

CANADA / JUDGMENT

Haig v. Canada (Chief Electoral Officer)

[1992] 3 SCR 163

COURT

Supreme Court of Canada

DECIDED

22 October 1992

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Haig v. Canada (Chief Electoral Officer) Collection Supreme Court Judgments Date 1992-10-22
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[1992] 3 SCR 163 Case number 23223 Judges Lamer, Antonio; La Forest, Gérard V.; L'Heureux-Dubé, Claire; Sopinka, John; Gonthier, Charles Doherty; Cory, Peter deCarteret; McLachlin, Beverley; Iacobucci, Frank On appeal from Federal Court of Appeal Subjects Action Notes SCC Case Information: 23223 Decision Content Haig v. Canada (Chief Electoral Officer), [1992] 3 S.C.R. 163 Graham Haig, John Doe and Jane Doe Applicants v. Her Majesty The Queen Respondent and between Graham Haig, John Doe and Jane Doe Applicants v. Jean-Pierre Kingsley (Chief Electoral Officer) Respondent Indexed as: Haig v. Canada (Chief Electoral Officer) File No.: 23223. 1992: October 22. Present: Lamer C.J. and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin and Iacobucci JJ. applications for leave to appeal and for leave to cross-appeal Practice -- Supreme Court of Canada -- Abridging time -- Applications for leave to appeal and for leave to cross-appeal granted -- Ordinary rules of procedure waived. Practice -- Supreme Court of Canada -- Abridging time -- Appeal raising important constitutional issues -- Motion to expedite hearing refused. APPLICATIONS for leave to appeal and for leave to cross-appeal from a judgment of the Federal Court of Appeal[1] affirming a judgment of the Trial Division.[2] Applications allowed. Philippa Lawson, for the applicants. N. J. Schultz, for the respondent Kingsley. //The Court// The following is the judgment delivered by The Court -- The application for leave to appeal and the application for leave to cross-appeal, which we received yesterday and which we have accepted to deal with expeditiously by waiving the ordinary rules of procedure, are granted. The request for an order to the effect that the appeal be heard on the basis of the existing record and factums as filed in the Federal Court of Appeal, except for the Attorney General, who will be filing a factum addressing the merits and affidavit evidence if necessary, and that the hearing take place in Ottawa today, Thursday, October 22, 1992, is refused. Having granted leave, we are obviously of the view that this appeal will raise issues of public, indeed, national, importance. The decisions of this Court, being the court of final appeal, are binding upon all other courts in the land. We feel that we would be remiss in our duty if we acquiesced to the request of the appellant to hear this appeal on one day's notice. This case raises constitutional questions

that will eventually have to be stated and served upon all Attorneys General in the country, as is their right. In addition to the Attorneys General, there possibly will be other parties who will want to, and may well be entitled to, seek intervener status and, as is the right of the provinces, have their views heard by the Court. This we cannot achieve today, nor indeed could we be able to do so adequately prior to the holding of the Referendum on Monday, October 26, let alone deliberate and hand down our decision in this important matter. Judgment accordingly. Solicitor for the applicants: Public Interest Advocacy Centre, Ottawa. Solicitors for the respondent Kingsley: Fraser & Beatty, Ottawa.

[1] F.C.A., A-1340-92 and A-1363-92, October 20, 1992.

[2] F.C.T.D., T-2393-92, October 19, 1992.

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