

## Standing Committee on Private Bills

9:35 a.m.

[Chairman: Mr. Renner]

THE CHAIRMAN: Good morning. I would like to call this meeting to order. This is a meeting of the Private Bills Committee. We have one petition to hear this morning. Before we get to the petition hearing process, I would like to have a motion to approve the minutes from the meeting of Tuesday, May 2, 1995.

Mr. Bracko.

MR. BRACKO: I so move.

THE CHAIRMAN: Are there any errors or omissions or comments? Seeing none, all in favour of the motion? Opposed? Carried.

The agenda for today, then, is very straightforward. I would like a motion to approve the agenda as circulated. Mr. Zwozdesky. All in favour? Opposed? Carried.

There was a briefing note supplied by the petitioner this morning that everyone should have a copy of. If you don't have a copy, please check with the Table.

With that, then, Mr. Reynolds, I think we're ready to ask the petitioners to join us.

[Mr. Braul and Rev. Kraemer were sworn in]

THE CHAIRMAN: Thank you, and welcome, gentlemen. Just before we get started, I want to take this opportunity to welcome you. We got a chance to meet very briefly just before we got under way this morning, and I explained at that time that we would give you an opportunity to discuss your proposed Bill. I understand you have some amendments that you would like to discuss with the committee.

Before we get into that, I would like to have committee members introduce themselves. This is an all-party committee of the Legislature. We have members of both the government and opposition, and we have a pretty good geographic cross section of Alberta as well on the committee. So we'll start with Mr. Wickman and have everyone introduce themselves.

MR. WICKMAN: Percy Wickman, Edmonton-Rutherford. Good morning.

MS HANSON: Alice Hanson, Edmonton-Highlands-Beverly. Good morning.

MR. VASSEUR: Leo Vasseur, Bonnyville.

MR. TANNAS: Don Tannas, Highwood.

MR. HERARD: Denis Herard, Calgary-Egmont.

MRS. LAING: Bonnie Laing, Calgary-Bow.

MRS. GORDON: Judy Gordon, Lacombe-Stettler.

MR. YANKOWSKY: Julius Yankowsky, Edmonton-Beverly-Belmont.

MR. BRACKO: Len Bracko, St. Albert. Welcome.

MR. ZWOZDESKY: Gene Zwozdesky, Edmonton-Avonmore. Good morning.

THE CHAIRMAN: My name is Rob Renner, and I'm the MLA for Medicine Hat.

I'd also like to introduce our two other people that join us for every meeting and provide technical assistance and advice: our Parliamentary Counsel, Rob Reynolds, and Florence Marston, the assistant to the committee.

With that, I'll turn it over to you. It's fairly informal. If you'd like to remain seated, that's fine, or if you're more comfortable standing, whichever you prefer.

MR. BRAUL: Mr. Chairman, ladies and gentlemen, my name is Walter Braul. I'm the solicitor for Concordia College, and with me is President Kraemer. President Kraemer is very actively involved in pursuing the advancement of Concordia College from its status in previous years and its reputation previously and has been advancing the cause of Concordia, advancing the cause of education within the Edmonton community.

Concordia College was originally established in 1921 as a college. It's part of the Lutheran colleges and universities which use the word "Concordia" as part of their name. In 1978, of course, this Legislature incorporated by a private Bill the Concordia College Act. It was proposed in the spring session to submit a number of amendments to the Concordia College Act. In particular, it was desired to change the name of Concordia College to Concordia University College, a move which was essentially a pattern established by a number of other private colleges which have received the consent of the Legislature to such a name change. It was also proposed that with respect to any future name changes, we might want to get the approval of the minister of advanced education and, on that basis, make those future name changes. It was also proposed to deal with the municipal taxation issue which has recently been changed by the Legislature. With respect to the last two amendments, they have been withdrawn, and we simply want to proceed at this stage with an amendment to change the name of Concordia College to Concordia University College of Alberta.

Let me give you some history about why these additional words have been added to our petition. When we proceeded with our searches at the national level in terms of the use of the name Concordia University College, the advice we received from our trade name solicitors was that this would be no problem, because as a matter of common law and as a matter of established usage, we had entitled ourselves to the use of the word "Concordia" as part of our name.

