

August 31st, 1972

STUDY INTO THE STATUS OF BRITISH SUBJECTS
UNDER ALBERTA STATUTES

A section-by-section search of the Revised Statutes of Alberta (1970) and the Statutes of Alberta (1971) and (1972) revealed that there are sixteen Acts which specifically mention the words "British subject". By far the majority of these refer to "Canadian citizen or British subject", though occasionally the phrase "Canadian citizen or other British subject" appears. Strictly speaking, the latter phrase is more technically correct, as Canadian citizens are British subjects under the Canada Citizenship Act (R.S.C. 1970, c. C-19, s. 21). The Acts in question all refer to a qualification which must be held by a person, either to vote, hold office, or join a trade union or professional organization. With reference to these Acts, a British subject would appear to be treated on a par with Canadian citizens. The privileges enjoyed by British subjects which would otherwise be confined to Canadian citizens include:

- (1) The franchise in all provincial, municipal and school elections;
- (2) the privilege of holding any elected office;
- (3) the privilege of being appointed as a trustee of a Drainage District, a Provincial Judge, a Notary Public, a Juror, a member of a conciliation board under the Labour Act, a member of a mediation board under the Crown Agencies Employee Relations Act or a member of a mediation board under the Public Service Act;

(4) the privilege of receiving assistance in the purchasing of farm lands under the Farm Purchase Credit Act or a dining lounge licence under the Liquor Licensing Act;

(5) the privilege of changing one's name;

(6) the privilege of being admitted to the Law Society of Alberta.

Only one Act, the Drainage Districts Act, still retains the words "British subject" standing alone. While all other Acts that grant privileges to British subjects have added the phrase "Canadian citizen", they have not done so at the same moment, but rather the process of conversion has taken place over the years since the Canada Citizenship Act was passed, including some changes as recent as last year.

Several examples should serve to illustrate the changes that were made subsequent to the Canada Citizenship Act in 1947:

(1) The Election Act, R.S.A. 1942, c. 5, s. 32, states:

Any person who is of the full age of twenty-one years and a British subject by birth or naturalization, who is resident in Alberta and who is not disqualified by The Legislative Assembly Act or by any other Act, shall be qualified to be a candidate at an election.

Similarly it was a qualification of a voter that he be a British subject (s. 17). These requirements were left

untouched by the intervention of the Canada Citizenship Act. The Election Act, R.S.A. 1955, c. 97, s. 32, states:

Any person who

- (a) is of the full age of twenty-one years,
- (b) is a British subject by birth or naturalization,
- (c) is resident in Alberta, and
- (d) is not disqualified by The Legislative Assembly Act or by any other Act,

is qualified to be a candidate at an election.

The qualification that a voter be a British subject also remained (s. 17).

In 1956 a year after the 1955 revision of the statutes and a full nine years after the Canada Citizenship Act, saw a revision in the qualification of electors (and hence, by the new Act, candidates). The Election Act, S.A. 1956, c. 15, s. 17, states:

- (2) A person is qualified to be registered as an elector and to vote, who
 - (a) on the day on which the writ was issued was a Canadian citizen or British subject,

(2) The University Act, R.S.A. 1942, c. 179, s. 14 states:

No person shall be eligible for appointment as a member of the Board unless he is a British subject and a resident of the Province.

By 1955 this had been changed. The University Act, R.S.A. 1955, c. 351, s. 14, states:

No person is eligible for appointment as a member of the Board unless he is a Canadian citizen or a British subject and a resident in the Province.

This section withstood the 1966 revision in the Universities Act, but in 1970 was changed to its present form. The Universities Act, S.A. 1970, c. 111, s. 10, states:

Section 14 is amended

- (a) as to subsection (1) by striking out the words "British subject and is a resident of the Province" and by substituting the words "landed immigrant"

(3) Legal Profession Act, R.S.A. 1942, c. 294, s. 61, states:

The benchers shall enrol as members of the Society with the title of barrister and solicitor upon their complying with the rules and regulations of the Society and showing themselves to be of good character and reputation and upon presentation of the certificate of the Clerk of the Court referred to in section 64 the following persons, that is to say:

- (a) Any British subject of the full age of twenty-three years,

The qualifications of "British subject" appears elsewhere in s. 61, in s. 62, and also in s. 63.

By 1955 the Act had been amended to take into account the new Canadian citizenship, but, like the Universities Act, the Legislature continued to recognize British subjects. The Legal Profession Act, R.S.A. 1955, c. 173, s. 61, states:

(1) The benchers shall enrol as a member of the Society with the title of barrister and solicitor a person who

(a) is a Canadian citizen or a British subject,

With regard to this requirement the Act has remained unchanged to the present.

(4) The Police Act, R.S.A. 1942, c. 109, s. 10, states:

The Commissioner may appoint such persons and make such distinctions in rank as in his opinion shall be necessary for the efficient working of the Force, and he shall appoint such number of Provincial constables as he thinks proper from time to time not exceeding in all five hundred men and may employ any other persons to do such acts, matters and things as may be necessary for the efficient working of the Force; and he may discharge all persons appointed by him, whether members of the Force or other persons employed to do such acts, matters and things as may be necessary for the efficient working of the Force, and may remove any distinctions in rank, or reduce in rank any officer or non-commissioned officer:

Provided, however, that constables permanently employed shall be British subjects.

The Police Act, R.S.A..1955, c. 236, s. 6, states:

- (2) Only British subjects or Canadian citizens shall be employed other than as temporary constables.

The 1955 wording was repeated in the same section in the 1970 revision.

In 1971 the Legislature enacted the Police Act, 1971, S.A. 1971, c. 85. Section 2 of this Act gave the Lieutenant Governor in Council the authority to establish a police force. However, no qualifications whatsoever were listed in the Act. Instead, section 40 states:

- (1) The Lieutenant Governor in Council may make regulations

2. governing the qualifications for the appointment of persons to the Police forces.

At this time no regulations have been made. Thus, except for the fact that policemen must take an Oath of Allegiance (discussed below), there would appear to be no requirement that a policeman be a British subject or even a Canadian citizen. Because of the manner in which this change was made, however, it is difficult to determine whether it was a deliberate move to open the door to foreigners.

(5) The Municipal Acts

These Acts present a slightly different picture than the foregoing, and lead one to wonder whether the

present lack of uniformity in citizenship requirements stems from confusion or policy. In 1942, the Towns and Villages Act, R.S.A. 1942, c. 150 (predecessor of the Municipal Acts) required the mayor and Councillors of Towns and Villages to be British subjects (s. 44) but made no requirement as to the citizenship of the voters (ss. 102 and 103). In 1951 The City Act was passed replacing the individual City Charters Act. The Town and Village Act, R.S.A. 1955, c. 338, s. 107, states:

(1) No person is qualified to be elected mayor or a member of the council of a town or village unless he

(a) can read and write the English language,

(b) is a Canadian citizen. . . .

Changes were also made in the qualifications of voters, and for the first time all voters in towns and villages had to be Canadian citizens (s. 110 and s. 111).

