

LEGISLATIVE ASSEMBLY OF ALBERTA

Wednesday, May 17th, 1972

(The House met at 2:30 pm.)

PRAYERS

(Mr. Speaker in the Chair.)

INTRODUCTION OF VISITORS

DR. HOENER:

Mr. Speaker, it gives me a great deal of pleasure to introduce to you and to the hon. members of the House 50 members of the Rich Valley School in Rich Valley, Alberta, which is in the constituency of Barrhead. They are seated in the public gallery. I would ask them to rise and be recognized by the House.

MR. CHAMBERS:

Mr. Speaker, I am pleased to introduce to you and on your behalf to the hon. members of this Assembly 65 happy Grade V students from St. Angela's School which is located in the Edmonton Calder constituency. The students are accompanied by their teachers Mrs. Chevalier, and Mrs. Klimchuk. I would like to congratulate them on their interest in these proceedings. I understand from the students this morning that they were studying the seating plan so they are able now to identify each of the members here. They are seated in the public gallery and I would now ask that they stand and be recognized by the members.

DR. MCCRIMMON:

Mr. Speaker, it gives me great pleasure to introduce today to you and through you to the hon. members of this Assembly 45 Grade XII students from Ponoka Composite High School. They are accompanied by their teachers Mrs. Taylor, Mr. Lemke, and by the bus driver, Mr. Fiske. We are delighted that they could take time off and come to see the democratic process in action and I would ask them now to stand and be recognized by the House.

MR. STROMBERG:

Mr. Speaker, it is always a special event for me to introduce to you and to the members of this Assembly a school from my constituency. Today we have with us 21 students and their teacher Mr. Ron Williams from Heisler, Alberta. They are seated in the public gallery and I would ask them to stand and be recognized by this Assembly.

MR. HARLE:

Mr. Speaker, it is with a great deal of honour that I wish to introduce to you and to the hon. members of this Assembly, His Honour, Judge Duncan M. Gardiner, retired district court judge. He is sitting in the members' gallery. I would ask that he please stand and be recognized.

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FILING RETURNS AND TABLING REPORTS

DR. HORNER:

Mr. Speaker, I would like to table a Return in response to the question asked by the hon. Member for Calgary Bow in regard to the question of equine infectious anemia. The reply essentially, Mr. Speaker, is that the documentation I have involves a particular individual and his herd. Because of that I feel rather strongly that the documents shouldn't be tabled in public, but I will make them available to any interested hon. member in regard to the situation as it now stands in Alberta.

MR. DICKIE:

Mr. Speaker, I would like to table a report prepared for our department by James A. Lewis Engineering Company Limited. The report is entitled "Review of State and Federal Royalties" applicable to crude oil production, major producing states of the United States and the Province of Alberta, March 1972. This report is a comparative analysis of the current Alberta Crown royalty charged against crude oil production and its equivalent in the six major producing states of California, Louisiana, New Mexico, Oklahoma, Texas, and Wyoming. I draw to the hon. members' attention the last page of the report which is in summary form and shows the comparison. I have had copies prepared for all hon. members and they will be distributed today.

ORAL QUESTION PERIOD

Age Limit for Dairy Loans

MR. BUCKWELL:

Mr. Speaker, I would like to ask a question to the hon. Minister of Agriculture. This is under the Department of Agriculture Act with respect to regulation no. 6 of the Alberta Dairy Development Loan where farmers under 40 are given a rebate on a sum equal to the amount of interest paid by the borrower on the loan, subject to provisions made in these regulations. Could the minister advise the reason why the age of 40, rather than 50, was used?

DR. HORNER:

Mr. Speaker, I cannot, other than to suggest that it's a sincere attempt to encourage our younger farmers back into the dairy industry. The average age of people involved now in the dairy industry is something like 56 years. I feel rather strongly that if we're to really have an expansion we have to get our younger farmers back into the dairy industry. I want to say that knowing ahead of time -- whatever age one chooses -- one gets into trouble by drawing a line as to when you're old and when you're young. It doesn't refer, but it is a sincere attempt to get our younger farmers back into the dairy industry. I would hope that the older farmers would still take advantage of the loan and be in a better position, of course, than the younger farmers to pay the interest themselves.

MR. BUCKWELL:

A supplementary question, Mr. Speaker, to the hon. minister. Until he became the Minister of Agriculture, and knowing that he is under 50, does he not feel that 50 is still a young age?

DR. HORNER

Yes, Mr. Speaker. I think that as one gets older, the age which one considers young advances steadily. I have had some representations from some of the older farmers in Alberta who are

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interested in developing a dairy industry. I want to say very sincerely that I hope they will take advantage of the loan and do just that, and perhaps by example show our younger people that they, too, should get involved.

MR. NOTLEY:

A supplementary question, Mr. Speaker. Can I take it from the hon. minister then that the age of 40 is a ceiling and the government is not prepared to budge on it? Or can we assume that with sufficient representation the government will be willing to listen and perhaps adjust this age ceiling?

DR. HORNER:

Mr. Speaker, this government is always ready to listen and to adjust for the needs of the people of Alberta.

MR. CLARK:

Mr. Speaker, now that the minister is in an adjusting mood, I wonder if he would explain to us why the government felt it was necessary to place an age limit of 40 -- or if we can twist your arm enough to make it 50 -- why was it necessary to have an age limit at all on this interest rebate?

DR. HORNER:

As I tried to intimate initially, Mr. Speaker, one of the serious considerations has been the average age of the farmer involved in the dairy industry today in Alberta and that's somewhere in the area of 56 or 57. We've had a decreasing production of dairy products which I think is rather serious in a province like Alberta, with market opportunities available. In an obvious right out-and-out attempt to encourage our younger people in agriculture to get into the dairy industry, that's the exact reason for the age limit. I walked into it with my eyes wide open, knowing that any time you put an age limit into something like this, you're going to get some criticism on both sides. I'm quite willing to listen to representations on the age limit, that you're still young at 50, because I'm fast approaching that age, Mr. Speaker.

MR. RUSTE:

Mr. Speaker, a supplementary question to the minister, then. Will he consider going half way and saying 45 is the age limit?

DR. HORNER:

Yes.

MR. SPEAKER:

The hon. Member for Camrose, followed by the hon. Member for Calgary Bow.

Master Farm Families

MR. STRCMBERG:

Thank you, Mr. Speaker. I have a question to the hon. Minister of Agriculture. Will you be dropping the program of honouring Alberta master farm families?

DR. HORNER:

Mr. Speaker, I think perhaps the hon. member is referring to a news report that the Edmonton Exhibition Association was reviewing

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their award system that they put on during Klondike Days, in which they honour certain farm families within northern Alberta. I might also say to the hon. gentleman and to the House that my department is considering its own program in which master farm families are awarded each year, to see whether or not we are, in fact, doing the right thing in this program. Like all the programs in the department they are under review to improve them and spend the dollars in the best way to improve the outlook and the hopes of agriculture.

MR. SPEAKER:

The hon. Member for Calgary Bow, followed by the hon. Member for Spirit River-Fairview.

Saleswomen for Liquor Outlets

MR. WILSON:

Mr. Speaker, I would like to direct a question to the hon. Attorney General. What is the policy of the Alberta Liquor Control Board regarding women sales representatives for breweries?

MR. LEITCH:

Mr. Speaker, I don't know, but I'd be delighted to make inquiries and inform the hon. member.

MR. WILSON:

Supplementary, Mr. Speaker. Has the Liquor Control Board approved any women as sales representatives?

MR. LEITCH:

As I indicated in my answer to the first question, Mr. Speaker, I don't know. I will check into it and give the hon. member an answer.

MR. WILSON:

Supplementary, Mr. Speaker. Inasmuch as approximately 30 per cent of all beer drinkers in Ontario are women, and the Liquor Control Board in Ontario . . .

MR. SPEAKER:

Order, please. The hon. member's question is running to too much preamble. Would he ask the question directly, please.

MR. WILSON:

Would the Lougheed government assure that the Alberta Liquor Control Board policy gives women equal employment opportunities with men?

MR. SPEAKER:

The hon. Member for Spirit River-Fairview, followed by the hon. Member for Stony Plain.

Marlboro Logging Co-op

MR. NOTLEY:

Mr. Speaker, I would like to direct this question either to the hon. Minister without Portfolio, Mr. Adair, or the hon. Minister of Agriculture. Can the hon. minister advise the House what consulting

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firm was chosen to review the conditions of the Marlboro Logging Co-op? And further, have they reported as yet?

MR. ADAIR:

Mr. Speaker, I would be delighted to answer that question. The firm of Moncrieff, Montgomery and Associates were selected to do that study. They have a study that has just been completed. I didn't get the last part of your question. Would you ask it again, please?

MR. NOTLEY:

A supplementary question then, Mr. Speaker. The last part of my question is, have they reported? Supplementary to that question -- in considering the firm to do the study, did the government give any consideration to the consulting firm employed by the Metis Association themselves?

MR. ADAIR:

I would have to check that. The firm that was selected was chosen through HRDA, the Human Resources Development Authority. That study has been completed. We do not have the final report in as yet, but as soon as it is received we will be looking at it and studying it.

MR. NOTLEY:

Further supplementary question, Mr. Speaker. When that report is received, (1) Will it be tabled in the Legislature? (2) Perhaps more important -- will the board of the Marlboro Co-op receive a copy of the study?

MR. ADAIR:

In answer to the question -- will it be tabled after we have studied it and had an opportunity -- I am quite sure it can be, Mr. Speaker. Also a copy will be going to the members of the board of the Marlboro Co-op.

MR. SPEAKER:

The hon. Member for Stony Plain, followed by the hon. Member for Lethbridge West.

Community Ice Arenas

MR. PURDY:

Mr. Speaker, a question for the hon. Minister of Culture, Youth and Recreation. Will any grants be made available to communities who have, and will continue to have, to operate covered ice arenas with a deficit?

MR. SCHMID:

Mr. Speaker, under Regulation 198/68, which as I have said before, is being reviewed, the communities are presently being paid \$1 per person, out of which 70% should be for administration, 20% for maintenance, and 10% for workshop or part-time help.

If the hon. member refers to the hamlet of Wabamun -- there are about 300 people there -- he is probably speaking then, of about \$300. I am afraid that is not very much to operate an ice arena. However, as I said before, we are reviewing the regulations, and hopefully, will come up with a better solution.

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MR. SPEAKER:

The hon. Member for Lethbridge West, followed by the hon. Member for Calgary Millican.

Retarded Children's Schools

MR. GRUENWALD:

Mr. Speaker, I would like to direct my question to the hon. Minister of Education. I would beg your indulgence for just a little bit of latitude for background, and I promise not to overdo it.

In Lethbridge, Calgary, and Edmonton in the past, there have been certain privately-operated schools for the retarded children. These have been staffed and operated very successfully by uncertified instructors who were very patient and understanding and dedicated people. But because of financial implications most of these schools have now been taken over by school boards. What I would like to know is, is it your policy and do you believe that the only teachers who should be permitted to teach in these schools are teachers with permanent teaching certificates?

MR. HYNDMAN:

Not necessarily; no, Mr. Speaker. This is one of the areas we are looking into now. The question is whether there is a sufficient degree of flexibility in the regulations regarding certification, especially in areas of special education, where one might well be able to argue that a degree of empathy and sympathy towards the person who is being taught and helped is perhaps as important as, or more important than any cerebral, academic knowledge of education.

MR. GRUENWALD:

Supplementary then, Mr. Minister; in the event that the particular school board or school district were making this a condition of employment for certification, could you see yourself intervening?

MR. SPEAKER:

The hon. member's question is hypothetical, however if the minister wishes to --

MR. HYNDMAN:

Well, I think that is the kind of question Mr. Speaker, that one would have to know the specific instance. Many of these cases are of an unusual, select nature, differing in respect of each teacher, each class, and each school board, but I would be more than happy to look at a request of that kind. I couldn't guarantee any action one way or the other.

MR. GRUENWALD:

I would like to ask a supplementary that wouldn't be hypothetical. Have representations been made to you, either by school boards or by the ATA, in which this has become a problem -- in other words, protesting that they do not have certificates, or on the other hand requiring that they shouldn't be put into the school unless they have a certificate?

MR. HYNDMAN:

Mr. Speaker, I think that has been alluded to in an oblique way in a number of briefs, but I haven't received any definitive submissions dealing specifically with that concern to indicate that

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it was a matter of pre-eminent concern by either party. However, I do believe it is worth looking into, and I would be happy to receive any further proposals the hon. member might have in that regard.

MR. SPEAKER:

The hon. Member for Calgary Millican followed by the hon. Member for Calgary Bow.

Calgary City Police Dispute

MR. DIXON:

Mr. Speaker, I would like to direct a question to the hon. Attorney General, today. Is he aware of the fact that the dispute has broken out in the open between the city police of Calgary, and the chief magistrate, the mayor of our city? And I was wondering if representation had been made to him, to see if he would not act as a mediator in this dispute, because I don't think it is good for the morale of the city police force, or for good law enforcement, as far as the citizens are concerned.

MR. LEITCH:

No such request has come to me, Mr. Speaker.

MR. DIXON:

Supplementary then. If a request did come to the hon. the Attorney General -- [Interjections] -- Mr. Speaker, would he be prepared to act?

MR. SPEAKER:

The hon. member is well aware of the hypothetical -- [interjections] -- The hon. Member for Calgary Bow followed by the hon. Member for Vermilion-Viking.

Home Improvement Taxation

MR. WILSON:

Mr. Speaker, I would like to direct a question to the hon. Minister of Municipal Affairs. Is it the intention of the government to introduce legislation at this session which would allow homeowners to make home improvements, without it increasing their assessment?

MR. RUSSELL:

No, Mr. Speaker.

MR. WILSON:

Supplementary, Mr. Speaker. Was this not an announced policy of the Lougheed government?

