

## Legislative Assembly of Alberta

**Title: Wednesday, November 23, 2005 8:00 p.m.**

Date: 05/11/23

[The Deputy Speaker in the chair]

**The Deputy Speaker:** Good evening. Please be seated.

head: **Government Bills and Orders  
Second Reading**

**Bill 43  
Alberta Resource Rebate Statutes  
Amendment Act, 2005**

[Debate adjourned November 23: Mr. Mason speaking]

**The Deputy Speaker:** Anyone wish to participate in the debate? Edmonton-Beverly-Clareview.

**Mr. Martin:** Thank you, Mr. Speaker. I think all of us would like to have a chat about this particular bill, better known as the prosperity bill. I think that we look at the fact that the government says, "Well, this is an extra surplus for all the hardship that we created, all the cutbacks, and we're going to give Albertans a reward." Their clever way is to say: "All right. How much money are we going to afford so that we can talk about some of the other things? Do we have a billion, \$1.2 billion, \$1.3 billion, \$1.4 billion? Therefore, we'll stick it out and offer people some money. We hope that we'll buy their votes." Usually they do it just before an election, but they moved ahead very quickly.

Now, Mr. Speaker, there's no doubt – and I want to be clear from the start – that we in the opposition are going to support this because many people can use the \$400. There's no doubt about that. [some applause] I'm glad I finally got some clapping. I'm sure it won't go the rest of the way.

It seems to me – and I know that my colleagues have talked about it – that there is a better way to be able to do it. It seems to me that when we talk about poverty and we talk about the problems that we're facing in this society, it seems to be such a mediocre way to sort of pass money back to the people.

Now, let's say, for instance, that the things you want to do beyond housing, social programs, and the other things – you want to put some money in the pockets of lower income and middle-income people, Mr. Speaker. Let's say that that's what we want to do. Yes, this will do it in the short run, \$400 a person, but in the long run you can't keep doing this every year. Maybe the government thinks they can do it every year, but I tell you: once you start doing these types of bonuses, people are going to expect it in the next year. Maybe the income won't be coming in to the same degree in a couple of years.

That's precisely what's happened with the trust fund in terms of giving money as they do in Alaska. They started off giving a fair amount of money, and now the income is going down, and people still expect that money to come in the dividends. That's the problem with these one-time, quick-fix types of money going back to the people. That's precisely what will happen. Next year what do you do? You're going to have to have \$400 or \$500. Is there going to be another prosperity bonus? How long does this go on? The more you do it, the more that people are going to expect it, Mr. Speaker.

The point that we're making is that I don't believe that everybody needed this \$400. If we wanted to direct it to the people that could most use it – and I know that my colleagues have talked about this – we could have gotten rid of medicare premiums, a very regressive tax, and that would have put money . . . [interjections] Well, you

want tax relief, and people are talking about tax relief. Let's make it on a more permanent basis that we can afford over the long run rather than this ad hoc sort of \$400 here and \$500 next year or whatever. Raise the exemption before people have to pay taxes. Yes, it costs money, but is it sustainable over the long haul? That's what we should be looking for if we want that sort of tax relief, something that would put money in the pockets of the lower income and middle-income people.

Frankly, Mr. Speaker, in downtown Calgary an oil executive doesn't need the \$400. Not everybody in Alberta needs this money, but that's the problem with this sort of scattergun approach, where everybody gets \$400, instead of directing it to the people that need it through some permanent sort of tax relief if that's the way they want to go.

Of course, Mr. Speaker, we could talk about the way the money could have been spent, over a billion dollars. People talked today in the Legislature about the homeless people. How are they going to get their money? I know the Bissell Centre is trying to make sure that they're registered. That becomes another problem in itself. If we really wanted to direct money, it should have gone into programs that actually help the poor to help themselves. Over the long haul that would do a lot more. As I said, if you want to put money in, do it in a more permanent way through raising the exemption before people pay taxes and, as I said, medicare premiums.

The other aspect, Mr. Speaker. If we really want to break the cycle of poverty in this province, in this country for that matter, if we really want to dig into it, it's a long-range sort of problem. I see that the Minister of Education is here. The only hope that we have and for the people in what we call the high-needs areas – I represent a number of them, and my colleagues do too – is that we have to do it through education.

I know the Education minister has said that he's going to tell us what's going to happen in terms of full-day kindergarten and junior kindergarten. That is absolutely crucial if we're going to give these kids a chance in life. I would much rather have seen that money put into programs like that and, if need be, the hot lunches that many other groups are doing. We can complement them or whatever. Many groups are doing good work. Those types of things would really deal with the problems that we're facing.

We have a growing underclass even in this rich province, Mr. Speaker. You can't ignore it. It's certainly true. It's true in the riding I represent. It's true in rural areas, as I travel through there. Not everybody is getting the Alberta advantage. Not everybody lives in downtown Calgary. That's the hard reality.

As I said, it's a mixed blessing. I would say that it's the only game in town, that the \$400 is going to go to everybody, so we're going to support it for that reason. But it's certainly not the way we would absolutely want to go in terms of being creative and getting money into the hands of the lower income and especially of needed programs, Mr. Speaker, needed programs that will begin to build and to stop the cycle of poverty, if I can put it that way.

Now, Mr. Speaker, the questions that I would really like to ask – again, it's a budgeting thing. I mean, surely we should have known back when we passed the spring budget that we were going to have a fairly significant surplus. I don't remember any discussion at that time about the approach that the government is taking; you know, probably over \$4 billion, just snap like that, and then we're debating it here in three days. We've gone through that discussion.

I really want to know: what are we going to do in the future? Is this idea of the prosperity bonuses, \$400 or whatever the number is going to be, going to be a permanent feature? This is what I would ask the minister: what is the planning so that we can begin to understand where you're going in the budget in the spring instead of

having to deal with it now? If this is a permanent feature, I would argue, then, that it's a better way. It's more money than we're talking about in cutting medicare premiums and about the same as if we raised the exemption, you know, \$3,000 or \$4,000. It seems to me that if this is permanent, that's a better way to go. It's going to get money into the hands of the people that need it.

As I said, the people in downtown Calgary, MLAs, and all sorts of other people do not need this prosperity bonus. I guess the question that I would ask at some point along in the debate is for the Finance minister to tell us what the plans are for the future. I guess the future is our next budget in February, March, or whenever that may be. I think that's important as we decide where we're going. If this is a permanent feature, then I have some real problems with it. If it's only one time and they're looking at other tax relief, not cutting medicare premiums to pay for private insurance but cutting to actually help people put more money in their pockets, I'd be very interested in what the government is thinking in the future.

Thank you, Mr. Speaker.

**The Deputy Speaker** Hon. members, Standing Order 29(2)(a) is available for questions and comments for the next five minutes if anyone wants to rise on that.

Seeing none, the hon. Member for Calgary-Varsity.

8:10

**Mr. Chase:** Thank you very much. I personally am going to be voting against this motion. I'm voting against it because I believe it is ill-conceived. The 20 per cent of people who most need this money are not going to have their problems lessened to any great degree by a one-time inoculation of \$400, which does not do anything to prevent the poverty disease which is encompassing their lives.

This is not about sharing the wealth. It's about one individual trying to buy a legacy rather than earn it. It concerns me and I think it should concern members of the government caucus that they had a very brief opportunity during their retreat in northern Alberta to discuss the idea of a rebate. No vote was held. It was a singular napkin-type decision.

**An Hon. Member:** Were you there?

**Mr. Chase:** No. I've actually talked to people who were and who share my concerns. But the problem is that due to loyalty to the leader they will feel obliged to ignore the majority of their constituents' wishes, gather around the man and, unfortunately, ignore their constituents' wishes and vote for it. I'd be very interested if anybody had the wherewithal to admit whether the whip will be on when it comes to this vote. I would love to think that there are some individuals on the government side who will let their true feelings and those of their constituents, that they are supposedly elected to represent, be heard.

Rather than going on about my particular concerns, I want to address the concerns that my constituents have brought forward to me. I have received more e-mails on this particular topic than on any other issue that this government has brought forward, so I'll let the people be heard. These are the words of my constituents, and I will not read all of them. I will read a sampling so that I'm not repetitious.

In terms of giving out cash I would much rather see the money spent on infrastructure or services. Some things the government could consider are upgrades to public transit in cities, upgrades to bike pathways with the goal of convincing more commuters to use alternate methods to get to work, establishing a commuter rail

network utilizing the existing rail network between Calgary and outlying communities, i.e. Cochrane, Canmore, High River, or investment in health care. To me, giving \$400 to every Albertan seems to be a very short-term investment.

Another constituent writes:

Your government has cut from education, cut from medical care, cut social programmes over the years, and now we are in an enormously privileged position of sitting on lots of oil which is in high demand, and you propose to give each household four hundred dollars. There are hundreds of better ways to use this money. I for one will donate my amount to a charity or school of which there are many who would be pleased to have some support. But I blush to think our government is so incompetent and lazy that it sees this as the only solution to our wealth. We should have a health and education system which is the envy of the world. We should have no poor people, and this is the best you can do? It is a sad day.

Another resident writes:

Many residents, myself included, recently completed a government sponsored survey and ranked our top three government spending priorities. I personally did not include "a rebate to Albertans" as one of my top three choices. In fact, I do not remember rebates being in the overall top three for the rest of the respondents either (correct me if I'm wrong).

If Albertans did not want a rebate, who came up with this idea?

Rebates are not the answer. How is the money going to get to the people who need it the most? I was in downtown Calgary early on Saturday morning and saw at least 100 people sleeping on the street and in parks. How does the government plan on getting them a \$400 cheque? If you were to combine the rebate money and the money that is going to be wasted sorting out the logistics of issuing the cheques, the government could purchase or build a high-rise condominium building and provide each one of these people a place to live for the next year. Wouldn't that be more beneficial and productive?

In my opinion the majority of Albertans do not want a rebate issued directly to them. We all know that the money could be better spent in high priority areas.

Another constituent writes:

How vacuous of you to point out that the citizens of Alberta deserve something back after all the cut backs and services they have put up with! As if 2 or 3 hundred dollars would even touch the financial losses that those cut backs incurred (for example exorbitant extra school fees, increased health premiums etc etc).

Why not do something permanent in this Centennial year such as abolishing health premiums altogether? What a great lasting gift that would be. It is disgusting that a province with Alberta's wealth is still charging for Health Care premiums when the majority of other provinces in much less favourable fiscal circumstances don't charge and your government could easily afford to pick up the 825 million yearly tab. What a long term benefit that would be to young families and indirectly to grandparents who would see their families benefiting from this.

Another constituent gives an example of where money could be used in terms of providing organizations with support.

Dear Mr. Chase:

My handicapped son participates in a therapeutic horseback riding program through an organization called Opening Gaits. Opening Gaits is a non profit organization run entirely by volunteers and provides therapeutic horseback riding to approximately 30 handicapped children. As with most small organizations, Opening Gaits is in need of funding so the parents of these children do not have to bear the full burden of this program.

I was hoping that you could provide me with information on government funding and/or direct me to the appropriate government department.

For the 20 per cent of the population that are in the poverty area and for those who are on fixed incomes, this \$400 will cover a particular bill one time, and that's it. It's not something that you

could invest. These are examples of people who are not going to have their problems solved. I'm in a middle class and in some places would appear to be an upper middle-class constituency, and these are some of the stories that came across my desk with regard to poverty. I'm sure every member here has similar stories, and I would love you to share them.

My constituent who has a debilitating respiratory condition attempted to commit suicide while on assistance because of the obstacles that were placed in his way in trying to get Alberta Works assistance for his required accommodation. He was told that he didn't qualify for AISH even though he is not employable according to his physician, so he didn't apply. Individuals on Alberta Works that are waiting to get onto AISH are not provided with the same benefits that will be available to them under AISH. Four hundred dollars won't help this individual very long or go very far.

Another constituent who has a debilitating heart condition and has applied for AISH is receiving Alberta Works benefits while waiting for his application to be assessed. His physician has ordered oxygen for him because of his low blood-oxygen levels resulting from this cardiac condition, which is exacerbated by stress. Alberta Works has denied him coverage for the oxygen apparently because Alberta Works only pays for O<sub>2</sub> if it's for a respiratory condition. I'm not sure how many bottles of oxygen he could get for \$400.

Another constituent who has a lifelong chronic condition that requires he not be exposed to sunlight has also attempted suicide while on Alberta Works while waiting for approval for AISH. My constituency assistant was trying to get some transportation funds so that he could use a cab. The constituent's Alberta Works worker advised my assistant that the program included \$25 per month for travel in the basic allowance, but additional costs would be considered for medical appointments only with a doctor's note explaining how often the individual would see the doctor in a month before consideration could be given. Apparently if an individual is on Alberta Works benefits for medical reasons, is not able to work and can use public transit and can provide a doctor's note and bus passes for the medical appointment would exceed the monthly \$25, then \$70 would be available to purchase a bus pass. My constituent cannot use public transit due to his medical condition. However, my assistant was advised that he would have to provide the doctor's note, and then he would have to get approval for each and every taxi ride from his worker only for medical appointments prior to each appointment. There would be no consideration for extra transportation costs that did not involve a medical appointment regardless of the constituent's medical condition. I'm not sure how many taxi rides will get this individual to the help that he needs for \$400.

8:20

Another constituent had been on EI disability benefits but went on Alberta Works disability benefits after EI ran out. Under Alberta Works she and her family were eligible for extended health benefits. This constituent was anxious to retrain so that she could get back to work as soon as possible and was okayed by her physician to do a classroom training while at the same time she was not medically able . . .

**An Hon. Member:** Relevance.

**Mr. Chase:** I know. You'd like to avoid these. Everything's wonderful.

**The Deputy Speaker:** Hon. members.

**Mr. Chase:** How many of you have ever worked at the Mustard Seed? [interjections]

**The Deputy Speaker:** Order. Hon. members. Order.

I would like to remind all hon. members of Standing Order 13(4)(b), which says, "When a member is speaking, no person shall . . . interrupt that member except to raise a point of order." So we will be adhering to these strictly tonight.

The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you, Mr. Speaker. This constituent was anxious to retrain so that she could get back to work as soon as possible, and it was okayed by her physician to do classroom training while at the same time she was not medically able to return to her previous work. She was refused the training program and missed the enrolment date. She had to appeal the refusal and was finally accepted for training benefits but was placed on EI training benefits, apparently under a program that both provincial and federal governments work together on. The constituent began the training program and then found that her health benefits had been cut because she was no longer eligible for them under the EI training benefit. Admittedly, the allowance is higher under the EI benefit than under Alberta Works, but here you have an individual with medical . . .

**Mr. Zwodzesky:** Point of order.

**The Deputy Speaker:** The hon. Deputy Government House Leader on a point of order.

#### **Point of Order Quoting Documents**

**Mr. Zwodzesky:** Thank you. Mr. Speaker, I would cite 23(d). I think the member is engaging in a fairly lengthy debate by quoting lengthily and unnecessarily from one or more documents. I appreciate that those are excellent stories for him to be narrating, but we are here debating a particular bill. I wonder if I could just ask the chair to rule on this because I thought we were debating the Alberta Resource Rebate Statutes Amendment Act, 2005. We'd be happy to hear the rest of that debate at another time, I'm sure, but right now I would ask under 23(d) that the member perhaps cease to quote unnecessarily and lengthily from other documents.

**The Deputy Speaker:** The chair has in the past allowed all members a little levity on that particular point, hon. Deputy Government House Leader.

I will ask the member to stick to the subject matter and proceed.

#### **Debate Continued**

**Mr. Chase:** Thank you very much. As the hon. members have noted, I have several examples. I'll provide them for *Hansard* in a tabling fashion.

