

Legislative Assembly of Alberta

Title: **Monday, April 4, 2005**

1:30 p.m.

Date: 05/04/04

[The Speaker in the chair]

head:

Prayers

The Speaker: Good afternoon and welcome back.

This past weekend one of the greatest men of the 20th century left us. Pope John Paul II had a profound influence on his church and our world. He was a messenger for peace, a friend of the oppressed, an advocate for freedom, and a pope who led. He was pastor to a world in need of hope and reconciliation of the faiths. His pontificate showed him to be a man of true greatness. He changed the world for the better. We have been touched by his love of all people.

In a moment of silent prayer, may I ask all to remember His Holiness Pope John Paul II and to offer a silent prayer in your own custom for his eternal salvation. Rest eternal grant unto him, O Lord, and let light perpetual shine upon him. Amen.

Hon. members, would you now please remain standing and join Paul Lorieau, who will lead us in the singing of our national anthem. 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.

head:

Introduction of Guests

The Speaker: The hon. Member for Whitecourt-Ste. Anne.

Mr. VanderBurg: Thank you, Mr. Speaker. On your behalf I'd like to introduce to you and through you 15 seniors from the Barrhead-Morinville-Westlock constituency who are participating in the Pembina and Smithfield lodges' Westlock Foundation tour of the Legislature. With us today are Marilee Jespersen, Evelyn Calkins, Bernie and Doreen Forbes, Sarden Semenuk, Dorothy Baker, Jenny Sterling, Claude and Kathleen Simpson, Kay Nestrovich, Hilda Penno, Viola Baxandall, Catherine Keith, Donna Barr, John Kormendy, Susan St. John, Bill and Muriel Kleinsroth. They are seated in the gallery this afternoon. I'd ask them to please rise and receive the traditional warm welcome of this Assembly.

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

Rev. Abbott: Thank you, Mr. Speaker. It is my pleasure to introduce two different groups to you today. I'm very excited to have actually two different school groups here. The first group is one of Alberta's brightest and best, and that is the Thorsby high school. They are led by a very brave teacher, Mr. Andy McKee, and I'd ask if these students would stand and receive the warm welcome of the House.

I also have with me today, Mr. Speaker, another group of Alberta's brightest and best students from Warburg school, and they

are led by their teacher Mr. Blair Mailer and also parent helpers Mrs. Marilyn Mosicki and Mrs. Gail O'Neil. So I'll ask if this group in the members' gallery would also stand and receive the warm welcome of the Assembly.

Thank you.

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

Mr. Elsalhy: Thank you, Mr. Speaker. It is my pleasure to rise today to introduce to you and through you another one of my favourite schools from the constituency of Edmonton-McClung. This particular one is the Rio Terrace elementary school, and today we have 20 students and two teachers who are on their tour of the Legislature. The first teacher is Mrs. Sara Wanner, and the second one is Miss Ann Claire Magnier. I particularly have a soft spot for this school as well because these students are wonderful, their parents are great, and these teachers are truly outstanding. I would ask them to stand and receive the traditional warm welcome of this Assembly.

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

Mr. Eggen: Thank you, Mr. Speaker. I am very pleased to rise today to introduce to you and through you to the Assembly as well a family from Spruce Grove who are in the public gallery today to observe the proceedings. They are all very active New Democrats and strong supporters of social justice in Alberta. Barb and Ross Phillips are successful small-business people who run a market garden just north of Spruce Grove and are also champion dog breeders. With them is daughter Hayley Phillips, the NDP candidate for Edmonton-Spruce Grove in the last federal election, and she's currently a student at Concordia College. Finally, their other daughter Shannon Phillips is our NDP caucus communications coordinator. I would ask them to rise now, please, and receive the strong welcome of the Assembly.

Thank you.

The Speaker: The hon. Member for Cardston-Taber-Warner.

Mr. Hinman: Thank you, Mr. Speaker. I also have two introductions today. I'm honoured to introduce to you and through you to the members of this Assembly some important guests who have a keen interest in the Smoke-free Places Act before the House today. These guests are representatives from the Campaign for a Smoke-Free Alberta, a coalition of 16 prominent health organizations looking to reduce tobacco use in Alberta, including the Canadian Cancer Society. I would ask Les Hagen, Rob Cunningham, and Susan Mide Kiss and their associates to please rise and receive the traditional warm welcome of this Assembly.

It also gives me great pleasure this afternoon to introduce to you and through you to this Assembly a friend and a colleague from the Alberta Alliance Party, Eleanor Maroes, who has been appointed as the interim leader of the Alberta Alliance Party effective April 15 of this year. Eleanor began her political career with the Reform Party in 1989, serving on boards and as president of two Edmonton federal ridings. She has been president and deputy leader of the Alberta Alliance Party. I'd like to ask our honoured guest, Eleanor Maroes, to please rise and receive the traditional warm welcome of this Assembly.

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

Mr. Agnihotri: Thank you, Mr. Speaker. It's my great honour to

rise and introduce to you and through you to all Members of this Legislative Assembly two people. The first is Mr. Kahan Singh Virk. Mr. Virk is a solid contributor to Alberta soccer, 27 years of service with the Edmonton and District Soccer Association, a recreation achievement award winner, and has a long history of involvement in the soccer world from board of directors to the president of EDSA.

The second person is Mr. Laat Bhinder, who has been a community worker for many, many years. Mr. Bhinder is always helpful to new immigrants and Canadian citizens in counselling. He also publishes an Indo-Canadian business directory for their assistance. They are seated in the gallery. On behalf of the Assembly I request them to accept these two centennial 2005 medallion awards and ask them to please rise and receive the warm and traditional welcome of the Assembly.

1:40

The Speaker: The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Speaker. I would like to introduce to you and through you two-thirds of the Ferguson family, Laurie and son Jesse, who are friends and supporters from Hanna, Alberta. If they would rise, we will give them the usual welcome.

head:

Oral Question Period

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

Confidentiality of Health Records

Dr. Taft: Thank you, Mr. Speaker. The 670,000 health records that were lost last month are another example of the Tory government fumbling health care reform. This government has failed to thoroughly safeguard the personal information of Albertans, and now we learn that there is more. A recent ruling by the B.C. Privacy Commissioner has indicated that section 215 of the United States PATRIOT Act gives the American government, including the FBI, access to Albertans' personal health information through IBM, the company this government hired to handle our health records. To the minister of health: given that the government chose an American company to handle this province's health records, how is it ensuring that American intelligence agencies do not have access to the personal information of Albertans without even asking permission?

Ms Evans: Mr. Speaker, first of all, let me say on the missing records – and I examined what those records have. They have the name, and they have the health care number. They don't have a personal address, and they don't have a social insurance number. They have gender.

I am not telling you that to dismiss the importance of this issue. We take it very seriously. We look after and are the custodian of those records in a very serious fashion. Those records, through the contractor that manages this information – that is, IBM – on behalf of government, were being microfiched because it was tombstone data; in other words, not addresses, but it's serious what was there.

The latter point that the member opposite addressed relative to the potential – and it's unconfirmed for me at this point – of American access to data through any agency or organization is unbeknownst to me, and it may be a federal matter.

Dr. Taft: Well, thank you, Madam Minister. It's a bit shocking that she's not aware of this risk.

To the same minister: given that this government has exposed

Albertans to this invasion of their privacy, does she have any idea which American intelligence agencies are drilling into our private health records and what they would be using the information for?

Ms Evans: Well, Mr. Speaker, a very speculative question here, making a number of assumptions, leaping ahead. Would we, in fact, approach the federal Deputy Prime Minister with the same attack and assumption that this hon. member has just made? I am committed to looking into what is being managed, how our records are being managed. These records were being transported by our contractor through other subcontracts, in our best acknowledgement, by a contract that would not have permitted access to any other offshore or federal agency. So what has been supposed by this member in this allegation is something I know not to be true.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. I will table the ruling so that the minister can be informed.

The Speaker: No preambles, okay? Please.

Dr. Taft: Will the minister now direct Alberta's Privacy Commissioner to investigate the potential violation of Albertans' privacy under the U.S. PATRIOT Act?

Ms Evans: Well, Mr. Speaker, the Privacy Commissioner has been engaged from the point of our understanding that there was an issue with this entire missing tape. I can assure this Assembly, this House, that if there is cause to be concerned under the issues that have been raised by the member of the opposition, then that duly will happen. Our Privacy Commissioner does not need further direction on how to conduct his investigation. He is most capable of doing it.

The Speaker: The second Official Opposition main question. The hon. Member for Edmonton-Centre.

Joint Fire and Ambulance Services

Ms Blakeman: Thank you, Mr. Speaker. Another day, another Tory health care fiasco. This government's continuous mismanagement of ambulance services is beginning to show serious consequences. The city of Medicine Hat is now concerned that they may have to shut down fire halls because this ministry did not take into account that some municipalities have EMS services in place that include both fire and ambulance services. My questions are to the Minister of Health and Wellness. Can the minister explain how the department overlooked the fact that in many municipalities the fire and ambulance services work together to provide emergency services?

Ms Evans: Well, Mr. Speaker, obviously there was no oversight in terms of looking at how the services were provided. That was not the issue when we suspended the transfer to the regional health authorities and moved to discover what was happening. The issue was that the costs that were being ascribed for this year's budget were considerably higher than what had been attributed to the initial report and the initial findings of the report relative to governance and operations of the ambulance system, not addressing the fire department or any other EMS service. In fact, Medicine Hat and any other jurisdiction that has questions will have an opportunity through the committee on governance, policy, and standards to represent their own issues relative to that.

May I remind this Assembly that at least 300 municipalities this

year received \$55 million towards their ambulance operation, monies that weren't there previously.

Ms Blakeman: Seventy-seven didn't.

To the same minister: why didn't this government's pilot projects in Palliser and Peace country health regions take into account the joint fire and ambulance services model that municipalities have used successfully for years?

Ms Evans: Well, Mr. Speaker, this is an attempt to pre-empt something that only began on April 1, a couple of days ago. On April 1 the discovery projects of this whole integration will take place, and allegations of things that aren't going well or that might not go well or weren't taken into account will be discovered during this period of integrating that service delivery in a collective fashion. I don't think people should be pre-empting it; I'm sorry.

Ms Blakeman: They don't have enough money to do it. Again to the same minister.

The Speaker: The preamble thing is something that I have to enforce. Would you co-operate, please.

Ms Blakeman: Thank you. To the same minister: why didn't the department, since you had four years of study, clarify earlier that there would be no funding for joint ambulance and fire services so the municipalities could adjust their funding accordingly?

Ms Evans: Well, Mr. Speaker, the whole of the delivery system varied between a number of places. The issues that may have been raised by Medicine Hat will be not only discovered this year, but on Wednesday I'm meeting with the Alberta Urban Municipalities Association with at least one or two other municipal leaders. We will further converse on issues that they are raising already relative to either the pilot or other provision of ambulance service.

Mr. Speaker, I can assure you that what the health authorities' intent was with the original report was to help co-ordinate an efficient, cost-effective ambulance service delivery system, and in the best interest of the patient that's what we still intend to do.

The Speaker: Third Official Opposition main question. The hon. Member for Calgary-Currie.

Mount Royal College

Mr. Taylor: Thank you, Mr. Speaker. One month ago the Minister of Advanced Education rose during question period and confirmed that Mount Royal College in Calgary needs to have an answer to its request for university status by early May and promised to "try and accomplish both the full and complete discussion and their timeline if at all possible." To the minister. My constituents are eager to know: is he going to make the deadline?

1:50

Mr. Hancock: I don't think so, Mr. Speaker. What I had indicated was not that they needed a decision by then but that they would desire to have one by then so that they could do the appropriate planning for programs to put it in place for the 2006 year. In response to the question at that time I also indicated that the decision as to whether or not Mount Royal transitioned to a university had to be made in the context of the overall postsecondary system, and we had promised a review of that system. That review will be comprehensive, will involve all the stakeholders, and will take a little bit more time than from now till May 1.

Mr. Taylor: Mr. Speaker, given that people at the college were given to understand last week that the decision is now likely to be delayed until this fall and given the minister's answer, I'm wondering: is the minister suggesting that he's about to announce a commission on postsecondary education similar to the Learning Commission for K to 12?

Mr. Hancock: Well, Mr. Speaker, I will be meeting with representatives from the college this week, in fact, and discussing further the process that will be undertaken both in terms of the comprehensive review and in terms specifically of the Mount Royal decision and how that fits into the process. I will not be announcing a postsecondary learning commission, but we certainly will be having a process of looking at our postsecondary system in this province, the advanced education system in this province, how people access opportunities to advance their education in this province. It will involve a discussion with Albertans and with all the stakeholders.

Mr. Taylor: Okay. Mr. Speaker, given that the government has had this file on their desk for about two years now, can the minister assure us that the decision, whenever he makes it, will be based on the merits of the proposal and not on the mood of anti-Calgaryism apparent in some quarters of the Conservative caucus?

Mr. Hancock: Mr. Speaker, one thing I can assure this hon. member – he obviously hasn't been here for very long or he would know – is that there is no anti-Calgaryism in this caucus. This government prides itself on serving all Albertans well and taking into context and making decisions in the interests of all Albertans, not the parochial interest of any particular area and particularly not the parochial interest that's been expressed by this member for his particular corner of the world.

The Speaker: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Peace River.

Missing Health Records

Dr. Pannu: Mr. Speaker, personal health records containing current data on 670,000 Albertans may well have fallen into the hands of parties unknown who may be using this information to commit crimes like identity theft. The tapes containing these health records went missing over three weeks ago, yet this Tory government tried to keep things quiet, and the government only got caught thanks to a news media leak. My question is to the Minister of Health and Wellness. Given that a senior member of the Edmonton Police Service has publicly said that these records could be used for purposes such as identity theft, why did the minister fail to report the matter to the police for investigation?

Ms Evans: Mr. Speaker, it's my understanding, when I first heard about it, that the reason it had been in fact transferred to the responsibility of the Privacy Commissioner was that there was not yet any concern that that tape may not have been still in part of the stream or system of delivery, that IBM may not have had it, that the subcontractor may have had it. There was a search that was being conducted.

The first alert that it was missing was in fact forwarded to the Privacy Commissioner, and we will await his recommendations. If, in fact, there is a need for police involvement or any other kind of review, then we'll do that, but there was not a supposition made that there was anything beyond following up on the privacy and making

that early alert, getting that investigation under way, and leaving ourselves open to expanding that investigation if necessary.

On another point . . .

The Speaker: Hon. member, we'll go on. I'm sure we'll have a supplement.

The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. How can the minister claim that there is no need to report this matter to the police for investigation when she ought to have known that any delay in reporting possible crime gives the bad guys a better chance of covering their tracks?

Ms Evans: Well, Mr. Speaker, I did not say that we had made a decision not to give it to the police or to turn it over to the Solicitor General. What I did say was that it was immediately forwarded to the Privacy Commissioner, and if there is a view that this investigation should be expanded – there was never any intent to keep this from public information or from the media or from anybody else. There was a need to identify what happened, what occurrence, the events that took place, and whether or not that tape was actually in the government's possession through one of the subcontractors. That's how it started.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. My final question is to the Premier. Given at least three serious privacy breaches in less than a year, why is the government failing in its duty to safeguard the personal information of Albertans from those bent on stealing people's identities?

Mr. Klein: Mr. Speaker, first of all, we are safeguarding as best we possibly can the private information of all citizens. As much as I hate to say it – and it does happen in society – those with a criminal mind will find a way to undermine the system. When a criminal mind is at work, that's when the Solicitor General will come into play, and that's when the police will come into play.

Now, the only supposition of a criminal mind here has been raised by the hon. member of the ND opposition. He has created this suspicion. To my knowledge there has been no criminal involvement. If there is criminal involvement, if people commit a crime, if someone shoots someone or someone robs a bank or if someone breaks the law, the police will be in there like a dirty shirt, Mr. Speaker. But they are not going to act on the suppositions of the NDs. I'll tell you that for sure.

The Speaker: The hon. Member for Peace River, followed by the hon. Member for Calgary-Varsity.

Definition of Marriage

Mr. Oberle: Thank you, Mr. Speaker. Many of my constituents in Peace River are closely watching the progress of the federal government's Bill C-38, which proposes to legalize same-sex marriage in Canada. They continue to express their support for Alberta to maintain its position of supporting the traditional definition of marriage in this province. My first question is to the Premier. Can the Premier update Albertans on the government's policy with respect to maintaining the traditional definition of marriage in the province?

Mr. Klein: Well, I can tell you that the whole issue of the traditional definition of marriage, TDM, was discussed at A and P, Agenda and

Priorities, later at cabinet, and later at caucus today, and there was a good, lively discussion. First, I can tell you that this government strongly reaffirmed its support for the traditional definition of marriage; that is, that marriage is between a man and a woman. Mr. Speaker, I know that that is contrary to the position of the opposition Liberals and NDs. I know that that is contrary to their position because they will stand up and say: we support changing the traditional definition of marriage.

Second, I can advise that no legislative action will be taken at this time pending developments at the federal level regarding legislation that the Liberal government may introduce. Well, it has introduced it, but it may pass it. It doesn't have to. That is if the Liberal government survives, which is a question.

There's a third point.

The Speaker: Okay. Well, we'll probably get it in the supplementary.

The hon. member.

Mr. Oberle: I'm afraid not, Mr. Speaker. My first and only supplemental is to the Minister of Justice and Attorney General. Given the Premier's answer, in the event of a legal challenge to Alberta's Marriage Act how will the government of Alberta respond?

Mr. Stevens: Well, I think, Mr. Speaker, I can speak as to the current situation in Alberta, and that is that the common law in Alberta has always recognized marriage in the traditional sense as a union between a man and a woman. It is our intention to oppose any court application through the courts that would change or purport to change that definition.

The Speaker: Did the hon. Premier want to supplement the hon. minister's answer?

