

[Chairman: Mr. Schumacher]

[8:32 a.m.]

MR. CHAIRMAN: Ladies and gentlemen, I do see a quorum, and in view of the fact that two of our members have to leave at 9 o'clock, I would like to call the committee to order in order to commence business. I want to thank those of you who did get up in good time this morning for being here so that we can get started.

With your permission I would like to deal with the four Bills we are dealing with this morning in the following order: Pr. 10, Pr. 4, Pr. 11, and Pr. 2. The reason for that is that Mrs. Mirosh is one of the members who has to leave early and would like to be here while her Bill is under consideration. This is one of the Bills that we agreed last week would not require evidence, and it should be able to be dealt with fairly quickly.

So at this time I would like to ask Mr. Ritter to remind us of the nature of this Bill.

MR. RITTER: Good morning, Mr. Chairman and members of the committee. The petition before us is for Bill Pr. 10, the Calgary Hebrew School Amendment Act. The purpose of this Bill is to change the name of the Calgary Hebrew School to the Calgary Jewish Academy. The report of Parliamentary Counsel, as was presented to you earlier, explains that there are no extraordinary measures or irregularities in the Bill.

MR. CHAIRMAN: Does any member of the committee have any questions concerning this Bill? Mrs. Mirosh.

MRS. MIROSH: Mr. Chairman, I just want to reiterate your comments regarding the simplicity of this Bill. It is just really a change of name, and I don't see that there should be any problem with it.

MR. CHAIRMAN: Thank you. Any other comments or . . . Then I guess our proper procedure is to ask for a motion.

MRS. MacKENZIE: No.

MR. CHAIRMAN: No? Not yet? Okay. I guess our proper procedure then is to say that we have considered the Bill, and we'll move on to the next order of business, which will be Bill Pr. 4. This Bill relates to the King's College and is called the King's College Amendment Act, 1987.

I'd like to welcome this morning Mr. Jim Joesse, counsel for the petitioners, and on behalf of King's College, Henk Van Andel. It may have been explained already, but our uniform procedure in this committee is that when there is evidence, it is always received on oath. After the committee clerk gives his report, the oath will be administered, and at that time there will be an opportunity for an opening statement by counsel as to the need for this legislation, after which he may elicit direct evidence from any witness that is present on behalf of the petitioner, following which committee members will be able to follow up on that evidence by asking questions. Following that, there is an opportunity for a closing statement, if it's desired.

So at this time I'd ask Mr. Ritter to give us his report concerning Bill Pr. 4.

MR. RITTER: Thank you, Mr. Chairman. Again, Parliamentary Counsel's report on this Bill is very simple, being that the King's College has asked the Legislature to widen the educational field as provided in the original King's College Act. In

this respect, there are no unusual or extraordinary measures which the school is asking. It's just merely, I am advised, that they wish to offer a few business courses and a generally wider field of subjects to their students.

MR. CHAIRMAN: Thank you, Mr. Ritter. Then I'd ask Mr. Joesse if he would like to commence with his opening statement.

MR. JOOSSE: Thank you, Mr. Chairman. Mr. Ritter has pretty well provided the information that I would have provided in an opening statement. Essentially the occasion to amend the Act arose when the King's College was attempting to provide some business courses. They were unsure at that time as to whether the objects of the college as set out in the King's College Act allowed the provision of business courses. The King's College is generally a liberal arts and science college, and the objects of the college are couched in those terms.

They went to various sources to determine a legal definition of the terms arts and science, to determine whether or not business courses would fit within the ambit of those terms. They were unable to get a clear answer on that question. They therefore commenced this proceeding in order to have the objects broadened to allow for the provision of those courses but, at the same time, decided they could run into a similar problem on future occasions if they should desire to provide other courses of a different description. They therefore are petitioning the House for a broad definition of their power, their objects, to provide for the provision of those courses.

The provision of the courses, of course, does not have anything to do with their degree-granting status, or it's not a petition to increase their powers to grant degrees in any way. It's merely a request to broaden their powers to provide for the offering of additional courses.

I would perhaps ask my witness to be sworn at this time, and he can probably provide a little bit more background than I'm able to do.

MR. CHAIRMAN: Yes, Mr. Wright.

