Legislative Assembly of Alberta

Title: **Wednesday, November 27, 2002 8:00 p.m.**
Date: 02/11/27
[The Deputy Speaker in the chair]

THE DEPUTY SPEAKER: Please be seated.

head: Government Motions

Climate Change Action Plan

33. Mr. Jonson moved:
Be it resolved that the Legislative Assembly of Alberta, consistent with its commitment to protecting Alberta's environment, hereby endorses and accepts the following principles agreed to by all provinces and territories on October 28, 2002, to provide the basis for the development of a national climate change action plan.

(1) All Canadians must have an opportunity for full and informed input into the development of the plan.
(2) The plan must ensure that no region or jurisdiction shall be asked to bear an unreasonable share of the burden and no industry, sector, or region shall be treated unfairly. The costs and impacts on individuals, businesses, and industries must be clear, reasonable, achievable, and economically sustainable. The plan must incorporate appropriate federally funded mitigation of the adverse impacts of climate change initiatives.
(3) The plan must respect provincial and territorial jurisdiction.
(4) The plan must include recognition of real emission reductions that have been achieved since 1990 or will be achieved thereafter.
(5) The plan must provide for bilateral or multilateral agreements between provinces and territories and with the federal government.
(6) The plan must ensure that no province or territory bears the financial risk of federal climate change commitments.
(7) The plan must recognize that benefits from assets such as forest and agricultural sinks must accrue to the province and territory which owns the assets.
(8) The plan must support innovation and new technology.
(9) The plan must maintain the economic competitiveness of Canadian business and industry.
(10) Canada must continue to demand recognition of clean energy exports.
(11) The plan must include incentives for all citizens, communities, businesses, and jurisdictions to make the shift to an economy based on renewable and other clean energy, lower emissions, and sustainable practices across sectors.
(12) The implementation of any climate change plan must include an incentive and allocation system that supports lower carbon emission sources of energy such as hydroelectricity, wind power generation, ethanol, and renewable and other clean sources of energy.

And be it further resolved that this Assembly, in the absence of agreement on a national plan by provinces and territories, denounces any unilateral ratification by the federal government of the Kyoto protocol in violation of the principles of constitutional law, convention, federalism, and long-established practice whereby the federal government must adequately consult with and seek the consent of provinces prior to ratification of international treaties or agreements that affect matters of exclusive provincial jurisdiction or that require provincial actions or legislation to achieve implementation where implementation will result in significant harm to the economy of Alberta and of Canada.

[Adjourned debate November 27: Ms Haley]

THE DEPUTY SPEAKER: The hon. Minister of Municipal Affairs.

MR. BOUTILIER: Thank you, Mr. Speaker. I stand today representing the oil sands capital of the world, the small community of Fort McMurray. In fact, it hails as the largest mining project in the world. It's not often you can say "the world," but it's indeed a pleasure to be able to say that. I might also say that Fort McMurray and the Wood Buffalo region represent people that come from all parts of the world in terms of contributing to the development of the oil sands. In fact, I might also add that the hon. Minister of Seniors' son is one of the youngest superintendents at one of those oil sands plants, and I'm very proud of that. The youngest. It's not a surprise because their slogan in Fort McMurray is: "we have the energy," and that's youthful energy on top of natural resource energy.

In fact, it brings back a memory of mine when I was a mayor back in 1997, the youngest mayor in Canada at the time. It was a wonderful example of three levels of government working together, dealing with the environment, energy, and it was the fiscal regime on oil sands development. The hon. Minister of Finance at the time was the Minister of Energy, along with the federal Natural Resources minister, the Hon. Anne McLellan, as well as a representative, and I happened to be the mayor. They came in, and they demonstrated that by working together, it can help all Canadians. The oil sands project is a living example of the fact that there is a mere $50 billion being invested today.

Now, I'm also very pleased to say that I'm here to talk about the response relative to the issue and the principles surrounding Kyoto and the issue of the principles that have been of course agreed to unanimously by all provinces. We have 360 municipalities in this province, and in fact I have received letters from almost all of them regarding their response to the issue of how the federal government is dealing with the issue of Kyoto. I want to say that I'm very pleased by the response, where Alberta cities, Alberta towns, Alberta counties, Alberta's municipal districts, Alberta's summer villages, Alberta's special areas clearly . . .

MR. DOERKSEN: Don't forget Red Deer.

MR. BOUTILIER: Red Deer was included in that preamble – of their undivided and overwhelming support of the position of the Alberta government relative to those 12 principles.

I might also say, just as a new piece of information – and I know the hon. Member for Edmonton-Highlands would be familiar. He was a part of this area, the Federation of Canadian Municipalities, the FCM. A very noble group. Now, originally they put forward a resolution representing 25 million Canadians. The president, of course, of the FCM comes, in fact, from Calgary, the hon. John Schmal, an alderman with the city council in Calgary. He is the president. Representing 25 million Canadians, they originally stated to the federal government that they conditionally supported the position on Kyoto; however, there were principles that had to be followed. What is really interesting today – I am so pleased in my discussion with the president – is now they are going to be indicating to the Federation of Canadian Municipalities that because of the fact the conditions they outlined and the principles that have been agreed to by all the provinces have not been followed, they are not going to be able to support the position of Kyoto, and I think that's very

significant in light of the fact that it represents 25 million Canadians.

So with that, I think that it's an important note that Alberta municipalities are supportive relative to the fact that we support the environment, but at the same time we support economic development. We think they're not mutually exclusive. They can be both achieved, and I think there is, it's fair to say, good evidence of that.

I travel, and I look to when I first came to Alberta as a young man of 17 years old back in the '70s.

AN HON. MEMBER: How old?

MR. BOUTILIER: Seventeen years old.

In actual fact, Syncrude Canada had just been opened by the hon. Premier of the day, the hon. Premier Lougheed. Twenty-five years later I see bison roaming, 150 bison on reclaimed land because of the reclamation and the environmental protection and enhancement that these oil sands companies have demonstrated and continue to demonstrate, and it truly is a model to every other company in Canada in terms of what they are doing not by their talk but by their actions.

I also want to say that I compliment the leaders within the oil sands industry, people like Eric Newell, people like Rick George, people like Tim Faithfull, who are out there supporting each and every day the balance between economic development and also that of environmental enhancement.

Now, this is a very important issue for all of us, not just for the provincial government but for all Albertans, especially for my constituents but as well as for municipalities across Alberta. We understand the need to take action on climate change, but we must make changes without crippling the price tag of implementing Kyoto. The plan the federal government released November 21 gives no indication of what the true costs of the Kyoto pipe dream will be to Canadians. I think that what's most important is the accountability. The ultimate sense of government is to be accountable. In fact, I'm just reading a book by Rudolph Giuliani, and in the book he talks about the accountability of police forces and fire departments. And you know what? The accountability of a federal government and a provincial government and municipal government are equally as important.

I'd like to say that that is, perhaps, something that we need to explore more in dealing with the way Kyoto has been able to come to where it is. I don't believe in autocratic types of systems. I believe in a consultative approach in something that we're encouraging the federal government to support. The fact that 10 provinces and three territories can come together unanimously is quite something to be able to do that, and now we're saying to the federal government: follow the principles that these provinces and territories have agreed to.

You know, if the protocol is ratified by Canada, it will cost Alberta literally estimated conservatively about $8 billion and thousands of jobs per year. But what I'd like to do is talk about the fact, rather than saying "450,000 jobs," of what it means to that person. It may mean a job to that steel manufacturer in Hamilton, Ontario. It may mean a job to that auto plant worker down in Windsor, Ontario, or over in Ottawa, or the manufacturer in Kitchener-Waterloo. It really does have quite a negative impact on people in Ontario. Now, we know that in the oil and gas industry we'll also have a negative impact, but the reality of it is it will impact all Canadians, not just one particular sector, and that's why we believe that the principle that no one region will be unduly burdened by the protocol is something that needs to be adhered to.

It was interesting. While visiting with some people from the European Union, they made a comment that: we certainly hope that the Russians will not sell their carbon credits at the same time to three or four nations. It really speaks to the fact of a transfer of wealth. This is really more about a transfer of wealth, and I could give the example of how the European nations have in their capital replacement where they've been and where they are today. It certainly advantages them as opposed to the good work we've done in Canada and other parts of North America. And my point I'm trying to make here is simply this: over the past few years countries in the European Union have been simply saying, "We're going to be able to meet our targets because of the fact we've closed down all of our plants in East Germany." Well, the reality of it is: is that environmental enhancement, or is that something that should have been done very much long ago because of the fact that the technology they're using has been back from the '40s and '30s?

What I find remarkable is the technology we're using today. Did you know that the price of a barrel of oil at the companies in the oil sands industry was over 30 bucks a barrel back in the '70s? Today they produce it for under $15. The reason is simply because of technology. The hon. member here, the minister of science and technology and innovation, clearly knows the importance of technology, which I think is the key component for the recipe of success.

Now, when I happened to be working in the oil industry back then when it was 38 bucks a barrel, that clearly reflected the new innovation that was taking place, but they stuck with it, and today it truly is a Canadian success story, the jobs that it created in terms of economic development to all parts of Canada. I think we never want to forget that part of the economic equation. But what I want to say is: when people come to visit my community in Fort McMurray, they go out and visit the reclaimed area at the bison ranch, where it was actually land that was mined, where thousands and thousands of barrels of oil were mined, and then ultimately the land was reclaimed, and now we have bison roaming on it, grazing on it.

8:10

AN HON. MEMBER: Baby buffalo.

MR. BOUTILIER: Baby buffalo. Now, baby buffalo is something that's quite dear to my heart. It is. I've never had the opportunity to ride a baby buffalo. I had the pleasure, though, of riding a bull.

I can say that I do appreciate the honourable notes I've received from the Minister of Energy on this invaluable data that I'm sharing with you tonight. But what's even more important is this: why would an industry locate in Alberta or Canada when it could be located across the border and not have to worry about extra costs? Let's examine that theory for a moment. When I talked about that auto plant in Windsor, Ontario, when I talked about that plant in Kitchener-Waterloo or in Ottawa, the real issue is that the competitive disadvantage that this has potentially created for Canada is substantial both in Alberta, Ontario, and other parts of the country. So what we want to be able to do is make a plan that makes good sense.

The hon. Member for Innisfail-Sylvan Lake before we adjourned made comments about Climate Change Central. In actual fact, that was first commenced, the discussion of it, back in 1997, and I recall when the Premier had called and asked if I would sit as a director of Climate Change Central, both a public- and private-sector initiative. It really was the first of its kind in Canada and still is to this day. It's located in Calgary. Representatives from Edmonton sit on there as well as people from all across Alberta, and I think it really speaks well of the important partnership. Because what a partnership is is, "What can I do for you that you can't do?" as well as "What can you do for me that I can't do?" Ultimately, this partnership is about

environmental enhancement, about municipalities working together collectively.

I actually have an inventory list that I intend to table in this House at the appropriate time relative to the green initiatives that municipalities, the 360 of them, are initiating regarding energy efficiency. What we call it is: it simply makes good sense. And I spell the word "sense" s-e-n-s-e and c-e-n-t-s. It makes good sense in terms of what it is that it's doing.

Now, I want to be able to say that the oil and gas sector – the investment in Alberta, of course, in 2001 that the Minister of Energy shared with me was about $20 billion, which is substantial. So a 15 percent reduction, which is being forecasted, would mean about a $3 billion loss. Now, if you factor in an average salary of about $50,000 or $60,000 or $70,000 as an annual income for $3 billion dollars, that is a lot of jobs.