Of course, Concordia University of Montreal was made aware of this proposed name change as a result of advertising in the *Canada Gazette* and as a result of our advertising in the *Alberta Gazette* with respect to the prospective name change. They quite naturally took issue with the possibility that there would be confusion between the two institutions. It's fair to say that from a legal point of view our common law right to use the word "Concordia" as part of our name has been clearly established. It's also clearly established that Concordia University had registered a trade name with the appropriate department at the federal level.

So the parties have gotten together in the meantime and have determined between themselves how they are going to resolve a conflict between the two institutions with respect to the use of the word "Concordia" in association with their name. We have a settlement agreement in place now with Concordia University which specifically confirms our entitlement to the use of the name Concordia University College of Alberta. That agreement is confirmed by a letter which is attached to the material we have

distributed to you. In addition to that, we have received a letter from the University of Alberta, which uses the words "of Alberta" as part of its name, confirming that they have no objection to Concordia using the name Concordia University College of Alberta. In addition to that, ladies and gentlemen, we have attached a letter from the minister of advanced education confirming their approval of the change of name to Concordia University College of Alberta.

Therefore, with respect to the actual draft amendments proposed, we would like to have the name of Concordia changed to Concordia University College of Alberta. With respect to the Bill, throughout the Act we propose that any reference to Concordia College be changed to the words Concordia University College of Alberta. With respect to the other two amendments, we have withdrawn those proposed amendments and we intend to deal with them either by withdrawing them or dealing directly with the city of Edmonton.

Ladies and gentlemen, I'd be pleased to answer any questions which you might have.

9:45

THE CHAIRMAN: Thank you.

Rev. Kraemer, do you have any comments?

REV. KRAEMER: None, other than to emphasize the importance of this name change to Concordia. As we indicate in the background information, both future students and current students really would appreciate the clear designation Concordia University College because of the possibility of confusion we often find in inquiries from persons who feel that we are a community college. We're quite convinced, on the basis of discussions with other institutions like Augustana University College and King's University College which also offer university-equivalent accredited degrees, that this would clarify the identity once and for all with the public.

THE CHAIRMAN: I have one person on the speakers' list. If anyone else would like . . .

I want to just clarify for the committee the process we have in place with this Bill. As you're all aware, Bill Pr. 7 was placed on the Order Paper last spring and was not dealt with. The reason the committee did not deal with it, as Mr. Braul explained, was that there was some problem with Concordia University, and as chairman of the committee, I asked that they resolve that problem before they come to the committee. That's the reason we left it until this fall. That problem has now been satisfactorily resolved, so it now comes to the committee. However, the Bill must proceed in the Legislature as it was originally tabled, and it will be necessary for this committee to recommend amendments to the Bill, with your concurrence, of course. Mr. Braul has identified the areas where he would be requesting that this committee amend the Bill that's currently before the Legislature, and Mr. Braul is also asking that at that point the committee would recommend that the Bill proceed as amended.

So the Bill that you have before you would be amended to change the reference to Concordia College to Concordia University College of Alberta. That would be one set of amendments we would deal with. The other is the deletion of the reference to future name changes and the deletion of the reference to the property tax situation.

Does everyone understand the situation? Mr. Reynolds would you like to . . .

MR. REYNOLDS: I just want to say, Mr. Chairman, that you're quite right. It does get a little confusing. As Mr. Braul was referring to amendments, I believe he was referring in part to the amendments contained in the Bill which is an amending Act, and there are now

amendments proposed to the Bill. The amendments Mr. Braul is proposing to the Bill are found in the material he distributed after the letter from the minister of advanced education and before the copy of Bill Pr. 7. Those would be the form of amendments that would go forward, if that was in fact the committee's desire.

THE CHAIRMAN: With that, then, I have the speakers' list: Mr. Wickman and Mrs. Abdurahman.

MR. WICKMAN: Mr. Chairman, gentlemen, just two questions. Just to refresh my memory, what specific degrees in terms of university degrees are granted by the university college, as you propose to now change it?

REV. KRAEMER: We have been accredited to offer both a three-year and a four-year B.A., a year B.Sc., and a Bachelor of Education after degree. So we have degrees essentially in the three areas.

