

Edmonton, July 27th 2010

Regroupement étudiant de common law en français
University of Ottawa
Ottawa, ON

The Honourable Alison Redford
Minister of Justice and Attorney General
Alberta Justice, 3rd Floor, Bowker Building
9833 - 109 Street
Edmonton, Alberta
T5K 2E8

Dear Ms. Redford,

Thank you for your response dated July 15th, 2010 to our letter expressing concern with Alberta's position regarding Federal Bill C-232.

In your response, you claim that bilingualism in Canada is a federal construct and not a legal or constitutional requirement. We are alarmed by this statement and would like to clarify why we believe this to be an erroneous perspective. Section 133 of the Constitution Act of 1867 guarantees that English and French "may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act." Furthermore, section 19 of the Constitution Act of 1982 guarantees that "[e]ither English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament." We may also look to Part III of the Official Languages Act for rules establishing linguistic duality before Canada's courts. Does this not establish that bilingualism in Canada is a constitutional and a legal requirement before the courts?

Returning to the Federal Bill C-232 itself, we reiterate that this Bill does not require fluent bilingualism. It requires Supreme Court justices to understand Canada's Official Languages without the assistance of an interpreter, a more achievable requirement. As well, English speaking Canadians will benefit from this legislation requiring francophone judges to understand English without the assistance of an interpreter. Finally, s. 41 of Part VII of the Official Languages Act, a quasi-constitutional law, mandates the Government of Canada to take positive steps towards institutional bilingualism. Let us not adopt legislation to meet the needs of judges, but rather to adequately serve the citizens of Alberta and Canada and meet our constitutional requirements.

Sincerely,

Albert Nolette
Vice President
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