Mr. Klein: I don't mind supplementing. I can tell the hon. Member for Peace River that the Minister of Justice and Attorney General will be canvassing members of caucus to ensure that while we await developments at the federal level, all our options will be clearly investigated.

The Speaker: The hon. Member for Calgary-Varsity, followed by the hon. Member for Drayton Valley-Calmar.

2:00 Fort McMurray Infrastructure Needs

Mr. Chase: Thank you, Mr. Speaker. While communities throughout Alberta are suffering from a provincial government infrastructure deficit in excess of \$8 billion, this neglect has reached intolerable proportions in Fort McMurray. The sewage treatment centre, hospital, and schools are literally bursting at the seams. My question is to the Premier. Will the Premier, in recognition of Fort McMurray's acute infrastructure deficiency, provide immediate financing for the necessary upgrades to the sewage treatment facility to avert a health care crisis?

Mr. Klein: I don't know where we are relative to sewage treatment. As the hon. member points out, and rightly so, there are a number of infrastructure pressures being brought to bear on Fort McMurray with an anticipated \$97 billion worth of new construction. I say "anticipated" because some of it is already under way, and some of it will take place down the road.

Relative to infrastructure – I see the hon. minister is not with us.

I'm sorry. As the hon. minister is not here to reply, I'll have the MLA for the area supplement.

Mr. Boutilier: Mr. Speaker, I want to say that we've been working together. We have a cabinet committee that the Premier has formulated. The Minister of Energy as well as the members for Vermilion-Lloydminster and Bonnyville-Cold Lake, the Minister of Infrastructure, and the Minister of Finance are on that. In fact, tonight I invite people to come. There's a standing policy committee tonight where a business case is being brought forward in terms of a framework that can work in terms of municipalities that are being faced with this \$97 billion that has been mentioned relative to dealing with something that one size doesn't fit all. Truly, if every Alberta city had \$97 billion taking place – it's showing that the Alberta advantage really is working, and we want to do it right.

Mr. Chase: It seems that in Fort McMurray it's going down the sewers.

Mr. Boutilier: Point of order, Mr. Speaker.

Mr. Chase: Will the Premier commit to providing the necessary ongoing infrastructure funding that Fort McMurray has requested?

Mr. Klein: Mr. Speaker, first of all, the hon. minister, although he is not the minister directly responsible, has pointed out that there is a meeting tonight involving all of the players relative to how to address the infrastructure needs. But I can tell you that in a number of areas – and I don't know about sewage in particular – the infrastructure problems are already being addressed. I know that the department of infrastructure is addressing the problem of transportation with the upgrades of highways 63 and 881. I know that the department of seniors has worked with industry to accommodate affordable housing in the area.

Mr. Speaker, we are working hand in glove with the industry to address these infrastructure problems, and I would strongly suggest that the hon. member take some time at supper and attend the meeting.

The Speaker: There was a point of order raised as well.
The hon. member.

Mr. Chase: Thank you. Along the housing concerns, how will the Premier guarantee that teachers and health care workers are able to find or afford housing in Fort McMurray?

Mr. Klein: Mr. Speaker, as I pointed out – and this is what's so frustrating because they do not listen. They do not listen. They just, you know, want to go like this all the time. They don't listen. I just said that the hon. minister of seniors has been working with industry to address the housing problem and make available land for affordable housing.

The Speaker: The hon. Member for Drayton Valley-Calmar, followed by the hon. Member for Calgary-Mountain View.

Greenhouse Gas Emissions

Rev. Abbott: Thank you, Mr. Speaker. It has recently become apparent that the federal Liberal government is trying to sneak its Kyoto plan into effect by amending the Canadian Environmental Protection Act as part of its budget legislation. If passed, this amendment could be devastating to the Alberta economy, not to

mention my constituents of Drayton Valley-Calmar. My questions are for the Minister of Environment. What is Alberta's position on this approach?

Mr. Boutilier: Mr. Speaker, as I mentioned in this Assembly to the members, we had meetings last week in Ottawa with the federal Minister of the Environment, the federal Natural Resources minister, myself, and the Minister of Energy from Alberta. I want to say that our three-hour meeting was very instructive in terms of Alberta's position. Without question the province of Alberta has been a leader in Canada in terms of what we have done. We have the only piece of legislation that was freely debated in this Legislative Assembly. Our encouragement to the folks in Ottawa is, number one, that the Canadian Environmental Protection Act, the act that is under the budget, cloaked in the budget, is not the right way to go. That was our message. It was clear, concise, and asked them to follow Alberta's leadership on this important environmental matter.

The Speaker: The hon. member.

Rev. Abbott: Thank you, Mr. Speaker. My first supplemental to the same minister: well, then, what will the Alberta government do to protect our industry and economy if they succeed in passing the budget with this amendment?

Mr. Boutilier: Mr. Speaker, Albertans care about the environment, as does every single member of this Assembly. We want a plan like Alberta's that makes good sense, s-e-n-s-e and c-e-n-t-s, where we can marry together environmental principles and economic principles in a way that makes good sense in helping the environment and at the same time not jeopardizing the economy. We have taken that balanced approach. We have freely debated it in this House. We're encouraging the federal government to do the same.

The Speaker: The hon. member.

Rev. Abbott: Thank you, Mr. Speaker. Given that this could cost millions, what can Alberta do to provide industry with the certainty it needs to minimize its costs around reducing greenhouse gas emissions?

Mr. Boutilier: Mr. Speaker, at the COP 10 in Argentina at Christmastime I had an opportunity to present a technology intervention. We want to mitigate uncertainty not only just to industry but to all Albertans in terms of what we're looking for, and I know that clearly the Canadian Association of Petroleum Producers has indicated to the Minister of Energy that they want certainty like Alberta has provided. I think what is so important is that the technology in renewable resources that we're looking for in the future is the way to go, where we do not want one single cent from Canada, from Alberta to leave this country or this province to go to another country to buy a piece of paper called a carbon credit when we want it invested right here in Alberta universities.

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

Oil Well Drilling on Crown Land

Dr. Swann: Thank you, Mr. Speaker. Three years ago and \$3 million ago the government of Alberta announced a consultation process to help with land development issues between First Nation bands and oil field contractors. This agreement has yet to be put in

place, and oil companies continue to develop in disputed areas without first consulting First Nation peoples. To the Premier: why was the Lubicon Lake band not consulted about oil and gas activity on disputed Crown land in their area?

Mr. Klein: I don't know that to be true or not, but I will take the matter under advisement, Mr. Speaker.

Mrs. McClellan: Ron can answer it.

Mr. Klein: Oh, Mr. Speaker, I'm advised that the Attorney General and Justice minister may be able to provide an answer.

The Speaker: The hon. minister.

Mr. Stevens: Thank you, Mr. Speaker. In this particular case negotiations involving the Lubicon were last held some many months ago. I believe it was 15 to 18 months ago. Negotiations relative to the Lubicon are the responsibility of the federal government. If we are asked to participate, we do participate, and that is the current status of the matter.

Dr. Swann: Again to the Premier: why has the government not completed the consultation and report in its commitment of 2002?

Mr. Klein: Again, I don't know if the allegations are true, but I'll have the hon. minister respond.

Mr. Stevens: Mr. Speaker, at this particular point in time there is a consultation policy that is being reviewed. It's currently in the final round of focus group meetings with the First Nations and the industry.

As it relates to the Lubicon matter, Mr. Speaker, I can advise you that the negotiations did not, according to the information that I have received, involve any matter relative to the lands where these proposed oil wells are to go forward. In any event, before oil companies can drill, they have to go to the EUB and receive approval. That particular matter, of course, is under the auspices of the Minister of Energy, and he may wish to supplement.

2:10

Dr. Swann: Again to the Premier: will your government stop development in the Lubicon Lake area until a full consultation with native groups has been completed?

Mr. Klein: Mr. Speaker, again, I don't know the situation relative to the Lubicon, but I'll have the hon. minister respond.

Mr. Stevens: Well, as I indicated, Mr. Speaker, the consultation process per se is in the final stages of approval.

With respect to the issue that the Lubicon have advanced, it is not with respect to lands that have been the subject of any discussion of potential settlement. That is not what we are talking about here. We are talking about some other lands. There is, to the information that I have received, absolutely no basis relative to the claim that there is some special protection associated with these lands. In any event, Mr. Speaker, as I indicated in the previous answer, the oil companies do have to make application to the EUB, and the Lubicon can make their case at that time.

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

Attempted Child Abductions

Mr. Pham: Thank you, Mr. Speaker. Parents and children in northeast Calgary, primarily in the community of Abbeydale, are frightened because of several attempted abductions that have recently taken place. These attempts have occurred while the children have been travelling to and from school. Many parents are keeping their children inside and not allowing them to walk to school for fear of the next attempt. My first question is to the hon. Solicitor General. What actions are the Police Service and the ministry taking to make sure that the individuals responsible are apprehended as soon as possible, before they are able to successfully abduct one of our children?

The Speaker: The hon. minister.

Mr. Cenaiko: Thank you very much, Mr. Speaker. I'd like to assure the member that these types of incidents are taken very seriously by every police agency in the province and as well by every parent in this province. I as well want to assure the member that the Calgary Police Service has committed five officers to work on this case. They've received over 200 tips from the public so far. They are investigating each one of those tips that are coming in. As well, they have a composite sketch of the perpetrator, that has been provided to them by two of the young witnesses.

Mr. Speaker, I just wanted to advise you, though, that on this case as on other cases throughout the province of this type or nature, the policing agencies and communities work together in providing information and/or intelligence with regard to similar incidents that may have happened in another location in the province. So that information is there. The police agencies work together, and we hope to see this resolved in the near future.

The Speaker: The hon. member.

Mr. Pham: Thank you, Mr. Speaker. My second question is to the Minister of Government Services. Given that the children have been able to provide a very clear description of the vehicle that has been used during these attempts, could a vehicle registration database be used to assist the police in tracking down these persons?

The Speaker: The hon. minister.

Mr. Lund: Well, thank you, Mr. Speaker. Yes, the registry could be used. The more information, of course, that we have, the better. But the police forces have access to that registry at any time. As the hon. Solicitor General has indicated, there are a lot of tips already. The more that we get, the better, even if it's just the colour, the year, the make, any of those kinds of things that we know about the vehicle. Even a partial licence plate is of a great deal of assistance. Of course, it's somewhat limited with what we can do, but certainly every vehicle, the colour of it, the year of it, the make are all registered. So as we put it together, we possibly could get a better lead.

The Speaker: The hon. member.

Mr. Pham: Thank you, Mr. Speaker. My last question is to the Solicitor General. Given that these attempts are occurring near schools, is there anything that can be done with the schools to increase the safety of our schoolchildren?

The Speaker: The hon. minister.

Mr. Cenaiko: Well, thank you very much, Mr. Speaker. I can tell you that the Calgary Police Service works in conjunction and in partnership with the Calgary board of education security co-ordinator with regard to this case and throughout the year as well. With incidents of this nature or other serious incidents they work together to determine an effective course of action as well as effective courses of crime prevention within their community. So there is a close working relationship between the police service and the board of education as well as the other areas within the police service regarding the community liaison officers, the school resource officers, and other investigators throughout the police service.

The Speaker: The hon. Member for Edmonton-Meadowlark, followed by the hon. Member for Edmonton-Beverly-Clareview.

Problem Gambling

Mr. Tougas: Thank you, Mr. Speaker. Last week at a conference sponsored by the Alberta Gaming Research Institute, known as AGRI, some rather startling figures regarding problem gaming were revealed. According to the AGRI study, from 30 to 40 per cent of Alberta's gambling revenue comes from problem gamblers, who themselves constitute just 5 per cent of all gamblers. My questions are for the Minister of Gaming. Does the government accept this study as accurate?

The Speaker: The hon. minister.

Mr. Graydon: Well, thank you, Mr. Speaker. I was also at the conference and heard the report that was given; however, we've been unable to this point to get a copy of that particular study. We do know that a couple of years ago – actually, I think it was in 2003 – the same research institute did a study and came up at that time with a figure of 30 per cent as opposed to 39, which was reported last week. We also know that that number is consistent with other jurisdictions across Canada, so it's not that Alberta is out of line with other jurisdictions.

We are addressing the problem of problem gamblers. We take it very seriously. Just in the past year we started a new division in Alberta Gaming called the social responsibility division, and their sole task is to work with AADAC, to work with problem gamblers. We made a lot of changes to the displays on VLTs, et cetera. So we are hopefully addressing the situation.

The Speaker: The hon. member.

Mr. Tougas: Thank you, Mr. Speaker. Given that the government still has not made good on its 1 and a half million dollar commitment to AGRI for last year's budget, why is the government dragging its heels over the continued funding of this world-class research organization?

The Speaker: The hon. minister.

Mr. Graydon: Yes. No question that it is a world-class organization – we heard that many times at the conference on the weekend – recognized by people from Australia, people from the United States, people from eastern Canada.

On the question of the budget we'll have to wait for a couple of weeks to see how they make out in this year's budget. The contract with that institute is up for renewal, and that is being renegotiated as we speak.

Mr. Tougas: My final question, Mr. Speaker: will the minister assure this Assembly that the government will not interfere with the independent and arm's-length research done by the AGRI?

Mr. Graydon: Well, that's a very easy promise to make. We will certainly not interfere with the results of any investigations that are done or any research that is done. I do believe we have a responsibility – we're funding that group – to ask what we want researched, but as far as the results that they come up with, there'll be absolutely no political interference in those results.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview, followed by the hon. Member for Olds-Didsbury-Three Hills.

Securities Commission

Mr. Martin: Thank you, Mr. Speaker. This government has known for over a year about serious allegations of wrongdoing at the Alberta Securities Commission. In a January 9, 2004, letter a former ASC enforcement director told the government what had long been suspected; namely, that there is a two-tiered regulatory regime with one set of rules for normal Albertans and another set for insiders and the powerful. The letter further warned that a failure to act on these serious allegations would bring Alberta securities laws into disrepute if not open ridicule. My question is to the Minister of Finance. Why has the government for the past 15 months been covering up serious allegations of wrongdoing at the Alberta Securities Commission?

2:20

Mrs. McClellan: Well, first of all, Mr. Speaker, I'd say that one of the most serious allegations is the one that this government has been covering up anything at the Securities Commission. That's absolutely incorrect and untrue.

Mr. Speaker, when the first issue was raised, there was a review done, and we were unable to find any evidence strong enough or in any way to carry this forward.

Secondly, when this surfaced most recently, I made it clear that certainly I couldn't and that I didn't think the commission could react to rumours, but I indicated that if we have a complaint that is signed or brought forward by someone in an appropriate manner, it would be dealt with. Well, indeed, that happened. The week before last, you will recall, Mr. Speaker, I tabled the letter that I wrote to the commission, I tabled the response from the commission, and I told them that I expected a report in short days and, in fact, have that now.

Mr. Martin: Mr. Speaker, the point I'd like to make is this. Given that small investors have to have faith in the regulatory system, why has the government failed to protect the small Alberta investors by not telling them over the 15 months of serious allegations of favouritism and lax enforcement at the highest levels of the Alberta Securities Commission?

Mrs. McClellan: Mr. Speaker, I'll repeat it one more time. That was investigated last year. It was investigated, and the allegations could not be substantiated, and they have been again investigated by an independent party that was brought in by the Securities Commission to review this.

I will say this. I have received the information. It is subject to solicitor-client privilege, so I cannot release to you the report, but I will provide you with what the report indicates on what you are raising because this is a very serious allegation, that there are improprieties on the regulatory side. The report indicates that the enforcement policies . . .

The Speaker: I'm sorry, but we're trying to maintain a 45-second rule, back and forth.

The hon. member.

Mr. Martin: Well, Mr. Speaker, we'll give her the opportunity. When will this report be released, and could she continue giving us an idea of what it's saying then?

Mrs. McClellan: Well, Mr. Speaker, I just indicated, first of all, that the report has been provided through my deputy and the information to me. It has been provided on the basis of solicitor-client privilege, and I think that's very appropriate for the people who are involved in this report, who came forward with their concerns, but I can share with you what the report indicates.

The report indicates that the enforcement policies of the Alberta Securities Commission have been applied and continue to be applied consistently and fairly and with an even hand, and I think that's what's important. I think that's what this member wants to know, I think that's what the Official Opposition wanted to know with questions that were directed in the last week of the sitting, and that's what the investors in this province want to know. Today they know that.

The Speaker: The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Gold Bar.

Agricultural Assistance

Mr. Marz: Thank you, Mr. Speaker. Earlier last week the federal government announced a \$1 billion farm aid package, aid that was directed at more than just the cattle producers this time but also for the grain, hay, and oilseed producers, who've also seen their input costs grow at a staggering rate as well as the extremely low commodity prices. The federal government encouraged the provinces and territories to participate in this program, contributing the historical 40 per cent provincial share over and above the federal contribution. My question today is to the Minister of Agriculture, Food and Rural Development. Given that the Alberta government has been quite clear they would not participate in the federal program, what are we going to do provincially to address the depressed grain, hay, and oilseed prices?

The Speaker: The hon. minister.

Mr. Horner: Well, thank you, Mr. Speaker. It is indeed true that our grain producers and really our rural community are kind of experiencing the perfect storm, if you will, of low commodity prices, a rising Canadian dollar, higher input costs. It really is a national challenge as opposed to a provincial challenge. We're looking for long-term solutions as well as some short-term relief.

Certainly, under the ag policy framework that's where we're headed with the CAIS program. It's really two components. One is production insurance; one is the CAIS program. Indeed, with the CAIS program for the 2004 advances, Mr. Speaker, we've already kicked out a little over \$260 million to get those dollars out into the producers' hands. We are looking at some other things that we can do with the CAIS program to ensure that that cash flow is out there.

Mr. Marz: To the same minister, Mr. Speaker: will future income support be channelled through the often confusing Canadian agricultural income stabilization program?

