



# DEBATES OF THE SENATE

---

1st SESSION • 41st PARLIAMENT • VOLUME 148 • NUMBER 30

---

## PRIVY COUNCIL

Official Language Qualification  
of Appointees

Question by:

The Honourable Claudette Tardif

Thursday, November 17, 2011

## THE SENATE

Thursday, November 17, 2011

[Translation]

### PRIVY COUNCIL

#### OFFICIAL LANGUAGE QUALIFICATION OF APPOINTEES

**Hon. Claudette Tardif (Deputy Leader of the Opposition):**

Honourable senators, I want to come back to a comment that the leader made in response to Senator Rivest. The Supreme Court of Canada is there to respond to matters of justice and not to respond to the aspirations of those who desire to be judges.

Does the leader agree that equality of access to justice is an important principle in Canada, where we have two official languages, and that both language groups should have the same standards of equality of access to justice?

**Hon. Marjory LeBreton: (Leader of the Government):**

Honourable senators, Senator Tardif has misinterpreted my comments. I think it is very clear. We had extensive debates as a result of an NDP private member's bill, which she sponsored in this place in the last Parliament. We had extensive debates on both sides with very good arguments. As Senator Carignan said in his speech, the pool of potential nominees for the Supreme Court from the province of Quebec would be much diminished if one was to apply the bilingualism criteria above that individual's legal expertise.

As I have said to Senator Rivest, I would not want to see an individual, just hypothetically, from the province of Quebec who is a unilingual francophone and widely applauded as a strong jurist and a legal expert, denied the opportunity to sit on the Supreme Court of Canada simply based on the fact that that individual could not speak English; nor would I want to see it on the other side. As I believe Mr. Justice Major said in his testimony

before the Senate committee, a person from another part of the country should not be denied the opportunity to use their expertise to serve on the Supreme Court of Canada. As my colleague Senator Comeau pointed out at the time, the Supreme Court of Canada does not fall under the Official Languages Act, which was something that Prime Minister Trudeau saw to for the obvious reasons of what the honourable senator is saying here today.

**Senator Tardif:** On a supplementary question, honourable senators, the statistics that the leader is quoting do not fit in with what the Barreau du Québec indicates. Some 23,000 members of the Barreau du Québec do not support the government's position. Can the leader explain, then, why she is indicating that this is being supported in Quebec when that is not the case with the professional association of the Barreau du Québec?

**Senator LeBreton:** First, honourable senators, far be it from me to get up and start to respond to every single lobby group that decides they do not agree with the government's position.

This matter was dealt with in the last Parliament, as far as I know. It is not before this Parliament. The law is very clear. The selection of Supreme Court judges went through a committee in the other place, supported by all parties. There were very laudatory comments by the honourable senator's own leader in the other place about the two new Supreme Court justices.

I will not and will never stand in this place as the Leader of the Government in the Senate to say what I think about one lobby group or one association over another, especially because it can be flipped over to the anglophone side and the Canadian Bar Association. I could give a five-hour speech about some of the things the Canadian Bar Association has said and with which I do not agree.