



AB Today – Daily Report September 25, 2019

Quotation of the day

“This injunction has rendered the legislation powerless. Any further threats from the Premier to turn off the taps are empty.”

*Official Opposition Leader **Rachel Notley** reacts to the Federal Court granting an injunction against Alberta’s turn-off-the-taps legislation.*

Today in AB

On the schedule

The House is adjourned for summer recess until Tuesday, October 8.

Government House Leader **Jason Nixon** told reporters he met with members of the NDP Opposition Tuesday afternoon to solidify the 14 to 17 pieces of legislation — including the budget bill — that will be brought forward in the fall session.

Premier watch

Premier **Jason Kenney** was at the Art Gallery of Alberta on Tuesday to watch telecommunications company Telus announce it will invest \$16 billion over the next five years to install a fibre optic network across the province and build capacity for a 5G network.

Kenney says Alberta could amend turn-off-the-taps legislation after B.C. wins court injunction

The Federal Court of Appeal suspended Alberta's turn-of-the-taps legislation Tuesday, granting British Columbia a temporary injunction against the law.

Preserving Canada's Economic Prosperity Act, formerly **Bill 12**, was passed by the former NDP government in May 2018, at the height of tension between the two provinces over the Trans Mountain Pipeline expansion project.

In [his decision](#), Justice **Sébastien Grammond** said the law, which would allow Alberta to restrict the flow of bitumen into B.C., could do irreparable harm to B.C. residents, and therefore granted the injunction until the courts can determine its validity.

"I find that the irreparable harm that British Columbia would suffer if the injunction is not granted far outweighs any inconvenience that the injunction might impose on Alberta," he wrote. "The trial will continue at a future date to hear evidence and submissions on the merits of the action."

Despite the legislation passing under the previous NDP government, it was not given royal proclamation until Premier **Jason Kenney**'s first day in office, April 30.

Kenney is not prepared to let go of the law's potential sway over B.C.'s opposition to the pipeline, telling reporters he would be willing to amend the NDP-era legislation so it complies with the constitution.

"I would point out to you that the B.C. government has continued to issue permits at the same rate as the Government of Alberta," Kenney said Tuesday. "So we're not actually seeing obstruction from the B.C. government. We will continue to monitor that. Our attitude is trust, but verify."

Meanwhile, Energy Minister **Sonya Savage** said the province's lawyers will continue to argue for the constitutionality of the law.

"They've run out of tools in the toolbox," Savage told reporters in the legislature following a cabinet meeting. "[B.C. doesn't] have the constitutional ability to obstruct the construction and development of an inter-provincial pipeline. It's futile for them to hold back on permits. It's futile for them."

Justice Minister **Doug Schweitzer** is reading through the decision to determine whether the government will appeal the injunction or focus solely on the main legal fight, according to Savage.

Kenney, meanwhile, said the government may consider amending the law to address the issues raised by the court decision. "We think there may be ways to effectively narrow the scope of the bill in a way that would be compliant with the legal concerns that have been raised," he told a press scrum in Edmonton.

B.C.'s Attorney General **David Eby** said B.C.'s claim is "quite a straightforward case" but acknowledged the courts will have the final say.

"Our reading of the constitution is that Alberta is not allowed to restrict the flow of refined product to other provinces as a way to punish them for political positions that are taken that they don't like," he told reporters. "Having the injunction in place provides some relief to British Columbians who may have been concerned about an impact on fuel prices of a restriction from Alberta."

Meanwhile, the Alberta NDP caucus is indulging in a bit of "I told you so."

NDP Energy critic **Irfan Sabir** said Kenney's decision to sign the bill into law gave the courts time to shoot it down.

"Rather than use the legislation strategically, the Premier chose to play politics with this issue," Sabir said in a news release. "Now it's blown up in his face and, as a result, Albertans have lost an important tool in their defence."

Today's events

September 25 at 9:30 a.m. — *Edmonton*

Advanced Education Minister **Demetrios Nicolaides** will make an announcement on apprenticeship education.