The Speaker: The hon. minister.

Mr. Horner: Thank you, Mr. Speaker. Again, the hon. member makes a good point. The CAIS program is under review. The ministers from across Canada are all going to be meeting to discuss how we might make that program a little more responsive for producers. I believe as do the other provincial ministers that CAIS is the program for the future, and I think I can safely say that after a little bit of tweaking, we're going to be using that program a lot more in the future. I would encourage producers to look to the program as their basic risk management program for the future in our agriculture community.

Mr. Marz: Well, given that some producers have reported to me that they've still not received their 2003 payments through that program, what is the minister doing to accelerate that process?

Mr. Horner: Well, Mr. Speaker, there have been a number of complaints on that program with regard to getting the payments out. As I've said in the House, we've had a fairly large influx of applications all at one particular time. I think we're working our way through that, and the indications from AFSC, or the group that handles the CAIS program for us, is that producers will start to see a lot of those cheques coming out this week and early into the next week. We are working to make the program easier to understand, easier to apply for, and more responsive to the producers. Like any new program we're going to have some bumps in the road, but given that the program is going to be I think the basic risk management tool for our producers into the future, we have to get over these bumps in the road, and then the program will be responsive.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Whitecourt-Ste. Anne.

TransAlta Utilities

Mr. MacDonald: Thank you, Mr. Speaker. When Mr. Jim Dinning, the current front-runner in the Progressive Conservative leadership race, was a vice-president of TransAlta – [interjections] some may laugh – this government sat silent while that company on occasion charged Albertans 50 cents per kilowatt hour for electricity that cost less than a penny per kilowatt hour to produce. The government continued their silence when the EUB found that TransAlta's pricing strategies were unfairly overcharging Alberta consumers for power. My first question is to the Premier. Why did this Progressive Conservative government allow TransAlta to overcharge consumers for their power?

Mr. Klein: Mr. Speaker, I'll respond to the political part of the preamble. I don't know if Mr. Dinning is the front-runner or not. My job is not open, for one thing.

With respect to the second part of the preamble, the actual question, I'll have the hon. minister respond.

The Speaker: Briefly.

Mr. Melchin: Mr. Speaker, there are procedures in place and certainly control mechanisms, the market surveillance administrator being one of them. There is also the Energy and Utilities Board. All of these groups do act to protect consumers and to see that they are charged fairly.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. Again to the Premier:

why did the Progressive Conservative government allow TransAlta to acquire over 700 megawatts of hydrogenerating capacity in one giant power purchase arrangement giveaway instead of separating the hydro capacity generating units so they could be sold separately, as was suggested to the EUB by the industry?

Mr. Klein: Again I'll have the hon. minister respond.

The Speaker: Minister.

Mr. Melchin: Thank you, Mr. Speaker. Those power purchase arrangements were put out in an open auction, and clearly they had the opportunity along with anybody else to bid, and they were the recipients and were awarded some of those contracts.*

2:30

Mr. MacDonald: Again, Mr. Speaker, to the Premier: given that this Progressive Conservative government was warned in 1999 that large generation blocks of electricity could result in market power abuses and Power Pool increases of 200 to 300 per cent, why did this Progressive Conservative government give TransAlta over 700 megawatts of hydro capacity for next to nothing?

Mr. Klein: Well, I don't know that to be true, Mr. Speaker, but I'll have the hon. minister respond.

Mr. Melchin: Mr. Speaker, it's easy to make allegations. TransAlta or other companies may charge beyond what he said was related to cost. The real fact was that when we went through deregulation, it had much to do with supply and demand. During that deregulation period there was quite a shortage of power. One of the great successes has been that we have had over 3,300 megawatts of new generation come on, and no one's bemoaning the fact now that TransAlta is actually not even recovering their costs.

The Speaker: The hon. Member for Whitecourt-St. Anne, followed by the hon. Member for Edmonton-Mill Woods.

EPCOR Energy Bills

Mr. VanderBurg: Thank you, Mr. Speaker. For months my constituents and all Albertans being served by EPCOR/Fortis have received monthly bills that have had energy and delivery charges for different periods. I've heard that the Department of Energy is working towards a solution. To the Minister of Energy: has your department found a way to resolve this confusing issue?

The Speaker: The hon. minister.

Mr. Melchin: Thank you, Mr. Speaker. As the hon. member had mentioned, in the EPCOR/Fortis area of Alberta one of the improvements that has been made was to ensure that the energy and delivery chargers coincide their billing periods to make sure that the bills were more understandable and transparent to the customers. In that regard, there is going to be an alignment of that in the EPCOR/Fortis area. We've delayed that from April 1 to July 1 to help facilitate consumers at a low charging period, when the electricity usage would be lower, so that their bills would be less impacted.

Mr. VanderBurg: Well, thank you. That's great news. But given that this regulation will cause some financial hardship to many of those on fixed income, will you advise the utility companies to be flexible during the months that these new, aligned bills arrive?

The Speaker: The hon. minister.

Mr. Melchin: Thank you, Mr. Speaker. In that regard, I think that it is very important that the companies – and we have spoken to the companies in particular – work very closely with those customers. A number of them will be charged additional dollars for the catch-up period. Therefore, if there are problems in that regard, we will certainly work very closely with Albertans to ensure that it's fairly implemented.

Mr. VanderBurg: Mr. Speaker, finally, to the Minister of Government Services: given that our phones will once again light up with calls from constituents that do not understand this alignment, what will your department do through the utility advocate's office to help?

Mr. Lund: Mr. Speaker, we've been talking to EPCOR because, of course, they're the folks that generate the bill, and it's our understanding that already in the March bill there will be an insert that will give a lot of information as to what has happened. We will be also trying to get the message out that this is going to be a one-time thing. In fact, it will make it much easier to follow exactly what is happening with your energy costs when you relate both the transmission and the energy cost on one bill as opposed to the way it is now, where you can't follow because they're on different days. Quite frankly, it'll reflect more closely exactly what the costs are.

head:

Recognitions

The Speaker: Hon. members, in 30 seconds I'll call upon the first of seven members to participate.

The hon. Member for Edmonton-Castle Downs.

Pope John Paul II

Mr. Lukaszuk: Thank you, Mr. Speaker. The world today is a much emptier place. Humanity has lost an ambassador of peace and hope, over a billion Roman Catholics have lost our spiritual leader, Poland has lost its favourite son, the Vatican has lost a dignified statesman, and Canada has lost a friend. All of these losses came about with the passing of one great person: Karol Wojtyla, better known as John Paul II.

Mr. Speaker, the Holy Father's pontificate was filled with many accomplishments of historical magnitude. He was the first non-Italian pope in four centuries, was the third longest serving pope in over 2,000 years, he contributed to the collapse of the Iron Curtain, he was the most-travelled pope, and he was the first pontiff to enter a synagogue and establish relations with other world faiths. But perhaps most importantly, he was a man of strong moral principles who challenged all humanity to self-examine its conduct.

Mr. Speaker, Karol Wojtyla has left this world a better place, and on behalf of the Alberta Roman Catholic community I thank him for that.

The Speaker: The hon. Member for Red Deer-North.

Innisfail Meats/Mad Butcher

Mrs. Jablonski: Thank you, Mr. Speaker. Today I rise to congratulate Innisfail Meats on launching their new brand name, the Mad Butcher, and on receiving two provincial awards for 2005. The Mad Butcher, located in Innisfail, is a great source of pride for the hon. Member for Innisfail-Sylvan Lake.

The Mad Butcher, which distributes its products province-wide, has been presented with the 2005 grand aggregate award for the best

*See p. 492, left col., para. 5

overall sausage at the Alberta Food Processors Association convention at Kananaskis and the best overall sausage at the Alberta Pork Congress specialty meats challenge held in Red Deer.

The owner of the Mad Butcher, Ron Burndred, credits the work of his 40 staff members, including several meat cutters, the deli staff, and two master sausage makers, for winning the awards. The Mad Butcher gives us another Alberta example of what can be accomplished when entrepreneurs are free to pursue their dreams.

I would like to ask all of my colleagues to join me in congratulating Innisfail Meats, or the Mad Butcher, for its outstanding accomplishments.

The Speaker: The hon. Member for Wetaskiwin-Camrose.

U of A Golden Bears Hockey Team

Mr. Johnson: Thank you, Mr. Speaker. Last week I attended one of the most exciting, well-played hockey games I've ever seen. I'm speaking of the championship game of the 2005 Telus University Cup, won by our University of Alberta Golden Bears.

University hockey has been a part of this province for 97 of Alberta's 100 years, starting at the University of Alberta in 1908. You might say that the team, the university, and the province have all grown up together. Edmonton and Alberta were proud to host the Telus Cup this centennial year and were even more proud to see our own team take home the trophy for a record 11th time.

The NHL lockout may have denied hockey fans a professional game, but more fans turned to the university game and gave our Golden Bears the attention and fan support they so richly deserve. They brought us all the skill and adrenaline of hockey and played only for the love of the sport, pride of the team, and honour of the university. And a game does not get much more exciting than a tie-making goal with 23 seconds left in the third period and a winning goal in overtime.

On behalf of all Alberta hockey fans, University of Alberta alumni, and this Assembly I congratulate coach Rob Daum and the University of Alberta Golden Bears on their 2005 Telus University Cup.

The Speaker: Well, I certainly hope that the Assembly will not censure me for what I'm going to say, but the hon. member is absolutely correct: that's the best hockey game I've seen in the Edmonton area in 15 years.

The hon. Member for Calgary-Fort.

Immigrants of Distinction Awards

Mr. Cao: Well, thank you, Mr. Speaker. Last Friday the Calgary Immigrant Aid Society held their annual immigrants of distinction awards. The theme this year was A Century of Dreams, honouring 100 years of immigration to Alberta. The finalists and award recipients are outstanding immigrants who not only have achieved amazingly by themselves but have brought pride to Alberta and Canada in the world scene.

Honours in art and culture went to Alina Dabrowska from Poland, Karen Kang from Korea, and Myken Woods from Holland. Honours in community services went to Marichu Antonio from the Philippines, Dr. K.W. Chang from Malaysia, and Dinesh Dattani from Uganda. Honours in business went to Gita Boyd from Guyana and Abed Itani from Lebanon. Honours in distinguished professional went to Dr. Farideh Jalilvand from Iran, Dr. Daniel Lai from Hong Kong, and Dr. Adam Moscovitch from Romania.

I would like to ask the Assembly to join me in congratulating these outstanding Albertans.

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

2:40

Sandy McCallum

Mr. Rogers: Thank you, Mr. Speaker. I rise today to recognize an exceptional woman from my constituency. Sandy McCallum of Beaumont is competing in the Desert Grand Slam, which is a gruelling series of three marathons covering over 800 kilometres through the Sahara Desert. Sandy will be the first Canadian to attempt this feat, and on behalf of this House and all Albertans I would wish her great success.

Thank you.

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

Pope John Paul II

Mrs. Mather: Thank you, Mr. Speaker. This weekend thousands of Catholics in Alberta along with the world mourned the passing of Pope John Paul II, the Catholic Church's spiritual leader for 26 years.

John Paul II will forever be remembered as the pilgrim pope, a leader who ventured beyond the confines of the Vatican to embrace the world with a message of unity and hope. Today we remember a man who displayed an unswerving kindness to all he met, whose common touch drew the adoration of crowds wherever he travelled. He was a revolutionary who took a strong position on human rights, becoming a friend to those in poverty and advocating for bridging the gap between the rich and the poor. Pope John Paul II opened dialogues with other faiths and sought to bring unity to Christians of the world. It is this commitment to forge new relationships of love and peace with all faiths that will be remembered as one of his greatest accomplishments.

Today we mourn the loss of a man of vision, a man who changed the face of the world through a dedication to encouraging a renewal of faith. He will be remembered in Alberta for embracing the traditions of aboriginal people and promoting in his appearance in Edmonton the hope that all people in the world can live together without conflict.

Thank you.

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

Tobacco Use

Mr. Chase: Thank you, Mr. Speaker. April is Cancer Awareness Month, and the Canadian Cancer Society is making cancer history in their efforts for reform in the area of tobacco control. Tobacco use claims the lives of 3,400 Albertans each year, representing 20 per cent of all deaths within the province. Smoking is estimated to cause 82 per cent of all lung cancer cases, and it also causes cancer of the throat, mouth, tongue, lip, larynx, pharynx, bladder, kidney, and pancreas.

The illnesses associated with tobacco use, including cardiovascular disease, cancer, and lung disease, result in tremendous pain and suffering and are very costly to treat. This needless loss and suffering places an enormous burden on individuals, families, communities, the economy, and our health care system. I am sure there are many members within this House who have personal family loss stories due to cancer similar to my own. I lost my grandfather and uncle and my father-in-law and mother-in-law to cancer.

Health Canada estimates that at least 1,000 Canadians, including 100 Albertans, die from exposure to second-hand smoke annually.

One in five Canadians has a pre-existing health condition that is affected by second-hand smoke. Research shows that there is no safe level of exposure to tobacco smoke. Reluctant bar, bingo, and casino operators could do themselves a financial favour by directly appealing to the 80 per cent of Albertans who don't smoke while assisting the 20 per cent of addicts to wean themselves of their deadly habit.

Calendar of Special Events

The Speaker: Hon. members, as I indicate once a month, hon. members stand up and identify certain months. Then as we go through the month, I get all kinds of letters in my office from other organizations, saying: "How come no recognition was given to my month?" I'll draw to your attention what this month is all about.

In addition to Cancer Awareness Month, it is also Parkinson Awareness Month, Earth Month, National Oral Health Month, Stay Alert – Stay Safe Month, National Physiotherapy Month, Rosacea Awareness Month, National Pharmacy Awareness Month, and Irritable Bowel Syndrome Awareness Month.

April 6 is Unpaid Work Day. April 7 is Tartan Day. April 7 is also World Health Day. April 10 to April 16 is National Wildlife Week. April 11 to 17 is National Astronomy Week. April 14 is Law Day. April 16 is International Astronomy Day. April 16 to April 18 is Global Youth Service Day. April 17 is International Hemophilia Day. April 17 is also Equality Day in Canada. April 17 to April 23 is National Volunteer Week. That same week is also National Soil Conservation Week, and it also is National Organ and Tissue Donor Awareness Week.

April 19 to April 25 is Global Action Week. April 22 is Earth Day. April 23 is World Book and Copyright Day as is it Canadian Writers' Day as is it St. George's Day, and the month of April 23 to May 23 is National Physiotherapy Month. April 24 is Passover. April 24 to April 30 is Education Week as is it Administrative Professionals Week as is it National Immunization Awareness Week as is it National Medical Laboratory Week as is it Library Week. April 27 is Administrative Professionals Day. April 28 is National Day of Mourning, and April 29 is International Dance Day, and on this day, April 4, in 1906 the village of Vegreville was established.

head: **Presenting Petitions**

The Speaker: The hon. Member for Lethbridge-East on a petition?

Ms Pastoor: Yes. Thank you, Mr. Speaker. I am pleased to stand to present a petition with 101 Albertans' signatures urging the government to "prohibit the importation of temporary foreign workers."

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

Mr. Backs: Thank you, Mr. Speaker. I have a petition from a number of good Albertans from the communities of Stavely, Okotoks, Sherwood Park, Spruce Grove, and largely from Calgary calling on the government to "prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of oil sands facilities."

The Speaker: The hon. Member for Edmonton-Gold Bar on a petition.

Mr. MacDonald: Thank you very much, Mr. Speaker. I appreciate it. I have a petition as well to present to the Legislative Assembly, and it reads:

We the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of oil sands facilities and/or pipelines until the following groups have been accessed and/or trained: Unemployed Albertans and Canadians; Aboriginals; unemployed youth under 25; under-employed landed immigrants; and displaced farmers.

There are 120 signatures on this petition.

Thank you.

head: **Introduction of Bills**

The Speaker: The hon. Solicitor General.

Bill 36 Police Amendment Act, 2005

Mr. Cenaiko: Thank you very much, Mr. Speaker. I rise today to table Bill 36, the Police Amendment Act, 2005.

These amendments will bring greater openness and public accountability to the investigation of complaints against the police. They also reflect recommendations accepted by the Alberta government following the release of the report of the MLA Policing Review Committee. The MLA committee's report was the first comprehensive review of the Police Act since 1988.

Thank you very much.

[Motion carried; Bill 36 read a first time]

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

Bill 38 Pharmacy and Drug Amendment Act, 2005

Mrs. Ady: Thank you, Mr. Speaker. I request leave to introduce to the Legislature Bill 38, the Pharmacy and Drug Amendment Act, 2005.

This bill proposes to update the Pharmacy and Drug Act to reflect current pharmacy practice and to clarify regulation requirements for pharmacies and drugs in Alberta. Changes will allow the Alberta College of Pharmacists to set standards and regulations for categories of pharmacy services and will strengthen the rules that govern the operations of pharmacies and the practice of pharmacists who work in these operations. I move for first reading Bill 38.

Thank you, Mr. Speaker.

[Motion carried; Bill 38 read a first time]

The Speaker: The hon. Deputy Government House Leader.

Mr. Stevens: Thank you very much, Mr. Speaker. I move that Bill 38 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: 2:50 **Tabling Returns and Reports**

The Speaker: The hon. Member for Edmonton-Centre on behalf of the hon. Leader of the Official Opposition.

Ms Blakeman: Yes, indeed. Thank you, very much. On behalf of the Leader of the Official Opposition I'd like to table the appropriate number of copies of the document referred to; that is, Privacy and

the USA Patriot Act: Implications for British Columbia Public Sector Outsourcing, October 2004, produced and distributed by the Information and Privacy Commissioner for British Columbia.

Thank you.

The Speaker: The hon. Minister of Energy.

