

Legislative Assembly of Alberta

Title: Wednesday, May 14, 1997 1:30 p.m.

Date: 97/05/14

[The Speaker in the Chair]

head: Prayers

THE SPEAKER: Good afternoon. Today's prayer is used in the Saskatchewan Legislature.

Present us, O Lord, in all our doings with Thy most gracious favour and further us with Thy continual help that in all our works, begun, continued, and ended in Thee, we may glorify Thy holy name and finally, by Thy mercy, attain everlasting life.

Amen.

Please be seated.

head: Introduction of Bills

Bill 11

Registries Statutes Amendment Act, 1997

MRS. LAING: Mr. Speaker, I request leave to introduce a Bill being the Registries Statutes Amendment Act, 1997.

Thank you.

[Leave granted; Bill 11 read a first time]

THE SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. I request leave to introduce a Bill being Trespass to Premises Act.

THE SPEAKER: Perhaps, hon. Government House Leader, you might want to deal with the Bill that has just been introduced by your colleague, the Member for Calgary-Bow.

MR. HAVELOCK: Yes. I'm sorry. I move that we move Bill 11 onto the Order Paper under Government Bills and Orders.

[Motion carried]

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

Bill 13

Trespass to Premises Act

MR. HAVELOCK: Yes. Thank you. Actually I have that in my script, Mr. Speaker, so I'm going to have to learn to read it.

I request leave to introduce a Bill being the Trespass to Premises Act.

[Leave granted; Bill 13 read a first time]

head: Tabling Returns and Reports

MR. JONSON: Mr. Speaker, I have two items to table this afternoon. First of all, I'm pleased to table with the Assembly the annual report of the Mental Health Patient Advocate for the year ended December 31, 1996.

Further, Mr. Speaker, I would like to table four copies of the annual report of the College of Physical Therapists of Alberta for the year ended February 28, 1997. Copies will be provided to all members.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Speaker. I'd like to table four copies of a letter sent by a senior, Mrs. Adeline Hirschfeld, to the Premier asking him to intervene so that she will not be separated from her husband due to the closure of long-term care beds in Mill Woods.

THE SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I'd like to table a letter from one of my constituents where he outlines the difference in the costs of looking after his mother in an in-home situation and in an enhanced care situation and wondering why they can't provide better funding for the in-home support, because his mother wants to stay home rather than go into the intensive care.

MS BARRETT: I'd like to file with the Assembly four copies of a document entitled MAI-Day: The Corporate Rule Treaty, a preliminary analysis of the multilateral agreement on investments, which seeks to consolidate global corporate rule. It is prepared by the Canadian Centre for Policy Alternatives.

THE SPEAKER: Hon. members, I also would like to table the appropriate copies of a letter from the hon. Member for Calgary-Fish Creek, requesting that Bill 204, the Provincial Court Amendment Act, 1997, be "brought to the Committee of the Whole on May 20, 1997 as soon as House business will allow."

head: Introduction of Guests

THE SPEAKER: The hon. Member for Calgary-Mountain View.

MR. HLADY: Well, thank you, Mr. Speaker. It is a great honour to for me to rise and introduce to you and through you to members of the Assembly 61 members from the Forum for Young Albertans. They are visiting us here today and are here indeed for the whole week to study the parliamentary process. They are led by group leaders Doug Boyd, Tania Hrehirchuk, Anne-Marie Harmsen, and Cara Peterson. I would ask them to please rise and receive the warm welcome of the Assembly.

MR. CAO: Mr. Speaker, I would like to introduce to you and through you to the members of the Assembly two guests sitting in the gallery: the Reverend Father Tran Tan Binh, who is Acting Bishop from Tayninh diocese in Vietnam, and Mr. Trong Quang Do of Calgary. Father Binh is on a worldwide trip for charity purposes, visiting North America on his way to Europe and Rome before returning to Vietnam. I would like to ask our two guests to stand up and receive a warm welcome from the Assembly.

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. STELMACH: Thank you, Mr. Speaker. I wish to introduce to you and through you to the members of this Assembly a very distinguished gentleman, a man well known to many members of the Assembly, Mr. Wallace Daley, who is the Farmers' Advocate. Wallace, please rise and receive the traditional warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you, Mr. Speaker. Today I have two groups to introduce. First, I am very pleased to introduce to you and through you to members of this Assembly grade 6 students from Hardisty school. They are in the members' gallery, and if they could rise and receive the traditional warm welcome of this House. The members from Hardisty school are accompanied by their teacher Mr. Jim Higgs and a parent volunteer, Michelle Rozak.

Also, I would like to introduce to this Assembly students and staff from Strathearn school. The students are in grade 6. They are accompanied today by their teacher Mr. Nichols, by a member of the staff, Mrs. May, and by a parent volunteer, Mrs. Dreena Chernichan. If they could rise, please, and receive the warm welcome of the House.

MR. LOUGHEED: Mr. Speaker, I'd like to introduce to you and through you to the members of this Assembly Mr. Ken Hoffman, a resident of Clover Bar-Fort Saskatchewan, who is interested in the affairs of this province and is a member of the Tuxis Parliament. He'll be assisting me this summer.

THE SPEAKER: The hon. Member for Calgary-West.

MS KRYCZKA: Thank you, Mr. Speaker. I would like to introduce to you and to members of the Legislature today two great friends in the gallery from Calgary and Artist View who were a vital part of the 16-day provincial campaign that happened in Calgary-West: Gloria Wilkinson, councillor of the MD of Rocky View; and Joanne Gaulton, legal administrator. I would like them to rise and receive our welcome.

THE SPEAKER: Hon. Member for Edmonton-Rutherford, did you have an introduction?

MR. WICKMAN: Mr. Speaker, mine is marked for 2 p.m. to 2:30.

1:40 head: Oral Question Period

THE SPEAKER: The hon. Leader of the Official Opposition.

School Bus Safety

MR. MITCHELL: Thank you, Mr. Speaker. In Alberta mechanics inspecting school buses for safety aren't required to have a propane-powered vehicle certification. In Alberta when a school bus inspection station or a school bus inspector fails to do their job properly, nothing happens. In Alberta a school bus bursts into flames one month after it passes its company's internal inspection because this government has privatized the inspection process and isn't monitoring it properly. To the minister responsible for getting our children to school safely: why are safety inspections on propane-powered school buses being done by people who are not required to be certified for that kind of inspection under the government's own regulations?

MR. PASZKOWSKI: Thank you, Mr. Speaker. Certainly I want to assure all of the parents and all of the children that ride school buses that the school buses are adequately inspected.

What I'm certain the hon. Leader of the Opposition is referring to is a fire that was in a school bus yesterday, and indeed this was the result of a mechanical failure in the school bus. The school bus was being nursed back to its station. The mechanic who was

driving that school bus altered the fuel system in order to try and nurse the bus back to the shop, and after the alterations the school bus caught fire. It was simply a matter of a mechanic who was trying to act in a responsible way taking a stalled vehicle off the highway and bringing it back to the shop. This bus was inspected on April 4 and passed inspection. Indeed, all this mechanic was trying to do was nurse the bus off the highway to a safer place, which was the shop.

MR. MITCHELL: Mr. Speaker, on April 4, one month ago, that bus passed an inspection. One month later it catches on fire, and propane fire isn't its only problem. It has 10 other infractions, most of which should have required that it be taken off the road. How is it that this minister can stand and say, when our kids' safety is at stake, that it's okay that it passes an inspection one month that isn't followed up by government inspectors and a month later it catches on fire and has other infractions?

MR. PASZKOWSKI: Mr. Speaker, there was indeed a list of issues that have to be dealt with, and if I may, I would like to go through all of the issues that were identified. Repair torn seat cushions: there were two seat cushions that were torn. Repair holes, damage in right rear wheel well. Repair rear door weatherstripping. Repair driver's door: rust, weatherstripping falling off, fire damage to glass. Repair exhaust: it was loose, hitting the rear shock. Now, are these issues that indeed should take a bus off the road? A torn floor mat is another item. Now, those are serious certainly, and they have to be repaired, so they have been identified. On the other hand, are they issues that condemn a bus and take it off the road?

MR. MITCHELL: He neglects to mention the brake problem, and he neglects to understand that exhaust leaks in school buses can hurt children.

Can the minister tell us why it is that so many of the buses that are inspected by police officers in this province are taken off the road, the report sent to the minister's own department, and nothing is done to ensure that they're safe before they go back on the road?

MR. PASZKOWSKI: Mr. Speaker, we have concern about safety for schoolchildren, and we will continue to monitor the whole issue. That's one of the reasons that we went through the initiative of restructuring our whole department: to focus more on safety and to focus particularly on carriers and school buses. With that we feel that through the inspection process, the self-monitoring process, with the inspection services that are out there, and now with the additional 28 inspectors that we will be putting out in the field, which will bring our total to 125, we indeed are dealing with the issue. We're dealing with it in as affirmative a way as we possibly can, and we feel very strongly that our children are safe on the highways today.

Speaker's Ruling Decorum

THE SPEAKER: Leader of the Official Opposition, before proceeding with your second question, the Speaker would just like to advise hon. members that earlier this morning he drafted a letter in response to a letter that he had received from a student who was in this Assembly in February, who basically wrote the letter and thought that there was a high degree of lack of civility within the Legislative Assembly and thought that the elected

people in the province of Alberta that she observed on that day in February in fact could respond in a different way.

I would sincerely hope that all the students in the gallery today and those who might be watching television would not want to address letters to the Speaker as a result of the lack of civility that was exercised in this recent exchange, in this first question. The Speaker would have no difficulty whatsoever in identifying the various members back to those students so they would write to them directly rather than to the Speaker.

Leader of the Official Opposition, second main question.

Treasury Branches

MR. MITCHELL: Thanks, Mr. Speaker. The Treasurer is trying to convince Albertans that the \$100 million loss on Alberta Treasury Branches does not constitute a loss to Alberta taxpayers. He also actually said that the \$650,000 that he's going to pay to the Alberta Treasury Branches to cover their loss on his loan guarantee doesn't constitute a loss either. Could the Treasurer please tell us: if these aren't losses to the Alberta taxpayers, then what exactly would be?

MR. DAY: Again, Mr. Speaker, I appreciate the question and especially coming from the member opposite, who has had considerable experience in the area of investments – I'm not saying this in a joking manner – and losing millions and millions of dollars. He knows what write-downs are all about.

In fact, Mr. Speaker, this particular process, which was instructions given by the board, which was put in place only last year to get the Treasury Branches on the same level playing field as other financial institutions – the Treasury Branches were given clear instruction: evaluate your loan loss provisions along the same lines that the banking community does. In doing that . . .

MR. MITCHELL: That's novel after all these years of saying that they were.

MR. DAY: Are you finished?

Then, Mr. Speaker, this process, which was followed some four years ago by the banks, unfortunately was delayed through the Treasury Branch, but with the insight of the board of management giving instructions to get this done, these loan loss provisions are being dealt with much more realistically and using the same guidelines that the banking community has had to use. That's the reason for a more accurate description of these risks. There will be no dollars, not one cent, that will flow from taxpayers to cover loan loss provisions. These are accounting items that are recorded in the books of the Treasury Branch so that everybody can see them.

MR. MITCHELL: Earth to Treasurer, Mr. Speaker. Earth to Treasurer.

Can the Treasurer please tell Albertans how it is that the \$100 million loss of the ATBs this year won't have a direct and negative impact on this part of his balance sheet, equity in commercial enterprises, and that it will not increase the net debt of this province, which is directly the responsibility of this Treasurer and of the taxpayers of Alberta? Can he get it through his imagination, Mr. Speaker, that these are real losses and that they will be covered by taxpayers' money?

MR. DAY: It will not be part of the net debt, Mr. Speaker.

MR. MITCHELL: Mr. Speaker, what kind of confidence, what degree of confidence can the people of this province have in a Treasurer who two months ago in his budget said that the losses on ATBs were going to be \$23 million, two months later announces that they're \$100 million, and then stands in this House and tries to argue: whoops, it's an accounting entry; it's not a loss?

1:50

MR. DAY: We are constantly asked, Mr. Speaker, on this side of the House, and rightly so, to table things to prove what we said. I will wait tomorrow for a tabling from the Opposition House Leader to see where I ever said that something was going to be \$23 million, something was going to be something else. I have never made any comment like that at all.

MR. MITCHELL: It's in his budget.

MR. DAY: His comment was that I had said these things. Mr. Speaker, what I have said is that with the loan loss . . . [interjection] He's jumped up and down three times. I'll . . .

THE SPEAKER: Continue.

MR. DAY: Thank you for allowing me to continue, Mr. Speaker, after multiple interruptions.

So again I'll try and explain the process of loan loss provisions. The Treasury Branch has been very clearly instructed to follow the same guidelines used by the banking institutions about four years ago. As an example, when the Royal Bank did this, if we want to use similar comparisons, on their own accounting sheets in 1992-93, just using this as an example, they showed loan loss anticipated provisions of . . . [interjection] Must be too much caffeine over there today. I don't know what it is, Mr. Speaker.

Six hundred and sixty-two million dollars was what they had recorded. Then they did a more realistic loan loss provision review. After that review their loan loss provisions were changed to \$2.2 billion. The amount that we understand, following an interview yesterday which the CEO of Alberta Treasury Branches gave publicly – there is going to be a shift from what was projected before the loan loss review into the final amount on the loan loss review. That will strengthen the credibility of this institution because it will show and demonstrate that they have had to take upon themselves the same guidelines and the same considerations that other financial institutions have to follow.

THE SPEAKER: Third main opposition question, the hon. Member for Calgary-Buffalo.

Private Health Services

MR. DICKSON: Thank you, Mr. Speaker. This government has hung a for sale sign on Alberta's health care system. The Health Resource Group of Calgary and other profiteers are ready to cash in on a public system that's been squeezed to the point of breaking. Your money or your life may have real meaning for Albertans. My first question is to the Minister of Health. Will doctors be allowed to move freely between the public system, to which all Albertans have access, and the private system, which discriminates at the front door and yet pays more to physicians?

MR. JONSON: Mr. Speaker, since before the inception of medicare and the Canada Health Act there has been a provision

whereby a doctor can opt out of the medical insurance program, and if they decide to fully opt out, they can practice in a fully private setting.

With respect to this service proposal that's being referred to here, we will be ensuring that if it is ever established, it conforms to the rules and the requirements through the College of Physicians and Surgeons. Also, Mr. Speaker, it will be important to and we commit to monitor the situation so that a physician that may be operating in this type of service operates under the insured program for medically required services or is out on his own.

MR. DICKSON: Mr. Speaker, what monitoring will be in place to prevent for-profit hospitals from using publicly funded diagnostic services for their patients?

MR. JONSON: Mr. Speaker, this is really a similar question to one that others asked on previous days. I have indicated to the House on previous occasions – and we will be contacting RHAs with respect to this – that we want to be apprised of any developments with respect to this particular service. We want to ensure that it conforms to the requirements of the Canada Health Act, and we will keep our priority on the public health care system.

In terms of the specific item that the hon. member mentions, this would be one of the things that we would be very careful to make sure was operated within the confines of the Canada Health Act and the insurance services.

MR. DICKSON: Mr. Speaker, finally, something else for the minister to add to his list: will patients treated in a private hospital who then require readmission be able to go to a public hospital without charge, or will the private provider be forced to pay for the readmission?

MR. JONSON: Well, Mr. Speaker, I will repeat, perhaps a little more loudly, that any service of this type that may be established will have to go through and meet the requirements and standards as determined by the College of Physicians and Surgeons. We are very concerned about the safety and the quality of any type of service that's offered in the health care system.

Secondly, Mr. Speaker – and I'd like to emphasize – our emphasis, our commitment is to the public health care system, and the public health care system of course will accept anybody with the medical requirements or conditions.

International Investment Treaty

MS BARRETT: Mr. Speaker, the federal Liberal government is secretly negotiating a deal with some other OECD countries. It's called the multilateral agreement on investment, but I call it NAFTA on steroids. This agreement is explicitly designed to forbid government use of investment rules to promote social, economic, or environmental goals. It states that no government – federal provincial, or municipal – will be able to oblige any foreign corporation investing in Canada to provide jobs, do research, or invest in productive activity. In fact, governments could not even ask these companies to hire local people; Canadians, in other words. My question to the Minister of Federal and Intergovernmental Affairs is this: given that this MAI has such significant implications in areas of provincial jurisdiction, such as labour market policies, public health care, and environmental protection, what input has the provincial government had into this multilateral treaty?

