



Province of Alberta

The 27th Legislature  
First Session

# Alberta Hansard

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The Honourable Kenneth R. Kowalski, Speaker

# Legislative Assembly of Alberta

## The 27th Legislature

First Session

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 Cao, Wayne C.N., Calgary-Fort, Deputy Speaker and Chair of Committees  
 Mitzel, Len, Cypress-Medicine Hat, Deputy Chair of Committees

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[Errata, if any, appear inside back cover]

## Legislative Assembly of Alberta

7:30 p.m.

Wednesday, May 28, 2008

[Mr. Mitzel in the chair]

**The Acting Speaker:** Please be seated.

### Government Bills and Orders Committee of the Whole

[Mr. Mitzel in the chair]

**The Deputy Chair:** I'll call the Committee of the Whole to order.

#### Bill 22 Appropriation Act, 2008

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

**Mr. Hehr:** Thank you very much, Mr. Chairman. I'd just sort of like to talk in general terms tonight on the continuing, I guess, ramping up of expenditures in this province. We're at, I believe, \$37 billion, and next year it could be more. There's a lot on the books and really not much to show for it. There's always the consideration of how much we need and then how much we can do, which is always that chicken-and-egg question. It looks like how much we're bringing in on income tax clearly doesn't cover what our expenses are.

Our expenses are continually being carried on the back of nonrenewable oil revenues. This is one of those things that has happened, I guess, since the beginning of time in Alberta. It seems to have become even more commonplace by today's measures. You know, a bill came through this House that is even calling for a lessening of personal income tax and, on that front, moving the flat tax rate already down from 10 per cent to nine per cent. To me that would just increase the amount that Alberta citizens currently aren't paying for that we're going to continue to, I guess to put it in blunt terms, steal from future generations.

If we look at that oil and gas revenue, I don't know if it's ours that we as a society should be spending on a one-time sort of deal when this stuff has been there for a long time. My position, my party's position, is that this should be money that is protected for the long run. I don't believe in us spending it frivolously right now. I know we gave another \$56 million to the horse-racing group this year. I'm not sure if that's the type of business we need to be supporting or if we're into that. I realize, you know, that that's pointing out the sublime or the ridiculous, from my point of view, but if you go through the spending with a fine-tooth comb, it continues to add up, add up, add up, and there appears to be no end. To couple that with a possible bill to reduce personal income tax to me is inconceivable.

I guess this spending is going to go through. There are no ifs, ands, or buts about that. I am speaking, then, toward the possibility that this government may in fact reduce our current flat tax system. Like I've said before, the average Albertan pays \$3,000 taxes less than anywhere else in Canada. To me, that's pretty good. What's the rush to keep things on a constant reduction basis and continue to rely on this financial one-time windfall?

Let's face it. We went through the conventional oil and gas. Estimates are that we're almost running out of that. That happened in the '70s, '80s, and early '90s. We then ran into our natural gas boom, which is continuing to occur on some fronts, but by all

accounts natural gas is becoming less of a resource here in Alberta that we can rely on for continued revenues. It looks like we may have one last chance to sort of get it right here with the oil sands and put together a savings plan for Albertans that actually works. I don't know how much oil is there. Probably a lot. Maybe enough to keep us going for the next 20 to 60 or maybe a hundred years.

Over that time I seriously would urge this House to look at something like the Norwegians have done. They have put together budgeted amounts that they're going to set away in saving every year. They have \$400 billion in their savings account right now, and they've essentially had the same resource base with the same population that we've had in Alberta. By any stretch of the imagination, whether you like their system of government or whether you dislike it, you can say that that is one, I guess, ribbon in their cap that maybe we should be looking at and be getting a handle on to save some of this resource revenue for future generations.

That's my point on this. Let's continue to remember that it is a Conservative government that is here and that should be fiscally conservative. I don't really see that as necessarily being the case, and I believe if members on the opposite side of the House looked at it, I don't know if you guys can say with a straight face in your meetings whether you are either. I leave that for you to decide.

I'm pretty much done talking here tonight. Thank you very much for your time.

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

**Ms Pastoor:** Thank you, Mr. Chair. I'll just make a few remarks on the appropriation bill. There are certainly enough dollars being spent within this bill, and there are a number of comments that I would make.

I don't see enough funding, in my mind, for long-term care staffing. I think this afternoon we had the conversation about nurses not having full-time jobs. I do recall, when I was in the field, that it was very difficult to get a full-time job because, of course, if you worked part-time, they didn't have to pay as many benefits, so it then became a dollar proposition. Well, that has come back to literally catch them in the derriere because now we don't have enough people working full-time, and it's costing probably three times as much to keep nurses working in full-time positions, but in fact they're all part-time workers. So it really has backfired on the government and, certainly, the health regions that decided that was a good way to go.

The other thing is that I really still question the advantages that P3s will give us, the advantage being that, of course, we'll get it right away, but sometimes it's good to wait for what is right. The whole thing with P3 debt, of course, is how the contracts are written up. I read an article – I believe it was in the *Globe and Mail* – where, actually, the lawyers are doing just fine on writing up contracts for P3s. In fact, there are firms that do nothing else but. So the lawyers are doing fine with that.

It still, in my mind, remains a debt. As I said, we have to be very careful on the contracts that we write to make sure that further down the road should things change, there's at least flexibility to be able to change it in favour of the taxpayer who's paying off this debt.

The south hospital, I think, is another example of short-term thinking at the time. They blew it up. They should have replaced it right away, and they didn't. [interjection] The General blew up. Thank you to my colleague for correcting me on that.

7:40

Now they have to build the south hospital for Calgary at probably four times the amount, and then, of course, the next question being: where are they going to get the staff to staff it?

The \$25 million that is going to be spent on the environmental advertising, propaganda, points of view, however you want to label it, probably would be much better spent if we could actually spend it on environmental issues. We talk about climate change and global warming, et cetera, et cetera. What I'm more concerned about is pollution. Everywhere you look, there's pollution, and I think we really have to start spending environmental dollars on pollution. Lakes and streams are getting clogged with garbage and all kinds of different bugs that were never there before. The air that we breath isn't as clean or fresh as it should be. It's the pollution that bothers me, and I think for \$25 million we probably could clean some of that up.

We also have a \$14 billion infrastructure debt. Some of it, certainly, is deferred maintenance on schools, and perhaps some of that deferred maintenance was because they wanted to close the school in the end. Again, I still believe that community schools, particularly from grade 6 down, are absolutely imperative to not only keep the children within their own community but also to keep that community alive. I live in a community where there was a grade school that was losing its numbers, then all of a sudden it turned. Young families were buying the houses from the older people who had either passed on or moved out, and the whole neighbourhood revived itself around that school. I think there has been some short-term thinking, and it's all based on dollars. That's not always the way we should be going.

With that, Mr. Chair, I will sit down. I know that we have another speaker listed; however, we will dispense with that as he's not here.

**The Deputy Chair:** Are there any other members who wish to speak?

Are you ready for the question?

**Hon. Members:** Question.

[The clauses of Bill 22 agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? That is carried.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Chairman. I move that the committee rise and report Bill 22.

[Motion carried]

[Mr. Mitzel in the chair]

**The Acting Speaker:** The hon. Member for Calgary-Hays.

**Mr. Johnston:** Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill and reports the following bill: Bill 22.

**The Acting Speaker:** Having heard the report, does the Assembly concur in the report?

**Hon. Members:** Concur.

**The Acting Speaker:** Opposed? That's carried.

## Government Bills and Orders Second Reading

### Bill 9

#### Land Agents Licensing Amendment Act, 2008

[Adjourned debate May 27: Mr. Taylor]

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. It's a pleasure to have an opportunity this evening to debate Bill 9, the Land Agents Licensing Amendment Act, 2008. Certainly, I would like to thank the hon. member who brought this legislation forward. It could easily be called the Ray Strom amendment act because hopefully this is going to change how land agents operate, or do not operate in this case, and give landowners another choice on representation regarding negotiations, whether it's for access or other matters on their property, with energy companies.

[Mr. Rodney in the chair]

It was a real pleasure after this bill was introduced to hear from a group of Albertans who make their living as land agents. Also, I heard from individuals from the province – some from east of the city, some from the Peace River district, some from central Alberta – who were very supportive of this legislation in its current form. Certainly, Mr. Speaker, I would urge all hon. members of this Assembly to support this legislation but at the same time caution that there are some things that we need to do in this Assembly to reduce the conflicts that are occurring between landowners and agents or representatives from energy companies.

