

**IN THE SUPREME COURT OF CANADA  
(ON APPEAL FROM THE SASKATCHEWAN COURT OF APPEAL)**

**IN THE MATTER OF THE *GREENHOUSE GAS POLLUTION PRICING ACT*,  
Bill C-74, Part V**

**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**

**BETWEEN**

**ATTORNEY GENERAL OF SASKATCHEWAN**

**APPELLANT**

and

**ATTORNEY GENERAL OF CANADA**

**RESPONDENT**

*(style of cause continued on p. iii)*

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**IN THE SUPREME COURT OF CANADA  
(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO)**

**IN THE MATTER OF THE *GREENHOUSE GAS POLLUTION PRICING ACT*,  
SC 2018, c. 12, s. 186**

**AND IN THE MATTER OF A REFERENCE BY THE LIEUTENANT  
GOVERNOR IN COUNCIL TO THE COURT OF APPEAL FOR ONTARIO  
UNDER THE *COURTS OF JUSTICE ACT*, RSO 1990, c. C.43, s. 8**

**BETWEEN:**

**ATTORNEY GENERAL OF ONTARIO**

**APPELLANT**

and

**ATTORNEY GENERAL OF CANADA**

**RESPONDENT**

*(style of cause continued on p. iv)*

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**FACTUM OF THE INTERVENERS,  
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GENERATION SQUEEZE, PUBLIC HEALTH ASSOCIATION OF BRITISH  
COLUMBIA, SASKATCHEWAN PUBLIC HEALTH ASSOCIATION,  
CANADIAN ASSOCIATION OF PHYSICIANS FOR THE ENVIRONMENT,  
CANADIAN COALITION FOR THE RIGHTS OF THE CHILD AND YOUTH  
CLIMATE LAB**

*(pursuant to Rule 42 of the Rules of the Supreme Court of Canada)*

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*(continued from style of cause for file no. 38663)*

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Intervenors

*(continued from style of cause for file no. 38781)*

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## **PART I – OVERVIEW**

1. Greenhouse gas (“GHG”) emissions are an urgent threat to youth and future generations of Canadians. As GHGs accumulate in the atmosphere, they destabilize the climate, threatening the foundation of our economy, the air we breathe, the water we drink, the food we eat, and the places we live. We must act now to avoid irreversible environmental tipping points, beyond which climate change will become even less predictable and less manageable.

2. To understand this threat, this Court must recognize that GHGs have unequal impacts across generations. We enjoy the benefits of carbon-based energy reliance today, and our children and grandchildren will suffer the full harms from that reliance. Future generations have no right to participate in our decisions about whether and how to reduce GHG emissions. They depend on us to protect them from this systemic risk that threatens their interests, their environment, and their very existence. That asymmetry is central to the ongoing failure by provincial governments to coordinate a meaningful response to climate change.

3. Fortunately, we have the constitutional resources to address that provincial failure. The politicians who entered into Confederation were motivated by, among other things, a desire to provide better lives for their descendants. That foundational concern is evident today in our fundamental values, our international commitments, and our constitutional principles. It is also expressed in the *Greenhouse Gas Pollution Pricing Act* (the “Act”), which is both an attempt to safeguard the environment for future generations and an *intra vires* exercise of Parliament’s Peace, Order, and Good Government (“POGG”) power.

## **PART II – POSITION**

4. The Intergenerational Climate Coalition takes the position that the entire *Act* is constitutional. In light of Canada’s fundamental concern for children and future generations, Parliament has authority under the national concern or emergency branch of POGG to set minimum national standards to reduce GHG emissions, including a national backstop price.

## PART III – ARGUMENT

### A. Climate Change is a Fundamental Threat to Youth and Future Generations

5. Climate change is not only an interprovincial and international problem. It also is an intergenerational catastrophe. While GHGs have already caused global warming of 1° C and serious health, environmental, and economic damage across Canada, the impacts on children and future generations will be far worse if GHGs continue to accumulate in the atmosphere.<sup>1</sup>

6. Given current trends, global warming may reach 1.5° C as early as 2030<sup>2</sup> and from that critical tipping point will cause a cascade of increasingly harmful and unpredictable effects,<sup>3</sup> including more extreme weather events, rising sea levels and droughts, as well as higher rates of cardiovascular, respiratory and infectious diseases. As scientists recently cautioned in the Proceedings of the National Academy of Sciences:

Currently, the Earth System is on a Hothouse Earth pathway driven by human emissions of greenhouse gases and biosphere degradation toward a planetary threshold of ~ 2 °C ... beyond which the system follows an essentially irreversible pathway driven by intrinsic biogeophysical feedbacks.<sup>4</sup>

Avoiding this threshold ... can only be achieved and maintained by a coordinated, deliberate effort.<sup>5</sup>

7. Climate change poses a qualitatively different threat to children and future generations. Today, climate change is a real problem that, in some cases, threatens our health or livelihood. For example, children are exceptionally vulnerable to the health risks of climate change, from extreme heat to vector-borne diseases (e.g. Zika and Lyme).<sup>6</sup> But for children and future generations, climate change is a threat to their very existence. What we do today may trigger destabilizing

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<sup>1</sup> Record of the Attorney General of Canada (“CR”), Part II, Volume XI, Tab 19, Affidavit of Paul Kershaw, affirmed November 28, 2018 (“Kershaw Affidavit”), paras. 10-14; Ex F, p 97; Ex D, pp 38-39.

<sup>2</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, Ex F, p 97.

<sup>3</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, Ex G, p 121.

<sup>4</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, Ex G, p 121.

<sup>5</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, Ex G, p 124.

<sup>6</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, paras 11-13; Ex D, p 35; Ex F, pp 97-101; CR, Part II, Volume XII, Tab 20, Affidavit of Katherine Vandergrift, affirmed November 29, 2018 (“Vandergrift Affidavit”) Ex G, pp 37-39; Record of the Attorney General of Ontario (“OR”), Part III, Tab 23, Ex J, p 181; Ex R, p 234.

feedback loops that place effective mitigation out of reach, leaving future generations unable to thrive or even survive on the planet.<sup>7</sup>

8. There is a fundamental asymmetry at the heart of climate change. While we enjoy the immediate economic benefits of cheap carbon-based energy, the full consequences of our actions (or inaction) on GHG emissions will only be felt decades and even centuries from now.

9. For Canadian children, climate change is already an emergency. They will live their entire lives under the mounting environmental, economic, and health stresses caused by GHG emissions. Climate change:

... threatens to undermine the last half century of gains in development and global health. The direct effects of climate change include increased heat stress, floods, drought, and increased frequency of storms, with the indirect threatening population health through adverse changes in air pollution, the spread of vector diseases, food insecurity, and under-nutrition, displacement, and mental ill health.<sup>8</sup>

10. Canadian children will also be forced to bear the massive financial costs of mitigating and adapting to increasingly severe climate change. Canada's Minister of Finance estimates that climate change will cost Canada "up to \$43 billion per year by 2050",<sup>9</sup> and the global cost of adapting energy systems will be up to \$1 trillion annually.<sup>10</sup>

11. But in spite of this staggering burden, children have no say in the decisions that will determine the severity of the threat or the remaining scope (if any) for meaningful climate action in the future.<sup>11</sup>

12. Moreover, Canada and many other countries are not on track to meet their international commitments to reduce GHG pollution or to make the global reductions necessary to limit

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<sup>7</sup> *Greenhouse Gas Pollution Pricing Act (Re)*, 2019 ONCA 544 at para 3 ("ONCA Reasons"); *Greenhouse Gas Pollution Pricing Act (Re)*, 2019 SKCA at paras 4, 236 ("SKCA Reasons"); CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, para 13; Ex G, pp 120-124.

<sup>8</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, Ex D, p. 35.

<sup>9</sup> ONCA Reasons at para 15.

<sup>10</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, para. 10; Ex. D, p. 67.