MR. WRIGHT: It all seems so plain. I'm just wondering whether there is necessity for further evidence. Of course, if they wish, but as far as I'm concerned, it's so plain.

MR. CHAIRMAN: I will ask all members of the committee whether any member of the committee has a question, and if so, we'll proceed with the swearing. Mr. Downey, do you have a question?

MR. DOWNEY: I would like to ask a question, please.

MR. CHAIRMAN: You may proceed then, Mr. Ritter.

[Mr. Van Andel was sworn in]

MR. CHAIRMAN: Now, Mr. Joesse, were you going to elicit something before . . .

MR. JOOSSE: I think perhaps I'll defer to the committee at this time, since there seems to be a directed question.

MR. CHAIRMAN: Mr. Downey.

MR. DOWNEY: Thank you, Mr. Chairman. Perhaps without a background in the legal field it may be simpler than I think, but I'm looking at the addition to section 3: the college shall have the power to provide

instruction in the liberal arts, theology, sciences, education and such other fields as the Board of Governors may from time to time determine.

Now, my question would be -- certainly there must be some supervision of the courses of instruction that you can offer, being as the Act leaves the sole authority with the board of governors. Who would provide that supervision, if you like?

MR. VAN ANDEL: I think I can address myself to that question. The King's College has academic supervision, if it's in its governance structure, in the form of a senate, and the senate takes responsibility for academic affairs and is composed of individuals who are competent to judge whether the college is able to offer courses in various subjects in accordance with the infrastructure and the provisions that we have available in terms of faculty and staff and so on.

MR. DOWNEY: Being as the authority to provide instruction is being granted by this Legislature, my question really is: does the board of governors have sole authority to determine instruction, or do you answer to the Department of Advanced Education, for instance?

MR. VAN ANDEL: No, we do not answer to the Department of Advanced Education in terms of the kinds of courses we are able to offer. We have sole authority. Under the Act of the Legislature we have authority to offer whatever courses we feel are appropriate.

MR. DOWNEY: A supplementary question, Mr. Chairman. Is this normal for all colleges in the province?

MR. VAN ANDEL: This is normal for the private colleges that are at present empowered by an Act of the Legislature to offer instruction. In fact, there is a precedent for the particular phrase that we have used. Concordia College, which is one of our sister colleges, also affiliated with the University of Alberta, has precisely such a clause in its objects.

MR. DOWNEY: Thank you.

MR. MUSGROVE: Mr. Chairman, broadening their scope of offerings in the college through a private Bill is certainly not a problem to me, but I recall that about two years ago King's College was structured under a certain funding program, and we were lobbied with letters from all over Alberta to change the structure of funding for King's College. Now, is this going to bring on that type of a barrage again?

MR. VAN ANDEL: No, not at all, Mr. Chairman. The definition of the courses that we're able to offer is quite apart from any question of funding. We are not in the position to ask for funding for these particular courses. Our funding question is much more general in nature and has to do with our status within the advanced education framework of Alberta. It is not subject to the particular courses that we offer at this time.

MR. YOUNIE: You mentioned that you're affiliated with the U of A and you also talked about degree-granting status, so I

presume this would not expand the nature or the variety of degrees that could actually be offered, that its purpose is merely to give you flexibility in meeting needs of students, which from my experience as a teacher change depending on the year and the students and so on.

MR. VAN ANDEL: This is correct. Our degree-granting status is determined via a process that is governed by the Private Colleges Accreditation Board and is in fact governed by the Universities Act.

MR. YOUNIE: Being affiliated with the U of A in terms of courses offered and so on, you'd also presumably be negotiating with the U of A or making sure that transferability is there and so on.

MR. VAN ANDEL: This is correct.

MR. YOUNIE: So if a student took the business courses you're mentioning now, they would be in line with what would be offered at the U of A, so there wouldn't be problems over accreditation there.

MR. VAN ANDEL: We're in the process of discussions with the University of Alberta with regard to the transferability of these courses. Because they have not yet been offered, that transferability is not yet in place, but we have had discussions with them and have every expectation that they will be transferable.

MR. CHAIRMAN: Mrs. Hewes.

MRS. HEWES: Mr. Chairman, Mr. Younie asked my question; however, I'd like just one more relative to it. Mr. Van Anandel, is it your intent to move towards degree granting in theology, and the other courses of course?