MR. WICKMAN: Okay. My second question. I notice the minister, of course, gives his endorsement or expresses no concern. On that assumption, and correct me if I'm wrong, there would not be any implications in terms of grants or funding that is currently received by the provincial government. Does it mean more money for the college?

REV. KRAEMER: That would be nice, but it won't.

MR. WICKMAN: Okay. Thanks.

REV. KRAEMER: Just on nomenclature, university college with respect to private colleges has been approved nomenclature by the minister's office.

THE CHAIRMAN: Mrs. Abdurahman.

MRS. ABDURAHMAN: Thank you. My apologies to the chair and also to Mr. Braul and the Rev. Kraemer for my lateness. I apologize for that.

My colleague has asked some of the questions that were coming to my mind, but I also want to pursue it from the perspective of Camrose Lutheran college or any other community college. Probably to Rev. Kraemer: is this a trend that we're going to see, where community colleges will become degree institutions and we could see this name being broadened? I'm thinking of Grande Prairie and Camrose as a couple.

REV. KRAEMER: As a way of clarification, there's a major difference between Grande Prairie and Camrose, which perhaps demonstrates why we're here. Camrose now has the standing of a university college, and it has never been a community college in the sense of the nomenclature of Grant MacEwan Community College or the other community colleges of the province. The difference is in the total curriculum being offered. Ours is a liberal arts and science university-equivalent curriculum, and the community college mandate is somewhat different in focus, often vocationally-oriented and the like. This is why institutions like Augustana University College, King's University College, Concordia, and there's only one other in the province, other than the four public universities, have been accredited to give university-equivalent degrees, undergraduate degrees. Why we seek the change is to send the clear signal that we are, in fact, university-equivalent colleges and our curriculum is in that direction.

MRS. ABDURAHMAN: For example, through the chair, if Grande Prairie were given a degree aspect as well, it still would differ inasmuch as it gives a different level of programming than Concordia presently does inasmuch as it goes into trades and those areas?

REV. KRAEMER: Yes.

MRS. ABDURAHMAN: Okay.

Now, I should have looked it up in the dictionary, but I was curious: is it purely degree that separates the definition of a college to a university? Is it the type of courses given, or what is the definition difference?

REV. KRAEMER: You find that there is different nomenclature around the world. There are clearly colleges that offer undergraduate degree and even graduate programs, and you could name them in North America. In our context, it is most clearly, however, in Canada that colleges tend to be used with community colleges.

MRS. ABDURAHMAN: Thank you.

THE CHAIRMAN: If I could just add some clarification, I want to remind you that this college, Concordia College – and they're asking to be changed to Concordia University College of Alberta – is incorporated under a private Bill of this Legislature. Grande Prairie College is a public institution. So there's a very distinct difference in that one is a public institution. This is a private institution incorporated under a private Bill.

9:55

MRS. ABDURAHMAN: Could I ask a question to the chair, then, based on that? What I was trying to get at was: could the day come that a public institution like Grande Prairie could also have dual recognition in its name? That's what I was trying to get at through the . . .

THE CHAIRMAN: Well, I guess you'd have to ask the minister of advanced education.

MRS. ABDURAHMAN: But legislatively.

THE CHAIRMAN: Anything's possible. This Legislature could pass legislation, but it would be in the public domain, not in the private domain.

MRS. ABDURAHMAN: Not in the private. Okay.  
Thank you.

THE CHAIRMAN: Mrs. Laing.

MRS. LAING: Thank you, Mr. Chairman, and good morning, gentlemen. I was going to ask a question about the original Bill – 5 where you've listed the names – but I got to this page in your proposed one and I see you have deleted that. You're going to just have a general clause in there, which I think is very appropriate and saves you having to come back for continual renewal. That was my only concern.

Thank you.

THE CHAIRMAN: Do any other members of the committee have any comments or questions?

MR. HERARD: You probably explained it very well, but I'm not sure if I was on a mental holiday or not. Are we going to be taking out section 5(i) and section 6? Would it be appropriate to move that those two sections be removed, or how do you want to handle this?