The City Act, R.S.A. 1955, c. 42, had identical provisions requiring mayors, aldermen, and voters to be Canadian citizens (ss. 96, 99, 102 and 103).

Strangely enough, this requirement restricting the franchise to only Canadian citizens remained in the statutes until 1968, when the Municipal Election Act, companion to the Municipal Government Act, replaced the Town and Village Act and the City Act. This Act, S.A. 1968, c. 66, adopted the phrase "Canadian citizen or British subject" in describing the qualifications of candidates and voters (ss. 4, 10, 37, 42, 44 and 99). These provisions remain today. It is interesting to note that while the Legislature

recognized the new Canadian citizenship fairly quickly after the Canada Citizenship Act was passed, it re-extended the franchise to British subjects only a few years ago. One can only conjecture as to the motivation behind this change, yet it seems particularly odd in light of the nationalistic trends which emerged in the country in the wake of Canada's centennial. One might also note that a Bill had already been introduced into the House of Commons in 1968, limiting the franchise to Canadian citizens and presenting cogent statistical and political reasons for doing so (see below).

Six Acts now require solely Canadian citizenship. With the exception of the Justices of the Peace Act, these Acts appear to have included the phrase in the original introduction of the Act. Prior to 1971 Justices had to be British subjects. Canadian citizenship is required:

- (1) to be a Justice of the Peace;
- (2) to be the Ombudsman;
- (3) to be a member of the Colleges Commission;
- (4) to be a member of the Municipal Finance Board;

In addition, three-quarters of the board of directors of any trust company must be Canadian citizens. There is a qualification of Canadian citizenship in the Chartered Accountant's Act, but I am informed that it only applies to those seeking a particular route to being admitted to the Institute. Via the normal channel, there is no citizenship requirement. (see Appendix, page 37).

Two Acts should be placed in a special category. The Universities Act provides that only Canadian citizens or landed immigrants shall be eligible to be members of the Board of Governors or the Universities Commission. The Engineering and Related Professions Act requires members of the Association to be "Canadian citizens, British subjects, or landed immigrants of Canada." However other residents of Alberta who are not Canadian citizens, British subjects, or landed immigrants and all non-residents may apply for registration as a licensee. These are both relatively recent amendments to the Acts.

Two Acts contain indirect references to the status of the British Commonwealth: (1) Under the Coal Mines Act, a written examination (for a miner's certificate, etc.) may be waived to holders of a certificate granted by a Commonwealth jurisdiction which the Board considers equivalent; (2) A Land Surveyor has the necessary educational qualifications to become a Registered Land Surveyor if he has been authorized as an accredited surveyor by any Commonwealth jurisdiction (see Appendix B). These Acts do not grant direct privileges to British subjects. However, they are indicative of a preferred status, for it would be difficult, for instance, to rationalize the educational qualifications of a land surveyor from India as higher than those of a surveyor from the United States.

No attempt was made to ascertain residency requirements in Alberta Acts. Nor were references to landed immigrant status recorded, except as noted above. Because of the voluminous quantity of regulations, no attempt was

made to ascertain any requirements made by the various agencies, though perhaps further research could be conducted in this area. However, it is highly unlikely that such an important requirement as citizenship would be left to regulations.

It is quite evident that Alberta has not seen fit to enact a systematic policy toward the status of British subjects. For many purposes, these subjects enjoy the same privileges as do Canadian citizens. For other purposes, the Legislature has decided that only Canadian citizens may enjoy the privileges. In isolated cases, privileges that were once enjoyed by British subjects only are now shared by landed immigrants regardless of their nationality.

The absence of uniformity is shown by the Colleges Act and the Universities Act. Under the former a member of the Commission must be a Canadian citizen. Under the latter the same Commissioner need be only a landed immigrant. Similarly, a Justice of the Peace must be a Canadian citizen. However, a provincial judge need only be a British subject. Since provincial judges are ex officio Justices of the Peace, there seems to be an inescapable conflict.

It would have been convenient to note some sort of trend in the legislative pattern, yet if there is one, it is insignificant. While it is true that most of the present Acts requiring solely Canadian citizenship are fairly recent, one, the Alberta Municipal Finance Act, was passed in 1956. Moreover, it is significant to note that many Acts respecting British subjects are quite recent. The Provincial Court Act, for instance, requiring provincial judges to be Canadian

citizens or British subjects, was only passed at the last session of the Legislature. (Probably due to an oversight, the old Provincial Judges and Justices Act had no citizenship requirement for judges, though it did for Justices (see Appendix, page 32)). Thus, while there may be a recent tendency to demand Canadian citizenship for certain purposes, it is by no means universal nor at the expense of the preferred status of British subjects under other Acts.

Other Jurisdictions

A comparison study was done of various Acts among the ten provinces. The Elections Acts, including that of Parliament are cited by the relevant sections. As it was merely a comparison study, citations are omitted from the rest of the Acts. The Acts studied concerned:

- Chartered Accountants
- Professional Engineers
- Justices of the Peace
- Policemen
- University Board of Governors
- Members of Labour Conciliation Boards
- The requirements to obtain a liquor license for a Tavern
- The requirements to change one's name
- The requirements to serve on a Jury
- Barristers and Solicitors

The results of this study are in one sense surprising. With the exception of Quebec, which characteristically seems to exclude British subjects from any special privileges, the rest of the provinces are in the same disarrayed

state as Alberta. Most of them grant privileges to British subjects in some Acts, while preserving certain other privileges solely to Canadian citizens. There is little or no uniformity either within the provinces or among them: a Justice of the Peace must be a Canadian citizen in Alberta, a British subject in Saskatchewan, and meet no special requirements in the other provinces; policemen must be British subjects in British Columbia and Saskatchewan, Canadian citizens in Quebec, yet meet no such requirements in other provinces; to serve on a jury one must be either a Canadian citizen or British subject in Alberta, British Columbia, or Saskatchewan, a British subject in Manitoba, Newfoundland, or Prince Edward Island, and a Canadian citizen in New Brunswick, Nova Scotia, and Quebec.

In Alberta, the Oaths of Office Act, R.S.A. 1970, c. 266, Schedule, Form A, describes the oath of allegiance to the Crown which must be taken by all persons who undertake various positions, including, e.g., policemen. It may be arguable that this imposes an indirect requirement that the person be a British subject, for it may prove difficult for a foreign national to take such an oath. Citizens of certain countries could possibly lose their citizenship thereby. Yet these persons could hardly become British subjects through this act alone. There seems to be no presumption in law that such a foreign national could not in good faith take the oath, yet one could hardly rebuke an administrative officer for turning down a person on the grounds that, as a foreign national, he could not in good faith take the oath which is necessary to carry out his functions. Since we have little way of

determining how often this decision is made, there are no concrete indicators of preferential treatment afforded to British subjects on this ground; however, it is a likely possibility which cannot be ignored.

There is also a lack of uniformity in the Elections Act. Canada recently changed its Act so that only Canadian citizens are eligible to vote. Prince Edward Island and Quebec are the only provinces that likewise exclude British subjects. Typical of the disregard for a uniform policy within the provinces is the fact that only Canadian citizens can vote or hold office in Prince Edward Island, yet British subjects may join the Bar and serve on a jury.

