

Legislative Assembly of Alberta

Title: **Monday, December 2, 2002**

8:00 p.m.

Date: 02/12/02

[Mr. Shariff in the chair]

THE ACTING SPEAKER: Please be seated.

head: **Motions Other than Government Motions**

Confined Feeding Operations

509. Mrs. Gordon moved:

Be it resolved that the Legislative Assembly urge the government to work with the Alberta Agricultural Research Institute in researching the use of cost-effective technology to assist farming operations in alleviating nuisance-causing odours from barns used in conjunction with confined feeding operations or other related farming practices.

[Debate adjourned November 25: Mr. Lougheed speaking]

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

MR. MARZ: Well, thank you very much, Mr. Speaker. It's a pleasure for me to rise this evening to speak in favour of Motion 509, the Alberta Agricultural Research Institute focus on alleviating farm odours, which was moved, by the way, by the Member for Lacombe-Stettler. Motion 509 encourages the government to focus funding and expertise through the Alberta Agricultural Research Institute to develop cost-effective technologies to eliminate excess waste odour from Alberta's livestock farms.

As Canadian farms increase in size and urban centres expand into previously rural areas, the need for livestock waste and odour management has increased. Confined feedlot operations, or CFOs as we've come to know them, have become a prosperous business in Alberta, and more applications are submitted and approved for these operations every year. These farms produce a large amount of livestock waste, some of which can be used by farms as fertilizer for feed crops and some of which may need to be transported to other farms if regulations do not permit a certain volume of waste to remain in one area. Mr. Speaker, the purpose of Motion 509 is to ensure that the Alberta government is actively seeking alternatives for waste management options and utilizing technology from around the world to enhance farming practices while protecting the quality of life in communities that surround these operations.

The Alberta Agricultural Research Institute is the primary agency in Alberta for funding, co-ordinating, and promoting strategic agriculture research initiatives and technology transfer in the agriculture and food sectors. AARI was established by the Alberta Science and Research Authority Act and funds numerous projects each year that play a significant role in advancing Alberta's position as a global player in the agriculture and food sectors. AARI's mission is to enhance the economic contributions of the Alberta agriculture and food industry through support for research and technology transfer with strategic emphasis on life sciences.

In November of 2001 the Alberta Agricultural Research Institute presented a workshop in co-operation with the Alberta livestock industry development fund and the Alberta crop development fund on manure. The Alberta research funders' manure research focus workshop gathered their expertise and knowledge on manure science, specifically focusing on three key issues of agronomics and manure management, odour, and treatment of manure. Agriculture research in Alberta has supported many research projects dedicated

to livestock waste management. However, with the growing numbers of large farms and CFOs Alberta may have to look at enhancing their efforts to find an efficient and effective method of controlling nuisance odours.

As Alberta's population grows and communities are expanding into rural areas, investment into methods of controlling livestock waste odour are necessary to ensure that private property values are not affected, that environmental integrity is preserved, and that the quality of life of all Albertans is maintained. I don't want to leave the impression, Mr. Speaker, that this is strictly an urban/rural issue. It's also a rural/rural issue involving intensive light agriculture, or CFOs, and residential homes regardless of whether they're country residential or extensive farming residential, meaning to say non-CFO residential.

As you know, CFOs are a very cost-effective, efficient method of livestock production. However, with that comes an array of other problems, not the least of which is nuisance odours, which is a very divisive issue in rural communities. In my previous life as a municipal councillor as well as in my current life as an MLA I can tell you that I have received hundreds of complaints concerning CFOs. Most common amongst those complaints is odours and how that affects the quality and enjoyment of life. Previous measures to address this issue by municipalities include mandatory direct injection of liquid manure, filling lagoons from the bottom, which doesn't disturb the surface and also limits odours. These were initiatives that were imposed upon the industry by municipalities, and they deserve credit for that. New guidelines developed by the NRCB, which is now responsible for permitting, should further help in alleviating odours and nuisances in that industry.

I should also point out, Mr. Speaker, that individual farmers should also receive credit for their innovation and research on their own farms for limiting nuisances generated by their own operations. The Member for Lacombe-Stettler acknowledges that because she lives in an area where there are many of them, as I do. Farmers that I've talked to in the central Alberta area are quick to embrace new technologies as they become available. Some of you may have heard of Olds College. [interjections] Everybody has heard of Olds College, and if you've heard of Olds College, you've heard of the research and innovative work they've done in composting as well as their digester, that they've had on campus right in the middle of town for many years, which digests the manure and turns the methane gas produced by that into electricity. The University of Alberta is also known for some research projects on composting as well.

The technology to assist farming operations in alleviating livestock manure odours is presently in development, and large-scale waste management operations are currently in use in many European jurisdictions. Since our climate and seasons are similar, there is a possibility that these technologies from European countries could be adapted to our needs as well. The process by which odour is alleviated can also add value to animal waste by-products. For example, composting not only alleviates livestock waste odour but results in a nutrient-rich soil which can be sold as fertilizer. If economically viable technologies are developed, that would allow farmers to harness the energy from livestock waste products and, as I stated before, possibly to be used as a source of power, which could be sold through the Alberta Power Pool.

Motion 509, in the alleviation of livestock odours, would make the presence of confined feeding operations more palatable to nearby towns and villages and to their neighbours in the country. This, in turn, may allow larger operations to exist closer to communities, providing for more efficient use of Alberta's nutrient-rich farmland.

Mr. Speaker, with that, I'd like to urge all my colleagues to vote in favour of this motion. Thank you.

THE ACTING SPEAKER: The hon. Member for Lacombe-Stettler to close debate.

MRS. GORDON: Thank you, Mr. Speaker. I just wish to thank all the members that have leaped to their feet tonight and last week as well to support this motion. I know that over the last week a number of my producers have actually phoned me and were well aware that this motion was before this Assembly, and they are very, very pleased that we are supporting their endeavours. We're all trying to work for the good of agriculture, the good of the product, and the good of the people.

With that, I would just encourage each and every one of you to vote yes in favour of Motion 509.

[Motion Other than Government Motion 509 carried]

Efficiency Targets for Measurable Outcomes and Goals

510. Mr. Cao moved:

Be it resolved that the Legislative Assembly urge the government to require that the measurable outcomes and goals for government departments and government-funded agencies include targets for improvements in efficiency in their measurable outcomes and goals to free up resources for all high-priority areas.

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

MR. CAO: Thank you, Mr. Speaker. It is my pleasure to rise this evening and begin debate on Motion 510, measurable outcomes for efficiency. The purpose of Motion 510 is to urge the government to strengthen its commitment to fiscal responsibility.

When this government was elected in 1993, it set out to change the way the government works in this province. The plan contained four basic commitments: to balance the budget, to create a climate for private-sector job growth, to eliminate waste in the public sector, and to listen to Albertans. The goal of this government was not just to reduce our spending but to restructure the government as a whole so that Albertans could receive essential services at an affordable price. The goal was to increase openness and accountability, eliminate waste and duplication, improve cost-effectiveness of programs, encourage innovation and creativity, and establish new partnerships.

Mr. Speaker, I believe that this government has stuck to that goal. I believe that it has come very close to achieving everything it has set out to accomplish. I believe that this government is moving this province towards a future that will be unsurpassed by any other in North America because it has kept its promises to Albertans. Motion 510 attempts to give this government an extra tool so that we can continue to keep our promise to Albertans, that promise being improved cost efficiency and effectiveness of government spending. This motion urges the government to develop better goals and stricter targets in their business plans so that we can better measure the improvement of various government departments. This is not to say that the system we have in place right now is inadequate. This is definitely not the case, but I believe we can never stop looking for improvement.

8:10

Mr. Speaker, this government needs to put more emphasis on effectiveness and accountability of business plans of the government-funded agencies, boards, and regional authorities. We need to look at the targets and standards these groups have developed and use them to improve the delivery of services at the highest level.

Allow me to give you an example of what I would like to see this motion achieve. The government could establish performance indicators to measure efficiency and effectiveness of programs. These indicators could be such things as improvement suggestions, the awareness of cost per unit of service, per activity, per unit of procurement, and so on. This could then create targets and indicators that would determine what resources could be better reallocated to other high-priority areas or used for new initiatives. This, in turn, would lead to the government being even more watchful of where and how the money is being spent.

Imagine that targets were developed and show how resources were being spent for a certain area in the initiatives. As part of the targets are met or found to be lacking, we could use this data to provide us with an idea of where the program is achieving its purposes and where it is not. If we see in one part that resources are more than what is needed, we know that we can take those extra resources and reallocate them to other sections where the resources are unsatisfactory. This way, through the measures we can tell where the program is operating properly or where it is not. It is important to note that government departments and agencies would have to continually examine their operation, including gathering input from the frontline staff, to improve cost efficiency. I believe this is the most important benefit of Motion 510. We as a government need to include the input of our frontline workers into the decision-making more often. They are the ones who understand the operations, and they can be used to better their work environment. Cost-cutting decisions seem to be made by bureaucrats who are frequently unfamiliar with what is being eliminated.

Mr. Speaker, continuous improvement is something this government strives for every single day. We look for opportunities to eliminate inefficiencies that hold us back. Motion 510 would ensure that all business plans, not just ministry business plans but all business plans of government-funded entities, include continuous improvement measures in their efficiency. Those which hinder this government's progress can be recognized, reorganized, and resolved at every level of government and bureaucracy. Newly developed measures would encourage all government departments and organizations to work together with administration managers and frontline staff to solve inefficiencies, to look within their own operation to create more co-operative interdepartmental programs.

Mr. Speaker, co-operation is a key in this motion. This is not something that is foreign to government. For instance, our government departments worked together in creation of the Alberta Corporate Service Centre. ACSC improved government's efficiency and the cost-effectiveness of administrative services through a shared service model. The ACSC is committed to providing high-quality services in a cost-effective manner through innovation and the best use of resources. This source of ingenuity is what all government departments, agencies, authorities, and boards must show. If we could have all levels of government co-operate better in the development of targets and goals, I feel that we would be better able to cut off the fat that naturally occurs when you do business.

Motion 510 is designed to improve the way the government works in this province. It gives the government and all agencies an opportunity to re-examine their priorities, performance measures, and goals to determine more cost-efficient procedures. In the process of government evolving to better serving Alberta, I think that Motion 510 is the next step to help this government continue the progress forward.

Mr. Speaker, Motion 510 recognizes the fact that whatever gets measured gets done. This is very important. When a department or organization sticks to its performance measures, efficiency will be accomplished. We should not have business plans that provide us

with performance measures and targets that change from year to year. We need to develop targets that will improve our efficiency and that can be measured from year to year. Being efficient, effective, and economical is what this motion is all about. I believe that this motion gives government an opportunity to be a model in other publicly funded organizations. It gives the government of Alberta another great opportunity to lead the rest of the country toward a greater government.

The last benefit of Motion 510 is that it would promote greater program transparency and departmental accountability through increased monitoring. With better performance measures, targets, and goals Albertans will have increased knowledge of what departments and programs accomplish and how resources are allocated to priority areas. The more Albertans know about the government and its operations, the better able the government of Alberta can be.

Mr. Speaker, I believe that Motion 510 will benefit all the people in this province and will definitely benefit this government and its operation. The focus of this motion is triple E, like my hon. colleagues just said. Its aim is simply to drive at continuous improvement to be effective, efficient, and economical in deploying public taxpayers' dollars. I urge all members of the Assembly to consider the benefit of this motion, and I urge you to vote for it favourably.

Thank you.

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

MR. MacDONALD: Thank you very much, Mr. Speaker. It's a pleasure, again, to participate in the debate this evening on the motion as presented by the hon. Member for Calgary-Fort, the government targets for improvements in efficiency, Motion 510.

The hon. member mentioned the Auditor General's report, and I will get to that in my remarks in a minute or two, but certainly Alberta was the first provincial government in Canada to adopt performance measures. Alberta began publishing performance measures six years ago, and that's about the time I was elected. It amazes me that this is a government that removes performance measures whenever it doesn't suit their purpose. You see the budget tabled every winter. You're looking to examine one performance measure and how it might relate to a previous one, and sometimes it can be very difficult, Mr. Speaker, because, well, the one previous was simply removed.

But the performance measures in Alberta, I believe, are based on three principles: firstly, to measure the right stuff; secondly, to find the most accurate measures and use them consistently; and, finally, to report the results. Performance measures can certainly be used by a department in a variety of ways, including to track trends, finding the results of programs and services over the long term, measuring progress, developing goals, and evaluating performance.

8:20

Since the implementation of the performance measures in Alberta the Auditor General has been very critical of the province's implementation plan. The Auditor General's criticisms centre around three main points. Firstly, most departments do not use the same performance measure from year to year, making it difficult, as I said before, to measure progress. Secondly, some departments have developed performance measures where the measured results are unverifiable, making the true measure of progress next to impossible. Thirdly, the performance some departments or portfolios have established is not directly relevant to the goals of the department or the specific portfolio.

Now, the wording of this motion suffers, in my view, from a certain lack of clarity. It can be taken in a number of different ways, Mr. Speaker. Firstly, it can be taken to mean that when performance measures are not met, departments must set efficiency targets to establish when and how they're going to meet performance measures. Secondly, this motion can also be interpreted to mean that efficiency targets should be established to allow for the reallocation of resources. An efficiency target would likely measure how successful a given department is in producing the desired result with the minimum wasted effort.

