

## Supreme difficulty

John Cummins, Calgary Herald

**Re: "The folly of putting language above the law," Lorne Gunter, Opinion, April 27.**

Lorne Gunter is right to fear that Bill C-232 will exclude the West from appointments to the Supreme Court of Canada. Our constitution protects just such provincial and regional interests from unilateral changes by parliamentarians in Ottawa. In fact, any unilateral move by Parliament to change the qualifications for appointments to the Supreme Court of Canada may well be unconstitutional as it appears to contravene section 41(d) of the Constitution Act, 1982. This section of the constitution advises that changes to the "composition of the Supreme Court of Canada" may only be made "where authorized by resolutions of the Senate and House of Commons and of the legislative assemblies of each province."

The composition of the Supreme Court is set out in sections 4 (number of judges), 5 (qualifications for appointment) and 6 (number of judges from Quebec) of the Supreme Court Act. Bill C-232 would amend section 5 by adding the requirement that no one may be appointed to the Court unless they understand French and English "without the assistance of an interpreter." This amendment alters the composition of the Supreme Court by fundamentally changing who may be appointed a judge and certainly appears to contravene section 41 of the Constitution Act, 1982. A review of the constitutionality of the bill would appear to be in order before the Senate proceeds with debate.

*John Cummins,*

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