

## Legislative Assembly of Alberta

Title: **Wednesday, October 26, 1994**

1:30 p.m.

Date: 94/10/26

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

Our Father, we thank You for Your abundant blessings to our province and ourselves.

We ask You to ensure to us Your guidance and the will to follow it.

Amen.

head: **Introduction of Visitors**

MR. SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of this Assembly His Excellency Dr. Mahmoud Farghal, the ambassador of the Arab Republic of Egypt to Canada. Dr. Farghal is seated in the Speaker's gallery and is accompanied by Mrs. Farghal. His Excellency was appointed ambassador to Canada in November of 1993, and this is his first official visit to our province. His visit comes at a time of significant movement towards peace in the Middle East. We congratulate Egypt on its important role as peacemaker. In 1993 the total Alberta product exports to Egypt were \$9.5 million. The principal export was wheat at \$6.1 million. Egypt produces about 920,000 barrels per day of crude oil compared to Alberta's 1.5 million barrels. Egypt is a member of IPEC, the Independent Petroleum Exporting Countries, of which Alberta is an observer. I would ask His Excellency along with those who are accompanying him to now rise in the Speaker's gallery and receive the traditional warm welcome of this Assembly.

head: **Presenting Petitions**

MR. SPEAKER: The hon. Member for Vegreville-Viking.

MR. STELMACH: Thank you, Mr. Speaker. I rise today to present a petition signed by citizens of Viking and the surrounding area which urges the government of Alberta "not to permit . . . the sale of alcoholic beverages in grocery stores."

head: **Reading and Receiving Petitions**

MR. SPEAKER: The hon. Member for Lac La Biche-St. Paul.

MR. LANGEVIN: Thank you, Mr. Speaker. I rise today to request that the petition that I tabled in this House on October 18 re ID 18 South be now read and received.

CLERK:

We, the undersigned rate payers of Improvement District No. 18 urge the Legislative Assembly to request that the Minister of Municipal Affairs hold a plebiscite, to determine if the majority of the rate payers support the separation of Improvement District No. 18 into separate Municipal Areas.

MR. SPEAKER: The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you very much, Mr. Speaker. I would ask that the petition that I presented in this House on May 19

regarding protection for those who are discriminated against on the basis of sexual orientation now be read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to appeal the April 12, 1994 Court of Queen's Bench ruling which established that Alberta's Individual's Rights Protection Act (IRPA) violates Section 15 of the Canadian Charter of Rights and Freedoms, allowing "sexual orientation" to be read into the IRPA.

MR. SPEAKER: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. I request that the petition I filed on May 25 regarding the Sturgeon general hospital be read and received at this time.

Thank you.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government to reconsider the inclusion of the Sturgeon General Hospital within the Edmonton Region and to allow the Sturgeon General Hospital to serve its customers from the City of St. Albert, the MD of Sturgeon, the Town of Morinville, the Village of Legal, the Alexander Reserve, the Counties of Athabasca, Barrhead, Lac St. Anne, Parkland and Westlock.

MR. VASSEUR: Mr. Speaker, I would ask that the petition I presented on June 1 with regard to the restructuring of education now be read and received.

CLERK:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta not to implement the plan to restructure the educational system in Alberta, as proposed by the Minister of Education.

We also request the Assembly to urge the Government of Alberta to ensure that every Albertan will have the opportunity for input and involvement in future plans to restructure the educational system in Alberta.

head: **Presenting Reports by  
Standing and Special Committees**

MR. SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you. Mr. Speaker, the Standing Committee on Private Bills has had certain Bills under consideration and wishes to report as follows: that Bill Pr. 6, Gimbel Foundation Act, not be proceeded with as the petitioner has requested that the Bill be withdrawn; that Bill Pr. 11, Edmonton Chinatown Multicultural Centre Foundation Tax Exemption Act not be proceeded with as the petitioner has requested that the Bill be withdrawn.

Mr. Speaker, I request the concurrence of the Assembly in this report.

MR. SPEAKER: Order please. Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? So ordered.

head: **Tabling Returns and Reports**

MR. SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you, Mr. Speaker. I'm pleased to table with the Assembly today the annual report of the Glenbow Museum for 1994.

MR. SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. I'm pleased to file with the Assembly today the first report of the Environmental Appeal Board's activities for the period September 1, '93, to August 31, '94.

MR. DINNING: Mr. Speaker, I'm filing with the Assembly today a release regarding a market assessment being undertaken with regards to the Alberta heritage savings trust fund. The independent assessment will be done by four Canadian investment companies who will review the market value, assess the liquidity and marketability, and assess any changes required to achieve the marketability of provincial Crown corporation debt held as investments by the heritage savings trust fund.

MR. SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks very much, Mr. Speaker. I'm pleased to file with the Assembly this afternoon the report from the youth justice consultation undertaken by the Alberta Liberal caucus. There are 49 concrete recommendations for change that can be undertaken within the legislative competence of the province of Alberta. I'm delighted to tell you that the total cost to the taxpayers of the province of Alberta was a mere \$11,000. This results from the input from some 2,000 questionnaires, in excess of 14 public meetings, and a whole lot of other valuable input we received outside of this Chamber.

Thank you.

head: **Introduction of Guests**

MR. SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. On behalf of my colleague from Edmonton-Mill Woods it's my pleasure to introduce 29 grade 6 students from Hillview school and their teachers Jocelyn Ohrn and Carolyn Herfindahl and parent Mrs. Michelle Wilson. I would ask that they all rise and receive the traditional warm welcome of this Assembly.

MR. SPEAKER: The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you very much, Mr. Speaker. With your permission I would like to introduce some visitors to the Assembly today. These are 18 women who are enrolled in the native women career preparation program at Grant MacEwan College in my constituency. They're with their instructor Gail Gallagher, and I believe they're in the public gallery. If they could rise and receive the warm welcome of the Assembly.

MR. SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Speaker. I see a friend of mine in the gallery. I'd like to introduce to you and through you

to members of the Assembly Mr. Roy Thiessen, the past superintendent of the Sturgeon school board, a wonderful man to work for and a great person in this education system. Please welcome Mr. Roy Thiessen.

MR. SPEAKER: The hon. Member for Edmonton-McClung.

MR. MITCHELL: Thank you, Mr. Speaker. I rise on behalf of my colleague the Member for Edmonton-Meadowlark, who has asked me to welcome 28 students from Belmead school in her constituency. These students are accompanied by teacher Helga Wisheu and by parents Helen Heine and Anita Duncan, and I would ask that they rise in the gallery and receive the welcome of the Members of the Legislative Assembly.

1:40

MR. SPEAKER: The hon. the Premier.

MR. KLEIN: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and to my colleagues in the Legislature today a very distinguished gentleman. This gentleman is a former city alderman for the city of Calgary, a former Member of the Legislative Assembly, a former Member of Parliament, Canada's delegate to the United Nations, a member of the Order of Canada, and he is now the co-chairman of the newly formed Alberta Economic Development Authority. It gives me great pleasure to introduce my friend and now colleague Art Smith.

Thank you.

MR. SPEAKER: The hon. Member for Pincher Creek-Macleod.

MR. COUTTS: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you on behalf of my hon. colleague the Member for Calgary-McCall a constituent of his who lives in the Whitehorn area and has done so for the past 19 years. Her name is Pat Sokolosky, and I trust that that is the pronunciation. Thank you, Pat. Pat comes with a tremendous amount of experience as a teacher of 22 years with the Calgary separate school system and is presently teaching at St. Thomas More elementary school. She is also a district representative for Calgary on the Alberta Teachers' Association, very heavily involved in her community as a member of the Whitehorn Community Association. I would like Pat to please rise and accept the warm welcome of this Assembly.

head: **Oral Question Period**

MR. SPEAKER: The hon. Opposition House Leader.

**Energy and Utilities Board Appointment**

MR. N. TAYLOR: Thank you, Mr. Speaker. Yesterday the Premier told the House that industrial development permits were routine housekeeping matters and that the Minister of Economic Development and Tourism was not obligated to approve them or be aware of their contents. Now, for the Premier's information – and I file four copies here in the House – this is what an industrial permit says: the permittee shall satisfy the Minister of Economic Development and Tourism throughout the term of the permit with respect to the use, whenever practical, on the project of Alberta engineering, other professional services, Alberta tradesmen, other construction personnel and equipment and materials and supplies from Alberta. Now to the Premier: is the Premier also aware that all industrial development permits issued

under section 30 of the Oil and Gas Conservation Act require the stamp of approval from the minister, again from the Minister of Economic Development and Tourism, before they proceed to the ERCB for approval?

MR. KLEIN: Mr. Speaker, I know that the hon. member will never have the opportunity of participating in a cabinet, because they will never be the government. When we go through the orders in council, there are two lists, a routine list and a substantive list, and all of these things to my knowledge go through on the routine list. There is very seldom, if ever, any discussion on these matters because they are considered by and large to be administrative matters. But this now is in the hands of the Ethics Commissioner. Let him make that adjudication.

MR. N. TAYLOR: Mr. Speaker, he's running for cover again. Yesterday also, Mr. Speaker, the Premier called industrial development permits – Mr. Premier, you'll recall this – "very, very routine." Now, do you consider permits that approve millions of dollars of development, hundreds of jobs in this province, and where those jobs will be located as well as the numerous environmental issues involved as simply very, very routine?

MR. KLEIN: They're obviously important. Everything this government does is important. It's important. Mr. Speaker, there are 27,000 people in the public service, and many of those people work in Economic Development and Tourism, many of them work in Energy, and these things are all vetted administratively, and the regulations simply say that they require an order in council. So it is my opinion that these matters are somewhat routine. However, if the Ethics Commissioner feels otherwise, then we will have to abide by his ruling.

MR. N. TAYLOR: Mr. Speaker, as old granny used to say: the Premier's too cute by half.

Why don't you level with the people of Alberta, Mr. Premier, and admit that you knew all along that the Member for Barrhead-Westlock could not and would not be able to accept the job as chairman of the Energy and Utilities Board because of obvious conflicts of interest? Isn't this just another classic Klein double cross?

MR. KLEIN: Well, the hon. member is certainly getting nasty in his old age, I'm telling you. Nick is the only old-age pensioner who's still maturing, but that's because he didn't reach puberty until he was 37.

Mr. Speaker, this matter was considered to be really routine by all my colleagues in cabinet. I can't with all honesty recall any discussion whatsoever on these matters as they go through the order in council list.

MR. MITCHELL: Mr. Speaker, I think it's important that we remind the Premier that one of the posted duties of the new chairman of the Alberta Energy and Utilities Board will be, and I quote, "to eliminate overlap and duplication" between the board and the Department of Energy. My question is to the Premier. Why would the Premier think that the former Deputy Premier is in some way qualified to eliminate duplication and overlap when in the conduct of his own department he has already allowed a \$260,000 budgetary overrun for foreign offices, a \$150,000 budget overrun by the commissioner for general trade and tourism, and when he has hired a \$98,000 tutor to explain how

Alberta Opportunity Company works to the former minister without portfolio?

MRS. BLACK: Mr. Speaker, I feel it's important to clarify something. I want this House and Albertans to feel very comfortable that the restructuring and the amalgamation of the two boards, the Public Utilities Board and the Energy Resources Conservation Board, will take place and in fact has started. If there are any savings that can be found by having some synergies develop between the administrative functions, particularly in the systems that are there within the board and within the Department of Energy, those will in fact be looked at very carefully. If there are not, they will not, but we have to know very clearly that this will be monitored by the chairman. This will be one of the prime objectives, and the most immediate responsibility of the chairman is to facilitate the amalgamation of these two boards. They will be looking clearly for savings to eliminate duplication, overlap, and redundancies within those functions. So let it be very clear that that function of the amalgamation is primary and that it will in fact happen.

MR. MITCHELL: Why would the Premier think for one minute that the former Deputy Premier is qualified to reduce overlap and duplication when he has just finished spinning off a brand new science and technology department so that his friend the former minister without portfolio can become a fully fledged minister?

MR. KLEIN: As a matter of fact, this fully fledged minister is doing an absolutely outstanding job. I had the opportunity of meeting with the chairman of the new Science and Research Authority.

MR. N. TAYLOR: What's his name, Ralph? What's his name?

MR. KLEIN: His name is Dr. Bob Church, and I would say that he's somewhat smarter than you, Nick – hon. member. I'm sorry. He is a very capable and talented individual who is excited about this new opportunity to bring about a consolidation of the province's research activities and to save millions and millions of dollars and not only save millions of dollars but create the environment so that there can be more involvement from the private sector. That is precisely what is going on at the former ERCB/Public Utilities Board.

Mr. Speaker, we have demonstrated as a government and all of us working together as a caucus and as a cabinet that we can find new and more effective and more efficient ways of doing things. We're already a year ahead of target by doing fundamental restructuring in this province, and Mr. Kowalski, sir, was part of that process.

1:50

MR. MITCHELL: I should say, Mr. Speaker, that Mr. Kowalski got the ultimate restructuring. [interjections]

#### **Speaker's Ruling Referring to a Member by Name**

MR. SPEAKER: Order. The Chair just wishes to remind all members of the Assembly that the hon. Member for Barrhead-Westlock is still a member of the Legislature, and we should all remember that.

MR. MITCHELL: I figured that if the Premier could use it, Mr. Speaker, probably I could too.

### Energy and Utilities Board Appointment

(continued)

MR. MITCHELL: Why would the Premier think that his good old boy buddy the Deputy Premier would be more qualified to do this job than, for example, such a highly qualified individual as Celine Belanger, a well-respected, well-qualified member of the National Energy Board, a Calgarian, and believe it or not, Mr. Speaker, someone who actually applied properly for this job?

MR. KLEIN: Well, as I said before, Mr. Speaker, there was a publicly advertised competition for the chair. There was a review of all the candidates. They were all shortlisted, and I said before and I'll repeat again for the hon. member's edification - he might not have been here that day - that unfortunately the selection committee was not satisfied that one single candidate met all of the selection criteria. I'm sure that these people were good individuals and well-meaning individuals, but the selection committee felt that not one single candidate met all of the selection criteria.

### Highway Construction

MR. SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks, Mr. Speaker. The Minister of Transportation and Utilities apparently told a group in Onoway, Alberta, last Friday that he hopes to follow in the footsteps of his colleague from Barrhead-Westlock. The Auditor General reported that this government spent \$16.3 million on nine secret highway projects, nine projects that were not construed a priority until the transportation minister interfered. Now, this morning in Public Accounts the Acting Auditor General said, and I quote: "I see no reason why he shouldn't disclose that information." So my question is to the Minister of Transportation and Utilities. Given the recent Paddle River dam fiasco, how has this minister changed his practice of awarding contracts so that the only test is public interest and not saving his own political skin?

MR. TRYNCHY: Mr. Speaker, I'm pleased that the hon. members across the way know what I said on Friday, and certainly if I could do the same job, as good a job as the Member for Barrhead-Westlock, I think the people of Alberta would be very pleased.

In addition to that, Mr. Speaker, there are a couple of things in that question that I'd like to respond to. The first is that the members across the way, the Liberals, say that there are no criteria for establishing road priorities, and I'd like to file with the House four copies of the criteria used in this government for awarding highway contracts.

Then, Mr. Speaker, I'd like to say this. I'm really pleased, as a matter of fact I'm surprised that the Liberals all of a sudden have an interest in roads. I'm really surprised, and I hope Albertans take it as notice, because just recently here's what the Liberals said: the cuts would come in capital projects; under a Liberal plan there would be a freeze on all capital projects such as roads; we would save \$800 million a year. So that's where they come from. I want Albertans to know that the Liberal caucus across the way do not consider roads, bridges, and things of that nature valuable or beneficial to cities, towns, villages, counties, and IDs. So we'll correct that.

Mr. Speaker, there was on February 4 a memo that arrived at my desk in regards to highway projects. I'm going to table that with this House. Those are the projects that were presented to myself from the department, and that's the list that was worked on

throughout the summer in regards to construction of highway projects. So I'd like to table that. We followed that to the T. When we had the reduction of \$40 million because of our budget reduction, we then took some projects with the assistance of the department and we delayed some, and I might add now that every one of those projects that are on that list have been completed.

