

## Legislative Assembly of Alberta

Title: **Monday, October 24, 1994**

**8:00 p.m.**

Date: 94/10/24

[Mr. Speaker in the Chair]

MR. SPEAKER: Please be seated.

head: **Government Bills and Orders**

head: **Second Reading**

**Bill 47**

**Safety Codes Amendment Act, 1994**

[Adjourned debate October 24: Ms Leibovici]

MR. SPEAKER: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. I'll take off from where the previous speaker, the Member for Edmonton-Meadowlark, opened comments on behalf of our caucus for Bill 47. The member touched on a number of topics that I again want to reinforce. First of all, this is again one of the Bills that has been described by government as housekeeping. Even though it's only a sketchy three pages, looking at it, the implications would suggest to one that it is much more than a housekeeping Bill. It looks to me like a form of taxation. It's a method of achieving revenue for a particular purpose, and that purpose being to support the Safety Codes Council.

Now, the Bill leaves a number of questions that the member spearheading the Bill on behalf of the government will have to address in committee, first of all the idea, the concept that there would be several different types of agencies and such responsible for the collection of those fees that would be levied. One of those is the municipalities. There are many of us, including the member at the back, that have sat on city councils, that have been part of local government; another one over there. There are lots on both sides of this House. We recognize the difficulties that are there when the municipality has to act as a collection agency on behalf of another level of government, like those of us from Edmonton and Calgary who found ourselves in that situation with the school boards. So if there is anything distasteful about the revenue that had to be collected, the ones that paid the price were the ones that were responsible for collecting the money, that being the council members, even though they didn't reap the benefits of those dollars. They were simply collecting those on behalf of another body.

In this particular case it appears that the body they're collecting the dollars on behalf of is really the provincial government. As to whether it's earmarked as dollars for the Safety Codes Council, if there's any type of a system in place at all, I would still see that it would be necessary for those agencies, including the municipalities, to send those dollars that are collected to the provincial government – the Department of Labour I would assume – who would then turn around and allocate dollars to the Safety Codes Council, which raises all kinds of questions that aren't answered in the Bill.

MR. DALLA-LONGA: What kinds of questions?

MR. WICKMAN: Well, the Member for Calgary-West asked: what kinds of questions? Right off the bat, how many dollars are to be collected? What are the requirements of the Safety Codes Council, and when that amount is collected, does that mean there

are no additional dollars collected? How are the levies going to be charged against different classifications? Is there going to be capping? All types of questions, to the good Member for Calgary-West.

One of the key questions that has to be asked is: what kind of consultation took place? Who asked for this particular Bill? Was it the Safety Codes Council? We know it was not the municipal government. We know that, because the city of Edmonton has forwarded to this particular body a letter of objection. In fact, it's more than a letter of objection; it's an actual motion recorded in the minutes, where they held a vote and with the exception of three members expressed their objection to this piece of legislation to the provincial government. So obviously that pattern is probably being followed by other municipalities throughout Alberta.

In fact, nobody has come up to us and said, "We want this Bill; we have asked the provincial government to implement this Bill." So the government has to come clean. The government can't continuously mask itself or hide behind increased taxation by calling them user fees. If we had to start counting – and we did at one time, and the trouble is one can only count so far and you start running out of numbers. If we start counting all the new forms of taxation that have been levied by this government, it is a tremendous amount, and this again is one of those instances. It's not being clean in the sense that it isn't being stated that it's a taxation.

I don't see the difference myself, whether you call it taxation or you call it a user fee. When somebody is asked to pay more or somebody is asked to pay that hasn't had to pay in the past, it is a new expenditure to those. It is going to government. As far as they're concerned, it's taxation. Call it what it you want, it's taxation. The member is going to have to explain that at committee stage: what the fees are going to be, how they're going to be applied, what consultation took place as to who's going to get the moneys, what happens to the extra moneys that may be left over, who specifically requested that these dollars be raised and was there a specific amount that was requested be raised, what's been done in the past in terms of the Safety Codes Council? Well, they didn't have any dollars in the past obviously, so these are a new form of dollars that have to be found, and they have been found.

I want to go on record as stating that until these questions are answered, it isn't logical, it isn't reasonable to expect any member on this side of the House at least to support this type of legislation. It's like blindness. It's like trying to find something in the dark, a needle in a haystack, when you get a Bill that's less than three pages in length, that really doesn't lay out any detail, when there are no schedules that go with it, absolutely nothing, no background material to speak of, yet the implications can be very, very severe.

It's interesting that the Edmonton city council would flag this particular Bill. It's interesting in the mass of papers that they go through that this particular one would draw enough concern that a member would make a motion objecting to it and have that motion forwarded to this particular body. So that in itself should point out very clearly that there is concern on this Bill, that it's not just a housekeeping Bill. It isn't normal procedure for those types of objections to occur when it is a straight housekeeping Bill.

Mr. Speaker, I'm going to conclude on that point until we get into committee where the member can then attempt to address some of the concerns and will allow us to ask additional questions, allow us to make amendments, whatever the case may be. There are other members within this caucus I know that are anxious to get up and voice their concerns, so I'll allow that opportunity to proceed now.

MR. SPEAKER: Before proceeding further, would there be unanimous consent of the Assembly for the Introduction of Guests?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.  
The hon. Member for Calgary-Cross.

head: **Introduction of Guests**

MRS. FRITZ: Well, thank you, Mr. Speaker. Tonight I have the privilege of introducing to the members of the Assembly Mr. Gene Fritsch, who is a hardworking member of the Multiculturalism Commission. Mr. Fritsch is a new member of the commission and resides in the High Level community, which is located in the Peace River constituency. I'd like to ask, Gene, that you rise and receive the warm welcome of the Assembly.

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

**Bill 47**  
**Safety Codes Amendment Act, 1994**  
(continued)

MR. SPEAKER: The hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Speaker, for allowing me to enter into this debate on Bill 47. This Bill, under the guise of simple amendments, sets out a system of collection of levies on persons who apply for certificates, hold certificates, or who apply to register or who register designs; also spells out how accredited agencies may with the approval of the minister collect moneys for those holding certificates, applying for certificates, applying to register or register designs; and who they will remit these moneys to.

Registering of certificates and designs can be under one of six Acts: the Fire Prevention Act, the Electrical Protection Act, the Elevator and Fixed Conveyances Act, the Gas Protection Act, the Plumbing and Drainage Act, or the Boilers and Pressure Vessels Act. I am somewhat familiar with all of these and very familiar with the Boilers and Pressure Vessels Act.

My concern – and it should be the concern of everyone here – is with the general privatization of safety inspections and the downloading of responsibility for safety onto municipalities. I think this is an abrogation of government responsibility regarding safety as it adds another layer of bureaucracy, thus compromising public safety for a perceived expediency.

**8:10**

Now, what was the old system like? What was it like three years ago, four years ago, five years ago? I'm going to be talking mainly about the Boilers and Pressure Vessels Act, which I am familiar with. Inspections were done by government departments. Collection of fees was done by government departments. Those operating under the Act were very careful in making sure that the inspections were done on time. Well, of course the government inspector made sure that they were done properly, but it was up to the company to prepare the equipment for inspection. They lived in fear of the government inspector, because these people really did a very, very thorough job of inspecting the machinery.

Now, these very stringent inspections all resulted in an enviable safety record. The Alberta safety record was the envy of North America. Now, if we compare this to the United States, our neighbour to the south, where their laws are much more lax, they have experienced many serious mishaps involving boiler and pressure vessel explosions, whereas here in Alberta we have virtually had none. U.S. personnel working in some U.S. owned gas plants and so on here in Alberta are really quite upset with our very strict, or what used to be very strict regulations. They are on record – and this is regarding boilers and pressure vessels – as making statements such as: you don't need a certificate to boil water. With this kind of an attitude, maybe that's why they have had so many serious accidents in the United States. Yes, Mr. Speaker, certificates are required, and should be required, if you're going to be boiling water at thousands of pounds of pressure and temperature. It's a matter of public safety.

The same applies to the other five areas of protection I named earlier. It's a matter of public safety. That's what it all boils down to. It's a matter also of saving health care dollars because you will experience less injuries. Now we are allowing companies to do their own inspections, and we're also asking another level of government to handle certificates and registrations, resulting in a watering down of safety, with the innocent public possibly paying the price because they may be injured if we have a devastating pressure vessel explosion.

Now, regarding the decline of safety standards, and again this is regarding boilers and pressure vessels, previously inspections were done on a yearly basis by a government inspector, who did a very, very thorough job. Approximately eight years ago this was all changed. It was changed to where inspections were done after a certain number of hours of running, but the government inspector still did the inspection. Now companies are doing their own inspections with the government just compiling the results. This is fine and dandy if operators, that is, companies that own plants where they have pressure vessels, are honest and are not fudging running hours and if company inspectors are honest and genuinely working in the interest of safety and not the company. But this is difficult to do if your paycheque comes from the company. It could mean millions of dollars of lost revenue for a company if a piece of machinery has to be shut down for repairs. So they tend to push it to the limit and beyond in some cases, and this is totally unacceptable. Again, public safety must be of the utmost concern.

Now, can we depend on companies to police themselves? This is a good question. A recent article, headed truckers to police themselves, talks about this government running a pilot program where they allow trucking firms with good safety records to police themselves. Now, *Motor Truck* magazine reacted immediately with a concern, stating that Alberta's inspection procedures are a scam in that they are conducted in poor locations and with too few vehicles inspected. A comparison of Saskatchewan, Ontario, and Alberta statistics bears this out. A comprehensive roadside check program, for example, resulted in 51 percent of Saskatchewan trucks being pulled off the road and 42 percent in Ontario. In Alberta, on the other hand – and listen to this – only 2.6 percent of Alberta trucks were pulled off the road as unsafe, a suspiciously low figure indeed. Also, Alberta only checked 114 vehicles – where's Mr. Trynchy? – compared to 483 in Saskatchewan, 951 in B.C., and 2,650 in Ontario. This says something, Mr. Speaker, and should be of concern to every Albertan if inspections of the six areas we're talking about are going to get this lax.

Cutbacks are necessary but they must be sensible. They must not endanger life and limb. The six areas we are talking about all

have the potential for disaster far beyond what one runaway truck could do. In view of this apparent lessening and loosening of safety codes in key areas of public safety, my recommendation is that members consider this danger and vote against this Bill.

MR. SPEAKER: The hon. Minister of Environmental Protection.

AN HON. MEMBER: That's you, Ty.

MR. LUND: Yeah, I know. I'm waiting for the light to come on so you can hear everything I've got to say. It's all so important that I don't want to have to repeat it.

