

NEWS RELEASE

Notwithstanding Clause Statement October 2017

The organization representing Public Schools of Saskatchewan is disappointed the government has indicated in the Throne Speech that it plans to introduce legislation to invoke the notwithstanding clause to block the enactment of the decision of the Court of Queen's Bench preventing the government from funding non-Catholic Students to attend Catholic separate schools. The section in the Canadian constitution known as the "notwithstanding clause" can be used by any provincial government to delay the implementation of a decision of the courts for five years.

"We believe that the decision by Justice Layh is a thoughtful and thorough one and that it deserves to be enacted," said Bert de Gooijer, Chair of the Public Section of the Saskatchewan School Boards Association, while noting that the decision delayed enactment to allow a year of transition. De Gooijer went to say, "There is an appeal process underway and the government should allow the work of the courts to continue. We believe the decision will be upheld on appeal and invoking the notwithstanding clause will only delay the inevitable."

The Public Section supports the right to Catholic separate schools as outlined in the constitution, but questions the mandate of separate schools to educate students not belonging to the Catholic faith. Justice Layh pointed out in his decision that being granted the right to separate schools meant the opportunity for the Catholic minority to educate students of their own faith but stated, "The *Constitution Act, 1867* does not provide a constitutional right to separate schools in Saskatchewan to receive provincial government funding respecting non-minority faith students because funding respecting non-minority faith students is not a denominational right of separate schools." "In light of the court's decision, the government should be examining how the transition of non-Catholic students to public schools can take place and should be facilitating that process", said de Gooijer.

The Public Section of the SSBA represents 15 public school boards in Saskatchewan and advocates for public education.

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