

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF CALGARY

HER MAJESTY THE QUEEN

v.

HUGETTE BEAULIEU

Accused

P R O C E E D I N G S

Calgary, Alberta
October 14, 2015

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

2

3 October 14, 2015

Morning Session

4

5 Commissioner Wan

A Justice of the Peace in the Province of
Alberta

6

7

8 D. Main

For the Crown

9 G. Levesque

For the Accused

10 K. Gill

Court Clerk

11

12

13 THE COURT CLERK:

Huguette Beaulieu, to speak to.

14

15 THE COMMISSIONER:

Yes.

16

17 **Submissions by Mr. Levesque**

18

19 MR. LEVESQUE:

Your Honour, my name is Gerard Levesque,

20

L-E-V-E-S-Q-U-E. I am legal counsel for Huguette Beaulieu. She is one of six individuals
that filed last June a notice of constitutional questions to challenge the regulation
158-2013 pertinent to the use of languages in Traffic Court.

23

24

Last June, I was in court to present on her behalf. I request pursuant to this regulation to
see if the Crown would consent to use French in her case for the hearing. In that hearing,
the Crown didn't take a position, they just adjourned to today. So, it -- it just augmenting
the cost of any individual if the regulation says, well, he or she has to request to the Court
before the hearing to see if French or both languages would be used, and if it's -- there's
no decision, obviously if I have to come back another time to argue that request, it's more
cost. The mere fact that there has to be a request for those who want to use French or
want to use both languages, compared to my clients who want to proceed in English, is --
is something at the centre of that challenge, because obviously if you go that way it will
cost you as a litigant more than if you were to pay your ticket in English.

34

35

Today I'm reiterating the request of my client who need a yes or a no from the Crown,
because that regulation unfortunately takes away the discretion of the Court and gives to
the Crown the power, even if the judge wants to hear the matter in French or in both
languages, if the Crown don't consent under this challenged regulation, it's the decision of
the Crown. So, the Crown has to say yes or no, and then I am in a position to know what
language I would be preparing the hearing.

40

41

1 So, I'm not sure today if we can have a decision. I have the transcript of the last June
2 22nd proceeding who adjourned to the counter of the justice of the peace the matter
3 today. They adjourned when I told them that I had a conference call scheduled in Queen's
4 Bench on September the 22nd with Justice Eidsvik, who is seized of that matter, and at
5 that time the constitutional law section of the -- of Justice Alberta was represented by
6 Donald Padget and he took a position that what our new premier said about French
7 language legal services in a letter sent in June doesn't have concrete meaning and
8 everything will have to be argued. So, in small -- in -- and I have a copy for my
9 colleague and -- and for the Court. You should have that --

10
11 MS. MAIN:

I don't have anything, Your Worship. Actually,
12 I don't know anything about this at all, that this was put over to today or as I -- I have --
13 my understanding was that when they have the French trial, it was only to have their --
14 that the defendant have an interpreter. And that's my understanding. I have not heard
15 anything else, that the trial will proceed in English, but he -- the person -- the defendant is
16 allowed to have an interpreter to assist them for their trial. But I have not gotten anything
17 else. I have nothing in front of me to say yay or nay, Your Worship. But that's my
18 understanding, that the defendant is allowed an interpreter and that's it, but everything
19 else would be in English. So, I don't know what else he has there.

20
21 MR. LEVESQUE:

I have a copy of the regulation. It says, yes, if
22 one wants to renounce the -- to his use of French as the language of the court, they can
23 proceed through interpretation, but the right is in paragraph 3 of that regulation, regulation
24 158-2013, paragraph 3, and the subtitle is "Holding proceeding in French".

25
26 A judge may, at the request of a defendant and with the consent of
27 the prosecutor, conduct a proceeding in French.

28
29 And if -- when I have clients who want to use both languages, it's section 4, "Holding
30 proceeding in English and French".

31
32 A judge may, at the request of a defendant and with the consent of
33 the prosecutor, conduct a proceeding in both English and French.

34
35
36 But as you note, Your Honour, it's -- it's with the consent of the prosecutor. So, there's a
37 need to present the request. I've done it June 27 for Huguette Beaulieu. I have a copy
38 here for you and my colleague if you want --

39
40 THE COMMISSIONER:

No, Sir.

