

equality rights. The equality amendments in this bill are in those areas where the charter implications are clear. A number of statutes will be amended to change provisions which refer to members of one sex and to provide that benefits will go to the dependents or survivors of both sexes. Such acts as the Canada Shipping Act, the Bankruptcy Act, the Merchant Seamen Compensation Act will have references to "wife" changed to "spouse" and references to "widow" changed to "surviving spouse." I would say that these are more consequential amendments as opposed to substantive amendments. In other acts such as the Canada Corporations Act and the Livestock Pedigree Act, the minimum age for eligibility to be a director or an applicant is changed from 18 to 21.

**Senator Corbin:** Oh, oh.

**Senator Frith:** Did somebody slip one in on you?

**Senator Nurgitz:** I am pausing to catch my breath. I shall clarify that point in a moment. I am safe because I see that Senator Godfrey is not here.

In the Pilotage Act, age is deleted as a factor in determining minimum qualifications for navigational certificates.

Part VI deals with the examination of bills and regulations. The amendments to the Department of Justice Act and the Statutory Instruments Act would require the Minister of Justice to examine government sponsored bills and regulations to ensure that they are consistent with the Charter. The minister already has an obligation to examine bills and regulations for consistency with the Bill of Rights. The amendments to the Statutory Instruments Act would also provide that a single examination of regulations is sufficient for the Bill of Rights, the Department of Justice Act and the Statutory Instruments Act. That provision is there so that we do not get the silly situation where we are reviewing regulations which are similar in each act.

The amendments in Part VII deal with a variety of charter problems. Under the proposed amendments to the Fisheries Act, the minister would not be able to suspend or cancel a lease or licence if other proceedings under the act had been instituted with respect to that lease or licence. The right of the minister to order forfeiture will be abolished. The Immigration Act will be changed to take into account the right of the media to be present at inquiries by adjudicators. However, important safeguards have been provided to ensure the safety of those claiming refugee status and their families. That amendment was introduced in the committee of the other place by the honourable member for Spadina, Mr. Dan Heap, who was deeply concerned that persons seeking refugee status and appearing before an immigration officer and disclosing their story or that of their family or friends could cause harm or violence to be directed to people connected with the individual or his or her family in the country from which he or she is seeking refugee status. Therefore, with the consent or permission of the person involved, there is provision for *in camera* hearings to provide protection.

The ban against actions for false imprisonment in the Canada Shipping Act will be removed. In order to ensure that

[Senator Nurgitz.]

limits on mobility rights are prescribed by law, the Transfer of Offenders Act will be amended to provide authority for regulations setting out the factors the minister must take into account in approving transfers. The right to seal a device for failure to pay an inspection fee in section 22 of the Weights and Measures Act will be repealed.

In conclusion, let me reiterate that this bill is one of a number of initiatives undertaken by the government to ensure that federal laws conform to the Charter. In the months and, indeed, years ahead, I expect we will be seeing more such legislation, not merely as a result of a review of statutes, but as a result of judicial findings as well. The process to ensure consistency with the Charter is a continuing one. Our understanding of the Charter will increase as we get further court interpretations. New problems and new solutions will become apparent. The primary objective of the government is to move as quickly as possible to ensure that our laws reflect the rights guaranteed in the Charter. This is a first step, and I am sure that honourable senators will do everything possible to assist in the implementation of the Charter and, accordingly, in the passage of this bill.

My colleague Senator Neiman, Chairman of the Standing Senate Committee on Legal and Constitutional Affairs has reported the pre-study of that committee on this bill without suggesting any amendment. I am also pleased to report, having read the speeches made by representatives of the other two parties in the House of Commons, that consent was given to the passage of the bill. Our committee, under the able chairmanship of Senator Neiman, gave this bill a reasonably thorough examination. If I may be permitted a partisan shot, the examination given by the Senate committee was far more extensive and probing and, at least, got down to some of the main issues I was unable to find mention of in an examination of the proceedings of the House of Commons Standing Committee on Justice and Legal Affairs. I hope that after a representative of the other side of the chamber has had an opportunity to speak to this bill, it will receive second reading.

**Hon. Royce Frith (Deputy Leader of the Opposition):** Honourable senators, the sponsor of this bill has done his usual thorough and thoughtful study and presentation. It is fair to say that his presentation was eloquent, because this particular bill is not one that inspires eloquence and it takes some talent to make it as interesting as he has made it. This bill embodies only one principle, and that is whether it is a good idea for the government to anticipate problems with legislation that might be vulnerable to constitutional challenge. I think it is a good idea to do that. Obviously, one cannot anticipate every possible problem, but if there are obvious problems in existing legislation that make the legislation subject or vulnerable to constitutional attack, then it is a prudent thing to do something about that and avoid what could be costly litigation and lengthy delays in establishing whether a provision is constitutionally acceptable or not. That is the principle before us and we support it.