Thank you, Mr. Speaker. I just listened to the hon. Member for Edmonton-Beverly-Belmont, and I was absolutely astonished at what he was saying, because the fact is that he has absolutely no facts to back up his allegations. In fact, I happen to be the person who took the Safety Codes Act through the Legislature and worked very hard with industry on that process. I can assure you that there were some people in the boilers and pressure vessels area that were very concerned about our original proposal and in fact didn't think it could work. Well, just the other day one of the people that led that charge against it stopped into my office, and he congratulated us for sticking the course on that model, because it is working. They have found that all those scary things and fear mongering that you were just doing are not true and they're not coming to fruition. The fact is that those people know exactly what they're doing. Government certainly doesn't have a corner on knowledge. The industry are the people who were taking that through. [interjection] Well . . . No, I'd better not say it.

8:20

In talking about the trucking inspections, he is quoting a number of figures, and in fact the trucking inspections in Alberta have not been privatized like you were saying they were. That's not happened yet. The fact is that the Alberta truckers have been shown to be very responsible, and they are keeping their machinery in good shape. Have you looked at the statistics on the accidents in Alberta that are caused by faulty equipment as related to B.C. or Saskatchewan? I would think that instead of spending the \$3 million that you're spending on research on some nonsense talking about the hundred million dollars that hasn't been spent, not one penny of which has been spent – if you would use that to go and check and see what the safety records are instead of standing in this Legislature and deducing some silly conclusions out of some numbers that were picked out of the air, maybe then you would see what really is going on in the world.

For all those reasons, Mr. Speaker, I would urge the Assembly to support Bill 47. It's simply asking for another way to streamline the system, that the accredited municipality or agency, whomever is issuing the permit, collect the fee to continue to operate the Safety Codes Council.

MR. SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. I take it that the newly minted Minister of Environmental Protection is going to double our research budget; at least I hope he has the clout. We're only getting one and a half million so far. Nevertheless, Mr. Speaker, I'll carry on blithely.

The Bill before us, which is Bill 47, looks fairly innocuous, of course, as they all do, but we all know that appearances can be very much deceiving with this government. So I have decided to pose several questions to see whether we can probe a little and

perhaps get an answer to what appears at first glance to be a little questionable. At this particular stage of the game I'm still relatively open-minded, Mr. Speaker.

[Mr. Clegg in the Chair]

So out with the questions which I shall pose to the Minister of Labour or his substitute. I don't know whether that is the Minister of Environmental Protection, but I think he has a great amount of wisdom so perhaps he can answer my questions. First of all, I would like to know with whom the government has consulted in coming up with this particular Bill to amend the safety codes. What I'd also like to know is: does it refer to all the certificates and permits that are covered by the Safety Codes Act?

I have some more questions. What kind of levy are we talking about? That has been omitted for some reason or another. How often are they going to be levied? That isn't mentioned either, whether it would be once per year or once per month or what have you. How will all that be monitored? There's no mechanism, it seems, to see how this is going to work out into the future. If it's possible, I'd like to find out whether the government has any idea as to how much money this is going to bring in or whether this is just sort of a shot in the dark.

Next, the interesting thing is that a levy is going to be assessed – according to this, at least, it can be done – on the person who holds a certificate, not just one who applies but one who holds. So again the question arises: why are the people who hold the certificate going to be nicked for this? Is it going to be done retroactively? Is it going to be done on an annual basis? Those are important considerations for one who does hold a ticket of some kind. So I'd like to know that one.

Furthermore, the possibility arises that the council may require an accredited municipality, et cetera, to collect the money, collect all these fees, and I wonder what the municipalities think of that. I think we've heard from Edmonton, and they seem to oppose it, but perhaps there are municipalities which have been consulted which are champing at the bit in order to do this on behalf of the government. I'd like to know about that.

Then the next point, section 21.3(2). Apparently "an accredited agency may . . . require an accredited municipality . . . to collect." Again the question arises: what kind of an accredited agency are we talking about here that may require a municipality to collect? Again how do municipalities feel about that? Those are questions that are pretty obvious I think.

Turning the page here, we're now on section 36(4). It's amended by striking out "safe" and substituting "safe or is obsolete." I really have some difficulty with that: obsolete. Does that just mean outdated, or does it mean unsafe? I know that my computer is about 10 years old and is certainly obsolete by certain standards but very safe, at least in my hands. So I would like to know what exactly is meant by that.

So what it boils down to is that instead of the government looking after the issuance of certificates and permits and so on, it is now up to, obviously, the individual to pay for these services, and that means an increased cost to individuals, which is certainly in line with other legislation by this government. It means that the burden falls heavier of course on the individual, but in this case municipalities once again get it in the neck because they're asked or told or what have you – "told" I guess is the word – to do the collecting of the fees on behalf of the government.

[Mr. Speaker in the Chair]

Again I think that by this time there's been enough off-loading, but maybe I'm wrong with my interpretation. I'd like to hear about that. At this stage, though, it seems that we're heading for more fees or taxes, whatever you want to call them, and as well more privatization. Mr. Speaker, I find all that rather alarming, but I would like to hear what the Minister of Environmental Protection can say in response to my questions.

Thank you.

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

MR. BENIUK: Thank you, Mr. Speaker. On principle I strongly oppose this Bill. I find it extremely distasteful, distasteful that the Minister of Labour, that this government would go so far as to try to convert our municipalities, our private and government corporations, and other agencies and individuals in this province into their collection personnel, their tax personnel to go forth and collect money for them. They are virtually converting municipal corporations from serving the people's interests of this province into devoting their resources to collecting taxes for that minister over there, a minister whose towering presence is only too obvious since he became so close to the Premier, hip to hip, cheek to cheek, shoulder to shoulder as they sit together there.

To mandate that the municipalities would do the dirty work for this government by going forth and collecting levies, fees, and tax dollars to fund a provincial government controlled entity is totally, totally unacceptable to the people of this province. The costs incurred will be borne by the least able in our province to bear them – that is, the municipalities, the local governments, and the private corporations – while this government gets the money without incurring any costs. I mean, how distasteful can this be? They call themselves private enterprise oriented. What they're doing is stifling the very corporations in this province that are fighting to survive.

The minister of the environment can rise and speak and speak and speak and speak, and his impact will be virtually negligible despite a multimillion dollar research budget and a budget within his department and a massive number of personnel to help him. The fact is, Mr. Speaker, this Bill, which he fails to realize, is downloading costs, forcing corporations and municipalities to collect money for this government which it will then squander. This government has squandered \$2.6 billion in loan guarantees. What's a few other millions for this government?

This Bill on principle I find totally unacceptable, and I am sure that both sides of the House will end up voting against it, with the exception, of course, of the Premier, the Minister of Labour, and the minister of the environment, who seems to think it's a great Bill.

[Motion carried; Bill 47 read a second time]

8:30

**Bill 48**  
**Occupational Health and Safety**  
**Amendment Act, 1994**

MRS. FORSYTH: Mr. Speaker, I am pleased to be able to open debate on Bill 48, the Occupational Health and Safety Amendment Act, 1994.

Alberta's Occupational Health and Safety Act was introduced in the Legislative Assembly on April 26, 1976. The Act received Royal Assent on May 26 and came into effect on December 1, 1976. The purpose of the Act is to outline the workplace health and safety rights and responsibilities of workers, employers,

principal contractors, and suppliers. The government is proposing amendments to the Act that will clarify a number of issues that have been pointed out by Alberta workers and employers. In addition, in keeping with this government's desire to streamline legislation, this Bill is also intended to reduce the number of distinct regulations under the Occupational Health and Safety Act by moving them into the Act itself.

The specific amendments cover four principal areas. First, the proposed Bill will allow the department to use the services of a contract physician in the role of a director of medical services. This will allow the department to obtain the services of a qualified medical director without having to hire a government employee to fill this role.

Secondly, the current designation of occupation regulation lists pages and pages of occupations covered by this Act. This Bill will streamline the legislation by incorporating the requirements of the regulation into this Act. All occupations other than those that might be specifically exempted will be covered by this Act.

Thirdly, the requirements currently found in the designation of serious injury and accident regulations will be incorporated into the Act. This will streamline reporting requirements for employers.

Fourthly, the Bill provides a clearer definition of the obligations and responsibilities of a principal contractor. In addition, the government has heard from numerous stakeholders that the responsibilities and relationships between the various parties at a large worksite – for example, owner, principal contractors, employers, and workers – have not been clear.

The amendments to the Occupational Health and Safety Act proposed by Bill 48 are the result of numerous contacts and discussions with employers and workers. This Bill will meet our goal of streamlining legislation to reduce where possible and otherwise make legislation more accessible and understandable. This Bill will make it easier for employers and workers to understand their health and safety obligations at the worksite. This will only benefit Alberta's already enviable record for workplace safety and health.

Thank you.

MR. SPEAKER: The hon. Member for Edmonton-Meadowlark.

MS LEBOVICI: Thank you, Mr. Speaker. This afternoon I spoke to Bill 47, which was the Safety Codes Amendment Act. Some of the comments that I made with regards to Bill 47 are apropos with regards to Bill 48. Once again we see a Bill that hasn't quite thought through what some of the implications of the amendments are, specifically with regards to some of the items that the hon. member who just introduced the Bill has made reference to.

One of the items that she spoke about was with regards to the streamlining around the definition of occupations and that in effect what this Bill will do is it will streamline other than exempted classes. If you were to take the time and actually look at what it says in the Act, it says that "occupation" means every occupation – that's a redundancy in and of itself; you've got a definition defining a definition – "employment, business, calling or pursuit over which the Legislature has jurisdiction." That's the definition: "over which the Legislature has jurisdiction." So we've taken away the regulations that outlined what the occupations were. Just to give you an example of what that entails, it was quite comprehensive. What it talked about were managerial, administrative and related occupations. It talked about occupations in natural sciences, in engineering and mathematics, in social

services related fields, in religion, in teaching and related occupations, occupations in medicine and health, in sport and recreation, and that's just the beginning of the list. Now all that we've got is "occupations over which the Legislature has jurisdiction." If I look at what this particular Legislature is doing, they're looking at privatizing just about every function they can lay their hands on, and in effect by the end of it there will be no occupation that this Legislature has, in reality, control or jurisdiction over.

Now, what does that mean when we say "has jurisdiction"? Does that mean there is a control factor? Does that mean it's a regulatory factor? Does that mean there's any authority that goes with that jurisdiction? There are a lot of questions to be asked around this streamlining, and we've seen this over and over in terms of the so-called housekeeping Bills that we see in this Assembly and the streamlining factor of those housekeeping Bills.

The other thing that's curious when you look at this particular section is that it says, "'Occupation' means every occupation, employment [et cetera] except farming or ranching operations specified in the regulations." We're still going to have regulations that specify farming and ranching, so the question is: why are they so much different than the over 1,000, I'm sure – I didn't do a count – as I look at it, occupations listed in the regulations right now? Why do those need to be covered by regulation?

