



Province of Alberta

The 28th Legislature
First Session

Alberta Hansard

Wednesday evening, November 27, 2013

Issue 75e

The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta The 28th Legislature

First Session

Zwozdesky, Hon. Gene, Edmonton-Mill Creek (PC), Speaker
Rogers, George, Leduc-Beaumont (PC), Deputy Speaker and Chair of Committees
Jablonski, Mary Anne, Red Deer-North (PC), Deputy Chair of Committees

Allen, Mike, Fort McMurray-Wood Buffalo (Ind)
Amery, Moe, Calgary-East (PC)
Anderson, Rob, Airdrie (W),
Official Opposition House Leader
Anglin, Joe, Rimbey-Rocky Mountain House-Sundre (W),
Official Opposition Whip
Barnes, Drew, Cypress-Medicine Hat (W)
Bhardwaj, Naresh, Edmonton-Ellerslie (PC)
Bhullar, Hon. Manmeet Singh, Calgary-Greenway (PC)
Bikman, Gary, Cardston-Taber-Warner (W)
Bilous, Deron, Edmonton-Beverly-Clareview (ND)
Blakeman, Laurie, Edmonton-Centre (AL),
Liberal Opposition House Leader
Brown, Dr. Neil, QC, Calgary-Mackay-Nose Hill (PC)
Calahasen, Pearl, Lesser Slave Lake (PC)
Campbell, Hon. Robin, West Yellowhead (PC),
Deputy Government House Leader
Cao, Wayne C.N., Calgary-Fort (PC)
Casey, Ron, Banff-Cochrane (PC)
Cusanelli, Christine, Calgary-Currie (PC)
Dallas, Hon. Cal, Red Deer-South (PC)
DeLong, Alana, Calgary-Bow (PC)
Denis, Hon. Jonathan, QC, Calgary-Acadia (PC),
Deputy Government House Leader
Donovan, Ian, Little Bow (W)
Dorward, David C., Edmonton-Gold Bar (PC),
Deputy Government Whip
Drysdale, Hon. Wayne, Grande Prairie-Wapiti (PC)
Eggen, David, Edmonton-Calder (ND),
New Democrat Opposition Whip
Fawcett, Hon. Kyle, Calgary-Klein (PC)
Fenske, Jacquie, Fort Saskatchewan-Vegreville (PC)
Forsyth, Heather, Calgary-Fish Creek (W)
Fox, Rodney M., Lacombe-Ponoka (W)
Fraser, Hon. Rick, Calgary-South East (PC)
Fritz, Yvonne, Calgary-Cross (PC)
Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)
Griffiths, Hon. Doug, Battle River-Wainwright (PC)
Hale, Jason W., Strathmore-Brooks (W)
Hancock, Hon. Dave, QC, Edmonton-Whitemud (PC),
Government House Leader
Hehr, Kent, Calgary-Buffalo (AL)
Horne, Hon. Fred, Edmonton-Rutherford (PC)
Horner, Hon. Doug, Spruce Grove-St. Albert (PC)
Hughes, Hon. Ken, Calgary-West (PC)
Jansen, Hon. Sandra, Calgary-North West (PC)
Jeneroux, Matt, Edmonton-South West (PC)
Johnson, Hon. Jeff, Athabasca-Sturgeon-Redwater (PC)
Johnson, Linda, Calgary-Glenmore (PC)
Kang, Darshan S., Calgary-McCall (AL),
Liberal Opposition Whip
Kennedy-Glans, Donna, Calgary-Varsity (PC)
Khan, Stephen, St. Albert (PC)
Klimchuk, Hon. Heather, Edmonton-Glenora (PC)
Kubinec, Maureen, Barrhead-Morinville-Westlock (PC)
Lemke, Ken, Stony Plain (PC)
Leskiw, Genia, Bonnyville-Cold Lake (PC)
Luan, Jason, Calgary-Hawkwood (PC)
Lukaszuk, Hon. Thomas A., Edmonton-Castle Downs (PC)
Mason, Brian, Edmonton-Highlands-Norwood (ND),
Leader of the New Democrat Opposition
McAllister, Bruce, Chestermere-Rocky View (W)
McDonald, Everett, Grande Prairie-Smoky (PC)
McIver, Hon. Ric, Calgary-Hays (PC),
Deputy Government House Leader
McQueen, Hon. Diana, Drayton Valley-Devon (PC)
Notley, Rachel, Edmonton-Strathcona (ND),
New Democrat Opposition House Leader
Oberle, Hon. Frank, Peace River (PC)
Olesen, Cathy, Sherwood Park (PC)
Olson, Hon. Verlyn, QC, Wetaskiwin-Camrose (PC)
Pastoor, Bridget Brennan, Lethbridge-East (PC)
Pedersen, Blake, Medicine Hat (W)
Quadri, Sohail, Edmonton-Mill Woods (PC)
Quest, Dave, Strathcona-Sherwood Park (PC)
Redford, Hon. Alison M., QC, Calgary-Elbow (PC),
Premier
Rodney, Hon. Dave, Calgary-Lougheed (PC)
Rowe, Bruce, Olds-Didsbury-Three Hills (W)
Sandhu, Peter, Edmonton-Manning (Ind)
Sarich, Janice, Edmonton-Decore (PC)
Saskiw, Shayne, Lac La Biche-St. Paul-Two Hills (W),
Official Opposition Deputy House Leader
Scott, Hon. Donald, QC, Fort McMurray-Conklin (PC)
Sherman, Dr. Raj, Edmonton-Meadowlark (AL),
Leader of the Liberal Opposition
Smith, Danielle, Highwood (W),
Leader of the Official Opposition
Starke, Hon. Dr. Richard, Vermilion-Lloydminster (PC)
Stier, Pat, Livingstone-Macleod (W)
Strankman, Rick, Drumheller-Stettler (W)
Swann, Dr. David, Calgary-Mountain View (AL)
Towle, Kerry, Innisfail-Sylvan Lake (W),
Official Opposition Deputy Whip
VanderBurg, Hon. George, Whitecourt-Ste. Anne (PC)
Weadick, Hon. Greg, Lethbridge-West (PC)
Webber, Len, Calgary-Foothills (PC)
Wilson, Jeff, Calgary-Shaw (W)
Woo-Paw, Hon. Teresa, Calgary-Northern Hills (PC)
Xiao, David H., Edmonton-McClung (PC)
Young, Steve, Edmonton-Riverview (PC),
Government Whip