THE CHAIRMAN: No. The process we've established and the precedents we've established in this committee are that no decisions and no motions are made at the time when we have the petitioners coming forward. That motion would be made next week when we meet to discuss the process and discuss whether or not the committee wishes this Bill to proceed.

Mr. Reynolds has a question.

MR. REYNOLDS: Just for the benefit of committee members, as was indicated earlier, the reason for the holdup to an extent from this Bill was a legal proceeding started by Concordia University in Montreal with respect to the change in name. Originally what had happened – and Mr. Brault can perhaps correct me if I'm mistaken on this – was that the change of name was registered with the trademarks branch or the registrar. It appeared in the *Gazette*. I believe Concordia University had 30 days to appeal that decision or to take out a judicial review application, which they did. That never proceeded. It's my understanding that that was adjourned pending settlement, and it's my understanding further to the letter that was provided by counsel for Concordia University to me – I didn't make extra copies; it's in Mr. Brault's material – counsel from McCarthy's indicates that a settlement has been reached on this matter.

MR. BRAUL: Yes, a settlement has been reached. There were three parts to this whole proceeding. The one part was to register on a federal basis the name Concordia University College. That application proceeded to the stage where an objection was filed, and as part of the settlement proceeding, we have withdrawn our application to register the name Concordia University College. We will eventually be following hopefully a successful application here with another application to register the name Concordia University College of Alberta.

MR. REYNOLDS: I should point out, of course, that the letter from the solicitors for Concordia University indicates that they have no problem with changing the name to Concordia University College of Alberta.

That was my question, Mr. Chairman.

THE CHAIRMAN: Well, I see no other committee members with comments or questions. I want to thank you. The process, once again, is that the committee will meet a week from today. At that time we will deal with the motions that are required to amend the Bill, which subsequently amends the Act. We would then, with the approval of this committee, proceed to carry forward Bill Pr. 7 in these sittings of the Legislature.

Thank you very much.

Committee members, is there any other business anyone would like to bring to the committee at this time? If not, then I'll just announce that we will be meeting a week from today at 9:30 to deal with our recommendation on this Bill.

Mr. Zwodzesky.

MR. ZWOZDESKY: Mr. Chairman, I wonder if you would give some consideration to commencing these meetings at 9, or at least anything earlier than 9:30, even 9:15, because we have a standing committee time for our caucus meeting at 10 every morning during session. If you could do something to help alleviate the pressures of time, we'd really appreciate that.

THE CHAIRMAN: Actually, Mr. Zwozdesky, we normally start at 8:30, but since we only had a limited amount of business to deal with, the time was moved ahead.

MR. ZWOZDESKY: Sure.

THE CHAIRMAN: But this is the last Bill we'll have. In spring session, when we find out how many Bills we have, normally the committee meets at 8:30. It's a two-hour meeting, so even at that, if we deal with two petitions, sometimes we don't finish until 10:30.

MR. ZWOZDESKY: I'm aware of that, thank you. I'm just referring specifically, for example, to the announcement you just made. You're intending to commence next week at 9:30. I'm wondering if you would . . .

THE CHAIRMAN: Nine-thirty.

MR. ZWOZDESKY: You did say 9:30? Did I hear you right?

THE CHAIRMAN: Yes. But quite frankly I don't feel it will take very long. I would think we should be finished by 10 easily.

MR. WICKMAN: Mr. Chairman, if I could speak to that. I think it's the first time I've ever disagreed with my learned colleague since I've gotten to know him. Normally he would be right, except next Thursday it's only going to be about a 10-minute meeting to simply approve or reject this particular item, Gene. It's not going to interfere with caucus.

MR. ZWOZDESKY: That's all that's going to be on the agenda?

THE CHAIRMAN: Yes. That's it.

MR. ZWOZDESKY: Sounds good to me. Thank you for that clarification.

THE CHAIRMAN: All right. With that, and a reminder that we need everyone here Tuesday, not Thursday . . .

Mrs. Gordon.

MRS. GORDON: Mr. Chairman, I'd like to adjourn this meeting.

THE CHAIRMAN: All right. I have a motion by Mrs. Gordon that we do now adjourn. All in favour?

HON. MEMBERS: Agreed.

THE CHAIRMAN: Carried.

[The committee adjourned at 10:04 a.m.]