Then it talks about a curious kind of a thing, where we look at a household servant. Now, I thought there were no more servants left in Alberta. We're talking about household servants in legislation.

The other part of it is that when I kick over to section 31, all of a sudden the Lieutenant Governor in Council, who couldn't make regulations for anyone except farming and ranching operations, can make regulations for workers and employers at mines, quarries, and worksites. Well, again, it doesn't seem as if there has been much looking at what exactly we're doing in here. It's as if there was some directive from up above that said, "Well, let's look at doing some streamlining here," and unfortunately, whoever put the Bill together wasn't given enough time to cross-reference sections.

Again, what the Bill seems to do a lot of is take the words "principal contractor" and amend it to say "prime contractor." Then whenever either principal contractor, employer, or one other group was used, we look at amalgamating all of it. In other words, if it was a principal contractor only that was talked about in terms of what the obligation was, it then becomes a prime contractor, contractor, employer, supplier, what have you. That doesn't run throughout the whole Act, and where that's most evident is when you look at what the responsibilities are that are inherent in a prime contractor, principal contractor, contractor/owner when it looks at something that's not in this particular Bill. It's the requirement of workers not to perform duties that are unsafe. All of a sudden the whole gamut, the whole crew as it were, is not responsible. All of a sudden it only becomes the responsibility of, I believe, the employer. The prime contractor doesn't have responsibility with regards to that, nor the contractor.

Well, my argument would be that if we're looking at consistency within a piece of legislation and if that consistency is that wherever there is one of these employers mentioned, be they a prime contractor or a contractor or an employer, wherever one of those words showed up as appropriate, there would be the others plugged in to the equation, so to speak. So again we seem to have an amendment that takes a certain philosophy, as it were, and tries to incorporate it while ignoring other sections of the Act that perhaps need to be amended.

8:40

We look at – and this to my mind is perhaps one of the most dangerous aspects in terms of this piece of legislation – what happens to the definition of injury and accidents. When you look at that, what you see, what has been done in I guess the spirit of streamlining or the spirit of housekeeping or the spirit of let's try and make things as simple as possible – and I think all legislation should be done in plain language – again we don't see an instance of the government taking the initiative and saying, "We're going to do amendments to a particular Act." This Act, I believe, was first put into place in 1976, so perhaps it needs a major overhaul. If we're going to do amendments to a particular Act, why don't we put them in plain language? Instead, what we're doing is taking bits and pieces and trying to work within a framework that the government has already said they don't think is appropriate.

So let's look at the section that deals with injuries and accidents. What do we see here? What we see has happened here is that some of the reporting requirements have been taken out. In other words, where before a director of inspection had to be notified "forthwith" of a serious accident, that reporting requirement is no longer there in terms of the forthwith. Where before there was to be an inspection that occurred, that requirement is no longer in the Act. I'm looking forward to the Minister of Labour's responses on this, and if it is there, as I said, I'm looking forward to it.

More importantly, what has happened is we've taken out the definition of serious, which is broad enough to encompass a range of different injuries, and have in place taken five areas where there needs to be reporting, and those areas are indeed serious. They talk about "injury or accident that results in death," but they limit as well. That's what happens when you do something that's so specific; you limit and you exclude other things that perhaps should be covered. Then what you see is something like this: we talk about "an injury or accident that results in a worker's being admitted to a hospital for more than 2 days." [interjection] Exactly. Given the trend of our current policies within hospitals, you have to be very near death in order to stay for more than two days. If for instance there's a bodily injury, if for instance someone has had half a finger cut off or if someone has had five fingers cut off or if someone has had a toe cut off, they wouldn't be covered under this particular section that says that it has to be reported to the director of inspections. So my question, then, is: what happens in terms of statistic keeping by the Department of Labour? Or aren't they interested in terms of knowing how many individuals have had bodily injuries?

The other thing that also happens when we become so specific is we exclude certain items. Right now the only items that are covered that need to be reported to a director of inspection is when there's "a collapse or upset of a crane, derrick or hoist." Well, so what happens to other kinds of equipment that might be just as hazardous to operate that can result in serious injuries? What happens in that case? They again don't need to be reported under this other provision. I know the Minister of Labour is going to come back and say: "Oh, well, they're covered under this other section. They're covered under the section that says that an injury or an accident referred to and 'has the potential of causing serious injury' is then to be investigated by the contractor." But again my point is that there is no onus forthwith – in other words, immediately – to bring forward the complaint. There's no onus to investigate on the part of the director of investigations. All that the contractor basically has to do is write a report and file it away for two years, and that is, I believe, not good enough when we're looking at providing an environment that

is the best for the workers of this province, when we're looking at providing an environment in which health and safety are priorities.

What bothers me even more is that when we look at this kind of legislation and we look at the Government Organization Act that talks about delegating authority, then what I think becomes clear is that what we're saying is that in all practicality the director of inspection will probably not be a government employee, may well be hired by the Safety Codes Council. What we're also saying, and I think has been said by the hon. member who introduced the Bill, is that what the government is looking at is subcontracting out the services of physicians who might exercise the duties and responsibilities of the director of medical services and not only subcontract it out to one physician but allow that physician to subcontract the delegated authority.

So think about this, just sit back in your chairs and give 30 seconds to this thought: by delegating the authority, what is also happening is that delegation is moving down the line so that eventually it may well be that it moves down the line so far that there is no way of tracing who's responsible for what, there's no way of knowing who has the authority to actually make a report, who has the authority to actually make a recommendation, who has the authority to actually do an investigation.

One of the things that needs to happen is that this change in service orientation from a government service to a service that is delegated out to a service that is no longer under the purview of the Legislature, except for the occupations – again, we're not quite sure what that means. To do that, we need to be able to set benchmarks in place. We need to be able to put standards in place. We need to be able to know why, when you're looking at an injury or an accident, you are only looking at the injuries or accidents that involve cranes, derricks, or hoists. Why wouldn't we take the opportunity to report under here those accidents that happen through scaffolding incidents? The minister is well aware that there has been a push on by individuals in the industry to have scaffolding as a trade that is permitted, in a sense. So why not take the opportunity to make this Act better?

Whenever we have legislation brought forward, why does it always seem that we take it one notch down, that as opposed to aiming for the best that we can, we seem to be aiming for the least: the least that can be provided, the least standard. Again, I would think that if the government is seriously looking at ensuring that these are items that need to be reviewed, that is the goal that the government should strive for.

Another example of that is in terms of the joint worksite health and safety committee. I've heard often from workers that this committee does not work as it should, that this committee sometimes does not have representatives on it that truly represent the employees. It leads me to wonder that if we're going to amend the section, which in fact we are, that deals with the joint worksite health and safety committee, we would look at amending it so that it becomes an effective committee, that we would look at perhaps mandating the committee, that we would look at perhaps ensuring that those employee representatives on the committee are voted to be on that committee.

Those are the kinds of changes that I think would be changes that would be well worth the time and energy that obviously someone in the department has put into this particular Bill. Again, given the restrictive, I'm sure, parameters that were probably given to someone in terms of drafting this Bill, this is the best they could come back with.

#### 8:50

There are numerous other questions that I have with regards to this. I think these changes will, rather than provide clarification,

provide confusion. To my understanding, again much like Bill 47, there has been no consultation or very little consultation with regards to the bringing forward of this Bill. If there has been extensive consultation, as I believe I heard in the introduction, then I think it would be more than appropriate for the Minister of Labour to bring those consultations forward and to indicate to all of us on this side of the Legislative Assembly that you have concerns, that this is in fact a good piece of legislation, and that there has been consultation with it, and that in fact there are numerous people who have been requesting that these changes be made. Again, it seems that we get these Bills and don't have any of the background information. I think that would be useful information for us to have on this side of the Legislative Assembly. Again, I guess the question is whether there really was any consultation that was taken in conjunction with this.

Now, I'd like to make just some final comments in terms of the whole trend with regards to the Safety Codes Council and potentially, though it's not in here right now, the occupational health and safety section of the Department of Labour, and that's with the whole idea of self-regulation and privatization. Does it in essence work? I think the answer is that we don't know. We don't know if it does work because it's never really been tried elsewhere. It's taken three years to get the Safety Codes Council together and up and running.

Within the groups that are involved in the Safety Codes Council, there are definite questions as to how this will work and what the best method is of proceeding. If we're going to sit back and ask ourselves that question, which I think should be the responsibility of every parliamentarian, to ask themselves the question of how we are making things better and is it going to work, then you need to have I believe something in the legislation that says that we will look at it again. We will look at it again in six months. We will look at it again in one year. We will look at it again in two years. When we look at it again, these are the kinds of things that we will be looking for. We will be looking to see in effect whether these amendments to the Occupational Health and Safety Act have in fact made the Act better, whether the accident rates have gone down, whether the kinds of accidents that have happened over the past couple of years and will happen in the future – unfortunately, they will happen – are not as severe or more severe, whether there are incidents that point to where early investigation on the job site actually helped to prevent some accidents, whether the reporting requirements have been kept up with. These are things that we need to know in order to ensure that health and safety in this province is considered as a premium.

Now, with self-regulation there's the old question of the fox in the henhouse. Do we know and how will we know? Will there be active auditing? I understand that there is supposed to be some kind of an auditing process going on within the Department of Labour. Is that active auditing or is it just a few people seated in Edmonton, seated maybe within this building who will ask for reports from the prime contactors, contractors, and employers? Will they just look at the piece of paper and say: "Oh, that sounds like it's good. That's fine. I don't have a problem with that"? If someone phones in and says, "Look, there's a problem with this particular area," will they actively put on their boots and go out and check it out? My guess is that is not the role of the auditing function, that the role of the auditing function is a role that someone takes on in his or her office. Unfortunately, that's not good enough, but that's what might happen in terms of self-regulation. That's exactly what might happen, where what we have is the old fox in the henhouse. Whether that is again going to be good for the workers in this province I think is debatable.

Thank you.

MR. SPEAKER: The hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Speaker, for allowing me to join this debate on Bill 48. Basically it's a good Bill, but there are some discrepancies in it which I'd like to address. I think the Act is strengthened somewhat by identifying responsible parties and their responsibilities on the job site. Contractors are defined as to their classification; that is, prime contractor, contractor, or employer. Changing the term principal contractor to prime contractor was good. It describes the name "contractor," if you will, on a job more clearly.

A common classification I don't see here, although it may be in some other section of the Bill, is subcontractor, which refers to a contractor hired by a prime contractor to perform some portion of the job, whatever it may be.

What is spelled out in this Bill in industry may be compared to a safe work permit. Safe work permits must be obtained before any repair work may begin. Most companies are using safe work permits now. Work permits ensure that a contractor receives appropriate education, instruction, or training with respect to a code of practice developed by the employer. This is spelled out in section 26(2)(b) of Bill 48.

