

CHAPTER 39

AN ACT TO REMOVE ANOMALIES
IN PROVINCIAL LEGISLATION THAT MAY BE
CONSTRUED AS DISCRIMINATORY

(Assented to December 14, 1979)

Analysis

Section:

1. Short title
2. Adoption of Children Act
3. Civil Service Act
4. College of Fisheries Act
5. Community Councils Act
6. Constabulary (Pensions) Act

Section:

7. Family Relief Act
8. Interpretation Act
9. Limitation of Actions (Personal) & Guarantees Act
10. Public Utilities Act
11. Workers' Compensation Act

Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short
title

1972 No. 36
as amended

1. This Act may be cited as The Human Rights Anti-Discrimination Act, 1979.

2. Subsection (2) of section 8 of The Adoption of Children Act, 1972 is repealed and the following substituted:

"(2) Unless the Court is satisfied that there are special circumstances that justify the making of such adoption order, an adoption shall not be made where the sole applicant is of the opposite sex from the child in respect of whom the application is made."

RSN 1970 c.41
as amended

3. (1) Paragraph (n) of section 2 of The Civil Service Act is repealed and the following substituted:

"(n) "retirement age" means the end of the month in which a civil servant attains the age of sixty-five years;

(2) Subsection (2) of section 17 of the said Act is repealed.

(3) Section 18 of the said Act is repealed.

(4) Subsection (5) of section 20 of the said Act is amended by striking out the words "An established civil servant whose retirement age is sixty-five years of age by virtue of subparagraph (0) of paragraph (0) of section 2, as enacted by the Act No. 97 of 1968, and" and substituting the words "An established civil servant".

(5) Section 24 of the said Act is repealed.

(6) Subsections (1) and (2) of section 25 of the said Act are amended by striking out the word "male" in each subsection, wherever it occurs.

(7) Subsection (1) of section 26 of the said Act is amended

(a) by striking out wherever it occurs the word "widow" and substituting the word "spouse"; and

(b) by striking out wherever it occurs the word "mother" and substituting the words "mother or father".

(8) Section 34 of the said Act is amended by striking out the word "wife" and substituting the word "spouse".

(9) Subsection (1) of section 44 of the said Act is amended

(a) by striking out paragraph (a), and

(b) by striking out in paragraph (b) the word "male".

(10) Section 46 of the said Act is amended by striking out the words "widow, or children or mother" wherever they occur and substituting the words "spouse or children or parent" .

RSN 1970 c. 48
as amended

4. Paragraph (f) of subsection (4) of section 31 of The College of Fisheries Act is repealed.

1972 No.31
as amended

5. Paragraph (c) of subsection (1) of section 34 of The Community Councils Act, 1972 is amended by striking out the words "and who have an income from any source whatsoever of six hundred dollars or more a year" .

RSN 1970 c. 59
as amended

6.(1) Subsections (4) to (7) of section 4 of The Constabulary (Pensions) Act are repealed, but any right of election held by a person pursuant to subsection (4) of section 4 of the said Act on the coming into force of this section is not affected by this section.

(2) Paragraph (e) of subsection (1) of section 7 of the said Act is repealed.

(3) Subsection (1) of section 22 of the said Act is amended by striking out the word "widow" wherever it occurs and substituting the word "spouse".

(4) Subsection (1) of section 23 of the said Act is repealed and the following substituted:

"(1) Subject to subsections (2) and (3), a pension equal to one-half of the pension being paid to a pensioner who dies, or one-half of the pension that a contributor who dies before retirement age would receive, if he had attained retirement age and was awarded a pension immediately before his death, as the case may be, shall be paid on the first day of the month following the month in which the death of the pensioner or contributor

occurs, to the spouse of the pensioner or contributor. "

RSN 1970 c. 124
as amended

7. Paragraphs (b), (c) and (d) of subsection (2) of section 7 of The Family Relief Act are struck out and the following substituted:

"(b) a disabled child of the deceased who has since ceased to be disabled; or

(c) a child of the deceased who has since attained the age of majority. "

RSN 1970 c. 182
as amended

8. Paragraph (g) of section 23 of The Interpretation Act is struck out and the following substituted:

"(g) words importing the masculine gender include the female gender and words importing the female gender include the masculine gender and words importing either gender may include corporations and other words of neuter gender; ".