MR. VAN ANDEL: Presently we have the authority to grant bachelor of arts degrees. We are not granting degrees in theology at this time and have no immediate plans to do so. We may wish to have authority to grant such degrees as a bachelor of science or bachelor of education down the road, but as I said before, this is governed by a different procedure. It goes via the Private Colleges Accreditation Board.

MRS. HEWES: Thanks, Mr. Chairman.

MR. DROBOT: My question is similar. You mention education "and such other fields." What other fields possibly?

MR. VAN ANDEL: Well, that particular clause that we are asking the government to add would cover the business courses that we wish to offer, which are also offered by the other private colleges. We may in the future wish to add other courses which a very strict interpretation of arts and sciences and education would exclude, such as courses in communications, perhaps courses in agriculture, or such fields.

MR. DROBOT: That could be very broad.

MR. VAN ANDEL: It could be broad. The reason for the breadth of phrase there is that we wouldn't have to come back to the Legislature periodically to add another field of study. And

in that sense, that is the reason for its breadth, Mr. Chairman.

MR. CHAIRMAN: Any other questions or comments?

Just for my information, Mr. Van Andel, when did the King's College commence operations?

MR. VAN ANDEL: Nineteen seventy-nine.

MR. CHAIRMAN: What's its size? How many students?

MR. VAN ANDEL: We presently have about 175 students, 16 full-time faculty members, about 12 or 13 part-time faculty members, a staff of about 20 individuals as well.

MR. CHAIRMAN: Thank you. If there are no other questions or comments, would you like to make a closing statement, Mr. Joesse?

MR. JOOSSE: I think that probably it's been said, Mr. Chairman, and I can't immediately think of anything I could say that would be helpful.

MR. CHAIRMAN: I want to thank you then for your appearance and the co-operation you extended to the committee. The committee will take the matter under advisement, and you will be advised in due course as to our future progress. Thank you.

The next matter is Bill Pr. 11, Scott J. Hammel Legal Articles Act, and we have with us this morning Mr. Scott J. Hammel. I would like to welcome you to our committee this morning, and I'll ask Mr. Ritter to report on the nature of your Bill.

MR. RITTER: Thank you, Mr. Chairman. Mr. Hammel is graduating from the Faculty of Law at the University of Alberta this year and has been fortunate enough to receive an offer of a position for his articles with the Federal Court of Appeal. Presently, the provisions of the Legal Profession Act, which does allow a law student to take on articles with a judge, gives him the permission only to article in Alberta; in other words, we're looking at the Court of Queen's Bench or the Court of Appeals. With Mr. Hammel's offer of a position with the Federal Court of Appeal, the Law Society of Alberta has approved his taking this type of position in partial fulfillment of his articling requirements. Mr. Hammel is asking the Legislative Assembly to pass an Act, which has been approved by the Law Society of Alberta, allowing him to take the articles with the federal court. The report of the Parliamentary Counsel is that there have been no unusual or extraordinary measures required.

MR. CHAIRMAN: Thank you. Do you wish to make an opening statement, Mr. Hammel?

MR. HAMMEL: Probably I should be sworn at this time as I'll introduce some evidence.

MR. CHAIRMAN: If that's the case, Mr. Ritter will administer the oath.

[Mr. Hammel was sworn in]

MR. HAMMEL: I just have a very brief statement to make, as most of it was said in the introduction. I'd just like to state that I have been informed this morning by Mr. Kelly of the Law Society that approval was given by the benchers of the Law Soci-

ety to this petition in their last annual general meeting on March 27, I believe it was. The official letter of approval is stuck somewhere in the mail between Calgary and Edmonton so is unavailable at this time but will be presented to the committee as soon as I'm in receipt of it.

Also, as for reasons why I am petitioning the Assembly for this Act, I think most are self-evident. I would just like to say that it is my submission that the Legal Profession Act as it currently stands doesn't recognize every avenue of beneficial legal education available to a law student upon graduation. As Parliamentary Counsel has said, the Act currently recognizes four courts -- the Supreme Court of Canada and three provincial courts -- as fulfilling a portion of the requirements for legal articles in this province. It is my suggestion that the federal Court of Appeal would offer as beneficial an education as those courts mentioned in the Act.

