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Science Video CanadaNB Court of Appeal hears procedural issues on dual school
bus case New Brunswick's top court will hear full arguments into dual school bus
case in the fall

Description

Chief Justice Ernest Drapeau raised the possibility of the Court of Appeal refusing to hear the constitutional reference case dealing with dual school buses on Wednesday morning.

Drapeau's comments came on the first of two days set aside for procedural hearings. The court is expected to hear the full arguments into the dual school bus issue later in the fall.

Before that happens, the chief justice said his court must decide "if this is a proper case to go forward."

At Supreme Court reference cases, Drapeau said "there is a fair adversarial battle. I'm not convinced that it is the case here."

The question the province's top court is being asked to answer is: "Is there, in New Brunswick, a constitutional obligation to provide distinct school transportation in relation to one or the other official language?"

Drapeau did not rule on the question that he raised on whether the court would hear the reference case.

The Constitution guarantees English and French schools in New Brunswick, but whether that extends to the buses children ride to school has been the subject of a fierce debate.

Opponents say it adds unnecessary cost during a time the province is cutting services.

Arguments will likely hinge on two sections of the Charter of Rights and Freedoms: Section 16.1, which guarantees educational institutions for the English and French language communities in New Brunswick, and Section 23, which guarantees minority-language education across Canada.

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