MR. SPEAKER:

The hon. member's question is out of order. That policy by now would be a matter of record, if the hon. member can refer to it. The hon. Member for Vermilion-Viking.

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CASE Agency

MR. COOPER:

Mr. Speaker, my question is for the Minister of Federal and Intergovernmental Affairs. It needs a little preamble, too. Ottawa has announced a new agency called CASE, which stands for Counselling Assistance to Small Enterprise, and is presently looking for locations to open up offices in the provinces. Is it the intention of the Alberta government to ask for an office in Alberta?

MR. GETTY:

Well, Mr. Speaker, I would have to assess the program which CASE is intending to implement. Sometimes there are advantages in having federal offices within your province. Sometimes there just aren't, and in cases where it falls within provincial jurisdiction it can create considerable problems. So I would give the member my assurance that we will investigate the objectives of this organization, and report back as to whether or not it would be one we would like to have in the province.

MR. COOPER:

The hon. member also answered my supplementary, Mr. Speaker.

MR. SPEAKER:

The hon. Member for Clover Bar.

Jurisdiction on Highways

DR. BUCK:

Mr. Speaker, I would like to ask a question of the hon. Minister of Highways, my good friend and Member for Banff-Cochrane. And my question arises out of the -- [interjections] -- fatality that occurred in Ft. Saskatchewan last week where a young boy was killed on a bicycle, and my question is this: In relation to highways that run through pretty well a large portion of a municipality -- a town such as this -- is the highway within the confines of that town, within the town boundaries, under the jurisdiction of the Department of Highways, or under the jurisdiction of the municipality?

MR. COFITHORNE:

In the case of the situation that the hon. member is talking about, I'm not real positive but I would imagine it would be under the jurisdiction of Highways, and would be under their jurisdiction.

DR. BUCK:

A supplementary question. If there was to be a change as far speed limits or installing of lights and things related to safety aspects, would this be done by the town in consultation with your department? Is it fairly flexible -- is what I'm getting at -- so that these changes can be made if they are desired?

MR. COFITHORNE:

Yes, Mr. Speaker, it's negotiable.

MR. SPEAKER:

The hon. Member for Macleod, followed by the hon. Member for Lesser Slave Lake.

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Overseas Trade Missions

MR. BUCKWELL:

Mr. Speaker, a question to the hon. Minister of Agriculture. Yesterday there was reference to the fact-finding mission returning from Europe. At the present time is there a fact-finding mission in the Far East or the Pacific rim countries? If so, would the same personnel be used that were in Europe?

DR. HORNER:

There isn't at the present time any mission in the Far East. There is one planned for later on. We're hopeful that we will, in fact, have a member of the marketing commissioner's staff assigned to the Far East and that will be his special area to work in. In conjunction, the Minister of Industry, the Minister of Tourism, and the Minister of Federal and Intergovernmental Affairs will co-ordinate his activities in the Far East. These won't be the same people that were in Europe. As a matter of fact, the people who were in Europe were members of the Hog Marketing Board and a member of my department, Mr. Omar Broughton, who is in charge of commodity development.

MR. SPEAKER:

The hon. Member for Lesser Slave Lake, followed by the hon. Member for Calgary Millican.

Motions for Return 190 and 197

MR. BARTON:

Mr. Speaker, I would like to direct this question to the hon. House Leader. I was wondering at what stage are Motions for Return Nos. 190 and 197 in my name?

MR. HYNDMAN:

I don't have a record of those, Mr. Speaker, but I believe the hon. Minister of Municipal Affairs might be able to look into that, insofar as he's correlating the returns in that regard.

MR. SPEAKER:

The hon. Member for Calgary Millican.

Calgary City Police Dispute (cont.)

MR. DIXON:

Mr. Speaker, I would like to go back to the hon. Attorney General regarding the police dispute in Calgary. Would the provisions of the Provincial Police Commission allow the Commission to act on behalf of, or in place of, the Calgary Police Commission, if called upon to do so?

MR. LEITCH:

Mr. Speaker, I can't give a definite answer to that question without checking The Police Act. There are provisions in that act, as I'm sure the hon. member is aware, which define the authority of the Attorney General and the Alberta Police Commission and local police commissions with respect to law enforcement. But to answer any specific question about that, I would just have to look at the legislation.

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MR. SPEAKER:

The hon. Member for Spirit River-Fairview.

Pacific Rim Trade

MR. NOTLEY:

Mr. Speaker, I would like to direct this question the hon. Premier. Five or six weeks ago, both in the Question Period and during the estimates of the Minister of Agriculture, some discussion took place around the question of expanding trade with the Pacific rim countries, including the Peoples' Republic of China. During the Question Period I asked you whether or not the government had given any consideration to contacting Mr. Chester Ronning, who is perhaps Canada's best known individual with good knowledge of the Peoples' Republic of China. At that time, if my memory serves me right, you indicated to the House that you would give consideration to at least considering a meeting with Mr. Ronning. My question to you now is, have you had an opportunity to meet with Mr. Ronning, to see whether he would be willing to act in an advisory capacity as we attempt to improve our trade with the Peoples' Republic of China?

MR. LOUGHEED:

Yes, Mr. Speaker. Subsequent to being asked that question and the assurances that I gave the House, I wrote to Mr. Ronning. It is just today that I have been informed by my staff that a letter has been received, but frankly I haven't had an opportunity to read the letter and I'll try to make an assessment of it and report back to the House tomorrow.

Farm Implement Dealerships

DR. HORNER:

Mr. Speaker, if I could reply briefly to two questions -- that have been hanging fire -- that were directed to me, one by the hon. Member for Spirit River-Fairview in regard to the particular machinery dispute and the court case. My people have now reported back that they are in discussion with the lawyer who's involved in the case and will be making recommendations along the way, if necessary, for changes in the act to plug that particular loophole.

The other question that was outstanding was one from the hon. Member for Wainwright, I believe, in regard to the question of the closing of farm implement dealerships. We have reviewed the act as it now stands, of course, and the only involvement is that the manufacturer is obligated to provide customers with repair parts within a reasonable time. There is nothing in the act that can prevent them from closing dealerships.

I might say to the hon. members, Mr. Speaker, that we have now moved ahead and have appointed a director of The Farm Implement Act and we hope then to set up a sort of watchdog committee and move forward in the area by looking into the whole question of farm machinery practice.

Adams Lookout Well Drilling

DR. WARRACK:

Mr. Speaker, recently I gave an undertaking to the House to check into an enquiry regarding some well drilling that was occurring at Adams Lookout in the Willmore area of Alberta. I have done this and discovered that what is occurring is a deepening of an already drilled and existing well. The question was directed both to me and the hon. Minister of Mines and Minerals, and we've checked into this

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thoroughly and found it is not a new well. It is the deepening of an existing well at that location in the Willmore area of Alberta.

Bills 1 and 83

MR. TAYLOR:

Mr. Speaker, I wonder if I could address a question to the hon. House Leader. With reference to Bill No. 83, The Mental Health Act, which is not yet printed, I would request that a larger number of these than normal there seems to be quite a demand for this bill on our side of the House, and I'm wondering if we could have a larger supply ordered?

In connection with Bill No. 1, our members also find a need for more and the office is already out of supply. I'm wondering if there could be a new supply because now that the information is out many people are asking for a copy of this bill, and many members will want to supply the demand.

MR. HYNDMAN:

Mr. Speaker, I think those are certainly reasonable requests and we will take them under advisement right away with a view to providing more copies of Bills No. 1 and 83.

ORDERS OF THE DAY

GOVERNMENT MOTIONS

MR. HYNDMAN:

Mr. Speaker, I move that you do now leave the Chair and that the Assembly resolve itself into Committee of the Whole to consider a Resolution for a Bill for an Act being The Mineral Taxation Act, 1972. His Honour the Honourable the Lieutenant Governor having been informed of the contents of the said bill recommends the same for the consideration of the Assembly.

[The motion was carried without dissent.]

[The Speaker left the Chair.]

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COMMITTEE OF THE WHOLE

[Mr. Diachuk took the Chair.]

MR. CHAIRMAN:

The Committee of the Whole Assembly will come to order, to consider the resolution that it is expedient to introduce a bill for an act being The Mineral Taxation Act, 1972.

Are you all agreed to have this resolution passed?

HON. MEMBERS:

Agreed.

MR. DICKIE:

Mr. Chairman, I move that the resolution be reported.

[The motion was carried without debate.]

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MR. BENOIT:

Could we ask questions on this, Mr. Chairman, or is that proper at this time?

MR. CHAIRMAN:

Not at this time but at the committee stage. Yes, Mr. Minister?

MR. HYNDMAN:

Mr. Chairman, I believe it can be debated at the resolution stage, but it's not a question and answer period like the Question Period.

MR. BENOIT:

What I was requiring was a little information as to the nature of the bill. Is it possible to get that at this time?

MR. CHAIRMAN:

It is going to be introduced shortly.

MR. HYNDMAN:

Mr. Chairman, I move that the Committee rise and report the resolution.

[The motion was carried without debate.]

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[Mr. Speaker resumed the Chair at 3:05 p.m.]

MR. DIACHUK:

Mr. Speaker, the Committee of the Whole Assembly it is expedient to introduce had under consideration the following resolution: That a bill for an act being The Mineral Taxation Act, 1972, and the committee begs to report the same.

MR. SPEAKER:

Having heard the report does the House agree to receive it?

HON. MEMBERS:

Agreed.

[The resolution was read a second time without debate or dissent.]

INTRODUCTION OF BILLS

Bill No. 95, The Mineral Taxation Act, 1972

MR. DICKIE:

Mr. Speaker, I beg leave to introduce a bill being Bill No. 95 entitled The Mineral Taxation Act, 1972. The proposed amendments to this bill were referred to in the position paper filed by the government entitled Tentative Natural Resources Revenue Plan.

I'd like to highlight some of the important sections of that bill if I might, Mr. Speaker. I think the first one I'd like to draw to the hon. members' attention is the charging section and the wording of that. That section provides that every right to a mineral

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is liable to assessment and taxation. I specifically refer to 'every right' there, Mr. Speaker.

I also draw to the hon. members' attention the 'definition' sections of the act as to their key to interpreting the charging section. You will also notice that we refer to every mineral, and hon. members will recall in the Tentative Position Paper, its initial intention is to assess crude oil reserves.

The act also provides for the appointment of a Chief Assessor. The Chief Assessor will then assess the crude oil reserves at fair actual value. The act further provides for an appeal provision, and that sets up a Mineral Assessment Appeal Board consisting of three persons. It later on provides for the striking of a mill rate by the Deputy Minister, and after the mill rate is struck the tax notices will be sent out, and after June 30th of each year, if the taxes are not paid they will be in default.

I would also draw to the hon. members' attention another key section dealing with the exemption provisions. That is, any mineral can be exempt from the provisions of the act, and also there are provisions for exemption from taxation.

MR. DIXON:

I wonder if I could ask the hon. minister a question for clarification. Hon. minister, would this touch on the -- where I, for example, own a section of freehold land we are paying small mineral taxation at the present time -- is there any increase coming about under that act?

MR. DICKIE:

Yes, Mr. Speaker, this does cover the freehold land, and when the hon. member refers to an increase, that will be dependent on what the mill rate is struck at, at that time.

MR. DIXON:

What if it is not producing?

MR. DICKIE:

Mr. Speaker, might I just clarify the additional question asked by the hon. member. I think the point is well taken that the Mineral Taxation Act did have a provision dealing with producing and non-producing lands, and this does apply to all land, whether it is producing or non-producing. But there are exemption provisions in the act.

[Leave being granted Bill No. 95 The Mineral Taxation Act, 1972 was introduced and read a first time.]

GOVERNMENT BILLS AND ORDERS
(Second Reading)

Bill No. 1 The Alberta Bill of Rights
(Adjourned debate)

MR. FRENCH:

Mr. Speaker, in rising to take part in the debate on second reading of the Alberta Bill of Rights, I want to make it abundantly clear, I certainly support the principle of this bill. However, having said I support the principle of the bill, I must say I have one or two points that have concerned me and I feel I have a responsibility to bring these matters to the attention of the Legislature. However, I want to make it abundantly clear that these

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items which I intend to refer to this afternoon must not in any way be construed as being opposed to the principle of the bill.

I would like to congratulate the hon. Premier on his fine presentation of the bill. I think Monday afternoon was one of the best afternoons we have had since the session started. And I'd also like to congratulate the other members who have spoken on this bill for their concerns for the rights of the individual. I'm sure it's comforting to all of us in the House, and also to the people in Alberta, that we will now have a bill of rights to protect the rights of the individual. After all is said and done, what are we here for in this Legislature, if not to look after people?

Now, Mr. Speaker, in coming to the Alberta Bill of Rights, I notice it is almost word-for-word the same wording as the Canadian Bill of Rights, except it stops half-way through Section 2. This prompts me to ask the question, why were these sections not included in the Alberta Bill of Rights? Under the BNA Act, Section 92, Property and Civil Rights are under the sole jurisdiction of the province.

Very briefly, Mr. Speaker, I would like to refer to the Canadian Bill of Rights. I have no intention of reading Section 1 or Section 2 -- that is the first part of Section 2 -- because they are identical wording as Bill No. 1. But this is the point that I would like to raise. In Section 2 it says,

"No law of Canada shall be construed or applied so as to

- (a) authorize or effect the arbitrary detention, imprisonment, or exile of any person;
- (b) impose or authorize the imposition of cruel and 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, protection against self-incrimination, or other constitutional safeguards;
- (e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;
- (f) deprive a person charged with a criminal offence of the right to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal, or of the right to reasonable bail without just cause, or;
- (g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or which he is a party or witness before a court, commission, board, or other tribunal, if he does not understand or speak the language in which such proceedings are conducted."