Mr. Melchin: Thank you, Mr. Speaker. I'd like to table today pursuant to some questions that were asked on Tuesday, March 22 of this year, by the hon. Member for Edmonton-Gold Bar – it was with respect to TransAlta's hydro pricing strategy back in 2002.

I will correct, actually, a statement I had in question period. They weren't in an open auction. That's correct. They were held back and excluded from the auction because of the unique structure and so that the benefits of the hydro PPA would continue to flow to customers until 2020 as the Balancing Pool holds the hydro PPA.*

I would also state that these same questions were asked to the Premier back in May of 2002, so I'm tabling just to refresh everyone's memory and to update any pertinent information.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Thank you, Mr. Speaker. I'd like to table copies of two letters today. The letters detail the heartbreaking conditions that exist in long-term care facilities in Alberta particularly due to the lack of adequate numbers of properly trained staff. These letters are particularly disheartening considering the increased levels of service that were promised when the government hiked long-term care fees by 50 per cent.

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

Mr. Eggen: Thank you, Mr. Speaker. I would like to table a letter from Dr. Andrew Affleck, president of the Canadian Association of Emergency Physicians. Dr. Affleck indicates his organization's support for a complete ban on workplace smoking and notes that the CAEP recently passed a motion stating that they will schedule future annual meetings in those jurisdictions where "legislation ensures a 100% ban on smoking in indoor public places."

Thank you.

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

Mrs. Mather: Thank you, Mr. Speaker. I would like to table a letter from the Youth Emergency Shelter Society of Edmonton indicating that the shelter does not receive funding from the family and community support services. I have the appropriate copies.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have two tablings today in regard to Enron's activities in North America. The first is an e-mail dated July 24, 2000, and it is from Maureen McVicker to Robert Hemstock, Richard B. Sanders, and Richard Shapiro, to mention a few. This is in regard to Project Stanley.

The second e-mail is a privileged and confidential solicitor/client communication from Enron, and it is also in regard to Project Stanley, and it is encouraged reading for all hon. members of this Assembly.

Thank you.

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

Mr. Elsalhy: Thank you, Mr. Speaker. Today I'm tabling with permission the appropriate number of copies of a letter I received from a Mr. Stuart McGrandle, dated February 22, 2005, in which he voices his frustration with this Conservative government's push to recruit temporary foreign workers to work in Fort McMurray and his concern that there's a lot of misinformation out there with regard to the alleged skilled labour shortage and what he refers to as the supposedly first-class living conditions in the oil sands workers' camps.

Thank you.

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

Mr. Backs: Thank you, Mr. Speaker. I'd like to table five copies of five letters from concerned Albertans indicating that there is not a shortage of skilled industrial tradesmen in the province and calling for the prohibition of the use of temporary foreign workers in the oil sands.

The Speaker: Are there others?

Hon. members, I have some tablings today. First of all, pursuant to section 44(1) of the Election Finances and Contributions Disclosure Act I'm tabling a letter from the Chief Electoral Officer, dated March 24, 2005, transmitting a list of those candidates in the November 22, 2004, general election together with the names of their chief financial officers who failed to file campaign financial statements with the office of the Chief Electoral Officer on or before March 22 as required by section 43 of the Election Finances and Contributions Disclosure Act.

I'm also tabling a letter from the Chief Electoral Officer, also dated March 24, 2005, indicating the name of the candidate in the November 22, 2004, Senate nominee election and the name of the chief financial officer who failed to file a campaign financial statement on or before March 22, 2005, as required by section 43 of the Election Finances and Contributions Disclosure Act.

Pursuant to the Legislative Assembly Act I am tabling with the Assembly the appropriate copies of the following Members' Services orders: number one, Members' Services Committee Order 1/05, transportation amendment order (No. 5), which is deemed to have come into force on November 22, 2004; number two, Members' Services Committee Order No. 2/05, constituency services amendment order (No. 14), which comes into force on April 1, 2005; number three, Members' Services Committee Order No. 3/05, constituency services amendment order (No. 15), which is deemed to have come into force on November 22, 2004, and the schedule to section 1(3) of the constituency services order; number four, Members' Services Committee Order No. 4/05, the transportation amendment order (No. 6), which comes into force on April 1, 2005; number five, the Members' Services Committee Order No. 5/05, members' allowances amendment order (No. 9), which is deemed to have come into force on November 22, 2004; number six, Members' Services Committee Order No. 6/05, members' group life insurance and members' group plans amendment order (No. 1), which comes into force on the date it was passed: March 16, 2005.

hand:

Tablings to the Clerk

The Clerk: I wish to advise the House that the following document was deposited with the office of the Clerk on behalf of the hon. Mrs. Forsyth, Minister of Children's Services: the Social Care Facilities Review Committee semiannual report, October 2002 to March 2003.

The Speaker: On a point of order, the hon. Minister of Environment. Citations are very helpful.

*See p. 489, left col., para. 4

Point of Order Insulting Language

Mr. Boutilier: Yes. Thank you, Mr. Speaker. I quote 23(j), “insulting language of a nature likely to create disorder.” I want to say that it certainly created disorder for this particular Member for Fort McMurray-Wood Buffalo when it was said that my city was in fact going down the sewer. In having understanding of the exchange, I want to say that I acknowledge the good work that has been taking place dealing with the infrastructure that has been developing in the Fort McMurray-Wood Buffalo area. To say that the city is going down the sewer – as a former member of city council and its youngest mayor for over 12 years I can certainly say for the members that served on municipal council that is, shall I say, insulting to any elected member no matter what order of government. I do understand, though, since this motive is to help in getting infrastructure. I understand that the hon. Member for Calgary-Varsity expressed an interest in attending the meeting tonight of the standing policy committee dealing with this specific issue. I’d ask the hon. member to withdraw his comment pertaining to my city.

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

Ms Blakeman: Thank you very much, Mr. Speaker. Well, I think we may have a situation here where 494 may be helpful to us because, in fact, the note that I’ve had from the Member for Calgary-Varsity – and the Blues are not available to us. He was referring to the Alberta advantage going down the sewer. He did not specifically name the city of Fort McMurray. [interjections] Not in that phrase. He did not. So it may well be that we will have to fall back on *Beauchesne’s* 494 in this particular instance, noting that “statements by Members respecting themselves and . . . within their own knowledge must be accepted.” I note that “it is not unparliamentary temperately to criticize statements made by Members as being contrary to the facts,” but “on rare occasions this may result in the House having to accept two contradictory accounts of the same incident.”

Mr. Speaker, I would put it to you that that is the situation we have here today with two separate claims being made. I will accept the word of my colleague from Calgary-Varsity that he did not make the comment – and I’ll put this in quotes – going down the sewer in reference to the city of Fort McMurray, but it was in fact in reference to the Alberta advantage.

An Hon. Member: Context is everything.

Ms Blakeman: I’m hearing from across the way that context is everything, and I think that’s true. Accuracy as to what was said or heard to be said is also extremely important, and in this case we have two different versions of what in fact was said.

I will take my seat with that, Mr. Speaker. I think we clearly have two different versions of the same incident. Thank you.

3:00

The Speaker: There are others on this point of order?

Mr. Chase: Just to clarify. I support the Member for Fort McMurray-Wood Buffalo, and I would not say anything to malign his constituency nor the hon. member. As the critic for Infrastructure I would support all his efforts to improve the infrastructure of his constituency, and I realize that is his major concern and his major task. I support him.

Mr. Boutilier: Mr. Speaker, in light of the context of what the hon.

member has said and the clarity of what he has said, I’ll withdraw my point of order.

Speaker’s Ruling Preambles

The Speaker: Having said that, the Speaker is still going to make a comment. There was a point of order here, but it may not be the point of order that the two hon. members are talking about. The point of order has to do with preambles.

Now, if a member didn’t use a preamble, a member wouldn’t get into trouble. This is not the only member. He’s just the only one who got caught today. In this case the hon. Member for Calgary-Varsity in his second question, where there are to be no preambles – everybody agreed to that, right? Three House leaders signed their names on a document, which means that they’re in charge of enforcement within their caucuses, right? Sure. So the hon. Member for Calgary-Varsity starts off, “It seems in Fort McMurray it’s going down the sewers. Will the Premier commit to providing the necessary ongoing infrastructure funding that Fort McMurray has requested?” So yes. If we don’t use preambles, we don’t get into trouble. It’s pretty simple, basically. It’s a form of discipline that gets all of us. Just try and abide from time to time.

So having said all of that, all the other citations that I had to enforce this particular point of order, I guess, I won’t have to give today. I’ll save them for another day.

Mr. Martin: Point of order.

The Speaker: You want a point of order?

Mr. Martin: Yes. Just on your comments.

The Speaker: There’s no point of order on the Speaker’s comments.

Mr. Martin: I want to make it clear. In the House leaders’ meetings we did not agree on this. We couldn’t get an agreement, so it went back to the old way about preambles. I want to state it clearly . . .

The Speaker: No. I’m going to make it very, very clear. This Speaker has been going on with the tradition of this House. The hon. member wasn’t in the last two parliaments. Agreement in this House for a great number of years has been that there will be no preambles on the second question and the third question. That was basically indicated by the Speaker in a letter to all members prior to the commencement of this Assembly. It has been repeated on one or two occasions since then, and that is the manner in which we conduct ourselves.

head: **Orders of the Day**

head: **Written Questions**

The Speaker: The hon. Deputy Government House Leader.

Mr. Stevens: Thank you, Mr. Speaker. Proper notice having been given on Thursday, March 24, it’s my pleasure to 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. Stevens: Thank you, Mr. Speaker. Proper notice having been given on Thursday, March 24, it's my pleasure to move that motions for returns appearing on today's Order Paper do stand and retain their places with the exception of motions for returns 1 and 4.

[Motion carried]

The Speaker: The hon. Member for Edmonton-Beverly-Clareview.

The Clerk: Motion for a Return 1.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview.

Mr. Martin: Thank you, Mr. Speaker. The document requested in this motion has already been tabled in the Assembly and referred to the Members' Services Committee. In light of this, I would like to respectfully withdraw this motion for a return and encourage the Members' Services Committee to give careful consideration to the report.

The Speaker: Hon. members, this is a unique situation, I guess, in which this motion was written prior to something happening, so there's a withdrawal request being made. I gather that all members would give their consent to having the motion withdrawn?

Hon. Members: Agreed.

The Speaker: Anybody opposed? Okay. So be it.

Tobacco Industry Representatives

M4. Dr. Pannu moved on behalf of Mr. Mason that an order of the Assembly do issue for a return showing for each of the fiscal years 2001-2002, 2002-2003, and 2003-2004 an itemized list of all groups and individuals representing either specific tobacco-related companies or any association, group, or organization representing the interests of the tobacco industry who have met with the Premier, the Minister of Health and Wellness, the Deputy Minister of Health and Wellness, the Assistant Deputy Minister of Health and Wellness, or any Alberta standing policy committee.

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

Ms Evans: Yes, Mr. Speaker. I'm pleased to respond that the government will be prepared to accept that motion.

The Speaker: The hon. Member for Edmonton-Strathcona to conclude the debate.

Dr. Pannu: I thank the Minister of Health and Wellness for accepting the motion, Mr. Speaker.
Thank you.

[Motion for a Return 4 carried]

head: **Public Bills and Orders Other than
Government Bills and Orders
Committee of the Whole**

[Mr. Shariff in the chair]

The Deputy Chair: Hon. members, we'll call the committee to order.

Bill 201 Smoke-free Places Act

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Vermilion-Lloydminster.

Mr. Snelgrove: Good afternoon and thank you, Mr. Chairman. I rise to introduce some necessary and important amendments to Bill 201, the Smoke-free Places Act. Would the chairman like me to wait until they've been circulated?

The Deputy Chair: Just give a couple of minutes for them to be distributed, please.

Hon. Member for Vermilion-Lloydminster, you may proceed.

3:10

Mr. Snelgrove: Thank you, Mr. Chairman. As we have heard, Bill 201 is a hot issue for many members and their constituents. The proposed amendments to this legislation, although numerous, propose basically one simple change. Instead of making all public places and all workplaces in the province smoke free, it makes public places and workplaces that permit minors to be smoke free. Outside of that change, there is a section of Bill 201 which was clarified, and I would like to mention that before I continue with my remarks regarding the inclusion of minors.

Section 11. Although the purpose is still the same, it has been cleaned up significantly, and we hope there is no longer any confusion on what it says, partly because this is an extremely important part of this legislation. As amended, Section 11 reads:

- (1) Nothing in this Act affects a municipality's power to make bylaws to regulate, restrict or prohibit smoking.
- (2) Where there is a conflict between a provision of this Act and a provision of the municipal bylaw that regulates, restricts or prohibits smoking, the more restrictive provision prevails.

Mr. Chairman, it doesn't get much clearer than that. This proposed legislation will be a province-wide minimum prohibition against smoking in all public places, workplaces, and public vehicles as defined in the act.

Also, Mr. Chairman, we have eliminated section 8. Section 8 referred to "a manager of a public place or workplace must not permit ashtrays or similar receptacles to be located in a part of the place where smoking is prohibited under this Act." It was just common sense that someone who inadvertently would find themselves in a position they shouldn't be in would have an opportunity to be rid of their cigarette without causing damage to property or a mess. In fact, many of these ashtrays or similar type devices collect litter, gum, packaging, and other things, and it was simply not well thought out.

Reality being what it is, Mr. Chairman, there are of course exceptions, those being group living facilities, hotels, and public places and workplaces that do not permit minors. By instituting a minimum standard for all Albertans, we would be promoting a healthier lifestyle while maintaining the status quo of choice for business, for municipalities, and for some community groups. This is an important choice for all Albertans, and one that I believe should not be taken away without seriously looking at the consequences of that action.

The time spent debating Bill 201 and the inadequate public consultation that has been done are not enough to convince me that a complete province-wide smoking ban is necessary, nor do I believe it is what all Albertans want at this time. I know that the town of Peace River doesn't want it, neither does Rocky Mountain House nor Wainwright. They are just a few examples, Mr. Chairman. It is obvious that more consultation needed to take place.

I therefore see these amendments addressing at a minimum three

areas of concern that have come to light since we began debating this legislation. The main compromise these amendments bring with them is that a minimum standard is being set concerning smoking in public places and workplaces across the province. While accomplishing these amendments, it also safeguards a municipality's right to implement their own more restrictive provisions. Currently section 7 of the Municipal Government Act gives a council the authority to pass bylaws for municipal purposes respecting "the safety, health and welfare of people and the protection of people and property" as well as "people, activities and things in, on or near a public place or place that is open to the public." Mr. Chairman, municipalities are more than capable of making appropriate decisions for their individual constituents, and I believe they are successfully doing that now and will continue to do it successfully into the future.

Secondly, the proposed amendments align Bill 201 with government policy instead of forming government policy, which is exactly what private members' legislation was designed to do.

Mr. Chairman, this is an issue that should not be taken lightly. We have seen in the media and through calls and e-mails to members' constituency offices that this issue is important to all Albertans. I believe it is important that the necessary consultation take place to ensure that government policy is in line with public opinion, as it should be.

Finally, the proposed amendments support the health and well-being of Alberta's children. This is a fundamental part of government policy, and any additional support this House can provide to support the health and well-being of Alberta's youth should be welcomed with open arms. It may be ludicrous to consider that anything can be done to prevent parents from putting their children's health at risk by smoking in their private residences or private vehicles, but those are the two places that children's health is at the greatest risk of being negatively affected by second-hand smoke. The proposed amendments do not restrict smoking in private residences, but they do help protect children in public places and workplaces. In conclusion, Mr. Chairman, the proposed amendments are a step in the right direction, and the debate that is taking place here is healthy and necessary.

Many have tried to make this issue an issue about leadership. Well, enacting legislation without proper consultation with a callous disregard for the financial effect to our business and tourism industries while infringing on the municipality's right to make decisions for their individual constituents is not leadership at all. As a matter of fact, it's dangerously close to dictatorship.

I encourage all members to support these amendments. In doing so, they will be supporting the right of municipalities to choose what is best for their communities as well as help protect the health and well-being of Alberta's children.

Thank you, Mr. Chairman.

The Deputy Chair: Hon. members, we shall refer to these amendments as amendment A1. Hon. Member for Vermilion-Lloydminster, I presume you wanted all the amendments to be dealt with together and a collective vote at the end.

Mr. Snelgrove: Thank you, Mr. Chairman.

The Deputy Chair: The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Chairman. I haven't had a chance to look in detail at the amendments, but let me say that raising the question of consultation in the context of this amendment or indeed the bill itself is a false concern. Indeed, we've been consulting

Albertans for the last 30 years about what they think about tobacco in public places. They have said repeatedly and increasingly that they're anxious and frustrated that the provincial government will not take leadership on this issue of environmental tobacco smoke. This is not fundamentally about any particular age group or gender. This is about human beings being exposed to a carcinogenic substance in the workplace. Let's be very clear about it.

This government has said that it's committed to health and has commissioned a number of reports, including the Mazankowski report, that have said repeatedly: we need provincial legislation to ban public places exposure to tobacco smoke. It's time for this government to show leadership. Indeed, the population has been calling for this, as I say, for many, many years. This is inefficient and so far unfair to business to ask each municipality to draft unique and variable legislation to protect nonsmokers and workers in the workplaces. We have said repeatedly and recent polls have shown that 500 different organizations in the province, health professionals, and two-thirds of the population have indicated, when asked specifically about public places including nightclubs and bars, that they want to see the smoke banned from these places.

Let's be very clear what we're dealing with here. Albertans are frustrated at the slow progress of legislation in this area. The majority want to see this human rights issue, this public safety issue, and health issue dealt with in a responsible way that will not disadvantage any businesses because everyone will be on the same playing field. The existing status quo is not acceptable. Let us be clear: if this government defeats this bill or creates these amendments, this will be a real knock in their vision of health for all Albertans and respecting the human rights of all workers in Alberta.

Thank you, Mr. Chairman.