Party standings:

Progressive Conservative: 59 Wildrose: 17 Alberta Liberal: 5 New Democrat: 4 Independent: 2

Officers and Officials of the Legislative Assembly

W.J. David McNeil, Clerk	Stephanie LeBlanc, Parliamentary Counsel and Legal Research Officer	Philip Massolin, Manager of Research Services
Robert H. Reynolds, QC, Law Clerk/ Director of Interparliamentary Relations	Fiona Vance, Sessional Parliamentary Counsel	Brian G. Hodgson, Sergeant-at-Arms
Shannon Dean, Senior Parliamentary Counsel/Director of House Services	Nancy Robert, Research Officer	Chris Caughell, Assistant Sergeant-at-Arms
		Gordon H. Munk, Assistant Sergeant-at-Arms
		Janet Schwegel, Managing Editor of <i>Alberta Hansard</i>

Executive Council

Alison Redford	Premier, President of Executive Council
Thomas Lukaszuk	Deputy Premier, Minister of Enterprise and Advanced Education, Ministerial Liaison to the Canadian Forces
Manmeet Singh Bhullar	Minister of Service Alberta
Robin Campbell	Minister of Aboriginal Relations
Cal Dallas	Minister of International and Intergovernmental Relations
Jonathan Denis	Minister of Justice and Solicitor General
Wayne Drysdale	Minister of Infrastructure
Kyle Fawcett	Associate Minister of Regional Recovery and Reconstruction for Southwest Alberta
Rick Fraser	Associate Minister of Regional Recovery and Reconstruction for High River
Doug Griffiths	Minister of Municipal Affairs
Dave Hancock	Minister of Human Services
Fred Horne	Minister of Health
Doug Horner	President of Treasury Board and Minister of Finance
Ken Hughes	Minister of Energy
Sandra Jansen	Associate Minister of Family and Community Safety
Jeff Johnson	Minister of Education
Heather Klimchuk	Minister of Culture
Ric McIver	Minister of Transportation
Diana McQueen	Minister of Environment and Sustainable Resource Development
Frank Oberle	Associate Minister of Services for Persons with Disabilities
Verlyn Olson	Minister of Agriculture and Rural Development
Dave Rodney	Associate Minister of Wellness
Donald Scott	Associate Minister of Accountability, Transparency and Transformation
Richard Starke	Minister of Tourism, Parks and Recreation
George VanderBurg	Associate Minister of Seniors
Greg Weadick	Associate Minister of Regional Recovery and Reconstruction for Southeast Alberta
Teresa Woo-Paw	Associate Minister of International and Intergovernmental Relations

STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

Standing Committee on Alberta's Economic Future

Chair: Mr. Amery
Deputy Chair: Mr. Fox

Bhardwaj	Olesen
Cao	Pastoor
Donovan	Quadri
Dorward	Rogers
Eggen	Rowe
Hehr	Sarich
Luan	Strankman
McDonald	Xiao

Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mr. Khan
Deputy Chair: Mrs. Jablonski

Amery	Eggen
Anderson	Kubinec
Casey	Sherman
Dorward	

Standing Committee on Families and Communities

Chair: Mr. Quest
Deputy Chair: Mrs. Forsyth

Brown	Leskiw
Cusanelli	Notley
DeLong	Pedersen
Fritz	Swann
Goudreau	Towle
Jablonski	Wilson
Jeneroux	Xiao
Khan	Young

Standing Committee on Legislative Offices

Chair: Mr. Cao
Deputy Chair: Mr. McDonald

Bikman	Leskiw
Blakeman	Quadri
Brown	Rogers
DeLong	Wilson
Eggen	

Special Standing Committee on Members' Services

Chair: Mr. Zwozdesky
Deputy Chair: Mr. Young

Casey	McDonald
Forsyth	Quest
Fritz	Sherman
Kennedy-Glans	Smith
Mason	

Standing Committee on Private Bills

Chair: Mr. Xiao
Deputy Chair: Ms L. Johnson

Allen	Goudreau
Barnes	Jablonski
Bhardwaj	Leskiw
Brown	Notley
Cusanelli	Olesen
DeLong	Rowe
Fox	Strankman
Fritz	Swann

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Ms Olesen
Deputy Chair: Mr. Lemke

Calahasen	McAllister
Cao	Notley
Casey	Pedersen
Goudreau	Quadri
Hehr	Rogers
Kennedy-Glans	Saskiw
Kubinec	Towle
Luan	Young

Standing Committee on Public Accounts

Chair: Mr. Anderson
Deputy Chair: Mr. Dorward

Amery	Khan
Anglin	Luan
Bilous	Pastoor
Donovan	Quadri
Fenske	Quest
Hale	Sarich
Hehr	Stier
Jeneroux	Webber

Standing Committee on Resource Stewardship

Chair: Ms Kennedy-Glans
Deputy Chair: Mr. Anglin

Allen	Hale
Barnes	Johnson, L.
Bikman	Khan
Bilous	Kubinec
Blakeman	Lemke
Calahasen	Sandhu
Casey	Stier
Fenske	Webber

Legislative Assembly of Alberta

7:30 p.m.