I want to say today that Alberta truly is driving the economy of not only this province but other parts of Canada because of the natural resources we actually have. But I think today what's most important is as we go forward – I want to conclude by simply saying this: we want to have a plan that makes sense and that is best for Canada. Not made in Canada but best for Canada, because as the Minister of Energy at one point said: if I thought for a moment that by signing the Kyoto protocol this would help one asthmatic young girl or boy, you know, in terms of the air they breathe, then I know that we'd be recommending to sign it. But it will not. This is about a transfer of wealth and a loss of jobs in Canada.

So let me conclude by simply making my remarks in this way, and I say this to all of Canada: Albertans view sustainable development as more than just a bunch of bureaucrats and diplomats getting together on an international stage to come up with some artificial targets without foundation. To Alberta: Albertans believe that sustainable development – and they've proven it day in and day out – is truly a way of life.

Thank you very much.

THE DEPUTY SPEAKER: Before we go to the question and answer portion, I wonder if you might grant unanimous consent to revert to Introduction of Guests.

[Unanimous consent granted]

head: Introduction of Guests

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Speaker. I'm pleased to introduce to you and through you to all members of the Assembly 10 guests from Big Sisters and Big Brothers. Big Sisters and Big Brothers matches children and youth aged six to 18 with mentors who provide guidance, support, and friendship. They know that one person can really make a difference. Tonight they're here to see the democratic process in action. I'd like to ask them to rise and receive the traditional warm welcome of the Legislative Assembly.

head: Government Motions

(continued)

MR. MASON: Mr. Speaker, I did have a question for the minister under 29(2).

THE DEPUTY SPEAKER: Okay. We had two or three people, but you were in fact first up. So we'll have the hon. Member for Edmonton-Highlands, followed by the hon. Member for Edmonton-Glenora.

MR. MASON: Thank you very much, Mr. Speaker. To the Minister of Municipal Affairs: could he please clarify for the Assembly precisely what has occurred in the Federation of Canadian Municipalities with respect to any change in its position? This position was adopted by, of course, the membership at a conference. There are usually between 1,000 and 2,000 delegates from across the country that adopt the position, and then, of course, there's a board of directors, and then there is an executive, and there's a president. At what level was this decision made, how was it communicated, and when did it take place?

THE DEPUTY SPEAKER: The hon. minister.

MR. BOUTILIER: Thank you, Mr. Speaker. I also want to welcome the folks. They had the pleasure of visiting my office earlier, and they had some very good questions from the Boys and Girls Club. I want to say that it was a pleasure to see them here because they really represent the youthful energy in terms of the jobs for tomorrow.

In actual fact, I spoke to the president of the FCM. To the hon. member: the president of the board of directors of the FCM, the Federation of Canadian Municipalities, of course is John Schmal, an alderman from Calgary. I met with Mr. Schmal and had a lengthy conversation with him at the Alberta Association of Municipal Districts and Counties last week, which was hosted here in Edmonton. In our discussion he indicated the fact that the federal government had not agreed to follow the conditions that they had listed. Ultimately, he indicated to me that he was taking to the board of directors next week in Ottawa – and I would ask the hon. member to follow closely, as will I – the fact that the conditions have not been followed, and they are bringing it to the board of directors, where they're having a discussion in terms of what their next point will be.

But my comment and discussion with the president of the FCM were quite simply this: they are not following the conditions that they had given conditional support to. The bottom line is: they said that they will not support Kyoto if those principles are not followed. They are not being followed, and ultimately the board of directors are now looking at their next steps in terms of dealing with the federal government on this commitment. So, obviously, you'll have to wait for the meeting that takes place with the board of directors. The meeting will be taking place next week in Ottawa, but they had indicated that at this point, since the federal government had indicated that they do not intend to follow the principles, obviously this is a breach in terms of what conditions were set out by the FCM.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora.

MR. HUTTON: Thank you, Mr. Speaker. I'd like to thank the minister for letting us know what impact this will have on his constituency. My question is with regard to that. Has the Member for Fort McMurray heard, through phone calls or letters or any form of communication to you or your office, from the fine working folks in Fort McMurray, the pipe fitters, the union people in McMurray, the fear or concern with regard to the signing of the ratification?

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: Mr. Minister.

MR. BOUTILIER: Thank you, Mr. Speaker. Perhaps the best example I could give is that the Chamber of Commerce invited me to speak about two weeks ago in Fort McMurray at 7 o'clock in the

morning. Now, first of all, to listen to me speak at 7 o'clock in the morning is sometimes even difficult for my wife, but the fact was we thought there would be 30 or 40 people there. There were over 300 people there – it really speaks of their interest – with some very good questions. So I'm pleased with the question that was asked because, clearly, not only in Fort McMurray but in other parts of Canada – I'm really encouraged by the response we've received in information I sent to the mayors across Alberta, the fact that overwhelming support has come back regarding this government's position relative to Kyoto and why we do not support it. I'm very pleased by that as well.

THE DEPUTY SPEAKER: Further questions? The hon. Member for Edmonton-Highlands, a question.

MR. MASON: Thank you very much. A comment and another question, Mr. Speaker. I understand from the minister's response to my first question that in fact the FCM has not changed or modified its position although it may, and I will follow that with interest.

The second question I have has to do with Suncor. The leader of our party, the Member for Edmonton-Strathcona, was in Fort McMurray a couple of weeks ago and had a tour of the Suncor plant and had an opportunity to discuss Suncor's position with respect to this. Is it not the case that Suncor is already Kyoto-compliant?

MR. BOUTILIER: I want to be able to say this: I'm uncertain if they are or not. But just me let say about their leadership quite simply this: in terms of emission intensity the oil sands companies in the largest mining project in the world, in Fort McMurray, have reduced their intensity per barrel by something over 35 percent, as much as they are expanding the actual unit, as you're aware.

I want to thank the hon. member for the question and the fact that the leader did come to Fort McMurray and met with people. In fact, he was on a live radio show there, and when he offered me the invitation to join his party, I had to of course decline. But I do want to say that I was very interested in his comments, in his interest.

Thank you.

8:20

THE DEPUTY SPEAKER: We're now ready for the next speaker on the motion. The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Grande Prairie-Smoky.

DR. MASSEY: Thank you, Mr. Speaker. Appreciate the opportunity to make a few comments about Motion 33. As I've listened today, it's sometimes difficult to distinguish between the debate on Motion 33, the 12 principles for a national climate change plan, and Bill 32, the Climate Change and Emissions Management Act. So if I seem to incur on both, it's only because I see that my colleagues have taken the same liberty.

I sat in a restaurant earlier this week and overheard three gentlemen at a dinner table responding to the Alberta ads on TV. The ad came on and talked about the Alberta government and their concerns, and at the end of the ad one of the gentlemen turned to the other two and said: "I just don't understand what the issue is. Is this an economic issue? Is this a political issue? Is this an environmental issue? Just what is it?" He said, "I have to admit that I'm being completely confused by the rhetoric." His colleagues joined in the conversation, and I suspect that they are not alone, Mr. Speaker, in not having a clear understanding in terms of what the issues are. I think that because there isn't a clear understanding, the kinds of decisions that a citizenry might make are not being made.

I think we could start off with: what are some of the underlying assumptions that are imbedded in Motion 33? If you look through the 12 items in the bill – and I'm going to confine myself to those 12 items because I believe, as the Member for Edmonton-Highlands does and did try to make clear earlier in the day with his amendment, that the addition of the "whereas" or the clause at the end of the motion is really quite unfortunate. Without that, I think we have the stand-alone 12 principles that the Premiers and the representatives from the territories have agreed upon.

But if you look through the 12 items in the motion and try to look at the underlying assumptions, the first one seems to be political. Again, the aim is a political aim that's being accomplished: the notion that all Canadians have to have the opportunity to be fully informed, a political perspective in terms of the responsibilities and the rights of citizens in the country to have a say in terms of public policy that's going to affect them, their lives, and the lives of their children.

The second item is almost purely economics, and if you look through the 12 items, the economic sections far outnumber any others. There are seven of them that make economic arguments, three that I've classified as political, and two that you might label somehow or other as science or concerns with the environment. I think that it does reflect the government's approach to the problem and the government's approach to Bill 32 as being one that's overwhelmingly economic, and, you know, that's a judgment call, Mr. Speaker, that a government has to make.

But I wonder, in the rush to make those economic arguments, if some other very important matters haven't been overlooked. What I feel is missing from the debate and what I don't believe I've heard is the human face, those concerns that are not just with ourselves as Albertans and as Canadians but for all humanity. I think that's been lacking. I hear the comments about China and the guffawing that goes on in the House when that country is raised and the disparaging remarks about Russia, and it seems to me that for an environmental problem, one that is supposed to involve all humanity and all of us, that's unfortunate, Mr. Speaker. As much as I say I respect the decision to make the arguments primarily those of economics, I do think there are others.

There are some moral questions. If you look at the motion, it raises some questions. It raises the question of the integrity and the dignity of the nonhuman life on the planet. It raises moral and it raises religious views on the meaning of nature and our place in the scheme of things. I think we've had little if any consideration of those values and those underlying assumptions. I think we could ask a number of questions. Do we have the right to place in jeopardy the health of future generations? You know, do we have that right? Can we make judgments now that may have implications down the road for those who will follow us that will not be in their best interests health-wise?

I think we can ask about – and, you know, here again the economic aspects of the problem raise their head – do we have the right to compromise or make impossible the economic well-being of future generations? You could say that that's the argument the government is making, that the Kyoto protocol will really hamper economic development and hurt this province and the people who are here. But it can also be looked at from another perspective. If we fail to take action, will we equally impede or make impossible the economic development of future generations? I think you can look at the economics of Kyoto from at least two perspectives.

I guess that in all of this there's a question that has really puzzled me and one that I haven't heard addressed to any great extent. We held a town hall sponsored by the Member for Edmonton-Riverview and several other Edmonton constituencies. At the town hall there were scientists who presented a great deal of information from a

scientific perspective on water and air and environmental concerns, but the issue that really struck me and continues to haunt me is the notion that at some point we may trigger a calamity, that all our projections in terms of what's going to happen to the environment may be wrong. Even if they are right, the gradual increase in pollutants may sometime trigger a calamity. That's something that I've read little about and have heard little about, and again, as I said, it's something that haunts me and it's something that I think is worthy of further consideration. So you can look into the underlying assumptions of the motion and the clauses in that motion. We have to, I think, look at the values that underlie the bill.

8:30

A third area is: whose interests are being served? We've heard a wide range of interests from speakers on the motion, but primarily we've heard of economic interests and primarily those from the petroleum industry. I wonder, as important and crucial as the petroleum industry interests are to this province, if we aren't then blinded to other interests that we might be mindful of. I think economic interests are part of it and, as I said, the petroleum industry part of it, but it's not the whole story. There's more to this province than that.

I can't help but think of companies like BP, who now are operating some of their service stations in Europe without the use of petroleum, their own service stations. They're using solar power and other power to operate their stations and proudly talk of being beyond petroleum as being their future. It makes me wonder about putting all of our eggs in one basket.

So with those comments, Mr. Speaker, I'll conclude with, again, the concern about the narrowness of the debate, and I'm not sure that it serves us well to have confined it and defined it so narrowly. Thank you.

THE DEPUTY SPEAKER: Any questions or comments to be offered with respect to this speech? Edmonton-Highlands, you're rising. You've already spoken on this motion. [interjection]

Would the Assembly agree to revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**
(reversion)

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Speaker. It gives me pleasure to introduce to you and through you to the House someone who probably needs very little introduction to many members. This individual was a member of Edmonton city council and is a leading environmental advocate. He also went on to run in actually quite a strong campaign for mayor of Toronto. He's worked for Greenpeace, and he's been an environmental activist ever since I've known him. I'd like to ask Tooker Gomberg to rise and receive the warm welcome of the House.

head: **Government Motions**
(continued)

THE DEPUTY SPEAKER: Okay. There being no questions, we're ready for the next speaker. Grande Prairie-Smoky, are you ready to go?