MR. DICKSON: Well, Mr. Speaker, maybe if I ask a more focused, specific question, I'll get a more specific response.

Mr. Speaker, how many of the nine secret highway jobs are located in the constituencies of this minister or his mentor from Barrhead-Westlock?

MR. TRYNCHY: Mr. Speaker, there are no secret contracts. I just tabled all 42 of them, and every contract listed is category 1, 2, and 3, and all those categories, 1, 2, and 3, have now been completed.

MR. SPEAKER: Final supplemental.

MR. DICKSON: Thanks very much, Mr. Speaker. I'll turn to the hon. Premier and ask: given this recent exchange and the frustration the Auditor General has experienced, are we now finding out the real reason why freedom of information hasn't been proclaimed, notwithstanding the fact the Bill was passed four months ago?

MR. KLEIN: Mr. Speaker, that's terribly unfair. The hon. member knows as well as anyone else - he was part of the process - that we have to get the administrative framework in place and get the commissioner in place, and that indeed is taking place as I speak.

Mr. Speaker, I fail to understand how any highway in this province could be kept a secret. Are these things underground or something? Are they tunnels? Do they have numbers on them? Do they have numbers, or are they assigned secret codes somehow? If they're secret, how do people find them? How do they use them? Perhaps the hon. member would care to enlighten us.

MR. SPEAKER: The hon. Member for Calgary-East.

### 2:00 Workers' Compensation Board

MR. AMERY: Thank you, Mr. Speaker. The Auditor General's report for 1993-94 highlighted loans the WCB has been making to its staff for car and computer purchases. Since learning of this, several constituents of mine have called me to ask why this can be allowed while at the same time their benefits are being reduced and in some cases cut off. To the Minister of Labour: how can the WCB justify providing these loans to their own staff with money collected in trust from employers to provide compensation to injured workers?

MR. DAY: Mr. Speaker, first of all, benefits to workers have not been reduced. As a matter of fact, in an announcement about two weeks ago the pension increases to all injured workers have been increased and also their maximum level of insurable earnings has been increased.

The issue as far as loans to employees is a practice which apparently had been in place for a number of years. Some time ago when it was brought to my attention that this was administrative practice, I immediately brought it to the attention of the CEO

and got full agreement and assurance that the practice was discontinued, is over, is done, is not happening anymore.

MR. SPEAKER: Supplemental question.

MR. AMERY: Thank you, Mr. Speaker. Is it true that these loans were being forgiven for any employees, either present or who have since left the WCB?

MR. DAY: Mr. Speaker, as members here would recall, when the WCB approximately two years ago set about to restructure and in fact to get the unfunded liability under control, get it down to zero as we announced last week, and do a number of other changes including reducing rates to employers, one of the first steps that had to be undertaken was that a number of people were terminated two years ago in January at the upper levels: vice-presidents, senior managers, and some in middle management. There were about 130 of those people that were terminated. With some of them, as I have asked for and received the information, where some of those people had loans, part of the severance package included recognizing the value of that loan and making that part of the severance, deducting it from the severance. No loans were forgiven. It became a final dollar figure for some of the people who were laid off.

MR. SPEAKER: Final supplemental?  
The hon. Member for Calgary-North West.

#### **Bow Valley Development**

MR. BRUSEKER: Thank you, Mr. Speaker. It seems that pals of the government can do no wrong and get the plum jobs and the choice decisions while others have got no rights. For example, Peter Neish put forward a proposal to develop the Georgetown resort at Canmore, but today the Georgetown project is in limbo while two other projects spearheaded by well-known friends of the government are in fact steaming well ahead all due to government intervention. So my first question is to the Premier. I'd like to know what the Premier intends to do about allegations that the government double-crossed Peter Neish and axed his project so that friends of the government like Bud McCaig, Hal Walker, and Doc Seaman could get the go-ahead on their projects in Canmore.

MR. KLEIN: First of all, Mr. Speaker, it comes as news to me. I don't know; maybe they have an interest – Bud McCaig, that is, and Doc Seaman – in one of the projects but not to my knowledge anyway. Certainly you're right with respect to Mr. Walker.

Relative to the Three Sisters project, I don't think that is steaming ahead. As a matter of fact, I think that has come to a dead stop as the result of some problems with the Canmore town council. That project has been put through an extensive, intensive process of public hearings through the Natural Resources Conservation Board as well as having been submitted to the municipal planning authorities for further review.

With respect to Mr. Neish, I don't know the gentleman, and if you can perhaps share with me what his problem is, pick up the telephone, send me over the information, I'd be glad to sit down with you and try and work it out.

#### **Speaker's Ruling Answers by Nonministers**

MR. SPEAKER: The hon. Member for Wainwright wishes to augment. I think, though, that hon. member, before the Chair

recognizes him, should realize that he is in no different position than the chairmen of the standing policy committees in answering questions in the House, not being a member of cabinet.

I think we'd better pass on to a supplemental question.

#### **Bow Valley Development**

*(continued)*

MR. BRUSEKER: Thank you, Mr. Speaker. Getting on to the issue of regulatory review, I'd like to ask the question then: why is it that Mr. Neish's proposal was directly referred – and I'd like to table four copies of the letter of the then minister of recreation and parks – to "the new review and regulatory processes (e.g. N.R.C.B.)" while Hal Walker's SilverTip proposal sailed through without any regulatory reviews?

MR. KLEIN: There is good reason. First of all, this goes right back to my days as minister of the environment, and I think I answered that question at least three times a week, asked by your friend there sitting to your right. Basically, Mr. Walker and his project fulfilled all the requirements of the day – and I stress that – all the requirements necessary at that particular time. The NRCB, Mr. Speaker, came in after Mr. Walker had received his approvals.

MR. SPEAKER: The hon. Minister of Municipal Affairs wishes to augment.

DR. WEST: Yes. I was mentioned in that, as far as the letter going through. There was no NRCB at the time. That letter and that innuendo that it was bypassed and sent to the NRCB is totally false.

MR. BRUSEKER: It's a quote from your letter.

DR. WEST: Yes, but it wasn't the NRCB. It was sent to a process. There was a whole plethora of different projects that had been suggested and brought forward for Kananaskis Country and the Bow-Canmore area. At that time many of them had done no due diligence, had no detailed prospectus in line, and we said: we must have a process in order to fetter out all of the hundreds of different types of projects where people wanted to get into Kananaskis Country or the Bow corridor. So we said, "Send them to this process where they go through the department that looks after these areas": forestry, lands, and wildlife, public lands, and parks and recreation. So that was why Mr. Neish was sent in that direction. He was among, I think at the time that I sent the letter, about 19 that wanted the same lands.

MR. BRUSEKER: Well, then the obvious question is: why did he go around it in other cases?

So the final question, then, I think that needs to be answered for all Albertans is: how can Albertans be assured that there's a fair and equitable process for all Albertans? The way it seems right now, only the familiar names get approval, and those that are outside the Tory party, don't get approval? To the Premier.

MR. KLEIN: Well, Mr. Speaker, I think we've gone to great lengths to put in processes to make sure we create a level playing field. That's what the NRCB is all about.

MR. N. TAYLOR: Ralph, this is not level.

MR. KLEIN: I'm sorry, Nick. [interjections] Please.

Mr. Speaker, you know, things move along in society, and indeed there were some pulp mills, for instance, that were approved without having to undergo an NRCB hearing or any kind of public review in a formal sense because there wasn't a process in place at that particular time. But as we move along and we identify the need to put in place these bodies to adjudicate the social, the economic, and the environmental concerns associated with these projects, then they become subject to those regulations. In this particular case, as I understand it from the hon. minister, there wasn't a process in place at that particular time.

DR. WEST: One further supplement so it's not left on the table. These lands were annexed to the town of Canmore. As far as I know, from the date back to when this happened, there was no formal application ever made by Mr. Neish on these lands either to this government or to the town of Canmore. There were applications made by others, and perhaps some of their names were mentioned here. But I don't think the people of Alberta should be left with the innuendo that there was a formal application made by this individual for these lands. There wasn't.

## 2:10 Public Works, Supply and Services

MR. DOERKSEN: My question is to the hon. Minister of Public Works, Supply and Services. The March 31, '94, Auditor General report outlines several recommendations concerning your department's operations. Could the minister provide some initial thoughts concerning these recommendations?

MR. SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. THURBER: Thank you, Mr. Speaker. It's true that the Auditor General's report did provide several recommendations concerning accommodations and telecommunication services. These services are provided by the public works department, and we take them very seriously and will be dealing with them on an individual basis.

MR. DOERKSEN: The Auditor General report identifies a significant amount of office space. The figure mentioned is 300,000 square metres as being surplus or underutilized. He estimates that this represents lease costs of \$50 million. Could the minister advise how he is dealing with this situation?

MR. SPEAKER: The hon. minister.

MR. THURBER: Thank you, Mr. Speaker. This is one of the more significant recommendations, and it does concern the reduction in the amount of owned and leased space within this province. During the restructuring and downsizing initiatives that this government has been involved in for close to two years now – and I certainly agree with the Auditor General that only the absolute minimum office space required by government for its operation should be retained, and any surplus should be gotten rid of.

I might also mention, though, Mr. Speaker, that to date we have terminated over 43,000 square metres of leased space in a little over a year, and we have also disposed of over 37,000 square metres of owned facilities that we have put on the market and have sometimes sold and sometimes leased out.

MR. SPEAKER: Final supplemental?

MR. DOERKSEN: That's good.

MR. SPEAKER: The hon. Member for Edmonton-Rutherford.

## Gimbel Foundation Act

MR. WICKMAN: Thank you, Mr. Speaker. The Gimbel Bill, a Bill furthering the opening of the door towards privatization of the health care system, received the open and solid support of the Premier. Why the Premier was so anxious to see this Bill proceed only he and Rod Love know for sure. To the Minister of Health: obviously the minister struck a pact when she met with Howard Gimbel pertaining to the so-called dream of Dr. Gimbel. Would the minister release the full details of any deal she made with Dr. Gimbel?

MRS. McCLELLAN: Mr. Speaker, that would be very easy to do, because there was no deal made with Dr. Gimbel.

MR. WICKMAN: Mr. Speaker, would the minister assure this Assembly that any further attempts to privatize the health care system will not be done behind closed doors?

MRS. McCLELLAN: Mr. Speaker, first of all, I think the hon. member should read the foundation Act that is under discussion. That has absolutely nothing to do with the privatization of health. It is simply a matter of the minister stating clearly that she feels that the matter of foundations with regard to the practice of medicine should be reviewed in the broader context and that that should be done in a way that a recommendation is brought to government on that issue. It certainly is a wide stretch to tie this to privatization of health.

MR. WICKMAN: Mr. Speaker, my final supplemental is to the Premier. Are you now prepared to drop your advocacy role on behalf of Dr. Gimbel and let health care experts guide us along the proper and ethical road?

MR. KLEIN: Mr. Speaker, you know, they can call me anything they want, but to cast aspersions on the integrity of Dr. Gimbel, who has contributed just so much to this community, I think is just awful.

Notwithstanding that, Mr. Speaker, when that Bill was first presented, I said: this is an interesting idea; this is an example of doing something differently, of making change, of perhaps making better use of our health dollars. Yes, I thought it was a good idea at that particular time. The problem is that we can't single out Dr. Gimbel. If we're going to move in this direction, then I think we have to take time and develop an overall policy. I agree with the minister in that regard, and by the way, Dr. Gimbel agrees with that approach.

MR. SPEAKER: The hon. Member for Peace River.

## Performance Audits

MR. FRIEDEL: Thank you, Mr. Speaker. My question is addressed to the hon. Provincial Treasurer. The Auditor General's report addresses things like performance measures and rewarding performance, and it appears to query whether government actions are producing results. If we are going to expand the

scope of audits, there could easily be an impact on audit resources. I'm wondering, Mr. Treasurer: is there any preliminary indication of what auditing these additional facets might mean in terms of additional cost?

MR. DINNING: The Auditor General's budget comes under the Legislative Assembly estimates, and I've got a copy of page 69 of the budget document from this past year, which spells out a four-year plan of expenditures. The Legislative Assembly, under your leadership, Mr. Speaker, is going to incur a 20 percent reduction in spending over a four-year plan. I would expect the Auditor General would comply with that direction. I note that in his estimates the Auditor General's expenditures in his own office are down over 12 and a half percent over two years.

As it's noted on page 7 of his annual report, he completed the audit of the Province's . . . financial statements some two months earlier than last year and this Annual Report is being released three months earlier. This was achieved by 135 people; 20 fewer than the previous year.

I can only applaud the Auditor General for living within the spirit of what the government is trying to do: get its fiscal house in order, spend less money, and achieve and accomplish better results.

MR. SPEAKER: Supplemental question.

MR. FRIEDEL: Yes, Mr. Speaker. Again to the Provincial Treasurer: is it conceivable that audit departments are going to require people in areas of expertise other than accounting if we are going to be getting into things like performance measuring and such?

MR. DINNING: Mr. Speaker, I would refer the hon. member and indeed all members to the Auditor General's report which was released just two days ago, where he says:

As an accountant, I know that measuring the cost and effect of services invariably leads to reduced cost and improved service.

He says: "Measuring the cost and effect of government operations is the key to reducing costs and increasing effectiveness." So I would see not so much additional resources but a refocusing and a reorientation of a reduced work force that focuses on what it is we are trying to accomplish, how much less money we are going to spend to accomplish that, and when it's done, how we will know we've accomplished that. That's what Albertans want to know, and I believe the accounting profession has an opportunity and indeed a responsibility to assist government in doing a better job of measuring performance so that taxpayers know they're getting value for their tax bucks.

MR. SPEAKER: Final supplemental.

MR. FRIEDEL: Yes. Once more to the Provincial Treasurer: do all functions of government – and I'm speaking specifically of nonmonetary measures – have to be independently audited, or is it possible that some of these issues that measure the effect of policy could be analyzed in some other way?

MR. DINNING: Mr. Speaker, in my conversation with the Auditor General he's made it clear to me that he knows he has no responsibility in the area of government policy. The policy of the government will be set by the government and by members of the government caucus, and we will stand and defend that. What the Auditor General's responsibility is is not only to audit the finances but to ensure that there are appropriate systems in place to ensure

that the taxpayers' dollars are protected and that there is a system in place for measuring performance and evaluating performance. That's where he's going to play an important role.

Mr. Speaker, as I said earlier, measurement of outcomes is what Albertans want and what they expect. They want to know that the government is getting the best possible value for their 12 billion tax dollars. We're determined to take the advice of the Auditor General, both the letter and the spirit, in improving the performance of government so Albertans have a better assessment of the performance of their tax dollar

## 2:20 Advanced Education Access

MR. BENIUK: Mr. Speaker, I table correspondence between my colleague from Edmonton-Mill Woods and the Minister of Advanced Education and Career Development regarding postsecondary access.

Mr. Speaker, hundreds of students today are demonstrating in Calgary to protest tuition fees going up, quality going down, and no guarantee of access for qualified students. The minister of advanced education heralds the proposed \$47 million access fund as a way to create 10,000 new positions, yet in the minister's correspondence with the Liberals, he admits, and I quote, that "the department . . . does not obtain data on the number of 'qualified' students who were not admitted to post-secondary education." To the minister of advanced education: how can you justify an access fund with a specific target when you admit that you have no idea what that target should be?

MR. ADY: Mr. Speaker, I'm really surprised that the hon. member would bring forward that question. Perhaps what I should be relying on for data and background on this is the great research fund that the Liberals have, because just last week the hon. Member for Edmonton-Avonmore stood in this Assembly and said that the \$100 million that was in the loan guarantee for Bovar would in fact put 21,276 spaces into postsecondary education. So obviously the Liberals are well inside with our calculation. They're using it themselves, so we must be very close.

MR. BENIUK: To the same minister. As the Auditor General report stated this week, there are concerns about the reliability and consistency of the cost of educating students. How can qualified students believe that the access fund will be sufficient and appropriate to provide them with reasonable access?

