

## **Chief Justice Marc Noël**

### **Celebration of the 50th Anniversary of the Federal Courts**

**June 1, 2021**

Hello everyone. I am deeply honoured and pleased to announce the beginning of the Federal Courts' 50th anniversary festivities. Starting today, this grand celebration will go on until the end of June 2022.

I was given very little time to deliver this very important message. I tried my best to do it in the allotted time, but after timing myself, I realize I've not quite made it. I hope the organizers won't hold that against me.

Were these normal times, we would likely be assembled nearby in the West Court room, where the founding members of the Federal Courts sat, precisely 50 years ago today, to mark the inauguration of the Federal Court of Canada.

Several special sittings of this new Court took place on June 1, 1971. The one held in Ottawa consisted of a bench of five judges, presided over by Chief Justice Jaccottet and Associate Chief Justice Noël. That same day, this Court, presided over by one of its three remaining judges and a deputy judge, also sat in the cities of Montréal, Toronto, Vancouver and Victoria.

The message was clear. The Federal Court of Canada was there to serve the public and would make itself available wherever its presence was required. For the first time in Canadian legal history, persons were guaranteed the right to be heard in the official language of their choice wherever they chose to appear.

It was a small court with a Trial and Appeal Division. The founding members were well aware of the fact that a small court was less likely to create a stir, but they all knew that it would grow exponentially. What we were witnessing that Monday morning of June 1971 was the creation of a court that was bilingual, bijural and accessible to all. The contrast with the Exchequer Court it replaced was striking. It was a shift toward openness and inclusion.

The times were indeed exciting. The first person had just landed on the moon and Canada was recovering from its 100th anniversary birthday party. There was a feeling that the country had reached a milestone. A sense of optimism and progress was in the air.

The most significant jurisdictional change, when compared to the Exchequer Court, was that this new Court was being given exclusive oversight over the biggest and fastest growing bureaucracy in the country. In statutory terms, this was expressed by conveying to the Federal Court of Canada supervisory jurisdiction over "federal boards, commissions and other tribunals", words that are still in our Act today. This would eventually make the Federal Courts the busiest, amongst all courts, in matters relating to administrative law.

There were eight judges that morning of June 1971: three trained in civil law and five judges from the common law provinces. Today, there are more than 60 of us in this role, comprising the same proportion from the tradition of civil law. From the absent and distant Exchequer Court, the Federal Courts have become an essential passage for many Canadians. If the growth of institutions were measured in human terms, we would surely say that after 50 years, the Federal Courts have reached adulthood.

We, as members of an institution that was created for the public good, will serve only for a time; but the institution will remain long after we have gone, just as it has for those who attended to its creation, 50 years ago. I invite you to take a few seconds and have a special thought for the dedicated judges, prothonotaries, registry officers and staff members who partook in our 50-year history and who have since passed away. I pause for a few seconds in their memory.

This 50th anniversary invites us to look at our past and contemplate our future. It is a moment that must be celebrated with pride. While only few are around to tell the origin story, it is for all of us now to speak to the growth that the Federal Courts have undergone and provide a vision for the future.

Looking back at our 50-year history, there is a lot to celebrate. The goal of ensuring the uniform application of federal laws across the land, while fully respecting the linguistic choice of the parties, and doing so in a manner that respects the civil law and the common law traditions, was nothing less than a nation-building exercise: it presented an immense challenge.

We owe a lot to those who had the courage to target this goal and have much to celebrate, because they achieved it. At the same time, we must acknowledge that we have faced headwinds in the past and accept that there will be more ahead. Even today, not all are happy to see the Federal Courts occupy the space that is ours. But if anything, the adversity that we have faced has made us stronger in our resolve to pursue our mission. We owe it to our predecessors to stay the course.

As we look towards the future, the openness and inclusion that have marked our first 50 years are inexhaustible values that will continue to propel us. Just think of the openness required to meet Indigenous people's deep desires to see their ways and traditions included in the judicial process that applies to them.

As itinerant and pan-Canadian courts serving all, we've become accustomed to transforming ourselves, according to the needs of those who come before us, and we will continue to adapt our practices to their needs. Change does not scare us: it is part of our institutional culture.

The pandemic that hit, just as we were approaching our 50th anniversary, will no doubt leave its mark. Its impact on our activities has been too significant to leave our future untouched. But again, I am confident that we will come out of this better equipped and better adapted to respond to the needs of those we serve.

I'll end with a word of thanks to the members of the Federal Courts' 50th Anniversary organizing committee. They've put a great deal of time and effort in putting together the program of festivities, including this debut event. They had to deal with the many challenges of the pandemic. In fact, they were able to take advantage of it. What should have been a month-long celebration will now span over a year, giving our 50th anniversary all the space it deserves. I am sure it will be worthy of the occasion.

Thank you and enjoy the celebrations.