

SUPREME COURT WATCH

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

The Queen v. D.O.L. November 18, 1993

The criminal defendant, who was charged with the sexual assault of a minor, sought a declaration that section 715.1 of the *Criminal Code*, which permits the use of videotaped evidence, violates the Charter. The Supreme Court of Canada held that section 715.1 did not infringe the defendant's right to a fair trial or violate the presumption of innocence.

The Queen v. Litchfield November 18, 1993

The respondent was a family physician charged with 14 counts of sexual assault involving several female patients. Before trial, a judge ordered that the counts be severed and different trials be held depending on the physical nature of the assault. The Supreme Court of Canada allowed the Crown's appeal from the respondent's acquittal. In doing so, the court held that procedure should not govern substance in ways that result in a trial process that is fundamentally flawed.

Levogiannis v. The Queen November 18, 1993

An accused charged with touching a child for a sexual purpose challenged section 486(2.1) of the *Criminal Code*, which permits a complainant under the age of 18 years to testify behind a screen. In upholding that provision, the Supreme Court of Canada found that the absence of face-to-face confrontation between the accused and his complainant did not infringe any principle of fundamental justice or otherwise violate the presumption of innocence.

Symes v. The Queen December 16, 1993

The appellant, a self-employed woman practising law as a partner in a law firm, challenged Revenue Canada's decisions rejecting her claim that wages she paid her nanny should be deductible from personal income, under the *Income Tax Act*, as business expenses. The Supreme Court of Canada held, L'Heureux-Dubé and McLachlin JJ. dissenting, that her child care expenses were not deductible. The court found that she failed to prove that tax provisions relating to child care expenses violated her right to equality under section 15(1) of the Charter.

CANADA WATCH CALENDAR

- Dec. 2 Ontario Liberals win easy victory in provincial by-election.
- Dec. 3 Pearson privatization deal is cancelled by the Liberals.
- Dec. 13 Parti québécois takes seat from Liberals in provincial by-election.
- Dec. 13 Parti Action Québec formed as new sovereigntist party in Quebec.
- Dec. 14 Jean Charest replaces Kim Campbell as PC party leader.
- Dec. 21 First Ministers' meeting in Ottawa.
- Dec. 22 Liberals choose Gordon Thiessen to replace John Crow as Bank of Canada governor.
- Jan. 1 NAFTA comes into force.
- Jan. 11 Daniel Johnson becomes premier of Quebec.
- Jan. 17 House of Commons resumes sitting.