Now, in a safe work permit the contractor or foreman or in many cases the whole work crew are oriented into the employer's workplace. Orientations usually begin with a video tour of the worksite and possibly a short exam for the whole work crew. This is followed by the contractor or foreman being introduced to the employer's key people, who will be responsible for the contractor's safety on the worksite and his employees. Now, work may not begin until the orientation is completed and all safe work permits are in place. The term "safe work permits" should probably have been included in the Act before us.

Section 31 is amended to include farming and ranching operations. Will this apply to all farming operations no matter how small or how big? This is not answered here, and farmers may want this spelled out.

There's also some kind of discrepancy here regarding farmers. In section 1(g) they were accepted. Now they're included.

Regarding amendments to section 3(2)(b), which read, "any physician employed by the Government," and which are being amended to read, "any physician employed by the Government or any other physician." Now, if I heard the Member for Calgary-Fish Creek correctly, she talked about a government doctor or physician, so there's some discrepancy here. Does this mean that all Alberta physicians will come under this Act? If yes, then have Alberta doctors agree to this? If no, then why is such wording included in this amendment?

In view of the number of amendments in question in this Act, I would strongly recommend that members vote against this Bill unless we see amendments presented in the Committee of the Whole.

MR. SPEAKER: The hon. Member for West Yellowhead.

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. The Member for Calgary-Fish Creek has introduced this Bill in such mellifluous tones that I almost immediately decided that I was going to support this. But after I recovered and read this through, I thought a few questions though are in order here.

I must state first, Mr. Speaker, that the House leader has been waxing eloquently about the new spirit of openness in letting us

know which Bills were going to be brought before the House, but of course those were only the titles. The Bill itself was long in coming, and therefore my reading has been somewhat cursory. So I hope that the Member for Calgary-Fish Creek will forgive me if I ask some very obvious questions. I may have overlooked the obvious answers, but I hope she will bear with me and help me out here.

9:00

First of all, a matter that has been brought up by the Member for Edmonton-Meadowlark was the meaning of the term "house servant". I found that very interesting. I'm not sure that she specified in her question whether that included maids or nannies or babysitters or even butlers. We want to be nonsexist here, of course. That's an interesting question, I think. But then she did spend a lot of time on the reporting of accidents, which is no longer mandatory, and I think there is a question for the Member for Calgary-Fish Creek: why is that no longer mandatory? I mean, that is such an obvious question to me.

The other thing is that accident investigators appear to be no longer mandatory. Again, it seems that voluntary compliance is now the code word. I'm not sure what that means. Has that, too, that whole area, been privatized now, is it going to be, or does it simply mean that industries are to comply to supervise their own safety procedures? Needless to say, that could be open to all kinds of abuse. Even if one is apt to anticipate the best, there are still lots of abuses possible here.

[Mr. Deputy Speaker in the Chair]

The scaffolding, my colleague from Edmonton-Meadowlark referred to, and I think she also went into the cut-off fingers, so I won't do that.

What I'd like to ask though is – it struck me all of a sudden, Mr. Speaker, that if we combine Bill 47 and Bill 48, then it is possible to come up with a fairly ominous scenario, because under Bill 47 it's going to be undeniably tougher to get a certificate or a permit. It's going to cost again. So I think the result will be that fewer people will go for those certificates, since people don't want to put out any money. Well, the result could well be that there are going to be fewer knowledgeable and experienced and ostensibly certified people on site with the resulting increase of unsafe practices, particularly when reporting does not need to occur necessarily. When there are no investigators who have to come out to investigate an accident, it seems to me that we're going backwards here rather than forwards. Again, I point out to the Member for Calgary-Fish Creek that these are questions that I have, concerns that I hope she can allay.

It seems, though, that a pretty good system that exists right now is going to be somewhat diluted, to say the least, and that's at first glance. I have to say, Mr. Speaker, that I represent a lot of people in fairly dangerous types of employment in my area – lots of miners, open pit and underground, mill workers, pulp and paper, lumber, and so on – and because of that kind of employment that is so prevalent in my riding, safety to me is very important because it is to them. They're quite proud of a fairly good safety record in most cases.

So I would like to be convinced by either the Minister of Labour or the Member for Calgary-Fish Creek that this Bill does nothing to dilute, to chip away at the currently high standards we have in safety. In fact, I would like to see that it enhances, that it increases the safety for our workers. So I'm willing to listen to what either the Minister of Labour or the Member for Calgary-

Fish Creek have to say on that score, and I will let someone else speak now.

Thank you very much, Mr. Speaker.

MR. DEPUTY SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I just have a few comments on this Bill. It seems to me that there are a couple contradictions in it that I'd like to have addressed on behalf of the agriculture sector.

If you look at the first page of the Bill, under section 2 it amends and leaves farming and ranching out as an occupation which is not included under the auspices of the Bill, yet when you get back into a later part of the Bill and start dealing with section 15 and amendments to section 31 of the original Bill, it says here that

- the Lieutenant Governor in Council may make regulations
- (a) specifying farming and ranching operations for the purposes of section 1(g).

In other words, what you're saying is to leave farming out and then later on the Lieutenant Governor in Council can include farming.

What I'd like to do is have the appropriate ministers discuss this in terms of the implications for dealing with agricultural enterprises at some point in time in the future, farming specifically, as being included under this law without bringing it back for legislative debate. By leaving it out in the first part, that's basically saying, "We are having open legislative debate on the exclusion of farming activities under the control of this Bill," but then what we've done by putting in the exclusion under the Lieutenant Governor in Council's rights is we are saying that farming can then be included. Essentially at some point in time if farm labour organizations or labour organizations, health groups, any group comes to the minister and gets involved, what we'll have, then, is a situation where the agricultural sector could be subject to this effectively without public debate. Mr. Speaker, I find that not in the spirit of good legislative process and not in the spirit of being fair to the agricultural sector the way all the other employment sectors of the industry are being treated, because of their specific definition under the occupations characteristics of this Bill. So I'd like to have some clarification on that.

I would hope that at a point in time the Minister of Labour would suggest that section 15 where it deals with section 31(i) be amended and removed from this legislation so that at a point when farming and ranching operations need to be included under this, it's done through open public debate and through the proper legislative process.

Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Okay. The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I'm going to speak very briefly on one point, and that is g(ii). Certainly the terminology "household servant" smacks of *Upstairs, Downstairs*, the Victorian days in Britain, and I'm indeed curious as to why we would see terminology like household servant being used in a Bill in 1994. It would be interesting to see what the definition is, and when you look at it, "or a household servant of the occupant or owner", it is mind boggling to imagine what it is you're saying. I could go as far as being quite sexist and suggest that the wife might be the household servant of the occupant.

What is it that we've got in this Bill in essence, Mr. Speaker? I think it's a totally inappropriate term because it can mean anything to anyone, until we clearly see what the definition is. Even if there is a definition, I would still suggest that in 1994 it's totally inappropriate terminology. It belongs to colonial times. It certainly, to my mind, has never belonged in Alberta.

Thank you, Mr. Speaker.

9:10

MR. DEPUTY SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'll just make a few comments as well on this particular Bill, Bill 48, dealing with the Occupational Health and Safety Amendment Act. My colleague for Edmonton-Meadowlark has made some comments that the Bill indeed has some shortcomings because it seems to fail to tie together or move in a cohesive direction and leaves more questions unanswered than answered. As we go through and look at what the government is ostensibly saying, it's a streamlining of the occupational health and safety legislation.

Perhaps, Mr. Speaker, in the spirit of debate I might suggest that the Bill has been very carefully crafted. The government is on track with exactly what its agenda is, and that is to reduce the number of accidents that are to be reported and to provide for the business sector of the province a greater opportunity to avoid having to report incidences to the director of inspection because of the now confined definition of the injuries and accidents that are to be reported under subsection (1).

Again, my colleague for Edmonton-Meadowlark made reference to certain instances where injuries can occur that subjectively one may consider to be very serious and others may not consider to be serious. An employer, a prime contractor or contractor, could simply say, "Well, I didn't think it was a serious accident, so therefore I had absolutely no intention of reporting it." We then sort of get into the debate and the discussion about whether or not that employer, that contractor, that prime contractor is adequately and properly policing itself. The argument will be: "Well, I'm properly policing myself. Just because my worker had his ear cut off doesn't mean that it was a serious accident, so I have no obligation to report it. If my worker lost an eye in an industrial accident, well, that's not a serious accident. He's got another one. I'll not bother to report the incident and will not have defaulted on my obligation to police myself." Now, that's the kind of scenario we are going to create in adopting this kind of legislation. I'd suggest, Mr. Speaker, that that's exactly the scenario, that's exactly the agenda that this government wants to perpetuate in its complete, total, and broad privatization and deregulation of government.

Mr. Speaker, in my view, this is entirely unacceptable and entirely inappropriate. Those kinds of difficulties and those kinds of concerns have to be addressed. There has to be some consideration given to how we deal with those kinds of situations. The reason we are doing that is to promote and in fact insist upon the safety of workers in every job at every worksite in the province of Alberta. That's the ultimate goal. The ultimate goal is not streamlining the legislation to assist this government. It has nothing to do with this government. It's to assist workers at worksites and to ensure their complete protection to the fullest extent possible.

So in terms of the concept of this legislation it's very clear what is intended. What is intended is to deregulate safety in the workplace, and on that basis, Mr. Speaker, I have absolutely no intention of supporting this Bill.

Thank you.



MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Norwood.

MR. BENIUK: Thank you, Mr. Speaker. [interjection] I believe the Treasurer is awake.

AN HON. MEMBER: Our Treasurer is always awake.

MR. BENIUK: Mr. Speaker, I find that difficult to accept, that the Treasurer is always awake.

Mr. Speaker, the section here dealing with the household servant being exempt under this legislation creates a double standard. Why would a servant working around a house – and the word "servant" is not defined here – be exempt? We don't know the type of work this person would be doing by the definition "household servant." Would that person be working on the roof as part of his or her duties? Would that person be using chemicals to kill weeds, et cetera, around an acreage? Why would someone be exempt from the protection of this Act? Now, it's one thing to say that the owner is exempt, but then to create a situation exempting someone else under the control of another person, especially when we all know in this House that people who are employed in that position usually have no benefits of any type and are very vulnerable. Many have come to this country working as nannies, et cetera. Now, if that refers to nannies and people of that classification who are here on a temporary basis, are we doing a service by exempting protecting them under this law?

I realize this may not have any impact on the people opposite but it does on the people of this province, who would like a fair and just law dealing equally with all concerns and all people in this province. Mr. Speaker, this exemption has to go, or at least the Minister of Labour should stand up and explain why he feels he has the power to exempt someone from the protection of the laws of this province.