MR. KNIGHT: Thank you, Mr. Speaker. While my esteemed colleagues are eminently more qualified than I am to address this particular issue, I feel obligated to rise this evening in the Assembly to add my comments to the many voices that have addressed the resolution before us. Unfortunately, while many of these individuals were toiling in the sweatshops of the University of Alberta, the U of C, and some of the technical institutes that we have in the province, I had the relative good luck and good fortune of working on the floor of the Guthrie McLaren rig No. 2 in Swan Hills. As much as I don't perhaps have a really good handle on the academic end of this particular topic, I think I do have something to add with respect to what happens on the ground in the province of Alberta.

This resolution and certainly the act with which it is associated are absolutely critical to this province and to all Albertans. These actions clearly establish that Alberta is confirming its constitutional right to, firstly, ownership and, secondly, the management, exploration, development, and production of renewable and nonrenewable resources in Alberta for the benefit of not only our citizens but also the Confederation to which we belong. No jurisdiction, Mr. Speaker, can undertake this most important work with more confidence or technical expertise than the resource sector, both public and private, in this province. Alberta has unquestionably some of the most highly educated and trained personnel engaged in these industries across Canada and, indeed, North America.

Climate change is real. However, the scientific community both in our province and around the globe is not joined in a unified voice or even a consensus on the cause or causes of this natural phenomenon. A determination of the effects of human activity on this natural process is not at hand, and in the face of all the uncertainty our federal government is railroading – yes, Mr. Speaker, railroading – Canadians into an international pact that has no chance of making any meaningful difference to the level of greenhouse gas emissions globally or, for that matter, any meaningful change in the atmospheric or surface temperature of this planet.

A group of 27 international climate scientists, including 12 Canadians, has signed a letter recently delivered to our Prime Minister asking to have ratification of Kyoto delayed until consultation can be completed regarding global warming.

AN HON. MEMBER: What did he say?

MR. KNIGHT: He said: not today.

The expected benefit is extremely tiny, immeasurable, say members of this particular group.

The Kyoto accord isn't, Mr. Speaker. An accord is by definition an agreement between governments, a formal agreement between governments. This is anything but. It may more accurately be described as the Kyoto accordion, and everyone you hear is playing a different tune on it.

First and foremost, I think it must be clarified, Mr. Speaker, that it is not what we know about Kyoto that is important; it's what we don't know. Many Canadians do not understand that Kyoto is not about cleaner air. There may be side benefits that could reduce airborne pollutants produced when fossil fuels are consumed, but what will happen with cleaner, more efficient internal combustion engines, clean-burn coal technology, fuel cell development, and the move to hydrogen fuel generally in the next two decades without Kyoto or any other UN-sponsored protocol? Carbon dioxide is not a pollutant. The world as we know it would not exist without CO_2.

8:40

What we're talking about here is the balance or lack of balance in the global carbon cycle. CO_2 is a major part of this cycle, and

perceived excess atmospheric CO_2 is the target of the UN-sponsored disagreement. There is almost no doubt that atmospheric levels of CO_2 have been much higher and also somewhat marginally lower in the last few million years, a blink in our planet's lifetime. Us human beings are beginning to take ourselves way too seriously if we think for a moment that our activity on this planet is the major contributing factor to global warming or a host of other natural calamities, for that matter. Mother Nature, if you like, has us beat hands down on this one.

So we need to address mankind's contribution to the carbon cycle. To the best of my knowledge, Mr. Speaker, there is no accurate way to measure how much CO_2 produced by any hydrocarbon oxidation is actually released into the atmosphere to join the host of gases that constitute our blanket. Formulas indicating mass into an equation equal mass out just don't do it. There are too many variables. Humidity, temperature, the amount of green biomass in the vicinity, or snow cover all could affect the actual CO_2 released. How do we buy credits for something we can't measure? A coal-fired generation station in the boreal forest may be vastly more green friendly than one in Arizona. Who knows?

Move away from the numbers. They are very confusing, and honestly at the end of the day those numbers about jobs, economy, competitive disadvantages, et cetera, et cetera, are only accordion tunes composed and played for the benefit of one maestro or another. The numbers can bore you to tears, but let me plant a thought in your mind with one important number. A scientist has estimated that the cost of Kyoto over the first compliance period of '08 to '12 will be in the neighbourhood of $200 billion U.S. dollars.

AN HON. MEMBER: How many?

MR. KNIGHT: Two hundred billion U.S. dollars in the first compliance period. He contends, Mr. Speaker, that this is sufficient to produce sanitation and safe potable water for most of our planet's population. Where would you spend your money?

I want to stress that the Alberta government understands and agrees with the need to take action on climate change. We are committed to addressing this issue and share Albertans' and Canadians' concerns.

However, as the Premier has stated, Kyoto is not the only option for reducing greenhouse gases. The U.S. has adopted its own plan, and like the new U.S. climate change strategy our made-in-Canada alternative calls for cutting emissions intensity. Emissions intensity refers, of course, to the ratio of emissions per unit of economic output. Mr. Speaker, a policy based on emissions intensity allows you to keep growing your company, to keep opening plants, to keep driving your economy forward as long as your activities grow steadily more efficiently. Our reduction targets will be met through sectoral agreements with industry, energy efficiency and conservation by consumers, and technological investment all backed up by legislation.

Alberta's plan focuses on real reduction in a realistic time frame. By 2020 Alberta will cut emissions intensity in the province by 50 percent below 1990 levels, or the equivalent of an overall reduction of 60 million tonnes of greenhouse gas emissions. In the interim, Mr. Speaker, we will cut 22 percent of emissions intensity by 2010, a reduction of 20 million tonnes.

Mr. Speaker, Alberta's plans would see substantial reduction in emissions over a more realistic time frame than Kyoto through a combination of investment in technology and energy conservation measures. Alberta's plan is a long-term strategy with a strong focus on partnerships and leveraged funding for emission reduction initiatives. For example, we propose that the Alberta government will provide $1 for every $2 contributed by others, such as the federal government or the private sector, in funding such initiatives. Of course, our largest trading partner, the U.S., has rejected the Kyoto plan. The U.S. plan for the greenhouse gas issue is centered on safeguarding their economic growth, and our plan should address this also.

Alberta companies, institutions, and governments have adopted a host of greenhouse gas reduction measures currently. Methane, by the way, Mr. Speaker, is a good, clean fuel, and CBM is more good, clean methane. We are increasing sulphur recovery rates at gas plants, we're dramatically reducing flaring at oil and gas wells, and we have toughened emission standards on new coal-fired electricity plants. Oil sands operators, as has been stated, are reducing their emissions intensities, and Alberta is part of a dramatic North American research effort into cleaner coal technology with the ambitious goal of reaching zero-emissions electricity. We did all these things the Alberta way: in partnership with Albertans, the industries that employ them, and voluntary organizations.

Perhaps most important, we want to work towards more effective use of technology and innovation in meeting our greenhouse gas reduction goals. For example, through our proposed national institute for energy and environmental policy the Alberta government will support and encourage new technologies that emphasize cleaner environmental performance and the development, process, and transport of energy resources. It will become an integrated centre of excellence for energy research where all players can focus and co-ordinate their efforts.

A key focus area of Alberta's plan is carbon management, capturing and using carbon dioxide for resource development, plus storing it in geological formations. In Alberta CO_2 from oil sands upgrading, oil refining, or power generation could be captured and used to increase production from mature oil reservoirs and coal-bed methane and could be stored in geological formations. Currently, technical conditions and infrastructure do not encourage widespread commercial use of CO_2 in these or other applications. The economics of capturing a pure stream of CO_2 are at present marginal. However, with oil and natural gas prices at current levels, there is interest in exploring the options available. The Alberta government is working in co-operation with the industry and the federal government, I might add, to develop solutions for the capture, transport, and storage of CO_2.

AN HON. MEMBER: Again, co-operation.

MR. KNIGHT: Again, co-operation.

What Alberta is proposing is to keep money here in Canada, using it to develop cutting-edge technology and getting those technologies into countries where emissions are much higher than they are here so that those emissions may be reduced. The fact is that Alberta is saying: let's not go the Kyoto route; let's take on global climate change in proven ways, ways that protect the jobs of Canadians and the future economic growth of every region of this country.

Mr. Speaker, the 60-plus pages of this international mumbo jumbo can be supplanted by the 13 pages of Bill 32, and it will at the end of the day result in more positive action on the serious question of climate change.

Thank you.

8:50

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands on questions and comments.

MR. MASON: Yes. Thank you, Mr. Speaker. Well, where to start?

The hon. member has indicated that he does not believe that human activity is primarily the cause of CO_2 emissions and the greenhouse effect. Can he tell us, please, how he then responds to this list of scientists at the University of Alberta who say otherwise. We've got Dr. Schindler; Dr. Sharp, a professor from the Department of Earth and Atmospheric Sciences; James Byrne, director of the Water Resources Institute at the University of Lethbridge; John Spence, professor and chair, Department of Renewal Resources at the University of Alberta. It goes on and on, page after page. What special insight does this member have that allows him to stand there and to contradict the expert advice of about four dozen top experts from Alberta?

THE DEPUTY SPEAKER: The hon. Member for Grande Prairie-Smoky.

MR. KNIGHT: Thank you, Mr. Speaker. I will respond to the question that the hon. member has raised. Firstly, I'll respond by saying that it's unfortunate that perhaps his hearing device doesn't work quite as well as the one that I've been provided with, because I did not say what he repeated. What we say is that our activity on this planet is not the major contributing factor to global warming.

However, to go on to answer his question a little more fully, I believe that in the preamble to my comments with respect to this whole issue I did say that I had not been labouring in the universities and in the sweat mills in Alberta and in other places in Canada and around the world availing myself of further education, but I do say that I think that as a person that's been on the ground in the industry we are speaking mainly about for the last 40 years, I feel like I have an objective view that I could espouse and respond to him with respect to global warming and the issues concerning the release of emissions, not only carbon dioxide but certainly methane, sulphur compounds, and other compounds that are released through that particular industry.

Thank you.

THE DEPUTY SPEAKER: Hon. minister, did you have a question?

MR. SMITH: Yes, actually, I did.

THE DEPUTY SPEAKER: As soon as Edmonton-Highlands has his opportunity.

MR. MASON: Thank you, Mr. Speaker. The question I have next for the hon. member has to do with the concept of emissions intensity which is contained in the bill, that apparently is not even going to be passed in this session. I believe I heard the member say that it would allow people to continue to increase their economic activity and it reduces the amount of CO_2 per unit of production or per unit of energy. Is it not the objective of the government to increase overall economic output as much as possible? Therefore, would it not be possible for the actual total, absolute amount of CO_2 emitted in Alberta to continue to grow notwithstanding that the intensity per unit of energy or production was slightly less?

THE DEPUTY SPEAKER: The hon. member.

MR. KNIGHT: Well, thank you, Mr. Speaker. I guess I would have to reply by saying: is it the case that the hon. member is suggesting that as global activity increases both with respect to population increases and certainly the commercialization in other parts of the globe – is it his suggestion that globally we are going to see a decrease in the level of any types of greenhouse gas emissions? I would suggest that that is not going to happen.

Also, Mr. Speaker, when we talk about the contribution of Canada, generally speaking, and Alberta specifically, our contribution with respect to the greenhouse gases emitted globally, certainly it's such a minor amount as to be almost not worth speaking about.

