Supreme Court Watch

A digest of recent significant decisions of the Supreme Court of Canada

Brown v. B.C.
March 17, 1994

In a case involving a British Columbia man, Montague Brown, who was injured when his car spun out of control on an icy highway, the Supreme Court of Canada ruled that the provincial government could not be held liable in negligence for making a policy decision to leave road crews on the summer maintenance schedule and carry out sanding under those hours into November.

Swinamen v. A.G. Nova Scotia
March 24, 1994

In a case involving a Nova Scotia man, Patrick Swinamer, who became a paraplegic when a tree fell onto a public highway, the Supreme Court of Canada ruled that the Nova Scotia government could be sued only if it was negligent in carrying out its inspection policy. The tree that fell appeared to be in good health and was not an apparent source of danger.

The Queen v. Finta
March 24, 1994

The Supreme Court of Canada voted 4-3 to uphold the 1989 jury acquittal of Imre Finta on charges of unlawful confinement, kidnapping, robbery, and manslaughter of Hungarian Jews in 1944. At the same time, the court ruled that the 1987 federal war-crimes legislation, under which Finta was charged, was constitutional.

Parliamentary Update

Bill C-3: An Act to amend the Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act.

This Act renews the federal government's equalization program for another five years. The Act provides for a ceiling on equalization payments that limits the cumulative growth in payments to no more than the growth of the economy from the base year of 1992-93.

House of Commons	1st reading:	January 25/94
	2nd reading:	February 9/94
	3rd reading:	March 9/94
Senate	1st reading:	March 15/94
	2nd reading:	March 17/94
	3rd reading:	March 23/94
	Royal assent:	March 24/94

Bill C-8: An Act to amend the Criminal Code and the Coastal Fisheries Protection Act.

This Act clarifies the rules governing the use of force by police officers or anyone lawfully assisting them in the pursuit of a fleeing suspect. The Act would permit the use of as much force as necessary to prevent the escape of dangerous suspects when no other less violent means are available. The Act also provides for the use of force by protection officers who attempt to disable fleeing foreign fishing vessels.

House of Commons	1st reading:	February 4/94
	2nd reading:	February 14/94

(Reported from committee without amendments on March 24, 1994.)

Bill C-18: An Act to suspend the operation of the Electoral Boundaries Readjustment Act.

This Act suspends the operation of the Electoral Boundaries Readjustment Act for 24 months and dismantles the existing 11 electoral boundaries commissions. The Act further provides for the establishment of new commissions within 60 days after the 24-month suspension period is over.

House of Commons	1st reading:	March 18/94
	2nd reading:	March 24/94

(Reported from committee without amendment on March 25, 1994.)