Mr. Speaker, I note with interest that a very interesting clause is here, and I would hope that the Member for Little Bow – is that where Brooks is? I believe it is – would be the person that will respond to my enquiry on this point. Why would the government, under section 3(2)(b), allow one physician who gets a government contract to be able to hire another physician to do his work? Is this part of the patronage process unfolding within the medical profession? I'm not referring to the member opposite; I'm referring to the principle. How is it that one physician gets a contract from a government and then can turn around and have somebody do the work? Is this going to be the privatization process from the other side, that they're going to start doing this with everybody? Somebody gets a contract and he sublets it, so he gets a nice little profit there.

AN HON. MEMBER: A little finder's fee.

MR. BENIUK: A finder's fee. Oh, that's a good term. A finder's fee, my colleague says. A very profitable one too. It could be at 30 percent, 50 percent; we don't know. And is this going to be expanded past the physicians? Maybe there'll be an amendment coming forth that says not only physicians but a thousand other classifications may be put on their list. This is a very interesting clause, and I would really love to have a member opposite who happens to be a physician explain that this is common practice within the medical profession, that they are so overworked that they sublet. If that's the case, if they are overworked, they don't have to do that because everybody is

working quite hard. On the other hand, if you need a government contract because hospitals are closing, beds are closing, this could become a very profitable finder's fee.

Mr. Speaker, these conditions I find to be totally unacceptable, and I would hope that the Minister of Labour, who is fast emerging as the giant opposite, sitting close to the Premier, would be able to explain this.

I would like to just add one comment. This is a point because of an individual opposite who may not have been able to hear my comments if I had said this earlier. Mr. Speaker, this will just be two sentences. In the previous Bill we debated, there was an attempt – this is just for the benefit of the member opposite – to have corporations and municipalities collect taxes. Is this starting to have the Minister of Labour take over some of the responsibilities of the Treasurer of collecting taxes? But that's a different issue.

In this Bill, Mr. Speaker, there are provisions which are totally unacceptable. As we go into Committee of the Whole, we will all have, I'm sure, a better opportunity to go into greater detail to show what we think of the Minister of Labour's product here, which is, to put it mildly, highly unacceptable in many areas, including the double standards I referred to.

Thank you.

9:20

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Speaker. On behalf of the Minister of Labour I would like to move second reading of Bill 48, the Occupational Health and Safety Amendment Act, 1994.

[Motion carried; Bill 48 read a second time]

#### **Bill 49 Civil Enforcement Act**

MR. DEPUTY SPEAKER: The hon. Member for Lethbridge-West.

AN HON. MEMBER: You look great from over here, Clint.

MR. DUNFORD: Yeah, I do, don't I? You look not bad yourself.

Thank you, Mr. Speaker. I'm pleased to rise this evening to move second reading of Bill 49, the Civil Enforcement Act.

I would like to go through some of the points of a rather thick document that surprised even myself upon its introduction to the House, but I think it breaks down into a number of fairly simple points. These points are designed primarily to streamline the process, and I think that small businesses, particularly, in Alberta will benefit from this initiative on the part of the government.

Now, as I go through the points, I think it's only fair that I try to shed some light on those areas that I think will be somewhat controversial, but, Mr. Speaker, I'm certainly not a lawyer. I'm looking at it from the perspective of someone who in their real life was a small businessperson, so it might colour my view of these points as we go through them.

[Mr. Clegg in the Chair]

One of the main principles or aspects of this Bill, Mr. Speaker, is to privatize the seizure activities of the sheriff's office.

Sheriff's seizures are now conducted by bailiffs under contract, and their privatization would be a further extension of this and will provide business opportunities for the private sector, reduce cost to government, and improve the delivery of services to creditors by allowing value-added services and eliminating duplication. The privatization would shift the focus of the sheriff's office from actually conducting seizures to conducting reviews to ensure that the integrity of the justice system is not compromised. This shift in focus will require a much smaller staff complement and will provide the sheriff with a clear mandate over most seizures under provincial jurisdiction and the authority to review any such seizures that are conducted illegally or unethically.

I think this is one of the points that we must dwell on, because there is a proposed spectre, I'm sure, of critics to this Bill that Alberta will venture into the area of the repo man. This will not be the case under this particular Bill, Mr. Speaker. What we'll in fact have, as really is now operating in most of the province of Alberta already, is a system of private bailiffs. The private bailiffs will be then recognized by the Ministry of Justice and will then almost operate as a franchisee within these particular territories. I've just indicated the concern and the responsibility that the sheriff will still maintain. So I'd carry on with saying that only civil enforcement agencies previously screened by government and meeting the necessary insurance, bonding, and training requirements will be allowed to conduct seizures. Furthermore, these agencies can only do so through civil enforcement bailiffs who satisfy the training and other qualifications necessary to be appointed. Bailiffs who fail to perform their duties ethically and in accordance with the law will be subject to having their appointments revoked.

Another tenet of this Bill is to eliminate existing duplication in registry functions between the sheriff's office and the personal property registry by amalgamating the collection of information at the personal property registry. Now, Mr. Speaker, at the present time there is duplication of registry functions between the sheriff's office and the personal property registry. Furthermore, the sheriff's office currently operates on a judicial district by judicial district basis, so anyone wanting complete provincewide protection of a writ would, in addition to registering at the personal property registry, also have to register in 12 judicial districts. It is proposed, with this Bill, that the personal property registry serve as a single registry for all enforcement activity.

A third point that I would draw the attention of the members to is the fact that we're trying to streamline the process for debt collection in Alberta and eliminate unnecessary loopholes to reduce the risk to Alberta businesses of uncollectible debts. Now, many of these points that I'll be indicating are based on the Alberta Law Reform Institute's Reports on Prejudgment Remedies and Enforcement of Money Judgments.

Some of the major proposals in our Bill include the following. Under seizures, all property will be subject to seizure except where made exempt under the legislation. Under garnishment, enforcement creditors will be allowed to garnishee future debts owing to the debtor with a single garnishee summons. At present a garnishee summons only has credibility or only has the right during a specific point in time for which the garnishee summons is served, but it is proposed that the garnishee summons will be effective for a one-year period except in the case of deposit accounts – and I'll get to that in a minute – where they will be effective for 60 days.

Presently – and I believe this will be another major controversial area – it is not possible to garnishee joint debts. This enables

a debtor to hide money from creditors in a joint bank account. It is proposed that joint bank accounts be subject to garnishment based on the presumption that each co-owner of the account owns an equal share of the account. A co-owner of the account would, however, have the right to prove ownership of a greater share of the account. In simple layman's terms, this would no longer allow a debtor to find an unsuspecting partner and set up a joint account and then have provided a barrier for himself or herself from the creditor. The controversial part will be, of course, the treatment of that joint bank account on a 50-50 proposition. This Act will provide with the legislation, with the regulations the opportunity for the co-owner of the account to come forward and through very simple procedures, maybe as simple as just the displaying of the passbook, prove ownership of perhaps 90 percent of the account. In that particular case, then only 10 percent of that account would be subject to garnishment.

### 9:30

A particular feature that I like, Mr. Speaker, is in regards to the contract that would now be set up between the private bailiffs and the creditors. The creditor would no longer, working through the sheriff's office, be bound then by any sort of fee for services that taxpayers are involved with. The simple matter would now be a contractual arrangement on a fee-for-service basis directly between the creditor and the private bailiff.

The fairness aspect of all of this perhaps comes into play – I think there's been an emphasis on perhaps a playing field that was more level, if I can use that term, on the debtor side than on the creditor side. Clearly, I believe the intent of this legislative initiative is to swing that pendulum back just a little bit to the creditor side. Currently the information is supplied to a debtor that a seizure is pending. There is a form that is supplied to them, and it's a very simple matter for the debtor to just simply sign the document and send it back. If I'm not mistaken, perhaps the taxpayer might even pay for the stamp. But in this initiative that we're viewing this evening, Mr. Speaker, the onus would clearly be on the debtor to attempt to stop the proceeding, and they would have to do this by taking their own initiatives.

We believe that the seizure of goods and turning those goods into cash will be not only streamlined but be made more effective and efficient by the fact that this Act will now provide the bailiff the opportunity to use whatever method of sale he thinks will produce the best price. Now, there are checks and balances in this particular situation where both the debtor and the creditor can question the manner of sale or the proceeds that have been realized. The emphasis or the responsibility will be on the bailiff to see that he attains the maximum sale for the goods that have been seized.

A feature that I am also particularly pleased with is the reward of an active creditor. Given the current situation, if we have a bad debtor out there running amongst us, creditors will tend to look at each other and hopefully decide that they will not initiate the action. They will rely on a fellow creditor in order to do this. Under the current system, as I understand it, there's very little reward for initiating an action and in fact there can be a penalty because of the costs that are involved in taking the action. Under this particular Bill the successful active creditor would be paid his costs plus the first \$2,000 or 15 percent, whichever is greater, of the proceeds realized from an enforcement activity. So now I think it switches the initiative amongst the creditors to where they will want to be an initiator of the action, because they will now stand first in line.

The last point that I want to make this evening, Mr Speaker, is regarding the relationship that we now have between a private third party, which is a creditor, and this private bailiff and how they interact amongst themselves. They will be jointly liable for any losses, then, through negligence or the conversion in making the seizures. What I particularly like about it is that the sheriff's office, thus the taxpayer of this province, is outside of that loop. We no longer would be involved in any potential judgments that might come through negligence or improper seizure, and I believe that is only the proper thing because this is a matter between that creditor and that debtor. If they're going to play the game, then let them decide the game.

MR. ACTING SPEAKER: The hon. Member for Edmonton-Glengarry.

MR. DECORE: Thank you, Mr. Speaker. This is a pretty marked departure from what lawyers and creditors and debtors have come to know in Alberta in the whole area of debtor/creditor relations. There are some interesting concepts in this proposal. I don't think many people can argue with the concept that calls for a computerization; that is, one central point to have information that relates to the whole of Alberta with respect to claims that creditors have against debtors. I agree that when you have a number of judicial districts, it's sometimes painful and problematic for a creditor to start registering those executions in any number of judicial districts.

But there is a flaw in this Bill, and to me the flaw is that it goes against the fundamental precepts of the English common law as Albertans know it. England over many centuries has developed a system of law that is admired by the world. There are people that go to revolution to try to get what England has developed in terms of its democratic system and its legal system. It's an admired system. It was admired by Canadians who took that English system and admired by most of the Commonwealth that took that English common law system.