<sup>11</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, paras. 9-14; Ex D, p 67; CR, Part II, Volume XII, Tab 21, Affidavit of Courtney Howard made November 29, 2018 ("Howard Affidavit"), Ex C, pp 61-67 and 93-95.

planetary warming to 1.5 °C (reduce GHG emissions to 45% below 2010 levels by 2030).<sup>12</sup> In fact, “[g]lobal inaction to prevent or mitigate climate change has put us on a ‘high-end’ emissions trajectory, pointing towards between 2.6°C and 4.8°C of global surface temperature warming by the end of the century.”<sup>13</sup>

13. The *Act* is part of Canada’s efforts to fulfill its obligations under the *Paris Agreement* (to reduce GHG emissions to 30% below 2005 levels by 2030).<sup>14</sup> A price for GHGs is widely recognized as a critical part of any comprehensive climate strategy, but climate change presents both a technical challenge and a political dilemma. In recent years, Saskatchewan refused to sign on to the Pan-Canadian Framework on Clean Growth and Climate Change, Ontario cancelled its cap-and-trade regulation, and Alberta revoked and then replaced its own carbon price.<sup>15</sup> The failure of provincial governments to coordinate an effective response to rising GHG emissions has put the health and lives of Canadian youth and future generations in jeopardy.<sup>16</sup>

## **B. The Canadian Constitution Protects Youth and Future Generations**

14. The act of making a constitution presumes future generations: they must exist to inherit and maintain a way of life anchored by the principles adopted by the framers. The Canadian Constitution is “drafted with an eye to the future...capable of growth and development over time to meet new social, political, and historical realities often unimagined by its framers.”<sup>17</sup>

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

- a) He quoted the 1864 Quebec Resolution and described the “scheme” of Confederation as “for the best interests, and present and future prosperity of

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<sup>12</sup> ONCA Decision, para 24; CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, Ex F, pp 105, 111; Ex G p 121.

<sup>13</sup> CR, Part II Volume XI, Tab 21, Howard Affidavit, Ex D, p 115.

<sup>14</sup> ONCA Decision, para 25.

<sup>15</sup> SKCA Decision, para 33; ONCA Decision, para 31.

<sup>16</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, paras 15-20; Ex D, p 79; Ex H, pp 155-157.

<sup>17</sup> *Hunter et al. v Southam Inc.*, [1984] 2 SCR 145 at 155.

British North America”; and

- b) He also challenged members of the assembly debating the federal union to “Reject it, if you do not believe it to be for the present advantage and future prosperity of yourselves and your children.”<sup>18</sup>

16. Concern for the well-being of future generations was one of the reasons for adopting Canada’s federal structure. It would be perverse for the division of powers to be used 150 years later to doom future generations by frustrating collective action to combat climate change.

17. Similarly, this Court has recognized that protection of children and protection of the environment are both basic values of Canadian society. In *Baker v. Canada*, L’Heureux-Dubé J. wrote that “Children’s rights, and attention to their interests, are central humanitarian and compassionate values in Canadian society.”<sup>19</sup> In *Spraytech*, L’Heureux-Dubé J. said “our common future, that of every Canadian community, depends on a healthy environment... environmental protection [has] emerged as a fundamental value in Canadian society.”<sup>20</sup>

18. These values are reflected in this Court’s observation that legislative efforts to safeguard the environment can be seen as “evidence of an emerging sense of inter-generational solidarity and acknowledgement of an environmental debt to humanity and to the world of tomorrow.”<sup>21</sup>

19. Canada’s international commitments recognize the unique vulnerability of children and future generations and demonstrate a commitment to protect them from threats such as climate change. International law, including international agreements, can inform the interpretation of constitutional provisions and the principles behind them, such as the protection of minorities.<sup>22</sup>

20. Canada has demonstrated its commitment to protect children by ratifying the *UN Convention on the Rights of the Child* (the “*Convention*”). The *Convention* informs the degree of

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<sup>18</sup> 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), pp 31-32.

<sup>19</sup> *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 at paras 67, 71.

<sup>20</sup> *114957 Canada Ltée (Spraytech, Société d’arrosage) v Hudson (Town)*, [2001] 2 SCR 241 at para 1 [“*Spraytech*”] (citing *Ontario v Canadian Pacific Ltd*, [1995] 2 SCR 1031 at para 55).

<sup>21</sup> *Imperial Oil Ltd v Quebec (Minister of the Environment)*, [2003] 2 SCR 624 at para 19.