MR. ADY: Mr. Speaker, we have in place today a committee that is reviewing submissions for funding from the access fund, and let me say that I'm confident that there will be some very innovative and cost-effective proposals that are being brought forward that will allow us to get within that range of 10,000 spaces for the \$47 million that we've allocated to the access fund. Let me say that in the not too distant future we'll be announcing some of those projects, and I hope that the hon. member will stay tuned and understand just how effective that fund is going to be to in fact reach that goal.

MR. SPEAKER: Final supplemental.

MR. BENIUK: Thank you, Mr. Speaker. Mr. Minister, why should students trust you to look after their interests when you are so totally preoccupied with just the bottom line?

MR. ADY: Mr. Speaker, that's not at all accurate. The students met with me in the last days prior to the completion of the New

Directions paper, and they made some very strong positions known to me that were important to them. If the hon. member will think back, in the original draft white paper I called for the government to get totally out of regulating the annual increment for tuition. But the students met with me, and they said: "We're terrified of runaway tuition fees on an annual basis. We want you to stay with some annual increment caps." What's in the policy paper: annual increment caps, \$215 per year maximum, hon. member.

Certainly, they also mentioned to me the position that I'd originally taken on the foreign students, asking for full cost recovery. They convinced me that that was not the direction to go. What do you find in the policy paper? You find foreign students being left pretty much as they were at 100 percent of the domestic rate and the institutions having the option to choose if they want to charge more than that but even less if they choose.

I could go on to some of the other things that I believe do give credibility to this minister and this department with the students of this province because we've moved in a meaningful way to bring forward a directions paper that's student focused and will be there to serve them in the future for their postsecondary education.

MR. SPEAKER: The hon. Member for Calgary-Fish Creek.

#### Special Education

MRS. FORSYTH: Yes. Thank you, Mr. Speaker. With the release of the Auditor General's report a number of important recommendations were made for ministers to consider. As a parent and representing the concerns of my constituents, I have been following the information and statements being made by the Calgary board of education regarding special-needs funding. Recommendation 14 particularly catches my eye. It recommends that school boards provide information to Alberta Education "which relates special needs program expenditures to services delivered and the number of students served." My question today is to the Minister of Education. What steps were taken by school boards to report to your department the expenditures on special-needs students?

MR. JONSON: Mr. Speaker, the school boards in the province currently provide audited financial statements, they provide annual reports, and they provide projected budgets which indicate and account for the money that they're spending in various categories according to their financial plans. I do acknowledge that the current reporting mechanism, which is what's required of school boards and which they are meeting, does not provide the link between expenditure and outcomes that is referred to in the recommendation of the Auditor General.

MR. SPEAKER: Supplemental question.

MRS. FORSYTH: Yes. Thank you. What steps are you taking to follow up the Auditor General's recommendations?

MR. JONSON: Mr. Speaker, we currently have under way a number of interlinked and major initiatives in this regard. We are developing an accountability framework along the lines recommended by the Auditor General. We are developing a reporting mechanism in consultation with stakeholders in the education system for school board annual reports, which are referred to by the Auditor General, and we are continuing to examine performance measures across the education system.

MR. SPEAKER: Final supplemental.

MRS. FORSYTH: Yes. Thank you, Mr. Speaker. Because of those changes, will parents of special-needs children be better able to follow the expenditures dedicated to their children?

MR. JONSON: Yes, Mr. Speaker. I think there will be a very significant improvement in the ability of parents to find information on school board expenditures relative to their special education programs, the provisions that they're making for providing for special-needs students. There, of course, is always the greater advantage in terms of individual student cases in parents talking to their local schools – their principal, school staffs – and to the local school board. But I see a great potential here for a great improvement in accountability across the education system: school boards, Alberta Education, and schools of the province.

MR. SPEAKER: The hon. Member for Sherwood Park.

#### Electoral Boundaries

MR. COLLINGWOOD: Thank you, Mr. Speaker. When the government asked the Court of Appeal to determine whether our electoral boundaries violate the Charter of Rights, the court specifically answered: "We are unable to say because we lack enough information." What the court needed from this government and didn't get was the rationale, explanation, or justification for the way these boundaries were drawn. My question today is to the Minister of Justice. Why was it necessary to withhold information on your own reference to the highest court in Alberta on this important matter?

MR. EVANS: Well, Mr. Speaker, there's no reference, no suggestion in the judgment that any information was withheld, but the hon. member opposite is quite correct that the five members of the Court of Appeal said that they did not feel they had information in front of them that could justify all of the boundaries that were suggested. That is a finding of the Court of Appeal. I respect that, but the hon. member is going quite a bit further when he says that there was a withholding of information.

2:30

MR. SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I guess that begs the next question. I guess to the Minister of Justice: if there was no information withheld, are you saying, then, that there is no justification, no rationale, and no explanation for the way your government drafted these boundaries?

MR. EVANS: Well, Mr. Speaker, that again is a conclusion of the hon. member opposite. It is certainly not a conclusion of the Court of Appeal. The Court of Appeal said that they had some information in front of them. They compared actually to a judgment of the Supreme Court of Canada regarding Saskatchewan, a reference there, the Carter case, and said that they had more information before the Supreme Court of Canada to decide on whether the boundaries were correct than they did in the case of Alberta. I must read from page 26 of the judgment. It says, and this is the court speaking:

We again invoke the need for judicial restraint about interference in the electoral process. We do not think the existing inadequacy is large or glaring enough to invalidate the existing legislation.



Now, the inadequacy that they are talking about is, from their perspective, enough information to have a very clear view of how the electoral boundaries were created, but they do say that there was enough information there, Mr. Speaker, to make a decision, and in fact they do go on to answer the two other questions that were before the court on reference even after making that point. I'm not disputing what the hon. member says, that there was some question in the court's mind about the adequacy of the information. They felt that there was some difficulty in coming to the same conclusions, but they also said that this was not of such significance that there was any problem in authorizing or endorsing the electoral boundaries as presented.

MR. SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. They said so because they did not want to create a political crisis.

My final supplemental to the Minister of Justice: with concerns that Albertans are now expressing about the possibility that the government will not come forward with a review, will you now dispel the concern, and will you agree to introduce legislation so that we can again deal properly with the electoral boundary issue?

MR. EVANS: Mr. Speaker, I take very seriously the latter part of the hon. member's statement and that is to deal properly with the review and to deal properly with the decision of the Court of Appeal. As I've mentioned before in this House, this is a 29-page judgment. We have had since the beginning of the '90s two references to the Court of Appeal of Alberta. We have had the Electoral Boundaries Commission looking at this issue, and we have had a select special committee of the Legislature. This is a complex and very, very sensitive issue. Now, the Liberals would have me, would have this government make a snap decision or a knee-jerk reaction to this, but that's not the appropriate response. I have said to the hon. members opposite that we are carefully examining this decision. We will continue to do so, and we will do the right thing.

MR. SPEAKER: Order please. Before calling Orders of the Day – the time for question period has expired – there are a couple of procedural matters that the Chair would like to deal with.

#### **Speaker's Ruling Deleting Item from Order Paper**

MR. SPEAKER: The first will be arising later after the Orders of the Day are called in relation to Bill 216. The Chair has examined Bill 216 introduced by the hon. Member for Calgary-East and Bill 22 introduced by the same member. Bill 22 has been given third reading, which occurred on May 31, 1994, and Royal Assent on June 1, 1994. It is now an Act of this Legislature. Essentially Bill 216 amends the Maintenance Enforcement Act to allow the director under that Act to file maintenance orders with the registrar of motor vehicles and allows the registrar to refuse registration to certain persons as a result of that filing. Bill 22 does, amongst other things, substantially the same thing.

*Beauchesne* paragraph 624(3) states:

There is no rule or custom which restrains the presentation of two or more bills relating to the same subject and containing similar provisions. But if a decision of the House has already been taken on one such bill, for example, if the bill has been given or refused a second reading, the other is not proceeded with if it contains substantially the same provisions and such a bill could not have been introduced on a motion for leave.

It is therefore the ruling of the Chair that since a decision of the House has been made on Bill 22, Bill 216 should not proceed further, debate on Bill 216 should not continue, and Bill 216 must come off the Order Paper. For members who are interested in precedence I would refer you to the *Journals* of Monday, October 15, 1973, page 191.

#### **Speaker's Ruling Legislative Secretaries**

MR. SPEAKER: Also the matter of legislative secretaries arose in question period today. With respect to the role of legislative secretaries, I would refer hon. members to *Hansard* of October 7, 1993, at page 772. The Chair's ruling with regard to questions by standing policy committee chairmen is relevant in this case.

Basically, there seems to be some understanding that perhaps legislative secretaries are analogous to parliamentary secretaries. If so, then they should have legislative status, as parliamentary secretaries do. The role of parliamentary secretaries just didn't come out of thin air. There was a legislative measure in the House of Commons that created that role, and if there's a desire in the Assembly to have people similar to parliamentary secretaries, they should probably, perhaps, be developed in the same way.

head: **Orders of the Day**

head: **Written Questions**

MRS. BLACK: Mr. Speaker, I move that the written questions appearing on today's Order Paper stand and retain their positions.

[Motion carried]

head: **Motions for Returns**

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on the Order Paper today stand and retain their places with the exception of motions for returns 209, 210, 211, and 214.

[Motion carried]

#### **North West Trust Company**

M209. Mr. Bruseker moved that an order of the Assembly do issue for a return showing copies of all quarterly and operating reports prepared by North West Trust between September 18, 1992, and May 3, 1994, setting out the status of loans receivable; sale proceeds in arrears; the maintenance of assets; collection, settlement, and restructuring of assets, as required under section 3.05 of the management contract between North West Trust, 496072 Alberta Ltd., NFI Finance Inc., Cellular Finance, Systems Finance, NovAtel Finance, and the government.

MR. DINNING: Mr. Speaker, I propose an amendment that has been circulated to members of the Assembly, an amendment which has been discussed with the Member for Calgary-North West, which I would hope that he would concur. The amendment is moved so as to restate the motion to read as follows:

That an order of the assembly do issue for a return showing copies of all quarterly financial statements for 496072 Alberta Ltd. and NFI Finance Inc. prepared between September 18, 1992, and May 3, 1994, as required under section 3.05 of the management contract between North West Trust, 496072 Alberta Ltd., NFI Finance Inc., Cellular Finance, Systems Finance, NovAtel Finance, and the government.

MR. SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. Just speaking briefly to the amendment. I'm prepared to accept the amendment as proposed by the hon. Provincial Treasurer. I must confess that I'm a little disappointed in what the amendment leaves out of the original motion, and I just want to make note of that, because in the original motion I was indeed asking for more information than what the amendment proposes. The Provincial Treasurer in discussing this with me earlier on says that this will make it easier for the government to comply with the motion as amended, but indeed it would certainly be nice to get some of the other information. I just want to make a point that the things that are being left out are:

the status of loans receivable; sale proceeds in arrears; the maintenance of assets; collection, settlement, and restructuring of assets.

I hope, although I'm skeptical, that I will find those in the quarterly financial statements, and if indeed they are there, then I will look forward to receiving that information.

Thank you, Mr. Speaker.

[Motion as amended carried]

#### 2:40 Economic Strategy

M210. Mr. Bruseker moved that an order of the Assembly do issue for a return showing copies of any implementation plans prepared by or on behalf of the government between May 1993 and May 3, 1994, relative to achieving the goals and objectives laid out in *Seizing Opportunity: Alberta's New Economic Development Strategy*.

MR. SPEAKER: The hon. Minister of Energy.

MRS. BLACK: Thank you, Mr. Speaker. The government is pleased to accept Motion 210.

[Motion carried]

#### Forest Management Reports

M211. Mr. Collingwood moved that an order of the Assembly do issue for a return showing the forest management reports for the Whitecourt forest area and for the Edson forest area between April 1, 1992, and March 31, 1993.

MR. LUND: I want to advise the Assembly that we will accept this motion.

[Motion carried]

#### Leduc Food Processing Development Centre

M214. Moved by Mr. Bruseker on behalf of Mr. Kirkland that an order of the Assembly do issue for a return showing the number of professional papers published by scientists and/or employees of the Leduc food processing plant and the number of patents originating from this institution in the period between January 1, 1984, and May 10, 1994.

MRS. McCLELLAN: Mr. Speaker, I am pleased to accept Motion 214 on behalf of my colleague the hon. minister of agriculture.

[Motion carried]

head: **Public Bills and Orders Other than**  
head: **Government Bills and Orders**  
head: **Second Reading**

#### Bill 215 Non-smokers Health Act

[Adjourned debate October 25: Mr. Bruseker]

MR. SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. Yesterday we were debating Bill 215, the Non-smokers Health Act, that has come before this Legislature sponsored by the Member for Edmonton-Glenora. As I was speaking yesterday to the Bill, I was addressing comments that had been made by the Member for Calgary-McCall, and the question he had posed in his talk yesterday was: can we afford to do this? In other words, can we afford to increase the minimum age to 18 from 16?

Now, some of the comments that were made by the two government members that spoke yesterday, the Member for Calgary-McCall and the Member for Calgary-Currie, dealt with what they perceived would be an increased cost as a result of the implementation of this legislation. I can't help but wonder why they think there would be an increased cost. We already have an age limit of 16 years, and all this Bill basically proposes to do is to increase that minimum age from 16 to 18. So if we already have people who are monitoring the inappropriate sale of cigarettes to persons under the age of 16, then presumably they could handle the same job if we simply changed the age from 16 to 18. So the net cost to the government on the implementation of this Bill, the way I see it, should be zero.

The point of the Bill however, which I started to make yesterday in my comments, is that if we can discourage people from smoking at a young age, it becomes less likely indeed that they will smoke at a later age. A great number of people take up smoking as an experiment, I guess, basically when they are young, at 10, 12, 14 years of age, whatever that may be, at which point they are already breaking the law, it should be noted. But many of them of course take it up in the high school years which are often, say, about 15 to 18 or 19 years of age. If we in this Bill in fact promote the concept that the age should be a little bit higher, then I think that would be an appropriate sort of thing to do. We already set arbitrarily the drinking age in this province at 18, and certainly no one is quibbling with that age, although there are those that are arguing that should be raised as well. So if we set the drinking age at 18 and you can go in the army at 18, why not set the age at which you can smoke cigarettes at 18 as well. It seems to me that it would be consistent.

As I was pointing out earlier, Mr. Speaker, the issue with respect to other provinces, of the 10 provinces in the country currently there are eight that already have this minimum age of 18 in place. So indeed we would not be necessarily leading the pack on this, but we would be following. Maybe "leading the pack" isn't quite the appropriate term to use when you're talking about cigarettes, but somehow it fits.

Mr. Speaker, one of the issues we talked about earlier in our caucus with respect to what happens when people smoke and the impact that it has – the question that was raised is: can we afford to do this? Can we afford not to do this might be the other question. If passage of this legislation, raising the age from 16 to 18, prevents, let's say, a thousand people from developing respiratory diseases or heart diseases and prevents those people from having to be hospitalized – and I'm sure the Minister of

Health could quickly take out her calculator and come up with a calculation of how much money in fact we could save, how much money we could save by not having to hospitalize those individuals. So on the one hand, yes, we might potentially lose a little bit of tax revenue, but on the other hand the savings to our health care system, the savings in terms of grief to families that can occur when all of the diseases or any of the diseases that are associated with smoking that can in fact be a self-inflicted injury, if you will, can be avoided, then the cost savings are substantial and should be encouraged significantly.

The Member for Edmonton-Glenora made reference to Bill 46, which is before the House, and it's the Hospitals Amendment Act. There is a relevant section in that piece of legislation that ties into this, and that is the section dealing with the Crown's right of recovery, part 5, the Crown's right to recover health costs. It's section 80(h), and it talks about a wrongdoer who is "a person whose wrongful act or omission results in personal injuries". Personal injuries. Of course we've heard about secondhand smoke and the issue of firsthand smoke. If indeed this Bill 46 gets passed – and I don't mean to stray from the current Bill we're on, but it does seem to link very strongly – then certainly someone who smokes and causes an injury to another person is a wrongdoer and under this piece of legislation the government proposes to introduce in fact might be liable under the Crown's right of recovery to be sued by the government for recovery of health care services. So, indeed, the Bill put forward by my colleague from Edmonton-Glenora is a proactive suggestion that might simplify the whole process considerably. It seems to me to be much easier to help prevent people from starting to smoke rather than having to unfortunately treat them afterwards.

