

COURT OF APPEAL OF ALBERTA

Form AP-1
[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER: 2101-0079AC
TRIAL COURT FILE NUMBER: 2001 - 05843
REGISTRY OFFICE: CALGARY
APPLICANT: JUSTICE CENTRE FOR
CONSTITUTIONAL FREEDOMS
STATUS ON APPEAL: APPELLANT
RESPONDENT: HER MAJESTY THE QUEEN IN
RIGHT OF THE PROVINCE OF
ALBERTA
STATUS ON APPEAL: RESPONDENT
DOCUMENT: **CIVIL NOTICE OF APPEAL**



APPELLANT'S ADDRESS FOR SERVICE AND CONTACT INFORMATION: Justice Centre for Constitutional Freedoms
#253, 7620 Elbow Drive SW
Calgary, AB T2V 1K2

Jay Cameron
Jocelyn Gerke

P: [REDACTED]
F: [REDACTED]
E: [REDACTED]

WARNING

To the Respondent: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

1. Particulars of Judgment, Order or Decision Appealed From:

Date pronounced: March 22, 2021

Date entered: N/A

Date served: N/A

Official neutral citation of reasons for decision, if any: N/A
(do not attach copy)

2. Indicate where the matter originated:

Court of Queen's Bench

Judicial Centre: Calgary

Justice: The Honourable Madam Justice A. Kirker

On appeal from a Queen's Bench Master or Provincial Court Judge?: NO

3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)).

Permission not required

4. Portion being appealed (Rule 14.12(2)(c)):

Whole

5. Provide a brief description of the issues:

The Justice Centre for Constitutional Freedoms challenged the constitutionality of two provisions of the *Public Health Act*, sections 52.1(2)(b) and 52.21(2)(b) (the "Sections") as amended by *Bill 10: Public Health (Emergency Powers) Amendment Act, 2020*, which grants legislative power to make and amend existing laws during a public health emergency to individual cabinet ministers.

On 22 March 2021, Case Management Justice Kirker ruled that the Applicant/Appellant satisfied the first two arms of the tripartite test for public interest standing, but that there is no justiciable issue to be tried since the Respondent's representatives made certain public statements that the Sections would be repealed. The Appellant appeals this ruling.

6. Provide a brief description of the relief claimed:

The Appellant requests that the appeal be allowed such that the decision of the Case Management Justice be set aside and the following relief granted:

- i. An Order that the Appellant's challenge to the Sections raises a serious justiciable issue;
- ii. An Order granting public interest standing to the Appellant; and
- iii. Such further and other relief as this court deems just and equitable.

7. Is this appeal required to be dealt with as a fast track appeal? (Rule 14.14)

No

8. Does this appeal involve the custody, access, guardianship, parenting time, decision-making responsibility, contact or support of a child? (Rule 14.14(2)(b))

No

9. Will an application be made to expedite this appeal?

Yes

10. Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate? (Rule 14.60)

No

11. Could this matter be decided without oral argument? (Rule 14.32(2))

No

12. Are there any restricted access orders or statutory provisions that affect the privacy of this file? (Rules 6.29, 14.12(2)(e), 14.83)

No

13. List of counsel for the respondent, with contact information:

Alberta Justice, Constitutional and Aboriginal Law
10th Floor, 102A Tower
10025-102A Avenue
Edmonton, AB T5J 2Z2

Nicholas Parker / Brooklyn LeClair

P: [REDACTED]
F: [REDACTED]

E:

If specified constitutional issues are raised, service on the Attorney General is required under s. 24 of the Judicature Act: Rule 14.18(1)(c)(viii).

14. Attachments (check as applicable)

Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))

Not currently available. Will be included in Appeal Record.