

Summary of the impact study entitled:

The possibility to be understood directly, orally and in writing, without the assistance of an interpreter or translator, by the judges of the Supreme Court of Canada

Section 19 of the *Canadian Charter of Rights and Freedoms* states that either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament. Furthermore, the *Official Languages Act* states that every judge or other officer who hears those proceedings has to be able to understand both languages without the assistance of an interpreter. But section 16 of the *Official Languages Act* excludes the Supreme Court of this obligation that is imposed on all other courts.

The impact study was written in the context of Bill C-208, *An Act to amend the Supreme Court Act (understanding the official languages)* filed by Acadie-Bathurst Member of Parliament, Yvon Godin. The author, Mr. Mark Power, professor at the University of Ottawa and lawyer, relies mainly on the *Constitution Act of 1867* and the *Constitution Act of 1982* to conclude that the Supreme Court of Canada should have the obligation to understand English and French without the assistance of an interpreter.

The conclusion of Mr. Power is based on an analysis of constitutional rights, doctrine, jurisprudence and the report on Access to Justice in French in Ontario released by the Bench and Bar Advisory Committee to the Attorney General of Ontario.