



Province of Alberta  
Order in Council

O.C. 160/2019

SEP 09 2019

# ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor  
or  
Administrator

WHEREAS An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, S.C. 2019, c. 28, received Royal Assent on June 21, 2019 and was proclaimed in force on August 28, 2019;

WHEREAS the Physical Activities Regulations, SOR/2019-285, came into force on August 28, 2019; and

WHEREAS it is in the public interest that the issues raised concerning the constitutional validity of Part 1 of An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, S.C. 2019, c. 28, and the Physical Activities Regulations, SOR/2019-285 be settled authoritatively;

THEREFORE the Lieutenant Governor in Council refers the following questions to the Court of Appeal of Alberta for hearing or consideration:

  
CHAIR

1. Is Part 1 of An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts, S.C. 2019, c. 28, unconstitutional in whole or in part, as being beyond the legislative authority of the Parliament of Canada under the Constitution of Canada?

2. Is the Physical Activities Regulations, SOR/2019-285, unconstitutional in whole or in part by virtue of purporting to apply to certain activities listed in Schedule 2 thereof that relate to matters entirely within the legislative authority of the Provinces under the Constitution of Canada?

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For Information only

Recommended by: Minister of Justice and Solicitor General

Authority: Judicature Act  
(section 26)