

Legislative Assembly of Alberta

Title: **Monday, March 14, 2005**

1:30 p.m.

Date: 05/03/14

[The Speaker in the chair]

head:

Prayers

The Speaker: Good afternoon, and welcome. At the conclusion of the prayer would you please remain standing for the singing of our national anthem.

Let us pray. We confidently ask for strength and encouragement in our service to others. We ask for wisdom to guide us in making good laws and good decisions for the present and the future of Alberta. Amen.

Hon. members, we'll be led today with the singing of our national anthem by Mr. Paul Lorieau. Would you please participate in the language of your choice?

Hon. Members:

O Canada, our home and native land!
True patriot love in all thy sons command.
With glowing hearts we see thee rise,
The True North strong and free!
From far and wide, O Canada,
We stand on guard for thee.
God keep our land glorious and free!
O Canada, we stand on guard for thee.
O Canada, we stand on guard for thee.

The Speaker: Please be seated.

Vignettes from Alberta's History

The Speaker: Before calling on the Premier for Introduction Of Guests, let me just provide to members a little information with respect to our history. On March 14, 1979, a general election was held in Alberta; that's 26 years ago today. Of the 79 MLAs elected, 74 were PC, four were Alberta Social Credit, and one was NDP. Included in that election were the fathers of the current members for Spruce Grove-Sturgeon-St. Albert and Calgary-Foothills. Their fathers then represented the constituencies of Barrhead and Calgary-Bow respectively.

The hon. Premier.

head:

Introduction of Guests

Mr. Klein: Thank you, Mr. Speaker. It's my honour to introduce to you and through you to all members of the Legislature four visitors. Every year Grant MacEwan College hosts a Mad Hatters Ball. This is a very successful dinner and silent auction fundraiser. My guests today were the successful bidders on a lunch with the Premier.

An Hon. Member: Was there any orange juice?

Mr. Klein: There was a little orange juice and sandwiches, very expensive sandwiches.

It was my great pleasure to host Mr. Pat Buffalo, Mr. Trevor Swampy, Mr. John Szumlas, and Ms Diane Strashok, all members of Peace Hills Insurance's board of directors. I'd like to thank them for both their company and their generous support of the college, and I'd ask that two of them, Diane and Trevor, stand and receive the warm welcome of the Legislature.

The Speaker: The hon. Deputy Speaker.

Mr. Marz: Thank you, Mr. Speaker. Today it's a pleasure for me to introduce eight individuals visiting from Ontario. They're participating in the Ontario Legislature internship program, and they'll be attending meetings in the Legislature with government and opposition members both today and tomorrow. It's a pleasure to introduce Nicola Hepburn, Audrey Lemieux, Adam McDonald, Kaila Mintz, Ben Rossiter, Rebecca Sciarra, and Beki Scott. They are seated in the members' gallery, and I would ask that everyone give them the warm welcome of the Assembly.

The Speaker: The hon. Minister of Economic Development.

Mr. Dunford: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the members of the Assembly a number of people that are here to watch the introduction of Bill 21, the tourism levy act. We have with us Mac Makenny, who is the chair of the Strategic Tourism Marketing Council. Mac has been our chair now for about a year. With him is Bob Scott, the Assistant Deputy Minister of Economic Development. And either here or on their way are Ken Fiske of Edmonton Tourism and David Kaiser of the Alberta Hotel & Lodging Association. I'd like the Assembly to give them a warm, traditional welcome.

Thank you very much.

The Speaker: The hon. Member for West Yellowhead.

Mr. Strang: Thank you very much, Mr. Speaker. It's with great pleasure today that I introduce to you and through you Mr. Herb Robinson and Mrs. Angie Lemire, who are teachers from the Jasper junior/senior high school. Along with them they have 30 bright young individuals. Some of them have been here when they were in grade 6, but now they've graduated to grade 10. They're all from the municipality of Jasper and wonderful by nature. That's what it is. So I'd ask them to all rise now and receive the traditional warm welcome of this House.

Thank you.

The Speaker: The hon. Member for Strathcona.

Mr. Loughheed: Thank you, Mr. Speaker. I am pleased to introduce today to you and through you to members of the Assembly 21 students from St. Luke school in South Cooking Lake. They're accompanied by their teacher, Mrs. Mhairi Miskew, and parents Mrs. Lesley Serediak and Mrs. Brenda Olsen. I'd ask them to please rise in both the members' and the public galleries and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to the members of this Assembly 23 very experienced teenagers. They are, in fact, a group of seniors from the community of Beaumont, which is in my constituency. They're 23 seniors along with their leader, Mrs. Raymonde Boyachuk, and their bus driver, Mr. Ouellette. I'd also like to mention that they include the mother of the Member for Dunvegan-Central Peace. It is my pleasure to ask this group to rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Minister of Sustainable Resource Development.

Mr. Coutts: Thank you very much, Mr. Speaker. It is indeed my

pleasure today to introduce to you and through you to members of the Assembly two folks that work very hard for Catholic education in this province. Marilyn Welsch is from Pincher Creek, and joining her today is Stef Michniewski. Stef is the executive director of that particular organization. They are seated in the members' gallery, and I would ask them to please rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Leader of the Official Opposition.

Dr. Taft: Thank you, Mr. Speaker. It's my honour to introduce to you and through you to all members of the Assembly three guests who I think will give me cause to expect a particularly spirited and inspired debate today in the Legislature. They are three seminarians from St. Joseph Seminary in Edmonton. They're in the public gallery. I'll ask them to rise as I read their names. Lee Leslie, seminarian for the archdiocese of Edmonton, formerly worked at the Legislature on maintenance staff. He's a first-year theologian. Marc Cramer is a seminarian for the archdiocese of Edmonton. He's a third-year theologian and may be ordained as a deacon this year. Our third guest is Aaron Roth, who once worked in our caucus staff and is a seminarian for the archdiocese of Edmonton and a first-year theologian. They're touring the Legislature today and observing us and perhaps even praying for us in question period. I'd like everybody to give them a warm welcome.

Thank you.

1:40

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

Mr. Flaherty: Thank you, Mr. Speaker. I would like to introduce to you and through you to members of the Assembly the Keenooshayo grade 6 class and their teacher, Mrs. Hubbard, and parent helpers Mrs. Deb Caney, Mr. Jason Biggs, and Ms Michelle Riches. Would they please stand and receive the warm welcome of the Assembly?

The Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: Thank you, Mr. Speaker. I rise to introduce to you and through you to all members of the Assembly Dr. Donna Chovanec. Dr. Chovanec is my constituent, a former student, and presently an assistant professor in the department of educational policy studies at the University of Alberta. Her focus of research for the past several years has been related to women's challenges and strengths. Her most recent research has been in two distinct areas: women's movements in Chili and women's dependence on substance use. Dr. Chovanec is sitting in the public gallery, and I would now ask her to please rise and receive the warm welcome of the Assembly.

Mr. Dunford: Mr. Speaker, also in the gallery today and here to observe the introduction of Bill 21 is Don Boynton. Don is the director of communications for Travel Alberta, and I'll ask Don to rise as we provide him with a warm welcome from the Assembly.

Thank you very much.

head: **Oral Question Period**

The Speaker: First Official Opposition main question. The hon. Leader of the Official Opposition.

Budget Process

Dr. Taft: Thank you, Mr. Speaker. Being on time, on task, and on

budget is a basic responsibility this government has lost. Regional health authorities, municipalities, school boards, and government departments have complained that they cannot plan and manage properly when their budgets are not finalized until the fiscal year is already months under way. Every single Albertan is affected by budget delays, from AISH recipients to students and farmers to taxpayers, who expect better from their government. My question is to the Premier. Why is this government is such disarray that it can't deliver a budget on time?

Mr. Klein: Mr. Speaker, we're not in disarray, and I'll have the hon. Minister of Finance speak to the budget.

Mrs. McClellan: Mr. Speaker, we will be introducing a budget roughly in the same time frame as we do in most sessions. The hon. member would know that the session began two weeks later than we maybe normally would. But I think the important thing and what I hear from school boards and health authorities and all of the affected municipalities is that they want the budget in as quickly as we can but that more important than the day the budget comes in is the content of the budget.

The Speaker: The hon. member.

Dr. Taft: Thank you, Mr. Speaker. Again to the Premier: what steps is the Premier taking to improve budget discipline so that this year the budget will actually be followed?

Mr. Klein: Mr. Speaker, the point is well taken, and the hon. Minister of Finance is taking her time with the budget to make sure that there are no in-year adjustments.

Dr. Taft: My last question is to the Minister of Restructuring and Government Efficiency. Given the widespread breakdown of the budget process, what recommendations will this minister be making to improve the government's efficiency in budgeting?

The Speaker: The hon. minister.

Mr. Ouellette: Thank you, Mr. Speaker. I believe that our Treasurer is doing a very good job with budget, and I don't think I have to look at that at this point in time.

Thank you.

Chartered Air Travel

Mr. Chase: Mr. Speaker, last summer Premier Klein refused to do his health care . . .

The Speaker: Please, please, please. That's a no-no. Go ahead.

Mr. Chase: Thank you. Last summer the Premier refused to do his health care homework by meeting with the other Premiers at the Niagara-on-the-Lake conference. Then in September of 2004 the Premier, having spent less than one day at the three-day Ottawa health conference, headed over to the casino in Hull, Quebec. This rambling, gambling, private-chartered jet junket flight cost the Alberta taxpayer almost \$42,000. To the Premier: how can the Premier justify such extravagance to Martha and Henry?

Mr. Klein: Mr. Speaker, many officials attended that conference and stood in for me, not at the casino but stood in for me at the

conference. So when we charter aircraft, we weigh the costs of flying commercial against the costs of chartering.

Mr. Chase: Again to the Premier: given that the health care summit date was set months in advance, why didn't the Premier either fly commercially or on one of the government's four private planes?

Mr. Klein: Mr. Speaker, again, we weigh the costs of flying commercially, not on government aircraft because I can tell you that I've taken government aircraft to Toronto and Ottawa. It's two stops on the way back, about 11 hours and about seven hours down. So it's a matter of expediency.

Mr. Chase: Finally, to the Minister of Restructuring and Government Efficiency: given that eight of the Premier's chartered flights of fancy cost Albertans in total a quarter of a million dollars, isn't it time that this government clipped its wings?

The Speaker: The hon. minister.

Mr. Ouellette: Thank you, Mr. Speaker. I don't think that these people realize how important a job our Premier has, and we have to get him places as fast as we possibly can.

Thank you, Mr. Speaker.

The Speaker: Third Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

Market Surveillance Administrator

Mr. MacDonald: Thank you, Mr. Speaker. In December 2002 the EUB ruled that Engage Energy Canada charged the transmission administrator \$126 million for demand power to balance the electricity system when the value of the deal should have been only \$66 million. The EUB ruling forced Engage Energy to refund \$63 million within 28 days. My first question is to the Minister of Energy. Why did the government appoint in 2003 as market surveillance administrator a former executive of the company that overcharged the transmission administrator \$63 million in the year 2002?

Mr. Melchin: Mr. Speaker, there are a couple of questions in there. First, with respect to the facts I don't have the information in front of me, so I can't really judge as to what the merits of that specific instance were. I'd be happy to look at it if he'd send us the information.

With respect to the individual that was hired on as the head of the market surveillance administration, he comes with a tremendous amount of industry experience, the kind of people you want to look for that can head up these agencies.

Mr. MacDonald: Industry experience but no experience protecting consumers.

Why is the market surveillance administrator now refusing to investigate electricity market manipulation and price gouging that occurred between 1999 and the year 2002?

Mr. Melchin: Mr. Speaker, I want to again say that the individual in particular, the head of the market surveillance administration, does come with a high level of competency, expertise, and the ability to assess these things to ensure that the public is protected. He has acted on this case. They have done their investigations, and they've also forwarded some of that to the Competition Bureau.

Mr. MacDonald: Again, Mr. Speaker, to the same minister: when will this minister remove the market surveillance administrator because of this conflict of interest and replace him with someone who is independent and will represent the interests of overcharged, frustrated consumers?

Mr. Melchin: Mr. Speaker, I suspect that one could probably try and say that anybody with experience might have some conflicts of interest. It's precisely the kind of people that you wish to have. You wish to have someone that understands, has the experience and background in these topics, very technical, and this individual comes very highly qualified.

Thank you.

The Speaker: The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Strathcona.

1:50

Electricity Billing

Mr. Mason: Thank you, Mr. Speaker. The problem of billing errors on power bills lives on. Recently the Capital health authority was overbilled \$125,000, and the error was only spotted because Capital health hired an outside expert to help read its power bills. Because of deregulation the average residential or farm customer faces a dizzying array of new line items and charges on their power bill, making it harder to spot overcharging and billing errors. My question is to the Premier. What does it say about the sorry state of deregulation in Alberta when health authorities, which should be focusing on patient care, are forced to hire outside experts to comb through their power bills to spot errors?

Mr. Klein: Mr. Speaker, I don't know the specifics relative to the case with the Capital regional health authority, but I can tell you that deregulation applies only to the generation side, and problems related to billing have to be sorted out with the retailer and the customer. We have an advocate and a person who will assist not only the Capital regional health authority but any individual with these problems.

Mr. Mason: Assist the power companies.

While hiring outside experts may be a solution for large electricity users such as Capital health, where does it leave Martha and Henry of this province who can't afford to hire professional energy watchdogs to spot errors on their power bills?

Mr. Klein: Mr. Speaker, again, I pointed out that there is help available to individuals, the Marthas and the Henrys of this province, to help them sort through their utility bills. I'll ask the appropriate minister to supplement if he wishes.

Mr. Lund: Mr. Speaker, as the Premier has clearly stated, there is help available to anyone that has a problem with reading their bills. Within Government Services we have the Utilities Consumer Advocate, which has done a remarkable job of sorting out a lot of these problems as it relates between the retailer and the consumer.

Mr. Mason: Mr. Speaker, how can the Premier defend a situation where only big electricity consumers get credits for errors on their power bills while small residential and farm customers are stuck paying higher power bills because of overcharging and billing errors that go undetected and uncorrected?

Mr. Klein: Mr. Speaker, I don't believe that statement to be true, and I'll have the hon. minister respond.

Mr. Lund: Mr. Speaker, where there are errors that have been found, through the advocate's office there have been refunds. There have been errors corrected on occasions. I've got to tell you, though, that because of the activity of the consumer advocate, we are seeing a reduction in the number of errors. In a lot of cases when we find that some people think there is an error, there are some corrections as it relates to the distribution and transmission time frame and the energy consumption time frame. So you get those variances, and they can be sorted out through the advocate.

Shell Chemical Plant Vapour Release

Mr. Lougheed: Mr. Speaker, I understand that this morning there was an incident in the northern part of Strathcona county involving a chemical plant. My question is to the Minister of Environment. Can the minister please provide an update to this Assembly?

The Speaker: The hon. minister.

Mr. Boutilier: Yes, Mr. Speaker. At 9:45 this morning Alberta Environment did receive a report that I have in front of me pertaining to a vapour pressure release from a tank at the Shell chemical plant near Fort Saskatchewan.

The compound is believed to be a mixture of ethyl benzene and styrene, which are used to make plastics and Styrofoam. In fact, it's somewhat like a paint stripper, and it smells like gasoline. I'm really pleased to say that the company has reported that there have been no casualties. We have sent our investigators in, but this is a collaborative effort with Emergency Management Alberta as well as the EUB through Alberta Energy and also with Strathcona county.

I want to say that in terms of acceptable levels essentially 300 parts per million is what is considered an acceptable guideline. What we've discovered at this point is about 80 parts per million.

Mr. Lougheed: Mr. Speaker, my only supplemental is to the Minister of Municipal Affairs. Can the minister please tell us what role Emergency Management Alberta has in this?

The Speaker: The hon. minister.

Mr. Renner: Well, thank you, Mr. Speaker. Obviously the government takes incidents such as this very seriously, and I'm pleased to report that my latest information indicates that this particular incident has been contained.

Nevertheless, it's important that all members know, Mr. Speaker, that each municipality is responsible for maintaining an emergency plan. Those plans are tested on a frequent basis, and the role of Emergency Management Alberta is to co-ordinate with both the private sector and the first responders to ensure that these plans are adequate. As of this point in time my officials within Emergency Management Alberta are on standby and will respond if requested.

The Speaker: The hon. Member for Edmonton-Glenora, followed by the hon. Member for Wetaskiwin-Camrose.

Policing Review

Dr. B. Miller: Thank you, Mr. Speaker. In 2002 this government released the results of the MLA policing review committee, a comprehensive review of the Alberta Police Act, which is 17 years old. Society has obviously changed, and there is a pressing need to change the Police Act. My questions are to the Solicitor General. Given that the government has had over three years to consider these recommendations, can the minister explain why there has been a delay in implementing the core themes identified in the report?

The Speaker: The hon. minister.

Mr. Cenaiko: Thank you very much, Mr. Speaker. There are 34 recommendations within that report. It did take about two years or two and a half years to actually complete the whole review and take it through the government process. There are some tremendous challenges within that review. Some of those challenges we're going to be addressing within this next fiscal year, but as well with regard to the Police Act those legislative changes will be before this Assembly I'm hoping later this month.

Dr. B. Miller: Again to the same minister: will this government commit to amending the Police Act to ensure that the police are governed by a transparent, objective, public oversight?

Mr. Cenaiko: Mr. Speaker, we do have amendments that will be coming before this House with regard to civilian oversight, with regard to establishing and ensuring that public oversight is entrenched in legislation and is part of the process with regard to investigations regarding police conduct and/or the opportunity for a complainant from the public or a police officer to have the ability to appeal their complaint to the LERB, the Law Enforcement Review Board.

Dr. B. Miller: Again to the same minister: given that the current Police Act prohibits the Solicitor General from calling for a public inquiry, will this government listen to Albertans and show true leadership by amending this provision and giving the Solicitor General the authority for full public inquiries?

