. Peta, in his capacity as a lawyer, would be able to swear to that statement.

MR. PAPROSKI: A supplementary, if I could. Is it possible, sir, to discuss a little bit what the feeling tone between the Knotts and Dino is at this present time. What I'm trying to get at: is there animosity; is there caring; is there love; is there just wanting to sever the relationship? Has there been communication to any great extent in the last little while?

MR. EAMON: I'm glad you asked that question. I was about to say that I last interviewed Mr. and Mrs. Knott yesterday prior to coming here. The last statement Mrs. Knott made to me was that in the event this Bill were passed and as a result they would not have any legal obligation to make any provision for him in their wills, nonetheless they would do so. So they still have feelings toward him. As I say, the only reason is his own wishes in this regard.

MR. PAPROSKI: Just a last point, for the record. I believe you indicated that the gentleman saw a psychologist, not a psychiatrist. Is that correct?

MR. EAMON: He saw two at two different times. I think in the beginning it was a psychologist and then later a psychiatrist.

MR. ZIP: I guess my questions are pretty well answered, but what I want to have clear for this committee is: from what I gather, there is concurrence on all sides to this termination of adoption. Would that be correct?

MR. EAMON: Yes, that's true, sir. Everyone is in agreement.

MR. ZIP: Thank you, sir.

MR. CHAIRMAN: If there are no other questions from members of the committee . . . Mr. Eamon, you have nothing further to offer in the way of a closing statement?

MR. EAMON: No, I think not, other than to thank the members for listening to me. This is my first appearance before them, and I must say I was a little excited. Thank you very kindly.

MR. CHAIRMAN: Mr. Eamon, that concludes the hearing on this Bill, and you're free to leave at any time.

The third matter we have before us this morning is Bill Pr. 6, the Concordia Lutheran Seminary Act. We have Mr. Douglas Thompson, solicitor for the petitioners, and the Reverend Edwin Lehman.

Mr. Clegg, would you like to swear Mr. Lehman as a preliminary step.

[Mr. Edwin Lehman was sworn in]

MR. CHAIRMAN: Thank you, Mr. Clegg. Mr. Thompson, perhaps you'd like to make some opening remarks by way of explanation.

MR. D. THOMPSON: I'll just make five points. The first one is that this is intended to be a western Canada training facility for the Lutheran Church-Canada. If you look at section 2, you'll notice that the interim board has a number of members of the clergy from the western Canada provinces. The second point I'd like to make is that it has been drafted in such a fashion as to try to avoid having to come back before this Legislature for any changes or revisions in the future.

The third point I'd like to make is that the Bill recognizes that the corporation is operating under the auspices of the greater church; that is, Lutheran Church-Canada. If you look at section 8(2), you'll notice that there is a deference to Lutheran Church-Canada. This corporation cannot do anything that would be contrary to the policy of Lutheran Church-Canada. It is going to be a training facility for clergy for Lutheran Church-Canada and for church workers for that church.

I'd like to point out that the Lutheran Church has experience with this form of organization. Concordia College is an Act of this Legislature. The Alberta-British Columbia district of the church is an Act of this Legislature and an Act of the British Columbia Legislature. Lutheran Church-Canada itself is a Bill of the Canadian Parliament.

The final point I'd like to make is that under section 5, the members cannot benefit and, in fact this corporation is wound up, the proceeds and benefits will go to Lutheran Church-Canada.

Those are my only comments.

MR. CHAIRMAN: Thank you, Mr. Thompson. Were you planning to have Mr. Lehman make any opening remarks, or are you prepared to just answer the committee's questions at this time?

MR. D. THOMPSON: It might be useful if he made some very brief remarks and then, from there, he will simply answer the questions of the members.

MR. LEHMAN: Perhaps I should mention first of all, I'm not here in any capacity as president of this seminary. The president is out of town today and is not able to be here. I serve on the board of regents of the institution.

This is to be a new institution. The board was organized in September '83, and we're hoping to have the first classes operational in September of 1984. As a seminary, it has a very specific purpose, and that is primarily the training of pastors and missionaries for service in the Lutheran Church.

Until now, most of our pastors have been trained in the United States. For many reasons, that is not a desirable solution to the manpower supply. More recently, we established a seminary in St. Catharines, Ontario, but given the nature of our country, with its east-west demographics, we have found it necessary to have a seminary in western Canada as well. After the necessary decisions were made by various conventions and a number of studies were made, Edmonton was chosen as the site.

