

IN THE COURT OF APPEAL FOR SASKATCHEWAN

**IN THE MATTER OF THE *GREENHOUSE GAS POLLUTION PRICING ACT*,
BILL C-74, PART 5**

**AND IN THE MATTER OF A REFERENCE BY THE LIEUTENANT GOVERNOR
IN COUNCIL TO THE COURT OF APPEAL UNDER THE *CONSTITUTIONAL
QUESTIONS ACT*, 2012, SS 2012, c C-29.01**

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PART 1 – INTRODUCTION

1. The Intergenerational Climate Coalition (the “Coalition”) agrees with the Attorney General of Saskatchewan: this reference case is about the nature, principles, and basic values of our Constitution. In particular, this case confirms that a commitment to protect youth and future generations lies at the heart of our constitutional project.
2. Environmental protection is a fundamental value of Canadian society. Legislation to protect the environment can be understood as an expression of inter-generational solidarity. In fact, the Preamble to the *Greenhouse Gas Pollution Pricing Act* (the “Act”) clearly states “Parliament recognizes it is the responsibility of the present generation to minimize impacts of climate change on future generations.”
3. The constitutional principle of protection of minorities encompasses youth and future generations, especially in the context of an urgent threat like climate change. That principle, properly understood, tempers the application of other constitutional principles, such as federalism and “no taxation without representation.” It also informs the characterization of the Act and supports interpretations of Parliament’s authority that confirm the Act is *intra vires*.

PART 2 – JURISDICTION

4. The Coalition agrees with Saskatchewan and Canada that this court’s jurisdiction arises from the reference question: whether the Act is unconstitutional in whole or in part.

PART 3 – SUMMARY OF FACTS

A. Climate Change is an Urgent Threat to Youth and Future Generations

5. Human activities, including accumulated greenhouse gas (“GHG”) emissions, have already caused global warming of 1° C. Across Canada, people are dying, ecosystems are

deteriorating, and property is being destroyed, as a result of droughts, wildfires, and deadly heatwaves.¹

6. Climate change and its impacts will only get worse as more GHGs are released into the atmosphere. Global warming is likely to reach 1.5° C as early as 2030 and will cause increasing harm, including extreme weather events, rising sea levels and droughts, as well as higher rates of heat-related deaths and cardiovascular, respiratory and infectious diseases.²

7. The full consequences of our actions, or inaction, on GHGs today will only be felt decades and even centuries from now. If the climate warms by 2° C or more, we risk a “cascade of feedbacks” with more severe and less predictable effects.³

8. Children are exceptionally vulnerable to the harms of climate change, from extreme heat to vector-borne diseases (e.g. Zika, Lyme). They are also more susceptible to respiratory problems related to climate change, such as allergies and asthma. These ailments can cause lifelong health problems for afflicted children.⁴

9. For Canadian children, climate change is already an emergency. Due to decisions made before they were born or able to vote, they will live their entire lives under the mounting environmental, economic, and health stresses caused by GHG emissions.⁵

10. Our children and future generations of Canadians also will suffer the massive financial costs of mitigating and adapting to increasingly severe climate change, as well as

¹ Affidavit of Courtney Howard, affirmed November 29, 2018 [Howard Affidavit], paras 24-26; Ex D, pp 140-144; Ex E, pp 168 and 175.

² Affidavit of Paul Kershaw, affirmed November 28, 2018 [Kershaw Affidavit], paras 10-13; Ex D, p 30; Ex F, pp 163-167.

³ Kershaw Affidavit, para 13; Ex G, pp 185-191.

⁴ Affidavit of Katherine Vandergrift, affirmed November 29, 2018 [Vandergrift Affidavit], paras 14 and 23; Ex G, pp 129-131; Howard Affidavit, para 24; Ex D, p 141.