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I am sure, Mr. Speaker, that some of these sections could properly be construed as coming under the definition of civil rights. It is for this reason that I raise this question. I am sure all of us in the Legislature would like to see a model bill of rights for this province. If it is deemed advisable to include these sections in the Canadian Bill of Rights, and as some of these sections do deal with civil rights, I submit that possibly we should give some consideration, at least, to including these in the Alberta Bill of Rights.

I make these observations, Mr. Speaker, in view of the fact that the explanatory notes in connection with Bill No. 1 -- and just briefly I would like to read part of the explanatory note:

"The Alberta Bill of Rights is intended to provide for the protection of those same human rights and fundamental freedoms so that in Alberta those rights and freedoms will have protection in both provincial and federal fields of Legislative jurisdiction."

And following the explanatory notes I maintain, Mr. Speaker, that because they were included in the Canadian Bill of Rights, at least some of them -- I'm not too well informed in matters of law and I certainly feel that someone who is should decide if some of these rights should be included in our Bill of Rights. I am sure that if we do include some of these this will represent a step forward at least for the Province of Alberta.

Now, Mr. Speaker, I really feel that, although we are proceeding with an Alberta Bill of Rights in Alberta, we know that not all provinces in Canada have similar legislation with respect to the Bill of Rights or human rights. I feel that until such time as all the provinces in Canada agree to entrench such rights in a Canadian Constitution, that they will be above the day-to-day powers of politicians.

I'm not suggesting for one minute that any government in Alberta is going to delete any of the sections in The Alberta Bill of Rights, but I am suggesting that this is possible until such time as we entrench the rights that we're talking about in the Canadian Constitution. We should strive to have these rights included in a new federal constitution when we have one.

I would just like to make one or two observations in this connection. Very briefly, I'd like to refer to the Victoria Charter. It is true that the Victoria Charter possibly only goes so far, but it indicates -- and this is by agreement, as I understand, by all the provinces in Canada -- with reference to the political rights, and I think we should recognize these are the fundamental rights which the Government of Canada and the provinces at the present time have agreed to. Quoting from Article 1:

"It is hereby recognized and declared that in Canada every person has the following fundamental freedoms: freedom of thought, conscience and religion, freedom of opinion and expression, freedom of peaceful assembly and association, and all laws shall be construed and applied so as not to abrogate or abridge any such freedom."

And in Article 2:

"No law of the Parliament of Canada or the Legislatures of the Province shall abrogate or abridge any fundamental freedoms herein recognized and declared."

I maintain, Mr. Speaker, that although this section is not going as far as we are in this bill because they are not dealing with individual rights, that it is a step forward in these other provinces

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at the present time that have no legislation with respect to human rights. I maintain that it's a step forward at least in that direction.

Now, Mr. Speaker, I'd like to briefly refer to the special joint committee of the Senate and of the House of Commons on the Constitution of Canada. It's not my intention to read all of the recommendations, except I'd like to read what's listed as recommendation No. 13, although it's actually recommendation No. 1, and I quote:

"Canada should have a Bill of Rights entrenched in the Constitution, guaranteeing the political freedom of conscience and religion, of thought, opinion and expression, of peaceful assembly and association."

There is very little difference between this section and the section in the Victoria Charter. I'm very impressed with another recommendation that is reported. I'd like to quote from page 19, and it states -- and this is the report of the Special Joint Committee of the Senate and the House of Commons, and I'm quoting from page 19:

"There are other unfortunate omissions from the charter. They are especially striking because they derogate from the proposals for a Constitutional Bill of Rights presented by the Government of Canada in 1969, and from the safeguards in the present Canadian Bill of Rights. We have in mind guarantees of procedural justice concerning the rights of a person to life, liberty, and the security of his person and of his property."

I have no reason to say this, except I don't think it would appear in this report if this matter had not been considered by the committee. I have no justification for making this statement, but I am sure that this was considered by the committee. They have recognized what they are doing in the matter with respect to fundamental rights, and they possibly agree that we should be going a little farther.

What I'm attempting to say, Mr. Speaker, is this: that I'm sure there is no one in this Assembly today who can predict when we'll have a new constitution. We know the recommendations of the Victoria Charter, and we know the recommendations of the joint committee which I've referred to, and I must say that I believe these represent the general consensus of opinion across Canada.

So looking back over a period of years, with respect to Alberta, we had our Human Rights Bill, I believe in 1966. Since that time we've had certain amendments. We've taken certain steps forward. I presume other provinces have also taken steps forward. It would appear to me that there is a general movement across Canada in doing the things which we're doing in Bill No. 1. And I still say that until such time as we have a Canadian Bill of Rights entrenched in our constitution, we certainly must give serious thought to implementing a bill of rights here in the Province of Alberta to recognize that we do need an Alberta Bill of Rights in Alberta. This is the reason that I'm supporting the principle of this bill.

It may be of interest to the members to go back into the history of the Canadian Bill of Rights. Very briefly, Mr. Speaker, the Canadian Bill of Rights was first introduced into the House of Commons on September 5, 1958. There was some discussion in the House on this occasion, and the bill received a certain amount of publicity at that time. Many groups and organizations studied it and then made representation to the Prime Minister. On July 18, 1959 the Prime Minister announced, with the consent of Parliament, further consideration would be deferred until the next session when a parliamentary committee would be set up to study it. Then on June 27, 1960 Bill C 79, which was a revision of Bill C 60, was introduced

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to the House of Commons. On July 7th, the special committee on Human Rights and Fundamental Freedoms was set up. Finally the bill was passed on August 4, 1960.

I say, Mr. Speaker, if it took the House of Commons some two years to study the original bill, I don't know whether we are rushing this thing too quickly in the province. I recognize that the hon. Premier has already announced that representations will be made to the Cabinet during the summer. He has also advised that copies of these submissions will be made available to the members; and the matter will be referred to the standing committee on Public Affairs, Agriculture and Education. I understand that these hearings will be held in the fall.

I certainly hope we will not make any effort to rush this bill through until very serious and earnest consideration has been given to all aspects of it. There are two or three reasons why I make these comments, Mr. Speaker.

The first comment is with respect to the Drybones case. I have no intention of going into this case in detail because the hon. Premier, and I believe one or two other members, read from different sections, but I want to make it clear that the Drybones case dealt with only one small part of the Canadian Bill of Rights. It dealt with actually only one-half of clause B in section 1, and I quote: "The right of the individual before the law". I agree this is possibly the most important part of the Canadian Bill of Rights, but nevertheless this was the only part that was challenged in the Supreme Court of Canada.

It is interesting to note that nine judges heard the case. When the decision was handed down it was a majority decision. Three judges dissented, including the Chief Justice of Canada. There were six justices who supported the majority decision. In other words, with the Supreme Court of Canada you have nine judges, three judges were of one opinion, and six judges were of another opinion. This is the reason I feel that we want to be very careful before we rush into this bill. Let us give it all the consideration we need, in view of the fact that people who are serving on the Supreme Court of Canada must be recognized as people who are well versed in the matter of law. When you have three who dissent from the decision, it gives me some concern, and I bring it to the attention of the House.

Mr. Speaker, I am a little uneasy on one or two other points. The first point I am a little uneasy on -- I want to make it clear that I still support the principle of the bill. I want it known that we are sincere in what we are doing with this type of legislation. The first point I would like to raise is with respect to legal aid. I did raise it the other day in the Legislature as to whether we are doing what we should be in legal aid. Briefly, I would like to outline what I referred to the other day.

At the present time Manitoba provides \$1,300,000, Alberta provides \$900,000. In Manitoba the lawyers receive 75% of the regular fee scheduled. Also in Manitoba the clients have the fullest possible freedom in selecting a lawyer. Also, the lawyer in Manitoba has the right to refuse a particular case. I understand that legal aid in Alberta provides only a small part of the regular fee. I asked the question of the hon. Attorney General; I didn't get too definite an answer, but this is the information I have.

I also understand that most of the work in legal aid in the province is done by the junior partner in a law firm. I make these statements knowing we have many in this Legislature who are more familiar with these matters than I am.

I feel that as far as justice is concerned, we should never be in a position in the Province of Alberta where we have two classes of

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justice, one for those who have, and one for those who have not. until such time as we have a real look at legal aid, any bill of rights that we pass in this province is not going to be too meaningful, and this is the reason that I am bringing it to the attention of the Legislature.

Possibly, I should not be too uneasy in this matter, because I recognize that the Attorney General has already indicated to us, that as soon as the session is over, he is going to be in communication with Ottawa, and that possibly there will be a joint plan which will possibly make more funds available for legal aid in Alberta. Maybe I shouldn't be so uneasy on this matter, Mr. Speaker, but it is one of the things that is of concern to me and I am taking the matter as it stands today. We do not have sufficient legal aid to do the work that we should be doing in the province, and as long as it is in that position, I have the right to stand up here and bring this to the attention of the Legislature.

Now, Mr. Speaker, I have one other point that has given me some concern. And, I want to make it clear again, that I certainly do not object to the principle of the bill. But what I am worried about is that -- I'm wondering if we are abdicating our responsibility, as legislators, to the court. I believe the members of the Legislature are responsible to bring in the legislation. We are responsible to the people that elect us. As far as the courts are concerned, these people are appointed. And I think it would be a grave mistake if at any time we ever abdicated our responsibilities as legislators, and transferred this to the courts for decision.

Now let me give you an example. I think a good example -- there are quite a few examples I could give -- but I'm going to deal with possibly just two or three examples very quickly. Well, you take the first case. Let's take The Alberta Liquor Control Act, Section 109. It reads:

"...Arrest without warrant..."

"A police officer or constable may "arrest without warrant" a person whom he finds committing an offence under this Act."

Section 110 deals with search without a warrant. Section 111 deals with a search of a building. And I find it very difficult to believe that once a Bill of Rights has become law in the Province of Alberta, that the present Alberta Liquor Control Act, or any legislation which embodies the principle of The Alberta Liquor Control Act could survive a legal challenge. And I can just see, Mr. Speaker, some lawyer standing up in court and using The Alberta Bill of Rights as defence in a case where a person has been charged under Section 109 of The Alberta Liquor Control Act.

I feel that if there is something wrong with The Alberta Liquor Control Act, it is our responsibility to change that legislation here, and not abdicate our responsibility to the courts, and have the courts say that this section is wrong, or it is superceded by the Human Rights Bill, or anything else. If the decision is to be made, let's make it here. Let's not put that responsibility in the hands of the court, and that is the point that I am trying to make, because The Alberta Bill of Rights will supercede all other legislation that we pass in the Province of Alberta. It is for this reason that I'm bringing this to the attention of the government. This is another reason, Mr. Speaker, that I'm wondering if we should rush the Alberta Bill of Rights through very quickly, until we have had some time to examine some of our existing legislation, and see what steps should be taken.

Now, I would like to just give you a couple more examples. Another example I would like to give is The Wildlife Act. A wildlife officer under Section 88, may, without a warrant, arrest any person

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found committing an offence, under the provisions of this act and regulations.

Section 91.(1) reads:

"A game guardian or wildlife officer may, if in uniform or upon production of his badge or certificate of appointment, without obtaining a warrant, search any vehicles, boat, canoe, dugout, shed, tent, shelter, packsack, ..."etc.

Now, to a man out in the country hunting, his tent is his home. This is private property, a tent is his home, where he is living when he is out hunting. I question very much that, when Alberta Bill of Rights is passed, these sections that are in The Wildlife Act will stand up in court.

I have another act that I would like to bring to the attention of the Legislature, and I would like to bring a bill that we have before this present House. I would like to refer to Bill No. 49, The Meat Inspection Act. I would like to read Section 8.

"8.(1) For the purpose of carrying out his duties under this act the Director or any inspector may, with or without a warrant, enter any premises or building at any reasonable hour and may inspect the premises or building and any animal or meat therein."

I fully recognize, Mr. Speaker, that this bill is before the Legislature, but I'm pointing out, and I think it's essential, that all legislation and even proposed legislation that we have should be examined in detail, because once the Alberta Bill of Rights is passed it will supercede any other legislation that we have. It is for these reasons that I think we should be very careful in not rushing into The Alberta Bill of Rights until we've had an opportunity to examine all legislation. I've only gone into one or two pieces, it could be that we have many more.

Now, Mr. Speaker, there are many other things that I would have liked to have mentioned, many of these things were covered by the previous speakers. I want to say again, and I want to say so there's no misunderstanding, I certainly support the principle of the bill. I've raised a few things that have given me a little bit of concern as I think I have responsibilities, being a member of the Legislature, to bring it to the attention of the government. I'm sure everyone in this Legislature will understand the position I've tried to take. I'm certainly looking forward to the public hearings which will be held by the Standing Committee on Public Affairs, Agriculture and Education at the fall session. If at that time the government decides that maybe there should be public hearings held in the province to get out and make sure we have public opinion behind us, then maybe that could be something that we can consider at that time. But in the meantime, Mr. Speaker, I certainly support the principle of the bill. Thank you very kindly.

MR. LOUGHEED:

Mr. Speaker, on a point of order if I could. There are some matters that the hon. member has raised that I would like to reply in closing debate. But on a point of order, there may have been a misunderstanding by the hon. Member for Hanna-Oyen, despite his excellent remarks. I think my response to a question by the hon. Opposition House Leader the other day regarding public hearings on Bill No. 1, was that at the moment it was not the government's intention to have public hearings, although we were still open to re-assessing and reconsidering that matter.

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MR. STROM:

Mr. Speaker, I would like to make a few comments on the principle of The Alberta Bill of Rights. First let me say that we are discussing a subject that I'm afraid is very often viewed from the emotional point of view, rather than a logical point of view.

At the outset, I want to make it very clear that I support wholeheartedly the intent of the bill, which in my view is to ensure the greatest possible enjoyment as individuals, to live our lives with a minimum amount of interference from government or from one another, as long as our enjoyment of those rights does not infringe on the rights of others. I would have to say this afternoon that the bill provides an excellent opportunity for self-examination by the Legislature of its role in respect to the rights of the individual. Hopefully it will bring about, even though not on an formal basis but on a informal basis, a re-examination of past legislation and regulations as it affects the rights of the individual.