Now, with this proposed change, as I understand it, "this requirement will be lifted to allow any person to represent landowners and charge a fee for those services . . . Landowners will be free to hire the representative they want, regardless of their qualifications." If we approve this Ray Strom amendment, it "will add more responsibility on the shoulders of landowners – a responsibility to do their homework and hire the most appropriate person, licensed or not." These words are from a government of Alberta news release. At the same time when this choice is being provided, I would remind all hon. members that "licensed land agents receive training and practical experience before they become fully licensed and must follow stringent standards of conduct when dealing with landowners." There have been questions in the past in regard to the training that they receive. Hopefully, the standards of conduct, Mr. Speaker, will reduce the number of issues surrounding landowners or farmers and the land agents and the companies that they represent.

Now, if we are really sincere about this, I think there are also some issues that we should be discussing. There are land agents who provide services to sectors of the economy other than oil and gas. There are land agents that represent telecommunications, railways, power lines and the routes that they follow, transportation, and municipal requirements.

7:50

Land agents have been licensed here in Alberta since 1968, when the Landmen Licensing Act was enacted. This act remained in force for 12 years, when it was repealed, and now we have the current Land Agents Licensing Act. As I understand, there are over 1,600 licensed land agents in Alberta, both permanent and interim, and 80 per cent to 90 per cent of these individuals are active on a full-time basis.

I'm surprised that when the phone rings at the constituency office,

if one would just look at the phone calls and look at the book where the phone calls are recorded, you would think there are a lot of very, very dissatisfied rural landowners. According to the information that was provided to me, the registrar of land agents may initiate an investigation regarding a complaint made against a land agent with respect to any matter that pertains to the act and/or the regulations should the registrar have reason to believe that a contravention has taken place. The registrar's office, it's interesting to note, Mr. Speaker, has received about 11 or 12 complaints. Three resulted in letters of reprimand to the agent, and two went to a hearing. This is information that's been gathered for the last five years. So maybe this issue wasn't as big as I was led to believe. I was certainly getting a lot of calls from unsatisfied or frustrated landowners.

**An Hon. Member:** A farmer wouldn't call you.

**Mr. MacDonald:** Farmers certainly call us frequently. Hon. member, if farmers were totally satisfied with this government, I wouldn't be getting any phone calls, but I'm getting lots and lots. I'm even getting more calls lately from farmers than usual. So, hon. member, you can't be doing your job.

**The Acting Speaker:** Hon. member, I'll just remind you: through the chair if you would, please.

**Mr. MacDonald:** Yes. I apologize, Mr. Speaker.

In conclusion, I would certainly support this legislation and would urge my colleagues to also and would hope that this choice that we are providing through this legislation is satisfactory to all parties in the province. But I would urge the government, maybe the hon. member across the way, to consider that we have a look at the Surface Rights Act. When we're discussing these issues around land agents and landowners, I think it's the Surface Rights Act that we should be having a look at because I think the Surface Rights Act is the root of a lot of this frustration and in some cases confrontation that's occasionally happening in rural Alberta between landowners and land agents.

I don't know if my hon. friend across the way has the time or not, but maybe the hon. member could help us out. We could strike a committee or initiate one of the standing committees or policy field committees to look into the Surface Rights Act and see if it, too, should be changed to make it – I wouldn't say more friendly – certainly more respectful of the rights of landowners. It's the Surface Rights Act that we need to have a look at, in my view. That is causing a lot of the problems and a lot of the angst in rural Alberta. Perhaps my hon. colleague across the way would consider that. After he makes all of our trucks in this province safe and he has our roads in good repair, we have another job for him, Mr. Speaker.

With that, I will conclude my remarks and cede the floor to another member. Thank you.

**The Acting Speaker:** Thank you, hon. member.

Hon. members, before we hear from the hon. Member for Lac La Biche-St. Paul, may we revert to Introduction of Guests?

[Unanimous consent granted]

#### Introduction of Guests

**The Acting Speaker:** The hon. Member for Calgary-Nose Hill, please.

**Dr. Brown:** Well, thank you, Mr. Speaker. I'd like to introduce to you and through you to all members of the House some visitors who have joined us in the public gallery this evening. Joining us are the family of our Senior Parliamentary Counsel, Mr. Reynolds. They are his wife, Ritu Khullar, and two very bright young Albertans, his sons, Samir Reynolds and Nikhil Reynolds. I'd ask that the House give them the traditional warm welcome.

**The Acting Speaker:** Thank you very much, hon. member, and I have to say to our guests that it's great to see you inside on such a great day. It shows your allegiance to democracy.

### Government Bills and Orders Second Reading

#### Bill 9

#### Land Agents Licensing Amendment Act, 2008 (continued)

**The Acting Speaker:** Another champion of democracy is the hon. Member for Lac La Biche-St. Paul. I would ask him for his comments before we have the hon. member who brought the bill forward close debate.

**Mr. Danyluk:** Well, thank you very much, Mr. Speaker. It is indeed a pleasure for me to stand before you today and support Bill 9, Land Agents Licensing Amendment Act, 2008. I really want to thank the hon. member for bringing this bill forward. I would say it is and has been a long time coming. I want to compliment the hon. member for all of the work that he's done to bring this forward because, indeed, he has had a lot of consultation with Albertans, individuals involved in agriculture, those also that are landmen. So I thank you for the work that you have done. This is work that I'm so happy to see come before us because I had brought this bill forward as well, as a private member's bill, Bill 218, that unfortunately died on the Order Paper, so it gives me great pleasure to see it come forward as a government bill.

Mr. Speaker, there are so many people that are in favour of this bill: landowners, the Alberta Surface Rights Federation, the Alberta Beef Producers, the Wild Rose Agricultural Producers, and, really, landowners' groups throughout this province.

Mr. Speaker, there are approximately 1,600 land agents in this province, and only about 20 of those negotiate on behalf of landowners. It really leaves the landowners to a choice of self-representation or try to find one of the 20 land agents that will represent agriculture producers or else find a lawyer. This really gives an opportunity for farmers to look at individuals within their community, individuals that they have familiarity with, individuals that they have worked beside, whether it be realtors or accountants or planners, someone that they feel very confident to have represent them.

Mr. Speaker, I want to say very clearly that this bill is a bill of choice. This gives landowners more opportunities, more options. It gives them access, really, to have better representation of their land. I want to say to you, as I've said in this House many times before, that agriculture producers are the original stewards of the land. This really gives them the opportunity to use who they feel will best represent their rights as far as the ownership of their land.

Thank you very much. Again, I thank the hon. member for bringing Bill 9 forward. I support it wholeheartedly.

**The Acting Speaker:** Thank you very much, hon. member. Always entertaining and educational.

The floor is yours, hon. member.

8:00

**Mr. Mason:** Thank you very much, Mr. Speaker. I'm pleased to speak to Bill 9. I believe that this is a bill that seeks to redress a wrong that has been in place for many years. I attended Ray Strom's trial in the Vegreville courthouse in January of 2007 and listened carefully to the arguments and discussed it with a number of farmers and with Mr. Strom himself. I was convinced that a serious injustice had taken place with respect to the definition of a land agent and that the legislation that was in place at that time was discriminatory in that land agents operating for petroleum companies were able to operate in support of the companies. They were all, virtually to a person, aligned with energy companies. They were people who made their living from representing energy companies and negotiating the best possible deal on leases with landowners. The landowners were at a serious disadvantage.

When Mr. Strom attempted to represent them, he was charged. It was based on a complaint under the existing system, and he was brought to trial. Now, the judge talked about it as a particularly bad piece of legislation, that it was discriminatory, but he said he had no choice but to enforce the law that was there. He's the judge. He doesn't make the law. He only interprets it and enforces it.

Mr. Speaker, I'm pleased to see this piece of legislation before us. I'm pleased to see a piece of legislation that gives landowners some chance, some opportunity to represent their interests against these large corporations. I thought it was interesting that you had a government, supposedly a Conservative government, that is there to protect the rights of property owners but wasn't doing that. They had brought in legislation designed to support energy companies' extraction of raw materials beneath the ground and had given little thought to the rights of landowners. And there you had a New Democrat MLA in the courthouse supporting the landowners and the rights of property owners. I thought that the whole thing was most unfortunate, and I believe that it will be largely redressed by the passage of this particular piece of legislation.

I'd like to ask a question of the government. Hopefully, in the summing up we might get an answer, or maybe one of the ministers responsible might find an opportunity to inform the House before we adjourn our spring session whether or not the government is prepared to pay Mr. Strom's \$500 fine. He was fined under a most unfair piece of legislation, and I think it would be a symbolic gesture if this government would agree to pay his fine. It's only \$500. You know, that's not much for this government. It's a bit more for an individual who's just trying to help farmers. It was a most unjust penalty, and I think that it would be worth while if the government would go all the way, not just change the legislation but go back and eliminate the most unfair decision that was made under the previous unfair legislation.

So I will close my remarks, Mr. Speaker, by issuing that challenge to the government. Let's step up to the plate here and pay Mr. Strom's money. I would really very much like to see that. That fine was issued under legislation which the judge found to be inadequate, if not unfair, which the government has now admitted is unfair. So I think it's only fair that they pay Mr. Strom's fine, you know. I think that that would be the final piece in restoring justice in this matter. So I'll wait with bated breath to hear whether the government is willing to take up my challenge and ensure that justice is not only seen to be done but is done.