<sup>22</sup> *Spraytech* at para 30; *Re Secession of Quebec*, [1998] 2 SCR 217 at paras 79-82.

protection children receive under s. 7 of the *Charter*. 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.”<sup>23</sup>

21. The *UN Framework Convention on Climate Change* (“*UNFCCC*”) is the foundation and framework for the *Paris Agreement*. In its Preamble, the Parties declare they are “[d]etermined to protect the climate system for present and future generations.” They later adopt, as a guiding principle, that “the Parties should protect the climate system for the benefit of present and future generations of mankind...” The *UNFCCC* confirms both Canada’s commitment to protect future generations and the intergenerational nature of the threat posed by GHG emissions.<sup>24</sup>

22. Finally, the constitutional principle of “protection of minorities” encompasses children and future generations. That well-established principle recognizes a role for courts in protecting “discrete and insular minorities” that cannot rely on majoritarian politics to respect their rights and interests. Children and future generations are such a vulnerable minority. Citizens under the age of 18 are politically disadvantaged (denied the right to vote in provincial or federal elections), stereotyped (treated as an incapable class of “minors”, rather than as individuals with different capabilities), and prejudiced by current approaches to climate change. Future generations have no votes today. They have no say in the decisions that will determine Canada’s GHG emissions, but they will be forced to bear the heaviest burdens of climate change.<sup>25</sup>

23. This principle not only informs the constitutional text, it also informs the application of other principles, such as federalism. As this Court stated: “These defining principles function in symbiosis. No single principle can be defined in isolation from the others, nor does any one

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<sup>23</sup> *Canadian Foundation for Children, Youth and the Law v. Canada*, 2004 SCC 4 at para 186 (Arbour J, dissenting); *Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS 3, Can TS 1992 No 3, Art 24; CR, Part II, Volume XII, Tab 20, Ex F, p 22.

<sup>24</sup> *UN Framework Convention on Climate Change*, 21 March 1992, 1771 UNTS 107, Preamble and Art 3.1.

<sup>25</sup> *United States v. Carolene Products Co.*, (1938) 304 US 144, footnote 4; *R v. Turpin*, [1989] 1 SCR 1296 at 1332; *Law v. Canada*, [1999] 1 SCR 497 at para 95.

principle trump or exclude the operation of any other.”<sup>26</sup> Properly understood, federalism is about more than the balance between jurisdictions. That balance also safeguards the prosperity and well-being of future generations.

**C. Parliament Can Establish Minimum National Standards to Reduce GHG Emissions**

24. GHG emissions are a fundamental threat to children and future generations. The *Act* is clearly the kind of legislative attempt to address this intergenerational environmental threat described by this Court in *Imperial Oil*. As its Preamble shows, 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”).<sup>27</sup>

25. In the *Anti-Inflation Reference*, Beetz J. explained that “[i]n order to characterize an enactment, one must look at its operation, at its effects and at the scale of its effects rather than at its ultimate purpose where the purpose is practically all embracing.”<sup>28</sup> The effect of the *Act* is to ensure that GHG emissions are no longer free, so current generations begin to bear at least some of the costs of these emissions. The temporal scale of the effects of the *Act* is intergenerational.

26. An intergenerational perspective supports the federal power to set national standards to reduce GHG emissions under the POGG clause, whether under the national concern or the emergency branch. Every jurisdiction in Canada continues to emit GHGs and put the health and prosperity of children and future generations at risk, but Parliament is the only one capable of acting on a scale proportionate to the threat posed to that vulnerable group.

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<sup>26</sup> *Re Secession of Quebec*, at para 49.

<sup>27</sup> *Greenhouse Gas Pollution Pricing Act*, SC 2018, c 12, s 186, Preamble, Schedule B.

<sup>28</sup> *Reference re: Anti-Inflation Act (Canada)*, [1976] 2 SCR 373 at 452.