In principle efficiency targets could serve as an effective performance measure. However, there are several cautions that must be taken into consideration when considering efficiency targets. Firstly, efficiency targets are more practical for some departments than for others. The Executive Council is not an example of a department that could and probably should strive for efficiency. The hon. Member for Edmonton-Riverview may take a different view on that, but it's hard to say. Certainly, the Executive Council could strive to find ways to complete the same task using fewer resources than they are now. However, for the department of health the same principles may not apply. Striving for efficiency may have detrimental effects on other, more important goals like quality of service. For example, reducing the number of health authorities may be more efficient, but it may also decrease access to health services for rural Albertans.

Now, secondly, Mr. Speaker, efficiency targets are only valid performance measures for a finite period of time. There will come a time for every department when maximum efficiency has been reached. At this time striving for further improvements in energy efficiency will come at a cost of other goals a department may have.

Thirdly, in general efficiency measures are not good for the social services. The nature of social services often means that efficiency would be sacrificed to meet some other, more important goals. Perhaps the best example of this occurs in the Department of Learning. Efficiency targets, if defined as the ration of useful work to total energy input, would support the use of larger classes. However, small class sizes, although less efficient to some, are preferable because they afford a higher quality of education for the students.

This motion indicates that the funds that become available through efficiency savings should go towards priority areas. The wording implies that the author of the motion has taken the fact that the efficiency targets are suitable in all areas. Instead, efficiency targets can be seen as a way to reallocate resources according to priorities.

There are areas in all departments that are suitable for efficiency targets. For example, travel costs, ministry size, salaries, office supply costs, and communication costs are all areas that could stand to benefit from efficiency targets. For instance, last week in the Department of Energy, which was before the Public Accounts Committee, there was a substantial increase in the communications budget. I recall, without having the advantage of having the annual report from the Department of Energy here before me, that the communications budget had doubled. It was like the electricity bills of Albertans. It had increased a great deal, but to what purpose? Obviously, I think the communications budget of that department was overspent trying to do some damage control on those spectacularly high electricity bills because of the failure of electricity deregulation. That would be one example of a suitable efficiency target, certainly, for communications costs.

Now, Mr. Speaker, efficiency can't be the only criteria that this government measures their success against. The government's overarching goal is to provide services and programs for Albertans that meet the needs of Albertans. While Albertans are concerned about the amount of taxes that they have to pay, Albertans are

arguably more concerned about emergency room waiting times, and certainly there's a lot of work to be done there to provide public health care to Albertans.

Now, in the government's 2001-2002 annual report in the Measuring Up section one out of 19 performance measures deals with efficiency. The performance measure in question is number 11, and it states: "Albertans will have effective and efficient infrastructure." It is measured by infrastructure capacity, and over the past year the target was achieved. Now, how could we work with this motion? When used appropriately, efficiency targets as performance measures could help to significantly improve this government's performance. Efficiency targets, if used properly, could reallocate resources so that priority areas like education, health, and Children's Services had access to more funding.

This government currently employs a number of performance measures that measure things that are not a direct result of the government's actions. For example, agriculture output is a result of the weather more so than anything the department of agriculture can do. Therefore, the government must ensure that the efficiency targets it implements measure things that the department actually does.

Efficiency targets would be a valuable contribution to the performance measures of this government as they would help to improve the value of the services and programs this government provides. Albertans will undoubtedly be happy if their taxes are lower and they can receive quality health care programs. I would also like to add the word "public" to that phrase: if their taxes are lower and they can receive quality public health care programs.

Finally, Mr. Speaker, if the motion can be interpreted to mean the efficiency targets should be applied to help government meet their performance measures, this is a positive. This government is notorious for not meeting its performance measures, and anything that can be done to help this government . . . [Mr. MacDonald's speaking time expired]

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

MR. LORD: Thank you, Mr. Speaker. I'm delighted to have this opportunity today to join the debate on Motion 510, which urges the government to require and review benchmarking and best practices performance measures in government departments and government funded agencies in order to find efficiencies which might free up resources for other high priority areas.

Mr. Speaker, when this government was first elected nearly 10 years ago, it had a four-prong plan to guide it through those first few years. Among those four prongs was the commitment to eliminate waste in the public sector, and part of the government's approach to accomplish this goal was the establishment of a wide range of performance measures. Having performance measures in place has many benefits. You establish benchmarks and targets as a departmental goal, targets that must be reached in order to establish minimum levels of acceptable performance. Additionally, you give your customers, in this case Alberta citizens, valuable insight on how the government is doing its job and how well it is managing taxpayers' money, especially as compared to other jurisdictions and/or past trends.

Now, Mr. Speaker, I'd also like to take the opportunity to speak for a few moments about the importance of vision in all of this. The overall objective of this government when it was first elected in '93 was to restructure government in order that Albertans could receive services of the highest quality at the lowest cost. Such long-range planning requires vision. Having vision doesn't have to mean some mystic talent or lofty, nearly unattainable goals. To the contrary,

having vision is simply a matter of being able to think on several levels at the same time and being able to foresee the consequences of one's actions before they become reality.

8:30

One way to think about vision, then, is that it is the difference between doing things right and doing the right things. Doing things right refers to the process, focusing on the right process as opposed to the outcome, and is a common mistake of many bureaucratic organizations that get stuck in a rut of doing things the way they have always been done, just trying to do them slightly better each year. Doing the right things, on the other hand, refers to getting the desired results, period, even if you end up getting there in a very inefficient manner or in a new way.

Now, since doing the right thing sometimes involves not following an old process, perhaps because it isn't working anymore, of necessity it involves innovation, which often causes or results in inefficiency. We've all heard about necessity being the mother of invention. At the very least, doing the right thing is often viewed as an incorrect process. Efficiency and effectiveness, in fact, are two very different and maybe even opposite or at least competing goals and, unfortunately, are often confused as being the same thing when it comes to designing benchmarks and performance measurement. But these two concepts do not have to be mutually exclusive. I believe, in fact, it's possible to do the right things the right way, but you do have to have exceptional planning and you have to have good vision.

The challenge for any organization, then, is to be both efficient and effective at the same time. So how do we know when we are doing both? Well, what the hon. Member for Calgary-Fort is proposing in his motion, Mr. Speaker, is a review of our current set of standards to see if they meet this test and potentially setting a new set of standards for the government on how best to spend its resources, meaning the taxpayers' money.

The hon. Member for Calgary-Fort has proposed a very important initiative which I strongly support. However, I would like to take this opportunity to suggest we even take it one step further. Using the hon. member's initiative as a stepping stone, I propose that we strive provincially for independent ISO 14000 certification, the world's premier benchmark business process system. What, you might ask, is ISO 14000 certification? Allow me a few moments to broadly outline what this new-style benchmark is all about.

Mr. Speaker, the ISO 14000 series is a project of the International Standards Organization, building on work that was actually a Canadian invention started some 50 years ago. In Canada many of us are familiar with the benefits of knowing that our electrical devices are all CSA approved, meaning that as long as they are CSA approved, we don't have to carefully inspect every single electrical device for faults or have buyer-beware policies in terms of safety and quality. Also, if they are CSA approved, we know that they are standardized across the country and will work wherever we travel in Canada.

Well, Europeans have taken the standardization idea of ours considerably further. They took this great idea of developing recognized and accepted standards of quality and consistency and started applying it to entire business organizations and the output of their product and services. This is now the number one most recognized benchmark in the world, the ISO 9000 series of certification, which tells customers what they can expect from that company and what they will get every single time with absolute consistency. It also gives the company a business process road map to follow to ensure that they can actually deliver every single time the level of quality and consistency they said they would deliver.

ISO 14000 adds to the business process for engineering standards of ISO 9000 by adding the world's premier environmental management system into the mix. In other words, not only are we consistently the best in our delivery of products and services, but at the same time we are creating those products and services in the most technologically advanced, environmentally friendly manner known. ISO 14000, then, is a very dynamic road map for benchmarking and re-engineering your business processes to create efficiency and effectiveness, to be able to walk the talk and to be able to prove it as well as continually improve it. That is why I would hope that we as a government would consider adopting this standard as one of our main benchmarks for each department.

Mr. Speaker, we encounter standards each and every day as we go through life. For example, all fire hydrants in North America have the same size of outlets and hose fittings as a result of a complicated set of fire prevention standards. More recently Canada and the United States have begun talks on how to unify customs procedures in order to facilitate the movement of people, goods, and services between our two countries. The word that's commonly used to describe the desired outcome of these talks is harmonization of customs procedures, but it would be equally appropriate to say that what is being advocated is the standardization of Canadian and U.S. customs regulations.

Standards, Mr. Speaker, are closely associated with trade. Agreements on formal standardization are making life much easier for buyers and sellers of goods and services around the world. Market pressures are calling for a better understanding of the environmental costs and benefits of products and services. Environmental credibility, in other words, is becoming a factor in national and international competitiveness. More and more people are factoring in environmental credibility in their purchases. They do this because the environment is quickly becoming as important a concern to consumers as more traditional concerns like price, durability, quality, and serviceability.

Implementation of the ISO 14000 series and our attendant certification could help us increase our Alberta competitiveness through measurement and innovation, leading to increased profit, more efficient processes, reduced costs, and a more credible image worldwide. Seeking ISO 14000 certification is becoming more and more commonplace in the private sector. Here at home, Shell Canada became the first major integrated oil and gas company in Canada to achieve ISO 14001 registration for all its key operating facilities. They did that in October 2001, and it's one of the main reasons they're actually ahead of the Kyoto curve. Why did Shell Canada take this step? Because doing so was consistent with their commitment to integrate economic, environmental, and social dimensions into everyday business conduct.

We have other examples. The first municipality in the world to achieve ISO 9000 certification was actually Canadian: St. Augustine, Quebec. It not only recovered all costs within two years from identified savings through this process; it saw citizen approval ratings soar to over 90 percent and saw a nearly 50 percent reduction in customer complaints. Similarly, the city of Calgary is now, among only a handful of cities in the world, working towards this same goal. As a Calgary alderman I am proud to have brought the motion to have Calgary embark upon this major process to strive for ISO 14000 certification across all city departments. I'm pleased to be able to report that now in its fourth year the city is achieving great success in this undertaking and hopes to have all 10 major operating departments, all policy and administrative business units, and the overall corporation registered to the ISO 14001 standard by August of 2003. In doing this, Calgary is the first major municipality of its size in Canada and, again, one of only a handful of cities in the

entire world to implement this internationally recognized benchmark standard, which is rapidly becoming a prerequisite for doing business internationally.

Mr. Speaker, our government has always stressed that it is open to new and innovative ideas with regard to development and programs. I think that Motion 510 makes an already existing practice even better by encouraging the government to look even more diligently for ways to control and reduce spending. By implementing the ideas outlined in Motion 510, this government would become a model for other publicly funded organizations to institute performance measures to improve their cost efficiency and effectiveness. As I have suggested, it would enable us to lay the groundwork for ISO 14000.

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

DR. MASSEY: Thank you, Mr. Speaker. I appreciate the opportunity to make just a few comments about Motion 510. I think the previous speaker made an important point when he pointed out that there's a vast difference between effectiveness and efficiency and that the values that are supported by effectiveness versus those that are supported by efficiency can be dramatically different. I think you can use some examples that come readily to mind. For instance, if you value efficiency, then it may lead you to support top-down management. Certainly, if you want things done quickly, in a hurry, and what some would call efficiently, then you'd organize the management teams into a top-down configuration, and that is one way of gaining efficiency. But if you value human input and if you value a team effort and if you value the individuals in an organization, then effectiveness may predominate, and it leads you to quite a different style of management decision-making. So I think, as the previous speaker pointed out, it's important to examine the underlying values and not to take efficiency and effectiveness as part and parcel of the same concept.

8:40

I'd like to leave efficiency and effectiveness aside for the moment because as I have read the Auditor General's reports over the last number of years, and as I listen to the public, it seems to me that what is missing and what is badly needed much more than a consideration of effectiveness and efficiency is a consideration of validity. How can we make an effort to assure the public that what is being measured, the targets that are set, are really valid targets?

The business plans of the government are filled with measures, many of them quite meaningless. In Learning, for instance, if you ask any number of adults if they're satisfied with their local school, you can be guaranteed that you'll get 90 percent plus support for the local school in that kind of a general question. If you change the question, for instance, and start asking about some specifics – "Are you satisfied with class sizes in your local school?" – then the responses change quite dramatically and you don't get that overwhelming support. If you were to go further and to ask them, "Are you satisfied with the resource allocations for textbooks and for computers?" you would get, again, quite a different response than the 90 percent plus support for the local school. If we were to start asking university students if tuition rates were within their means to pay, we would again get a different view of the government's programs and business plans than what we are presented with each budget time, Mr. Speaker.

I think that efficiency and effectiveness are valid concerns, but getting to the core of the matter, I think you have to start and look at

validity. Are we measuring the things that we should be measuring in terms of their meaningfulness to citizens?

Thanks very much.