Mr. Cenaiko: Mr. Speaker, there is legislation in place right now regarding the Fatality Inquiries Act. There is legislation in the Police Act regarding a commission inquiry as well as a law enforcement review inquiry, so there are avenues that are available there. The hon. Member for Edmonton-Glenora will have to wait till legislation comes before the House.

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

Pheasant Hunting

Mr. Johnson: Thank you, Mr. Speaker. My first of two questions is for the Minister of Sustainable Resource Development regarding pheasant hunting in Alberta. Recently a constituent asked about an Alberta government program where pheasants which are raised in hatcheries are released into certain areas of the province each year for hunting. I understand that pheasants are released primarily only in southern Alberta with the exception of one location north of Red Deer. My question for the minister is: why are pheasants not also released in north-central Alberta to provide the same opportunity for hunters there?

Mr. Coutts: Mr. Speaker, it is a good question. Pheasants in this province are a limited resource and most are released in southern Alberta for several reasons. Some of it, of course, is to be cost-effective and to be practical. It is necessary to release pheasants into areas where they will have the greatest chance of survival and have the opportunity to augment the wild populations. Because of varying factors, including weather, agricultural practices, and the actual pheasant habitat itself, pheasants have a better chance of thriving in southern Alberta than they do in the wild.

2:00

It must be kept in mind, Mr. Speaker, that some other species are

being hunted, for example bighorn sheep, in only certain parts of Alberta, and sometimes if people wish to hunt pheasants, they must be aware that opportunities largely make themselves available in southern Alberta, where most of the habitat is.

The Speaker: The hon. member.

Mr. Johnson: Thank you, Mr. Speaker. My other question is to the same minister. Can something be done in future, then, to better support pheasant hunting in central Alberta?

Mr. Coutts: Mr. Speaker, my department works very diligently to make sure that we balance conservation and allocation amongst all its stakeholders, and we take into account various parts of the province where possible. Department staff will continue to examine all the factors in determining whether an area of Alberta, whether it's south or central, is suitable for pheasant release sites, and we will continue to release some pheasants in the Buffalo Lake area. I can reassure the hon. Member for Wetaskiwin-Camrose that we will continue to release pheasants in those particular sites so that he and his constituents and the person that he's representing can go out and hunt pheasants.

The Speaker: The hon. Member for Edmonton-Centre, followed by the hon. Member for Edmonton-Castle Downs.

Wellness Initiatives

Ms Blakeman: Thank you, Mr. Speaker. On January 11 the Premier said: "Talking about the future leads me to the fourth component of the Third Way for health renewal. And that's to get serious about wellness." My questions are to the Minister of Health and Wellness. If wellness is the fourth plank of this government's third way, why is the government putting regional health authorities like Capital health in a position of cutting early intervention treatments like physiotherapy?

Ms Evans: Mr. Speaker, there is not a cut in the physiotherapy budget or service being provided by Capital health. What they have chosen to do is look at the acuity of some of those people who need to receive treatments, particularly for low income and seniors and so on, and they will get those services without interruption as required.

Mr. Speaker, these are again services that are not listed that are provided in Alberta. More physiotherapy services are sponsored in Alberta than in any other province, and the services that are being provided through the dollars that are being allocated, and not cut or reduced dollars, will go to help those that have the greatest need.

The Speaker: The hon. member.

Ms Blakeman: Thank you. To the same minister: if wellness is the fourth plank of this government's third way, why does this government oppose the Alberta Liberal idea of creating a wellness fund?

Ms Evans: Mr. Speaker, there are many ideas that we will consider in the discussion about the third way. On the conference dates of May 3 to 5 we'll have an opportunity to hear from people worldwide with best practices. Currently the wellness fund has been well expended to the extent that we have communities with the Wellpower challenge. Healthy U has been very effective, and there are numerous other budgets, in fact, throughout this government, through other ministries that address wellness in Alberta.

The consolidation of a wellness fund is an idea that could be

looked at, but it would be one of several that we will explore over this next year as we look at innovation and best practices worldwide.

Ms Blakeman: You voted it down last week.

Again to the same minister: if wellness is the fourth plank of this government's third way, why isn't a comprehensive workplace smoking ban already government policy?

Ms Evans: Mr. Speaker, the bill is on the Order Paper today.

The Speaker: The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Edmonton-Manning.

Seniors' Benefit Programs

Mr. Lukaszuk: Thank you, Mr. Speaker. Many of my senior constituents are indicating that they're looking forward to a more enhanced optical and dental plan. Can the Minister of Seniors and Community Supports advise us whether she is looking forward to enhancing optical and dental plans for our seniors?

The Speaker: The hon. minister.

Mrs. Fritz: Thank you, Mr. Speaker. We do recognize the important contribution that seniors make to our province, and we provide programs that enhance the quality of life for our seniors. As you know, an important part of healthy aging is in the area of dental care and optical care, which is why, hon. member, we are introducing in a couple of weeks – I guess it would be after budget – a dental program that's enhanced as well as an optical program. That program is important because it's going to be easy for seniors to access. As well, it will provide maximum assistance to seniors that are lower income, who we know need our help the most, and some assistance to seniors that have a moderate income, and that will be in the area of coverage for basic dental health procedures as well as for prescription eyeglasses. I will announce more details about the program as it becomes finalized in a few weeks.

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you, Mr. Speaker. Seniors are also concerned with the high cost of hearing aids. Is the minister also looking at that particular benefit?

Mrs. Fritz: Well, Mr. Speaker, as you know, recently the responsibility for the Alberta Aids to Daily Living program was transferred from the Ministry of Health and Wellness over to this ministry, and that means that now we have two programs that will assist seniors with hearing aids. First, the Aids to Daily Living program will provide up to \$945 for low-income seniors and up to \$756 for other seniors toward the purchase of a hearing aid. In addition, there is an opportunity for the special-needs assistance program to top up the Alberta Aids to Daily Living program, up to \$1,200 for a first hearing aid and up to \$1,200 for a second hearing aid if it's required. We are working very hard, as I indicated earlier, to ensure that our seniors have the resources that are needed for their care.

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you. My last supplemental: what kind of income and asset testing is the minister considering for these programs?

Mrs. Fritz: Well, Mr. Speaker, as you know and as I mentioned earlier as well, the dental/optical program is income tested. It's focused on those who need our help and need our help the most. The programs will provide some assistance to seniors with moderate incomes.

Mr. Speaker, I think it's really important that you know that our seniors' programs are not asset tested. That's a well-known fact. While some of the programs are focused on seniors with lower incomes, we also provide programs that are for all seniors regardless of income. For example, last year we eliminated health care premiums for all Albertans over the age of 65, and also all our seniors receive premium-free Blue Cross prescription drug coverage.

Thank you, Mr. Speaker.

Minimum Wage

Mr. Backs: Mr. Speaker, at a news conference with the Premier in February the Minister of Human Resources and Employment promised a minimum wage increase within 30 days. He then backed off and announced that the 30-day consultation would only happen after a three-month waiting period, when this Legislature will no longer be sitting. A question to the Minister of Human Resources and Employment: will the minister guarantee that when this curious three-month wait is over, there will be no further delay and that he will quickly increase the minimum wage to his promised \$7 per hour?

The Speaker: The hon. minister.

Mr. Cardinal: Yes, Mr. Speaker. That's a good question because I'd like to clarify the situation. When we did announce the process, we said that within three months a decision will be made after consulting one month with the industry, and that's exactly what will happen. We will definitely announce the program.

Mr. Backs: To the same minister, Mr. Speaker: will the minister guarantee that there will be no two-tier minimum wage with lesser rates for servers in restaurants and bars?

Mr. Cardinal: Mr. Speaker, at this time we are proposing \$7 an hour.

Mr. Backs: Mr. Speaker, to the same minister: given that the government is now in a long consultation process on how to implement an increase, why was there not a plan in place before there was the announcement of this increase?

Mr. Cardinal: Mr. Speaker, yes, we do ongoing monitoring of the wages. Issues like this are always discussed within caucus, within cabinet, and within ministries. We do work closely with our own ministries to ensure that if changes need to be made in any area in government, we can do it. Yes, we have been working on this.

The Speaker: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Calgary-Fort.

2:10

Diploma Exam Grades

Dr. Pannu: Thank you, Mr. Speaker. The Department of Education made serious mistakes with this year's math 30 diploma exams, and as a result some 4,000 students may have had their marks rolled back by 3 per cent. For many grade 12 students considering postsecondary education, a 3 per cent mark reduction will deny them honours standing and thousands of dollars in scholarships and awards. To

cover up and compensate for their own bungling, the department officials are asking teachers to tinker with school-awarded marks. My question is to the Minister of Education. Will the minister guarantee that Alberta Education's bungling will not result in any student being denied a Rutherford scholarship, other student awards, or entry into a postsecondary program?

Mr. Zwozdesky: Mr. Speaker, there was no bungling of any sort. In fact, the issue that I think the hon. member is referring to is called the equating process, which was actually brought to our attention as a necessary step by the Auditor General some five or six years ago. The department responded by bringing forward what we felt was a reasonable and fair way to provide consistent standards over time.

This is extremely important, Mr. Speaker, because what it does is it provides basically in the first year, the only year we do this in, a baseline exam to be arrived at against which future exams can be compared, and that, in fact, is extremely important to universities and colleges and other postsecondary institutes right across all of North America. So we've done our best to address that. It's been done in physics, chemistry, and math this year. It was done in social studies last year. Now we have those baseline exams, and we're in better shape for it.

Dr. Pannu: To the same minister, Mr. Speaker: why is the government asking teachers to tinker with school-awarded marks when it is the Alberta government's policy and practices that need correction?

Mr. Zwozdesky: Well, Mr. Speaker, diploma exams typically count for about 50 per cent of the student's grade, so there is an entire semester of study during which students are expected to perform as well. This particular situation, however, doesn't always result in final scores being adjusted downwards by 1, 2, or 3 per cent. In some cases, in fact, those students' scores went up.

Dr. Pannu: Mr. Speaker, my final question to the minister, although he hasn't answered my second question: will the minister make public how many students lost credit or honours standing due to the Department of Education's botched departmental exams?

Mr. Zwozdesky: Mr. Speaker, I wish the hon. member would not berate the school system or the students or the outstanding teachers who are associated with them. I frankly think that it's quite an insult to pursue this line of questioning.

What I can tell the hon. member is that we had approximately 3,800 students write one form of the exam and the other several thousand write the other form. There was a set of common questions on each, and then there was a set of differing questions. The issue of equating has brought about now a standard which, as the Auditor General brought to our attention, was very necessary, as also was brought to our attention by several of the universities that our students are competing for entrance toward. Now, if there's a statistical figure available in that respect, I'll certainly try to find it for the hon. member.

The bottom line, Mr. Speaker, is that we spend the most money of any province in Canada per capita per student in this province, and our students are number one in the world in many, many respects and certainly number one throughout Canada.

The Speaker: The hon. Member for Calgary-Fort, followed by the hon. Member for Edmonton-Meadowlark.

Contracted Employment Training

Mr. Cao: Well, thank you, Mr. Speaker. There are several not-for-

profit, nongovernment organizations that have been doing great work in providing skilled training for Albertans who need a hand up so that they can participate in Alberta's labour workforce and enjoy a higher quality of life, and one of them is the MCC Employment Development program in Calgary. I have met several of their successful graduates and their happy employers. My question today is to the Minister of Human Resources and Employment. What is the government policy to help those organizations?

The Speaker: The hon. minister.

Mr. Cardinal: Thank you very much, Mr. Speaker. You know, I mentioned last week in this House the challenges we have with a good diversified economy and some of the processes we are using to try and provide the training that's necessary.

First of all, I'd like to commend the organizations like MCC in Calgary and many other organizations who assist us in this transitional process for doing such a fine job. We've spent \$7 million in the last two years in training, and in the next two years we're going to spend another \$7 million, Mr. Speaker. Over a thousand Calgarians will benefit from the whole process. The whole department is around \$280 million in training for the province.

The Speaker: The hon. member.

Mr. Cao: Thank you, Mr. Speaker. My second supplemental question is to the same minister. How is the government assistance delivered to those organizations?

Mr. Cardinal: Mr. Speaker, we do tender out contracts, and they are retendered every two years, so it gives us an opportunity to assess the success and the value of the programs. In 2004-05 13 organizations did get different contracts and continue to operate them in Calgary.

The Speaker: The hon. member.

Mr. Cao: Thank you. My last supplemental question is to the same minister. To be specific, Minister, what is the government assistance to help the effective program of MCC Employment Development in Calgary?

Mr. Cardinal: Mr. Speaker, we had a number of telephone conversations with the people from MCC, and I am planning to meet them in the very near future here in Edmonton. In fact, we are funding two programs with them right now and working very successfully.

The Speaker: The hon. Member for Edmonton-Meadowlark, followed by the hon. Member for Calgary Egmont.

Métis Hunting Rights

Mr. Tougas: Thank you, Mr. Speaker. In response to the Powley decision of the Supreme Court this government negotiated the Métis harvesting agreement, which allowed all Métis to hunt and fish year-round. In response to the same Supreme Court decision the Ontario government negotiated an agreement with the Métis Nation that restricted the number of hunting licences issued and limited hunting to traditional Métis territory. My questions are to the Minister of Sustainable Resource Development. Why didn't your ministry adopt this reasonable and environmentally responsible agreement as a model for the government's Métis hunting accord?

The Speaker: The hon. minister.

Mr. Coutts: Well, thank you very much, Mr. Speaker. Alberta certainly entered into these agreements to fulfill its obligations relating to the said Powley Supreme Court decision. We were at the table with Alberta Aboriginal Affairs and Northern Development regarding the decision, and our reason for being there was based on conservation of the resources. With all of our involvement in the resources across this province our role with all hunting and with all fishing is to make sure that proper conservation happens with the resource, and that's our role in this particular agreement.

Mr. Tougas: To the same minister: given that the Ontario agreement puts a cap on the number of hunters and the Alberta government's agreement does not, are there any plans in place to monitor the unknown number of hunters in Alberta as a result of this agreement?

Mr. Coutts: Mr. Speaker, we knew that as soon as we put conservation on the table as one of main benefits of the decision, we would have to do a lot of monitoring. Certainly, because our job is to manage the resource and monitoring is part of that, we will also be involved in the enforcement if necessary. All parties that agreed to the interim agreement agreed that the Powley decision does not necessarily mean that it's open season for hunting in this province. The Métis associations agreed with that, and they also agreed to respect closures and limits that are imposed for those very things, the conservation reasons that we were involved with.

Mr. Tougas: To the same minister: will the minister commit to including specific and enforceable conservation measures in the final Métis harvesting agreement?

Mr. Coutts: Mr. Speaker, this is ongoing monitoring from within our department. We will make sure that the information that we provide as this goes forward, whether or not it goes into an actual full-time agreement, will be based on a lot of the information from our department, working with Aboriginal Affairs and Northern Development as well as the Métis councils, and comes forward in a constructive way.

The Speaker: The hon. Member for Calgary-Egmont, followed by the hon. Member for Calgary-Mountain View.

2:20

School Board Consultations

Mr. Herard: Thank you. Mr. Speaker, I understand that the Minister of Education recently visited all 62 school boards in this province. To the minister: what was the main purpose of your visits to all 62 school jurisdictions?

Mr. Zwodzdesky: Well, Mr. Speaker, in a nutshell the main purpose was of course to get acquainted with these elected trustees and at the same time to also discuss with them some of their successes and some of their celebrations and at the same time again to do a little bit of surveying on some of the remaining recommendations from the Alberta Commission on Learning report and ultimately to listen to what some of their issues, challenges, and concerns might have been. It was very successful. I'm deeply grateful to all of them for having come out in such large numbers.

The Speaker: The hon. member.

Mr. Herard: Thank you, Mr. Speaker. To the same minister: would

you please summarize the key issues that boards brought to your attention?

Mr. Zwozdesky: Well, Mr. Speaker, I think that one of the key issues was declining enrollments for K to 12 education throughout a large part of the province, with increasing costs everywhere in the province. Certainly, there were some issues that surfaced with regard to sparsity and distance and travel, busing in particular. I think there were some issues that arose with respect to operating and maintenance funding, issues that are primarily in the area of infrastructure but certainly an area where we have concerns. Issues pertaining to funding were prevalent with respect to English as a Second Language – we have a large influx of individuals who need that particular attention – as well as special needs, libraries. There was a real gamut of issues that were brought forward, that's for sure.

Mr. Herard: My final question to the same minister, Mr. Speaker, is: what do you plan to do with respect to dealing with these issues?

Mr. Zwozdesky: Mr. Speaker, one of the biggest challenges that our province faces in the K to 12 system is to take an already excellent and outstanding school system and try and maintain it and, where possible, make it better. So we're doing that as we go through these discussions with the school boards, trustees, and their senior officials. We're doing it also by providing additional monies for the class size reduction initiative, which has been extremely successful. We're doing it with the continuation of Alberta initiative for school improvement funding, for the First Nations/Métis/Inuit funding, with a renewed funding framework, and a lot of other exciting things with respect to the curriculum to ensure that our students get the greatest opportunities possible so they can continue their education to the largest and best extent available.

The Speaker: The hon. Member for Calgary-Mountain View, followed by the hon. Member for Calgary-West.

Reclamation of Oil Well Sites

Dr. Swann: Thank you, Mr. Speaker. The oil and gas sector is now requesting that their liability for old sites end with the issuance of a reclamation certificate. Approximately 90 per cent of these sites are not inspected directly after reclamation, leaving the likelihood that government and therefore the taxpayers will be forced to assume any further responsibility for cleanup. My question to the Minister of Energy: is this government prepared to give the oil companies release of responsibility and to transfer this massive, unfunded liability to present and future Albertans?

The Speaker: The hon. minister.

Mr. Melchin: Thank you, Mr. Speaker. The industry actually operates in a very environmentally responsible manner. I'm going to have the Minister of Environment respond as well.