I have listened with a great deal of interest to the remarks that have been made. I would like to say, Mr. Speaker, that in my view I don't look upon this as an ordinary debate, in the sense that we are rising in our place in an attempt, under the adversary approach, to try and make any political points. I would hope that we are approaching it in a spirit of sincerity, recognizing the need of examining individual rights or the rights of our fellow man.

I think it's pretty important, Mr. Speaker, to point out that when man decided to live in a community, he then established the need of rules and regulations to govern our activity. In the administration of law and order, I am sure that we have had some infringement on individual liberties. It is just a natural evolution of what has taken place as we have lived in larger and larger community areas.

I would have to say, Mr. Speaker, that I feel there is an overemphasis on rights, having in mind the meaning of rights as being something to which one has a just claim, or something that one may properly claim as due. It seems to me that the very attitude of society today is to look upon it in that aspect, constantly examining that which the state owes them, or society owes them, or someone else owes them -- it bothers me a little. Quite frankly, it bothers me a great deal at times.

I realize that there are other meanings that express rights; such as adherence to duty, obedience to lawful authority, or other qualities that together constitute the ideal of moral propriety and merit approved.

I would have to suggest that society would be a better place in which to live, if we spent a little more time in outlining our responsibilities to one another, and then accepting those responsibilities. It seems to me, Mr. Speaker, as we examine the rights, it would be advantageous if we were also to give considerable attention to our responsibilities to our fellow men.

I want to say, again, as I said at the outset, that certainly no one will, at any time, suggest that we are against the principle of respect for human rights. It would be a little bit like being against motherhood. Because I suggest, really, what we are talking about here is brotherhood and the recognition of our responsibilities to our fellow men.

Mr. Speaker, I would suggest that in our country we have a rich tradition in common law. One of the strengths of this approach has been the fact that we have not tried to spell out, in great detail, our law but, rather, we have tried to spell out in principle certain aspects of law, and then have the courts rule on the matter. In other words, it seems to me that the more we move towards spelling

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out something, the greater the danger that we're going to leave something out and then create problems.

Now I thought a lot about this, Mr. Speaker, and I wondered if it was possible for me to bring some illustration that would demonstrate what I mean. I found that I could only go to one source of history that has common interest and that was to refer to the Bible itself which, in fact, outlines very, very carefully in the Old Testament, law in its finest form. Law that was spelled out in the greatest detail, and I suggest to the hon. members in this Legislature that, even though there was an attempt to do it, it failed in the final analysis. We might well ask ourselves why this happened and, again, I suppose I will draw on the Book itself and point out that there was a recognition that there is another aspect that has to be recognized when considering the relationship of man to his fellow man. That was in the area that was stated very simply, "Love one another."

Maybe I have oversimplified it, Mr. Speaker, and maybe I have drawn on a bad example, but it was the one that came very quickly to my mind. And in my humble opinion, it demonstrated the need for exercising care when we are thinking in terms of spelling out in detail a law under which we are trying to operate.

I listened very carefully, Mr. Speaker, to the hon. Premier as he was speaking, and he made reference to the Victoria Charter. I want to make a couple of comments as I lead up to it. I note, first of all, that the hon. Premier pointed out that the area in which the province has jurisdiction is in property and civil rights and, certainly, we accept that as being correct. I, of course, recognize there is a need of having legislation and having regulation to deal with that matter.

He went on from there and he dealt with the Victoria Charter itself. And, Mr. Speaker, it seems to me that it is rather important that we recognize the point that was being made. I want to read, so that I do not leave my own impression, but rather that I try to put forth again the point that was being made by the hon. Premier. I'm reading from the transcript of the 12th.

"There is another more serious matter, and this develops during the course of my discussion. But it is clear to me that the operative section of the Canadian Bill, and of the proposed Alberta Bill, is simply missing from the political rights set forth in the Victoria Charter. The impact of those sections in the Canadian Bill and the Alberta Bill, that restrain government and that is the purpose of the whole approach to these bills."

And I refer again to these words 'that restrain government'. It is clearly absent in my opinion from articles two and three, and I go on then to another point that brings out the same thought. And I read this:

"But I feel that the political rights contained in the constitutional conference proceedings on the proposed charter, substantially weaken the Canadian Bill of Rights and the proposed Alberta Bill. Because they don't do what the bills are intended to do, and that is to protect the individual from the power of the state."

And then I read, there is a paragraph between the one I have just quoted and the one I wish to quote, that says:

"Mr. Speaker, the next part of this bill is to compare it with Bill No. 2. Bill No. 1, The Alberta Bill of Rights restricts the power of the Legislature."

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Now, it seems to me then, Mr. Speaker, that what we are looking at now is an attempt to spell out in a bill the limitations that will be placed on the Legislature itself. And this, I say then, concerns me, not because I'm afraid of having guidelines -- I'm prepared to accept that we require some guidelines -- but my concern is that, in my opinion, there is no way that we should suggest that this Legislature is limited in carrying out its democratic rights as a representative of the people.

Now I would like to enlarge on this just a little differently. I'm going to take another example and I was trying to think of the name of the Prime Minister of Britain in this point in time -- the name slips me, but you will recall, that when Edward VIII was going to be crowned...

AN HON. MEMBER:

Stanley Baldwin.

MR. STROM:

Stanley Baldwin. Yes, that's who I thought it was, but I was trying to check with my colleagues and I couldn't get confirmation. I thought it was Stanley Baldwin.

I was a comparatively young man at the time when this happened, but there was a statement that he made that has stayed with me since that time to now. Stanley Baldwin, when he was referring to the abdication of the Duke, said this, as individuals, our standards may in fact have slipped -- these are not the exact words, but this was the thought that he was expressing -- but as a nation we must maintain a certain standard.

And I recall sitting and listening to that when it was given to us over the radio and thinking to myself, how impossible a situation that he was trying to describe, where in fact you would maintain a standard as a nation that was not being upheld by the people themselves.

Now I come back to the point that I want to make, and I simply suggest that we can pass the finest legislation that we can propose, but the strength of the legislation is no better than the support it receives from the majority of the people. And it seems to me that there is a spirit of a relationship that we are really talking about, and when I considered rising in my place and making my remarks, Mr. Speaker, I had some real doubts as to whether I should attempt it, because I hesitated in trying to get my points across. I want to repeat it again, that I simply express it in the thought that there is a danger of trying to pass legislation and making it mean something that may or may not be supported by the majority of our people.

To me the ability to set a course for future legislation, or for future legislatures, becomes an impossibility. I do not think, Mr. Speaker, that we can, in fact, restrain a legislature. I do not think that that is within the spirit of democracy. I do not think we should, in fact, be thinking of doing it. As I say, Mr. Speaker, I make those points not in criticism of human rights or a rights bill, but simply that we had better be realistic when we are talking about it and look upon it in the most realistic manner possible.

I thought, too, about the matter of an Alberta Bill of Rights. It seemed to me that first and foremost I recognized that I was a citizen of Canada, a Canadian citizen. As a Canadian citizen, I was guaranteed certain rights and privileges. It seems to me, that in setting up rights on a provincial basis, that we are now going to establish two standards of citizenship. Maybe I am carrying it a little too far, but I suggest it is something that we might think

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about, in that if I am living in Alberta I am then enjoying rights and privileges as outlined under an Alberta document. But we are ten provinces, so in fact, we could conceivably then be looking at ten approaches to the rights that we would enjoy. Again, I am not sure whether it is possible to cover it in such a manner that this would not become a conflict down the road.

There are two other points that the hon. Premier made that I would like to mention. My hon. colleague, the hon. Member for Drumheller, touched upon it. The one was that it was not an attempt to protect us from one another. I can certainly appreciate the point that he is making there. The second was, that it was not an economic charter. But again I have to say, as was mentioned by my hon. colleague, that certainly in the area of economics and recognizing our responsibility to those who may be less fortunate than we are, it seems to me that we have a real responsibility and that we need to give serious consideration to that area.

Now in closing, Mr. Speaker, I want to say that I welcome the bill. I would hope that each one of us would be giving it very serious consideration in the months that lie ahead, before it comes back to the House, and that we would avail ourselves of every opportunity to discuss it with our fellow citizens within the province, because I happen to know there are some who are fearful of it, in that they are afraid that something will be taken away from them that they presently enjoy. I think, of course, of the treaty Indians who are, I think, quite concerned in this particular area. There can very well be others as well.

But, Mr. Speaker, I am sure that any consideration of our relationships with one another can only be for good. I welcome the opportunity to have expressed a few points on it, and I want to say in closing that it is certainly with no intent of placing myself as opposed or strongly for; but simply saying let's look at it as logically as we can, and let's be careful that we do not bring too much emotion into it.

MR. KING:

Mr. Speaker, I really had not intended to participate in this debate, but I would like to make a brief comment in reply to the particular remarks of the hon. Leader of the Opposition. I must take issue with him, with great respect. I feel that a man cannot properly say that he is in favour of the principle of the Bill of Rights, and opposed to the concept of its being explicitly embodied in law.

A bill of rights, whether in this Legislature, or in any other, whether recently or of age, is an exercise by a Legislature and by a society in self-discipline. It is, in part, a recognition of the need to articulate, in a calm atmosphere, standards which might, in a more strident time, be cast aside because of the emotion of a situation.

The explicit embodiment of certain rights, which in calm times are commonly understood to exist, is of great tradition in the British parliamentary style of government. I would ask the hon. Leader of the Opposition whether his remarks should be directed to the barons who wrote up the Magna Carta, in an explicit sense, or to the people who formulated the Petition of Rights of the British Parliament, or to the people who formulated and passed into law the Right of Succession Act of the British Parliament, or any one of a number of other embodiments in written form of what people understood to be their rights, but rights which they wanted to protect in calm times as a defence against emotions that could arise and perhaps sweep away rationalism in times of more concern.

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The last point that I wanted to make was that the Leader had expressed some concern, that perhaps by passing the bill into law we would abrogate existing rights. This is clearly excepted from a possibility by a statement in Bill No. 1, that enactment of the bill is not to be considered or to be construed as an abridgment of any rights which are commonly understood today to exist in our society. So I must respectfully disagree with the hon. Leader.

MR. SCHMID:

Mr. Speaker --

MR. SPEAKER:

I believe the hon. Member for Cardston -- as a matter of fact, this is his second attempt to gain the Floor.

MR. HINMAN:

Mr. Speaker, observing the House, I realize that they are not going to listen very much more to debate, they'd just as well not listen to me as not listen to somebody else.

I'm always indulging in strange politics and one of my favorites is that when a nomination convention comes up, whether it's my party or any other, to get around and evaluate the candidates and lend my influence in favour of whom I consider to be the right man. In that case, I'm always concerned with his opinion of government's role and the rights of the individual. When the leader of the Conservative party was about to be chosen, I did lend my support to the hon. Premier because, in past experience I had become aware of his great concern over the rights of the individual.

Basically, any bill of rights simply is going to state that the individual is the important thing, and that as far as possible, we ought to regulate so that he has every opportunity to develop his talents and his hobbies and his personality and his business as freely as he can, without interfering with the like rights of others, and this, of course, is the basis of the Bill of Rights.

I said once before that I'm not very high on bills of rights. My reason is this -- that whatever the government gives, the government can take away. I'm a believer that there is a natural law that supercedes anything that we can think up and write into codes, but most of us become aware of it in our lives. If we leave these things uncoded, we'll probably be a great deal better off.

To me, a bill of rights, such as we have in this act, isn't very offensive, providing we regard it as a statement of reeducation. I'd be very happy if somebody could take this Bill of Rights, after we pass it -- and I hope we will -- and out of it create a little oath that we would read in the House just after Prayers, to remind us every day that the business of law-making is, in effect, by its very process, one of infringing on the individual's rights. We do it in the common good, we say, but I think many times we just do it and hope it will be in the common good.

The hon. Leader of the Opposition mentioned history and I want to mention it, too.

The Talmud, a book written by great scholars over 400 years ago attempted to define the rights of individuals and the laws of God. But nobody reads the Talmud anymore, the Jewish people or anybody else, except in its historical light, just to enjoy it; because they were never able to keep up with the changing mores, the changing times, the changing philosophies of the people. We have had churches with their catechisms, trying to define just what the sins were, and the degree of sins. But nobody pays much attention to them because

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you can't possibly do it. We have had ceremonies which have attempted to do the same thing -- we had the marriage ceremony, and they put in it that you will stay with this person through poverty, wealth, sickness and health. Then there was the fellow who left his ever-fattening wife. When reminded of his bargain by the preacher he said, "Well, I didn't agree to stick through thick and thin."

So it goes; you write the rule and somebody finds a loophole. The constitutional rights -- people stand on them all the time. I am reminded too, of the fellow who was arrested in the act of chasing a screaming woman up the alley. His defence was a reference to the Constitution of the United States, and interpreted in his own way, in which he said he 'had the right of wife, liberty, and the happiness of pursuit.' So you can always twist these things around a little bit, no matter what we are able to write in the bills of rights.

I am reminded too, of the Irishman, I believe, about to die. And being asked if he had renounced the devil he said, "No, I am not in a position to antagonize anybody." On and on this business goes of trying to define your rights and responsibilities.

Chiefly, I am opposed to Bill 2. If it would do any good, I would make a speech on every clause, but realizing the futility I will restrain myself. I do not want us to attempt to define ultimately this thing which we call human rights, human liberties, because it is impossible. Nobody has been able to define love yet. You can define some of its attributes and that is the best you can do.

I said before in the House that one of the greatest freedoms to me is the right to discriminate. I hope that none of you young fellows ever reach my age without having become very discriminating, because if you have you don't reserve the respect of youth any longer. To discriminate, of course, can lead you to prejudice which is simply the act of prejudging. One of my brothers always says that I have a concrete mind that is all mixed up and permanently set. That, I suppose, simply means that I have strong prejudices as well as strong discriminating tendencies.