The second thing is that I would suggest, then, that perhaps . . . Thank you very much.

THE DEPUTY SPEAKER: Unfortunately, we haven't had the opportunity to complete the answer nor to hear questions and possible responses from the minister. Five minutes is an absolute on this one.

So we're ready for our next speaker on this topic, and if not, then we're ready for the question. The hon. Member for Calgary-Fort.

MR. CAO: Thank you, Mr. Speaker. It's a pleasure for me to rise today to speak on this resolution, the resolution of the 12 points. Let me say first and foremost that I believe strongly in conserving our energy consumption to protect Canada's natural resources and our environment globally and locally. I strongly support the 12 principles that provide the basis for the development of a national climate change plan. I believe that there is a far better alternative than the Kyoto accord, that Albertans and all Canadians are being forced to accept.

Mr. Speaker, the accord is unreasonable, unfair, and ineffective. Each developed country has a different target, and some have not even signed, while the European Union and Japan have ratified the accord with their own qualifications. The United States of America have refused to do so. Australia also refused. Kyoto simply does not work within the North American context. The resolution that we see today provides an opportunity for dialogue that would result in a made-in-Canada solution. It does not make sense for Canada to adopt a foreign-concocted plan like Kyoto.

Mr. Speaker, with my limited knowledge of Japanese history "Kyo" means capital and "to" means city. It's a beautiful word to indicate the ancient capital of Japan, but – and this is a big "but," very important – unfortunately, our current Canadian federal government leader has changed its meaning for Canadians. In Canada Kyoto – K-y-o-t-o – has become: kill your opportunity to outperform. And I will tell you why. Studies show that if Kyoto is signed, up to $8 billion per year could be lost in Alberta economic activity. It is roughly 2 or 3 percent of our annual economy. Also, if Kyoto is ratified, jobs will be lost. Studies show that there could be between 40,000 and 70,000 Alberta jobs lost or not realized.

Further, Mr. Speaker, Kyoto will affect Canada's ability to compete in global markets. For instance, 80 percent of Canadian exports go to the U.S., who are not signing on to the protocol. Certainly this will affect our relative competitiveness. Kyoto could also result in higher costs for consumers. It is possible that taxes could rise along with gasoline prices, utility prices, and heating costs.

Mr. Speaker, Canadians are prepared to change their lifestyle to accommodate and protect our environment. We are all committed to this. However, Kyoto would impose restrictions beyond our control. For instance, consider the huge emission sources of personal automobile exhaust.

9:00

For an example, say that five years ago, Mr. Speaker, on behalf of this group here I simply signed a broad agreement with other countries or other groups out there and came back and told the group here that now we have an obligation within 15 years to reduce our driving distance by a hundred thousand kilometres from our annual level of seven years previously, and then five years have gone by

and no one has yet put together any detailed plan to implement my agreement.

Now, there are a few minor issues. You see, Mr. Speaker, now there are more people in our group; hence, more total driving mileage relative to 12 years ago, and in the next 10 years there will even be more and more people driving. How do I allocate my committed driving reduction to individuals in my group? How do I further stop the increase in the number of people in my group and their traveling? I also fail to realize that individuals in my group drive for different reasons, for different purposes. How do I ask the transport truck drivers to drive less? How do I ask the taxi drivers to drive less? How do I ask doctors, nurses, and teachers to drive less? Especially, how do I ask our farmers to drive even less? There are many unanswered questions. Further, there are people in my group who make wheels and vehicles, and there are children who will be learning how to drive in the coming years. Since I have no answer, you know what I did? I will try to do everything and adopt innovation which is already being done; for instance, new types of automobile engines, new types of fuels, hope for the future of research and technology, and I even talk about retraining people for jobs that require less driving and making driving or traveling cost prohibitive with higher fees and taxes. But the question still remains: who shares that 100,000 kilometre reduction that I committed to? Who shares that reduction? I argue that it's careless to sign the accord without any quantification, any detail. The fact of the matter is that ratifying the Kyoto protocol could impose unreasonable and harmful CO_2 reduction targets globally. On the whole, it is a very ineffective solution for CO_2 reduction.

Mr. Speaker, Kyoto proposes buying emission credits as a possible solution, but this money will leave Canada without doing anything or actually helping the environment globally. All in all, trading emissions will have very little impact on the global CO_2 level because it only covers 30 percent of man-made emissions, and the large polluters like the United States, China, India will not even ratify the Kyoto protocol. Ultimately, Kyoto will merely transfer wealth among countries rather than measure the real impact of CO_2 reduction. Kyoto will drain dollars, investment, and jobs from Canada and transfer them to the non-Kyoto countries with virtually no impact on global emissions.

The burden that Kyoto would have on Canada is huge, Mr. Speaker. Ratifying the Kyoto protocol would harm Canada more than any other country. This is probably due to the fact that Canada will not receive credit for our previous efforts of reducing CO_2 or for clean energy export, and as it hits home to us, consider the serious impact that Kyoto would have on the oil sands development in northern Alberta. Before Kyoto oil sands volumes are projected to account for more than 50 percent of Canada's oil production by 2010. Kyoto's effect on Alberta oil sands is important for all of Canada to realize. Without major oil sands development Canada would become a net importer of oil. This would have significant consequences for our national economy, energy, security, and even your safety.

In closing, I strongly support the resolution before us, and I support the move toward an alternative made-in-Canada approach that would better address climate change. Rather than Kyoto there are ways to focus CO_2 reduction efforts on energy efficiency instead of meeting rigid targets at the expense of our economy. Rather than conforming to Kyoto's time line, we should consider a realistic, reasonable time frame for CO_2 reductions unique to Canada's situation.

Before we do the question, I have something here to say to our Prime Minister en francais. Au mieux, l'arrangement Kyoto du gouvernement federal Canadien est un cas exemplaire d'un coeur gentil et une tete de folie. Tenons notre coeur et purifions notre tete.

What I'm saying here in English is that at best the Kyoto scheme of the federal government is an exemplary case of a gentle heart and folly head, so keep our heart and clear our head.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands on comments and questions.

MR. MASON: Thank you very much, Mr. Speaker. The hon. member parlays considerably better than the Prime Minister, I believe. I congratulate him on that.

I want to clarify some numbers that he used, and I believe some other hon. members have also used numbers about the number of jobs lost. I thought he said, perhaps, that it was 40,000 to 70,000 jobs lost and $8 billion. Can he first of all correct my numbers and make sure I've got them right, and then, secondly, can he please cite the source of this economic information so that we can all have a look at it?

THE DEPUTY SPEAKER: The hon. Member for Calgary-Fort.

MR. CAO: Thank you. Thank you. That's a very good question. In fact, if you look at the brochure circled around Canada, now you have the federal government talking about hundreds of thousands, you've got 400,000 from the manufacturing association of Canada – okay? – and then you have a lot of ranges. They even talk about temperature variety. So the number that you are talking about here is still within that limit. That's a large range. I just focused on a particular smaller number for you to worry about.

[Government Motion 33 carried]

head: Government Bills and Orders
Committee of the Whole

[Mr. Tannas in the chair]

THE CHAIR: We'll call the Committee of the Whole to order.

Bill 30-2
Adult Interdependent Relationships Act

THE CHAIR: Are there any questions, comments, or amendments to be made with respect to this bill? The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. It is my pleasure to rise tonight to speak to Bill 30-2 in committee and in particular to propose an amendment, which I understand the table has been provided with the necessary copies. The amendment basically deals with three connected issues relative to the act.

I spoke to Bill 30-2 in second reading, and I won't repeat the issues that were raised at that point in time, but I'd just like to put on the record for the House that in dealing with the bill, I have had the occasion to meet with members of the Canadian Bar Association, wills and estates subsection, both in Edmonton and in Calgary and have been in attendance at a meeting of the family law section of the Canadian Bar Association in Edmonton. In the meetings of those subsections some issues and concerns have been raised by members present about the bill from the perspective that the bill doesn't go far enough, in their viewpoint, to provide the certainty that they would like to see with respect to matters of defining who is actually in a relationship.

9:10

Now, Mr. Chair, I should be clear that I don't necessarily agree with those assertions. I've been dealing with this bill for close to a year now, perhaps more than a year now, and in terms of coming to a definition of an adult interdependent partner which makes sense, which people can see and can understand who's in that type of a relationship and what types of factors go into determining that type of relationship, I think we have in this bill achieved a pretty good standard and one which the courts would recognize and interpret as being a relationship which would be similar to the type of relationship that one might have normally called a common-law relationship. Of course, the courts have dealt with common-law relationships over the years and have extended certain obligations of the law and access to the law to people in common-law relationships. So I think the definition in the act very clearly attempts to establish that issue with respect to people who are in a relationship outside of marriage as being similar to what we would normally have called a common-law relationship.

However, the issue that has been raised by members of the bar relates to the so-called platonic relationships that might be included in the definition of adult interdependent partner. Because this is probably the first time in at least a Canadian jurisdiction that the law has actually preceded the court in terms of defining the relationship, there's concern about there being a lack of a body of law to interpret it and some issues around that. So in looking at that issue, I invited members of the bar to make suggestions as to what might be done from their view to make the definition that's in the act and make the interpretation of the act more certain.

The first portion of the amendment, which is titled in the amendment, which is being handed out, as A, refers to section 3 being struck out and the following being substituted. Then the substituted section which is being proposed basically repeats all of what used to be section 3 in the bill but then adds a subsection (2) which reads:

> Persons who are related to each other by blood or adoption may only become adult interdependent partners of each other by entering into an adult interdependent partner agreement under section 7.

So what this portion of the amendment does, Mr. Chair, is to indicate that where people are related by blood or adoption, the question of being taken into an adult interdependent relationship by what is called ascription – in other words, they haven't actually signed a contract – would be prohibited, and they would actually have to take the formal step of signing a contract.

Now, why does this make sense, Mr. Chairman? Well, it makes some sense because most of the issues that people have raised with respect to a platonic relationship circle around the area of a family member taking care of a family member, and that relationship of care, which one normally assumes to be a normal family responsibility or an issue of one family member taking on what would be considered to be a family obligation with respect to another family member, ought not to by virtue only of that relationship be interpreted as an adult interdependent partnership.

It may well be prudent, and we have taken the step of agreeing with some members of the Bar Association that we ought to put forward a resolution which would then make it certain that those people who are members of families who are related by blood or adoption could only be in an adult interdependent relationship if they actually took the proactive step of entering into a contract in that respect. So it somewhat narrows the number of people that might be involved, but it gives those other people who would want to be involved the opportunity to contract in, so to speak.

Section B adds "and costs" after "loss" in sections 8(2) and 8(3) of Bill 30-2, and that is relevant when we look at amendment C. Amendment C adds a section 8.1 after section 8, and it suggests that

> a person who alleges an adult interdependent relationship knowing that the relationship does not exist is liable in damages to compensate any person for pecuniary loss and costs incurred in reliance on the existence of the alleged adult interdependent relationship.

Again, the concern that was raised by members of the bar was that there would be a flood to the courts of cases in this area of people alleging an adult interdependent relationship where there's not a conjugal relationship in place – it's just a platonic relationship – and it may be difficult to prove one way or the other. I don't necessarily agree with the concern that's been raised. In fact, I do not believe that the courts would be flooded in this manner, but I think it is always prudent to discourage unnecessary litigation and discourage people from challenging the law just because they might have an opportunity of success. So I did agree with the Bar Association that putting the clause in here makes it clear that one ought not to go to the court unless there actually was an adult interdependent relationship. Alleging one for the purposes of trying to change the way an estate might be distributed, that type of claim, ought to be discouraged. Therefore, one should only take those cases to court if they clearly fall within the definition of an AIP. So that section 8.1, again, is a section based on a representation made to myself in discussions that I've had over the course of the last two weeks with members of the wills and estates section of the Canadian Bar Association and is responsive to the request that they raised.

