

1946

CHAPTER 11

An Act Respecting the Rights of Alberta Citizens.

(Assented to March 27, 1946.)

WHEREAS Canada has fought in two world wars for the Preamble
declared purpose of assuring a democratic society in which all men would have an opportunity to enjoy a free and abundant life including a measure of social and economic security compatible with the extent of our material resources and the productive capacity of our people; and

Whereas the second world war, like the first, will have been fought in vain unless, having defeated the forces of military tyranny, the Canadian people now proceed to win the peace by so ordering their internal economy that the freedom and security for which they fought may be experienced in reality by all of our citizens; and

Whereas it is the sacred duty of the Canadian people to keep faith with the thousands who sacrificed their lives for this purpose and with their comrades-in-arms who were assured that this time their sacrifices would not be in vain; and

Whereas the Province of Alberta possesses all the human and material resources necessary to provide for its citizens the material security essential to the enjoyment of personal freedom; and

Whereas *The British North America Act* imposes upon the Province the constitutional responsibility of providing its citizens with an opportunity to realize and enjoy their property and civil rights; and

Whereas the discharge of the Province's responsibility necessitates the recognition of certain basic rights and responsibilities of citizenship and requires that its citizens have the necessary access to their resources so that they may produce the goods and services they require and provide for their equitable distribution in a manner that will ensure to all an opportunity to obtain social and economic security with personal freedom; and

Whereas the control of policy with respect to the issue, use and withdrawal of credit primarily determines the extent to which the citizens of Alberta may develop and enjoy the use of their resources and therefore must be a function of the electorate of the Province to be discharged on their behalf by their democratically elected representatives;

Now therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

- Short title **1.** This Act may be cited as "*The Alberta Bill of Rights Act.*"
- Interpretation -
"Citizen of Alberta"
- "Educational benefits"
- "Gainful employment"
- "Medical benefits"
- "Minister"
- "Social security pension"
- 2.** In this Act unless the context otherwise requires,—
- (a) "Citizen of Alberta" means a British subject residing in Alberta whose permanent place of residence is in Alberta, and who has resided in Alberta for a period of not less than twelve consecutive months;
- (b) "Educational benefits" means,—
- (i) the opportunity to acquire a public and high school education without cost to the student, his parents or guardian;
- (ii) the opportunity by means of scholarships and grants to acquire university or other specialized training in cases where a student qualifies on the grounds of outstanding ability and aptitude;
- (c) "Gainful employment" means any legitimate occupation as may be from time to time determined by the Lieutenant Governor in Council and from which a person derives an income;
- (d) "Medical benefits" means all necessary hospital, medical, surgical and dental care and any other care given by a recognized health practitioner without cost to the person receiving the same or if the person is a minor without cost to his parents or guardian;
- (e) "Minister" means the Provincial Treasurer;
- (f) "Social Security Pension" means the payment to individuals, as herein provided, of claims on goods and services within the limitations of the natural resources of the Province and the productive capacity of the people, to ensure an annual income of not less than six hundred dollars a year on the basis of the 1945 price level for every single citizen of Alberta nineteen years of age and over;
- Provided, however, that in the case of married persons, for the purpose of determining the amount of the payment to either spouse, the income of the two spouses shall be considered as if it were their joint income.

PART I.

RIGHTS OF CITIZENSHIP.

- Freedom of worship **3.** It is hereby declared that every citizen of Alberta shall be free to hold and cherish his own religious convictions and to worship in accordance with the dictates of his own conscience.
- Freedom of expression **4.** It is hereby declared that every citizen of Alberta shall be entitled to enjoy freedom of expression provided that he

does not violate the defamation laws in force in the Province or *The Criminal Code of Canada*.

5. It is hereby declared that every citizen of Alberta shall be free in association with other citizens, to assemble for any lawful purpose in accordance with the laws in force in the Province.

Freedom of assembly

6. It is hereby declared that every citizen of Alberta shall be free to engage in the work of his choice which may be available to him within the Province.

Freedom to engage in work of choice

7. It is hereby declared that every citizen of Alberta shall be free to acquire land and enjoy the use of his home and property without interference or molestation, so long as he conforms to the laws in force in the Province for safeguarding the lives, property, welfare and personal rights of other citizens.

Freedom to acquire property and enjoy home and property

8. It is hereby declared that every citizen of Alberta shall be free to do or refuse to do any act or thing within the limitations of the laws in force in the Province, provided that thereby he does not infringe upon the same right of any other citizen.

Freedom to be free to do or refuse to do any act subject to laws of the Province

9. It is hereby declared that every citizen of Alberta of not less than nineteen years of age and not more than sixty years of age is entitled as a right of citizenship to,—

Rights of citizens between ages of nineteen and sixty

- (a) the opportunity to engage in gainful employment; or
- (b) if gainful employment is not available, to a social security pension.