I could give you examples of what I mean. You can pass a law that says anybody who advertises a room for rent cannot discriminate on the basis of race, religion, or prejudice. But a friend just said to me the other day, "I have a room for rent, but if a Hindu came to rent it, in my basement, I wouldn't rent to him because in my years in India I learned I just could not stand the smell of Hindu cooking." Just how he would get out of it, I don't know. We have other rules that with a room to rent you can't discriminate on the basis of race. I am reminded of the case where a woman turned down an Indian and was haled into court. Her story was a pretty good one. She said, "I was sound asleep when the doorbell rang. When it rang I looked at the clock and it was 11:30. I knew that my husband, when he is not home at 11:30, would be drunk when he did come home, and I will not sleep with a drunk man. So I just discovered I needed that room for myself." The Indian couldn't agree that that was a very good reason, but I am pointing out to you that you cannot legislate against discrimination. You can call it prejudice if you will.

There are fields in which you can legislate, and I think you can do it without trying to define them in these actual bills of rights. That is why I don't like Bill 2. I think under The Housing Act you can put in some of these laws that prevent discrimination. There are ways all the way through your lawmaking to do it, but to attempt in any bill, to get all of these in, is just an impossible feat. The very nature of lawmaking erodes freedom, so we have to keep a lot of things in mind.

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I was always irritated by a law that says it is an offence to try to commit suicide. Surely, a fellow ought to have some rights -- if he has had enough of this -- to get out of it the way he thinks best. I have never been able to discover what good it did to fine him afterward. It would make him think he was committing a real offence.

We have had laws against interracial marriage in many states and in many countries, it didn't seem to work. It just seems to be that it wasn't to be. These are erosions. We have had The Planning Act -- and even today, I just had a case, a family wants to divide a quarter section and give a daughter 40 acres on which to build a home and go into a little industry. But first I have to go to the Highways Commission because it is along a highway, and the department has to decide some day in the future, will we require a service road there, and if we think we might, she can't subdivide this quarter section, or she has to do it some other way. These are ways that we erode these freedoms all the time.

And then we have the health regulations and I will give you another example. A certain European was raising hogs in the basement of his house, and the health inspector came along and said "You can't do this any more." And he said, "Why can't I?" And the health inspector said, "It isn't healthy." And he said, "To heck it isn't, I've done it 15 years and I ain't lost a hog."

Now I'm trying to illustrate to you that even when it is the common good, we have got to be careful that we do not infringe on the rights of people. If we do go ahead with Bill 2, we are going to start a never-ending spate of claims and accusations and hearings and court actions which would well be left alone if we just pass Bill 1, and leave it alone.

Now you wonder how we would go from there. Well, all I'm going to say is, if you were to put in the reasonable doubt clause, if you are going to convict a man of murder or theft or anything else, you have to produce evidence that he is guilty beyond a reasonable doubt. And whenever in a court action, a man's freedom is one of the pleadings as a reason not to do something, then the judge would merely say to those who wanted to do it, you will have to show me beyond a reasonable doubt that so doing is not infringing on the rights of this individual. Now we do have to look at the public good, we are all aware of that, and sometimes we can't let the selfishness, the prejudice of individuals interfere. We certainly don't want the prejudices to interfere with the common rights of other people.

Members on both sides of the House have been concerned that we list certain rights. Somebody said, are we going to put in something about the freedom from want. Well, you can put it in if you want to, but you aren't going to change the want. It shouldn't be in this act at all. Are we going to have something in about the freedom from ignorance. And if you do, how do you free us from ignorance? Going to school won't help, I'll have to give you another example.

When I went to a university in the mountains, in the summertime they drove great herds of sheep past the university, and up in the mountain pastures. The university, as we always do, was built at the edge of the city. On one occasion three old herders and three dogs were bringing a band of perhaps 3,000 sheep past, and some young squirt in a yellow convertible with one of those exhaust whistles came off down the hill with the whistle going full blast and the sheep scattered into the parks and over the university grounds. One of the old herders walked up to the car and cuffed the young fellow on both sides of the face and said, "If you went to school all your life, you wouldn't know as much as a dog."

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I just thought at the time that we are always confusing schooling with education. You can't legislate freedom from want or freedom from ignorance, and you can't legislate the right to participate, as somebody else mentioned. My concern is that we also consider a bill of responsibility. The Premier knows how I feel about this, but maybe it is time for a committee to spend some of its thinking on a little bill which says, these are responsibilities of citizenship.

We have our problem of the Indians, and the Americans have their problem of the Negroes, and other nations have their problems too. But invariably, you find that these minority groups know all about their privileges, but not a darn thing about their responsibility. And I think perhaps it is time we did something like that; if we are going to pass bills of rights, that we pass bills of responsibility.

Somebody mentioned that we should not have a committee to hear the representations. I think it would be completely out of order to try to have this whole House sit to hear representations which are going to be made on the Bill of Rights. I do think that somebody has to hear them, and I would certainly not object to a committee hearing them, and organizing them, and presenting them to the rest of us.

As far as I'm concerned, I'm quite prepared to approve of the Bill of Rights as it is in Bill 1. I think Bill 2 is dangerous and superfluous, I've already said that the only thing that will keep me from fighting the rest of the summer about it is the futility of it. Thank you, Mr. Speaker.

MR. SCHMID:

Mr. Speaker, anyone who has ever lived under a dictatorship and heard a knock on the door without expecting anyone; anyone who has ever escaped to freedom through border territory infested with land mines and guarded by killer dogs and machine guns; or anyone who knows a single friend or relative who has made such desperate attempts of obtaining freedom; or anyone who has had to go to a police station to get the necessary permits to tour a neighbouring country or sometimes simply to visit another city in his own country; anyone who has even contemplated the grim realities of man's capacity for inhumanity towards his fellow man, will understand what I meant when, in my maiden speech in this Legislature, I said sometimes we do not realize the value of peace.

If I go further and say that war can be summed up 'as the ultimate violation,' the violation of all human rights and dignities, you will better understand my concern over Bill No. 1 -- The Alberta Bill of Rights.

For peace, Mr. Speaker, is much more than the absence of war. It is our positive commitment to building up mankind. And the basis on which we build needs formal expression in the legislatures of our land.

I think everyone in our Assembly has agreed -- some most eloquently -- to the principle behind this bill. The hon. Premier has surely made clear its priority. The bill, in fact, speaks for itself. It tells you clearly what it is; formal acknowledgement of the dignity we recognize in every man; and our determination -- so help us God! -- to protect that dignity -- man's inborn rights, his basic freedom is, with all the feeling of our soul and all the power of our law.

Why then, Mr. Speaker, do we quibble over trifles? Why do we lose sight of the great concepts and ideals embodied in this bill -- the unwritten rights -- summed up in a single word: "Freedom!"?

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Why are we victims to so many nameless fears? No one has suggested that this bill is a formula for Utopia. No human mind can legislate against all the ills of mankind -- not flood or famine, not disease or death. Who is there among us who would not hope to guarantee the end of unemployment? Or wish pay-cheques forever? What bill can end accidents on highways? Or cause heartache to cease?

No, Mr. Speaker, that cannot be. As long as democracy endures, we shall have problems. Our legislatures shall sit, men such as ourselves shall deal with whatever problems the hour and the age bring forth -- as best as they, or we, know how.

We are only given the opportunity, at this moment, to proclaim rights and liberties -- not to take them away. These rights and liberties, God-given to man, must endure if we are to live in lasting freedom and the fullness of our being.

I wonder, Mr. Speaker, if in a land like Canada we do understand how precious these human rights are? How fragile? How easily we can lose them? Not only from without, but by indifference and erosion, even from within?

Because this subject means so very much to me, I ask you to look around you at Canada -- our Canada. Here we have freedom greater than most of the world's peoples know -- but, Mr. Speaker, is it not true that even here in Canada -- our Canada -- our citizens too have begun to yield to the state -- to the impersonal system we think of in our hearts, as 'the law'? Is it not true that men will pay a parking ticket or speeding fine, even when they feel they have been wronged, rather than fight what they feel will be a futile battle in court?

Can you honestly say that -- in this land we love -- you have not heard whispers of ethnic hate; of religious dislike; of class dislike? Have you not listened to overtones of even regional hate, the distrust that would pit one section of Canada -- our Canada -- against another?

Little things, one probably could say, perhaps, but terrifying things. For where human dignity is concerned, the moment we grow careless about little things, in that moment the erosion of human decency begins. Look at the world about you and see how fast that trickle becomes a torrent of human misery, degradation and despair.

Oh, yes! Common sense tells us that we should not have to legislate against racial origin, or economic status, or colour, or sex, or creed. Common sense, indeed, tells us that no man can choose his parents; if he could, we might all be princes or millionaires.

In most cases, we retain the religion we inherited and, today, when even the right to worship God is challenged, surely, an injustice or offence against my neighbour's religion is full warning of the peril to my own?

We may laugh at Women's Lib, proclaiming, especially on Mother's Day, our reverence and love for those who give us life; who begin our education; who shape our lives; who share, indeed, for better or for worse, the fate of the men they follow into marriage. But do you honestly not know of women who live in security and even fear, especially when they are remote from the restraining arm of society at large? Their role may, indeed, be respected, but too often their rights as people -- as part of the human race -- are forgotten (perhaps, I sometimes think, because they have not been too well spelled out to them).

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Nor are the rights of men, themselves, any too well secured. On this continent, as everyone here must surely know, we have citizens, like ourselves, wanting desperately to live under the security and shelter of the law -- afraid to testify on behalf of Truth, which is the very foundation stone of justice. How long then, Mr. Speaker, can order or justice endure?

These are among the issues with which the Bill of Rights is concerned. And who, when he ponders them, can deny that they, indeed, have priority above all other measures?

Mr. Speaker, I hope I am realistic enough to recognize that even the passing of a bill of rights may give rise to unforeseen problems and obstacles. But democracy carries with it responsibilities, and if we shirk those responsibilities because of nameless fears, especially in this matter of proclaiming what we surely hold most dear, then all I can say is, God help us!

For, where this bill of rights and its follow-up legislation is concerned, everyone in this House must recognize that before men destroy and demean, they plan that destruction and degradation on paper, as surely as in their hearts. Thus the hate propaganda, the mis-truth, the subtle lie, the subtle TV production, sowing the seed of hatred or dislike or prejudice is there.

Does it not follow, then, that when we rededicate ourselves to the task of building up the family of man and the smallest unit within that family, the smallest minority in the world, the individual; you -- we must believe it enough to proclaim it. Proclaim it with pride from the highest office in their land!

Mr. Speaker, here in this Province of Alberta, let us lead. Let us be of one heart, one mind, at this time. Everyone of us here believes in the worth of our Ombudsman -- who exists to protect our people's rights, even against our own, sometimes confusing laws. Bill No. 1 simply proclaims those rights. Let us, in this province, proclaim them -- both with gratitude and pride.

MR. SPEAKER:

May the hon. Premier close the debate?

HON. MEMBERS:

Agreed.

MR. LOUGHEED:

Thank you, Mr. Speaker. In closing the debate on this subject I was rather hoping the Leader of the Opposition would be in his place because I did want to direct some remarks to his comments.

I would first like to say that the hon. minister, Mr. Schmid, has, I think, posed a very outstanding debate in a very eloquent way, and presented to all members a feeling that he brings to this Legislature that is important to all of us. And he looks at it with a perspective that, perhaps, is different from many of us and, for that reason, his contribution in this debate and in this Legislature is most important.

Equally so, I would like to say that I thoroughly enjoyed and thoroughly appreciated the contribution made in this debate by the hon. Member for Cardston. As often is the case, we get very close to agreeing, the hon. member puts his point well. The need for bills of responsibility as well as bills of right, and rights, and I think it is a very important point of view that he has presented to the Legislature today.

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I would only like to respond to him in two ways. First of all by suggesting to him that it is very important that the public understand the distinction between Bill No. 1 and Bill No. 2. We will have a debate on Bill No. 2 and I think it is a very important bill. But it does, as I mentioned in my opening remarks, do something quite different. It deals with the question of discrimination as between individuals. Bill No. 1, of course, deals with restraining the powers of the Legislature to make laws that are offensive to the basic rights of the people of this province.

The hon. Member for Cardston makes the point that anything the Legislature can give they can take away. My only response to that is, really at the heart of Bill No. 1, is the feeling that Bill No. 1 will make it a lot harder to take it away.

The remarks made by the hon. Member for Hanna-Oyen were, I think, particularly commendable. I think this is the sort of legislative debate that we all hope for, we don't always succeed. Different points of view were expressed, and as the hon. Leader of the Opposition mentioned, I think the remarks are made in this debate, not in the adversary sense, but in terms of the views that each individual has and expresses towards the matter that is here. I think it has been obvious from the expressions we have heard from both sides of the House that the views differ, and they bear no relationship to the side of the House on which the member may sit.

I think the hon. Member for Hanna-Oyen made a number of important points and I would really like to commend him fully for the homework he has done. Because he has pointed out to me the very point that I think is the serious concern with the bill, and what we should be debating with regard to the bill. That is, to what extent, by passing Bill No. 1, are we going to be abdicating our responsibilities to the courts, and the responsibility that rests on us as legislators to assess existing legislation and proposed legislation in relationship to its effect upon the Bill of Rights?

I thought it was very effective that he brought in The Meat Inspection Act -- which we have presented -- and pointed out one particular item right there in that bill that we must look at. And what it does by focusing attention in that way, is say -- and back to the hon. Member for Cardston -- that what we then have to do is stop and have that second thought as to what we are going to be doing. Is it really going to be in the public good in relationship to the rights of individuals? So we're going to have to stop short as we go so quickly through Committee of the Whole with a bill such as the Meat Inspection Act, and say, yes, but, should it be notwithstanding the Alberta Bill of Rights? And perhaps it should be. But at least with the bill of rights we will be forced to come to that sober second thought in relationship to the need to put that 'notwithstanding' provision there.