**Mr. MacDonald:** Table them now.

**Mr. Chase:** Well, there's a thought. *Hansard* had requested it as well. I will do both.

We have a wonderful opportunity. We have the \$1.2 billion to \$1.4 billion worth of rebates. If we had put that money away like we have in terms of other endowment funds, with the heritage trust fund, we could have had that money grow on an annual basis. We could have provided the people most in need with yearly grants. We could have done tremendous work to eliminate the poverty that we've spoken of in terms of the breakfast programs for children. We could increase the level of AISH from \$950 – granted, it will be up

to the whopping sum of a thousand. There is so much good that this money could do on a lasting year-to-year basis.

We've seen examples of countries who have invested in their people: Norway, \$192 billion just in the late '90s in terms of the equivalent of our heritage fund. We've seen the Alaska fund. This idea has, sort of, glimpses or glimmers of the dividend that the Alaska government does on a yearly basis to its members, but that's a yearly basis. It's planned, and it uses the interest not the principal from the royalties that are achieved.

The only thing that prevents us from providing help on an ongoing basis to those who need it whether they be children, whether they be seniors is vision. We've got the money. Please, let's have the vision.

Thank you.

**The Deputy Speaker:** Anyone on Standing Order 29(2)(a)?

**Mr. Dunford:** We had a reference a few minutes ago, Mr. Speaker, about ideas. I'm sure that in the history of Alberta and throughout the whole history of mankind probably at various times it's been hard to identify where the actual idea came from. In this particular case of rebating money to the citizens of Alberta, I'm not sure who had the first idea. One of the things that we've noticed about our Premier over the years is that he recognizes a good idea when he sees or hears it. So for the public record I'm not sure whether it was the Premier's idea or it came from somewhere else, but in any event, as he started to talk about it, I think more and more of us came to realize that this in fact might not be a bad idea at all.

I would dare to say that one of the areas of evidence that I would put forward is that if we were to take a survey of all of the members of this Legislature, and if the question was asked, "Do you think, generally speaking, that individuals or families are in a better position to determine how their money should be spent rather than a government?" I think there would be an overwhelming majority that would indicate yes to that question. As a matter of fact, looking at the members of this Legislature, I'm not so sure that it wouldn't be unanimous.

The interesting thing, however, is that people when they get into this place – and we know that over the years more people have talked their way out of here than have talked their way into it, and I suspect that we might be getting an example of that tonight with the previous speaker. I'm not sure that they listen to their heart when they get up on their feet because if, in fact, the hon. member would have answered yes to that question, then what is all of this other rhetoric and the fact that he's edited all of his letters that he received in his constituency office about? I sincerely doubt that every letter that he received was in opposition to this.

**Mr. R. Miller:** Ninety per cent.

**Mr. Dunford:** Well, 90 per cent is fine. Ninety per cent is fine, but he didn't read any of the 10 per cent, did he?

So my point is that if an MLA, whether they be in Edmonton or they be in Calgary or in little old Lethbridge, starts receiving mail and everything is a hundred per cent on one side of the agenda, you need to get out on the street and get to work because then a significant number of your constituents are not bothering to deal with you. I think anyone here in this Assembly – if it happens to them, it can happen to any of us. If we find ourselves in that kind of a situation, then we know that we've got to get out to the coffee shops, we've got to get out to the meetings because there's a significant number of people that no longer think that we can represent them as their MLA.

8:30

But I want to get back to the fact that what separates MLAs from being the kind of persons that are here to represent their people and the other kind, that are here to represent their ego, is just what we're hearing. When an MLA stands in this House and starts to indicate how \$400 could be spent better than getting it into the hands of the people, then I think we're in danger of that. We're not going to pick on the Member for Calgary-Varsity tonight because he's just an example of what can happen in this place. I would ask each one of us, as we look at this bill, to ask ourselves if we would have answered yes to the question: do you think that, generally speaking, an individual or a family knows better how to spend their money than a government? I think the answer is yes. We should deal with that, then, in that kind of manner here in this House.

**The Deputy Speaker:** Anyone under Standing Order 29(2)(a)? I'm kind of amazed that nobody would stand up and ask questions under 29(2)(a) when they prefer to interject when speakers are talking on this subject tonight. This is an opportune time for people to get up and make a comment on what the previous speaker said.

**Mr. Chase:** I just want to be sure that I understand where the member is coming from, whether he is referring to me as a generic MLA or whether he is suggesting that I hold my ego in higher esteem than I hold my constituents' wishes.

**The Deputy Speaker:** Does the minister wish to respond?

**Mr. Dunford:** Well, you provided me with the opportunity to make my speech, and now you're providing me with the opportunity to read into the record even more of that.

I would just want to say, Mr. Speaker, through you to the member that when any member – and so in that case maybe it's generic – stands in this House and talks about how the government could have spent the money better than an individual or a family, then I think we have transformed from a feeling of our constituents to a feeling of ego. That is my position, and I think that was the theme of my speech.

**The Deputy Speaker:** The hon. Member for Edmonton-Rutherford under 29(2)(a).

**Mr. R. Miller:** Thank you, Mr. Speaker. I'd just like to ask the hon. Minister of Economic Development if he would commit to do the same as my hon. colleague for Calgary-Varsity; that is, table in this Assembly every letter that you've received in your office that was written to you in regard to the rebates.

**Mr. Dunford:** The answer is no. I wouldn't take up the time of the public record to do that. Of the letters that I've received, I would say that 90 per cent were opposed to the rebate.

**Mr. R. Miller:** Thank you.

**The Deputy Speaker:** The hon. Member for Edmonton-Beverly-Clareview under 29(2)(a).

**Mr. Martin:** I won't bother about egos and things like that. I think the question that the minister asked the MLAs is if they could better manage the money. I think that was the drift of it. The point I would make is that there are other ways to come at that. Would the minister not admit that this is a one-time bonus, that perhaps more sustained tax relief for the middle/lower income, like medicare premium exemptions, would be better for them over the long run?

**Mr. Dunford:** Mr. Speaker, we were discussing the unbudgeted surplus. When we first looked at it, we entered the tunnel first looking at: "Well, okay. We have an opportunity to do something on infrastructure." So we added more to the capital budget to the point where I would say, based on the current ability and the current capacity of contractors in this province, that we've probably maxed out. We could've looked like heroes to all of these people that have been writing to these MLAs and put another billion dollars in the infrastructure or the capital account. But you know what? We would have been playing with smoke and mirrors because we couldn't have spent the money anyway.

The next place that we looked was: "Okay. Let's look at the endowments that we have." Not only did we add to the endowments we currently have; we've actually created more endowments so that we have more savings. Then, what was left over? "Now what are you going to do with this money?" So we had all kinds of opportunities as to what to do with this money. Somebody said: "You know what? Why don't we just give it back to the people that know how to spend it best?"

**The Deputy Speaker:** The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Thank you, Mr. Speaker. I'm utilizing your advice and addressing my questions to the minister through the chair as opposed to heckling during his comments.

My question would be this. As opposed to issuing \$400 rebates, which obviously are controversial – and the minister even admits that 90 per cent of the correspondence into his office is against the idea of rebates – I'm wondering if the minister would enlighten me as to how he and his government can justify rapping a billion dollars out of the heritage savings trust fund again this year and putting that money into general revenue when you're looking at a \$10 billion surplus?

**Mr. Dunford:** Well, our commitment to the heritage savings trust fund was that as soon as we had no debt, we would start to inflation-proof it. Everything that we've said in the last 12 years we've done, and that was another aspect of it.

I'd like to point out again to the hon. member, though, in terms of the 90 per cent of letters that were sent to me, that one of the nice things about age is that you get to express ideas that are based on experience, and you hope that they're wisdom. I would say to the hon. member that to be successful as an MLA, one has to follow and one has to lead and one has to know when the difference is.

**The Deputy Speaker:** The time has elapsed for 29(2)(a).

The chair recognizes the hon. Member for Cardston-Taber-Warner on the bill.

**Mr. Hinman:** Thank you, Mr. Speaker. I rise with pleasure to discuss Bill 43 here tonight. It's been an interesting discussion that we're getting into, and I guess that I would like to start off with the fact that's been brought up so many times, which is: what is the plan? They talk about a 20-year plan, and that's great, but if it isn't written down, it's only a wish. We've gotten into a situation here where I feel like what's happened is like a foreign tourist with foreign money who happens to jump on the airplane. Realizing we've got some money left over: quick, where do we spend it? This is the saddest case of money too hot to handle and burning a hole in my pocket that we've seen, in my personal view, to this point.

To go on and to talk a little bit more, the thing, I guess, that is disappointing to me – I agree, though, with the hon. minister. I do have faith in Albertans, and they do definitely know how to spend

the money better than we do. But that isn't what I think we're discussing here with Bill 43. I'm disappointed to see the \$10 million that it takes to disburse and, possibly even more, to basically bribe the people into saying that this is good. Most people that I've also received discussion from are not in favour of this. Why should we be spending money trying to make people excited about it?

Going back to what the hon. member said, though, about money being spent best by the people, that would be the first thing that I would like to see, that this government streamline and reduce the size of government. One of the easiest ways to do that and to benefit long term, that has been brought up by many members now and I think will continue to be brought up, is to eliminate health care premiums and the bureaucracy that it takes to collect and to chase down those Albertans that aren't paying it. It's a major problem. I've met many, many people that owe those health care premiums. I think that it would be a great area where we could eliminate all of that, and we could use those people working in that area for something that is more productive than trying to draw money out of the people that are already hurting.

The other thing that's been mentioned many times is that during times of profit like this, it isn't how much can we spend how quickly. When we don't have a plan, let's put it into savings. There's nothing worse than having a few extra billions of dollars and thinking, "What are we going to do with it," and having to spend it. The heritage trust fund was set up a long time ago. We had a savings account. We should be putting it in there. We don't need four, five, six, or seven new endowment funds. That's what the heritage trust fund was for. We've given out many, many things in the past, and it's worked very well. We should go back to one simple fund and have disbursements out of there rather than playing the politics of so many different funds and so many extra bureaucrats.

**8:40**

I agree with the hon. minister that it's best in the hands of the individual. What this was: there was a surplus, and much like when we file our federal income tax, at the end if we've overpaid, we would get that back. We have a huge revenue. This is the time to give back to those people who have been taxed, and a refund on our property tax would be an excellent way. I don't say to eliminate property tax. I say a refund because we've got a surplus, and this would go back to the taxpayers of Alberta. Many of them do feel that their taxes are onerous. Much to their dismay they listen all the time in this House that we have the lowest taxes in the country. That isn't good enough if we can do better. Let's lower them and benefit people on a yearly basis.

There are many other programs that we could and should be looking at. I get kind of amused by the fact that our Premier – was it yesterday or today? – announced a \$20 million scholarship for Canadians outside Alberta. He spoke before he left that he was going to distribute the money, and now he's gone out there.

Perhaps what he could do for Albertans is put up a \$20-million lottery where things like the Warner hockey school could put in their ticket for their millions they want. The Magrath golf course could put in their bid for theirs. Taber has a collapse in their water lines; they could put that in there. Perhaps for all of the communities around that are asking for projects that we realize we can't have, have a lottery fund so that there's that little streak of hope here in the province that: oh, maybe we can win our lottery fund from that endowment fund.

It just seems like there's just no plan, and it's very disappointing to lots of Albertans that we come up with something on the spur of the moment like that. Albertans can spend the money better, and we

need to be looking avidly at all programs where we can be reducing taxes. That would truly be a benefit in many areas.

The other one that I've missed speaking to tonight: I think that we need to lead this great country. We've talked about other areas where we've been leading in our thoughts. The \$8,500, whatever the basic tax exemption is of the federal Liberals: it's very, very upsetting to me that they'd sit there and say on one hand, "We're trying to help those that are impoverished or low income." I'm proud here in Alberta that we're at \$14,000 for our basic tax exemption. Let's shame those federal Liberals and raise it to \$20,000 and help those to help themselves. Then we can have something to talk about when we go down there and say: hey, what do you mean you want to help them when you're taxing them at \$9,000? We can and should be leading by example across this country, and I would hope that we'd be fiscally responsible and help in that area.

A few other areas that I referred to earlier because of agriculture. The agricultural industry is not doing well with the water, the flooding, the heat, the adverse weather – it's gone up and down – many problems, but the toughest thing right now is their input costs. We could and should reduce the taxes on those input costs. I've mentioned many times the incentives in the oil industry. Let's put that across to all businesses. Let's lower our business tax. Let's lower our flat tax and balancing that budget. I'd very much like to see a reduction in these things. We have the opportunity.

It should be first in our thoughts on all budgets: how can we help Albertans to help themselves? How can they enjoy the prosperity that we're doing? And that is by streamlining the size of government. It's by reducing the amount of taxes and service charges that we have. We can and we should do better.

I would hope that we would continue to debate these things in this House and that we'll move forward. Let's try and simplify. Let's go back to the heritage trust fund. Let's put our money in there, and then we can come up with programs from there to help like we once did, for example all of the rail cars and many other things that we used to see advertised across this country, and could be proud of, what the heritage trust fund was doing not just for Albertans but many Canadians.

I thank you.

**The Deputy Speaker:** Anyone under Standing Order 29(2)(a)?

The chair recognizes Red Deer-North, followed by Edmonton-Mill Woods.

**Mrs. Jablonski:** Thank you, Mr. Speaker. I'm in support of Bill 43. I've carefully considered whether this was a good idea or not, and I was finally convinced by one of my constituents who wrote me a letter. This constituent is a single parent with three school-aged children, and unlike the lower income Albertans that the Member for Edmonton-Beverly-Clareview has been talking about, who have access to some of our programs for low-income Albertans, she makes just a little bit too much money to be considered low income. But she said simply: thank you; I intend to catch up on my bills, to buy some new clothes for my kids, to take them to the Tyrrell museum for a day, and to fill the fridge with good and tasty snacks. I think she represents an area of Albertans that we sometimes forget about. I know that people in that group of Albertans are very appreciative of this \$400 resource rebate, and I just thought that I would put her letter on the record and her thanks to us for making that decision for her.

**The Deputy Speaker:** Anyone on Standing Order 29(2)(a)?

The hon. Member for Edmonton-Mill Woods on the bill.

**Mrs. Mather:** Thank you, Mr. Speaker. The purpose of Bill 43 is to provide Albertans with a \$400 per-person resource rebate as a result of Alberta's prosperity. After consultation with many constituents and meetings regarding the surplus, my first concern with this bill is the undemocratic process that has been used in the decision-making. Constituents should have been involved through public debate and consultation so that their ideas and concerns could be considered.

Alberta needs a coherent investment strategy because we have the phenomenal opportunity presented with the combination of being debt free and high energy prices. We have a tremendous opportunity to invest wisely. We knew that this was coming. We should have had a plan. Alberta badly needs a long-term investment strategy, a strategy that would be locked in, not like the heritage trust fund, where we abandoned saving.

I believe the \$400 rebate is an example of poor public policy. It is a contentious issue and gives a poor impression even nationally with people thinking: well, we don't even know what to do with all our money.

A positive is that this rebate has become a catalyst for debate and discussion throughout the province about wise use of our surplus. I hear many areas of concern from my constituents, such as the government transferred the debt to everyone else in the province – the municipalities, infrastructure, and social services – and multiple problems were ignored. The minimum wage in Alberta is one of the lowest in the whole country. We have people working full-time who barely make it above the poverty line. Benefit levels like AISH are not sufficient, not near the minimum income based on the market basket. Downloading responsibilities without proper funding has put tremendous pressure on services such as ambulances. With the surplus decision-making it is a shame that too little thought continues to be given to targeted cuts such as eliminating health care premiums or reducing the government's share of property taxes taken for education.

We live in a very wealthy province, and we have a tremendous capacity to do what we want. The only constraints are in our thinking. Our surplus is larger than Saskatchewan's operating budget and about the same as the federal surplus, and we have the capacity to pay for education, seniors, and health from our tax base. Services should be paid through our core tax. If we believe they are important, we should be prepared to pay for them. Dollars in health care and education are investments.

