

By Email: EDUC.Minister@gov.bc.ca

Richmond, May 16, 2022

Attention: Honourable Jennifer Whiteside
Minister of Education
PO Box 9045 Stn Prov Govt
Victoria, BC V8W 9E2

Re: Request for amendment of subsection 101.2(2) of Bill 22 (*School Amendment Act, 2022*)

Dear Minister Whiteside:

I write on behalf of the Conseil scolaire francophone de la Colombie-Britannique (CSF) to thank you for tabling legislative amendments on April 26, 2022, intended to support the province in addressing its constitutional obligations under section 23 of the *Canadian Charter of Rights and Freedoms* and in respecting the court decisions of the last 7 years.

The CSF is following the legislative process and observed with interest the debate on Bill 22 on May 2nd, which concluded in a motion sending the bill to committee.

The CSF would like members of the committee to seek clarification regarding proposed subsection 101.2(2), reproduced below:

The minister must not make a designation order unless the minister is satisfied that the transfer of the designated land is necessary to give effect to section 23 of the *Canadian Charter of Rights and Freedoms* by providing space and facilities for francophone educational programs.

The words “by providing space and facilities for francophone educational programs” are unnecessary, and their inclusion unnecessarily qualifies the minister’s power to designate land to be transferred to give effect to s. 23 of the *Charter*. The CSF is concerned that these words will provide a basis for challenging a minister’s discretion and act as a barrier that would undermine Bill 22’s intent: facilitating the transfer of land “necessary to give effect to section 23”.

The CSF asks the committee to seriously question the rationale and purpose of the words “by providing space and facilities for francophone educational programs,” and consider how those words will be used to thwart a minister’s decision. The purpose of the Bill will be better served if the subsection is amended as follows:

The minister must not make a designation order unless the minister is satisfied that the transfer of the designated land is necessary to give effect to section 23 of the *Canadian Charter of Rights and Freedoms*. ~~by providing space and facilities for francophone educational programs.~~



Thank you in advance for considering this request.

Sincerely,

Patrick Gatien

Chair

Copy: The Honorable Rob Fleming, Minister of Transportation and Infrastructure (Victoria-Swan Lake)
Karin Kirkpatrick, Official Opposition Critic for Education (West Vancouver-Capilano)
Sonia Furstenu, Leader of the BC Green Party and House Leader (Cowichan Valley)
Kelli Paddon, MLA for Chilliwack Kent
Michel St-Amant, CSF Superintendent