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of Debates  
(Hansard)**

**Wednesday 26 October 2005**

**Journal  
des débats  
(Hansard)**

**Mercredi 26 octobre 2005**

**Standing committee on  
regulations and private bills**

**Comité permanent des  
règlements et des projets  
de loi d'intérêt privé**

Chair: Marilyn Churley  
Clerk: Tonia Grannum

Présidente : Marilyn Churley  
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE  
ON REGULATIONS  
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES  
RÈGLEMENTS ET DES PROJETS DE LOI  
D'INTÉRÊT PRIVÉ**

Wednesday 26 October 2005

Mercredi 26 octobre 2005

*The committee met at 1001 in committee room 1.*

UNIVERSITY OF ST. MICHAEL'S  
COLLEGE ACT, 2005

PONTIFICAL INSTITUTE OF  
MEDIAEVAL STUDIES ACT, 2005

Consideration of Bill Pr13, An Act respecting The University of St. Michael's College, and Bill Pr21, An Act to incorporate The Pontifical Institute of Mediaeval Studies.

**The Chair (Ms. Marilyn Churley):** Good morning, everybody. I'd like to call the standing committee on regulations and private bills to order. The first order of business is Bill Pr13, An Act respecting The University of St. Michael's College. The sponsor is Peter Fonseca. Would you like to introduce the bill?

**Mr. Peter Fonseca (Mississauga East):** It is my pleasure to introduce this bill. I will be introducing two bills simultaneously, Bill Pr13 and Bill Pr21, as they both impact each other.

For Bill Pr13, An Act respecting The University of St. Michael's College—we have many heavy hitters here today—it is a pleasure to have the former Prime Minister, the Right Honourable John Turner, as counsel to this piece of legislation. We also have Richard Alway, the president. And for Bill Pr21, An Act to incorporate The Pontifical Institute of Mediaeval Studies, we have James McConica and Peter Lauwers, who will be speaking to these two pieces of legislation.

**The Chair:** I now understand what the clerk was trying to tell me. We're going to be dealing with these two bills together. All right.

Welcome, everybody. I would ask the applicants, Richard Alway and the Right Honourable John Turner, to begin.

**Rt. Hon. John Turner:** Thank you for your time here in the Legislature. I want to thank Peter for sponsoring this bill. I've known a number of members around the table for a long time.

Dr. Alway is the president of the university and Father Jim McConica is the president of the pontifical institute—they both share the same campus at St. Michael's, just around the corner from the Legislature—and my partner Peter Lauwers.

With your permission, I want to speak briefly to the two related bills before you. The University of St. Michael's College, affiliated with the University of Toronto, is the pre-eminent Catholic university in Ontario. I might say, it's the pre-eminent Catholic university in the country. It was established by the Basilian Fathers and originally incorporated in 1855. As members will know, it's located just a stone's throw away from the Legislature.

The university now operates under legislation enacted in 1958. This application is made to repeal and replace the 1958 act with updated legislation that better reflects the governance needs of the university, and better reflects modern governance practices in the corporate and non-profit world. Under the 1958 act, a majority of the collegium, which is the equivalent of a board of directors, consisted of members of the administration of the university. In 1958, the administration largely consisted of members of the Basilian order. The Basilian priests have gradually withdrawn from active administration of the university, and it's now time to review the governance of the university.

The proposed new legislation before you principally incorporates the recommendations of a governance task force established by the university. The task force consulted all the various interested constituencies: the faculty, the administration, the students, the community, the alumni, and after that, recommended current governance practices, particularly that the composition of the collegium of the university be amended to permit a majority of external members on the collegium. In other words, the board will no longer be an internally controlled board; it will be controlled by external members freely elected and appointed from outside the immediate administration.

The bill clears up an oddity in the 1958 legislation, being a provision that made the collegium a separate corporation from the university. This is like the board of directors being a separate corporation from the company that it's supposed to govern. We've eliminated that, or you will eliminate that. The university never operated that way, and we need to clear up the confusion.

This brings us to the Pontifical Institute of Mediaeval Studies. My partner, Peter, has asked me to speak briefly to that. The institute, of which Dr. McConica is the president, was founded in 1929 as the Institute of Mediaeval

Studies, and was canonically erected as the pontifical institute on October 18, 1939, by decree of the Sacred Congregation of Seminaries and Universities of the Holy See in Rome. Under the University of St. Michael's College Act, 1958, the institute was merged with and established as a graduate school of research and theological studies with the university, while retaining its own internal organization and academic autonomy.

As I've noted, the effect of the proposed University of St. Michael's College Act before you would be to establish a form of external governance, rather than governance by officers of the college. The bill would remove the authority of the Superior General of the Basilian Fathers to appoint a majority of the collegium of the university.

From the perspective of the code of canon law, and we had to operate within canon law—that was another study and you were lucky you weren't part of it—the canon law of the Roman Catholic Church, the effect of the proposed act before you would be to secularize the university. Under the code, the pontifical institute, however, must remain under the control of ecclesiastical authority in order to retain pontifical status. Both St. Michael's College and the institute very much want the institute to continue to have this very prestigious pontifical recognition. Recognition is important not only to the institute and St. Mike's, but to the province as well. There are no other pontifical institutes in the world outside of Rome, except for the pontifical institute here in Toronto. The status recognizes the tremendous academic work the institute has done over its long history.