MR. HANCOCK: Mr. Speaker, the issue of treatment of international investment has emerged as an important one to ensure the free flow of commerce between countries and to support the liberalization of trade. That's just following on the liberalization of trade that's going on around the world.

The coverage of issues in this multilateral agreement which affect the provinces is going to be very important to us. We've been following it closely and working with the federal negotiating team. The federal government is negotiating the agreement. We participate in conference calls both before and after negotiation sessions and have had input on issues of provincial concern.

MS BARRETT: This is a binding 20-year charter of rights for transnational corporations. I'd like the government to explain why it hasn't consulted with Albertans on this extremely important treaty.

MR. HANCOCK: Well, Mr. Speaker, the federal government has been negotiating the treaty. It has an industry advisory group. That industry advisory group involves Albertans. Our department has been involved with industry in Alberta with respect to discussions.

The hon. member says totally secret, but, Mr. Speaker, this multilateral agreement was the subject of articles in the *Globe and Mail* on April 4 and 5 and in the *Herald*, I think, on April 4. So it hasn't exactly been a secret process. It's something that was started in 1995 at the meeting of OECD ministers, and discussions have been progressing over the last two years.

MS BARRETT: In other words, no public consultation, Mr. Speaker.

What is the government prepared to do now to protect provincial jurisdictions such as labour market policies, public health care, and environmental protection? Are you willing to stand up for Albertans, Mr. Minister?

MR. HANCOCK: Well, labour market policies, public health care, environmental protection are all very important to us. We're working in close co-operation with the federal government to make sure that there's no unintended or unseen impact of the agreement. These policies can be dealt with in a manner which is consistent with national treatment. Putting performance requirements on foreign firms is only one indirect way of addressing these types of concerns, but it should be mentioned that the MAI is far from complete, Mr. Speaker. Countries are still examining the types of exclusions that might be necessary. The types of exemptions that were put under NAFTA, for example, are being looked at for inclusion in this type of agreement.

THE SPEAKER: The hon. Member for West Yellowhead, followed by the hon. Member for Lethbridge-East.

2:00

Apprenticeship Programs

MR. STRANG: Thank you, Mr. Speaker. My question is to the minister of advanced education. As you realize, our industrial growth is moving ahead very strongly, and my concern is with West Yellowhead. As you know, with the impending approval of Cheviot mines I'm wondering what our minister is doing for tradespeople. So I guess my main question to him is: how are we going to be able to get people involved in the apprentice program?

MR. DUNFORD: Well, Mr. Speaker, we certainly can't be

diffident. We have to be extremely ambitious, we have to do a tremendous marketing job, but I don't think we need to worry about being diffident in any sense.

In actual terms today there are something like 25,000 Albertans who are involved in apprenticeship programs. Having 9 percent of the population in Canada, we currently are training 18 percent of the total apprentices in this country. So in Alberta we're doing a great job.

MR. STRANG: Thank you. Mr. Speaker, my second question is: what is the government doing to promote apprenticeship in this province?

MR. DUNFORD: Well, as a matter of fact, hon. member, we are doing just that. I want to talk about how we're working with industry. There is a need that is being expressed by major associations within this particular province, and the need that they are recognizing, of course, is skilled labour. I've said publicly and am prepared to say again that one of the variables that is going to restrict our ability to meet our vision of the Alberta advantage is the fact that we won't have enough skilled trades in this province. So we need to be working with industry. We need to be working with both the postsecondary and obviously the secondary system within our high schools if we're going to ever possibly meet that need that's there for apprentices and of course achieve our vision of the Alberta advantage.

MR. STRANG: Thank you, Mr. Speaker. My last question is basically: how do you profess to work with industry? You know, I'd like a definite answer on that for the simple reason that I can see that we're going to be looking very shortly at where we're going to have a vast shortage, and I don't want to see what transpired in the early '80s, when we had an influx from the east and then they left and went back east.

Thank you.

MR. DUNFORD: Well, Mr. Speaker, the hon. member is quite right. Those of us who are getting perhaps a bit long in the tooth can remember back to the mid-70s and early '80s, when there was a tremendous shortage of skilled tradespeople in Alberta. As a matter of fact, I had an experience whereby in trying to find skilled people for an enterprise in my home city now, Lethbridge, we had to tour throughout southern Ontario, into Quebec, throughout the Maritimes, and as a matter of fact had to go offshore to England and over to Korea.

We are aware of the situation that we soon will be facing. So what we're trying to do is work with industry, first of all on the apprenticeship program itself. We're trying to find ways in which to streamline what can be a long and rather onerous system. What we have out right now is a paper on the apprenticeship system. We'd encourage every member here in the Assembly as well as all our contacts with industry to please get back to us, show us how in working with the technical schools and the community colleges in this province we can streamline that apprenticeship system.

THE SPEAKER: The hon. Member for Lethbridge-East, followed by the hon. Member for Red Deer-South.

Private Health Services

(continued)

DR. NICOL: Thank you, Mr. Speaker. My questions are to the Minister of Health. Could the minister tell us what is wrong with the public health care system that it cannot compete effectively

with a private group like HRG that requires a minimum of 15 to 20 percent return profit for its shareholders? What is the extra cost within our system?

MR. JONSON: Well, Mr. Speaker, I think that we've made considerable progress in terms of effectiveness and efficiency gains in the health care system of the province. It does, in my view, provide very good quality care compared to other jurisdictions, and I think it is a very important part of our provincial programs and is performing quite well, thank you.

In terms of competition, the whole point here is that there may be – and there have been for some time in this province – services outside the requirements of the Canada Health Act, outside of the provisions and programs in the current system which have been operated by private clinics, for instance, such as dental surgery. That's an example. The two avenues of receiving certain services are in place and have been there for some time.

DR. NICOL: Thank you, Mr. Speaker. Again to the Minister of Health: is he prepared to file in the Legislature a cost breakdown of the proposal provided by any private group that wants to enter into health care provision and compare that on an item-by-item basis with the public health care system so we can see where those inefficiencies are?

MR. JONSON: Well, Mr. Speaker, I think the important thing here and the thing that I have certainly committed to is to monitor, to devise through the RHAs our commitment to making sure that any new type of service that's being proposed conforms to the legislation that we have, the standards of care that we require, and to the provisions of the Canada Health Act. That's where our priority is. In terms of any particular private-sector proposal that may come forward, we want to make sure that they do not violate any of those priorities that we have.

DR. NICOL: Thank you, Mr. Speaker. Again, to the Minister of Health: is the minister prepared to allow the public health care system to bid in competition with any private groups that come in for contracts with groups like WCB or the auto insurers if they have to provide their own coverage? Is he prepared to let the public system go out and compete with the private sector on those bids?

MR. JONSON: Mr. Speaker, the hon. member must know that currently the public health care system of this province through arrangements with WCB is providing, with no preferential treatment, I'd like to emphasize, services to Workers' Compensation Board clients. So the whole point here is that the public health care system is performing the service for WCB clients right now.

2:10

South School

MR. DOERKSEN: Mr. Speaker, the Red Deer public school board has a school in its jurisdiction known as South school, which it has not used for a number of years. The Francophone school board which operates out of Red Deer wishes to obtain a permanent site for their students. Should a transfer take place from the public system to the Francophone system, it would be a win/win for both. The Red Deer public system would have money to help with the matching technology grants, and the Francophone school would get a permanent school facility. My question to the Minister of Education is: first of all, would the

minister describe what the process is for transferring a school building from one district to another?

MR. MAR: Mr. Speaker, I don't want to leave anybody with the impression that this building is empty right now. There is an outreach school program that is being operated in this South school in the city of Red Deer. The building will become vacant this summer, and the Red Deer public board is contemplating the sale of that facility.

Mr. Speaker, when a school is being sold or transferred, it must go through the regulations on the disposition of school buildings. Just some of the regulations include that the board must first obtain two independent appraisals of the value of the building, and when selling the school, they must request tenders or arrange a public auction or advertise the sale at least twice in a public local newspaper. If the board receives no bids following these procedures, then they may list the property with a real estate agent, but at the end all of these transfers and property sales must be approved by the Minister of Education.

MR. DOERKSEN: Mr. Speaker, my understanding is that there are negotiations taking place between the Red Deer public school and Alberta Education. I wonder if the minister would explain where we are in those negotiations.

MR. MAR: Mr. Speaker, in a case like this we have to first examine all of the alternatives before the decision is made. We have been in discussion with the Francophone board as well as the public board. Currently the North Central Francophone school division operates a Francophone school in Red Deer, which is presently located at the Red Deer Christian school. The Francophone board has asked my ministry to provide it with a permanent facility. We have made a commitment to do that, and one of the options is the transfer of South school to the Francophone board. We will be reviewing the other alternatives as well.

MR. DOERKSEN: Mr. Speaker, I would like the minister's assurance that he will ensure that negotiations between the various school boards and Alberta Education do take place, because I do see this as win/win situation.

MR. MAR: The member does have my assurance that we will be involved in those negotiations. I agree that an arrangement that can be made that will satisfy the needs of the Red Deer public board and the Francophone board and the Department of Education would be most favourable.

THE SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert, followed by the hon. Member for Olds-Didsbury-Three Hills.

Vehicle Safety

MRS. SOETAERT: Thank you, Mr. Speaker. We have buses catching fire, we have wheels falling off trucks, and we have a minister that promotes self-inspection as a solution. Over the past few months there have been several incidents involving trucks that have had their wheels fly off and hit other vehicles. In fact two buses recently have been hit by flying wheels, and the minister's response was to create a voluntary wheel service training program. My question to the minister of transportation: why won't you make this program a requirement for all trucks instead of just being voluntary?

MR. PASZKOWSKI: Mr. Speaker, it seems to me that it's to everyone's benefit to see that their carriers are on the road. That's what it's all about, and that's how they pay the bills. So if it's to the benefit of the carriers to keep their vehicles on the road, we work with them to find ways and find means that are indeed going to allow those carriers to stay on the road. That's through an education process, and that is exactly what we are doing. We are conducting schools throughout the province at the present time to allow the carriers to participate, to allow mechanics to participate, to clearly define what some of the danger signs are of the potential of wheels coming loose. By identifying, we feel that the people are going to be able to monitor their own vehicles that much better.

It's not going to be a situation where you're going to have a mechanic standing at every corner looking at wheels and indicating which ones are safe and which ones are not. The carriers themselves have that process. We have an inspection process that indeed allows the carriers to be inspected on an annual basis. School buses have to be inspected on a twice yearly basis. Further to that we have inspection services. Further to that we have hired an additional 28 staff to see that this inspection process is carried out and fulfilled.

Speaker's Ruling Decorum

THE SPEAKER: Excuse me, hon. member. Opposition House Leader, I'm going to ask you, please, to show leadership in your caucus by curtailing your interjections when a response is being given by a person to whom a question has been addressed. There was a bit of a tension that seemed to be developing in the Assembly this afternoon. Perhaps one in the Chair would have anticipated a variety, dozens of interjections when the hon. Member for Spruce Grove-Sturgeon-St. Albert raised her question to the hon. Minister of Transportation and Utilities. The fact of the matter is that there were no interjections. I think that's a credit to those members who followed the rules of civility in the Assembly. To you, Opposition House Leader, I would ask you to show that by way of example to the other members of your caucus.

Vehicle Safety (continued)

MRS. SOETAERT: Thank you, Mr. Speaker. My second question to the minister: would the minister consider raising fines for wheel separations to levels comparable to other provinces? Ontario has a \$50,000 fine.

MR. PASZKOWSKI: Mr. Speaker, a fine really doesn't solve the problem. We have to find ways of keeping the wheels from coming off the vehicles, and that's where our focus has to be. We have to make sure that we can identify risks of dangers of wheels that may come off. Indeed that's where our focus is going to be. Once the wheel has fallen off, it's too late. You can't place a value on a life that may be lost. Our whole focus has to be in the area of preventative care. That's what were focusing on, and that's what we will continue to focus on.

MRS. SOETAERT: Thank you, Mr. Speaker. Since a school bus full of kids getting hit by a flying wheel doesn't push the minister to action, doesn't make the program compulsory, what will it take? Does it take a death before you're going to act?

MR. PASZKOWSKI: Mr. Speaker, we have acted. We have acted very responsibly. We now have clinics throughout the province where you can study the whole area of suspect wheels possibly coming off vehicles. We have restructured our department so there's one area that focuses strictly on safety on highways. We have hired more people to monitor the situation. We have acted very responsibly. We will continue to act responsibly. To date we have been very fortunate in Alberta. We have not had a death. We will continue to act in a responsible manner just as we have done in the past.

THE SPEAKER: The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Mill Creek.

Prince Rupert Grain Terminal

MR. MARZ: Thank you, Mr. Speaker. Today's media reports indicate that the owners of the Prince Rupert grain terminal have approached government to negotiate new arrangements regarding the heritage fund loan to the PRGT. To the Provincial Treasurer: for the benefit of my constituents, could you please update the Assembly on the nature and the extent of the discussions to date?

MR. DAY: I found the newspaper article, when it was brought to my attention, somewhat interesting, Mr. Speaker, because there's been no contact with me from the principals involved and I haven't, to my knowledge, received a letter or a phone call or any kind of communication. So I'm not sure that there is any negotiation that's being proposed.

I can tell you that in terms of what this operation owes on its loan and loan guarantee, the interest is being paid down. The interest alone actually is \$17 million a year, which is not a small amount, and that is up to date, as I understand it, those payments to the heritage savings trust fund. Full or partial payment on the principal of \$4.25 million a year is also up to date. So that's the information I have. Nobody from that operation has contacted me about any negotiation.

THE SPEAKER: Hon. member, the purpose of question period, though, is not to determine the authenticity of information contained in newspapers. Perhaps if you can relate the question to government policy or government intervention, that would be helpful.

Hon. member.

MR. MARZ: Okay. Will the government of Alberta write down the value of the heritage fund loan to PRGT?

2:20

MR. DAY: The question of write-downs has come up twice now today, and if I could just comment again on what a write-down in fact does. It indicates on record and for accounting purposes that there may be some risk in retrieving a certain loan, so precautions are taken. Whether it's something on our own books or whether it's Alberta Treasury Branch, when they do a write-down or if a bank does a write-down, it is not saying that the money is lost and it is not saying that the person who owes the money is off the hook. They still have to pay. It's in anticipation of difficulty, and they're being realistic in terms of recording that.

As I've said, Ridley grain, to my knowledge, is up to date as far as these interest payments and full or partial principal payments. I have no indication at this point to the contrary, Mr. Speaker.

MR. MARZ: My final supplemental to the Minister of Agriculture, Food and Rural Development: what is the competitive effect on the PRGT of Cargill and the Saskatchewan Wheat Pool, who are partners in the Prince Rupert terminal, building a new arrival terminal at Roberts Bank?

MR. STELMACH: Thank you, Mr. Speaker. First of all, Alberta Agriculture and the people of this province are moving to a target of \$20 billion worth of growth in the processing industry by the year 2005. That means that we're going to need every available port open to allow us to move product to market in other parts of the world.

Most important is that we've had some serious problems in efficiency in getting grain off the prairies to port. I think that rather than spending all this time worrying about when we're going to or if we're going to restructure loans to whomever, let's get the grain off the prairie to port. It'll increase the volumes, give the operators more money to work with, and repay the loan. That's the key. Farmers are saying: "Look; enough's enough. We've been under stress for the last couple of years. We can't seem to get an efficient grain transportation system in place." I would say that rather than pointing guns at each other, let's look to the inside and get this problem resolved and settled once and for all.

THE SPEAKER: The hon. Member for Edmonton-Mill Creek, followed by the hon. Member for Wetaskiwin-Camrose.

Skimmer Oil Separators Ltd.

MR. ZWOZDESKY: Thank you. Mr. Speaker, yesterday the Provincial Treasurer said that the Alberta Treasury Branches sold the \$1.4 million Skimmer Oil loan and the rights of security on assets to Anadime Corporation. The sale of this \$1.4 million loan occurred somewhere around April 30 of '97 for a price of \$750,000. I want to table today Calgary Court of Queen's Bench documents dated April 29, 1997, wherein Royal LePage appraises the value of the Skimmer Oil property at \$1.1 million as at December 1996. That \$1.1 million, of course, is \$350,000 more than what Treasury Branches actually received when they sold that loan and right of assets. So we have a loan of \$1.4 million, an evaluation of \$1.1 million, a sale of \$750,000, a net loss of about \$650,000. I just want to ask the Treasurer if he can perhaps explain the discrepancy between the \$1.1 million appraisal done by Royal LePage and the other appraisal which he alluded to yesterday. I believe he said it was only \$750,000. Who did this other appraisal, when was it done, for whom, and why such a large discrepancy between the two appraisals?