It is interesting that the position of British subjects is not uniform throughout the Commonwealth. Mr. Robert Stanbury, in introducing an amendment to the Canada Elections Act that confined the franchise solely to Canadian citizens, revealed that sixteen of the member nations have done away with reciprocal privileges for British subjects, while only seven retain them (House of Commons Debates, Nov. 15, 1968, p. 2822). However it is significant that most of the senior member nations, including United Kingdom, Australia, New Zealand and Canada, do have reciprocal arrangements. It is also interesting to note that South Africans, while no longer members of the Commonwealth, enjoy the privileges of British subjects in Alberta. This stems from the fact that "British subject" is defined according to the Canada Citizenship Act, which has so far neglected to delete South Africa from its schedule of member nations.

Dr. Margaret Banks, in an article entitled, "The Voting Rights of Persons Other Than Canadian Citizens in Federal and Provincial Elections" (1969) 8 Western Ont. L. Rev. 147 concludes with the following observation at 154:

Perhaps the senior members of the Commonwealth are too generous in extending voting rights to citizens of member countries which do not reciprocate; on the other hand, it might be argued that their attitude in this matter is an indication of national maturity. In a country such as Canada, with an increasing number of immigrants from countries outside the Commonwealth, it is understandable, however, that some may resent the existence of this situation. A compromise solution might be considered--disfranchise citizens of the Republic of South Africa and Ireland and of Commonwealth countries which restrict the franchise to their own citizens, but continue to extend it to British subjects resident in Canada whose countries grant the same right to residents who are Canadian citizens.

Anti-discrimination Legislation

At the outset of the study it was thought desirable to examine the Alberta Human Rights Act, the new Individual's Rights Protection Bill, and the Alberta Bill of Rights Bill to see whether the retention of favouritism toward British subjects is or will be unlawful under them. A quick answer to this problem is not possible. In the first place, it is doubtful whether the application of the Human Rights Act, and the Individual Rights Protection Bill being primarily directed toward accommodation, services, public places, employment and membership in a trade union, is sufficiently

broad enough to encompass all of the references in the statutes to British subjects. However, it is possible that the application would extend to some, for instance the legal profession, if it weren't for the question of construction surrounding the phrases used in the Act as objects of discriminatory practice. It is unlawful to discriminate according to "race, religious beliefs, colour, ancestry or place of origin". The main difficulty is in the interpretation of "ancestry or place of origin". The phrase remains unchanged in the Individual's Rights Protection Bill, though the Alberta Bill of Rights Bill refers to "national origin". It is difficult to ascertain how closely linked are "ancestry or place of origin" and "national origin", or, more important to our study, "nationality". Dictionaries, Digests, etc., seem to be of no assistance. There is one case of high authority on the subject (and perhaps there are more), London Borough of Ealing v. Race Relations Board [1972] 1 All E.R. 105 (House of Lords). In that case a Polish national asked to be put on the Borough waiting list for housing, but was refused on the ground of a rule that only British subjects would be put on the list. The Race Relations Board took action on his behalf, alleging that the Council had discriminated according to "national origin" in violation of the 1965 Race Relations Act. In a 4-1 decision the House of Lords decided that "nationality" is not included in the phrase "national origin". The majority felt that the two words are not synonymous nor does national origin include nationality, as argued by the Board. Lord Donovan felt that national origin merely encompasses one's nationality at the time of his birth. Since it can change at a later date, it is possible to refuse to accommodate someone because of his nationality at the present time, while

still not discriminating against him because of his nationality at the time of his birth. Lord Dilhorne, at page 112, said:

'Nationality' in the sense of citizenship of a certain state, must not be confused with 'nationality' as meaning membership of a certain nation in the sense of race. Thus, according to international law, Englishmen and Scotsmen are, despite their different nationality as regards race, all of British nationality as regards citizenship. Thus further, although all Polish individuals are of Polish nationality qua race, for many generations there were no Poles qua 'citizenship'. Just as 'nationality' can be used in these two senses, so can the word 'national'.

Lord Simon put forth five indicators of legislative intent: (1) examination of the social background to determine the mischief; (2) a conspectus of the entire relevant body of the law for the same purpose; (3) the long title of the Act; (4) the actual words used; (5) examination of other words in the Act for any light they might shed (page 114). According to these criteria, and especially the fact that the Act was designed to prevent "race discrimination", Lord Simon concluded that discrimination according to citizenship was outside the scope of the Act.

This position, however, was not unanimous. Lord Kilbrandon wrote an excellent dissent in which he stated, at page 119:

. . . the practical consequences of excluding discrimination on the ground of nationality from the scope of national origins are striking. The phrase 'on the grounds of colour, race or

ethnic or national origins' first appeared in section 1 (now repealed) of the Race Relations Act of 1965, which dealt in section 2 with discrimination against persons seeking access to places of public resort such as hotels, public houses, cinemas and public transport. If 'national origin' is not wide enough to include 'nationality' then exclusion of persons by a notice which read, for example, "No Poles admitted' would have been of debatable legality, according as the discrimination were interpreted as being against Polish nationals or against persons of Polish origin. 'No foreigners' would have been safer, since the word 'foreigner' properly describes a foreign national rather than a British subject of foreign origin; while, as counsel for the council conceded, a notice 'British subjects only' outside a public house would have been unexceptionable, since it would have admitted persons of foreign national origins who had become British subjects by naturalization, and it would be of no consequence that it discriminated against others on the ground of nationality.

Moreover, the majority of the court laid much stress upon the fact that this was an Act to protect against discrimination according to race and consequently the wording should be interpreted only insofar as it protects against racial discrimination. Our Human Rights Act is significantly broader in scope. Thus a certain amount of the cogency in the majority argument is lost when applied to Alberta.

Despite its high authority, one can only speculate as to how the Ealing case will be received in Alberta; however, the case does raise and carefully deals with the two major issues, namely, the scope of anti-discrimination

legislation and the language used. The scope of the Human Rights Act should be relatively free from doubt, inasmuch as the provisions are rather specific. In general they provide that one cannot discriminate in the providing of public facilities, public accommodation, public services, rental accommodation, employment, advertisements for employment, membership in trade unions or employers' organizations. In analyzing the various provincial statutes which grant privileges to British subjects one will have to allow immediately that many of them do not in any way violate the Act.

The second point to consider is the language used as the "object" of the discrimination. Much of this, for instance discrimination according to sex, age, or race, is well-understood and thus fairly clear. The Ealing case though, shows that certain other words, such as 'national origin' have a precise legal meaning. If the House of Lords decision is to be accepted, all further investigation into this question will prove futile since any preference to be afforded British subjects is quite clearly beyond the "object" of the Alberta anti-discrimination legislation, both past and prospective. However, the House of Lords would most certainly have held the housing rule in violation of the Race Relations Act had it used the word 'nationality' rather than 'national origin'. Thus, if the Alberta Legislature were to specifically declare that discrimination according to nationality is unlawful, or if the Alberta courts were to decide contrary to the House of Lords, a case could emerge against some of the legislation affording preferential treatment to British subjects, insofar as the legislation might fall within the scope of the anti-discrimination law in question.