The present government established credentials by saying no with cuts and being fiscally conservative. Now we need to rediscover what government should be in a period of affluence. There is a pressing need for a long-term strategy and for thinking beyond the surplus, thinking about the natural resource wealth, and thinking in the long term. We need a combination of spending and investing and a clearer idea of what the balance between the two should be. We have to look at the increasing gap between rich and poor. It is of significant concern that the gap will increase. We know that what we invest in people in early years has a great payoff. Quality education and social supports are good investments.

Rather than bragging that we are debt free, this province should be bragging that Alberta has no homeless and no children living in poverty. Good stewardship means wise use of resources for the good of the whole household. It means we must look broadly in our decision-making process.

Although I support the intent of the \$400 rebate, I question the decision-making process and the apparent lack of planning. We need a vision that will make Alberta even a better place to live.

8:50

**The Deputy Speaker:** Anyone on Standing Order 29(2)(a)?

The hon. Member for Edmonton-Decore on the bill.

**Mr. Bonko:** Thank you, Mr. Speaker. This is one of these instances where you're caught between a rock and a hard spot. You're damned if you do and you're damned if you don't, unfortunately.

I think that in the last four or five years leading up to the prosperity rebates that we're talking about tonight, Albertans were told to tighten their belts, turn down the heat, put on sweaters, suck it up for a bit because the prosperity will be well worth the wait for the hardship that we're enduring right now. Well, now we're here. We're debating this particular point.

The Alberta government has had four or five years to discuss what to do when that day does come, when the sun shines and the rebate is upon us. I think that most Albertans are a little bit shocked and/or horrified by the fact that the best idea that we could come up with after waiting four or five years is to dole out the money. I think it's an honourable idea because people expect that we've suffered for years and that we're entitled to have a little bit of relief, but on the other end they expect some leadership and some real, I guess, intent and thought put into how the money is to be spent. After all, a lot of people have had cutbacks, have had hardship, and it wasn't their fault. It was the fault of the government who created the debt.

I think there could be no fault laid if, in fact, what they were willing to do on a lot of occasions was put out a survey. Yes, it's tough to get a good proportion of those surveys back, but they can't be faulted if they have made the effort and they made the try. After all, they're willing to put out \$10 million to print it and mail it. This is on top of the \$1.2 billion as well as 60-plus thousand dollars or more for the information pamphlet telling you why it's such a good idea as well as probably countless other paraphernalia and government pieces to say why this is such a good idea.

People are somewhat suspicious if they're continually told the message: this is a great idea; sign up; take it. Myself, you know, if it sounds too good to be true, it must be too good to be true, and this is maybe one of those instances. People in my office who have either dropped in, through e-mail, door to door when I've done door-knocking, or just on the street have said: "You know what? It's money. I'll take it, but I wish they could have done something else with it. There are far better ways to spend this money in the province than dole it out." Quite frankly, they said: "You know what? I don't need the money. My neighbour doesn't need the money. We're living quite comfortably."

That doesn't reflect all people in the province, and I'll admit that there are a number of cases here where there are people who do have some hardships. Not everyone in my constituency is doing well. There are those that are quite hard up, that are having problems meeting the day-to-day bills, that are having problems meeting the utilities and the increased costs over the last couple of weeks. They could certainly benefit from the bill, but even the majority have said: I would like to have seen this go to more deserving individuals or individuals who need this more than myself.

We've already heard about a number of issues such as education, which is always chronically underfunded. We hear it on a day-to-day basis from the school boards. [interjection] You'll have your chance, or should I call section 24, Mr. Speaker? You've already warned all the members to have decorum, and maybe you should pick them and single them out for speaking against what you've already warned. Or can I just continue on then?

**An Hon. Member:** Are you challenging the chair?

**Mr. Bonko:** Not at all. I'm just reminding him of Standing Order 24, Mr. Speaker.

**The Deputy Speaker:** Hon. members, the hon. Member for Edmonton-Decore has the floor.

**Mr. Bonko:** Thank you so very much, Mr. Speaker. I will continue.

We've heard about education, how money could be put there. We've had the Alberta School Boards Association in town, on top of the Public School Boards' Association, and they continually tell us, for the last 10 years and my time on the school board, that education is one of those things that is first and foremost, one of the top priorities of this government, yet they continually say that we're underfunded. Another top priority is health care, and they continually say that they're underfunded.

Now, I know that we do have unexpected windfalls, and we are putting some monies back in. That is great. The Minister of Economic Development said: "You know what? Let the people decide." But if we're letting them decide on this surplus, what about the next surplus and the surplus after that? Once you start something, it's hard to stop it. We started the rebates with regard to deregulation, giving people breaks with the amount of gas consumption and utilities, and now I think that we're on a slippery slope. Now that we've given something like this out, how can you say no when you continue to post surpluses year after year? So that's going to be something hard to be able to say, that you can't possibly do it once you've done it once.

There are other social programs out there. AISH received a modest increase. After years and years of asking for it, they've finally been given an increase. There are community groups. We also have groups of shelters, even drug programs and detox centres. The member across the way has already discussed that that would be a great way. He was very passionate about wanting to pass a bill on detoxing for children. This certainly would be another way to have money like that spent on it as well. But then again we're always going to have haves and have-nots.

What is the best way to spend the resources? Again, if we would've sent out a survey perhaps asking, getting maybe 10, 15 per cent back, then it's not the fault of the government. We did the job of asking the people. They didn't send it back. But those that did did have their voice. Like I said, from time to time we do receive. The Minister of Economic Development said that 90 per cent of the constituents in his area are opposed, and I would say that that is probably the number in my constituency that is opposed to the rebate as well.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Any questions or comments under Standing Order 29(2)(a)? The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Thank you, Mr. Speaker. I'm just wondering if my colleague from Edmonton-Decore might have any idea as to what percentage of the correspondence into his constituency office was for the rebate cheques and what percentage might have been against the rebate cheques.

**The Deputy Speaker:** The hon. member.

**An Hon. Member:** He can't read.

**Mr. Bonko:** Thank you, Mr. Speaker. I didn't have to read. Some of it was verbal. Thank you, member, for that.

Some of it was through e-mails; some of it was through letters. The majority, in fact all of them, were not in favour of the rebate. I can say that truthfully: none were in favour of the rebate.

**An Hon. Member:** Only the ones you received.

**Mr. Bonko:** Well that's exactly it: only the ones I received.

**The Deputy Speaker:** Through the chair.

The hon. Deputy Government House Leader.

**Mr. Zwozdesky:** Thank you. I think it's important for members to consider a very important fact before they go too far down this line of what percentage of people said this or that in the letters. When the Minister of Economic Development concluded his comments a few minutes ago and referred to 90 per cent, I specifically turned to him and asked: how many letters did you get in total? The total was just over 20. So let's keep that in perspective here when we talk about these large numbers like 90 per cent of this or 90 per cent of that.

Thank you.

**The Deputy Speaker:** Does the hon. member wish to respond to those comments?

**Mr. Bonko:** Again, I'm not sure if the Minister of Education was responsible to myself. But when I did put out a newsletter to the constituents of my constituency, I did in fact ask them: since you were not consulted with how to spend the rebate, how would you best direct that? I have been receiving. I directly asked my constituents so that I could better represent them.

**Mr. Zwozdesky:** Well, I can appreciate what the hon. member is talking about. I simply wanted to put into perspective what the 90 per cent comment was in terms of relevance to the statements made by the Minister of Economic Development because I can see where this is going. People are going to read into this: wow; 90 per cent of the people were opposed to it. Now, we're talking here about 18 families, and I'm sure those 18 are important, but when you make grandiose statements that seem to question what was said, I thought I would just try and put that in perspective and clear that up for all hon. members.

9:00

**The Deputy Speaker:** Just for clarification on Standing Order 29(2)(a), a member may make a comment or ask a question.

Anyone else on 29(2)(a)? The hon. Member for Calgary-Varsity.

**Mr. Chase:** Yes. Hon. member . . .

**The Deputy Speaker:** Through the chair.

**Mr. Chase:** Sorry.

#### **Speaker's Ruling Addressing Questions through the Chair**

**The Deputy Speaker:** Hon. members, to everyone in the Assembly, if you look at the microphone on your desk, you'll see that it is positioned to the Speaker's side of your desk regardless of which side of the House you're on. That's intended so that you speak into the mike, and while doing so, you're speaking through the chair. You're also heard better through the microphone system. So I would ask everyone to address their comments through the chair.

**Mr. Chase:** Thank you very much, Mr. Speaker, for that clarification. I appreciate it. I can no longer claim to be a novice; I'm a seasoned professional.

#### **Debate Continued**

**Mr. Chase:** My question to my fellow hon. member with regard to percentages and their importance: is the hon. member aware that just over 20 per cent of eligible voters put this government into power?

**The Deputy Speaker:** Anyone else on Standing Order 29(2)(a)?

Seeing none, I recognize the hon. Member for Stony Plain on the bill.

**Mr. Lindsay:** Thank you, Mr. Speaker. I want to take this opportunity to speak to Bill 43 and talk about the opportunity that we have now to give back to Albertans, Albertans who contributed to eliminating our provincial debt. Contrary to some comments on this debate, I believe we have excellent programs in place to look after those in need, and this bill will give them an additional bonus. This bill is part of a well-thought-out strategy to manage this year's unbudgeted surplus. This is a bonus for all Albertans that will benefit all Albertans, and I support it wholeheartedly. I believe that the silent majority of my constituents do as well, and with the vocal part of my constituents it was pretty much an even split.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Any comments or questions under Standing Order 29(2)(a)? The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Well, thank you very much, Mr. Speaker. I'm going to guess that the hon. Member for Stony Plain is expecting this question. I'm wondering if he would be willing to share with this Assembly by tabling all of the correspondence into his office in reference to the rebate cheques. [interjections] Excuse me; I have the floor.

**The Deputy Speaker:** Hon. members, the hon. Member for Edmonton-Rutherford has the floor.

**Mr. R. Miller:** Thank you very much, Mr. Speaker. For some reason Wednesday nights seem to be like this, every Wednesday that I happen to be in this Assembly.

The second part of my question. [interjections] Mr. Speaker, earlier my colleague from Edmonton-Decore referenced 24(1), and I think you have several times tonight cautioned members in this Assembly to keep it down while somebody else is speaking. They don't seem to be responding to your request at all, Mr. Speaker.

**The Deputy Speaker:** Standing Order 24(1) isn't the relevant standing order, hon. member. It's 13(4)(b).

**Mr. R. Miller:** If I could finish the question that I was asking the hon. Member for Stony Plain, Mr. Speaker, the second part of the question is: would he be willing to share with this Assembly the percentage of correspondence into his office that is in favour of the rebate cheques and the percentage of correspondence into his office that is against the rebate cheques?

Thank you.

**The Deputy Speaker:** The hon. Member for Stony Plain.

**Mr. Lindsay:** Thank you, Mr. Speaker. To the hon. member: if I had received any written correspondence, I would be more than willing to share that. The only response I got was verbal, and as I indicated before, it was pretty much evenly split.

**The Deputy Speaker:** The hon. Member for Edmonton-Manning.

**Mr. Backs:** Thank you, Mr. Speaker. I'd just like to ask a quick question to the Member for Stony Plain, who referenced that this bill is as well thought out as programs that are dealt with in other parts of the government. I just wonder. Through you to the Member for

Stony Plain: is this as well thought out as the response from the government to the oil spill by CN at Wabamun in his constituency?

**The Deputy Speaker:** Does the hon. member wish to respond?

**Mr. Lindsay:** Mr. Speaker, if I could respond. I don't believe the oil spill in Lake Wabamun has any relevance to Bill 43 or in regard to the unbudgeted surplus. In any event the planning of managing the surplus, in my humble opinion, is very well thought out and very well planned, and so was the initial response by our government to the oil spill out at Lake Wabamun.

**The Deputy Speaker:** Anyone else on Standing Order 29(2)(a)?

Seeing none, the chair recognizes the hon. Member for Edmonton-Manning.

**Mr. Backs:** Thank you, Mr. Speaker. I don't know if I'm really all that pleased to rise to speak to this bill because I think that what it is is another example of the seat-of-the-pants, almost bumbling type of decision-making we so often see from this government. You know, many of the people who will be getting this \$400 will be people like NHL players who file an income tax return for the year 2005 and are here for just a short time, people who are executives from Hong Kong and Houston who are here for a short time and will get that \$400, people who have some sort of a reason to file an income tax return here in Alberta. I hope it isn't Conrad Black that's going to be getting a \$400 rebate bonus from this program in Alberta.

You know, a lot of my constituents, Mr. Speaker, at first blush, when they first heard of it, when they first saw it, kind of liked the idea of getting \$400 because they're so used to, they're so accustomed to, they're so understanding of the fact that they feel that most often the monies go to the big interests in this province and that this money would not in fact go to those big interests and to those types of things. You know, I look at the supplementary spending, and again there was not a single penny of that extra, supplementary spending going into the Human Resources and Employment budget, which covers some of the old things that we used to call social services and some of the people who cannot work and some of the people who are poor in our province.

You know, in speaking to a lot of the people in my constituency, many of them began to think about this. I'm not saying that all of them don't like it. Some of them do and some of them will. Some of them are quite poor, and some of them quite need it. But they do look at the facts, and they do see that it is not all going to go to the right people and that it was very, very quickly put out. I hope that none goes to some of the scam artists and things that the Secreds saw when they did it back in the '50s. I mean, even in that particular instance the government had a similar program, and certain potted plants were able to get the payout from the government.

The ability of this government to deal out funds, to deal with funds, and to manage things like this is sometimes very much in question. I mean, of course, they did pay down a \$23 billion debt, Mr. Speaker, with \$63 billion in oil revenues from '93 on, but it's not good economics to be throwing this sort of money at this time, in this heated economy onto what I described yesterday night as a fire. It's like throwing gasoline onto a roaring fire. It just flares up real quick, disappears very much into the inflationary air, and is gone in a minute. Now, there are those who say: "Well, some will go back to the government through VLTs and through things like, you know, the revenues from casinos. Some will get to charities through that, and some will go through bingos and things like that." Yeah, well, there'll be that sort of stuff that'll go on.

One of the things that really bothered me about this, that really

bugged me about this whole program, why it really doesn't seem to go over very well with many Albertans is that it wasn't put out before Christmas. Why couldn't it have at least been done so that people could have bought some Christmas presents? You know, I mean, gosh, that just shows very basically and very clearly that it wasn't planned, that it wasn't something that was put into a clear program, and that it was something that is very much seat of the pants, spur of the moment, and something that just came up out of a quick decision that I don't think really is in the long-term or even the short-term interests of Albertans.

Thank you, Mr. Speaker.

9:10

**The Deputy Speaker:** Anyone wish to rise under Standing Order 29(2)(a)? The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Thank you, Mr. Speaker. I'm wondering if the hon. Member for Edmonton-Manning would care to share with this Assembly the percentage of correspondence into his office that might have been in favour of the rebates and that which might have been against the rebates, and also if he would be willing to table those correspondences in this Assembly.

Thank you.

**Mr. Backs:** I had a number of letters that were sent to me on this, Mr. Speaker. I'd have to check as to where it was at the last, but as far as I know, it was a hundred per cent against the \$400.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Anyone else? The hon. Member for Calgary-Egmont.

**Mr. Herard:** Thank you very much. I wonder, Mr. Speaker, if all of the hon. members across the way who are so willing to ask for commitments of tabling people's personal correspondence have asked permission of those constituents to table that correspondence because, as far as I know, unless you do that, then you are really dealing with private information. You need permission to do that, and I'm wondering if they've all got permission for all of these multitudes of letters that they want to table.