Wednesday, November 27, 2013

[Mrs. Jablonski in the chair]

The Acting Speaker: Please be seated.

Government Bills and Orders Third Reading

Bill 33

Tobacco Reduction Amendment Act, 2013

[Debate adjourned November 27: Mr. Anglin speaking]

The Acting Speaker: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Speaker. As I started to state earlier, I support the premise of the bill, and I'm asking my colleagues to support this bill, and I believe most are. I think we are close to unanimous. I haven't actually polled my own caucus.

The question for our Member for Calgary-Shaw earlier. The member was asked: did he ever poll his constituency based on this bill? I actually polled my constituents on both bills simultaneously, what they thought about it. Now, my findings were a little bit different than the Member for Calgary-Shaw's in the sense that the results I got, which are unofficial results, were more or less 50-50. I think the public at large supports a method of reducing tobacco use or supports any program that will help keep children and young people from using tobacco or smoking tobacco. They see the benefits of it, and it's not just for the protection of the user. It actually keeps the costs down in our health care system. It's really twofold.

The unfortunate part of the bill is that we missed an opportunity with this bill to address education and to address treatment. Now, this bill will pass, and I suspect it's going to pass fairly close to unanimously in this Assembly, but I would hope this government would take under advisement that the bill should be part of a trilogy of methodologies for treating and dealing with this issue. This bill is very much punitive. It levels fines for the purchase of tobacco. It creates a situation where it mandates the amount of tobacco packaging. It sets out an agenda to do a lot of proscriptive restrictions. That's the best way to describe it.

But what it doesn't address is education, and what it doesn't address is treatment. Those two aspects play a very important role in tobacco reduction, and we know that. This is not new in treating this. We started way back in the '60s and the '70s, and different governments in different jurisdictions have done different types of educational programs at different times, and there are studies out there showing that education does help. If we incorporate that with treatment, that's significant.

I'm not a smoker, and I never was, but experience tells us that there are huge numbers of people – and I believe I talked to one of the hon. members on the other side, if I'm not mistaken, about their attempts to quit smoking and how difficult it was. I don't think that it's any less difficult for an adult or a youth to quit smoking. It is extremely hard, and it's very difficult to do it alone.

If we were to incorporate the other two aspects of our reduction program, education and treatment, I think what we would see is a lot more success. I think this government has a chance to evaluate that on a cost basis of what it would save us in our health care

system versus how much it would cost us to help get young people off tobacco and stop smoking or in some cases chewing tobacco and start living a healthier lifestyle.

What we have is an opportunity that starts us in the right direction. Supporting this bill is not the end-all, but it is a start. I thank the member for bringing this forward and presenting this bill. I would sincerely hope that they would take it the next step and that they will actually incorporate the other two parts, which are education and treatment.

Now, as I said earlier – and I couldn't find my notes on it – the sensitivities of certain groups, particularly dealing with the hookah and the shisha bars, are significant in the sense that we need to be cognizant of how we want to treat this. The minister said that this is covered under one portion of the bill dealing with other matters, but I notice it's not consistent with the bill in the sense that we actually, as the minister correctly pointed out, in dealing with First Nations list an exemption that says that First Nations have an exemption.

Now, I'm not asking for an exemption here as much as I'm asking for recognition that this government will in one form or another establish regulations to respect these minority groups and how it wants to regulate these types of facilities or businesses dealing with this issue.

As the hon. member from Vermilion said earlier, talking about the cancer-causing agents and dealing with animals and relating that to second-hand smoke – that's hard to refute. There's enough evidence with human beings dealing with second-hand smoke that confirms the cancer-causing agents, the health effects, and the harm it can cause. It's only consistent with what would possibly happen to pets that were subjected to the same criteria, which is second-hand smoke.

I'm not making a recommendation on what should be in regulation dealing with the hookah and shisha bars, but the government should establish these and figure out how it wants to respect these cultural practices and deal with this issue. I hope they would do that.

The other part is that we have fines for purchasing but not necessarily for selling. I think there can be some balance here on how we want to handle that, how this government should handle this to make sure that those that are responsible are held accountable. There needs to be a little bit of flexibility, in my view, in controlling how we want to hand out the fines and the methodology for dealing with it because every circumstance is different. So, again, this gives the government a chance to come back and make some corrections and actually establish it in regulation, how it wants to set these rules out for what I would call fair and just enforcement. That's really important for our young people.

Now, as the hon. Member for Calgary-Shaw said earlier, had this been in place when he was younger, quite possibly he may not have started smoking at a young age. Now, that's hypothetical in many ways, but I think it shows why we support the bill and that we can see the value of how it can possibly benefit our young and make the reduction program effective.

One issue we haven't dealt with – and I think we should – is the income that this government receives off the tax for tobacco. How are we going to reconcile this? We are working towards two different things here.

The Acting Speaker: Thank you, hon. member.

Hon. members, there is a request from the hon. Member for Fort Saskatchewan-Vegreville that we revert to introductions.

[Unanimous consent granted]

The Acting Speaker: Thank you.

Introduction of Guests

The Acting Speaker: The hon. Member for Fort Saskatchewan-Vegreville.

Ms Fenske: Thank you, Madam Speaker. It is my pleasure this evening to introduce to you and through you to all the members of the Assembly the 1st Lindbrook Scout group, who meet at the LDS church in Tofield on a regular basis. There are eight members here, including their group leaders: Justin Woodruff, Jon Cahoon, and Justin Tiedemann. For my Member for Bonnyville-Cold Lake, they are really anxious this summer to be able to spend some time at the Cold Lake weapons range, and maybe we can work some miracles. I would ask them all to rise, and I would ask you to greet them, please.