I go back to section B, then, and say that because we've added costs in with the new 8.1, it's prudent to add costs into the provisions of section 8, which also deal with compensation issues.

The section D, as outlined there, deals with onus of proof, and while it ought to be clearly understood at law that the onus of proving that a relationship existed would be on the person who was alleging the existence of the relationship, section 9.1 puts it right into the act so it's clear for all to see and there's no ambiguity about it at all. The burden of proof is on the person who alleges that a relationship exists. Somebody doesn't have to disprove the relationship; the person alleging it has to prove the relationship.

With these amendments, Mr. Chairman, we're attempting to be responsive to concerns that have been raised. It has always been our intention that the relationships that are captured under Bill 30-2 are clearly those personal intense relationships which we normally at this point in time would consider to be common-law relationships but extended to include conjugal relationships and platonic relationships but, clearly, those relationships of such an intense personal nature that the parties have an obligation to each other, and when the relationship breaks down, there's a dependency that's been created and those parties have the obligation to deal with the dependancy.

So I hope, Mr. Chairman, that clarifies to a certain extent why the amendments are being brought forward at this stage, the concern that they're being raised to satisfy. I think the bill, with these amendments, is still a landmark bill that deals with the issues and concerns about who has access to the law and for what purposes in order to deal with issues of relationship breakdowns, and they're consistent with the philosophy of the bill. I would be happy to answer any questions that the members of the House might have relative to these amendments or to the bill itself, but I would encourage the adoption of the amendments.

THE CHAIR: The hon. Member for Edmonton-Centre on amendment A1.

9:20

MS BLAKEMAN: Thanks, Mr. Speaker. Well, indeed, there's much to be said for clarity. I think there's even a series of commercials that is out these days extolling the virtues of clarity in life.

I have seen this amendment in advance, and I thank the minister

for the courtesy of that. I don't take particular issue with any of the sections that are being suggested for amendment here. I actually think that 3(2), where

> persons who are related to each other by blood or adoption may only become adult interdependent partners of each other by entering into an adult interdependent partner agreement under section 7

is probably a good idea and will help alleviate some of the concerns that I've had raised with me about a number of the scenarios that have been raised where family members are residing together, and because they've been together for longer than three years, this adult interdependent partnership now exists, and that that would alter some of the other arrangements that had been made; in other words, the relatives wouldn't necessarily understand that they'd been captured by this new legislation. This now sets out that they would have to knowingly and with forethought enter into this agreement, so there could be no misunderstanding, that they didn't understand that it applied to them or that it caught them by surprise.

I am not so sure why we need the additions of the kind of legal-beagle stuff about having to prove it in court and not going to court to use these relationships as a way to get out of something or get into something that they really are not entitled to. But if that's what the recommendation is from the Canadian Bar Association, I'm willing to believe that that's a reasonable group of people and that they know what they're doing, and I will accept the suggestions that they've made.

I guess one of the issues that I do want to bring up and get on the record and get a response from the minister on is: will this amendment alleviate a situation that's described in a document from the Canadian Bar Association wills and estates subsection for northern Alberta, which outlines an anecdotal situation where we have a mother and adult son that are living together. The mother decides she wants to reward the son by leaving him more of the estate. I'm sorry; the actual example is that if the mother wanted to leave her estate to all of her children equally but that she was now deemed to be in an adult interdependent relationship, she would not have the ability to do that. The legislation would now essentially force the estate to give precedence to the son that was her adult interdependent relationship. I'm assuming that that is going to be addressed in this and that the mother and the son would have to knowingly enter this relationship. One presumes that the rest of the siblings would then be aware of what the arrangement is and would know this was the case, and that could be argued out in advance of the mother's demise then. So I'll just double-check with the minister that, in fact, I am reading that correctly and have him respond to me. That seemed to be the concern that was being raised there.

The other issue I've had raised with me around this – and I don't think it's being addressed by this amendment, and I'll probably bring it up again later – is that people may not be aware that if they had a will in place, the existing law is that if you get married, that will is null and void. With the passage of Bill 30-2, the Adult Interdependent Relationships Act, the same thing would now apply to these types of relationships. Any will that was in place once the people enter into or qualify for this relationship would render any pre-existing wills null and void. People need to know that and need to know that they should go in and write a new will. That I don't think is covered under the amendment that has been brought forward by the minister.

So, as I say, having had an opportunity to look at this amendment in advance, discuss it with a few people, review some of the information that has come my way from various divisions of the Canadian Bar Association and others who've contacted me, I do see this as an attempt by the minister to address some of the concerns that are brought forward by members of the legal profession regarding this legislation. I hope that it will bring clarity to the process. I don't have a problem with what I'm seeing as far as I understand it.

With that, I'm hoping the minister can answer my questions, and I'm willing to support the passage of this amendment. Thank you.

THE CHAIR: Any further comments, questions?

MR. MARZ: Just a few comments, Mr. Chairman, on this and perhaps some clarifications on some of the clauses in the amendment. I received a call from a constituent over the supper hour. The constituent was a lawyer, and he expressed some concerns about this in addition to some of the other concerns that the minister talked about that he'd received from the Bar Association as well, and they were quite similar. I did talk to him at length about what would be satisfactory to ease his concerns, because apparently he's dealing with constituents and clients of his that are in estate planning, and they've expressed concerns about how this is going to affect their estate planning. It appears that one of the amendments that the minister introduced here, the one that

> persons who are related to each other by blood or adoption may only become adult interdependent partners of each other by entering into an adult interdependent partner agreement under section 7

apparently he felt would go a long way to alleviating a lot of the problems that he's encountering in dealing with this particular bill.

There are some other problems that have been expressed to me over the last number of days, though, and one deals with the potential alleged interdependent relationship that may result from a caregiving situation. I see the Minister of Seniors in here tonight, and as we are increasing the baby boomer bulge, becoming retirees, that group of people is getting larger and larger, and we are encouraging as a government these people to stay in their homes as long as possible. Staying in their homes as long as possible is going to require care, and probably a lot of that care in the future is going to be provided by the private sector. There's nothing wrong with that, but the problem arises where there is a substantial estate and a caregiver, although only a caregiver, claims to have established an interdependent relationship at some time during that caregiving period with an individual and thereby is seeking to inherit a substantial part if not all of the estate.

I was wondering if the minister could provide some clarification of this particular situation. There may be a strong temptation for such an individual to claim that even though I see that in amendment 8(1) there are potential penalties for doing that by having court costs assessed and that sort of thing, but perhaps the size of the estate may provide temptation far beyond that. So I was wondering if the minister could provide some insight into these situations. We can't determine for certain what the courts are going to decide in these cases.

In talking to this lawyer at noon today, I spoke to him of a common-law relationship, having to have three years living together or a child to establish a common-law relationship. He said that that's not always the case. There are other instances where the courts have determined that a common-law relationship did exist, so perhaps the minister could enlighten me a little bit on that. If that is the case, could that not be the same in this particular thing, that the courts could decide that even though it says three years, even though it says that in less than three years a child would have to be a product of that union? Are there other instances where the courts may decide this could happen? It would be quite disastrous to those families if the courts made this determination based on this legislation. If this isn't ironclad, we certainly wouldn't want to be experimenting with families and their estates. Perhaps the minister could comment on some of these.

9:30

THE CHAIR: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. Just to deal with the concerns from the hon. Member for Olds-Didsbury-Three Hills first. It should be clear that there are two things which are being proposed: one that's already in the bill and one which is in the amendments, which should deal with the concerns raised by the hon. member relative to a caregiver being found to be an adult interdependent partner. In the amendment we're making it clear that if you're related by blood or adoption, you cannot be an adult interdependent partner unless you've entered into an agreement, therefore a conscious act between the two parties, to find the status of an adult interdependent partner. That takes care of the situation where it's a family member who's the caregiver who's moving in, and that was one of the concerns that people had. As I say, I think the definition that was in the bill was broad enough to stop that from happening, but out of an abundance of caution because of a concern that has been raised, we proceeded to bring that amendment forward to clarify that and to make it certain.

The other thing that I'd like to bring his attention to is section 4(2) of the bill, which provides that

> a relationship of interdependence does not exist between 2 persons where one of the persons provides the other with domestic support and personal care for a fee or other consideration or on behalf of another person or organization, including a government.

So if you have a nonrelated caregiver who's resident and they're providing care for a fee or other compensation, they, by definition, cannot be an adult interdependent partner.

Now, relationships might always progress from that of being a paid caregiver into an actual relationship. If that happened, that would be a normal situation that people might find themselves in. But the fact of the matter is that if a person is actually a paid caregiver or somebody who's receiving consideration for providing the care, they cannot be in an adult interdependent relationship. I think I can safely say to the hon. member that for people in that position the issue with respect to a person's estate will not be aggravated by this bill.

I have had other discussions, of course, with the hon. member. I mean, there are situations in this world where people take advantage of older people or where they move in. You know, relationships are established. That happens, but again one shouldn't just assume that because people have entered into a relationship, even if it is an actual relationship that would be defined as a relationship under this bill or without this bill – those situations happen, and those situations are the subject of cases before the courts even now. This bill doesn't change that in any way, shape, or form.

I want to assure the member that we have dealt completely with the issue that he's concerned about, and that is a caregiver taking advantage of the person that they're taking care of and going for more than the fee that they were to be entitled to have. I think that deals with that situation.

Now, the other situation that he's raised is the question of whether the definition of three years or one year with a child is a firm definition. Actually, Bill 30-2 goes a long way to create certainty in that area as well, because at law in Alberta we have definitions of common-law relationships that range anywhere from one year or just people moving in together to five years in certain statutes, so we have it defined in a broad spectrum of ways in different definitions for different acts. This clearly makes one definition for all of the laws that we have relative to who fits into that relationship, and by having that clear definition and a public purpose so that people can have some certainty as to when those relationships exist, we can be, I think, satisfied that the courts now will know what at law constitutes an adult interpersonal partnership, or formerly a common-law relationship. It's a common definition now, which is something we have not had before in Alberta.

I would just emphasize, although it doesn't need emphasizing, that, again, by virtue of this bill we're clarifying what "marriage" and "spouse" mean in all of the laws that we have and then what the common-law relationship, now the adult interpersonal partnership relationship, is in all of those laws. We're not confusing those two definitions, which we also have done in various statutes and laws in this province in the past. So I hope that deals with the hon. member's concerns relative to the issues that he raised.

The Member for Edmonton-Centre raised issues with respect to some letters received from various members of the Bar Association and one in particular, and I don't know whether she referred to the particular member that raised it or not. In any event, I'll just deal with it generically. First of all, some members of the Bar Association have been writing with concerns about us interfering with the ability of people to make their own wills and to devolve their own property. Clearly, we are not attempting in any way, shape, or form to take away the right of an individual that they have in this province to write a will and to determine who their property goes to.

Now, it has to be understood, of course, that the law in this province does still require that people take care of their dependants. So while adult children have no right to their parents' estate in Alberta, a parent can leave their property to anybody they wish in their will. They can leave it to the SPCA if they wish. They can leave it to a favourite charity. They have no obligation to leave it to their family, but people do have an obligation to take care of their dependants, and if they do not take care of their dependants in an appropriate manner and they leave somebody in a position where they don't have appropriate resources to live, people can make application under the Family Relief Act for relief.