**The Deputy Speaker:** Anyone else under 29(2)(a)? The hon. Member for Edmonton-Decore.

**Mr. Bonko:** Well, I wasn't sure, Mr. Speaker, if that was directed to us individually who have gotten up and spoken or if it was to anyone who cares to answer the question from the member. Since I'm standing, I have always asked permission when anyone else gives me correspondence just in case one day I may add that. [interjections] That's right. I carefully cover all the bases and all the places.

**The Deputy Speaker:** The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Thank you very much, Mr. Speaker. It's a real pleasure to get an opportunity to participate in the debate this evening.

**The Deputy Speaker:** Excuse me, hon. member. This is under 29(2)(a)?

**Mr. MacDonald:** No.

**The Deputy Speaker:** I'm afraid someone is ahead of you.

**Mr. MacDonald:** I apologize.

**The Deputy Speaker:** If there's no one else under 29(2)(a), the hon. Member for Calgary-Fort.

**Mr. Cao:** Thank you, Mr. Speaker. I'd just quickly mention a couple of points in here. The previous debates have good thoughts, but to me they missed many points of the bill. The point was missed when we heard a lot members talking about how to spend the total unbudgeted surplus, or the windfall. The point of the bill that we should realize is about the \$400. I worked it out with the total estimate of the coming surplus and divided it by the population of Alberta, which is 3 million, so each Albertan would have about \$2,400. The government still keeps and invests \$2,000 of the surplus on behalf of each of us and rebates \$400 to each to meet the cost of living in Alberta due to the fuel costs and natural gas costs.

I personally also received only three e-mails from the frequent e-mailers to me. They expressed their dislike to the government and complained about not enough money in other areas, only adding that the \$400 rebate should not be done. So you can say that I received three e-mails and all of them objected to that, but when I walked in my neighbourhood, I talked to people in different areas. I went to talk to people at the drop-in centre. Everybody said: "Great, Wayne. Great." So those should be considered in the debate as well.

That is my point, that's all I have, and I support this bill wholeheartedly. Thank you.

**The Deputy Speaker:** The hon. Member for Calgary-Varsity under 29(2)(a).

**Mr. Chase:** Thank you. I'm just wondering if the hon. Member for Calgary-Fort, when he visited the drop-in centre, passed out his cards with his address and indicated his willingness to help out those men and women in a sad plight with filling out their last year's income tax return so that they could qualify for the donation, the rebate.

**Mr. Cao:** Well, the question is really personal. I did not. The management of the centre has organized those things, so I rely on the volunteers and the management of the centre to do all of that work. Individually I do other things.

Thank you.

**The Deputy Speaker:** The hon. Member for Edmonton-Rutherford under Standing Order 29(2)(a).

**Mr. R. Miller:** Thank you, Mr. Speaker. I'd just like to make a brief comment on the answer that the Member for Calgary-Fort just provided. He has very clearly outlined for all Albertans one of the real problems with this rebate program, and that is that as he acknowledged, he is doing nothing to aid those people in getting the rebate cheque. However, he is relying completely on the agency to make sure that those people are aware of it.

**The Deputy Speaker:** The time for Standing Order 29(2)(a) has elapsed.

I'd recognize the next speaker, the hon. Member for Edmonton-Gold Bar.

**Mr. R. Miller:** Mr. Speaker, that was only about 30 seconds.

**The Deputy Speaker:** There is only five minutes allowed in total for Standing Order 29(2)(a), and that five minutes has elapsed.

The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Thank you very much, Mr. Speaker. Again it's a pleasure to have this opportunity to participate in the great debate tonight on the rebate. Certainly, there are many different opinions. It depends on who you talk to. In the travels that I have had throughout the constituency, the vast majority of citizens are feeling that the money could have been much better spent.

Now, this has been from the start all about the legacy of a retiring Premier. It has nothing to do with all of a sudden this notion that we're going to share the wealth in the form of a resource rebate with the citizens who own the resource. It is quite unusual that we would have this sudden turn of events and a completely new direction in public policy by this government after what we have gone through in this province in the last dozen or so years.

Now, Mr. Speaker, why would I say that? Well, it was only in June that the Minister of Infrastructure and Transportation was talking about borrowing money. There wasn't enough money in the treasury to start eliminating the massive infrastructure debt that has occurred in this province over the last decade. I'm surprised that we have this idea that we have to borrow money to build roads, bridges, schools, and fix up our province. If our province is going to grow and develop more economically, we've got to ensure that we've got sound infrastructure. I'm not saying that we don't need to invest in infrastructure, but what I'm saying is that it's ridiculous to be talking about borrowing billions of dollars in June, and all of a sudden now we're going to give back \$1.4 billion in the form of this rebate.

Now, one group that has not been discussed tonight is the many people in this province – and there are anywhere between 22,000 and 25,000 files – who are on SFI, or welfare, or as we call it these days, Alberta Works. This government had to be shamed during the last provincial election to increase modestly the rates for AISH recipients. I was glad to see that come about, a hundred and some-odd dollars, but I don't think that's enough in light of utility costs and other costs that just seem to go up and up and up. This group has received virtually no money, no change in their monthly take-home amount. I don't think that is right. I don't think that they should not be getting a permanent increase in their allowances, their benefits. And they're not.

9:20

Of course, this \$400 is going to seem like a lot of money whenever you're faced with high utility costs, whether it's for electricity or natural gas. Or maybe one of your children wants to try out for a special team at school, and you know you don't have the money to pay the fees, so the \$400 is going to come in real handy. The basic amount that we're providing as a province to those people is not enough. Perhaps many citizens would not be nearly as reluctant to support this legacy payment if they knew that this government was doing their very best to look after the interests of those who, unfortunately, cannot participate in this economic prosperity. We heard in question period earlier today questions about the needs of children. They should be addressed as well before we give this \$400 legacy payment.

Now, when we talk about money, it was only in the spring session when this government forced a school board to close community schools in this city to save close to \$300,000, yet we're going to spend in the blink of an eye \$1.4 billion. Oil executives told me that we should be building roads across the north from Fort McMurray over to the Peace district. That would be a wiser investment of this money than this one-time legacy payment.

Now, the hon. member talked about the drop-in centres. Certainly, we can't forget about the citizens of this province who frequent the drop-in centres. The \$400 will certainly be welcome, but we would be better, I think, making good investments in facilities to house these citizens, many of whom have no home of their own. Secure housing for those citizens I think is vital.

There are also people in the constituency of Edmonton-Gold Bar who have reminded me that this legacy payment is just a diversionary tactic, Mr. Speaker. It's a diversionary tactic by this government to distract citizens from what is really going on in this province, and it's the scandals; the electricity deregulation, for instance. One of the reasons – and the hon. Member for Red Deer-North alluded to it – that the \$400 is going to be welcome is because of outstanding household bills. Many people are complaining about their electricity bills and their natural gas bills regardless of their income because they've gone up, up, and up because of the scandal, which is electricity deregulation. Now, I don't know what we're going to do about this, Mr. Speaker, because electricity is driving up the costs of everything in this province.

One of the most detailed articles – and I would certainly urge all hon. members of the Assembly to have a look at this – is in the *Western Standard*. The *Western Standard* is, in my view, a very good news magazine. It's welcome in the Alberta market. It asks a lot of the tough questions, and it reports on a lot of stories. We're talking about scandals here and how people will appreciate the \$400 because the electricity deregulation, which is a scandal, has forced them to take whatever money they can get. Now, in the June issue the *Western Standard* wrote about electricity deregulation and Enron and Enron's involvement in it, and I would encourage all hon. members to read that.

The fact that we're getting this \$400 in January also distracts attention away from this Assembly and one of the main topics that's been discussed here in this brief fall session, and that's the ASC, the Alberta Securities Commission. That, too, in itself is perceived in some circles as being a scandal.

Now, when we talk about the rebate – and here we are at 9:30 at night talking about the rebate, Mr. Speaker – no one in Alberta is really paying attention to the evening sessions, unfortunately, but they do pay attention to question period. The hon. Member for Edmonton-Riverview has been diligent in doing his duty as Leader of the Official Opposition to try to find out what's going on at the Alberta Securities Commission. Not only is he doing that, but the *Western Standard* is doing that as well. They have a news article – and the hon. member opposite was talking about tabling documents. Well, I'll table this one. It is an article from the December issue of the *Western Standard*, and it concerns the goings on at the Alberta Securities Commission. There are all these allegations.

Whenever we talk about this, no one is paying attention, really, because of this resource rebate. Everyone is talking about what they're going to do with their \$400. I go to a junior high and they tell me, Mr. Speaker, that they're going on a spending spree with their \$400. I tell them that their Progressive Conservative government is already on a big spending spree, a big one. The junior high children, whenever they get their \$400, are going to go on a spending spree too because they think that this is how things work out. We all know that not to be true because whenever governments go on a spending spree, there is always a consequence.

The consequence in this province has been a lack of infrastructure spending. Routine maintenance has been ignored, has been put off. Now we've got a minister down there that wants to borrow money. Meanwhile, while all this is going on, we have the scandals, the mismanagement of this government, whether it's with electricity deregulation or anything else. I would certainly, Mr. Speaker, table

this document. There was an issue about tabling documents before. Well, that is the latest article from the *Western Standard*, the December issue, that's on sale. People can read about it themselves. It talks about insider interference, stock prices. It talks about a two-tier regulatory regime in this province. It talks about Zi Corp and their relationship with Multi-Corp. All these are issues that are going on.

People, whenever they get their \$400 cheque, are still going to get a bill in the mail that's higher than it should be because of electricity deregulation. A scandal, if I ever saw one. It is really, really unfortunate that we don't pay more attention to the issues of electricity deregulation in this Assembly and the issues of the Alberta Securities Commission. I mean, these aren't trivial or vexatious complaints. In fact, Mr. Speaker, the Auditor General put out a special report on the Alberta Securities Commission and the carrying-on of activities down there. Sometimes I think that we would have been better off if we had left at least part of that office in the city of Edmonton, really close to the regulatory body, which is this Legislative Assembly, and the hon. Minister of Finance.

I don't want to be charged with wandering away from the issue of the resource rebate, Mr. Speaker, but I must say in conclusion that I think we could have at some time in the future a permanent resource rebate. At this time in our fiscal model that we enjoy, we have to save a lot of these resource dollars. A lot has to be invested in the heritage savings trust fund. It has to be inflation-proofed.

The hon. Member for Cardston-Taber-Warner was talking about some modest tax relief. The first thing I would like to see this government do is take 4 cents a litre off gasoline taxes. Perhaps we could have an increase in the fuel rebate for farmers as well. They would appreciate it. The farmers I talk to, and there are many, are very concerned, Mr. Speaker, about fuel costs, fertilizer costs, and electricity costs. Electricity is a big issue with farmers. I would remind the hon. Minister of Finance that my research indicates that it was 1992 when we last had a good look at the farm fuel allowance. The price of fuel has more than doubled since then, and that fuel allowance has remained the same. It would be my view that this government would be better served if it would consider increasing that amount of fuel allowance. Do that for farmers, and for other motorists reduce the gas tax.

Thank you.

9:30

**The Deputy Speaker:** Questions or comments on 29(2)(a)? The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Thank you very much, Mr. Speaker. I'd like to ask the hon. Member for Edmonton-Gold Bar if he might be willing to share with this Assembly the approximate percentage of correspondence he has had into his constituency office that is in favour of the rebates and that which might have been against the rebates, and if he'd be willing to table that correspondence in this Assembly. If he should happen to have any concerns about not having permission to table those letters, he could always lift a page from the government's protection of information department and black out most of the page, which is the way we receive most of that information when we ask for it.

**The Deputy Speaker:** The hon. member.

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I'm like the hon. Member for Stony Plain. The comments that we have received have been all verbal. We have not received any e-mails. I received three letters from students from social science class, grade 10, at

W.P. Wagner. Two of them were opposed to the rebate; one was for it. I received those letters.

The Capilano Mall, Mr. Speaker. I could get an empty styrofoam cup there, and I could have written down what the people thought on that. I can tell you and I can tell all Members of the Legislative Assembly that the crowd at the coffee shop in Capilano Mall are not happy about this \$400 rebate. They think the Premier is trying to buy himself a legacy before he retires. That's their view of this.

Many of them are senior citizens, and they would much prefer – they would much prefer – to see our long-term care facilities strengthened through an investment so that more staff could be hired and they could get better wages so that they would stay in the facilities. They want the whole issue of long-term care resolved. They like the ideas that have been presented by the Member for Lethbridge-East. That's what they want to see the money spent on, and these are seniors that are at the Capilano Mall.

The junior high students, Mr. Speaker, I think are going to buy iPods. That's what they're going to do, and that's about it.

**The Deputy Speaker:** The hon. Member for Calgary-Varsity on 29(2)(a).

**Mr. Chase:** Thank you. I would just like to ask the hon. Member for Edmonton-Gold Bar, based on his experience and the high results he's had in the last three elections, a question with regard to political ethics, which I'm afraid is becoming an oxymoron in this province. If it is your belief based on talking to your constituents, based upon e-mails that you've received, based on walk-ins into your office, that the majority of your constituents who have contacted you and who you have contacted are opposed to this rebate, do you not feel honour bound to vote your constituents' wishes and vote against this rebate if that's what they have told you?

**Mr. MacDonald:** Mr. Speaker, those citizens have told me that the rebate, the \$400 rebate, is not at this time sound public policy. They remind me – it doesn't matter whether I'm at the Italian Centre or the Capilano Mall. The junior highs are a different story. I must say that the junior highs want the money and they want it now. They'll eat their lunch in a crowded corridor in a junior high. They have no problem with that. There's 30 some-odd kids in the class. They don't see that. They see a new iPod. But the majority of citizens are not in favour of this program at this time, and I could not go against their wishes. They have given me specific directions in regard to this legacy payment, and they just don't see the merit in it. I'm sorry.

**The Deputy Speaker:** The hon. Member for Edmonton-Manning on 29(2)(a).

**Mr. Backs:** Thank you, Mr. Speaker.

**The Deputy Speaker:** Fifteen seconds.

**Mr. Backs:** Pardon me?

**The Deputy Speaker:** Ten seconds remaining.

**Mr. Backs:** Thank you, Mr. Speaker. I was very interested in the things on this farm crisis, the price on purple fuel that was brought about, and I would like the Member for Edmonton-Gold Bar to speak on it.

**The Deputy Speaker:** On the bill the hon. Member for Lethbridge-East.

**Ms Pastoor:** Yes. Thank you, Mr. Speaker. When people sent back this I think it was called futures survey, it was quite clear that this rebate was not high on their agenda, yet the government spent \$65,000 to try to change that attitude, to try to change that concept of the fact that they were going to give out this \$400 rebate. At that point, I don't think it was the amount; it was just the fact that it was going to happen. I really feel that this has been a knee-jerk reaction. It's been poorly thought out. The first thing that came to my mind when I heard that this was coming out – I went: "Oh, my God, another election. I just got through one." However, there have been other ideas put forward on why this would be happening at this point in time.

One of the reasons that I think that it's very poorly thought out policy is because I compare it to what Norway and Alaska have done and the way they actually can sustain a rebate instead of just having a little tease every now and again. I really don't believe that it's been well thought out. Again, it's probably the what that is perhaps okay, but it's the how it's been done that I would really question.

The other thing is that there's been huge administration cost, \$10 million, to get this out to every person that has filed income tax. Mr. Speaker, \$10 million would instantly wipe out the neglect and the premature deaths that are happening in long-term care in this province. It would provide well-trained front-line workers now. Absolutely now.