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

MRS. ADY: Thank you, Mr. Speaker. I am pleased to join the debate on Motion 510. I'd like to begin this evening by thanking the hon. Member for Calgary-Fort for bringing forward this motion and for his continued efforts to strengthen the government's commitment to fiscal responsibility. The purpose of Motion 510 is to strengthen the government's commitment to fiscal responsibility by encouraging the development of performance indicators, targets, and goals that measure continuous improvement in the business plan of departments, publicly funded government agencies, boards, and regional authorities.

Mr. Speaker, I fully support Motion 510, and I believe it will add to Alberta's position as the country's leading fiscally responsible government. Since 1993 Alberta has changed the way the government does business in the province. Many are aware of the fiscal wonders that this government has performed over the last decade. Alberta is well known throughout Canada for balancing its budget and creating a business friendly environment which has made this province the fastest growing economy in the country, and I think most of them are moving into my constituency.

The other side of this revolution that may not be as well known is the restructuring of the public sector. Trimming the fat off the bulky bureaucracy was the first order of business. The second order of business, and equally important, was creating a more effective, efficient, and responsible public sector. The introduction of the Government Accountability Act in 1995 was a key factor in reforming the public sector. The act called for consolidated fiscal plans that included targets for each subsequent fiscal year, consolidated business plans that included core business goals, measures, and targets, consolidated annual reports detailing results achieved, and quarterly reports on government's fiscal plan.

The Government Accountability Act also gave ministries a vehicle to be accountable for their budget and program choices. This was necessary as the new way of doing government business shifted significant control and responsibility from central agencies and Treasury Board to ministers and their executives. The Government Accountability Act has had a very positive impact on public-sector reform. However, Mr. Speaker, it is time to take government accountability to the next progressive level.

Motion 510 has two components. One component is the development of tracking and reporting systems to assist decision-makers in the reallocation of resources. The second component is the development of systems that track and report on the efficiency of government processes. These two aspects will infuse accountability into the everyday activities of government departments, publicly funded government agencies, boards, and regional authorities.

Mr. Speaker, I would like to talk about the meaning of accountability and how it's related to government. In its simplest terms accountability is reporting. The basic ingredients of accountability are as follows: set measurable goals and responsibilities, plan what needs to be done to achieve goals, do the work and monitor progress, report on results, evaluate results, and provide feedback including target improvements. If all government-funded agencies and boards had to follow these guidelines and provide performance indicators to measure efficiencies and effectiveness of programs, for example, they could provide improvement suggestions or the cost of services provided per activity and per unit of procurement. Government transparency would be greatly increased. This newfound transpar-

ency would breed opportunity. Government agencies, departments, and boards would know exactly what they're spending their money on. They would know where to reallocate money within their departments and what programs were most cost-effective.

An example of this increased accountability that would be a result of Motion 510 is in the area of, say, regional authorities. The child and family services authorities, or the CFSAs, for example, could break down their spending to cost per unit of service and then develop targets and indicators that would determine what resources could be better diverted to other high-priority areas or used for new initiatives. This would lead to greater self-awareness of government agencies, which in turn leads to government being even more accountable to the public that it serves.

Through Motion 510 the government would increase our already stellar efficiency and transparency, which is the mandate of more government accountability that Albertans have given us. Government accountability and fiscal responsibility are top priorities of this government, and our track record in this area is excellent. Many provinces have followed our lead as they have restructured. Motion 510 is another tool to keep Alberta as a leader in responsibility and accountable government.

I strongly support Motion 510 and hope that my colleagues in the Legislature will also vote for this progressive addition to our commitment of government accountability in this great province. Thank you, Mr. Speaker.

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

REV. ABBOTT: Thank you, Mr. Speaker. Good evening. I appreciate the opportunity to speak to Motion 510, measurable outcomes for efficiency. I would like to talk briefly about the merits of the motion before we call for the question at 8:58 p.m.

Mr. Speaker, since 1993 this government has committed itself to becoming more efficient. This has been done fiscally by reducing Alberta's debt and bureaucratically by increasing accountability. Motion 510 aims to encourage efficiencies across all government agencies, boards, and authorities through performance indicators, targets, and goals. In doing so, Motion 510 would free up resources for higher priority areas. Continual improvement like that proposed by Motion 510 is at the core of this government's success.

Of course, Mr. Speaker, our government does currently employ performance targeting in its operations and public documents. In fact, in 1995 the government introduced Measuring Performance, a set of performance measures and targets aimed at accurately evaluating government programs. This commitment to openness is reflected in the Government Accountability Act. Motion 510 would build on this commitment by requiring that targets for continuous improvements and efficiency be included in measurable outcome goals across Alberta's public sector. It's important to note that performance measurement has become a widely used management tool in both the public and private sectors. In the public sector, Mr. Speaker, governments have created various methods of gauging the performance of their programs and services.

One of the first major policy shifts relating to improved public efficiency came in 1949, when the United States Hoover commission recommended performance budgeting. The commission recommended the allocation of budget resources according to the direct outputs or activities of government. That commission represents one of the first high-level government efforts to improve the efficiency and effectiveness of government.

8:50

In private industry performance measurement has become a finely

tuned science responsible for some of the most important technological advancements in the past 50 years. Over time, Mr. Speaker, government has adopted certain practices from the private sector, including benchmarking and continual improvement. I strongly believe that including specific targets for efficiency to our government's measurable outcomes will be a very beneficial next step.

I'd like to take a few minutes, Mr. Speaker, to talk about some of the specific benefits of Motion 510. First and most important, it's hoped that efficiency targets will improve public services. They will help strategic planning and goal setting throughout the entire public sector. An important part of increasing efficiency is improving the ability to detect and correct problems in policies, processes, or methods. An effective government, one that is doing its job, must recognize that problems exist and work towards addressing them. Motion 510 does just that. Further, enhanced performance measures across government departments and agencies can be valuable in a quality control sense. Ongoing monitoring is the only way to ensure that services are being provided to the public's expectations.

Second, performance measures provide a tool for government to communicate and drive forward their agenda. For instance, Mr. Speaker, performance measures require departments to consider their own objectives in light of the government-stated priorities. Further, if funding distribution is considered next to efficiency targets, then spending inefficiencies could be caught. Once changes are made, this would free up resources for higher priority areas like roads and schools.

Third, extending targets for efficiency to performance measures will lead to better government decision-making and less waste. The people of Drayton Valley-Calmar hate waste, Mr. Speaker. [some applause] Thank you. The key to making good decisions is having good information. Consistent, widespread measurable outcomes would provide elected officials and managers with an important source of useful information. Subsequently, Motion 510's recommendations would all help identify effective working practices across all government departments and agencies. Client-focused measures would help departments to improve responsiveness to their clients – that is, the public – and specific interdepartmental measures would help ensure that departments and agencies are co-operatively moving forward in line with their priorities.

Fourth, Mr. Speaker, performance measures and efficiency targets can also be a useful motivator for employees. If used correctly, performance targets can link the individual employee with government's broader goals. Having everyone working towards the same end and motivated to reach the same expressed targets could increase job productivity and satisfaction dramatically. Just think about it. How important is it to know how your specific job fits into the overall government business plan and how exactly your job is measuring up in a very specific way? On the whole, though, it is important that our performance measurement is fair, consistent, and clear, as the hon. members across the way have noted. This will ensure that the information taken from it is valid, reliable, and usable.

Fifth and similarly, tracking and clearly communicating government's performance will lead to increased public accountability. Voters demand the highest level of public services and expect that their tax dollars are used wisely in providing those services. As a result, Mr. Speaker, government has an important responsibility to ensure that programs are meeting their objectives in a cost-effective manner. Measuring program efficiency in the way Motion 510 recommends can play an important role in judging cost-effectiveness. Improved public confidence would follow as a result of demonstrating bureaucratic efficiencies and accomplishments.

Mr. Speaker, financial accountability is just as important to

Albertans as public accountability. A government is financially accountable only when it demonstrates what the public is getting from the use of tax dollars in terms of products and services, how these expenditures benefit their lives, and how efficiently and effectively the funds are used. This type of accountability holds the government responsible not only for its actions but also for the results of its actions.

A sixth benefit of Motion 510, Mr. Speaker, is that performance measures allow citizens to more easily understand and monitor how their tax dollars are being spent. Citizens can also assess the quality and timeliness of the services being provided by government. Performance measurements focus on the result or outcome of government operations and not solely on how results are attained. This system takes a customer-oriented approach by emphasizing the impact government services has on citizens and by fostering increased public awareness and involvement. From this, Motion 510 could encourage increased public participation in the political process. Clear reporting of performance measures could stimulate the public to take a greater interest in how well the government is working. By opening up government in this way, individuals become more able to examine their government's performance and then more prepared to hold their government to account by getting involved. This is crucial. In this way, reporting of extensive performance measures represents another opportunity for valuable communication with the public.

In conclusion, Mr. Speaker, an improved system of continuous performance measurement would cause the government to reassess how it operates in light of its priorities and on the basis of objective information. The evaluation of public performance today goes beyond simply examining the dollar value of the costs and benefits of government programs. Valuable performance measurement cuts to the core of public confidence in their elected officials. In the words of John F. Kennedy, "The basis of effective government is public confidence." My hon. colleague from Calgary-Fort, who sits beside me in this Assembly, always talks about the three Es: efficient, effective, and economical. This motion supports and promotes these important concepts, and for these important reasons I urge my colleagues to support Motion 510.

Thank you.

THE ACTING SPEAKER: The hon. Member for Calgary-Fort to close debate.

MR. CAO: I'll call for the question to close the debate.

[Motion Other than Government Motion 510 carried]

head: **Government Bills and Orders**
Second Reading

Bill 38
Miscellaneous Statutes Amendment Act, 2002 (No. 2)

THE ACTING SPEAKER: The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. It's my pleasure tonight on behalf of the hon. Minister of Justice and Attorney General to move Bill 38 at second reading, that being the Miscellaneous Statutes Amendment Act, 2002 (No. 2).

THE ACTING SPEAKER: The hon. Deputy Government House Leader to close debate.

MR. ZWOZDESKY: Thank you, Mr. Speaker, and thank you to all members of the House for their unanimous co-operation.

[Motion carried; Bill 38 read a second time]

Bill 37

Occupational Health and Safety Amendment Act, 2002

[Adjourned debate November 28: Ms Carlson]

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

REV. ABBOTT: Thank you, Mr. Speaker. Just to close debate, I'd like to say that I'm looking forward to debating this in Committee of the Whole and at that time will answer any questions that came out of the speeches.

[Motion carried; Bill 37 read a second time]

9:00

head: **Government Bills and Orders
Committee of the Whole**

[Mr. Shariff in the chair]

THE DEPUTY CHAIR: We'll call the committee to order.

Bill 35

Teachers' Pension Plans Amendment Act, 2002

THE DEPUTY CHAIR: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman. We're pleased to support Bill 35, and in keeping with our commitment to pass it through the Legislature as quickly as possible, we'll have no further comment at committee stage.

Thank you.

[The clauses of Bill 35 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.

Bill 38

Miscellaneous Statutes Amendment Act, 2002 (No. 2)

THE DEPUTY CHAIR: Are there any comments, questions, or amendments to be offered with respect to this bill?

[The clauses of Bill 38 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.

Bill 33

North Red Deer Water Authorization Act

THE DEPUTY CHAIR: Are there any comments, questions, or amendments to be offered with respect to this bill?

[The clauses of Bill 33 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.

Bill 34

**Seniors Advisory Council for Alberta
Amendment Act, 2002**

THE DEPUTY CHAIR: Are there any comments, questions, or amendments to be offered with respect to this bill?

[The clauses of Bill 34 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.

Bill 31

Security Management Statutes Amendment Act, 2002

THE DEPUTY CHAIR: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Edmonton-Riverview.

DR. TAFT: Thank you, Mr. Chairman. I rise today to express great ambivalence about this bill. I find it somewhat ironic, I guess, that – well, it's not ironic at all, in fact. I'm standing here expressing my great concern about big government getting bigger and more intrusive and more powerful in the face of a government that is claiming to favour small government. While I understand the general rationale for strengthening our security management statutes, I nonetheless feel that we need to exercise great caution in our society as we give government more and more power to legislate and in many cases under this bill to regulate aspects of people's lives and to intrude further into people's lives. The effect of this bill I think is to substantially increase the powers of government to do exactly that, and it makes me uneasy. If I was confident that this was the end of the line in this trend, I wouldn't be nearly so concerned, but I am not confident of that at all. I think this may well be just one in a very large number of steps we see in the future that increase the power of government to do all kinds of things under all kinds of circumstances.

We are seeing this played out right now in the United States, where there is a move towards total information access, I think is what they're calling it, TIA, where individuals will have all kinds of personal information collected and compiled on them and provided to government officials. That really worries me greatly. I'm not sure how a free and civil society can continue to function if we go too far down that road.

I could go on in detail on that. I don't want to wander too widely away from the specifics of this statute, but I do want to express my very great caution that we need to keep the abilities of government to intrude into people's lives to a bare minimum. I do worry when I watch this government and listen to some of the discussions, for example, on health information or on emergency measures or on other aspects of government activity that they are not respecting people's rights to privacy.