In those circumstances, at law now, without this bill, the courts can determine that a person has not appropriately provided for a dependant and can give the family relief, and that would not change under Bill 30-2. Bill 30-2 still provides that an individual in this province can write a will, leave their estate to whomever they wish as long as they appropriately provide for dependants, and if they haven't appropriately provided for their dependants, the dependants would have access to the Dependants Relief Act, as I think we're changing the name to in this bill. So I think that deals with the question of the wills variation that was raised or how we might be interfering with the question of the person's ability to leave their estate.

In the example that was used specifically, of course, again, by virtue of the amendments that are being brought forward tonight, we're saying that you cannot be an adult interdependent partner if you're related by blood or adoption unless you've entered into an agreement. Therefore, the adult child living with the parent would not have the benefit of that relationship to take forward into their dependant relief application. Now, if they were truly dependent, they would have whatever application they have at law now, and that won't change.

So, clearly, Bill 30-2 does not do what people are concerned about with respect to interfering with the ability of a person to leave their estate to whomever they wish, and the concern that has been raised relative to family situations is very definitely dealt with now by virtue of the amendments that are being proposed tonight.

THE CHAIR: The hon. Member for Edmonton-Highlands on amendment A1.

MR. MASON: Yes. Thank you very much, Mr. Chairman. I'd like to ask the minister just some questions, and these I think bear on the basic content of the bill. Here's what I'm trying to figure out. If you are unrelated and you don't have a conjugal relationship – you might be roommates, for example, for an extended period of time, and one person might choose to make a greater financial contribution than the other, and then after three years all of a sudden the person who's making the greater financial contribution is required to make that greater financial contribution on an indefinite basis. But if you happen to be brother and sister or sister and sister or whatever, you don't. Now, I don't understand that. This is the problem I'm having with the basic concept of the bill, but it's embodied in this amendment, so it's a great chance to ask it, I think.

9:40

Why, if you are roommates and one provides a greater degree of financial support to the other, does the person receiving the financial support by mutual agreement have a right to enforce a continuation of that support in the courts? This is something I do not understand, Mr. Chairman.

THE CHAIR: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. Indeed, I would commend to the hon. member the Canadian Law Reform Commission's report Beyond Conjugality. It's a very good report, and it clearly outlines the issue.

Sometimes governments are accused of having to be dragged kicking and screaming into making amendments to the law. Now, when this government has reviewed completely the philosophy which underlies why we have this type of law, it then says: it ought to be extended to all of those people who are in a relationship of interdependency, who have created the emotional bond and the financial bond and have created that dependency. When the relationship breaks down, they ought to have access to it. Then people say: well, you're going way too far; you should wait for the courts to tell you to do that. Well, I think not. I think we ought to look at the philosophy of why we have the law and who should have access to the law.

We've said that that isn't limited to people who have sex, has nothing to do with people who have sex. It has to do with the type of personal emotional relationship that people have, and by coming together and having that type of relationship and intermingling their property and being co-dependent on each other both emotionally and financially – that's the type of relationship which historically we knew as marriage and more recently has included common-law people and more recently than that or perhaps forever has included other types of couples. Essentially, those are the types of relationships that the courts have said ought to have access to the same laws because they have the same problems. When relationships break down, property has to be separated and dependencies have to be dealt with.

So it makes sense to include those people who are in a platonic relationship of that type of personal emotional commitment and intensity, and we should be, again, very clear in what we're talking about here. We are not talking about two college roommates who lived together for three years, regardless of who pays the bills. One of them pays all the bills and the other pays none of the bills. It doesn't make it the type of relationship that you would say: those two people are holding themselves out as a couple in the community, they go to events together, they're known to be a couple, they're known to be together, and regardless of whether they're having sexual relationships or not, that's immaterial. The question is: do they have the type of relationship where if they ought to have gotten married or they could have gotten married, they should have got married, as some would put it. That's what you're talking about in this situation.

It's not about casual, platonic relationships. It's not about two college roommates. It's about those people who have engaged in a close, intense, personal relationship that we now know as marriage or as a common-law relationship and also ought to include other relationships, because it's not up to us to determine what type of relationship you live in. It's only for us to make sure that you have access to the law when it's necessary, when the relationship breaks down either by virtue of disagreement or by death and you need to then sort out the issues which come out of those relationships. Now, why differentiate between family members and non family members? Well, quite frankly, personally, I would prefer not to. I think it makes sense if we're going to be philosophically pure not to do that.

However, I do understand that sometimes you have to move slowly in these areas. The area where there could be the biggest misunderstanding would be the situation where an adult child moves in with mom or dad and the rest of the family is concerned that the adult son moving in with mom or dad might be doing so to lay a larger claim on the estate or to somehow get an advantage.

So perhaps it's prudent. I've acquiesced in the view that it may be prudent to take this one step at a time and to say that in those situations where there's the potential for abuse and where people are concerned that they're going to be abused, we say that you have to take a positive, proactive step to enter into the agreement so that there could be clarity around that relationship. That's a prudent step, and we do need to take these steps slowly so that people can understand, a body of law can be built up around this, and we can be assured that it's not being applied inappropriately.

So I would ask that the House do support the amendment for those reasons.

THE CHAIR: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Chairman. I want to just follow this up because I really want to understand this clearly. The act is saying in the Interpretation section that

> "relationship of interdependence" means a relationship outside marriage in which any 2 persons
>
> (i) share one another's lives,
>
> (ii) are emotionally committed to one another, and
>
> (iii) function as an economic and domestic unit.

Now, is there jurisprudence on this matter? Have the courts interpreted this adequately that it's going to make some sense?

Then the second question has to do with the amendment with respect to people who are related by blood or adoption. The question I would ask, then, is: if two brothers or two sisters have lived together in an interdependent relationship for an extended period of time, why would they have less protection than two people who are unrelated by blood? I can see the point about the freeloading offspring coming back into the nest. I can see that point, but I would suspect that there are a number of relationships where siblings have lived together in an interdependent relationship, and this amendment takes away their rights or reduces their rights to a level which is lower than people who are totally unrelated. Why is that?

THE CHAIR: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Chairman. First of all, with respect to the question of jurisprudence I would address the hon. member's attention to section 2(a) to (i), which are the factors which

are to be taken into account in determining whether a relationship exists. In fact, those are the factors which have come out of the case law over the years with respect to the determinations that courts have made in finding common-law relationships. These aren't invented or pulled out of the air. This comes from the body of law which has developed over time as the courts have developed this issue that relationships exist outside of marriage which have to be taken into account.

So I would say that there's a considerable amount of jurisprudence which will be helpful in guiding a court if any issues of this nature come up, because the courts, in fact, have been involved in determining those factors and applying those factors and determining what weight those factors might have in any given fact circumstance. Sometimes I've had the question: how many of these do you have to have? What weight do you give them? Well, those are subjective tests that a court has to apply having heard the evidence and having heard the people involved in the case. They've done a good job of that in the past, quite frankly, and those factors come from that area.

The second question that the member raises is a little bit more difficult because inherently it does look to be unfair to say that if you're related by blood or adoption, you have to have an agreement, but if you're not related at all, you don't have to have an agreement. The member makes a good point that if two sisters are living together, as was the example used in the Beyond Conjugality report, that I referred to, they ought to have access to the law in the same manner. I don't inherently disagree with the member, and that's why this amendment was not included as part of the bill in the first place. But I have been swayed by the argument that we should proceed cautiously, that if we're going to expand into this area, there ought to be an opportunity for people to understand what this means and how it might affect them.

The single area that has been pointed out as being the most likely area of abuse, if there is an area of abuse, is the situation with close family relationships. Unfortunately – I wish it were not so – most estate litigation deals with families and family members and disagreements after death of a parent and those sorts of situations. So that is the place where the greatest anticipation of concern comes from. In looking at this and saying, "How do you best deal with it?" there's no easy way to codify this in a manner which would just isolate those people who are codependent children or parents or those sorts of things. You really have to take the whole bundle of family relationships.

I think it ought to be clear that there's a balance involved here, and the balance is one of trying to find the best place to create more certainty in the law, which is what the people planning the law would like to always have, but also providing the greatest access. So family members, if it's clear – and we make it clear to people that you can have this type of relationship, the adult interdependent relationship. By entering into an agreement, they're are not precluded from having that type of relationship where it's appropriate to have it. They just don't get it by ascription. So we believe that that was a prudent place to start with this to see how it might develop at law, to see if there were the problems that come up that people are suggesting. I don't believe we'll see that, but that's a good place to start.

9:50

MR. MASON: Mr. Chairman, why not be very prudent and require everybody to sign the agreement?

MR. HANCOCK: Mr. Chairman, that would be the preference of many people. In fact, we used to call that marriage. That's the contract that people make, the intense personal contract that people make, and that's what our society built its property laws around. It's a very good concept. I agree with the member: that's the concept we ought to probably use. However, we can't go back. The courts have determined that there are relationships outside of marriage where people need to have access to the law, and in all fairness the law is about property and about division of property after relationship breakdown. So people outside of marriage have those problems and have to have access to the law.

The courts have taken us there and perhaps appropriately so. We've just not built that consistently into our law. As I said before in answer to an earlier question, we have numerous definitions of common law. We have numerous definitions of spouse. The need is to provide clarity, so we now have a clear definition of spouse. We have now a clear definition of how we term those people who are in relationships outside of that contract which is called marriage and apply the law to those people in a fair and appropriate manner. The law, in my view, would not stand up if we said to everybody: in order to have this type of relationship, you have to register.

THE CHAIR: The hon. Member for Edmonton-Centre on amendment A1.

MS BLAKEMAN: Yes. Thanks very much. There have been two issues now raised. I'm glad to see that they have been raised, and hopefully we will all achieve clarity on this issue as a result of the discussion. In response to the issue raised by Edmonton-Highlands and answered by the Minister of Justice, it is true, and that's what happens when you start putting amendments into a bill that was already thought out as a package. You do start in some ways moving backwards. The point of this and one of the reasons that I was supportive of this bill was that it did capture people that fit the description. It did not require people to go somewhere and make some sort of overt act in order to be covered under the legislation. What the courts have very clearly said is that you cannot exclude somebody from a remedy or a benefit that they are entitled to because they didn't do something: because they didn't sign a piece of paper, because they didn't go to a particular place and say something. You cannot deny them a remedy or a benefit under the law because they didn't do that thing.

That's why the original definition that was under this act is one I thought was a very good one, and it was one, frankly, that I worked very hard to make sure was there. So, yes, I have problems with an amendment that starts to erode that, and that is what's in here. What we are trying to do now is to establish whether that erosion against that definition – in other words, the section that says: "Okay. If you're related by blood or by adoption, you are going to have to make an overt act in order to be captured by this legislation. You are going to have to sign something, do the written agreement in order to be recognized as being in" – is balanced against the fears and concerns of people that we would be capturing people who (a) did not want to be captured and (b) did not know they would be captured.

That leads me to my second point. What mechanisms are in place for the results of the passage of this legislation to be publicized to Albertans? This is new law. This is something new we are creating. People do not know about it. I've even spoken to the minister about the fact that there's been very little coverage of this in the paper. I'm hearing very little about it out in the community. So how do we now let people know that this now exists, that we have in fact captured them or captured a large number of people under this legislation? I would like to hear that discussion from the minister because I think it's something that we are going to have to do very deliberately. If the minister doesn't have specific plans in place,

then I think the minister needs to get specific plans in place in order to let people know that this, in fact, has happened.

