

Bills 27/28: Government/BCTF Consultation Process



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BC Supreme Court Rejects BCTF Application for Clarification

Madam Justice Susan Griffin of the BC Supreme Court judge has rejected the BC Teachers' Federation's (BCTF) application and refused to clarify a legal ruling made in April 2011 regarding various legislation, including the *Public Education Flexibility and Choice Act*, S.B.C. 2002, c. 3 (Bill 28). The October 12, 2011 ruling is attached.

Madam Justice Griffin said it is not the role of the courts to give opinions on hypothetical situations, as presented by the BCTF, which asked the judge to provide instructions on her earlier ruling. Noting that there was no ambiguity in the court's ruling that required clarification, the judge observed that the BCTF even conceded in its arguments that there was nothing for the court to clarify.

Her judgment last April suspended the declaration of invalidity of provisions in legislation dealing with class size and composition for 12 months and gave the provincial government one year to deal with the repercussions of the ruling.