One of the insidious effects of this, actually, is to affect the way that people think about themselves. I think that we can all identify with the sense we have when we're under observation. If we're in front of a crowd of people or if we're under the watchful eye of a camera, we end up modifying our own behaviour to suit the expectations of whoever is behind the camera or whoever is in the crowd. There's a sort of subtle censorship and a subtle shift in self-identity that's occurring there, and I'm concerned that we force people into narrower and narrower patterns of behaviour and in the process restrict their freedoms by observing them too closely.

So I think that we need to keep surveillance to a minimum. We need to keep the powers of the government to intrude into people's individual lives to a minimum, and I'm concerned that what we're seeing here in Bill 31 may only be, as I said earlier, the first step into a much larger intrusion into people's privacy. To the extent that Bill 31 complements the federal legislation, which is heading even further in the same direction, I am concerned about that as well. In fact, in many ways I think the federal legislation is more worrisome than what we're seeing here.

9:10

With those very general comments I will watch and listen to see where further debate goes and to see if any members on the government side express any similar concerns.

Thank you, Mr. Chairman.

THE DEPUTY CHAIR: The hon. Member for Edmonton-Mill Woods.

DR. MASSEY: Thank you, Mr. Chairman. Bill 31, the Security Management Statutes Amendment Act, 2002, is a very important bill because it modifies our freedoms as citizens. I think that in the aftermath of September 11 we have become inoculated, if you will, to changes in our freedoms, and I think it's with alarm that a number of Americans are reflecting on those changes and asking the question: what is happening to basic freedoms? In the attempt to strike some balance between the ability of the government to deal with terrorists and an attempt to maintain individual freedoms, it seems that the individual freedoms, individual liberties are being sacrificed, or at least it seems that way to many commentators south of the border, and Bill 31 raises the same issue for those of us in this province.

One of the concerns, of course, with Bill 31 is that it leaves a great deal up to regulation and to subordinate legislation, and when privacy is a concern I think that that's unfortunate. How can we be assured that the regulations are measured, that the regulations are appropriate, and that those regulations don't unnecessarily intrude into the lives of Albertans? I think the lack of assurance that that's going to happen is what worries many of us who examine Bill 31.

I think that at least for me the most contentious parts of the bill are those sections dealing with freedom of information. It's in this part of the act that citizens are denied access to information, and it's done in a way that would seem I suppose acceptable to some, but I think it's very, very questionable. If you read the present clause, it says, "The head of a public body may refuse to disclose information to an

applicant if the disclosure could reasonably be expected to . . ." and then there's already a list of three items. Then added to it is striking out (b), "or harm the detection, prevention or suppression of espionage, sabotage or terrorism." Then the next section it has added: "disclose activities suspected of constituting threats to the security of Canada within the meaning of the Canadian Security Intelligence Service Act (Canada)." The question is: how is it determined that a terrorist threat is present? I think that is a crucial question that has to be asked when we look at this particular section of the bill, and it's one that causes great concern.

The sharing of information with other authorities is another concern with the bill, and particularly

A minister may share with

- (a) the government of a foreign jurisdiction, the Government of Canada or the government of any province or territory, or a department, agency, board or commission of such a government.

Those are broad, sweeping powers for a minister to take private information that they may have about Canadians and their lives, Albertans in particular, and then to share that with any agency.

I guess that the most distressing part is section (c) of 9.1(1), and that's that they may share that information with "a police service in or outside Canada." That is a rather huge responsibility to hand to a minister in terms of private information about the lives of Canadians. You can think of all kinds of scenarios – and it makes you shudder – where private information is shared with some police forces in the world regardless of a reason for doing so.

The section of the bill that attempts to counter those concerns is subsection (3). It says: ". . . may use the information only for the purposes for which it was provided and may not release any of that information without the consent of the appropriate Minister." Again, the question is raised: how do you ensure that? Once you start sharing information with other police forces, with departments elsewhere, how do you ever in the world track it and make sure that the information is adequately protected and only used for the purposes for which it was originally intended and given to another agency?

I'd just like to conclude with one final concern, and that's section 66.1. That starts off with, "No action for damages may be commenced against . . ." and then it's got a whole list of people, individuals, starting with the minister and ending with "a teacher, a person in charge of an institution or a medical director of a facility." You can't commence action against them "for anything done or not done by that person in good faith while carrying out duties or exercising powers under this or any other enactment." Mr. Chairman, I think that relieves those agents of a great deal of responsibility and might cause them to act in a less careful manner than if they could be held accountable for their actions. So I think it's an unfortunate piece of legislation. I understand why it's there, but again I think it's unnecessary.

So there are a number of aspects of the bill that are questionable. I think that when we look at the danger of government officials overstepping or taking unnecessary action or reacting in an inappropriate manner to threats or supposed threats, the possibilities that Bill 31 allows, I think, are unfortunate.

I guess the other thing is that there's no assurance that should this bill pass, it's going to be the kind of tool that's useful in ferreting out terrorists or terrorist organizations here or abroad. There was no assurance given at the introduction of the bill that that would happen. So the burden to prove that the bill will do what is intended I think rests on the government and rested there when it was introduced. Like much of the American legislation at the present time, again, there's no proof that many of the new powers do

anything to increase safety. It may give a feeling of increased safety to some, but for anyone serious about individual freedoms and the erosion of those freedoms, for anyone really concerned about their privacy, I think Bill 31 could be an alarming piece of legislation, and actually the measures in the bill may be more of a threat to citizens than any external threat to our country.

So with those concerns and reservations I'd conclude, Mr. Chairman.

9:20

THE DEPUTY CHAIR: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you very much, Mr. Chairman. I, too, have reservations about this legislation. Earlier, in second reading, I expressed concern and caution about when this act will be reviewed, and I have not received a satisfactory answer. That's one reason why I cannot support this legislation. Again, is there a sunset clause because of, in my view, the broad, sweeping powers that this legislation is going to have?

Certainly in light of what has occurred internationally, security measures have to be increased, but there are far too many unanswered questions in regard to this bill for me to endorse it or to support it. When we look at the federal legislation and the outcry that there was from Canadians in regard to Bill C-17 – I think it's the Public Safety Act – there's authorization for not only the RCMP but CSIS to collect passenger information from all domestic and international flights and to keep it for at least seven days. Now, one would think that it is reasonable to use such files to detect the movement of suspected terrorists, but at the same time the review of that legislation and the manner and the time in which it is going to be reviewed are still up in the air. It's still to be questioned. The same applies here with Bill 31, the Security Management Statutes Amendment Act, and until those questions are adequately dealt with in debate in this Assembly, I will not support this legislation.

Thank you.

THE DEPUTY CHAIR: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Chairman. I have raised a number of concerns at second reading with this bill, and I'd like to elaborate a little bit on them now.

One of the concerns, I think, that is the strongest that I have deals with the ability of ministers to provide information to a wide range of foreign governments, foreign police agencies, and so on and to do so without any reference points. There is no requirement in this legislation to have a minister ensure that information that is provided is, in fact, appropriate and that the minister is providing information to appropriate bodies. There's no requirement, for example, that the Minister of Infrastructure is providing information to agencies on the same basis as the Minister of Children's Services or the minister of sustainable resources or the Minister of Gaming. The Minister of Justice may provide information on a different basis and to different agencies who may not be working to common purposes, and the Solicitor General may be providing information to an entirely different set of agencies and so on. The question of whether or not individual ministers on their own initiative ought to be making decisions about providing information related to so-called terrorist activity without any guidance is a great concern, Mr. Chairman.

So the bill is very loose. It defines terrorist activity in reference to the Criminal Code of Canada, and that's fine, but it doesn't define, for example, which foreign jurisdictions information can be shared with. Does that mean that a minister could, for example, share information with the government of Iraq if the government of

Iraq claimed to be chasing terrorists and that they'd operated, for example, for a period of time within Alberta and, therefore, there was information relevant and a particular minister all on their own could make decisions with respect to what information could be provided to that government? Another minister, for example, could be providing information to the government of Israel or to police agencies of Israel about their concern about terrorist activities.

Now, I happened to hear on the radio this evening an interview with someone from the Civil Liberties Association operating out of London, and this person was responsible for the file on Iraq. She indicated that their information had been taken and had been used by the British government and the American government in order to make a propaganda case against Iraq in order to prepare the populations here and there for war. She pointed out that this information was widely known, that they had been campaigning on the abuses of human rights that were taking place in Iraq for a number of years, and nobody had paid them any attention. The government of Britain and the government of the United States had not acted on the purely human rights related information, but when they are prepared to go to war, then, of course, they take all the information and they want to make use of it as the basis for – and these are her words – propaganda for war.

So she was lamenting the fact that the governments were not taking human rights violations seriously in countries like Iraq. What was interesting is that she pointed out that there are many people who have fled Iraq that are now part of the opposition against Iraq that, in her view, should be detained and brought to trial for human rights abuses. These are people who are now forming part of the opposition to the current regime in Iraq. So the question arises: if these people are, in fact, guilty of human rights abuses inside Iraq and have now fled the country and are forming part of a government in exile and they have allegedly been involved in human rights abuses and perhaps terrorism, then wouldn't it be possible for the government of Iraq to approach ministers within Alberta and say: these people are guilty of a campaign of terrorist acts against our country, and we want information within your files so that we can pursue their terrorist acts?

One person's terrorist act is another person's act of fighting for freedom. So the question is: who decides? Who decides on that question? In this act any minister could make that decision. Any minister can make a decision for his ministry or her ministry and say: I'm going to give information to this foreign government. There's no requirement for the minister to actually report that to the Premier, to the Executive Council offices, or share it with their colleagues. There's nothing in the act that requires that. So I have to ask why that is. Why is it that our personal information as Albertans can be shared at the discretion of a minister, with no accountability, with any foreign government that that minister deems appropriate? So there's a serious hole in this entire legislation, Mr. Chairman, and I think that we ought to do something about it.

With that in mind, Mr. Chairman, I would propose an amendment to the bill, which I will distribute.

9:30

THE DEPUTY CHAIR: Hon. member, the chair will require the original signed by Parliamentary Counsel.

MR. MASON: I believe that's what that is, Mr. Chairman.

THE DEPUTY CHAIR: Okay. We shall refer to this amendment as amendment A1. You may proceed.

MR. MASON: Thank you very much, Mr. Chairman. I will move

that Bill 31, the Security Management Statutes Amendment Act, 2002, be amended in section 8(2) in the proposed section 9.1(a) in subsection (2)(a) by striking out “the government of a foreign jurisdiction,” (b) in subsection (2)(c) by striking out “or outside,” and (c) by adding the following under subsection (3): “(4) A Minister may only share or release information under this section in accordance with regulations made by the Lieutenant Governor in Council for that purpose.”

Mr. Chairman, just to speak to this amendment, members will see that the first clause of the amendment strikes out “the government of a foreign jurisdiction.” That is because it’s entirely inappropriate for provincial ministers on their own to share information about Albertans with a government of a foreign jurisdiction. This is not something that ought to be considered appropriate for a provincial minister or a provincial jurisdiction, for that matter. I’m strongly of the opinion that it is the federal government’s role and federal security agencies’ role, whether it be CSIS or the RCMP or military intelligence, for that matter, to make the determination about which intelligence information ought to be shared with which foreign government.

I don’t think that it’s up to the Minister of Sustainable Resources, for example, or the Minister of Gaming, the Minister of Agriculture, the Minister of Learning to make these decisions. I think it’s entirely inappropriate that this government ought to be giving information about Albertans to foreign governments. Why? Why should we consider that that is in any way appropriate, Mr. Chairman, particularly when there’s no requirement that it be an allied foreign government? There are no rules around this at all. There are absolutely no fences around the unfettered jurisdiction of individual ministers to make their own calls with respect to that, and I don’t think the provincial cabinet ministers ought to be conducting foreign policy on their own. That’s exactly what this bill gives them the power to do. We’re going to have – I forget how many cabinet ministers we’ve got now. Lots.

MR. MacDONALD: Twenty-four.

MR. MASON: Twenty-four.

MR. MacDONALD: Well, we might have 23.

MR. MASON: Yes. There are quite a few. Twenty-four. Twenty-four different foreign policies being conducted by this government according to this bill. So you’ve got the foreign policy of the Ministry of Infrastructure, and you’ve got the foreign policy of the Minister of Children’s Services, and none of them, Mr. Chairman, have a licence to practise foreign policy. That’s something that ought to be reserved for the federal government, and that’s something that ought to be reserved for the Minister of Foreign Affairs. I shudder to think of the foreign policy of the Minister of Environment. I can just imagine what kinds of foreign policy – in fact, what wars – he might get us involved in if he’s able to conduct his own foreign policy against countries, for example, that have endorsed the Kyoto accord.

Can you imagine the kinds of things that could go on. You know, it just boggles the mind. It boggles the mind to think of 24 different ministers each conducting their own foreign policy in their own department and handing out information about Albertans without any kinds of checks and balances in place whatsoever. This is serious. I make a bit of a joke about the Minister of Environment, but quite frankly it’s a very serious matter that individual ministers can hand out information to foreign governments about Albertans. They can collect information about Albertans. Then they can turn

it over to any foreign government they want, any foreign police agency they want. They don’t have to report it to the cabinet. They don’t have to report it to their colleagues. They don’t have to report it to this Assembly. You could drive a Mack truck through the loopholes of this bill. It’s one of the most poorly thought-out pieces of legislation that I’ve had to deal with in the two short years that I’ve been in this place, and that’s going something. So that’s the first clause of the amendment.