Mr. Speaker, the Member for Edmonton-Glenora pointed out some statistics that are tied to cancer and respiratory diseases. I think it's highly appropriate that we are dealing with this particular Bill today while we are still in October. The reason that is important is that October is Breast Health Awareness Month. Unfortunately, the statistic that is coming to the fore is that lung cancer is rapidly overtaking or, perhaps as we speak, has indeed overtaken breast cancer as the leading cause of death of women.

Mr. Speaker, I don't know if anyone has had the unfortunate experience of having to deal with a family member who's had cancer. I had the unfortunate experience of losing my mother to breast cancer a little more than 13 years ago, and it is the most insidious disease that impacts, obviously, the individual but also tears apart families. Lung cancer is a disease that while not solely related to smoking has certainly a strong correlation, and the incidence of lung cancer could be significantly reduced. As I watched my mother go through her fight with breast cancer, I thought to myself: I hope that no one else ever has to go through this. And I know my hope will not come true, unfortunately. But this is one of the cases where if we can prevent a thousand people from developing – or pick whatever number it is. If it's only one person, if only person can be influenced to not start smoking, which might then in turn lead to that person or perhaps members of his or her family not getting some form of cancer, then this piece of legislation is absolutely worth it, and I would encourage members to support this particular Bill.

**2:50**

Mr. Speaker, this Bill would be very simple to implement. It would be a low-cost piece of legislation for the government to support. I think, as far as I can see, the only change really deals with the issue of age, from 16 to 18. It also deals with the issue of the sale of cigarette packages with less than 20 cigarettes, and

we already know that the government is keenly concerned about importation of cigarettes that perhaps had been bought in other provinces and the duty hasn't been paid. We already know that the government has a whole cigarette police out there ensuring that cigarettes aren't smuggled into this province from other jurisdictions that haven't perhaps paid the provincial sales tax – although they don't like to call it that – that we have on cigarettes.

So indeed, Mr. Speaker, this Bill is a very proactive Bill. It's a simple Bill. It's something that I think all members could be positive in supporting. It's by no stretch of the imagination a particularly political Bill in that it's right or left or wrong or right or up or down or anything like that, because smoking is something that impacts on all individuals. I think we should all support the Bill, and it's a very easy one to do so. So I would encourage all members to vote in favour of the Bill.

**MR. SPEAKER:** The hon. Member for Bow Valley.

**DR. OBERG:** Thank you, Mr. Speaker. It's certainly a pleasure that I have to stand up and speak to this Bill. When I read the Bill, philosophically the name of the Bill, the Non-smokers Health Act, I just can't say anything but good about it. I think the previous member identified a lot of the issues that are of concern to me, and that is namely public health. I think smoking is the number one killer of people in Canada, and it's something that we absolutely have to turn the corner on. We have seen the incidence of lung cancer in young women rise to an astronomical proportion purely because of smoking. You know, fortunately the male population has stopped smoking, but the female population is continuing to smoke. I think that's something that really has to be addressed.

The problem with this Bill – and I'll be perfectly frank. There are essentially three principles here, and the first principle is that of nonsmoking. There may be people that can argue, but the bottom line is: smoking is a health hazard that has to be stopped. It's a killer. It kills people. It's a horrible health expense, and something has to be done about it. I think the hon. member who introduced this Bill had exactly the same feelings in mind when he introduced it.

The second principle is the sale of tobacco to minors. I entirely agree that one way to change the smoking trends is to attack people when they are young. It's a well-known fact that when people start smoking early, they tend to smoke for the rest of their lives. There are very few people who start smoking after the age of 18 that continue to smoke for prolonged periods of time. I think that this is certainly a good initiative, and I would certainly support that principle of the Bill.

The third part of it is the one that I have problem with, and the third principle is that of tobacco inspection and enforcement. What is proposed in this Bill is that there are essentially, for lack of a better term, tobacco police set up. I think that philosophically that is wrong. Some of the powers that have been given to these tobacco police go beyond the powers that they should have. You know, the power to inspect premises, where they may enter a place of employment at any time, I really think goes beyond the rights that people have in society. Police cannot necessarily even go into places of employment at any time, at any reasonable time. They have to have just cause.

This essentially – I won't say the word "reeks" – is often very close to what the problem has been with CSIS, the Canadian Security Intelligence Service. In fact, what we may even be looking at under this Bill is something like the Alberta stop

smoking enforcement squad, and I think that this is something that we absolutely do not want to set up. We cannot have these people going into public places of employment and saying: "Stop. You must come with me. Put the handcuffs on. You have been caught smoking in the closet." I think the whole idea of having other employees rat on their fellow employee for sneaking into the closet and having a puff of a cigarette is wrong. I think what we have to try and do is aim at education of these people. I think we have to aim at logical enforcement of logical laws, and this just doesn't occur with that.

The whole idea of the fines for an employer being up to a thousand dollars I think is quite ludicrous, and it is ludicrous for the reason that I as an employee can say to my boss: "Well, you just allowed someone to smoke on your property. I'm going to tell the tobacco cops, and the men from the Alberta stop smoking enforcement squad will come and give you a thousand dollar fine. Therefore, you do this, this, and this for me, or I'm going to report you." I think there are a lot of cases where this just does not work.

Another thing that is mentioned is that the Lieutenant Governor can actually put in laws about ventilation. Well, I was involved in the nonsmoking issue on two counts, first of all as a school board member at which time the Brooks school district went nonsmoking. I was also involved at the Brooks health centre when that facility went nonsmoking. We looked at the cost of ventilating a room for smokers in just a small facility like our hospital, and the cost was \$40,000 for adequate ventilation. I think that's absolutely ludicrous that that can happen. I think there should either be complete nonsmoking in buildings or that the smokers can have a designated room, but the whole idea behind adequate ventilation just begs a term for more state control over building codes, more state control over what they can do. Mr. Speaker, I realize that this is 1994, but it certainly sounds a lot like 1984 in this Bill, and I think it's something that we really have to be careful of.

Again for me to stand up as a doctor and someone who's seen people die of lung cancer and speak against any portion of a Bill that is called the Non-smokers Health Act sort of gets me right here, Mr. Speaker. I think it's something that philosophically I find very difficult to do. I know that the hon. member who put in this Bill is a fervent nonsmoker, and I think that he wants to do what's best for Albertans, and I have no problems with that. I think that unfortunately the whole aspect of the tobacco cops just doesn't hold in 1994. It reeks of too much state control over people's lives. In 1984 under the auspices of George Orwell maybe, but not in 1994 under the auspices of Ralph Klein. I think that it's just not a thing that can be done.

I even went so far as to talk to legal counsel about whether or not this part could be amended out in committee. Mr. Speaker, unfortunately it can't be. I'm afraid that because of that it grieves me such, but I can't support the Bill on that one principle. The other two principles I support wholeheartedly and would invite the hon. member to reintroduce the Bill with those two principles. Unfortunately, because of that and because of the fact that it cannot be changed in committee, I'm forced to not support this Bill.

MR. N. TAYLOR: Mr. Speaker, there's just a short time. I think I have about three and a half minutes left, but I wanted to speak for the Bill. I was appreciative that the Member for Bow Valley mentioned Orwell.

MR. SPEAKER: Order. The hon. member does have more time than that. There's another hour to go, approximately.

MR. N. TAYLOR: I was thinking about that debate that went on. I forgot. Okay. I won't take it all.

I did appreciate the hon. Member for Bow Valley bringing up the fact of George Orwell and *1984* because I've always thought there was a fair connection between Orwell and members opposite. Now I know that they've admitted it. But I was thinking more of George Orwell's *Animal Farm* than *1984* when I was thinking of the members opposite. Obviously they haven't read it, otherwise they would be madder than the dickens right now. [interjection] Sometimes you can aim too high; can't you? It's not hard to do over there.

3:00

With respect to smoking, the hon. member mentioned that maybe it should be resubmitted. Maybe this has to come back two or three times. As a group of legislators here we ought to try to set an example with the media moving back and forth all the time. I'm often bothered that we see as much smoking as we do in the Legislature. In fact, we've got a lounge back there, and sometimes when we meet, the smoke is so thick that it's very hard to see who you're talking to. I notice, too, as I walk by the government's lounge – they took over the former press lounge over there. Maybe they thought that after taking it over from the press, it would be impossible to clean the smoke smell out. As you go by, you sometimes wonder whether you should pull the fire alarm, because there is quite a lot of blue smoke coming out of there too. It isn't from the debate that goes on, because I don't think they're allowed to debate, at least from what we see here. It must be from smoking.

Consequently, there are sections of the Legislature where there is a great deal of smoking, and the impression that we telegraph to the public and especially to the young people touring the building is: do as I say and not as I do. I'd like to see the whole building declared a smoke-free area, and this Bill would be one of the ways of starting.

I don't think there's anyone with sheer logic anymore that argues that smoking does not affect your health. The only argument I've seen lately in favour of smoking was that it saves us a lot in old age pensions and people hanging on a lot longer than they should, because if everyone smoked, they'd have a good chance of going on to their reward, whatever that would be. It certainly wouldn't be the Energy Resources Conservation Board but going on to some reward if they smoke too much, and we would save some moneys. That's the only argument I've seen in favour of that. That's been made by a couple of tobacco companies. Reynolds I think was one of them.

Even that ignores the fact that smokers usually just don't fall over and die, Mr. Speaker. We're not that lucky. They usually hang on and on for about 10 years having to have everything from oxygen to the different shots that they all have to take. Their arteries harden, and it's a rather depressing thought. If it was just a case of them walking down the street one day, voting Tory or Liberal and being happy and then falling over, then we'd be all right. But they don't do that. Smokers have a long, lingering death unfortunately. So the argument that we're saving money because they die much earlier than other people isn't valid because we spend quite a bit of money at the tail end of their lives.

I don't know why society has so much trouble passing a law against smoking, unless it's the huge lobby of the tobacco people themselves. Again, Mr. Speaker, this has bothered me for sometime. I moved some years ago, back when being an MLA to a lot of these people would just be a gleam in their eye, that we not allow the deduction on income tax filing for advertising

smoking. It seems to me that it's the height of ridiculousness for us as taxpayers to give an incentive to advertise to people that sell tobacco and convert and subvert, if you want to say, our young. As you know, if you watch TV or if you watch some of these ads, it would be quite conceivable for a youngster to think that they would never develop sexually or mentally and certainly not socially if they weren't sucking on something with a filter on it, a cigarette in other words.

The cost of that advertising is a one hundred percent deduction from their taxable income. Therefore, when a smoking company has a million dollar budget or even when they go out to sponsor sports events and so on, all the money that's spent there is a deduction from the income tax that they pay, which means the rest of society has to make up the money that the tobacco company did not put in. So what we have is a very complicated, integrated, long-term lobby by the tobacco people to subvert and convert people to the use of this drug.

Now, it's very akin to the Boxer rebellion in China, and I hope I don't shoot too far over their heads again. Around the late 1800s and the early part of the 1900s the western Europeans divided up old China, whose civilization had gone to pot for opium sales. That's what they sold: opium. Instead of whisky to the Indians that we had out here, they sold opium to the Chinese. It was their moralistic and some of the leadership of the Chinese that started the Boxer rebellion, which in western societies was an awful thing because whites were being massacred. We didn't pay any attention to the fact that literally millions of Chinese had been subverted and converted to the use of opium by the western or European nations that were selling there.

So it seems that historically, Mr. Speaker, there is a pattern, whether it was the European races, the white people of early North America selling whisky without regulation to the Indians, and tobacco subverted with everything from tobacco juice to pepper to give it a kick or whether it was the western nations around the tail end of the 1800s or early 1900s selling opium to the Chinese. Now we have the same thing: a huge financial lobby that makes millions out of selling nicotine in the guise of taking it in through the front end through a cigarette rather than through a schnozz or a shot in the veins, which might be even better. They make millions out of it.

Why can't we seem to realize that we're being manipulated by that same group in society that feels that the sale of anything that's a drug or anything is fair and square? In other words, the same argument has always been made: well, the Indians do not have to buy the whisky; the Chinese didn't have to buy the heroine; we don't have to buy the tobacco. That might even pass if indeed we had not put in laws that encouraged through tax deductions and through income tax deductions the sale of those tobacco products.

So we have a lot of deep thinking to do, not so much deep thinking; we just have to shake off the shackles and say that we have the courage and the intestinal fortitude to say that smoking's illegal. What you do in the sanctity of your own home, your own bedroom is fine. This is what puzzles me: we have a backbench that's worried about what people will do sexually in their own bedroom but are not at all worried about drugs like nicotine being used out in the public. I'd personally like to see nicotine put in the same category as homosexuality. You could practise it in your own bedroom if you wanted to. But, no, we haven't heard that.

Thank you, Mr. Speaker.

MR. SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. I was listening so intently to the hon. Member for Redwater. He surprised me when

he just suddenly quit. I want to commend the hon. Member for Edmonton-Glenora for bringing this Bill forward. It certainly has a number of very good principles. I think the hon. Member for Bow Valley certainly outlined my thoughts on the Bill, the two principles that I could support. I'm very disappointed that he had to throw in the third one. That makes it very difficult for me to support.

There are a few other things that perhaps the hon. member should have considered, and that's the fact that this in some ways parallels the federal legislation wherein the feds have now raised the age to 18 for the purchase of cigarettes and they have also said that a package must contain a minimum of 20 cigarettes. They also have required that vending machines be placed in areas where minors are not allowed. So these kinds of things are contained in this Bill as well, and of course then we end up with duplication. It would be my fear that when we set up our Alberta stop smoking enforcement squad, they would also have this duplication.

### 3:10

Mr. Speaker, when we have legislation that is parallel to the federal legislation, we then of course are asking for a lot of money to be spent in the enforcement field. I think that money should be moved over and used for education. I think it's really important that young people clearly understand the damage that smoking does to their health. All the statistics show the damage that it does, not only to the heart but to other vital organs. It's so evident when one physically works beside or participates in sports with people who have smoked and are in their prime yet can be very short of breath simply because of this habit.

I want to take this opportunity to congratulate the Provincial Treasurer for not falling into the trap that the government in Ontario fell into by reducing the tax on cigarettes. I think that's the wrong way to go because there's no question that the price is a great deterrent on the purchase, particularly to young people. They have a very limited income in many cases, so it's difficult for them to come up with that money.

There was a survey done by Marktrend Research in 1982, and it showed that in Alberta some 84 percent of the people surveyed wanted to see the age raised to 18. It's interesting when we look through what has happened in other provinces. For example, Saskatchewan has 19; Ontario has 19 even though they made it easier for those people to purchase; Nova Scotia, 19; New Brunswick, 19; and Newfoundland, 19. So even if we go to the 18, we're still not up to the level that some of the other provinces are.

This Bill talks about having certain areas set aside for smoking. I think, as was mentioned earlier, that probably is okay as long as the cost for providing that for the employees is not prohibitive. Many times you see people standing outside and shivering in the cold, and I really feel sorry for them. I feel I'm very fortunate that I am not addicted to cigarettes and therefore don't have to put myself through that situation when it is extremely cold.

The issue of enforcement is one that I just want to talk a little bit about. When it talks about setting aside an area in a vehicle and the fact that if someone on a bus was asked to stop smoking and didn't comply with that request would have to get off the bus at the next location is extremely heavy handed. I think that there are other ways that these kinds of things can be dealt with.

I feel very sorry that I cannot vote for this Bill, because as the hon. Member for Bow Valley indicated, we cannot change it. We can't take these tough measures out of the enforcement and the setting up of the Alberta stop smoking enforcement squad. We can't get that out of here. I'm just sorry that the hon. member

didn't look at the Bill that I introduced last year that didn't get to debate. I know the hon. Speaker introduced a similar Bill some three times, I believe, prior to that. It's terribly unfortunate that this member had to include this.