Now, that system in dealing with creditor/debtor relations isn't a battlefield. My friend from Lethbridge-West talks about leaving the matter to the debtor and creditor to sort out. It's almost as if they could take a couple of maces at each other and sort the problems out. They do have to go to the court. They go to a third party. They go to the Crown, and they resolve that issue by getting judgment or registering judgment through the process of dealing with the Crown. The process in the past was that the Crown agents would then assist or help in the execution of the claim. There's something I think right and proper about a Crown agent taking a judgment of the court and going to somebody and saying, "I'm here to seize your car or your bonds or your bank account, because I'm the representative of the court, the representative of the Crown, that has made judgment against you," not two people in a battlefield fighting with maces.

What I don't like about this legislation is that it takes that fundamental precept – that is, we do away with the agent of the Crown that goes calling on the debtor – and we hire it off. We give it off. We contract with somebody to go and do the job for us. Now, it's my experience, Mr. Speaker, that when a bailiff had difficulty under the present system, there was a very quick routing of the bailiff to the sheriff, the sheriff to the police authorities, and the necessary action was taken to recover or to solve the problem. In other words, if the bailiff arrives at a house and he is met with force, the bailiff has a very clear route in going through the sheriff to the police and getting quick action.

What this calls for is that the bailiff must now inform the creditor who must go to the court, who must get an order, who must order such and such. I think that the process becomes more administrative. I think it becomes more expensive. My experience is that many of these creditors, hon. member, don't like to give up their assets easily. We need only look at some of the experiences in the United States to see that repossession man in action and the kind of difficulties that ensue.

9:40

Prove to us, hon. member, that there is a serious problem that needs to be solved vis-à-vis the bailiff. Prove to Albertans that there's some union matter that has caused the government difficulty with these bailiffs, these agents of the Crown, these now members of the Crown. Show me, show us that you're fixing a problem that has caused the Crown embarrassment or some people embarrassment or has caused more money somehow to be spent, because I don't believe it. I think the costs are going to be incurred the other way. Show us that there's some evidence of legal or moral wrongdoing that requires us to change this bailiff role, because it's worked really smoothly. Always of the belief that you can perfect something, that there are ways of making it more efficient, but this is a fundamental change. This goes into an American system that I think flies in the face of that English precept that I and I think many other Albertans are pretty comfortable with. I would suggest that the onus is on you to tell us where this model comes from that you're proposing. Show us the statistics that prove the case that this is more cost efficient, that the police won't be brought into a bigger mess in the end with your system. I think they will be. Prove to us that this thing is going to be as efficient and as clean and as cost efficient as you have suggested that it would.

Mr. Speaker, I would also like my learned friend to tell us what consultations have taken place with the Law Society or with the Canadian Bar or with people who are involved – the auto industry, the banking industry – people who have to deal with this kind of problem all the time. Are they satisfied with this initiative? Some of these concepts I think will be something they can agree to, but I'm not sure that they're going to agree to this bailiff concept. I think you've got a lot more convincing to do before you can convince the people of Alberta that your system is a good one, and I await for the debate, hon. member.

Mr. Speaker, might I adjourn the debate on this particular Bill?

MR. ACTING SPEAKER: We have a motion by the hon. Member for Edmonton-Glengarry that we adjourn debate on Bill 49. All in favour of that adjournment, say aye.

HON. MEMBERS: Aye.

MR. ACTING SPEAKER: Opposed, if any? Carried.

### Bill 50 Corrections Amendment Act, 1994

MR. ACTING SPEAKER: Hon. member.

MR. HAVELOCK: Well, thank you, Mr. Speaker. My introductory remarks regarding the moving of second reading of Bill 50 will be brief. I am not as eloquent nor as effusive as my learned colleague and friend from Lethbridge-West.

Mr. Speaker, the rationale behind the Corrections Amendment Act, 1994, is twofold. One, the amendment will provide the

authority for the numerous outsourced enterprises which are currently offered by Alberta correctional services division through the Department of Justice. Secondly, the amendment opens the door for future outsourcing initiatives including feasibility studies to determine the efficacy of outsourcing the operation of remand and correctional facilities, which are currently subject to the Department of Justice.

Just to touch briefly on what we presently outsource, Mr. Speaker, we currently outsource \$22.9 million in numerous services, programs, and enterprises. Included in that \$22.9 million contract budget is \$8 million for aboriginal initiatives, which incorporates the operation of five correctional facilities. We also have a number of other outsourced services, which include but are not limited to dental services, physicians, laundry services, food services, and some probation services.

I've received a note from my colleagues, Mr. Speaker, which asks whether "effusive" means smelly, and I'd like to report that no, that's not the case.

As concerns the privatization of corrections services, as previously noted, we would not proceed into this until we had conducted a feasibility study to determine whether it was practical to do so. I would suggest that some of the parameters in deciding whether or not it would be practical would be whether it would be a safe procedure, whether we would be able to maintain the quality of services, and most certainly whether we would be able to reduce costs.

With that I will conclude. I noted earlier that my remarks would be brief. I think this is a very straightforward amendment, and I hope that all members of the House would support this. Again, I see no difficulty in proceeding with this, simply because we are going to legitimize current practice and also provide the opportunity to look at further studies to determine whether outsourcing of the operations of correctional services and facilities is appropriate.

Thanks very much.

MR. ACTING SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I stand to speak to what I believe is a very important Bill 50, Corrections Amendment Act, 1994. My comments will not be brief. It is a Bill that I believe every Albertan should be taking note of. When we're dealing with the safety and security of our communities, I believe it is the most important area for all Albertans. To suggest that this Bill is anything other than allowing this government a change of philosophy in how they operate correctional services, particularly the secure systems, is a suggestion that I do not accept.

I believed initially, when the discussion took place about Bill 50 and the privatization of jails, that it indeed was being done for fiscal reasons. But after looking at this Bill and listening to the discussions and also listening to the former Solicitor General, Mr. Speaker, I believe it is philosophy that is driving this Bill. It's the philosophy of this government for privatization. It is certainly not for good fiscal management.

Now, I could say that this is very much in my backyard. As everyone knows, the Fort Saskatchewan Correctional Centre is indeed within my constituency and is indeed within my backyard. I think the first thing that should have happened even before we got to this point, was that communities indeed be consulted where there would be a significant impact, where there were correctional facilities in those communities. I want to put on the record some

statements out of my own community from city council acting on behalf of the community. One alderman stated, and made a valid observation, that jails are part and parcel of a judicial system which is a government function. Privatizing jails goes against the fundamental principles of government. I couldn't have said it better myself, and I have said it.

9:50

We have all accepted this institution within our community. The location of jails often causes controversy on the part of the communities directly affected. In our community, however, we have always accepted the jail. When the present jail was moved from our downtown area to where the new one was built, city council put a great deal of effort into keeping it. In fact, that was the time when I was mayor of the city of Fort Saskatchewan. Many people may not know, but the location that the provincial government had chosen for the new Fort Saskatchewan correctional system was south of the petrochemical industries. In fact, land had been optioned for the development of that new facility.

Much to everyone's amazement industry objected to the locating of that facility south of their facilities. The reason was that an incident had taken place in Bhopal, and the petrochemical industry became very conscious of the fact that insurance was becoming extremely difficult, particularly from Lloyds of London, for facilities like the Dows and the Shells and the Sheritt Gordons and the Goodriches. They put on a significant lobby to the extent that I as mayor was summoned to Government House to be told in no uncertain terms that that jail would not be located in the designated site that the then provincial government had deemed was appropriate and that indeed if the city of Fort Saskatchewan wanted to keep the jail, we'd better find a site quickly. What had happened in the meantime was that there was a downturn in the economy, and everybody at that point in time suddenly looked at the Fort Saskatchewan Correctional Centre with great interest, wanted it in their community, because of the payroll. It was an economic factor. What resulted was locating the jail in an area very close to residential. So you can see why the city of Fort Saskatchewan and the residents of Fort Saskatchewan feel they have an important stake in Bill 50.

The jail management recognizes that in order to be accepted by the community, the institution must be maintained and be a good corporate citizen. They have been just that. We are concerned about the possibility of this whole picture being changed by turning this institution over to a private firm.

Many people think that inmates for many years have not participated in the community in a meaningful way. Nothing could be farther from the truth. They have participated in the Clover Bar-Fort Saskatchewan constituency for decades, whether it was clearing the seniors' sidewalks or whether it was producing vegetables for the senior citizens' lodge or cutting wood or clearing pathways. I could go on and on. The inmates of this facility have indeed been active within our community in a very positive way.

The correctional officers are well respected in our community, and as I say, the degree of security that is not only within Clover Bar-Fort Saskatchewan but I'd suggest where there are other facilities located, is much the same.

The city of Fort Saskatchewan is very concerned about the recent statements that were made by the then Alberta Justice minister, the Member for Wetaskiwin-Camrose. Unfortunately, we've seen a recent change and we have a new minister in this portfolio, which lends itself to an increasing concern. Certainly from listening to the answers to the questions put forward by

members in Public Accounts about the possibility of privatization of the jails, we would interpret from the answers the then Justice minister made that there had been indeed no studies done as to whether it would be cost-effective to privatize jails. There did not seem to be any parameters that one could go out and seek people to bid on if indeed privatization takes place. That gives me an increasing level of concern.

I'd also say that if we look at page 89 of the new Auditor General's report, it discusses the correctional services division, noncustodial services. I just want to put this into the record because I think it's very pertinent that here we have a Bill before us, and it clearly shows that they've got no substantive information to make a good judgment call on whether privatization of the security part of the correctional system should go ahead.

The Auditor General states:

There are currently no performance measures in the Division's business plan for reporting on the cost-effectiveness of non-custodial services. Non-custodial services mainly involve the supervision of offenders released into the community, the provision of information to the criminal justice system, and the development of rehabilitative programs. The 1994-95 budget for non-custodial services is approximately \$30 million.

For custodial activities, on the other hand, the Division has performance measures that deal with cost-effectiveness. For example, the division generates per diem costs per prisoner and compares these costs with other jurisdictions and with prior year costs.

Now, the key is the last statement.

Without similar performance measures for non-custodial services, and better information about the nature and cost of these services, it is difficult to demonstrate that reasonable resources are being allocated to appropriate services. It is also difficult to support outsourcing decisions, and to compare costs with other jurisdictions.

Mr. Speaker, I would suggest that Bill 50 is premature at the least and is ill conceived. I had a degree of confidence in listening to the former Minister of Justice that indeed this may never become a reality because of some of his comments to Public Accounts, but that degree has reduced significantly because I'm sure that when he was sitting in Public Accounts answering these questions, he knew full well that he was not going to be Minister of Justice. We now have a Minister of Justice who says he's going to forge ahead with privatization of the jails.