MR. DAY: Well, Mr. Speaker, yesterday I took a lot of time and detail in question period as I have been on all of these particular items, which are fully recorded in public accounts. I took great time and patience yesterday to refer to page numbers and paragraphs and lines. We do have a section in the Assembly called Written Questions and Motions for Returns, whereby members who want detailed, very specific responses to questions ask those. As a matter of fact, I have two of those coming up today, questions that have been asked of me, and I have the answers for them. Some of these it takes our people a while to get the minute detail that is being asked for, something from a court record, something from pages and pages which I referred to yesterday in this particular case.

However, I will say, I don't mind saying that my understanding

in terms of evaluation and appraisal – when it was first appraised by Cambridge, I believe, which may be where Royal LePage got their assessment, it was \$1.1 million, but that was not anticipating the cost of fixing the site due to contamination. As you know, Skimmer Oil had a technology where they were going to separate out various contaminants. When Alberta Treasury Branch, however, did their assessment, from what I understand, they took into account the cost of remediating that site, which lowered that considerably. I think ATB's was something around \$400,000.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Why did Alberta Treasury Branches and the Alberta government wait almost two full years to enforce security over the Skimmer Oil assets when the loan went into technical default back in 1995?

MR. DAY: Well, Mr. Speaker, I'm sorry; I don't want to belabour the Assembly. I read into the record yesterday a long series of events chronologically related to this entire situation, which started back in 1991 I think I said. I'll dig out the file again. We'll table the answers to all these questions on the technical aspects of it. I would just encourage the member: when you've had it very specifically laid out, when you've had the page numbers laid out in the public accounts, when you've had the page numbers laid out for you in the heritage fund, when you've had the material sent, tabled, and distributed, I don't know why they continue to pursue these minute amounts. But I'll be happy to check that out and send it over, because their researchers have obviously retired.

MR. ZWOZDESKY: Thank you, Mr. Speaker. At the same time that he's undertaking to table those documents, which I thank him for, I wonder if he would also table a copy of a letter or at least confirm that a letter was in fact sent by the director of loans and loan guarantees from the Treasury Department asking Treasury Branches to delay taking any action. I think that letter goes back to November 3, 1995. That would clear up the entire issue.

MR. DAY: I'm fascinated by this. I've just been asked to table a letter. I don't know if it exists or not. The member opposite has just given me the contents of the letter, the date of the letter, the person who wrote the letter, and to whom it went. Maybe to save me time, why don't you table the letter?

THE SPEAKER: The hon. Member for Wetaskiwin-Camrose, followed by the hon. Member for Edmonton-Centre.

Municipal Twinning

MR. JOHNSON: Thank you, Mr. Speaker. My question is to the Minister of Federal and Intergovernmental Affairs. A number of Alberta municipalities, including the city of Camrose and the city of Wetaskiwin in my constituency, are twinned with foreign counterparts, mostly from Japan. The twinings were initiated and encouraged by the Alberta government some years ago. Does the Alberta government continue to recognize value in these municipal twinings as it did when the twinings were initiated?

MR. HANCOCK: Well, Mr. Speaker, Alberta maintains a number of strategic relationships ranging from formal sister twinings with other provinces and other jurisdictions to more limited arrangements. Most of these relationships have been established with counterparts in Asia, in Japan in particular. Eight Alberta towns have been twinned with municipalities in

Japan including, as I'm sure you're aware, Mr. Speaker, the town of Barrhead, which is twinned with what is now known as the curling capital of Japan. I understand that Camrose has also used its twinning to build the only Japanese-style park golf course outside of Japan.

Municipal twinings get people involved at the grassroots level, Mr. Speaker. We believe that they continue to be important. They incorporate an economic dimension, they encourage co-operation between the two jurisdictions, and they introduce jurisdictions to each other for the purposes of allowing and encouraging trade.

MR. JOHNSON: To the same minister: what is the government of Alberta doing in a monetary sense or otherwise to support municipal twinings?

MR. HANCOCK: Well, Mr. Speaker, municipal twinings are not supported directly by our department or by the government. The key to successful municipal twinings is indeed the interest and active involvement of the citizens on each side of the relationship. Most of the involved towns will tell you that the success depends on the dedication and effort of their respective friendship societies. As a government we're not actively soliciting or encouraging specific twinings to take place, but we're more than pleased to help Alberta municipalities find a twin where it's appropriate. Most of the twinned Alberta municipalities use their friendship societies to raise the money that's necessary to support the relationship. However, we do support one twinned cities conference each year, which is hosted by a municipality. We provide some of the funding necessary to sponsor the conference in terms of translation and that type of activity.

2:30

MR. JOHNSON: To the same minister. You mentioned the Alberta/Japan Twinned Town Conference. Where is it held each year, and what is accomplished through this conference?

MR. HANCOCK: Well, Mr. Speaker, the hosting of the conference is moved around. This year it was hosted last month in Lacombe. What the conference accomplishes is it's an opportunity for each of the twin cities to meet with officials and industry members from their twin municipalities, to invite them to Alberta, to give them an opportunity to discuss mutual interests, to show them the advantages of Alberta, and indeed to introduce them to the Alberta advantage.

THE SPEAKER: Hon. Member for Edmonton-Rutherford, I believe your guests have departed.

MR. WICKMAN: They're supposed to be in the members' gallery.

THE SPEAKER: Okay. We'll ask for permission to revert briefly to Introduction of Guests then.

HON. MEMBERS: Agreed.

head: Introduction of Guests (reversion)

MR. WICKMAN: Mr. Speaker, I have 42 visitors from St. Augustine school, an educational institution in my riding. The 40 students, very bright, eager grade 6 students, are accompanied by

two teachers, Mrs. Louise Rogucki and Miss Juliet Letawsky. If they could stand, if they are in the members' gallery, and receive the warm welcome of the House.

THE SPEAKER: The hon. Government House Leader.

Point of Order

Oral Question Period Practices

MR. HAVELOCK: Yes. Thank you. Mr. Speaker, I was listening intently today to the Leader of the Opposition. He seemed pretty feisty. As Dan Quayle would say, he seemed like pretty much a happy camper today and was rather exuberant in his questioning. The points of order I raise are 409(2), brevity of questions, and 409(3), argumentative. These are both under *Beauchesne*. Were they brief? Certainly not. Argumentative? Yes, they were. Also, his questions typically included significant preamble to the supplementary questions, contrary to the memorandum of agreement which was signed by the House leaders for the three parties.

Mr. Speaker, I appreciate your comments regarding the civility of the House and the fact that you read out the letter from the young person. That is why I respectfully request that you enforce the terms of the memorandum of agreement which was signed by the House leaders. I recognize that members in this Assembly do have an obligation to respect the decorum of the House. However, your role in enforcing that decorum I don't believe can be minimized. Therefore, I would again ask you to remind all members to follow the terms of the memorandum of agreement and also, if you could, during question period to the extent possible enforce the terms that were agreed to.

MR. SAPERS: Thanks, Mr. Speaker. I agree that the terms of the memorandum of agreement should be enforced. So should the Standing Orders and the rules of *Beauchesne* all be respected. When the Government House Leader stands and quotes 409 and says that questions must be brief, he neglects to follow through and talk about the necessity for the brevity of the answers. I'll point out that when the minister of advanced education stood to answer questions, he spent more time answering his own backbencher's question than the Government House Leader spent negotiating the Bovar giveaway. I mean, when you talk about the brevity of questions, there's also the brevity of the answers.

In terms of provoking debate and being argumentative, Mr. Speaker, I would suggest that once again we saw an example of the Provincial Treasurer answering questions with thinly veiled attacks at some of the past employment of members of the opposition and, in terms of talking about the use of sarcasm, once again personalizing things in this House and inflaming debate. When the Member for West Yellowhead stood up and asked a question, he personalized the question back through to the minister, saying: what are you going to do about it, Mr. Minister? Of course, we all know that that's an improper phrasing of a question.

So I would suggest that before the Government House Leader stands in this Assembly and wastes the time of this Assembly with frivolous points of order about how question period operates, he should spend time educating his own caucus on the proper construction of questions.

THE SPEAKER: I do want to thank all members. It was one month ago, on April 14, that you gave me the honour of being the Chair, the Speaker of this Assembly, and I've enjoyed this month

very much. I really look forward to a day like today, when there would seem to be a bit of interest, a bit of movement or something in the minds and the hearts and the bodies of all hon. members. The bottom line is that we had only 11 questions addressed today. That was one of the least number of questions that hon. members have been able to deal with in a question period since we began, and this is the 19th day.

Perhaps that productivity in terms of questions has something to do with the number of interjections that occurred during the day. There's absolutely no doubt at all that there comes a point in time in every session when there's a little bit of ebb and flow, you know, when the stretching of the bounds and the borders and everything else comes into play, and perhaps today was one of them. I'm sure that this degree of interest and enthusiasm and aggressive play will probably be less tomorrow than it is today simply because you're getting used to a long weekend, but this is midweek and the way it is.

The Government House Leader is absolutely correct in drawing to the attention of all members of this Assembly an agreement that was reached between himself and the leaders of the two opposition parties. The agreement, signed by all three House leaders, very clearly pointed out the rules that should be followed in terms of the original first question, a preamble permitted, and then no preambles with respect to the subsequent two questions. Now, it's also very true that some degree of leniency has been provided by the Chair in the lead question provided by the Leader of the Official Opposition, and that's part of the ebb and flow that goes with it.

Government House Leader, I want to thank you for raising the point of order because I think it's a legitimate point of order in terms of the enforcement of the agreement. These are not rules that the Speaker wrote; these are rules that the hon. members wrote. If the job of the Speaker is to come down harshly – that's something that the Speaker would try and avoid doing, but certainly there are ways of everyone making their point in a way that everybody can understand and recognize. So I accept, hon. Government House Leader, that in fact there was a point of order today with respect to that matter.

To the House leaders of all three caucuses. All three caucus House leaders have a responsibility for maintaining order and civility within their various caucuses. If the House leaders in the three caucuses cannot deal with that, then it seems to me that the whips have a job to do with respect to that as well. They're clearly identified in the Standing Orders of this Assembly. In fact, there's even some responsiveness that the taxpayers of Alberta provide to these individuals. These are not honorariums. The Chair would ask all members to read the rules and understand what it is that you're expecting from the various House leaders and the various whips and various caucuses. One has to do with good display, including a good display from the hon. Member for Edmonton-Meadowlark, at the appropriate time.

That having been said and that being done, House Leader of the Official Opposition, you had a purported point of order as well?

Point of Order

Factual Accuracy

MR. SAPERS: Thanks, Mr. Speaker. I appreciate those comments, because they have something to do with my point of order. I look forward, as well, to your additional comments on the other points that were raised in terms of the phrasing of questions and the lack of attention to the rules that have been exhibited by members supporting the government in the offering of their questions.

In a response to a question posed by the Leader of the Official Opposition, the Treasurer asked the Leader of the Official Opposition, in fact challenged the Leader of the Official Opposition, to table some documents and left the impression in his comments that he never said something when the Leader of the Official Opposition made the comment in his preamble that the Treasurer said that the losses from Treasury Branch would only be \$23 million.

Well, we've gone around this point at least once before that I can recall, Mr. Speaker, the point being that when the government publishes a document, the government is responsible for it. Certainly it doesn't offend common English language usage to say "the government said" when they publish a document. In particular we're talking about a document that the Treasurer should be most intimately familiar with. Now, we have seen many examples of where the Treasurer doesn't appear to be familiar with the document in question. As well, we've already pointed out several multimillion-dollar mistakes in the document. Notwithstanding, the document of course is the 1997-1998 Government and Lottery Fund Estimates. Some people would call this the budget document, Mr. Speaker.

2:40

On page 404 of that document, a page titled Treasury Branches Deposits Fund Income Statement, it clearly says the accumulated "net revenue (expense)" for Treasury Branches forecast: (\$23,300,000). That is a loss. It says so right here. So when the Treasurer says, "I didn't say it," or leaves the impression that he never said it, he's denying in fact that it's been published by his government in this document. If he really wants the Leader of the Official Opposition to table four copies, we'd be happy to table four more copies of the budget document for the Treasurer so that maybe he'll finally read it.

MR. DAY: I'm sorry, Mr. Speaker, he lost me on the ninth "I said." I have not the foggiest idea what could be a point of order here.

THE SPEAKER: Hon. members, the Chair has listened very attentively to the discussion with respect to this purported point of order. One comes to the conclusion that there was some desire on behalf of the Opposition House Leader to have a clarification with respect to an exchange of information in Oral Question Period and that he used the opportunity to in fact expand that and seek that clarification.

Orders of the Day

head: Written Questions

MRS. BLACK: Mr. Speaker, I move that written questions appearing on today's Order Paper stand and retain their places with the exception of written questions 6, 7, and 8.

[Motion carried]

Outside Legal Counsel

Q6. Ms Olsen moved that the following question be accepted: How many times between January 1, 1993, to March 31, 1997, has the government retained outside legal counsel to conduct criminal prosecutions, and how much was paid to each of those lawyers?

THE SPEAKER: The hon. Member for Edmonton-Norwood.

MS OLSEN: Yes. Mr. Speaker, I received at 11:26 this morning, or at least our fax machine did, some amendments on that. [interjections] Well, the fax machine got it; I didn't get it.

MR. HAVELOCK: What's your secret?

MS OLSEN: Big secret.

I have asked in this question: "Has the government retained outside legal counsel to conduct criminal prosecutions, and how much was paid to each of those lawyers?" That's the information I would like to get back. I understand that the prosecutors are now having difficulty with their caseloads. I wish to get this information to find out: what exactly is the government doing about that? Who are they paying? Whom have they hired? How much money is going outside of that?

We know that the contracts to these outside legal counsel could in fact be quite hefty in terms of the cost to the taxpayers. We know that there's a shortage of prosecutors. Mr. Speaker, quite frankly, I'd like to see exactly what's going on in terms of those numbers. I believe it is the right of Albertans to know what is going on. Therefore, I'm requesting that information.

MR. HAVELOCK: Well, Mr. Speaker, before I read in the amendments, I'd just like to make a preliminary comment. In an effort to work with the Member for Edmonton-Norwood, I did have the amendments faxed over to her office this morning. Unfortunately, we had to make some last-minute changes to those amendments. We got it over there as quickly as we could. Quite frankly, I'm under no obligation to provide a copy of those unless and until we get into the House. So if the member did not appreciate that and would not like me to continue to do that, I'd be happy not to. Nevertheless . . . [interjection]

Speaker's Ruling

Amendments to Written Questions and Motions for Returns

THE SPEAKER: Hon. Government House Leader, a ruling was written and described in the House yesterday which clearly indicated and asked that such so-called amendments first of all be looked at by Parliamentary Counsel on the previous day and that by 11 o'clock on the Wednesday these amendments be provided to the sponsor of the question. A copy of such was provided to the Government House Leader several days ago and also provided to the Deputy Government House Leader and the Opposition House Leader and comments were asked for. Having received none, at approximately 2:30 yesterday afternoon the Speaker read this into the record.

MR. HAVELOCK: Well, Mr. Speaker, with all due respect, one, I don't recall it being a ruling but rather a suggestion. Also, in the future, I'd appreciate it, if you'd like to have input from us, if we'd have more than perhaps an hour or two in order to get back to you, because I did not have much time to . . .

THE SPEAKER: Hon. Government House Leader, please. The courtesy was provided by the Chair. The courtesy was provided in due course, in ample time. In having a discussion with the Deputy Government House Leader, such was not provided to the Deputy Government House Leader. The Speaker then provided it to her as well.

So please continue with the amendment.

MR. HAVELOCK: Fine; I won't pursue it any further.

Debate Continued

MR. HAVELOCK: I'd like to amend the written question as follows: by striking out "between January 1" and substituting "from April 1" and by striking out "to each of" and substituting "in total to." So the written question as amended will read:

How many times from April 1, 1993, to March 31, 1997, has the government retained outside legal counsel to conduct criminal prosecutions, and how much was paid in total to those lawyers?