## 1. Peace, Order, and Good Government – National Concern

27. The test for federal authority under the national concern branch of POGG requires that (i) the matter be single, distinctive, and indivisible and (ii) the scale of impact on provincial jurisdiction be reconcilable with fundamental distribution of powers.<sup>29</sup>

28. In *Crown Zellerbach*, Le Dain J. repeated Professor Hogg’s guidance that:

... the most important element of national dimension or national concern is a need for one national law which cannot realistically be satisfied by cooperative provincial action because the failure of one province to co-operate would carry with it grave consequences for the residents of other provinces.<sup>30</sup>

29. This “provincial inability” test responds “realistically” to a provincial failure to co-operate which harms people who have no ability to prevent that failure. This “realistic” test turns on the *practical* harm caused by a provincial failure to co-operate. Parliament then can protect the entire “body politic” by requiring collective action on matters of national concern.<sup>31</sup>

30. The general branch of the trade and commerce power responds to the same concern that provincial inaction can create real harms that spill over into other provinces. When such harms rise to the level of “systemic risk,” Parliament has authority to address them:

... this Court endorsed the concept of “systemic risk” as a useful way to differentiate matters that are genuinely national in scope from matters of merely local concern. It accepted the definition of systemic risk as “risks that occasion a ‘domino effect’ whereby the risk of default by one market participant will impact the ability of others to fulfil their legal obligations, setting off a chain of negative economic consequences that pervade an entire financial system”. This Court also relied on expert evidence in concluding that “systemic risk is an emerging reality, ill-suited to local legislation.”<sup>32</sup>

31. Climate change is the quintessential systemic risk. Unless significantly and swiftly reduced, our GHG emissions will cause a cascade of environmental, health, and other impacts that will disrupt every aspect of life for our children and future generations.<sup>33</sup> These cascading effects

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<sup>29</sup> *R v. Crown Zellerbach*, [1988] 1 SCR 401 at 431-432 [*Crown Zellerbach*].

<sup>30</sup> *Crown Zellerbach*, at 431.

<sup>31</sup> *Attorney-General (Ontario) v. Attorney-General (Canada)*, [1896] AC 348 (PC) at 361.

<sup>32</sup> *Reference re Pan-Canadian Securities Regulation*, 2018 SCC 48 at para 107 [*Pan-Canadian Securities*].

<sup>33</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, para 13; Ex G, pp 120-124.



“challenge the resilience of human societies” and would make the stable conditions on Earth that we now know, “inaccessible” to future generations.<sup>34</sup> The *Act* seeks to protect them from the systemic risk of repeated provincial failures by setting national standards, while leaving the day-to-day aspects of the activities that produce GHGs to the provinces.<sup>35</sup>

32. Just like river pollution that flows downstream into other provinces, GHGs will accumulate and their effects will flow down through time to harm children and future generations who have no say in provincial decisions today.<sup>36</sup> Such harm arises from temporal free-riding “when the present generation benefits from enjoying the consumption benefits of high carbon emissions, while future generations pay for those emissions in lower consumption or a degraded environment.”<sup>37</sup> When faced with such threats, Parliament can act to protect future generations, including by adopting the minimum national price for emissions in the *Act*.

33. In *Crown Zellerbach*, Le Dain J. also looked to international conventions when determining that marine pollution is a single, distinctive, and indivisible matter over which Parliament has jurisdiction.<sup>38</sup> Here, the *UNFCCC* recognizes that GHG emissions pose a special risk to future generations and treats them separately from other forms of air pollution.

34. As the majority of the Ontario Court of Appeal noted, the “reconcilable impact on provincial jurisdiction” test is a “recognition of federalism as an applicable constitutional principle.” As noted above, one of the reasons Canada has a federal system is to provide better lives for future generations. This Court can promote that underlying purpose by recognizing, under the “double aspect doctrine” or as an expression of “cooperative federalism,” that national standards to reduce GHG emissions are compatible with provincial actions to address climate change under the provinces’ power to regulate local matters.<sup>39</sup> As Richards CJS reminded us, our “living tree” Constitution can be interpreted in response to the reality of climate change.<sup>40</sup>

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<sup>34</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, para 13; Ex G, pp 123-124.

<sup>35</sup> *Pan-Canadian Securities*, at paras 87, 113.

<sup>36</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, para 20.

<sup>37</sup> CR, Part II, Volume XI, Tab 19, Kershaw Affidavit, para 19; OR, Part III, Tab 23, Ex I, p 157.

<sup>38</sup> *Crown Zellerbach*, at 436-438.

<sup>39</sup> ONCA Reasons at para 127; *Canada Western Bank v. Alberta*, 2007 SCC 22 at paras 30-31; *Rogers Communications Inc. v. Châteauguay (City)*, 2016 SCC 23 at paras 37-38.

<sup>40</sup> SKCA Reasons, para 144.

