



Second Session, 38th Parliament

REPORT OF PROCEEDINGS
(HANSARD)

SELECT STANDING COMMITTEE ON

PARLIAMENTARY REFORM,
ETHICAL CONDUCT,
STANDING ORDERS AND
PRIVATE BILLS

Victoria

Wednesday, April 26, 2006

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AL HORNING, MLA, CHAIR

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**SELECT STANDING COMMITTEE ON
PARLIAMENTARY REFORM, ETHICAL CONDUCT,
STANDING ORDERS AND PRIVATE BILLS**

Victoria
Wednesday, April 26, 2006

Chair: * Al Horning (Kelowna-Lake Country L)

Deputy Chair: David Cubberley (Saanich South NDP)

Members: Harry Bloy (Burquitlam L)
* Randy Hawes (Maple Ridge-Mission L)
* Gordon Hogg (Surrey-White Rock L)
* Kevin Krueger (Kamloops-North Thompson L)
Lorne Mayencourt (Vancouver-Burrard L)
* Raj Chouhan (Burnaby-Edmonds NDP)
* Mike Farnworth (Port Coquitlam-Burke Mountain NDP)
* Rob Fleming (Victoria-Hillside NDP)

**denotes member present*

Other MLAs: Dave S. Hayer (Surrey-Tynehead L)
Mary Polak (Langley L)

Clerk: Ian Izard

Witnesses: Graham Baugh (Christ for the Nations Bible College)
Ken Deeks (Christ for the Nations Bible College)
Gerald Nussbaum (President, Christ for the Nations Bible College)
Brian Taylor (Bull Housser and Tupper LLP)

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MINUTES

SELECT STANDING COMMITTEE ON PARLIAMENTARY REFORM, ETHICAL CONDUCT, STANDING ORDERS AND PRIVATE BILLS



Meeting: 8:30 a.m., Wednesday, April 26, 2006

Location: Birch Committee Room, Parliament Buildings, Victoria, B.C.

Present: Messrs. Horning, Chouhan, Farnworth, Fleming, Hawes, Hogg and Krueger.

Appearing: Patricia Community Club - Brian Taylor (Agent)

Christ for the Nations Bible College - Graham Baugh (Agent)
- Gerald Nussbaum (President)
- Ken Deeks (Dean)

Business: Convening and Private Bills Pr 401 and Pr 402.

Resolved on the motion of Mr. Hawes, that Mr. Horning be appointed Chair of the Committee.

Resolved on the motion of Mr. Hawes, that Mr. Cubberley be appointed Vice-Chair.

Resolved on the motion of Mr. Hawes, seconded by Mr. Farnworth, that the Committee recommend to the House that Bill (Pr 401) intituled *Patricia Community Club (Corporate Restoration) Act, 2006* proceed to second reading.

Resolved on the motion of Mr. Hawes, seconded by Mr. Fleming, that the Committee recommend to the House that Bill (Pr 402) intituled *Christ for the Nations Bible College Act* proceed to second reading.

The meeting adjourned.

Al Horning, Chair

WEDNESDAY, APRIL 26, 2006

The committee met at 8:36 a.m.

I. Izard (Clerk Assistant and Law Clerk): We've got three items of business to deal with today. The first one is the election of the Chair. The second one is Bill Pr401, Patricia Community Club (Corporate Restoration) Act, 2006, and the third one is Bill Pr402, which is Christ for the Nations Bible College Act.

Election of Chair and Deputy Chair

I. Izard (Law Clerk): Can we start off with a motion to elect the Chair?

R. Hawes: I move Al Horning.

Motion approved.

[A. Horning in the chair.]

A. Horning (Chair): Do we have to do the vice-Chair?

I. Izard (Law Clerk): Yes, let's do a vice-Chair as well.

A. Horning (Chair): Better do the vice-Chair too.

A Voice: Who was vice-Chair before?

A. Horning (Chair): David Cubberley.

M. Farnworth: In his absence. *In absentia*. You know what? There's nothing better than nominating people *in absentia*.

A. Horning (Chair): So who's being nominated?

M. Farnworth: David Cubberley, I think.

Motion approved.