⁵ Kershaw Affidavit, paras 8-14; Howard Affidavit, paras 22-25; Ex C, pp 86-92.

the lost economic opportunities as ecosystems become less reliable.⁶

11. Serious measures are required now to combat this threat to the well-being and prosperity of Canadian children and future generations. A price on GHGs is widely recognized as a critical part of any comprehensive climate change strategy.⁷

PART 4 – POINTS IN ISSUE

12. The entire Act is constitutional. Parliament has authority to regulate GHG emissions, including by establishing a national backstop price for them.

13. The broad reference question and the Parties’ arguments have put the principles and the structure of the Constitution in dispute. Saskatchewan has argued the Act disregards the constitutional principles of federalism and “no taxation without representation.”⁸

However, those principles cannot be invoked selectively to defeat the equally fundamental constitutional commitment to protect minorities.

14. As shown below, the constitutional principle of protection of minorities applies to youth and future generations, informs the application of other constitutional principles, and supports federal jurisdiction over GHG emissions under various heads of power.

PART 5 – ARGUMENT

A. The Constitutional Commitment to Protect Youth and Future Generations

15. The Canadian Constitution, including the division of powers in ss. 91 and 92 of the *Constitution Act, 1867*, is not a straightjacket.⁹ As the Supreme Court of Canada noted in *Re Same Sex Marriage*:

A large and liberal, or progressive, interpretation ensures the continued relevance and, indeed, legitimacy of Canada’s constituting document. By

⁶ Kershaw Affidavit, para 8-10; Ex D, p 62; Howard Affidavit, Ex C, pp 118-120.

⁷ Kershaw Affidavit, paras 16-19, 21; Ex D, p 74; Ex H, pp 221-223.

⁸ Factum of the Attorney General of Saskatchewan, paras 2, 34, 59 [SK Factum].

⁹ *Re Secession of Quebec*, [1998] 2 SCR 217 (SCC), para 150, Intergenerational Climate Coalition Book of Authorities [ICCBA] Tab 11.

way of progressive interpretation our Constitution succeeds in its ambitious enterprise, that of structuring the exercise of power by the organs of the state in times vastly different from those in which it was crafted.¹⁰

16. The very act of making a constitution presumes future generations: they must exist to inherit and, in turn, maintain a way of life anchored by the values and principles adopted by their predecessors. The Constitution is intended to endure, and future generations are required for that “ambitious enterprise.”

17. The Constitution must evolve to remain relevant and legitimate across generations. One way it evolves is the identification, elaboration, and application of constitutional principles, which “inform and sustain the constitutional text.”¹¹

18. According to the Supreme Court of Canada in *Reference re Secession of Quebec*:

The principles assist in the interpretation of the text and the delineation of spheres of jurisdiction, the scope of rights and obligations, and the role of our political institutions. Equally important, observance of and respect for these principles is essential to the ongoing process of constitutional development and evolution of our Constitution as a "living tree"...¹²

19. The SCC has identified a constellation of such principles, including democracy, federalism, the honour of the Crown, and the protection of minorities: “These defining principles function in symbiosis. No single principle can be defined in isolation from the others, nor does any one principle trump or exclude the operation of any other.”¹³

20. As discussed below, in light of constitutional text, history, case law, international commitments, and the fundamental values of Canadian society, the principle of “protection of minorities” encompasses children and future generations. This principle is an essential resource that must inform the interpretation of the Constitution in this case.¹⁴

¹⁰ *Re Same-Sex Marriage*, 2004 SCC 79, [2004] 3 SCR 698, para 23, ICCBA Tab 10.

¹¹ *Re Secession of Quebec*, para 49, ICCBA Tab 11.

¹² *Ibid*, para 52, ICCBA Tab 11.

¹³ *Ibid*, para 49, ICCBA Tab 11.

¹⁴ *Re Senate Reform*, para 25, ICCBA Tab 13.

21. The principle of “protection of minorities” tempers the application of other constitutional principles. Just as federalism requires a balance between the provinces and the federal government, the protection of minorities requires a balance between current and future generations. Similarly, the principle of “no taxation without representation” must be considered alongside the commitment to protect the generations that will suffer the effects of our decisions without having the right to participate in them.

