

## SUPREME COURT WATCH

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

by Jonathan Batty

#### Rodriguez v. British Columbia (Attorney General) [1993] September 30

Sue Rodriguez, a B.C. woman suffering from ALS, a debilitating and terminal disease, challenged the validity of section 241(b) of the *Criminal Code*. The Code criminalizes the assistance of suicide and Rodriguez argued that this prohibition violated her Charter rights. Sections 7, 12, and 15(1) were relied on to make the argument. In a four to three decision, the Supreme Court held the law was not invalid. In dissent, Chief Justice Lamer noted that the law was in fact discriminatory in its effect on persons with disabilities.

#### R. v. Morgentaler [1993] September 30

In 1989, Nova Scotia adopted the *Medical Services Act*, which prohibited the performing of abortions outside of approved hospitals and limited health insurance coverage for abortions to hospitals. Dr. Morgentaler established a free-standing clinic, and was subsequently charged for violating the provincial statute. The Supreme Court held the statutory provisions to be invalid because they were ultra vires. The law, in effect, was beyond provincial jurisdiction because it was in pith and substance criminal, a matter of exclusive federal jurisdiction.

## PARLIAMENTARY UPDATE

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The House of Commons recessed on June 16 until September 20. Parliament was dissolved on September 8 and an election called for October 25.

## CANADA WATCH CALENDAR

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- Sept. 15 Quebec Premier Robert Bourassa announces resignation.
- Sept. 15 NAFTA side agreements concluded between Canada, the United States, and Mexico.
- Sept. 21 Manitoba by-elections, Filmon government left with one seat majority.
- Sept. 27 Ontario legislature resumes sitting.
- Oct. 3 French language party leaders debate.
- Oct. 4 English language party leaders debate.
- Oct. 16-19 Advance polling dates for federal election.
- Oct. 25 General election.
- Jan. 1 NAFTA comes into force, pending U.S. Congressional approval.
- Jan. 28-30 Quebec Liberal Party selects successor to Robert Bourassa.