Patricia Community Club (Corporate Restoration) Act, 2006

A. Horning (Chair): We'll just start. The first one is going to be Bill Pr401. That's the Patricia Community Club (Corporate Restoration) Act, 2006. I'll ask the Clerk to explain how that got here and maybe a few things.

I. Izard (Law Clerk): This bill has been with us for about a year because there were a few things that had to be straightened out in terms of drafting. Brian Taylor from Bull Housser is here to present the case for the bill.

A. Horning (Chair): Brian, I'll let you start.

B. Taylor: I'll try to be brief. This is an association that was first formed as a society in 1922. It was formed for the purposes of acquiring land and a building for social, religious and political purposes in Langley.

It operated as a community club — I guess one would say a community centre — for a number of years. It got struck from the register in 1988. Nobody realized that it had been struck from the register. It continued to operate and still continues to operate unabated.

It has, over the past few years, fallen onto.... Fewer and fewer people are there. It's gone to the township and asked them for assistance in paying their utility bills, their insurance. They wanted to carry on, and then they suddenly realized.... We said: "Well, you are not a society. You're struck from the register. You need to be restored. Because it's outside ten years, we can't go to the courts. We need a private member's bill."

We have petitioned the Legislature to draft a private member's bill to really restore the society. That's all we are doing at this point.

The plan is to eventually restore the society. We would then have to go back to court — the Supreme Court — or to the minister to have the property vested back into the society. Then, I think, eventually the decision may well be to sell property and donate the money to the Rotary club. That, in essence, is where we are today.

I'm open for any questions that anybody has.

A. Horning (Chair): Any questions from any members?

R. Chouhan: Just a clarification, Brian. Are there any financial implications to the province by doing this, or any other individual person or the city of Langley or township?

B. Taylor: No. I think that the property in 2006 was appraised at about \$206,000. The financial implications, I guess, to the township are.... The township is assisting them in restoring the society.

To give you a bit of background, this started because the Rotary club within Aldergrove is building a large field house. They are trying to raise funds, and one of the avenues was that the Patricia Club said: "Well, we're getting out of the business. Why don't we sell our building and donate the money to the Rotary club? That can be put towards building the field house." Those are really the financial implications. They're positive rather than negative, I think.

R. Hawes: It's probably worth putting on the record that Bull Housser and Tupper weren't responsible for making filings from 1988 on, I'm assuming.

[0840]

B. Taylor: No, no. We actually are the solicitors for the township. Because the Patricia Community Club had few resources and the township was assisting them in maintaining the building, the township generously said: "Well, we'll have our lawyers assist in this."

It has been proved to be more of an adventure, I think, than the township probably first thought. There have been some changes in the legislative scheme.

As Mr. Izard said, this has been around for about a year. With Ms. Polak's assistance, we've now finally got it into a place where we can get the society restored, which is, of course, the first step. The second step is that we're now going to have to go back to the court. We're going to have to seek their assistance in vesting the property and finally disposing of it.

G. Hogg: The information you provided equivocates a little bit with the affidavit. The affidavit says: "...from the provincial Crown so that the society may...sell the lands," the third party distribute consistent.... You are now saying that's a two- or three-stage step which may in fact not be the action. So I'm a little bit unclear now as to whether or not that is the intent or whether the intent is simply to reconstitute the society and then see whether or not it can and will function.

B. Taylor: No, no. The intent is to sell the property, to dispose of it. That's the specific direction.

G. Hogg: I did not hear equivocation in your statements with respect to that?

B. Taylor: No. Sorry, I didn't mean to equivocate. It is the intention of the society that the records that are remaining, and are left, wish to restore the society for the purpose of selling the property.

G. Hogg: So that's their sole purpose for restoring it?

B. Taylor: Yes. Thank you.

A. Horning (Chair): Any other questions? Mary, you want to add anything?

M. Polak: Only that this is something obviously long in coming. I recognize that in some ways it's impossible to get around equivocating on the intent, because of course you can't accomplish that with this legislation. But that was quite purposeful in terms of making sure that the process was clean and that the passage of this would not stretch beyond what would be the appropriate process, which of course is returning to the courts for that.