Mr. Boutilier: Mr. Speaker, we in the Ministry of Environment are examining that exact point that the hon. member raises. First and foremost we want to ensure that we protect the interest of all Albertans relative to liability that is out there. To put it in context, laws were not in place 30 or 40 years ago. Based on very good work by industry, they are of course remediating a lot of the sites that are taking place based on what they view as their corporate responsibility. But at this point in time it remains on the balance sheet and will continue to until we come to a successful resolution in protecting the interest of all Albertans.

Dr. Swann: Again to the Minister of Energy: with approximately 40,000 inactive wells, how can this government assure Albertans that they will not bear the burden of any costs associated with reclamation of these sites?

Mr. Melchin: Mr. Speaker, the industry takes this very responsibly too. No one wants to be left with reclamation such that the environment is not put back into order, and the Energy and Utilities Board and all of the standards are set such that we will see that after the activity has occurred, there can be reclamation of all of the industry activity.

Thanks.

Dr. Swann: To the Minister of Environment: given no increase substantially in inspectors, how can this government assure Albertans that all of these are remediated adequately and Albertans will not be on the hook in the future?

Mr. Boutilier: Number one, I can assure this Assembly and the hon. member that Albertans will not be on the hook. If I could use the example: we don't inherit this land from our ancestors; in actual fact, we borrow it from our children. That context will continue to be a priority of this government relative to reclamation of these sites that the hon. member has mentioned.

Calgary Area Road Construction

Mr. Liepert: Mr. Speaker, on Friday last the province and the Tsuu T'ina Nation signed a framework agreement to at last construct a portion of the southwest ring road in Calgary. My question to the Minister of Transportation and Infrastructure is: what checks and balances are included in this agreement that will ensure all parties meet their time commitment and get this road constructed?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. In 1947 these negotiations were started, and here we are. Close to 60 years later they have finally taken a significant step forward. Included in the framework agreement that was signed on Friday after a great deal of negotiations by myself and my department are timelines that basically say that if there is not something done by a specific date, then an arbitration process will kick in. All this is done with the view of having a draft final agreement by November 1 of 2005.

Mr. Speaker, some people will say: well, what do you mean by draft final agreement? The issue comes down to that unless the federal government agrees to this whole process, it will not go ahead, because ultimately these are federal government lands that the reserve is on. Both the chief and myself feel that the federal government will come onside and that we will hopefully have these negotiations completely done and the road under way and going by September 1 of 2006. I think it's absolutely critical that there were timelines put in this agreement.

Mr. Liepert: As a supplementary, Mr. Speaker, now that the portion of the road across First Nations land is being planned, when will work begin on dividing highway 8, which has become one of the most dangerous stretches of road in the province?

The Speaker: The hon. minister.

Dr. Oberg: Thanks, Mr. Speaker. Typically we look at twinning a road when there's anywhere between 10,000 and 12,000 vehicles per

day. Highway 8 is currently sitting at around 8,000 vehicles per day. I do believe that before it is twinned – and it certainly is in the future to be twinned – there are some improvements that need to be made specifically to highway 8. One of them, in direct reference to the hon. member, is that that intersection of highway 8 and highway 22 will be worked on. There will be work on that to ensure that it is a much safer intersection than it is now.

Just for the Assembly's interest, though, I must say to the hon. member that 43 per cent of the accidents that are on that road at the moment are actually caused by wildlife and animals running across the road.

Mr. Liepert: As a final supplementary: is the minister considering any form of redirection of truck traffic off highway 8 pending the upgrading?

Dr. Oberg: Mr. Speaker, personally, I think that is a very good idea. My department has not looked at that, but we'll certainly take that under advisement. I think the whole idea of having highway 22 in the south and highway 1 to the north will certainly expedite truck traffic. I think we have to ask ourselves the question of whether or not there needs to be a lot of truck traffic on that. The whole goal of our highway 8 strategy is to make the road safer for those people that travel on it, and that's what we will be doing.

The Speaker: The hon. Member for Edmonton-Decore, and the ND opposition has the 18th question, but they have not advised if they choose to use it. If not, we'll recognize, then, the hon. Member for Calgary-Bow. The hon. Member for Edmonton-Decore.

Parks and Protected Areas

Mr. Bonko: Thank you, Mr. Speaker. Only 12 per cent of Alberta's land has been set aside or protected as parks. Eight per cent of the parks and protected areas are national. The remaining 4 per cent remain as provincial parks. My question to the Minister of Community Development: given that Albertans have expressed their desire to preserve Alberta's heritage in the form of new parks and protected areas, will this government halt the future sale of public lands to private developers?

2:30

Mr. Mar: Mr. Speaker, I would want to say that Albertans recognize the value of parks throughout the province of Alberta. They're very proud of them. We have almost 500 parks and protected areas and recreational areas throughout the province. I can tell the hon. member that every Albertan, regardless of where they live in this province, is within 100 kilometres of a park. We do have plans to move forward on improving our parks and restoring them. We know that there are issues related to the infrastructure of some of our parks that requires some fix up. It's our plan to move forward on that.

The Speaker: The hon. member.

Mr. Bonko: Thank you. To the same minister: given that the federal government has begun to invest millions of dollars in repairing decaying infrastructure in Alberta's national parks, will this government commit to following this example and reinvest in our provincial parks?

Mr. Mar: Mr. Speaker, I think that if the hon. member would refer to the Blues of my most recent answer to his first question, he'd find that I said exactly that.

Mr. Bonko: To the same minister: will this government commit to reopening and fully staffing the many conservation offices that have been closed throughout this province?

Mr. Mar: Mr. Speaker, our commitment is to the parks. We recognize that they are an important part of the economic development of rural Alberta. It is part of our rural strategy. We will be moving forward on making sure that we are able to enforce the rules within the parks that we have. So my only comment to the hon. member in answering his question is that he should wait for budget day.

Policing Services

Mr. Eggen: Mr. Speaker, according to Statistics Canada, Alberta has the lowest number of police officers per capita of any province west of Prince Edward Island. Despite the partial restoration of public municipal police grants last year police services in this province continue to be stretched too thin, risking both public safety and the safety of the police themselves. The NDP opposition is calling for an additional 500 front-line police officers to improve policing services throughout the province. My question is to the Solicitor General. Why has the government been dragging its heels on providing the necessary resources to get more police onto the beat, serving our communities large and small?

The Speaker: The hon. minister.

Mr. Cenaiko: Thank you very much, Mr. Speaker. The government isn't dragging its feet. Last year the government added \$50 million to the budget. At this present time we're reviewing the budget. As you are well aware, the budget presentation will be in early April, and we are looking at a number of strategies with regard to providing policing services throughout Alberta.

Mr. Eggen: My second question is to the same minister. Does the government, then, have a plan for getting more police onto the streets in our rural communities, and if so, what is that plan?

The Speaker: The hon. minister.

Mr. Cenaiko: Thank you very much, Mr. Speaker. Yes, we do. We are working on strategies right now, as was released in a news release this morning. We're working with the Alberta chiefs of police tomorrow – and the Minister of Gaming will be in attendance as well and officials from the department of corrections – to look at strategies with regard to the deployment of resources, with regard to sharing information and sharing resources, integrated opportunities in the future, and looking at deployment models throughout the province. So, yes, these are some of the things we're looking at.

Mr. Eggen: To the same minister: what actions will the government take to ensure that municipalities with populations above 5,000 residents are provided with additional provincial government dollars to allow them to hire more officers, thereby improving policing in their communities?

The Speaker: The hon. minister.

Mr. Cenaiko: Thank you very much, Mr. Speaker. The hon. member will have to wait until the budget is released. He'll notice that then.

The Speaker: Hon. members, the hon. Minister of Education would like to supplement an answer now. Our rule is that we allow that to happen. The hon. member who raised the question during the question period can raise an additional question.

The hon. minister.

Diploma Exam Grades (continued)

Mr. Zwozdesky: Thank you, Mr. Speaker. I just wanted to add to the question and the answer that I gave to the hon. Member for Edmonton-Strathcona that those students, those parents who feel that they have a case that they wish appealed may do so regarding the equating process. I think that's important to note, Mr. Speaker and all hon. members, because the Special Cases Committee, which must receive such an appeal in writing, will be meeting on March 17. So if there is interest in this particular area, they're welcome to call: 422-4848 I believe is the number in Edmonton; toll free, 310-0000.

The Speaker: The hon. Member for Edmonton-Strathcona.

Dr. Pannu: That's fine, Mr. Speaker. Thank you, and I thank the minister for the information.

The Speaker: Thank you very much, hon. members. Today, what a good pace again. Eighteen members participated, and I very much appreciate that. My apologies to only one member. Unfortunately, we couldn't get you in. We'll try better tomorrow.

Before we proceed to the next item, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

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

The Speaker: The hon. Member for Cypress-Medicine Hat.

Mr. Mitzel: Thank you, Mr. Speaker. It's my honour and pleasure to introduce to you and through you to the hon. members of this Assembly – with us today in the members' gallery is the previous MLA for Cypress-Medicine Hat, Dr. Lorne Taylor. Though retired from this government, it's obvious that his heart is still with this government. I would ask Dr. Lorne Taylor to rise and receive the warm and traditional welcome of this Assembly.

The Speaker: Dr. Taylor should note that he's always welcome to sit in the Speaker's gallery should he return. Actually, I always enjoyed keeping him under my thumb, but it was never successful.

In thirty seconds from now we'll move to Recognitions, but in the meantime let's all recognize happy, happy 5-0 for the hon. Member for Bonnyville-Cold Lake.

head: **Recognitions**

The Speaker: The hon. Member for Edmonton-Castle Downs.

Team Ferbey

Mr. Lukaszuk: Thank you, Mr. Speaker. I'm very pleased to rise today and recognize Team Alberta for their exciting win at the Brier yesterday. With their 5-4 victory over Nova Scotia, skip Randy Ferbey, third Dave Nedohin, Scott Pfeifer, and lead Marcel, otherwise known as Shot Rocque, became the first team with the same lineup to win four Briers.

The back-and-forth match came down to the final shot as Nedohin made an open draw to the four-foot to score the final, winning point. Earlier today the Premier sent a personal letter of congratulations to the Forbey foursome. That letter will be tabled in the Legislature today at the appropriate time.

An Hon. Member: It's Ferbey.

Mr. Lukaszuk: It's the Polish way of pronouncing Ferbey.

Mr. Speaker, this Brier win is all the more exceptional because it happened in front of a hometown crowd right here in Edmonton. Let's congratulate them on behalf of all Albertans.

Thank you.

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

Great Kids Awards

Mr. Danyluk: Thank you very much, Mr. Speaker. I'm proud to rise today and recognize Alberta's Great Kids. I had the honour of attending the sixth annual Great Kids award ceremony yesterday afternoon. Premier and Mrs. Klein and the hon. Minister of Children's Services presented awards to 19 outstanding Alberta children and youth for making a difference at home and in their communities. Mr. Speaker, I was so impressed by the broad spectrum of talented recipients that were represented, each one an inspiration to everyone around them.

These Great Kids were selected from among 181 nominations. As the chair of the Youth Secretariat I was privileged to sit on the selection committee this year, and I can tell you that the quality of applications was beyond imagination. We are blessed to have so many excellent young people contributing in so many important ways in our province.

This year's awards make a total of 100 Great Kids honoured across Alberta just in time for Alberta's centennial year. As the Premier said yesterday: it's a great time to imagine what amazing things all of these kids will do in the next 100 years.

Thank you very much, Mr. Speaker.

The Speaker: The hon. Member for Bonnyville-Cold Lake.

2:40 **Alaina Smith**

Mr. Ducharme: Thank you, Mr. Speaker. It is with great pleasure that I rise to recognize an outstanding Albertan from Bonnyville. Alaina Smith is one of the recipients of this year's Great Kids awards.

Beginning in her grade 10 year, Alaina worked diligently to host a conference for young women in the Northern Lights school division. This conference, which brought in speakers from across the country, encouraged young women to pursue nontraditional careers, engage in positive risk taking, build support networks, and take an active role in their schools and communities. Alaina spent over 300 volunteer hours in making her vision a reality. The conference was an outstanding success.

Mr. Speaker, I believe one of her teachers, Heather Bartling, explained why Alaina is so deserving of this award when she said, "Alaina Smith is the type of kid that exemplifies what this award is all about by truly being a great kid." I could not agree more.

Congratulations, Alaina.

National RCMP Memorial Service

Dr. B. Miller: Mr. Speaker, I would like to recognize the historical

importance of the national memorial service at the Butterdome, which we all attended last Thursday, March 10. It was an historic occasion. The tragic deaths of four young RCMP constables elicited an unprecedented outpouring of grief and sympathy by the people of Alberta and the people of Canada. The attendance of so many thousands of police officers and emergency services personnel was evidence of a tremendous loyalty and solidarity with their fellow officers.

We commend all of the organizers of this memorial service. We commend the city of Edmonton for its handling of all the logistics of such a large event. We commend the Premier for his remarks, his sensitivity, and understanding. We applaud the families for sharing with us their memories and hopes.

Above all, we commend the RCMP. Repeating the words of Commissioner Zaccardelli, we say to all of the men and women of the RCMP, "Our community, our country grieves with you and commits that we will never forget."

The Speaker: The hon. Member for Peace River.

Alyse Geiger

Mr. Oberle: Thank you, Mr. Speaker. Every year Children's Services honours outstanding children and youth who make positive contributions to their families, schools, and communities. Today on behalf of my colleague the MLA for Edmonton-Whitemud I wish to recognize Alyse Geiger, a recipient of the Great Kids award. She's a 13-year-old student attending Vernon Barford junior high school, which is located in his constituency.

As a student Alyse has exemplified amazing citizenship skills and is an outstanding youth role model and mentor in building her community and at school. Her qualities in leadership, her passion, her selflessness, and her strong spirit of service are an inspiration to her schoolmates, friends, and community. As well, Alyse is an outstanding youth ambassador for Parkinson's disease.

In the two years Alyse has been involved with the annual Superwalk for Parkinson's, an annual national event, she has raised thousands of dollars for support services and research and has helped to increase awareness of the challenges of living with this disease. She is fully aware of the devastating effects of Parkinson's disease as her grandfather has had this disease over the past 20 years.

In her first year of fundraising she raised a remarkable \$1,400. In the second year she raised \$8,741. Out of the 74 national Superwalk for Parkinson's events held across Canada Alyse was recognized as the top under-18 fundraising student in Canada. I'm pleased to report that Alyse's fundraising for 2005 is well under way.

This young lady is a true example of someone who takes great pride in giving back to her community. She's a credit to her parents, her family, her school, and her community. It's an honour to recognize Alyse Geiger, a truly Great Kid truly deserving of this award.

Thank you, Mr. Speaker.

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

Tim Hortons Brier

Mr. Agnihotri: Thank you, Mr. Speaker. I also would like to congratulate all the people involved in putting together the Tim Hortons Brier in Edmonton. A special recognition must go to the hundreds and hundreds of volunteers who made this event successful. This is a testament to Edmonton's as well as the province's love of curling. People came from all across the country to watch this

week's set of draws, and the city of Edmonton put on a real showcase of hospitality for everyone.

I also would like to congratulate Alberta's rink, skipped by Randy Ferbey – I think this time it's right – who has accomplished an amazing feat, winning four Briers in the past five years. This is truly an Alberta dynasty. Congratulations to the Brier champions and to all of those who made this event successful and memorable.

Thank you.

The Speaker: The hon. Member for Leduc-Beaumont-Devon.

U of A Pandas Hockey Team

Mr. Rogers: Thank you, Mr. Speaker. I'm very pleased to rise today to recognize the University of Alberta women's hockey team. Following their fourth straight Canada West women's hockey conference title, the seventh in team history, the Pandas captured the silver medal at the Canadian interscholastic women's hockey championship in Montreal yesterday.

Mr. Speaker, their loss in the gold medal game was their first after an astonishing 110 straight victories. They are to be congratulated for their dedication, commitment, and athletic achievement. They are an exceptional group of highly skilled individuals, who serve as role models for young aspiring players, and we look forward to more exciting games in the future.

On behalf of the Minister of Community Development and all members of this House we extend our congratulations to coach Howie Draper and the entire Pandas hockey team for continuing a rich tradition of athletic excellence at the University of Alberta.

Speaker's Ruling

Recognitions

Referring to a Member by Name

The Speaker: Hon. members, before we move to the next order, just a couple of comments because of the notes that I've just recently received. First of all, recognitions are one minute. The chair did not intervene today out of respect for the quality of the presentations, at least the subject of the presentations. There will be occasions where members will go beyond one minute, and members will really totally dislike what one hon. member is saying. So the reason for intervention and the reason for one minute is to basically give you total freedom for whatever you want to say but only within one minute. But, please, there's a risk associated with this.

Hon. Member for Calgary-Varsity and hon. Member for Lac La Biche-St. Paul, the chair interjected during the question period when the hon. member stood up and used the name of a member of this Assembly, and that was correct for the chair to do that. The hon. Member for Lac La Biche-St. Paul used the name of the wife. Our rules do not prohibit that. So that should avoid those kinds of messages coming forth with respect to that kind of a question as well.

head:

Introduction of Bills

The Speaker: The hon. Member for Grande Prairie-Smoky.

Bill 19

Securities Amendment Act, 2005

Mr. Knight: Thank you, Mr. Speaker. I request leave to introduce Bill 19, the Securities Amendment Act, 2005.

This legislation follows an historic co-operative effort among Canada's provinces and territories to harmonize security regulations

in the country. Mr. Speaker, as well, this legislation will help fulfill a commitment we made when the government of Alberta signed a memorandum of understanding with our provincial and territorial partners on September 30, 2004, to implement a passport system for securities regulation.

Thank you.

[Motion carried; Bill 19 read a first time]

The Speaker: The hon. Deputy Government House Leader.

Mr. Stevens: Yes, sir. I move that we move this bill onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Member for Calgary-Lougheed.

Bill 21
Hotel Room Tax (Tourism Levy)
Amendment Act, 2005

Mr. Rodney: Thank you, Mr. Speaker, and good afternoon. I request leave to introduce Bill 21, the Hotel Room Tax (Tourism Levy) Amendment Act, 2005.