A comparison study was made of the ten provincial Human Rights Acts to ascertain what phrases are in common use. Typically, there are numerous provisions, all obviously intending the same sort of thing, yet vulnerable to the class of fine distinctions drawn by the House of Lords. Thus we find "ethnic or national origin" used in Saskatchewan, "national extraction or social origin" used in Quebec, and "national or social origin" in Newfoundland. Just how different these phrases are from Alberta's "ancestry or place of origin" depends on one's outlook. Certainly if we are to apply Lord Simon's third indicator of legislative intent we would find that all of these phrases are synonymous, since the declared intention and long title of each Act is roughly the same. In truth no other conclusion can be drawn but that each province was independently attempting to use the words which it felt most comfortable with to achieve the same result. Regardless of motive, lack of suitable uniform language will no doubt lead to headaches for lawyers and jurists alike.

It is interesting also to note that three provinces; British Columbia, Manitoba, and Ontario, have expressly used the phrase 'nationality' (see Appendix E). Since each of these provinces has several references to British subjects, several questions arise. Do any of the references to British subjects fall within the applications of the Act? Has there been any litigation on the subject, or are these provinces, like Alberta, devoid of any litigation at all on the anti-discrimination Acts? What has been the result of any litigation? If it is assumed that the general intent of all the Acts is the same, does the inclusion of the phrase 'nationality' in only three of them mean that

it should be implied in the others, or does it mean that had the other provinces intended to include discrimination according to nationality they should have used the appropriate phrase?

It should also be noted that much of the legislation seems to be suffering from some form of ex abundanti cautela. What are the distinguishing marks of the phrases, "national origin", "ancestry" or "place of origin"? New Brunswick has included them all. Indeed, as time goes on and we uncover yet other new forms of discrimination, they get tacked on to an already overcrowded list. In 1971 Alberta added "sex" and "age". To encompass the problems related herein we may yet see "nationality". Where one phrase stops and another begins may not be known for some time, yet the Ealing case demonstrates how precise the courts can be in interpreting them. The lack of uniform language and the doubt surrounding the precise meaning of that used may impede the use of anti-discrimination Acts in solving problems of the nature we are concerned with here.

The above discourse should show that considerable obstacles will have to be overcome, both language and scope, before legislation affording preferential status to British subjects can be declared in violation of anti-discrimination legislation. Yet not all the difficulties have been discussed. There are three further problems (and perhaps more):

1. Can anti-discrimination legislation be used to invalidate an Act of the Legislature? The various provincial Acts were by and large enacted to combat discrimination found in the private sector. Unlike the Canadian

Bill of Rights, they do not specifically provide that other Acts of the Legislature are to be bound by their provisions [excepting for the moment Alberta's New Bills]. While most Acts state that they are to apply to the Crown, the failure to specifically bind past and future legislation may prove fatal to an attack on British subject legislation even if the language and scope of the Acts were suitable. However, there is perhaps room for an argument that the courts will (or perhaps should) take a different attitude.

2. It must be remembered that anti-discrimination legislation does not prohibit all discrimination, but merely unjustifiable discrimination. The American experience shows that discrimination based upon rational and positive grounds can be lawful even if it appears to be discriminating in a way declared unlawful. An example of this could be a bona fide occupational requirement, or more germane to our discussion, the requirement that the franchise be extended to only those who are citizens of the country. Of course, any discrimination of this sort will have to be defended on rational grounds, and the courts will have the ultimate say; but they are not lightly to turn over a considered judgment of the Legislature. A related problem was raised by the McRuer Commission Inquiry into Civil Rights, p. 1176, 1177: A self-governing profession exercises a certain amount of delegated legislative and judicial power. It would be perhaps inconsistent if the persons who exercise this power were incapable of sitting on the Legislature which delegated the power, or even incapable of voting for the legislative assembly men, because they were non-citizens (or non-subjects). Thus, if the Legal Profession Act, for instance, was singled out

as falling within the scope of the Alberta Human Rights Act, and if the language used were sufficient to find discrimination, then an inconsistency could arise due to the fact that the profession would have to accept non-British subjects, who could not vote (since the Election Acts would not fall within the scope of the Act), but who could exercise delegated powers. It is this inconsistency which leads McRuer to recommend that "only British subjects may hold office in the respective [professional] bodies or exercise the power of self-government." This the commission found to be a justifiable discrimination. However, the commission did not feel that it was a justifiable discrimination to exclude non-British subjects from membership in the self-governing professions on the ground that this would "deny to members of the public the services of highly skilled professional men and women during the period that must expire before citizenship can be acquired." Incidentally, though, the commission qualified this by stating, "The requirement that barristers and solicitors be British subjects is justified, as barristers and solicitors are officers of the court."

3. A finding that the British subject legislation is unlawful under the anti-discrimination legislation may accomplish more than is desired. Legislation granting preferential treatment to British subjects can hardly be different from legislation granting preferential treatment to Canadian citizens. If the one is held discriminatory so probably will the other. Thus, if one takes the attitude that discrimination according to nationality should not be permitted, including Canadian citizenship, then anti-discrimination laws may be a good vehicle for attacking

the present legislative requirements as to citizenship. [It should be noted that such a philosophy would not have to be inconsistent with a demand that certain legislation carry a residence requirement.] If, on the other hand, one's argument with the legislation is that it treats British subjects as well as Canadian citizens, the use of anti-discrimination legislation as a weapon may throw out "the baby with the bathwater". However, this argument is subject to the qualification that it may be arguable that a discrimination in favour of citizens is justified, while a discrimination in favour of British subjects is not.

Having outlined the many difficulties surrounding this problem, it would be apt to conclude by looking more particularly at our own Human Rights Act, and the new Bills.

The Alberta Human Rights Act, R.S.A. 1970, c. 178

The difficulties surrounding the language and scope of this Act have already been mentioned. However, the major stumbling block appears to be section 2:

Nothing in this Act shall be construed as enlarging or restricting or otherwise altering the force and effect of any provision in any other Act.

This section would appear to quite clearly exclude any application of the Human Rights Act to other legislation, including references to British subjects.

requires that

The Alberta Individual's Rights Protection Bill,
1972, Bill 2

Notwithstanding all of the arguments recited above, a small but significant portion of British subject legislation may very well prove contrary to this Bill. Other than election legislation, the majority of statutes which contain references to citizenship bear upon employment in some way; there are the professional associations, the various Boards and Tribunals, and legislation bearing directly upon the ability of a person to earn his livelihood (such as the Farm Purchase Credit Act and the Liquor Licensing Act).

Section 6 states that "No employer or person acting on behalf of an employer shall. . . . (b) discriminate against any person with regard to employment or any term or condition of employment. . . ." While the exact relationship of a licensing authority to a licensee is perhaps not one of employer/employee, it could hardly be doubted that the granting of a license bears directly upon the earning of a livelihood, and perhaps has "regard to employment or any term or condition of employment". Since section 10 binds the Crown and every agency, there should be no problem in that regard. Moreover, the most significant element of the Bill, and that which sets it apart from the present Human Rights Act, is its section 1:

- (1) Unless it is expressly declared by an Act of the Legislature that it operates notwithstanding this Act, every law of Alberta is inoperative to the extent that it authorizes or requires the doing of anything prohibited by this Act.