The Deputy Chair: Hon. members, before I recognize the hon. Member for Lac La Biche-St. Paul, I just wanted a clarification from the hon. Member for Cardston-Taber-Warner. You did send me a note that you wanted to speak, but I'm not very clear. Did you want to speak on the current amendments or deal with your amendments later on?

3:20

Mr. Hinman: I'll deal with my amendments later on because their amendments look like they're going to cover what I was . . .

The Deputy Chair: Right. Yes. That's the procedure. Thank you so very much.

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

Mr. Danyluk: Thank you very much, Mr. Chairman. I am pleased to address the committee today regarding Bill 201, the Smoke-free Places Act, during the committee stage. There is no question that this bill has captured the interest of Albertans, and rightfully so. To some, smoking is their personal right. To others, it's a nuisance and a health hazard. Everyone has an opinion on this issue, and many have had a stake in this debate. Smokers, nonsmokers, restaurant owners, bar owners, casinos, and bingos have all had their opinion. Sometimes forgotten, but children have an opinion in this debate too.

Many of these interests and opinions are competing, and no matter what decision we make in this Assembly, we will not satisfy them all. This is not a new dilemma. We often have to make decisions that please one group while upsetting another. As MLAs we have been able to go out and talk to our constituents about their feeling on this issue, but Bill 201 has only been on the radar for a couple of months. Furthermore, because of it being a private member's bill, the government has not had a complete, comprehensive look at all

of the issues regarding the second-hand smoke. So it is up to each member to seek out their own feedback from their constituents or to increase funding to programs to help these Albertans who choose to stop smoking.

For these reasons, I am not convinced that the government nor the members of this Legislature have done their due diligence on Bill 201. I, like most of you, have had an opportunity to talk to as many stakeholders as possible over the past couple months regarding Bill 201.

As I mentioned previously, nearly everyone is a stakeholder when it comes to second-hand smoke. Smoking is about more than just second-hand smoke or about where and when it should be allowed. We also need to look at tobacco taxes, minors smoking, and much more. This includes looking at the current funding levels for programs to help individuals who choose to stop smoking. Yet right now and right here we are going to have to make a decision as to what we do in the interim.

When considering what I believe we should do, I thought about the competing interests and what effect we may have upon them depending on what decision we make. If we accept Bill 201 in its current form, we are eliminating choice for individual adults, for communities, and for business across the province. We are not really addressing the need to help individuals stop smoking. We are just moving the location where they will smoke.

In a recent discussion with an individual who lived in New Zealand, she talked about the effect the abandonment of smoking in a facility had on her. When the smoking bylaw came into effect, all of the individuals who were in the bar came out onto the street to have their smoke. At that time what happened is that she was approached when she was walking down the street where she walked regularly with her child. Her child was, let's say, addressed, and she didn't think that that was a proper form of regulation.

Governing is about finding a balanced approach. I believe we need to find an acceptable midpoint that takes into account a need to protect those who cannot protect themselves while considering the damage that we may do to charities and adult-only establishments. Adults know, or at least they should know at this point, that smoking is unhealthy and that inhaling second-hand smoke can be just as bad. Children, on the other hand, may not know the repercussions of second-hand smoke, or even if they do, they may have little choice and are unable to avoid it.

While I don't believe that adult Albertans need to be told to come in out of the rain, nor do I think they need to be told to get out of the smoke, some people choose to live in rainy environments even though they might be risking catching a cold, just as some people choose to stay in smoky environments knowing the dangers of second-hand smoke. We shall be narrowing our focus to provide support for those who can get out of the rain.

I support the amendments for Bill 201 to focus on protecting children from second-hand smoke. Children by law are not allowed to purchase cigarettes, nor are they allowed to smoke. By making it such that the public places, including restaurants, have to designate their premise either as smoking permitted or not permitted, there is no question as to allowing minors in. If you choose to allow smoking, there are no minors allowed. Period. It is that simple and that clear.

Furthermore, I support the amendment to give the option of allowing smoking in a workplace that is not open and accessible by the public. One of the concerns that I have heard was regarding those people who use their private vehicle as their workplace or those who use a company vehicle as their workplace not being allowed to smoke anymore under Bill 201. Some long haul truck driver who has smoked for 40 years in the confines of his own truck

being told that he cannot smoke, when the smoke and the second-hand smoke is only harming the primary user, is in my opinion getting a little bit ridiculous. Why would we bother to protect a smoker from their own second-hand smoke?

By amending section 5 with the addition of subsection (4), we will allow some leeway in situations like this, especially where an unsuspecting member of the public is not going to wander into the workplace, nor are they invited to have access by right or by express or by implemented invitation. Furthermore, there are many similar situations that this amendment will address to allow some choice, especially in the workplaces that are generally not open to the public and are only occupied at one time for one or very few people.

I am also in support of the amendment to change the wording of section 11. I believe we need to make it clear that municipalities should not be restricted from making tougher bylaws. As I am sure that many members here can attest, what one community or municipality feels is appropriate when it comes to smoking, another may not. If communities like Edmonton, Calgary, Sherwood Park, or others want, as many already have, to hold their public places to a more restrictive standard, the citizens of those communities should have that right. But just as we allow these communities to decide if they want a tougher standard, we shouldn't force other communities to live up to that same standard.

We allow municipalities to make many decisions when it comes to quality of life issues and the protection of citizens. We allow them to make decisions as to what level of fire protection service they have. We allow them to make decisions as to what level of police service they may have. We allow local school boards and health authorities to make local decisions regarding education and health care. As a provincial government we set standards for them to meet, but we don't hold them back from exceeding them. This is what the amendments to Bill 201 achieve. They set a baseline standard that we expect every public place and workplace in Alberta to meet, and we allow for local municipalities to exceed those standards.

I support the amendments for Bill 201. I would encourage all members to support them as well. Thank you so much, Mr. Chairman.

The Deputy Chair: The hon. Member for Calgary-Varsity, followed by the hon. Member for Red Deer-North.

Mr. Chase: Thank you very much, Mr. Chairman. For the first time in my political life, having gotten elected and into this House, I had a sense of what could be accomplished within this House. I heard government member after government member speak eloquently about the need for a total smoking ban. What the member has proposed in the way of an amendment is not an amendment. It is a complete rewrite of the bill. It is a complete denial of the intention of this bill. It is not an amendment.

3:30

What I don't understand – and forgive me for my lack of understanding because I'm new in this process. It has been declared over and over and over again through research, through poll, through public opinion that the public, 80 per cent at least of Albertans, want an all-out smoking ban. This is the 80 per cent that I referred to when I gave my Cancer Society awareness month speech. For the lofty reason of health care prevention, for the cost of treatment it would seem to me that it's logical to support an amendment that discourages smoking, that prevents people from contracting cancer from second-hand smoke. For lack of a better word, it seems like a no-brainer that we would be supporting a healthier Alberta.

From a more base point of view I cannot believe that members opposite, who in most cases have much more political savvy than myself, would vote against their constituents' wishes. We were elected to bring the concerns of the majority of our constituents to this House, and we were doing marvelously. In the first round only three speakers spoke against it or voted against the total ban. To do anything less than approve a total ban in smoking would do Albertans of all ages a disservice. Watering it down to protect a person in the first 18 years of their life, and then they have their birthday and they turn 18 and they're no longer protected, is like tag: you're not it now; you're safe; now you're it. We have to think about the well-being of this entire province.

As to the economics I don't know how many studies need to be conducted, how many examples. We've got examples within this province, Banff, where a bar owner indicated that after the township imposed a total smoking ban, his business went up by 15 per cent. We've got a closer example right here in St. Albert. The notion that certain bar owners or bingo hall operators or casino operators stand to lose money is absolute baloney. What they stand to do is to increase their number of patrons. From 20 per cent of the population they have the potential to go after 80 per cent.

As I mentioned in my comments on Canadian cancer awareness month, there is absolutely no valid reason – no one can give specific statistics in any country, in any city where smoking has had an adverse economic effect on the population. But the reverse is true. People live longer. The quality of their life is better. They can go to the bar, enjoy a drink of whatever type they wish. They can enjoy the pleasure of the music. The notion that we're just going to protect 18 year olds – in other words, for the first 18 years of your life you're safe, but after that you can risk a killing cancer in this province of Alberta because we don't have the guts as legislators to put forward a total smoking ban.

Please, government members, I hope you are not being handcuffed by a forced vote. I hope you have the ability within your conscience and within your caucus to vote as your constituents would have you vote.

Thank you very much, Mr. Chairman.

The Deputy Chair: The hon. Member for Red Deer-North, followed by the hon. Member for Edmonton-Beverly-Clareview.

Mrs. Jablonski: Thank you, Mr. Chairman. I rise to speak in Committee of the Whole on Bill 201, the Smoke-free Places Act. There are three things regarding this act and this amendment that are important to me: the first is the health and safety of all Albertans, the second is a level playing field for all businesses in Alberta, and the third is responding to the evidence that proves beyond a doubt that second-hand smoke kills and that the legal liability that exists when ignoring the evidence will create problems for all of us.

Mr. Chairman, I would have been pleased to have voted for a bill that would have stopped smoking in all public places. I believe that it's just a matter of time until all Albertans recognize the dangers of second-hand smoke and agree with smoke-free places. At that time Albertans will make the choice not to impose second-hand smoke on other people. They will recognize that the health of others and the fairness of a level playing field for all businesses is important. They will recognize the liability that exists if governments or businesses allow second-hand smoke to affect others.

Mr. Chair, I know that some of the strongest chain-smokers are capable of giving up smoking during their working hours. Due to the volatile nature of the solvents that are used in the manufacture of fibreglass, the business that guy was involved in, it was necessary to impose a no-smoking rule at work. Our employees managed to wait

until their breaks to smoke. Many of these employees thanked us for helping them to reduce their smoking levels significantly and in some cases to even quit smoking.

Although I do not feel that these amendments are strong enough to protect all Albertans, I'm willing to accept them in order to protect children and to begin a smoke-free policy province-wide.

In the city of Red Deer a smoking ban was issued for some workplaces. It was not all-encompassing, and businesses that did not allow children on their premises were exempted. Businesses that could afford to build smoking rooms separate from other rooms could invite smokers to enjoy their services. Businesses that could not afford to build designated smoking rooms were out of luck. The city of Red Deer is now ready to go to the next level and to ban smoking from all public places. The concern now is: what about those businesses that paid for separate smoking rooms and that will now be paying for an obsolete option?

I believe that it's better to go to the second step right from the start. I also believe, however, that it's more important to do something than to do nothing. I would therefore support these amendments knowing that this may be the only way to begin a smoke-free-places policy in Alberta province-wide. We can start this way, as the city of Red Deer did, and then we can move to the next step, which will be a total Smoke-free Places Act. We need to help all Albertans to make this choice to prevent second-hand smoke from affecting others. This time will come, although not fast enough for some.

Mr. Chair, in order to arrive at a complete Smoke-free Places Act without taking choice away from Albertans at this time, we need to start by accepting these amendments. Like the city of Red Deer we can start this way and in time have a complete ban. This way will be better than doing nothing.

The Deputy Chair: The hon. Member for Edmonton-Beverly-Clareview, followed by the hon. Member for Battle River-Wainwright.

Mr. Martin: Thank you, Mr. Chairman. I thought I had to do a double take for a minute when I heard the mover of the amendments say that we haven't had enough time for consultation. I remember being here a few years ago, and we were being lobbied – I think probably they're here – by Mr. Hagen and ASH. I know that he's been at it for a long time. If there has ever been an area or an issue that we've had a lot of consultation about, surely it's smoking and having a smoking ban in this province. To think that this just came up, you know, a couple weeks ago with Bill 201 is ludicrous in the extreme. The point that I'm making: it's not because there has been a lack of consultation; it's because the government doesn't want to deal with this issue in a serious way.

Now, the point that I would make, and it's been talked about – and the minister of health I'm glad is here. I know she's looking at her papers. I'm sure she's embarrassed by these amendments, and she should be, Mr. Chairman, because she has said very clearly that she believes that there should be some sort of ban.

3:40

You know, we've talked about and the Premier has talked about the costs of health care, you know, that we have to privatize, that we have to do all these things, that it's so expensive, and that we should be looking at prevention. Well, here's a bill that could deal with the prevention in the most immediate way and down the way save a lot of money. I can't think of any other prevention that could save our health care money, if that's all we cared about beyond the deaths and the other things that occur with smoking. So surely we should be

promoting this as a prevention that will ultimately save health care money, save lives, save agony, save sickness: all the rest of the things. It seems to me to be self-evident. As one of the members said, a no-brainer.

To talk about the economics of it, I've had businesspeople in Edmonton say that they're worried because Edmonton will have a patchwork compared to others. If they go into the bar there and they can't smoke in Edmonton, they may move out to other municipalities. It doesn't make sense to have a patchwork across the province with various municipalities doing this and another one across the way doing that. That's unfair economics as far as I'm concerned, Mr. Chairman. The simplest way is to have a province-wide ban. Everybody plays, then, under the same rules. It's a level playing field, and the economics seem to me to be self-evident.

You know, to say that there's not consultation, again, every health care professional that I know of, people in the Cancer Society, every other group is saying: go ahead with this. As the Member for Calgary-Varsity said, 80 per cent of the people want it. So why are we not doing it?

The other thing is: why are we having amendments on a private member's bill coming from the government? I take it that the whip's on here. It seems to be. I don't think we're going to have a free vote here by what I see. I hope I'm wrong. I hope I'm wrong. The Member for Red Deer-North spoke very eloquently about why we need a provincial ban, and she said, and I think I quote: doing something is "better than doing nothing." Well, this is basically doing nothing. It's a status quo. Let's be real about that. We are doing nothing with these amendments.

I would hope that the government members would screw up their courage, Mr. Chairman, if they believe there should be a provincial ban, and vote that way instead of having a private member's bill with the whip on. I find that unfortunate and sad in many ways if this is supposed to be a democratic vote. It's not a government bill. It's a private member's bill. Again, to say that there's not been consultation on this is just absolutely ridiculous.

I want to say just in conclusion, Mr. Chairman, that this is a chance for this Legislature to do something very, very significant, and it's a chance for government members to do something very, very significant. You know, the whip should not be out on this. Do we care about health care? Do we care about fair economics? Are we concerned about second-hand smoke? We say, well, we're not going to have the young people there. What about the people that have to work there? I noticed that many of the labour leaders are saying the same thing. It's almost universal except in this Legislature that we need a provincial ban, and it's going to be very, very disappointing if the government members that know how they should vote, vote under a whip sort of approach here today. I would hope that they wouldn't do that.

Thank you, Mr. Chairman.

The Deputy Chair: The hon. Member for Battle River-Wainwright, followed by the hon. Member for Edmonton-Mill Woods.

Mr. Griffiths: Thank you, Mr. Chairman. It's a pleasure for me to rise today to speak to the amendments proposed to Bill 201, the Smoke-free Places Act. I'd like to point out that I still have concerns with the intent of this bill. I believe that the full intent of this bill is to make people quit smoking a completely legal product, and it's guised under the premise of making all Albertans healthy. I believe that trying to make all Albertans healthy, trying to force people to stop smoking is not our place. It's a slippery slope, as I mentioned in my previous remarks, that can lead to much more drastic measures.

What would be next, Mr. Chairman? If the health of Albertans is strictly and fully our responsibility, do we start to legislate what we should serve in public restaurants? [interjections] I can hear the other side groaning, but we know that obesity is the greatest epidemic in this province. It's across North America. In fact, I read some information that one-third of Albertans born in the year 2001 and thereafter will acquire diabetes in their lifetime because of their diets, what they eat and how much they eat, and the lack of exercise. If the health of Albertans is our concern and we're supposed to make Albertans become healthier, do we legislate what they eat and how much exercise they get?

Mr. Chairman, I believe the best way to approach this – and I'm not saying that we shouldn't encourage Albertans to stop smoking; I believe that we actually should. We should provide incentives through health care to make sure that smokers have access to subsidized treatment programs. I don't want to name any brand names, but, you know, you can go to the pharmacist and get prescriptions.

An Hon. Member: The patch.

Mr. Griffiths: The patch. Okay. Thank you. I'll say the patch and gum, likewise, to help people stop smoking, but there are no incentives to provide benefits to people to get them to use those sorts of initiatives, Mr. Chairman.

I also believe that health care premiums should be upped for people who smoke. They are an increased risk of a drain on the health care system, and I believe health care premiums should reflect that increased risk. I also believe it should reflect the increased risk of people who are obese, don't eat properly, don't exercise properly. I believe it's the job of this government to have those people pay more. That would give them more incentive to eat properly, quit smoking, and maintain a healthier lifestyle than the government telling them that they can't. We're not their parents.

I also believe, Mr. Chairman, that for employees who work in smoking environments, WCB premiums reflect the risk in those working environments. I still encourage that WCB premiums should be reflective of nonsmokers working in a smoking environment. I honestly believe that that would give businesses incentives to go to nonsmoking environments, and they would make the choice instead of the provincial government telling them what's good for them.

I hope that those initiatives will be adopted whether this legislation passes or these amendments pass. I hope that those sorts of initiatives are pursued, Mr. Chairman.

I did say in my previous remarks that I could support this bill if amendments made this legislation focus on smoking in public places in the presence of children. I still believe that. These amendments have done just that while still allowing flexibility to determine if smoking or children will be permitted but neither at the same time nor the same place. Mr. Chairman, that I can support. I know that there are places in Edmonton right now that allow minors onto the premises and into the business until a certain time in the evening, when then smoking is allowed and minors are not. The two do not coexist.

This bill has become one I can support. Though I am not pleased with telling businesses what they can do, in general, I understand this bill to provide businesses with significant flexibility so long as smoking and minors are not permitted on the same premises at the same time. With that understanding, Mr. Chairman, I endorse the amendments proposed by the Member for Vermillion-Lloydminster.

Thank you.