The rationale for the amendment, Mr. Speaker, is twofold. One, we're changing the date from January 1, 1993, to April 1, 1993, which allows for the information to be gathered on a fiscal year basis. Also, ad hoc prosecutors are retained on a per diem basis except in very rare instances where lawyers ask to act on a particular case. Gathering the data requested would be difficult if it was done on the basis of individual lawyer accounts. The question has therefore been amended to indicate the total paid rather than how much was paid to each lawyer.

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

MR. DICKSON: Thank you, Mr. Speaker. Firstly, I'd just say that whenever I see an amendment to a written question, I'm encouraged because it gives some indication that at least there's an effort on the part of the government to work with a legitimate request for information.

The difficulty I have and the reason why I'll be voting and now speak against the amendment is this. It seems to me, firstly, with respect to the time for this minister in particular, if it's a question of trying to work around the government reporting period in terms of the government year, then why wouldn't you go back to April 1992, in a spirit of being fully open and accountable? So, obviously, if the commencement point was January 1 of 1993 and the government wanted to ensure that information prevailed, simply go back to April 1 of the preceding year.

With respect to the second amendment, which says that simply an aggregate amount is going to be provided, that may be of interest, but it's not very helpful. The reason this kind of a question is put is to find out what some of the shortcomings are in the way that the Department of Justice is currently managed.

I've sat down and I've tried to think of the reasons why the Minister of Justice and Attorney General would retain outside counsel for a criminal prosecution. The things that seemed obvious to me: firstly, a conflict of interest; in other words, if in fact there was a Crown prosecutor who potentially had been charged with something. Secondly, insufficient resources: if the Department of Justice simply doesn't have enough Crown prosecutors to manage cases so that there's a requirement to bring in somebody from outside. Or some lack of specialized skills. That requires someone to go outside to find a lawyer who's got some specialized experience. Each of those cases seems to be of considerable public import and interest, and it would be important to know if we don't have Crown prosecutors with certain specialized skills. Why wouldn't Albertans want to have that information?

2:50

I'm reminded here that we've lost some people like Peter Martin and Earl Wilson, some of the most senior prosecutors. So it would be useful to know: if outside counsel are being brought in, are they being brought in to fill the gaps at the top of the criminal prosecution division, or are they plugging some other point? I think it would be important to know that.

In terms of: why not individual payments? Much of the individual payments are disclosed, in any event, through public accounts but not in a timely way and not in an issue-specific way. *Canadian Lawyer* magazine, which is a monthly publication in this country, routinely on an annual basis will publish a list of all of those lawyers and law firms that have received payments from the government of Canada and any of its various departments. So why would it be that the federal government can manage to organize this kind of information and the government of Alberta cannot?

It seems to me that this is an important kind of index in terms of trying to monitor, which I think my colleague is always anxious to do: how efficient is the prosecution division within the department of the Attorney General, and how wisely are dollars being spent and resources being allocated?

So I think that for all of those reasons, I speak against the amendment and would encourage the minister to reconsider why he feels this kind of an amendment is necessary.

Thanks, Mr. Speaker.

THE SPEAKER: The Member for Edmonton-Glenora.

MR. SAPERS: Thanks, Mr. Speaker. I'm supporting the motion in its original form, which means in fact that I'm speaking against the amendment. I won't take the time of the House to repeat all of the arguments brought forward by my colleagues already, but I will say that it is of particular interest to me that the time frame in the early part of 1993 be covered in this information request.

I can only think that it would be an oversight on the part of the Minister of Justice that his proposed amendment talks about April 1, 1993, as opposed to April 1, 1992. I guess I'm proceeding on the basis of knowing full well that an amendment likely wouldn't even be in order if it were to so alter the intent of the original motion. I'm assuming that it was an oversight that he didn't include the year 1992 in the substituting phrase "from April 1."

I could support this amendment if the Minister of Justice would clarify that point. My assumption is that he meant to provide the information consistent with his argument that it would be provided in a way that fits in with the reporting period of the government. If that was his intent, then I'm assuming that he meant to have 1992 in that substituting phrase. If that's not his intent, if in fact the intent of the government was to withhold the information covering the first quarter of 1993, then I would hope that the Minister of Justice would say so and would explain why that information in particular is being withheld.

So I would call upon, with your indulgence, Mr. Speaker, the Minister of Justice to clarify that, to just explain to the Assembly whether it's an oversight here on this amendment and whether or not the substituting phrase should in fact read: from April 1, 1992. Then that would give me guidance on how I'm to vote on this amendment.

THE SPEAKER: Well, hon. member, the difficulty with it is that when a member has spoken once, then the member is precluded from speaking twice. The Chair was asked just a few minutes ago to make sure that he enforces the rules.

So, hon. members who'd like to participate and haven't yet.

MS OLSEN: On the amendment?

THE SPEAKER: Well, hon. member, you will now be closing the debate.

MS OLSEN: Yes.

THE SPEAKER: I'm sorry, hon. member. You're on the amendment first.

MS OLSEN: Yes. Mr. Speaker, I'd just like to speak to the amendment. I, too, would like to get the information asked for. In fact, why not go back to April of '92 as opposed to moving it forward?

However, my more major concern is that I think it should be incumbent upon the government to provide and have accessible to Albertans the information. I really believe that in order for me to do my job appropriately, I need the information that I've asked for, and I need that information in the manner I've asked for it. That's an itemized list of each law firm who has received money from this government for criminal prosecutions and the number of times that we've hired those firms. I believe in openness, and as a result of that, this information should be forthcoming from the government.

We know, generally, in a given range what prosecutors make. So what is the problem with letting us know how much money the law firms are making? We know that the caseloads of the prosecutors have increased with the departure of many senior counsel, so we need to know how often we are hiring ad hoc prosecutors to do the job and why. So in order for me to do my job best, in an efficient manner, I require this information.

I'm obviously voting against the amendment.

[Motion on amendment carried]

MS OLSEN: Well, that doesn't put me in a wonderful position. However, I move, then, Written Question 6 as amended, which now reads:

How many times from April 1, 1993, to March 31, 1997, has the government retained outside legal counsel to conduct criminal prosecutions, and how much was paid in total to those lawyers?

I move that that be accepted, and we'll go from there.

[Motion as amended carried]

Outside Legal Counsel

Q7. Ms Olsen moved that the following question be accepted: How many times between January 1, 1993, and March 31, 1997, has the government retained outside legal counsel to represent the government in civil matters before the courts, and how much was paid to each of those lawyers?

MS OLSEN: It's rehashing the previous question. However, it would be, again, important for us to know, for Albertans to know, for constituents to know what the process is; how much money the government is paying to outside legal help, considering that there is a legal department within the government; for what purposes that outside legal counsel is required in civil matters; and, again, how much was paid to each of those particular law firms and lawyers.

3:00

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

MR. DICKSON: Thank you, Mr. Speaker. I'm speaking in support, of course, of Written Question 7. It's particularly important, I think, that Albertans have noticed over the last while that the government of Alberta on their behalf has gone and retained outside counsel in the Delwin Vriend challenge to the Supreme Court of Canada. There's a gun control challenge that

the government of Alberta is front and centre on. I've heard estimates as high as 385,000 taxpayer dollars and climbing for those two interventions alone. It may be that those numbers are exaggerated, or they may minimize the cost, but I think it's important when the Minister of Justice, in this case the predecessor of the current minister, embarks on some kind of a campaign purportedly to rein in the federal government or intervene in some other area, that Albertans know what the cost is with that.

I think of the Provincial Treasurer, who in both his current capacity and formerly as Government House Leader was quick to point out always the cost to Alberta taxpayers, and he continually returns to that theme. Well, why wouldn't that same test, hon. Provincial Treasurer, apply now when we're talking about how money is spent in this area? What possible concern have we got? By responding to the question that's been now moved in an unamended form, what we do is we find out: is there a large number of conflicts in the civil law side of the Department of Justice? If there is, that requires some attention, some remedial action. Are there insufficient resources in the civil law section? That would require remedial attention. Do we lack specialized skills on the civil law side? That also would require remedial action.

Now, the other thing that we learned in the estimates for the Department of Justice. There was an exchange, again, in terms of the time management of lawyers on the civil side, and the hon. Minister of Justice assured me and members of the committee that, yes, on the civil law side – there's a big law firm, over 100 lawyers on the civil law side – they do track their time. People within that civil law section tell me that it's a very primitive kind of time record, the sort of thing that law firms rejected and radically changed more than two decades ago. But the Department of Justice civil law side is not managing in a really effective way the time of those 100-odd lawyers in civil law. No law firm in this province with 100 lawyers would not do a first-class job of tracking that lawyer's time to ensure productivity and so on.

I think for all those reasons, Mr. Speaker, this is a question that ought to be accepted in its original form. I look forward to seeing the minister accept it on that basis and not attempt to dilute it with amendments which in fact take us from a point of useful information to information that's not helpful at all.

MR. HAVELOCK: Mr. Speaker, I'd like to move an amendment to Written Question 7. The amendments are as follows: striking out "How many times between January 1, 1993, to March 31, 1997, has the government retained" and substituting "From April 1, 1993, to March 31, 1997, how many new retainers were entered into by the Department of Justice to be paid by that department for."

Another amendment: striking out "before the courts." And a third amendment: striking out "to each of those lawyers?" and substituting "in total by Alberta Justice to outside counsel for civil matters during that period?" after "how much was paid." So the written question as amended will read:

How many times from April 1, 1993, to March 31, 1997, has the government retained outside legal counsel to conduct criminal prosecutions, and how much was paid in total to those lawyers?

The rationale for the amendments, Mr. Speaker. Again, getting back to the change from January 1, '93, to April 1, '93, that allows for it to be prepared on a fiscal year basis. I could have selected April 1 of '92. However, based on the time frame which was requested in the original question, I thought it more appropriate to put in April 1 of '93 as opposed to April 1 of '92.

The amendment clarifies also that the information requested

relates specifically to new retainers entered into and paid for by the Department of Justice as opposed to "the Government," since the Justice department is not necessarily aware of all occasions when legal counsel is retained and paid for by other departments.

Finally, Mr. Speaker, providing the information as originally requested, specifically as to the amount paid to each of the outside legal counsel retained, would have legal implications with respect to solicitor/client privilege. For that reason I'm requesting that the written question be amended to indicate the total amount paid rather than how much was paid to each lawyer.

THE SPEAKER: The hon. Member for Edmonton-Glenora on the amendment.

MR. SAPERS: Thanks. Yes, on the amendment, Mr. Speaker, certainly on the amendment.

Point of Order Admissibility of Amendments

MR. SAPERS: In fact, Mr. Speaker, I'm going to call upon you to make a ruling at this point, because as near as I can tell, not only would this amendment not serve the purposes of the written question but in fact offends *Beauchesne* 579. *Beauchesne* 579(1) reads:

An amendment setting forth a proposition dealing with a matter which is foreign to the proposition involved in the main motion is not relevant and cannot be moved.

Of course, subsection (2) reads:

An amendment may not raise a new question which can only be considered as a distinct motion after proper notice.

Written Question 7 has appeared on the Order Paper for some time and should have come as no surprise at all to the Minister of Justice.

It has three essential elements or calls upon the government to release information of three distinct types. Number one, it talks about a time frame, a very distinct time frame. Number two, it talks about releasing information of amounts paid to individuals rather than for the release of aggregate amounts of payments made of taxpayers' money. Number three, it asks for actual payments for representation in court, not for retainers for some future work or work that in fact may not ever happen.

The written question is very precise in its wording. It asks for these three very essential elements of information, and the proposed amendments from the government alter the written question to such an extent that it is an entirely different proposition. It is obvious, Mr. Speaker, that it offends *Beauchesne* 479, and while the Minister of Justice may want to provide the information as suggested in his amendment, this amendment is out of order and should be brought forward as an entirely different motion to be dealt with before the Assembly.

Mr. Speaker, 579 is . . .

MR. DAY: Is it 479 or 579?

MR. SAPERS: Did I say 479? Oh, I'm sorry. I was just so excited.

Beauchesne 579 is very clear in its intent, and equally clearly these amendments violate both subsections of *Beauchesne* 579.

THE SPEAKER: On the point about the sanctity of the amendment, the Chair would like to point out – and this may preclude some additional debate. One of the reasons that there was a statement raised yesterday or the day before after consultation was

to ask that the proposed amendment be provided to Parliamentary Counsel for his review. In this case this amendment was provided to Parliamentary Counsel, who reviewed it and initialed it indicating the veracity of the amendment, so to speak. Having done that, the Chair accepts the advice of the Parliamentary Counsel in terms of form of this particular amendment. So at this point, hon. Opposition House Leader, I would have to disagree with the point of order raised by the citing of 579.

MR. DAY: Exactly.

THE SPEAKER: That didn't really help, Provincial Treasurer.

MR. DAY: I'm sorry.

THE SPEAKER: Opposition House Leader, the form was reviewed by Parliamentary Counsel in terms of it. The Chair can only assume that the Opposition House Leader has seen a copy of the amendment with the initials from the Parliamentary Counsel and, having seen it, then continued his point of order on 579. I'll accept it, but there is a substance and a process here that is perhaps more important. The Chair would like to see members deal in debate on substance, and if we have to improve the rule or the functioning of it, then perhaps we'll deal with that one in time.

Go ahead, hon. member.

3:10

MR. SAPERS: Thanks, Mr. Speaker. I have a copy of the amendment that has a photocopied initial from Parliamentary Counsel. I'm assuming this is the form of the amendment that Parliamentary Counsel in fact reviewed.

In this Assembly, Mr. Speaker, on a motion, not a written question or a motion for a return but a motion, in the very last session . . .

THE SPEAKER: Hon. member, thank you very much. I know where you're going.

If you take a look at *Beauchesne* on page 176, which deals with 579, and back it up one page, on page 174 we deal with motions. What we have before the House right now is a written question, and there is a difference of interpretation between the two.

So the Chair will insist again that the amendment as proposed is in order and that there's not a point of order on this point.

Debate Continued

THE SPEAKER: Member for Calgary-Buffalo, you're speaking on the amendment?

MR. DICKSON: I am indeed, Mr. Speaker.

THE SPEAKER: Thank you.

MR. DICKSON: Mr. Speaker, it was interesting listening to the argument from the Minister of Justice, and I wanted to query one thing. He cited solicitor/client privilege. Well, as the minister well knows, solicitor/client privilege is not the privilege of the solicitor; it's the privilege of the client. Who's the client in this case? The client is the government of the province of Alberta.

I understand if we have a third party involved to make claims under solicitor/client privilege, but it's the people of Alberta who have the privilege. The people of Alberta also have the right to

find out how their tax dollars are being spent. If ever there were an appropriate case for the government of Alberta to say: "We're not asserting solicitor/client privilege" – nobody's asking at this stage for legal opinions, hon. Minister of Justice. What they want to know is what the amount of the tab is. To me, it's an empty argument to try and cite solicitor/client privilege.

Now, in terms of the amendment, this may be a very helpful amendment because, in fact, this potentially widens the written question that was originally tendered, which was limited to applications currently "before the courts." Clearly, there are cases where advice is sought and provided in nonlitigious matters. I think members would be interested in that information too. So I guess all I would ask of the Minister of Justice is that if in fact he's going to expand the question in that respect and cover legal advice provided both for litigious and nonlitigious matters, he would simply identify that in the return. Then we're actually further ahead if he's prepared to do that on that point on that amendment.

With respect to the solicitor/client issue, either the minister misapprehends solicitor/client privilege or he thinks it's more important, some kind of mythical duty he owes other departments of the government of Alberta, and he puts that on a higher basis than the duty that I suggest he owes to the taxpayers and the people of the province of Alberta.

Thank you, Mr. Speaker.

THE SPEAKER: On the amendment, hon. member?

MS OLSEN: Yes, Mr. Speaker. I just will close debate on the amendment.

THE SPEAKER: No, hon. member, you're not in a position to close debate on the amendment, but you can proceed with comments on the amendment.

MS OLSEN: I will be voting against this amendment.

Just to bring to the attention of Mr. Speaker and the hon. member: when I did receive a fax, I did not receive a fax with Parliamentary Counsel's signature on it. Like I say, I received that quite late in the day.