Thank you.

**The Acting Speaker:** Thank you, hon. member. It pleases the chair that you have these insights, and then I wonder if in future deliberations inside or outside the House for the government you might

consider whether interest would be added. It may be considerable at this point.

Any other speakers to this bill?

Seeing none, the hon. Member for Cypress-Medicine Hat to close debate.

**Mr. Mitzel:** Thank you, Mr. Speaker. First, I'd like to thank everyone in the House for their participation in the debate on second reading of Bill 9, Land Agents Licensing Amendment Act, 2008. I read in *Hansard* the many comments by all those who joined the debate, and I've received many calls and e-mails as well. Most have concerns with the amendment because on face value it may seem that it is eroding the position and the good work of some 1,600 land agents. That is absolutely not the case.

Clearly, this amendment would give the landowners the opportunity to hire whomever they wish to advise them and help them negotiate any agreements regarding their land. It is the energy companies and others through their agents, well-trained agents, I might add, who are attempting to acquire an interest in the land, the landowners' land, and it is the landowner who has that interest. It is his land, and he is attempting to make sure that he is satisfied with the results of any negotiations.

I would ask that all members support this bill. Thank you, Mr. Speaker, and I'd call the question.

[Motion carried; Bill 9 read a second time]

#### Bill 17

#### Alberta Personal Income Tax Amendment Act, 2008

[Adjourned debate May 27: Ms Pastoor]

**The Acting Speaker:** The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Speaker. I would just like to make a few remarks to get on the record about this personal income tax amendment. I do support it. I think it's very important, and I'm pleased that with this bill it indicates to me that the government is recognizing the valuable work that caregivers do give, in particular family members, many of whom up to this point have struggled valiantly trying to juggle jobs and looking after either elderly parents or perhaps mentally or physically handicapped family members. I think it's a good start, and as I said, the government appears to get the concept.

[Mr. Mitzel in the chair]

I think it's a good start, but I think we have to start looking at solid tax credits or, in fact, credits that would go towards Canada pension in some way so that women are not penalized for not working or putting money in a pension plan because later on when they're seniors, we still would have to pick up that cost. So I think it's important that we look at this even deeper and try to support those, who are mainly women, that do stay home and give up not only dollars working but certainly dollars going into pension plans. We really need to ensure that we can support those who need it with support that actually does something concrete. It has to be more than words.

8:10

The other thing that I think is very important, although it wouldn't fall necessarily under this bill but should be part of the next discussion, is that the people – and I'm thinking in particular of those who have members of their family who are afflicted with Alzheimer's or

dementia of some type – really do need respite. They need, even if it's only four hours two or three days a week, to be able to get away and to have some time for themselves. It's very difficult to look after people with Alzheimer's and dementia and, certainly, the very elderly and frail and sick. When I was in the industry, I realized how much work it was, but I also realized that at the end of an eight- or 10- or 12-hour shift I went home. I could get away. Families can't get away; it's a 24-hour job.

The other thing that we're concerned about is the lack of spaces and support staff for these individuals. Certainly, there would have to be increased home care, and there would have to be someone that would be sort of a case worker, even if it is just families, because I think that we have to guard against elder abuse. Often the abuse is intentional; there's no question about that. But more often than not the abuse is unintentional in that the people aren't trained properly, and they don't understand exactly what they're getting into when the people that they're looking after age and perhaps may well have strokes, et cetera, that they're not equipped for. So certainly home care would have to be increased as well.

This is really just a very small part, a good start, as I've said before. The sums that we're talking about here, really, are just a drop in the ocean when it comes to taking care of loved ones who are dependent. As I've mentioned before, particularly when they are very dependent, it is a 24-hour a day job. More often than not it can be very costly. People can't stay home all the time, and people have to be fed. To feed somebody who is infirm actually takes 25 minutes if you're going to do it properly. There's time involved, and there are skills in how to do this.

As I said, I can certainly support this. I think it's a good step forward. I would hope that we would see further discussion on this.

**The Acting Speaker:** The hon. Member for Edmonton-Ellerslie.

**Mr. Bhardwaj:** Thank you, Mr. Speaker. I'm pleased to rise today to speak to second reading of Bill 17, the Alberta Personal Income Tax Amendment Act. This amendment enhances the Alberta family employment tax credit over and above annual inflation adjustments by increasing benefits and making more families eligible. These changes to the Alberta family employment tax credit will mean \$25 million more each year for Alberta's lowest and middle-income families. Overall, about 145,000 families receive the Alberta family employment tax credit.

Many people find themselves assuming financial responsibility for providing care for family members or providing the care themselves. The tax system recognizes this, and this amendment enhances the caregiver, infirm dependant, and disability supplement amounts by \$5,000 on top of inflation indexing. This means that the caregiver, infirm dependant, and disability supplement amounts will more than double to \$9,355, while the disability supplement will rise by 67 per cent to \$12,466. These enhancements will be worth \$20 million annually. This legislation helps maintain Alberta's competitive tax advantage and increases the support available to Alberta families.

Thank you, Mr. Speaker.

**The Acting Speaker:** Hon. members, Standing Order 29(2)(a) is available for anyone who wishes to ask questions or comment. The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Thank you, Mr. Speaker. It gives me great pleasure to speak in support of this bill. I think it's been a long time coming. We do need additional supports for our people who are out there who have an infirm adult or an individual with a disability in the

family. Clearly, this is an issue that has not only affected me personally but my family as well as many individuals in the disabled community. This goes some measure in helping to rectify that situation.

Nevertheless, while I support this measure, there are a number of concerns that come to mind when I look at this package in total. The first is the fact that these are only tax credits. The maximum amount that an individual Albertan will see is essentially \$935.50 a month. This is the max amount to a caregiver or someone who has an infirm dependant. If we really add that up, I think, the average rate for someone to come into your home and give you support, whether it's for respite care or for a regular caregiver – and math has never been my strong suit although I was a graduate of this fine public education system, at least in 1987 – I believe it works out to roughly 50 hours a year that an individual could use as a tax credit to help pay for disability supports. If you break that down for an individual who, then, has a significant dependant or something of that nature, this tax credit can be eaten up very easily in a month. No problem. That's just a word of caution before we start patting ourselves on the back a little bit too hard here.

Like I said, help of this kind is obviously valuable, and we don't want to criticize it just for the sake of criticizing it, but it remains a fair question to ask about these amounts that we're currently providing in situations where people are really needing some serious assistance to take care of an infirm or disabled individual.

One of the failings of the tax credit is the mechanism for providing the support. It's often that the benefit is given after the fact. Yes, I do realize that, you know, people incur expenses when they happen, and by having the payment come in the form of a tax credit, you're often receiving the payment, then, four to five months later, after the end of the taxation year. Really, to me a system that would work better is something that works on a monthly basis or something of that nature that would reflect the ongoing cost of either individuals who are disabled or families taking care of disabled members who are incurring these costs on a regular ongoing basis, who don't then have to wait sometimes 14 to 15 months after the fact of a cost occurring to get some support in the door to help them with this situation.

Another concern is that the tax credits disproportionately benefit the wealthier people because you need to be making enough money to count the credit against. Take as an example the disability tax credit, which is a maximum of \$12,466. Someone caring for a disabled person who is eligible for the full amount would need to earn \$28,627 in order to get the full benefit. Really, if we take a look at this, it's pretty self-evident. I often talk to people in the disabled community or even leaders who are looking into ways to support the disabled community.

**8:20**

In essence, Canada is probably leaps ahead of other jurisdictions around the world. Still, to be disabled essentially means to be poor, and essentially it means to a certain extent that your parents are going to be poor as well or underemployed or just working to make ends meet because of the significant challenge that disability creates for a family. It's just the nature of the beast that there is a certain amount of things that disability brings into the home life that, you know, lends itself to this situation. By no means can we totally rectify this, but I think that this could have been recognized in a bill more carefully crafted to actually look at the people who need the support more than having to work X amount of hours in order to receive some credit.

You know, let's face it. I myself as a disabled individual am

going to get an extra \$4,335 to put on my tax credit. Am I going to do that? Of course I am. But at the end of the day, do I need it? Probably not, whereas many other individuals in Alberta right now could be using that tax credit. It could be effectively going to people who are essentially in more need than I am. It's just a way of doing the bill that I think would have been more fair, more egalitarian. It would recognize some people who are in some really difficult straits.

I think what I'd also like to point out is that it's often unclear whether all people who need this type of funding actually receive it. I know it's available, and I know it's out there, but simply put, a lot of the individuals who will be entitled to this benefit may not actually access it. The thing is, again back to having a disabled child, that sometimes things are just busy enough helping that disabled child or the disabled adult where the life never really comes together to get your income tax – am I going to figure out this form? Hopefully, the information gets out there, but I have real concerns about some people who need this information actually getting it.