10. It is hereby declared that every citizen of Alberta under nineteen years of age is entitled as a right of citizenship to,—

Rights of citizens under nineteen years of age

- (a) the necessities of life adequate to ensure health and physical well-being;
- (b) educational benefits;
- (c) medical benefits.

11. It is hereby declared that every citizen of Alberta who has reached the age of sixty years is entitled as a right of citizenship to retire from gainful employment and upon retirement to receive,—

Rights of citizens who have reached age of sixty years

- (a) a pension of such amount as may from time to time be authorized by an Act of the Legislature, provided that such pension shall not be less than the current amount of the social security pension;
- (b) medical benefits.

12. It is hereby declared that every citizen of Alberta who becomes physically disabled and unable to engage in gainful employment is entitled to,—

Rights of disabled citizens

- (a) a social security pension;
- (b) medical benefits.

Duties of
Alberta
citizens

13. In consideration of the foregoing rights of citizenship it shall be the duty of every citizen of Alberta to discharge faithfully his responsibilities as an elector and citizen of Alberta, to observe and comply with the laws of the Parliament of Canada and of the Legislature of Alberta and other laws in force in the Province, to respect the rights of other citizens, and to exercise his initiative and enterprise in promoting the spiritual, cultural and material welfare of the Province.

POWERS OF THE LIEUTENANT GOVERNOR IN COUNCIL.

Powers of
Lieutenant
Governor in
Council
To classify
occupations

14. The Lieutenant Governor in Council is hereby authorized and empowered by order,—

To make
agreements
with Govern-
ments of
Canada or
any province

(a) to specify and classify occupations coming within the meaning of gainful employment for the purpose of this Act;

To make
rules and
regulations
governing the
determina-
tion of
questions
arising under
Part I

(b) to enter into agreements with the Government of Canada or of any Province of Canada or with any person, corporation or organization which may be deemed necessary to carry out the intent and purpose of this Act;

(c) to make rules and regulations governing the determination of any question which may arise under this Part, and the procedure to be adopted in such determination, and in particular but without limiting the generality of the foregoing, with respect to,—

(i) the qualifications and eligibility of any person for school, high school or university or other specialized training hereunder;

(ii) the availability of gainful employment to any person;

(iii) the eligibility of any person for a social security pension and medical benefits;

(iv) the eligibility of any person to receive a pension upon reaching the age of sixty years;

(v) subject to the other provisions of this Part, the amount of the pension to be paid to an eligible person.

PART II.

CONSTITUTION AND FUNCTIONS OF BOARD OF CREDIT COMMISSIONERS.

Interpreta-
tion
"Alberta
Credit Cer-
tificates"

15. In this Part, unless the context otherwise requires,—

(a) "Alberta Credit Certificates" means certificates issued to credit institutions authorizing a corresponding amount of credit deposits and issued in such form and in such denominations as the Board may specify for the purposes of carrying into effect the provisions of this Act.

- (b) "Board" means the Board of Credit Commissioners "Board" as herein provided.
- (c) "Consolidated Credit Adjustment Fund" means a "Consolidated Credit Adjustment Fund" a fund of credit deposits operated by the Board of Credit Commissioners in accordance with the provisions of this Act.
- (d) "Credit" means the monetary evaluation of the capacity of the people of the Province to produce and distribute goods and services as when and where required. "Credit"
- (e) "Credit deposits" means deposits of credit which have been made available to persons as claims on goods and services and in respect of which credit institutions have no corresponding reserve of currency. "Credit Deposits"
- (f) "Credit Institution" means any person, corporation or organization whose main business is dealing in credit by keeping accounts of customers' credit deposits, transferring credit deposits from the account of any customer to any other person, exchanging credit deposits for currency or making credit deposits available to customers; but shall not include any person, corporation or organization whose main business is the production or distribution of goods or the rendering of any service to the public which is not concerned mainly or exclusively with dealing in credit deposits; and likewise shall not include the Bank of Canada or credit unions operating pursuant to *The Credit Union Act*. "Credit institution"
- (g) "Currency" means coins, Dominion notes, Bank of Canada notes and bank notes circulating in Canada and legally recognized as money under *The Currency Act*, *The Bank of Canada Act* and *The Bank Act*. "Currency"
- (h) "Purchasing Power" means the currency and credit deposits which are available for the purchase of goods and services by ultimate consumers. "Purchasing power"

16.—(1) For the purpose of carrying out the provisions of this Act, the Lieutenant Governor in Council shall appoint a Board of Credit Commissioners, of not more than five persons who shall be responsible to the Minister for discharging the duties assigned to them under this Act. Board of Credit Commissioners

(2) The Lieutenant Governor in Council shall designate the Chairman of the said Board and shall fix the remuneration of all the members of the Board. Chairman and remuneration of members

(3) The members of the Board appointed pursuant to subsection (1) shall hold office during good behaviour and shall be removable for cause by the Lieutenant Governor on address of the Legislative Assembly. Terms of office

17.—(1) The Board shall have authority to license all credit institutions in the Province and with the approval of the Lieutenant Governor in Council to fix the fees and make regulations regarding the issue, cancellation and renewal of such licenses. Board to license credit institutions

Application
for license

(2) Every credit institution operating within the Province shall within one month of this Act coming into force make application for a license from the Board.