(2) In subsection (1) "law of Alberta" means

(a) any Act of the Legislature of Alberta enacted before, on or after the commencement of this Act, and

(b) any order, rule or regulation made or approved by the Lieutenant Governor in Council or by a Minister of the Crown before, on or after the commencement of this Act.

This closes off the major argument recited above under the Human Rights Act.

An even stronger case is possible with regard to self-government professions. Section 8 reads:

No trade union, employers' organization or occupational association shall

(a) exclude any person from membership therein, or

(b) expel or suspend any member thereof, or

(c) discriminate against any person or member,

because of the race, religious beliefs, colour, sex, marital status, age, ancestry or place of origin of that person or member.

It is quite probable that the self-governing professions are "occupational associations". Thus the only major obstacles to finding/^{inoperative} the provision in the Legal Profession Act, or the Chartered Accountants Act, that only British subjects or Canadian citizens may be members is the

question of whether "place of origin" includes 'nationality' and the question of a justifiable discrimination.

The Alberta Bill of Rights, 1972, Bill 1

It is unlikely that this Bill will ever bear directly upon the topic of our discussion, but it is noted here since it completes the anti-discrimination field in Alberta. Since it is aimed directly at the protection of the individual from the power of the state, it could in theory be of great value to us; however, the scope of the Bill goes far afield of our discussion.

Conclusion

The above discourse concerning the application of anti-discrimination legislation to the problem of possible favouritism toward British subjects in Alberta legislation opens the door to a number of interesting, and perhaps significant avenues of approach. It would be difficult, however, to find any present conflict between the British subject provisions and the Human Rights Act. For the person seeking to impugn the legislation the Individual's Rights Protection Bill appears promising. Regardless of the outcome, the most significant contribution that such an argument could present lies in the debate which will center around it. For with the exception of the language question, the primary consideration will become, "Is this requirement of citizenship a justifiable discrimination?" In the final analysis, this is the only real issue.

The British subject provisions are probably not in violation of any anti-discrimination legislation. With

this in mind, and also with a realization that a preference toward British subjects (and perhaps some requirements of Canadian citizenship as well) may be no longer warranted, especially with regard to the ability of a person to make a living, the Legislature may wish to consider a reform to the law; either each provision can be independently considered to ascertain whether it is still desirable, or a new overriding Bill can be introduced outlining the rights, duties, and privileges of British subjects, Canadian citizens and foreigners, or amendments can be made to the Individual's Rights Protection Bill to bring the provisions directly within its scope. Regardless of the method, it would appear desirable to have the Legislature debate this interesting, topical, and difficult problem.

Robert Curtis

APPENDICES**A EXCERPTS FROM ALBERTA STATUTES INCLUDING A REQUIREMENT
OF CITIZENSHIP**

[The dates in brackets following the sections refer to the year in which the phrase, as it presently stands, was introduced into the statutes. A reference to 1955 means that the phrase appeared in its present form in the Revised Statutes, 1955.]

**B OTHER REFERENCES TO THE BRITISH COMMONWEALTH WHICH ARE
OF INTEREST IN ALBERTA STATUTES****C ELECTIONS ACTS IN CANADIAN JURISDICTIONS****D CITIZENSHIP REQUIREMENTS UNDER PROVINCIAL ACTS****E KEY PHRASES UNDER THE VARIOUS PROVINCIAL HUMAN RIGHTS
ACTS**

APPENDIX A

Election Act, R.S.A. 1970, c. 117.

17.(2) A person is qualified to be registered as an elector and to vote, who

(a) on the day on which the writ was issued was a Canadian citizen or British subject,

[1956]

Municipal Election Act, R.S.A. 1970, c. 245.

4.(1) All the provisions of this Act that apply to villages apply to summer villages, except that in respect of a summer village . . .

(b) the persons entitled to vote at an election are:

(i) every proprietary elector of the full age of 18 years;

(ii) the spouse of every proprietary elector, if the spouse is of the full age of 18 years and the spouse's name is on the list of electors by reason of registraion; and

(iii) every person of the full age of 18 years not entitled to vote under subclause (i) or (ii) but who is a Canadian citizen or British subject who has resided continuously in the summer village for 12 months immediately preceding polling day and whose name is on the list of electors by reason of registration

10. To be eligible to become a member of the council a person must be . . .

(c) a Canadian citizen or British subject,

34.(1) A person is qualified to vote as an elector for mayor and councillors at an election in a municipality if he is of the full age of 18 years and . . .

- (b) he is a Canadian citizen or British subject and has continuously resided in the municipality for 12 months immediately preceding polling day.

[an owner of assessable land is eligible regardless of citizenship]

39.(2)

- (a) in each year in which a vote for a general election is required each enumerator shall visit each place of habitation in the area assigned to him and shall record the name and address of each person residing therein who . . .

(ii) is a Canadian citizen or British subject,

- 42.(7) The municipal secretary shall also enter upon the list of electors the names, in alphabetical order, of all persons whose names do not already appear on the list but

(a) who are Canadian citizens or British subjects of the full age of 18 years,

99.(1) If a person . . .

- (c) whose name is not on the list of electors of the polling division in which he actually resides presents himself for the purpose of voting and claims he is entitled to vote because

(i) he is a Canadian citizen or British subject of the full age of 18 years, and . . .

the deputy returning officer shall place the person's name upon the list and permit him to vote if he takes the oath or affirmation in the prescribed form.

[1968]

Municipal Government Act, R.S.A. 1970, c. 246.

- 29.(1) A person is not qualified to remain a member of the council if he . . .

(e) ceases to be a Canadian citizen or British subject,

[1968]

School Election Act, R.S.A. 1970, c. 331.

2.

(f) "elector" means a person

(i) 18 years of age or older,

(ii) who is a Canadian citizen or British subject, and

(iii) resident in the district or division in which the vote is to be held for at least the 12 months immediately preceding polling day;

10. To be eligible to become a trustee a person must be . . .

(c) a Canadian citizen or British subject,

[1970]

School Act, R.S.A. 1970, c. 329.

2.

(e) "elector" means a person

(i) 18 years of age or older,

(ii) who is a Canadian citizen or British subject, and

(iii) resident, [etc.]

[1970]

Alberta Municipal Financing Corporation Act, R.S.A. 1970, c. 14.

13.(2) No person shall be elected or appointed to the Board unless he is a Canadian citizen domiciled in Alberta and has been a resident of the Province for at least one year.

[1956]

Drainage Districts Act, R.S.A. 1970, c. 115.

13.(3) The Board of each district shall consist of three trustees who shall each be

(a) an elector of the district . . .

(c) a British subject.

[1955]

Ombudsman Act, R.S.A. 1970, c. 268

4.(2) The Ombudsman shall be a Canadian citizen.

