

No. 67

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4th Session, 14th Legislature, Alberta  
10 Elizabeth II

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## **BILL 67**

A Bill for the Recognition and Protection of Human Rights  
and Fundamental Freedoms within the Province of Alberta

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MR. WATKINS

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# BILL

No. 67 of 1962

An Act for the Recognition and Protection of Human Rights  
and Fundamental Freedoms within the Province of Alberta

(Assented to \_\_\_\_\_, 1962)

The Legislature of the Province of Alberta having cognizance of the Act of the Parliament of Canada known as the Canadian Bill of Rights;

And being resolved that the rights and freedoms therein provided shall have equivalent affirmation and protection in matters over which this legislature has sovereign and ultimate responsibility;

THEREFORE HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Alberta enacts as follows:

**1.** This Act may be cited as "*The Alberta Bill of Rights Act*".

**2.** It is hereby recognized and declared that within the Province of Alberta there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex the following human rights and fundamental freedoms, namely

- (a) the right of the individual to life, liberty, security of person, and enjoyment of education, employment and property and the right not to be deprived thereof except by due process of law,
- (b) the right of the individual to access to the law, of equality before the law and of the protection of the law,
- (c) freedom of religion,
- (d) freedom of speech,
- (e) freedom of assembly and association, and
- (f) freedom of the press.

**3.** Every statute of the Province of Alberta shall, unless it is expressly declared by Act of the Legislature of Alberta that it shall operate notwithstanding this Act, be so construed and applied as not to authorize the abrogation, abridgement or infringement of any of the rights or freedoms herein recognized and declared and in particular no law of the Province of Alberta shall be construed or applied so as to

- (a) authorize or effect the arbitrary detention or imprisonment of any person,
- (b) impose or authorize the imposition of cruel or unusual treatment or punishment,
- (c) deprive a person who has been arrested or detained
  - (i) of the right to be informed promptly of the reason for his arrest or detention,
  - (ii) of the right to retain and instruct counsel without delay, or
  - (iii) of the remedy by way of *habeas corpus* for the determination of the validity of his detention and for his release if the detention is not lawful,
- (d) authorize a court, tribunal, commission, board or other authority to compel a person to give evidence if he is denied counsel or protection against self-incrimination or is denied any other constitutional safeguard,
- (e) deprive a person of his right to a fair and public hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations,
- (f) deprive without just cause a man charged with any offence under any Act of the Province of Alberta of the right to be presumed innocent until proven guilty according to the law in a fair and public hearing by an independent and impartial tribunal or of the right to reasonable bail, or
- (g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness before any court, commission, board, tribunal or other authority if he does not understand or speak the language in which such proceedings are conducted.

4. (1) Nothing in this Act shall be construed

- (a) to abrogate or abridge any human right or fundamental freedom not enumerated herein that may have existed in the Province of Alberta at the commencement of this Act, or
- (b) to abrogate or abridge the rights and responsibilities of the Parliament of Canada to take such measures in the public interest and for the protection of the Realm as are within its competence under the British North America Act.

(2) The expression "Statute of Alberta" means an Act of the Legislature of Alberta enacted before or after the coming into force of this Act, any rule, order, or regulation made thereunder and any law in force in the Province subject to be repealed, abolished or altered by the Legislature of Alberta.

(3) This Act shall be construed as extending only to matters coming within the legislative authority of the Legislature of Alberta.

**5.** The provisions of this Act shall bind the Crown and every servant and agent of the Crown.

**6.** This Act comes into force on the day upon which it is assented to.

No. 67

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FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

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**BILL**

An Act for the Recognition and  
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Received and read the

First time .....

Second time .....

Third time .....

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MR. WATKINS

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