I again am simply asking for some information that I believe it is incumbent upon this Justice minister to provide. I again wonder why it is that a government talks about openness and accountability yet fails to provide information that would in fact show them to be open and accountable. I think my previous comments on the previous question stand for this as well, and I'm voting against the amendment.

[Motion on amendment carried]

THE SPEAKER: The hon. Member for Edmonton-Norwood to close debate.

MS OLSEN: Thank you, Mr. Speaker. I move that the question as amended be accepted. The question as amended will read:

From April 1, 1993, to March 31, 1997, how many new retainers were entered into by the Department of Justice to be paid by that department for outside legal counsel and to represent the government in civil matters, and how much was paid in total by Alberta Justice to outside counsel for civil matters during that period?

[Motion as amended carried]

Electoral Division Profile Booklets

Q8. Mr. Zwozdesky moved that the following question be accepted:

With respect to the Treasury Department's creation, publication, production, and distribution of the Alberta Provincial Electoral Division Profile series of 83 booklets, who initiated this project, what was the total cost for all government departments, how many copies of each booklet were produced, and what was the distribution for those copies?

THE SPEAKER: The hon. Member for Edmonton-Mill Creek.

MR. ZWOZDESKY: Thank you, Mr. Speaker. This is a very interesting series of profiles, obviously one on every constituency in the province of Alberta, which go to some great lengths to provide information regarding constituents and dwellings and incomes in the area, labour force statistics, male/female ratio, statistics regarding occupation, employment income, school attendance, languages spoken, religions adhered to, citizenship, and on and on. I suspect this is probably the first time this has ever been done.

The purpose of the question really is to find out what the purpose of the document truly was, what the distribution of it was, why this was undertaken, and at the same time also why it is that it was done at the time it was done. I think it was presented to the Legislature Library around January 7 of this year, which is right in advance of the provincial election. I was hoping the government would provide answers to those questions.

Thank you.

MR. DAY: Mr. Speaker, the government will accept the question.

THE SPEAKER: The hon. Member for Edmonton-Mill Creek to close debate.

MR. ZWOZDESKY: Thank you. I did move it, and I will just reinforce that motion and take my place.

[Motion carried]

3:20 head: **Motions for Returns**

MRS. BLACK: Mr. Speaker, I move that motions for returns appearing on today's Order Paper stand and retain their places with the exception of motions for returns 11 and 12.

[Motion carried]

Electoral Division Profile Booklets

M11. Mr. Zwozdesky moved that an order of the Assembly do issue for a return showing copies of each and every receipt issued by the Queen's Printer recording sales of copies of the Alberta Provincial Electoral Division Profile series of 83 booklets, profiling each of the province's new electoral divisions.

MR. DAY: The government agrees with the motion and will accept it, Mr. Speaker.

THE SPEAKER: The hon. Member for Edmonton-Mill Creek to close debate.

MR. ZWOZDESKY: Thank you. I think we can proceed directly to the question, Mr. Speaker.

[Motion carried]

Electoral Division Profile Booklets

M12. Mr. Zwozdesky moved that an order of the Assembly do issue for a return showing copies of all purchase orders issued and invoices received for the printing of the Alberta Provincial Electoral Division Profile series of 83 booklets, profiling each of the province's new electoral divisions.

MR. DAY: The government accepts the motion and will provide the information.

THE SPEAKER: The hon. Member for Edmonton-Mill Creek to close debate.

MR. ZWOZDESKY: Thank you, Mr. Speaker. In closing debate, I would just thank the members opposite for their co-operation in allowing these motions to come forward, and I look forward to their responses.

Thank you.

[Motion carried]

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

Bill 205 Protection from Second-hand Smoke in Public Buildings Act

THE SPEAKER: The hon. Member for Calgary-Cross.

MRS. FRITZ: Thank you, Mr. Speaker. I'm delighted to move second reading of Bill 205, the Protection from Second-hand Smoke in Public Buildings Act, 1997.

Mr. Speaker, this Assembly, especially those members who were recently re-elected, is very familiar with Bill 205 and its objective. I'm pleased that we're finally able to debate the value of this objective in the Assembly.

The Minister of Family and Social Services, when he was a private member, introduced a form of this Bill in 1995 as the Non-Smokers' Health Act. Being a physician, the hon. Member for Strathmore-Brooks believed that this Bill would show that our government is serious about encouraging prevention in health care. It was later reintroduced on two occasions and, unfortunately, stayed on the Order Paper.

Mr. Speaker, I'd like to take this opportunity to thank Lynn Redford from the research department, who's in the gallery today, who has actually assisted with picking up this Bill and getting it here today. Thank you.

Mr. Speaker, the Bill has been changed slightly and has undergone an evolution. I believe it has been improved. The objective has stayed the same; the form of the Bill has been modified. But it now incorporates what I believe to be a broader range of workplace concerns. The concerns that have been voiced by provincial government employees are dealt with in this Bill, and I'm pleased to raise them here in the Assembly.

Bill 205 is simply designed to require that all provincial government departments designate smoking areas for their

employees in the buildings that they occupy. This also applies to those who occupy government buildings through leases or other arrangements. The purpose of the Bill is to protect all employees from the hazards associated with exposure to secondhand smoke. This is an issue that we are all familiar with. This has been a debate in our society for a very long time, and I believe the issue affects each of us in all areas of our lives and must be dealt with accordingly.

Mr. Speaker, prior to being a public representative, I was an occupational health nurse in the city of Calgary. Among my many other responsibilities I was responsible for assisting in the development of a smoking policy for health care personnel. I know how important a well-applied smoking policy can be. While protecting both smokers and nonsmokers, the productivity in the workplace is increased, absenteeism is reduced, and cleaning costs are decreased. Strong efforts must continue to promote healthy indoor environments within the public buildings. This Bill is well drafted, and it will provide provincial employees with a safe and healthy environment.

Secondhand tobacco smoke is a serious health hazard to both smokers and nonsmokers alike. Three years ago the U.S. Environmental Protection Agency declared tobacco smoke to be a class A known human carcinogen and a significant cause of disease among nonsmokers. Health Canada has reported that there is no safe level of exposure to secondhand smoke, so all exposure should be avoided.

The effects of exposure to secondhand smoke are extensive. To clarify the terminology often used, secondhand smoke is comprised of mainstream and sidestream smoke. Mainstream smoke is the smoke exhaled by a person smoking. The far more dangerous smoke is actually the sidestream smoke, that smoke which rises from the burning end of a lit cigarette. This proves to be far more toxic because the contaminants are burned off at a much lower temperature than those found in mainstream smoke. As a result, the contaminants are released intact, and they're not filtered. Smokers and nonsmokers alike are exposed to these contaminants at high concentrations.

It is not only the visible smoke which is of concern, Mr. Speaker. This may make someone uncomfortable, but the invisible toxins are as dangerous as visible smoke. Every cigarette contains over 4,000 chemicals, and of these, 50 have been determined to be carcinogens. The most common association of exposure to secondhand smoke is with lung cancer. It is estimated that 330 Canadians die each year of lung cancer caused by their exposure to secondhand smoke. These are the individuals who actually die. The number of others affected by their exposure but who did not die is outrageous. Nonsmokers exposed to secondhand smoke have a 30 percent higher chance of developing lung cancer than those not exposed.

I'm going to say that again, Mr. Speaker, because I think that's pretty significant. Nonsmokers exposed to secondhand smoke have a 30 percent higher chance of developing lung cancer than if they were not exposed. As well, existing conditions such as asthma, emphysema, chronic bronchitis, and some respiratory diseases and infections are aggravated by such exposure. The association of other fatal diseases such as heart disease and strokes due to exposure is well documented.

When faced with exposure to secondhand smoke in our personal lives, we have a choice and can control our ability to remove ourselves from the hazard. We can simply leave that environment. This choice does not exist when you're an employee in a workplace. To simply leave a particular area or workplace is

virtually impossible. Employees must work where they are assigned, causing them to lose control over their surrounding environment. I believe, Mr. Speaker, that employees should be able to choose a safe working environment. They should be able to decide whether they want to be exposed to the hazard of secondhand smoke. Bill 205 serves to provide all employees with this freedom. The freedom for smokers to continue smoking will not be infringed upon. Bill 205 provides a reasonable and practical balance of these freedoms.

Mr. Speaker, as I said earlier, this legislation would affect smokers as well as nonsmokers. You will notice that neither group is referred to in Bill 205, and this is intentional. If we draw upon our own experience, we know it is not only nonsmokers who breathe in secondhand smoke. Smokers suffer even more extensive exposure. Yes, smokers inhale a far greater amount of the chemicals found in cigarettes, and they do so on a voluntary basis. But they are not smoking all of the time, and I do not believe they should be exposed to the hazards of secondhand smoke unnecessarily.

3:30

Secondhand smoke should be curtailed. I understand that to get to the source of the problem, all smokers should stop smoking. More importantly, I also understand the rights of individuals to make choices, and this is one area they are free to decide upon. It is not the responsibility of anyone here in this Legislature to make the decision for someone in regards to their choice of smoking. Personal freedom must be balanced with general interests. We live in a free society, Mr. Speaker, which allows people to pursue pleasures that are not illegal although may be injurious to their health and the health of others, and ultimately it increases the collective cost of health care.

The right of smokers to smoke is, in my opinion, protected when smoking areas are designated. Smokers know where they can smoke, and those who do not wish to be exposed to secondhand smoke know where the smoking areas are located. If all employees know and understand the rules, there is no gray area for dispute.

According to Alberta Health, smokers are a minority. In Health estimates this week it stated in the Department of Health business plan:

Smoking is known to affect health. It is estimated that tobacco use contributes to the death of several thousand Albertans each year. This measure shows the proportion of Albertans making a choice which has a direct impact on their health. In 1994/95, an estimated 72% of Albertans age 12 and over did not smoke.

I'd like to file four copies of that with the Legislature, Mr. Speaker. It seems clear to me that without this legislation the right of employees to smoke in a designated area or not may be curtailed simply by the view of the majority. To push the government to an all-or-none policy is unfair to all employees, and Bill 205 addresses this.

Mr. Speaker, it will likely be pointed out that there are smoking policies in place in many government departments. I acknowledge this effort and commend those departments for implementing such policies. I do not think, however, that it is responsible for this government or any organization of this size to leave such decisions up to each respective area. What we've ended up with is a disjointed, inconsistent policy framework. We do not leave equally important policies regarding occupational health hazards to individual departments. Why do we not rely on each department to do this? Because they are too important to the well-being of employees. Policies must be clearly stated, adhered to, and enforced consistently.

Although there are departments which have developed smoking policies, Mr. Speaker, they are generally enforced voluntarily. I understand that in some cases this is adequate and achieves the goal of providing healthy working environments for employees. However, I also know that this is not always the case. If we do not implement and enforce legislation as outlined in Bill 205, we will not be protecting employees who work with others who'd violate a department policy.

This government employs approximately 20,000 people in up to 750 different facilities, and we need to implement legislation which will ensure that each of these employees is accountable for their actions. A department policy which outlines smoking guidelines but is not enforced is as good as having no policy at all. As well, if it is too easy to make exceptions for a supervisor or manager, the policy becomes useless. We need consistently applied and understood legislation to effectively deal with this hazard.

Mr. Speaker, this Bill takes into account the very different needs of each department. It does not set out such a restrictive framework that it will be difficult to implement. Instead, I believe it gives each department the framework with which it can better monitor existing policies and implement new ones. It will be up to each department to determine how they will incorporate this legislation within their current policy as long as we have set the threshold that they must adhere to.

As many of you are aware, this is an issue the Workers' Compensation Board has dealt with for a very long time. Since 1983, claims have been accepted by the WCB for conditions related to exposure to secondhand smoke. When the WCB deals with any claim, it is reviewed on an individual basis to determine that there is both a cause and an effect based on one's responsibilities in their working environment. There have been cases in which provincial government employees have had their claims accepted, and these employees have outlined the conditions under which they have been exposed to secondhand smoke and how this has contributed to their health problems. The merit of each case was then determined. These employees did not have any avenue of recourse when this became a problem for them.

There is no reason these cases should reach the point of requiring compensation from the WCB. I believe that an enforced policy across government departments would allow employees to work in a comfortable and healthy environment. For an employee to need to file a claim with the WCB means that we are not providing a safe enough workplace for these employees, and this is a concern. We should all be concerned about this.

The issue of smoking in the workplace, Mr. Speaker, is becoming an increasingly important concern for all employers. There is a real concern to many that the health risks associated with exposure to secondhand smoke are not adequately addressed in some workplaces. This is the case in both the public and private sectors. I believe that if as a government we make the decision to proceed with effective measures to deal with secondhand smoke, we will set a precedent. Private-sector companies who have not yet developed smoking policies will have a responsible and effective policy framework to follow.

Although Bill 205 will only be effective for provincial government employees, this effect will be felt on a much wider scale. Members of the public visiting our government buildings will benefit directly, whether they are schoolchildren touring the Legislature or patients in health care facilities. Government is often required to set a precedent before a societal, attitudinal change. We can do this with Bill 205.

Mr. Speaker, I'd also like to file with the Legislature some information that was sent to me this afternoon that says that over 15,000 junior high school students across the province took part in a referendum on May 31, 1996, which was World No-Tobacco Day. In the referendum 81 percent of the students voted in favour of provincial government action on tobacco. Among the 12 questions asked, one that received among the highest support related to a smoking change – and actually they'd looked at a ban – in all government buildings, including the Legislature, which had 85 percent support.

Mr. Speaker, Bill 205 ensures that government employees are protected from the effects of secondhand smoke in their workplace. It's a necessary piece of progressive legislation, and it is the most direct way we will be able to have a positive effect on the health of our provincial government employees. I urge each and every one in the Legislature to consider it very closely and offer your support.

Thank you, Mr. Speaker.

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

3:40

MR. SAPERS: Thanks, Mr. Speaker. I'm happy to see that this particular piece of legislation has been brought forward by this private member, and I will in fact congratulate her for bringing it forward. I have a couple of comments though.

I think the member has done an outstanding job of reading into the record the evils of smoking and has certainly set the stage for what should be clear support of the Bill, for the most part. It would be hard to disagree with the impact that smoking has on the lives of individuals and on the health of communities and on the economy of this province.

I have a couple of concerns, however, one of which is that the Bill and the history of the Bill which the member recited isn't a complete history, nor is it a complete Bill. There have been several nonsmokers' health private members' Bills brought forward in this Legislature over the years. I had the privilege actually of introducing one in 1994, and that Bill would have gone considerably further down the road to truly protecting the health of Albertans and dealing with nonsmokers' health. It not only outlawed smoking in public buildings, but it would have accomplished a number of other things as well.

I'm looking at the *Journals* for the Legislature from that debate, and I notice that 36 members of the government voted against that Bill at that time and, in effect, killed the Bill at second reading. Part of the arguments for killing the Bill at that point were that the Bill was too punitive, that you couldn't enforce the provisions, that while there was clear agreement that we should do something about smoking in public places and access of minors to tobacco products and some of those other things, maybe it wasn't the role of the government to be that proscriptive in people's behaviour. I guess I'm curious as to why those arguments were advanced at that point only to see before us today what really is – while it's a worthwhile Bill – still a watered-down version of the Bill.

I'm also curious as to – and perhaps the member will be able to tell us or another government supporter could tell us – what has happened in terms of making sure that it is enforceable and that it's no longer going to lead Alberta into becoming a police state and some of the other more outrageous comments that were made at the time when we debated what was then private member's Bill 215. [interjection] Yeah, that could be it, hon. member.

Now, I certainly agree that public places should be smoke free

and that people who do choose to smoke should do so in such a way that doesn't infringe on the rights and the health of others. I was paying attention to the hon. member when she made comment in particular about government departments and the sort of ad hockery that's gone on with some government departments having smoking policies and that they differ across the government. I think that that's something that has to be addressed, and I encourage her to pursue that. Perhaps we will if this Bill or a version of it actually passes third reading and gains Royal Assent.

But in my listening I didn't hear the member explain why the regulations section of her proposed Bill would exclude the Legislative Assembly. This, Mr. Speaker, is of all public places perhaps the most public place or at least symbolic of public places in the province of Alberta. I note that in the regulations it clearly says that an order made under this Bill may be "inapplicable to . . . the Legislative Assembly Office or the Legislative Assembly." What we're faced with here is a situation where a government worker who the member would have protected from secondhand smoke in a government building across the road would not be protected from secondhand smoke in this place or where a minister's staff person who finds that they have to work in this building would not have the same health rights protected as a government worker who works in the same minister's department but in a public building perhaps across town or even outside of Edmonton, in another place in this province.