I can certainly tell you that in my conversations with the township and with those involved with the club, this is certainly intended as a community-building exercise and will result happily in additional contributions to community lands in Langley. There certainly isn't any question in my mind as to where this will eventually go.

I. Izard (Law Clerk): Just one thing I'll let you know is that the form of the bill is the normal form that

we use for restoration of a society. There's nothing in here that is outside the norm.

A. Horning (Chair): Okay, I call the question.

Motion approved.

I. Izard (Law Clerk): Now what'll happen is that the bill will go back to the House. The Chair will report to the House recommending that they proceed to second reading, and that will happen at some point in conjunction with the Government House Leader and the Opposition House Leader.

M. Farnworth: A point of order. The member for Kamloops-North Thompson is not wearing a tie.

A. Horning (Chair): I'll tell you that if he were in the Okanagan at, let's say, a council meeting, we'd all get fined except him. It's the norm not to wear a tie in the Okanagan.

Christ for the Nations Bible College Act

I. Izard (Law Clerk): The next bill that we have before us is Pr402, Christ for the Nations Bible College Act. Mr. Graham Baugh is the agent. This bill has been with us for quite some period of time. Because of the House schedule and so on, it didn't proceed previously.

A. Horning (Chair): Mr. Baugh, I'll let you introduce your other colleagues, and we'll go from there.

[0845]

G. Baugh: On my left is Gerald Nussbaum. He's the president of the bible college. On my right is Mr. Ken Deeks, the dean of the bible college as it currently operates.

We're here today to petition the Legislature to continue the bible college society as a new society with certain powers and responsibilities, including degree-granting status, financial responsibilities, setting up the board and dean's council, and so on.

Mr. Nussbaum would just like to introduce the bible college — give a little history to the committee — so that you have some information regarding how it has operated up to present time and what its goals and objectives are in the future.

G. Nussbaum: Good morning. Thank you for having us here this morning. As Mr. Baugh has stated, we've been in existence and operating for 15 years. We've been in our current location in Surrey for seven years, and we've proceeded from a beginning school through to the formation of a full three-year program.

The program is acceptable in the academic field in our area. Transferring credits is permissible within certain verbal agreements with other schools, but this step is a next step in our development to becoming a much more clear institution. We have a rich heritage —

about 100 students or so a year. It varies according to the market, but we have been very successful in producing good, trained young men and women for the field in which they're seeking.

A. Horning (Chair): Any questions from the committee?

R. Fleming: Currently you have a three-year certificate, and you wish to have a post-secondary bachelor's degree-granting...?

G. Nussbaum: Yes. Strictly theology.

R. Fleming: Theology. I guess one of my questions is why this isn't a government bill and why it's a private member's bill.

I. Izard (Law Clerk): It's not a private member's bill. It's a private bill, because the institute applies to the House for the bill. The reason why it applies is because you cannot incorporate a society with degree-granting powers in British Columbia. You incorporate a society and then apply for the powers by way of a private act. There are numerous precedents for it. Over the years we've had....

R. Fleming: Royal Roads came through this committee?

I. Izard (Law Clerk): No. Royal Roads is a public university. An example would be Pacific Bible College.

G. Hogg: Western Pentecostal.

I. Izard (Law Clerk): That's a different thing again. That's a university. Yes, it came here. Sea to Sky was a....

R. Fleming: What about Trinity Western way back when?

I. Izard (Law Clerk): It did. Yes. The difference with Trinity Western is that they started as a bible college and then subsequently applied for full degree-granting status quite a number of years later.

G. Baugh: As a university. If you are a university that provides education beyond theological education, then you have to go in a different format. This is theological education only.

R. Fleming: So right now most of your students would transfer after three years to, say, Trinity Western and get their degree that way. In the public post-secondary realm we have colleges that have a university transfer program, university colleges that grant degrees and full-fledged universities.