1. Text and History

22. Constitutional principles are revealed, in part, by constitutional text and practice:

Behind the written word is an historical lineage stretching back through the ages, which aids in the consideration of the underlying constitutional principles. These principles inform and sustain the constitutional text: they are the vital unstated assumptions upon which the text is based.¹⁵

23. The principle of “protection of minorities” was enshrined in the compromise of the *Constitution Act, 1867* to protect linguistic and religious minorities in what were then Canada East and Canada West. It has since evolved into a general and independent constitutional principle, which is expressed throughout the *Charter of Rights and Freedoms*, including in sections 15 (equality) and 16-23 (language rights), and elsewhere in the *Constitution Act, 1982*, such as section 35 (aboriginal and treaty rights).¹⁶

24. This principle recognizes the role for courts in protecting “discrete and insular minorities” that cannot rely on majoritarian politics to respect their rights and interests.¹⁷

25. Youth and future generations are such a “discrete and insular” minority. They are subject to strict legal disabilities that deny them the right to participate in ordinary democratic politics. Young people under the age of 18 cannot vote in federal or provincial

¹⁵ *Re Secession of Quebec*, para 49, ICCBA Tab 11.

¹⁶ *Ibid*, para 79, ICCBA Tab 11.

¹⁷ *United States v Carolene Products Co.*, (1938) 304 US 144, footnote 4, ICCBA Tab 14; *R v Turpin*, [1989] 1 SCR 1296, p 1332, ICCBA Tab 7; *Law v Canada*, [1999] 1 SCR 497, para 95, ICCBA Tab 5.

elections in Saskatchewan. Future generations have no votes today. They have no say in the decisions that determine our GHG emissions, but they will be forced to bear the heaviest environmental, economic, and health burdens from those emissions.¹⁸

26. Canadian constitutional history demonstrates a deep concern for children and future generations. During the debates on Confederation, the proposed federal union was described as serving the future prosperity and well-being of subjects, their children, and the entire country. For example:

- a) Attorney General John A. Macdonald, quoting the 1864 Quebec Resolution, described the “scheme” of Confederation as “for the best interests, and present and future prosperity of British North America”;¹⁹
- b) He also challenged members of the assembly to “Reject it, if you do not believe it to be for the present advantage and future prosperity of yourselves and your children”;²⁰
- c) The Honourable Mr. George Brown spoke expansively:

the whole great ends of this Confederation may not be realized in the lifetime of many who now hear me. We imagine not that such a structure can be built in a month or in a year. What we propose now is but to lay the foundations of the structure – to set in motion the governmental machinery that will one day, we trust, extend from the Atlantic to the Pacific. And we take especial credit to ourselves that the system we have devised, while admirably adapted to our present situation, is capable of gradual and efficient expansion in future years to meet all the great purposes contemplated by our scheme.²¹

¹⁸ Kershaw Affidavit, paras 6, 9, 10; Ex A; Ex C, p 21; Vandergrift Affidavit, para 14, Ex B, p 31.

¹⁹ Canada, *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces*, 8th Prov Parl of Canada, 3rd Sess (Quebec: Hunter, Rose & Co, 1865) at pp 31-32 (AG MacDonald), Saskatchewan Record, Tab 14, pp 468-469.

²⁰ *Ibid.* at pp 31-32, Saskatchewan Record, Tab 14, pp 468-469.

²¹ Canada, *Parliamentary Debates on the Subject of the Confederation of the British North American Provinces*, 8th Prov Parl of Canada, 3rd Sess (Quebec: Hunter, Rose & Co, 1865) at p 86 (Hon. Mr. Brown), Saskatchewan Record, Tab 16, p 504.

27. It would be perverse for the division of powers to be used 150 years later to defeat that deep concern for future generations by frustrating efforts to combat climate change.

