

## Jeremy Graf

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**From:** AG WEBFEEDBACK AG:EX <AGWEBFEEDBACK@gov.bc.ca>  
**Sent:** Wednesday, May 27, 2020 2:54 PM  
**To:** Jeremy Graf  
**Cc:** OfficeofthePremier, Office PREM:EX  
**Subject:** AG File No. 570135

John Carpay, B.A., LL.B  
President  
Justice Centre for Constitutional Freedoms  
Email: [jgraf@jccf.ca](mailto:jgraf@jccf.ca)

Dear John Carpay:

Your email of April 15, 2020, addressed to Premier John Horgan, has been referred to me as Attorney General for response on his behalf.

I note your concerns regarding measures taken by the Government of British Columbia in response to the COVID-19 pandemic. As you are likely aware, the Province has declared a state of emergency, and the Public Health Officer has declared a public health emergency in response to the global pandemic. You may also be aware that the Honourable Mike Farnworth, Minister of Public Safety and Solicitor General, has issued a series of ministerial orders under the *Emergency Program Act* to ensure a coordinated response to COVID-19 across the province. It is the position of the government that the measures which have been taken are necessary to prevent the spread of a highly contagious, severely health impacting, and potentially fatal disease. While I recognize you have a different perspective, we will continue to work to flatten the outbreak curve with our evidence-based approach. Personally, I am very grateful that British Columbians and their support for these necessary public health measures have delivered a mortality rate from the virus in our province that is the lowest in North America and Europe. For more information about the measures taken to reduce the risk of exposure to COVID-19, I invite you to visit the Provincial Support and Information website at: [www.gov.bc.ca/covid19](http://www.gov.bc.ca/covid19).

With respect to the questions raised in your correspondence, the Government of British Columbia recognizes the need to take into account and review on an ongoing basis a myriad of factors, including individual, domestic, social and economic, when determining how best to protect the public from the dangers presented by the pandemic.

It is certainly your right to disagree with how we have balanced these considerations; however, if you wish to bring an application to challenge the constitutionality of the *Emergency Program Act* or actions taken under that statute, then you must serve the Attorney General of British Columbia. To serve me in my role as Attorney General, you must proceed in accordance with Rule 4-3(6) of the British Columbia Supreme Court civil rules which reads as follows: "A document to be served on the Attorney General must be served at the Ministry of Justice in the City of Victoria and is sufficiently served if it is left during office hours with any lawyer on the staff of the Attorney General at Victoria or mailed by registered mail to the Deputy Attorney General at Victoria."

Given public health restrictions, you may serve a document by registered mail to the Deputy Attorney General at the following address:

Attorney General  
PO Box 9290 Stn Prov Govt  
11th floor – 1001 Douglas Street  
Victoria BC V8W 9J7

Attention: Richard J. M. Fyfe, QC  
Deputy Attorney General

An electronic copy of the *Constitutional Question Act* can be accessed at:

[www.bclaws.ca/civix/document/id/complete/statreg/96068\\_01](http://www.bclaws.ca/civix/document/id/complete/statreg/96068_01)

Thank you for taking the time to write.

Yours truly,

David Eby, QC  
Attorney General

pc: The Honourable John Horgan