



# DEBATES OF THE SENATE

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## OFFICIAL LANGUAGES

Statement by:

The Honourable Claudette Tardif

Tuesday, February 24, 2015

## THE SENATE

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[Translation]

### OFFICIAL LANGUAGES

**Hon. Claudette Tardif:** Honourable senators, I would like to inform to you of an important case that will have a major impact on the language rights of francophones in my province.

On February 13, the Supreme Court heard *Her Majesty the Queen v. Gilles Caron*. Mr. Caron is a francophone resident of Alberta who was charged with a violation of the province's traffic laws. The ticket was written in English only. In his case, Mr. Caron challenged the constitutionality of Alberta's Languages Act. The act stipulates that the province's laws and regulations are enacted, published and printed in English.

Alberta's current language regime is based on the Supreme Court's 1988 ruling in *Mercure*. In that case, the judges ruled that the linguistic obligations that predated the creation of the province had not been constitutionalized and could be amended or abrogated by legislation. Consequently, the legislative assemblies of Alberta and Saskatchewan adopted a legislative framework holding that English-only laws and regulations were valid.

The Supreme Court will have to determine whether the official bilingualism regime that existed in the vast territory known as Rupert's Land was constitutionalized and still applies in Alberta and Saskatchewan. To do that, the Supreme Court justices will have to examine a massive amount of historical evidence. The judges will have to consider the status of the order in council on Rupert's Land and the North-Western Territory from June 23, 1870. That decree concerned the Crown's commitments

to the Metis following the insurrection of Louis Riel's government and the annexation of Rupert's Land, which would become Saskatchewan and Alberta. At that time, the Crown guaranteed that all of their civil, religious and property rights would be protected.

Mr. Caron's lawyers believe that civil rights included the French language, even though that was not explicitly said, because at the time, the Metis made up the vast majority of the population in the Prairies and most of them were francophone.

Honourable senators, allow me to quote Franco-Saskatchewan lawyer Roger Lepage, Counsel for Mr. Caron, who said:

This case is very important for all Canadians, but especially for the francophone Metis and the francophone minority in western Canada. The violation of linguistic rights created an open wound that has festered for 145 years. It led to devastating assimilation.

The president of the Fédération des communautés francophones et acadienne, Marie-France Kenny, described the February 13 hearing as historic, and I quote:

These hearings mark the end of a journey for a Franco-Albertan who, from the moment he felt his linguistic rights were violated, decided to go the distance to ensure his rights were respected.

Whatever it is, the Supreme Court ruling will send a powerful message on its vision of the Canadian federation and the importance of linguistic duality among the fundamental values that define our country.