28. Section 15 of the *Charter* confirms this concern by prohibiting discrimination on the basis of age. As the SCC has noted, children are vulnerable members of Canadian society with a critical need for a safe environment.²² Children are politically disadvantaged (no vote), stereotyped (treated as an incapable class of “minors”, rather than as individuals with different capabilities), and prejudiced by current approaches to climate change. They will bear the full future consequences of our past and present GHG emissions, and those harms will be disproportionate to their contribution to the problem.

2. International Commitments

29. International law, including Canada’s international legal commitments, informs the interpretation of constitutional principles, both directly and by illuminating the written constitutional provisions that express those principles. According to Chief Justice McLachlin (as she then was):

As courts continue to struggle to understand the precise legal effect of a country’s international commitments, it surely must be the case that these can inform our understanding of the basic values that the state publicly and formally embraces. Where a country adheres to international covenants, such as the United Nations Convention Against Torture or the International Covenant on Civil and Political Rights, it thereby signals its intentions to be bound by their principles. This may amplify indications from usage and convention and the written text of the constitution and help to establish the boundaries of certain unwritten principles.²³

30. Canada has reinforced its commitment to protect children by ratifying the UN Convention on the Rights of the Child (the “Convention”). That Convention informs the

²² *Canadian Foundation for Children, Youth and the Law v Canada (Attorney General)*, 2004 SCC 4, para 58 [*CFCYL*], ICCBA Tab 3.

²³ Beverly McLachlin, “Unwritten Constitutional Principles: What is Going On?”, (2006) 4 *NZJPIL* 147, p 158, ICCBA Tab 15.

degree of protection children receive under s. 7 of the *Charter*.²⁴ Article 24 of the Convention enshrines the right of the child to the highest standard of health. The UN committee established to monitor the implementation of the Convention has found that climate change is one of the biggest threats to children’s health and that “States should, therefore, put children’s health concerns at the centre of their climate change adaptation and mitigation strategies.”²⁵

31. The Convention reinforces the notion that children and future generations are among the minorities protected by this constitutional principle. It recognizes the unique vulnerability, needs, and importance of children in society. The law continues to evolve as new challenges emerge. Health and environmental concerns are part of the well-being promoted by the principle of “protection of minorities.” Meanwhile, the general commitment to youth and future generations remains fundamental to the Constitution.

3. Fundamental Values

32. The SCC has recognized that the protection of children and the protection of the environment are both basic values of Canadian society. In *Baker v. Canada*, L’Heureux-Dubé J. wrote for the majority that “Children’s rights, and attention to their interests, are central humanitarian and compassionate values in Canadian society.”²⁶

33. In *Spraytech*, L’Heureux-Dubé J. again wrote for the majority that:

our common future, that of every Canadian community, depends on a healthy environment... “[e]veryone is aware that individually and collectively, we are responsible for preserving the natural

²⁴ *CFCYL*, para 186 (Arbour J, dissenting), ICCBA Tab 3.

²⁵ *Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS 3, Can TS 1992 No 3, Art 24; Vandergrift Affidavit, Ex A, p 8; Ex F, p 114.

²⁶ *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817, paras 67 and 71, ICCBA Tab 1.

environment...environmental protection [has] emerged as a fundamental value in Canadian society.”²⁷

34. Together, these two basic values express our commitment to pass a healthy, prosperous and democratic way of life on to future generations. They are reflected in the SCC’s observation that legislative efforts to safeguard the environment can be understood as “evidence of an emerging sense of inter-generational solidarity and acknowledgement of an environmental debt to humanity and to the world of tomorrow.”²⁸

4. The Protection of Minorities Informs the Application of Other Principles

35. The commitment to protect minorities tempers the application of other constitutional principles. As the SCC has noted, these principles “function in symbiosis” and “[t]he individual elements of the Constitution are linked to the others, and must be interpreted by reference to the structure of the Constitution as a whole”.²⁹

36. The constitutional principles engaged by this reference are parts of a coherent conceptual and institutional whole. They inform and constrain one another and, by doing so, support the entire constitutional enterprise. In light of the principle of “protection of minorities,” federalism cannot be understood simply as concerned with a “balance” between provincial and federal governments. Rather, as noted above, one of the central purposes of the federal union was to promote the future prosperity and well-being of Canadians. Any “balance” between the levels of government should serve this goal.