[1967]

Provincial Court Act, S.A. 1971, c. 86.

3.(2) No person other than a Canadian citizen or other British subject is eligible to be appointed a Provincial Judge.

[1971]

Justices of the Peace Act, S.A. 1971, c. 57.

2.(1) No person other than a Canadian citizen is eligible to be appointed as a Justice of the Peace.

[1971]

[Until 1971, the Provincial Judges and Justices Act provided that

5.(6) No person who is not a British subject by birth or naturalization shall be appointed as a Justice of the Peace.

It could also be argued that until the Provincial Court Act of 1971 there was no citizenship requirement for Provincial Judges, notwithstanding section 5.(6) above. While Provincial Judges were ex officio Justices of the Peace, there is no reason to believe that a requirement for a Justice had to be met by a Judge. Thus two questions arise: Why did the Legislature require Justices to be Canadian citizens, while during the same session they merely required Judges to be British subjects? Does this mean that a British subject may be a Justice by virtue of his office as a Judge, or is he, notwithstanding his office as a Judge, barred from holding the dual statutory capacity of a Justice because he is not a Canadian citizen?]

Police Act, S.A. 1971, c. 85.

- 40.(1) The Lieutenant Governor in Council may make regulations
2. governing the qualification for the appointment of persons to the Police forces.

[1971]

[Prior to 1971, the Police Act stated:

- 6.(2) Only British subjects or Canadian citizens shall be employed other than as temporary constables.

Since regulations have not been proclaimed under the 1971 Police Act as of this date, it is impossible to ascertain whether the new Act has consciously dispensed with any citizenship requirement or merely delegated the responsibility to the government. It would appear unlikely that the Legislature would leave such a responsibility to the regulations.]

Notaries Public Act, R.S.A. 1970, c. 261.

- 2.(2) The Lieutenant Governor in Council shall not appoint as Notary Public a person who is not a British subject or a Canadian citizen actually residing within the Province.
- (3) An application for a commission under this section shall be accompanied by an affidavit of the applicant,
- (a) stating that he is a British subject or a Canadian citizen by birth or naturalization, and
- (b) giving the date and place of birth if the applicant is a British subject or a Canadian citizen by birth or the date and place of issue of his naturalization certificate if he is a British subject or a Canadian citizen by naturalization.

[1955]

Jury Act, R.S.A. 1970, c. 194.

3. Subject to the exemptions and disqualifications hereinafter mentioned, a resident of the Province of Alberta who is

(a) at least 18 years of age, and

(b) a Canadian citizen or natural born British subject,

is qualified and liable to serve as a juror in all civil and criminal cases tried by a jury in the judicial district in which he resides.

[1955]

Universities Act, R.S.A. 1970, c. 378.

- 14.(1) A person is not eligible for appointment as a member of a Board unless he is a Canadian citizen or landed immigrant.

- 63.(1) A person is not eligible for appointment as a member of the Universities Commission unless he is a Canadian citizen or landed immigrant.

[1970]

[In the 1966 Act the requirement was

Canadian citizen or British subject and a resident of the Province.]

Colleges Act, R.S.A. 1970, c. 56.

- 4.(1) A person is not eligible for appointment as a member of the Commission unless he is a resident of Alberta and a Canadian citizen.

[1969]

Labour Act, R.S.A. 1970, c. 196.

- 92.(7) No person shall be appointed or shall act as a member of a conciliation board if

(a) he is not a Canadian citizen or British subject

[1955]

Crown Agencies Employee Relations Act, R.S.A. 1970, c. 79.

10.(5) No person shall be appointed or act as a member of a mediation board if

(a) he is not a Canadian citizen or a British subject,

[1968]

Public Service Act, R.S.A. 1970, c. 298.

33.(5) No person shall be appointed or act as a member of a mediation board if

(a) he is not a Canadian citizen or a British subject,

[1970]

Farm Purchase Credit Act, R.S.A. 1970, c. 137.

15.(2) An applicant [for assistance in the purchasing of farm lands] shall submit evidence to the satisfaction of the Board and of the committee operating in the area in which the farm lands to be purchased are situated,

(a) that he is a Canadian citizen or British subject and has been resident in Alberta for at least three years out of the five years immediately preceding the approval of the loan,

[1963]

Public Lands Act, R.S.A. 1970, c. 297.

83.(1) Every person who . . .

(c) is a Canadian citizen or a British subject or declares in his application his intention to become a Canadian citizen,

may apply for a homestead sale unless he is ineligible to do so by reason of subsection (2).

101.(1) A notification may be issued for land contained in a homestead sale to a purchaser who . . .

(g) is a Canadian citizen or British subject,

- (3) Where a purchaser dies or is mentally incompetent and his application for notification is made by his personal representative or administrator, the personal representative or administrator is not required to prove that the deceased or mentally incompetent purchaser was or is a Canadian citizen or British subject.

[1966]

Trust Companies Act, R.S.A. 1970, c. 372.

- 30.(6) Three-quarters of the directors shall at all times be Canadian citizens ordinarily resident in Canada.

- 33.(2) A director ceases to be a director if . . .

- (b) he ceases to be a Canadian citizen ordinarily resident in Canada and as a result thereof the composition of the board of directors ceases to comply with section 30, subsection (6).

[1967]

Liquor Licensing, R.S.A. 1970, c. 212

16. A dining lounge licence or lounge licence shall be issued only to

- (a) a person of good reputation and character who is 18 or more years of age, a Canadian citizen or British subject and resident in Alberta for at least one year before the date of application,

29. No person other than a Canadian citizen or British subject shall be an applicant for a beverage room licence or the manager of the licensed premises of a hotel in respect of which a beverage room licence has been issued.

[1969]

[The 1958 Act required the applicant to be a British subject and resident in Alberta for at least one year.]

Change of Name Act, R.S.A. 1970, c. 41.

3. An application under this Act to change a name may only be made by a person who . . .

(b) is a Canadian citizen or a British subject

[1961]

Chartered Accountants Act, R.S.A. 1970, c. 42.

15. A person shall be admitted as a member of the Institute who . . .

(c) is a Canadian citizen

[The 1955 Revised Statutes stated:

(c) is either a Canadian citizen or has filed a declaration of intention under the Canada Citizenship Act

In conversation with Mr. Dzurko of the Institute of Chartered Accountants it was learned that the declaration of intention was considered by the Institute's solicitors to be meaningless and was thus, in cooperation with the Deputy Attorney General, deleted from the 1970 Revised Statutes.

Moreover, it was ascertained that in the opinion of the Institute's solicitors section 15 of the Act only relates to qualifications for admission of persons satisfying the requirements of sections 13 and 14. Thus section 15 would appear to have no bearing upon the qualifications of persons meeting the requirements of section 10, which is the route taken by approximately 90% of the members of the Institute. Indeed, there are presently several members of the Institute who are not Canadian citizens, but who have been admitted pursuant to section 10. Thus the efficacy of section 15 in keeping non-Canadians out of the profession is greatly limited.]

Engineering and Related Professions Act, R.S.A. 1970, c. 124.