7:40

Government Bills and Orders

Third Reading

Bill 33

Tobacco Reduction Amendment Act, 2013

(continued)

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

Mr. Saskiw: Thank you, Madam Speaker. I guess the member kind of touched on some points. Of course, our critic had made an amendment to grandfather certain aspects of this bill for certain businesses.

There is one portion of the bill that deals with the minimum amount required for purchasing, and it actually increases the amount. The Member for Calgary-Fish Creek had earlier today talked about her thoughts on that, people who regularly might go out and buy one cigar in the evening, whether or not increasing the minimum amount to eight or 10 would actually increase consumption on that aspect. I'm assuming that the rationale for the increase in the minimum amount is to specifically target youth, that by increasing the amount, it would increase the cost per purchase, which may, in fact, inhibit some of the youth individuals from purchasing tobacco to begin with. I'm wondering whether or not the member has given any consideration to that aspect, whether or not we should increase the minimum amount or keep it at a lower amount and what effects this change will have on consumption patterns.

Thank you, Madam Speaker.

The Acting Speaker: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Speaker. I actually did think about this, and we even had some discussions within our caucus but not necessarily in a formalized manner.

It's interesting that the government now is going to mandate the packaging and how much tobacco product would be included in the package. The question I have for the government is this. Will this actually reduce use? It's a valid question because if you're allowed to buy one cigar, which is the example the member brought up, then the individual would smoke one cigar. But if you're forced to buy more than one, would they then be – I don't want to use the word "corrupted" – basically enticed to smoke more than one, which is absolutely unhealthy in my view and not productive and not in the spirit of this legislation. The whole

purpose of the legislation is to reduce use. I don't want to be facetious here, but it goes to the potato chip. If you have one potato chip, can you stop at one, or do you have the bag, and then you just keep dipping in? Tobacco use, being as addictive as it is – it's a very valid question. It's one that I hope the government would try to evaluate once this is implemented because I don't have the answer to it, and I haven't heard any member stand up and actually provide the rationale.

I understand the rationale that if we force them to buy more, they have to spend more, and it's a financial issue. That I understand. But one of the great advantages of living in this province is that we are a very solid economic place in Alberta, where young people can find employment well above minimum wage. So will this actually stop our young people from buying tobacco products even outside our legislation?

It's a valid question because any time you put any restrictive laws in, basically what happens is that, depending on how restrictive they are, you can create a black market. If that happens, the products are still sold but not legally. They become illegal. If you force a larger amount of tobacco products in a package, the question then becomes: are we enabling more usage and not meeting the spirit of this legislation, the intent of which is to reduce usage?

It is a question that I wish there was an answer to. I don't know anyone that has addressed that yet. Maybe the minister could in closing if there are any studies out there. Unlike with the potato chip or unlike chocolate, although some people would say that chocolate is addictive, we know tobacco is extremely addictive. If you have cigarettes there, if you have tobacco in any form that you can use, it would just be contributing to and enabling more usage of the product than prohibiting or reducing.

The Acting Speaker: Thank you, hon. member.

That was 29(2)(a).

The hon. Member for Olds-Didsbury-Three Hills.

Mr. Rowe: Thank you, Madam Speaker. I'm pleased to stand in support of Bill 33, the Tobacco Reduction Amendment Act, 2013. I really don't believe that there is any member of this Assembly that wouldn't agree with the intent of this bill. It's very good. There are a couple of things in it that I have some concerns about, but they're not major items.

Bill 33 will amend the 2008 Tobacco Reduction Act in basically five ways: by merging the Prevention of Youth Tobacco Use Act, by putting a ban on smoking in vehicles with children present. That's especially one of the very good points of this bill. The one I'm having trouble with, though, Madam Speaker, is restricting the smoking of tobaccolike products – and I'm not sure what that all entails – in public places, mainly in the hookah establishments with water pipes. I understand it will not ban their sale in public, but it will apply to restaurants like hookah and shisha bars, cafés. This is traditionally more of an ethnic practice than it is just the act of smoking, so I'm not sure how successful that will be. I think it will just move from cafés and bars to private homes and those kinds of things, which is perhaps even a little bit worse. That's of some concern to me.

The 18 to 20 per pack sales: I'm not sure that that's really going to accomplish what it's meant to do. Teenagers are actually quite resilient. If they can't buy five cigarettes or three or four cigarettes, they'll pool their resources, and they'll buy a package of 20 and split them up. The intent is good. The price of cigarettes in Canada is – I don't even know what you pay for a package of cigarettes anymore. It's been about 35 years or 40 years since when I started smoking.

I will support the bill. As I said, I do have some concerns. The fines, I think, could be much higher. Five hundred dollars as an initial fine to a store owner is probably quite substantial, but I'd like to see it be quite a bit higher. I'd like to have second offences or something of that nature, where they just lose their right to sell tobacco products, those kinds of things.

Madam Speaker, I could go on and on and on. I just want to get on the record that I support this bill very strongly. With the blips in it, I still support it.

Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a). Are there any members interested in commenting or questioning the hon. member?

Seeing none, are there any other members interested in commenting on Bill 33 in third reading? The hon. Member for Edmonton-Calder.

Mr. Eggen: Thanks, Madam Speaker. I just wanted to make a couple of brief comments. Certainly, the Alberta New Democrats are supporting this bill, and we will be voting with it. We made a couple of amendments that, I think, might have strengthened the bill somehow. This is, I think, both an issue and a tension in our society that we constantly have to push at so that we are looking for more ways to not just reduce the incidence of new smokers in our society but to assist people with the cessation of smoking as well. The more that we can look at this medically and categorically, I think the healthier our society our society will become as well.

