

Action No.: B81705540C  
E-File No.: CCP16BEAULIEUH  
Appeal No.: \_\_\_\_\_

IN THE PROVINCIAL COURT OF ALBERTA  
JUDICIAL CENTRE OF CALGARY

HER MAJESTY THE QUEEN

v.

HUGUETTE BEAULIEU

Accused

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P R O C E E D I N G S

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Calgary, Alberta  
February 10, 2016

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1 Proceedings taken in the Provincial Court of Alberta, Calgary Courts Centre, Calgary,  
2 Alberta

3 \_\_\_\_\_  
4 February 10, 2016 Afternoon Session

5  
6 Commissioner A Justice of the Peace in the Provincial Court  
7 P. B. Higgerty of Alberta

8  
9 C. Neill For the Crown  
10 G. Levesque For the Accused  
11 L. Smith Court Clerk

12 \_\_\_\_\_  
13  
14 THE COMMISSIONER: Good afternoon. Please have a seat.

15  
16 MR. NEILL: Good afternoon.

17  
18 THE COURT CLERK: Counsel for Huguette Beaulieu, to speak to.

19  
20 MR. LEVESQUE: Good afternoon, Your Honour, my name is  
21 Gerard Levesque, L-E-V-E-S-Q-U-E. I'm counsel for Huguette Beaulieu, who would like  
22 me to make on her behalf a request that the proceeding be in French, pursuant to the  
23 *Regulation 158-203*. It is now up to the Crown to indicate to the -- to the Court whether  
24 they will consent or not. And then I'll ask that this matter be adjourned to this Friday to  
25 be -- to join the eight files of other litigants who are challenging the validity in Queen's  
26 Bench of this *Regulation*.

27  
28 THE COMMISSIONER: I see.

29  
30 Mr. Neil.

31  
32 MR. NEILL: The Crown's opposing a French trial, Your  
33 Worship, and I have an interpreter if there such is.

34  
35 THE COMMISSIONER: Well, I'm not up on chapter and verse, but the  
36 relevant provision says.

37  
38 **Submissions by Mr. Levesque**

39  
40 MR. LEVESQUE: I -- I have a copy of the *Regulation* here.  
41 Unfortunately, and that's one of the reason why there is a challenge, the *Regulation* took

1 away the authority of the judge to take a decision on this, and gave that authority to the  
2 opposite party, to the prosecutor. So, unfortunately, the Court cannot, on this -- the Court  
3 join us to contest that *Regulation*. You can only --

4  
5 THE COMMISSIONER: You're contesting the *Regulation* --

6  
7 MR. LEVESQUE: -- take -- take --

8  
9 THE COMMISSIONER: -- is that right?

10  
11 MR. LEVESQUE: Yes. You can only take note that the Crown,  
12 and it's now admitted, that it's not consented to.

13  
14 THE COMMISSIONER: All right.

15  
16 MR. LEVESQUE: And there's a --

17  
18 THE COMMISSIONER: Could you pass up the *Regulation* for me?

19  
20 MR. LEVESQUE: Yes.

21  
22 THE COMMISSIONER: May I see that?

23  
24 MR. LEVESQUE: Yeah. I'll -- this is my -- my original, but I  
25 have a--

26  
27 THE COMMISSIONER: I won't do anything to it.

28  
29 MR. LEVESQUE: I -- yeah. This is a letter that was sent to the  
30 three Chief Justices of the province --

31  
32 THE COMMISSIONER: M-hm.

33  
34 MR. LEVESQUE: -- and as in the annex you have the full text of  
35 the *Regulation*.

36  
37 THE COMMISSIONER: Yeah. What's the relevant section.

38  
39 MR. LEVESQUE: Yeah. But the last sentence of the letter is very  
40 revealing. (as read)

41

1 As a result of industry does not anticipate an increased demand for  
2 French or bilingual proceeding as a result of this *Regulation*.

3  
4 So, it's really a regulation to limit the right of litigants to use what is in section 4 of the  
5 *Language Act of Alberta*, that everybody can use French or English orally in proceeding.

6  
7 And since then, I can say to the Court, that one of the -- we have filed six affidavits for  
8 the six litigants in Queen's Bench. And it shows that all the requests have been -- have  
9 been denied.

10  
11 THE COMMISSIONER: So, you're referring to poss -- possibly to  
12 section 3; are you?

13  
14 MR. LEVESQUE: Yes. Yeah.

15  
16 THE COMMISSIONER: A judge may, at the request of the defen -- with  
17 the consent of the prosecutor, conduct the proceeding in French.

18  
19 MR. LEVESQUE: Yeah. So --

20  
21 THE COMMISSIONER: And he hasn't consented --

22  
23 MR. LEVESQUE: Yeah.

24  
25 THE COMMISSIONER: -- so if I took this on the face of it, assuming  
26 it's legal, we know what I would do, but you're challenging the section --

27  
28 MR. LEVESQUE: Yeah.

29  
30 THE COMMISSIONER: -- under the -- the *Provincial Language Law*?

31  
32 MR. LEVESQUE: The *Language Act*.

33  
34 THE COMMISSIONER: M-hm.