This bill is part of the government's plan to use the proceeds from the hotel tax tourism levy to determine the level of funding provided for tourism marketing and development in Alberta. Significant components include changing the name of the hotel room tax to a tourism levy and reducing the tax rate from 5 per cent to 4 per cent.

Thank you, Mr. Speaker.

[Motion carried; Bill 21 read a first time]

The Speaker: The hon. Deputy Government House Leader.

Mr. Stevens: Thanks, Mr. Speaker. I move that we move Bill 21 onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Member for Drayton Valley-Calmar.

2:50 **Bill 22**
Animal Protection Amendment Act, 2005

Rev. Abbott: Thank you, Mr. Speaker. I rise today to request leave to introduce Bill 22, the Animal Protection Amendment Act, 2005, for first reading.

This bill will update and strengthen the legislation to apply to anyone causing distress to an animal, help prevent animals from becoming distressed, and provide protection for those who report an animal in distress. The bill also outlines the duties of a person responsible for an animal and protects those that follow reasonable and generally accepted practices of care.

[Motion carried; Bill 22 read a first time]

The Speaker: The hon. Deputy Government House Leader.

Mr. Stevens: Thank you, Mr. Speaker. I move that Bill 22 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

The Speaker: The hon. Minister of Justice and Attorney General.

Bill 23
Administrative Procedures Amendment Act, 2005

Mr. Stevens: Thank you, Mr. Speaker. It's my pleasure this afternoon to request leave to introduce Bill 23, the Administrative Procedures Amendment Act, 2005.

This new legislation will clarify the jurisdiction of all boards and tribunals relating to questions of constitutional law and will greatly reduce court challenges on this basis. The act provides that no board has the jurisdiction to determine questions of constitutional law unless jurisdiction is conferred by regulation. The act also provides a mechanism for boards to refer questions of constitutional law to the court where the court is a better forum to decide the question. The act is expected to streamline the regulatory process and help boards get on with business.

[Motion carried; Bill 23 read a first time]

The Speaker: The hon. Minister of Justice and Attorney General.

Bill 24
Fatality Inquiries Amendment Act, 2005

Mr. Stevens: Thanks, Mr. Speaker. I request leave to introduce Bill 24, the Fatality Inquiries Amendment Act, 2005.

This bill makes several amendments to the Fatality Inquiries Act arising from a review and stakeholder consultation completed in 2003. Stakeholders told us where the system could be enhanced, and we are taking this opportunity to benefit from their experience. New provisions in this bill will clarify and improve the fatality inquiries process from the time a death occurs to the release of the judge's final report. The inquiry judge's recommendations after a public fatality inquiry can provide important information for preventing future fatalities in this province. Amendments will ensure that a judge's report will be publicly available.

[Motion carried; Bill 24 read a first time]

The Speaker: The hon. Minister of Justice and Attorney General.

Bill 25
Provincial Court Amendment Act, 2005

Mr. Stevens: Thank you, Mr. Speaker. I request leave to introduce Bill 25, the Provincial Court Amendment Act, 2005.

This amendment will allow judges to retire and then be appointed to sit full-time for six months of the year. A major benefit will be that highly experienced and competent judges will be attracted to continue serving in our justice system after retirement. To be eligible for part-time service a judge must be at least 60 years of age with a minimum of 10 years' service or age 70 or older. Appointments for judges over the age of 70 would be for one-year terms, which would be renewable for additional one-year terms to the age of 75. The amendment is the result of our work with the Provincial Court to develop new ways to improve the justice system.

[Motion carried; Bill 25 read a first time]

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

Bill 203
Report on Alberta's Legacy Act

Mr. MacDonald: Thank you, Mr. Speaker. I request leave to introduce a bill being Bill 203, the Report on Alberta's Legacy Act.

[Motion carried; Bill 203 read a first time]

The Speaker: The hon. Member for West Yellowhead.

**Bill 204
Pharmacy and Drug (Methamphetamine Limiting)
Amendment Act, 2005**

Mr. Strang: Thank you very much, Mr. Speaker. I request leave to introduce Bill 204, being the Pharmacy and Drug (Methamphetamine Limiting) Amendment Act, 2005.

The purpose of Bill 204 is to make it more difficult to obtain amphetamine and methamphetamine by classifying these drugs as schedule 2 under the Pharmacy and Drug Act.

Thank you.

[Motion carried; Bill 204 read a first time]

head: **Tabling Returns and Reports**

The Speaker: The hon. Minister of Education.

Mr. Zwozdesky: Thank you, Mr. Speaker. I rise today to table one copy of one complete set of audited financial statements of school jurisdictions for the year ended August 31, 2003. One set weighs about five pounds, so the additional copies, as required, have already been filed and provided to the Clerk's office.

Thank you.

The Speaker: The hon. Minister of Innovation and Science.

Mr. Doerksen: Thank you, Mr. Speaker. I take this opportunity to table in the Assembly today five copies of the Alberta Heritage Foundation for Medical Research 2005 calendar with the 2003-04 financial highlights and the consolidated audited financial statements for 2003-04. A copy of this document has been sent directly to all members of the Legislature from the foundation.

The Speaker: The hon. Minister of Sustainable Resource Development.

Mr. Coutts: Thank you, Mr. Speaker. I'm pleased to rise before the House today and table five copies of the 2005 Alberta guide to fishing regulations. Awareness and understanding of the rules of sport fishing are essential to the wise use of Alberta's fisheries resources. These guides are also available upon request from licence issuers and fish and wildlife officers throughout the province.

Thank you, Mr. Speaker.

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

Mr. MacDonald: Thank you, Mr. Speaker. I have two tablings this afternoon. The first is five copies of the report of the Standing Committee on Public Accounts for the Fourth Session of the 25th Legislature, covering the committee's activities in 2004.

The second tabling I have is for the benefit of all members of the House. These are taped conversations of Enron employees in regard to Project Stanley and other matters, and these are dated through 1999. It would be of great interest to all members of the Assembly.

Thank you.

The Speaker: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much, Mr. Speaker. I have two tablings today. The first is bringing forward concerns around prompt and thorough investigation of complaints against physicians

by the College of Physicians and Surgeons, including concerns about monitoring, discipline, disclosure, public access, and public warning of high-risk physicians. That's from Gloria Campbell, of Edmonton, and I'll table the appropriate number of copies.

My second tabling is from Ruth Hanna-Fath of Vulcan, who notes that the Vulcan hospital has gone from 37 beds to 25 beds to 15 long-term care and 8 active-care beds. She is proposing that they look at adding wings for long-term care patients and switching the 15 long-term care to active acute-care use in Vulcan.

Thank you.

3:00

The Speaker: The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Thank you, Mr. Speaker. I have the required number of copies of letters addressed by the Premier to Randy Ferbey, congratulating him and his teammates on their fabulous win yesterday.

The Speaker: The hon. Member for Edmonton-Manning.

Mr. Backs: Thank you, Mr. Speaker. I have five letters here, each with five copies, from a stack of letters I have, all handwritten. They are from Albertans that have a great deal of concern about the issue of foreign replacement workers. Interestingly enough, just looking at them, they're all from the ridings of government members.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Thank you, Mr. Speaker. I rise this afternoon to table the appropriate number of copies of correspondence from a gentleman by the name of Ted Frederickson, who lives in Strathmore, Alberta. He is writing to express his grave concerns about the issue of Métis hunting rights.

The Speaker: The hon. Member for Edmonton-Glenora.

Dr. B. Miller: Thank you, Mr. Speaker. I rise to table five copies of the program from the national memorial service.

The Speaker: The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you, Mr. Speaker. I have three tablings today. The first is a study entitled "Reduced incidence of admissions for myocardial infarction associated with . . . smoking ban," and it shows a significant association between workplace smoking bans and a reduction in heart attacks.

The second is called The Economic Impact of a Smoke-free Bylaw on Restaurant and Bar Sales in Ottawa, Canada. It shows that there is no evidence of any adverse effect on bar and restaurant sales associated with the smoke-free workplaces bylaw in Ottawa.

Finally, I would like to table a press release from the New York city department of health and mental hygiene citing an increase of 1,500 jobs in the first four months after the introduction of smoke-free workplace legislation in that city.

Thank you, Mr. Speaker.

head: **Orders of the Day**

head: **Written Questions**

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you. Mr. Speaker, proper notice having been given last Wednesday, March 9, I will now move that written questions appearing on today's Order Paper do stand and retain their places.

[Motion carried]

head: **Motions for Returns**

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you. Mr. Speaker, proper notice having been given last Wednesday, March 9, I will now move that motions for returns appearing on today's Order Paper do stand and retain their places.

[Motion carried]

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

**Bill 201
Smoke-free Places Act**

The Speaker: The hon. Member for Calgary-Lougheed.

Mr. Rodney: Thank you, Mr. Speaker, and thank you, hon. members. Good afternoon, everyone. It is a pleasure to rise today as I move second reading of Bill 201, the Smoke-free Places Act. As chair of AADAC and as one of the many new faces in this House it's an honour to bring forward Bill 201 as my first piece of legislation and as the first private member's bill of the First Session of the 26th Legislature.

Mr. Speaker, we are in Alberta's centennial year and are in the midst of a rejuvenation of Alberta's call for a prosperous and healthy future for all Albertans. Bill 201 reflects this intent, specifically with respect to the commitment that this government has made to an effective and successful tobacco reduction strategy. This strategy was introduced in 2002 and provided AADAC with the mandate to lead and co-ordinate tobacco reduction efforts on behalf of the government of Alberta. AADAC co-ordinates the strategy through partnerships with various government ministries, agents, and community organizations.

Mr. Speaker, studies indicate that tobacco use is the leading cause of preventable disease and death in Canada. Smoking causes cancer, lung disease, heart disease, and many health problems.

On March 3 Statistics Canada released the Canadian Tobacco Use Monitoring Survey, results on smoking rates in Alberta and Canada for the first half of 2004. The good news is that the results indicated that the Alberta tobacco reduction strategy is working. The overall smoking rate in the province declined from 25 per cent in 2001 to 20 per cent in 2003. That said, we now have the opportunity to complement the tobacco reduction strategy and address the significant issue of second-hand smoke.

Second-hand smoke is a serious health concern for a number of Albertans. AADAC reports that two-thirds of the smoke from a burning cigarette is not inhaled by the smoker but goes directly into the surrounding environment. Studies indicate that second-hand smoke has twice as much nicotine and tar as the smoke that smokers inhale. It also has five times the carbon monoxide, and 50 of its 4,000 chemicals are known to cause cancer. These chemicals are inhaled and absorbed by nonsmokers when they are exposed to second-hand smoke and can lead to respiratory disease, heart disease, and lung cancer.

Children are particularly vulnerable to second-hand smoke

because their lungs are still growing and developing. Children who are exposed to second-hand smoke can develop respiratory diseases such as bronchitis and pneumonia as well as middle-ear disease and asthma. Infants who are regularly exposed to second-hand smoke before birth are at increased risk of sudden infant death syndrome.

Mr. Speaker, I have received over 1,200 letters and e-mails in the past few weeks from Albertans, and over 90 per cent are in support of a province-wide smoking ban in work and public places. Eighty-four of 353 Alberta municipalities have some form of nonsmoking law, but 78 per cent of Albertans are currently exposed to second-hand smoke in public places such as restaurants, bars, shopping malls, arenas, bingo halls, and bowling alleys. Importantly, 80 per cent of Albertans do not smoke.

Bill 201 isn't just about protecting the health of individuals who work in the hospitality industry and may be exposed to substantial amounts of second-hand smoke; it also protects the health of every Albertan who is involuntarily exposed to second-hand smoke in an enclosed public or workplace, independent of the amount of exposure. According to AADAC approximately 350 nonsmokers die each year from second-hand smoke-related cancer, and approximately 3,500 people die from second-hand smoke-related heart disease. Mr. Speaker, these numbers are alarming, but what I find even more alarming is that these numbers are simply not new. The harmful effects of second-hand smoke have been known for almost 20 years, but the majority of jurisdictions are acting only now.

The majority of economic impact studies indicate that legislation prohibiting second-hand smoke in hospitality venues does not negatively impact sales and employment over the long term. For example, when the city of Ottawa, the state of California, and the country of Ireland introduced smoke-free legislation, business dropped off slightly for about three months in the hospitality industry, but it was quickly back to normal, and in Boston business actually increased.

Mr. Speaker, there are a number of other dangers in society that individuals are involuntarily exposed to both now and in the past. Some examples include lead in paint and asbestos in construction. These substances were and remain serious hazards to the health of children and adults, but once they were recognized as a danger to the well-being of individuals, they were designated as hazardous substances, their usage was discontinued, or it was carefully regulated.

Second-hand smoke is a hazard to the health of Albertans, and while the minority of the population who smoke are free to put their own health at risk, they should not have the right to put the health of others at risk. Thankfully, we're in a position to set the standards for the next hundred years of this great province, and I believe that recognizing second-hand smoke as a preventable health hazard and limiting its involuntary exposure are small steps towards protecting the health and future of all Albertans.

Mr. Speaker, before I conclude my introductory remarks, I'll address just some of the terms used in Bill 201. When discussing this legislation, the terms "public space" and "workplace" will often be used, and I am sure that the exact definitions of these terms will be examined thoroughly in the Committee of the Whole debate. However, I'd like to provide a few examples of what those terms mean as defined in 201.

As expected, Bill 201 would make any enclosed public space or enclosed workplace a hundred per cent smoke free, and this includes outdoor eating and drinking areas, such as restaurant and bar patios. Bill 201 would also allow municipalities the right to implement more stringent anti-smoking bylaws should they see fit. This legislation would set a minimum standard throughout the province and provide a reasonable level playing field or equal economic footing for all businesses and municipalities.

As I mentioned, the definitions and specifics of Bill 201 will be more thoroughly discussed during the Committee of the Whole debate. I just wanted to highlight a few points that I felt were important.

In conclusion, the ill effects of second-hand smoke were first documented almost 20 years ago, and we can no longer ignore the health risks and costs it presents. The time to act is now, and I encourage all members to carefully contemplate Bill 201. I hope they will agree that this legislation is trying to accomplish the best for our people, and I trust that they will lend their support. I thank you, Mr. Speaker, and I do look forward to this upcoming debate.

3:10

The Speaker: The hon. Member for Edmonton-Centre.

If additional members want to participate, would you let me know?

Ms Blakeman: Thank you very much, Mr. Speaker. As the Official Opposition critic for Health and Wellness I'm very pleased to have the opportunity to rise and speak as the second speaker in second reading for Bill 201, the Smoke-free Places Act. I'm very pleased that we have got to the place where we are today because I'll tell you that for a while there I was really worried we weren't going to get here, so I'm delighted that we've made it all this way. Originally this came up in the public's eye with the Premier speaking in context of his new third way and the Minister of Health and Wellness taking a leap of faith and saying: well, then, let's look at a smoking ban. I commend her for doing that. Then it became a very public debate with the Premier saying, no, he wasn't in favour of that.

If we look in context of the information that's available to us on smoking and exposing workers to second-hand smoke in the workplace, we can see that Alberta has not been coming up to the mark in protecting its workers and protecting Albertans. In fact, I think we got a failing report card on health that was put out by the coalition of—no, I'm not going to get that title right. It's a coalition of groups that worked for smoke-free workplaces, and we failed in having smoke-free workplaces, we failed in having smoke-free public places, and I think we didn't do very well on the retail display marketing and didn't do very well with having pharmacies not selling. So we really scored pretty badly there.

Around the issue of display, which I think is not addressed in this bill—and maybe there's a way to work it in in an amendment because it would certainly strengthen the bill if we could address the displaying and advertising, but particularly the displaying, at locations where cigarettes are sold, their ability to display cigarettes and cigarette advertising prominently. In fact, in Saskatchewan they had their bill struck down. They were trying to argue that it was freedom of speech to be able to advertise and display smoking products, and that, in fact, was struck down, Mr. Speaker. So if I can do any encouraging here to the sponsoring member, perhaps we can look at an amendment in Committee of the Whole to strengthen the bill even further.

I think the bill is strong, and I am glad to see that thus far it has not been watered down. I'm glad to see that it's a complete ban on smoking in the workplace and a complete ban on smoking in public places. So really the only place where the government does not come into it—and they shouldn't—is in private residences and private vehicles.

Staying on the idea of the studies that we've had and somewhat in refuting the Premier's comments when he first stepped into this debate, certainly every credible scientific study that has ever been done says that smoking is harmful to your health and so is second-hand smoke. What I came into this debate with was that, you know,

you have to protect all workers, paid and unpaid. Why do I say unpaid? Because when we look at casinos and bingos, we have a lot of volunteers there, a lot of moms and dads out there earning money for amateur hockey. We've got arts and cultural groups. We've got health groups, for heaven's sake, and support organizations and friends-of-groups where their volunteers are subjected to second-hand smoke in casinos and bingos, and they should be treated with no less protection than a paid worker in my opinion.

When I heard that, oh, well, maybe there were going to be all kinds of variations of this and we might protect workers in some places but not protect workers in others, I thought to myself: how can that be? How can you justify protecting workers from a known problem, a known health hazard, in one area but not protect them in another area? Just to put this in context, insert the word "asbestos." Well, yeah, we're going to protect workers from asbestos, which we know to be a known health hazard in this occupation, but not if they happen to work in a bar or in a casino or in a bingo hall. Excuse me? No, no. You have to protect all workers equally. You cannot differentially protect workers based on their workplace. You have to protect them all, and this bill has come through to do that.

The other issue touched on briefly by the sponsor of the bill—and I think it's a very important one—is that we have an unlevel playing field right now. The municipalities stepped in where the province was not and gave themselves some restrictions, and those are different restrictions. We can even have some circumstances like Lloydminster, where the Saskatchewan half is nonsmoking and the Alberta half across the street is smoking, and that very much creates an unlevel playing field, particularly for small businesses. The Alberta Liberals have been known for a long time for being supporters of small business, and I just do not want to see anybody put in that position.