So while I appreciate the question from the hon. Member for Edmonton-Highlands because it brought the issue up, I vehemently disagree with what I would see as taking a step backward and requiring all people to sign a written agreement in order to be captured under this legislation. That flies in the face of what the courts have given us. It flies in the face of human nature. Human beings don't do what they're supposed to do. If they did, we would not need an Intestate Succession Act, because everybody would run out and do wills exactly when they're supposed to do them. The day they turn 18, they would do exactly what they're supposed to do. But people don't. They do not do those things they are supposed to do, and we need to be providing legislation that understands that. There's no point in us writing a series of laws that then won't work for people because they don't do it. Then we just have a huge enforcement problem and start having to get into police officers or enforcement officers of some kind running around thumping on people because they didn't do something. You reach ridiculous extremes in that case.

Once again to the legislation. I'm looking to the minister for a very clear explanation of how this law, once passed, is going to be publicized so that people know that it exists and they've been captured by it. Two, I'm supportive of the legislation, but I am even more uneasy now than I was a half hour ago about eroding that original definition by requiring people that are related by blood or adoption to now sign the written agreement to enter into it, that to be recognized under this legislation as an adult interdependent relationship or adult interdependent partners, they have to sign a written agreement, because it does require an overt act from them. I understand that this was in response to concerns from the legal profession and other members of the community that were concerned that there would be not a wholesale attempt to defraud the system but that it increased the likelihood that that could happen and might be found enticing by some individuals.

So having said that, I will look forward to hearing the minister speak about how we are going to get information out about this, which may help address the issue that's also been raised by the Member for Edmonton-Highlands.

THE CHAIR: The hon. Minister of Justice.

MR. HANCOCK: Thank you, Mr. Chairman. Just to clarify, I think it is important that Albertans be made aware of this. In fact, I think that's one of the essential elements of having this bill come forward. Right now people are becoming subject to obligations that they never knew they had as we march from one court case to the next. Right now before the courts there's a challenge against the Dower Act, for example. If the courts determined that the Dower Act was not constitutional because it's limited to people who are married – and this is a situation, I believe, where it's a common-law relationship which is the subject of the challenge – all of a sudden people could find that there are dower rights on their property that they never knew existed.

10:00

That's the type of thing which happens, and it's probably an exaggerated example. But I use that as an example of the fact that people are in relationships across this province as we speak, and every time there's a court challenge relative to the definition of "spouse" and how it gets applied, more people become subject to obligations which they didn't knowingly enter into. That's why it's completely necessary to redefine "spouse" to mean spouse, to have the adult interdependent partnership definition clearly there, and to have people understand that when they enter into these types of relationships, they carry with them obligations and burdens that they need to be cognizant of.

It's very necessary that we get the message out to Albertans when this bill is passed, which I hope will be passed, that we advertise to Albertans that there is an act in place – I can't identify for the hon. member tonight the nature and extent of an ad campaign – and speak to the amendment, which deals with the question of people related by blood or adoption having to enter into an agreement. This type of information has to be circulated. It has to be circulated through the bar; it has to be circulated through the organizations in our province which provide advice on a gratuitous basis to people who need it. It needs to be provided through our libraries so that people understand that entering into a relationship is serious business. They ought to pay attention. They ought to take the time to take care of their own affairs, write their own will or have somebody write a will for them, deal with their property issues, because if they don't, then they could be subject to a law which they didn't understand, and passing Bill 30-2 doesn't give them those rights and obligations. Those rights and obligations are out there. The courts are applying them on a daily basis to different people in different relationships.

So people ought to be aware of that, and the hon. member is absolutely right. We ought to make sure that it's well advertised, not necessarily by buying space in the media but, certainly, by encouraging the media to advertise, encouraging stakeholder groups and nongovernmental organizations and those people who are dealing with issues of relationships so that there's a good understanding of what the law is about and how it applies to them.

[Motion on amendment A1 carried]

THE CHAIR: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thanks. I'm glad to have the opportunity in Committee of the Whole to just examine some of the different aspects that are being raised through this bill without the confines of a particular amendment.

I want to do just a couple of things, and the first one is to walk through the acts that are being included here. So essentially what we have is that the state is insisting on hanging onto the original definition of "spouse." Spouse now means most particularly a heterosexual marriage. Then there is an additional relationship which is called an adult interdependent relationship, or two people being adult interdependent partners, which is covering a number of other relationships including committed platonic, what we would have called common-law, and same sex.

So some of what we have being captured by this are some definitions that are different, and there are about four of them. One is the Alberta Personal Income Tax Act. What we have here is a definition of common-law partners. Now, one of the things that I want to question the minister on tonight is: what specifically is that definition? In attempting to have one definition under this act, we have had to have some exemptions and/or exceptions or differences. What exactly is the definition that's been accepted by the courts under common-law partners? If I could get that definition from the minister. Is that defined as being conjugal? Is it left totally undefined so it would mean and is accepted by the courts as meaning two people who set themselves forward as what we would now call an adult interdependent partnership? I want to know who would be captured under the Alberta Personal Income Tax Act.

Now, the employment pensions act we've seen before, and they have a definition called "pension partners," which has no further

definition on it. Basically, anyone that you assign as your pension partner is your pension partner, so there's a lot of freedom there.

The MLA pension act has also been included recently, and it has that same definition of pension partner, which is self-determined, so no problems there.

The Assured Income for the Severely Handicapped Act has a definition that talks about cohabitating partners. Again I'm looking to see whether there's a specific definition set up or whether that is self-determined.

Now, there are a couple of acts that I just want to highlight and clarify that what's going to happen is what I think is going to happen. We've got the Alberta Evidence Act. I don't have questions about that, but with the Alberta Health Care Insurance Act I'm looking for what is now possible as our new definition of "AIRs" or "AIPs" gets included in that.

Also, further on down the list I notice that there's the Health Insurance Premiums Act. Now, I am just trying to make sure that this now means that companies like Starbucks that offer to pay health benefits for same-sex couples, for example, who have until now had their cheques returned because Blue Cross and health care premiums would not recognize those same-sex partnerships – so they would get a cheque from Starbucks saying that this is for person A and their partner, person B, and Alberta health care went: we don't recognize that kind of relationship, and therefore we're shipping the cheque back to you; start over again.

So those companies, and some of them international companies, were very frustrated in that they weren't able to offer the benefits equally to all of their employees depending on which province they were in and even which country they were in, and they were being precluded from offering a benefit here in Alberta that they could offer somewhere else. I actually had on my desk at one point three examples of that. One I know was Starbucks, and there were a couple of other large companies in the same situation there. I'm trying to make sure, then, that we can have, for example, a same-sex couple that can be covered under a family membership which would cover two people under the health care insurance premiums. So I'm looking for a confirmation on that, please.

The Election Act. I'm just double-checking what's being anticipated under that or what in particular opens up there. The other ones were the Income Support Recovery Act and the Interpretation Act.

Now, the Maintenance Enforcement Act. This is interesting. Will this now require that there's a maintenance order that is issued against one of the adult interdependent partners? Just because you have a relationship that breaks up, say, six months down the road, you don't automatically have a maintenance agreement there. You still have to go through court and have a court order issued the same way that a common-law couple or a married couple would have had to today, before this act is passed. So again can I double-check that that's what's going to be required here? There's nothing automatic that falls into place. They're going to require the same court order that anybody else requires. You know, that's not right, because you can self-register under . . . No. I'm looking for clarification there, because I think you can self-register under the Maintenance Enforcement Act. Is that what's possible and anticipated here?

Now, the Partnership Act is also included in the list, but in another place it's listed that it doesn't mean partners as in a legal partnership or a law firm or something.

The Protection for Persons in Care Act. I'm looking for some discussion of what's anticipated there, what's being granted there, any changes that we'd be expecting.

The other one was the one about having to testify against a partner in court. That's the other one that I've seen raised in the community as being of some concern, and perhaps that's appropriate. I mean, it's been in place previously that a married couple could not be required by the courts to testify against one another. Would that now apply to adult interdependent partners? Those are the specific questions that I have there.

10:10

Once again I'll bring up the issue of the wills being null and void, which is one of the reasons I'm so concerned that there be a very strong campaign to inform and educate members of the Alberta public that this is now coming into place, because if with the passage of this bill we have wills that are null and void for those people that qualify immediately under an adult interdependent relationship, then they need to know that so they get their wills rewritten or updated in some way so that they are valid under this new relationship. That is a matter of expediency, so I am concerned here that we don't have some long time lag where, you know, the government comes out with some sort of ad campaign or a leaflet or something next September, because I think that would cause us some problems in the interim. I agree with the minister about informing the various divisions of the Canadian Bar Association in Alberta about these changes – fine; great idea – but there's a whole bunch of other people out there that are not going to know what's happening.

We also have a number of acts that do not appear here in which the word "relative" is undefined, and I take it – and I'm looking for clarification here – that now includes these adult interdependent relationships under that undefined phrasing or undefined category of relative. I'm just making sure that they will be included in that and we don't have problems with, you know, people standing in hospitals not being allowed to see someone because they are not determined to be a relative. In fact, the Hospitals Act is one of the ones that's being covered here, but I really am looking to make sure that where the word "relative" appears in other acts, these adult interdependent relationships will be deemed to be part of that, even though they're not specifically spelled out.

Now, it's been noted by the minister and by myself a number of times that there are three acts that are not included here, that we need to be very alive to the fact that they're not. One is the Dower Act, which the minister just spoke of; again, there's currently before the courts a challenge on that one. The Widows' Pension Act is also not in here, I suspect because the government is looking to repeal the act and it would just disappear, so no point in putting it in this legislation. That leads to a whole other discussion.

Finally, the Matrimonial Property Act. It is much more of a concern to me that that one is not included in this act. Now, I know that it's not in here because, again, it's being challenged currently in front of the courts, but I think this is a much larger issue that we don't have this in the act. Is the minister anticipating bringing forward a miscellaneous statutes, for example, in order to add in matrimonial property once this particular case that's before the courts clears? Even given all these other acts that are being added in, matrimonial property is a huge part of a relationship that falls apart, and I think that to not have that included in this package is problematic.

I've talked about the wills being null and void, if I understand that properly. I asked something else before that I haven't had answered yet, and this certainly exists. If we have a couple who are a couple, who are an adult interdependent relationship – they hold themselves out to the community as such, they commingle assets, they are a financial and emotional support for one another, but they do not live in the same residence – can they sign the written agreement that says "We are adult interdependent partners" and have everything applied to them even if they don't actually live in the same place? They

could in fact have a conjugal relationship but may not live in the same house. That is not as rare as we would think. There are lots of people that are very deeply committed to one another. They just don't want to share the same tube of toothpaste in the morning and therefore keep separate residences, often in the same apartment building – for example, down the hall or one floor up from each other – or next door, across the street in a house on the same block. So what about those people? Will they be captured under this act? I would think, in my reading of it, that if they signed the written agreement that says, "Yes, we acknowledge and we put ourselves out as adult interdependent partners," in fact all other things then apply to them even though they do not physically reside in the same residence.

Okay. Clarify roommates. I don't think it should be an amendment, but what other reassurance can be given to the community that the spectre of the college roommates that is constantly being brought before us as an example of where things can go wrong, where people could use this act to take advantage of other people – what other reassurance is there in the act for people that, you know, college roommates will not be captured under this? Is it enough to say that the courts have already given us all this criteria which has been tested and that's enough, that we don't have to worry about it? When people say this to me, I go: yeah, there's going to be a certain amount of testing it in court. Do I think it's going to be wholesale testing? No, I don't, because it costs money, and if you want to be able to test certain parts of this act and try and make it apply to you, you're going to have to hire a lawyer and go to court.

Now, I don't know how many people really want to go through all of that just so that they might make an extra couple of bucks off somebody. Nonetheless, I think we are going to have to test the act in some ways, and that will inevitably happen, but I do not think that there's going to be a wholesale rush on the courts while all of these various relatives or arm's-length relatives or roommates or, you know, best friends or spinster aunts try and take advantage of one another. I just don't see it, but I am concerned that the clear information of what this act is intended to do does get out to people in a timely manner.