RSN 1970 c. 206
as amended

9. Section 4 of The Limitation of Actions (Personal) and Guarantees Act is amended by striking out the words "a feme covert" and "discovert" .

RSN 1970 c. 322
as amended

10. Subsection (4) of section 111 of The Public Utilities Act is amended by striking out paragraph (g).

RSN 1970 c.
403 as amended

11.(1) Paragraph (O) of section 2 of The Workers' Compensation Act is repealed and the following substituted:

"(i) "common law spouse" means a partner who, although not legally married to another partner, cohabits with that other partner and is recognized as a spouse to that partner in

the community in which they live;" .

(2) Subsection (3) of section 9 of the said Act is amended by striking out the words "an invalid widower" and substituting the words "a widower".

(3) Subsection (4) of section 31 of the said Act is amended

(a) by repealing paragraph (g), and

(b) by striking out in paragraph (h) the words "the age of seventy for men and the age of sixty-four for women" and substituting the words "the age of seventy".

(4) Subsection (1) of section 32 of the said Act is amended by adding immediately after the words "his widow" the words "or her widower" .

(5) Subsection (1) of section 46 of the said Act is amended

(a) by striking out in paragraph (b) the words "an invalid widower" and substituting the words "a widower";

(b) by striking out in paragraph (c) the words "an invalid widower" wherever they occur and substituting the words "a widower";

(c) by striking out in paragraph (c) the words "a widow, entitled to compensation by reason of the death of her husband, or an invalid widower, entitled to compensation by reason of the death of his wife" and substituting the words "a spouse, entitled to compensation by reason of the death of a wife or husband".

(6) Subsection (8) of section 46 of the said Act is amended

- (a) by striking out the word "widow" and substituting the word "spouse";
- (b) by striking out the words "an aunt or sister" and substituting the words "a relative"; and
- (c) by striking out the word "mother" wherever it occurs and substituting the word "parent".

(7) Subsection (11) of section 46 of the said Act is amended

- (a) by striking out the words "common law wife" wherever it occurs and substituting the words "common law spouse" ;
- (b) by striking out the word "mother" in paragraph (d) and substituting the word "parent"; and
- (c) by repealing paragraph (c) and substituting the following

"(c) for the purposes of this subsection the expression "dependant spouse" means the spouse who was the legal spouse and a dependant of a worker immediately before his death; but".

(8) Section 47 of the said Act is amended by striking out the word "widow" and substituting the word "spouse".

(9) Subsection (3) of section 48 of the said Act is amended by striking out the word "widow" and substituting the word "spouse".

(10) The proviso in subsection (1) of section 53 of the said Act is amended by striking out the word "widow" and substituting the words "dependant spouse".

(11) Section 60 of the said Act is amended

- (a) in subsection (2) by striking out the words "his wife or his children" and substituting the words "his or her spouse or children";
- (b) in subsection (3) by striking out the word "wife" and substituting the word "spouse"; and
- (c) in subsection (3) by striking out the words "his wife or children or persons dependent upon him" and substituting the words "his or her Spouse or children or persons dependent upon the worker".

CHAPTER 40

AN ACT TO AMEND THE PHARMACEUTICAL
ASSOCIATION ACT

(Assented to December 14, 1979)

Analysis

Section:

1. S.8(2) Rep.
Council

Section:

2. S.17(1) Arndt.
By-Laws

Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

RSN 1970 c. 295
as amended

1. Subsection (2) of section 8 of The Pharmaceutical Association Act is repealed.

2. Subsection (1) of section 17 of the said Act is amended by adding immediately after paragraph (O) the following:

"(i.1) regional representation on the council;" .