There was an example in the standing policy committee, in which I was only allowed to be an observer of course, that was raised where they said, "Oh, well, you know, it has impacted differentially on the casinos in Ottawa," and the question was raised: "Was there an equal smoking ban in Hull? Well, no." Well, that creates the unlevel playing field then. All they had to do was walk across the bridge, and they could gamble and smoke all they wanted. So, of course, it impacted negatively. You've got to have a level playing field there, and that means a complete smoking ban. That's what makes it fair.

I know that there was some talk at one point of having designated ventilated smoking rooms in some areas, but what you've got to think of there is that that door opens and closes. I worked with one woman that worked in a hospital wing where smoking was allowed. She was at the nursing station, and the ventilated smoking area was right across from her. Well, of course, every time somebody came in or out, whoosh, a great big puff of second-hand smoke came at her. She wasn't being protected from that second-hand smoke even though it was a special designated room. She got a gust of it every time that door opened. So that's the problem with the designated smoking rooms. Those doors open and close, and the air still gets out.

I am personally very supportive of what I see being brought forward in Bill 201. This is a private member's bill, and the Alberta Liberals insist on free votes for their members on private members' motions and bills. There's no whip on in our caucus. I as the critic have made a recommendation to my colleagues that they should support this bill as it is, and a number of them have already signed up to speak to it. I encouraged them strongly to support the bill, but as I said, it is a free vote on our side.

I think that the member has done a good job here, and I certainly hope that we're not going to see anything like a reasoned amend-

ment or a hoist, which would take the bill off into the ozone never to be seen again. I think it's important especially for the 80 per cent of Albertans that don't smoke and, further beyond that, for those that are interested in having smoke-free workplaces to see how their MLAs are going to represent them here. I hope that we will be able to actually reach a vote in second reading, which is commenting on the principle of the bill, and, furthermore, be able to take this bill through Committee of the Whole and, indeed, into third reading.

A couple of things that again I'm hoping to see, just a few small issues to be raised. Perhaps the member could think about it. You know, in section 11 it's not clear, if in fact the municipal bylaws are stronger than what is anticipated in the bill or, heaven forbid, if this bill got watered down a bit and then we had a number of municipal bylaws that were stronger, whether this bill would trump the municipal bylaws. I think we have to be very careful there. If there's stronger stuff in place, that should be able to stand. Perhaps we'd want to look at some fine-tuning of the language there.

The second thing is around section 14, the commencement, the act coming into force on proclamation. I'm a little uneasy about that because this section is standard in government bills, but in a private member's bill it allows the government to stall on proclaiming it, and I will give you a reference on that. In fact, the Prevention of Youth Tobacco Use Act was passed in 1999 but not proclaimed by the government until 2003, Mr. Speaker. So I'd like to see that given a specific date for proclamation, and then we would all know that it would happen. The government has been very involved in this private member's bill, and I'm a little uneasy that they would continue to stay involved and would somehow be playing around with the proclamation date. I think that if this passes second, Committee of the Whole, and third and it's passed by members in this House, it should in fact get a definitive proclamation date.

So I'm very pleased to have the time that I did. I speak in favour of second reading on Bill 201. Thank you very much for the opportunity to speak.

3:20

The Speaker: The hon. Member for Airdrie-Chestermere, followed by the hon. Member for Calgary-Mountain View, followed by the hon. Member for Battle River-Wainwright, followed by the hon. Member for Edmonton-Manning, followed by the hon. Member for Calgary-Fort, and then the hon. Member for Calgary-Varsity.

Ms Haley: Thank you very much, Mr. Speaker. I appreciate the opportunity to participate in the debate on Bill 201, and I'd like to bring perhaps a slightly different perspective to the discussion.

Going back several years now, the government of Alberta had made a decision to encourage municipalities to deal with this issue. The belief then and now, from my perspective, was that local authorities had a better ability to reflect the values, needs, and wants of their residents as it pertains to this issue. Mr. Speaker, municipalities have done an amazing job, whether by smoking bans, smoking bylaws, or ordinances on specific buildings. From the figures provided to me, between 2.4 million and 2.7 million Albertans are currently covered by some sort of smoking restriction.

That reaps the question, Mr. Speaker: who would we be passing this law for? I'd like everybody to think about that. Would we be passing it for our First Nations? I have a real and significant doubt that a provincial law would apply to a First Nations reservation. Perhaps we would be passing it for the 52,000 farmers and their families in this province. Maybe it's for the thousands of acreage holders in the province, or perhaps it's for some of the smaller summer villages with 20 or 30 homes in them.

I have great respect for this Assembly, Mr. Speaker. It is our role

to pass laws, but I would sincerely hope that when we are passing them, we would make them meaningful. I think this is a bandwagon bill; let's all get on the bandwagon and do something that is already pretty much being done by our colleagues in the municipalities. Someone does a poll that says that 70 per cent of the people think there should be a province-wide smoking ban, and I ask you: on what is it based? Was the poll done on the basis that people knew that the vast majority of residents, such as in Edmonton and Calgary, were already covered by a smoking ban? Or was it, in fact, another example of statistics being used to come to a conclusion that we want them to?

I remember similar polls being done on the gun registry. Sixty-eight per cent of Albertans believed that we needed a gun registry. It was a great big headline, Mr. Speaker, and I'm equally confident that the majority of people polled didn't know that there were already gun laws in place and that the gun laws pertained to controlling the purchasing and transporting of most guns, nor did they know that it would cost a billion dollars and that it wouldn't work.

Sixty-nine per cent of Albertans were in favour of the Kyoto protocol, which is an amazing consistency in numbers about polling data, Mr. Speaker. Having said that, there was a campaign of fear generated by environmental groups indicating that without the Kyoto protocol we would probably cease to exist, no recognition of a growing economy, our standard of living, or in fact that Alberta had been leading Canada in the control of emissions for years. Now the feds are telling us that Kyoto will likely cost \$10 billion to implement, and no one knows if it will work.

So here we are again with similar polling data, and now all we want to do is pass yet another law. The bill would in fact be a major shift in government policy, which was to let municipalities make this call after due consideration. I remind all members of the House that this is a private member's bill, not a government bill. The minister of health is working on a wellness strategy, which I would hope smoking cessation would be part of.

In the October municipal election the residents of Airdrie voted for a smoking ban. They had two options on the ballot, and they voted in favour of the stricter law. At the same time, in Peace River the community there defeated an outright ban. Different communities, different results, both totally democratic. Now we come along and say to the residents of Airdrie: "Well, well done. Would you mind terribly if we passed yet another law over top of the one you already have? It won't mean anything. It won't change anything for you, but we'll do it anyway." Better yet, we say to Peace River: "Well, democracy is all well and fine, but you guys must have been wrong. We gave you a chance to decide. You blew it. You chose poorly, so here's our law. Enjoy it."

Perhaps, Mr. Speaker, if we all stopped trying to make every decision for every Albertan every day and instead focused on what we really want to do, which is to encourage Albertans to stop smoking – I also think it's even more important to prevent our youth from ever starting. If this bill were more focused on that side of the coin rather than on this all-encompassing legislation, maybe I could support it. Perhaps we need to be responsible as a government and do our best to ensure that Albertans are aware of the dangers of smoking, working with the Lung Association and the SmartCare organization on cardio-obstructive pulmonary disease to help with the cessation programs, to help our youth understand that the downside does not apply to somebody else; it applies to them. Perhaps we could actually accomplish something here today other than frustrating the 25 per cent of Albertans who can still legally purchase this product, the vast majority of whom are already covered by a smoking ban.

We need to continue to educate Albertans on the dangers of smoking, particularly those in rural Alberta that are also exposed to other pollutants, such as grain dust, coal dust, emissions from the forestry, oil, and gas industries. I believe the COPD group would agree that in recognition of the problem in rural Alberta, we need to be more proactive in educating all of our residents.

From time to time, Mr. Speaker, I wish we would spend more time, well, even a moment's more time, talking about illegal drugs and what they are costing our society along with this issue and not just this issue in isolation. I worry when we as a society become so fixated on something that is already being controlled in so much of our province. The belief being, of course, that if we can just ban it, it will go away. Reality says that it won't, but education, from my perspective, is the key to this issue.

Section 7 of the Municipal Government Act gives councils the authority to pass bylaws for municipal purposes respecting protection of people and property as well as activities in or near public places or a place that is open to the public. If you want to pass a law protecting children, I will support your bill. If you want to regulate what an oil field worker does in Zama Lakes, Red Earth, or High Level, I won't. If you want to help people quit smoking and prevent young people from starting, I will support your bill. If you want to regulate what workers do in a feedlot, I won't support it. What works well in Edmonton and Calgary, Red Deer, Lethbridge, or Airdrie does not always work as well in our rural or remote areas. Our approach should focus on helping Albertans quit smoking and on preventing young people from ever starting.

I will support this bill as it goes into Committee of the Whole, Mr. Speaker, and if amendments are forthcoming, I will look carefully at them at that time. If the changes are sufficient, I will in fact support it as it goes forward. As it stands right now, I could not support this bill in its current form going to third reading, but as I mentioned earlier, I appreciate the opportunity to participate in this discussion.

The Speaker: The hon. Member for Calgary-Mountain View, followed by the hon. Member for Battle River-Wainwright.

Dr. Swann: Thank you, Mr. Speaker. After 30 years of working in medical practice, I'm keenly interested in and supportive of this initiative. Let me say that having worked both in the Calgary scene and in Brooks and Medicine Hat, where we managed to get municipal bills relating to smoke-free spaces, it was a tremendous lot of work, a tremendous duplication in many instances, and in many cases a frustrating initiative for many participants with a lot of lost time and income. Indeed, many councillors in those jurisdictions indicated that they would have supported a provincial legislative bill in order to save them from the harangues and difficulties that went along with this.

Some of the issues that were raised by the previous speaker are legitimate. Yes, indeed, air quality, air pollution anywhere should be addressed in any work site, and the occupational health and safety standards are lacking in the area of second-hand smoke. They may be present in terms of other chemicals, and they must be addressed stringently in these and other areas.

With respect to polls in the province, people were asked, in fact, whether they supported a new bit of legislation that related to smoking in the workplace where it did not exist. Indeed, over 70 per cent of Albertans said that they wanted and supported legislation that would protect workers, workers of all ages, and indeed many are younger workers, Mr. Speaker, young adolescents and others who have no choice about where to work. So we are talking about protecting all age groups, including, may I say, the pregnant women

who are working in these conditions and place their own and their unborn offspring at risk.

I would compare this legislation in the workplace to guaranteeing clean water and compare it to where people in airplanes simply are not allowed to smoke over the course of seven to eight hours at times and manage to do that without a great deal of suffering.

Indeed, the workers in the air industry are keenly supportive of this particular measure. A research report out of the *British Medical Journal* recently studied the effects over the course of one year of hospitalizations and deaths associated with the factor of environmental tobacco smoke. That report shows a very stark reminder that death is contributed to by environmental tobacco smoke.

3:30

Over 350 municipalities in Alberta are struggling with piecemeal legislation that creates, as we've heard, an unlevel playing field. That means others are struggling with benefits and risks to their businesses. It's clear that we've been asked by the people of Alberta to take some leadership here and along with five other provinces and territories in Canada follow the trend across the world to reduce risk to our workers. I stand very much in support of this bill and commend the hon. member for this introduction.

The Speaker: The hon. Member for Battle River-Wainwright, followed by the hon. Member for Edmonton-Manning.

Mr. Griffiths: Thank you, Mr. Speaker. It's with great pleasure today that I rise to speak to Bill 201, the Smoke-free Places Act. This is a very timely and important debate that we're going to have today and that will carry on I'm sure beyond today or the discussion even of this bill.

This issue, Mr. Speaker, is being discussed in every coffee shop in this province. This issue was a referendum in many municipal elections around the province in the last municipal election. One in particular in my constituency was where the town council was acclaimed. There was no need for anyone to vote, yet they had one of the highest turnout of voters in the history of the municipal elections in that community just to defeat a municipal bylaw similar to this. Regardless of how people feel, whether they're in support of this bill or opposed to this bill, whether they're advocating for choice and freedom, or whether they're advocating for the health of Albertans in general, everyone is passionate about this issue and takes a stand somewhere.

Before I move on to explain why I am opposing this bill, Mr. Speaker, I would like to point out that I find it very interesting and ironic in today's society, just in this country in general, that sometimes we seem to have funny priorities. We're discussing all over not just this province but this country about whether or not to ban smoking while at the same time we discuss whether or not we should legalize marijuana. We debate whether or not we should give needles to heroin addicts, but we don't have enough debate about whether or not we should give them to people who have diabetes.

Mr. Speaker, I was a teacher before I ever became a politician, and I had many discussions with parents, with colleagues about parenting. I would like to use that as an analogy for why I think this is the wrong approach to this bill. Many of my colleagues agreed with me when we discussed it that there are generally two types of parents. There are parents who make decisions for their children all the time because they really don't want them to get hurt. They don't allow them to make simple decisions, so they never evolve to making complex decisions. Those children very rarely ever graduate to taking on responsibility and understanding the consequences of the choices that they make. The other types of parents typically give

decisions to children that are small, and they graduate to larger and more complex decisions. Those decisions that are made lead the child to acquire more of a sense of responsibility and a sense of the consequences for the decisions that they make.

With rights and freedoms and choice come responsibilities. Now, Mr. Speaker, that's why I oppose this bill. The entire premise of this bill is that the government knows what's good for everybody. We should try and deter people from smoking; we should tell them what they can and cannot do. But when you do that, you take away people's freedoms, their rights, and their responsibilities. And, of course, that is an issue, but that's not the sole issue.

Some people in this Assembly are going to argue that this is about freedom of choice. That's part of it, but it's not the complete picture. Freedom of choice is important to give people because then they learn consequences and responsibility. If we're going to make everyone's decision for them, perhaps we should discuss some other issues. Of course smoking is unhealthy, and so we want no one to smoke because it costs the health care system a lot. It's expensive for public health. But, Mr. Speaker, hanging out around in back alleys at 3 o'clock in the morning is also unhealthy, golfing in the rain is unhealthy, not getting enough sleep is very unhealthy, not eating properly is very unhealthy, and not exercising is unhealthy. How much should we make illegal?

Now, I'm not just talking about the back alley instance, but eating is unhealthy. Perhaps in the interest of public health and safety, we should legislate the amount and type of food that we can eat according to the Canada food guide. I know many people who are overweight who eat extremely unhealthily, Mr. Speaker. Perhaps they should be told when, where, and how much they can eat. Obesity is reaching epidemic proportions. It costs the health care system more money than smoking, and it costs more lives in this country than smoking does. It causes heart disease, stroke, diabetes, and countless other ailments that cost the health care system incredible amounts of money. If we're going to tell people what they can and can't do and what is good for them, why don't we address the issue of obesity?

Mr. Speaker, the intent of this legislation is to deter people from smoking, to make it more difficult. The conservative approach to this would be not to tell people what they can't do but rather ensure that the consequences for their choices are very evident.

If we're worried about WCB premiums and the liability that they might face from smoking in the workplace, we have to remember that WCB is insurance and that insurance premiums are supposed to reflect risk. If the risk is increased from allowing smoking in the workplace, the people who own that business should pay higher WCB insurance premiums for allowing that to happen.

Health care premiums. I mentioned obesity. I mentioned a lot of different issues, Mr. Speaker. When you get life insurance – and I think most people in this Assembly have life insurance – you know that they swab your mouth, and they can tell if you have smoked within the last year. They did it to me. I had to do it. Why can't health care premiums reflect whether or not you are a high risk because you smoke? Why can't health care premiums reflect a higher risk if you're overweight? There is a body mass index ratio that some insurance companies use to determine whether or not you're in shape, whether you eat too much, whether you don't get enough exercise. Perhaps we could charge premiums based on whether or not you smoke, based on body mass index, based on a health report from a doctor, based on a lot of different issues that would encourage people to make their own decisions.

Some suggestions for real reform I've just made, and I hope those are dealt with in the future. I could support this bill if it dealt with a couple of the primary issues which would be government's

responsibility, Mr. Speaker. That's places where children can go. I could support this if that was the intent of the bill instead of dealing with everybody and telling them what they could and could not do.

Mr. Speaker, when the amendments come forward, if there's some discussion, I could also support something that still allows adults to determine when and where they'll smoke. I hope that all of these things are considered and, until they are, I'm afraid I cannot support this bill.

Thank you.

The Speaker: The hon. Member for Edmonton-Manning, followed by the hon. Member for Calgary-Fort.

Mr. Backs: Thank you, Mr. Speaker. I'm pleased to rise in support of this bill, and I think that it's one that should not have arguments that trivialize its importance, you know, that show that this Legislature is willing to take leadership on this issue and to get away from the hodgepodge of regulations, all of which deal with smoking and are different and make it difficult for businesses that are looking to invest in certain industries in our province.

It is a workplace issue, and as the critic for Human Resources and Employment I'm pleased to speak for this. People must work. The government is quick to say that a job is the best social program, but there are people with asthma; there are people with other respiratory problems; there are people who just can't stand smoke. Many people are kept away from their ability to advance in our society because there is no way to stop smoking in places where they would like to work.

There are those who would say: just don't work where there is smoking. Mr. Speaker, many people just don't have a choice of the place where they can work. Many don't have the power to say that there shouldn't be smoking around them, and, yes, there are those who will not respect those who ask that they do not smoke while they are in fact working. That is why we must have a law that has some teeth and that it must be respected.

3:40

The point that should be emphasized here is the need for a smoke-free workplace. Society is moving quickly on smoking. Knowledge of the harm to individuals from smoking is clear. Knowledge of the cost to the health care system is widespread. Knowledge of the harm to families from smoking-related early deaths is saddening. But it is the workplace where the challenges are growing. If the government doesn't move soon on the issue, I expect that we will begin to see huge insurance liability issues, a greater WCB liability, or a call from business to move on this issue to ensure a safe and productive working environment. Many businesses already have strict anti-smoking provisions in their workplace.

