

ally would be entitled to spend approximately \$9 million in the referendum campaign.

Unfortunately, the debate on Bill C-81 failed to address vital questions of principle. In terms of democratic process, what are the differences, if any, between a national referendum and a parliamentary campaign? Are limits on participation fundamentally inconsistent with the concept of direct democracy? Does fairness mean the same thing in a vote on the nation's future as it does in a parliamentary context?

Finally, do we want a level playing field in politics? In any event, how can it be achieved? If we put limits on the use of money, why not also on the use of celebrity, reputation and status?

Referendum or not, questions which were barely articulated in the debate about Bill C-81 will require answers before the next federal election.

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CW UPDATE

THE MONTH IN REVIEW

by David Johnson

BOURASSA REJECTS FULL SOVEREIGNTY

In media interviews published in early June, Premier Robert Bourassa indicated that his government's preferred outcome of the current round of constitutional negotiations is an agreement on renewed federalism which could be put to the people of Quebec for approval via a provincial referendum. Should such an agreement not be forthcoming, though, Bourassa indicated that the government of Quebec would still not be prepared to propose any form of "out and out sovereignty" as a viable option for the province. In reflecting on the economic uncertainties and problems which would probably ensue from a total rupture with Canada, Bourassa commented that he had "no intention, at this critical juncture in our history, of playing the sorcerer's apprentice or the kamikaze."

An option which the premier is apparently contemplating is that of holding a referendum on some form of sovereignty-association. Bourassa suggested that his government may consider pursuing an initiative designed to promote Quebec sovereignty in numerous policy fields while ensuring that Quebec remains part of a common economic association with the rest of Canada, with this association administered by a common parliament. Left unsaid, however, is the political reality that the creation of any such constitutional structure would require the agreement of the federal and all provincial governments.

FEDERAL REFERENDUM LEGISLATION APPROVED

On June 23, Bill C-81, An Act to provide for referendums on the constitution of Canada, received royal assent and came into force.

This legislation empowers the federal government to call a referendum, in any or all provinces. The duration of a referendum campaign ranges from a minimum of 36 to a maximum of 45 days. No referendum, however, can be officially called until Elections Canada has completed its necessary administrative preparations. This process may take 2-3 months and thus the earliest date for a national vote would be late September. Provisions concerning the establishment of campaign committees and their expenses elicited most debate within the Commons and the media. Committees will be forbidden from accepting any campaign contributions from out of country sources and they will be limited to making expenditures not exceeding 56 cents per elector per electoral district in which the committee intends to be active. This means national committees will be able to spend up to \$9 million each. However, the legislation allows for the creation of an unlimited number of referendum committees. The government argued that any limitation on the number of committees would violate the Charter's guarantee of freedom of association. (See the article by Jamie Cameron in this issue.)

QUEBEC REFERENDUM DATES ALTERED

On May 14, 1992, the government of Quebec introduced amendments to the Quebec Referendum Act designed to curtail the pending referendum process by four weeks.

According to Bill 150, approved by the National Assembly last June,

the government of Quebec is obligated to hold a referendum on Quebec sovereignty by October 26, 1992. The amendments to the referendum legislation have the effect of substantially shortening this referendum period from 84 to 47 days, with 29 days devoted to the campaign proper. For a referendum to be held on October 26, the National Assembly now has to be convened by September 9 at the latest. An enumeration would then commence, to be concluded by September 26. The referendum question itself will have to be unveiled by September 12, and would be subject to 35 hours of debate in the Assembly. The official campaign would then begin on September 27. Were these amendments not made, the government of Quebec would be obligated to introduce the referendum question by August 4. Through this shift in dates the government of Quebec

is effectively giving itself and all other constitutional actors, but most especially the federal government, five extra weeks to prepare their constitutional strategies and positions leading up to a very historic autumn.

QUEBEC REFERENDUM LAW CHALLENGED

The Equality Party of Quebec, under the leadership of Robert Libman, filed a motion in the Quebec Superior Court on May 26, challenging the constitutionality of various elements of that province's referendum legislation.

At a Montreal press conference both Libman and party counsel Julius Grey asserted that provisions of the Referendum Act violate the Charter rights of freedom of association and expression. The act stipulates that all parties, groups and individuals wishing to formally campaign and

make expenditures in a referendum campaign must organize themselves into two omnibus campaign committees for the purpose of advocating the Yes or No option. Once comprised, these committees must adhere to the strict expense regulations mandated by the Act. The Equality Party has argued that such requirements violate their freedom of association in that they may be forced to associate with certain groups with which they would wish not to be associated. In turn, they are not entitled to exist as a separate campaign entity, free to engage in independent expenditure-making. This restriction is viewed as a violation of the Equality Party's freedom of expression guaranteed under the Charter. A first court date is scheduled for June 29.

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CANADA WATCH CALENDAR

June 23	House of Commons adjourns for summer recess (subject to being recalled on 48-hours notice)	July 15	Parliament resumes sitting to debate constitutional proposals
June 28	PM meets with territorial and aboriginal leaders in Ottawa	July 25-Aug. 9	Olympic Games, Barcelona
June 29	PM meets with premiers (excluding Robert Bourassa) in Ottawa	Late August	Quebec Liberal Party Convention expected to define party policy for fall referendum
June 30-July 2	Queen Elizabeth in Ottawa for Canada Day celebrations	August 27-28	33rd Annual Premiers' Conference, Charlottetown, hosted by Premier Joe Ghiz
July 6-8	G-7 Meeting in Munich, Germany (PM to attend)	September 12	Last day for Premier Bourassa to announce referendum question for October 26 referendum
July 9	Conference on Security and Cooperation in Europe, Helsinki Finland (PM to attend)	September 21	House of Commons scheduled to resume sitting
July 11	Prime Minister Mulroney returns from Europe		