Penalties for
carrying on
operations
without a
license

(3) Every credit institution which carries on operations within the Province without having first obtained a license so to do pursuant to the provisions of subsection (2) shall be guilty of a separate offence with respect to each branch or agency in the Province in which it carries on operations, and shall be liable on summary conviction for each such offence to a penalty of not less than one thousand dollars and not more than five thousand dollars for each day the credit institution so carries on operations.

Right of
Board to
take control
of credit
institution
when not
licensed

(4) In the event of any credit institution within the Province failing to comply with subsection (1) of this section or operating without a license issued by the Board, the Board or its duly authorized agents, with the approval to the Lieutenant Governor in Council, may enter the premises of such institution and assume full control and management of its business on behalf of its directors and shareholders:

Provided, however, that nothing herein contained shall be deemed to empower the Board to take over or interfere with any operations which the credit institution is authorized to perform by virtue of the provisions of *The Bank Act* nor to impair in any way the deposits any person may have with the credit institution, nor to interfere with any such person in dealing with his deposits in any way he may deem proper.

Board to
establish
capital assets
account of
Alberta

18.—(1) The Board shall establish and maintain a proper accounting of the estimated capitalized productive resources of the Province expressed in monetary terms, being the estimated capitalized valuation of its credit, to be known as the Capital Assets Account of Alberta, which shall include without distinction as to public or private ownership, an estimated valuation of the economic resources of the Province, and without limiting the generality of the foregoing, shall include,—

- (a) the natural resources of the Province, both developed and undeveloped;
- (b) buildings, plant, communication and transportation systems and other public utilities;
- (c) the capitalized productive capacity of the people of the Province,—

all of which shall be shown as capital assets of the Province.

Claims on
goods and
services to
be shown as
liability

(2) Claims on goods and services issued against the capital assets of the Province, in the form of currency or credit deposits held by the people of Alberta, shall be shown as a liability.

Regulations

(3) The Board may, with the approval of the Lieutenant Governor in Council make such regulations as may be necessary for the collection of information relating to the production, purchase, sale or the disposition otherwise of goods and services within the Province.

19. The Board shall establish an account to be known as the Consolidated Credit Adjustment Fund and with the approval of the Lieutenant Governor in Council, the Board shall issue to such fund against the Capital Assets Account of Alberta credit deposits in such amounts as may from time to time be required as a reserve for providing an adequate volume of credit deposits to finance the production and distribution of goods and services within the Province and for maintaining a balance between the aggregate purchasing power of the people of the Province and the estimated collective prices of goods for sale within the Province and for providing for their equitable distribution, having due regard to all the factors involved.

Board to establish Consolidated Credit Adjustment Fund

20.—(1) From the Consolidated Credit Adjustment Fund the Board shall, with the approval of the Lieutenant Governor in Council, transfer to the General Revenue Account of the Province such amounts of credit deposits and in such manner as may be required for the following purposes, namely,—

Transfers from fund to the general revenue account

- (a) payment of social security pensions;
- (b) payment of educational benefits;
- (c) payment of medical benefits;
- (d) reduction of taxation;
- (e) grants to educational, health or municipal authorities;
- (f) the reduction of retail prices to consumers by means of subsidies.

(2) For the purpose of effectively controlling and regulating the issue and withdrawal of credit deposits within the Province, the Board, with the approval of the Lieutenant Governor in Council, shall issue to licensed credit institutions Alberta Credit Certificates in such amounts and on such terms as the Board may deem advisable in order to enable such credit institutions to issue credit deposits to customers over and above the deposits against which a reserve of currency is held, and the amount of Alberta Credit Certificates so issued shall be debited to the Consolidated Credit Adjustment Fund.

Issue of Alberta credit certificates to licensed credit institutions

21. The allocation of purchasing power from the Consolidated Credit Adjustment Fund shall not exceed such aggregate amount as may be required from time to time to bring the total purchasing power of the people of the Province into balance with the estimated collective prices of the goods for sale within the Province.