²⁷ *114957 Canada Ltée (Spraytech, Société d’arrosage) v Hudson (Town)*, [2001] 2 SCR 241, para 1, citing *Ontario v Canadian Pacific Ltd*, [1995] 2 SCR 1031, para 55, Canada Book of Authorities [CBA] Vol 1, Tab 1.

²⁸ *Imperial Oil Ltd v Quebec (Minister of the Environment)*, [2003] 2 SCR 624, para 19, ICCBA Tab 4.

²⁹ *Re Secession of Quebec*, paras 49-50, ICCBA Tab 11.

37. This “progressive approach” to interpretation also applies to the division of powers set out in ss. 91 and 92 of the *Constitution Act, 1867*.³⁰ Just as “the three other constitutional principles inform the scope and operation of the specific provisions that protect the rights of minorities,” the principle of protection of minorities also informs those provisions that implement federalism.³¹

38. In light of this fundamental constitutional principle, no jurisdiction can use the division of powers to defeat our commitments to youth and future generations, especially when every living Canadian has contributed to the relevant threat, as with GHG emissions. The courts should interpret the Constitution in ways that enable us to fulfill our obligations to future generations.

B. Parliament Has Authority to Regulate GHG Emissions

39. The principle of “protection of minorities” supports a broad interpretation of federal authority on GHG emissions, including the power to set a backstop national GHG price, under the Peace Order and Good Government (“POGG”) clause or another provision of s. 91. Every jurisdiction in Canada continues to emit GHGs. Only Parliament is capable of acting on a scale proportionate to the problem we have created for our children and future generations. Parliament must be able to protect that vulnerable group against provinces and generations that fail to do their part to reduce GHG emissions: territorial and temporal free-riders.³²

1. Characterization of the Act

40. The first step in analyzing whether the Act is *intra vires* Parliament is to characterize it. Saskatchewan questioned the need for a pith and substance analysis but,

³⁰ *Re Same Sex Marriage*, para 22, ICCBA Tab 10.

³¹ *Re Secession of Quebec*, para 80, ICCBA Tab 11.

³² Kershaw Affidavit, para 19; Ex J, p 261.

with respect to Part 1 of the Act, ultimately argued “both the purpose and the effects of the legislation is to impose a carbon tax only in Saskatchewan and in other provinces that do not meet the federal benchmark.”³³ This selective characterization does not capture a critical purpose of the Act, which is to protect the environment for the well-being and prosperity of future generations.

41. The Act is clearly a legislative effort to safeguard the environment of the sort identified by the SCC in *Imperial Oil*. As demonstrated by its Preamble, the Act is both:

- a) an expression of inter-generational solidarity (“Whereas Parliament recognizes that it is the responsibility of the present generation to minimize impacts of climate change on future generations”); and
- b) an acknowledgment of the environmental debt of current generations (“Whereas recent anthropogenic emissions of greenhouse gases are at the highest level in history and present an unprecedented risk to the environment, including its biological diversity, to human health and safety and to economic prosperity”).³⁴

42. In light of the Preamble and similar statements made in Parliament during debates on the Act³⁵, its pith and substance is better characterized as an effort to establish a minimum national price for GHG emissions so all Canadians take part in reducing the serious environmental, health and economic risks we have created for future generations.

³³ SK Factum, para 44.

³⁴ *Greenhouse Gas Pollution Pricing Act*, SC 2018, c 12, s 186, Preamble, Saskatchewan Record, Tab 11, p 194.

