

CANADA / JUDGMENT

Quebec (Attorney General) v. Canada (Attorney General)

2015 SCC 22

COURT

Supreme Court of Canada

DECIDED

24 April 2015

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Quebec (Attorney General) v. Canada (Attorney General) Collection Supreme Court Judgments
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[2015] 2 SCR 179 Case number 36231 Judges McLachlin, Beverley; Abella, Rosalie Silberman; Rothstein, Marshall; Cromwell, Thomas Albert; Moldaver, Michael J.; Karakatsanis, Andromache; Wagner, Richard; Gascon, Clément; Côté, Suzanne On appeal from Quebec Subjects Constitutional law Notes SCC Case Information: 36231 Decision Content SUPREME COURT OF CANADA Citation: Quebec (Attorney General) v. Canada (Attorney General), 2015 SCC 22, [2015] 2 S.C.R. 179 Date: 20150424 Docket: 36231 Between: Attorney General of Quebec, Rocco Galati and Constitutional Rights Centre Inc. Appellants and Attorney General of Canada Respondent and Canadian Association of Provincial Court Judges, Grand Council of Cree (Eeyou Istchee), Cree Nation Government, Association of the Tax Court of Canada Judges and Attorney General of Ontario Interveners Official English Translation Coram: McLachlin C.J. and Abella, Rothstein, Cromwell, Moldaver, Karakatsanis, Wagner, Gascon and Côté JJ. Reasons for Judgment: (paras. 1 to 4) Wagner J. (McLachlin C.J., Abella, Rothstein, Cromwell, Moldaver, Karakatsanis, Gascon and Côté JJ. concurring) Quebec (Attorney General) v. Canada (Attorney General), 2015 SCC 22, [2015] 2 S.C.R. 179 Attorney General of Quebec, Rocco Galati and Constitutional Rights Centre Inc. Appellants v. Attorney General of Canada Respondent and Canadian Association of Provincial Court Judges, Grand Council of Cree (Eeyou Istchee), Cree Nation Government, Association of the Tax Court of Canada Judges and Attorney General of Ontario Interveners Indexed as: Quebec (Attorney General) v. Canada (Attorney General) 2015 SCC 22 File No.: 36231. 2015: April 24. Present: McLachlin C.J. and Abella, Rothstein, Cromwell, Moldaver, Karakatsanis, Wagner, Gascon and Côté JJ. on appeal from the court of appeal for quebec Constitutional law — Courts — Judges — Judge of the Federal Court of Appeal appointed to the Court of Appeal of Quebec — Reference by the Quebec government concerning s. 98 of the Constitution Act, 1867 — Opinion of the Court of Appeal that (1) the “Courts of Quebec” contemplated by s. 98 are those whose judges are appointed by the Governor General, that is, the Court of Appeal of Quebec and the

Superior Court of Quebec, and that (2) s. 98 requires that a person appointed to one of the Courts of Quebec have previously been a member of the Barreau du Québec or be such a member when appointed. Cases Cited Distinguished: Reference re Supreme Court Act, ss. 5 and 6, 2014 SCC 21, [2014] 1 S.C.R. 433. Statutes and Regulations Cited Constitution Act, 1867, s. 98 . APPEAL from a judgment of the Quebec Court of Appeal (Duval Hesler C.J. and Thibault, Morissette, Hilton and Bouchard JJ.A.), 2014 QCCA 2365, [2014] AZ-51136664, [2014] Q.J. No. 14417 (QL), 2014 CarswellQue 14260 (WL Can.). Appeal dismissed. Jean-Yves Bernard and Marie-Catherine Bolduc, for the appellant the Attorney General of Quebec. Rocco Galati, on his own behalf. Paul Slansky, for the appellant the Constitutional Rights Centre Inc. Bernard Letarte and Alexander Pless, for the respondent. Sébastien Grammond, for the intervener the Canadian Association of Provincial Court Judges. James A. O'Reilly, Patricia Ochman and Alex O'Reilly, for the interveners the Grand Council of Cree (Eeyou Istchee) and the Cree Nation Government. François Baril and Guy Régimbald, for the intervener the Association of the Tax Court of Canada Judges. Patrick J. Monahan and Padraic Ryan, for the intervener the Attorney General of Ontario. English version of the judgment of the Court delivered orally by

- [1] Wagner J. — We are all of the view that the appeal should be dismissed, essentially for the reasons given by the Quebec Court of Appeal.
- [2] The appellants have not persuaded us that the Court of Appeal erred in interpreting s. 98 of the Constitution Act, 1867 .
- [3] The arguments based on Reference re Supreme Court Act, ss. 5 and 6, 2014 SCC 21, [2014] 1 S.C.R. 433, do not stand up to analysis. As the Court of Appeal mentioned in paras. 26-36 of its opinion, this appeal concerns different constitutional and statutory provisions, and the reasoning and conclusions from that reference do not apply to it.
- [4] For these reasons, the appeal is dismissed. Judgment accordingly. Solicitor for the appellant the Attorney General of Quebec: Attorney General of Quebec, Montréal. Solicitor for the appellant Rocco Galati: Rocco Galati Law Firm Professional Corp., Toronto. Solicitor for the appellant the Constitutional Rights Centre Inc.: Slansky Law Professional Corp., Toronto. Solicitor for the respondent: Attorney General of Canada, Montréal. Solicitor for the intervener the Canadian Association of Provincial Court Judges: Sébastien Grammond, Ottawa. Solicitors for the interveners the Grand Council of Cree (Eeyou Istchee) and the Cree Nation Government: O'Reilly & Associés, Montréal. Solicitors for the intervener the Association of the Tax Court of Canada Judges: Gowling Lafleur Henderson, Ottawa. Solicitor for the intervener the Attorney General of Ontario: Attorney General of Ontario, Toronto.

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