1 MR. LEVESQUE: -- of the proceeding that --
2
3 THE COMMISSIONER: Sir --
4
5 MR. LEVESQUE: -- we're adjourned today. So, today it's the
6 second time that I present that request to see if there will be a consent or not, and
7 obviously this is part of the case in -- in -- in the Queen's Bench, because if one citizen
8 has to pay more to use one language of the court, obviously it's not fair treatment of two
9 individuals.
10
11 THE COMMISSIONER: Well, your client, the accused, speaks French?
12
13 MR. LEVESQUE: Pardon me?
14
15 THE COMMISSIONER: Your client, the accused in this matter, speaks
16 French?
17
18 MR. LEVESQUE: Yes, she would like to have the hearing in
19 French, yeah.
20
21 THE COMMISSIONER: What is the problem with a French interpreter
22 on a charge like this?
23
24 MR. LEVESQUE: It's not a problem, it's a question of rights. It's
25 not because an individual is bilingual that he or she lose her language rights in the
26 language of their choice. If the *Act* of Alberta, the *Language Act* says anybody can use
27 orally French or English in the courts, that's a statutory right and I got a clarification of
28 that right by Justice Brown in the case of *Pooran*. We argued four days in 2009 and '10.
29 The decision was rendered in March. It's a written decision in both languages of the
30 court. Justice Brown recognized that Alberta courts have two languages, two official
31 languages, and that the -- I believe paragraph 21 or 22 of the decision *Pooran* there's a
32 nice quote of Justice Brown saying that the implementation of language rights by --
33
34 THE COMMISSIONER: Well --
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36 MR. LEVESQUE: -- Justice Alberta --
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38 THE COMMISSIONER: All right.
39
40 MR. LEVESQUE: -- is equivalent to one hand clapping hoping to
41 hear sound.

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THE COMMISSIONER:

Sir, I think --

MR. LEVESQUE:

That case was not appealed.

THE COMMISSIONER:

this --

I think I want to hear from the Crown about

MR. LEVESQUE:

Okay.

THE COMMISSIONER:

-- application.

Submissions by Ms. Main

MS. MAIN:

I don't have anything -- all I'm going to say is,
Your Worship, that the Court will provide a French interpreter for that defendant on the
day of the trial.

THE COMMISSIONER:

All right.

MS. MAIN:

I don't -- I -- I can't -- I don't want to speak
anymore because I want to be able to find out -- I don't know -- I don't have anything in
front of me to be able to say whether this should go all French or whether it should be
just have a French interpreter. I would -- I don't have any other documentation in front of
me to be able to say. I don't know anything about this. I don't know who the last Crown
was that was dealing with this matter, so I don't want to -- I don't want to be able to
say --

MR. LEVESQUE:

Then I ask --

MS. MAIN:

My understanding is that it's -- it's that the
Court would allow a French interpreter and that's what the traffic matters are for, that the
person has the right to have an interpreter, a French interpreter, to assist them for the trial,
end of story.

MR. LEVESQUE:

Well, it might be the information of the Crown,
but the regulation is clear. I quote the paragraph.

MS. MAIN:

It may be, Your Worship, but that would leave
it open to everybody wanting their -- their trial in all different languages.

1 THE COMMISSIONER: All right.

2

3 MR. LEVESQUE: Well, no, the regulation is only pursuant to use
4 of English and French in front of the Court.

5
6 THE COMMISSIONER: All right. Sir, I --

7

8 MR. LEVESQUE: But --

9

10 THE COMMISSIONER: -- I think I will just cut it short at this
11 time. Either we adjourn this -- your application to another day and --

12

13 MR. LEVESQUE: Okay.

14

15 THE COMMISSIONER: -- you can provide the Crown with further
16 documentation, or if you require that I make a decision, I'll make a decision right
17 now. And --

18

19 MR. LEVESQUE: Well, I had a precedent. A judge in Airdrie
20 took a decision and then the case had to be stayed because under this regulation,
21 unfortunately, the regulation takes away the discretion of the judge. A judge in Airdrie
22 said, yes, Mr. Levesque, I'll give you your request. And it was adjourned at the indication
23 of the Crown and when I went back for the fifth time, then it was stayed because -- well,
24 they didn't say actually why, but in the transcript it's -- it's obvious that the judge took a
25 decision that no longer belongs unfortunately to the Commissioner.