So those are the things I'm still looking for clarification on. Are the wills being nullified by the passage of this for anyone that has them and immediately qualifies as an adult interdependent relationship? What other clarification can be offered through the legislation about the whole roommate thing, and what does the minister plan to do or anticipate to do about bringing the Matrimonial Property Act under this as soon as possible, assuming that the court's decisions don't preclude that?

Okay. Thank you very much for the opportunity to go line by line.

THE CHAIR: The hon. Minister of Justice and Attorney General.

MR. HANCOCK: Thank you, Mr. Chairman. The hon. member has provided a litany of issues relative to the line-by-line analysis. I'm not going to go through each one of them with an answer. I think it's fair enough to answer most of them by saying that where the term "spouse" is used in our statutes in Alberta, we're now replacing that with "spouse or an adult interdependent partner." Therefore, she can assume that where that has been done in all of the statutes that she's referred to, there is no difference in the application of the law; it's just a question of making sure who's included in that application.

10:20

To use the example she used with respect to maintenance enforcement, of course you'd have to get the court order before you registered it, whether you're getting a divorce or whether you're leaving an interdependent relationship. The law doesn't change; the application of the law doesn't change. It's just that we now have a clearer understanding of who has access to the law.

Now, there are some differences that the member has pointed out; for example, with respect to pensions. Clearly, we have passed orders in council under government pension plans to use the term "pension partner." I've mentioned in the House before, I believe, that that's been used because for pension plans you have to adhere to the federal definitions, those that are allowable under the Income Tax Act, in order for a pension plan to be registerable and applicable, and therefore the pension partner has a different definition. That's defined in the act, I believe, and in the regulations, but it's a slightly different definition, and that's the reason for the different definition.

With respect to the applicability of this to various plans and benefit programs and that sort of thing, of course the answer is yes. As I mentioned before, where it used to say spouse, now it will say spouse or adult interdependent partner, and the plans will be applicable. Regulations may have to be written under various of those acts, and that will happen in due course if the Legislature agrees to pass the bill. So I think that deals primarily with the issues.

There are some issues that have been left out. The member referred to the Matrimonial Property Act, and I had this discussion with her outside the House, that the Matrimonial Property Act and the Dower Act have consciously not been included in this bill. Matrimonial property is before the Supreme Court of Canada. We felt that it was prudent to await the decision, which is expected sometime in December. We are dealing with family law in the spring, and if it's appropriate, we may deal with it in that context or may deal with it separately, but we're going to wait for the decision of the Supreme Court of Canada to see what that says before we take steps. It's the prudent thing to do.

With respect to the Dower Act, the Dower Act has a specific purpose and a specific language, and it's a difficult act to deal with in the context of this type of expansion because you need to have some registerable relationship in order to effectively use an act like the Dower Act. We really need to look at the Dower Act in its entirety to determine whether it is still necessary in the modern context, whether the need for the Dower Act has been supplanted by matrimonial property law and other laws. So we've left it out from that perspective, because it needs to be looked at in its own right.

In terms of the definition of "relative," well, that includes people who are relatives. In some places that's defined; in other places it's not. One would assume that the courts will use the definitions that are in the various acts and use them consistently, but where it has not been defined, we didn't feel it was necessary to open that particular thing and put a definition in.

The member does raise a good question with respect to people who are in a relationship but who are living separate and apart. Of course, sometimes in the past we've seen situations – and it still occurs today, I guess – with seniors where one person is in need of care and needs to move into a seniors' residence or an extended care facility of some sort and is no longer living physically at home. One would not consider them to be living separate and apart simply because by virtue of the necessity of medical treatment or particular issues of care they're no longer living at home. I think we understand that at law, and the body of law around that is, I think, evident enough to deal with those situations. It could be a situation that we may have to watch and see whether there needs to be a tinkering with the act to make sure that that's clear, but I think there's a good understanding of who lives together and who doesn't live together. You know, the student who goes away to university is not consid-

ered to have left home, necessarily. I think the law is clear enough on those particular parts.

So, Mr. Chair, I'll take my seat.

AN HON. MEMBER: Question.

THE CHAIR: The question is called. However, we have a member standing, and the hon. member is entitled to stand and speak. The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Chairman. I have an amendment. [interjections] In fact, if this carries on, I have several.

THE CHAIR: Hon. member, then we can hand that out. [interjections] A1 was passed, yes. We're on the main bill. Now you're wishing to make an amendment.

MR. MASON: Mr. Chairman, if the amendment could be distributed, if it hasn't already been. I'm moving this on behalf of the Member for Edmonton-Strathcona. This is an amendment to the preamble of the bill which strikes out the preamble. It strikes out the preamble and substitutes the following:

> Whereas there are Albertans in interdependent relationships that encompass the economic, social, and emotional aspects of marriage, while being outside marriage; and
>
> Whereas it is appropriate to define a legal context for the nature of those interdependent relationships and to set out the applicability of Alberta laws to them.

So it would remove, essentially, the first three whereases and would modify the fourth "whereas" to be more appropriate for this particular act.

There are a number of reasons for this. First and foremost, this bill is about adult interdependent relationships. It is not about marriage, and a definition of marriage at the beginning is gratuitous and unnecessary and irrelevant to the act. I believe that the whereases that are proposed to be deleted are one-sided and do not represent the broad consensus within the province of Alberta. It is certainly true that marriage is an institution which does have traditional religious, social, and cultural meanings for many Albertans. The suggestion that "it is recognized in Alberta as a fundamental principle that marriage is a union between a man and a woman to the exclusion of all others" is debatable. That is certainly this government's definition of a fundamental principle, but there are many, many Albertans who would disagree and who in fact might find this assertion in the preamble to be offensive. The sensitivity of that point is, I think, inadequate.

The suggestion that the Legislature "affirms that a spouse is a person who is married" leaves out a growing and very significant number of people who are involved in common-law relationships and who believe they are, in fact, spouses. This would turn the clock back and define marriage very, very narrowly and certainly not in the direction that society is taking.

Mr. Chairman, I believe that the preamble is a political statement that represents only part of the views of Albertans or, rather, the views of a part of Alberta and is not broad and inclusive in nature, which it should be in dealing with a bill like this. Secondly, it is, as mentioned earlier, superfluous to the contents of the bill as a whole, which is meant to define adult interdependent relationships in the way that the minister has so eloquently described in answer to my questions and to questions of Edmonton-Centre as well.

So it's unnecessary. It's unnecessarily divisive, and it's unnecessarily narrow. The bill could easily prosper and enjoy wider support if these contentious definitions in the preamble were dispensed with.

With that, I would urge members of the Assembly to support this amendment.

THE CHAIR: The hon. Member for Edmonton-Centre on amendment A2.

MS BLAKEMAN: Thanks very much, Mr. Chairman. I'm very happy to rise in support of this amendment. I'm pleased to see that the Member for Edmonton-Highlands has brought this forward on behalf of his colleague the Member for Edmonton-Strathcona, because if he hadn't, I would have. I agree absolutely with this. I do know why that preamble is in here. I just disagree with why the preamble is in here. I think that preamble sets up a "na, na, na, na, na, we're better than you, but we're forced to do this" scenario, which, I think, demeans the rest of what is being intended by this bill, which, I think, is a noble purpose. I would prefer to see no preamble.

10:30

If what we're trying to do here is to define this new definition and bring it under the laws of Alberta, then let's just get to it. Why do we have to set out some two-tiered scenario right off the top in the bill, which is exactly what the "whereas" as presented in the bill does. I think it quite clearly sets it up that something else is more special and wonderful, but we have to do this other thing, so regrettably we do it. There's just a tone of puritanism, and it's not in following with what the reality of Alberta is. I spoke about this in second reading of this bill, and I spoke about how my constituents and others had approached me with their feelings that it was demeaning, that it was hurtful, that it was a slap in the face, that it was just grinding it into them that they weren't as good. They say: why do you have to do that? If what we're trying to talk about here is inclusion and bringing people under the law to be able to achieve the same remedies and benefits and obligations and responsibilities, then fine. Let's do that. Why do you have to grind somebody's nose in it? It's just mean-spirited.

Now, I know that there's a political expedience behind this. I accept that there's a political expedience behind it. I'm even willing to go along with it in order to achieve the rest of what's in this act, but I sure don't like doing it. I would speak very strongly in favour of the passage of this amendment because it does take that tone and that two-tiered status out of the "whereas" to this bill, and I would far prefer to see us go forward with legislation that can hold its head up all the way through.

Thanks very much, Mr. Chairman.

[Motion on amendment A2 lost]

[The clauses of Bill 30-2 as amended agreed to]

[Title and preamble agreed to]

THE CHAIR: Shall the bill be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE CHAIR: Opposed?

SOME HON. MEMBERS: No.

THE CHAIR: Carried.

The hon. Government House Leader.

MR. HANCOCK: I'd move that the committee rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

MR. LOUGHEED: Mr. Speaker, the Committee of the Whole has had under consideration and reports Bill 30-2 with some amendments. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Concurred.

THE DEPUTY SPEAKER: Opposed? So ordered.

head: Government Bills and Orders
Third Reading
Bill 36
Appropriation (Supplementary Supply) Act, 2002 (No. 2)

THE DEPUTY SPEAKER: The hon. Minister of Finance.

MRS. NELSON: Thank you very much, Mr. Speaker. I'm very pleased to move third reading of Bill 36, Appropriation (Supplementary Supply) Act, 2002 (No. 2).

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Centre.

MS BLAKEMAN: I just briefly wanted to speak in third reading on Bill 36, Appropriation (Supplementary Supply) Act, 2002 (No. 2). I see that the Member for Edmonton-Calder is still alive and kicking, and I look forward to what he has to contribute on the record as compared to sitting back and heckling constantly. We look forward to his extensive debate on this. I'm being warned to be careful what I ask for lest he does in fact rise to debate.

To the effect of the bill, Mr. Speaker, which is what we are debating in third reading. I feel it's necessary to reiterate once again the uniqueness of what we see in front of us or rather that it is not a unique situation, that we have some $652 million of additional money required above and beyond what's already budgeted for and passed in the budget, a request for an additional $652 million that is connected directly to extreme weather conditions. Yet there is no recognition and there was a refusal to recognize, as a matter of fact, during debate that this has anything to do with climate change. I find that an astonishing set of affairs. Nonetheless, there it is. But I do want to put that on the record and to recognize that once again.

We have a total of $822,853,000 that's being requested in the second supplementary supply appropriation act in this Assembly in this fiscal year. So we have a situation where an original budget is passed and this is now the second time that the Treasurer has come before us asking for additional money to be put into the budget. Now, I think that says something or certainly raises questions about the ability of this government to budget adequately in the first place, and I suppose it could be argued with some of these particular categories that, in fact, they were unanticipated. But, again, I challenge by saying: how unanticipated were they when we're talking about drought relief, flood relief, disaster relief, and fire relief? I think that I'll leave that with you for some thought.

I am not and I'm on record previously as not being in favour of these constant supplementary supply bills. I think we need to do a better job of the budgets in the first place but understand that this money is much-needed, and in fact some of it is simply a paper exchange, which is the case with the Western Heritage Centre, which I've spoken about a fair amount in earlier readings of this bill and in Committee of the Whole.

So I just wanted to get those few more points on the record in the last opportunity to debate this bill and thank you for the opportunity.

[Motion carried; Bill 36 read a third time]

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HANCOCK: Thank you, Mr. Speaker. I move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; at 10:40 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]