It seems to me that this is very unfair. It's discriminatory. It also shows to me, Mr. Speaker, that there's sort of only a halfhearted belief in all of the things, the very important things that the hon. member talked about. If we really believe that secondhand smoke is bad and that banning smoking from public places is good, then it seems to me it should be all public places. It seems to me that secondhand smoke is bad everywhere, and it seems to me that all government workers deserve the same protection.

Mr. Speaker, I find that I'm torn. I'm caught here, because as a previous sponsor of a nonsmokers' health Bill of course I am in favour of this. I guess I'm in favour of the first page and the second page and the third page and the fourth page and then almost all of the fifth page until I get to that section where it talks about the Lieutenant Governor in Council and the orders that may be made.

A number of things could be said at this point, Mr. Speaker. One of the things that could be said at this point is that this, again, is just screaming out for the Standing Committee on Law and Regulations to actually have a life, to actually have a purpose, to get the Standing Committee on Law and Regulations to actually be called and deal with this. I don't think that these regulations as contemplated in this Bill would withstand public scrutiny. I think that if the Standing Committee on Law and Regulations – and I'm not sure which government supporter actually has the dubious distinction of being the chair of that committee – was actually called to order to deal with these regulations and have some public debate on the regulations, I'm sure that the Legislative Assembly would be well informed about the feelings of Albertans about this issue.

I guess at this point in second reading I will vote in favour of Bill 205. Even though it's flawed and even though it's a little timid, even though it has this one huge problem, this exclusion or this potential for exclusion, I'll vote in favour of it because I'm committed to public health initiatives such as this. I'll vote in favour of it because I think it's very commendable that the Member for Calgary-Cross would come back into the Assembly and bring forward the Bill. I want to support private members' initiatives, and I'm pleased to support this one. I will vote for the

Bill because I think that it will add to the quality of life for myself and for my children and for my neighbours, and that's why I'll support it at second reading.

But I want to be very, very firm and very, very clear that I'm going to be expecting some amendments to come forward if we get this Bill into committee, amendments that would deal with the regulations or, at the very least, send those regulations out for public scrutiny. If those amendments aren't forthcoming, Mr. Speaker, then I suppose I'm going to have to come down on the other side of that catch-22 that I'm in and stand in this House and try to convince enough members that those amendments are meritorious or work against the passage of this Bill, because I can't accommodate the contradiction that it presents in terms of protecting some people from secondhand smoke but expressly not protecting other people. That's just not fair.

THE DEPUTY SPEAKER: The hon. Minister of Family and Social Services.

DR. OBERG: Thank you very much, Mr. Speaker. It certainly is a pleasure today to rise and speak to this Bill. This Bill has been something that has been worked on by myself for the past three years, and I'm more than happy to give my congratulations to the Member for Calgary-Cross for bringing it forward at this time. Unfortunately, due to the way the Bill has come forward, it was not discussed in the Legislature prior to this.

Mr. Speaker, as you well know, in my past life, which is still very hard for me to say, I was a doctor. I still am a doctor. For a lot of my comments today, if I can, I'd like to take off my hat and speak as a doctor.

First of all, lung cancer is 30 percent higher among smokers than nonsmokers. Mr. Speaker, 95 to 97 to possibly 98 percent of people who get lung cancer are smokers. That is a very huge amount, so you can almost empirically say that smoking causes lung cancer. It is not a question of if you're going to get it; it is a question of when.

Heart disease. One of the first questions we ask anyone who has chest pain who comes in to see me as a physician or comes into emergency is whether or not they are a smoker. If you are a smoker, your chances of getting heart disease go up astronomically. It is a legitimate cause. It is a causative factor of heart disease.

3:50

Strokes. Again, if anyone has ever had a relative that has had a stroke, if anyone has ever had a stroke themselves, they know the disastrous effects that a stroke can cause a person. Mr. Speaker, smoking is a cause of strokes. I'm not saying: well, it might be; it may be; it could be. I am saying that it is a cause. If you smoke, you will get a stroke, you will come down with heart disease, or you will get lung cancer.

Mr. Speaker, people have accepted that. People still go forward and smoke, and some of my colleagues in the Legislature here do in fact smoke. They're adults. They understand the risks, and they have decided to go ahead and smoke. That is their decision; that is their business. It is not my business; it is not my decision. As a nonsmoker I should not have to be around people that smoke, people that are smoking to such a degree, and I think that's extremely important. Please don't get me wrong. I do not say anything when we are in meetings, when we are in session, because again my job here, I feel, is more important than that singular issue.

It has been proven that secondhand smoke gives exactly the

same results as smoking. There is no doubt about that anymore. It was approximately three or four years ago when a study came out that said that secondhand smoke is dangerous: secondhand smoke causes lung cancer; secondhand smoke causes heart disease; secondhand smoke causes strokes. Mr. Speaker, if a person makes a decision to smoke, that is his decision. He knows full well the risks. With medical technology these days everyone who smokes knows the risk that they are a candidate to get one of the diseases I've already mentioned, and that is their decision. It is a fully endorsed decision that they have made to smoke, but again as someone who does not smoke, as someone who had their first and only cigarette in the back of a truck – I was about eight or nine years old and haven't smoked since then – there is no way that I should have to put up with that smoke.

What we are simply saying, what the hon. member is simply saying in this Bill is that if you want to smoke, keep it to yourself. She is not saying that you cannot smoke. What she is saying quite simply is go and smoke in a designated smoking area where people who smoke stay. I do not go into designated smoking areas unless I absolutely have to, Mr. Speaker. I won't go into what I think of them. That is their decision. This is a very good Bill when it comes to that in that it enables people who want to smoke, who have fully looked at the concepts, the problems, the diseases they can get by smoking and have made that decision – they will go and smoke, and that is their decision. We are not a communist government that brings the doctrines down from high. What we have said, quite simply, is don't put it in the face of people that don't smoke.

This Bill does several things. First of all and I think probably the most important thing, one of the most important things – everything was important that the hon. member stated, but it can't be understated – is that the Workers' Compensation Board did award a case, stating that secondhand smoke caused a disease. Mr. Speaker, we are opening up the floodgates of issues when it comes to workers' compensation. Secondhand smoke again, if I can reiterate – I can't say it enough – does cause disease. What this Bill does is it quite simply takes smokers and puts them together, puts them in a designated smoking area.

Another issue, Mr. Speaker, and I will talk specifically about being in this Legislature. When I walk into this Legislature – if I walk into any public building in Edmonton, it is essentially smoke free. I'm sure there are people that smoke and, quite frankly, there always will be, but it is smoke free. Edmonton passed a no-smoking-in-public-places bylaw approximately 10 years ago. There is no one smoking in public in Edmonton who is obeying the law. So consequently when people come here and they see people, leaders of this province, out in the openings, out in the entryway smoking, I think the perception that gives them is absolutely wrong.

When the janitor is smoking while he is pushing a broom, I think that is wrong. If he wants to smoke – again, I have stated that this is not a nonsmoking Bill – if he chooses to smoke, he can go into his office, he can go into whatever is designated the smoking area and smoke. He does not have to have a cigarette hanging out of his mouth and be pushing a broom while in this Legislature.

This is something that is extremely emotional, but it's something that I feel very, very strongly about, and I urge the people in this Legislature to vote for this Bill. Again, as I mentioned, we in this Legislature were voted in to be leaders in this area. We were voted in to represent the people in our constituencies. Mr. Speaker, I would urge everyone to vote for this Bill. I think it

would do an extreme disservice to the people of Alberta if this Bill does not get through and is not passed.

The obvious question is: why could we not do it in regulation? We will hear from both sides today. Quite frankly, Mr. Speaker, it hasn't been done to date. I don't believe that it will be done. I think it's time to take a stand. It's time to make a law. It's time to show that we as elected representatives of the province of Alberta are going forward and taking a stand against smoking. Albeit this is not a perfect Bill; in a perfect Bill and a perfect world there would be no one that smokes. This is a 1997 Bill. This is the kind of Bill that will lead Alberta into the future when it comes to nonsmoking. I only say to the people of the Legislature: vote for this Bill. Their constituents will be happy, and that's the bottom line.

Thank you.

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

MR. DICKSON: Thanks very much, Mr. Speaker. In fact, I'm happy to rise immediately following the Minister of Family and Social Services and really agree with virtually everything he said in his presentation. I also am supporting Bill 205 at second reading. It's always a treat, frankly, to be able to stand in this Legislature and wholeheartedly support an initiative that comes forward from a government member.

Lots of reasons why I think this is an important Bill. I note just parenthetically that when I became an MLA in July of 1992, my predecessor, the late Sheldon Chumir, had always found this to be an enormously important issue and one that he advocated for from the time he first got elected in 1986. Mr. Speaker, you will appreciate that when you come in and take over a constituency office – in this case my predecessor had volumes of material. I remember moving at least four big boxes of literature and information and material on the harmful effects of secondhand smoke. I know that Sheldon Chumir would be delighted to see this Bill come back in. It really has been in front of the Legislative Assembly of Alberta in one form or another many times. Maybe this will be the time that it goes over the top and gets sufficient support so that it will be passed.

I wanted to make a couple of comments. I know that on October 26, 1994, when Bill 215 came up for debate, the Bill sponsored by my colleague the former Health critic for the Official Opposition, 36 Members of the Legislative Assembly voted against that Bill. I hope that in the intervening time members have had an opportunity to reconsider the serious consequential damage from secondhand smoke and reconsider their position, at least those members returning.

Reality can't be denied. Estimates are that 10,000 Alberta children will take up smoking each year. One in five Canadians has a health condition which is attributable to breathing secondhand smoke. We just have too many people in Alberta who have such a substantial risk of breathing secondhand smoke that in fact they have to avoid frequenting some public areas. Surely we wouldn't want that said, that the Legislative Assembly and those government places which are covered under Bill 205 would be places that Albertans would have any reason to avoid.

4:00

Mr. Speaker, this is an issue that has engaged people for a very long time. I note that James I, the King of England in 1604, had made the observation, and I quote: a custom loathsome to the eye, hateful to the nose, harmful to the brain, dangerous to the lungs,

and in the black, stinking fume thereof nearest resembling the horrible, Stygian smoke of the pit that is bottomless. There was no equivocation on the part of the monarch in 1604. You know, just 61 years later you had Molière say, and I quote: Aristotle and the philosophers notwithstanding, there's nothing to equal tobacco; it's an honest man's habit, and anyone who can live without it doesn't deserve to live at all.

So in the 1600s we had strong opinion on both sides and I expect you still find strong opinions, but as the previous speaker, the Minister of Family and Social Services, has reminded us, this isn't a Bill where we have to decide whether we like smoking or not. The question is: do we acknowledge the demonstrable prejudice that flows from secondhand smoke, and are we prepared to show some leadership in this Legislature? As I said before, hopefully this will be the Bill that receives the kind of support that I think the serious issue warrants.

Now, just with respect to the Bill itself – and we'll have a chance at the committee stage – I've already advised the sponsor of the Bill, whom I salute for giving this chance in 1997 to vote on it, that I have a couple of problems. I just want to flag them for members now.

Parliamentary Counsel always has a huge role in drafting Bills, and nobody is more alive to the sanctity of the Legislature and the fact that ordinary kinds of laws don't apply here. Nobody's more sensitive to that than the Speaker and the Clerk of the Legislative Assembly and Parliamentary Counsel, but they may have got a bit carried away with Bill 205, if that's the source.

I understand why in section 7(4) an inspector can't enter the Legislature Building without permission of the Speaker. That's part of the convention of respecting the independence of the Legislature. But I look at section 10(3) and (4), and these are the provisions that allow in one case the Member Services' Committee and in the other case the Select Standing Committee on Legislative Offices to exempt from the scope of the regulations some of those offices. I'm left thinking: isn't what we're doing here akin – it's a public safety issue. If in the city of Edmonton you have some fire prevention regulation in terms of where fire hydrants and where fire extinguishers and smoke alarms and smoke detectors have to be, it would be pretty silly, I think, to sit here in the Legislative Assembly and say: oh, we don't feel we're bound by those kinds of things.

Of course, it's a public safety issue. We want our staff and members of the Assembly to be as safe in this place as they are anywhere else in the province. It seems to me that when we talk about the kind of regulation that's contemplated by Bill 205, it's in exactly the same category as fire protection regulation. So my question would be: why would we even allow a power by regulation to exempt or except any of the legislative offices or any of the premises under the control of the Speaker of the Legislative Assembly from the scope of the Act? As the Minister of Family and Social Services had said, this is where the leadership has to start.

That sentiment is dramatically undermined when we then sort of allow ourselves an escape hatch to say: oh, it's fine to say this is going to apply to all of those other public offices throughout the province, but here we're not so sure whether it should apply in the Legislative Assembly. My intention would be to move an amendment to section 10 to effectively delete (3) and (4) unless some wording could come up that would respect the sovereignty of the Legislature but without compromising the public safety of those of us who work in this place and others in other places. I think that's something that has to be addressed.

The other thing I recognize in the Bill and I appreciate is the protection in section 9, whether we call this whistle-blower protection or however it might be characterized. It probably isn't whistle-blower, strictly speaking, but it does give some protection to employees, government employees. If they see an Act isn't being respected, they can raise that concern in a fashion without being subject to some sort of job discipline, some kind of disciplinary action. I think that's an important element of the Bill.

So those are the concerns, that section 10(3) and (4) have to be either deleted or significantly revised.

The only other thing I'd just say is that I take one slight difference with the Minister of Family and Social Services. My understanding is that in fact the Workers' Compensation Board of Alberta has accepted two claims on the basis of consequential injury from secondhand smoke. So I think finally we're getting an official institutional reaction that secondhand smoke is dangerous, that no Albertan should have to be subjected to it, particularly in coming into a public place or working in a public place.

So for all those reasons and notwithstanding Molière's comment in 1665, I'm happy to support this Bill but hope to see some modification at the committee stage.

Thanks very much, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Lacombe-Stettler, followed by Edmonton-Riverview.

MRS. GORDON: Thank you, Mr. Speaker. I'm glad to be able to rise today to speak to Bill 205. Unlike my colleagues I will not be speaking in favour of the Protection from Second-hand Smoke in Public Buildings Act. I have some very serious concerns with the content and application of this Bill.

My colleagues have outlined some of the serious consequences of prolonged exposure to secondhand smoke. This indeed suggests very serious health risks and should be of concern to each of us, whether we smoke or not. I cannot, however, agree with how Bill 205 addresses this issue in the workplace. This Bill has not adequately addressed the issue and as a result contains sections which I do not believe will be either effective or enforceable if passed. I believe what is needed is policy, not legislation.

Most of you know that I am a smoker and have been for many years. It is not on these grounds that I disagree with Bill 205. I trust I will be able to make this clear to you.

Smokers are a minority in Alberta, with only 28 percent of Albertans smoking in 1994-95, a number which I'm sure has gone down since then. It seems that Albertans are becoming better informed about the benefits of a healthy lifestyle and the health risks associated with smoking. This is good news for all of us.

Governments and business deal with difficult issues on a daily basis, regularly balancing the changing requirements of employees and management. One of these issues is workplace smoking. While some employees find it annoying, others may wish to smoke. Smokers overall are well aware of how they are viewed by the nonsmoking population. Most smokers know that nonsmokers prefer not to be around them while they are smoking. As such, out of respect and courtesy most smokers today will refrain from smoking in their presence. I acknowledge that, for smokers, smoking itself is a risk factor for certain diseases, and of course some people find secondhand smoke unappealing and unpleasant. Therefore, I support reasonable smoking policies, not legislation that takes into account the preferences of both groups.

Accommodation works. Common sense should prevail. Accommodation means smokers showing courtesy to those around

them in public places, at work, and even in the home. It means nonsmokers demonstrating some tolerance when someone wants to light up. It means hotels and restaurant owners ensuring sufficient ventilation and, when necessary, providing separate sections for smokers and nonsmokers.

4:10

No one policy will fit every company or establishment. Each situation is different. The place is different, and the people are different. I believe that government should avoid the temptation to regulate down to the finest detail. They should allow people and businesses the freedom to develop solutions and policies suited to their own particular needs. Act as a facilitator, not as a regulator.