I know that when I first became disabled, sir – we go back – there was a federal government program that if you fill out your forms, you get basically \$26 back for having a disabled van. Well, let me tell you something here. I was in university. My dad has a master's degree. It took us four years to figure out this form to get us the \$26 back, and we're a pretty competent, pretty put-together family. Now, we celebrated when we figured out how to fill out this form. We ordered a pizza, and everything was good. But I do question whether all of the people who are entitled to this will, due to like circumstances, just simply be at their wits' end trying to keep a family, a home, a disabled child going. You know, say what you want. We can say: well, if the person can't figure it out, tough beans. To a certain extent I understand that argument, but to a certain extent we're trying to help. Maybe there's some way we could have actually done this sort of better.

I'm just going to conclude with a couple of things that are on my mind in particular from being so close to the disabled community and having worked with the Canadian Paraplegic Association over the course of the last roughly eight years, and I've gone through this stuff. Many of the people currently faced with a disability or having children with a disability or people who are taking care of adults with a disability are often doing so because there is a lack of space and a lack of support actually out there in the community. You know, these are obviously situations, and hopefully our governments were put into the position we are in to support these individuals and support these families.

It's great that you're trying to do so in this measure. It's just that I hear far too often of a 26-year-old individual with a spinal cord injury who's living in the Fanning centre or living in some other situation where he could be out in the community where caregiver supports are more readily available, where he could live a more full life. There are countless stories like that out there. Maybe instead of the tax-based system we have chosen to support these people, there may have been a better way to do it.

Again, I'd just urge my colleagues to support this bill. But remember that you on the other side of the House as well as us realize – and this is trite – that every politician has heard that the best way society is judged is on how they support their people on the lowest rung. Many times our disabled population as a matter of their circumstances are in that position. If we could continue with that spirit and that knowledge going forward to continue to try and support this community and support families who are under this pressure, that's all I can ask.

Thank you very much, Mr. Speaker.

**The Acting Speaker:** Hon. members, under Standing Order 29(2)(a)

five minutes are available for anyone who wants to ask a question or make a comment.

Seeing none, the hon. leader of the NDP opposition.

**Mr. Mason:** Thank you very much, Mr. Speaker. I am just going to add a few comments to the excellent contribution of the Member for Calgary-Buffalo, which I found very useful and very insightful. I'm also going to support Bill 17 because I think that it is a part of the solution to provide some tax relief for individuals who provide care for a disabled or elderly relative. This bill will increase the amount to caregivers and will, I think, provide a benefit.

The question really comes as to whether or not supporting family members financially to provide this care is the sum total of the answer. In fact, I think the opposite. I think that in this case it is useful for those individuals for whom that is the best solution but does not address really in a comprehensive way the independence of people who may require this care since it focuses very much on family members who provide the care.

It has certainly been my experience, Mr. Speaker, that there's a growing pressure on family members to provide this care. We need to ask the question why that is and whether or not that is always the best answer because I believe that while it may sometimes be the best answer, in many cases it's not. I've had considerable experience talking to individuals who are compelled to provide care for their relatives who are infirm or disabled or elderly because they simply are not getting the kind of care that they need, and the supports are not there.

**8:30**

This is where I think the government needs to go much further. I think we want the government to do more, but support for home care, Mr. Speaker, an expansion of home care so that it's available to people who need it in all cases, is a very important piece that the government has left out. I think we need to address the reasons why people aren't going into the business. We know that this affects many, many job categories around the province, but it's pretty clear that the level of financial compensation for people in home care is not sufficient to attract enough people. We see this in many fields, in many walks of life, but it's something that affects this as well. The wages paid to caregivers in home care, which is provided by the health regions, are not sufficient. We need to increase those wages so that home-care services can be made easier to access.

Mr. Speaker, it's clearly cost-effective and generally very good for seniors to be in their homes as long as possible, but the government needs to make sure that the supports are there for those people where necessary. We really have to come down to the question of independence. Independence of seniors, elderly, people with disabilities is very important, and that may mean that care provided by family members is not the best option. It may mean that family members provide care at great sacrifice because other care is not available.

The focus of the government I think is too narrow. We need to explore more broadly the kinds of solutions that are necessary to provide people who are elderly and infirm and disabled with options and with independence. To do that, we need to go beyond this bill, and the government needs to shoulder its responsibilities in this respect. It's great to give tax credits to family members who want to provide this service, but if that's the only answer available, it may not be the right answer for either the person receiving the care or the person providing it.

As such, it's with considerable reservation that I support this bill because I know that the government is taking a one-sided and narrow approach to this problem and that they don't want to deal

with the question of wages for caregivers, they don't want to deal with expanding home care sufficiently, and they don't want to provide the full range of options that I think people who are infirm, disabled, or elderly deserve, and I think that's sad, Mr. Speaker. Nevertheless, this is a step, a small step, in the right direction in that it will help people who are in that position of having to provide care for a loved one.

So with many reservations I'm prepared to support Bill 17. Thank you.

**The Acting Speaker:** Any other members who wish to speak?

The hon. Government House Leader on behalf of the hon. Minister of Finance and Enterprise to close debate.

**Mr. Hancock:** Thank you, Mr. Speaker. I would ask the House to vote in favour of Bill 17. As all the speakers have indicated, the bill goes some way, if not all the way, towards enhancing the ability of Albertans to take care of loved ones. It provides some tax relief, but more importantly it provides some support for individuals and their families. We can debate at length in the future other measures which may or may not be needed in our community to continue this role, but for tonight I would just ask support for Bill 17.

[Motion carried; Bill 17 read a second time]

### **Bill 20 Agriculture Statutes Repeal Act, 2008**

[Adjourned debate May 27: Ms Blakeman]

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. Bill 20, the Agriculture Statutes Repeal Act, 2008, is a bill which has been discussed earlier in the Assembly, I believe by the hon. Member for Battle River-Wainwright. This is a bill which repeals amendment acts which were unproclaimed. Certainly, I don't think there has to be much added to that. This is a housekeeping bill that repeals four items: the Agricultural Societies Amendment Act, the Federal-Provincial Farm Assistance Act, the Gas Distribution Amendment Act, and section 1(3) of the Gas Utilities Statutes Amendment Act. This is a matter of housekeeping, and it's done in full view of the citizens of Alberta through the public forum, which is this Legislative Assembly, and I would urge all hon. members to support this bill.

Thank you.

**The Acting Speaker:** Under Standing Order 29(2)(a) five minutes are available for comments or questions. The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Speaker. I wonder if the hon. Member for Edmonton-Gold Bar could elaborate on his reasons for supporting this bill.

**Mr. MacDonald:** No.

**The Acting Speaker:** Do any other members wish to speak?

The hon. Government House Leader on behalf of the hon. Member for Battle River-Wainwright to close debate.

**Mr. Hancock:** Good to go.

[Motion carried; Bill 20 read a second time]

### **Bill 21 Heating Oil and Propane Rebate Act**

[Adjourned debate May 26: Mr. Griffiths]

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. Certainly, Bill 21, the Heating Oil and Propane Rebate Act, is very similar to the last piece of legislation, Bill 20. The object here is to replace the now out-of-date Natural Gas Rebates Act. It takes the parts that are still relevant and creates a new act specific to those. This bill, as I said, repeals the Natural Gas Rebates Act, which has been out of date since I think the mid-1980s.

The only part of the act that is still relevant is the sections that deal with the rebates provided for heating oil and propane for those who do not have accessibility to natural gas for heat. This new bill is specific to those cases. It's surprising that there would still be areas of the province that would not be connected with our fine natural gas distribution system, much of which was installed through the co-operative process. This bill would certainly ensure that those individuals with heating oil and propane are looked after.

This is not a particularly controversial bill. It tidies up the legislation as it currently exists. However, I would like to make the point that rebates to consumers for energy use are welcome, but we must do more than that. We must make ways, and we must encourage consumers through incentives to make their homes and in some cases their businesses as well more energy efficient.

**8:40**

Now, certainly, when you look at this legislation, Mr. Speaker, it is fine from our perspective on this side of the House. We see this as a change that brings the legislation up to date. We may even have an amendment later on. We are concerned about the authority that the minister will now have. These authorities or these powers should remain on the floor of the Legislative Assembly. We will see what happens at that time, but at this point this is legislation that I think merits support from all hon. members of the Assembly.

Thank you.