Limitation on allocation of purchasing power

22.—(1) Should the aggregate purchasing power of the people of the Province at any time exceed the estimated collective prices of the goods for sale within the Province, it shall be the duty of the Board to report the extent of this condition immediately to the Lieutenant Governor in Council, together with a recommendation for its correction.

Board to report to Lieutenant Governor in Council any excess of purchasing power of people over the collective prices of goods for sale

Steps to be taken by the Lieutenant Governor in Council

(2) Upon the receipt of such report and recommendation the Lieutenant Governor in Council shall take steps forthwith to retire such excess purchasing power by one or more of the following steps:

- (a) direction to the Board to withdraw Alberta Credit Certificates in whole or in part from licensed credit institutions on a *pro rata* basis;
- (b) the reduction or withdrawal of subsidies being paid to reduce the retail prices to consumers as herein provided;
- (c) an increase in taxation for transfer to the credit of the Consolidated Credit Adjustment Fund subject to the approval of the Legislature;
- (d) the reduction of social security pensions as herein provided.

Cancellation of amount of credit deposits withdrawals

(3) Upon the withdrawal of such excess purchasing power the Board may cancel in the Consolidated Credit Adjustment Fund the amount of credit deposits so withdrawn or any part thereof.

Reports by Board to Minister

23. The Board shall from time to time and at least once every three months, report to the Minister upon,—

- (a) the extent to and the manner in which the credit of the Province is being utilized;
- (b) the extent to which such credit in use is adequate or otherwise for the unrestricted production and equitable distribution of the goods and services required by the people of the Province;
- (c) the extent to which the aggregate purchasing power of the people of the Province is adequate or otherwise to purchase the total goods and services for sale within the Province;
- (d) any action required to be taken for the purpose of balancing the aggregate purchasing power of the people of the Province with the collective prices of goods and services for sale within the Province and for the purpose of providing for the equitable distribution of such goods and services.

Licensed credit institutions to operate accounts of customers as directed by the Board

24.—(1) Every licensed credit institution shall keep and operate the accounts of its customers, and arrange for the transfer of credit deposits from one account to another account in such manner and by such instruments as the Board may from time to time direct and the Board and its duly authorized agents shall at all times have access to the books, records and accounts of such credit institutions, and every member of the Board or its authorized agents having access to such records shall take and be bound by an oath of secrecy properly executed before a person authorized to administer oaths within the Province.

Credit institutions may be required to hold Alberta credit certificates against credit deposits against which a reserve of currency is not held

(2) The Board may require every licensed credit institution to hold against all or any credit deposits of customers, not being deposits against which a reserve of currency of an

equivalent value is held, Alberta Credit Certificates of an aggregate value not exceeding the aggregate value of such credit deposits.

(3) In the case of any credit institution licensed to operate within the Province, having branches and operating outside the Province, the proportion of its reserves of currency to its total deposits within the Provinces shall be deemed to be in the same ratio as its total reserves of currency to its total deposits in Canada.

Method of estimating reserves of currency where credit institution operates within and without the Province

(4) The Board may direct that any balance due by one credit institution to another credit institution on account of any transfers of credit deposits between their respective customers shall be settled by the transfer of Alberta Credit Certificates of a corresponding value.

Board may require balances to be settled by transfer of Alberta credit certificates

25. With the approval of the Lieutenant Governor in Council, the Board may make regulations not inconsistent with this Act as to the Board seem necessary for carrying out the provisions of this Act and for the administration thereof, and such regulations shall be published in *The Alberta Gazette* and upon being so published they shall have the same force and effect as if they had been enacted as a part of this Act.

Regulations

26.—(1) Any credit institution within the Province found guilty of violating any of the provisions of this Part or any regulations made thereunder shall be liable to the cancellation of its license, and in addition thereto shall on summary conviction be liable to a fine not exceeding one thousand dollars.

Penalties for offences by credit institutions

(2) Any person other than a credit institution who violates any of the provisions of this Part or any regulation made thereunder shall on summary conviction be liable to a fine not exceeding one thousand dollars or one year's imprisonment or both.

Penalties for offences by other persons

27. Notwithstanding the provisions of any other Act of the Legislature all taxes, fees, dues and other payments thereunder may be made by the transfer of credit deposits in the forms and in the manner prescribed by the Board from time to time.

Taxes, fees, etc. may be paid by transfer of credit deposits

28. This Act shall come into force on a day fixed for that purpose by Proclamation of the Lieutenant Governor in Council, but no such Proclamation shall be made until after the question of the validity of this Act has been referred to the Supreme Court of Alberta pursuant to the provisions of *The Constitutional Questions Act*, and it is certified upon any such reference that this Act is valid, and if no appeal is for the time being pending, until the time for giving any notice of any such appeal has elapsed.

Coming into force of Act