There is light. The hon. Member for Olds-Didsbury is going to introduce a nonsmokers Bill that we will be able to support. So I would hope the hon. Member for Edmonton-Glenora will be able to rally his caucus and get them to vote like they usually do, in unison, for the Bill.

MR. SPEAKER: The hon. Member for Edmonton-Avonmore.

MR. ZWOZDESKY: Thank you, Mr. Speaker. It's a great pleasure to rise before you today as you did before me last night and waxed eloquent. I shall try to do the same on a different topic, nonetheless a topic of equal weighting.

The Bill before us, 215, being the Non-smokers Health Act, brings into sharp focus an extremely delicate issue, certainly a very contemporary one, and one that we've made some strides with. However, it certainly isn't a new one, and I appreciate some of the comments that have been made both for and against the Bill. In particular I enjoyed listening to my colleague from the other side of the House from Bow Valley who spoke. I always listen doubly carefully when a doctor speaks, especially when it's to do with matters that affect my health as well as the general health of all other Albertans. I would wish him the same good luck with his caucus which the Member for Rocky Mountain House has wished to my colleague from Edmonton-Glenora.

Let's not kid ourselves. We know the damaging effects of smoking. We read about it almost every day and/or we see it, or we experience it secondhand or in some other vicarious way on a daily basis, Mr. Speaker. Part of our job here, then, as legislators and/or creators of good legislation is to in fact protect the public good every opportunity we have, and that's what's propelled me to my feet today, is to in fact speak out in favour of this Bill and of the many good points that it contains.

We have heard a great deal about the harmful effects of smoking, and now we're getting even more scientific with some of our research and our findings that bring forward very good arguments as to why secondhand smoke is equally harmful in many instances. My single largest concern, though, that I would flag here, Mr. Speaker, zeroes in on the positive effect that a Bill like this stands to have on our youth, who I would submit to you yet again are indeed our most precious of all resources. So what can we do in this House and elsewhere to impact on our youth? What can we do to give them the message that we are serious when we say to them that smoking can and likely will kill you?

I see that even cigarette advertisers have taken a much stronger position on this in the last little while by putting specific warnings on their packages of cigarettes. I haven't held a pack of cigarettes in my hand for many, many years, Mr. Speaker, but it's safe to say that I held enough to know where I'm coming from on this issue. As I look at what the cigarette manufacturers and the cigarette producers are doing and saying about this, surely we who set the laws that they must abide by should also be listening and doing what we can. They're doing something. I'm sure the medical profession is doing something. Now it's our turn as legislators to do something.

3:20

We must act on every opportunity when it arises to discourage the smoking habit and specifically then to deter young people from even starting. A Bill such as we see before us speaks to

everything that we have in our power that would otherwise control the amount of smoking. Three points come to mind under this Bill that I really want to talk about. One is accessibility, another is affordability, and the other would be availability. I'll get to those arguments in a moment.

I also want to touch on a point to do with the costs to the health care system in the long run and say to you, Mr. Speaker, that the research that has been done certainly cannot be ignored by the government or by the Minister of Health specifically. When I read comments about the cost that it could amount to in fact help a cancer patient who has been stricken with a disease linked somehow to cigarette smoking, such as cancer of the larynx or leukemia or some respiratory disease, it amazes me and it alarms me that we could be spending, as my hon. colleague from Edmonton-Glenora said a couple of days back, up to \$250,000. That's a quarter of a million dollars per person for treating cancer patients who are suffering from the ill effects of smoking. That's an astounding amount of money.

I know, Mr. Speaker, that we are seeing a government that is extremely preoccupied with the financial bottom line, and we all understand that some cuts had to be made, but the other side of the equation says: where can we save money even before it's spent? I would submit to you that a mere statistic such as the Member for Edmonton-Glenora offered here on October 25 of a quarter of a million dollars surely mustn't fall on deaf ears. Surely that point alone would be enough, I would think, to convince most members on both sides of the House to embrace this Bill with both hands and vote in its support.

I've been through hospitals visiting some family and some friends who have been afflicted by diseases related to cigarette smoking. I've seen the people suffering in oxygen tents. I'm sure you have as well, Mr. Speaker, and so have others here. I've seen an uncle die of lip cancer because a cigarette got caught on his lip and it tore off a piece of the skin. Eventually the cancer set in, and within a couple of short years he suffered tragically and ultimately left us. There's no need to let that kind of thing go on and afflict our young people. There's no need for us to let something that we know is fundamentally wrong take place when we can prevent it in the first place.

Virtually no one that I have ever spoken with about cigarette smoking, including smokers, reformed smokers, nonsmokers, and so on, has ever said to me that smoking's a good thing. Virtually all of them have said quite to the contrary, that smoking is in fact one of the single largest problems that we face as a society today in terms of the negative effects that it has on our young people.

If you've been to a high school lately, such as I have been on numerous occasions over the past few weeks, or to junior highs for that matter, you would see firsthand what it is that our young people – and I'm talking young people, Mr. Speaker, anywhere from about age 8 or 9 up – do sometimes as they sneak around behind the schools trying to smoke. It's not because they enjoy it. It's because they think it's cool. They see others doing it, so they follow the best teacher of all, and that's example. They think that it's relaxing somehow, because the image that is concocted around the whole smoking issue somehow portrays it as being the thing to do or the place to be. Peer pressure is an incredible thing with young people. If we can deter even a handful of people, young people especially, from starting this habit, then I think we will have accomplished a very large, large job for the public good. I'm alarmed at the statistics that continually point to the increase that we see of cigarette usage, of

tobacco usage, particularly among youth and particularly among young females. We have the ability with this Bill to perhaps start decreasing these increases.

The things, then, that this Bill specifically does and specifically talks to are that it restricts or prohibits smoking in public places. Now, when I think of public places, I think of a lot of office buildings and doctors' offices and accountants' offices and other places where in general the public goes. When I look at that statement in relation to who the people are that go there, I say to myself that it's unfair to subject young would-be mothers to an unhealthy atmosphere such as can be created from cigarette smoke, that it's unfair to subject people who have respiratory problems perhaps not as severe as smoking can cause. I think it is in their best interests and in our best interests to advance legislation like this that would somehow curtail the degree of secondhand smoke that they are otherwise forced to encounter.

It's certainly not healthy, and it certainly isn't the cleanest of habits either. Cleanliness in public places is also a big deal. As you walk through some of the hallways in some of the schools and in some of the washrooms, it would amaze you at what gets left behind after a smoking spree during a recess or a noon-hour break. Again, the sheer imagery of it, the fact that it's so available and just lying around to be picked up deters some people, but it won't deter enough people until there is some serious legislation brought forward. It's a chance for the government to take a leadership role, to take an initiative role with us from the Liberal side to do something good. It's a chance for us to agree on something that I think we all fundamentally do have consensus on.

Another important part of this Bill, Mr. Speaker, is with regard to the availability or the sale of tobacco and tobacco products. Now, if we embrace this legislation and do increase that age limit to 18, I think we're going to do something that's fundamentally correct here that will help dissuade young people from taking up this habit. We all know that no matter what the limit is on anything, there is always some abuse. I don't care if we're talking about speed limits on the highways or if we're talking about the age of consumption or if we're talking in this case about the age of legal cigarette purchasing. If we set the age or leave the age at 16, we know that 15 and 14 year olds can sneak in on occasion and get it because they look a little more mature. However, if we set it at 18, then we're at least giving younger kids a better chance, because now it will only be maybe the occasional 17 and 16 year old. We will have saved one or two or 1,000 or 100 or whatever young people the tragedy that can accompany smoking.

Now, I'm well aware of the fact, as I see a couple of smokers looking at me, that smoking isn't an automatic killer. I'm well aware of that. I've seen some testaments by the occasional 104 or 108 year old from B.C. or Alberta who, in saying what he attributed his long life to, was having a cigarette as he was explaining himself. I'm well aware of the exceptions that sometimes surround the rule, but what I'm talking about here is perhaps saving one or two precious years of a young person's life at an age when it matters most, the age of formulation of one's own physical and mental being, the age of influence, which is much lower than 18. But if we leave the age at 16, how far down does it go?

**3:30**

You know, as a former teacher, Mr. Speaker, I used to encourage students to gain 100 per cent in all their tests and to never be satisfied until they had given it their best shot to reach 100 percent. I always taught students to reach for the highest

pinnacle. Don't just reach for 51 percent to pass the exam, because what if you get one or two questions wrong? You've failed. I always tried to yank up the standard. I would never teach to the lowest common denominator in the classroom. I always tried to bring the lowest common denominator up closer to the highest achiever in the class. I gave them some incentives. The same kind of logic can be applied here in regard to the availability. I don't think it would significantly impact on small businesses who might provide some arguments to the contrary.

A third thing this Bill does, then, is provide for some penalties in the event that you do get caught smoking in some of the public places or at least unauthorized places mentioned earlier. What we're talking about here in essence is not large sums of money but enough that I think would cause people to look seriously before they break that particular law. These I would consider to be good initiatives, good deterrents, penalties that do not allow the public to be unnecessarily at risk. I would hope that if we can impact on nonsmoking in public places, Mr. Speaker, there would be a spin-off effect in the home and in private places. That in turn would have the spin-off effect of a general decrease in the total amount of smoking. I think that argument can follow.

So legislation such as this does reach further than the written word. I think it has the ability to reach right into the place where it matters even more perhaps, where our young people are even more influenced. That's in their own homes by their own parents, by their own parents in cars. It always amazes me how parents concerned about the health and welfare of their children can take a trip in a car with the windows rolled up tightly and both of them are smoking in the front seat while young kids are sitting in the back seat breathing it in, in many cases kids too young to stand up and speak for themselves. That's one reason that we who are speaking in favour of this Bill here are trying to speak on their behalf. So you see, the spin-off effect won't immediately stop that kind of practice from happening, but I hope it will have some effect on people. I think the more cognizant people are of arguments like this, the better our chances are of preventing these problems from occurring.

The other quick point here which the Bill brings forward, Mr. Speaker, is with regard to the requirements for retailers to be licensed to sell tobacco products in their premises as well as to provide some type of advertisement or signage or an awareness of what it is that cigarette smoking can do to you. Again, young kids are so impressionable. I think that if you hit them enough with the message, eventually that message will sink in and hopefully they will be impacted by it.

I guess the final point I want to mention here, Mr. Speaker, is that I'm informed there is in fact something of a proactive nature taking place in our province right now by the Alberta health care system with regard to the pilot project that has recently been undertaken by that department in Eckville to prevent smoking and specifically to deter new smokers from starting up. I think this is an example of some good leadership by the government opposite, because we all know there is a need to tighten up a few things in our legislation. I'm sure the Minister of Health is well aware of this project, and we'll all be following it and following it very carefully.

Now, if we're serious about a pilot project like that, such as the government was serious about its pilot project on VLTs and other forms of, I guess, gambling such as we saw in Lethbridge a year or so ago, then surely we can get serious about this as well. We saw what happened, Mr. Speaker, with that phenomenal VLT

program, and I hope we could see the same kind of impact here and support Bill 215.

MR. PHAM: I would like to speak on Bill 215, the Non-smokers Health Act. When I look at the Bill and the title of the Bill, I really want to support it, because as a nonsmoker I find it is really uncomfortable to share a room with a group of smokers. Even in caucus many times I have asked other members to refrain from smoking. Up to now they haven't listened. We are still hoping that someday we can persuade the other members to quit smoking altogether.

However, when I go through this Bill in detail, I regrettably cannot support it because it will bring many problems more serious than smoking itself. If this Bill is passed, we are going to have a very policelike state where an inspector can enter any premise at any point in time and check to make sure the strict regulations spelled out in the Bill are being followed.

[Mr. Clegg in the Chair]

Coming from a state where policemen run the country, I certainly appreciate personal freedom a lot more than other people. I think freedom is something people do not appreciate until it has been taken away from them. No matter how uncomfortable you may feel about other people's behaviour surrounding you, you have to realize one thing: if the state is going to run your life for you, if the state asks you to live in a particular way, and if the state can dictate to you what habit you can and cannot have, then it is not a healthy environment. You should not let the state jump into your life and run your life for you.

I share the concern of the member opposite about the health risk our youngsters are facing today. I understand that smoking is one of the causes of death in Canadian society. But if I have to choose between my personal freedom and the basic freedom all of us take for granted and the police state that we are going to have if we pass this Bill, I have no problem accepting the risk of the smokers.

3:40

The other day I went to a high school to speak to the students, and I noticed there were many youngsters standing outside the school smoking. I found it quite disturbing. However, I remembered back in 1980 when I and a group of other people getting together were planning to escape from Vietnam. At that time I was young. I was 16 years old. I looked at the plight of the people and looked at all the friends I had surrounding me and the risk we were going to take on that particular journey. Very few of us at that time were even asking the question "What if run we into some problem, what if we never make it, what if we all die?" Because we all knew that a life without freedom is a life not worth living. I looked at the youngsters in the school that day. Even though I don't agree with their habit, I think that when they grow up they will have a chance to quit the habit if they choose to, and the key to that problem is education. You cannot and you should not force your way of thinking or your way of living on someone else, because only through education can the youngster quit this habit and give up smoking.

That's all I have to say, Mr. Speaker.

MR. ACTING SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Speaker. I understand that as the sponsor of the Bill I have the opportunity to close debate and

that time will expire to consider this matter during this day, so I'll do that now.

It's hard to know exactly where to begin with the reaction. I am absolutely amazed by the nature and tone of the arguments the members of the Conservative backbench have managed to scrape together to talk against this Bill. Mr. Speaker, this is a Bill that is keeping with trends across the country. This is a Bill that is keeping with trends around the world. This is a Bill that fits in with the government's stated words about a commitment to population health, to a wellness model of health care, to preventative health. This is a Bill that supports government initiatives in terms of trimming health care costs, in terms of moving from an acute care based health care system to a system that's rooted in the community. This is a Bill that will save money. This is a Bill that is in the best interests of our children. I am absolutely appalled that this Bill somehow would be seen as a problem and argued against on the basis of spurious arguments such as the cost, the penalties are too high, that we wouldn't be able to enforce it properly. This is supposed to be a law and order government. This is supposed to be a government that's called for the abolition of the Charter of Rights. I'll remind the last speaker of the words of so many of his cabinet when he talks about individual freedoms. This is a government that has called for the abolition of the Charter of Rights and Freedoms. This is a government that's had its members stand up in this Assembly and talk about the death penalty for young offenders, and now they're afraid to fine shopkeepers for selling tobacco products to underage smokers. Mr. Speaker, this is absurd. [interjections]

Mr. Treasurer, you should pay attention and listen because you have children. You should be worried about the health of those children being exposed to secondhand smoke, not being able to come into this Assembly, into this Chamber and be protected against the well-documented hazards of secondhand smoke. Any parent, anybody who cares about children should be concerned about this legislation.

Why would this government, why would Alberta want to take a back seat to the rest of this country. Why would this government not want to be as aggressive and progressive as the governments in Ontario, Saskatchewan, British Columbia, and others that are taking real leadership positions? Why would this government want to take a back seat? Why would this government not want to do everything in its power to not only save money but also save lives? Mr. Speaker, I cannot believe, I cannot accept the arguments that this so-called law-and-order government, this government that's committed to rights and freedoms would somehow confuse nonsmoking legislation with an argument that we simply can't afford to do it. We can't afford not to do it.

Mr. Speaker, if the individuals who spoke against this Bill are concerned somehow with the intrusion of the state into the life-style choices of Albertans, then where do they stand on sexual orientation? Why is it they're so willing to intrude into the life-style of Albertans when it comes to some issues of their life-style but not others? I would ask every member who's spoken against this Bill on that basis to read the legislation and regulations around the ALCB and the power that liquor inspectors have. I'd remind them to read all the legislation and regulations about labour. I'd commend them to read all the legislation and regulations around agriculture if they want to see the powers that government agents have to interfere and intervene in the lives of Albertans. I would tell them to read the existing public health laws of this province. If the Member for Calgary-Montrose isn't aware of it, he should read it. If he's concerned about the



intrusion of this government into the lives of individuals, he should read that legislation, because that legislation already exists and it's wide ranging. What we're trying to do with this legislation is be progressive and bring this government into line.