In this private theology degree, we're talking about blurring the line between college and university so that the full degree can be granted by a college?

I. Izard (Law Clerk): I think it's a different beast, really.

G. Baugh: Theological degrees are not governed. They're not approved by the Ministry of Advanced Education. There's an exemption for theological degrees. That is why the theological institutions come to the Legislature with a private bill.

R. Fleming: I see.

[0850]

G. Baugh: It's a different process, although our process has heavily included the Ministry of Advanced Education, because they are now feeling that they should be more involved in at least this process. We have satisfied their concerns and have met with them extensively.

M. Farnworth: Have you had to come here in previous years for a private bill to allow you to structure the school?

G. Baugh: No.

M. Farnworth: This is the first time you've come through this process?

G. Baugh: Exactly.

M. Farnworth: Okay.

R. Hawes: I have several questions. Within the scope of your theological degrees, I assume you have a number of degrees. Are there different degree programs or one degree?

K. Deeks: There's one degree program, but there are different thematic emphases that a student might take within that one degree.

R. Hawes: As a graduate, what would the degree be called?

K. Deeks: Bachelor of theology.

R. Hawes: In terms of your location, I noticed you're going to have a tax exemption. Do you have land already? You are operating on a premises?

G. Nussbaum: Yes. We currently have land, and currently the developed portion of it is tax-exempt. The undeveloped portion is taxed.

R. Chouhan: Where is the location?

G. Nussbaum: On 64th Avenue — 19533 64th Avenue in Surrey.

G. Hogg: Just with respect to section 6 of this act, "Authority to grant theological degrees," what role does this committee play in the committee stage of

that? Are we actually looking at the authority to grant the degree within the context of this legislation?

I. Izard (Law Clerk): The committee is concerned with whether this act should proceed or not, and the consideration is whether they will be given the authority to grant theological degrees and honorary theological degrees.

G. Hogg: Do we have a responsibility for due diligence with respect to the allocation or direction of degree-granting authority?

I. Izard (Law Clerk): I think the whole concept here is that the society will determine that itself in consultation with the Ministry of Advanced Education.

G. Hogg: So when this proceeds, the process would be that they would then enter into negotiations with the Ministry of Advanced Education, thereby having to meet a set of standards before they would be....

I. Izard (Law Clerk): Better ask Mr. Baugh. He's been talking to the Ministry of Advanced Education.

G. Baugh: Actually, the consultation with the Ministry of Advanced Education occurs before we get here, because we need their support before we can get this far in the process. So we have the support of the minister after a significant amount of consultation with them. They've made, I would say, substantial amendments to the proposed bill to satisfy their concerns — including, for example, an advisory committee which they wish to have with respect to the degrees that are granted. In terms of faculty, in terms of course content and so on, they want an independent advisory committee for several years. That is part of the ministry's input. It resulted in that.

G. Hogg: Do we have anything from the ministry here as part of the submission to us?

I. Izard (Law Clerk): All I have is a series of correspondence which I've received on an ongoing basis, copying me from leg. counsel as the bill was redrafted.

There is a ministry representative with us today in the room, but I don't know if she's authorized to give any input. I think she's here just as an observer.

G. Hogg: Is that true?

A Voice: That's true.

M. Farnworth: As I understand it, what's being said here is, in terms of the requirements, the responsibilities of how a degree would be awarded and on what basis it would be awarded.... Those discussions have taken place with the ministry, and they're satisfied with what you're planning to do.

G. Baugh: They are. Yes.

M. Farnworth: My next question would be: if this bill is passed or when this bill is passed, who would be able to change those requirements? Would it require coming back to this place to allow you to do that?

G. Baugh: Yes, it would.

[0855]

M. Farnworth: Or would you be able to do it unilaterally?

G. Baugh: We would have to come back for an amendment to the act.

M. Farnworth: Okay.

R. Chouhan: Section 8 of the bill. I think it's a commonly used clause, Ian. I don't know if you.... It's personal liability protection for members of the board of governors. What about liability protection for the province?