Even though the seminary will primarily be there for the training of pastors, it will also provide continuing education for laity in religious matters

educational programs. It is to be autonomous in the sense that it would not be affiliated or related to any other university. The only restriction on its autonomy is that it is totally subject to the church body which will own and operate it.

Those are the introductory comments. I'd be prepared to answer questions, if there are any.

MR. CHAIRMAN: Thank you, Mr. Lehman.

MR. PAPROSKI: Mr. Lehman, could you please tell me if there is a direct relationship between this proposed seminary and Concordia College presently in Edmonton?

MR. LEHMAN: Mr. Chairman, the institution that we're here asking to have incorporated is in every respect an institution autonomous from Concordia College, Edmonton. That is to say, it will have a totally separate board of regents, totally separate administration, separate faculties, separate enrollment — everything will be totally separate. The commonality is primarily this: the same church would own and operate both institutions.

Perhaps there may be an implied question as to the name — whether that indicates any kind of integral relationship. The name Concordia is one that is sort of a household word in the Lutheran Church. It comes from the *Book of Concord*, which is sort of the basic theological writing of Lutheranism, going back to the 16th century. As a result, most of the educational institutions that our church has operated in the United States and Canada have had the name Concordia in them. Of the 16 institutions we operate, 14 are in fact Concordias. Our seminary in St. Catharines, which I referred to, is Concordia, and our college here is Concordia. We felt that this seminary should also be Concordia. We did, however, receive approval from the board of regents of Concordia College for the use of that name. There is no objection by either the board or the administration of the college to the use of the name.

MR. PAPROSKI: A supplementary question. Do you have an idea where this will be built, and could you talk about the time line for construction and completion, et cetera?

MR. LEHMAN: Temporarily, we are renting buildings from Concordia College. They are buildings that are entirely separate from the rest of the campus, by virtue of their being across the street from the main buildings. We will be using that as a temporary facility for probably three years. We don't know what we will do thereafter as to more permanent facilities.

MR. PAPROSKI: Thank you.

MR. CHAIRMAN: Are there any other questions?

MR. APPLEBY: I'd like to ask Mr. Lehman how large a student body he anticipates having at the seminary?

MR. LEHMAN: Because of the specific and narrow purpose of the institution, it will not be large by

MR. APPLEBY: As a follow-up question, what length of training would the students have there? How long would their programs go on?

MR. LEHMAN: For regular students, they will need to have a bachelor's degree for admission and, thereafter, it will be a four-year program, one year of which will be spent on an internship basis in a congregation or religious institution. So it will be a four-year program.

MR. J. THOMPSON: Mr. Chairman, then maybe you could explain section 3(a), "has perpetual succession". Just what do you people mean by that?

MR. LEHMAN: I would defer to Mr. Thompson on that, please.

MR. D. THOMPSON: The intent is that the corporation, unlike individuals, doesn't die. It just continues. That's the intent; there's no hidden meaning at all in the words.

MR. J. THOMPSON: Mr. Chairman, isn't that implicit in any corporation?

MR. CHAIRMAN: Perhaps Mr. Clegg would like to respond on that point.

MR. CLEGG: Mr. Chairman, I think Mr. Thompson may also want to comment further on this. I would say that when a corporation is created under the Business Corporations Act or the Companies Act, its characteristics and nature are defined by that legislation. When a corporation is being created by a private Act, it's quite normal to give provision for certain things which are assumed to be the case in respect of other kinds of statutory corporations.

The connotation of perpetual succession is just a characteristic of a corporation. It does not fail just because its directors or members cease to exist. It can continue with new members and new directors. It would essentially have a permanency beyond its membership. Whether or not it is strictly necessary to make that provision in this particular Bill is a question of interpretation. Some people might argue that being created as a corporation by an Act of the Legislature would imply its perpetual succession, but others might find it preferable to make it clear in this legislation that this corporation has the characteristics of any other kind of corporation.

MR. ALGER: Mr. Chairman, I'm reading these objects of the corporation, and they're delightful. I almost forgot what I wanted to know. The investment of funds: this is the second time I've run into this this morning. In section 9:

The funds of the corporation not immediately required for its purposes and the proceeds of all property that come into the hands of the Board . . .

At what point in time do you ever get into a position where you don't really need the money? I've never been connected with a church that's been in that position yet. I've been connected with lots of them. Is there ever a point in time when you really have some money to invest and, if so, how would you go about it? Would you have your board do all the necessary thoughtfulness in the investment world?

It's quite a challenge.

MR. LEHMAN: One would be tempted to respond lightheartedly that the church is always dreaming, but I'll defer to Mr. Thompson for a more specific comment on that.