Mr. Speaker, this government has already passed legislation about seat belts, about communicable diseases, about speed limits, about construction standards. You have to ask yourself: why would they hesitate to pass legislation about smoking? This isn't a partisan issue. This isn't an issue that has anything to do with partisan politics. This is the right thing to do. If the biggest sin of this Bill is that it's sponsored by a member of the opposition, then I would ask every one of the members that has already spoken about the importance of nonsmoking legislation to put aside their partisan interests.

I tried to work with the Member for Rocky Mountain House in constructing this Bill. I've spoken with other members of the government caucus to make this Bill workable and acceptable. I've dealt with the same individuals that have come to them begging for, demanding stronger antismoking legislation in this province as they have. This Bill reflects not just the best interests of Albertans but the considered opinion of public health experts and so many of the people that have brought their concerns to the government and to the opposition. This is a Bill that should not even need debate, Mr. Speaker. This is a Bill that should be embraced by both sides of this House, because this Bill will bring us into line with so many other jurisdictions. This Bill will save lives. This Bill will save money. This Bill is absolutely and fundamentally important, and this Bill is consistent with this government's position in so many other areas. Particularly, this Bill is supportive of the government's own business plans in Health.

Mr. Speaker, the arguments about cost are offensive. The arguments that we can't afford to do this, that we'll set up some kind of phantom bureaucracy, that we'll have a police state are offensive arguments. These are arguments that are spurious. These arguments don't make any sense. They are not founded in any research. Nobody has presented to this Assembly any analysis to show where these new bureaucratic costs would arise. In fact, as I was listening to the debate and hearing the arguments that we can't afford the enforcement, I was wondering: well, no wonder this government was so anxious to cut police grants to municipalities. They don't want to pay for the cost of enforcement. No wonder this government was so anxious to blame problems with young offenders on the federal government. This government doesn't want to take responsibility. This government doesn't want to use taxpayers' dollars to save money and to create a better society. No, no, no. They want to use taxpayers' dollars to build roads in their favourite ministers' constituencies.

3:50

Mr. Speaker, this is a Bill that should be a model, something this whole Assembly can be proud of, that we can take forward from this Chamber and go back to our constituents and say: "We're doing something. We did something positive together, both sides of the House. We did something that was constructive. We did something to help our children. We did something to build and create a better society." Instead, we have a struggle on the other side. They just can't quite bring themselves to support a private member's Bill brought forward by an opposition member. They can't quite bring themselves to do it. They know it's the right thing to do. They know that is what we have to do, but they won't quite do it. [interjections]

Mr. Speaker, it's too bad that the Treasurer wouldn't enter debate legitimately and instead squawks from his seat. It certainly would have been appreciated if the hon. Treasurer had contributed to debate, because I'm sure his family and his constituents would like to know why it is that he couldn't support nonsmoking health legislation. But no, he'd rather just make snide comments from his seat instead of standing.

MR. DINNING: Is the hon. member asking that I debate, Mr. Speaker?

### Speaker's Ruling Decorum

MR. ACTING SPEAKER: I hesitate to interrupt, hon. Provincial Treasurer, but the Member for Edmonton-Glenora is closing debate on this Bill, and he said so when he started. His opening remarks were that he was closing debate on this Bill. I know everybody in the House is very sad that you didn't enter the debate. However, I wish you would be a little quieter to give the hon. member the right to speak.

### Debate Continued

MR. SAPERS: Thank you, Mr. Speaker. I heard the Member for Rocky Mountain House say that he was in favour of the principle of the Bill. I heard the Member for Calgary-Montrose say that he was in favour of the principle of the Bill. The members for Calgary-Currie, for Calgary-McCall both said that they were in favour of the principle of the Bill. I will remind all members of this Assembly that we are dealing with this Bill at second reading, the stage where we consider the principle of Bills. Now, there is a parliamentary process. I will also remind members opposite that if they have concerns about specific sections – maybe there are some concerns about the penalties, although I can't imagine what they legitimately could be; maybe there are concerns about enforcement – then I would suggest the members bring forward amendments.

You know, the fact is they're just not used to dealing with amendments. Of course, we all know the way this government deals with opposition amendments. They rip them up and dismiss them because they think they have a monopoly on good ideas. Well, Mr. Speaker, Albertans know that's not the case. Albertans know that members on all sides of the House come to this Chamber prepared to enter into debate and no one party or one group of people has a monopoly on good ideas. I accept the premise that the occasional backbencher on the government side might have a good idea, and they might even have a good idea about this Bill. So I would suggest that if they support the principle, which they all said they do, they pass this Bill at second reading because that's the way it's supposed to happen. Then we can go to committee. Then guess what? We would be more than happy to entertain their amendments. We'd be more than happy to engage in reasonable debate on those amendments, and we would be more than happy to improve this Bill so in fact it's the best legislation of its kind in this country. It will demonstrate real leadership and real commitment to those words that I've heard the Minister of Health and the hon. Premier spout: a commitment to wellness and health promotion and prevention of illness and disease. If they really want to be taken seriously when they say those words, then I would expect at least those hon. members to vote in favour of this Bill because they, too, know it's the right thing to do.

I'll note that the Minister of Health has recently committed to a project in Eckville, a pilot project of Alberta Health to help decrease smoking and help stop young people from smoking.

Mr. Speaker, again this Bill is entirely consistent, entirely consistent with government initiatives. I can't understand why not one member opposite could break from party ranks and stand up and think for themselves and say: "You know, this Bill is in fact the right thing to do. This Bill will save money. This Bill will save lives. This Bill is the right thing for our children. This Bill is the right thing for our government. This Bill is absolutely the right thing to do, and I don't care what the Whip told me to say and what the Whip told me to do. What I want to do in this Assembly is the right thing. I want to vote for public health, I want to vote to save money, and I want to vote to support the three-year business plan of the Minister of Health."

Mr. Speaker, I hear members opposite chirping: what about big government, what about Big Brother? Well, what about it? Either we are a country of laws or we are not. We either pass legislation that's the right thing to do in the best interests of all or we don't. Every one of us gives something up to be a member of society. Every one of us gives up a little bit of our independence. Every one of us gives up a little bit of our individual choice to live in society. Every one of us. We have a system of laws that reflects a framework of how we will all live together. We have a system of laws that sets out boundaries. I've heard the Minister of Municipal Affairs talk about those laws being walls that channel us down to help us make the right choices, but nobody argues against the necessity to live in that kind of system of law. Nobody challenges the rule of law, except we've heard people say that we can't afford it, that it's Big Brother. Why is it Big Brother? We're talking about the lives of children and the health of children, but it's not Big Brother when we're talking about forcing hospitals to send biomedical waste to only one centre in the whole province. Why is it okay to make laws in some areas but not in others? Why is it okay to have laws and regulations that assist the government with their ideologically driven policy, but it's not okay to have laws and regulations when it's the right thing to do for all the voters of this province and in particular the children of this province. I didn't hear one member opposite talk about that. All I heard them talk about is how they couldn't support this because it is either too expensive, and that's nonsense, or the penalties are too stiff, and that's nonsense, or it couldn't be enforced, and that's the most nonsensical of all.

Mr. Speaker, this is a Bill that deserves bipartisan support. This is a Bill that I would expect at least some members have the courage to break party ranks and vote in favour of. I notice that as we approach the point where we have to have a vote, chairs opposite are emptying. Now, I can only come to one conclusion: there are some people that want to vote for this, they know it's the right thing to do, but they've been told not to. I really think that's a shame. Not only is it a shame; it violates our own Standing Orders of this Assembly. Private members' Bills are supposed to be Bills that come to this Chamber for honest debate. The Whips aren't supposed to be on. If there's to be any truth to that and respect for the Standing Orders of this Assembly, then I think it's incumbent on government backbenchers to vote with their conscience and do the right thing.

Mr. Speaker, in closing, this is a Bill that has been a long time coming. This is a Bill that deserves support, and I hope it gets that support.

MR. ACTING SPEAKER: The hon. Member for Edmonton-Glenora has closed debate on Bill 215. All those in favour of

second reading of Bill 215, the Non-smokers Health Act, as proposed by the hon. Member for Edmonton-Glenora, please say aye.

SOME HON. MEMBERS: Aye.

MR. ACTING SPEAKER: Opposed, if any, please say nay.

SOME HON. MEMBERS: No.

MR. ACTING SPEAKER: The Bill is defeated.

[Several members rose calling for a division. The division bell was rung at 3:59 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Bracko	Langevin	Taylor, N.
Bruseker	Nicol	Vasseur
Carlson	Sapers	White
Collingwood	Sekulic	Zariwny
Hanson	Soetaert	Zwozdesky
Hewes		

**4:10**

Against the motion:

Ady	Friedel	McFarland
Amery	Gordon	Mirosh
Black	Haley	Pham
Brassard	Herard	Renner
Burgener	Hierath	Severtson
Cardinal	Hlady	Smith
Coutts	Jacques	Stelmach
Day	Laing	Taylor, L.
Dinning	Lund	Thurber
Doerksen	Magnus	Trynchy
Fischer	Mar	West
Forsyth	McClellan	Woloshyn

Totals:	For - 16	Against - 36
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[Motion lost]

### Bill 217

#### Motor Vehicles Statutes Amendment Act, 1994

MR. ACTING SPEAKER: The hon. Member for Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. It really is a privilege for me to rise and initiate the debate on Bill 217, the Motor Vehicles Statutes Amendment Act, 1994. This is an issue that I feel affects each and every one of us. It is not about the unsuspecting consumer; it is about the safety of the highways and the people who travel on them.

Last summer I had the privilege of attending an exhibit on written-off vehicles set up by staff from motor transport services. The exhibit was open to any interested MLAs, Crown prosecutors, or judges, and unfortunately, Mr. Speaker, it was not that well attended by members of this Assembly. The exhibit consisted of a vehicle that had been written off, repaired, and put back on the road. The car was not repaired properly. In fact, only cosmetic repairs were performed, leaving serious damage to

the frame and undercarriage. A motor transport officer explained that the vehicle had no structural integrity left to it and that if it were in even a minor accident, it would have collapsed literally around the occupants.

Mr. Speaker, the condition of this vehicle was not an isolated incident. In 1993 motor transport services investigated over 400 complaints regarding the resale of written-off vehicles that had been improperly repaired. Those investigations led to the recovery of over \$700,000 for consumers who had purchased vehicles in good faith from people they had hoped were honest salespersons both on lots and through private sales. To say that all the people who sold the cars were intentionally fraudulent is not correct. There have been instances where people have been fooled very, very significantly by this. In fact, some dealerships have been taken advantage of on this very issue. The Bill before us today I believe addresses the Fraudulent Preferences Act.

Bill 217 has three main purposes. The first is to ensure that vehicles that have been written off in an accident are properly repaired and that the rebuilt status of that vehicle is not concealed from prospective buyers. It's also to keep unsafe vehicles from flooding into Alberta from other jurisdictions. Bill 217 proposes that when a vehicle is declared a write-off, the registrar of motor vehicles must be notified and licence plates and registration would be surrendered.

Bill 217 places the responsibility for reporting the written-off vehicle onto the insurance companies, because they become the owner of the vehicle once it is declared a write-off. We also give this responsibility to them to ensure that the reporting occurs in the case of people with serious injuries or, unfortunately, even the death of the owner. Once the registrar cancels the registration, the vehicle cannot be registered again until it has passed a written-off vehicle mechanical and body inspection, as outlined in regulation 79/86 of the current Highway Traffic Act. Mr. Speaker, what happens at the present time is that once a vehicle has been declared a write-off, only some insurance companies voluntarily offer the information to motor vehicles. Currently, member companies of the Insurance Bureau of Canada are reporting write-offs, and we have agreements with 30 insurance companies plus the provinces of B.C. and Ontario to share information.

Another problem is that there's a time lag with voluntary reporting, allowing vehicles to be sold before they are reported to motor vehicles, and then they get into circulation and become difficult to deal with. Bill 217 solves this by requiring information to be reported within six days of the declaration of a write-off. I've had people contact me saying that it should be six days from payout by the insurance company, because that is when the head office recognizes the write-off as official. Quite frankly, Mr. Speaker, if this Bill is passed through second reading, any types of friendly amendments to improve it in whatever areas certainly would be looked on favourably in Committee of the Whole.

There's also a problem with people who do not report write-offs. Insurance companies outside the Insurance Bureau of Canada, fleet owners with private insurance, and private owners without insurance do not report their write-offs. There are vehicles that are avoiding the system through these avenues. Hopefully, those too will be able to be addressed at some later date when the process gets moving.

I believe Bill 217 does go quite a bit further than the current legislation, and it is an important improvement. Under this proposed Bill, with a vehicle that has been properly repaired and inspected, any registration documents registered or issued for that vehicle will have a designation of "rebuilt" placed upon them.

This will ensure that any prospective buyers will be able to recognize that the vehicle was not only in a serious accident but also that it had been properly repaired.

The current system requires that reported written-off vehicles be registered on the motor vehicle system until they pass an inspection under section 12 of the Highway Traffic Act. They only remain flagged on the system until the inspection is completed. I have received a concern from Alberta auto rebuilders that using a "rebuilt" flag prejudices their business. They are more comfortable with terms such as "repaired" or "active." I believe Bill 217 will rid Alberta of unscrupulous auto dealers, and the stigma surrounding this term will disappear. But I do recognize their concern, and I am willing, again, to amend Bill 217 to address this concern as long as some type of meaningful notification appears on the ownership certificate.

Mr. Speaker, the second purpose of Bill 217 is to require that all vehicles entering the province from other jurisdictions undergo a safety inspection before they are registered in Alberta. Alberta is quickly becoming a dumping ground for dangerous vehicles from across North America. They literally come in by the truckload and appear at various vehicle auctions. What makes the proposed inspection system so vital to the safety of our highways is that our neighbouring provinces are implementing out-of-province inspections.

Saskatchewan announced that effective April 1 of this year anyone wishing to register a used vehicle that has not previously been registered in Saskatchewan will be required to have the vehicle pass a safety and identification inspection. The only exception to this will be to persons who settle in Saskatchewan and bring personal vehicles with them. It is also unlawful to sell a used vehicle that requires an inspection without first having that vehicle pass an inspection or disclosing that the vehicle may not be driven on the highway.

#### 4:20

British Columbia is also implementing out-of-province vehicle inspections. As matter of fact, effective October 15, just a mere week ago, they've implemented first-time inspections for all vehicles entering B.C. and being registered in the province. This is the result of initiatives announced by them in February, when the Minister of Transportation and Highways announced a series of initiatives including implementation and preregistration inspections for vehicles entering B.C. and revised safety inspections for rebuilt or constructed vehicles.

Mr. Speaker, without a similar inspection program for first-time registrants in Alberta, I feel that even more unsafe vehicles will end up on Alberta highways. The Insurance Corporation of B.C. estimates that over 100,000 vehicles are decommissioned in that province each year. Only 30 percent of those pass through an Insurance Corporation of B.C. salvage yard. There are 70,000 decommissioned vehicles floating around somewhere. As legislators in the next available market - namely next door, Alberta - we should be concerned where those other 70,000 vehicles, or whatever proportion of them, are ending up.

The final aspect of Bill 217 is the penalty provisions. I propose that people found guilty of placing this type of junk on the market and selling it to unsuspecting motorists should be subject to a minimum fine of \$500 or more and a maximum fine of at least \$25,000. The current maximum, Mr. Speaker, is only \$500. There have been cases where a vehicle has tripled, even quadrupled in value between the time it was bought as salvage, repaired - and repaired improperly, I might stress - and then sold on a lot.

When this type of markup is involved, \$500 is not a deterrent; it just becomes a joke and a cost of doing business.

Mr. Speaker, I'd like to acknowledge the work of the Written-off Vehicles Regulation Review Committee, a committee that was formed under the Department of Transportation and Utilities. The committee was formed in March of '93 and includes representatives from industry associations, law enforcement, the insurance industry, and government officials.