Some questions must be posed. One is: do workplace bans really work in protecting employees? According to a joint study by the Centres for Disease Control and Prevention, CDC, and the Roswell Park Cancer Institute, workplace smoking bans really do work in improving the air quality and protecting employees. In July 2003 New York state introduced a ban on smoking in indoor workplaces and public places. According to the study, the ban greatly improved the quality of reduced exposure to second-hand smoke. Other findings from the study:

Partial measures such as cordoning off smoking areas from nonsmoking areas or installing a more powerful ventilation system are not the answer, Roswell's Hyland said.

That's Andrew Hyland, PhD, a researcher at the Buffalo-based Roswell Park Cancer Institute in the State University of New York and one of the authors of the study findings.

“[Employers are] fooling themselves if they think that’s going to be an effective solution. It doesn’t provide protection from a known human carcinogen in the workplace. If they endorse a policy that allows smoking in the workplace, potentially I could see they’re opening themselves up to litigation,” he said.

Workplace smoking bans have an indirect benefit, he said.

“Smokers who work in an environment that’s smoke-free are more likely to quit [smoking]. There are other studies that show smokers have decreased productivity – extra time taken on smoke breaks, increased sick days, increased health care costs,” he said.

Another question is: do smoking bans hurt business? In the long run the only business that smoke-free regulations hurt is the tobacco business. According to the New York City Department of Health and Mental Hygiene:

In 1998, all of California’s restaurants and bars went smoke-free. According to the California Board of Equalization, sales at places selling beer, wine, and liquor increased every quarter in 1998, 1999 and into 2000 (the last period for which data are available). What’s more, sales increases at these establishments outpaced – by nearly 8% – increases at all other types of retail outlets.

Experience shows that support for a ban grows among bar patrons once a ban is in place. The experience in other jurisdictions is that once a workplace smoking ban is in place, support for it grows among the patrons. Again according to the New York Department of Health and Mental Hygiene:

Smoke-free workplace legislation has become increasingly popular. While 65% of bar patrons in California “strongly” or “somewhat” approved of the law in 1998, almost three-quarters (73%) felt that way by 2000. Also by 2000, 87% of bar patrons in California reported they were “as likely” or “more likely” to visit bars since they had become smoke-free.

A province-wide workplace smoking ban could be even beneficial to business. Businesses with smoke-free policies experience less absenteeism when nonsmoking employees are no longer exposed to second-hand smoke, Mr. Speaker, which can trigger asthma attacks and other respiratory illnesses. Employers also see lower house-keeping and maintenance costs because they longer need to clean ashtrays, they no longer need to sweep up cigarette butts, and they have a much cleaner workplace. We don’t allow smoking here in the Legislature where we work, Mr. Speaker, in the Assembly. They don’t have to replace burnt carpeting or clean fabrics and other materials nearly as often. In addition to the cost benefits, studies show that smoke-free policies reduce costs for cleaning and fire insurance and there is less damage to equipment and furniture.

[Mr. Shariff in the chair]

It is often argued that service industry businesses such as restaurants, bars, and hotels will suffer if smoke-free policies are introduced. However, studies in Canada, the United States, and Australia all show that smoking bans do not result in lost business.

What about designated smoking rooms? The problem with designated smoking rooms is that they still do in fact give workers who are working in those places the need to work in those designated smoking rooms.

It’s clear that it’s time to move on a cost-effective, full workplace ban, and the time is now. It’s time for a cleaner and healthy workplace in all areas of our great province. It’s time to end the cop-out, the hiding from this issue, that has constantly been the position that’s been taken by the government of Alberta. It’s time to end the patchwork of municipal bylaws and come out with a strong law that deals with the problem, that makes it simpler for people to deal with investing in the different areas of Alberta and not have somebody just working on smoking regulations.

I urge the government to act quickly and decisively, and I urge the

members of this Assembly to support this bill. Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Calgary-Fort.

Mr. Cao: Well, thank you, Mr. Speaker. It is my pleasure to speak on Bill 201. I thank the hon. Member for Calgary-Lougheed for bringing this piece of legislation forward. Health promotion bills like this will always encourage Albertans to become the healthiest people in the country.

For a long time smoking was considered an acceptable, even desirable act. We can still watch reruns of old movies on TV and see the favourite Hollywood stars inhaling cigarettes with passion and drama. Without a doubt such scenes led to people lighting up cigarettes and imitating the stars.

As science progressed, however, we began to learn that smoking is actually very dangerous. In addition to this, we discovered that second-hand smoke is also bad for our health. The research into this harmful effect has produced a slow but steady change in attitude toward smoking and second-hand smoke and has caused legislators to respond to this attitude by creating laws that limit the effect of second-hand smoke. Mr. Speaker, Bill 201 is late but necessary to respond to the harmful effect of second-hand smoke.

I would like to spend a few minutes talking about how science has changed the attitudes of people in the United States of America and how it relates to Alberta. About 50 years ago evidence started surfacing about cigarette smoking causing harm to people’s health. Then in 1964 the first Surgeon General’s Report on Smoking and Health was released. This report stated that “cigarette smoking causes cancer and other serious diseases.” This major announcement began the transition in people’s attitudes toward smoking, but it did not lead to any legislative changes.

In 1986 the U.S. Surgeon General published another report, and this report was about the association between second-hand smoke exposure and the adverse effect of it on nonsmokers. Next, the Expert Committee on Passive Smoking concluded that second-hand smoke could cause lung cancer in otherwise healthy adult nonsmokers. In 1992 the U.S. Environmental Protection Agency released a study which confirmed the Surgeon General’s report which was released in 1986. This report released by the Environmental Protection Agency led to the classification of second-hand smoke as a group A carcinogen, which is the category reserved for only the most dangerous cancer-causing agents in humans.

3:50

Mr. Speaker, after so many studies and announcements there are no longer any doubts about the harmful effects of second-hand smoke. The science behind it is over 50 years old. We all know that cigarette smoke contains over 4,700 chemicals, over 200 poisons, and another 50 human carcinogens. As far back as 1993 an article in the *Journal of the American Medical Association* concluded that “waiters and waitresses have almost twice the risk of [contracting] lung cancer due to involuntary exposure” to second-hand smoke. Also in 1993 it was determined that second-hand smoke kills approximately 53,000 Americans per year. This is about the same number of Americans that were killed during the Vietnam War.

Mr. Speaker, during the timeline I discussed, not a single government in North America acted on these announcements and studies. The point I make is that although the science is proven and time tested, legislators have been reluctant to protect their constituents from these harmful effects. In fact, California was the first jurisdiction in North America to legislate a smoking ban. I used to live there, and my family members are still there. In 1994 the state of

California passed a smoking law that prohibited smoking in all enclosed places of employment. This legislation was fully enacted in 1998 to include bars, clubs, and halls.

Mr. Speaker, California was the first jurisdiction in North America to take a stand against a killer. The legislation was fully implemented 34 years after a major announcement that smoking is dangerous and 12 years after it was announced that second-hand smoke is also dangerous. Here in Alberta legislation was not introduced to limit the harmful effects of second-hand smoke until 1997, 11 years after the announcement in the United States that second-hand smoke is dangerous. This legislation, however, was very limited in that it only protected workers who worked in public buildings that were owned and operated by the Crown.

The time to act in the interests of all Albertans is now. It's been 18 years since the very important health authority in the United States warned about the dangers of the effects of second-hand smoke. Long-term exposure to second-hand smoke leads to increased risks of lung cancer and coronary artery heart disease in nonsmokers as well as a number of other serious health conditions. According to statistics, people who live with smokers have an increased risk of heart disease by about 25 per cent. Imagine being a bartender or waiter who is exposed to 50 or 100 smokers for eight hours a day.

Mr. Speaker, about 347 nonsmokers die a year in Canada from second-hand smoke-related lung cancer and 3,470 from second-hand smoke-related heart disease. These numbers are too high. We are not talking about death from old age; we are not talking about death from accidents. We are talking about the worst kind of death, preventable death.

In Alberta about 27 per cent of people smoke. Unfortunately, we cannot force these people to stop smoking as we violate their rights. I can understand and support the protection of minorities and minority rights. I can understand the rights of smokers, but I can draw the line when those rights infringe upon the health of non-smoker constituents, when going to work means enduring cancerous poisons, when, while making a living, somebody else's habit may be contributing to your early death.

Mr. Speaker, Bill 201 is a simple bill. By passing it, we will be contributing to the health of Albertans who do not smoke, and we will save the health care system from many unnecessary costs. With some luck, by reducing the places where people can smoke, we may even reduce the number of smokers. This is the root of the problem. Although Bill 201 is good because it will reduce the harmful effects of second-hand smoke, the real need is to reduce the number of people smoking.

To this end there exists a need for public investment in programs that help people to kick this dangerous habit. Besides education to prevent people from getting into smoking, I call for more public and private investment in programs helping smokers to kick this nicotine addiction habit and to replace it with something more healthy, perhaps healthy pleasures, I'll call it.

Another idea that works well is to increase the so-called sin tax on tobacco products. This way people still have the choice to smoke but may think twice when they realize how much smoking costs them. Furthermore, such a tax can help to pay for a program that helps to reduce smoking levels across the province. Such a program could be targeted at youth as a means of educating them about the harmful effects of smoking and the difficulty associated with addiction. Or money from the so-called sin tax could be used for the creation of smoking areas with proper ventilation or to set up environmental standards for smoke emissions in workplaces or giving Alberta a balance between the right of nonsmokers and smokers. After all, isn't it all about choices?

Mr. Speaker, we have 50 years of science telling us that smoking and second-hand smoke is deadly. Bill 201 proposes to do something about this fact. In principle I cannot oppose any legislation that deals with this effect, so I urge the members to support this bill in principle.

Thank you.

The Acting Speaker: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you, Mr. Speaker. I would like to thank the Member for Calgary-Lougheed for taking the same heroic stand in political life as he did in his former private life. Being a fellow Calgary rookie, I appreciate his personal bravery in advocating such a strong, inclusive smoking ban despite the fact that he was chastened somewhat by his caucus for his eagerness and singular pursuit in the face of Everest-like obstacles.

This bill will not only save lives but millions of dollars in health care due to its proactive, preventative stance. This bill recognizes what the opposition proposed in our wellness motion 501, which advocated using \$200 million annually from the \$650 million of tobacco tax revenues. With this bill we would get rid of smoking in all public and workplaces, saving Albertans' lives. No one has the right to bring a concealed weapon into a public place, never mind discharge it, yet government members opposed to this bill are willing to put nonsmokers' lives at risk. If an individual wants to risk their own health, their suicidal choices shouldn't be allowed to put others' lives in danger. Cancer doesn't pick favourites; it's an equal opportunity killer both for first-hand smokers and second-hand smoke victims.

We have mandated the use of seat belts, which save lives and health care dollars. We have mandated helmets for children riding bicycles and for motorcyclists. This is a bill designed to protect Albertans' well-being. I look forward to the day that I can enjoy the music jams in bars and public places throughout the province without compromising my personal health.

I hope that government members will be permitted a free vote, which will parallel the 80 per cent demonstrated support of their constituents for an uncompromised, total smoking ban. Vote with your conscience. Vote for your constituents. Vote in favour of this proposed complete province-wide smoking ban.

Thank you, Member for Calgary-Lougheed, for your leadership. Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Peace River.

4:00

Mr. Oberle: Thank you, Mr. Speaker. It's my pleasure to rise today and address my concerns with regard to this Smoke-free Places Act, Bill 201, tabled by the hon. Member for Calgary-Lougheed. I certainly understand the health effects of smoking and the health effects of second-hand smoke. I don't dispute them. I support smoking restrictions, but I don't support Bill 201 as presented.

The hon. Member for Airdrie-Chestermere alluded to a situation in Peace River. I'd like to use that situation to explain my viewpoint a little better. In October of 2004 the town of Peace River faced a plebiscite about a smoking bylaw. The proposed bylaw was a full ban on smoking in all workplaces, bars, restaurants, gaming establishments. It also extended to private residences where employees were in a home business. In fact, it extended outside of businesses, six metres outside the doorway of a business. The plebiscite was defeated not by a landslide but certainly by a healthy margin in large part, I believe, because it was viewed as a draconian measure even by a number of nonsmokers that I talked to.

The application to private residences was strongly resisted. The idea of banning smoking outside the doorway of a business was seen as almost ridiculous by many people. Certainly, the fact that businesses were liable for the actions of their customers was viewed as unreasonable. There was some fear in the community about the business impact to bars and gaming facilities and, therefore, to the nonprofit societies operating within the community.

It was a divisive and acrimonious battle, no doubt, but something positive, I believe, emerged once the dust settled. There actually was clear support for a bylaw that invoked smoking restrictions in the town of Peace River, just not one as draconian as the one proposed. First of all, the protection of children and the application to all businesses that admit children was actually strongly supported. There was, I believe, quite a bit of support for exempting bars and gaming facilities from that bylaw and certainly for exempting private residences from that bylaw.

I believe there's a lesson here. Certainly, there was one for the town of Peace River, but I think there's one for the province as well. I believe this tells us that choices are important and choices are different in different communities. In Peace River there was support for reasonable restrictions but little support for it to apply to bars and gaming facilities. I think that that stems from a recognition that some facilities are entered by choice, not by necessity. As I said, there was little support for the bylaw applying to private residences, and there was very strong concern expressed in the community about the impact on businesses.

Now, I recognize that there are studies, some tabled today, that show that there is little to no economic impact. I would suggest that there are other studies indicating otherwise. This is one of the fears I have. I echo the hon. Member for Airdrie-Chestermere. This is a bit of a bandwagon issue, and I resent the fact that studies that are tabled that show that there is an economic impact are virtually automatically labelled as noncredible, just as arguments against the smoking ban are labelled as trivial, as the Member for Edmonton-Manning just did. I resent that. I think that there's some reasonable middle ground here and that we should seek to find it. I believe that it's incumbent on us to seek to find it.

The other concern that arose in Peace River: there was little support for measures that would place an undue enforcement burden on the community. I think that we have enough burden on our communities as it is. As I said, there was strong support where access to children is involved. Overall, I believe there actually is strong support for a reasonable, tempered approach to a smoking bylaw in the town of Peace River, one that recognizes and respects choice, recognizes that private residences should not be involved, recognizes that the protection of children is of paramount importance, and recognizes that there is a financial burden or could be a financial burden on some businesses, especially rural ones. I believe that wherever possible we should allow businesses to decide what's good or bad for business, not the government.

I will support Bill 201 if amended to include these considerations, and I support it moving to Committee of the Whole for further consideration and discussion. In short, I will support a bill that lays down the basis to protect children in public places from exposure to second-hand smoke but allows local decision-making beyond that point.

Thank you, Mr. Speaker, and my thanks and respect to the Member for Calgary-Lougheed for having and demonstrating the courage of his convictions.

The Acting Speaker: The hon. Member for Edmonton-Rutherford.

Mr. R. Miller: Thank you very much, Mr. Speaker. It's my

pleasure to rise today to speak in favour of Bill 201, the Smoke-free Places Act. There is no question in my mind and certainly not any in those of the people that I've spoken to that this is primarily a health concern, and that's really the way we should be treating it. If this government is so hot on wellness, then I would ask the members opposite who are speaking against this bill today to please take that into careful consideration. There is simply no disputing the medical facts as they relate to the damage that smoking and second-hand smoke cause to those that are exposed to cigarette smoke.

By and large what I'm hearing from people across this province as I discuss this issue is also a question of fairness and consistency. I know it's been mentioned by a number of the other speakers this afternoon that when there's an imbalance in terms of the local municipal rules, you open up all sorts of problems and all sorts of unfairness to local businesses. We've had that example many, many times already today. I'm involved in several charities that work bingos and casinos, and they have serious concerns about the Edmonton smoking ban coming into force on July 1 and how that will impact them when people can drive to a community just outside Edmonton and practise their gaming in a facility that allows smoking.

The Member for Calgary-Varsity mentioned seat belt use, and I would just like to touch on that for a second. Many of the same arguments, Mr. Speaker, that we're hearing today about rural Alberta and farmers and oil field workers, and so forth, not necessarily being willing to comply with a smoking ban – those same arguments we heard very strongly several years ago when mandatory seat belt legislation was first introduced. I'm proud to say that today Alberta is shown to have some of the highest seat belt compliance rates anywhere in Canada. That includes rural Alberta. It includes the farmers and the oil field workers, and so forth. So peer pressure, as we know, can be surprisingly powerful. That's not only true of the teenagers that start smoking, but it's also true of the adults when we're trying to get them to stop smoking.

Mr. Speaker, I would certainly hope that this government is not as addicted to the revenues that it realizes from investing in tobacco companies as it sometimes appears to me that it is. Again, I certainly hope that the opposition members that are speaking out against this bill today are not taking that into consideration.

Mr. Speaker, the Member for Calgary-Fort alluded to the fact that there are literally thousands of deaths a year that are attributed either directly to the use of tobacco or the exposure to second-hand smoke. I would just like all members to ponder carefully that if the same sort of fatality rates were being seen, let's just say as an example, as a result of amusement rides, you can only imagine the outcry that there would be. I would use the argument that the Member for – I'm not sure.

An Hon. Member: Battle River-Wainwright.

Mr. R. Miller: Battle River-Wainwright, thank you. It used to be called Wainwright, I think.

... that the Member for Battle River-Wainwright alluded to, and that is that people are doing this of their own free will. Well, most people will get on an amusement ride of their own free will, Mr. Speaker, yet if there were thousands of deaths a year on amusement rides, even though people got on those rides of their own volition and recognizing the risk, the outcry would be tremendous, I'm sure.

I would like to just reminisce for a second about my years at Strathcona composite high school. At that time there was a designated smoking stairwell, actually, Mr. Speaker. I was smart enough – perhaps I was one of those that the Member for Battle River-Wainwright was referring to – to avoid that stairwell like the plague

because I recognized, as did many of the other students, that that stairwell was perhaps the most dangerous place in the whole school. We definitely made a point of using another way to get upstairs or downstairs.

