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SUPREME COURT ACT

**Bill to Amend—Second Reading of Bill C-232—
Debate Continued**

Question by

The Honourable Claudette Tardif

Thursday, May 13, 2010

THE SENATE

Thursday, May 13, 2010

[Translation]

SUPREME COURT ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

Hon. Claudette Tardif (Deputy Leader of the Opposition):
Would Senator Segal accept a question?

Hon. Hugh Segal: It would be my pleasure.

Senator Tardif: The bill does not talk about perfect bilingualism, but the ability to understand both official languages. That is a very important distinction.

We are spending a lot of time talking about the rights of justices, but we are not talking much about the rights of the lawyer pleading the case before the highest court in the country. If we are talking about real equality, about justice and equality for all citizens, how can you say that real equality is respected when — as an example — a French-speaking lawyer must plead through the filter of an interpreter, when an English-speaking lawyer does not have to do that?

How can you explain this concept of real equality that is supported by interpretations and rulings from the Supreme Court, such as the *Beaulac* and *Desrochers* cases?

Senator Segal: I agree that it is not a question of perfect bilingualism; however, the problem remains. Who would determine if a judge or candidate was bilingual enough? Who would judge the judges' language skills? Would it be a written or an oral test? And who would administer it? With all due respect, I feel that this presents a serious challenge.

We currently have five out of nine Supreme Court justices who, for practical purposes, are bilingual. I have an issue with those who say that lawyers are not able to argue their cases in the language of their choice. The level of translation at the Supreme Court is amongst the highest in the world for both French and English.

Might some people prefer to work without the screen of translation? Of course, but I do not believe that this provides a basis for changing a law, for imposing a quasi-constitutional requirement and reducing the government's ability, no matter which party is governing, to choose the best justices, which includes their language skills, from all the regions. We should not exclude people because they are not almost perfectly bilingual.