7:50

I think that some of the consultation around Bill 33 was a bit spotty. I think that people that were running shisha bars and so forth could have had more input. I know of some restaurateurs that had put considerable investment into their businesses without knowing that this was coming down the pipe. Always we need to be aware of those things. When we make legislation here in this House, we need to make sure that we give plenty of time and forward notice to people that may be affected.

Otherwise, certainly, this is legislation that is overdue. It's already happening in other provinces, and I'd be happy to vote in favour of it.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a)?

Seeing none, are there any other members who wish to speak on Bill 33 in third reading?

Seeing none, the hon. Associate Minister of Wellness to close debate.

Mr. Rodney: Well, thank you very, very much, Madam Speaker. It is a distinct pleasure to conclude deliberations on Bill 33, the Tobacco Reduction Amendment Act, 2013.

Hon. members, I am very proud to be with you here tonight. We're on the verge of making Alberta a much healthier province. A yes vote is all that stands between young Albertans and stronger antitobacco legislation.

Madam Speaker, this bill is vital to protecting the health and safety of our children and Albertans of all ages, really. This is certainly not a new effort. There are heroes in our midst in this Chamber, members past and present, and legions of folks that are beyond these walls that have been amazingly inspirational in this cause for decades in the past, and I expect the effort will continue. I know that my little part began when I was chairing AADAC, and

my very first private member's bill was the Smoke-free Places Act back in 2005.

I definitely want to thank everyone who participated in all aspects and all stages of this bill, including those who have just spoken here in third reading. We've had incredible support for the intent of this bill during all stages of debate, and I want to thank, especially, our hon. ministers of Health, Human Services, Tourism, Parks and Recreation; all government members; and also members across the floor.

I have to say that it's great to see that when there's a matter of significant public health that comes to the attention of this House, we can come together and support a very important cause. This is an issue not just about smoking amongst youth but for all members of our society. In that vein, I would like to thank the members for Calgary-Fish Creek, Lacombe-Ponoka, Edmonton-Beverly-Clareview, Calgary-Shaw, Calgary-Buffalo, Little Bow, Innisfail-Sylvan Lake, Rimbey-Rocky Mountain House-Sundre, Olds-Didsbury-Three Hills, and Edmonton-Calder, amongst others who spoke at the different stages of the bill in the past.

Madam Speaker, I know that you and others in this Chamber and beyond were especially moved by those who took the time to tell personal stories. I've refrained from doing that. It can be a very emotional issue, but I will mention my dad, who tried stopping smoking 13 times. Thirteen was a very lucky number for him at that point in time, but I can tell you he went through amazingly difficult circumstances to become smoke free, and I salute him for that and for so many other things. Thank you to all members who had the courage to share their personal journeys and those of people that they know and for putting a human face on this legislation. That's the thing. It's not just a piece of legislation; it's about human beings, the Albertans that we're so humbly proud to serve.

It was an impassioned discussion at times. You know, it shows that people take this very, very seriously, and we should. As I've mentioned in previous speeches, this isn't just a quality-of-life issue. This is a life-and-death issue for in the neighbourhood of 3,000 of our friends and neighbours here in Alberta every single year. I want to assure all the members. I'm not going to go into detail on every single one of their issues – we don't have quite enough time in concluding debate – but I will say this. Their concerns are indeed addressed in a number of ways. One way is our 10-year tobacco reduction strategy and the existing Tobacco Reduction Act as well as this bill and the regulations therein.

Just a few examples to be specific. Traditional, spiritual, and cultural rights are indeed protected, point one. Point two, nothing interferes with personal tobacco use in the privacy of a person's home. Three, supports are available for people who want to quit. Four, businesses will have time to adjust to the ban on water pipes in their establishments. There are more, but, again, they're encapsulated by the previously mentioned categories. Above all of this, though, Madam Speaker, children will find it more difficult to access tobacco. Children and nonsmoking adults are protected from the effects of second-hand water pipe smoke, and children are protected from the example of adults smoking water pipes. Children are protected from second-hand smoke in the confined space of a vehicle.

With Bill 33 Alberta joins other provinces with legislation to prohibit the sale of tobacco products to minors, with fines levied against adults who provide youth with tobacco and enforcement through peace officers and other potential inspectors such as the Alberta Gaming and Liquor Commission employees. Additionally, a minimum number of tobacco products per package will

make them less affordable for children. Significantly, the tobacco-like loophole is closed, with the smoking of water pipes prohibited wherever tobacco smoke is not allowed.

Madam Speaker, no smoking means no smoking no matter what the product, no matter where in the province. An example: adult drivers will have to wait for a smoke until they park their cars and get out. We have to remember that children who are breathing in second-hand smoke simply do not have a choice in that sort of situation. The health of child passengers will be protected from the many harmful effects of second-hand smoke. With Bill 33 we're acting on our shared commitment to the future health of Albertans and, especially, of our children.

Madam Speaker, the bill has the support of many groups who advocate for the health of Albertans and are working towards a smoke-free Alberta. In a previous speech I listed the number of partners. I will not do so again, but I can assure you it is extremely long. We have talked to them in the past, we're talking to them now, and we'll talk to them again in the future as we continue to build a healthier Alberta one Albertan at a time together. I do want to thank all of those organizations for the commitment to Albertans' health and support for this bill, again, past, present, and future.

Bill 33, Madam Speaker, will strengthen public protection from the health risks of tobacco, tobacco-like products, and second-hand smoke. This bill is a comprehensive, long-term commitment to tobacco reduction. I strongly encourage a yes vote now.

With that, I thank all members, and I move to adjourn debate. Thank you. [interjections] Sorry. The word is "closing." I am closing, and I will ask for the question.

The Acting Speaker: Thank you, hon. member.