Even those who can use these dollars in this one-time windfall have used the word "silly," which I haven't heard people use in a long time. They've said they thought it was silly. Even my gas jockey said that although he's already bought his iPod, he really felt that it was a silly way to spend money and that the cumulative dollars were more powerful. He used the words "cumulative power of the dollars," and I thought: "Wait a minute. This isn't my average gas jockey." So I asked, in fact, what grade he was in, and he was in grade 10. So these kids are really thinking. Despite the fact that he has bought his iPod and, actually, more computer games, deep down he knows that it is really a flawed way to spend these dollars.

As far as the NHL hockey player that's been mentioned, he's probably going to be thrilled. It will be the first 400 bucks he's got that he doesn't have to share with his agent. So he's probably going to be happy, but undoubtedly he certainly doesn't need it.

**9:40**

There are many struggling people out there, and I'm not just talking about the homeless; I'm talking about the working poor. The two parents who are working for \$3 an hour above the minimum wage. They have two children in grade 1 and grade 2. Both of these parents are shift workers. These dollars, they thought, could be used for something for the kids. Maybe they could go to different activities. The point is that because these parents are working shift work and these kids are in care, it's the time that's important to them, not the dollars. Now they've got the money, but they can't get them to the activities because of the way that they have to spend their time either babysitting or else hiring care for their children. So they said that they were going to use the \$1,200 that their family was going to get and actually put it toward the utilities that they felt would give them a break, which in my mind is a very responsible thing to do. However, they also said: what am I going to do next year?

I'm not sure that there really is a great deal more that could be said on this. I just really believe that it's been poorly thought out in comparison to Norway and Alaska, as I've mentioned, and that that \$10 million would really, really help the people and the families that are coping with the neglect in long-term care.

**The Deputy Speaker:** Anyone on Standing Order 29(2)(a)? The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you. Hon. Member for Lethbridge-East, you mentioned examples of how the \$10 million could be spent in terms of relieving the situation in long-term care. You talked about the number of individuals who could be hired to be a part of that system. If you go beyond the \$10 million and you go all the way to the \$1.4 billion, have your constituents suggested ways that that money could be invested to help them out in the longer term than this one-shot, one-time funding?

**Ms Pastoor:** Most of the people that I had conversations with wanted to tell me how they were going to spend the money. They said it was silly, but they wanted to use it, and they were going to spend it. I may be a little bit different, but the majority of the people that I spoke to – now, granted, we have to take into mind that I was at the malls, and I was talking to different people – actually thought that this would help them now, but they said: God help me for later.

Really, the conversations didn't get into the depth of what they could do with it. Long-term care, of course, because people recognize me in my neighbourhood as, you know, sort of being, I suppose, almost obsessive about the fact that this is going on in this wealthy province, people would speak to me about. So I didn't come up with any other than education, other than putting more money into education and helping kids get educations quicker and not having to work their way through university.

**The Deputy Speaker:** The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Thank you very much, Mr. Speaker. Just a brief comment on the correspondence issue again. I'm sure most members are dying to know the numbers in my office, and I'm happy to share them with this Assembly. As Finance critic I am in receipt of all of the letters, and they are in the hundreds if not thousands of letters that come into both the Alberta Liberal Party office and the Liberal caucus office in regard to the rebate cheques. I can assure all members that it is well in excess of 90 per cent that are against the idea of the rebates. Most interestingly, I think the majority of those letters are CCs of letters that were sent to the Premier of this province.

Thank you.

**The Deputy Speaker:** The hon. Member for Highwood.

**Mr. Groeneveld:** Thank you, Mr. Speaker. What I would like to do, I guess, is form a bit of an observation or comment. I get letters in my office too. There's always someone who has an issue with the government. I get people that have an issue and are against it. I get none from the people that like it. So if I get two letters, I'm sorry I don't conclude that all my people are a hundred per cent against what's going on.

**The Deputy Speaker:** Anyone else?

**Mr. Backs:** I'd like to address a question to the hon. Member for Lethbridge-East regarding the amounts that are paid to temporary foreign workers as there are a lot of temporary foreign workers that work in southern Alberta for very, very short periods of time. Do you believe that those temporary foreign workers . . .

**The Deputy Speaker:** Hon. member, I believe the intent of 29(2)(a) is a question or a comment on what the previous speaker was

speaking about, not something totally irrelevant. So I would have to rule that out of order on relevance.

Anyone else on the bill?

The hon. Minister of Finance to close debate.

**Mrs. McClellan:** Mr. Speaker, there have been some very interesting comments. I have checked the Blues of previous debate on this and found no questions but a great deal of comment, some of which I'd like to respond to. But in the interests of time and with the concurrence of the Assembly, I would suggest that I might answer those questions or comments in the committee stage of this bill.

I would move second reading of Bill 43.

[Motion carried; Bill 43 read a second time]

#### **Bill 46 Criminal Notoriety Act**

[Adjourned debate November 16: Dr. Miller]

**Mr. Chase:** I just wanted to lend my support to this particular act, the Criminal Notoriety Act. The idea of anyone benefiting from the victimization of another individual and getting to celebrate that victimization through writing, through movie rights, through promotion is absolutely intolerable. Therefore, I stand in support of this government bill. I know that in Ontario the example is with Homolka and in B.C. the examples there. I'm glad that Alberta is taking this strong moral stance, and I support the government for taking this stance.

Thank you very much.

**The Deputy Speaker:** Anyone on 29(2)(a)?

Seeing none, the hon. Member for Edmonton-Beverly-Clareview on the bill.

**Mr. Martin:** Well, thank you, Mr. Speaker. I won't go on long because I may have to get my letters back from Clifford Olson and Paul Bernardo.

Mr. Speaker, of course, we're going to support this bill. I mean, it's a no-brainer to me that no one should profit from serious crime, and that's what this bill is all about. The point that would make it difficult – and I don't know how this would work – is that I think the member said that there were a couple of provinces that have this type of legislation. It seems to me that until all provinces participate, you sort of have a patchwork solution. If a person was serious about it, they could go to another province. I don't know if B.C., for example, has one and still does. That's not the prerogative of this Legislature, but it seems to me that that would have to be done.

I also want to say – and the Solicitor General is here today – that this is good in the sense that it looks like we're being tough on crime. I'm not sure how many Olsons, Bernardos, and Homolkas have been around Alberta recently, and I don't know if there has been any need to deal with this issue. I think it's good to bring it forward.

**9:50**

I do think that there is a serious concern certainly in the city I represent and the constituents I represent with growing, serious crime whether people are going to make money from it or not. We've had a couple of recent examples of young people, sort of senseless crimes. We know that we have gang problems developing. It's not just a simple matter of hang 'em all high. The justice system is only part of it. I think that we are going to have to take a look at some initiatives, especially in the major cities and especially in the

city of Edmonton, about how we're dealing with serious crime whether they're going to make money from it or not.

I think that some thought has to be done in terms of gangs and these sorts of things. I'm not sure any of us have the total answer here. There are long-term problems. There's poverty and the rest of it. But in the short term surely there are some things that we can do. There are some initiatives that I know the Solicitor General has talked about, some communication and doing those sorts of things amongst police forces. I understand that there are some initiatives that Toronto and Winnipeg are looking at because they're facing similar problems. I don't know if there's anything we can learn there, but I would certainly be interested, before we get to profiting, that we begin to deal with some of the systemic causes of crime.

In saying that, Mr. Speaker, I think this bill can move along fairly quickly. It sounds from both sides that we certainly will be supporting it. Thank you.

**The Deputy Speaker:** Any comments or questions under 29(2)(a)?  
Seeing none, the hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Thank you, Mr. Speaker. No, I'm not going to ask about your letter from Clifford.

Mr. Speaker, it would appear on the surface, as my colleague from Edmonton-Beverly-Clareview has suggested, that this bill should be able to move along fairly quickly. The one situation that I'm not sure is addressed by the bill – and I'm hoping that we can have some clarification provided to us at some point – is the situation where a plea bargain has been entered into, where you have an accomplice or someone who has abetted a crime and agrees to testify against the other individual in exchange for being let off the hook as it were. Is that person who agrees to testify against a co-conspirator and who is thereby excluded from profiting from a crime that he or she might otherwise have been convicted of but in this case was able to relieve themselves from that penalty by testifying against a co-conspirator also included in this bill? As near as I can tell, that situation is not addressed in here, and it probably should be. Perhaps the minister may consider some amendments that would look after that situation.

Thank you.

**The Deputy Speaker:** Any questions or comments under 29(2)(a)?  
Seeing none, the hon. Member for Red Deer-North to close.

**Mrs. Jablonski:** Thank you, Mr. Speaker. I will just call the question.

[Motion carried; Bill 46 read a second time]

### Bill 53

#### Surface Rights Amendment Act, 2005

**The Deputy Speaker:** The hon. Member for Peace River.

**Mr. Oberle:** Thank you, Mr. Speaker. I'm very pleased to rise tonight and move second reading of Bill 53 and provide some opening comments to the debate.

I bring this bill, this amendment, on behalf of the Minister of Sustainable Resource Development. Basically, it's a very short bill. I seem to have all the short bills this session. This bill provides an amendment for a person operating an industrial facility on private land in the event that they have received a notice that their reclamation certificate has been rescinded and in the event that they require re-entry onto the private land to provide some sort of an environmental remedy to fix a problem and in the event that they cannot

obtain consent from the landowner to re-enter that property, this amendment simply allows the Surface Rights Board to issue an order granting right of entry to that company to provide for prompt environmental cleanup.

Mr. Speaker, this is a rare case. In most cases the oil company, as it were, the energy operator, would achieve an agreement with the landholder. But there is the odd case where there's a dispute, and the intention by way of this amendment is to provide for the Surface Rights Board to issue an order to provide for prompt environmental cleanup, and I think that's in all of our interests.

The rights of the landholder are still protected in that they have access to the Surface Rights Board. They can get compensation for disturbances or damage upon the re-entry and other costs as the Surface Rights Board might see appropriate. Certainly, the landholder at any time has opportunity to discuss that with the board.

So that is the sum total of the purpose of this amendment, Mr. Speaker. I think it's in our best interest to effect prompt and thorough environmental cleanup whenever issues arise, and that's all I have to say about it. Thank you.

**The Deputy Speaker:** The hon. Member for Edmonton-Decore.

**Mr. Bonko:** Thanks, Mr. Speaker. The key concern in this process is the reason why a large number of operators need to re-enter the private land to conduct remediation efforts and that proper reclamation has not occurred. That's the reason for this bill to be put in. Remediation efforts are important, and we support the appropriate efforts to ensure that remediation work is complete and that the areas affected by the oil and gas are restored to their pre-existing condition or as close as possible. However, if all operators properly reclaimed their sites, then government and this legislation would not be necessary. So if we got it right the first time, this sort of legislation, even as short as it is, wouldn't be required.

If the government conducted more inspections and audits, there would also be less need for remediation projects. There is also the potential that this bill could reduce the standard of issuing reclamation certificates as a reclamation certificate is no longer to be the final operator because he has to continue to return to the site or the area. It's our expectation that issuing a reclamation certificate means that actually the site or the area has been restored, final. No system – we recognize that – is going to be perfect, and it addresses that reclamation or remediation is sometimes required. The rights of the landowner must be balanced with the need to access and reclaim disturbed areas. Consultation with the stakeholders suggests that there is support from the landowners for this amendment. However, there will be some concerns with increased access to private land, which was already mentioned as well.

The Alberta Surface Rights Federation does support the legislation as they believe that rural landowners will continue to be paid, rather than the current system where the payment ceases after the certificate is issued. The lease payments are likely to be a big concern for the rural landowners, and our response would be that this is a sensitive area. How will the Surface Rights Board handle the payments? It's unclear, but it should cover the cost and the use of the affected areas or the adverse affects. The amendment does not ensure operators will maintain all their duties, presumably including the duty to pay for the loss or use of the affected area.

While we're happy that the government is making it easier for the operators to perform the remediation work, this government is ignoring the real problem: too many reclamation certificates are being issued in error. Again, as I said, we need to get it right the first time, to contact the operators and make sure that the land is returned to its natural state first and foremost, and this isn't always

the case. We'd like to see more staff, more field officers to conduct more audits before issuing reclamation certificates. If this was complete, fewer operators would have to return to the rural properties and disturb the lives of the rural landowners. Industry creates these problems and should be responsible for paying for their costs.

Some questions that I have for the member. Why aren't these areas properly reclaimed before issuing reclamation certificates? What steps will be taken to protect the rights of the private landowners? As well, there are a large number of provincial and regional environmental and landowner advisory groups. What groups have you consulted with, and how are their concerns addressed within this bill? How will these changes affect lease payments to rural landowners?

Thank you, Mr. Speaker.

**The Deputy Speaker:** Does anyone else wish to participate? The hon. Member for Calgary-Varsity.

10:00

**Mr. Chase:** Thank you. I just have one question for the hon. Member for Peace River.

**The Deputy Speaker:** Are you rising under Standing Order 29(2)(a), or are you rising to speak on the bill?

**Mr. Chase:** Yes.

**The Deputy Speaker:** Okay. Please proceed.

**Mr. Chase:** Yes. Thank you very much, Mr. Speaker. My question is to the hon. Member for Peace River.

**An Hon. Member:** He just asked if you were going to speak to the bill or ask a question.

**Mr. Chase:** I'm speaking to the bill in the form of a question. Sorry. I hope I have it right now.

My concern has to do with section 2(c), where the company doing the reclamation "does not have the consent of the owner or occupant of the surface of the land." I'm just wondering about the owner's rights. They obviously didn't have the mineral rights to their property.

**The Deputy Speaker:** Hon. member, on second reading we're speaking to the principle of the bill. We get into the detail of the bill in Committee of the Whole.

**Mr. Chase:** Okay. Thank you very much. I'll reserve my comments until that time.

**The Deputy Speaker:** Anyone else on the bill?  
The hon. Member for Peace River to close.

**Mr. Oberle:** Thank you, Mr. Speaker. Just a very brief closing. I'm pleased, I guess, of apparent support.

Just in response to a couple issues raised by the one member. He asked who was consulted. He himself obviously consulted a number of people who were in favour of it. He was worried about the landholders' rights and how much payment they would get. He indicated that the landholders were in favour of the bill.

Mr. Speaker, certainly we'll have more debate as we get into committee about some details of the bill. Overall we think it's a

very good move. We should all be interested in prompt environmental remediation.

I would just point out, Mr. Speaker, that it's not the case that we've just failed to inspect a site and, lo and behold, somebody decides that we should rescind a reclamation certificate. In many cases these lands are actually back in farming production, and later on there's a subsurface issue that arises, and the farming lands have to be disturbed again. So it's not a matter of just failing to inspect it. It's sound policy that we should go back in and clean environmental spills as fast as we can.

[Motion carried; Bill 53 read a second time]

head: **Government Bills and Orders**  
**Third Reading**

**Bill 15**

**Workers' Compensation Amendment Act, 2005**

**The Deputy Speaker:** The hon. Member for Calgary-Egmont.

**Mr. Herard:** Thank you very much, Mr. Speaker. On behalf of the hon. Member for Calgary-Foothills, I'm pleased to move third reading of Bill 15.

I think that most people would probably agree that this bill has had a fair amount of scrutiny and that the bill we have now is significantly improved from the bill that originally was placed on the Order Paper back in the spring session. As you may recall, the bill made it through Committee of the Whole back in May, and we used the summer and the fall to take into account the various points of discussion and disagreement and so on to make this bill better. I think the members from the opposite side would probably agree that we took their considerations into account and that we've done a lot to address the overall spirit of the concerns that were raised with the earlier version of this bill.

The word "vesting" makes clear the intent of section 22 of the Workers' Compensation Act when taken as a whole. However, there has been a great deal of effort to reinforce the rights of the worker and to guarantee the checks and balances that WCB will need to follow with such a framework. I think it's a very reasonable compromise that the processes to be followed in terms of client consultation, selection of legal counsel, and the like will be put into regulation, where the government retains some checks and balances over the process.