**The Acting Speaker:** The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Speaker. I think a lot of this is just housekeeping; however, there is a part that we'll I think be bringing forward an amendment on. There is one subsection that I believe isn't quite democratic enough. I think it gives too much power to ministerial responsibility. It gives the Lieutenant Governor in Council regulatory powers over the application, provision, terms and conditions, and any other matter necessary for the administration of the rebates. Yes, that's certainly a part of that job. However, it also under that particular body gives the minister the power to pursue the repayment of rebates from individuals and sets out penalties for failure to disclose material facts, misrepresentation, or failure to comply with the terms of the rebates. I think that that's a lot of power without actually having to come back to legislation. It does amend a now defunct section of the Natural Gas Price Protection Act, which is the housekeeping part of it.

I also would like to see, instead of the rebates, thinking of a better way to use that money in terms of actually using alternate energy and increasing or giving incentives to people. The total cost of the rebate program for '03-04 was \$214 million; '04-05 was \$276 million; and '05-06 the estimate was \$825 million. Now, with the price of gas what it is – and I'm sure it'll be for '07-08 much higher – I'm thinking of small things that could happen. One thing is how

to heat your hot water. Rather than using a hot water heater that continually uses energy to keep the water hot, there are water heaters that you can use that are instant heat. It doesn't cut in to keep the water warm at all times when you're not using it. These are very effective and have been in Europe for probably the last 25 years. Definitely we're behind in North America in terms of some of the efficient uses of technology that we could be using.

I'd like to see this money used in a more effective manner because to me it's not money in the consumer's pocket. It really is, rather, a subsidy for the industry, that the conduit you've used to pass that money through is actually the consumer.

I think those are the comments that I wanted to basically make. Yes, that's it. Thank you.

**The Acting Speaker:** Hon. members, under Standing Order 29(2)(a) five minutes is available for anyone to ask questions and comment to the hon. member. The hon. Minister of Agriculture and Rural Development.

**Mr. Groeneveld:** Thank you, Mr. Speaker. I hope the hon. member that was just speaking realizes that 90 per cent plus, or probably higher than that, of these are used in remote areas of northern Alberta, very remote, as a matter of fact.

**The Acting Speaker:** Does anyone else wish to speak to the bill?

The hon. Government House Leader on behalf of the hon. Member for Battle River-Wainwright to close debate.

**Mr. Hancock:** No need.

[Motion carried; Bill 21 read a second time]

#### Bill 14

#### Court of Queen's Bench Amendment Act, 2008

[Adjourned debate May 27: Mr. Zwozdesky]

**The Acting Speaker:** The hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you, Mr. Speaker. It gives me pleasure to speak to this bill and speak in favour of it. Essentially, it's going to clear up some things that were really left behind in the Court of Queen's Bench Act. It was primarily our masters, who perform a very essential role in our legal community, often handling the day-to-day, intermittent stuff. From the time a statement of claim is filed to the end date of the trial, oftentimes the master has to be well apprised of numerous rules of court that are very often the minutia involved in a lawsuit. They know it very well and need to keep apprised of many things.

I'm essentially very pleased to see that the masters now have greater opportunities for professional development, for understanding the more in-depth rules of court, being able to look at other jurisdictions and hear what's going on, and really becoming full players in the legal system and to have some of the benefits that their other counterparts have. It also provides for greater flexibility, allowing, when masters in chambers resign their position, for another master to seamlessly take over the adjudication of a case. This happens especially in instances where they retire. Actually, some of the people in this House may not have an idea of what masters do, but like I said, they're not the sexy part of our judicial system. I did find this quote by a very respected master, Master Funduk, and he sort of brought an idea of what the master actually does. I'll just read it here. Here it goes.

Any legal system which has a judicial appeals process inherently creates a pecking order for the judiciary regarding where judicial decisions stand on the legal ladder.

I am bound by decisions of Queen's Bench judges, by decisions of the Alberta Court of Appeal and by decisions of the Supreme Court of Canada. Very simply, Masters in Chambers of a superior trial court occupy the bottom rung of the superior courts judicial ladder.

I do not overrule decisions of a judge of this Court. The judicial pecking order does not permit little peckers to overrule big peckers. It is the other way around.

These gentlemen do very fine work, and they are essentially keeping the trial on the rails. It keeps people organized. Really, allowing these changes is something that should free them up to do their jobs even better than they always do.

Thank you very much, Mr. Speaker.

8:50

**The Acting Speaker:** The hon. Member for West Yellowhead.

**Mr. Campbell:** Thank you, Mr. Speaker. It's my pleasure to rise today to speak to Bill 14, the Court of Queen's Bench Amendment Act, 2008. The proposed amendment will ensure, whenever appropriate, that the provisions that apply to judges under the Provincial Court Act will also apply to masters under the Court of Queen's Bench Act.

Masters in chambers perform similar duties to judges and in many respects face the same issues and concerns. Amending the provisions that apply to masters will give them more career options and flexibility within the court system. This will also benefit the legal system by improving the public's access to justice and increasing efficiency in court proceedings. The masters in chambers have the same powers and exercise the same jurisdiction as a judge of the Court of Queen's Bench with the exception of appeals, trials of actions, and anything that by law must be done by a judge. As an officer of the Court of Queen's Bench a master's duties and responsibilities include presiding in bankruptcy court and hearing applications under the Maintenance Enforcement Act, the Business Corporations Act, the Builders' Lien Act, and the Civil Enforcement Act. Often these hearings can be lengthy and complex.

Mr. Speaker, three of the provisions being proposed will help ensure that court proceedings under masters' jurisdiction are given the time necessary to reach the best possible outcome. Currently if a master becomes ill or passes away during proceedings and is unable to complete his duties, the proceedings must be started over again from the beginning with a new master presiding. As you can imagine, this can delay already complicated cases and reduce efficiencies in the courts. Authorizing a master, at the Chief Justice's request, to step in and complete proceedings if the master who presided at the commencement of the proceedings is unable to continue will only help to streamline the business of the courts.

Bill 14 also proposes that masters be permitted to deliver decisions regarding reserved judgments after they have retired. Court of Queen's Bench judges are authorized to render reserved judgments within three months after they have been retired. By extending this provision to masters, they can spend the time necessary to deliver their judgments even if the retirement occurs within that period.

It is vital that Alberta's courts operate in a timely manner. A third provision would permit masters who retire to be appointed ad hoc masters. By allowing experienced masters to sit on an as-needed basis such as when a full-time master becomes ill, court proceedings can continue without delay. Provincial court judges are already offered this option.

Mr. Speaker, currently in Alberta provincial court judges are

permitted to preside full time after the age of 70. Another provision included in Bill 14 would give masters the option of working full-time up to the age of 75 if they meet the criteria for reappointment. Highly experienced masters who are willing and capable of serving in a full-time capacity should not be prevented from doing so simply because they have reached 70 years of age.

Mr. Speaker, a master has nearly the same powers and exercises much the same jurisdiction as a judge of the Court of Queen's Bench. These provisions of Bill 14 will offer Alberta's seven masters treatment more consistent with judges and will help to keep court proceedings as efficient as possible with experienced jurists at the helm. I encourage all members of the House to support the Court of Queen's Bench Amendment Act.

Thank you, Mr. Speaker.

**The Acting Speaker:** Under Standing Order 29(2)(a) five minutes is available for anyone who wishes to ask a question or to comment. The hon. Member for Calgary-Egmont.

**Mr. Denis:** Thank you very much, Mr. Chair. I'll be very brief, as I typically am. I'm very happy that this House has such great respect for our masters, as do I. Just one point of clarification. The Member for Calgary-*Buffalo* made reference to them being fine gentlemen. There is at least one female master presently, and I think she's a fine woman as well.

Thank you.

**The Acting Speaker:** Any other members who wish to speak?

If not, the hon. Government House Leader on behalf of the hon. Minister of Justice to close debate?

[Motion carried; Bill 14 read a second time]

### **Bill 15 Family Law Amendment Act, 2008**

[Adjourned debate May 27: Mr. Zwozdesky]

**The Acting Speaker:** The hon. Member for Calgary-*Buffalo*.

**Mr. Hehr:** Thank you very much, Mr. Speaker. I'm pleased to speak in support of Bill 15 this evening as it appears that it will undoubtedly increase justice right here at home in Alberta. What this bill will do is essentially attempt to create a central administrative registry for child support orders and other things of that nature. It will also allow for people not having to appear before courts, so it will likely increase the availability of court resources, for them to be used on other matters. As we know, our courthouses are becoming continually logged up, so we need to continue to find measures such as this.

One of the measures that this hopefully will also serve to protect is the decrease in maintenance enforcement dodgers and will provide some security for creditors as they are able to register their orders, which are then subject to automatic reclassification when a debtor's status changes. It is of some note that Newfoundland, Labrador, Manitoba, and P.E.I. have already amended their family law acts to add similar provisions to allow child support reclassification measures to be introduced.

It's essentially a good bill. Like I said, I'm speaking in support of it, and hopefully we continue to make steps in family law, looking into family court and other measures that will continue to ease the burden on people going through the often difficult time of both divorce and maintenance applications.