17. Application for registration as a member may be made by any resident of Alberta who is a Canadian citizen, British subject or landed immigrant of Canada and
18. A person may apply for registration as a licensee if
 - (a) he is a resident of Alberta but is not a Canadian citizen, British subject or landed immigrant of Canada, or
 - (b) he is resident outside Alberta,
 but otherwise complies with the requirements of section 17.

[1968]

[Prior to 1960 the requirement was solely Canadian citizen or British subject.]

Legal Profession Act, R.S.A. 1970, c. 203.

- 39.(2) The Education Committee shall approve the enrolment of a person admitted as a student-at-law under subsection (1) if he proves to its satisfaction and in accordance with the rules that he
 - (a) is a Canadian citizen or a British subject,
40. The Education Committee shall approve the enrolment of a person as a member of the Society of he proves to its satisfaction and in accordance with the rules that he
 - (a) is a Canadian citizen or a British subject,

[This clause deals with practitioners of three years standing in another province.]

- 41.(2) The Education Committee shall approve the enrolment of a person admitted as a student-at-law under subsection (1) if he proves to its satisfaction and in accordance with the rules that he

(a) is a Canadian citizen or a British subject,

[This clause deals with practitioners
of less than three years standing from
other provinces.]

- 42.(2) The Education Committee shall approve the enrolment of a person admitted as a student-at-law under subsection (1) if he proves to its satisfaction and in accordance with the rules that he

(a) is a Canadian citizen or a British subject,

[This clause deals with practitioners
from other Commonwealth countries.]

- 45.(1) Subject to the rules, the Benchers may by resolution approve the enrolment of a person who proves to their satisfaction that he

(a) is a Canadian citizen or a British subject,

[This clause deals with practitioners
from other provinces admitted as guest
counsel.]

- 46.(1) Subject to the rules, the Benchers may by resolution approve the enrolment of a person who proves to their satisfaction that he

(a) is a Canadian citizen or a British subject,

[This clause deals with the admission of
Law Professors.]

- 73.(2) If it is proved to the satisfaction of the Benchers that a member is neither a Canadian citizen nor a British subject, the Benchers shall order that his name be struck off the roll.

[1955]

APPENDIX B

Coal Mines Regulation Act, R.S.A. 1970, c. 52.

79 Where there is a reciprocal arrangement the Director may issue a certificate, without a written examination to an applicant who

- (a) is a holder of a certificate granted in another province of Canada or another jurisdiction in the British Commonwealth that the Board considers equivalent to the certificate applied for, having consideration for the standard of training and examination required in the other province or jurisdiction

Land Surveyors Act, R.S.A. 1970, c. 197.

22. A person has satisfactory educational qualifications for registration as a member if

- (a) he has been authorized under any statute, ordinance or regulations in that behalf as a surveyor of public or Crown lands in any country, state, province or territory of the British Commonwealth other than the provinces and territories of Canada,

APPENDIX C

British Columbia: Provincial Elections Act, R.S.B.C. 1960, c. 306.

3.(1) Every person who is not disqualified by this Act or by any other law in force in the Province and who . . .

(b) is entitled within the Province to the privileges of a natural-born Canadian citizen or British subject; . . .

is entitled to be registered as a voter, and being duly registered as a voter under this Act is entitled to vote at any election.

Manitoba: Elections Act, R.S.M. 1970, c. E-30.

17.(1) Subject to subsection (2) of section 16, every person, whether male or female, is entitled to have his or her name placed on the list of voters if he or she

(a) is a Canadian citizen or other British subject; . . .

New Brunswick: Elections Act, S.N.B. 1967, c. 9.

43.(1) Except as hereinafter provided every person is qualified to vote and entitled to have his name placed on the list of electors for the polling division in which he ordinarily resides at the time of the preparation and revision of the list of electors therefor, if he . . .

(b) is a Canadian citizen or other British subject; . . .

Newfoundland: Election Act, (as amended) S.N. 1971, c. 69.

3. Subject to section 3A and the other provisions of this Act, every man and every woman is qualified to vote at an election in the proper polling division of an electoral district who . . .

(b) is a Canadian citizen or other British subject; . . .

Nova Scotia: Election Act, R.S.N.S. 1967, c. 83.

25. Subject to section 26, a person may have his name registered on the list of electors for a polling division, if he . . .

(b) is a Canadian citizen or other British subject; . . .

Ontario: Election Act, R.S.O. 1970, c. 142.

- 9.(1) In any electoral district in which an election to the Assembly is held, every person who, at the time of voting, . . .

(b) is a Canadian citizen or other British subject; . . .

Prince Edward Island: Election Act, S.P.E.I. 1963, c. 11.

21. Subject to Section 22, a person may have his name registered on the list of electors for a polling division, if he . . .

(b) is a Canadian citizen; . . .

Quebec: Election Act, R.S.Q., 1964, c. 7.

133. The right to vote at an election is conferred upon every natural person who fulfils the following five conditions: . . .

(c) Was of Canadian citizenship on the first day fixed for the enumeration and is so still at the time of voting; . . .

Saskatchewan: Elections Act, S.S. 1971, c. 10

- 28.(2) Every person is qualified to be registered as a voter and to vote, who: . . .

(b) on the day on which the writ was issued:

(i) was a Canadian citizen or other British subject; . . .

Canada Elections Act, R.S.C. 1952, c. 23.

14.(1)

(b) is a Canadian citizen or other British subject;

(c) [has been ordinarily resident for 12 months]

19. Except as in this Act otherwise provided, any person, man or woman, who

(a) is a Canadian citizen or other British subject,

(b) a qualified elector under this act,

(c) 21 years old

may be a candidate at an election.

Canada Elections Act, S.C. 1960, c. 39.

14.(1)

(a) is of the full age of twenty-one years or will attain such age on or before polling day at such election;

(b) is a Canadian citizen or other British subject;

(c) in the case of a British subject other than a Canadian citizen, has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such election; and

(d) at a by-election only, continues to be ordinarily resident in the electoral district until polling day at such by-election.

19. [As above.]

Canada Elections Act, R.S.C. (1st SUP) 1970, c. 14.

14.(1) Every man and woman who

(a) has attained the age of eighteen years, and

(b) is a Canadian citizen,

is qualified as an elector.

(2) [age]

(3] Every British subject, other than a Canadian citizen, who

(a) was qualified as an elector on the 25th day of June 1968, and

(b) has not, since that date, ceased to be ordinarily resident in Canada,

is, during the period commencing on the 26th day of June 1970 and terminating five years from that day, deemed to be qualified as an elector.

20. Subject to this Act, any person who, on the date he files his nomination paper at an election, is qualified as an elector or deemed to be qualified as an elector by subsection 14(3) may be a candidate at the election.