Please note, members of the Assembly, that this Act applies as well to those leasing or contracting space in a building owned or operated by the Crown. As well, we sublet space to third-level user groups. Why would we and how can we enforce our rules on other people's businesses? Why do we not let them develop their own policy, one that would meet their own individual needs and circumstances?

Most government departments have implemented smoking policies. They range from completely smoke-free policies to those which allow smoking in designated areas only. Compliance is largely voluntary, and I applaud that. I believe that to create fines for violators is not the most effective way to implement a change in behaviour. I honestly believe that simply asking a smoker to smoke elsewhere and installing no-smoking signs in the vast majority of cases is all that is required, particularly in this building. To use other means of enforcement is unfair. We are dealing with vigilant smokers.

We must also keep in mind that it is our goal to create a healthy working atmosphere for all provincial government employees. I would argue that this does not end at removing the exposure of employees to the hazards of secondhand smoke. This also includes the social relations between employees. Unnecessary conflict between the two groups can lead to unnecessary discord, low morale, and reduced productivity. Everyone must deal with the social relations in their professional lives. To create a situation where one employee will be fined when they violate the smoking policy is unacceptable. It will create a perceived position between employees. One will be superior to the other. To be able to call a smoking inspector when a colleague has violated this policy is a privilege I do not believe is necessary. Common sense is a far more effective method of resolving this issue. It is far easier to resolve issues on a personal level using common sense than through more structured means.

If we don't want smoking in various parts of this building or other buildings, then let's post a sign and say there will be no smoking, whether that be in the atrium or in the lobby, in rooms 512, 410, or the Confederation Room.

I acknowledge that exposure to secondhand smoke is a health concern. I understand that part of the objective of Bill 205, and it is to reduce the exposure of all government employees to the hazards associated with exposure to secondhand smoke. But to restrict the rights of a smoker I believe is irresponsible and far beyond our jurisdiction. I stand committed to fostering a society in which adult Albertans will continue to have the freedom to make personal choices and business owners will continue to have the freedom to serve the needs of their customers unfettered by unnecessary government regulation, taxation, or discrimination.

I do not believe Bill 205 approaches the issue of smoking in the

workplace in the most effective way. To reduce smoking in the workplace should be viewed in terms of prevention. Prevention is far more important and will result in longer term gains. The number of smokers is decreasing. If we can increase the rate at which this is occurring through appropriate preventive programs, then we are indeed successful and have accomplished a lot.

It is very difficult to determine from this Bill how expensive it will be for the Department of Public Works, Supply and Services to add the proper ventilation systems and proceed with the necessary construction if indeed this Bill were implemented. However, I am sure it will certainly be very expensive. This money would be far better spent on prevention programs for young adults who have recently taken up the habit and who we should give assistance to to try to ensure that they quit.

We cannot continue to deal with only the results of the problem and not the cause. We must view this as a long-term process and resist the temptation to apply band-aid solutions to a far deeper problem. As employers we should consider offering programs to assist employees who smoke to stop. In my opinion, this would be a far better approach to the problem. For an employer to offer support for employees who make the commitment to stop smoking focuses on the heart of the issue. This would be a more effective use of the funds and will reduce the number of smokers among our provincial government employees. By extension, this will also reduce the exposure of all employees to secondhand smoke.

We must go to the source of the problem to find a truly meaningful solution. With this in mind, one cannot expect, if this assistance were offered, that all smokers would be able to or want to quit smoking. While it is advantageous to employers to offer support to quitters, it is important to acknowledge that no miracle program exists. There is a danger in promoting programs which promise unrealistic success rates. Further, it is essential that support services are not compulsory. No smoker will ever quit unless he or she really wants to.

I believe we have the ability to approach this problem in a very effective way. In 1995-96 Alberta received \$315 million in revenue from cigarettes bought in this province. We have the resources to promote a widespread prevention program. Our resources should be focused there. Surely with the 7 cents we receive from the sale of every single cigarette sold in Alberta, prevention could become the focus of legislation and programs.

We already provide some services to some extent through AADAC and their vast network of agencies and organizations. AADAC recognizes that, although legal, the use of tobacco products results in substantial social and health costs. It is a highly addictive substance – highly, highly addictive – and should be treated as such. AADAC supports groups and initiatives which attempt to reduce the reliance clients have on tobacco products. Their responsibilities include assisting to develop educational resources, research, and developing and implementing prevention programs.

Government policy should be presented as a model for the private sector and other organizations to adopt. This is the case with many government initiatives, and it is a very important responsibility that we must not take lightly. I do not think the smoking policy as outlined in Bill 205 will prove to be the most beneficial model that Albertans will look to.

As I have indicated, Bill 205 does not address the source of the problem. It does not adequately address the ventilation and the rooms that would be made available to smokers. We can serve Albertans far better if we attempt as a government to prevent young Albertans from choosing to smoke.

I am not able to support the Protection from Second-hand

Smoke in Public Buildings Act as it is only a temporary measure which I believe distracts us and focuses our resources and attention away from the real issue of smoking. I urge each one of you to consider your support of this Bill very carefully and consider whether or not we could in fact enforce what is in the Bill. I am not able to support the principle of the Bill because of the foregoing reasons.

Thank you, Mr. Speaker.

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

MRS. SLOAN: Thank you, Mr. Speaker. I would like to speak philosophically in support of the Bill and in support of any actions by government to take preventative measures to reduce health risks of Albertans. I would like to raise, though, two areas of concern, the first one with respect to the lack of funding to implement the directives of this Bill and the second one specifically in relation to section 9 of the Act.

I am aware that to some degree this Act will apply to employees within the health care sector, the education sector, the social services sector, and municipalities. I do not see in the provisions of the Act as currently drafted any fiscal support by government to these departments to implement to some degree the extensive renovations that will be required. Perhaps it can be debated and rationalized that these expenses have to occur to move our system to a system that undertakes to prevent the health implications of secondhand smoke, but I think the reality is that the sectors that I raised – Family and Social Services, health care, and education – have been subjected to significant fiscal reductions and pressures over the course of the last four years. Now it would appear to me that they are going to be asked, within the confines of their operating budgets, to undertake renovations – and I would propose they will be significant, particularly in the health care facilities in this province – to vent secondhand smoke out of the buildings.

4:20

I wondered to what degree, at what expense, or where that money will come from. Will it be taken from the sparse funding resources that these facilities have to purchase updated equipment? Will it come from schools' funds that are now utilized to buy school supplies or additional instructional aids for teachers that the general grant will not provide? In Family and Social Services, will it come by way of moneys as the moneys did for the purchase of computers in the supplemental estimates this year, actually out of a reduction in a program or through a reduction in benefit support?

While I philosophically support the Bill, I ask: if we are so committed, does that commitment transcend into funding? I believe it doesn't, because I did not see in any of those sectors' supplemental estimates or budgets any allocations to support renovations for this Bill. So I draw the conclusion that this will require regional health authorities and school boards somehow coming up with the money to do this, and I think that compromises the core services they're supposed to be trying to provide.

I'd be happy to speak with the hon. member that has proposed the Bill and further explore what will be done by government to provide funding so that this Bill – its elements are very good from a preventative perspective – should not be lost. But if we're so committed to it, we should fund it, Mr. Speaker.

My second area of concern is in relationship to section 9. I look at that and I say: well, what other government Act in this province goes to the length of protecting employees from dis-

missal, discipline, penalty, intimidation, or coercion at the hands of an employer? I have to say that I have had a difficult time finding other Acts that take such measures to protect employees. In fact, I am aware that increasingly the statistics show that in this province there is increasing violence against women and there is increased violence in the workplace. This government does not protect employees in any way, shape, or form with government Acts or clauses . . .

Speaker's Ruling Clarification

THE DEPUTY SPEAKER: Order. The Chair was going to intervene at the end of the hon. Member for Edmonton-Riverview's speech and debate on this Bill. There needs to be a reminder to all hon. members. First of all, private members' public Bills cannot contain budget and cannot expend money. That's an Executive Council prerogative in our parliamentary system.

Secondly, a number of people have referred to this as government legislation. This is not government legislation. This is a private member's public Bill.

The third thing that the Chair would take the occasion – this doesn't count against your time, hon. member. There have been a number of members who seem to presume that the Assembly is somehow a government building. It is not a government building. It is not even a public building. The public is admitted here on an acceptance by the Speaker or by the officers. The only people that are entitled to come into this building are the appointed officers and the members, and that's a parliamentary tradition going back hundreds of years. Many people have lost their lives over that issue. So for us to presume that it is no different than any other government building is unfortunate. Among parliamentarians it is not so. It is a building unlike any other building in this province.

With that admonition about the budget and the government legislation – I wasn't referring to you about the Assembly part – hon. member, I look forward to the rest of your debate on this Bill.

MRS. SLOAN: I thank the hon. Speaker for those reminders.

Debate Continued

MRS. SLOAN: I was speaking about the degree to which this private Bill goes to protect employees. My question was: why previously have we not seen the hon. member advocate for those types of mechanisms to protect employees from employer actions, whether it be dismissal, whether it be discipline, whether it be imposing a penalty, intimidating, or cursing them? It happens every day. Why would we choose a Bill on secondhand smoke to incorporate whistle-blowing protection? I'm not saying I'm opposed to it. I think it's good. I think it would be good to have it in every government Act, but I guess it doesn't lend itself to a consistency with respect to what I perceive to be the opinions of the hon. members on that side of the House. It is certainly setting a precedent, and if it's something that can be further incorporated in all Acts governing other government departments, I would applaud that. It is, though, I think significant in the fact that it's an exception, looking at previous Acts.

I do feel compelled to raise references made previously about smoking and to some degree the discrimination, the lack of understanding, I guess, with respect to the relationship between smoking and a person's socioeconomic status. In fact, there is a significant linkage between children raised in poverty and the

incidence with which they smoke, use alcohol, are victims of neglect and abuse, and incur sexually transmitted diseases and teenage pregnancy. There have been comments made to the degree: well, if people smoke, that's their choice. In fact, there are many factors, societal and environmental, that put people, particularly young people, in situations where I guess it's as normal for them to smoke as it is to eat. I think we have to be careful of that.

I think some of the comments made this afternoon have broached on the suggestion that if people smoke, it's their choice; it's their responsibility. That can be taken to an extreme. I've heard that taken to an extreme before, where it's suggested that those people should be subjected to having to pay for their own health care bills. I'm just wanting us to be cautious. The hon. member that spoke prior to me indicated her opposition to this Bill and also publicly stated and labeled herself as a smoker. I think we have to be prepared and armed for the divisiveness, the segregation that these types of Bills can impose.

So while I am philosophically in support of the Bill, philosophically in support of the government taking preventative measures, I raise those three categories of concerns for the hon. members' consideration.

Thank you.

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

4:30

MR. JACQUES: Thank you, Mr. Speaker. I regret that I haven't heard all of the debate this afternoon. I did have the opportunity to listen to most of the points that were raised by the Member for Lacombe-Stettler and certainly the Member for Edmonton-Riverview.

First of all, I do want to declare outright – you know, I'm going to come out of the closet, so to speak – that I am a smoker. I know that I am one of those dinosaurs, literally and figuratively, but I do want to rise and support this Bill. I regret that my hon. colleague from Lacombe-Stettler felt that she could not support the Bill, and I also recognize that she is a smoker.

If I follow the rationale that's been going on in the debate here to some extent, there seems to be the issue of what is the right action to take in terms of a person who is smoking versus that of a person who doesn't smoke and also the issue in terms of solutions, if you like, or preventative measures from even having people that smoke and to prevent them from smoking.

When I look at this particular Bill, 205 – and I've looked at it and duly considered it – what I recognize here is a step, a reasonable step in my opinion, that would provide some measure of protection for those who do not smoke with regard to secondhand smoke that arises from those who do smoke. The issue is not whether you should or should not smoke. I don't think the issue is relative to the health care cause. I think we all recognize that we do things to ourselves every day, whether it's smoking or otherwise, that increase risk. I accept that, and I think that's a different argument, if you like, for a different day.

I think the primary focus here is to say: what would reasonable people do under reasonable circumstances? I certainly would agree with my colleague from Lacombe-Stettler that, yes, in the perfect world everything would be laid out in terms of everybody and you would have these options of choosing programs, employer-assisted programs. But that responsibility is incumbent upon each of us, Mr. Speaker, regardless of this Bill. As a smoker or a nonsmoker we make choices in terms of those actions

that we choose to take, and we have a certain amount of accountability. But when that accountability is also to other people – I think as a smoker, as a longtime smoker, I understand, and it took a long time to understand because I came from a generation where it was very popular to smoke. The movie stars, my father, my mother, my friends: all of those things all contributed to an environment that said: hey, this is okay; you should do that. A lot of people have rectified that, and I compliment them on those choices they've been able to make. I don't know how many times I've quit, and I have never been successful in the long term.

The question of this Bill, however, is really to say that if I choose to smoke, I should not put my colleague from Fort McMurray in a position that he in some way should be inflicted by secondhand smoke. He should have the option of participation where he knows that he has that protection. At the same time, I think the Bill does recognize, rightly or wrongly, that I'm probably going to smoke. Maybe it's not best that I go out in minus 40 degree weather and huddle in a courtyard somewhere in the winter, but maybe I could be provided with a little hut somewhere that has some ventilation in it that's adequate and would enable me to sin, if you like, to sin legally and without offending those that aren't smokers.

I think this Bill, the way it's been drafted by the hon. member, is really targeting that particular area. I think there could be a lot of debate on whether or not the Bill should be completely – in other words, no smoking, period, totally, end of story. I mean, that's one position that could be taken, and I assume that as this debate progresses, that could very well be one of the rationales that come forward. But I think most members who are looking at this Bill, at least I would hope most members who are looking at this Bill, are on the basis of saying: is this a reasonable thing to do for both the, quote, protection of the nonsmokers from secondhand smoke and everything that's associated with that and at the same time for those who do choose to smoke, they can do so in a confined, regulated, and contained type of environment.

Assuming that this Bill got to the committee stage, Mr. Speaker, I can see there's a lot of, if you like, the nitty-gritty things that would probably come up in the debate in terms of sorting out. But in speaking to the principle of the Bill – and that's really what we're doing at second reading – this principle is saying: should our colleagues who do not smoke, who are the vast majority, have some ability to be able to function in government buildings, and should people in government buildings have the ability to have some form of safeguard in terms of the hazards that are associated with secondhand smoke? Whether we're a smoker or not, I think that if we look at it on a very pragmatic basis, we have to say yes to that question. I don't think there is any answer other than, yes, we have to take some form of action. Again we can debate what that form of action specifically should be, but let us all recognize that we do have a responsibility to our colleagues in the Assembly, and equally, if not more importantly, we have responsibilities to those who are occupying government buildings throughout this province. Whether they are employees within that building or whether they are visitors to that building, they can expect and should expect a certain amount of safeguard with regard to their health.

I think this is a reasonable Bill, Mr. Speaker. I like the principle of the Bill. I support it, and I would urge all Members of this Legislative Assembly to support it.

Thank you.

MR. MacDONALD: Mr. Speaker, I have a few words this afternoon on Bill 205, a private member's Bill. I rise today to speak in favour of this Bill. I am a member of the public who

smoked. It was a very, very difficult thing to do, to quit smoking. I understand quite well what the hon. Member for Grande Prairie-Wapiti goes through when he tries to quit. I also in my private life, in my private business have seen firsthand employees who have been fired because they stood up and spoke out on smoke in the workplace. If this private member's Bill could prevent something like this that I speak of from happening in the future, then this is reason enough to vote for this Bill.

Smoking is a problem we have in our culture. We talk about the high costs of health care. Well, if we could eliminate or reduce smoking by discouraging people or giving them places to smoke, I think the benefits that we would have in reduced health care costs would be worth it. Lung cancer is one of the leading causes of cancer deaths among Canadian women. Statistics Canada reports that while lung cancer rates among men have more or less leveled off, cases among women continue to climb. We discussed this earlier. I believe it's between 75 and 90 percent of lung cancer cases that result directly from smoking. Roughly 500 million people alive today in the world will die of tobacco-related causes. It's interesting to note that as we get more and more educational programs and we have more antismoking literature, our rates of smoking in the population are going down. In Third World countries they are going up. You can look at the advertising budgets of some of the tobacco companies and it also is reflected in those budgets: the fact that our rates of smokers are going down; the Third World rates are going up.

