Date: 20010412
Docket: CA168059

NOVA SCOTIA COURT OF APPEAL

Cite as: *Nova Scotia (Attorney General) v. Doucette-Boudreau.*, 2001 NSCA 66

BETWEEN:

ATTORNEY GENERAL OF NOVA SCOTIA, representing Her Majesty the Queen in Right of the Province of Nova Scotia

Appellant

- and -

GLENDA DOUCET-BOUDREAU, ALICE BOUDREAU, JOCELYN BOURBEAU, BERNADETTE CORMIER-MARCHAND, YOLANDE LEVERT and **CYRILLE LeBLANC**, in their name and in the name of all Nova Scotia parents who are entitled to the right, under Section 23 of the Canadian *Charter of Rights and Freedoms*, to have their children educated in the language of the minority, namely the French language, in publicly funded French language school facilities; and **LA FEDERATION DES PARENTS ACADIENS DE LA NOUVELLE ECOSSE INC**.,

Respondent

-and -

LE CONSEIL SCOLAIRE ACADIEN PROVINCIAL

Respondent

DECISION

Counsel:	Alexander Cameron, Department of Justice, solicitor for the appellant Paul S. Rouleau, solicitor for the respondent, the Commission nationale des parents francophones Ms. Noella Martin, solicitor for the respondent, Le Conseil Scolaire Acadien Provincial Joel Fichaud, Q.C., solicitor for respondents Glenda Doucet-Boudreau, Alice Boudreau, Jocelyn Bourbeau, Bernadette Cormier-Marchand, Yolande Levert and Cyrille LeBlanc; and La Fédération des Parents Acadiens de la Nouvelle-Ecosse
Application Heard:	By teleconference April 12, 2001 at 2:00 p.m.
Decision Delivered:	By Saunders, J.A. (Orally) on April 12, 2001

BEFORE THE HON. JUSTICE JAMIE W. S. SAUNDERS IN CHAMBERS

Saunders, J.A. (Orally):

[1] There are two applications before me this afternoon. Mr. Rouleau, counsel for the Commission nationale des parents francophones (the Commission) first seeks an extension of time to apply to intervene and then seeks leave to intervene. Having considered all the briefs, case law and evidence filed in advance, as well as your helpful representations during teleconference, I am prepared to grant both applications upon terms.

[2] I am satisfied that the applicant intervener has something to add to this court's overall consideration of the matters placed before it for appeal on May 11th. I am also persuaded, based upon the submissions of Mr. Rouleau, as well as the matters deposed to under oath by Jean-Pierre Dubé in his affidavit sworn April 3, 2001, that the Commission brings a unique perspective to the issues raised in this appeal. I will now list my specific directions, following which I will appoint one of you to prepare the necessary order.

[3] First of all, the time within which the application for the intervention should have been filed and served is extended to close of business today, April 12th, 2001.

[4] Second, the Commission will file and serve its factum by 12 noon Wednesday, April 18th, 2001.

[5] Third, the Attorney General for Nova Scotia will, if so advised, have the opportunity to file its own supplementary factum in response to the Commission's factum by 12 noon April 25, 2001.

[6] The decision as to whether or not the Commission will be given the opportunity to make any oral submissions at the appeal hearing on May 11, 2001, will be entirely within the discretion of the panel hearing it.

[7] The Commission's factum will be limited to 20 pages.

[8] The Commission's factum is restricted to the record before this court and the Commission shall not add anything to the record in its factum or any subsequent representations to the court.

[9] The Commission will not be entitled to costs, either for today's applications or on appeal.

[10] Mr. Rouleau I will leave it to you to prepare the necessary order.

Saunders, J.A.