Now, the second one says to strike out “or outside,” and that amends subsection (2)(c), which now says, “a police service in or outside Canada.” So it strikes out “or outside.” That means that the minister is now within his or her authority to share information with any police service inside Canada, but not outside. Once again, Mr. Chairman, what are the checks and the balances about sharing information with a police force outside of Canada? Why should a minister be sharing information with police services that may represent undemocratic states or states that are engaged in all kinds of international shenanigans? There are a number that do that. I don’t know whether or not this particular clause would cover the Mossad, for example.

AN HON. MEMBER: The Mossad?

MR. MASON: The Mossad, which is the Israeli secret service. It’s a foreign service. Now, their reputation for hunting down enemies of their country around the world is legendary, and they have made use of Canadian passports for their agents. They’ve kidnapped people. They’ve performed all kinds of activities. I saw a piece on the television – I think it was the Discovery Channel, Mr. Chairman – just this past week about the individual, Dr. Vanunu, who revealed the existence of Israeli military secrets, and he was kidnapped on an airline flight which was diverted through the use of secret agents entirely in violation of national laws of the countries he was involved in.

It seems to me, Mr. Chairman, that information could be provided in order to support these kinds of activities, which are clearly illegal by the laws of this country, by any minister who sits across from us. So I have rather more comfort if the information is provided first to a Canadian police force, and then the Canadian police force can make whatever decisions they want to make relative to whom it’s safe and appropriate to share information with by way of other police forces in other countries. This is not the kind of decision that should be taken by individual cabinet ministers in this government. So that’s the second clause, Mr. Chairman.

9:40

Now, the third part I think is not going as far as I would like, Mr. Chairman, but in the interests of trying to get some consensus here and get support from government members for this most necessary amendment, I’ve gone considerably less far than I would prefer to do. It says in (4), “A Minister may only share or release information under this section in accordance with regulations made by the Lieutenant Governor in Council for that purpose.” Now, this gives the government an opportunity to put some fences around the unfettered discretion of individual ministers. What it does is say that the government can make regulations to govern how ministers provide information and to whom they provide that information.

Right now there’s no regulation, no control, no fences whatsoever. Each minister can make their own decision, and the decisions can contradict one another, and there’s no co-ordination at all. This would imply that the government is responsible to sit down and say: “All right. Here’s how we’re going to give the information. Here’s what kind of information we’re going to give. Here’s who we’re

going to give it to.” They decide as a government, and then they have a set of rules which are passed as part of an order in council that governs how each minister needs to operate.

This is a minimum. This is an absolute minimum, as far as I’m concerned, before this bill can be made acceptable. I don’t know why – and I’d really hoped that somebody on the government side would stand up and say why – this is not a good idea if that’s what they think, because it really strikes me as a critical piece. It doesn’t take away power from the government, but it gives the government some responsibility to go with that power. It says that you need to determine the criteria under which information is shared. It means you have to determine who you share it with and who you don’t share it with. I think that’s very important indeed. I think it will prevent inadvertent contradictions in government information policy, and it will prevent contradictions between ministries in terms of providing information to foreign governments, and I think that it’s absolutely essential.

So, Mr. Chairman, I would hope that all members would support this amendment because I think that it’s a bare minimum to correcting the gaping holes in this legislation that put Albertans’ information at risk, which give any minister the power to share information with any government or any police service anywhere in the world with no checks, no balances, no supervision, or no oversight, and nobody knows about it. That’s the other thing: nobody will know. If their information has been shared with a foreign government, a foreign intelligence agency the people won’t know that this has, in fact, happened.

In fact, the Premier won’t know. If one cabinet minister wants to give the information, the Premier doesn’t even know that it’s gone on. Nobody else in the government knows it’s gone on, and certainly nobody in the opposition knows it’s gone on. Nobody in the population as a whole knows it’s gone on. I just think that that’s a totally unacceptable situation for us to be in. This amendment will plug one of the gaping holes in this piece of legislation, Mr. Chairman, and I would urge all members to support it.

Thank you.

THE DEPUTY CHAIR: The hon. Member for Calgary-Currie.

MR. LORD: Thank you, Mr. Chairman. I rise to speak against the amendments which the hon. member opposite has put to Bill 31, the Security Management Statutes Amendment Act, 2002. I certainly understand some of the concerns the hon. member opposite has brought forward. I appreciate that he has brought these concerns forward, and I do not doubt his sincerity in being concerned about these issues that might affect Albertans and Canadians. However, I still rise to speak against his proposed amendments.

Mr. Chairman, the hon. member opposite talks about how the federal government, in his opinion, should have exclusive jurisdiction in negotiations, discussions, and policy regarding foreign governments, and then goes on to complain that this government has been too proactive in getting involved in discussions with foreign governments. I guess I would first point out that, in fact, discussions with foreign governments can be a very positive thing. It is not something that this government has done to excess. In fact, cities across the nation have twin city arrangements, which could be called discussions with foreign governments. Other provinces have certainly been involved in discussions with foreign governments. It’s not an area of exclusive jurisdiction or something that should be zealously guarded by the federal government, as the hon. member opposite implies. He goes on and talks about federal military intelligence – and, of course, we all laugh about what an oxymoron that one is – and says that we should leave these issues up to the federal government exclusively.

Mr. Chairman, the one thing that I’m noticing in his argument in favour of his amendment is that he’s assuming that this is a one-way flow of privileged and private and confidential information about Albertans or about Canadians that we are giving over to some foreign government over which we have little control. I think the hon. member opposite should be aware that, in fact, the information flow might be in the other direction. It may well be a foreign government that is giving us information about a potential terrorist or other dangerous person who has arrived in our province. In fact, if we are not talking to them and sharing information with these foreign governments, they will not be sharing information with us which might be vital to our own safety and security here within the province. So I would say that these amendments would virtually prohibit us from receiving information from foreign governments that might be vital to our own self-interests. So that’s one area that, I think, the hon. member opposite may have missed.

As far as putting fences around what we can and cannot do in terms of policy and what we cannot do in terms of red tape and prior approvals, Mr. Chairman, I guess the concern I have is that we are operating in a somewhat different environment since September 11 of last year. I do understand the concerns that he is bringing forward, and it may well be that this is something that needs to be reviewed and looked at in the future, but one thing I do know also is that terrorists do not operate by known regulations. They don’t wait for proper approvals. They move fast if discovered. They don’t respect red tape, et cetera, and while we are dithering about with the red tape and looking for approvals and trying to get all this process in place, they may well have come here, done their damage, and be long gone. So in this new environment, Mr. Chairman, we may be required to move quickly, do things that we maybe didn’t contemplate and haven’t developed policies or process around.

For that reason, I don’t think we should support the amendments before us. I think we may have to adapt in the future. We may have to adapt these amendments if problems do arise, but let’s not tie our hands ahead of time and prevent Albertans from maximizing information flow to and from foreign governments that may be very important for our own security and for our own safety here in the province.

Thank you, Mr. Chairman.

THE DEPUTY CHAIR: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you very much, Mr. Chairman. It’s a pleasure to speak to amendment A1 as proposed by the hon. Member for Edmonton-Highlands, and I certainly listened to his remarks with a great deal of interest. When one considers the role of the federal government – and I spoke about this earlier in debate – and the issue around Bill C-17, I think this is a very good amendment.

When you consider that it was only last Monday that the American President, George W. Bush, signed a bill to create the massive Department of Homeland Security, which will house the Customs Service, Immigration and Naturalization, the Secret Service, the Coast Guard, and 18 other government agencies – the aim is to share information in the pursuit of terrorists. I think this is better done by the federal government, and we will leave it up to the federal government. Certainly, I know there are many people disappointed in the Kyoto accord, and there’s the S word, the separatist word, floating around Alberta. I don’t think we need to go there in this province at this time.

9:50

Certainly, we had security arrangements, which the hon. Member for Edmonton-Centre talked about in the last two sessions of this

Legislature, regarding the Kananaskis summit. It would be my view that these summits should be canceled entirely and the money spent on programs to aid Third World countries with water systems and perhaps our own homeless and hungry. We could use vast sums – I think it was in the area of \$400 million – to reduce child poverty. Let's let these world leaders meet in secret locations if these conferences are more than photo ops.

However, in regard to amendment A1, now that the Americans have created this sort of superagency, they can share the information with our federal government. At the same time, the Pentagon – and I'm getting my information from today's edition of the *Globe and Mail* – is working on its total information awareness program, a database that will

house information indiscriminately gleaned from passports, work permits, airline tickets, car rentals, and the like. The guiding theory is that if the system knows all it can about as many people as it can, whoever these people may be, it can detect subversive patterns. The records will also be available to the Homeland Security Department's Directorate for Information Analysis and Infrastructure Protection.

Now, I don't think that any minister or this government is planning on sharing with those organizations any sort of detail on Albertans, but this amendment would certainly, in my view, put a stop to it if it were.

I find this interesting. In the *Globe and Mail* today it also states:

When asked to justify the considerable crimp in civil liberties from this random information-gathering and retention, the authorities offer much the same response: Would you rather have a police officer watching you or a terrorist? Assistant U.S. attorney-general . . . delivered an Orwellian variation: "It is not a balance between security and liberty. It is a liberty rooted in security.

Hmm.

The government and the bureaucracy excuse their overzealous collection on the assumption that any use they make of the information will be benign.

And we heard this in the previous speaker's remarks.

This is, as Oscar Wilde said of second marriages, the triumph of hope over experience. Consider the grudges pursued by former Federal Bureau of Investigation head J. Edgar Hoover, whose files brimmed with material the FBI had no business collecting, except to give him leverage over those who might mess with him.

The same thing could apply here. I believe the hon. Member for Edmonton-Highlands might be on to something here. What if, for instance, some authority in Alberta started to collect information on this hon. member just the same as J. Edgar Hoover did? This is an extreme example, Mr. Chairman, but it could happen, and we always have to be very, very careful about what we do with information.

In conclusion, I would also like to bring to the attention of hon. members of this House another item from the *Globe and Mail*. They have this to add.

And who will head the Total Information Awareness Program?

We discussed that earlier. The answer to that is none other than John Poindexter, who, in his previous incarnation as national security adviser to then-President Ronald Reagan, failed to tell Congress about covert American support of the Contra seeking to overthrow the government of Nicaragua. His explanation: "I simply did not want any outside interference."

If that is not reason enough to support the hon. member's amendment A1, I don't know what else I can say.

Thank you.

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

DR. TAFT: All right. Thank you, Mr. Chairman. Actually, I'd be interested in some questions to the minister responsible for this

legislation based on the amendment that comes up. I think the Member for Edmonton-Highlands has raised some interesting issues around the relations between Alberta as a province and other international jurisdictions. Of course, there are constitutional questions here, but really my questions to the minister are mostly administrative ones. I'm wondering if the minister has considered any administrative structure for handling this kind of information exchange. What policies, if any, would there be around a minister of this government contacting an international government? What might the costs be?

This amendment raises various questions around the relations between Alberta as a province and other countries. I think it raises important questions, and I'd be interested in the minister's response, if he has any. Is there any administrative structure for this section of the act? Are there policies going to be put in place, and what are the costs?

Then I have some other questions for him if he's prepared to respond. If he's not prepared to respond, then I'm jumping back to my feet. Do you want to respond, Mr. Minister?

THE DEPUTY CHAIR: Hon. Member for Edmonton-Riverview, are you rising to speak on the amendment again?

DR. TAFT: Yes, I am.

THE DEPUTY CHAIR: The chair recognizes you.

DR. TAFT: Given that the amendment raises questions and issues around Alberta as a province sharing information with international governments, I'm wondering if the minister has any information to give us on how that information sharing might be administered. Are there any costs considered to that, and are there any policies considered to guide ministers on how that information might be shared, which governments might be suitable, and which aren't? Has any thought been given to implementing that section of this legislation? Do you want to respond?

THE DEPUTY CHAIR: Hon. member, there's no compulsion in this House for any member to speak.

DR. TAFT: No. I understand that.

THE DEPUTY CHAIR: You can raise a question, but there's no compulsion on any member to respond.

DR. TAFT: If you want to respond, I'll sit down. If you don't, I'll carry on.

AN HON. MEMBER: Carry on.

THE DEPUTY CHAIR: The chair recognizes the hon. Member for Edmonton-Riverview. You are requested to speak through the chair. That's the common courtesy.

DR. TAFT: All right. Thank you, Mr. Chairman, for reminding me of that. I appreciate that.

I also notice under this same section and under this debate on relations between the provincial government of Alberta and international governments that there are provisions here that a government, department, agency, board, commission or police service that receives information referred to in subsection (2) may use the information only for the purposes for which it was provided and may not release any of that information without the consent of the appropriate Minister.

That's a quote from the bill. Now, the amendment would greatly narrow the scope of that list of governments, departments, agencies, and so on, that would get information. If we do not accept this amendment and let the bill stand as is, I'm wondering how the government might act to control or enforce this. If we provide information to France or Japan or the U.S. or India or anywhere else, do we have any way of enforcing this law? Again, if the minister has any comments, I'd be very interested in them.