I believe, Mr. Speaker, that every Albertan should be concerned about their safety. If we look at the track record of privatization of jails not only south of the border but in Britain, quite frankly it hasn't worked. I'll state once more in this House that I cannot understand why we have to go out and look at the U.K. or look at south of the border for what should be done in the province of Alberta and Canada. I would suggest, Mr. Speaker, that we've got some of the best brains right here in the province of Alberta, and we don't need to go out to be told how we should be running our correctional systems.

You know, Mr. Speaker, it's ironic. This government and past governments have been great at spending taxpayers' money. In 1991 they went out and commissioned a study Report on Fort Saskatchewan Correctional Centre, presented June 11, 1991. Have these recommendations ever been implemented? No. They go out and find out what needs to be done, and then it's put up on a dusty shelf, and there it stays.

I would suggest that if some of the things in this document here had been done in 1991, we would have seen some cost-effectiveness. We would have seen a reduction in the middle management, the bureaucratic nonsense that we see in many of our institutions in the manner that we run them. But no, they didn't implement anything. I can use the mental health studies that have

been done, not for one decade; they've been done over a period of three decades. You look at the number of people who are in our correctional system that suffer from a mental illness, wrongly placed, a cost to the taxpayer that continues to be repeated time and time again, when if they'd been appropriately placed in the first place, we'd have seen a cost effectiveness and some good outcomes.

10:00

I would suggest also that if indeed the government was serious, involving people in the front lines and coming up with recommendations on how to be more cost-effective and reducing wastage within our system, which the correctional officers are certainly prepared to do – but they have a hesitation. Do you know what the track record was in Britain? What they went out and did was look at how they could improve the efficiencies of their facility. They got the correctional officers to tell them. They implemented them, and guess what facility was privatized. The most cost effective. After the correctional officers had done it for the government.

[Mr. Deputy Speaker in the Chair]

That is exactly what's happening in the health care system as well. Where you show a level of efficiency, what does the government go and do? They turn around and privatize it. So you no way as a correctional officer at this point in time are going to go out and do your dirty work for you, to turn around and find that you've privatized them six months from now.

Mr. Speaker, to suggest that the security aspects of a jail would serve Albertans wrong is mind boggling. How can profit ensure that we have a secure system and that inmates have the appropriate program to rehabilitate them so that they're not the mean and further hardened criminals that we have seen where indeed they've privatized? Well, the Provincial Treasurer may laugh, but I would suggest that where you go around the world, whether it be in the U.K. or the U.S.A., the increase in crime that has happened by the things that Thatcherism did and the fact that they privatized jails in the U.S.A. hasn't given us a caring society, has not reduced crime. In fact, it's the exact opposite, and that's what you're advocating for this province. I think it's ill conceived.

MR. DINNING: Are you almost finished?

MRS. ABDURAHMAN: Mr. Speaker, I've no intention of obliging the Provincial Treasurer by finishing. I'll finish when I feel it's the appropriate time.

Mr. Speaker, I firmly believe that it's important that I also put on the record the statement that the city of Fort Saskatchewan council communicated to the then Minister of Justice to ensure it's on the record in this House and that every member of government is aware of that statement and also that every Albertan has the opportunity through *Hansard*:

The jail at Fort Saskatchewan has a public safety record which is simply outstanding, and to this council that is the most important element when it comes to having a jail in one's community. If we wish to change an institution's management, we must first measure its record in terms of what we hope to accomplish by the change and be assured that public safety will not be compromised. We urge the provincial government not to implement any changes to the operation of our jails without prior consultation with the host communities.\*

Fort Saskatchewan has a distinguished history in law enforcement. We have had a jail of some type ever since 1875, operated

\*This quote could not be verified at the time of publication.

originally by the North West Mounted Police and then the Royal Canadian Mounted Police, the RCMP, and now finally coming under the jurisdiction of the province.

We have indeed problems at the possibility of it being turned over to a private sector. Good corporate citizenship. The jail has been and remains a good corporate citizen in our city. We carry out many partnering projects with the jail, and for many years had help with such projects as park cleanups, seniors' snow clearing, and community assistance with the restoration of some historic buildings. It has been a good relationship for over a long period of time and continues to the rehabilitation of inmates through community programs.

In the Fort we've always been conscious that the jail is located here, and we've known that there's a certain amount of risk in having such an institution here, but generally we felt quite safe because we knew the control was and everything that goes with it. What we are concerned with now is the possibility of the jail being turned into an institution being administered for profit by a private operator.

Mr. Speaker, that's the key: profit.

MR. DINNING: You're opposed to it? You're opposed to profit?

MRS. ABDURAHMAN: I am going on record, Mr. Provincial Treasurer, that when you get into security, whether it be your police forces, whether it be your jails, profit is the wrong ethic that should be in place.

Mr. Speaker, it's interesting that people who created this dilemma have the arrogance – and I'll keep repeating this. The Provincial Treasurer in particular sat there year after year watching a deficit budget being approved, and he has the audacity to sit over there and pretend he's a clock. Maybe that's what it is; he's never really been quite wound up. He has the audacity to sit there and ridicule me when he sat and created a \$40 billion debt. Believe you me, Mr. Provincial Treasurer, if you had not sat there with some of your colleagues and a former Provincial Treasurer, we wouldn't be standing here debating Bill 50 and talking about privatizing jails. It's obscene. It's obscene.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. I want to add a few comments to Bill 50. I guess I'll start off by saying welcome to the world of housekeeping Bills, again referring to an earlier description of a session with some housekeeping Bills that should be wrapped up in a short period of time. I look at some of the Bills that are in front of us, this being one of the more major ones in terms of significance, in terms of the potential impact, and to even remotely feel it is a housekeeping measure is beyond me.

Mr. Speaker, my impression when the Member for Calgary-Shaw introduced the Bill, unless I misunderstood his comments, is that he was telling us that the Bill will be approved, that the legislation will be put in place, and then feasibility studies will be done to determine whether this in fact is the right method to go. If that is the situation, if I did understand him correctly, that's sort of like putting the cart before the horse. Why would you pass enabling legislation or why would you ask us to approve enabling legislation to allow this government to go off and privatize not one, not two, not three but if they wanted to virtually every correctional institution throughout the province of Alberta? Where is it going to end?

A few nights ago when I was watching a movie called the *Shawshank Redemption* – and I don't know if anybody else has

had the opportunity to see that movie playing in the theatres, an outstanding movie – I thought to myself: could this be Alberta a few years down the road? It portrayed a system of an institutional prison that was just unbelievable. [interjections] Mr. Speaker, they can mock the comments and such, but without first having fully explored the feasibility of a concept, to go ahead and look at legislation makes absolutely no sense. There's no indication whatsoever, no indication of any form of consultation with Albertans. There's no indication that Albertans are demanding this type of privatization, that they're asking government to go this far in terms of privatizing.

**10:10**

Now, the government likes to make references on a continuous basis to what's happening in the United States. I don't understand this newfound love they have for the American system. I think we're all aware of some of the disadvantages of the American system in terms of health care, public safety, and so on and so forth. Even if they are that convinced in their own mind that the American way of doing things is the only way to go in terms of privatization, maybe they should do some of these studies first. If they did some of these studies first, Mr. Speaker, they would determine, they would come to realize that in the United States only 1 percent of any function of prisons and correctional institutions is privatized. In most cases what is privatized is certain portions of those institutions – for example, possibly the laundering component or possibly the food component – not the entire system like we could see happening here.

Of course, that privatization in the United States also refers to the fact that the American system likes to have the facilities, the actual construction undertaken by private firms and then turned around and leased to the government, and that again is referred to in their privatization figures. We're not in that same situation here in Alberta, and we don't anticipate building additional correctional facilities. In fact, we're in the process of closing some down. We're in the process of some type of new programs. Some of those programs are good, the community-based programs that members in this caucus have spoken out on before.

Now, when we look at the American system and we look at cost savings that are referred to, the example that's referred to the most is the state of Texas. Yet their controller predicts – and I'm quoting here:

In 1995 the operating costs for prisons in Texas will increase by 272% over 1990 and at the same time the prison population is expected to rise by only 168%.

So certainly that's not pointing to cost efficiencies.

Mr. Speaker, a few days ago looking at this Bill, I wouldn't have taken it quite as seriously as I do now. At that particular time we had a minister responsible for the Justice system that I had a pretty good idea of what the individual's philosophy was when it came to correctional institutions, when it came to other aspects of the justice system. But things have changed. We now have a new minister responsible, and that minister of course has publicly expressed an opinion on privatization of correctional institutions as well as gun control and so on, reflecting a totally different philosophy, reflecting what I feel is a very threatening philosophy in terms of what will happen and what might not happen.

So what might have been a veiled threat of privatization or a reason to fear a few days ago now becomes a reality. Now it becomes a major concern, and it cannot be looked upon lightly. If Albertans out there are thinking this is just the government floating another balloon, they'd better think twice, because that balloon may be just a bit more than being floated at this particular time. It may not be that far down the road that we see something

like the Edmonton Remand Centre being the first one turned over to the private sector with somebody being put under contract to be responsible for that transitional period of time. In fact, there is some indication to believe that maybe some steps in that direction in terms of preliminary discussion have already taken place.

Mr. Speaker, there are numerous questions. There are numerous components of this particular Bill that haven't been addressed that have to be, have to have hours and hours spent upon to flesh out the considerations that may be given. Let me just address a few of them.

Public safety. Mr. Speaker, what determinations, what actions, what, if anything, has been done to ensure that public safety will not be of greater concern under a privatization model than it is at the present time? What assurances can this government give to Albertans, to the taxpayers that, yes, we have this study, and we can guarantee you, we can promise you that without any question your safety will not be jeopardized by the moves we're making? Now, this government has to be able to stand up and tell Albertans that. Otherwise, they don't have the right to proceed with a plan that could jeopardize the safety of Albertans further than it is jeopardized at the present time because of crime and such that happens in the community. That's an obligation that the government owes Albertans.

What about the safety of the guards? I would visualize that we would have a system where the existing correctional officers would probably be replaced with persons of lesser qualifications, persons that would receive lesser pay, would receive lesser benefits, and so on and so forth, because normally that's what we expect the private sector to do. Normally we expect the private sector to be as cost efficient as possible, in fact putting cost efficiencies ahead of anything else, possibly putting cost efficiencies, the economies of it, ahead of public safety and the safety of the guards, the safety of the correctional officers. What assurances can this government give those correctional officers that, yes, we can assure that your safety will not be at any greater risk than it is at the present time? Again, the government must be able, must be prepared to do that.

What about the quality of rehab programs that we now see in attempts to provide the opportunities for prisoners to go through a system to come out a better person, hopefully, than when they went in so that they can enter the community with a different outlook on life, with some skills, with some training in daily living, things they didn't have before, things that would allow them to re-enter the community and not have to follow a life of crime, whatever the case may be? Those rehab programs at the present time are very, very important. Under privatization do we know that they will continue?