## 2. Peace, Order, and Good Government – National Emergency

35. 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.<sup>41</sup>

36. GHG emissions are already an existential threat to all Canadian children and future generations. In June 2019, Parliament declared that “Canada is in a national climate emergency.”<sup>42</sup> We are as few as 10 years from the critical tipping point of 1.5° C warming. We must take serious action today to avoid passing down an increasingly volatile and inhospitable environment that will endanger the lives and health of future Canadians and will cost them billions of dollars in infrastructure, healthcare, and other spending. The provinces have failed to deal collectively with this threat. Their inaction has allowed this crisis to deepen. By contrast, the *Act* is a collective response to this threat on the largest scale available to Canadians.

37. The nature of the *Act* and the grave climate threat it confronts provide sufficiently clear bounds on this power. Ironically, if the *Act* is found to be *ultra vires* because it is not explicitly temporary, then meaningful collective action will only be further delayed and we may lose our last opportunity to keep global warming below 1.5° C and avoid a permanent climate crisis that imperils our children and future generations.


## PART IV – COSTS

38. The Intergenerational Climate Coalition does not seek costs for this intervention and appearance, and should not be subject to a costs award.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED** this January \_\_\_, 2020.

  
 For: Nathan Hume

  
 For: Emma K. Hume

  
 Cam Brewer

<sup>41</sup> *Re Anti-Inflation Act*, [1976] 2 SCR 373 at 436-437.

<sup>42</sup> *House of Commons Debates*, 42-1, No. 435 (17 June 2019).

## PART VII – AUTHORITIES

CASES	CITED AT PARA.
<i>114957 Canada Ltée (Spraytech, Société d'arrosage) v Hudson (Town)</i> , <a href="#">[2001] 2 SCR 241</a>	17, 19
<i>Attorney-General (Ontario) v. Attorney-General (Canada)</i> , <a href="#">[1896] AC 348 (PC)</a>	29
<i>Baker v. Canada (Minister of Citizenship and Immigration)</i> , <a href="#">[1999] 2 SCR 817</a>	17
<i>Canadian Western Bank v Alberta</i> , <a href="#">2007 SCC 22</a>	34
<i>Canadian Foundation for Children, Youth and the Law v Canada (Attorney General)</i> , <a href="#">2004 SCC 4</a>	20
<i>Hunter et al. v Southam Inc.</i> , <a href="#">[1984] 2 SCR 145</a>	14
<i>Imperial Oil Ltd v Quebec (Minister of the Environment)</i> , <a href="#">[2003] 2 SCR 624</a>	18
<i>Law v Canada</i> , <a href="#">[1999] 1 SCR 497</a>	22
<i>R v Crown Zellerbach</i> , <a href="#">[1988] 1 SCR 401</a> (SCC)	27, 28, 33
<i>R v Turpin</i> , <a href="#">[1989] 1 SCR 1296</a>	22
<i>Re Anti-Inflation Act</i> , <a href="#">[1976] 2 SCR 373</a>	25, 35
<i>Re Pan-Canadian Securities Act</i> , <a href="#">2018 SCC 48</a>	30, 31
<i>Re Secession of Quebec</i> , <a href="#">[1998] 2 SCR 217</a>	19, 23
<i>Rogers Communications Inc. v. Châteauguay (City)</i> , <a href="#">2016 SCC 23</a>	34
<i>United States v Carolene Products Co.</i> , <a href="#">(1938) 304 US 144 (USSC)</a>	22
STATUTES & TREATIES	CITED AT PARA.
<a href="#">UN Framework Convention on Climate Change, 21 March 1992, 1771 UNTS 107</a> , Preamble, Art. 3.1	21
<a href="#">Greenhouse Gas Pollution Pricing Act, SC 2018, c 12, s 186</a> , Preamble	24
<a href="#">Convention on the Rights of the Child, 20 November 1989, 1577 UNTS 3</a> , Art. 24	20
SECONDARY SOURCES	CITED AT PARA.
<a href="#">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 &amp; Co, 1865)</a> at pp 31-32	15
<a href="#">Canada, House of Commons, Official Report of Debates (Hansard), 42nd Parl, 1st Sess, No. 435 (17 June 2019)</a>	36