Thank you, Mr. Chair.

10:00

THE DEPUTY CHAIR: Okay. Hon. Member for Edmonton-Highlands, are you rising to speak again?

MR. MASON: Yes, Mr. Chairman, I am.

THE DEPUTY CHAIR: The chair recognizes you.

MR. MASON: I just want to stress that I did share these amendments – and I have a number more – with the Government House Leader, and he did take a look at them. I think it's fair to say that he was unable to get a consensus on dealing with them.

But, Mr. Chairman, I just want to indicate that we have seriously looked at this bill. We don't deny the importance of legislation to govern information relating to security. We don't deny that the government may wish from time to time to both give and receive information, but we find that it has not been thoughtful enough in placing safeguards in the legislation about the information, and the amendment is intended to make sure that appropriate information is shared with appropriate governments and agencies and that there is a plan for the government so that all the government ministers are operating within a framework that they share and they are not freelancing and they are not making individual decisions with no accountability.

So we are putting forward this amendment, Mr. Chairman, with a great deal of seriousness. This is not an amendment to just simply make a political point; it is a serious attempt to try and close what we believe are some significant loopholes in the legislation. The government, I would hope, will support that. If they won't support it, hopefully they will have some other amendments of their own to offer so that we can pass the legislation with a clear confidence that the information of Albertans is not going to be indiscriminately or casually shared with people that shouldn't really have it. That's really the question.

I'd urge all members to support this amendment. Thank you.

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

DR. TAFT: Thanks, Mr. Chairman. I'm wondering if I can ask a question of the Member for Edmonton-Highlands. Does he have any information that this sort of information sharing may already have occurred between Alberta and other governments? Has this happened in the past, do you know?

MR. MASON: Mr. Chairman, that's a good question, but I think he's asking the wrong person.

THE DEPUTY CHAIR: Hon. Member for Edmonton-Highlands, I would prefer that members in this Assembly speak through the chair.

MR. MASON: Thank you. I was saying that the hon. member is asking the wrong person and that he ought – and using the word

“he,” I think, clearly implies that I'm not speaking directly to that hon. member but going through you, Mr. Chairman.

I think, Mr. Chairman, that he's asking the wrong person, that if, in fact, this sort of thing has gone on, then one of the main points I'm trying to make is that no one will know, least of all the hon. Member for Edmonton-Highlands.

[Motion on amendment A1 lost]

SOME HON. MEMBERS: Question.

THE DEPUTY CHAIR: Question? The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you, Mr. Chairman. I have several more amendments. If I can get some assistance with this one.

THE DEPUTY CHAIR: Hon. members, the chair has recognized the hon. Member for Edmonton-Highlands, who is bringing forward an amendment, and we shall refer to this amendment as amendment A2.

MR. MASON: Will you please check and see if that amendment is just exactly the same as the one I just moved?

THE DEPUTY CHAIR: No, it's not the same one as you've just talked on.

MR. MASON: All right. Then will you bring me a copy of it? Could I have one, please?

THE DEPUTY CHAIR: Hon. members, the amendment that is being circulated I believe is being moved on behalf of the hon. Member for Edmonton-Strathcona. Is that correct?

MR. MASON: No. I'm moving it. I changed the name and signed it because I didn't have the signature of the hon. Member for Edmonton-Strathcona.

THE DEPUTY CHAIR: You may proceed, hon. member.

MR. MASON: Thank you very much, Mr. Chairman. Has everyone got it now?

THE DEPUTY CHAIR: The chair has recognized the hon. Member for Edmonton-Highlands to proceed with the amendment that he has just moved.

MR. MASON: Thank you very much, Mr. Chairman. This amendment will change section 6(2) of the act, and it adds to subsection 2 “subject to approval by the Lieutenant Governor in Council” after “The Power Pool Council may.” What this simply does is to require that the plans and the measures that are put in place by the Power Pool Council so that they can carry out their powers and duties under this act in a manner that's secure against the threat of terrorist activity are subject to approval by the Lieutenant Governor in Council. In other words, they don't make the decisions with no reference to anyone else. Their security measures and the steps that they take must be approved by the government. I, you know, don't imagine that an amendment that gives more power to the government will be totally and completely objectionable, but I think that this simply makes it . . .

REV. ABBOTT: Point of order.

THE DEPUTY CHAIR: The hon. Member for Drayton Valley-Calmar is rising on a point of order.

**Point of Order
Clarification**

REV. ABBOTT: I'm sorry, Mr. Chairman, but I have to bring up a point of order. This amendment that I was just handed says, "Dr. Pannu to move that Bill 31" blah-blah-blah, and then it's signed by Brian Mason.

THE DEPUTY CHAIR: You require a citation.

REV. ABBOTT: Standing Order 20. It says, "Dr. Pannu," and then it's signed by Brian Mason. I'm just wondering who is making this amendment, Mr. Chairman.

THE DEPUTY CHAIR: Hon. Member for Drayton Valley-Calmar, the chair just draws to your attention that at the time the amendment was being circulated, the chair sought clarification as to on whose behalf this amendment is being moved. The hon. Member for Edmonton-Highlands did correct the amendment that he is moving and not the hon. Member for Edmonton-Strathcona, so the chair has recognized that this amendment has been moved by the hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Chairman. The hon. Member for Drayton Valley-Calmar has a way to go before he's the Stanley Knowles of this House. It could be a grueling journey.

10:10

THE DEPUTY CHAIR: Hon. members, the chair also wishes to just clarify that the point of order that was raised on Standing Order 20 had the wrong citation, so it really wasn't even an appropriate point of order.

Hon. Member for Edmonton-Highlands, you may proceed with the debate.

Debate Continued

MR. MASON: Thank you very much, Mr. Chairman. The amendment simply says that Alberta Energy and Utilities Board steps that are taken in order to provide security for the energy supply for this province need to be ratified by the government, and I think that that's an appropriate step to take. I think the government needs to have overall supervision and oversight of security arrangements in respect to this very important matter. It's not something that the government should be washing its hands of, and I think that this ensures that there's government responsibility and accountability for the security measures, and I think that it's entirely appropriate.

The intention of the section is that there will be plans and implementation measures to ensure that the Power Pool is able to carry out its powers and duties under the act in a manner that's secure against the threat of terrorist activity. I would say that it's important that we have some government responsibility. I might add, Mr. Chairman, that this is consistent with changes to the Alberta Energy and Utilities Board Act, and again I think that there's some consistency here between pieces of legislation that has not been attended to in the drafting of this act. So I would urge the government to take a look at that and, in fact, make sure that all of the acts dealing with this subject are consistent with one another.

So it's a pretty simple amendment, and I would urge all members to support it, Mr. Chairman, and at this point I will take my seat.

THE DEPUTY CHAIR: The hon. Member for Calgary-Currie on the amendment.

MR. LORD: Thank you, Mr. Chairman. I rise to speak to the amendment again proposed by the hon. member opposite raising some issues and concerns regarding Bill 31. In this one he is proposing, apparently, that the Power Pool Council may be proposing security measures and that those measures should be brought before the government for full discussion and that we should perhaps put rules, regulations, et cetera, around those security measures according to past rules and recognized procedures.

I am reminded of a quote, and I can't remember it exactly, but it has basically the message of fighting the last war. In reference to, you know, looking forward into future threats and future problems, are we fighting the last war with requirements for procedures and regulations and red tape, and is that what this would require? I have to say, Mr. Chairman, that the idea that security measures taken by these private companies, by utility companies, by the regulatory authorities must be approved by the government first – well, I'm sure that they would design those procedures in accordance with federal government statutes, criminal codes, and so on. I'm wondering – perhaps I could ask the question of the hon. member opposite – if he's actually proposing that we have a full public discussion and full public disclosure of all the security measures being taken by these companies before we allow them to take those security measures and if he thinks that's an advisable course of action.

Thank you, Mr. Chairman.

THE DEPUTY CHAIR: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much. Mr. Chairman, I think the hon. member raises an interesting point. The question is: does this amendment mean that all of the security arrangements with respect to the Power Pool would be subject to public disclosure and be out there for anyone? I would answer quite simply: the answer is no. It requires the government – that is, the cabinet, which can meet behind closed doors – to consider and approve the arrangements that have been made, and they can do that simply. They don't have to disclose those arrangements in order to approve them, so I think it would be no risk whatsoever to public security, provided that you trust your cabinet.

Thank you, Mr. Chairman.

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

DR. TAFT: Thank you, Mr. Chairman. The Member for Edmonton-Highlands raises another interesting point with this act. The way the relevant paragraph reads right now is:

The Power Pool Council may develop plans and implement measures for the purposes of ensuring that the Power Pool Council and the persons referred to in section 9(1)(b) and (c) are able to carry out their powers and duties under this Act in a manner that is secure against the threat of terrorist activity.

Now, it strikes me as a fairly vague statement, and it could include all kinds of terrorism, although it does in the preceding section refer specifically to the definition of terrorist activity in the Criminal Code. So I take some reassurance from that.

But I do feel some concern as I consider the arguments I've heard that we may be delegating too much power to groups like the Power Pool Council. If we allow them to not only develop plans but implement measures relating to security without the supervision of the government, or the Lieutenant Governor in Council, I'm starting to wonder if we aren't empowering a group like the Power Pool

Council to establish a kind of private security or even paramilitary force to protect power stations and power lines. It could be quite a far-reaching force, and it's not clear to me at all that in the way the bill is drafted right now those people would be accountable to a public sector or to the government.

So I do express some concerns. I'm not a fan at all of private paramilitary forces, and if this could lead in that direction, I'd be quite alarmed. I'm sure it's not intended that way now, but it's not hard to imagine that if there were a threatened attack on a power plant or on a power line, we would see the Power Pool Council rapidly ramp up its security forces and begin implementing plans that could in some sense be a threat to civil society. So I could well understand why the Member for Edmonton-Highlands is suggesting that the activities, the plans, and the implementation of those plans by the Power Pool Council be subject to approval by the Lieutenant Governor in Council.

I am convinced by what I've heard from the Member for Edmonton-Highlands, and I wish that the other members tonight were paying more attention to this debate. If there is any member here tonight who wishes to venture a thought on the legality of delegating this sort of power to the Power Pool Council, I'd be interested in any of those thoughts, but I'm not expecting anybody to respond. It doesn't look like anybody will respond.

Those are my comments. I think this is a sensible amendment. Thank you, Mr. Chairman.

[Motion on amendment A2 lost]

THE DEPUTY CHAIR: The hon. Member for Edmonton-Highlands.
10:20

MR. MASON: Thank you very much, Mr. Chairman. I have another amendment here, which I will provide to the pages.

THE DEPUTY CHAIR: The amendment again is indicating that the hon. Member for Edmonton-Strathcona is moving it. Are you moving this on his behalf, or are you going to move it yourself?

MR. MASON: I am moving it myself, Mr. Chairman.

THE DEPUTY CHAIR: We shall adjust that accordingly.
The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Chairman. I will move that Bill 31, the Security Management Statutes Amendment Act, 2002, be amended as follows. Section 1(2) is amended in the proposed section 30 by adding the following after subsection(4): "(5) A regulation made pursuant to subsection(2)(c) shall not be in force for more than 30 days."

Mr. Chairman, just to speak to that, this is one of the key parts of the Security Management Statutes Amendment Act, and it changes the Alberta Energy and Utilities Board Act. It defines terrorist activity as being within the meaning of the Criminal Code, and it allows the board to make regulations "for the purposes of addressing security in respect of terrorist activity or the threat of terrorist activity." These regulations are

- (a) respecting the shutting down of a well, facility, pipeline, hydro development, power plant, transmission line or electric distribution system;
- (b) respecting security measures to be taken [relative to] a well, facility, pipeline, hydro development, power plant, transmission line or electric distribution system;
- (c) respecting access to information filed with the Board in respect of a well, facility . . .

and so on and so on. The same things.

Now, this does have the benefit of requiring it to be approved by the Lieutenant Governor in Council, so the cabinet has to approve this. Here's something that's a concern, Mr. Chairman. This particular section of the act will exempt these regulations, anything covered by these regulations from the Freedom of Information and Protection of Privacy Act. So it allows the EUB to override the FOIP Act by a regulation. Now, that's interesting. You have an act of the Legislature which can now be overridden by the regulation passed by a nonelected regulatory body. That's a curious situation. That's a curious situation, indeed, and something that's quite a concern. In fact, I think it's a very, very serious concern. Here we have a provincial Legislature of duly elected people who pass a law that provides for privacy protection and provides for freedom of access to information, you have that act, that very seminal piece of legislation, which can be overwritten by an appointed body of unelected people, and I think there's something seriously wrong with that.

Now, the board with cabinet approval can also shut down by regulation any well or facility. It could be a gas plant, I would assume, any pipeline, hydro development, power plant, transmission line, or an entire electric distribution system if they believe it's under threat of terrorist activity. Again, there is some oversight on this by the cabinet. I think that that's important to keep in mind, because I think that's actually a positive element of this particular section.