I thought there were some other very important contributions that the hon. Member for Hanna-Oyen made. That one of equality before the law, and the importance of that as one of the fundamental freedoms that are described, and fundamental rights described within this bill, and the challenge that that places upon the Attorney General in terms of legal aid in the future and the recognition by the Attorney General, that by passing Bill No. 1 and talking about equality before the law, the obligation that falls upon the government to do it.

I think there was a specific matter raised by the hon. Member for Hanna-Oyen with regard to the comparison of Section 2 of the Canadian Bill with the Alberta Bill. It was the general conclusion of myself and the Attorney General and the Legislative Council, that most of those items dealt with items of criminal law and came within the federal jurisdiction. We admit though, and this is a good matter for committee review, that that matter should be reassessed. And

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whether or not the due process of law provision will be significantly strong enough to cover the particular matter that was raised is important. And on the due process matter, if I could take a moment, in the book by O'Hearne that I mentioned in my opening remarks, "Peace, Order and Good Government." He quotes with regard to due process, that the fact that that particular cause has some roots back to the Magna Carta and I want to deal with that in a moment in relation to some of the remarks that were made by the hon. Leader of the Opposition.

The concern expressed by the hon. Member for Drumheller about economic want is certainly one on which I feel strongly, but as he himself recognized in his remarks much as we may want to put it within a bill such as this it is just not practical, because I don't think the members want to place within the Bill of Rights a guarantee to mislead and deceive the people, that we can deliver on something that we simply can't deliver on, much as we will strive to with every piece of legislation and every effort that we can put forward.

There was one matter that was not raised in debate, to my surprise. This was a matter that we discussed at some considerable length and I hope will be discussed at committee in the fall.

The way the bill stands now, under the definition of Section 3 that deals with law of Alberta, it would include all municipal bylaws. The question then raised is, should we, in this Legislature, impose on a carte blanche basis the Alberta Bill of Rights upon municipal government across the board? It is my intention during the course of this summer to write, through the hon. Minister of Municipal Affairs, to the various municipal associations and point out to them this impact and consequences of Bill No. 1 and ask what their views and response may be. They may want to come back to us and say they don't want the full import of Bill No. 1 to include the whole ambit of municipal law and municipal bylaws. On the other hand they may want to. But it is an important point for us to consider, and at the moment Bill No. 1 in its present form in our view, would, in fact, cause that particular reaction of involving the whole matter of municipal government.

I would like to deal with the remarks made by both the hon. Member for Hanna-Oyen and the hon. Leader of the Opposition with regard to the Victoria Charter. I return to the fact that the document raised by the hon. Member for Hanna-Oyen being the final report of the special joint committee of the Senate and the House of Commons, made the point quite clear that they strongly recommend the inclusion in a bill of rights of all the basic rights presently contained in the Canadian Bill of Rights. I thought the hon. Member for Hanna-Oyen put that case well. And with respect to the hon. Leader of the Opposition, I think it is clear that if we are to have, within a constitution, fundamental rights then the six rights that are presently contained in the Canadian Bill and in the Alberta Bill should be in such a constitutional framework. I suggest, too, to all hon. members -- and I hope that I was in no way misconstrued in my opening remarks -- if we have a preference, the preference obviously would be to have matters such as the bill of rights within a Canadian constitution for a number of reasons. So, despite the fact that I feel that the Victoria understandings, which are certainly not committed to by this government, do not go far enough. Our position is that the whole matter of fundamental rights should be included within a Canadian constitution. It would be preferable for it to be so. As Mr. Trudeau pointed out in his document "A Canadian Charter on Human Rights," not only does it bring in the provincial sphere and bring in the Canadian Bill of Rights, but it brings in those very many overlapping areas, or grey areas, that so many of us are involved with in terms of administration in the federal state.

So our position is, that although we are pressing forward with the Alberta Bill of Rights, we would hope in the years to come, as we

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move towards a Canadian constitution, that these six fundamental freedoms would find their way into a Canadian constitution which would have the strength of the constitutional position. In that regard, I concur with the view of the Leader of the Opposition that having it within the constitution certainly would be desirable.

I would like to make some remarks with regard to the observations made by the hon. Leader of the Opposition. The first remark that he made had to do with the question of rights in relationship to responsibility. On this point I thoroughly agreed with him. I have said on many occasions that the inscription that I saw in the Canadian exhibit during Expo was the phrase "rights are the rewards of responsibility", and there is a great deal to be said for that phrase.

On the other hand we have responded, many of us -- and I think that this is what the hon. Leader of the Opposition was getting to -- to the fact that we hear so much about rights, we hear so much about demands for rights, and so little about responsibilities. That is the same point made by the hon. Member for Cardston.

As I have thought through this subject, I question whether we are hearing from the same people.

And my concern with Bill No. 1 is the protection of that individual who we don't hear from, the protection of that individual who doesn't know how to make a petition, who doesn't know how to create a demonstration, who doesn't often even know what his rights are. So when we look at something like a bill of rights, the purpose of that bill is to restrain the Legislature, to over-ride those individual rights, and the individuals I'm talking about are not the individuals we hear so much about, but the non-complaining, quiet individuals that pay a great deal more attention to responsibilities and duty, and perhaps not enough to recognition of their rights. And we, quietly in passing our laws -- because we don't hear from them -- perhaps don't give them the consideration that they need. So that is one response I'd like to make to the comments of the hon. Leader.

Another comment made by the hon. Leader of the Opposition when he was talking about the bill, was that he stated that we have the common law and so is it necessary to codify these rights in a bill of rights? My concern with that is that if we turn back the clock four or five decades, that argument would have some validity, because the base of our legal system at that time was essentially the common law. But over the last four or five decades we've developed, in all legislatures, and certainly in this one -- we can look behind us and see the statute books -- laws on every conceivable subject, regulations -- as I mentioned in my opening remarks -- that penetrate into almost every nook and cranny of peoples' lives. So the area in which the common law really is supreme is diminishing yearly by the action of legislatures, and those of us gathered here. So I can't accept the view that there is no need for a bill of rights, because we have the protection of the common law. I don't think that that's a valid argument.

But I was most concerned with the hon. Leader's comments and I would like to respond to them. I understood the earlier comments, but I did not understand the comment, as I wrote it down, that we can't, in fact, restrain the Legislature. Mr. Speaker, that's what Bill No. 1 is all about. It restrains us -- it doesn't prevent us -- we can always come in later and pass the notwithstanding clause in any particular section. But it's restraining us. So I would hope that the hon. Leader would reassess his view, because if he feels that way I find it hard for me to understand how he could vote for Bill No. 1, because I think we are trying to restrain the Legislature. If we're not, if we shouldn't, then perhaps we shouldn't pass Bill No. 1, but that's what the bill is really all about.

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Mr. Speaker, I would like to close with the observation that I think comes back to two comments made -- one by the hon. Member for Calgary North Hill. This is a very difficult bill, and it's going to have some rocky days when the people recognize that it's going to mean a great deal more tolerance on behalf of their elected people. It's going to require a great deal more restraint on behalf of their elected legislators. For that reason, and because of its significance, I was certainly prepared to accede to the request by the hon. Opposition House Leader -- and I can see the merit of the view -- of leaving the bill at the second reading stage. That gives us an opportunity to look even more carefully at it during committee, at each clause and each word, because each word is so important. But my feeling that there is one word -- and again why I feel so strongly about the weakness of the Victoria understanding -- there is one word in this bill that the hon. Minister of Culture, Youth and Recreation used, and that was the question of liberty. That is in Section 1. Liberty brought me to a book by Everett Dean Martin, on Liberty, which I would like to close my remarks by reading:

"Nothing destroys liberty so surely and quickly as the spread of intolerance. Tolerance is a better guarantee of freedom than brotherly love, for a man may love his brother so much that he feels himself thereby appointed his brother's keeper. Tolerance is mutual respect."

What we are trying to accomplish with this bill is an increased understanding of tolerance by the legislators and an increased awareness by the responsibility that we have.

MR. STROM:

Mr. Speaker, I am wondering if the hon. Premier would permit a question because it is a matter of clarification. Referring to the point I made about restraining the Legislature, I am, of course, referring to future legislatures which cannot be bound by the bills passed by the present Legislature. To that extent, I am sure you would agree with me, that there cannot be a restraint.

[The motion was carried without dissent, and Bill No. 1 was read a second time.]

Bill No. 2: The Individual Rights Protection Act

MR. GHITTER:

Mr. Speaker, I beg leave to move second reading of Bill No. 2, The Individual Rights Protection Act, seconded by the hon. Member for Edmonton Highlands.

Mr. Speaker, I must say at the outset that I feel deeply privileged and very proud in moving second reading of this bill, as it is my personal view that this bill, along with its companion bill, No. 1, that we were discussing this afternoon -- when both of them are proclaimed Alberta will be placed first in Canada in the expression of our legislative concern relating to individual human rights.

The hon. Premier on Monday and this afternoon clearly set forth the distinction between the objects of Bill No. 1 and Bill No. 2. The Individual Rights Protection Act has, as I believe all of the hon. members are well aware this afternoon, as its primary object, the protection of individuals from discriminatory practices and acts by fellow citizens. This bill is aimed at preventing those discriminatory practices and, where they occur, at bringing them to an end by negotiation and voluntary settlement and, failing that, if necessary, by enforcement.

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There are, Mr. Speaker, some very innovative and novel approaches contained in this bill, which I believe make it unique in Canada. I intend to deal with these innovative sections in detail at a later point in my address this afternoon.

Mr. Speaker, I believe that if the hon. members and the community at large, are to understand the importance of this legislation, it is necessary first to understand the general philosophy, and I believe the necessity of legislation of this kind. For it is only with an understanding, Mr. Speaker, of the nature of prejudice and the nature of discrimination, that one can really comprehend the very vital necessity of human rights legislation.

What then, Mr. Speaker, is prejudice? By definition, as has already been suggested this afternoon, prejudice means to prejudge or to judge in advance. In other words, prejudice is a preconceived opinion which is formed without due consideration of the facts. Prejudice then differs from an attitude based on science and knowledge, for in the case of prejudice one makes the judgment without the help of science, and without the assistance often of rational thought. As a result, when prejudice is directed against people of a certain race, ethnic group, sex, colour, or religion, there is a tendency to lump together all members of that group and to think of them as stereotypes, rather than as individuals. The result is, unfortunately, that individuals are judged on the basis of the stereotype and not on the basis of the individual characteristics that those individuals may have.

Anyone who has experienced in any way whatsoever, Mr. Speaker, prejudice -- and undoubtedly, in one form or another, all of the members of this Legislature have -- they will understand the basic unfairness in the indignity, in the very human sense of such acts.

If I may, Mr. Speaker, with your indulgence, relate an experience in which I was involved about 10 years ago, it might better explain the feeling that one has when they experience prejudice of any nature.

The story goes back some 10 years ago, when in my wanderlust years I found myself in the country of Lebanon. At that time, the Middle East was quite divided and for a Jewish person to get within Jordan, of course, was an impossibility. But a curiosity was certainly aroused in me to visit the Holy Land. At that time if you were to get a visa to get into Jordan, of course, you had to sign an application form, and the application form right at the top stated you must signify your religion. With my curiosity aroused, I decided to do something which, to me, lacked a lot of dignity from a point of view of setting forth, as I signed the application form, that I was Christian; and as a result, I then went to Jordan.

I spent in Jordan some two weeks in an area where their laws were, although for different reasons it is true, highly discriminatory from the point of view of one person who is a member of a group. I found the feeling of the fear of walking in the streets because of your basic characteristic, because of the fact that you are in a group. You are not being judged for what you are, but you are being judged because you are a member of a group. I found it to be a very difficult feeling, and a feeling, I think, that everyone has who has in any way, experienced discrimination. I suggest, Mr. Speaker -- that as any member, like the hon. minister, Mr. Schmid mentioned this afternoon in a very real sense -- with the experience I had on that particular occasion of the fear of being caught for being in a part of a group -- I would suggest that this type of feeling is the very type of feeling that legislation of this nature is endeavouring to overcome. For there is no greater indignity to man than to judge him because he is a member of a group rather than because he is an individual. We must all rise and fall with our individual judgments, but we do not wish, I am sure, to be

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judged from the point of view that we may or may not be a Ukrainian, a Chinese, or whatever it might happen to be.

And so as Jordan refused to tolerate the Jewish person, here in Alberta citizens over 45 find themselves unable to take on new jobs because of prejudice which sets forth that people over 45 are not able to take on new jobs adequately, because it is too late for them to adapt to new situations. Or women face prejudice in obtaining jobs because some people feel they are not as capable as men, and some feel they should not be paid the same as men even though they are performing equal work. Natives face prejudice because some maintain that they are inferior to the white man, or that they are dirty or lethargic or lazy -- unfair judgments to say the least. Prejudicial? Yes. In Alberta? Yes. Resulting in discrimination in Alberta? Unfortunately, Mr. Speaker, yes.

We have all experienced prejudice and some of us discrimination. But to the credit of Albertans the discrimination where it exists in this province is not common, and as I would suggest, more particularly in a latent form, but it does exist. We as legislators must understand its very existence. What then can be done about it? For although discrimination in Alberta is infrequent, we must always be cognizant of our responsibilities to combat this silent force.

One might ask, and rightly so, and as has been suggested this afternoon in this Legislature, can you legislate against discrimination? Statements that we have heard, such as morals, cannot be legislated. You cannot legislate a person into heaven; you cannot define human rights; the nature of law-making erodes freedom. Questions like this on human rights we have heard and read, for example, from the hon. Member from Cardston this afternoon, and for that matter, the hon. Member from Calgary McCall at an early stage in this session, made suggestions of that nature.