Also, Mr. Speaker, we have significantly amended section 22(2) of the act. These changes will apply only to accidents that occur after proclamation of the bill. Therefore, we took the retroactivity out of it.

Similarly, the significance of the strong language of "solely" and "sole" being removed from the bill has also made a significant difference.

The consequences for non co-operation have been significantly relaxed and clarified. Checks and balances work both ways, Mr. Speaker, and there has to be some mechanism for the WCB to have recourse when a worker does not fulfill his obligations under the law. Co-operation with required litigation is standard practice in any sort of insurance law. Bill 15 balances the rights of workers and employers. However, it's now clear that any suspension of income replacement benefits is temporary and lasts only as long as the period of non co-operation. Again, medically-related services related to the WCB claims, such as scheduled surgery, therapy, or prescription medications, will not be the subject of suspension. The clause that suggested that an overpayment could be established that

the WCB would try to recover from an injured worker has been completely deleted.

Mr. Speaker, although it is a rare problem, we also introduced to Bill 15 an element that prohibits the employer of an injured worker from pressuring a worker not to sue.

This bill also gives workers on temporary partial disability benefits the same benefit of cost-of-living increases that workers on other WCB benefit streams get, which, of course, is long overdue and a worker-friendly move. Now they do have COLA clauses.

Finally, it gives members of the WCB board of directors the same immunity that members of virtually all government-mandated boards enjoy.

In summary, Mr. Speaker, various stakeholders and members of our government, including myself and members of the opposition parties, raised some reasonable concerns with this bill as it was originally drafted. The Minister of Human Resources and Employment and the sponsor of the bill and a great number of people went to work and made this bill better. These third-party actions will vest with WCB but with greater controls in place to ensure that injured workers are treated as a partner and not an adversary.

Thank you, Mr. Speaker.

**The Deputy Speaker:** The hon. Member for Edmonton-Manning.

**Mr. Backs:** Thank you, Mr. Speaker. I'm pleased to rise to speak to the effects of Bill 15, the Workers' Compensation Amendment Act, 2005. I have said before that the workers' compensation system is a very important pillar in the operation of any liberal, democratic, capitalist economy. With over 200,000 claims a year in Alberta alone our courts and our business system would bog down completely if there was not some type of workers' compensation system in place. There would be too many lawsuits. But there are trade-offs.

I'll touch a bit on the history to speak to the effects of Bill 15. The origins of workers' compensation go back to the medieval guilds and the need to care for workers' families when they were injured or became sick. Many further developments occurred in response to the needs of the Industrial Revolution in Europe in the 1800s. It was the arch-conservative Otto von Bismarck who, in response to workers' movements in the late 1880s, passed a law instituting a compulsory, state-run accident compensation system financed by both employers and workers.

Great Britain passed the first true Workmen's Compensation Act in 1897, which placed full responsibility on individual employers to compensate their own workers for their work-related injuries, but workers were permitted to sue their employers for damages rather than accept compensation under the 1897 act.

Throughout the industrial world at that time lawyers started to get interested in accidents. They worked on contingencies, basically a percentage of what they could collect on a final-award basis. Accident rates and legal heat were being brought to bear. Many companies were feeling bottom-line pressure from lawsuits.

**10:10**

The response in Canada was legislation proposed by Mr. Justice W.R. Meredith, a former Conservative opposition leader for the province of Ontario. His scheme embodied what he called an historical trade-off in which workers gave up their right to sue their employers, a right that was contingent on their ability to prove negligence, and in return they were guaranteed protection against income loss due to industrial injuries and diseases irrespective of fault. It was to be publicly administered, compulsory, and was to be a collective liability system with payments secured by an accident

fund. There were provisions to promote health and safety in the workplace. Coverage for medical costs, the addition of merit rating, and the introduction of vocational rehabilitation followed very rapidly. This act came into force in Ontario in 1915, and it was followed by similar legislation in other provinces, including Alberta.

Large government bureaucracies grew up, and these have become an important part of the operation of our economy in Alberta and the rest of Canada. Although the Alberta government has attempted to appear distant from the WCB, it remains a creature of provincial law. The WCB is a creation of this Legislature, and that is why we are in fact debating this enabling legislation today. The WCB is responsible to, even if it's not always held accountable to, the government of Alberta.

I've provided this bit of history, Mr. Speaker, in looking at Bill 15 and its effect in order to illustrate a couple of things. First, workers' compensation is paid for by a trade-off between workers and their employers. Workers are not allowed to sue, and the trade-off is that they will get compensation for lost income due to their injuries. I've been distressed by the statement I've heard so often from WCB employees, that the WCB system is paid for by employers. I would very much appreciate it if the WCB would begin to balance the story and begin to put forward that it's also very much paid for by employees. Workers forgo potentially huge compensation by the fact that they are forgoing their right to sue for damages in tort. The WCB is not a social program. It is not owned by employers. It in fact provides insurance to workers for a workplace injury.

By law under the act there is no way a worker can sue. Clearly, the WCB protects its prohibition from lawsuit and its fear of lawsuit. That certainly is the effect of section 2 of the act. Bill 15 protects WCB directors, more specifically, from lawsuit. This is a proper provision, for it would be difficult to find directors if the decisions that the board sometimes makes were open to lawsuit. Nonetheless, I've seen many Albertans being very disappointed by the actions and decisions of the board, and I would hope that in the future they exercise their immunity to lawsuit with the utmost of discretion and ultimately try to define their decisions in the interests of injured workers. I would also hope that they do not try to foist a bill such as Bill 15 on this Legislature again as they did in the spring, posing it as some sort of insignificant piece of housekeeping legislation.

Some sections are sweeping, in the power they give to the WCB over injured claimants' lives. Sections 22(3) and 22(5) give the WCB the power to arbitrarily take over an auto insurance action where a WCB claim is involved. Clearly, Mr. Speaker, this legislation is not insignificant. Section 22(6) allows the board to throw natural justice to the wind by legislating that the WCB can choose to be in a clear and arbitrary conflict of interest. I'll repeat that. They can choose to be in a clear and arbitrary conflict of interest, according to this act.

With this "have your cake and eat it too" power the WCB can represent a worker, deny his claim, and still pursue legal action where there is alternative insurance involved and then claim that the worker is eligible for benefits that the board itself has denied. Incredible.

Although the board has improved with the reforms of the past few years, the culture of the heavy hand is clear and self-evident in 22(9) and 22(11)(c). These onerous, demanding, and complicated provisions in combination allow the WCB to completely control the payment outcome to any claimant. They allow the WCB to dictate the actions of claimants in a way that would have made any Stalinist state operation proud, and they allow for no recourse. I wish that the government would have accepted the amendments put forward by the Alberta Liberal Opposition yesterday to at least make this part of Bill 15 less onerous.

I'm also pleased that there are improvements from the original so-called insignificant legislation of the spring. I'm also pleased that there are other improvements that have been put forward and over into Bill 50, which had second reading last night: the medical panel provisions. I understand and thank the Member for Calgary-Egmont for putting some of those forward. The firefighters' provisions, which were helped along by the Member for Calgary-North Hill, I think were very welcome additions. Credit is due.

This bill, Bill 15, is still not good enough. It still seeks a heavy hand, a power that goes too far. It reflects a culture of control that the WCB has still not shaken off. It reflects an attitude that the WCB takes on itself that it's somehow supposed to act like a corporation, that its role is to act like a corporation that is designed to make a profit. I suppose that is clearly reflected by the \$850 million 2004 surplus outlined in its last report. There's been no movement on long-standing contentious claims. It still does not have the confidence of many applicants. You hear of problems from both employers and injured workers.

I continue to hear time and again that in the one business sense that I hope it would excel at, customer service, it continues to fail. I hear time and again of those with long-term claims, many of whom have worked as respected members of their trades or professions who are presented with demands to work as greeters at Wal-Mart or they will lose coverage. Those claims are then reduced when these injured workers will not surrender what they consider to be their right to dignity, to a job that fits their training and experience.

We must respect the dignity of injured workers, we must ensure that there is a WCB system that can be viewed with respect, and we must ensure that workers can be confident that they will be adequately compensated if they are injured at work. I cannot honestly advise workers that they can be fully confident of coverage under the Alberta Workers' Compensation Board. I can only honestly advise workers to get extra insurance.

Bill 15 does not make the system better. I urge the Assembly to defeat this bill. Thank you, Mr. Speaker.

**The Deputy Speaker:** Anyone else wish to participate? The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Martin:** Thank you, Mr. Speaker. This has been a long, arduous road for Bill 15, and make no doubt about it: it's not a perfect piece of legislation. The amendment that bothered me the most is that people can still be forced against their will to be involved in a third-party dispute and a lawsuit, and I think that that is wrong fundamentally. But that amendment was brought forward and lost.

What I want to say about the bill – and I recognize that in this Legislature, after being here a number of years, I can't remember that I ever had a bill passed. I think I have a perfect record, having been in opposition all the time. But there was one, and I gave the members credit that at least there was some attempt to improve this bill when it was draconian to begin with: the retroactivity, not being allowed to divest, going back to the Gutierrez case. At least, now they are talking in the bill about working together and choosing lawyers and that. That's certainly an improvement, Mr. Speaker. So I don't think it's nearly as draconian. It's not perfect by any stretch of the imagination.

What we're dealing with – and I think this is the problem. No matter what legislation we wrote down here, it's the culture that we're dealing with with the WCB. You get it in your constituency office time and time again that the injured workers do not feel that the WCB is there for them. Now, that's probably unfair in some cases, probably not in others. I think the Economic Development

minister, who used to be in this, said that they tried to deal with that culture of denial. Well, the fact is that they have not dealt with it. When I talk to advocates, the people that work with WCB, they say that that culture of denial now is worse than it was a few years ago. So there's no trust at all with the WCB, and that's what you're dealing with.

10:20

It's not the legislation, necessarily, that is going to solve all those problems. Probably I could have taken the old Bill 15, as draconian as it was, if the culture was there that it was set up for injured workers, that it's a partnership with business, as the Member for Edmonton-Manning said. If they believed that that was the case, probably we could have worked through it even with the bad legislation if the culture was different. This legislation, as I said, is better, but we had better start dealing with what is happening over in the WCB. For people to say that those problems that retired Judge Samuel Friedman in his review talked about, the culture of denial, have been solved – that's there. That's there. That's the perception that the workers have: when they go in there, they're dealing with the enemy. Not every injured worker can be wrong. Every time that something comes up in the news, Mr. Speaker, about the WCB, you'll get calls in your constituency office, and they can't all be wrong.

In some ways I'll give credit to the members opposite, especially Mr. Webber, because there was a culture of denial for him. Here this new member walks in and says, "I'm bringing in this housekeeping bill," and people in the opposition . . .

**The Deputy Speaker:** We don't mention names in the Assembly, hon. member.

**Mr. Martin:** Sorry. You're absolutely correct. I forgot which riding in Calgary he represents, the member from Calgary that sponsored the bill.

I give him credit. I'm sure he felt abused because here is a new member saying, "Here's a housekeeping bill," and all of a sudden the opposition is all over him. That just says something about the WCB to me, that they would even mislead the person here. He admits that, and that's why he came back and changed this legislation, to his credit. So that should tell us a lesson, a little bit about what's going at the WCB. If they tell somebody here that they're bringing in legislation, that it's a housekeeping bill, and it's a new member and he walks in and that's not the case, that it's a major bill, doesn't that tell you something about the WCB? It certainly does to me.

So I'm saying that with this bill I know that this is what we're going to get. It certainly is an improvement. I'll give some credit, as I say, to the members opposite for that, but I tell you that there are serious, serious problems at the WCB. The Appeals Commission: that's another matter that we'll have some discussions about.

Mr. Speaker, I would just conclude by saying that it's better than it was, but we're not dealing with the real problem yet. Thank you.

**The Deputy Speaker:** Any questions or comments under Standing Order 29(2)(a)?

**Mr. MacDonald:** Yes, please, Mr. Speaker.

**The Deputy Speaker:** The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Thank you. To the hon. Member for Edmonton-Beverly-Clareview . . .

**The Deputy Speaker:** Through the chair, please.

**Mr. MacDonald:** Yes. Thanks. Mr. Speaker, through you to the hon. Member for Edmonton-Beverly-Clareview, do you think the only way to eliminate a lot of this culture or this climate of fear that is at the WCB is through a full, independent public inquiry into how that outfit works? Do you think that would help?

**Mr. Martin:** I do believe it would. It may be one way to do it. Another way, like with the Securities Commission: we may have to start right at the top and go right through and be a little more aggressive in who's working over there because there is a culture there. But if it takes an independent inquiry, it's worth doing because this is a very important organization, extremely important to workers but extremely important to business too. It can't be seen – and I think the Member for Edmonton-Manning mentioned it – to be a social program. It's a contract. It's a contract, and smart businesses must realize that this is an important contract to them because if you don't have workers' compensation, I can tell you that they're going to be facing some lawsuits that they wouldn't want to deal with. So it's up to them, to both people to make sure that the system works in fairness to everybody. If it takes a public inquiry to do it, I would certainly support it, but something has to be done.

**The Deputy Speaker:** Any other questions or comments?

[Motion carried; Bill 15 read a third time]

head: **Government Bills and Orders  
Committee of the Whole**

[Mr. Marz in the chair]

**The Chair:** I'd like to call the committee to order.

**Bill 45  
Maternal Tort Liability Act**

**The Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Thank you very much, Mr. Chairman. It's my pleasure to be able to participate in discussion tonight in the committee stage on Bill 45, the Maternal Tort Liability Act. Let me just say up front that despite the government's assurances so far, this is a very narrowly drafted and crafted bill and will not have serious implications. I wasn't here the other night during second reading, but certainly I did manage to listen to the debate via the Internet at home, and I was quite interested to hear many of the comments on both sides of the issue.

Mr. Chairman, unfortunately, any time you're talking about a fetus in the womb, it raises serious moral issues and doubts and concerns in I think most members' minds, and certainly I'm no different in that. It's one of those areas, unfortunately, that is not black and white, very much like abortion rights, very much like same-sex rights, very much like any number of moral issues that we as legislators find ourselves dealing with. I'll be honest with you: despite the fact that I appreciate what this bill is trying to achieve, I have those concerns with Bill 45 as well.

Specific to section 3 in the bill, Mr. Chairman, it refers to "injuries suffered by the child on or after birth as a result of the mother's actions prior to the child's birth." I've said in this Assembly before – and I have no shame in saying it again – that I'm not a lawyer. I

don't have the resources that the government has to call on lawyers to decipher these things for us. I will say that when I read that sentence and it talks about injuries suffered on birth, I'm not sure that that would necessarily stand up in a court of law because if the accident that we're talking about actually took place several months prior to birth, I have a concern that there may be an opening there for a lawyer to argue that those injuries did not in fact take place on birth but, in fact, several months prior to birth and were pre-existing to the birth taking place. So right there already in my mind I think there's a flaw with the way that this bill is drafted.

**10:30**

Section 5(1), the limit of liability, refers to the fact that the mother's liability is "limited to the amount of insurance money payable under contracts of automobile insurance." Everybody will know, of course, that automobile insurance and issues surrounding automobile insurance have been a big concern in this province for several years now. In fact, Mr. Chairman, the Insurance Bureau of Canada is on record as saying that if this bill passes, many of those good Alberta drivers that the Minister of Finance is so fond of referring to will actually have an increase in their insurance costs as a result of this bill passing. I'm sure everybody will understand that I'm not here to defend the Insurance Bureau of Canada, but I am concerned about defending Alberta drivers, and if there is reason to believe that Alberta drivers are going to face yet further increases in their insurance costs because of this bill, then I think that that should be a concern for Alberta drivers, and I'm sure it is for many of them.