Thank you very much.

**The Acting Speaker:** The hon. Member for West Yellowhead.

**Mr. Campbell:** Thank you, Mr. Speaker. It's my pleasure to rise today to speak about Bill 15, the Family Law Amendment Act, 2008. The proposed amendment to the Family Law Act will establish an administrative recalculation service that will review existing child support cases on an annual basis. The new child support recalculation program will help ensure that maintenance payments are adjusted based on changes to the parties' incomes rather than requiring them to return to court. This service, which will be affiliated with Alberta's maintenance enforcement program, will streamline the process and reduce costs for clients.

Mr. Speaker, financial support is a right of the child. Administrative recalculations ensure that the child receives the best support a parent can afford at all times. Currently in Alberta for a party to obtain a recalculation of child support payments, a variation order is required to change the amount collected. Unfortunately, the legal costs attached to these orders are often beyond the means of many parents. The cost required for a lawyer to get a change in a support order can be as high as \$3,500. Other services do exist to help parties vary their orders, but these programs are not easily accessible to clients who live in rural areas since personal attendance is required.

Mr. Speaker, there are approximately 100,000 creditors and debtors of more than 65,000 children currently registered with the maintenance enforcement program. This amendment will offer a more efficient way for these clients to have their orders altered. Even parties not registered with the maintenance enforcement program will be able to have their orders changed through the new recalculation service.

Administrative recalculation offers universal benefit that provides parents with a means of changing their orders with ease and decreased costs. Both parents benefit from having orders that are automatically increased to reflect pay raises or lowered in the face of job loss or pay cuts. Changing child support orders will be geographically accessible. Compared to the courts, administrative bodies can be less intimidating and more procedurally flexible. The maintenance enforcement program's most recent client survey found that nearly three-quarters of recipients and two-thirds of payers were in favour of an annual review of their support orders. In many cases the child support recalculation program is simply a better mechanism for calculating maintenance than the courts, offering parents a low-cost, efficient means of changing their orders.

After reviewing four cases from the Alberta Court of Appeal in 2006, the Supreme Court of Canada ruled that payers must increase their child support payments as their income increases. On the heels of this ruling it was the Chief Justice of the Court of Queen's Bench of Alberta who suggested that the maintenance enforcement program consider an administrative recalculation service. Alberta's courts are facing the same kinds of pressures that tremendous growth is putting on other sectors. Establishing a means of maintenance recalculation that only requires the most complex files going through the courts will help relieve some of that pressure.

**9:00**

Five other jurisdictions in Canada have already implemented administrative recalculation programs, while others are in the planning stages. In Manitoba, British Columbia, P.E.I., Newfoundland and Labrador, and Nunavut recalculation service has typically resulted in an increase in maintenance. Of course, this translates into more support and better quality of life for the children affected by maintenance orders.

The administrative recalculation option is cost neutral to the

government, Mr. Speaker. It will be funded by users of the service rather than all taxpayers. A service fee of \$75 per party for a recalculation is a much more manageable cost than the thousands required for a variation order in court. The implementation of a service fee will also not require any additional funding for Alberta Justice. Housing the service with the maintenance enforcement program is a cost-effective option as most recalculation clients will already be maintenance enforcement program clients. Based on estimated caseloads, the cost to run this service over three years is expected to be \$2 million. That cost, however, is expected to be offset by a proposed service fee of \$75 per party.

Mr. Speaker this amendment to the Family Law Act will ensure that children will receive the appropriate amounts of financial supports. Bill 15 will increase access to justice and assist the maintenance enforcement program in continuing to help Alberta families.

I encourage all members of the House to support the Family Law Amendment Act, 2008. Thank you, Mr. Speaker.

**The Acting Speaker:** Under Standing Order 29(2)(a) five minutes is available for anyone who wishes to comment or ask questions of the hon. member.

Do any other members wish to speak?

The hon. Government House Leader on behalf of the hon. Minister of Justice and Attorney General to close debate.

**Mr. Hancock:** Question.

[Motion carried; Bill 15 read a second time]

### Bill 16

#### Municipal Government Amendment Act, 2008

[Adjourned debate May 27: Mr. Danyluk]

**Mr. Danyluk:** Well, Mr. Speaker, I spoke in the first reading. I just want to say that I think that was ample for what was needed to be said.

**The Acting Speaker:** The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Speaker. It's a pleasure to rise and speak to Bill 16, the Municipal Government Amendment Act, 2008. I would first off like to thank the minister. I've had quite a thorough briefing on this particular bill and certainly can support it because it's something that has needed to be changed for a long time. I commend the minister for having gone ahead and done this. Actually, AUMA and AAMD and C have always wanted to clarify the process around these linear assessments.

It amends section 291 of the Municipal Government Act by changing the method by which linear assessments are assessed for taxation purposes. It broadens the scope for assessments by defining what "capable of being used" means for the intent of the assessment. It allows assessments to be completed for linear objects that have physical capacity to be used whether or not they're actually in use. It also allows for associated facilities connected to the linear property to be assessed.

Specifically it addresses pipelines by saying that they can be assessed even if not in use. The defining characteristic becomes physical capability to transmit gas or oil. Additionally, individual pipelines can be assessed, not a system of pipelines as a whole, as was the case before.

Certainly the impact of this will be that municipalities will be able to generate more revenue, which was what they were asking for

quite a while, knowing that they didn't think that the way it was being assessed or the way that they had the capabilities to assess was actually a fair process. I would suspect that it's fair to assume that the energy companies may not really be in favour of this. However, it is a much fairer way. I think that probably the energy companies are going to survive just nicely, and the municipalities will be able to get their fair share.

One of the examples that I could use is that in the '02-03 assessment year 1,600 appeals were filed in relation to linear property assessment. These appeals sometimes take years to go through the system, including appeals to the Court of Appeal. Thus, it's very important to provide legislation that absolutely clarifies what can and cannot be assessed and how it's done. This legislation is a step forward, and it will certainly avoid many lengthy appeals.

It's a good amendment to the Municipal Government Act, as I've said before. It brings clarity to the issue of the linear assessments. Hopefully, it will decrease the number of appeals – I would suspect that that will be the case – and it provides the certainty and predictability of revenue that municipalities really require.

I certainly know that for the city of Lethbridge we have a three-year budgeting plan, and when you know that you can predict, it certainly helps with budgeting. Perhaps some of this method of the predictability of the revenue will help the municipalities not only with their budgeting but also with how they can reuse that money in terms of the development within their own communities.

It's too bad that it's taken so long. However, the original intent was to allow for individual assessment of pipelines, and this should really be reflected at this point in time. As I said before, I applaud the minister for correcting the mistake. I think the oil companies probably recognized a bit of a loophole in being able to use the whole system instead of lengths of the system and the different pipelines.

I think this is very positive, and I will be supporting it.

**The Acting Speaker:** The hon. Member for St. Albert.

**Mr. Allred:** Thank you, Mr. Speaker. I'd like to just make a few comments. Contrary to what the hon. Member for Lethbridge-East said, I suspect that the energy companies may in fact be supportive of this. There may be some drawbacks for the energy companies, but I think it's going to provide clarity in a number of areas, so as you can expect, I'm pleased to support Bill 16. It's going to provide certainly around the assessment of linear property at a time when it is particularly needed. As all hon. members are likely aware, there are numerous ongoing and proposed pipeline projects in the province.

While the primary beneficiary of this change is likely to be Alberta municipalities and their taxpayers, of course the amendment will provide clarity for industry as well, hopefully reducing the number of assessment appeals while having a minimal economic impact. Following this amendment, companies will have certainty regarding when their liability to assessment begins for newly constructed pipelines. A pipeline where construction has been completed as of October 31 or a pipeline that is in operation as of that date will be assessable. In addition, individual pipelines that are complete in terms of construction will be susceptible to assessment and tax even though they may be part of a larger pipeline operating system.

Companies will be able to incorporate that eventuality in their business planning, and the overall impact on the bottom line will not be significant. To illustrate, total pipeline assessment for 2008 is projected to be approximately \$28 billion. This will generate approximately \$280 million in municipal tax revenue and \$140

million in provincial education property tax. If this amendment is implemented for 2008, it would increase total assessment by roughly \$200 million, which really is peanuts compared to the \$28 billion, resulting in about \$2 million in additional municipal tax and \$1 million in additional provincial tax. Obviously, these revenues would be greatly appreciated by the municipalities concerned, but their effect on the energy industry as a whole is unlikely to be great.

9:10

Pipelines are currently assessed based on a rate per kilometre, and this rate varies according to material, size, and pressure of the pipeline. This system will not be affected by this amendment, nor will the standardized depreciation rate of 33 per cent based on average pipeline age be affected. In other words, Mr. Speaker, the fundamentals of linear assessment will not be altered by this bill. The clarity that will be introduced will be beneficial for all parties: government, industry, and municipalities.