On Monday we heard the hon. Member from Highwood, Mr. Benoit, suggest that one must maintain the privilege to discriminate and suggest that this is a freedom that we all enjoy. To a point I agree. The hon. member suggested that one must be allowed to discriminate as to his choice of church or nightclub. But with the greatest respect, I would suggest that the term discrimination, in the sense that we are applying it in this legislation, is much different than the term of discrimination, or to discriminate, that you suggest in your argument, hon. member.

I would suggest that the discrimination that we are talking about in legislation of this nature is the discrimination that arises from the prejudice of stereotyping, the prejudice of lumping an individual into a group, as I have previously expressed. And so such legislation as we propose by this bill does not affect the right of choice to associate with whom you like, but this legislation does affect the right of an individual to discriminate on grounds which are based on prejudice and on what, I would submit, is basic irrationality.

Mr. Speaker, I submit to the hon. members of this House that I am totally dedicated to and convinced that legislation is effective in reducing prejudice, and coincidentally, discrimination.

By example, Mr. Speaker, take two statements that we all have heard: One, 'natives are inferior to whites,' or on the other hand, 'an individual's opportunities should not be limited except by his or her ability.' Now legislators can find support somewhere in this province for both points of view. But laws, fortunately, have evolved to support the view of individual opportunity and reduce the attitude of the allegation of the inferior native. One must then understand the interaction of law and attitude, and as the famous jurist, Roscoe Pound, has stated; "Welfare of society requires that law make habits instead of waiting for them to grow."

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It is therefore submitted, Mr. Speaker, that laws in a very meaningful way may alter situations in which attitudes and opinions are formed. As a result, although laws may not be successful in changing attitudes directly, laws can indirectly reach the more private areas of a society and of our daily life, that cannot be touched directly in a democratic society. It is essential in an understanding of human rights legislation that all of the members comprehend the fact that when opinions are not solidly structured by legislative enactment they will tend to shift opinion in the direction of acceptance.

Now numerous studies have been made over the years which indicate the influence that laws have upon individuals. These studies tend, it seems, to prove that one adapts their views to the prevailing laws and mores of a society. One need only look at the studies in the United States, taken prior to 1942, when only two per cent of a representative sample of southerners favoured school desegregation. In 1956, two years after the Supreme Court decision ended the height of desegregation resistance in the deep south, 14 per cent favoured desegregation. In 1963, just before the passage of The Civil Rights Act of 1964 lead to greater desegregation, the proportion of Southerners favouring that policy rose to 30 per cent.

Studies I believe, Mr. Speaker, have conclusively shown that law in our society is a formidable means for the elimination of group discrimination and for the establishment of conditions which discourage prejudicial attitudes. One must not underestimate the importance of human rights legislation. For it is, to me at least, abundantly clear that law has certain potentialities in the areas of human behaviour. It can codify our loftiest ideals rather than our basic practices by the withdrawal of the legal machinery from the support of discriminatory patterns.

Hon. members must never forget that by the placement of the province's influence and power on the side of those who are discriminated against it gives them effective means for defending themselves. Law affects our acts, and through them our beliefs. As a result proper legal controls fortify the unprejudiced and the believers in fair play, and weakens the position of those who do discriminate, whether out of a deep personality disorder or merely to conform to the values of other groups.

Let me say irrevocably at this time, Mr. Speaker, that I firmly believe in the necessity of such legislation for the reasons expressed. I do not accept some of the views expressed on the other side by members with respect that certain rights are entrenched within our society and need not be codified. I reject this concept and I submit that such a viewpoint merely shows a lack of comprehension of human rights history.

Needless to say, Mr. Speaker, I am indeed pleased and honored to present this bill to the House this afternoon, and to discuss in further general principles the provisions of, what I believe to be, a very novel and a very unique piece of legislation -- The Individual Rights Protection Act.

I must say at the outset that in some respects the act merely is a reassertion of the provision of the present Human Rights Act which was passed by the past government in 1966 and amended in 1971. I applaud the government of that time for expressing their legislative concern over individual rights. I further wish to submit, Mr. Speaker, that the present bill before the House is a dramatic expansion of the provisions of the existing Human Rights Act which will be repealed by this bill if it becomes enacted.

The first significant feature of this act, Mr. Speaker, is the primary section which is similar, of course, to the section discussed by the hon. Mr. Premier in the introduction of second reading of Bill

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No. 1. I will not repeat the reason for the necessity of this section, which was so clearly expressed by the hon. Premier on Monday. But I do wish to stress that the existing Human Rights Act did not contain a primacy section and, as a result, examples arose in the Province of Alberta where the present Human Rights legislation was ineffectual.

Let me give you an example, if I may. A case arose in Red Deer where a carpenter, who had worked for a firm for several years, lost his job due to the fact that a collective agreement was signed by his firm and a union, and the carpenter refused to join the union for religious reasons. The carpenter appealed to the administrator of The Human Rights Act for assistance, but the administrator was unable to act, due to the provisions of The Labour Act. Now this was a clear case of discrimination against an Albertan because of his religion, yet it was a case where our present human rights legislation was ineffectual. A case of this nature will not arise again due to the interplay of the primacy section which is incorporated within this act.

The areas of discriminatory concern in this bill are set forth in a code of conduct which materially expands, in a very meaningful way, the present code of conduct set forth in The Human Rights Act. Section 2 of the Code of Conduct is a new section and creates a prohibition against publishing or displaying before the public any notice, sign, symbol, emblem, or other representation indicating discrimination.

Now one might ask, why is this necessary? But if I may, let me show you the types of signs that we have, right today, in the Province of Alberta. Here is a sign that is situated on a building in downtown Edmonton. It's an old sign, but it's still there, and on it it says, "White Help Only". Here is another sign that was on a farmer's yard along Highway 21 in this province, where the sign states, "Indians Stay Out"; here is another sign which is found in Bowness Park in Calgary, Alberta, and it is a picture of an Indian with a big mouth, and the sign beside him says, "I gettun fat on garbage." It is signs like this, Mr. Speaker, that must be done away with and that is why the importance of the section relating to the display of emblems and signs which discriminate against a class. Signs of this nature are signs we can well do without in the Province of Alberta.

Sections 3 and 4 of this bill expand considerably the attitude that discrimination practises in public accommodation, services, and rental accommodation should be prohibited. The present Human Rights Act contains provisions prohibiting discrimination with respect to rental of self-contained dwelling units which exceed three in the number of units available for renting. This section has expanded the present law in that there is no longer the reference to three or more units, and, accordingly, any discrimination relating to rental of accommodation is prohibited.

One might ask whether or not such discrimination, in fact, exists in this province. I would refer the members to the 1971 annual report of the Human Rights Branch which received 37 complaints relating to the denial of apartment accommodation, and 13 complaints relating to the denial of public accommodation. This was some 50 accommodation complaints out of the 291 concerns that were filed with the Human Rights Branch in 1971.

I am further reminded of the case study, Mr. Speaker, which took place in Toronto a number of years ago, resulting from a series of advertisements in two Toronto newspapers which carried invitations of holiday hotel accommodation from approximately 100 different resorts. A Canadian social scientist, S. L. Wax, undertook an interesting experiment. To each of these hotels and resorts he wrote two letters, mailing them at the same time and asking for room

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reservations for exactly the same dates. One letter he signed "Mr. Greenberg", the other he signed with the name "Mr. Lockwood". Here are the results: To Mr. Greenberg, 52 per cent of the resorts replied; 36 per cent offered him accommodation. To Mr. Lockwood, 95 per cent of the resorts replied; 93 per cent offered him accommodation. Thus, nearly all of the resorts in question welcomed Mr. Lockwood as a correspondent and guest, but nearly half of them failed to give Mr. Greenberg the courtesy of a reply. But only slightly more than one-third were willing to receive him as a guest. Now none of the hotels knew these gentlemen, of course. For all they knew, Mr. Greenberg might be a quiet, orderly, gentleman and Mr. Lockwood rowdy and drunk. The decision was obviously made, not on the merits of the individual, but on Mr. Greenberg's supposed membership in a group.

This incident contains the essential ingredients of ethnic prejudice; one, hostility and rejection, and two, the categorical nature of the rejection. Mr. Greenberg was not evaluated as an individual, rather he was condemned on the basis of his presumed group membership.

Since the introduction of this bill for first reading, Mr. Speaker, I have received submissions from some landlords suggesting that the bill treats them in a discriminatory manner, and that they cannot be selective in the nature of the tenant that they may wish to have within their dwellings. The argument of these landlords seems to be similar to the concern expressed for a moment by the hon. Member for Highwood on Monday, to which I have already referred. But I think one might suggest to these landlords, firstly, that of course this legislation has been on our books since 1966. But more important, that landlords may be selective in their judgment if their judgment is based on fairness, and not prejudice as to sex, religious beliefs, colour, place of origin or ancestry. In other words, a landlord or innkeeper should not, generally speaking, be required to rent to individuals who have bad credit, or who are generally unacceptable due to their demeanour, or their conduct, or their lack of cleanliness and such, but general judgments of landlords based on stereotype prejudice should not be allowed. For this is clearly discriminatory and not in keeping with the provisions of this bill.

Now Sections 5 to 10 deal with employment practices. And these sections per se are not novel, they have been in the Labour Act and we will be repealing, if this bill becomes law, the relevant similar provisions in the Labour Act. But what is innovative is the fact that these provisions which prohibit discrimination in rates of pay to male and female employees are now contained in the Human Rights Legislation, and not within the Labour Act. These sections which offer equal opportunity for women, are I believe, rightly placed within this bill. And as further confirmation of the concern of this government all laws in Alberta involving discrimination of any nature or kind should be placed together in human rights legislation and not dealt with in any other acts.

I would further bring to the attention of the hon. members, the new and far-reaching innovative sections which are nine and ten of this bill. For the law, as it presently exists, does not empower the administrator of the Human Rights Branch to deal with a situation where a claimant is coerced or intimidated by a person against whom a complaint was filed. An example of this situation has also arisen in the Province of Alberta where a respondent called the police, gave them unfounded information about a person who had lodged a Human Rights complaint against the respondent. The police, in carrying out their duties, caused extreme embarrassment to the individual who eventually cleared himself of the allegations which were launched. They were launched merely as a form of coercion and harassment by the person against whom the complaint was originally lodged. As a result, Section 9 of the bill adds the words, 'intimidate and

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coerce', which is a meaningful addition to our human rights legislation and indeed an innovative one.

A further exciting human rights innovation, Mr. Speaker, is contained in Section 10 of the bill, which contains provisions which firstly, bind the Crown and every agency and servant of the Crown to the prohibitions contained in this act. And secondly it allows the Lieutenant Governor in Council to require that contracts of the government, municipal operations, Board of Trustees, school districts and divisions, and hospital boards, contain provision observing the provisions of the code of conduct contained in this act.

I wish the hon. Member for Calgary Mountain View were here this afternoon for it was he who suggested yesterday, when he demanded a commitment by this government, that the Crown would be bound as well, to set the example for human rights legislation. Had he taken a moment of time to read Bill No 2, if ever there was a commitment of the government that we would set the example, that commitment is contained in Section 10 of this bill. I must emphasize that this section is unique in the field of human rights legislation. And it again confirms our belief as expressed by the hon. Premier on Monday, that regulations must at all times be cognizant of human rights consideration, and although, as the hon. Premier set forth, this will not be easy, and the implications will only be known at a future date, it again shows our clear illustration of the belief of this government that human rights legislation must be binding upon all government agencies.

To this point, Mr. Speaker, I've endeavoured to deal with the principles of the bill and to particularize the natures of the form of discrimination the bill hopes to overcome.

I might say generally that it is the intent, I am sure, of the drafters of this bill that any steps relating to enforcement be dealt with in an atmosphere of negotiation, compromise, and wherever possible, cordiality. It is not our belief that human rights legislation can effectively be enforced nor can the objectives of this bill be realized in an aura of immediate confrontation, charges, and prosecutions.

The hon. Member for Spirit River-Fairview on Monday suggested that great energy should be expanded to ferret out discrimination and to -- as I believe he said -- stomp it down. But with respect, I do not believe that this is the proper approach to be taken in overcoming discrimination in dealing with human rights legislation. Enforcement provisions, of course, must be available but only as a last resort, Mr. Speaker, after all endeavours to negotiate a settlement, negating that discriminatory act have failed. It is indeed true that the Human Rights Commission set forth in this bill should do their utmost to define the discrimination, but to stomp it down, or to encourage enforcement, I would submit would be the wrong approach. This bill is highlighted by its emphasis upon the negotiation aspect when we deal with the enforcement procedures.

I would suggest, Mr. Speaker, that stringent enforcement procedures and acts will only tend to polarize discrimination and will do little to achieve the objectives of this legislation. What is required is compromising educational programs to bring to the attention of all Albertans that their own prejudices which they probably do not even realize exist, or more particularly do not comprehend the reasons for the existence of these prejudices, must hopefully come to an end.

Accordingly, Mr. Speaker, the bill proposes to create the Human Rights Commission. The functions of the commission are enumerated in the bill and hon. members will note that the functions do not include the conduct of the enforcement procedures, but deal with the functions of education, understanding, encouragement, and co-

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ordination of the public in human rights areas. In 1971, as I have already mentioned, some 291 concerns were expressed and investigated by the Human Rights Branch, but more important, the annual report sets forth the considerable other efforts in the areas of education and public opinion co-ordination. That in my view is even more important than the enforcement.

I wish at this time, Mr. Speaker, to state my personal appreciation to the members of the Human Rights Branch for their co-operation and assistance during the preparation of this bill and to further express my views to the hon. members of this House that this branch is performing a very valuable and dedicated service to the province. It is hoped that with the expansion of the human rights legislation, the Human Rights Commission set forth in this bill, will be able to perform a better and more expanded function in a more meaningful way.