Again, I'm not a lawyer, but I do find it interesting that this bill, innocuous and narrowly crafted and to the point and all of these words that have been used to describe it, takes up approximately one and a half pages. Given the Pandora's box that I'm fearful and that other members on both sides of the House have expressed fear might well be opened by passing this legislation, I'm surprised and a little dismayed that there's only a page and a half of legislation protecting us from that box being opened.

In fact, Mr. Chairman, we have another bill before the House right now, Bill 47, the Alberta Association of Former MLAs Act, that is nearly nine pages. If there were to be a bill that would be innocuous and relatively irrelevant in terms of the big picture of the good work this Legislature does, I would think that that would be the bill, and it's nine pages. This one, which I'm very fearful may well open all sorts of other issues to debate both in the Legislature and, of course, in the courts, is only a page and a half. So I'm somewhat concerned about that.

With that, Mr. Chairman, I'll end my comments. I would look forward to either the minister responsible or perhaps the mover of the bill responding to those concerns but particularly to my concern about clause 3 and that word "on" as it refers to the birth taking place.

Thank you.

**The Chair:** The hon. Member for Peace River.

**Mr. Oberle:** Thank you, Mr. Chairman, and thank you to the past speaker, the member, for his considered comments. As the member pointed out, we had considerable discussion about this bill in second reading, and I wholeheartedly agree with him that it's quite a serious issue. Of course, we're considering a bill before the Private Bills Committee as we speak that covers a similar topic area, so there's been much discussion around there. The member allows that he has not been available or not been present at all of the debate. The discussion that we've had so far has focused around many of the same issues that the member brought up.

First of all, the idea of limiting the compensation to the mother's insurance. The Supreme Court in the Dobson ruling was pretty clear that the mother in no way could be personally liable; that would be an infringement on her rights. So there's no legislative room to consider anything else here.

Another point of discussion that a colleague of the hon. member brought up is that the bill perhaps leaves some room for interpretation or invasion into other areas of maternal responsibility. Mr. Chairman, this bill isn't about maternal responsibility. It's about the responsibility of a person driving a car and their responsibility to abide by the laws and drive in a responsible manner according to the traffic laws of our province.

This hon. member brought up his fear of invasion, I guess, into fetal rights. He mentioned the issue of fetal rights. There are no fetal rights whatsoever contemplated in this bill, which is why the wording: at birth. The child has to be born. If and when the child is born, then a cause of action becomes available. There are no fetal rights contemplated here.

Mr. Chairman, this in my mind is a rare opportunity to move to protect the rights of the child without infringing upon the rights of the mother. These rights always existed. There was a time when children could sue their mothers for negligent driving of an automobile while the mother was pregnant. Upon being born, they could sue the mother for negligence. Those rights were extinguished by the Dobson decision of the Supreme Court in 1999.

The Dobson case was actually a car accident. The mother was pregnant and, I understand, negligent. The Dobsons actually won their case in the New Brunswick courts and won an appeal in the New Brunswick Court of Appeal. It was appealed to the Supreme Court, who extinguished those rights for many of the fears that the member has expressed, Mr. Chairman. The court refused to wade into this area because we're talking about tort law and the ability of tort law to ebb and flow, if you will, with precedent. They were adamant that a finding of liability in this area could possibly be interpreted or expanded into findings in other areas of maternal responsibility. They were absolutely adamant that that can't happen.

What they did was invite the Legislatures to invade this area and establish legislation strictly around the issue of car accidents and strictly limited to the level of insurance carried by the mother. This is what this bill does. It does nothing more than that. It is consistent with the Supreme Court ruling and the Supreme Court invitation for us to invade this area, Mr. Chairman.

The Supreme Court, in contemplating this area, spoke extensively of the existence of a law in the United Kingdom that covers the exact same topic area, the Congenital Disabilities Act. That act has been in place for 29 years, and the Supreme Court commented on how the crafting of that act made it impossible to expand the maternal responsibility in the case of a car accident into other tort situations. So they were complimentary of that law and also of the limitation to insurance coverage imposed by that law. They felt that that was a very reasonable balance between the rights of the mother and the rights of the child in that it did not infringe upon the rights of the mother. It did not establish any personal liability on the part of the mother and, therefore, did nothing to harm the mother/child relationship. The United Kingdom, incidentally, has mandatory insurance legislation, which was a very strong foundation for that law, as we do in Alberta and as we do in all provinces in Canada.

The Supreme Court, in overturning the action, was clear that this is a place where the Legislatures can venture, a place where there is room to establish firm legislation that cannot be expanded. That is the intent of this legislation. It's crafted in response to the Supreme Court ruling and in consideration of the Congenital Disabilities Act of the United Kingdom.

The member commented that it's short. Absolutely, it's short, Mr. Chairman. There's no room for anywhere else to go here. It's about the negligent operation of a motor vehicle causing an injury to a child that is subsequently born. It's not about fetal rights.

This is the area the Supreme Court gave us to invade, Mr. Chairman, and that's what we're trying to do with this legislation. Thank you.

10:40

**The Chair:** The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Martin:** Thank you, Mr. Chairman. I understand what the member is saying, and I understand what the Supreme Court is saying, but lawyers being lawyers, times change and Supreme Court decisions change. I accept what he is saying about the narrow interpretation, and I do understand that it's been in Britain for a long time, but this, I think, has the potential to become a bigger political issue even though it's meant in a narrow way for a very good reason. I understand what the minister is saying.

You know, we talk about fetal rights. I know he says that it's after the child is born, and that's correct, but there would still be groups that will say: well, it happened, you know, before the child was born. We've talked to some lawyers, and there are varying opinions on this. I'm sure the hon. member is aware of that. I think there's a potential for a slippery slope there, maybe not immediately, but as I say, lawyers are divided on this issue. The Supreme Court is lawyers, and they change, and they will make different decisions. We know that. I know that this government in the past has not been sort of raving about the Supreme Court decisions. I think it's more convenient.

So I guess I'm wondering why we didn't look at other policy initiatives to be able to deal with cases like this. It seems like no-fault insurance would be a help, you know, extra help, some measures to help people that face those circumstances rather than going this route because it's rare. I think we would both admit that this is a rare situation. I know that the member is convinced that it's this very narrow interpretation, but I wonder if there's not going to be a lawyer somewhere down the line that's going to say: well, you know, the mother was drinking. Do we draw a parallel here? I know the member will say no, but there are going to be some lawyers that are going to attempt to do it. There's no doubt in my mind about this. I think there's a potential for a slippery slope. I guess I'm wondering if the other measures that I've talked about, if we couldn't have worked on those first.

The other thing. I think there's a potential to go to the Supreme Court even though they've ruled on it. I think some lawyer will say: well, is it fair under the Charter of Rights? Say one parent had \$200,000 liability, and another one had a million? I can just see some lawyer chomping at the bit there: my client is not being treated fairly because of the insurance. I think that that's another potential. I know that on the insurance there's nothing else you can do if you go this route, but I do think that that will be a challenge too, eventually, to the Charter. All I'm saying is that I guess I'm not sure if the risk here is worth it when we could have done some other things in there, and I'm not sure if down the way it will be quite as lawyer-proof as the member is talking about. I do think that there's a potential, as I said, for the slippery slope, and I wish we would have looked at other issues.

I know that the member is bringing it in in good faith, because he cares about what happened here. I just don't think it's necessarily the way to go. I think we're going to get into a lot of legal debates down the way and that certain political groups are going to use this, I believe, the anti-choice groups and the rest of them, saying: "Well,

this is one step in the right direction. Where can we go from here?" I know that the advice that the member has is that this is a very, very narrow interpretation. We will see maybe down the road five or 10 years, but I'm sure that we're going to see some legal challenges on it.

Thank you, Mr. Chairman.

**The Chair:** The hon. Member for Peace River.

**Mr. Oberle:** Thank you, Mr. Chairman. Thank you very much to the member for his very considered comments. This is one of those extremely rare occurrences in legislation. Normally, when you pass legislation that establishes, extinguishes, or changes rights, you would have to wait for a test case to filter its way through to the Supreme Court to find out, in fact, how it's going to turn out. In this case this legislation is crafted in response to a Supreme Court ruling. The Supreme Court actually laid out how it was that we should craft this legislation and what topic areas it should cover.

Mr. Chairman, the member's comment on maybe other programs. It's a rare occurrence. "Maybe the government should be responsible"; that comment came up as well. Nothing in this legislation extinguishes any other government program, infringes upon, or changes any assistance programs. It doesn't have any effect on the health act or anything else. It's not about that. So I'm not concerned about that.

I understand the trepidation, the fear. The member commented: how long will it be before somebody begins talking about, well, the mother's drinking? There is an area of maternal responsibility. I'll repeat what I said in my opening comment that this isn't about maternal responsibility; it's about maternal operation of a motor vehicle. The Supreme Court addressed that exact situation, which is why the bill is crafted the way it is.

In overturning the Dobson case, the Supreme Court said that if the court had allowed that, then that is exactly what would have happened, Mr. Chair. That decision, built on past precedent, would have expanded the law into the area of maternal responsibility, and who knows where it would have gone from there. The Supreme Court specifically cited that in overturning the Dobson case. What they said was that in the event that the Legislatures were to craft such legislation, that would be a hard and fast wall beyond which we could not go. A judicial finding in an area of court law merely adds precedent and moves the area of law a little bit. Their concern was that it expanded it into an area where they did not believe it could go because it could not infringe on the mother's rights.

What the Supreme Court said was that in areas outside of the operation of the motor vehicle, there is no way that you could define a standard of care for a mother towards her unborn child. You could think of many examples. Should she be allowed to stand on a ladder? If so, how high up should she be allowed to stand? Drinking and smoking, improper nutrition. There's no way that you could define a standard of care, and that's why they cut it off. That's why they said that we will not go into the area of maternal responsibility or maternal liability.

However, if the provinces were to craft legislation that allowed for this very narrow area – and that was the consideration of the Dobson case. It was a response to a car accident. If the provinces were to construct legislation that covered that very narrow area, they could move to protect the rights of the child or enhance the rights of the child without infringing upon the rights of the mother. For the hon. member's benefit I quoted I believe it was either paragraph 36 or 65 of the Dobson decision in second reading. They said it would be – and they were describing the U.K. legislation – impossible to argue by analogy that this could be expanded into other tort situations. Legislation would set a hard and fast wall.

As I said in the opening comment here, Mr. Chairman, it's an area that the Supreme Court, as a result of a decision, invited us to invade and described how to invade it. I don't think this is going to be open for interpretation. The existence of the Congenital Disabilities Act in Great Britain for 29 years has been extremely successful and has not caused an invasion into other areas of maternal responsibility. The court pointed that out as well.

One final comment. The member indicated: is this fair? You know, one child has \$200,000 coverage; one child has a million coverage. Is it fair, and is that an area to press this into a Supreme Court appeal? Mr. Chairman, is it fair that a child currently receives nothing when they're injured as the result of a negligent act solely because of who it was that acted negligently? That's not fair.

We do have mandatory insurance legislation. Yes, there are going to be different levels of insurance, and, yes, there are going to be different compensations paid to children. We're arguing that something is better than nothing. The Supreme Court said that it was going to be fair. The courts in Great Britain have found it to be fair. We believe this legislation will pass the test of time, Mr. Chairman.

Thank you.

10:50

**The Chair:** The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Thank you very much, Mr. Chairman. This has been a very interesting debate. I have listened to the last number of speakers here in committee, and I, too, have questions in regard to this legislation. We hear a great deal about how this has worked in the United Kingdom. There certainly are some significant differences between, in my view, what we are proposing here and what occurred 29 years ago in the United Kingdom. It is my understanding from what I have read on this that the law in the United Kingdom has not led to women's rights being changed or reduced in any way. I do have some reservations about this.

I had the pleasure of hearing retired Justice Peter Cory speak, and I certainly respect his opinion and the fact that he was on our Supreme Court of Canada when this issue was discussed. He states, Mr. Chairman, in that decision that "a carefully tailored solution could benefit both the injured child and his or her family, without unduly restricting the privacy and autonomy rights of . . . women. Now, that's from Justice Peter Cory. Again, the word in there is "could," and that could lead to any number of future legal wranglings. I would caution this Assembly in regard to this legislation because I'm not so sure that this in the future is not going to lead to an erosion of the privacy or autonomy rights of women.

Now, the hon. Member for Peace River certainly has worked very hard on this. I had a discussion about this bill. One of the most pleasant parts of this job is to get to exchange opinions on respective legislation from not only members of your own caucus but other caucuses as well, Mr. Chairman. We were discussing this, and perhaps we should look at the concept of providing compensation to the victims of these motor vehicle accidents in a different way. The hon. Member for Peace River is right when he stated just a few moments ago that this is an extremely rare occurrence.

I'm wondering if it wouldn't be possible or if this has been studied, the idea of allowing victims of motor vehicle accidents of this nature access to a risk management fund in this Legislative Assembly. I have in the past had a good look at our risk management fund.

Of course, when we think of the risk management fund, what immediately comes to mind is the access of the fund by a former member, Mr. Stockwell Day. I through access to information got

some of the documents, not all of them, in regard to his file. One of his lawyers at that time would have been a gentleman who I think practises in Calgary, a Mr. Gerald Chipeur. I learned a lot about the risk management fund from that access to information request. We went to great lengths to get that information. In fact, it was a justice in Calgary that finally ruled, and that information was made public. But the risk management fund covers a lot of different forms of insurance, not only insurance for members of this Assembly whenever they are sued in the course of their duties, but automobile insurance I believe for Executive Council members comes from the risk management fund. The hon. Member for Edmonton-Manning may be accessing that fund. The CLAC, the Christian Labour Association – I can't believe it, and I don't understand it, but apparently they've got some sort of legal action pending against the hon. member.

So those are some examples of the risk management fund. I'm just wondering if it wouldn't be better to take these extremely rare occurrences, as they have been described in the debate this evening, and contemplate using the risk management fund to protect those individuals that may be victims of accidents of this nature, where a woman who is pregnant is involved in an accident while operating a motor vehicle. I would appreciate in the course of the debate if the hon. member has any suggestions in regard to this. Or have any studies been done in regard to this as an alternative to this legislation as we see it?

Thank you.

**The Chair:** The hon. Member for Peace River.

**Mr. Oberle:** Thank you again, Mr. Chairman. I thank the hon. Member for Edmonton-Gold Bar for his comments and for pointing out that, in fact, the Congenital Disabilities Act in the United Kingdom, despite its existence for 29 years, has not caused any infringement or weakening upon the privacy and autonomy rights of women.

Three speakers that I can think of, Mr. Chairman – Edmonton-Decore, Edmonton-Gold Bar, and Edmonton-Beverly-Clareview – have expressed their concern that this is going to cause an invasion or an infringement upon the privacy and autonomy rights of women. Given that the Congenital Disabilities Act in its existence has proved to be a sound instrument, I don't think so. Given that the Supreme Court themselves said that, no, it wouldn't, I don't think so.

I agree that we should be deeply concerned about invasions into the privacy and autonomy rights of women, and I agree that we should be vigilant, and I agree that there may in fact be threats to the privacy and autonomy rights of women, but I submit that it's not because of this legislation. The Supreme Court agrees with that opinion. They suggested this. They invited this legislation. So I'm not concerned about that, Mr. Chairman. Again, this is sound public policy. Let's move to protect the rights of children in a very narrow occurrence where we have an opportunity to do so without infringing upon the rights of the mother.

One final comment in my remarks, Mr. Chairman. The Member for Edmonton-Gold Bar referred to this as a rare occurrence, that maybe the government should consider liability here through the risk management fund, and asked if there were any studies about whether this could be done or how it would be done. No studies that I'm aware of.