Thank you Mr. Speaker. I would adjourn debate.

[Motion to adjourn debate carried]

**Bill 8**  
**Climate Change and Emissions Management**  
**Amendment Act, 2008**

[Adjourned debate May 26: Mr. Renner]

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I rise with pleasure to participate in the debate on the Climate Change and Emissions Management Amendment Act, 2008. Certainly, when we were debating Bill 3 – it just seems like it was last month, but it was implemented last July.

**An Hon. Member:** There was a Bill 3 last month.

**Mr. MacDonald:** There was a Bill 3 last month, but the Bill 3 that sticks in my mind, hon. member, is the initial legislation that set up our modest carbon tax, the first one in the country.

Now, the primary purpose of this bill, as I understand it, is to enable a delegated authority to manage the climate change and emission management fund, which we set up last year. We are looking at also amending section 60, which is the section which allows the cabinet to make regulations.

We're looking at repealing clause (d), which refers to established emission intensity targets and substitutes a new mechanism, allowing the minister to change these limits applicable to any undertaking in Alberta. It also allows a director to specify an emissions intensity limit for an operation for the purposes of determining the specified gas emissions intensity of that undertaking. It allows a mechanism for a director to reclassify an operation and to make that reclassified undertaking subject to specific emission intensity targets and also gives the director the ability to issue orders to require an undertaking or operation to take measures to remedy or minimize the effects of an operation that exceeds a specified gas emissions intensity limit.

When we look at this and we recognize that Bill 8 enables a delegated authority – and we know this government has a fondness for delegated authorities – I'm suspicious. I'm cautious of the use of delegated authorities. I don't think they worked out in the past. But this delegated authority will use the funds in the climate change and emission management fund.

Now, what kind of money is going in there? I believe it was the third-quarter update that came out, Mr. Speaker, and I saw this anticipated amount of \$63 million that was the result of Bill 3, and that would have been in the July through September period, but if you look at the quarterly financial statements of some of the operators in the Syncrude joint venture, you will see where at one point they were paying, if they weren't meeting their targets, 30-some odd cents a barrel in this carbon tax. Now whenever you look at one of their quarterly or annual financial statements, you will see where there has been a significant reduction in the amount per barrel. I think it's less than half. I sure wish I had the opportunity to go downstairs to the library and confirm that, but I'm quite certain it is significantly less than what they initially started to pay on a cents per barrel basis.

When you look at this province and what we're planning to do as far as our climate change policy, I don't know if we have the political will or the commitment that we really need. I have reservations now about this whole process and what it means. Certainly, whenever we look at the \$25 million propaganda campaign that we're committed to – and I was noticing in the paper today that there's a lot of public relations outfits that are interested in getting involved in that, Mr. Speaker.

I read Mr. Jeffrey Simpson's column yesterday in the *Globe and Mail* with a great deal of interest. Mr. Simpson is certainly one of the most respected columnists in the entire country. He writes that

the Alberta government is spending \$25-million to spruce up the province's image for tourists, immigrant workers and environmental critics. As for the environment part of the message, Alberta should save the money. Alberta's climate change policy will soon be dead. It will be dead in the United States. It is already dead with the Harper government, even if the Harperites don't want publicly to administer last rites.

Also, he suggests:

It's dead with some of the smart people in the oil industry.

He even goes on to say that

some key players in the Alberta government know that it's dead or will be soon. Alberta's approach won't cut it with anyone as the months and the years ahead will reveal.

He goes on to talk about the

intensity reduction targets that will actually allow emissions to rise by 20 per cent by the year 2020, and to fall thereafter by only 14 per cent by 2050. Contrast this with what the U.S. presidential candidates are proposing.

The Democrat, Mr. Obama, wants an 80 per cent reduction by 2050 in U.S. emissions. The Republicans, led by John McCain, prefer a 60 per cent reduction.

The days of Murray Smith, Mr. Speaker, going to Washington and the days of George Bush and Richard Cheney are coming to an end. That presidency is going to end here in November – or I should say next January, actually, by the time the new individual will be sworn in – and the Americans may take a different look at us.

Now, the Premier may think this is subversive or whatever he suggests, but the rest of the world is watching, and the rest of the world is not impressed, and the rest of the world buys our oil. I think we should pay attention to what the rest of the world is doing.

Mr. Simpson goes on to call our cap-and-trade market "itsy-bitsy."

Restricted only to Alberta, [it] will collapse like the proverbial house of cards once the U.S. establishes its own system.

I, for one, think he's right.

Both presidential candidates favour one, bills creating one are now in Congress, and about half the states are entering regional ones. Every [energy] company CEO in Alberta will be [visiting] the Premier's office demanding that Alberta and Canada join the U.S. system.

9:20

Now, Mr. Simpson also suggests that our approach to targets and markets, therefore, is utterly untenable, as more and more people in the oil industry know. Government officials can still peddle stories about carbon reductions to gullible journalists, but these are reductions from what would have happened if absolutely nothing had been done. That kind of gullibility won't be found on Capitol Hill in Washington, or even in the oil industry at home, no matter how many slick advertisements are purchased.

Mr. Speaker, I wonder if the hon. Premier would consider Jeffrey Simpson subversive. I wonder if the hon. Premier has had the chance or the time to read yesterday's column. I would certainly suggest that he should.

When we look at amendments to the original Bill 3 that are being determined here in Bill 8, I'm wondering if we shouldn't go in a different direction. The suggestions that are being made in Mr. Simpson's column – certainly, the Minister of Environment would have a lot more information than I on just how the federal Conservative government, his cousins, are also skeptical about this climate change policy and what initiatives they would like to see happen here and, also, if at this time we would be contemplating having our own regional market.

We had an earlier discussion on TILMA with British Columbia and with Saskatchewan. The Minister of Environment: I think he would be too busy to be still involved with PNWER, but certainly there have been discussions, as far as I know, at PNWER regarding this. I know the hon. minister has taken an interest in that in the past. Is that not something that we should consider at this time? When we look at these amendments and we look at the framework that's been set out there by the delegated authority, I'm not convinced.

Now, when we look at the emitters, and we look at the emitters that cannot reduce their emissions, last July they had two options. The first, of course, was to pay into this pool of money. In that pool of money all the funds generated can only be spent here in Alberta. I was under the assumption, when we first had this discussion, that we were going to have a lot more money. There was a lot more money coming into that fund.

**The Acting Speaker:** Hon. member, just a moment. I'm in the chair here, and there seem to be quite a few round-table meetings going on. The only thing missing, perhaps, are the round tables. If you have to have a meeting, please take it outside.

Hon. member, proceed.

**Mr. MacDonald:** Thank you very much.

Now, I thought at one point over a four-year period that there would be collected from this carbon tax up to \$1 billion, or roughly \$250 million per year, but that doesn't look like it's going to happen. I thought that this money would be used . . .

**Mr. Mason:** It's doing its job, then.

**Mr. MacDonald:** No, hon. member. Unfortunately, it's not doing its job.

I thought this money could be used for an investment within this province, and that investment would be in a CO<sub>2</sub> sequestration infrastructure, collection and a pipeline. Then in some of our mature formations in the central area of the province in the western Canadian sedimentary basin we would start sequestering CO<sub>2</sub>. I thought we would be constructing a pipeline from Fort McMurray to central Alberta for that purpose of capturing, compressing, and shipping the CO<sub>2</sub> south, but obviously we don't have that kind of

money being generated at this time. That also leaves out any sort of funds that perhaps could be used for research into the capturing and compressing of the entire flue gas stream from our coal-fired baseload electricity generating stations. Maybe I was optimistic. Maybe I was too optimistic. The amount of money that we are gathering here in this tax is a lot less than what I had anticipated.

Now, Alberta emitters who cannot reduce their emissions also can invest in outside projects that reduce or offset emissions on their behalf. Companies will be allowed to buy offsets from other Alberta industries, such as farming operations that change their tillage practices to produce fewer greenhouse gas compared to normal tillage practices. These projects must be Alberta based. This is not a Canada-wide or international offset program, and prior to purchasing the offset reductions offered, an operation must be verified by a third party to ensure that the emissions reductions are real. I don't know how all this is going to work with Bill 8. I certainly hope that we see that initiative work. I'm not so certain that it will. Now, I understand that before November or before Christmas this delegated authority is expected to make decisions on how to allocate over \$150 million to new technologies or to new projects.

The government's plan. The government talks at length about CO<sub>2</sub> sequestration. I would certainly encourage the government to go one step further. The New Democrats seem to think that CO<sub>2</sub> is going to migrate back into the atmosphere from many of the formations. The people that I've talked to tell me that it has been successful in other areas, and the research that I have done certainly indicates that. I'm not going to get into the details of Estevan, Saskatchewan, EnCana's project there, but there is a pipeline running south to north, from North Dakota into southeastern Saskatchewan. That's the only mature field that Encana has in their annual report where there's a significant increase in crude oil production. That's the one, of course, that's involved with the CO<sub>2</sub> sequestration project. So it seems to be working there. I realize that there are different formations here in Alberta. Formations that have not had a significant water flood, I'm told, are prime candidates for CO<sub>2</sub> sequestration. Hopefully, we're going to get to see that.

