

View From the Hill

By Brent Rathgeber, MP

Bill C-232, Mandatory Bilingual Judges



As your representative in Parliament, one of my responsibilities is to sit on the Justice and Human Rights Committee. This responsibility gives me many interesting challenges as well as opportunities. The Committee is tasked with examining, studying and analyzing the nine Government Justice Bills that are currently before Parliament which range from mandatory minimum sentences for serious drug related crimes, ending the 2 for 1 credits for time spent in pre-trial custody and repealing the so called 'faint hope clause' for those convicted of murder and sentenced to life imprisonment.

However, the Justice Committee also has to deal with Private Members Business and occasionally deals with pieces of legislation from Private Members not from the Government and which I oppose.

One such Bill which currently before the Committee is Bill C-232 which, if passed, would mandate that all persons appointed to sit on the Supreme Court of Canada be fluently bilingual in English and French.

Although I am certainly opposed to this Bill, I want to state emphatically that I am not opposed to the appointment or promotion of bilingual Judges. What I am opposed to is mandating that all Judges **MUST** be fluently bilingual.

In a province such as Alberta, the vast, vast, majority of lawyers and judges are unilingual anglophones. Moreover, individuals in Western Canada often have a second language that is something other than French. Accordingly, it would be challenging, in my view to find a competent judge or lawyer to appoint to the Supreme Court of Canada from Alberta who is competent in both official languages.

The Supreme Court of Canada currently does provide services in both French and English and similar to Parliament, simultaneous translation is available to any Judge who speaks only one language. Moreover, legal excellence and scholarly ability ought to be the preeminent consideration in all Supreme Court appointments; this necessity would be severely compromised if Bill C-232 becomes law and only bilingual Judges would be eligible to appointment.

Alberta's last Supreme Court Judge, Mr. Justice John Major, spoke only English. His credentials and his reputation are unblemished. In fact, he was personally chosen by our Prime Minister to head up the Air India Inquiry involving that serious terrorist matter of 1986.

If Bill C-232 were to become law, Mr. Justice Major would have been ineligible for appointment to the Supreme Court of Canada. This would have been a loss to the Supreme Court.

I would like to hear your views as to whether or not you agree that legal excellence, work ethic, and suitability, ought to be the primary characteristics for appointment to the Supreme Court rather than competence in the French language.

If you would like to discuss this or any other topic with me, please do not hesitate to call me at (780)475.6906 or email me at rathgb@parl.gc.ca.