

## **British Columbians need not apply: Cummins**

MP concerned 'impossibly high standard' in language fluency being established for Supreme Court applicants

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The passage of Bill C-232 in the House of Commons is a cause for concern.

It would require that anyone appointed to the Supreme Court of Canada should understand both English and French without the aid of translation. That is an impossibly high standard when it comes to highly complicated issues of law.

This bill is not talking about the fluency to carry on an ordinary conversation in English or French. It is the fluency required to understand oral arguments in extraordinarily complex legal cases and to interpret arcane legal texts and documents without benefit of translation: an extremely rare ability even among those who consider themselves fluent in both English and French.

Two, possibly three, of the nine judges now on the Supreme Court have such ability.

Only a handful of areas in the country are likely to produce lawyers and judges with an ability to understand complex legal issues in both English and French without the assistance of an interpreter. British Columbia is not one of them.

Trudeau era amendments to the Canadian constitution place the Supreme Court at the centre of much that happens in Canada. It is the final arbiter of all our laws and how they are administered.

The only province guaranteed representation on the Supreme Court is Quebec, which is guaranteed three of the nine judges.

While there is no legal requirement, by tradition the western provinces have received two positions on the court.

That tradition of regional representation on the court will be threatened by Bill C-232's absolute requirement for an

advanced ability to understand both English and French. Should Bill C-232 become law, appointments to the court will be governed almost solely by language ability and the existing requirement that a minimum of three of the judges be from Quebec.

Changes to the Supreme Court Act that severely limit who may be appointed as a judge must be carefully scrutinized to ensure that it does not restrict regional representation.

Appointments to the Supreme Court must be firmly guided by the principles of legal merit and legal excellence alone.

If the Senate approves Bill C-232, the Supreme Court would in future be controlled by an elite wholly unrepresentative of the country and certainly unrepresentative of Western Canada.

I voted against this NDP bill, which was supported by the Liberals and the Bloc Quebecois, because it undermines regional representation on Canada's highest court, making it virtually impossible to have a representative from British Columbia.

It is a sad day for British Columbia when British Columbians need not apply to sit on the highest court in the land.