³⁵ Canada, House of Commons, *Official Report of Debates (Hansard)*, 42nd Parl, 1st Sess, No 282 (19 April 2018) at p 1050 (Mr Peter Schiefke), ICCBA Tab 16; Canada, House of Commons, *Official Report of Debates (Hansard)*, 42nd Parl, 1st Sess, No 283 (23 April 2018) at p 1220 (Hon Bill Morneau), CBA Vol 2, Tab 53.

2. Classification of the Act

43. The principle of protection of minorities informs various heads of federal power, each of which supports Parliament's authority to regulate GHG emissions and to adopt the Act.

(a) *Peace, Order, and Good Government – National Concern*

44. The test for federal authority under the national concern branch of POGG requires that the matter be single, distinctive and indivisible and that the scale of impact on provincial jurisdiction be reconcilable with fundamental distribution of powers.³⁶

45. For children and future generations, GHGs are a singular and manifest threat to their health and well-being. Based on current trends, we are approaching critical tipping points beyond which climate change may become much more difficult to manage, mitigate, and survive.³⁷ Regardless of where or how they are emitted, GHGs have the same destabilizing effects on the natural systems that compose our environment.

46. With respect to the impact on provincial jurisdiction, the principle of protection of minorities supports use of the double aspect doctrine on GHG emissions.³⁸ The courts should favour interpretations that enable us to fulfill our responsibilities to future generations, including protecting their health and environment. Coordinated provincial action on GHG emissions is not forthcoming and, as the Government of Ontario has shown, can be abandoned. The court can recognize this critical national concern without precluding other provincial responses to this threat: a federal backstop GHG price is

³⁶ *R v Crown Zellerbach*, [1988] 1 SCR 401 (SCC), pp 431-432, CBA Vol 1, Tab 24.

³⁷ Kershaw Affidavit, para 13; Ex G, pp 185-191.

³⁸ *Canada Western Bank v Alberta*, [2007] 2 SCR 3, 2007 SCC 22, paras 30-31, ICCBA Tab 2.

compatible with provincial climate actions under their power to regulate local matters.³⁹

(b) *Peace, Order, and Good Government – National Emergency*

47. The test for federal authority under the national emergency branch of POGG requires an urgent situation that adversely affects all Canadians, is of such proportions as to transcend provincial authority, and can only be dealt with effectively by Parliament.⁴⁰

48. The principle of protection of minorities, and the intergenerational perspective it requires in this case, inform the application of this test. GHG emissions are an existential threat to all Canadian children and future generations right now. Since their impacts are cumulative and existing infrastructure favours continued emissions, we must act today to avoid bequeathing an increasingly volatile and inhospitable environment. To date, the provinces have not dealt with this threat, as Canada is not on track to meet its emissions commitments.⁴¹ Therefore, Parliament must have authority to regulate GHG emissions.

(c) *Trade and Commerce (s. 91(2))*

49. The protection of minorities also informs the last two parts of the test under the trade and commerce clause: whether the law is of such a nature that the provinces, alone or in concert, would be constitutionally incapable of enacting it; and whether failure to include one or more provinces would jeopardize its success elsewhere in the country.⁴²

50. In applying this test, the SCC has recognized that the provinces can suffer from collective action problems and fail to act in concert.⁴³ The SCC also has confirmed that Parliament can act under this power to manage “systemic risk” to the national economy.⁴⁴

³⁹ *Rogers Communications Inc v Châteauguay (City)*, 2016 SCC 23, [2016] 1 SCR 467, paras 37-38, CBOA Vol 2, Tab 34.

⁴⁰ *Re Anti-Inflation Act*, [1976] 2 SCR 373 (SCC), pp 436-437 (Ritchie J), ICCBA Tab 8.

⁴¹ Howard Affidavit, Ex E, p 170.

⁴² *Re Pan-Canadian Securities Act*, 2018 SCC 48, paras 102-103, ICCBA Tab 9.

⁴³ *Re Securities Act*, 2011 SCC 66, para 83, ICCBA Tab 12.

