

Nanninga, Tanera AG:EX

From: Clark, Layne PREM:EX
Sent: Wednesday, February 7, 2018 7:32 AM
To: LP Executive Assistants; LP Ministerial Assistants
Cc: Oreck, Mira PREM:EX; Hannah, Matt GCPE:EX; Holmwood, Jen PREM:EX; Van Meer-Mass, Kate PREM:EX; Meggs, Geoff PREM:EX; Bain, Don PREM:EX; Cavanagh, Judy PREM:EX; McConnell, Sheena PREM:EX
Subject: Correction to KM

Hi Everyone:

Please note: the previous messaging that says officials from provinces (two) and feds are meeting is not correct. Please use the below message.

Statement by Premier John Horgan:

"We're making life better for British Columbians by focusing on affordability and solutions to housing and childcare.

"We're working for people. As part of that work, our government has every right to consult with British Columbians on the best possible measures to protect our lands and waters from the potential impacts of diluted bitumen spills.

"If Alberta disagrees they can make that argument in the proper venue, in our court system.

"Our consultation on proposed new regulations hasn't even begun, but Alberta has seen fit to take measures to impact BC businesses.

"I urge Alberta to step back from this threatening position.

“We stand with BC wine producers and will respond to the unfair trade actions announced today.”

Again, we are asking that people refrain from engagement on social media. Thank you!

Sage Aaron, Communications Director
Office of the Premier | Government of BC
501 Belleville St, Victoria, BC V8V 2L8 | 778-678-0832

Page 003 to/à Page 004

Withheld pursuant to/removed as

s.14

Nanninga, Tanera AG:EX

From: Milne, Gala AG:EX
Sent: Thursday, February 8, 2018 5:49 PM
To: Godfrey, Sam AG:EX; Smith, George AG:EX; Arora, Jasleen AG:EX
Subject: FW: Legal counsel updated list and reminder
Attachments: Responsibility List.pdf

Just stumbled upon this in my inbox. Very helpful reminder. Wonder if we should send a version to MOs? Thoughts, George?

Gala

From: Harris, Megan A GCPE:EX
Sent: Thursday, November 2, 2017 1:21 PM
To: Smith, George AG:EX; Milne, Gala AG:EX; Godfrey, Sam AG:EX
Subject: FW: Legal counsel updated list and reminder

FYI on a note I sent moments ago to all GCPE CDs and managers.

From: Harris, Megan A GCPE:EX
Sent: Thursday, November 2, 2017 1:18 PM
To: GCPE Comm Directors; GCPE Comm Managers
Cc: Zdravec, Don GCPE:EX
Subject: Legal counsel updated list and reminder

Good afternoon CDs and managers,

In the past and regularly, the CD for Attorney General would send a note to inform and remind shops of the process of working with Legal Services Branch counsel and developing messaging around civil court cases that concern your ministry. Our team has been doing this with individual shops over the last several months as cases arise – this is now your regularly scheduled reminder.

Please share with your team, particularly those on your media phone and save these helpful points.

- The Legal Services Branch (LSB) is housed under the Attorney General and its lawyers are assigned to each individual ministry. Attached is the most up to date (as of Oct. 2) listing of legal counsel responsibilities.
- Each GCPE shop is responsible for working with its LSB counsel to develop any and all needed messaging and background for cases that relate to your ministry's files, regardless of whether your ministry is named in the suit. The AG of BC is named in all matters as a formality.
- The AG comms shop does not need to be kept in the loop as you work through messaging with LSB and as CD for AG I do not need to approve it.
- Our AG comms shop will only act as lead when a civil case concerns the administration of justice or one of the AG's files specifically.
- If decided corporately that the AG will respond to any part of your legal matter, in the short or long term, the lead GCPE shop on the file maintains responsibility for developing all materials and working through LSB reviews and approvals, and share finals with their MO and the AG CD.
- If there is question as to which Minister will be the public face responding to a case, MOs and CDs should connect and work it out.

