

broadcast of any evidence tendered at a preliminary inquiry unless and until the accused has been discharged or, if the accused has been committed for trial, the trial has ended; the elimination of the death penalty for all offences except certain ones under the National Defence Act; the modifying of offences relating to gaming and lotteries, drinking and driving, homosexual acts and therapeutic abortion; certain reforms of the jail system; offences relating to hijacking and endangering the safety of aircraft; the abolishing of offences of vagrancy and attempted suicide; and conditional and absolute discharges for convicted persons.

2.3.3 Human rights

In 1960 (RSC 1970, Appendix III) Parliament enacted the Canadian Bill of Rights. Although the act sets out further details, its general scope appears in Section 1: "It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely, (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law; (b) the right of the individual to equality before the law and the protection of the law; (c) freedom of religion; (d) freedom of speech; (e) freedom of assembly and association; and (f) freedom of the press."

In 1977, the Canadian Human Rights Act was passed which, within the federal area of legislative competence, outlawed discrimination on grounds of race, national or ethnic origin, colour, religion, age, sex, marital status, conviction for which a pardon has been granted and, with respect to employment, physical handicap in such areas as provision of goods, services, facilities or accommodation, employment, trade union membership, wages, publication of notices and hate messages. Privacy provisions in the act give an individual a right of access to personal information held by government on that individual. The act also established the Canadian Human Rights Commission and a privacy commissioner to administer the rights and obligations in this legislation.

2.4 Courts and the judiciary

2.4.1 The federal judiciary

The Parliament of Canada is empowered by Section 101 of the British North America Act from time to time to provide for the constitution, maintenance and organization of a general court of appeal for Canada and for the establishment of any additional courts for the better administration of the laws of Canada. Under this provision, Parliament has established the Supreme Court of Canada, the Federal Court of Canada and certain specialized courts.

Supreme Court of Canada. This court, first established in 1875 and now governed by the Supreme Court Act (RSC 1970, c.S-19), consists of a chief justice, who is called the chief justice of Canada, and eight puisne judges. The chief justice and the puisne judges are appointed by the Governor-in-Council and hold office during good behaviour but are removable by the Governor General on address of the Senate and the House of Commons. They cease to hold office on attaining the age of 75 years. The court sits at Ottawa and exercises general appellate jurisdiction throughout Canada in civil and criminal cases. The court is also required to consider and advise on questions referred to it by the Governor-in-Council and it may also advise the Senate or the House of Commons on private bills referred to the court under any rules or orders of the Senate or of the House of Commons.

Appeals may be brought from any final judgment of the highest court of final resort in a province by obtaining leave to do so from that court or from the Supreme Court itself. The Supreme Court may grant leave to appeal from any judgment whether final or not, and as well there is provision for appeals whereby the highest court of final resort in a province may grant leave on a question of law alone from a final judgment of some other court in that province. Appeals in respect of indictable offences are regulated by the criminal code. Appeals from federal courts are regulated by the statute establishing