The committee has made 10 proposals to update the written-off vehicles regulations, the inspection standards, and the inspection mechanic's qualifying exam. I've had the opportunity to see the final recommendations. In fact, they appear in the April 1994 issue of *Automotive Retailer* magazine. With respect to the reporting of written-off vehicles, their recommendations are similar to the process outlined in Bill 217. The committee did not, however, recommend that we implement an out-of-province inspection system. I think that is an oversight by the committee, as I feel that is one of the major keys to safer highways.

In closing, Mr. Speaker, I don't want my colleagues in the Assembly to view Bill 217 as an attempt by the government to take personal responsibility away from consumers. This Bill does not in any way replace the need for buyers to have a vehicle inspected by a professional before they sign ownership papers. That's their responsibility; it's still the buyer beware. I would encourage any person to have a used vehicle inspected before they buy it. But I do want to put into place adequate legislation to prevent dangerous vehicles from traveling our highways, and I stress that I'm talking about dangerous vehicles.

I want to give motor vehicle services officers effective tools to fight unscrupulous car dealers. The responsibility of a manufacturer or distributor to offer a safe product is well established in common law, and I want to see it applied to salespersons who are selling junk to unsuspecting people. Poorly repaired write-offs endanger the lives of the people who drive them and the lives of the persons around them on the highway, and I think it's within our mandate to legislate safeguards in this area. We should do what we can to limit the number of wrecks in Alberta.

I just want to put this scenario to you. With the number of potential vehicles that haven't been repaired properly, as you're going down the road and don't know the one that's coming toward you, this is a little bit scary. These are not old clunkers. I had the privilege of seeing a car that was only two years old and on the surface looked fantastic, but it was a car that was a bomb on wheels, ready to fly apart.

Mr. Speaker, we've also had concerns raised about the turning over of registration and licence plates, and I think in committee stage we need to debate a secondary ownership certificate that will acknowledge that a written-off vehicle does remain the property of the owner, whether it is in a salvage yard or at rebuilder's. I'm sure that my colleague responsible for registries will have some pretty good ideas as to how this can be tracked and taken care of.

Mr. Speaker, I don't view Bill 217 as the end of the issue by a long shot. There's much more to be done, much of it beyond the scope of simple legislation. We need a standardized computer system across Canada and the United States where information on wrecked vehicles can be easily exchanged. This will also reduce the transborder sales of stolen vehicles, another common problem. But this type of computer network I suspect is at least five years from implementation despite the recognized need for one.

We need an updated, comprehensive inspection and certification system for mechanics who repair unibody vehicles, because this is where the main problem is, in the unibody vehicles. That has

been handled very well by the Written-off Vehicles Regulation Review Committee, and I really sincerely commend them for their efforts in reaching a consensus after bringing together stakeholders with such diverse interests.

Mr. Speaker, Bill 217 can be improved upon in debate in committee through some minor amendments. I look forward to debating amendments during that particular stage, and I will support any amendments that will make the Bill a little bit smoother.

But my purpose this afternoon is not to get lost in the specifics of the Bill, Mr. Speaker. It is to ask for the support of this Assembly on the main principle of Bill 217, and that is to get unsafe vehicles off our highways and keep them off the highways. I encourage all members of the Assembly to support this initiative.

Thank you very much, Mr. Speaker.

MR. ACTING SPEAKER: The hon. Member for Edmonton-Strathcona.

MR. ZARIWNY: Thank you, Mr. Speaker. Bill 217 is a good Bill. I do have some concerns, however, with the Bill, and I'd like to deal with both of those in order.

The Bill attempts, to the credit of the Member for Stony Plain, to keep unsafe vehicles off Alberta roads. The other objective is that it I believe forbids the sale of any used vehicle unless it passes a safety inspection under section 12 of the Highway Traffic Act. The third general objective is that it helps prevent the sale in Alberta of stolen and unsafe vehicles from other jurisdictions in Canada. So in a nutshell, it protects the consumer by not allowing unsafe vehicles to be sold and keeps unsafe vehicles off the highways, and I'd like to deal with those what I call good points first.

As the Member for Stony Plain knows, Alberta has long been a haven for stolen vehicles and lemons due to the weak laws of the province. Often unsafe vehicles after they were written off were found to be on Alberta highways. Not only that; they were often sold by curbers to unsuspecting customers who never had any opportunity to pursue any remedies. With a little research that I've done, I've gone back to see whether this government under a previous leader had done anything in this area before.

4:30

In 1991 Dennis Anderson, the former minister of consumer and corporate affairs, announced a discussion paper based on public consultation through a committee called the Automotive Working Committee, with certain recommendations dealing with the automotive business. Among the recommendations included in the report was a stricter licensing of automotive businesses. That aim or that particular recommendation seemed to be to control the curbers and the backyard mechanics through a mandatory licensing system that would ensure a standard of a minimum level of safety and services. I understand that based on that report – the goal of it was good, but apparently there was a fear within the party itself, under Mr. Getty, that private sales would be unfairly restricted. In wake of this opposition Mr. Anderson withdrew the report, and we never saw anything after that.

I believe Bill 217 takes and follows that report, and it does this. It will allow that used vehicles being sold must be accompanied by a valid vehicle inspection certificate. If I can postulate the objective there, I think that is to protect customers from purchasing unsafe and mechanically defective vehicles. However, at the same time, the private sales which Mr. Anderson tried to deal

with will not be changed except that now they would require a safety inspection certificate.

As well, Bill 217 I believe requires a vehicle inspection before any vehicle that was previously registered in another province, state, or country be registered in Alberta. This particular part of the Bill seems to me to reduce the number of defective and unsafe vehicles that are presently being brought into the province from other jurisdictions.

Bill 217 as well will require that vehicles designated as salvage or vehicles that have been written off have their registrations canceled. They cannot reregister until they have passed a vehicle safety inspection.

The last good point that I'd like to say about this Bill is that written-off vehicles that have subsequently been repaired and have passed a vehicle safety inspection will have to have the designation "rebuilt" on the vehicle registration. I think that's correct. Again I believe what the objective is here – and it's a good one – is to ensure that customers are aware that a vehicle they are buying has been written off but does meet minimum safety standards and service standards.

Having talked about the good points, the concerns I have, which maybe the Member for Stony Plain will be able to remedy later on, include these. Once passed, the Bill would have to rely, I believe, on section 12 of the Highway Traffic Act to ensure that inspections are standardized across the province, available at a reasonable cost, and ensure the safety of Albertans. I believe the Act does not deal with that clearly, unless I've missed it. Present regulations deal specifically with written-off vehicles, as the Minister of Municipal Affairs has just nodded his head about, and would have to be changed in order to include all used vehicles.

The other area that I have some concern about is that neither the Bill nor the current regulations mention a time limit on how long a vehicle safety certificate is valid. If we just, then, take a hypothetical situation: a vehicle that has passed the inspection and had subsequently been in an unreported accident could legally be considered safe when the opposite is the case.

Another concern that I have about Bill 217 is the designation "rebuilt" being on the registration of any vehicle that has been written off and subsequently reregistered. Now, most people believe that written off means that it's a severe accident or a severe type of wreckage, I guess you could call it. That is not always the case. Stolen vehicles, for example, that insurance companies write off could be found back on the road. It would not be fair to the owner of such a vehicle to have the designation "rebuilt" on the vehicle's registry. It is likely that the value of the vehicle would wrongly be discounted on this small technicality. Consequently, I would ask that the member look into providing a clearer definition of what "rebuilt" designates.

Requiring an Alberta inspection of all vehicles registered in Alberta after previously being registered in another province I believe creates an unnecessary burden, especially if they already have a valid safety inspection from another jurisdiction like Saskatchewan, as the member had mentioned. I believe the Act could deal with a reciprocity agreement between the provinces, and it wouldn't have to require reinspection. The Bill doesn't deal with this reciprocity.

Also, insurance companies have expressed a concern with the requirement that the registrar be notified within six days of a vehicle being written off. It may be – and I'm not sure it will be, but it may be – impossible when the decision to write off the vehicle is made outside the two major centres of Edmonton and Calgary.

DR. WEST: Registry office.

MR. ZARIWNY: Good point.

In conclusion, it appears that the Bill has good points. It needs some changes though. It does create some red tape that I believe the Member for Stony Plain could eliminate, and it will require some changes so that it does meet the objectives stated.

Thank you very much.

MR. ACTING SPEAKER: The hon. Member for Cypress-Medicine Hat.

DR. L. TAYLOR: Thank you, Mr. Speaker. It's a pleasure for me today to stand here and address this Bill. Let me comment first on some of the comments from the member opposite. I believe that most of the member opposite's comments can be addressed at the next stage, committee. At that stage it is time to bring forward comments like his and bring amendments forward to the Bill. I think he raised some good points, but the time to bring them forward is at committee. So if he can convince his colleagues to support this Bill at this level and then bring them forward to committee, it would be the appropriate time to do it and deal with his comments.

Now, Bill 217, as you know, is sponsored by the Member for Stony Plain, more affectionately known as the Whip. I would begin by saying that I intend to support the Whip's Bill, not because he's the Whip but I think it fills a gap in existing legislation regarding writing off vehicles. And no, those sucking sounds do not affect me at all, Mr. Speaker.

4:40

I think the most important aspect of Bill 217 is the provision that requires any vehicle from out of province to undergo a safety inspection before we register it as an Alberta vehicle. This is particularly important to me in my constituency, as I am in close proximity to both the Saskatchewan border and the American border. In fact, in Medicine Hat we are about 60 miles from the Saskatchewan border and about 60 miles from the U.S. border. Now, this is a large market with a population of 48,000 people, and I don't believe we necessarily need this Bill for the dealers. The dealers in many of our situations are honest and upstanding people, but where the problem comes from, Mr. Speaker, is in many cases from what are called curbers. Now, many curbers are legitimate businesspeople, but we must protect the public from a number of curbers who practise illegitimate procedures in the selling of cars. As one with some experience in this, actually holding a dealer's licence for some time in the past, it is necessary to protect the public.

[Mr. Herard in the Chair]

Now, we have seen an increase in the number of vehicles coming into Canada from the United States since free trade, and I think we would be naive to assume that every vehicle imported into Alberta is a safe vehicle. We have to be aware of any junk that is coming in.

The situation is only going to get worse in the next five years, Mr. Speaker. My colleague from Stony Plain, or the Whip, mentioned that our provincial neighbours have implemented out-of-province inspection programs. If a person wants to sell a poorly repaired vehicle and is looking for a place to sell it, then Alberta is the place. They can now send this junk that should normally have gone to Saskatchewan or B.C. to Alberta. I'm proud of the Alberta advantage that this government has been able to create, but this is not the type of commerce that we want to

attract either from other provinces or from outside the country. My constituents do not want this type of commerce.

There are other options to track vehicles from other provinces, such as a Canada-wide on-line service, but the system is at least five years away and perhaps longer, Mr. Speaker. Now, with other provinces implementing inspection programs in the next year, I don't think we can afford to wait for 13 governments to agree on a computer network. We need protection now for Albertans.

My constituency is not the only one that has the risk of discovering written-off vehicles on its car lots. In fact, *CBC News* – that's the people's network, of course – recently carried a story early in March about a lady who bought a vehicle in Fort McMurray that had been written off. It had been repaired. Now, I think it shows the potential of risk, because Fort McMurray is quite a distance from any border crossing and does not have access to other provinces or other countries or other states, as Medicine Hat does.

Mr. Speaker, in general, Bill 217 supports the recommendations of the review committee, and that review committee did a lot of work. I have to say that the similarity in their proposals makes me more comfortable in supporting this Bill. The review committee spent more than a year discussing this issue with all the major stakeholders. It discussed it with auto dealers. It discussed it with mechanics, salvage operators, auto rebuilders, insurance industry representatives, and government officials. I think as a House we need to recognize the validity of this committee. As a government we often say that we're going to go out there and listen to Albertans. This is what Albertans are telling us: pass this Bill. Every stakeholder was represented in the early discussions on this, and to achieve a consensus amongst such a diverse group is really good.

When you look at the proposals that directly apply to Bill 217, the major difference is the out-of-province inspection program. The rest of the proposals are similar or identical in nature. The rest of the committee proposals have to do with certification of mechanics and inspection operations. Certification procedures do not need to be part of the legislation; they could be kept in regulation where they can be updated easily, as systems and technologies change quickly.

One concern that has been raised about Bill 217 is that the current inspection system is inadequate, that under the current safety inspection system vehicles can fail for as little as a cracked windshield, regardless of the condition of the rest of the vehicle. When I look at the inspection system under regulation 79/86, I think it's adequate to address the real concern about write-offs.

Also the review committee recommends that any inspection include a road test. To me, that makes sense and is a good addition to the current system.

MR. DAY: Freedom stealing?

DR. L. TAYLOR: No. As the minister downstairs there suggests, it has nothing to do with freedom stealing, Mr. Minister. It has everything to do with keeping unsafe vehicles off the road.

The review committee also proposes that any structural repairs must be visible and accessible for the purposes of inspection. At first glance this may not seem important, but we have all seen vehicles that have been repaired, then had the repairs painted over or covered with undercoating to conceal the damage.

MR. DOERKSEN: That's my car.

DR. L. TAYLOR: Yes, it probably is your car, hon. member.

Another aspect of Bill 217 that I support is that it allows for the surrender or destruction of a vehicle identification number in the case of salvage vehicles, but it does so through regulation. People are divided on the best way to avoid the VIN plates from being recirculated. Law enforcement organizations support the destruction of VIN plates but maintain that the plates should be defaced and left on the vehicle. That would allow tracking of the vehicle body whether it is sold, dismantled, or crushed. The review committee didn't recommend that the VIN plate be destroyed. Instead, it proposed that auctioneers who sell salvage motor vehicles keep better records and advise purchasers of the vehicle salvage status. Auctioneers would also provide motor transport services with the names of purchasers of salvage vehicles. I think we need more consultation on this issue, and Bill 217 gives us the flexibility to develop a policy that is beneficial to everyone and the industry.

Now, moving on to the status placed on the vehicles, Mr. Speaker. I have had people explain to me that placing the term "rebuilt" on a vehicle's motor registration documents will prejudice the vehicle, and that's exactly what the member opposite was discussing. Some estimates are that this single designation could drop the resale value of the rebuilt vehicle by as much as 20 percent. Now, how does one estimate this? But it is certainly a concern that needs to be addressed. Maybe it's 5 percent, maybe it's 10 percent, maybe it's nothing, but we need to address that concern. It can be addressed at committee stage.

When I look at the review committee proposals, they recommend the use of the terms "active" for a vehicle that has never been written off and "repaired" for a vehicle that has been written off, repaired, and certified. Now, once again we can discuss this later. A simple change like this will not change the attitudes of consumers. They will still know when a vehicle has been written off, and they will shy away from it regardless of what we call it. Small business owners who rebuild cars would like to see no designation. I really don't think that's an option. I think our best solution is to have adequate legislation in place so we can protect the consumers from unscrupulous rebuilders, and we are only trying to deal with unscrupulous rebuilders.

MR. DOERKSEN: Socialists. Overregulation.

DR. L. TAYLOR: It has nothing to do with socialism or overregulation, hon. member. It has everything to do with protecting the reputation of an entire industry and the consumers.

I don't believe the issue with Bill 217 is the title we place on a vehicle. I think the issue is the safety and awareness of the public. We have to do something to alert potential buyers that a vehicle has been in a serious accident and has been repaired. I look at it from the opposite angle. If I were buying a vehicle and I noticed a "rebuilt" flag on the registration, I would know two things.

MR. DOERKSEN: Just two?

DR. L. TAYLOR: Yes, just two.

First, that I'd better have my own mechanic inspect the vehicle. Secondly, I know that even though the vehicle has been written off, I am sure it has been properly repaired and inspected by a qualified mechanic. That's the benefit of this proposal.

To close, Mr. Speaker, I encourage all members of the Assembly to support this Bill. I encourage all members of the Assembly to get this Bill into the committee level, where we can

make reasoned changes and reasoned amendments. This is a Bill that is definitely necessary to protect the consumers . . .