The Deputy Chair: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Drayton Valley-Calmar.

Mrs. Mather: Thank you, Mr. Chairman. I have thought a lot about Bill 201, and I have heard from many constituents. As I considered my position, I first of all looked at the past, the present, and where we're going.

Looking at the past, what was smoking like 30 years ago? Smoking was socially acceptable. The dangers were not scientifically made public. Lots of advertising was around to encourage smoking: magazines, billboards, and sporting events. It was socially acceptable to smoke. Film stars and famous people such as Churchill with his cigars were seen smoking.

Today: it depends on whom you ask. Many groups have formed to try to eliminate smoking. Many commercial interests want to retain smoking. Some try to argue that smoking laws are an infringement on personal freedom. Some argue that they have the right to a smoke-free workplace. Smoking bans elsewhere – California, Victoria, and Honolulu – show no loss of revenue for bars and restaurants. There are huge tax levies on smoking products.

3:50

Where are we going in the future? I think smokers will likely be penalized: different health care premiums, different medical coverage, for example. They may be ostracized; it will become unacceptable in most social circles to smoke. Even more intense efforts will be made to stop young people from beginning to smoke, and selling cigarettes may become illegal.

Then I looked at how it affects me and my friends and others. I refuse to go into restaurants where smoking is allowed. Some of these places I'd like to go to because I hear their food is very good, but I will not go there. I ask for nonsmoking taxicabs. I resent having to go through the front doors of a business where a lot of smokers are gathered smoking. I ask for nonsmoking hotel rooms when I travel, and I don't allow smoking in my home.

It's difficult for some people to stop smoking. I realize this because I know of someone who has had three cancer operations and is still unable to stop smoking. She is constantly apologizing for continuing to smoke. She goes to great lengths to tell people how she is controlling the habit. She is a sociable individual, and I'm sure that she would dearly like to stop. This is an example of how terrible this addiction can become.

How does smoking affect all of us? We all pay higher taxes to cover the medical ill effects of smoking on people in Alberta. For example, we need more doctors, we need more hospital facilities, and we need medical staff. We pay higher insurance premiums as a result of smokers who have caused fires and fire damage. We pay higher education costs for the programs in place to try to stop people from smoking. Those who choose not to smoke have their health impaired by second-hand smoke. We are unwilling partners in unethical practices when our government invests in tobacco companies for profit, for example the heritage fund.

I agree very much with this bill. Places where the public attends in Alberta should be smoke free, and here's why. Research has proven past a doubt the ill effects of smoking. Smoking causes lung disease. Smokers die earlier, often painful deaths. Smoking robs families of fathers, mothers, sisters, and aunts. Smoking forces us to spend much-needed health care dollars on caring for smokers' health when those dollars are badly needed elsewhere. Smokers have a choice. Those suffering from many other illnesses do not. The smell on people's clothing, in cars, and in smoking rooms is repulsive, and I don't want my family exposed to the damaging effects of smoke.

Taking a look at a logical reasoning approach here, smokers cost us all money; for example, worker absenteeism, fires, disability, lost income due to death and health care. For example, in 1992 smokers

cost Alberta taxpayers \$215 million in direct health costs. Aside from the personal and societal losses smokers cost all of us money that could be used for better purposes.

Another point is that smoking has been proven scientifically to be hazardous to our health. At some point there was a question as to whether or not this was true. Large-scale statistical studies, beginning in 1952, by the American Cancer Society have proven a direct relationship; 3,500 Albertans die each year from smoking, including strokes, heart attacks, and cancer. There is no longer any argument. The link between smoking and health has been documented and is no longer open to question.

As I look at what is, smoking has been proven extremely hazardous to human health. Smoking is allowed in public establishments across the province. Nonsmokers are exposed to second-hand smoke. We pay a high cost for smokers; for example, health care, fires, work loss, and premature deaths.

What should be? As a first step smoking should be banned from public places. We should protect the innocent from the evils of smoking. Buildings paid for by taxpayers should not make people sick. Commercial businesses should not expose their employees to smoke nor customers who are nonsmokers.

What should be done? Bill 201 should be passed without amendments. Let's find the courage to do that. Ways to prevent people from starting to smoke need to be examined. Workers' rights should include the right to a smoke-free workplace, and research into successful strategies that may be used to help smokers stop should be conducted.

My support is for Bill 201 without amendment.

The Deputy Chair: The hon. Member for Drayton Valley-Calmar, followed by the hon. Member for Edmonton-Calder.

Rev. Abbott: Thank you, Mr. Chairman. I rise with pleasure to speak at this Committee of the Whole stage of Bill 201, the Smoke-free Places Act. I commend the Member for Calgary-Lougheed for getting this bill to this stage, allowing for continued discussion surrounding some of the contentious aspects of this potential piece of legislation.

Mr. Chairman, Bill 201 has been a difficult piece of legislation from the get-go. People have different ideas about placing limitations on freedoms and have argued that we should only place restrictions on smoking to the extent that it protects the health of children. Although I would much rather support the bill in its original form, I think it's important to support the proposed amendments to get this bill through the House. I've learned in this job that a compromise is often better than no deal at all. The amendments on the floor will at least protect children from second-hand smoke, and this is an important cause. I see it as a first step and only a first step, but it's a big step in this important cause of protecting all Albertans from second-hand smoke.

At the end of the day we must decide if we should place restrictions on businesses. We as a province have always proudly given business owners as much freedom in decision-making as possible because we follow the belief that they are in the best position to make decisions that affect their operations. This is part of the Alberta advantage. Bill 201 may be straying away from this tendency, and this is the point of one of the amendments we are discussing. As long as an employer does not have employees under the age of 18 and as long as the employment area is restricted to persons 18 years or older, the manager will be able to decide whether the employees can smoke or not.

Now, this has always been the Alberta way. We recognize that adults are capable of making adult decisions, and we give them the

freedom to do so. Although I personally hope that they will choose health over wealth, Mr. Chairman, I understand the need for this amendment. One of the proposed amendments is to section 5(3), which if amended would read: a person may smoke in a public place not referred to in subsection (1) or (2) if minors are prohibited from entering or being in the public place. Then a further subsection would read: by declaration of the manager of the public place.

So an example of an area where this subsection could apply and where adults should be able to make decisions as to whether they could smoke or not is automotive repair shops. Most shops have a separate garage area for fixing automobiles and a separate area for an office. The general public is allowed to be in the office and is occasionally permitted to go into the shop area for inspection purposes. However, the public is generally not allowed in the shop where cars are actually being repaired. Furthermore, the manager could simply never allow children into this area, especially since it is dangerous and they are not needed there. For insurance purposes the public is specifically restricted from entering the shop areas without the express consent of the manager because of liability issues since mechanical shops are inherently dangerous.

Mr. Chairman, if the mechanics that work in this area, where members of the general public are generally restricted from entering and children could be reasonably excluded, want to smoke, then they may be permitted to do so. This is especially true if the shop area is closed off from the office area, which is usually the case because automotive shop owners and dealerships don't want to expose their customers to other dangers.

The reality, Mr. Chairman, is that the air quality in a mechanical shop is already poor due to vehicle fumes, the various gasses that are used for welding, vehicle brake dust, and several other sources, yet we don't make laws against these. So why are we wanting to create a law that will prevent these mechanics from lighting up in their workplace?

If the point of Bill 201 is to protect our workforce from the harmful effects of poisons in the air, then we should place much greater restrictions on all harmful substances that could be found in various work environments, which is, I think, ridiculous. We don't want to go there. But if the point is to try to listen to certain interest or lobby groups who advocate for the elimination of smoking in workplaces generally, then we should do so with a careful look at the balance between restriction and choice.

What has traditionally made our province strong and its people successful is the maximization of choice in every circumstance. If Bill 201 is going to take the choice away from our citizens, then we must take a very close look at our motives, and we must look for a balance between what makes sense and what doesn't.

4:00

I ask, Mr. Chairman: if a group of adults decide they want to smoke in their workplace, which I think is a bad choice, should we be telling them that they cannot do so? Is it not hypocritical to allow for the sale of tobacco products but to arbitrarily restrict where they can be consumed? This seems to be what the original wording of Bill 201 was doing. I would much rather that Ottawa ban the product altogether. However, we now have to decide if we want to amend the wording to allow for choice.

Of course we should be restricting smoking where children are allowed to be. Just like we restrict the sale of tobacco products from minors, we should minimize the second-hand smoke they breathe. This limitation is reasonable; it protects children.

Another amendment that would allow for the mechanics to smoke in their workplaces, if they so choose, is the proposed change which would say that a person may smoke in a workplace if the workplace

is one "to which members of the public [do not] have access as of right or by express or implied invitation."

Mr. Chairman, as I said earlier, members of the public are generally not allowed to enter shop areas due to liability issues. So why shouldn't mechanics be able to smoke there if they so choose? An even more important question is: what right do we have to allow the sale of cigarettes and then come to their workplaces where children and public are not allowed to enter and fine them for smoking?

What's next? Are the police going to come to my house and fine somebody who may be smoking in my house, which they don't do, but . . . Mr. Chairman, this idea is as crazy to me as the federal Liberals allowing for the use of medicinal marijuana, a drug that is illegal to sell and possess. Clearly, we are much more rational than the federal Liberals.

Another situation where it may not be practical to restrict smoking is in lounges. Lounges are places where only people who are over the age of 18 are allowed. We purposefully restrict minors from entering these areas because we want adults to be able to have a place to interact with other adults, a place where there are no children. Well, in these places adults are free to make adult choices, like to have a drink or perhaps a cigarette. We allow adults to buy cigarettes, and we give adults a place to be away from children. Maybe then we should be allowing adults to smoke there. Or is it better for adults to choose to smoke in their homes where there may be children present? It is possible that adults go to these lounges to have a place to smoke away from their children.

A proposed amendment to Bill 201, which I reluctantly support, is with section 5(3). The wording I'm referring to states that a person may smoke in a public place not referred to in subsections 1 or 2 if minors are prohibited from entering or being in the public place by reason of a licence under the Gaming and Liquor Act. This is a situation where, again, the individual business owners will be able to choose whether they allow smoking.

There are already lounges in Alberta where the owners have decided not to allow smoking, and that's awesome. Many of these do well because they attract a nonsmoking crowd. But the key is giving those lounge owners a choice. By giving the owners the choice as to whether they should allow smoking or not, we are allowing those businesses to operate according to their own circumstances.

Mr. Chairman, let me give you an example of what I mean. Let's imagine a lounge located in a town where, say, 90 per cent of the residents do not smoke. In fact, these residents who don't smoke actually hate smoking, and they hate having to breathe second-hand smoke. So by allowing smoking in this lounge for the few per cent of people who actually do smoke in this town, the lounge owner will be hurting his business' chances for success. Naturally, this lounge will become nonsmoking without government interference. This is because going nonsmoking would be a prudent business practice for the lounge owner. The owner will have more customers by not allowing smoking than by allowing it. So we should be allowing lounge owners to make these decisions on their own, and that's why I can support this amendment.

Mr. Chairman, before I conclude my remarks, I would like to add another comment about a proposed amendment. Section 11(2) would read "where there is a conflict between a provision of this Act and a provision of a municipal bylaw that regulates, restricts or prohibits smoking, the more restrictive provision prevails." The fact is that many municipalities around the province already have smoking bylaws in force. If it is not the individual business owners who decide whether smoking should be allowed, then it should be municipalities or individual communities. Again, the local body

knows best. The reason for this is that every community is different and should therefore decide for itself how far to go with their smoking legislation.

This is a much more democratic and representative method. In Drayton Valley, where I come from, the mayor and council decided to go smoke-free, and that's awesome. I'm happy to live there. I like this amendment because it essentially says that the province is going to have this general piece of legislation that protects children and respects choice, but municipalities are able to administer stronger legislation. Usually a municipality would choose to implement a tougher smoking bylaw if it has the support of the community. This is the democratic process at work, and it makes more sense than having the provincial government dictating how people should run their businesses and how municipalities should operate.

Mr. Chairman, Alberta has always been a land of choice where its citizens have historically been provided with choice. As we can see by Alberta's strong position in Canada, this approach has worked very well. Albertans have proven that when left on their own, they will make the best choices.

I supported Bill 201 in its original form; however, the amendments put forward seem to give us a balance between protecting the health of children and allowing the freedom of choice to be strong among adults. The bill is not going to be as strong as originally anticipated, but at least it is a step and, like I said, a big step in the right direction. So I feel that we must move forward with this. For these reasons I urge all my colleagues to join me in support of the proposed amendments to Bill 201.

Thank you.

The Deputy Chair: The hon. Member for Edmonton-Calder, followed by the hon. Member for Whitecourt-Ste. Anne.

Mr. Eggen: Thank you, Mr. Chairman. I'm rising to speak on the amendments to Bill 201 in their entirety, I suppose. I'm rising reluctantly to have to say these words because, you know, for a while I really believed that this Assembly had a real sea change, so to speak, in dealing with smoking in public places legislation. The strength of the original Bill 201, which we were very prepared, myself and my colleagues, to support was very refreshing, and I think that most Albertans would have agreed with it in its previous condition. But, then, seeing these amendments appear today, it's disturbing, and I think it's disturbing to the majority of Albertans as well because we were expecting that Alberta was going to move along with the rest of North America in putting some real anti-smoking legislation into place in public places.

As we move along in this afternoon, I think that the flurry and swirling of misconceptions and confusions that I'm hearing from different hon. members is just getting worse, and quite frankly perhaps we would be better off to say less about this amendment, but you know there are just some glaring things that need to be addressed here. First of all, I think we all know the reason why smoking in public places is being targeted in such a specific way, and I don't want to have to go over that again. It's the leading cause of cancer in our society, it's costing us hundreds of millions of dollars in health care, and as we say, we're losing our family and loved ones prematurely as a result of smoking. It's not just the people who are smoking that it's causing those difficulties with, but it's the people who have to live in that smoking environment.

So what we were trying to do with Bill 201 – and that's why I support it – is limit that second-hand smoke from drifting out and poisoning people who are not smokers but have to be in that environment. Now, that is a very large distinction, Mr. Chairman,

from other forms of debilitation that some other members have mentioned here. One does not get fat from being in proximity to fattening foods, say, for example, right? You have to eat it in order to have that problem. But with smoking, you just are breathing, and you have no choice in that matter. So, I mean, arguments like that are not only spurious, I would suggest, but misleading as well and do us no favours here in this Assembly.

One of the issues that I would like to bring up as well, Mr. Chairman, is that almost all other jurisdictions that are addressing smoking of tobacco in public places are realizing that you have to go the full way to make it effective. So, you know, at the end of the day I can't help thinking that I'm going to be standing and speaking on this again some time in the future, making a proper ban on smoking in public places. Why don't we just do it now? Why don't we bite the bullet? Lord knows we're all democratically elected here. Look at the statistics. If you're worried about getting elected again, the vast majority of individuals in this province do not smoke and would welcome Bill 201 as it stands without these amendments. So don't worry about not getting elected. Even in the rural areas people will thank us for it later.

The role of the legislator in this province is to make the best decisions for all of the people in the province, right? We're not meant to look too narrowly and focus on some small group that might be pushing forward their thing, but rather we're looking for the broadest possible democratic representation for the best interests of all people. Amending Bill 201 goes against that fundamental principle. Again, I suggest that we're going to end up coming back to this in a few years, so what's the point? Let's do it. Let's do it now.

4:10

In terms of smoking in workplaces, again it's a question of majority, and it's a question of the vast majority of individuals in a workplace that are not smoking. You know, in terms of defining what a workplace is I would suggest that that is part of what the legislation can do. So a previous member, for example, mentioned, you know, banning an individual from smoking in his commercial truck or vehicle. I mean, that's absolutely, patently outside of this whole thing, and it does not exist in the bill as it stands. Certainly you can define those parameters quite easily through other legislation of what a workplace actually is.

Again, some of these comments on anti-smoking and freedom of expression and what are they going to do next, I mean, those are only misleading sorts of ways of taking up time rather than dealing with the issue which is to keep this bill as it is without the amendments, and I guarantee that all Albertans will look back and be very proud of us. I know that it's difficult. I'm starting to smell a whipped vote in this whole thing, but let's look past that and look ahead a little bit. Be forward thinking, Mr. Chairman and all of my members, and let's vote for the bill without the amendments.

Thank you.

The Deputy Chair: The hon. Member for Whitecourt-Ste. Anne, followed by the hon. Member for Edmonton-Meadowlark.

Mr. VanderBurg: Thank you, Mr. Chairman. You know, a lot of discussion today is about representing your constituents, and that's exactly what I'm here to do. These amendments are absolutely on the mark to reinforce the bylaw that's in the constituency where I live and grew up and have raised my family. That's in Whitecourt. The community is the only municipality in my constituency that chose to put in place a smoking bylaw. The other 27 communities have not – 27 communities have not. But these other communities

right now are in many cases really concerned. They just have one restaurant, one hotel, one legion, or one community hall. Many of my small operators are very nervous with this legislation. So am I. I'm married to a smoker.

Smoking, without a doubt, is a bad habit, and I hope that some day all Albertans that smoke quit, period. The fact is that smoking is legal, and to enact a bill that prohibits an adult to smoke in an adult establishment is going too far at this time. I do believe that in many parts of Alberta it's the will of the people of these communities to enact smoking bylaws of different nature. I'm supportive of these amendments because it continues to recognize the voice of local municipalities and makes a bold move to protect our youth from second-hand smoke.

I had a conversation on the weekend with a fellow from Whitecourt. His name was Brian Elko, from my constituency, and he stated that the government of Alberta entered into a partnership arrangement with hoteliers in this province for the operation of video lottery terminals and the collection of the 5 per cent hotel tax, soon to be 4 per cent tourism levy. Well, under this arrangement the hoteliers have operated, balanced, and provided the manpower and daily cash flow and have collected and remitted to the Provincial Treasurer substantial revenue generated by these two programs.