[Motion carried; Bill 33 read a third time]

Bill 39 Enhancing Consumer Protection in Auto Insurance Act

The Acting Speaker: The hon. Minister of Finance and President of Treasury Board.

Mr. Horner: Thank you very much, Madam Speaker. I'm pleased to rise today and move third reading of Bill 39, the Enhancing Consumer Protection in Auto Insurance Act.

Over the past few weeks my colleagues and I have engaged in great discussion over this bill. The Enhancing Consumer Protection in Auto Insurance Act will in effect do three main things: expand the mandate of the Automobile Insurance Rate Board and include the approval of both basic and additional rates, move from the industry-wide rate adjustment process to a more responsive file-and-approve system, and change parts of the Insurance Act to strengthen consumer protection.

This bill also proposes making other modifications to the Insurance Act such as ensuring language in the New Home Buyer Protection Act is consistent with existing language in the Insurance Act. During debate a few members sought clarification on the wording of Bill 39, and I will provide you with that information today.

8:00

But before that, let me first clarify some misinterpretations that were also brought up during the debate. One member stated that the Automobile Insurance Rate Board currently reviews rates behind closed doors, with no opportunity for consumer input.

This, Madam Speaker, is false. Our current practice is to hold an industry-wide adjustment every year. One of the major components of this process is a formal public meeting that is open to any Albertan wishing to speak about automobile insurance rates. This meeting rotates between Edmonton and Calgary each year. While this process has been a good one thus far, we are moving away from an industry-wide adjustment towards a file-and-approve system. This is something that will benefit consumers through increased competition. It will also benefit the industry as a whole by applying rate increases or decreases on a company-by-company basis.

I want to point out, however, that under the new rate-setting process any consumers interested in auto insurance rates will still have the opportunity to follow industry trends through a public process. Work is still being done on what that process would look like, but I can assure the hon. member that consumers will continue to enjoy a high degree of transparency in the rate-setting process.

I also want to clarify another member's statement that insurance for vehicles can be the fourth- or fifth-highest household cost in the province. I'd be interested to see where the hon. member got that statistic from. In our research we found Alberta's auto insurance premiums on par with the Canadian average. A 2011 Fraser Institute report found that Albertans' premiums were actually among the most affordable in the country due to the higher disposable income and higher per capita gross domestic product in Alberta compared to other provinces. At 2.7 per cent of disposable income, it is the second lowest in Canada. I would say that is affordable automobile insurance, which is one of the principles on which our auto insurance system was built.

During debate on Bill 39 I was asked about the dispute resolution process for premiums. The hon. members questioned who would be responsible for the dispute resolution process if an insurance company's rates were challenged. Madam Speaker, investigating disputes is already part of the work undertaken by the compliance staff in the office of the superintendent. Compliance officers work directly with consumers, the Auto Insurance Rate Board, and insurance companies to determine if consumers' premium rates are appropriate for their particular circumstances. This process works, and as such we are comfortable using the same process as we move to the new rate-setting process. Consumers who want to dispute the value of damage to their insured property will continue to have access to a separate dispute resolution process.

During debate some members also questioned how government will ensure the rate board's decisions are appropriate. Under the proposal the rate board will continue to be accountable to the Minister of Finance. The rate board will also continue to be accountable to this Assembly as the annual report of the rate board is tabled each year in the Legislature.

There will also be ways in which members of the public would be able to scrutinize the board's decisions, and one of these is to compare the board's decisions against the results of the annual process in which industry trends are examined. If a consumer is not satisfied with his or her own premium, that consumer would work through the process with a compliance officer, which I outlined earlier. However, I don't anticipate this will be an issue because consumer perspectives will continue to be provided by the consumer representative on the rate board.

There are other details relating to the setting of the basic and additional rates that are still outstanding. Details will be dealt with in regulations and the rate board's new policies and procedures.

Another issue that came up during debate was a question on surcharges to insurance. Of course, insurance companies have to have some markup on their products to be profitable. However, the rate board will be the one to monitor and approve these rates on a company-by-company basis. Insurance companies will be subject to some guidelines and regulation, and we are considering what is appropriate as the regulations are under development.

Finally, another member raised a question around the language change to the Insurance Act pertaining to the New Home Buyer Protection Act. The intent of the changes is to ensure that the language in the New Home Buyer Protection Act is consistent with existing language in the Insurance Act. I can assure the member that the changes do not make substantive changes to the meaning or the intent of the legislation. Policy conditions in the regulation will be a mandatory part of every home warranty insurance policy.

Madam Speaker, I am confident the changes this government is making to Alberta's insurance system will increase consumer protection and also streamline efficiencies. Now that the minor concerns raised by the hon. members have been addressed, I ask that they would support this important piece of legislation as we move forward on improving Alberta's already robust automobile insurance system.

Thank you, Madam Speaker.

The Acting Speaker: Thank you.

Are there any other members who wish to speak on Bill 39, Enhancing Consumer Protection in Auto Insurance Act? The hon. Member for Edmonton-Calder.

Mr. Eggen: Well, thanks, Madam Speaker. Again, I just wanted to make a couple of closing arguments. The Alberta New Democrats certainly do support this legislation, and I think it is a step in the right direction.

We have had an historical problem with auto insurance regulation here in the province of Alberta in the past. It is good to see that we are covering another layer of insurance that people really need to drive their automobiles. I think it's eminently logical and reasonable to presume that if we make a law that compels people to buy insurance to drive on Alberta roads, then we need to provide a reasonable product that is available at an affordable price. Indeed, auto insurance can be one of the most expensive things that people have to purchase in their family budgets. I think it is our responsibility here in the Legislature to ensure that those rates remain affordable. This is a provision that could do that.