Mr. Speaker, a few minutes ago I stepped outside to chat with a fellow who was a visitor in the public gallery today, and we were standing in the hallway by one of the ministers' offices. He was astounded at the smell of cigarette smoke emanating from that minister's office. He did not know and, I suspect, most Albertans do not know that smoking is allowed in this building, this Alberta Legislature, which is arguably one of the most public workplaces in all of Alberta. He was astounded at that, and as I said, I wouldn't be surprised if most Albertans don't find themselves fully aware of that.

So, Mr. Speaker, I would just like to applaud the initiative of the Member for Calgary-Lougheed in bringing this bill forward. I certainly support it at this stage and will continue to do so barring any major amendments that would water it down.

Thank you very much.

4:10

The Acting Speaker: The hon. Member for Calgary-East.

Mr. Amery: Thank you, Mr. Speaker. It's my pleasure to rise today and speak to Bill 201, the Smoke-free Places Act. Before us is a bill which is quite a contentious issue for the members of this Legislature and for the constituents that we represent.

The one area of this issue that we can all be in agreement on is that tobacco smoke, whether it be directly inhaled through smoking or through second-hand smoke, is a contributing cause of lung cancer, heart disease, and a large number of other health ailments and diseases. This is not up for debate. It has been proven time and time again that smoking is as dangerous for those who smoke as for those who are around people who smoke.

Is it right to move Bill 201 forward and enact a broad prohibition on smoking in all enclosed workplaces across this province? I think it is. As a government we have an obligation to provide safe workplaces for all Albertans, not just for those who work in office buildings where smoking is not usually allowed. We have laws and regulations in place that keep Alberta's workers safe in regard to safety devices for construction workers working on tall buildings, for oil patch workers working on the hundreds of rigs across the province, but we don't have protection for the thousands upon thousands of individuals who are subjected to second-hand smoke each and every day in their workplaces.

The argument may be put forward that these individuals don't have to work in the types of jobs that require them to be around second-hand smoke. Usually this involves some type of hospitality industry. I just don't think that this type of argument is strong enough for me not to support this bill. Mr. Speaker, science has come far enough, and too many people have become sick or have died because of second-hand smoke for us not to put forward legislation that protects individuals from second-hand smoke in their chosen profession.

When this government is dealing with the issue of safety guards and restraints for construction workers who work on high buildings, we don't accept the rationale that falling from a high building is just a risk of construction and if these workers don't want to plummet to their death, they should just find another profession that isn't as dangerous. Instead, we put forward legislation that will help make those construction workers' work sites as safe as possible. Bill 201 is the safety restraint that hospitality workers across this province have never had.

Mr. Speaker, jurisdictions across Alberta, Canada, and all corners

of the world, regardless of their political leanings, are moving forward with laws which are very similar to the bill proposed by the hon. Member for Calgary-Lougheed. The general acceptance of the prohibition of smoking in public places is here. I emphasize enclosed public places because in no way does this bill restrict what Albertans can do in their own homes or vehicles.

By not supporting this bill, we are just temporarily putting off the inevitable, and in the process we might be opening ourselves up to possible litigation due to the fact that government was aware of the dangers of allowing workers to be subjected to second-hand smoke. The Ontario Workplace Safety and Insurance Board initially ruled in favour of a woman who was diagnosed with terminal lung cancer after working as a waitress for most of her life to receive worker's compensation. Mr. Speaker, while these types of rulings are not common, it does show that precedent is beginning to be set, and by not taking action, we potentially open ourselves to WCB claims. We are aware of the danger of second-hand smoke in the workplace, and the government could therefore be held in neglect of the health of Albertans by not taking action on this issue.

I will be supporting Bill 201, and I urge all members of this House to do the same. I thank the hon. Member for Calgary-Lougheed for bringing this bill forward.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Edmonton-Mill Woods.

Mrs. Mather: Thank you, Mr. Speaker. First of all, I too want to thank the hon. Member for Calgary-Lougheed for bringing Bill 201 forward. I support this bill because I believe it is the right thing to do.

I do not want to repeat what has already been said in support of this action. I would like to respond to the suggestion that we should allow children to make their own decisions to help them grow and develop into mature adults. My background is also education, and I can think of countless times when students did not or would not make wise decisions because they did not have the facts, the critical thinking skills, or the experience that would be required to make good, informed decisions. Our responsibility as adults is to guide them or override them when necessary to ensure their safety and security. Sometimes we must intervene in the best interests of people. Although I am speaking of youth, there is no magical age when individuals become responsible.

On the basis of discussion with parents and students in my constituency I must support this bill. Some of these constituents are smokers who actually believe that a smoking ban would have helped them overcome their addiction and who want to do whatever they can to prevent others from becoming addicted to tobacco.

I also want to mention that we have lots of evidence behind a total workplace smoking ban and the health that it creates and the assets that that would bring. This is about protecting the worker, not about the smoker. Smoking cessation programs in the workplace may also achieve substantial cost savings as well as productivity benefits. Workers who have stopped smoking for at least one year lose significantly fewer days of work and have fewer admissions to hospital than those who continue to smoke. Smokers take time from their jobs to go and smoke and have their breaks. If that's not happening any longer, that can contribute to better productivity.

I support Bill 201 as I see it as a health concern that must be addressed in our wellness mandate. Our mandate is provincial. This Bill 201 offers an opportunity for province-wide consistency and better health. Once again I applaud this initiative.

Thank you.

The Acting Speaker: The hon. Minister of Health and Wellness.

Ms Evans: Thank you very much, Mr. Speaker. As I begin my remarks, I'm mindful of my own home and my children years ago who, enthusiastic with what they were hearing at school, rushed home to talk very seriously with their father about the evils of smoking. Children during the period of the '70s and '80s grew up with that delightful program Participation, that made them all little health and wellness teachers when they came to their homes. I think that for me the memory of my oldest son most seriously illuminating what he believed was a travesty in behaviour relative to smoking will be one of my most poignant memories as a parent.

As health minister one of the things that I'm most conscious of is that children tend to start smoking when the adults around them smoke, and no matter what the adults say, they usually can't dissuade the child from doing something different. That is an important reason in support of Bill 201, to look at a broader outreach on the tobacco reduction strategy and, in fact, look at a provincial ban.

Thankfully, my children today, adult men of 36, 38, and 40, still do not smoke. It was the teaching about the misuse of tobacco that taught them that this was definitely something they wanted to make a choice about.

So, Mr. Speaker, today as we discuss Bill 201, I want to talk a little bit about the strategy that's already a part of the tobacco reduction strategy in Alberta. In fact, it was launched in 2002. The purpose, of course, is to increase the wellness of Albertans and to decrease health care costs through the denormalization of tobacco use. The strategy addresses prevention and education, cessation and reduction, research and evaluation, leadership, co-ordination, taxation, and legislation.

4:20

We have taken strong antitobacco action on many fronts, including tobacco taxes, making it illegal for youth under the age of 18 to smoke in public places, and comprehensive advertising campaigns showing the adverse health effects of smoking.

The smoking rate in the province for people 15 years and older declined from 25 per cent in 2001 to 20 per cent in 2003, which represents approximately a hundred thousand fewer smokers in Alberta. This reduction represents an annual cost savings to the economy of approximately \$465 million. This amount is a 40 to 1 return on the Alberta government's investment in the Alberta tobacco reduction strategy. For the first time ever the smoking rate in Alberta is lower than the smoking rate for Canada, which is 21 per cent. Our goal is to reduce this number to 17 and a half per cent by 2011. Mr. Speaker, I hope to wake up one morning and realize that Alberta, in fact, has no smokers.

We cannot be complacent. While we're having success already with the tobacco reduction strategy, we face numerous challenges on the tobacco front, including discount brands, the low cost of loose tobacco, and the number of young people who are still smoking. While smoking rates overall have declined, the smoking rate in Alberta remains high among young adults aged 20 to 24 at 31 per cent. In the 15 to 19 age category 18 per cent of young people smoke. We want to lower the number of smokers in the 15 to 19 age category to 12 per cent in the next six years.

Mr. Speaker, recently I noted a commercial in a theatre that talked about the image of beauty and young women, and it's sponsored by the Dove Foundation. What I liked about it is that it challenges young girls particularly but also young women to consider that they are beautiful no matter what they look like as long as that inner beauty shines. I fear from my discussions with young girls in

particular that many who are still smoking are smoking because they really want to become slim. The image of Virginia Slims lingers in my mind as one of the cleverest albeit the least ethical types of advertising that would encourage one to feel like they will be slimmer if they smoke, in fact, a slim brand of cigarettes.

Cigarette sales in Alberta are up 7.5 per cent for the nine months ended December 2004 compared to the same nine months in the year prior. Discount brands now make up a substantial part of Alberta's tobacco marketplace. These brands sell at \$2 less per pack than premium brands, thus negating our tax increase of two and a quarter.

Mr. Speaker, tobacco use remains a critical health concern in our province. Tobacco use is the leading avoidable cause of illness, disability, and premature death in Alberta; 3,400 Albertans die annually from tobacco-related illnesses. Just recently we attended a chronic obstructive pulmonary disease session with SmartCare and a number of Albertans, and they advised us that this particular disease is a disease which kills one Canadian every hour. SmartCare is chaired by a wonderful gentleman – I'll call him Jim – who identifies that this irreversible lung condition attacked him because he was a heavy smoker.

We must protect the health and development of our children. Their lungs are still so much in a growth phase that second-hand smoke is particularly dangerous for them. Eighty-eight per cent of Albertans agreed two years ago that smoking should be banned in places where children are allowed.

We must be vigilant because Alberta has fallen behind other Canadian jurisdictions regarding tobacco legislation. With the exception of Alberta every province has adopted or is developing some form of comprehensive tobacco control legislation. While the reduction strategy is working, we know that it can be further reduced. One of the targets for the strategy includes reducing the consumption of tobacco products in Alberta by 50 per cent over the next 10 years.

Mr. Speaker, I believe that smoking and its effects are major barriers to wellness in our province. I am concerned that Alberta does not have sufficient legislation limiting tobacco use and exposure to second-hand smoke. Numerous studies indicate that neither workplace nor public place smoke-free policies have long-term negative economic impacts. In order to create the healthiest citizens in the entire country, we must address the issues that inhibit wellness.

Mr. Speaker, today I am challenged as health minister with the fact that we are spending 2 per cent more than our gross domestic product in Canada, in France, and in many other countries of the world. The only way that we can really successfully attack health reform, in my opinion, is when we attack those things that mitigate against wellness: when we attack things like obesity, that has been mentioned, like tobacco, like pollution, like all of those things that, in fact, subtract from our capacity as Albertans to feel well, when we get every Albertan to have a healthy and positive outlook on life, to sleep well, to exercise properly, to eat the required and proper foods every day, to do things that protect their health, like not smoke, like not overindulge in alcohol, like not overindulge in any unhealthy or high-risk behaviour, and when we encourage Albertans to wash their hands.

We know, in fact, that there is a pandemic that has been discussed and is on the horizon, and, Mr. Speaker, it will be the healthiest people in Canada that will survive. For those that are vulnerable, for those that threaten the vulnerability of others, I say this. This bill may be ambitious. There are many sides to the debate and many that we have heard this afternoon. However, I ask our colleagues for very careful consideration of Bill 201, and I compliment the Member for Calgary-Lougheed for his courage and commitment in bringing forward this bill.

The Acting Speaker: The hon. Member for Edmonton-Highlands-Norwood, followed by Olds-Didsbury-Three Hills.

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to rise to speak to Bill 201, and I would like to commend the hon. member opposite for introducing this bill. I think that it's very timely, and I was pleased and I would like to believe at least that the motion that's been tabled by the New Democrat opposition calling for a full smoking ban had some role in precipitating this bill. That's exactly what we hoped to see.

This is first and foremost a workplace health and safety issue. For thousands of Albertans who work in the hospitality industry, in bars, restaurants, casinos, bingo halls, and other establishments, cigarette smoke is a clear danger to their health. The Premier of this province has repeatedly said that his opposition to a province-wide smoking ban is based on the fact that an 85-year-old man in a Youngstown bar parlour has the right to light up a cigarette. The Premier seems to have no explanation for why the 85-year-old man's right to smoke a cigarette in a place of work trumps the right of his 20-year-old waiter or waitress to work in a healthy and safe environment.

Second-hand smoke contains more than 4,000 chemicals including 69 known carcinogens such as formaldehyde, lead, arsenic, benzene, and radioactive polonium-210. It is a scientifically proven cause of serious health problems including lung cancer, heart disease, and chronic lung ailments such as lung cancer and asthma. Studies have shown that employees who work in smoke-free indoor workplaces are at least 25 per cent more likely to make quitting attempts and are more likely to achieve cessation than those who work at work sites that permit smoking. Smoking bans help people quit smoking, Mr. Speaker.

Nonsmokers are exposed to the same carcinogens as active smokers. Even the typical levels of passive exposure have been known to cause lung cancer among people who have never smoked. Second-hand tobacco smoke is carcinogenic to humans. There's evidence that smoking bans are linked to decreasing incidents of heart attacks. When Helena, Montana, imposed a ban from June 5, 2002, until it was struck down in court on December 3, 2002, the incidence of hospitalization for myocardial infarctions dropped significantly, by about 40 per cent, compared to before and after the law was enforced and compared to neighbouring regions.

Mr. Speaker, Alberta is the dinosaur on this issue. It reminds me of the Far Side cartoon about the real reason for the extinction of dinosaurs. If anyone's ever seen it, it's got various dinosaurs smoking cigarettes.

4:30

Mr. Speaker, notwithstanding what the Premier said about an urban-rural split on this issue, the vast majority of Albertans do support a smoking ban. Many other countries have smoking bans or intend to implement them very soon. The Canadian Medical Association reports that Ireland, Zimbabwe, Thailand, Pakistan, Iran, Uganda, and Sweden have smoking bans in place. Most other provinces, including our neighbours to the west in British Columbia and to the east in Saskatchewan and Manitoba, also have province-wide smoking bans.

Mr. Speaker, Alberta's intransigence is hurting our border towns. In Lloydminster, for example, the mayor is concerned that Saskatchewan businesses are suffering unnecessarily because there's no level playing field between Saskatchewan and Alberta law. Alberta's policy is also hurting businesses in other places. In Clareview, for example, many businesses are losing out to restaurants and bars in neighbouring Fort Saskatchewan and Sherwood Park. The patchwork of smoking bylaws is the reason why the Alberta Urban

Municipalities Association is supportive of a province-wide smoking ban in the workplace.

There is some very real resistance to a province-wide smoking ban within the Tory caucus, including, I might add, the Premier. The rationale is that we cannot infringe on the private sector's right to allow smoking in their establishments. There is a further rationale that restaurants, bars, and casinos will lose money if a province-wide smoking ban is implemented.

Mr. Speaker, let me start with the first assertion that the province has no right to infringe on private business. Now, we know how harmful second-hand smoke is, we know that smoking bans are effective in terms of encouraging current smokers to quit, and we know how costly smoking is. We also know that there are provincial regulations for all kinds of health and safety requirements in the workplace. Workplaces are required to have ventilation systems. They are required to have a certain air and water quality. They are required to have sanitary food preparation and waste disposal. We have all of these rules to protect human health. All the facts show that a smoking ban would serve the same purpose.

Now, the second assertion that restaurants, bars, casinos, and so on would become ghost towns is just patently false. There are so many jurisdictions that are ahead of Alberta that we have a treasure trove of evidence and proof to the contrary. For example, the Ontario Tobacco Research Unit examined the effect of Ottawa's smoke-free bylaw on that city's hospitality industry. Far from having a negative impact as detractors had warned, the smoke-free bylaw appears to have had substantial economic benefit. Some further quotes from the Ottawa study:

- Using two statistical approaches, and allowing three possibilities for the timing and pattern of the impact, we found no evidence that the Ottawa smoke-free bylaw adversely affected restaurant and bar sales.
- Our results and those of [other] previous studies indicate that communities considering implementing smoke-free bylaws need not be concerned that bars and restaurants will be adversely affected.
- Studies of the health and social costs of smoking and of the impact of bylaws on smoking behaviour suggest substantial economic benefit to the public from 100% smoke-free bylaws.

A report commissioned by the city of Ottawa to examine the impact of its ban on smoking in bars and restaurants found that the smoke-free bylaw has had little or no negative impact on the industry as a whole.

In California a comprehensive poll was undertaken by Field Research of bar owners, employees, and patrons. The poll found that five years after California implemented a smoke-free bylaw, a majority of stakeholders approved of the law. Seventy-nine per cent of bar patrons surveyed said that it's important to have a smoke-free environment inside clubs, bars, lounges, and restaurants with bars. This represented a 20 per cent increase from that reported in 1998. Seventy-seven per cent of bar managers and their employees said that complying with the law has been very or fairly easy, and 87 per cent of patrons, including smokers, said that they are more likely to visit bars or have not changed their bar-going behaviour as a result of the law.

The New York City department of health and mental hygiene released information in July 2003 showing that employment in city bars and restaurants since implementation of the Smoke Free Air Act "increased by about 1,500 seasonally-adjusted jobs", for an "absolute gain of nearly 10,000 jobs" since the implementation of that act.

It is true that there is an adjustment period for businesses in the aftermath of a province-wide ban, but this adjustment period, if it is applied to everyone, is far less damaging than the halfway solutions

and patchwork bylaws that we now have. It is temporary pain for long-term gain.

Finally, Mr. Speaker, there are health care costs to consider. In May 2004 the Alberta Heritage Foundation for Medical Research, represented here by the minister over there, reported this.

- Over one third of all deaths [that is, 36 per cent] are due to cardiovascular disease . . .
- More women (37%) than men (35%) die of heart disease and stroke.
- Heart disease and stroke cost the Canadian economy \$18.5 billion.

Even the infamous Mazankowski report recommended action on smoking in the workplace as a good way to reduce health care costs.

Mr. Speaker, the government seems to want to take the Mazankowski report's advice on privatizing the health care system, charging more user fees, and allowing more for-profit medicine, but it is not enthusiastic about doing something that would really lower health care costs, and that is to implement a province-wide smoking ban.