He further stated that Bill 201 as now proposed, to totally ban smoking in all facilities throughout the province, is like a slap in the face to our joint partnership in these programs. Revenues from these two sources will severely adversely affect both our businesses and the Alberta treasury if this bill is allowed to go forward as now proposed with a total ban on all smoking facilities. He shares the concerns of those who wish to restrict exposing minors to alcohol and tobacco product. That's why he wholeheartedly supports a proposal to ban smoking in a facility where minors are present.

He's absolutely supportive of the town of Whitecourt's recent smoking bylaw, which reflects this approach to restricting smoking to adults-only facilities. Brian asked me, when this bill is brought before the House, that provisions exist for smoking to be permissible in bars, lounges, and specified smoking guest rooms. Again, he felt that if this bill should be passed as now proposed, without adult-only facilities exempted, the impact would be felt not just by hoteliers but also on the two government programs in which we partner.

Thank you.

The Deputy Chair: The hon. Member for Edmonton-Meadowlark, followed by the Minister of Government Services.

Mr. Tougas: Thank you, Mr. Chairman. On this side of the House we were expecting some amendments to be made to this bill, but we weren't expecting it to be essentially gutted, as we've seen here. It's been really eviscerated, more than anything else.

I'd just like to address a few of the points that some of the members have brought up here. I think there was some discussion that the law would restrict someone from smoking in the cab of their truck. Well, this is ludicrous, okay? It's not in there, it never was in there, and to think that this law as it stands would have made someone a criminal for smoking in their truck is absolutely ridiculous.

There was also some comment that the bill would force people to stop smoking. Entirely untrue. There's nothing in this bill that says you can't smoke. It says: you can't smoke here. There's a major difference between saying, "You cannot smoke" and "You cannot smoke in this room." Major differences there.

I believe it was the Member for Drayton Valley-Calmar who said that this was a first step. This is not really a first step. I mean, it's basically status quo. What we have here is a patchwork quilt of laws

regarding smoking, and we're keeping it. It's an ugly patchwork quilt, it doesn't work, it looks awful, but this is what we're keeping essentially. Now, why don't we take the big step instead of this proposed baby step and go all the way and be a smoke-free province? This just doesn't make any sense to me at all.

I believe the Member for Drayton Valley-Calmar was also talking about a shop, like a mechanic's place or something along those lines. What happens if he has an apprentice who is 16 years old? I mean, does he have to ban smoking in his place until the guy turns 17 or 18, and then they can light up?

Now, this provision about 18 year olds, I don't understand that either. I mean, so you're protected from second-hand smoke for the first 17 years, 11 months, and 364 days of your life, and then the split second you turn 18, well, that's okay; you can start walking into a bar filled with smoke. There are just so many holes in this thing now; it's just absolutely amazing to me. It was a good bill as it stood, and now it's just not much of a bill at all.

The main place that the average Albertan runs into cigarette smoke is a bar, restaurant, casino, that sort of place. Not that I go to casinos, but any of those places that's where you're going to run into second-hand smoke.

An Hon. Member: You don't smoke either.

Mr. Tougas: No, I don't smoke either. That's right.

But this is where we're running into it now. Where you're going to run into it is those locations. Now they've been given carte blanche to continue with the smoking. It's just an amazing thing to me, actually.

The fact is that we are moving inexorably towards a full public smoking ban in North America, in Alberta, Edmonton, across Canada. It's going to happen, and you can put up these little changes to it and try to stop it, but it's not going to stop.

I don't support these amendments at all, and I think we should really maintain the bill exactly as it is. I'm very disappointed that this has been changed, and I certainly hope that the government members will vote this down.

Thank you.

The Deputy Chair: The hon. Minister of Government Services, followed by the hon. Member for Calgary-Currie.

4:20

Mr. Lund: Mr. Chairman, it is a great pleasure for me to have this opportunity to make a few comments in Committee of the Whole on Bill 201, Smoke-free Places Act. Just to set the stage a bit for myself, I'm not a smoker. I never was. No one in my family smokes, no one in my immediate family smokes, but certainly there are a number of friends that smoke, so I am around some smoke. On our farm we don't allow any of the hired men to smoke in any of the vehicles and/or on any of the machines. Of course, that, once again, can be accomplished. That's one of the reasons that I support the amendments because the way the bill was written before, an employer didn't have any option. It was black and white: you just cannot smoke in this location. But with the amendments now an employer can do what we have been doing for some period of time.

I find it rather amusing when people talk about: isn't it amazing that you're protected up to 18, but then beyond 18 there's no protection? Well, I can tell you, Mr. Chairman, that in my own case, unless I'm with a number of people that insist on going into a facility that has smoke, I simply won't go in there. Nobody's forcing someone to go in just because you're 18. You know, I thought we believed in having some choices, and certainly I exercise that choice.

Now, I hear people talking about: well, 80 per cent of the people want this ban to be in place. Well, if that's true, then why is it that all of the businesses that currently have smoking don't move over and ban smoking? Their business should pick up. I think it's very simple, that it would take care of itself in that form.

We've also heard a number of comments about the number of people that support it. I was elected and continued to win all of the polls in my constituency because I've always believed that I'm here to represent the people that elected me, and I'm fortunate that in the last municipal election in Rocky Mountain House there was a vote. There were three questions on the ballot. There was a plebiscite on whether there should be smoking or not. It's unfortunate that there were three questions and that one of them was not: should there be no control at all?

But I just want to go through these because it's quite interesting. It's true that only 30 per cent of the eligible people voted, but it was well advertised. This was a big issue, so there was a pretty good turnout relative to what there has been in the municipal elections in Rocky. I've also got to make the point that the rural area didn't get in on this vote, and they were extremely upset because they were actually quite afraid that Rocky was going to have a smoking ban.

I'll run through these. The first question was: the town of Rocky Mountain House should propose a bylaw to prohibit smoking in any indoor place accessible to the public. Thirty-six per cent voted for that one. The second one: the town of Rocky Mountain House should propose a bylaw to prohibit smoking in any indoor place accessible to the public where individuals under the age of 18 are allowed. Twenty-one per cent voted for that one. The last one: the town of Rocky Mountain House should maintain its present policy where each individual business regulates smoking in their establishment. Forty-three per cent voted for that one.

What this all tells me, Mr. Chairman, is that, yes, the people in Rocky Mountain House believe that there should be some form of control on smoking in public places. Certainly, if you add the numbers, you'll find that the majority of them, really, I would suggest, 64 per cent, are suggesting that it should be a place where, if people under the age of 18 are allowed in that facility, there should be no smoking.

These amendments that we've got before us today fit right into what the people in Rocky Mountain House said in their plebiscite, which is not a poll. It's a plebiscite. The people had an opportunity to come voluntarily. They weren't phoned. They came voluntarily to voice their opinion, and this is what they said. So I think that the amendments really, really improve the bill. I've heard some comment that it doesn't go as far as some would like. Yes, we acknowledge that, of course. And there are going to be those people that don't believe there should be any type of control on it.

I like the amendment dealing with the municipalities as well. You know, it's interesting. People talk about it being a patchwork when municipalities can pass their own bylaws, but we do that in so many areas. We allow the municipalities to decide, which is good because now you've got the local people making a vote right in their own municipality on how they want to see their municipality run. Once again I've got to go back to the comments about it being a patchwork. Well, in fact, if there are so many people out there that think that there should be a total ban on smoking, then the municipalities or the business people in those municipalities should make sure that the bylaws fit into having them represent these locations that have absolutely no smoking.

There was somebody on the other side that made a comment about a whip being on or something along that line. Well, I can tell you that there's no whip on this for me. If there was a whip that said that the amendments were to be defeated, I guess I'd really have a

problem with it. The fact is that these amendments in my opinion set the benchmark across the province. I would really urge people that would like to see less smoking – I would like to see less smoking – let's get out there and do the education thing. Let's talk to the young people, really discourage them from ever getting started smoking, in fact, so that they don't, when they get much older, find it very difficult to quit.

Thinking of my own constituency, when I first saw this bill, I was thinking of the Legion where a number of elderly people have done this for years: they've come down to the Legion, they have a suds or two, they visit, they play cards, they do all those things. But lo and behold, they do smoke as well. I would find it very difficult if we all of a sudden said to those folks: "No. We know best. This is really bad for you. You're in your 80s, well up in your 80s, and your health is pretty good, so we're going to make sure that you don't smoke." I think that that is absolutely going in the wrong direction.

So I would urge members to support these amendments.

The Deputy Chair: The hon. Member for Calgary-Currie, followed by the hon. Minister for Restructuring and Government Efficiency.

Mr. Taylor: Thank you, Mr. Chairman. I'll make my comments reasonably short because we have been debating these amendments now for quite some time. We've explored quite a number of areas, quite a number of points of view, I think, and I'm sure that there are more to come, more amendments to debate as well on this, so let's not eat up all the time on this.

I do want to say, referring back to the comments of the hon. Member for Red Deer-North, who said that it's better to do something than to do nothing, that doing something wrong, doing something in half measures is not necessarily better than doing nothing. We have a patchwork in this province. We have a number of municipalities in this province – the hon. minister's constituency may not be one of them – who in fact for quite some time now have been calling on the government of Alberta to do something about making a consistent smoking law that applies equally, equitably to everybody across this province. Still the government hasn't done it. They've left it up to the hon. Member for Calgary-Lougheed to show the foresight – I would suggest to this House the courage – to bring this bill forward, and they now seek to amend it in such a way that it pulls the teeth out of that bill.

Look, this is not about protecting the rights of the smoker. This is not a rights issue. You do not have a right to smoke. It is a legal product, yes. So provided you comply with the laws, if you're a smoker, around where you can smoke, how old you must be before the law recognizes that you can smoke, and so on and so forth, you have the same, I suppose, privilege to smoke that you have to drive a car once you get your driver's licence. But it's a privilege, not a right, and let's not confuse those two issues. It is a privilege, and it's a privilege that exists only to the extent that the smoker is willing to comply with the laws of the land, whether those are the laws of Canada, the laws of Alberta, or the bylaws of every individual city and town in this province, because this House has yet to work up consensus around what smoking control legislation in this province should look like.

4:30

This is not about protecting the smoker. This is about protecting the worker. This is not about protecting the 83-year-old veteran in a legion hall who has managed, as do many smokers who live to the age of 83, not to develop health problems from smoking: good luck, good genes, whatever. This is about protecting someone much younger, potentially without the same great genes and the same great

luck, who's standing behind the bar pouring the beer for the veteran in the legion hall. It's about protecting that worker, and we can't make exceptions to that. We mustn't make exceptions to that because regardless of their age, regardless of their workplace, regardless of what city or town or village or hamlet they live in, all workers deserve the same protection from a known carcinogen and a very hazardous substance, second-hand smoke.

So I don't support this amendment. There are clauses within this amendment that I might support should they have been presented on their own, but this is presented as a package with some good ideas in it to encourage us all to vote for the very, very bad idea, which is that we should create exceptions to a province-wide, uniform, equitable ban on smoking in public places and smoking in workplaces.

Mr. Chairman, the hon. Member for Calgary-Lougheed had the right idea when he brought this bill in. This amendment is the wrong idea. I will vote against it, and I hope that everybody else in this House will too. Thank you.

The Deputy Chair: The hon. Minister of Restructuring and Government Efficiency, followed by the hon. Member for Edmonton-Gold Bar.

Mr. Ouellette: Thank you, Mr. Chairman. As you know, I voted against this bill in second reading even though I supported the intent of the bill, but I couldn't support the bill in the form that it was in. Therefore, I'm quite happy that these amendments came forward because I believe that we do need to protect our children, but I also believe that we have to protect choices and choices of adults in this province.

You know, I think that I can step up to the plate and anyone else in here can and make a choice of not going into a premises or going into one. If I were to go out and purchase a piece of land and invest \$2 million or \$3 million dollars building a roadhouse, a restaurant, a whatever, I agree that we have to protect our children. Therefore, if I'm going to allow smoking in there, we can't have any children in there.

So when you say, "Well, I have a place. I'm only allowing people over 18 in. No one has to come into my premises. They can go down the street." If I as a businessman all of a sudden see that I'm not getting any business because I allow smoking, I'll probably quickly change my sign. But the big thing is that I've allowed people that choice. I've allowed people the choice that if they invest \$5 million, let them make the decisions on their destiny, on how they want to achieve their end.

I'm going to give you an example of that, Mr. Chairman. I think that I first started going to Disneyland in about 1979. At that time when you walked anywhere you wanted in Disneyland, you could smoke. As the years went by, when my children were small – the first time that I took them there was probably in the mid-80s – you all of a sudden noticed that not very many people were smoking. And probably by 1999 or 2000, the last time I'd been to Disneyland, there was smoking hardly anywhere. The very next year I got on an airplane and took my kids to Florida to Disney World, and the tourist situation there was different. They were bringing Europeans over, and you could even smoke in lineups in Disney World in 2001. That may have changed today.

I guess what I'm getting at is: we have a wonderful, beautiful province here also. We're pushing to have more tourism and bring visitors in to show them our beautiful province, and I think that we have to allow people that cater to those visitors, whether they're from out of country or out of province or wherever they're from, choices, allow them to have choices and make choices. This bill

actually really allows choices, and it also protects our children.

I think that's the main issue here: protect our children and allow people choices. And if you don't want second-hand smoke or you don't like second-hand smoke, you have the choice not to go into the premises that allows it. So I don't think I have to go on and on about that. I think everybody realizes my point of view.

I will support these amendments because I think that they're very good to the bill and they keep an open mind and open choices for Albertans to follow. Thank you.

The Deputy Chair: The hon. Member for Edmonton-Gold Bar, followed by the Minister for Agriculture, Food and Rural Development.

Mr. MacDonald: Thank you very much, Mr. Chairman. It's a pleasure to rise and participate in this debate this afternoon on amendment A1 to Bill 201, the Smoke-free Places Act. Certainly, I'm surprised at how this bill, this fine piece of legislation which passed comfortably at second reading in this Assembly – I could stand corrected, but I think that there were only three hon. members that stood against Bill 201 in its original form.

Now we have this amendment, which one would think is the Smoke-free Places Act Lite, Mr. Chairman. That's the only way to describe it because we have taken very sound legislation and lightened it up.

Rev. Abbott: Less is more.

Mr. MacDonald: The hon. Member for Drayton Valley-Calmar is talking in the background about less is more. Well, this is a case where less is not more. I'm sorry; I cannot accept that. This is an exception, and it's an exception that should not be allowed.

I can't for the life of me understand why the amendment A1 has been introduced at this time. I'm going through the bill, and I'm listening to the debate, and I'm wondering what influence the gambling industry has had in the production of these amendments. Hopefully they've had none, but whenever one looks at some of the implications that are going to come about as a result of these amendments, you have to look at who would benefit from this.

Certainly – I'm not going to be generic and say the gaming industry because it is a gambling industry – the gambling industry in this province is changing, and there are more and more First Nations people interested in having casinos and gambling places on their property. They are, as far as I know, totally exempt from this bill. Is this bill now being watered down so that casinos anywhere in the province that are not on First Nations land would then be able to have the same smoking rules or laws as those that will be constructed and operated on First Nations land? If this is what this is all about, I think hon. members across the way, and in particular the hon. Member for Vermilion-Lloydminster, have some further clarification to make at Committee of the Whole in regard to amendment A1.

4:40

This is a series of exceptions that should not be allowed. As soon as we allow one exception, we will have requests for more. Where would the exceptions end, Mr. Chairman, once we begin allowing them? If we water down this bill now, further dilution will occur later I'm afraid. If this was asbestos, for instance, another carcinogen or some other workplace hazard, we wouldn't even be having these discussions about these exceptions. Smoking in the workplace is a workplace hazard and should be treated as one, no exceptions whatsoever. We should remember that this isn't about protecting the

smoker. This is about protecting the worker and all Albertans. We cannot allow exceptions, because we need to create a level playing field for all businesses.

Now, I heard this afternoon in the discussion around amendment A1 as to how we had to respect the bottom line for businesses. That's noteworthy, but the businesses will survive, and they will prosper in this province with the original intent of Bill 201 and not the intent of this amendment. By allowing exceptions, we're placing different businesses in different categories, and we are picking winners and losers. Again, this is something this government has said. I realize that this bill is a private member's bill, but this government has stated that what they're not interested in doing is picking winners and losers.

In conclusion, Mr. Chairman, a complete ban is necessary to level the playing field for all businesses. With that I will cede the floor to another hon. member of this Assembly. Thank you.

The Deputy Chair: The hon. Minister for Agriculture, Food and Rural Development, followed by the hon. Member for Edmonton-Ellerslie.

Mr. Horner: Well, thank you very much, Mr. Chairman. It is the first time that I've had the opportunity to speak not only to the bill, but I will limit my comments, I guess, to the amendment as I should based on the rules.

Mr. Chairman, smoking is obviously a terrible thing to become addicted to, and I know that from personal experience as someone who has struggled with it for years and years and years and continue to do so. I made the choice as a parent that I would not smoke in my home, that I would not smoke in front of my children, that I would not smoke anywhere where other people's children were going to be. I did that because I think it's fairly well known that if you come from a family of smokers, it's a lot more likely that you may become addicted to it as well, simply, I think, not so much from the second-hand smoke aspect of it but more from, you know, we do what our father does in a lot of ways. I'm actually quite proud that I do a lot of the things that my father did, but that's not one of them that I'm proud of.

I think it's important we recognize that, as representatives, this is something that will affect the entire province of Alberta. We all represent our individual areas and our constituencies, and I'd have to say that in my constituency overwhelmingly the constituents want us to act on some form of a province-wide basis that the municipalities can build from.

