

**SUPREME COURT OF CANADA**

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| **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.

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| **Reasons for Judgment:**  (paras. 1 to 4) | Wagner J. (McLachlin C.J., Abella, Rothstein, Crowmwell, 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.*