But the question that really comes into play, Mr. Chairman, is: how long are we expecting a terrorist threat to last? So these regulations can be made, but how long do they need to be in place? What this amendment does is add subsection (5), which says that "a regulation made pursuant to subsection (2)(c) shall not be in force for more than 30 days." It puts a sunset clause on it. It says: yes, EUB, you can make a regulation, you can shut anything down, but you can't go more than 30 days without revisiting it. If, in fact, it's a sustained threat, then it could of course be renewed, and this amendment would not preclude renewing it.

So, Mr. Chairman, just to summarize, I think that it may be necessary and, in fact, the EUB with government oversight may be the appropriate body to determine whether or not security measures for a power plant or a pipeline or some other similar facility are appropriate or to shut it down in serious circumstances. I think that that's appropriate. I think it's also appropriate that the cabinet is required to approve these regulations. I think that's entirely appropriate. But I don't think that we should be having this kind of ongoing power with no review for an extended period of time, and the amendment is an attempt to address that. It's an attempt to say: you know, after a month has gone by, it's time we had another look at this. In fact, I think that that's a reasonable step to take, and I would certainly hope that other members will support this and will speak to it because I think that it really adds to the legislation. It strengthens the legislation.

Thank you.

THE DEPUTY CHAIR: Hon. members, just for the record, this amendment shall be dealt with as amendment A3.

The hon. Member for Edmonton-Centre.

MS BLAKEMAN: Thanks very much, Mr. Chairman. Well, I have to say that I think the Member for Edmonton-Highlands has done a lot of the work that I was expecting the government to do. This, in fact, answers one of the questions that I raised when I was looking at this bill in second reading, which was my concern that there was no end point that had been written into the legislation. I reiterate that it always makes people very uneasy when they see sweeping

powers of enforcement and revocation of people's personal freedoms with no time limits on it, with no fettering of that.

So what's being proposed here – and it's specific to the Alberta Energy and Utilities Board, but it does allow for, I think, a bit more security for those that are operating in that sector to know that whatever is brought forward has a 30-day renewal period on it and gives them some ability to hopefully plan or at least understand when they could expect a change or to have whatever limitations have been placed upon them lifted or whatever expectations are there, what could be expected of them for what period of time.

Indeed, I think this has been a very careful reading of this bill by the Member for Edmonton-Highlands, and I applaud his thoroughness. I think this is an excellent amendment, and I urge the government to consider accepting it.

Thank you, very much.

THE DEPUTY CHAIR: The hon. Member for Calgary-Currie.

MR. LORD: Thank you, Mr. Chairman. Again I rise to make a few points on the amendment that's before us because, frankly, it suffers from the same problems as the previous amendments. They simply do not seem to fully comprehend or understand the seriousness of the situation before us and the different situation we have before us than maybe what we've experienced in the past.

10:30

Mr. Chairman, the hon. member opposite has suggested in this amendment that any regulations "made pursuant to subsection (2)(c) shall not be in force for more than 30 days." Well, if it is known and on the public record that any regulation made is only good for 30 days, well, what happens on day 32? Kaboom? You know, obviously, if we're aware of it, the public is aware of it, everyone is aware of it, it will clearly factor into a potential terrorist's plans to take advantage of that being on the record. The hon. member opposite is certainly bringing forward a sincere concern. I share those concerns. I understand that in studying history, it hasn't been confidence inspiring to give these kinds of powers to authorities and then take them back in the future, but we simply do not have a lot of choice in this case. We are faced with a very different situation.

The hon. member opposite discussed having these regulations approved by the Lieutenant Governor in Council. Of course, that would put it on the public record – wouldn't it? – and make it available to anyone who may wish to use it for their own purposes. Of course, if you did something like that, then you would have to deal with the fact that we do have some forward-looking freedom of information and protection of privacy regulations, which were put in place at a point in time and for very good reasons that gave people a great deal of comfort with their government. Of course, that was prior to 9-11. Perhaps some people feel differently about the situation or somewhat differently, and certainly we have to be cognizant of the reality that we simply cannot have security regulations, security plans, people's ideas of how to protect themselves on a public record and available for the bad guys to be studying and planning accordingly.

Again, Mr. Chairman, I guess I share many of the concerns of the hon. member opposite. I'm sure we all do. But we did not bring this situation on. We did not cause it. I have to say that we are all suffering as a result of the actions of the terrorists on September 11. This is part of the price all of society in the world is having to pay. But when it comes to amendments like this, I do have to say that common sense, which we all know is not so common, would dictate that we have to turn down this amendment for the reasons that I have outlined. Perhaps the hon. member opposite may have some good

points that perhaps some of our members could take into account, but I would urge us to defeat this amendment.

Thank you, Mr. Chair.

THE DEPUTY CHAIR: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Chairman. Well, I appreciate the comments of the hon. Member for Calgary-Currie, and I appreciate the fact that he's actually prepared to engage in debate in this place, which is what this place was made for. Having said that, I would point out that the hon. member perhaps needs to read the amendment and the bill a little more carefully.

The main argument that he has put forward against my amendment is that by passing these regulations by order in council, it would place it on the public record. Now, I don't accept that that would be the case, but if he reads carefully, it is not my amendment that would require these regulations to be approved by order in council. My amendment simply says that they are only good for 30 days and then they would need to be renewed. It's the government's bill that says that these regulations need to be approved by order in council. If that's his concern and the reason for voting against my amendment, then I would fully expect that he would be voting against the government's bill as well, because this is, in fact, precisely the reason he's given for voting against the amendment, erroneously so. But if he believes it's a valid reason, then it's a valid reason to vote against the entire bill. This is not a fault of my amendment but a fault of the government legislation. So I look forward with interest to his vote on third reading of this bill.

[Motion on amendment A3 lost]

THE DEPUTY CHAIR: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Chairman. Well, undaunted, I will press on. I'll distribute this amendment.

THE DEPUTY CHAIR: Okay. I've just received the amendment as it's been proposed. We shall refer to this amendment as amendment A4. Once again, for the purpose of recording this correctly, I presume that this amendment is being moved by the hon. Member for Edmonton-Highlands and not by the Member for Edmonton-Strathcona, as indicated on the amendment.

MR. MASON: That is correct, Mr. Chairman. Thank you.

THE DEPUTY CHAIR: Okay. We shall make the adjustment.

MR. MASON: Mr. Chairman, I move that Bill 31, Security Management Statutes Amendment Act, 2002, be amended as follows. Section 12(10) is struck out, and the following is substituted: 12(10) Section 53 is amended (a) in subsection (4) by adding the following after clause (a).

(a.1) to any person with the written consent of the Minister, where the Minister believes on reasonable grounds that the disclosure will avert or minimize an imminent danger to the health and safety of any person.

And (b) in subsection (5) by adding the following after clause (a):

(a.1) to any person with the written consent of the Minister, where the Minister believes on reasonable grounds that the disclosure will avert or minimize an imminent danger to the health and safety of any person.

Now, Mr. Chairman, this is an interesting section of the act. The existing proposed act basically allows the chief medical officer, regional health authority, employee, or agent who "believes on

reasonable grounds that the disclosure will avert or minimize an imminent danger to the health or safety of any person” to disclose the information. Similarly, the next clause as well. This is, I might say, the most personal information. This is information respecting the medical history of individuals, which is normally given the highest degree of protection in our society. Personal information of a medical nature is considered to be the most privileged, I think, of just about anything, and we believe that the clause in the bill allows far too much leeway to nonelected medical and administrative staff.

We believe as well that the final responsibility and the accountability for the release of this information ought to lie with the government and not with, again, people. Starting with the chief medical officer, virtually any employee of a health authority will have the authority to disclose personal health information if they believe – and they may well honestly believe – that it would avert or minimize an imminent danger to the health and safety of any person. This is a huge lowering of the barriers that have been set up to protect our personal privacy in this province, Mr. Chairman. Any employee can release any information on any person if they believe on reasonable grounds that the disclosure will avert or minimize an imminent danger to the health or safety of any person. So the potential for abuse of this particular section is enormous. It’s absolutely a serious matter which I would hope that members of this Assembly would pay close attention to.

10:40

I can imagine any number of scenarios where employees of a hospital might believe that somebody was taking an incorrect decision with respect to a transfusion, with respect to abortion, with respect to any number of matters that might place their health in danger, and that person would be authorized by this section to disclose personal health information to any person in order to deal with the situation as they perceive it. No check, no balance, no safeguards. Once again this act is tearing gaping holes in people’s right to privacy in this province.

This is another very serious one, Mr. Chairman, and I would certainly hope that the government would be prepared to address this while we’re having the debate on the amendment instead of just sitting there and hoping that the opposition will go away. Well, we won’t, but the government has an opportunity to actually address some of these serious concerns if they respect the legislative process and if, in fact, they care about people’s personal privacy in this legislation. Their silence will condemn them on both counts.

Thank you.

MS CARLSON: Mr. Chairman, in speaking to the amendment, I wonder if the Member for Edmonton-Highlands could define for us what he sees as reasonable grounds.

THE DEPUTY CHAIR: Are you ready for the question on the amendment?

MS CARLSON: I asked a question of the Member for Edmonton-Highlands.

THE DEPUTY CHAIR: Hon. Member for Edmonton-Ellerslie, you may ask any questions that you want, but there’s no compulsion on any member to answer them. Since nobody is rising . . .

MS CARLSON: He didn’t hear it, Mr. Chairman. I’m going to repeat the question. It’s a little too noisy in here.

THE DEPUTY CHAIR: The chair will recognize the hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you. To the Member for Edmonton-Highlands: could you define what you see as reasonable grounds for us?

MR. MASON: Well, I think that’s a good question, and that’s a question I would certainly have for the people who have drafted this legislation. The proposed act says that if any “employee or agent believes on reasonable grounds that the disclosure will avert or minimize an imminent danger to the health or safety of any person,” then they can disclose that information. Now, I understand that reasonable grounds are something that would probably ultimately be defined by the courts, that if there was any court action, there would be some definition. There may, in fact, be some jurisprudence around that now. But if someone felt that their personal information had been unjustifiably released, they could, I assume, take court action, and the court would render a decision. I think that’s an awkward, cumbersome, and expensive way to deal with it. I think it would be a lot better if we simply held the government accountable for this kind of decision, and that’s what the amendment would in fact do.

Thank you for the question.

MS CARLSON: Mr. Chairman, I have one more question for the member, who seems to be the only person able to answer questions this evening on this amendment and this bill. What would this member see as a remedy for malicious intent of anyone who might go forward and say that they had reasonable grounds but who didn’t really?

THE DEPUTY CHAIR: The hon. Member for Edmonton-Highlands.

MR. MASON: Thank you very much, Mr. Chairman. To the hon. Member for Edmonton-Ellerslie, unless it’s precluded in some section of the act that I’ve missed, the only recourse would be through the courts. I certainly think that that is not an entirely acceptable way to deal with this.

The problem really is that this act is any employee. Any employee of any health authority has the right to use their own judgment in this matter and release personal health information. Now, unless I’m wrong – and I could be – and the government is willing to address this question, then I think that’s an appalling breach of the principles that have been established to date in Alberta about personal privacy and especially as it respects personal health information. So this is a really serious breach. I mean, even if it were the chief medical officer, my amendment says it’s got to be approved by the government. But even if it were limited to the chief medical officer, it would be a substantial improvement. But as I read it – and again I’m begging to be corrected by the minister over there – any nurse, clerk, orderly, or janitor of the health authority could release health information of an individual if they thought that it was justified to protect anybody’s health or safety.

[Motion on amendment A4 lost]

MR. MASON: Mr. Chairman, I’m advised by the Parliamentary Counsel that my last amendment is similar enough to my first amendment that it would probably be ruled out of order. So, alas, I’ve run out of amendments.

[The clauses of Bill 31 agreed to]

[Title and preamble agreed to]

THE DEPUTY CHAIR: Shall the bill be reported? Are you agreed?

SOME HON. MEMBERS: Agreed.

THE DEPUTY CHAIR: Opposed?

SOME HON. MEMBERS: Opposed.

THE DEPUTY CHAIR: Carried.

Bill 37

Occupational Health and Safety Amendment Act, 2002

THE DEPUTY CHAIR: The hon. Member for Edmonton-Gold Bar.

MR. MacDONALD: Thank you very much, Mr. Chairman. It's with a great deal of interest and anticipation that I rise to participate in the debate on Bill 37 at committee. Certainly, as I said before, at second reading one cannot overlook the commitment not only of the hon. Member for Drayton Valley-Calmar but, certainly, of the minister. The Minister of Human Resources and Employment has made a commitment to improve the work sites of this province.

Now, Mr. Chairman, I think one has to look at this legislation. Certainly, you're not always going to get everything that you want. In light of the statistics that have been discussed earlier, this will be an improvement, and we're just going to have to give it time and see if it works out. I think it will.

10:50

I do have some questions and I have some amendments to this legislation, but before we get to that, Mr. Chairman, I would like it if at some time members from across the way could assure this member that small business can feel comfortable with this legislation. If the smaller companies unfortunately do have an accident, how will the recording or the reporting of those accident records be dealt with by the government? Certainly, we have to create a safety culture with the business interests of this province. Small businesses have to feel comfortable phoning the call centre that was designed and implemented by the current Minister of Human Resources and Employment. I hope that small business owners are not fearful that if they do call the call centre, somehow an inspector would be knocking on their door the following day to check out their operation.