We live in a regime of mandatory automobile insurance. Automobile drivers are required to carry third-party liability insurance. I do not understand why we wouldn't utilize that instrument. The Supreme Court said that it was a reasonable instrument to use, and that's what the Congenital Disabilities Act lays out in the United

Kingdom. Mothers are required to carry car insurance; anybody who operates a vehicle is. That instrument is available, and it's a reasonable and fair tool without infringing upon the rights of mothers.

Thank you very much, Mr. Chairman.

11:00

**The Chair:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much. I want to state first that I very much appreciate the historical and legal precedents and the reasoning for this bill that the hon. Member for Peace River has pointed out. This bill makes me think of the Biblical phrase of the sins of the father being visited upon the child, in this case the sins of the mother.

I'm a father. I'm a grandfather. I've taught for 34 years. I feel very strongly about the rights of a child being protected, but I'm not sure that this is the way to go. I'm concerned about the repercussions that this bill could potentially have.

By suing the mother, who stands as the guardian that brings forward the suit? Could it not be the case where between the individual who brings forward the suit and the opposing legal professions, just simply the cost rises and rises and rises to the point where the portion that the child actually receives as a result of the suit is diminished by the amount that has been put out in terms of legal representation.

Another concern I have is: if this becomes less than a rare experience when insurance companies offer insurance to women of a child-bearing age, is there a possibility that the risk will be considered to such a point where women, depending on what their background is, may not be considered eligible for insurance or a level of insurance, and therefore if they're driving and have a child in the womb and that child is injured, will their coverage be denied because they were considered a high risk and therefore weren't able to achieve insurance in the first place, or were they given a reduced amount of insurance in terms of the paying out of a claim?

The whole legal profession is an area that is new to me. My concern is that in trying to protect the few pregnant women who have had a history of, say, epileptic seizure or have had a history of potential drug dependency, there is the possibility of causing hardship to the many if they will not receive the coverage. Will we start listing a whole lot of preconditions on women that would prohibit them from receiving the insurance because they're within those child-bearing years? I don't know. I'll look forward to the member's response.

**The Chair:** The hon. Member for Peace River.

**Mr. Oberle:** Thank you, Mr. Speaker. I thank the Member for Calgary-Varsity for his considered comments. I'll just respond briefly, if I can, to a couple of them. He addressed the area of who is the guardian if the child is suing the mother and that what the child gets is going to be diminished because of legal costs. Anybody who sues somebody else for negligence and damages has to pay legal costs, and certainly their award is presumably reduced somewhat because of that. The child in this case would not be any different.

The Dobson case spoke a little bit about the issue because this would be an extremely rare case where in a legal sense the mother and child are in an adversarial position, but in a real sense their interests are aligned in this case. Although it seems like a suit with malice, in fact the interests of the mother and child are aligned here. It's important that the care of the child is addressed for both the child

and the mother, and the relationship between the mother and child is important. So the Supreme Court did look at that.

Mr. Chairman, the member asked about what risks the insurance companies are going to take. Will women, in fact, be covered by insurance? As a father – the member indicated he's a father – he should know that had he had a car accident as a result of his negligence when his wife was with child, he could have been sued by his child upon birth. That has always existed. And any other member of the family or any other third party driver: there would be a cause of action there. So the addition of mothers to that list to be held responsible for their negligent operation of a motor vehicle is no different than anybody else.

The existence of the act in the U.K. has not caused any such problems. I would remind the member that the existence of a cause of action here requires the child to be born, but it also requires negligence on the part of the mother. It's not just if she was driving and this accident occurred. It requires negligence on the part of the mother, which is why she carries liability insurance in the first place.

Final comment, Mr. Chairman. In his comments – I'm losing my place because my colleagues are bugging me over here. I may have to start over. Final comment. The member talked about: "Well, what other risks? Are we going to have a long list about whether mothers should be insured or not if they have epilepsy, if they have drug dependency?" Again, this is not about the standard of care that a mother owes her child in the general sense of motherhood. It's about negligent operation of a motor vehicle. It has nothing to do with drug abuse, nutrition, alcohol abuse, or anything else. It's about the negligent operation of a motor vehicle only.

Thank you, Mr. Chairman.

**The Chair:** The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Chair. Just a couple of comments that I'd like to make. I have some of the same concerns that have been expressed on this side of the House. One of them is that I could see that all pregnant women, upon knowing that state, would run out and, if they could afford it, would have increased premiums so that the increase of the payment, should this ever occur, would be that much greater. However, those that are poorer would not be able to afford that. I guess my concern, and I'd like the Member for Peace River to address it, is: how does the health care system fit into and around what the insurance payment would be because often these damages are for life?

Then the other thing that would occur to me is that – and again this goes back to women's rights – should a woman be in an accident, she could easily have an amniocentesis that, in fact, would give an indication that there was damage and then, of course, would have an abortion, at which point there would be father/mother rights that might come into play on how that would go.

The reason that I'm bringing up the health versus the insurance was because I remember years ago when I sat on the tribunal for the Canada pension. Because disability pensions fell under the Canada pension they often would come to our tribunal. What was happening was that the government was actually saying: before we'll even look at you, I want you to go to your insurance companies first. Then they would pay out. So I just can see perhaps an unfair disconnect between those that could really afford to buy the premiums and those that were perhaps poorer and working at minimal jobs having the actual skills and ability to look after a child that had been hurt and had lifelong chronic disabilities.

**Mr. Oberle:** Yes. Briefly, Mr. Chairman, so my hon. colleagues don't start to bug me. On the issue about whether the poor could

afford extra insurance, we have mandatory liability insurance in Alberta, we have had for a very long time, and it's designed for this purpose. Everybody has to carry it.

**11:10**

With regard to the health care system, I can't comment on that. This bill has nothing whatsoever to do with the delivery of health care or any other programs that we have. It's about the negligent operation of a motor vehicle.

The final comment about whether the woman, having suffered such an accident, might go get amniocentesis, determine an injury, and subsequently get an abortion: well, I guess that's a choice that the mother could make. That clearly has nothing whatsoever to do with this bill, which relates to when and if a child is born only. It has nothing to do with the bill, Mr. Chairman.

Thank you.

**The Chair:** The hon. Member for Edmonton-Decore.

**Mr. Bonko:** Thank you, Mr. Chairman. Just a comment on some of the talk that I've already heard with regard to this particular piece. The member is clearly indicating that this is to do with motor vehicles and that everyone must carry a certain liability insurance. Yes, we realize that that is a law. We also realize that there are laws out there that prohibit people from speeding, but that doesn't in fact ensure that no one does it. There are lots of people that drive without insurance. They just haven't been caught yet. They may register their vehicle, put the insurance on, and because they can't afford it, they drop it. If that person does get into an accident, what prevents them being covered and being able to sue because the person driving the vehicle who is pregnant no longer carries insurance? So is that particular piece being covered as well?

We talk about the fact that this is ironclad and that it doesn't go into our greatest fears being realized. But I'll say again that in this Legislature we have the power to conduct and assist and make and deliberate on proposed bills. We can also at times at our discretion revisit and amend these bills. So once we've allowed this particular piece to come through, there's nothing to prevent this Legislature from, in fact, revisiting it a little later on in the future, when perhaps our greatest fears are realized: it morphs into something that we are in fact talking about, saying it was never going to happen.

Again, we can't predict what's going to happen in the future, but once you allow this bill to continue to go through the stages and be passed, there's nothing to prevent it from being further deliberated and amended from realizing the future concerns that we're talking about this evening then.

**The Chair:** The hon. Member for Peace River.

**Mr. Oberle:** Yes, Mr. Chairman. Two comments there. The first is: what would happen if the mother was driving without insurance? People do break the law and make such choices in life. It's very clear in this legislation exactly what would happen: there would be no compensation payable. That would be a choice of the mother. That was also the choice of the Supreme Court in that the mother could not be held personally liable. So if she wasn't carrying insurance, there would be no coverage.

The other issue is that we could at some point in the future amend this bill, again to invade the privacy and autonomy rights of the mother. We should always be vigilant about invading upon the rights of anyone. If at some point an amendment to this bill, or in the absence of this bill any other bill, was tabled in this Legislature that invaded upon the privacy and autonomy rights of women, I

wholeheartedly agree that we should be very careful about such things. This particular bill does not do so, Mr. Chairman. It just simply doesn't.

The Supreme Court invited us to do this. It wouldn't be an amendment to this bill that would invade on the rights; it probably would be some other bill. Yes, at that time we should probably have the debate, and yes at that time it would be a very serious consideration.

**The Chair:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you. A question about negligent mothers. It would seem that if they're driving without insurance, they're doubly negligent, yet I would wonder what kind of compensation or health benefits or state care would be available to a child whose mother has shown that double negligence.

I do appreciate the fact that the speaker has been very patient in trying to explain to me how pre-existing conditions might limit coverage, but if he could try once more. I understand the negligence while driving. But is it not possible that if a number of these cases came to the front and insurance companies were paying out large amounts of compensation, they would potentially look at restricting the amount of coverage women of child-bearing age might have in the way of pre-existing conditions? Might they not start picking and choosing under what circumstance they would offer insurance? That was my first intent.

Thank you.

**Mr. Oberle:** Mr. Chairman, I don't believe that the insurance companies would do that, and they haven't done that in the United Kingdom. The insurance companies offer liability insurance. As I said before, there has always been a cause of action on the part of the child against a negligent driver, be that a family member or a third-party driver.

This isn't talking about general injuries to the born child. It's talking about specific injuries caused as the result of a car accident which was the result of negligent driving. Now, one other speaker yesterday talked about: that's going to be hard to prove. In fact, there's a very large body of litigation around this because children have always had this cause of action against other drivers. How to determine that and where those injuries came from: there's a very large body of litigation and medical evidence around it. I don't think it's a consideration, and I don't think the insurance companies are going to react in any way differently than they have in the United Kingdom.

**The Chair:** The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Thank you very much, Mr. Chairman. I said earlier that I'm not a lawyer. Despite that, often people ask me if I am, so I must give that impression at times. The more I think about this particular bill, perhaps I should have been a lawyer. I hope that the hon. Member for Peace River, who sponsored this bill, takes this debate in the spirit in which it's intended because certainly, as I suggested the first time I spoke, it's not that we don't appreciate what's trying to be accomplished here. But I do, again, have serious concerns about what doors may be opened by this.

Now, the Member for Peace River has taken great pains tonight to describe that this bill is intended to deal with the negligent use or operation of an automobile. My guess is going to be, based on all of the debate that I've heard, that what is being contemplated is an automobile accident. The problem that I'm seeing as I listen to the

debate and as I look at clause 4 is that I think all of us will understand that you can be found negligent or illegally responsible for use or operation of an automobile that's not in fact moving. In fact, the member who held my constituency several years ago was found guilty of a nonmoving offence of an automobile. As I'm thinking about this, it opens up all sorts of possibilities.

I know that the hon. member mentioned drinking alcohol, Mr. Chairman, or using drugs, but let's just say, as an example, that the mother were in an automobile and legally operating it. As we know, if the vehicle is running and she's behind the wheel, she's deemed to be operating that vehicle according to the law. If something were to happen to the child as a result of her negligent operation of that vehicle – i.e., doing drugs or drinking – while she is behind the wheel of that vehicle that's running, I don't know how this legislation would prevent that particular situation from being dealt with by the court. So I think that right there it opens up all sorts of issues.

Mr. Chairman, another example, and I'm just thinking out loud here, as it were. Perhaps the mother attempts suicide and runs a hose from the exhaust pipe into the car. She may or may not be successful. The child is born, and as a result of her negligent operation of a motor vehicle, the child has suffered injuries as a result of that negligent operation, and that child then would be eligible to seek sanction under this legislation.

11:20

Again, Mr. Chairman, it's not that I don't appreciate the intent of the bill, but despite the fact that the Member for Peace River is attempting to alleviate our concerns about the narrow scope of the bill, I do not believe that you can narrowly enough define the scope of this bill in a page and a half to address many of these ideas that are coming forward in my mind.

Now, he often cites the Dobson decision by the Supreme Court, and I will acknowledge that I'm not as familiar with that particular decision as I should be, but based on the comments that the member has made tonight, I don't believe that that decision addresses the concerns that I have raised here tonight in terms of a mother being legally, according to the law, in operation of a motor vehicle even though she may not be involved in a motor vehicle accident. Again, I think it opens up all of the issues that many members have mentioned tonight, and that is drinking, drugs, attempted suicide. I'm sure there are many other examples, Mr. Chairman.

**The Chair:** The hon. Member for Peace River.

**Mr. Oberle:** Just very quickly, Mr. Chairman. The bill is straightforward. It's what happens when there's a negligent operation of a motor vehicle. The mother is covered by insurance. The child has a cause of action against the mother to the limit in the amount of that insurance.

Many of the situations that the member described wouldn't apply to liability insurance, Mr. Chairman. This bill is crafted the way the Supreme Court invited us to craft it, and it's consistent with the legislation in the U.K., that's operated for 29 years.

Mr. Chairman, in closing, I just want to say to the member that I most certainly do take this debate in the spirit in which it's offered, and I take no offence whatsoever, and I hope that he doesn't either. Thank you.

**The Chair:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you. It seems that besides the Supreme Court a lot of the support driving this argument, this suggested legislation,

is from the U.K., and I would like to know: does the frequency of successful U.K. suits justify this legislation in Alberta, where we're holding up the United Kingdom as a model that we should potentially follow from a legal point? It's also been used as a model for the third way.

Secondly – and this is along the lines of the first question – do we have any percentages or financial figures from the U.K. that would suggest that the suit route is the way to go, that this is the best way to answer the problem?

**Ms DeLong:** Mr. Chairman, when this bill first came forward, I did not support it. I did not think that it was a good idea. As a woman, an independent woman, I did not like the whole idea of it. The thing which really opened my eyes was that until 1999, which was six years ago, this was the state of the world. Okay? The Dobson case actually turned things around, and all we're doing is fixing what the Dobson case did. We're not going off into new territory here. All we're doing is going back to 1999, when kids could sue their mom. All we're doing is going back to '99. This is no big deal.

**The Chair:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you. I've asked a couple of questions, which I've asked for legitimate purposes. I'm trying to understand the support that the United Kingdom has demonstrated, that obviously is so key to this bill. Can the hon. member provide me with any kind of assurance that this is the way that the U.K. has gone and that these are the results of it and that it's been so terrifically successful over there, the majority of suits have been won, and that based upon that British experience this is the way we should be going in Alberta?

If the Supreme Court is providing instruction for the Legislatures to correct the problem that the Supreme Court may have made in their earlier decisions – we're always getting after the Supreme Court for making decisions that should be dealt with in the parliament, and then within the parliament we're saying: well, let's leave that decision to the Supreme Court. It's confusing.

**Mr. Oberle:** Mr. Chairman, I can't provide any litigation history for the United Kingdom or any financial analysis. The reason I mentioned the U.K. is because the Supreme Court did extensively as an example of how to carefully craft a law that will set some firm

bounds around this and protect the rights of the child without infringing upon the rights of the mother.

[The clauses of Bill 45 agreed to]

[Title and preamble agreed to]

**The Chair:** Shall the bill be reported? Are you agreed?

**Hon. Members:** Agreed.

**The Chair:** Opposed? That's carried.

The hon. Deputy Government House Leader.

**Mr. Zwozdesky:** I would just move that the committee rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

**The Deputy Speaker:** The hon. Member for Leduc-Beaumont-Devon.

**Mr. Rogers:** Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports the following bill with some amendments: Bill 45.

**The Deputy Speaker:** Does the Assembly concur in the report?

**Hon. Members:** Agreed.

**The Deputy Speaker:** Opposed? So ordered.

The hon. Deputy Government House Leader.

**Mr. Zwozdesky:** Thank you, Mr. Speaker. Another very invigorating night of debate. I would move that we stand adjourned until 1:30 p.m. tomorrow.

[Motion carried; at 11:28 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]