I think we've done that with these amendments, Mr. Chairman. Both of the major municipalities in my community have smoking bylaws that will probably be stronger than this particular legislation, so those bylaws will be the bylaws to be followed based on the amendments or based on the bill. I think the residents are comfortable with the bylaws that have been passed, and the businesses are adapting to those bylaws.

I'd have to agree with some of the comments that have been made by some of my colleagues that the marketplace will adjust the smoking habits of a number of individuals. I can remember, Mr. Chairman, travelling quite a bit as I did in my previous existence as an international trade executive. When I started travelling at length in South America, as an example, all of the planes had smoking on them. I found it quite interesting that I didn't really appreciate having to sit on a plane and to be in the smoking section, although I'd still every once in a while have a cigarette on a four- or five-hour flight. But it didn't take very long for the market to dictate to the provider of that service, the airlines, that a nonsmoking flight was a better way to go from a business perspective. Certainly, I think that

has kind of shown us the path, if we can manage this situation as we did with seat belts. It's a good idea to wear your seat belt. It's a good idea not to smoke. It's a good idea not to smoke where kids are because we want to protect kids, and that's really what this whole issue is all about: protecting kids, Mr. Chairman.

At the same time, we need to make sure that we are not inhibiting the choice that a municipality may want to make. We've heard from some of our colleagues where municipalities have had plebiscites on this issue and have said that they don't want to go down this road. So I think that we need to establish a base from which the municipalities can build. I think a lot of the municipalities are in a position where they may look at this legislation and say: that's as far as we want to go. Some may look at this legislation and say: we want to add our own bylaw that is going to be stronger than this.

As the Minister of Agriculture, Food and Rural Development, Mr. Chairman, I've also heard from a number of rural communities, and a number of our colleagues have talked about what this may do to some of our rural communities and our tourism industry. I think it's important that we understand and have some form of cognizance of what this may do to rural Alberta, where maybe there's only one restaurant in town. Maybe the curling rink has always been historically the place that people go. They go upstairs, and they're going to have a cigarette up there because there's alcohol served. I know that many of the members have been in the local curling rink, and most people understand that if they're going to go upstairs, there's going to be smoking there, there's going to be alcohol served, and the kids don't go up there.

I think it's important that we understand that rural Alberta has a lot of common sense to it, as does urban Alberta, and I think we need to let those municipalities, those institutions, really, make that decision based on the market, based on what the residents of the community are looking to have.

So, Mr. Chairman, I guess very briefly to put my comments kind of in summary, I agree that we need to do something. I agree that the amendments that are being proposed here will make this a much better blanket-type legislation for the province from which municipalities can then build on should they so choose, and in that regard I will be supporting the amendments.

The Deputy Chair: The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Peace River.

Mr. Agnihotri: Thank you, Mr. Chairman. I am pleased to rise and speak to Bill 201, the Smoke-free Places Act. For the past 40 years smoking was far more acceptable because the consequences were not made public. Moreover, there has been plenty of advertising in magazines, on billboards, during sporting events, et cetera, that directly and indirectly encourages smokers.

Smoking is viewed in a different light today. Depending on who you ask, there are groups formed who try to eliminate smoking. There are many commercial interests who want to retain smoking. Some try to argue that smoking laws are an infringement on personal freedom. Some argue that they have the right to a smoke-free workplace.

In the future smoking will likely be viewed in an even different way than today. Smokers will likely be penalized; for example, different health care premiums, different medical coverage. Many smokers will feel ostracized as it may become unacceptable in many social circles to smoke.

There have been many, many intense efforts to help stop young people from beginning to smoke or pushing for the selling of cigarettes to anyone to become illegal. I refuse to go into restaurants or bars where smoking is allowed. Some of these places I would like

to go to because they are known for the good foods they serve. I ask for nonsmoking taxicabs. I ask for nonsmoking hotel rooms when I travel. I resent having to walk through the front door of a business where a lot of smokers are gathered. I don't smoke, and we don't allow smoking in our homes.

4:50

It is difficult for someone to stop smoking. I have a close friend who has had two cancer operations and is still unable to stop smoking. He is constantly apologizing for continuing to smoke. He goes to great lengths to tell people how he is controlling the habit. He is a sociable individual and I'm sure would dearly like to stop. He's an example of just how terrible this addiction can become.

Mr. Chairman, we all pay higher taxes to cover the medical effects of smoking on people in this province. We need more doctors, hospital facilities, and medical staff. We pay higher insurance premiums as a result of smokers who have caused fires, fire damage. We pay higher education costs for the programs in place to try to stop people from smoking.

Those who chose not to smoke have their health impaired by second-hand smoke. We are unwilling partners in unethical practices when our government invests in tobacco companies for profit, for example the heritage fund.

Workplace smoking bans really work in protecting employees. According to a joint study by the Centres for Disease Control and Prevention and the Rosswell Park Cancer Institute, workplace smoking bans really do work in improving the air quality and protecting employees. In July of the year 2003 New York state introduced a ban on smoking in indoor workplaces and public places as well. According to this study, the ban greatly improved the air quality and reduced exposure of second-hand smoke.

Mr. Chairman, a workplace smoking ban does not hurt businesses. According to the New York City department of health and mental hygiene, in the year 1998 all California restaurants and bars went smoke free. According to the California Board of Equalization, the sales at places selling beer, wine, and liquor increased every quarter in 1998, 1999, and in the year 2000, the last period for which data are available. What's more is the sale increases at all other types of retail outlets. The experience in other jurisdictions is that once a workplace smoking ban is in place, support for it grows among bar patrons.

Again according to the New York department of health and mental hygiene, smoke-free workplace legislation has become increasingly popular. While 65 per cent of bar patrons in California strongly or somewhat approved of the law in 1998, almost three-quarters, 73 per cent, felt that way by 2000. Also, by 2000 87 per cent of bar patrons in California reported that they were as likely or more likely to visit bars since they had become smoke free.

A province-wide workplace smoking ban could even be beneficial to businesses. Businesses with smoke-free policies experience less absenteeism when nonsmoking employees are no longer exposed to second-hand smoke, which can trigger asthma attacks and other respiratory illnesses. Employers also see lower housekeeping and maintenance costs because they no longer need to clean ashtrays, sweep up cigarette butts, replace burnt carpeting, or clean fabrics and other materials nearly as often.

According to Health Canada, 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. 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. Indeed, every

objective study using official sales tax data shows that smoke-free policies have a neutral or positive benefit in the long term for businesses such as hotels and restaurants. 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.

I will vote for this bill only if it offers a total workplace ban without exceptions. As soon as we allow one exception, we will have requests for more. Where do exceptions end? Once we begin allowing them . . .

The Deputy Chair: Hon. member, the allocated time for you has run out, I regret.

The chair recognizes the hon. Member for Peace River, followed by the hon. Member for Cardston-Taber-Warner.

Mr. Oberle: Thank you, Mr. Chairman. I'm privileged to rise today to continue debate on Bill 201, the Smoke-free Places Act, sponsored by the hon. Member for Calgary-Lougheed. Today we're discussing some important amendments that I believe need to go forward. If passed, these amendments will allow people to smoke in a public place if people under the age of 18 are prohibited entry. As a result, the owner of a restaurant would then have the option of allowing smoking or not within their establishment. Under the proposed amendments the people's right to choose would be protected. Without these amendments this Assembly would be restricting the rights of Albertans.

I would point out that the hon. member opposite here indicated earlier that a person does not have a right to smoke. Wouldn't it be lovely if the world were so black and white, and we could take such decisions so easily? The fact of the matter is that governments have to deal with conflicting rights and conflicting interests and find compromise solutions, and I believe that's what this bill represents. I would point out to that hon. member that you don't have a right to enter a bar either.

Personal choice is an important element of our society, Mr. Chairman, and something that this government supports. The role of government should be to enhance personal choice and freedom, not hinder it unnecessarily. It is important that business be allowed to operate without unnecessary restrictions on the choices that they can offer their customers. Businesses should have the ability to choose whether or not they wish to operate as a smoking establishment. The marketplace will then dictate whether a business succeeds or fails. Allowing business the choice between allowing minors in their premises or allowing smoking in their premises will ensure that supply and demand determine the success of a business, not the government. If there is no demand for bars or restaurants that allow smoking, then I'm sure that such establishments will no longer exist. It is doubtful that a businessman would continue to allow people to smoke in his workplace if no customers entered that workplace because it was designated as an establishment that allowed smoking.

5:00

Despite the fears the opposition seems to have of a free-market economy, I would not want to live in a society that does not have a free-market economy. Mr. Chairman, the marketplace should determine the success or failure of a business, not the government. That is why it's very important for these amendments to be passed in their entirety.

Mr. Chairman, the government does have an obligation to protect

to some extent the health of all Albertans. Skydiving can be dangerous, for example, but we do not prevent people from doing it. We can create regulations to increase the safety of people engaging in that activity. The amendments proposed by the hon. member share this logic by preventing children from entering areas where smoking is permitted.

Every year the Department of Health and Wellness spends a significant amount of money educating Albertans about the negative risks that are associated with exposure to second-hand smoke. From radio and TV advertising to classroom information, every Albertan has been educated to understand the risk of smoking. The government has a responsibility to people to ensure that they are aware of potential risk before they are exposed to that risk. After providing people with information, they can then make informed decisions. This is where personal responsibility enters the equation. The role of government is to provide the necessary information and allow for adults to make an informed decision as to whether or not it is safe to work or visit at facilities that allow smoking. You must be personally responsible for your actions as the government cannot and should not be involved in every aspect of your life.

The government does have responsibility to protect those who cannot protect themselves. In regard to second-hand smoke, children may lack the information necessary and the ability to make informed decisions about whether or not they are safe entering an establishment that allows smoking. It is already illegal for minors to purchase or possess cigarettes, so it makes sense that they be prohibited from entering facilities which allow smoking.

Mr. Chairman, the more laws that are made, the fewer freedoms remain. Personal responsibility is equally as important to the protection of choice as government intervention is. Government is not designed to solve all the ills of society. As government becomes more intrusive in regulating behaviour, it creates more problems than it solves. Gerald Ford once said that if the government is big enough to give you everything you want, it is big enough to take away everything you have. It's important to remember this sentiment when we discuss these amendments on Bill 201.

In its unamended form, Bill 201 leaves no room for personal choice. By amending 201, we can allow for citizens and entrepreneurs alike to make the choice about what is in their own best interest. I firmly believe that individuals are best able to determine their own course of action. Amending this bill, Mr. Chairman, to include allowances for managers and municipalities to decide the smoking issue still protects the children of Alberta. Children will not be allowed in a smoking establishment.

The proposed amendments should be adopted by this Assembly. The long-term goal of reducing smoking is something that I am supportive of. However, I am uncomfortable with the government being overly aggressive and interfering with personal choice. I believe that these amendments will protect children, help reduce smoking over the long term, and preserve the integrity of Alberta's free-market economy.

Mr. Chairman, I would point out that I believe I am acting on behalf of my constituents in taking the stance that I have. As I pointed out to some of the proponents of the smoking bylaw in Peace River, sometimes when you go for all or nothing, you get nothing. I don't deny that there's an evolution going on in society with respect to smoking, but it's far from complete. Smoking is a legal activity, and I believe that the compromise proposed in these amendments represents a fair and reasonable and commendable approach.

In closing, I would ask all members to support these amendments. Thank you.

The Deputy Chair: The hon. Member for Cardston-Taber-Warner, followed by the hon. Member for Calgary-Fort.

Mr. Hinman: Thank you, Mr. Chairman. My understanding is that we're going to be under time restraints, so I would ask that this friendly amendment be distributed to everybody so they can look at it.

The Deputy Chair: Hon. member, we still have an amendment on the floor, so we have to deal with it.

Mr. Hinman: I'm just going to speak to it. This is just something . . .

The Deputy Chair: We need to resolve the amendment that's before us before we can introduce a new amendment, unless your amendment is a subamendment to what we have before us.

Mr. Hinman: It is.

The Deputy Chair: Is it?

Mr. Hinman: No. I'm not putting that amendment forward. I'll just speak to it, and people are free to pick it up.

The Deputy Chair: You cannot speak to a new amendment.

Mr. Hinman: Okay. I'll speak to this amendment that we're talking about right now.

The Deputy Chair: Okay. Go ahead.

Mr. Hinman: Thank you. Even if we were to pass the original bill without the amendments, we would still be failing to protect the most vulnerable in our society. The thing that I'm most concerned about here is that we need to protect those who can't protect themselves. We've had some very good points brought up with parents who say they don't smoke around their children, they don't smoke in the house and those areas. A complete workforce ban would be an honourable thing to be working toward, but it seems quite evident that we're not going to achieve that, so we need to make compromises. We're stuck in our society here in a situation where we have a legalized substance that's both addictive and carcinogenic, and we're trying to deal with that in the free market because it is a legalized substance.

The comments that I would like to make are in regard to 3(a), where it says, "No person shall smoke in the following places." Then in the amendment in 5(3)(a) it refers to: "A person may smoke in a public place or workplace or part of a public place or workplace if the manager of the public place or workplace . . ." Then it goes on to give some designated reasoning there. I believe that we need to change that wording and to change it in such a way that it would say: a person may smoke in a public place or workplace or part of a public place or workplace where minors are prohibited by law. If we were to put that in there for section 5(3), it would therefore be much more conclusive in protecting those who cannot protect themselves. I feel that it would be a good move for third reading for the government to consider putting that in there.

I'm greatly concerned with this substance being able to be used of our own free will in the workplace currently. To be able to eliminate that is good, and I would urge that we consider keeping the bill that was originally brought forward but do understand the problem that it is a legal substance.

The other point that I'd like to make is the point of those who cannot protect themselves, and those are minors again. I very much would urge this government to make it an offence to smoke around minors and therefore protect them. Just as we protect them with seat belts and we protect them with bicycle helmets, we should protect them and make it an offence for anyone to smoke around minors in Alberta.

With that, I'll sit down and let the vote go forward. Thank you.

The Deputy Chair: The hon. Member for Calgary-Fort.

Mr. Cao: Thank you, Mr. Chair. I have spoken in support of the principle of Bill 201 before, and I would like to speak again on the subject of smoking. I had a brother who died early because of disease caused by smoking. He stopped smoking when he realized it was bad, but he was short by two years of seeing his daughter graduate as a medical doctor. It was a very unfortunate situation in the family.

During the previous Legislature I had the honour of carrying the government bill to increase tobacco tax as a preventive measure to keep people from smoking. My preference is to ban smoking in public places and workplaces. This is to protect people from suffering the second-hand smoke impact, particularly protecting people who have not much choice. However, changes in society need transition. From what I've learned in life and from lessons of history, many human behaviours can only be changed effectively permanently by evolution and not by revolutionary measures, which politicians love to take and fail miserably. My experience in law-making tells me that there are many ways to get to the objectives, and we cannot rush with legislative half measures as they affect many constituents with different interests across the province.

Mr. Chairman, I never smoked. I drink tea at home, and we do entertain guests at home over cups of tea. At times . . .

5:10

The Deputy Chair: I hesitate to interrupt the hon. Member for Calgary-Fort, but under Standing Order 8(5)(a)(ii) and 8(5)(b), which state that all questions must be decided to conclude debate on a private member's public bill which has received 120 minutes of debate in Committee of the Whole, I must now put the following question.

[The voice vote indicated that the motion on amendment A1 carried]

[Several members rose calling for a division. The division bell was rung at 5:11 p.m.]

[Ten minutes having elapsed, the Committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Herard	Ouellette
Cao	Horner	Pham
Cardinal	Jablonski	Prins
Cenaiko	Johnston	Renner
Coutts	Liepert	Rogers
Ducharme	Lindsay	Snelgrove
Dunford	Lougheed	Stelmach
Fritz	Lund	Stevens
Graydon	Magnus	Strang
Griffiths	McClellan	Tarchuk
Groeneveld	Mitzel	VanderBurg
Haley	Oberle	

Against the motion:

Agnihotri	Flaherty	Miller, R.
Backs	Forsyth	Pannu
Blakeman	Hinman	Pastoor
Bonko	MacDonald	Swann
Chase	Mar	Taft
Eggen	Martin	Taylor
Elsalhy	Mather	Tougas
Evans	Miller, B.	

Totals: For – 35 Against – 23

[Motion on amendment A1 carried]

[The voice vote indicated that the clauses of Bill 201 as amended were agreed to]

[Several members rose calling for a division. The division bell was rung at 5:25]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Abbott	Haley	Oberle
Cao	Hinman	Ouellette
Cardinal	Horner	Pham
Cenaiko	Jablonski	Prins
Coutts	Liepert	Renner
Ducharme	Lindsay	Rogers
Dunford	Lougheed	Snelgrove
Evans	Lund	Stelmach
Forsyth	Magnus	Stevens
Fritz	Mar	Strang
Graydon	McClellan	Tarchuk
Griffiths	Mitzel	VanderBurg
Groeneveld		

Against the motion:

Agnihotri	Flaherty	Pannu
Backs	MacDonald	Pastoor
Blakeman	Martin	Swann
Bonko	Mather	Taft
Chase	Miller, B.	Taylor
Eggen	Miller, R.	Tougas
Elsalhy		

Totals: For – 37 Against – 19

[The clauses of Bill 201 as amended agreed to]

[Title and preamble agreed to]

The Deputy Chair: Shall the bill be reported? Are you agreed?

Hon. Members: Agreed.

The Deputy Chair: Opposed? Carried.
The hon. Deputy Government House Leader.

Mr. Stevens: Yes, Mr. Chairman. I move that we rise and report.

[Motion carried]

5:40

[Mr. Shariff in the chair]

Mr. Oberle: Mr. Speaker, the Committee of the Whole has under consideration a certain bill. The committee reports the following bill with some amendments: Bill 201. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Does the Assembly concur in the report?

Hon. Members: Agreed.

The Acting Speaker: Opposed? Carried.

Hon. members, the House stands adjourned until 8 p.m.

[The Assembly adjourned at 5:41 p.m.]