Mr. Speaker, I encourage all members to follow the advice of our health minister and support this bill. I believe that it is an excellent piece of legislation, a progressive piece of legislation, and it should be passed unamended by this House.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for St. Albert.

Mr. Marz: Well, thank you, Mr. Speaker. I am pleased to rise and contribute to the debate on Bill 201, the Smoke-free Places Act, sponsored by the hon. Member for Calgary-Lougheed. I'd also like to thank the hon. member for bringing forward such an important bill as this as it proposes to ban smoking in all enclosed public spaces and workplaces. Given that nearly every day we are bombarded with new studies outlining the harmful effects of second-hand smoke, Bill 201 clearly is a good idea in principle.

Second-hand smoke is of particular concern because of the fact that it is a health risk that is imposed on a person by the actions of another. There is a role for government to play in situations such as these. Whenever the rights of one citizen have the potential to harm another if exercised, then the government has a legal and moral obligation to step in and curtail the exercise of that right in order to ensure the greatest benefits for society. Government also has a special obligation to protect children from harm. However, Albertans should have a reasonable expectation that they are free to go to public places without having to worry about being exposed to second-hand smoke, and Albertans over the age of 18 should also have a reasonable expectation that they are free to choose how they live their lives.

Mr. Speaker, what Bill 201 proposes to do is extend to the provincial level a process that has already begun in municipalities in this province and across Canada. I can remember that back in the 1980s championing a cause such as this, which I did, was a very lonely, lonely exercise. As the minister of health is smiling across the way, she can remember when we shared going to municipal conventions. The only smoke-free table at the lunch was the one I sat at because I reached in my pocket and brought out a sign and set it on the table, and it soon attracted other nonsmokers to that table, and that's how I started.

Now, I always believed in leading by example, and as a municipal councillor I also set out to eliminate the cloud of smoke from my own municipal buildings, starting with the Kneehill municipality, and it became the first municipal administration building in the

province to go smoke free. I then got on the hospital board of the Three Hills hospital, and to my knowledge it was the first hospital in the province to have any smoking restrictions at all. And, yes, believe it or not, back in the 1980s you couldn't go into a hospital without smelling smoke in any room in any part of the building. Even this building. My research tells me that in the early 1980s in this very Assembly smoking was prevalent and quite common.

As an encouragement to the Member for Calgary-Lougheed we've made a lot of progress, or to paraphrase the advertisement of the cigarette company that the minister of health mentioned, Virginia Slims: we've come a long way, baby.

4:40

Numerous American states have passed similar legislation to this, and Cuba, a country where smoking is culturally ingrained, has also moved to limit smoking in public places. It's important to note that if Alberta adopts legislation to create a baseline for smoking restrictions across the province, it must protect children and respect municipalities' and organizations' rights to meet local needs. By creating a provincial standard, we can ensure that all Albertans are assured of a basic level of protection against exposure to second-hand smoke and that children are protected. Should municipalities want to further restrict smoking in public places, I believe it's their right to do so. There was a recent plebiscite in one of my larger municipalities during the last municipal elections, and it was defeated. So, Mr. Speaker, I think I've got at least a little bit of a feeling of what my constituents feel about being too restrictive on this issue.

Bill 201 in its current form will protect all Albertans from exposure to second-hand smoke in enclosed public places but does not allow for municipalities to respond to the needs of its local citizens. It does not allow for them to have a less stringent ban, nor does it allow for private organizations to set their own rules. Restrictions should only apply to enclosed public spaces and workplaces where minors are permitted. A public space is a place where members of the public are free to enter and interact with each other. A private club such as the Legion is not open to the public and has restrictions on who can enter. Because of this definition, Mr. Speaker, I believe that Bill 201 should not apply to exclusively private organizations.

As legislation across Canada similar in cause and effect to Bill 201 has been introduced, the Royal Canadian Legion has voiced its concerns. The Legion is concerned that proposed blanket smoking bans will harm the organization as they depend on smokers for their bottom line. Bill 201 if applied to private clubs would be especially penalizing. Public facilities like restaurants and bars are worried about their bottom line as well; however, being a public establishment, they are more able to replace customers as everyone is free to enter their facilities. [Mr. Marz coughed] That's not a smoking cough, Mr. Speaker.

[The Speaker in the chair]

Private clubs, on the other hand, Mr. Speaker, apply directly to a specific segment of the population and are only open to members and their guests. With each passing year it becomes harder and harder for Legions to survive. According to the Brandon, Manitoba, branch president, his Legion lost 30 per cent of its business immediately after the smoking ban was put into place. Legions play an important role in the lives of veterans and in communities. In 2003 the Alberta Northwest Territories Command donated \$9 million to charity and countless hours in community service to help other veterans run youth programs and sponsor senior housing programs.

When members leave the Legion, their dues and talents leave with them. A loss of the local Legion can be devastating to local communities.

Mr. Speaker, private clubs should be considered exempt as they are clearly not public spaces. Other jurisdictions have made exceptions for bona fide private clubs. In its bylaw the city of Toronto allowed for Legions and service clubs to be excluded and stated that the bylaw did not apply to banquet halls or restaurants when they are hosting private functions. The reason for the exception to smoking bans lies in the definition of a public space. A private club is open only to members and their guests, all of whom still choose to belong to that organization despite its smoking policy. A private club, if it chooses to allow smoking, does not have to allow minors on its premises. Private clubs like the Royal Canadian Legion are not competitors to other public entities. They cater to a certain clientele, and they do not try to attract business from a broad cross-section of society. Therefore, by ensuring that bona fide private clubs are exempt from this legislation, we're still allowing for a level playing field. The argument that allowing private service clubs an exemption would create a market distortion is simply inaccurate as private clubs occupy a separate niche in the economy.

Mr. Speaker, the Legion also caters to a segment of the population who grew up with smoking being acceptable. While the view of mainstream society has changed, the opinion of many Legion members has not. By ensuring that the private clubs are left out of the legislation, we're able to satisfy a generation of individuals whose sacrifices created our free society while at the same time acknowledging the hazards of second-hand smoke, bringing our policy in line with the views of the average Albertan.

Bill 201 is an important piece of legislation, and there can be no denying the harmful effects of second-hand smoke. This House has the responsibility to protect Albertans from harmful substances. That's why it's so important to prevent smoking in enclosed public spaces and workplaces where minors are permitted. Private clubs, however, are not public entities and should therefore under the definition of the proposed legislation be allowed to have smoking areas accessible for their members.

Bill 201, with the proper definition of public spaces, strikes a correct balance between freedom of choice, protecting public health, the rights of smokers, and the rights of nonsmokers. I will support this bill in second reading and look forward with great interest to what amendments may be forthcoming in the committee stage, and I will make my final decision then.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for St. Albert, followed by the hon. Member for Lac La Biche-St. Paul.

Mr. Flaherty: Thank you, Mr. Speaker. I wish to speak to Bill 201, Smoke-free Places Act. I admire the stand of my colleague across the floor for his tenacious challenge with this bill, and good luck with it. I believe adults are models here. Smoking sets a very poor example, and by example we teach.

During the municipal election in St. Albert three candidates ran on the basis of coming back and having the smoking ban removed. These three candidates were removed and were not elected, so that may have some message to our political hearts.

In visiting schools, which I have done since becoming the Education critic, I note a fairly large number of kids still smoking, and it seems to me just on a limited observation that a number of them are women, young ladies. This really has an impact on the future in terms of health costs.

There are simple reasons why I support this bill. I believe it

brings us better health, I believe it will cut costs, I believe it will make a better and healthier business environment, and I believe it will promote the well-being of people that are employed and also people that visit establishments that they must go into to do economic exchange, business. Therefore, I do believe that we should support Bill 201. It will set a province-wide standard.

There's one other thing, Mr. Speaker, that I think is very, very important. It would also tell people across Alberta that this Assembly can work together to make Alberta smoke-free and make Alberta a healthier place to live. I think that's really worth fighting and standing up for.

Thank you, sir.

The Speaker: The hon. Member for Lac La Biche-St. Paul, followed by the hon. Member for Cardston-Taber-Warner.

Mr. Danyluk: Thank you very much, Mr. Speaker. I am grateful to be able to rise and speak to Bill 201, Smoke-free Places Act. I listened to the comments from my colleagues here in the Legislature regarding Bill 201 with interest. I am sure every member here is receiving arguments and positioning both for and against this legislation while being approached by their constituents and in reading all the letters, faxes, and e-mails their constituency offices receive.

This is a very tough bill that's being brought forward. The health benefits to quitting smoking are obvious, and I don't think I need to go into any detail here as a few members of the House have already done an exceptional job outlining the dangers of smoking and second-hand smoke to nonsmokers. I am a reformed smoker and, I would suppose, one of the harshest critics.

4:50

As a government I do believe that we shouldn't be responsible for making sure every Albertan makes the healthiest choice at every corner. If this was the situation, as mentioned previously this afternoon, we would be legislating what foods Albertans eat, how much exercise they must perform each day, and we would be monitoring how much mindless and idle activity we participate in every day. Obviously, this isn't the case, and Albertans are free to make the choices that they feel are best for themselves.

AADAC does a great job in providing resources for individuals who choose to stop smoking but are having a difficult time doing it. As a former smoker I know it can be a difficult habit to beat, and I would be supportive of a bill that would in some way help discourage everyone, especially our youth, from ever starting smoking. Even with the dangers of smoking fully known by our youth, we still have young children starting to take up smoking. Although there are fewer youths starting to smoke than in the previous decades, we still need to protect children from taking up the habit.

Resources need to be there for those who choose to stop smoking. When people make the decision to stop smoking, we should be focusing on providing the services and support they need to kick this tough addiction. Wouldn't it be better to encourage adults and children to quit smoking instead of telling businesses how to operate? By focusing our efforts on eliminating where people can smoke, all we're doing is changing the locations where parents will be subjecting their children to second-hand smoke. It doesn't matter whether we create incentive programs or some type of tax credit. We need to start addressing how to encourage people to stop smoking, not just limit where they can smoke.

When I look at Bill 201, the biggest impact I see coming from it is that smoking will no longer be allowed in bars, restaurants, casinos, and other hospitality-related businesses. Will we be

creating other hazards to people's health by having groups of people smoking in front of restaurants? People will have to pass through the group of smokers to get to the smoke-free restaurant. I am not alone in Alberta with the discomfort around smoke. Many Albertans feel the same way I do when around smoke. We choose to go to businesses or restaurants that don't allow smoking. This is what my main contention with Bill 201 is as it currently sits. This bill in its current form will legislate hospitality businesses and dictate how they cater to a specific segment of the population.

I fully support prohibiting smoking in health facilities and most public buildings, but I have a hard time supporting legislation that tells a businessperson how they should run their private business. Perhaps we should look into developing better signs to warn people that certain businesses allow smoking. I want to emphasize: working with business, not dictating to businesses should be how we deal with the smoking issue.

Alberta has become a great province not because we're best at making laws but because of the entrepreneurial spirit that flows through our blood. I don't know if we really make a difference for the health of the public if we make it illegal for welders or any other shop owners to smoke in their own facility. Our farmers don't want Ottawa telling them where they have to sell their wheat and at what price. They want the option to be able to market their own products. They're smart enough to grow their farms into successful businesses, so it's insulting for them to be told that they're not smart enough to market their own wheat themselves if they choose to do so. I think that this directly applies to how we could be treating small business owners in relation to how they must run their own private businesses.

Is there such a high demand for nonsmoking establishments? The keen and smart businessmen that we have in our province will make sure that there is a smoke-free environment for these people who spend their money. The businesses that do allow for smoking are making a conscious decision to cater to a continually decreasing segment of our population. I really think that there will be a point when businesses that choose to allow smoking will eventually have to switch to nonsmoking because the actual numbers of smokers will be so little as not to be able to keep their business profitable. But until that time comes where either private businesses cannot be profitable with allowing smoking or until smoking itself becomes illegal, dictating how a business should be run is not the government's business.

As to this bill helping to protect the health of Albertans who work in public places where smoking is currently allowed, I don't think the debate for this is much different than if it was the province's business owners choosing to have their establishments free or not. To use serving as an example, people may choose where they work. There are so many options with smoking and nonsmoking establishments that the serving profession is not being subjected to second-hand smoke unless they choose to, just like the customers choose to frequent an establishment where smoking is allowed.

It simply comes down to personal choice, and this bill as it sits hasn't addressed a variety of other options that still need to be explored. Are the small nonsmoking signs that municipalities require businesses to post significant enough? How much authority do we extend to municipalities in regard to allowing smoking in public places? Why are we trying to interfere with local economies and the autonomy of the local municipalities? People should be able to decide how they will operate their businesses. We have seen a great number of municipalities move towards nonsmoking in almost all public places, but we have also seen many communities that will continue to allow businesses to choose what is best for their business.

I do feel that this bill is moving in the right direction, but I think further consultation and amendments are necessary before I would completely support this bill. Mr. Speaker, I thank the Member for Calgary-Lougheed for bringing Bill 201 forward and evoking such great debate.

Thank you very much, Mr. Speaker.

The Speaker: The hon. Member for Cardston-Taber-Warner, followed by the hon. Member for Calgary-Shaw.

Mr. Hinman: Thank you, Mr. Speaker. I appreciate the opportunity to speak to this Bill 201 today, and I thank the hon. Member for Calgary-Lougheed for bringing this important bill to the House.

At this time, I have a few questions that I'd like each of us to ask ourselves. We as legislators are empowered to bring forth good bills to protect those who cannot protect themselves, and though we've taken a good step so far with this bill, I still have questions. Are we really looking after the children of our province here? At this time a parent cannot take a child to town without strapping them in a seat belt. Children have a 1-800 number if they're physically or emotionally abused. Yet I ask the question: who's protecting the children in their home if their parents have chosen to smoke?

While this bill moves forward in the right direction, I still question that we don't protect those who cannot protect themselves. I would hope that as we continue to address and debate this bill, we will consider those in it and have the desire to strengthen this bill after this one passes to a stronger one that will protect those who cannot protect themselves.

Thank you.

The Speaker: The hon. Member for Calgary-Shaw.

Mrs. Ady: Thank you, Mr. Speaker. It is a pleasure to be able to rise today and join the debate on Bill 201, the Smoke-free Places Act. I'd like to compliment the Member for Calgary-Lougheed for having the courage to bring forward this bill.

Mr. Speaker, I'd like to start by just talking about three different instances in my own life. The first one was when I was 10 years old. At that time, my grandfather moved in to live with us, and he was in the final year of emphysema. He was in the next bedroom to me, and I would often hear him coughing. His lungs had gotten to a point where he could no longer cleanse them. They no longer worked for him adequately, so they would fill with phlegm, and he would cough. He had lunch bags, wax-lined lunch bags. He would cough so much that he would fill those lunch sacks with phlegm, and it was my job to take the lunch sacks out of his bedroom and dispose of them. For a 10-year-old girl that was a gross thing to do.

But worse than gross, Mr. Speaker, was actually that year living in the next bedroom, listening to him slowly choke to death. That made an impression on me that I've never forgotten. Emphysema is a terrible disease. It's not a disease that you'd want anyone to experience.

I'd like to fast-forward for just a moment to probably 10 years after that. I was just a newlywed. My husband and I were both in university. I was expecting our first child. We returned to Calgary right after things had been very tough, you know, after the crash, and we desperately needed both of us to work in order to be able to go on that next year in university.

5:00

I finally found a job after a few weeks of really searching. Unfortunately for me, I ended up in a very small office with another worker who was a chain smoker. Now, back then I could say

nothing. The reality was that I needed the job worse, in some ways, than other conditions. So I put up with it. I couldn't complain. I couldn't ask him not to. In fact, there was a window in that small office, and I tried to open the window so that I could air out the environment a little bit because I was concerned about being pregnant and being in such a smoke-filled environment. Unfortunately, my co-worker had a terrible case of asthma, so he couldn't tolerate the window being open because it so adversely affected his asthma, but I could tolerate the second-hand smoke.

Now, Mr. Speaker, that was some 25 years ago. I'd like to think that today we have progressed from that point. I'd like to think that we have better knowledge today. For many years the tobacco industry left us in a position where they didn't want us to create a causal link between smoking and lung cancer. Sometimes I feel like we're doing the same thing.

The Speaker: Hon. Member, I hate to interrupt, but under Standing Order 8(5)(I) we've now reached the point in time where I must call on the hon. Member for Calgary-Lougheed to close the debate.

Mr. Rodney: Thank you very much, Mr. Speaker. I have nothing but respect for each of the people who has risen in this Chamber before me to address this issue. I express my appreciation for the time and talent that they've put into their remarks. No matter what they might happen to have been, they've been very well thought of. Obviously, people have been speaking with their constituents. We all want to do the best thing for the people of this province.

I will not add to what has already been said here earlier today. Instead, I will ask for your guidance as we take this forward. We will now have the vote, I presume. Is that correct?

[The voice vote indicated that the motion for second reading carried]

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

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abbott	Graydon	Oberle
Ady	Groeneveld	Pannu
Agnihotri	Haley	Pastoor
Backs	Hancock	Pham
Blakeman	Hinman	Prins
Bonko	Jablonski	Renner
Boutilier	Johnson	Rodney
Brown	Knight	Rogers
Cao	Liepert	Shariff
Cardinal	Lindsay	Stevens
Cenaiko	Lougheed	Strang
Chase	MacDonald	Swann
DeLong	Mar	Taft
Doerksen	Marz	Tarchuk
Ducharme	Mason	Taylor
Elsalhy	Mather	Tougas
Evans	Miller, B.	Webber
Flaherty	Miller, R.	Zwozdesky
Goudreau	Mitzel	

Against the motion:

Danyluk	Griffiths	Ouellette
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Totals:	For – 56	Against – 3
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[Motion carried; Bill 201 read a second time]

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. It's been a very progressive day and a healthy debate on an interesting bill today. Therefore, in view of the hour I would move that we call it 5:30 and reconvene at 8 this evening.

[Motion carried; the Assembly adjourned at 5:17 p.m.]