51. The provinces cannot establish a national GHG price to safeguard the environment for future generations. Even if they could agree on a legislative scheme, one or more provinces could defect and defeat its purpose, since companies could relocate their GHG-emitting activities to those provinces where GHG pollution is free. The harms from that “carbon leakage” would transcend provincial boundaries and affect the entire country.

52. GHG emissions present a systemic risk to the environment and the economy. They are destabilizing the climate in unpredictable ways that affect all sectors of the Canadian economy. The Act aims to reduce that risk by increasing the cost of emissions, not by regulating every aspect of related activities. It complements provincial laws on local matters by addressing a fundamental national environmental (and economic) objective.

53. If the Act were *ultra vires* Parliament, there would be an unacceptable constitutional gap because we would be unable to protect children and future generations from the systemic environmental, economic, and health risks our GHG emissions have created.⁴⁵

(d) Criminal Law (s. 91(27))

54. The test for federal authority under the criminal law power requires a “legitimate public purpose” associated with an “evil” Parliament intends to suppress. Protecting children and future generations from climate change is such a legitimate public purpose, as it is consistent with our fundamental values and our constitutional principles.⁴⁶

⁴⁴ *Ibid*, paras 103-104, ICCBA Tab 12; *Re Pan-Canadian Securities Act*, paras 106-107, 111, ICCBA Tab 9.

⁴⁵ *Re Securities Act*, para 83, ICCBA Tab 12; *Re Pan-Canadian Securities Act*, para 102 ICCBA Tab 9.

⁴⁶ *R v Hydro Quebec*, [1997] 3 SCR 213, paras 123-128, ICCBA Tab 6.

C. Conclusion

55. The constitutional principle of “protection of minorities” applies to youth and future generations, especially in the context of the urgent threat posed by climate change. This principle limits and balances other constitutional principles engaged by this reference, such as federalism and “no taxation without representation.” It supports a purposive characterization of the Act as an expression of inter-generational solidarity, as well as broad interpretations of Parliament’s authority under s. 91 of the *Constitution Act, 1867*. The Act is *intra vires* Parliament.

PART 6 – RELIEF

56. The Intergenerational Climate Coalition seeks the Court’s opinion that the entire Act is constitutional and *intra vires* Parliament.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this January 23, 2019.


Nathan Hume

for 
Emma K. Hume

PART 7 – AUTHORITIES

TAB	CASES	PARA(S)
	<i>114957 Canada Ltée (Spraytech, Société d'arrosage) v Hudson (Town)</i> , [2001] 2 SCR 241 [CBA, Vol 1, Tab 1]	33
1.	<i>Baker v. Canada (Minister of Citizenship and Immigration)</i> , [1999] 2 SCR 817	32
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9.	<i>Re Pan-Canadian Securities Act</i> , 2018 SCC 48	49, 50, 53
10.	<i>Re Same-Sex Marriage</i> , 2004 SCC 79	15, 37
11.	<i>Re Secession of Quebec</i> , [1998] 2 SCR 217	17, 18, 22, 35, 37
12.	<i>Re Securities Act</i> , 2011 SCC 66	50, 53
13.	<i>Re Senate Reform</i> , 2014 SCC 32	20
14.	<i>United States v Carolene Products Co.</i> , (1938) 304 US 144 (USSC)	24
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15.	Beverly McLachlin, "Unwritten Constitutional Principles: What is Going On?", (2006) 4 NZJPIL 147, p 158.	29
16.	Canada, House of Commons, <i>Official Report of Debates (Hansard)</i> , 42nd Parl, 1st Sess, No 282 (19 April 2018) at p 1050 (Mr Peter Schiefke)	42
	Canada, House of Commons, <i>Official Report of Debates (Hansard)</i> , 42nd Parl, 1st Sess, No 283 (23 April 2018) at p 1220 (Hon Bill Morneau) [CBA Vol 2, Tab 53]	42