Having lived here for almost my whole life, I know that we've had significant problems with pricing on auto insurance in the past. I just want to certainly see an evolution, at least, towards a public auto insurance policy or program that we can have here in the province of Alberta. I think that we could regulate the rates even better and probably find even more efficiencies and savings for the public and for our economy, too. That's just the other thing that I would like to see. I think most Albertans would like to have that in there as part of their future, and certainly Alberta New Democrats will endeavour to make it so.

Thank you.

The Acting Speaker: Thank you, hon. member.

Are there any other speakers?

The President of the Treasury Board and Minister of Finance to close debate?

Mr. Horner: Question, Madam Speaker.

[Motion carried; Bill 39 read a third time]

Bill 40 Settlement of International Investment Disputes Act

The Acting Speaker: The hon. Minister of International and Intergovernmental Relations.

Mr. Dallas: Thank you very much, Madam Speaker. It's with great pleasure that I rise and move third reading of Bill 40, the Settlement of International Investment Disputes Act, on behalf of the Member for Edmonton-Mill Woods.

I would like to thank all of the hon. members who participated in the debate on the legislation. If passed, Bill 40 will support the federal government's full implementation of the ICSID convention across Canada, ensuring implementation in Alberta after the convention officially comes into force on December 1 of this year. It's clear that ICSID provides an effective, fair, and impartial regime for the neutral resolution of international investment disputes. In accordance with ICSID regulation, information on the registration of all requests for arbitration and method of determination of each proceeding must be made public.

Canada has taken additional steps to ensure transparency in its arbitrations by making documents available and setting up open hearings where feasible. The sovereignty of Alberta and its legal system are also protected under this legislation. It is this Legislative Assembly that creates the laws that apply to any investment and investor that operates in the province. Arbitrary tribunals have no power to order the amendment or repeal of any of these laws.

Madam Speaker, the global economy is undeniably competitive. Alberta businesses have responded by becoming increasingly active in foreign markets, whether expanding their business abroad or attracting foreign investment back to the province. As part of the Building Alberta plan we are taking action to access new markets and build partnerships that create more economic opportunity, investment, jobs, and revenue to support the programs and services Albertans rely on. Our actions include promoting Alberta abroad, facilitating the free flow of international investment to Alberta, helping Alberta businesses succeed overseas, and, in the case of Bill 40, putting in place the rules and infrastructure that allow our investors to pursue fair treatment and compensation.

8:10

Madam Speaker, this is why supporting the implementation of the ICSID convention in Alberta is so important. The foundation of the ICSID convention is to help build our economy by providing a neutral mechanism to resolve investment disputes. With this bill we are signalling to our international partners and to the 150 countries that have already ratified the convention that Alberta is a stable and secure place to invest and to do business.

With that, I ask for your support to pass Bill 40. Doing so will help us continue to build Alberta for today and tomorrow.

Thank you, Madam Speaker.

The Acting Speaker: Thank you.

Are there any other members who wish to speak on Bill 40? The hon. Member for Edmonton-Calder.

Mr. Eggen: Well, thanks, Madam Speaker. I think I made my position on this Bill 40 fairly clear. I realize, of course, that a lot of this particular bill on the international investment disputes provisions through the International Centre for Settlement of Investment Disputes, or ICSID, is a federal-driven initiative. I think this sort of sat idle for several years, and then suddenly there's a great flurry to push it through, both federally and through each of the provinces. While I understand that as our economy becomes more international, we are compelled to enter into more of these agreements, sometimes you have to be careful what you wish for because with a structure like ICSID you have the erosion of the sovereignty of our own courts and, in fact, this Legislature and the federal House as well.

You know, as arbitration is made on trade disputes internationally and without provision for appeal in our own domestic courts, for example, we have to be very, very careful to not erode the sovereign right that we have to determine our own destinies. Certainly, I'm not a person that puts my head in the sand, and I know that international trade is very important to ourselves and to all countries, but I think that we really have to be very careful about the treaties that we sign that allow decisions to be made about our economy and about trade through international arbitration and not through domestic bodies that we have available to us here.

Thank you.

The Acting Speaker: Thank you, hon. member.

Are there any other members who wish to speak? The hon. Government House Leader.

Mr. Hancock: Thank you, Madam Speaker. I was going to forgo the opportunity, but I do have to speak to third reading of this bill. I've now been in the Legislative Assembly for 16 years. My very first question in this House, in April of 1997, was from Pam Barrett, and it was on the multilateral agreement on investment, which is another name for this particular bill. The convention had been negotiated. There was concern from the New Democrats about foreign capital and the investment of foreign capital, and nothing has changed in the 16 years on that front.

What has changed is the decorum of the House and the manner in which we operated. Pam Barrett was good enough to call my office and let me know that she was going to ask me a question on that particular topic, and then when she came in, she came over to me and said, "Did you get my message that I'm going to ask you about this?" Then she got up, and she tore a strip off me three times through the question and the two supplemental. Then she sat down, waved, and said: "That was good. Thank you." It was a different sort of decorum.

It was a very important agreement then. As Government House Leader I can say that it's been on the list virtually every year for the last 16 years to be introduced as soon as the federal government finished the process of negotiating and agreeing to it, first of all, and then it came to the point where they asked provinces to sign on. This is a milestone for the hon. minister of intergovernmental relations, to actually get this one past the post, after it's been on my list of bills that we might be bringing forward for at least 12 years.

The Acting Speaker: Thank you, hon. minister.

We now have Standing Order 29(2)(a).

Mr. Eggen: Was that part of 29(2)(a)?

The Acting Speaker: That was not 29(2)(a); that was his presentation.

Are there any members who wish to speak on 29(2)(a)?

Seeing none, I'll ask if there are any members who wish to speak on Bill 40, Settlement of International Investment Disputes Act.

Seeing none, we'll ask the hon. minister to close debate.