AN HON. MEMBER: You're making me cry.

DR. L. TAYLOR: Well, I don't intend to make anybody cry here, Mr. Speaker.

. . . to get these damaged vehicles off the roads and into the junk heaps where they belong.

4:50

MR. ACTING SPEAKER: The hon. Member for Edmonton-Manning.

MR. SEKULIC: Thank you, Mr. Speaker. I, too, rise to speak to Bill 217. It's one of the lightest Bills that has fallen upon us, and I had an opportunity to go through it quite closely. I think the intent of this Bill, the principle of this Bill is solid. There's only one problem: I think there is room for improvement. However, I think these improvements can be made in Committee of the Whole, so I will be supporting this Bill.

Alberta, Mr. Speaker, has long been a haven and a dumping ground for unsafe vehicles due to the lax laws and the regulations regarding the return of severely damaged vehicles to Alberta roads. The requirement to notify the registrar of motor vehicles of all written-off vehicles or salvaged vehicles is a step in the right direction.

Mr. Speaker, my constituents some year and a half ago sent me here to be a responsible legislator, and in this instance it means that there is a need to co-operate. Certainly from this side of this floor there is a willingness to co-operate, because this is the right thing to do for Albertans. Where there is a good theme, a good principle and we can work and develop it to better the lives of Albertans, we should do so. We need to co-operate more often. The last Bill was an example of where we could have had some co-operation, but for whatever reason - I'm not sure - there wasn't. I hope that in this Bill we can work together to better it.

I just want to outline quickly some of the concerns that I have. One of the concerns is that we must be careful not to prejudice an owner of a safe vehicle from selling the vehicle at fair market value. There could be an instance where someone has an older vehicle, happens to rear-end someone, and maybe a bumper is damaged, but because the vehicle is older, it's expensive. Maybe there are a few fenders that are damaged as well. Consequently, the cost of the older parts is higher than the cost of the vehicle. In that case we have to be careful and see whether there is something in the Bill that we can change to not prejudice owners of safe vehicles.

Secondly, Albertans need some assurances that proper inspections by trained inspectors will be done or can be done and the cost won't be prohibitive. I'd hate to support a piece of legislation which is going to introduce a new fee or a new tax on Albertans, and that is one of the concerns there. Another thing that needs to be addressed is inspection. I'm not sure, but I'm sure that the hon. member who moved this Bill will explain and describe what he will pursue to standardize inspections in Alberta.

My third concern, Mr. Speaker, is that measures must be taken to ensure that all unsafe vehicles are removed from Alberta's roads. So I'm not sure what we would do. Would this Bill become retroactive? Would all of us have to pull into a local garage that is licensed to inspect vehicles? I'm not sure what the implications are there, and I would appreciate it if there was some feedback on that.

My last concern, Mr. Speaker, is that regulations should not cause unnecessary costs and requirements for Albertans. Like I said earlier, we shouldn't see the introduction of any new fees or new taxes upon Alberta taxpayers, because I'm sure, as most government members would agree, this isn't something that any of us were elected to do.

So I do intend to support this Bill because I believe this Bill would effectively protect consumers, keep Alberta roads safe, and not place any unnecessary regulatory burdens on Albertans if we do make some modifications in the Committee of the Whole. So with those comments, Mr. Speaker, I'll make room for one of my colleagues, perhaps, to address the Bill.

MR. ACTING SPEAKER: The hon. Member for Olds-Didsbury.

MR. BRASSARD: Thank you, Mr. Speaker. I'd like to speak in favour of Bill 217, sponsored by the hon. Member for Stony Plain. The issue of written-off vehicles is one that has been quite high profile in the past year, especially the past few months. Two Edmonton television stations have profiled consumers that bought vehicles that had been written off. As was already mentioned by my colleague for Cypress-Medicine Hat, CBC showed a lady who unknowingly bought a written-off vehicle in Fort McMurray. *ITV News* did a story about a gentleman who bought a late model Acura sedan that was repaired in such a way that it was unsafe to operate. I also recall a *CBC Marketplace* episode from last September that followed the travels of a van that was written off in Vauxhall in 1990 and sold to a salvage company for \$1,000. Within months the vehicle had been repaired and sold by a dealer in Saskatoon for \$12,000. *Marketplace's* report stated that Alberta, British Columbia, and Quebec had the toughest legislation in place to deal with vehicles written off within their borders, but the report also stated that the biggest flaw in existing legislation was the absence of regulations for vehicles entering from other provinces.

Bill 217 will close this important loophole, just as B.C. and Saskatchewan have closed the loopholes in their legislation. The reason is that all of Canada is potentially becoming a dumping ground for unsafe vehicles from the United States. During the First Session of the 103rd Congress legislators in the United States introduced legislation that would require the word "salvage" to be stamped on all documents pertaining to a written-off vehicle. Also, the state of Michigan actively looks for salvaged vehicles. That state has tracked down 30 vehicles in Canada that were written off south of the border and has alerted their owners to the past of the vehicle. We can assume that 30 vehicles is only the tip of the iceberg regarding vehicles entering Canada.

How are vehicles from Michigan entering Canada down east going to affect our constituents in Alberta? Well, when they are sold. Motor transport services is currently investigating a number of poorly repaired write-offs that were indeed sold in Alberta. The vehicles have been traced, and both were written off in Ontario, registered in Quebec, and then brought up here for resale. Mr. Speaker, the only recourse consumers have if they bought one of these wrecks is to sue under the business practices Act or other general consumer legislation. With the help of motor transport services in Alberta consumers were able to recover \$700,000 from people who sold written-off vehicles last year alone. That doesn't include civil action brought by the consumers without the assistance of motor transport services.

I think one of the problems that many of us initially have with Bill 217 is that it is being perceived as a Bill that potentially strips

entrepreneurs of their livelihood. It is unfortunate that all rebuilders and dealers are being painted with the same broad brush under this legislation, but I disagree with that process altogether. We have to focus on the goal of the Bill, which basically is to preserve the principle of public safety and to give consumers a mechanism that will push out of business those rebuilders who put unsafe vehicles on the road, be it from another town or another province. Incidentally, Mr. Speaker, at the same time, they are giving all of these legitimate rebuilders a bad name. We have safeguards in place to address any vehicles that are written off in Alberta and reported by insurance companies. The problem under the current legislation is that the reporting isn't required; it's voluntary.

Bill 217 makes it mandatory for write-offs to be reported. It states that the person responsible for that vehicle must report it to the registrar of motor vehicles. That includes the owners of privately insured fleets, which would not be required to report the vehicle under current law. Bill 217 also prohibits the use of dealer plates on a written-off vehicle until it has passed inspection. You see in the past that fleet owners have quickly repaired vehicles, then used them as running vehicles or as courtesy cars. That is not of concern to used car dealers and buyers, but if it is unsafe, we don't want it on the highway, whether or not it has been sold.

5:00

I don't think it's possible to create perfect legislation, and Bill 217 may not prevent every written-off vehicle from getting on the highway without being inspected. Those people who don't carry collision insurance have little incentive to report the status of their vehicle, and many of them won't report it. Some people will look at the crash vehicle as a project and slowly repair it over an extended period of time. But what Bill 217 will do is make individuals who sell written-off vehicles responsible for their actions, not just dealers. In the past the courts have considered persons who have sold more than one vehicle as dealers under the Highway Traffic Act. Bill 217 amends the Highway Traffic Act so that a person is responsible for vehicles sold by them, regardless of how many vehicles they have sold. Section 141 is amended so that sellers will have to produce an inspection certificate if the vehicle is being sold to another person.

The Highway Traffic Act will also carry the same penalty provisions that are proposed for the Motor Vehicle Administration Act; that is, a minimum fine of \$500 to a maximum fine of \$25,000. The current \$500 maximum fine is not a deterrent. I mentioned earlier the case where a van was sold as scrap for \$1,000 and eventually resold for \$12,000. What type of a fine is \$500 in such a case? The need for a high maximum fine is also to place some responsibility on dealers for the vehicles they sell off their lots. There are many cases where large dealerships have sold write-offs, some unknowingly. While it's easier to recover money from these dealers because they have their reputation on the line, our goal should be to create a rebuilt vehicle class that is free of the stigma that the term currently carries.

Perhaps before Bill 217 reaches committee stage, we should get an interpretation as to whether its wording will take responsibility away from dealers and put it on salesmen who are on the front line. I don't think that's the purpose of this Bill, but I would like to ensure that we are placing responsibility on the dealer who is offering the vehicles for sale, not just the salesperson who represents them at that sale.

Mr. Speaker, I look at Bill 217 as a way to protect the legitimate auto rebuilders in the province by helping them to clean up their industry. There are many vibrant small businesses in

Alberta, many of them right in my own constituency, that exist because they buy, repair, and sell rebuilt vehicles. Legitimate operators will not see a large difference in their operations. Vehicles will undergo an inspection similar to the current inspection program for written-off vehicles. I doubt if a new inspection fee will be catastrophic for those rebuilders who are bringing in vehicles from other provinces. Bill 217 doesn't create an artificial business for inspectors by any means. There are already government-approved inspectors in place, and they will just be handling out-of-province inspections now as well. Bill 217 will, however, be catastrophic for those who bring wrecked vehicles into the province to turn a quick profit without regard for the safety of our constituents.

As a government I don't think it's beyond our mandate to prevent this type of operation from endangering the safety of Alberta highways. I would encourage all members of this Assembly to support the principle behind Bill 217 so that we can allow legitimate rebuilders to flourish in the province while fulfilling our responsibility to protect the public.

Thank you, Mr. Speaker.

MR. ACTING SPEAKER: The hon. Member for Wainwright.

MR. FISCHER: Thank you, Mr. Speaker. I would also like to make a few comments on this Bill, the Motor Vehicles Statutes Amendment Act, sponsored by my colleague from Stony Plain. I'd like to say now that I want to support and I will support this Bill, and I would encourage other members of the Assembly to support it as well.

Certainly at the very first glance at it, you think it is unnecessary regulation that is going to help strangle our industry. We know already that we don't need any more regulation, and in fact our government has already led the way to deregulate many of our other industries. We must be very careful not to reverse that particular trend.

I look at Bill 217 as a proposal to make smarter regulations and not more regulations. We already have existing legislation to deal with written-off vehicles, and we need to make it more efficient and more effective and adaptable to the current situation. It's a matter of the legislation keeping up to the reality of time. The written-off vehicle regulations came into effect in 1986. It allowed the Insurance Bureau of Canada members to voluntarily report vehicles they had written off so they could be recorded and traced through the motor vehicle system. Any vehicle reported as written off would have to pass a body and mechanical inspection before it could be legally operated on the highway, but the problem with this system, as everyone this afternoon has said, is that the reporting is voluntary. That part is fine, except they don't all report. There are only 30 insurance companies that share information with us, plus some of the provinces, including B.C. and Ontario. So I think that we can all agree that the mandatory reporting provision under Bill 217 is certainly not perfect, but it is a more effective procedure than what we currently have.

[Mr. Deputy Speaker in the Chair]

I also see the "rebuilt" flag as an improvement. Mr. Speaker, consumers who know the auto market will not see a rebuilt vehicle as a danger. I think they will see it as a sign that the vehicle was in an accident but that it has been repaired and does pass that inspection and is safe to drive. Safety plays a huge part in this area. People have mentioned that we should change the term we use to mark these vehicles. I don't see how placing a



different word such as "repaired" or "active" would make any difference to the auto industry. People associate rebuilt vehicles with backdoor mechanics who are doing poor repairs to these vehicles. Putting a different term on the registration documents will not change this perception. What will change the view of rebuilt vehicles is effective legislation that will put these operators out of business. They are risking the safety of our highways, they're ruining the reputation of a strong auto rebuilding industry, and they are ripping off the consumers who take the word of a salesman at face value. Certainly we all have stories of people that have been ripped off with this. In many cases, fortunately, there wasn't an accident, but there is certainly a cost. Somebody got taken and unfairly.

### 5:10

I share the concerns of the Member for Cypress-Medicine Hat about the vehicles from other provinces. My constituency shares the border with Saskatchewan, and the towns of Wainwright and Provost are easy targets for dumping vehicles given that Saskatchewan will now inspect out-of-province vehicles and also that Manitoba has no inspection provisions for any written-off vehicles. I think that we should be concerned that unsafe vehicles could be coming into our province from any other area in Canada with no safeguard against their condition.

Mr. Speaker, I fail to see how an out-of-province inspection system will jeopardize any legitimate auto rebuilder. I have talked to representatives of the auto rebuilders, and they would support the inclusion of this inspection program. They know that they have to clean up the reputation of their industry in order to survive. I guess it's a case of the good people wanting to clean up that industry and make it positive so that they have a reputation where they can thrive in a proper manner. The additional cost of an inspection will not be a deterrent to a legitimate rebuilder.

I think that this afternoon we have stained the reputation of a lot of reputable business owners, and that's unfortunate. There are many quality rebuilders in Alberta providing hundreds of meaningful jobs for our constituents. Many of these rebuilders do import damaged vehicles from other provinces either for parts or for rebuilding. These businesses should not be discouraged by Bill 217. They should be satisfied that there could soon be regulations in place that will help clean up their industry so they don't suffer.

Mr. Speaker, I think that Bill 217 is important because it begins to deal with the problem of salvaged vehicles. Bill 217 requires any vehicle declared as salvage that is unable to pass a safety inspection under section 12 of the Highway Traffic Act to have its registration canceled. That registration will not be renewed. This is an important step. We need to make sure that vehicles that cannot be repaired safely do not end up in our car lots. They should be stripped and destroyed.

Bill 217 does not, however, directly address the issue of VIN plates. The vehicle identification number is a unique number in North America for modern vehicles, but there was a time when a number could come around on a different vehicle. There is a

lucrative industry in Alberta stemming from the sale or trade of old VIN plates. Scrap vehicles are often bought so the VIN plates can be swapped with those on other vehicles.

I think that in the Member for Stony Plain's opening comments he mentioned that we need to leave the disposal or defacing of VIN plates for the regulations. I know that police services are concerned about the removal of these plates because then there is no way to identify that vehicle body in a salvage yard. Options such as defacing the plate or snipping it in half but leaving it on the body of the vehicle have been proposed, and maybe we can discuss the most efficient way to handle this in committee stage.

Mr. Speaker, my final comments are directed towards the penalty provisions in Bill 217. The first reaction that many of us have is that a \$25,000 fine is too extreme. I think that in the majority of cases that would be too harsh a penalty, only to be used in cases where dealerships are habitually offending and selling unsafe vehicles. I'm sure that with today's punishment, regulations, and rules, the \$25,000 fine would certainly say that we mean business.

I think we should look at the issue from the current view. The maximum fine is only \$500 and not much of a deterrent to someone who is making a business out of this or making thousands of dollars by selling wrecked vehicles. Regardless of how many times you are convicted of this crime, the most you will ever pay is \$500, and that has to change. If people think a \$25,000 maximum is too high, then let's discuss a different penalty at committee stage. I don't think it's extreme, and I really believe that it's necessary.

In conclusion, Mr. Speaker, I ask all members of this Assembly to support Bill 217 at second reading. The principle behind the Bill is strong, and it will benefit both consumers and the auto rebuilding industry. It is smart legislation. It is a law that I think we shouldn't do without.

Thank you.

MR. DEPUTY SPEAKER: The hon. Member for Stony Plain.

MR. WOLOSHYN: Thank you, Mr. Speaker. I'll close debate on this Bill very quickly. I will stress that the intent is highway safety. I certainly look forward to having any kind of input in committee stage that will improve the Bill, and I'll be talking to the two ministers most directly involved to see how it fits with their departments.

I would like to thank my colleagues on both sides of the House for supporting this legislation. Certainly for the people who had criticisms of it, I'll have a look at that and see if we can accommodate it.

Thank you very much, Mr. Speaker. Now I'd like to call for the question.

[Motion carried; Bill 217 read a second time]

[The Assembly adjourned at 5:18 p.m.]