As well, it probably exposes a clerk to a wider variety of areas of law. Examples of these would be taxation law or admiralty law, intellectual property, as well as the court martial appeal process. These are issues that would never appear in an Alberta court. It is my suggestion that a 12-month clerkship with the federal court, when combined with a shorter term with a lawyer in the province of Alberta, would more than adequately prepare me for the practice of law in this province.

Thank you, that is basically my opening statement.

MR. CHAIRMAN: Thank you, Mr. Hammel. Does any member of the committee have any questions? Mr. Gibeault.

MR. GIBEAULT: Mr. Chairman, I'm just wondering if this doesn't suggest that the government should look at an amendment to the Legal Profession Act so that students like Mr. Hammel don't have to come before the Legislature to take a position with the federal Court of Appeal. This seems a very cumbersome procedure for such a matter.

MR. CHAIRMAN: Probably a point well taken. Perhaps the Attorney General will be reading our proceedings this morning at some future date. I suppose what happened the last time the Legal Profession Act was before this Assembly, there was no such body as the federal court, which is a rather new court, replacing the former exchequer court. I don't know if the exchequer court is mentioned; I guess it wasn't mentioned, or else its successor would have been allowed.

Any other questions or comments? Well, that being the case, I won't ask you to make a closing statement, Mr. Hammel, because I think you did cover the matter well in your opening statement. I don't think you expect to receive any difficulty from the committee, but we will await the letter from the Law Society. We'll deal with it as soon as we possibly can. You won't be wanting to start articles till some time in May, I suppose?

MR. HAMMEL: It will be August 4 when I'm commencing.

MR. CHAIRMAN: Oh, that gives us plenty of time. Yes, Mr. Downey.

MR. DOWNEY: Mr. Chairman, I think on behalf of the Private Bills Committee that we'd like to offer Mr. Hammel our congratulations and good wishes.

MR. HAMMEL: Thank you very much.

MR. CHAIRMAN: Now, our last remaining bit of legislation for this morning's meeting is Bill Pr. 2, the Alpine Club of Canada Amendment Act. There are no witnesses present in respect of this bit of legislation, so I'll ask Mr. Ritter to remind us of the nature of this Bill.

MR. RITTER: Thank you, Mr. Chairman. The purpose of this petition before the Legislative Assembly now is to remove a \$25,000 limit on the value of land that can be held by the club. The Alpine Club of Canada was originally incorporated by a private Act of the Legislature, and this is merely an amendment to that particular Act. It was the custom of the Legislature in those days to put a limit on. The membership of the club has asked that it now be removed. There are no other unusual or extraordinary measures requested by the Assembly.

MR. CHAIRMAN: I notice from the Bill that that incorporation was in 1909. It was a long time ago, so the figure there is certainly no longer relevant to present-day conditions. Any member have any questions or comments?

MR. MUSGROVE: Well, I see that we're again setting a value on the land: not exceed \$100,000. Why do we have a value on the property?

MR. CHAIRMAN: I don't know, unless it's -- maybe Mr. Ritter can help us.

MR. RITTER: I can only offer the information that I am familiar with societies of this type, Mr. Chairman. There are usually some federal requirements if the society is going to be soliciting funds and raising moneys by donation means, and the issuance of tax receipts often depends on the ability of the club to not have to liquidate any of its landholdings. So this may in fact be something required by the federal authorities.

MR. ADY: On that same line of questioning I wondered if it was to preclude any opportunity for such a group to be involved in land speculation -- is why that cap might be put on there -- at any future time.

MR. CHAIRMAN: That's certainly a possibility. My own feeling is that it's probably better to have some cap on than to have it unlimited in any event. And maybe they felt we would give it a better reception if it did have such a cap.

MR. DOWNEY: I see some problem with the printing, possibly, of this Bill. The new section 2 will read: property to the value of \$100,000. The old section 2, I note, reads exactly the same. However, I note that section 5 reads that it may not borrow money "to exceed . . . the sum of twenty-five thousand dollars."

MR. CHAIRMAN: Mr. Wright, you're suggesting that the hundred thousand is . . .

MR. WRIGHT: The limits are coming out, Mr. Chairman.

MR. CHAIRMAN: Oh, by striking out that. I thought . . . Excuse me. Mr. Ritter, please.