Mr. Dallas: Question.

[Motion carried; Bill 40 read a third time]

Government Bills and Orders Second Reading

Bill 44 Notaries and Commissioners Act

[Adjourned debate November 21: Ms Olesen]

The Acting Speaker: The hon. member for Lac La Biche-St. Paul-Three – Two Hills.

Mr. Saskiw: Thanks. Yeah; we're jealous of the ones with three hills.

Madam Speaker, it's a pleasure to rise today to speak to Bill 44, which combines two pieces of legislation, the Notaries Public Act and the Commissioners for Oaths Act. Considering that all notaries in this province are commissioners, this appears to make sense. The fines for those who contravene the act are also increased. This is important as fines should be a deterrent to committing an offence and not just a cost of doing business. Bill 44 also lays out legislation that prevents lay notaries, those without legal training, from attesting to deeds, contracts, and commercial instruments. This is a good move. These commercial documents can be very complicated and require a level of expertise. I know that my colleagues in their capacities as notaries have been asked to perform duties that they feel uncomfortable or unqualified in doing. This measure will afford lay notaries protection from pressure to perform these duties for which they have little to no expertise.

Finally, Madam Speaker, Bill 44 allows the minister to create a code of conduct for notaries and commissioners in regulation. The current practice is to provide notaries an informational instruction book on how to carry out their duties. Notaries are a very important part of our legal system and hence should be subject to a code of conduct and not just an informational booklet. I've talked to stakeholders on this issue, and they are very pleased that a code of conduct will be initiated. We look forward to the debate in the Committee of the Whole.

Thank you, Madam Speaker.

The Acting Speaker: Thank you, hon. member.

Are there any other members that wish to speak on Bill 44, the Notaries and Commissioners Act?

Seeing none, I'll ask the hon. Member for Sherwood Park to close debate.

Ms Olesen: Thank you, Madam Speaker. The amendments to these pieces of legislation will help ensure that they are up to date and reflect changes in Alberta. In a rapidly changing and growing province, it is especially important to make these changes so our legislation is consistent and clear. Albertans expect and deserve clarity and consistency, and these amendments will help achieve that.

Thank you, Madam Speaker. I now move to close debate on Bill 44.

[Motion carried; Bill 44 read a second time]

Government Bills and Orders
Third Reading
(continued)

Bill 41
Premier's Council on the Status of Persons
with Disabilities Amendment Act, 2013

The Acting Speaker: The hon. Associate Minister of Services for Persons with Disabilities.

Mr. Oberle: Thank you, Madam Speaker. It is my honour to rise today and move third reading of Bill 41, the Premier's Council on the Status of Persons with Disabilities Amendment Act, 2013. We've had considerable debate on this bill. I'm very excited, having worked now for over a year with the Premier's council. I'm excited about the renewed mandate and the new members on the council, and I'm really looking forward to the coming year with them.

I'll listen to the comments in third reading, Madam Speaker.

The Acting Speaker: Thank you, hon. minister.

Are there any other members who wish to speak in third reading?

Seeing none, the minister to close.

Mr. Oberle: Question.

[Motion carried; Bill 41 read a third time]

8:20

Government Bills and Orders
Second Reading
(continued)

Bill 36
Appropriation (Supplementary Supply)
Act, 2013 (No. 2)

[Adjourned debate November 27: Mr. Campbell]

The Acting Speaker: Are there any members who wish to speak on Bill 36, Appropriation (Supplementary Supply) Act, 2013?

Hon. Members: Question.

The Acting Speaker: The question has been called. The hon. Minister of Finance and President of the Treasury Board has moved second reading of Bill 36, Appropriation (Supplementary Supply) Act, 2013.

[Motion carried; Bill 36 read a second time]

The Acting Speaker: The hon. Government House Leader.

Mr. Hancock: Well, we have actually completed the work that was on the agenda for the day, and rather than surprise anybody with other work, I would move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 8:21 p.m. to Thursday at 1:30 p.m.]

Table of Contents

Government Bills and Orders

Third Reading

Bill 33	Tobacco Reduction Amendment Act, 2013.....	3185, 3186
Bill 39	Enhancing Consumer Protection in Auto Insurance Act	3188
Bill 40	Settlement of International Investment Disputes Act	3189
Bill 41	Premier's Council on the Status of Persons with Disabilities Amendment Act, 2013.....	3191

Second Reading

Bill 44	Notaries and Commissioners Act	3190
Bill 36	Appropriation (Supplementary Supply) Act, 2013 (No. 2).....	3191

Introduction of Guests	3186
------------------------------	------

If your address is incorrect, please clip on the dotted line, make any changes, and return to the address listed below. To facilitate the update, please attach the last mailing label along with your account number.

Subscriptions
Legislative Assembly Office
1001 Legislature Annex
9718 – 107 Street
EDMONTON, AB T5K 1E4

Last mailing label:

Account # _____

New information:

Name:

Address:

Subscription information:

Annual subscriptions to the paper copy of *Alberta Hansard* (including annual index) are \$127.50 including GST if mailed once a week or \$94.92 including GST if picked up at the subscription address below or if mailed through the provincial government interdepartmental mail system. Bound volumes are \$121.70 including GST if mailed. Cheques should be made payable to the Minister of Finance.

Price per issue is \$0.75 including GST.

Online access to *Alberta Hansard* is available through the Internet at www.assembly.ab.ca

Subscription inquiries:

Subscriptions
Legislative Assembly Office
1001 Legislature Annex
9718 – 107 St.
EDMONTON, AB T5K 1E4
Telephone: 780.427.1302

Other inquiries:

Managing Editor
Alberta Hansard
1001 Legislature Annex
9718 – 107 St.
EDMONTON, AB T5K 1E4
Telephone: 780.427.1875