MR. D. THOMPSON: I've been asked to assist the Lutheran Church in establishing a deferred giving program. If that deferred giving program were successful, then persons would be able to bequeath portions of their estate for specific objects.

Certainly there's a degree of optimism there, but if people respond to a deferred giving program and do make provision in their wills, then with the passage of time, hopefully the benefits of that will be reaped. That is being realized now in eastern Canada with churches that are ahead of us in the deferred giving program. In fact some of those churches have the enviable problem of a surplus of funds.

MR. ALGER: Okay.

MR. CHAIRMAN: Are there any other questions?

MR. CLEGG: Mr. Chairman, I'd just like to add a comment on that issue for clarification. When there is a fund-raising program for a particular objective — for example, the construction of buildings — even if it goes over a large number of years, it may be some time before enough money is collected to enable construction to commence. Therefore, during that period of collection, there will in fact be funds which are not being used for the purposes. They will have to be invested — or certainly should be invested — and it is desirable to have the power to invest clearly in there, even if it's only for a short time, until the ultimate purpose can be carried out.

MR. CHAIRMAN: Are there no other questions from members of the committee? Mr. Thompson or Mr. Lehman, have you anything in the way of closing remarks to make, any points that haven't been covered?

MR. D. THOMPSON: Not really. I would like to thank Mr. Szwender for agreeing to attach his name to the Bill, and I'd like to thank Mr. Clegg for his assistance throughout. I'd like to throw out a comment that your committee can perhaps address its mind to; that is, when you deal with the companies branch, they throw up their hands and phone Mr. Clegg, because they really have little direction as to what to do once you've passed these Bills. For example, for the Bills we have right now for Concordia College and the Alberta-British Columbia district of the Lutheran Church, there's no set filing requirements or anything. We really have nothing to do with the companies branch. In the case of this Bill, the companies branch has asked us to file a copy of the Bill with them once it's passed, so they know what it's about and file a notice of the first directors, but from that point forward they don't really care whether we keep up our filings or not. They've established a file on it.

So in the future you might consider some guidelines so the companies branch would not phone Mr. Clegg all the time. In fact, there would then be something to follow in future, especially once the

Act is passed, as to what you'd like to envisage being the relationship between the companies branch and the new entity you've created.

[The committee moved in camera at 9:37 a.m.]

MR. CHAIRMAN: Thank you, Mr. Thompson.

MR. CLEGG: Mr. Chairman, for the information of the committee, the companies branch is in a difficult position because they do not have the strict regulation of private Act corporations under their hands. Some time ago I made a suggestion to the Minister of Consumer and Corporate Affairs that this might be looked into and some general legislation provided to have more precise governing of the affairs of private Act companies, so the documents they have to file at companies registry are more clearly set out. So that matter is in hand to the extent that I've made a suggestion, and I understand that the minister has referred it to somebody within her organization for consideration.

MR. CHAIRMAN: Thank you, Mr. Thompson and Mr. Lehman. That concludes the three Bills we were to deal with this morning.

However, there is one other matter we must deal with, and that is the matter of the petition of the town of Grand Centre for a private Bill. Members of the committee were circulated with the letter of the solicitor, Mr. Kowalski, outlining the background to the Bill and also the reason for the petitioners not having complied with the strict application for the publication of notices under Standing Orders. The Bill deals with a matter arising from the operation of the Expropriation Act. I believe the solicitor's letter set out the background in that regard.

The question before us this morning is whether or not we shall waive the provisions of the Standing Orders respecting the publication of notices to allow these petitioners to be heard.

MR. HYLAND: Mr. Chairman, I've read over the letter and paid close attention to the dates Mr. Kowalski outlined in his letter. Because of the circumstances, I would like to move that we accept this Bill and waive the time restrictions.

MR. CHAIRMAN: It's been moved that we allow this Bill to proceed and waive the Standing Orders respecting the publication of notices. Is there any discussion?

HON. MEMBERS: Question.

MR. CHAIRMAN: Are you agreed?

HON. MEMBERS: Agreed.

MR. CHAIRMAN: Very well, the motion is adopted. I believe those are all the matters, unless one of the members has something else to raise. Oh, just a moment, I'm sorry. We can deal in camera with the two Bills that were heard earlier with respect to the city of Edmonton and the Crown Trust Bill. Perhaps it might be expedient to do that, since we have some time left in our time period.

Could we please have a motion to move in camera?

MR. HARLE: I so move.

This page intentionally left blank.