I am seeking assurance from the other side of the House that this is not going to happen. I don't think it would or it will. I don't know how the phone calls are monitored, but I gather it to be an information-only basis, and it wouldn't be a means for inspectors to be seeking out employers. I didn't get that impression whenever I had the privilege of a tour of that place, but if that's a practice that's going on, I think people are going to lose confidence very quickly in that call centre. I don't think it is a practice that's going on, but in the course of debate hopefully we can get to the bottom of that.

Now, we look at the number of accidents and the fact that the minister – and I referred to this earlier – talked about this in a speech that was given, I believe, in Australia, where 1 percent of the employers are responsible for 26 percent of the accidents. I'm looking at section 28.1 and the publication of information about employers.

Mr. Chairman, at this time I have an amendment if I could leave this for the pages to deliver to the table. I think we're going to have to shame some of those employers into a better safety record. I have to encourage all members of this Assembly to have a look at this, and this is the amendment. The amendment would be to have the minister name names, not be left with the option that they may name

names. I think that I would be much more comfortable with "The Minister shall," in order to enhance the protection of workers and the prevention of work site injuries by encouraging good and discouraging bad work site records, and it goes on to list. I would be much more comfortable if the minister were obligated to name names, point out not only to employees but other employers in the field – the competitors, so to speak, in the field – the track record of some of these outfits that have dismal records, and this would be one way to do it.

The idea behind the amendment that I'm proposing this evening to section 28.1 is that the minister would be obligated to name names. At the same time, I would caution the government to consider, again, having a ceiling on this: I have to have so many accidents, or I have to have so many employees. That's to protect small business because in a company with, say, four workers, if two of them got injured, well, that's 50 percent of your workforce; right? I don't think that is appropriate.

Mr. Chairman, I believe the amendment has been circulated.

THE DEPUTY CHAIR: The amendment has been circulated, and we shall refer to this amendment as amendment A1.

MR. MacDONALD: Thank you very much, Mr. Chairman. In that regard, amendment A1 would take good legislation and, I believe, make an improvement to it. At this time, now that the amendment has been circulated, I would cede the floor to other hon. members of this House.

Thank you.

THE DEPUTY CHAIR: The hon. Member for Drayton Valley-Calmar.

REV. ABBOTT: Thank you, Mr. Chairman. I just want to respond to the one question brought up by the hon. Member for Edmonton-Gold Bar in speaking to amendment A1. In fact, amendment A1 would do exactly what the minister has asked us not to do, and that is to obligate small business to be a part of this best and worst performance list. The way that the bill currently reads is that the publishing of the best and worst is optional, so because it's optional, that leaves it to the minister's discretion. I like it that way because if it is a small business that, as the hon. member pointed out, only has four employees, and if they happen to have a bad year and two of them get injured – you know, it looks like they have a 50 percent injury rate – the minister at his discretion would say: well, this is an anomaly; therefore, they're not going to be a part of the worst performers.

Therefore, Mr. Chairman, I would propose to my colleagues that we do not support this first amendment and that we do leave it discretionary for the minister so that he can have that opportunity for fairness and to treat each individual case as per its merits and as per its history, et cetera, with the specific notion to help small business and to make sure that no small business is unfairly treated but, at the same time, to try to help improve the safety performance of the larger corporations or even of the small businesses that are repeated, repeated offenders.

Thank you.

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

DR. TAFT: Thank you, Mr. Chairman. I find this an interesting debate. I listened to the Member for Edmonton-Gold Bar, and he made sense. I listened to the Member for Drayton Valley-Calmar . . .

MS BLAKEMAN: And he didn't.

DR. TAFT: No, he made some sense, too. It's good to see that the Member for Drayton Valley-Calmar has such respect from his colleagues.

But as I read this, I'm wondering what I see here in the example that the Member for Drayton Valley-Calmar gave, a small business with four employees. Maybe there's a car accident and two of them are injured. It looks like they have a terrible injury rate. I think that's a good example, a compelling example even. But it seems to me that under section 28.1(a) the minister may "establish indices and measurements of work site injury prevention" and so on and under (b) "maintain a register." The minister would have the full capacity to establish measurements and regulations and indices that would accept or accommodate for that sort of an anomaly. He may have one set of standards for small businesses and another set for large employers, or it may be something that's measured over several years. So I think that while the Member for Drayton Valley-Calmar gives a very good example, this section would allow the minister to develop indices and measurements that would accommodate those problems.

11:00

So then I return to the amendment, which would change "may" to "shall," and I think to myself: if we really are serious – and I believe we are serious in this province about improving workplace safety – then we should make certain demands, unequivocal demands. I like the sense that the proposed amendment would strengthen 28.1 and make it absolutely clear yet at the same time, I suspect, give the minister enough leeway to define indices and measures that account for the problems raised by Drayton Valley-Calmar. So I go back and forth and end up coming back to support the amendment.

Thank you, Mr. Chairman.

THE DEPUTY CHAIR: The hon. minister of human resources.

MR. DUNFORD: Yes. Just to speak to the amendment, I want to reaffirm my colleague from Drayton Valley-Calmar's position. We're trying to provide some discretion as we move forward in a new venture in terms of publishing these names, so we don't want to get locked into a situation. We're trying to provide, then, as much discretion as we can.

I'm rising, though, also to address the questions that the mover made regarding the call centre. I can assure this member and all members of the House that we do not use the call centre as some sort of retribution mechanism. If an employer calls seeking bona fide information, then we provide that information as best we can. There are some reasons, though, when a call to a call centre might create an investigation or an inspection, and that is that we do accept anonymous calls to that particular call centre. We know that sometimes there's a hesitancy on the part of a worker or perhaps even a member of a worker's family that believes that Workplace Health and Safety should be made aware of a particular situation, but they choose to do it anonymously. We will accept that call, and we will seek that information. But the assurance that the member is looking for, as I understood it, was that because an employer called in for bona fide information, that would not make that employer a target.

[Motion on amendment A1 lost]

THE DEPUTY CHAIR: The hon. Member for Edmonton Gold-Bar.

MR. MacDONALD: Thank you very much, Mr. Chairman. Now,

the importance of this bill cannot be overlooked. On the day that it was introduced or around the period of time it was introduced, there were, unfortunately, accidents across this province that cost three workers their lives just in a short period of time. One cannot underestimate the importance or the significance of this bill, and I certainly hope that we will see in the future an improved safety record by all in this province.

However, when you look at this legislation, before we proceed any further in committee, Mr. Chairman, one has to consider the use of penalties, the administrative penalties. I at this time have to certainly question allowing the use of administrative penalties similar to those used for traffic violations. The introduction of these fines, as I understand it, will depend upon a review of these fines in other jurisdictions to determine their effectiveness.

Well, Mr. Chairman, these administrative fines have been used in other jurisdictions, and the Canadian Federation of Independent Business is strongly opposed to any system of administrative fines. Now, from documents that I have received from the Canadian Federation of Independent Business, they have had quite a discussion regarding this. They state here that they are encouraged that the joint industry and government strategy on workplace safety is proposing to study the experience elsewhere, and the Canadian Federation of Independent Business has challenged them to provide solid information that shows that administrative fines actually reduce the incidence of workplace injury before moving forward in Alberta.

The members do not believe that administrative fines will contribute significantly to reducing workplace injury. Instead, the Canadian Federation of Independent Business fears – and I share that fear – that the use of administrative fines may become a core revenue source for Workplace Health and Safety, and there is a danger that the use of administrative fines may be abused by officers, which will come at an extreme cost to employers. It should also be noted that Alberta employers found guilty of serious workplace health and safety violations may face prosecution, with a maximum fine of half a million dollars under this proposed legislation.

Now, the Canadian Federation of Independent Business recommends against the introduction of administrative fines as the government will be increasing its ability to punish employers who do not meet their obligations under the act. Also, employees who may be in an industry, the construction industry, where this is used in Ontario, may find this difficult to appeal.

In conclusion, Mr. Chairman, in regard to the administrative penalties it should be noted that few jurisdictions in Canada utilize administrative fines. British Columbia is currently reviewing their utilization, Ontario limits the use of administrative fines to the construction industry, and while Manitoba recently passed a system of administrative fines for situations of noncompliance with safety orders, there were a number of changes made that limit the scope and authority of safety officers to hand out tickets. It is important to note in the Canadian Federation of Independent Business presentation that Saskatchewan has resisted the use of administrative fines, despite attempts by unions to have them introduced.

Now, I will wait and certainly see what the review of these fines in other jurisdictions does here in this province, but I, too, share that concern. If we can have another attempt at making this legislation better, Mr. Chairman, it certainly would be an amendment which I sent to the table earlier, and I await your instructions in regard to this proposed amendment.

THE DEPUTY CHAIR: We shall refer to this amendment as amendment A2.

MR. MacDONALD: Thank you very much, Mr. Chairman. Now,

I would at this time like to amend section 17 of the Occupational Health and Safety Amendment Act, 2002. Section 17 is amended by adding the following clause after clause (c), and it's (d), by striking out subsection (4) and substituting the following: "A prosecution under this Act may be commenced within 2 years after the commission of the alleged offence, but not afterwards." This amendment would allow the hon. minister and his staff and occupational health and safety officers two years in which to conduct an investigation regarding an accident, a fatality. They would have two years instead of one year in which to prosecute.

Now, I think that in light of the accident rates and in light of the fact that, unfortunately, we have over two persons killed a week in this province, occupational health and safety officers, in my view, do not have enough time to perhaps as thoroughly investigate this as they would like. That's why I would like to see this increased from one year to two. It shouldn't be much of a change when you consider, for instance, that the Environmental Protection and Enhancement Act has a two-year limit, and you look at the Hub Oil explosion, where charges were laid almost to the hour a year after the explosion that killed two Albertans.

11:10

So when we have a look at the fatality claims accepted, if hon. members of this Assembly would be kind and gracious enough to support this amendment, I think we can have better legislation. If they have any concerns about increasing this limit from one to two years, I would encourage them to go to the minister's library on the second floor, the old Alberta Labour library, and just open those files on the fatalities that have occurred in this province, just go through them. For the sake of a year, to increase rigorous enforcement of this act, I would encourage all members to have a good look at amendment A2.

Thank you, Mr. Chairman.

THE DEPUTY CHAIR: The hon. Member for Drayton Valley-Calmar.

REV. ABBOTT: Thank you, Mr. Chairman. Speaking to amendment A2, I certainly see this as a friendly amendment, and I would suggest that my colleagues support this amendment by the hon. member across the way. In fact, I'm going to speak to it for a moment.

This amendment would extend the statute of limitations for prosecutions to two years from the current one-year limit. I know that the Crown prosecutors' office supports this amendment on the basis that the gathering of evidence often takes longer than one year. In fact, a two-year statute of limitations would make the Occupational Health and Safety Act consistent with most other provincial statutes, as the member mentioned; for example, the Alberta Environmental Protection and Enhancement Act. This makes it easier for the Crown prosecutors' office to co-ordinate the laying of charges in cases where more than one statute has been violated. So I do see this as a friendly amendment.

I also want to make a comment with respect to the member's comments about the use of administrative fines. While I do have the greatest respect for the Canadian Federation of Independent Business, I do want to remind the member that his own words in his speech on second reading were that "voluntary compliance did not work." That's the reason for this whole bill. The reason we have brought in these administrative fines, Mr. Chairman, is because Alberta has had a history of compliance problems with certain industry sectors; for example, roofing, where workers and supervi-

sors would knowingly ignore the Occupational Health and Safety law. Prosecutions are not an effective use of the resources under such situations because of the minor fines. An administrative fine or fixed-fine system would be an efficient way of achieving the necessary deterrent effects to improve workplace health and safety.

So, Mr. Chairman, as I look at this, I do want to recommend that my colleagues support amendment A2. I do want to remind the hon. Member for Edmonton-Gold Bar of a few of his quotes from his speech in second reading where he said that he thinks that these amendments "are an improvement." He said this on page 1634 of *Hansard*. He said, "The minister and the hon. member are on the right track with this bill, I believe." He said, "I for one believe that vigilant enforcement of occupational health and safety laws and regulations will work." These are the words of the hon. Member for Edmonton-Gold Bar.

He also said on 1635 of *Hansard*, "This is good legislation, and I think we can make it better." Certainly this amendment will help us to do that. Therefore, we support this amendment, and I urge my colleagues to support it as well.

Thank you.

[Motion on amendment A2 carried]

[The clauses of Bill 37 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. ZWOZDESKY: Thank you, Mr. Speaker. I would move that the committee now rise and report.

[Motion carried]

[Mr. Shariff in the chair]

MR. JOHNSON: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 35, Bill 38, Bill 33, Bill 34, and Bill 31. The committee reports Bill 37 with some amendments. 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? So ordered.

The hon. Deputy Government House Leader.

MR. ZWOZDESKY: Thank you, Mr. Speaker. In view of the excellent progress on both sides of the House this evening I would move that we now stand adjourned until 1:30 tomorrow afternoon.

[Motion carried; at 11:18 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]