Mr. Speaker, how many jobs are we talking about? How many institutions are we talking about? How many feasibility studies are we talking about? Has anybody addressed the question of standards of operation? What standards will be put in place? Will it be minimum requirements? Will they simply be turned over to a private company, and a private company is told: you go at it, and you report to us once a year, whatever the case may be? There has to be, I would assume, some type of standards laid out, unless this is all going to be part of this feasibility study that's been referred to.

What about the situation of ongoing monitoring and evaluation? Is that going to be done by the government? Will there be a bureaucracy within government that would be responsible to oversee the privatized institutions, or is there going to be some type of outside body that would be set up that would be given that responsibility to monitor it? Has that type of provision been looked at in terms of the overall cost of privatization?

Mr. Speaker, the question of liability. If there is an act of negligence that in fact does result in, let's say, danger to the public, risk to the public, and if there is cause for liability, if someone is deemed to be at fault, who bears that liability? Is it a question of that private company? That private company could very well choose to go into bankruptcy. Then who's left holding the bag? Without question, when government is involved in certain types of programs – and government does have a place in the lives of Albertans. Government does have a role in the lives of Canadians, period, a limited role, yes, but at the same time there is a role. There is an obligation. There is a duty. There is an expectation. For the government to recklessly proceed in a fashion that could jeopardize the safety of the public, that could jeopardize what trust the public may have in government is wrong.

This Bill has been brought upon us very quickly in what was deemed to be a very short session, in what was deemed to be a session of housekeeping Bills. Why it would be here at this particular time, when the Member for Calgary-Shaw clearly states that there will be a cause for feasibility studies isn't making sense, Mr. Speaker, unless somebody from that side of the House can stand up and point out that the Bill is simply here for second reading, possibly to go into committee for a bit of debate, and then maybe laid over till the spring. Maybe that's the plan. There's got to be some plan.

*10:20*

Mr. Speaker, it's impossible for me to comprehend that the government would be anticipating giving first reading, second reading, committee stage, third reading, Royal Assent, and then proclaiming this Bill to, let's say, get things under way for January 1, 1995, but by introducing it in this particular session, it of course leads to that possibility. Possibly that is the government's agenda: to conclude this Bill before this session is completed. I may be wrong in my thinking that this is in fact just a process where this is put on the table to alert Albertans to it, to allow them to participate. Maybe the government will realize that they do have an obligation to go out there to Albertans and seek their opinion on some of these things rather than just rapidly heading through.

Mr. Speaker, on that note I'm going to conclude, because there are many others within this caucus that want to debate this particular Bill because of the importance of this Bill.

MR. DEPUTY SPEAKER: The hon. Member for Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. I rise this evening to speak on Bill 50, the Corrections Amendment Act, 1994. I have some major concerns about the direction that we seem to be going with this Bill. There's a lot of discussion in there in terms of what's going to happen, a lot of what appear to be just minor changes, direction changes in the basic Corrections Amendment Act, 1994, but when you look at what these mean to us as Albertans and what they mean in terms of the corrections system, they develop a lot of concern.

I read through the Bill and find that really there's no mechanism in there, not even reference to regulations that would allow the minister to determine what kinds of implications there are for liability for anyone who deals with a private facility as such. We need to have this kind of reference to responsibility built into this kind of an Act that would turn over such a critical service in the community as corrections and incarceration of criminals to allow the communities, especially those communities that are adjacent to such a facility, to be able to feel comfortable that they have some recourse to private operators if they do not operate their

facility in a reasonable manner. So what we need to do is possibly develop a set of regulations that would set parameters on and processes for a community to possibly sue a private operator if damage were caused to the community pursuant to the improper incarceration of persons in the facility.

Also, looking through the Bill, I saw very little reference to the process that we would end up dealing with in terms of monitoring both the way the persons incarcerated would be treated and also the performance standards that the private operators would have to operate under. So basically there's no mechanism in there that gives us a process to say: we're going to come in and make sure that you're working up to standard, both in terms of some degree of humanitarian treatment of the persons involved as well as a degree of safety that's there for all Albertans and those in the community.

It also looks at no real method of dealing with benchmarks that we can see in terms of comparable service between different institutions. Under the current system of provincial jails we have a system where the service provided at different institutions is reasonably common. It's reasonably justified in terms of the common denominator that they use from one to the other. What you're probably going to see here is a system of different facilities being operated by different management teams, and you're going to have different levels of service provided for the inmates, a facility that's developed, and this is really going to cause some concern. I think this needs to be addressed, and I hope this is going to come about at some point in time, before we actually proceed with the direct application of the implications of this Bill.

If we look at the broad scope and the broad change in the way we deal with criminals and prisoners in the Alberta system, I see this Bill as being very broad in scope. It doesn't deal with any kind of a specific definition as to what type of facility might or might not be privatized. This is all left to the discretion of the Lieutenant Governor in Council or the minister. It's basically a situation that we need to deal with in terms of providing some greater scope to the aspects of this Bill in terms of what communities can expect to come in the future. Even if it's in terms of some kind of a process for the privatization of the jail system where we can see a schedule where possibly the persons incarcerated that are of least threat to the community get involved in this process first and then the more vicious or violent criminals are the last to be included in this kind of a privatization scheme. We need to have some kind of a system like that so that the people of Alberta feel comfortable with any kind of a process like this and they can get a feel for how it deals.

The Member for Calgary-Shaw talked about that we're already outsourcing a good proportion of the expenditures that go into our jail system. In this particular aspect, I think most of us would agree that some activities can be outsourced. This is a good mechanism to create a competitive structure of costs in facility-based management systems like this, and we need to have some degree of incentive for the process that goes on within the facility to be cost-effective relative to the outside systems. So we end up there with, you know, a really good argument that possibly outsourcing things like laundry or food services or some of the other aspects could be dealt with very effectively. But when we get to the actual management of the facilities, the construction of the facility and the supervision of the inmates within the facility, this is possibly, in my opinion, a step too far, and we don't need to proceed that far in terms of our privatization.

The Member for Calgary-Shaw also dealt with outsourcing facilities to First Nations inmates, and here what we see is basically a situation where – and I fully support this kind of specialized process, specialized consideration for First Nation

members – this allows these members to be incarcerated in a climate consistent with their culture and rehabilitation goals. I think that's the kind of situation that we can deal with in a privatization of a facility, but when we start dealing with the major components of our rehabilitation and incarceration systems, I don't think privatization is the way we want to go.

I was also interested to note that the Member for Calgary-Shaw made a reference to the fact that they were introducing the Bill now, but we didn't have to worry. There were going to be further studies done, and when they found out that privatization was really the way to go, then they would already have the legislation in place so that they could go ahead and do it. Mr. Speaker, I might suggest that this is a little bit backwards. What we should be doing is looking at our studies, taking the information to the people of Alberta, letting them feel comfortable with the idea of such a critical situation as privatized jails, and then implementing the legislation in full public debate with the data and the information available so that the people of Alberta could feel confident that such a process and such an activity is justified within the context of the studies that were provided and the data that were given to the people of Alberta upon which they could base this decision.

Mr. Speaker, I'd just like to speak directly to a couple of the points that came up when I looked at the specific clauses in the legislation. Specific reference I'll make to section 9, which amends section 18 of the original Act. Subsection (2) of that says that the products of an employment program inside a correctional centre, other than one that is operated pursuant to an agreement under section 3.1, are the property of the government of Alberta. It goes on to talk about the implications of such products as well being the property of the management firm, if they're produced under a firm. So what we end up here with is a lot of conflict going on.

#### 10:30

Later on we also see in section 10 where they're talking about amendments to the Bill's section 20. They talk about interest earned from trust accounts. Here's another interesting situation where we have different criteria to deal with an institution that is run by the province and a centre which is run under section 3.1. Basically what we're going to have is a conflict of interest here where if prisoners are provided with an option, they're going to be making choices as to which correctional institution they're sent to based on the amount of money they can earn if they are put into those. What we find is that the interest earned under a provincial-run institution goes into a trust account to look after the welfare of the inmates of correctional centres in Alberta, but if they're in a privately operated centre basically serving the same function, any interest earned on their trust accounts goes back to the inmate at the time they are released and freed back into society. So basically without the same kind of a remuneration program in place in the two systems, an inmate would obviously choose to go to the private operator's facility because there they're going to get the interest that accrues on their wages paid during the period of their incarceration.

Just a small comment back on the discussions that deal with the payment of wages to persons incarcerated in a facility. If the products that are produced from this become the property of the government or the property of the management firm that's looking after it, I would suggest that the government needs to be very cautious and make sure that none of these products enter the export market, because under all of our new trade agreements the production of such a product that would end up in an export market is in violation of those agreements. So the minister better



be aware of this fact and make sure that any product produced that enters into a commercial market from one of our corrections institutions does not cause problems with our international trade agreements.

Mr. Speaker, I find that the process of this Bill is really kind of backwards to what we would normally expect in terms of information provision to the public and then legislation to enact upon that information. I would hope that all members of this Legislature vote against it and wait for the time when we have the information that we can deal with this Bill appropriately.

Thank you.

MR. DEPUTY SPEAKER: The hon. Minister of Justice and Attorney General.

MR. EVANS: Thank you very much, Mr. Speaker. I've listened attentively to some of the comments from the Liberal opposition with respect to Bill 50, and I'd like to make just a few points here. First of all, my predecessor, the former Minister of Justice, had very clearly indicated that he was studying the issue of contracting out corrections services within the province. As a result of that, a number of initiatives in other jurisdictions have been reviewed, and that review is ongoing. I believe the former Minister of Justice clearly pointed out that he was hoping to have a report before him by the end of this year, and in the meantime he was going to proceed with enabling legislation. Clearly, the first priority of the Department of Justice is the safety of the law-abiding citizens of the province of Alberta, and contracting out or privatization is only contemplated if it can be done in a safe and reasonable manner and as a benefit to the people of Alberta, that

being in a more cost-efficient manner than under the current scenario. So these kinds of issues will be considered very carefully, and a report will be brought to my attention by year's end.

In the meantime, we are trying to be proactive and move forward with this enabling legislation, which will give us the opportunity to move forward with a pilot project if the information that we get back indicates that, yes, this can be done in a safe and reasonable manner, putting no one, no law-abiding citizen of this province at risk and it can be done in a cost-efficient manner.

So with those comments, Mr. Speaker, I hope I've allayed some of the misguided fears of the Liberal opposition. I know that they want to have time to consider my comments and to consider the appropriateness of this legislation over the course of the evening, and accordingly I would move that we adjourn debate on Bill 50.

MR. DEPUTY SPEAKER: The hon. Minister of Justice and Attorney General has moved that we adjourn debate on Bill 50. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: Carried.

[At 10:36 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]