In conclusion, Mr. Speaker, I just briefly wish to bring to the attention of the hon. members the enforcement procedure. Because it does have one unique factor in that there are really three stages to the enforcement aspects of this bill. Once the complaint is lodged with the commission, or once the commission becomes aware of a complaint which should be moved forward, the first obligation of the commission is to endeavour to negotiate a settlement of the alleged discriminatory practices and further, of course, to determine whether or not there was a discriminatory practice. In the event that this cannot be settled, the commission then has the right to appoint a board of inquiry and the board of inquiry may then have a hearing similar to that which is contained in the present act. But after the board of inquiry sets forth their viewpoint and findings, again, the commission has 30 days to endeavour to negotiate a settlement. Only when that fails will legal proceedings be taken and the legal proceedings will not be taken by the commission, but they will be taken on reference and at the discretion of the Attorney General. As a result, at all times, the bill has been careful not to place the Commission in the position of an enforcer, but has placed the Commission in the position of a person or a body designed to encourage, educate, and deal with the people -- the citizens of the province -- in a very negotiating way.

In conclusion, hon. members, I am confident that the principles of this bill -- we are hopeful at least -- will readily be accepted by all of the hon. members of this House and by the citizens of this province. It is a bill of which we may all be proud. It is a bill which, unlike most, is not concerned with financial matters, lobbies, pressure groups. It is a bill that deals with our most important resource, namely the individual. It is a bill which places an individual first and foremost in the minds of this Assembly. It is a bill which deals with the concerns of that intangible factor, namely the individual's relationship with other individuals, so that we may all live in harmony and balance guided by fairness, reasonableness, and equal opportunity.

MR. FRENCH:

Mr. Speaker, in rising to speak on second reading of Bill No. 2, I have a few comments to make. In the first place I'd like to congratulate the hon. Member for Calgary Buffalo for his very splendid address this afternoon. I'd like to clarify one point when he referred to the word 'white', with respect to an advertisement. I'm wondering if that particular advertisement today doesn't contravene Section 6 of the present Human Rights Act, but I'll leave it to your good judgment.

In rising to speak on the bill this afternoon, I want to make it quite clear that I certainly support the bill. In this Legislature, about 1966, we did pass The Human Rights Act, and since that time the provisions of the act have been extended. In other words, what

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happened in 1966 was that we took a progressive step forward. Last year we extended the act, and as I see the present act which is here today, it's an extension of what was started some years ago.

I think it would be of interest for the members of the Legislature to have a review as to what sections are basically the same in the two acts. As I read The Alberta Human Rights Act, Chapter 178, and I read The Individual Rights Protection Act, Bill No. 2, I find to a great extent, many features are in common. They both guard against unfair and discriminatory practices in employment. They guard against public accommodation and services by reason of race, religious beliefs, colour, ancestry, place of origin, sex, marital status, or age. I should also say this protection has also been extended to include non-public accommodation in buildings which are available for rent.

So basically, the protection we have today deals with fair employment, fair accommodation, and discrimination of accommodation services and facilities. These are outlined in sections three, four, and five of the present bill. Possibly, if my time doesn't run out this afternoon, I'll go into some of these areas in a little more detail.

To me, Mr. Speaker, there are probably four or five major differences in the two bills. The first major difference, of course -- the hon. Member for Calgary Buffalo referred to it -- is that The Individual Rights Protection Act will have the effect of over-riding and rendering inoperative any other law of Alberta that purports to authorize or require the doing of anything prohibited by any other act. This is quite definite.

The second major difference, as I see it, is that The Human Rights Act uses an administrator. The Individual Rights Protection Act uses a Human Rights Commission.

The third major difference is that The Alberta Human Rights Act does not apply to a domestic employee in a private home, or an exclusively religious, educational, fraternal, or social organization. I'd like to go into that a little later on, and so I'll leave that for the time being.

There is a definite provision for equal pay to male and female employees in The Individual Rights Protection Act, but this same protection is now in The Labour Act, and to me, this has just been taken out of The Labour Act and put into this particular act. It's almost word for word the sections of 119, 120, and 126 in The Alberta Labour Act. And then, of course, there is this other provision with respect to advertisement.

So basically between the two acts, Mr. Speaker, the concepts are very close, and this brings me down to my first observation. That is that I find it difficult to understand the reason that the name has been changed from The Human Rights Act to The Individual Rights Protection Act. I have two or three reasons for saying that.

My first reason is that the commission in The Individual Rights Protection Act will be called the Human Rights Commission. It would appear to me that there could be some confusion in the minds of the public, when here we have an act that's called The Individual Rights Protection Act, and yet the commission which will be set up under this act will be called the Human Rights Commission. I think when we go back into history, human rights has been identified in many jurisdictions as the protection of the individual.

The United Nations Commission on Human Rights was established away back in 1946. For the information of the Legislature I would like to read part of the preamble of the United Nations Universal

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Declaration on Human Rights, as follows, and I emphasize the words 'human rights':

"Whereas the peoples of the United Nations have in the charter, reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person, and in equal rights of men and women, and have determined to promote social progress and better standards of life, and larger freedom."

The name 'human rights' is used in the United Nations Universal Declaration. I should also point out to the House, Mr. Speaker, that Ontario has been one of the leaders in this field. The Ontario act is called The Ontario Human Rights Code Chapter 93. The Alberta act was called Alberta Human Rights Act, and the people across Canada today, I believe, understand the terminology which is identified with the name 'human rights'. This is one of the reasons I wonder why we are changing the name to The Individual Rights Protection Act. Possibly it is fine; I am just raising this as an item which could be considered by the Legislature.

In the first place, I think the name is shorter, I think it is easier to remember; it identifies our legislation with similar legislation in other jurisdictions, including the United Nations. I believe, Mr. Speaker, that as long as we subscribe to the principle that the individual is the most important of all God's creations on this earth, we must endorse legislation designed to safeguard the liberties of the individual. This is what we are doing in this bill, and it is for this reason I certainly support the bill.

Mr. Speaker, when human rights legislation was first brought in to this Legislature in 1966, there certainly was discrimination in Alberta. I am well aware of many hotels in the province previous to 1966, that refused to provide lodging to our native people. There has also been discrimination in employment. The Human Rights Act was an attempt to eliminate this discrimination. I would suggest it has been effective, at least to a degree, and we have less discrimination today than we had six years ago. If we had not passed The Alberta Human Rights Act in 1966, we would possibly have the same discrimination today that we had previous to 1966.

Perhaps the human rights legislation has not achieved the results we would like to see, but I still maintain, Mr. Speaker, that you cannot legislate a person into heaven, nor can you require that individual to like his neighbour. So, this type of legislation needs education and understanding. I think until we can get the understanding of all people, it is very difficult to enforce what we are trying to attempt in this type of legislation. I also think we should never lose sight of the fact that human rights legislation is much more than a piece of legislation, just because it deals with a minority. It is a set of principles to be practised by all of us, not because the law requires it, but rather, because our society today demands it. This is one of the features I believe that is written into this new protector bill.

How are you going to achieve this understanding and education? I say there are two ways; you can either use an administrator and social workers, or you can use a commission. I should also point out that Ontario uses a commission, and they also have four other members at the present time on their commission. If you can achieve better education and understanding by using a commission, then I say, let us use a commission. If you can achieve better results by using an administrator, then I say let us use an administrator..

I think I should point out that the return that was tabled in the Legislature yesterday, that in the year 1971 we had 246 complaints filed with the commission. I am very pleased to note that in answer to my question No. 2, the total number of complaints settled; the return said all complaints were settled, unless they are

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either withdrawn by the complainant, or terminated for lack of interest. In other words, the administrator whom we have had in Alberta, last year had 246 cases, and according to the return, all were settled.

In the record for the last five or six years, 1967 to 1971, there was only one case that went to a board of inquiry. So I say, as far as the province of Alberta is concerned, with the record of the administrator, they have achieved wonderful results.

Now comparing Alberta with Ontario, I should point out that the budget in the Province of Alberta last year was some \$47,000 or \$48,000 for four employees, and this year, I note in the budget, that it is \$78,000 for seven employees.

I should also point out, Mr. Speaker, that with the amendments that were made in the legislation last year, that the act was extended; and so I note when going back through the record, that there has been an increase in the work of the administrator and his staff this last year. And I think basically this is the reason that we have an increase in the work load.

Now in further examination of the two acts, I find age, as defined in this act, as age 45, and less than 65. Age in the Alberta act is 40 years and less than 65, and I find that age in the Ontario act is defined as age 40 and less than 65. Now I hope somebody in this debate will give me some reason why the people between age 40 and age 45 will be excluded from this legislation. In other words, are we then going to say to a person, you are too old to work at age 40, and then turn around to an employer and say that you must employ people who are over 45. I find this most difficult to understand.

I would also like to point out, Mr. Speaker, that there is a section in The Human Rights Act that has been omitted from this section. And very briefly, I would just like to refer to it. It says Sections 5 and 6 do not apply with respect to a domestic employed in a private home or an exclusively religious, philanthropic, educational, fraternal, or socio-organization which is not operated for private profit, or any organization that is operated primarily to foster the welfare of religious or ethnic groups, and that is not operated for private profit; or refusal, limitation, specification, or preference based on bonafide occupational qualification.

Now Section 5 and Section 6 deal with employment, to a great extent, and this bothers me a little bit, because I think there is a distinct difference between employment in a private home and in a factory. In the first place, employment in a private home invariably consists of a living-in arrangement, where the person employed is part of that home. And if we do not make some provision to protect the person in this private home, then we in fact, are denying that person his own individual and personal rights.

Let me restate it another way. What we are trying to do in this act is to prevent discrimination, and if we do not permit a person to have the right to choose a person of his own choice without restriction when hiring somebody for his own home, then in fact, this could be construed as discrimination, which is the very thing that we are trying to eliminate.

Let's take another example. Are we going to say to a bishop, you should not be able to give preference to someone in your parish, when selecting somebody to be your secretary. Now this is with reference to the religious part. And surely, Mr. Speaker, we are not going to say to a Polynesian restaurant, you cannot be selective in choosing the people who will work for you. I think it goes without saying, that when you walk into a Polynesian restaurant you expect to see Polynesian people who will be wearing the native dress of their

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country, and can anyone imagine what a Polynesian restaurant would be like without the atmosphere of Polynesian dancing girls wearing their native costumes?

I think, Mr. Speaker, that it is important that we have a real look at the legislation which is in Section 7 of the Human Rights Act. I say this for two or three reasons. I think it is important that any legislation that we pass in this Legislature must be enforced. I realize that in The Human Rights Act, that if we do not give serious consideration to reinstating Section 7, as contained in The Human Rights Act, we're then going to be in a position where we are going to be trying to enforce -- coming back the matter of the restaurant, hiring help -- are we then going to say to the Human Rights Commission there's a restaurant down the street that is Indian, Polynesian, or whatever nationality it is, and these people will not be permitted to hire people in keeping with atmosphere! I could give you untold examples.

The same as with a private home -- I know that if you are hiring someone for your home, that person is going to live in your home, he is going to become a part of your life, he is going to be a companion to your family. You would probably give preference to someone of the same religion, same ways of life and all these sorts of things. If we ever start to forget about the rights of individuals in their homes, then to a great extent we are going to defeat the very things that we are trying to do in this act.

I want to say, Mr. Speaker, I feel this is a very important piece of legislation. I do not know whether it's going to be referred to the standing committee, or whether it's going to be public hearings, or if there's going to be a legislative committee. I certainly feel that we should attempt to get public opinion on some of the matters that I have raised in my remarks this afternoon. Now whether we get it by a legislative committee, or whether we have representation made to the Cabinet -- the same as with Bill No. 1 -- or whether the representation is made to the Standing Committee on Public Affairs, Agriculture and Education... I'm not aware of what the indication from the government is, except that we should have public opinion. I personally am quite concerned about leaving out Section 7 of The Human Rights Bill, and I've given you the reasons for it. I think it's most important that we certainly don't implement legislation that is not enforceable.

As far as the commission is concerned, I have no objection to the commission except that we are getting wonderful results from the present administrator. The work has been extended over the period of years. Whether we've reached the stage for commission I don't know, but when you compare the results that we have had in Alberta with Ontario -- just briefly it may be of interest, Mr. Speaker, to know that in Ontario last year, or the year 1969-1970, they had a total of 598 cases according to the annual report of the Department of Labour. I see my time is getting close and I don't want to take too much time on this matter.

There are certainly many features in the new Individual Rights Protection Act that I support in principle. I also want to say that I think Section 7 of The Human Rights Act should be included in the new act. I also feel that we should take a new look at the name of this act. I'm a little bit concerned that we have a broad departure from the name Human Rights because that's pretty well identified in Canada, in other jurisdictions, United Nations, and so on and so forth. I think it would be a mistake if we drop the name Human Rights Act and go into Individual Rights Act. Basically I suppose it could be argued that they mean the same, but to the public I think the name of the act should be the same as the name of the commission and I would certainly hope that the government would give this serious consideration.

May 17th 1972

ALBERTA HANSARD

52-45

In closing, Mr. Speaker, I want to say that I certainly support the bill. I have raised two or three points and I trust that the points I have raised will be considered by the Legislature in due course. I don't want any of my remarks to be construed that I am in any way in opposition to this bill. I think I have responsibility to bring some of the concerns I've had, to the attention of the Legislature. Thank you.

MR. TAYLOR:

Mr. Speaker, I beg leave to adjourn the debate. Before you put the question I wonder if I could raise a quick point of order. If I am the last speaker on this particular bill I would be prepared to forego what I want to say, if the government would like to have a vote on this bill this afternoon.

[The response from the government side was negative.]

Well in that case then, I have pleasure in adjourning the debate.

MR. SPEAKER:

May the hon. Member for Drumheller adjourn the debate?

HON. MEMBERS:

Agreed.

MR. SPEAKER:

The House stands adjourned until tomorrow afternoon at 2:30 o'clock.

[The House rose at 5:30 p.m.]