26

27 THE COMMISSIONER: Well --

28

29 MR. LEVESQUE: It says with the consent of the Crown. So, in all
30 those cases going in -- in -- in Queen's Bench, the Crown has not consented and I just
31 need a yes or a no. But if --

32

33 THE COMMISSIONER: Well --

34

35 MR. LEVESQUE: If the -- the Crown prefer an adjournment, I'm
36 not opposing. It won't be decided soon in -- in Queen's Bench.

37

38 MS. MAIN: Well, it will only go for one week, Your
39 Worship, and that will give us enough time and then we can make the decision right at
40 that time, Your Worship.

41

1 THE COMMISSIONER: All right. Thank you, Crown.
2
3 MR. LEVESQUE: The --
4
5 MS. MAIN: Okay.
6
7 THE COMMISSIONER: So, we adjourn it for one week. Any suggested
8 date, Counsel?
9
10 MR. LEVESQUE: Just a minute. Next Tuesday --
11
12 MS. MAIN: Yes, that's --
13
14 MR. LEVESQUE: -- the 20th?
15
16 MS. MAIN: That's fine.
17
18 MR. LEVESQUE: Do you prefer morning or afternoon?
19
20 MS. MAIN: It's whatever -- it's your choice. I -- I may not
21 be the Crown in there, but I will certainly give the Crown that will be in here the
22 heads-up of what's going on --
23
24 MR. LEVESQUE: Yeah.
25
26 MS. MAIN: -- so that we are prepared at that time to make
27 that decision.
28
29 MR. LEVESQUE: Okay.
30
31 MS. MAIN: Okay?
32
33 MR. LEVESQUE: Okay. And in this case it was your colleague
34 Melendy.
35
36 MS. MAIN: All right. Okay
37
38 MR. LEVESQUE: Okay?
39
40 MS. MAIN: Okay. I will contact -- well, I'll be talking to
41 him.

1
2 MR. LEVESQUE: Okay.
3
4 MS. MAIN: Okay?
5
6 THE COMMISSIONER: All right. October 22nd --
7
8 MR. LEVESQUE: No.
9
10 THE COMMISSIONER: October 20th.
11
12 MR. LEVESQUE: 20th.
13
14 THE COMMISSIONER: Tuesday?
15
16 MR. LEVESQUE: At 2:00 -- is it 1:30 or 2?
17
18 MS. MAIN: 2:00.
19
20 MR. LEVESQUE: 2:00. And it will be court number?
21
22 MS. MAIN: 908, courtroom 908.
23
24 MR. LEVESQUE: 908. Excellent.
25
26 THE COMMISSIONER: Thank you.
27
28 MR. LEVESQUE: Thank you very much.
29
30 THE COMMISSIONER: But I'd just like to say this, sir. There's always
31 an issue of practicality. Perhaps that's --
32
33 MR. LEVESQUE: Yeah.
34
35 THE COMMISSIONER: You can advise your client accordingly.
36
37 MR. LEVESQUE: That's -- that's what Justice Eidsvik remind the
38 Crown on May the 5th when the Crown was objecting to the finding of French language
39 (INDISCERNIBLE), and was taking a position that if it was to be authorized, the
40 (INDISCERNIBLE) should be also in English and the English should be having the
41 precedence. Either French, English or both languages of the Court are there or not, so . . .

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THE COMMISSIONER: Well, in my view with a proper translation of proper interpreter services, there's no prejudice.

MR. LEVESQUE: Well --

THE COMMISSIONER: Okay. I leave it at that.

MR. LEVESQUE: -- that's -- that's the case that is in Queen's Bench.

THE COMMISSIONER: Thank you.

MR. LEVESQUE: Thank you, Sir. We'll see you next week.

PROCEEDINGS ADJOURNED UNTIL 2:00 PM, OCTOBER 20, 2015

1 Certificate of Record

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I, Kiran Gill, certify that this recording is the record made of the evidence in the proceedings in Provincial Traffic Court held in courtroom 908 at Calgary, Alberta on the 14th day of October, 2015, and that I was the court official in charge of the sound-recording machine during the proceedings.

1 Certificate of Transcript

2

3 I, Carolyn Cruickshank, certify that

4

5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the best
6 of my skill and ability and the foregoing pages are a complete and accurate transcript of
7 the contents of the record, and

8

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

11

12

13

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Carolyn Cruickshank, Transcriber

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ToC Pages:	1
Transcript Pages:	10
Total Pages:	12
Line Statistics	
Title Page Lines:	50
ToC Lines:	5
Transcript Lines:	399
Total Lines:	454
Visible Character Count Statistics	
Title Page Characters:	493
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