



Province of Alberta
Order in Council

O.C. 112/2019

JUN 20 2019

ORDER IN COUNCIL

Approved and ordered:

WHEREAS Part 1 of the Greenhouse Gas Pollution Pricing Act (Canada) levies charges on fuel delivered, used, brought into, or produced in a listed province and combustible waste burned in a listed province; and

Lieutenant Governor
or
Administrator

WHEREAS Part 2 of the Greenhouse Gas Pollution Pricing Act (Canada) establishes a regime for pricing industrial greenhouse gas emissions and requires compensation from facilities that emit greenhouse gases in a quantity that exceeds their emissions limit; and

WHEREAS sections 166 and 189 of the Greenhouse Gas Pollution Pricing Act (Canada) permit the Governor in Council to determine in which provinces the Act will apply taking into account, as the primary factor, the stringency of provincial pricing mechanisms for greenhouse gas emissions; and

WHEREAS the Climate Leadership Act has been repealed and the Government of Alberta intends to implement a new greenhouse gas emissions management plan in the province, including a new Technology Innovation and Emissions Reductions regime, within the next year; and

WHEREAS the Government of Alberta asserts that the Greenhouse Gas Pollution Pricing Act (Canada) would, if made applicable in Alberta, operate to undermine, interfere with, or replace the policy choices reflected in Alberta's new greenhouse gas emissions management plan; and

WHEREAS the Government of Alberta asserts that the Greenhouse Gas Pollution Pricing Act (Canada) would therefore disrupt the balance of the federation by impinging upon, superseding, or excluding Alberta's constitutional jurisdiction to establish appropriate policies to manage its local undertakings, natural resources and economy, including through a regime to manage and reduce greenhouse gases in a manner suitable to local conditions; and

CHAIR

WHEREAS it is in the public interest that the issues raised concerning the constitutional validity of the Greenhouse Gas Pollution Pricing Act (Canada) be settled authoritatively as soon as possible;

THEREFORE the Lieutenant Governor in Council refers the following question to the Court of Appeal of Alberta:

Is the Greenhouse Gas Pollution Pricing Act (Canada) unconstitutional in whole or in part?

For Information only

Recommended by: Minister of Justice and Solicitor General

Authority: Judicature Act
(section 26)