Over 10,000 children will take up smoking each year in Alberta. This is quite amazing. We had junior high students in this Assembly this afternoon watching us, and you can look up and you can wonder: how many of them are smoking? How many of them will continue to smoke past adolescence and in the future, once again, be a liability to our health care system? We all know that the smokers are more apt to be users of our health care system.

4:40

I do have, however, a few reservations about this Bill, and one of course is getting back to section 9. The whistle-blower's Act: we could use whistle-blower's legislation similar to this whistle-blower's legislation in environmental policy. We should protect whistle-blowers who report suspected illegal environmental activities by their employers, as protection of the environment depends increasingly on the reporting of offences by the public.

[Mrs. Gordon in the Chair]

Also, referring to my first point, where people have been fired from their job because they have stood up and spoken out on smoke-related incidents in the workplace, if the employment standards branch had some teeth, had some muscle, perhaps these people would still have their jobs and the hon. Member for Calgary-Cross would not have to introduce this private member's Bill.

Madam Speaker, with those words I would like to conclude, but I will say that I will vote for this legislation. Thank you.

THE ACTING SPEAKER: The hon. Member for Fort McMurray.

MR. BOUTILIER: Thank you, Madam Speaker. After listening to both sides of this argument on the private member's Bill this afternoon, I rise to say that I will be supporting Bill 205, the Protection from Second-hand Smoke in Public Buildings Act.

I want to share with you an experience I had yesterday when I had the opportunity to speak to the young Albertans who were here. There were about 80 of them, and we were in room 512 here in this building. The comment came up where as the Forum for Young Albertans they were discussing the issue of smoking in designated smoking areas. They were somewhat surprised to learn that in that room someone could light up a cigarette and blow smoke their way. So I asked them what they thought pertaining to having designated smoking areas. The message that came back from them – a young student said: well, I think they should all be outside smoking in minus 40 degree weather. But then there was another young student who stood up and said: no, there has to be some type of reasonable compromise; there should be designated smoking areas to first send a message as we walk down that path of working towards areas where it will be smoke free, perhaps, in the years to come. I thought it was quite revealing that this young person recognized that, no, you cannot all of a sudden make an entire area nonsmoking, but a reasonable step would be to go forward in a way such as this Bill intends to do, in having designated smoking and nonsmoking areas. I think that is the merit of this Bill. It is a reasonable compromise.

In my city of Fort McMurray I can say that a bylaw was established, that the intention of the community there is to work towards having a smoke-free environment by the turn of the millennium. I think it's important to recognize that this is not like what is intended in Toronto. I think that's a noble goal which all goals are very noble in trying to achieve. It shouldn't come easy, but I think certainly in the years to come that will be the case. One of the students yesterday indicated they believe that in 10 years' time if you want to be smoking, you'll be in some type of glass booth smoking, because the majority of people in this world will not be supporting it.

I think this private member's Bill is supportive and respectful of those who do smoke. I think it's a reasonable compromise, and I'm very proud to support it simply because it reflects the minds of the young Albertans I spoke to yesterday. So for all of us in this Assembly, I ask you to be reminded that young Albertans unanimously felt that it would be appropriate to have a designated smoking area in this very important building.

With that, Madam Speaker, I thank you. I will look forward to supporting Bill 205.

THE ACTING SPEAKER: The hon. Member for Drayton Valley-Calmor.

MR. THURBER: Well, thank you, Madam Speaker. In the interests of freedom of expression within this House I have a little different view on this Bill, and I will be voting against it. But let me say that I don't disagree with the view put forth that people shouldn't smoke. I do agree with that. Some of us have more won't power than we do willpower, so we do happen to smoke.

I think the end result of all of the Bills that have been brought forward and all of the discussion that's taken place on smoking and secondhand smoke and the rest of it is to try and make people quit smoking. If you want to do that in legislation, then you should do it properly. You should make it illegal to grow tobacco. You should make it illegal to make cigarettes. You should make it illegal to sell cigarettes to anybody, and then you've solved the problem. But an intrusion like this into people's rights – and people that do smoke have some rights as well as the other people that don't smoke. I agree that you shouldn't be blowing smoke in somebody's face. When we go through a process like this, it says in this Act that employers "may" establish a smoking room. It doesn't say they "shall."

What about the people that do smoke and are addicted? People have different addictions. Some are addicted to garlic. Some are addicted to food. Some are addicted to booze. Some are addicted to gambling. We go through a lot of these things, and as governments we try and be humanitarian and we try and help these people.

If you follow the logical end of this Bill, where you then have smoke police, somebody said here once that there was no cost to it. I don't think anybody that's going to be an inspector for cigarette smoke is going to do it for free. There is going to be a cost to it. Make no doubt about that; there'll be a cost to it. I don't know if it will come out of the agriculture minister's budget or out of the Justice minister's budget, but there will be a cost to doing this.

We have to look at some of the elderly in the facilities we have in this province that house the elderly, such as lodges and long-term care facilities, where in some cases they're not allowed to smoke. For some of these folks that's the only thing they have left in life. I know of one particular facility where not only will they not allow them to smoke in the building but not within 75 feet of the building. It's 40 below zero, and somebody is wheeling some poor, elderly person who's 85 or 90 years old out and across the street to sit in a blizzard to take part in the only pleasure that this person has left in life. If he happens to light up a cigarette within that lodge or long-term care facility, here come the smoke police, and they fine the poor old guy. Or somebody squeals on him, so then you've got to go through the whistleblower protection because the guy doesn't want somebody to do this.

I think that if this Bill were done in its proper way and if you were going to look at people's rights and not have such an intrusion into one side of the equation, it would say that they must provide smoking facilities within any public building for those who choose to smoke.

I'll give you an example. Some years ago I went to visit a lady that was in a hospital, and she happened to smoke. There was a smoking room on that floor. You went into that smoking room and it was the most unhealthy place on this Earth because there was no ventilation, and everybody was in there. There were two very comfortable lounges on that same floor with nobody in them. The nonsmokers were in the smoking room because that's where they went to visit. That's where all the people were that were visiting. So it really didn't do a lot of good in that case.

I guess, folks, if you look at the cost of this – I don't know what it would cost. You can go a block and a half from this building to another government building. You can drive by there any time of the day and you'll find at least half a dozen people standing on the sidewalk smoking, so I'm assuming that they have no smoking within that building. Now, if I walk by there on a calm day and inhale some of this secondhand smoke that's floating around that sidewalk, should I under this Act then phone the smoke police and get them to come? Then where do these people go? Do they go to the other side of the street? Do they have to go home? They're not producing anything when they're standing out there on the sidewalk. Productivity goes down.

If you have people that do smoke and you want to make a rule that you can't smoke, can't have the job if you do smoke, well, that's a different thing. But let's not deal with it this way, because we're just infringing on people with more intrusions on them. We can go on and we can make laws that'll keep people as healthy as can be, all people, but it's an intrusion into their private rights in my view.

Madam Speaker, I would vote against this Bill, and I hope everybody agrees that it is an intrusion into privacy.

4:50

THE ACTING SPEAKER: The hon. Member for Calgary-Montrose.

MR. PHAM: Thank you, Madam Speaker. I feel compelled that I have to speak up after listening to that good speech from the Member for Drayton Valley-Calmar. The essence of his debate is that this Bill is an intrusion of someone else's rights. You know, when he builds a whole argument surrounding that premise, then I would like to ask: what happened to the rights of the nonsmokers? Because every time you light up a cigarette and you give the secondhand smoke to the nonsmokers, they have no choice but to sit back and enjoy the secondhand smoke whether he or she wants to or not. I think that is an intrusion of people's rights as much as restricting the rights of the smoker.

However, if you read the Bill carefully, this Bill is not about restricting the rights of smokers. It just tries to give the smoker an environment where they can smoke without the intrusion into someone else's life, without forcing someone else to share the habit that they have. I hope the hon. Member for Drayton Valley-Calmar realizes that, because I remember that on June 15, 1993, when I was elected and came to the first caucus meeting, I was so surprised, because before that I worked for the city of Calgary, where they had a smoke-free environment. After I left the first caucus meeting, I felt like I just came out of a smoke-house: you know, my suits, my ties, my shirts. I went home, and I couldn't figure out how people could stand that. Then, I remember, about two meetings later on the now Minister of Family and Social Services brought a motion to caucus. He wanted to pass a motion to forbid smoking in caucus meetings. At that time the now Speaker was the Deputy Premier. He has such powerful debate skills, and he and the hon. Member for Drayton Valley-Calmar convinced everybody in caucus that it was okay to smoke in the caucus meeting room. I have been suffering this problem ever since, for the past four years.

I think many people in my caucus have the same problem, and today is our chance to speak up once and for all and say that enough is enough, you know. You have been given the warning four years ago. Now it is time to take action on it and stop talking about intrusion on people's rights, because whenever we do anything, we always have rights and we always have to respect someone else's rights as well. In anything we do in life, whether listening to music or riding down the street, we always have to give consideration to the other people who are sharing this environment with us. I urge all the members to take that into consideration and vote for this Bill.

Also, he briefly mentioned the costs to implement this Bill. I think that if we focus on the costs, it will cost a lot more if we do not take action like this, because secondhand smoke has been proven as the leading cause of lung cancer and other sicknesses in people. The cost of health care is rising every day, and I cannot say any more on that problem. While I feel very sympathetic to the smokers, especially the senior people who have been smoking for many, many, many years, like the hon. member who spoke before me, I think my sympathy can only go so far. I just cannot agree with him on that kind of reasoning, and I have to vote for this Bill.

Thank you, Madam Speaker.

THE ACTING SPEAKER: The hon. Member for Olds-Didsbury-Three Hills.

MR. MARZ: Thank you, Madam Speaker. It's a pleasure for me

to rise today to speak on Bill 205. I, too, would like to commend my colleague from Calgary-Cross for bringing forward this Bill.

Madam Speaker, I believe in increasing the ability of Albertans to lead healthy and independent lives. This requires providing consumers with information from which they can make decisions based on facts, and the fact is that not only is smoke hazardous to our health, but secondhand smoke is worse. This has been proven in study after study, as has been outlined by my colleagues earlier today.

The government of Alberta has stated its vision for health very clearly: healthy Albertans in a healthy Alberta. This reflects the interrelationship of health, prosperity, the environment, and the fact that government has made it a priority to encourage Albertans to protect, maintain, and enhance their health.

This Bill would allow the government to lead by example and in turn reduce the health hazards caused by secondhand smoke. Perhaps, Madam Speaker, stating that this Bill would allow the government to lead by example is taking undue credit, because local health boards, boards of education, municipalities, and private businesses have already beaten us to the punch in developing their own policies and bylaws on this issue. Bill 205 would merely allow government to catch up with what is already happening in society today.

I must point out that I am in no way suggesting that we forbid those who want to smoke from doing so. My concern is that of forcing those of us who do not smoke to work in or visit an environment where we are involuntarily subjected to secondhand smoke. It would seem to me that each of us is given the choice of whether or not to smoke, yet nonsmokers are not given the choice about their working environment. Choosing to smoke in a private residence is one thing. It is only those who choose to be within that vicinity which are affected. But in a public building where there are people who have not made the choice to be in a smoke-filled environment, it is not fair to subject them to secondhand smoke.

[The Deputy Speaker in the Chair]

It is my feeling that this Bill, 205, is a compromise. By providing smokers with designated areas in which to smoke, their freedom to smoke is not being infringed upon, and at the same time, nonsmokers are able to work in or visit a smoke-free environment that does not create a situation hazardous to health.

These conditions stated in the content of the Bill are new to Alberta. There is currently no existing legislation in Alberta dealing with the restriction of smoking in public buildings. The government as an employer has allowed individual departments to address the issue of smoking in the workplace by developing their own policies, but Mr. Speaker, these policies are not applied consistently and rely heavily on voluntary compliance.

Legislation of the type that is proposed in Bill 205 does exist in Canada. The Non-smokers' Health Act, passed in 1988 by the federal government, restricts smoking in all federal government workplaces and allows smoking in designated areas. In addition, the Treasury Board developed a policy prohibiting smoking in all public service workplaces under federal jurisdiction. Manitoba and Ontario have also enacted legislation regarding this matter. While their legislation is a slight variation of the Bill we are debating today, the intentions are the same.

Bill 205 ensures the best possible environment for both smokers and nonsmokers. There's absolutely no intention of prohibiting smokers from smoking. What the Bill does is to ask for cooperation from both sides in order to reach a workable agreement. Bill 205 reduces the involuntary exposure to secondhand smoke of

all government employees and members of the public who visit public buildings.

Mr. Speaker, I recognize that smoking is a personal choice, and I'm not here to say that you should or should not smoke. I'm not in the business of passing judgment on individual decisions. I, too, was once a smoker. I'm only interested in making sure that there is an evenhanded approach to the circumstances.

We have to realize that many of the offices are not properly ventilated, and in some cases where the work spaces are rather confined, nonsmokers are not given a choice about the air they're breathing. As has been pointed out clearly, health conditions such as asthma, emphysema, and even diseases such as lung cancer and heart disease are often the results of secondhand smoke exposure. As the exposure of individuals to secondhand smoke is reduced, fewer people would involuntarily be subjected to secondhand smoke. Fewer occurrences of these afflictions would result. This would in fact reduce the burden on the health care system in treating these conditions.

As with most worthwhile programs, there would be a cost in the administration and enforcement of this law, but we must remember that there are also costs associated with the treatment of afflictions caused by exposure to secondhand tobacco smoke. Bill 205 could be a very important part of reducing the burden on the health care system.

5:00

In looking at Alberta Health's annual report for 1995-96, there has been a continuing increase in the numbers of those who do not smoke. The number of those who do not smoke has gone from 67 percent in 1985 to 72 percent in '94-95. This is encouraging news and would indicate that consumers are taking responsibility for their health and are making informed decisions. As encouraging as this is, the decline in the number of smokers in Alberta has occurred largely due to the fact that a very visible smoking prevention campaign has been launched by interest groups. We must continue to develop and enforce smoking policies to make Albertans aware of this issue and maintain this positive momentum.

In closing, Mr. Speaker, I would like to offer my support to Bill 205. I encourage my colleagues to consider that if we are truly serious about promoting a wellness-based health care system in this province, they, too, will support this Bill.

Thank you.

THE DEPUTY SPEAKER: Before calling the question, it's customary to let the proposer of the Bill make a summation.

Calgary-Cross.

MRS. FRITZ: Thank you, Mr. Speaker. I appreciate the comments that came forward today in regards to Bill 205, and I'm looking forward to addressing the concerns in Committee of the Whole. I would like to say that I truly believe this Bill does demonstrate our government's concerns, as was stated here earlier by many of our colleagues, for the health and well-being of our employees, for the public, and especially for children that are affected by secondhand smoke in our public buildings. I would urge the Assembly to support the Bill.

Thank you.

THE DEPUTY SPEAKER: All those in favour of second reading of Bill 205, Protection from Second-hand Smoke in Public Buildings Act as proposed by the hon. Member for Calgary-Cross, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Call in the members. There are four members standing.

[Several members rose calling for a division. The division bell was rung at 5:03 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the Chair]

For the motion:

Amery	Hlady	O'Neill
Boutilier	Jacques	Pannu
Calahasen	Johnson	Paszowski
Cao	Klapstein	Paul
Day	Kryczka	Pham
Dickson	Laing	Renner
Doerksen	Leibovici	Sapers
Ducharme	Lougheed	Severtson
Dunford	MacDonald	Shariff
Evans	Marz	Sloan
Forsyth	Massey	Soetaert
Fritz	McClellan	Stevens
Havelock	Melchin	Strang
Herard	Oberg	Yankowsky

Against the motion:

Broda	Friedel	Langevin
Cardinal	Gordon	McFarland
Clegg	Haley	Stelmach
Coutts	Hancock	Thurber
Fischer		

Totals:	For - 42	Against - 13
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[Motion carried; Bill 205 read a second time]

THE DEPUTY SPEAKER: The hon. Government House Leader.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. In light of the hour I move that we call it 5:30 and reconvene in Committee of Supply at 8 p.m.

THE DEPUTY SPEAKER: The hon. Government House Leader has moved that the Assembly do now adjourn until 8 this evening and that when we reconvene at that hour, we'll be in Committee of Supply. All those in favour of this motion, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. Carried.

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