September 25 at 10:30 a.m. — *Edmonton*

Education Minister **Adriana LaGrange** will make a school modernization announcement at Highlands school.

September 25 at 1 p.m. — *Edmonton*

Transportation Minister **Ric McIver** will demonstrate traffic safety in school zones at Nellie Carlson School.

September 25 at 2:15 p.m. — *Edmonton*

The UCP's Jobs and Economy committee will meet in the cabinet room of the legislature.

Topics of conversation

- The Government of Alberta was unknowingly added as a litigant in a lawsuit against a man who fired a warning shot to scare off an intruder on a rural property, but has since thrown out the case, said Premier **Jason Kenney**, clearing up a [report](#) from *Calgary Sun* columnist **Rick Bell**.

- According to Kenney, as soon as Attorney General **Doug Schweitzer** heard the government was named in the \$100,000 lawsuit, he withdrew the crown's involvement in the case.
 - Criminal charges had previously been dropped against landowner **Eddie Maurice**, who allegedly fired a warning shot to scare off a would-be robber from his rural property. The bullet ricocheted, injuring the man, who is now suing for damages.
 - "I think it is outrageous that the litigant did that," Kenney told reporters on Tuesday. "Mr. Maurice has been through enough. This is a man who did what he thought was necessary — using non-lethal force to protect his family and property."
 - The case highlights rising tension around rural crime in the province, where slow RCMP response, particularly to property crime, means many rural residents feel the need to take matters into their own hands.
 - Schweitzer said he stands with residents in their right to defend their properties and families, hinting at potential changes to the law to give more latitude to homeowners in isolated areas who act in self defence.
- Education Minister **Adriana LaGrange** says it's up to parents and school boards to decide whether students can miss class to attend political events.
 - Edmonton Public School board trustee **Michael Janz** is proposing academic amnesty for students who participate in the Global Climate Strike last Friday. (Future strikes that are in the works.)
 - LaGrange added local school boards — not the province — are in the best position to make those decisions as to whether to grant amnesty.
 - "If students are wanting to get out of class then they can decide with their parents," LaGrange said.
- Finance Minister **Travis Toews** remains tight-lipped on whether he will introduce legislation to claw back salaries of public sector workers, back-to-work bills or other new labour legislation recommended by the blue ribbon panel.
 - Toews said there will be "a number of pieces" of legislation related to the budget, but told reporters to "stay tuned."
 - "We think they're all worthy of review, but we've certainly not landed on a definitive position," Toews said.
- Strathcona County council [passed a bylaw](#) banning conversion therapy in the municipality. Council also [approved](#) a statement condemning the practice, which now carries a \$10,000 fine if carried out or advertised within the county.
 - While several municipalities in Alberta have mulled a ban, Strathcona County's new bylaw is the first full ban in the province.

- St. Albert passed a motion against the practice and is in the process of drafting amendments to its bylaws to ban advertising and practice of conversion therapy. The cities of Edmonton and Spruce Grove are also exploring options for a ban.
- The motions from municipalities follow the province's termination of the formal working group to end conversion therapy in the province. Health Minister **Tyler Shandro** said he condemns the practice and welcomes feedback from any group.

News briefs — Non-governmental

Office of the Child and Youth Advocate

Del Graff, the province's Child and Youth Advocate, issued a [report](#) on Tuesday investigating the deaths of eight youth who died in care between October 1, 2018, and March 31, 2019.

Graff said he is encouraged by work being done by frontline staff, but since three of the children died by suicide and two others attempted suicide in the past, more needs to be done to intervene.

"As a society we must do more to stop this crisis," he said in a news release.

The advocate has a legislative mandate under the *Child Protection and Accountability Act* to publicly report on the deaths of youth involved with Child Intervention Services within two years.

The advocate recommended that both Child Intervention Services and Alberta Health Services come up with an easily accessible plan for frontline staff on the Joint Protocol for Complex Decision-Making, and that Children's Services look into how the changes it makes are adopted by day-to-day caseworkers, as well as re-upping other previous recommendations.