I. Izard (Law Clerk): Sorry — for whom?

R. Chouhan: For the province.

I. Izard (Law Clerk): Well, the province doesn't play a role here, because this is a private act. This is not a provincial institution. It's a private institution.

R. Chouhan: Okay.

R. Hawes: Just one question. The students that go here — are they eligible for student loans?

G. Baugh: Presently they are not, and with degree-granting status they would be.

R. Hawes: Is that because you're recognized by the ministry? If you're not recognized by the ministry, I'm assuming that you would not qualify for student loans.

G. Nussbaum: The Private Post-Secondary Education Commission, initially the PPSEC, when it began, recognized different levels of education of which we were recognized. For a series underneath that committee, we were eligible for student loans. They went to a tiered level, the highest tier being accredited. It's a non-academic accreditation, but accreditation with them.

In pursuit of that and this simultaneously, we were advised to only pursue this, and then it went the way of all things — through with the change.

We are not on the designated list of schools right now, but we would be placed on that list of designated schools with the passage of this bill.

G. Hogg: We are creating a legal entity, which will then have the authority to have the official negotiations with the Ministry of Education to create degree-granting status and meet all of the academic requirements that the ministry may have. At this point we are

allowing them to take up.... They're a legal entity, as I understand it, now, but we're creating another level of entity to allow that to happen. Is that simplistic?

I. Izard (Law Clerk): Effectively, that is correct. So what you would be doing is authorizing the granting of theological degrees, which a normal society can't do without getting legislation.

G. Hogg: And they will be allowed to do that, subject to meeting the standards that the Minister of Advanced Education puts before them?

I. Izard (Law Clerk): That's my understanding.

G. Baugh: The Ministry of Advanced Education does not regulate theological degrees, and so their input comes as a part of the approval process for the private bill. After the private bill is done, they do monitor theological institutions, but they do not accredit them. So they have taken their hands off the theological degrees.

G. Hogg: On behalf of the people of the province, if we pass this, we are saying that we are giving authority for you to grant degrees.

I. Izard (Law Clerk): Theological degrees.

G. Hogg: Theological degrees. And as a government, the public policy is and has been for some period of time that the state is not engaged in or a part of any of the accreditation processes for or determinations with respect to curricula that would constitute the granting....

G. Baugh: Exactly.

G. Hogg: Is that similar to other provinces?

G. Baugh: It is exactly the same.

G. Hogg: Okay. Thank you.

G. Baugh: However, if I could just comment on that. The trend is to regulate theological degrees. That's the trend, but we haven't arrived there yet in B.C. It's coming, but not yet.

G. Hogg: It seems there was at least an implicit assumption contained within this legislation that the state is somehow approving that.

G. Baugh: It's an explicit exemption.

G. Hogg: An implicit assumption — maybe an explicit exemption, but an implicit assumption...

G. Baugh: Yes.

G. Hogg: ...that the state is approving, by way of this. Yet the state is not actively engaged, but it seems to be moving in that direction.

G. Baugh: Exactly.

G. Hogg: Thank you.

R. Fleming: So you're saying the trend in other parts of Canada is to get more involved in the accreditation?

G. Baugh: It is.

R. Fleming: Why is that the case?

G. Baugh: I'm not sure.

R. Fleming: For the proliferation of these institutions or...?

G. Baugh: I think that governments like to regulate things. But in this case, it makes sense to do it this way because we don't necessarily have to be a Christian organization to come here for this. It could be a Buddhist organization or a Muslim or whatever. Does the government really want to regulate Muslim, Christian and Buddhist theological degrees? I don't think they do, and I think that's the policy decision that's been made in the past.

[0900]

R. Fleming: Well, I think we have to trust that a lot of the due diligence has been done by the ministry, and there is no precedent being set here today.

R. Hawes: I'll move that we proceed.

Motion approved.

A. Horning (Chair): Thank you, gentlemen.
Meeting adjourned.

The committee adjourned at 9:01 a.m.

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