MR. RITTER: Yes. Mr. Chairman and members of the committee, I apologize for that. I've got a number of papers in front

of me, and I finally found the one. Yes, all the limits are being struck out, as Mr. Wright has observed, so I do apologize for getting confused at this point.

MR. CHAIRMAN: So are all the members quite clear that all references to monetary limits are being removed? Okay. Any problems with that? Hearing no problems, then, we will again conclude our consideration at committee stage of this until we are in a position to deal with these Bills again with regard to whether or not we wish to proceed.

That concludes our Bills for consideration this morning. There's one other matter on the agenda, number 5, and that is the waiving of *Standing Orders* with regard to certain Bills that didn't meet the filing or publication or advertising deadlines, I gather. Mr. Ritter, do you have a report in that regard as to . . .

MRS. MacKENZIE: No, we just need a motion so that those Bills can be proceeded with once they comply.

MR. CHAIRMAN: All right, what I'm looking for is a motion that the Bills that were deficient at the expiration of the time limit may be proceeded with and the requirements of *Standing Orders* waived provided they do meet the advertising requirements. Mr. Brassard, any discussion? All in favour?

HON. MEMBERS: Aye.

MR. CHAIRMAN: Opposed? Carried.

Now next week's business. Are there any Bills on here that a member would like dealt with next week because he might be away the following week? Is there any urgency? It is suggested that perhaps Bill Pr. 1 and Bill Pr. 3 could be. I would suggest Bill Pr. 1. These insurance company Bills generally take a little while, because people are interested in the principles and the work, but would that be enough for -- I personally won't be able to be here next Wednesday, but Mr. Musgreave is prepared to take the Chair.

MR. DOWNEY: Just a question, Mr. Chairman. The Central Western Railway Amendment Act: has it been assigned a number, and what is it?

MR. CHAIRMAN: It's got a number; it's going to be Bill Pr. 13. But its advertising is not complete yet. That's what we are waiting for.

MR. DOWNEY: Okay. And when will it be ready to be introduced into the House?

MRS. MacKENZIE: Probably [inaudible] the middle of April I expect to get the statutory declarations in.

MR. CHAIRMAN: So we'll be able to deal with it after our Easter break.

MR. BRASSARD: Is Bill Pr. 5 ready to go?

MR. CHAIRMAN: There are no problems with Bill Pr. 5. The committee secretary points out that insurance company Bills generally generate a few questions, and I'm just wondering whether . . . And this Sisters Servants of Mary Immaculate (Polish): I don't know the committee's feeling on that, whether that takes any time or not.

Unless I hear another suggestion, I'll suggest that we deal with Bills Pr. 1 and Pr. 3 next Wednesday. Okay? Agreed?

MR. SIGURDSON: That being the case, Public Accounts doesn't meet until 10, does it not? I just notice that a number of colleagues were a little late, and that is probably due to the hour that the House adjourned last evening. I'm wondering if we can't delay the start of Private Bills till 9? Is that known?

MR. BRASSARD: Mr. Chairman, it has nothing to do with the hour last night. It was a misunderstanding; that's all.

MR. DAY: Same here, Mr. Chairman; I'm just following Mr. Brassard.

MR. CHAIRMAN: Well, the suggestion is: does the committee desire to meet later? I think the secretary is indicating that you never know what can transpire and it would be rather unhandy if we met half an hour later and then didn't have time to conclude.

MR. DOWNEY: Well, Mr. Chairman, I think if we establish a regular meeting time -- we are going to have some full meet-

ings, I can foresee, so I would suggest that we get used to making it here at 8:30.

MR. BRASSARD: I agree.

MR. CHAIRMAN: Would you like us to try to get the UFA one in, Mr. Brassard?

MR. BRASSARD: Not necessarily, Mr. Chairman. It was just that I don't see any reason to delay it; that's all. If it can be arranged, yes; you might as well get it in.

MR. CHAIRMAN: Okay, we'll do 1, 3, and 5.

HON. MEMBERS: Agreed.

MR. CHAIRMAN: On that basis, then, I declare this meeting adjourned. Or do we need a motion? We need a motion to adjourn. Mr. Day.

All in favour? Carried.

[The Committee adjourned at 9:10 a.m.]

