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December 23, 2024

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Hon. Nathan Neudorf, ECA MLA  
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Hon. Mickey Amery, ECA KC MLA  
Ministry of Justice  
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Dear Ministers:

### **RE: CBA Alberta's Updated Submissions on Auto Insurance Reform**

This letter follows and supplements our past oral and written submissions regarding auto insurance reform, and the most recent government announcement on November 21, 2024.

As you will recall, the CBA Alberta Automobile Insurance Working Group was assembled to ensure a diverse and balanced viewpoint across the legal profession in Alberta, including plaintiff and defence counsel, and those working at small and large firms to represent a depth of knowledge and diversity of experience.<sup>1</sup> Our goal in making submissions is to encourage a reduction in automobile accidents, better support for victims, and benefit to the Alberta public. We are the lawyers who see every day what works and what does not work in our auto insurance system.

This letter will express our profound disappointment in the government's decision to pursue private no-fault auto insurance. It is our view that the trade-off suggested by the Care-First proposal is lower insurance costs for less than adequate insurance coverage, that does not account for the pain and suffering of the victims of bad drivers. This may not be a compromise that Albertans will support, when they understand most, if not all, of the decisions regarding their rights and benefits rest solely in the hands of private companies who stand to financially benefit from those decisions. In our view the significant conflict of interest will very quickly cause hardship, and Albertans will question why private companies are making these decisions while at the same time the right to sue for injuries has been effectively eliminated.

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<sup>1</sup> The working group is Kathy Briere, Randal Carlson, Shaun Flannigan, Jenny McMordie, KC (co-chair), Kelly Robinson (co-chair), John Roggeveen, Kent West, Raphael Jacob, and Mark Moore.



While it appears that the Government intended to base its model on feedback derived from its survey of Albertans, it completely disregarded that 73% of Albertans specifically were in favour of retaining the right to sue in a tort-based system. And while the proposal suggests a very limited right to sue only in the event of a criminal conviction, this is essentially meaningless because the vast majority of people will not purchase the additional tort coverage to pay any such a judgment.

While we are unanimously opposed to no-fault insurance, we remain committed to assisting the government in any way we can to facilitate sensible and effective insurance regulations in the best interest of Albertans. More specifically, CBA Alberta supports:

- appropriate care and compensation for accident victims;
- regulations geared towards a reduction in automobile accidents;
- affordability for the Alberta driving public
- safeguards for procedural fairness.

CBA Alberta remains ready to participate and support the process of Auto Insurance Reform, to ensure a fair and affordable insurance system in Alberta. Please contact us if you need clarification on any of the above. We look forward to participating in further consultations as we all work towards an improved system for Albertans.

Respectfully,  
Canadian Bar Association – Alberta Branch

Robert D.L. Bassett  
President

cc. David James, Deputy Minister, Ministry of Affordability and Utilities, [David.james@gov.ab.ca](mailto:David.james@gov.ab.ca)  
Katherine White, Deputy Minister, Ministry of Finance, [Kate.white@gov.ab.ca](mailto:Kate.white@gov.ab.ca)  
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