APPENDIX D

Chartered Accountants

Alberta	Canadian citizen (But see notation, <u>infra.</u> , Appendix, p. 37)
British Columbia	No requirement
Manitoba	No requirement
New Brunswick	No act
Newfoundland	No requirement
Nova Scotia	No requirement
Ontario	No requirement
Prince Edward Island	No requirement
Quebec	No requirement
Saskatchewan	No requirement

Professional Engineers

Alberta	No requirement (landed immigrant)
British Columbia	No requirement
Manitoba	No requirement (even allows non-residents)
New Brunswick	No act
Newfoundland	No requirement
Nova Scotia	No requirement
Ontario	No requirement
Prince Edward Island	No requirement
Quebec	Canadian citizen (others on year to year basis)
Saskatchewan	No requirement

Justices of the Peace

Alberta	Canadian citizen
British Columbia	No act
Manitoba	No act
New Brunswick	No requirement
Newfoundland	No requirement
Nova Scotia	No requirement
Ontario	No requirement
Prince Edward Island	No requirement
Quebec	No requirement
Saskatchewan	British subject

Policemen

Alberta	No requirement (regulations may be made under new Act)
British Columbia	British subject
Manitoba	No requirement
New Brunswick	No act
Newfoundland	No requirement
Nova Scotia	No requirement
Ontario	No requirement
Prince Edward Island	No requirement
Quebec	Canadian citizen
Saskatchewan	British subject

University Board of Governors

Alberta	No requirement (landed immigrant)
British Columbia	No requirement
Manitoba	No requirement
New Brunswick	No requirement
Newfoundland	British subject
Nova Scotia	No requirement
Ontario	Canadian citizen
Prince Edward Island	No requirement
Quebec	No act
Saskatchewan	No requirement

Member of Labour Conciliation Board

Alberta	Canadian citizen or British subject
British Columbia	No requirement
Manitoba	No requirement
New Brunswick	No requirement
Newfoundland	No requirement
Nova Scotia	No requirement
Ontario	No requirement
Prince Edward Island	No requirement
Quebec	No requirement
Saskatchewan	No requirement

To Obtain a Liquor License for a Tavern

Alberta	Canadian citizen or British subject
British Columbia	No requirement
Manitoba	Canadian citizen
New Brunswick	Canadian citizen
Newfoundland	No requirement
Nova Scotia	British subject or Canadian citizen by birth or naturalization
Ontario	Canadian citizen
Prince Edward Island	British subject or Canadian citizen by birth or naturalization
Quebec	Canadian citizen
Saskatchewan	Canadian citizen

To Change One's Name

Alberta	Canadian citizen or British subject
British Columbia	British subject by birth or naturalization
Manitoba	Canadian citizen or other British subject
New Brunswick	British subject
Newfoundland	British subject by birth or naturalization
Nova Scotia	British subject by birth or naturalization

To Change One's Name (cont'd)

Ontario	British subject
Prince Edward Island	No requirement
Quebec	No act
Saskatchewan	British subject

To Serve on a Jury

Alberta	Canadian citizen or natural born British subject
British Columbia	Same as for elector (entitled to privileges of a natural born Canadian citizen or British subject)
Manitoba	British subject
New Brunswick	Canadian citizen
Newfoundland	British subject
Nova Scotia	Canadian citizen
Ontario	British subject by birth or naturalization
Prince Edward Island	British subject
Quebec	Canadian citizen (if born outside province, must have resided in Quebec for 3 years; if naturalized, must have resided for 10 years)
Saskatchewan	Canadian citizen or other British subject

Legal Profession

Alberta	Canadian citizen or British subject
British Columbia	Canadian citizen
Manitoba	British subject

Legal Profession (cont'd)

New Brunswick

No act

(While no act could be found dealing with the profession,* the Canadian Law List notes that "Barristers from British Colonies or Possessions will be accorded in New Brunswick the same rights and privileges as are granted in such jurisdictions to barristers from this Province." (1971, p. 695) From this it might be inferred that British subjects may join the Bar.)

Nova Scotia

Canadian citizen or British subject

Ontario

British subject

Prince Edward Island

British subject

Quebec

Canadian citizen

Saskatchewan

British subject

* [Apparently there is a Barristers Society Act, but it is only printed in the 1931 Statutes, the year it was enacted. Unfortunately this volume was unobtainable in the library for verification.]

Alberta - Human Rights Act, R.S.A. 1970, c. 178.

"Ancestry or place of origin"

Application "Accommodation, services or facilities available in any place to which the public is customarily admitted," housing, employment, advertisements for employment, membership in trade unions

[similar to protection under the Individual's Rights Protection Bill]

British Columbia - Human Rights Act, S.B.C. 1969, c. 10

"Nationality"

Application employment, trade unions, public places, housing, publishing signs and notices

Manitoba - Human Rights Act, S.M. 1970, c. 104.

"Nationality"

Application employment and employment applications, public places, housing

[the word is excluded from publications and trade unions]

New Brunswick - Human Rights Code, S.N.B. 1971, c. 8.

"National origin, ancestry, place of origin"*

* Note the following provision in the New Brunswick Human Rights Code:

- 7.(1) No professional association or business or trade association shall exclude any person from full membership or expel or suspend or otherwise discriminate against any of its members because of race, colour, religion, national origin, ancestry, place of origin, or sex.
- (2) Nothing in this section affects the application of any statutory provision restricting membership in a professional association or business or trade association to Canadian citizens or British subjects.

New Brunswick (cont'd)

Application employment, housing, selling property,
publications

Newfoundland - Human Rights Code, S.N. 1969, c. 75

"National or social origin"

Application accommodation, employment, trade unions,
advertisements for employment

Nova Scotia - Human Rights Act, R.S.N.S., 1967, c. 130.

"National origin"

Application accommodation, public places, property,
employment, trade unions

Ontario - Human Rights Code, R.S.O. 1970, c. 318

"Nationality"

Application public signs and notices, public places,
accommodation, employment

Prince Edward Island - Human Rights Act, S.P.E.I. 1968, c. 24.

"Ethnic or national origin"

Application public places, housing, employment,
trade unions, publications

Quebec - Employment Discrimination Act, R.S.Q. 1964, c. 142.

"National extraction or social origin"

Application employment

Quebec - Quebec Hotels Act, R.S.Q. 1964, c. 205, s. 8.

Application hotel accommodation and meals

Saskatchewan - Bill of Rights, R.S.S. 1965, c. 378;
 Fair Accommodation Practices Act, R.S.S.
 1965, c. 379;
 Fair Employment Practice Act, R.S.S. 1965,
 c. 293

"Ethnic or national origin"

Application occupation, ownership of property,
 publications, professional or
 occupational organizations, public
 places, accommodation, employment
 trade unions, advertisements for
 employment.

Alberta Individual's Rights Protection Bill 1972, Bill.2

8. No trade union, employers' organization or
 occupational association shall

(a) exclude any person from membership
 therein, or

(b) expel or suspend any member thereof,
 or

(c) discriminate against any person or
 member

because of the race, religious beliefs, colour,
 sex, marital status, age, ancestry or place of
 origin of that person or member.

Alberta Bill of Rights Bill 1972, Bill 1

1. It is hereby recognized and declared that
 in Alberta there exist, without discrimi-
 nation by reason of race, national origin,
 colour, religion, or sex, the following
 human rights and fundamental freedoms,
 namely: . . .

(b) the right of the individual to equality
 before the law and the protection of
 the law