

Status update regarding litigation against Bill 96 (last update October 8, 2024)

The Task Force has compiled this document to benefit the general public's understanding of the lawsuits currently challenging Bill 96. To our understanding, there are currently eight challenges filed against the Quebec government, including our own application for judicial review.

The Task Force's lawsuit is comprehensive and the only one to the benefit of all individuals wanting to protect their linguistic rights. Other lawsuits in effect challenge specific aspects of the law related to their particular entity's interests (e.g., school boards, municipalities, law firms, First Nations peoples, etc.).

1 - Caddell et al. sponsored by the Task Force on Linguistic Policy seeks to challenge select sections of Bill 96 which directly and negatively impact everyday Canadians, in particular those sections which restrict communications with the civil administration in English, limit enrolment in English CEGEPs, empower the OQLF with arbitrary powers of search and seizure, and hamper access to justice in English. More broadly, Caddell et al. also challenges those sections which undermine the essential framework of Canadian federalism and Canadian constitutionalism (including: the rule of law, the essential underlying principles of Quebec civil law, and the framework, convention, customs and traditions of human rights in Canada Quebec) through the prioritization of collective rights over individual rights, unilateral amendments to the Canadian Constitution, and the invocation of the notwithstanding clause. So far, requests for government funding have been denied and financing rests solely on public donations. Both the Attorneys General of Quebec and Canada have been served.

Status:

- An application for Interlocutory Injunction was filed on January 27, 2024 against further measures to be implemented under Bill 96 until such time as rulings are determined. The Application is in the process of being updated with new stories submitted to the Task Force. The updated Application is expected to be filed this Fall.
- The Attorney General has submitted a Motion to Dismiss claiming Bill 96 is a provincial matter. The Court has scheduled a hearing for January 20th, 2025. The Task Force maintains the Federal Government has failed in its role to defend the Constitution by allowing Quebec, through Bill 96, to amend it unilaterally and illegally.

2. The challenge initiated by Ortona et al. (Power Law) principally concerns the application of certain provisions of Bill 96 to Quebec's English-language school board system, in particular the requirement that English school boards communicate exclusively in French with partner organizations from the English minority linguistic community (which they argue contravenes s. 23 of the Charter).

Status:

- Stay granted; application Bill 96 amendments pertaining to communications, contracts, and services suspended in relation to English-language school boards. Quebec government has said it will appeal.

3. The challenge initiated by Mitchell et al. (Labrecque Doyon Avocats) contests the constitutionality of sections 9 and 208.6 of Bill 96, which require a certified French translation be filed for any proceeding initiated in English.

Status:

- Joined with Ortona et al. and Ravinsky et al. on April 25, 2023.
- Awaiting news from court regarding hearing date.

4. The challenge initiated by Conseil de la Magistrature et al. (Fasken) disputes the constitutionality of provisions concerning the criteria for the selection of Quebec court judges (as they expressly omit knowledge of a language other than French as a requirement for appointment to the bench of a Quebec court).

Status:

- On June 18, 2024, a discontinuance of the case was announced.

5. The challenge initiated by Ravinsky et al. (Grey Casgrain) contests the constitutionality of provisions of Bill 96 pertaining to translation requirements, the criteria for the selection of judges, search and seizure measures (to the extent that they compromise professional confidentiality for lawyers, notaries, and members of professional orders), as well as Quebec's unilateral amendment of the Canadian Constitution.

Status:

- Joined with Ortona et al. and Ravinsky et al. on April 25, 2023.

6. The challenge initiated by the City of Baie D'Urfe et al. concerns the application of certain provisions of Bill 96 to bilingual municipalities, including the requirement of a resolution to maintain bilingual status, search and seizure measures, the exclusive use of French in communications and contracts, to name a few.

Status:

- A hearing date has been set for September 30, 2024 and October 1, 2024.
[Update pending]

7. The challenge initiated by Hampstead et al. seeks exemption from provisions of Bill 96 which limit government communications in a language other than French, and disputes the constitutionality of provisions prioritizing the French version of a text over the English version, and Quebec's unilateral amendment of the Canadian Constitution.

Status:

- On April 22, 2024, this case joined the Ortona, Ravinsky and Mitchell cases.
- Awaiting news from court regards hearing date.

8. An application on behalf of the Assembly of First Nations Quebec-Labrador was filed on April 20, 2023 after a failure to reach an agreement with the Quebec government concerning an exemption from application of Bill 96 related amendments especially with respect to education.

Status:

- to be determined as no information could be found in the plunitifs.