Now, some of the other programs: we're just going to have to wait and see. How this delegated authority is going to report publicly I'm certain will be an issue. Who will audit the outfit? I'm sure the Minister of Environment has got all that planned, and I certainly hope it works.

In conclusion, Mr. Speaker, when we discuss any of this government's proposals on climate change and emissions management, I think we need to have a good look at what Mr. Simpson has to say regarding our proposals to date and take them to heart, admit that the world is passing us by. This idea that we can spend \$25 million on a public relations campaign, a propaganda campaign, and the world is going to buy into our policy: there are a lot of skeptics out there. It's very easy for people in this House to try to discredit us on this side of the floor and say that we are subversive, but that's simply not true. The public knows that. Certainly, when we look at what people are writing about us in our own national newspaper, surely if the hon. members across the way are not going to listen to the opposition, they will at least read that very interesting article and, perhaps, take it to heart.

Thank you.

9:30

**The Acting Speaker:** The hon. Member for Edmonton-Ellerslie.

**Mr. Bhardwaj:** Thank you, Mr. Speaker. I'm pleased to support Bill 8 because it shows that Alberta is committed to continuous improvement of our climate change legislation. This is the second

time we have updated the Climate Change and Emissions Management Act since it was first introduced in 2003. At that time it was the first legislation in Canada that specifically focused on climate change. Last year the government amended the legislation and recognized another first for Alberta. Last year's amendment required large industrial facilities that emit more than 100,000 tonnes of greenhouse gases a year to reduce their emissions intensity by 12 per cent. The requirement came into effect on July 1, 2007, making Alberta the first jurisdiction in North America to regulate the greenhouse gas emissions for large facilities across industrial sectors.

Preliminary results from July 1 to December 31, 2007, show that Alberta industries reduced emissions by 2.6 million tonnes. This represents a significant landmark in Alberta's effort to cut greenhouse gas emissions from large industry. As the Environment minister has said previously, "This new system puts Alberta in the company of just a few on the world stage that are moving beyond just talk."

Alberta gave companies three options for meeting their reductions: improve the energy efficiency of their operations, buy carbon credits in the Alberta-based offset system, or pay \$15 into the climate change and emissions management fund for every tonne over their reduction target. Facilities could also choose a combination of the options. Reductions were achieved through operational changes and practices, including better use and reuse of energy and investing in verified offsets created by other Alberta projects. Companies also chose to pay approximately \$40 million into the climate change and emissions management fund, which will invest in projects and technology to reduce greenhouse gas emissions in Alberta.

The main purpose of Bill 8 is to enhance this fund. Since introducing our legislation in 2003, we've learned how we can strengthen our greenhouse gas management framework. Bill 8 reflects this learning. These amendments improve Alberta Environment's management framework, and they help establish a fund that will be a key investment instrument. This legislation is one of many ways Alberta is taking significant action on climate change.

Last year Alberta conducted a major public consultation for a new climate change strategy. In the spring Alberta Environment held public meetings in 10 communities across the province, where Albertans provided input on how we could approach climate change in the future. Meetings were held in Lloydminster, Grande Prairie, Medicine Hat, Lethbridge, Calgary, Red Deer, Edmonton, Fort McMurray, Slave Lake, and Edson. About 700 Albertans attended the meetings, and Alberta Environment received more than 2,600 responses to a climate change questionnaire that the department developed. The ministry also consulted with stakeholders and sought out expert advice. An economic analysis was done to help identify the biggest emission reduction opportunities in Alberta and to give the government an idea of how those reductions would impact Alberta's quality of life. We identified practical emission reduction targets from this ground-up economic analysis and through wishful thinking.

This government released its new climate change strategy in January of this year and outlined how Alberta would take a balanced and realistic approach to emission reduction. We found that carbon capture and storage will give us our biggest emission reduction. Our goal for carbon capture and storage is to store quantities of CO<sub>2</sub> in Alberta's geological formations rather than releasing it into the atmosphere. This technology involves capturing carbon dioxide emissions from industrial sources and injecting the CO<sub>2</sub> deep underground, where it can be trapped for safe long-term storage.

Carbon capture and storage is supported by the United Nations

Intergovernmental Panel on Climate Change. The panel, a group of 3,000 scientists from around the world, says that CO<sub>2</sub> could be stored and retained in suitable underground sites for up to millions of years. Alberta Energy recently launched the Alberta Carbon Capture and Storage Development Council, a government-industry group that will recommend the best way to implement carbon capture and storage. Council members were chosen for their track record of translating ideas into strategic action. The council will report back by fall, so this government can move quickly and efficiently to implement the technology.

The new climate change strategy also identifies two other areas where we will take action: increasing energy efficiency and greening our energy production. Our goal under energy efficiency and conservation is to reduce greenhouse gas emissions by transforming how we use energy, applying energy-efficient solutions, and conserving energy. The goals under green energy production include transforming the way we produce energy and introducing cleaner, more sustainable approaches to energy production.

Together all three initiatives will deliver a 50 per cent reduction in emissions by 2050, compared to business as usual or a 14 per cent reduction below 2005 levels by 2050. It's expected that carbon capture and storage will account for 70 per cent of Alberta's emission reduction commitment. By making changes gradually, this government maintains Albertans' quality of life. Overall emissions will begin to drop by 2020. In the interim we will continue to see improvements in emission intensity.

Within the space of a year the government of Alberta accomplished three significant climate change initiatives. We held a major climate change consultation. We put in place the requirement for industry to reduce emissions intensity by 12 per cent, which resulted in real reductions as we released our new climate change strategy. Without a doubt, these actions show Alberta is committed to continuous improvement. It's taken a lot of hard work to get where we are today, but we know there's much more work ahead as we move forward with implementing our new climate change strategy. The government is working with all departments to ensure we take the actions required to meet the goals and targets in the strategy.

In March the Premier signalled his strong commitment to addressing climate change by making it one of his top priorities. Under the priorities this government will ensure Alberta's energy resources are developed in an environmentally sustainable way. The fact that this mandate has been assigned to two ministries, Energy and Environment, reflects its importance to our government. This legislation and the climate change and emissions management fund will support the investment in technology that is needed to further accomplish our goals.

Thank you, Mr. Speaker.

9:40

**The Acting Speaker:** Under Standing Order 29(2)(a) five minutes are available for anyone who wishes to comment or question the hon. member.

Hearing none, the hon. Member for Calgary-Buffalo.

**Mr. Hehr:** Well, thank you very much, Mr. Speaker. I am somewhat reticent to speak tonight as I'm speaking after my friend from Edmonton-Gold Bar. I clearly don't have the knowledge base or understanding that he does on this issue. Nonetheless, I believe what he said to be true. I believe that this is almost much ado about nothing or a big pile of: who cares? You know, the world has sort of moved on from where we should be going.

There is no doubt that although my knowledge base or understanding of this issue is not as deep as the hon. Member for

Edmonton-Gold Bar, I understand climate change to be not only the moral issue of our time but possibly the real future peril that exists for maybe not me as I'm 40 – I might be able to escape all this by going to my eternal reward – but I know for my nephews, who are one and three years old. They'll be able to survive the changes from global warming, but everything I read on the subject says that they are going to be deeply and profoundly affected.

Taking some of the measures advocated before by the hon. Member for Edmonton-Gold Bar and possibly looking at some of the directions in the *Globe* would serve Albertans and future generations of Albertans much more pertinently than I believe our climate policies have to date, which I find lacking, to say the least. Any sort of one-off system we can do to manage these funds, to help with technology, yeah, great, but let's really get on with something here. I don't see that happening. I don't just say that as a partisan method. I mean that truly and honestly, from the bottom of my heart. This is a serious issue that we really need to move on with. Alberta has to lead on this and not simply sort of trudge along and drag our feet. You know, everything I read says we have to move on this quickly or not all is lost, but much will be lost.

I'll leave it at that. Those are my comments. We'll move on from there. Thank you.

**The Acting Speaker:** Under Standing Order 29(2)(a) five minutes are available for questions or comments to the hon. member.

Hearing none, do any other members wish to speak?

The hon. Minister of Environment to close debate.

**Mr. Renner:** Well, thank you very much, Mr. Speaker. I want to thank all members for participating in debate at second reading. This bill is an important tool in our ongoing efforts to achieve significant reductions in CO<sub>2</sub>, and I encourage all members to support this bill at second reading.

[Motion carried; Bill 8 read a second time]

**The Acting Speaker:** The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. I would move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; at 9:44 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]



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