The proposed Pontifical Institute of Mediaeval Studies Act solves the canon law problem by leaving control of the institute itself with the congregation of the priests of St. Basil and the Roman Catholic Archdiocese of Toronto, reporting to the Cardinal Archbishop of Toronto.

Despite the future separate corporate identities of the University of St. Mike's and the pontifical institute, the proposed acts continue the close relationship between the two organizations. The bills do a number of technical things to accomplish their purposes. They have been vetted by the Ministry of Training, Colleges and Universities, they've been vetted by your clerk and they've been thoroughly homeworked here at Queen's Park. We'd be happy, of course, to respond to any questions that you or your members, or your staff, would have.

**The Chair:** Thank you for that presentation. I would ask first if any of the other applicants would like to add anything, or did Mr. Turner do a thorough job? Thank you.

I would ask if there's a parliamentary assistant here—you still are?

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** I still am.

**The Chair:** I wasn't sure. Do you have any comments before we move on to questions?

**Mrs. Maria Van Bommel:** No comments at this time.

**1010**

**The Chair:** Are there any comments or questions from the committee members?

**Mrs. Van Bommel:** About Pr21: How many students are currently taking mediaeval studies?

**Dr. James McConica:** At the moment there are, I guess, about a dozen.

**Mrs. Van Bommel:** Would the students be impacted in any way by this bill?

**Dr. McConica:** Not at all, no.

**The Chair:** Any other questions? Are we ready to vote?

Since there are no amendments, shall sections 1 through 20 carry? All those in favour?

*Interjection.*

**The Chair:** Yes; I'm sorry. I should have clarified. We're now doing Bill Pr13, An Act respecting The University of St. Michael's College. So let me start again.

Shall section 1 through section 20 carry? All those in favour? Those opposed? Sections 1 through 20 carry.

Shall the preamble carry? All those in favour? Opposed? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? Carried.

All right, that one is done. That was fast.

Now we're moving on to Bill Pr21, An Act to incorporate The Pontifical Institute of Mediaeval Studies.

Shall section 1 through section 17 carry? All those in favour? Opposed? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? All those in favour? Opposed? Carried.

Done. Thank you very much. That was most efficient. Thank you for a very concise presentation this morning.

**Rt. Hon. Mr. Turner:** Thank you, Madam Chair, and thank you, members. We're dealing with a very historic institution here and a neighbour of the Legislature. I'm glad it went through so well, and thank you, Peter.

**Mr. Fonseca:** St. Michael would be very happy today.

**Rt. Hon. Mr. Turner:** That's right.

**The Chair:** It's an honour to have you here this morning. Thank you very much.

#### 1376037 ONTARIO INC. ACT, 2005

Consideration of Bill Pr20, An Act to revive 1376037 Ontario Inc.

**The Chair:** We'll now move on to Bill Pr20, An Act to revive 1376037 Ontario Inc. I'll just wait for a few minutes while we get Mr. Martiniuk back. Here he is.

**Mr. Gerry Martiniuk (Cambridge):** Thank you, Madam Chair. I am not Bill Murdoch.

**The Chair:** Will you please state your name for the record, Mr. Martiniuk?

**Mr. Martiniuk:** Gerry Martiniuk. I'm here on behalf of the applicant, Joerg Klein. What occurred here was a

rearrangement of Mr. Klein's affairs after a purchase of various properties. This is not a case where this corporation lapsed due to non-filing. In fact, instructions were mistakenly given to Mr. Klein's solicitor to actively apply for, by articles of dissolution, a dissolution of the corporation. It was subsequently determined that a valuable asset in the way of a campsite located on the Bruce Peninsula was left in the corporation, and that is the reason for this application: to regain control of that particular asset.

**The Chair:** Thank you very much. Now I would ask Mr. Klein, the applicant, if he would like to make some comments.

**Mr. Joerg Klein:** I'm just sorry that I made a mistake.

**The Chair:** It's too bad more politicians don't admit that. I will now ask if there are any other interested parties here who want to speak. No.

Parliamentary Assistant, do you have any comments?

**Mrs. Van Bommel:** We have checked with the Public Guardian and Trustee and we've talked to the Ministry of Government Services and the Ministry of Finance. They

have expressed no concerns about this, so as a government we have no concern.

**The Chair:** Are there any other questions or comments from committee members? No. Are the members ready to vote?

**Mr. Khalil Ramal (London-Fanshawe):** We trust her.

**The Chair:** Oh, you trust her.

Give me a second here to find the bill. Sorry about that. It was a late night. I have to admit I watched the ballgame through the 14 innings. Bear with me.

Shall sections 1 through 3 carry? All those in favour? Opposed? Carried.

Shall the preamble carry? Carried.

Shall the title carry? Carried.

Shall the bill carry? Carried.

Shall I report the bill to the House? It's carried.

I'd like to thank all the parties and the committee today. I shall adjourn the meeting.

*The committee adjourned at 1016.*





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