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JUSTICE Linguistic Duality

Questions by:

The Honourable Marie-P. Charette-Poulin
The Honourable Claudette Tardif

Wednesday, November 28, 2012

THE SENATE

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JUSTICE

LINGUISTIC DUALITY

Hon. Marie-P. Charette-Poulin: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, the Government of Ontario announced that, in response to the report entitled “Access to justice in French,” it would be:

. . . making it easier for Francophones to access the justice system in the official language of their choice.

On the heels of that announcement, a memorandum of understanding was signed this week between Canada’s Commissioner of Official Languages, Graham Fraser, and Ontario’s French Language Services Commissioner, François Boileau, to allow them to work together to “better protect Canadians’ language rights.”

In light of these very positive initiatives, would the leader please tell this chamber how the federal government intends to step up, to show real leadership in enhancing such an important Canadian value as linguistic duality in our judicial system?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I can answer for the federal government; I cannot and I will not comment on various announcements made by provincial governments. I can tell the honourable senator, and she knows this full well, that our government’s support for official languages is unprecedented in our Roadmap for Canada’s Linguistic Duality. As the honourable senator knows, we have outlined a \$1.1 billion investment. In his report, the Commissioner of Official Languages said:

The Roadmap for Canada’s Linguistic Duality . . . recognizes the importance of increasing the level of bilingualism among young Canadians and sets out federal investments. . . . These programs are working.

I simply put that on the record as evidence that this government — as we have done since the day we were sworn into government — places a great deal of emphasis and support in recognition of Canada’s linguistic duality. Fortunately, the Commissioner of Official Languages, Mr. Graham Fraser, agrees with that.

Senator Charette-Poulin: The Supreme Court of Canada, the highest court in the country, should be setting the standard for bilingualism. Does the minister agree that the time has come to amend the Supreme Court of Canada Act to include the

comprehension of both official languages as a mandatory criterion for the appointment of Supreme Court judges?

Senator LeBreton: I think the government and the Minister of Justice have been very clear. The Supreme Court of Canada is a unique organization. That provision was specifically left out of the Official Languages Act by the honourable senator’s great hero, Pierre Elliott Trudeau, and all appointments to the Supreme Court of Canada must be based on merit.

[*Translation*]

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, I have a supplementary question. While the Government of Ontario has committed to improving access to justice in French, the federal government is just treading water. Why is the government once again dismissing out of hand the idea that all Canadians deserve to be treated equally by the Supreme Court and have their arguments heard and understood in either of the country’s two official languages?

[*English*]

Senator LeBreton: As I pointed out in answer to Senator Chaput, the Supreme Court of Canada, for reasons at the time that were valid and are as valid today as they were then, was not included in the Official Languages Act. I would recommend the honourable senator review the *Debates of the Senate* and read a speech by my colleague Senator Carignan on this subject. The Supreme Court of Canada is unique and, of course, people who appear before the Supreme Court of Canada are heard in their own official language. The court’s facilities absolutely allow this and the position with regard to the Supreme Court of Canada, being a unique organization under this government, is the same as under previous governments.

[*Translation*]

Senator Tardif: Honourable senators, translation and interpretation are not good substitutes. What value does the government place on fair access to justice?

[*English*]

Senator LeBreton: I believe that we have an outstanding justice system in this country. The people who serve on the Supreme Court of Canada and in other judicial positions are of the highest calibre. I do not think there is justification in this country, as opposed to perhaps other countries, for people to question our system of justice, which I would argue is one of the best in the world.