35  
36 MR. LEVESQUE: Which says section -- it's section 4 that  
37 everybody can use French or English.

38  
39 THE COMMISSIONER: Well --

40  
41 MR. LEVESQUE: It used to be that there was no regulation --

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THE COMMISSIONER:

Right.

MR. LEVESQUE:

-- and I just had to go to the counter and request a -- a bilingual judge, and it -- it was done. But, at one point, the Ministry --

THE COMMISSIONER:

M-hm.

MR. LEVESQUE:

-- said, we don't want a bilingual resource to be used way, we'll put a regulation. And, in fact, it's because I brought a request to clarify the *Act* and Judge Brown gave, in 2011, a very interesting decision.

THE COMMISSIONER:

Mm.

MR. LEVESQUE:

But the Crown didn't appeal the decision, instead they -- since the Crown has been criticized that there was no regulation, they say, Okay, you want a regulation, we'll put one. So --

THE COMMISSIONER:

Mm.

MR. LEVESQUE:

-- it's not one to implement the right, it's to limit or put some (INDISCERNIBLE) obstacle.

THE COMMISSIONER:

So, there's an appearance on this issue in the Court of Queen's Bench this Friday?

MR. LEVESQUE:

No, it's in -- in this room, because all the cases are waiting -- that it has been filed in -- last June, in Queen's Bench, the constitutional challenge. Last November the affidavits have been filed, but there's more to come because there's different -- depending of areas of the province, they're different interpretation whether --

THE COMMISSIONER:

Okay.

MR. LEVESQUE:

-- for instance, with one area has taken a position that you need now to make a written request to the Court.

THE COMMISSIONER:

Okay.

MR. LEVESQUE:

So when I went there, they even asked that.

1 THE COMMISSIONER: All right.  
2

3 MR. LEVESQUE: And --  
4

5 THE COMMISSIONER: So --  
6

7 MR. LEVESQUE: -- one of the case was in Airdrie. There was a  
8 ping pong there --  
9

10 THE COMMISSIONER: M-hm.  
11

12 MR. LEVESQUE: -- a situation in Airdrie. The Crown thought --  
13

14 THE COMMISSIONER: Right.  
15

16 MR. LEVESQUE: -- that they could send it to Calgary, because --  
17

18 THE COMMISSIONER: Okay.  
19

20 MR. LEVESQUE: -- we have more resources.  
21

22 THE COMMISSIONER: My inclination is to put this -- put this off until  
23 there's a determination on this. A JPs not going to be making this decision.  
24

25 MR. LEVESQUE: No.  
26

27 THE COMMISSIONER: So, when is the court appearance set, or has it  
28 been set, to have this issue determined?  
29

30 MR. LEVESQUE: Yeah.  
31

32 THE COMMISSIONER: When?  
33

34 MR. LEVESQUE: The constitutional law section of the Ministry  
35 asked me not to set it down. They would like to me to provide more information. So,  
36 I'm going to Edmonton next month to try to see if the documentation that I will be filing,  
37 the supplemental documentation will help on this matter.  
38

39 But it has been a few cases. For instance, in Airdrie, they send a case here in Calgary,  
40 Calgary City took the position that, no, they -- they won't hear it over here because they  
41 have their own right to accept or -- or not, so they send it back to Airdrie. After five

1 appearances they stayed the proceeding.

2

3 THE COMMISSIONER: Well, I'm inclined to put this off until this  
4 matter is determined.

5

6 Mr. Neil, what do you have to say?

7

8 MR. NEILL: That sounds appropriate, Sir.

9

10 THE COMMISSIONER: Yeah.

11

12 MR. LEVESQUE: This has been done now in all the other cases,  
13 and they are coming in this room this Friday. So, if we just adjourn it to Friday, it will  
14 be me --

15

16 THE COMMISSIONER: Then you can put -- then you can adjourn them  
17 again, altogether in one bundle.

18

19 MR. LEVESQUE: Yes. Yes, instead of appearing --

20

21 THE COMMISSIONER: That sounds reasonable.

22

23 MR. LEVESQUE: -- at two different times. It would be --

24

25 THE COMMISSIONER: That sounds reasonable.

26

27 MR. LEVESQUE: Okay.

28

29 THE COMMISSIONER: So they'll all be coming here on Friday, will  
30 they?

31

32 MR. LEVESQUE: At 2:00.

33

34 **Ruling**

35

36 THE COMMISSIONER: Okay. This matter's adjourned then 'til this  
37 Friday --

38

39 MR. LEVESQUE: In 908.

40

41 THE COMMISSIONER: Yeah, Friday, February 12th, 2016, 2 PM, this

1 courtroom to speak to with the other related matters.

2  
3 MR. LEVESQUE: Thank you very much.

4  
5 THE COMMISSIONER: Thank you, counsel.

6  
7 \_\_\_\_\_  
8 PROCEEDINGS ADJOURNED UNTIL 2:00 PM, FEBRUARY 12, 2016

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1 **Certificate of Record**

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1 **Certificate of Transcript**

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5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the  
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7 of the contents of the record, and

8

9 (b) the Certificate of Record for these proceedings was included orally on the record  
10 and is transcribed in this transcript.

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