- Throughout the week, the AG shop will share case updates as they come in. This should not be relied upon as the sole source of case information. Please connect with your counsel and request that they keep you informed as matters develop.
- Once again, a list of your lawyers is attached. If you require urgent approvals and cannot reach your LSB contact, call Maya Engelbrecht, Executive Administrative Assistant for LSB for support in tracking down the next available approver.
- Your LSB counsel will inform you if LSB ADM James Harvey needs to review materials for approval. Please do not copy him in as a matter of course.
- If media contact you about a criminal matter related to your ministry, please forward this to the AG comms shop since this is handled separately within the BC Prosecution Service (formally the Criminal Justice Branch).

Thanks for keeping this note handy - Tiffany and I are happy to help clarify any parts of this process.

Cheers,

Megan

Page 007 to/à Page 038

Withheld pursuant to/removed as

s.14

Nanninga, Tanera AG:EX

From: Godfrey, Sam AG:EX
Sent: Monday, March 19, 2018 3:21 PM
To: Nanninga, Tanera AG:EX
Subject: re. FOI 81430
Attachments: 2018-01-22 STATUS REPORT FOR AG.docx

Only one email, which is solicitor-client privileged.

Sam Godfrey

Ministerial Assistant to the Honourable David Eby, QC
Attorney General of British Columbia and Minister responsible for Liquor, Gaming and ICBC
Mobile: 250 208 1359 | Office: 250 952 7613
Rm 232, Parliament Buildings, 501 Belleville St., Victoria, B.C. V8V 1X4

This message, including any attachments to it, is not to be disclosed outside of the Provincial Government without prior written approval from the Ministry of Attorney General. If you have received this communication in error, please destroy the email message and any attachments immediately and notify me by telephone or by email.

From: Fyfe, Richard J AG:EX
Sent: Thursday, January 25, 2018 5:59 PM
To: Eby, David AG:EX
Cc: Godfrey, Sam AG:EX; Smith, George AG:EX; Milne, Gala AG:EX
Subject: 2018-01-22 STATUS REPORT FOR AG

Attorney, I am attaching an updated tracking sheet which I believe is largely up to date. I will continue to review and update but wanted to send it to you now that you are back and we can discuss either next Tuesday, or earlier if there are items that for which you need additional information.
RF

Richard J.M. Fyfe QC
Deputy Attorney General
Ministry of Attorney General
Tel. (250) 356-0149

Page 040 to/à Page 061

Withheld pursuant to/removed as

s.14

<https://sencanada.ca/en/content/sen/chamber/421/debates/177db> 2018-02-06-e#48

Trans Mountain Pipeline

Consideration of Matter of Urgent Public Interest Pursuant to Rule 8

Copyright

Page 063 to/à Page 107

Withheld pursuant to/removed as

Copyright

Copyright

© Senate of Canada

Page 109 to/à Page 113

Withheld pursuant to/removed as

s.14

Ussery, Camas AG:EX

From: Minister, AG AG:EX
Subject: 546392 FW: TransMountain pipeline

From: NR,s.22
Sent: Wednesday, February 7, 2018 4:26 PM
To: Minister, AG AG:EX
Subject: TransMountain pipeline

Dear Mr. Eby

I'm horrified that our Prime Minister has chosen to shove the pipeline down B.C.'s throat. I wondered what one can do, other than going on protest and demonstrating. I'm too old to go and protest. I've practiced law for many, many years but I'm not a constitutional expert.

Having followed this matter from inception, I checked out the old BNA ACT, now called the Constitution Act. The Act distributes legislative powers between Parliament and Provincial Legislatures. And the Provinces have exclusive powers over, inter alia, Property and Civil Rights. Interestingly, another section, Section 92 assigns Local Works and Undertakings to the Province.

But there is an exception, Section 92(10)(c) which grants Parliament power over another Class:

"(c) Such Works as, although wholly situate within the Province, are before or after the Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the advantage of Two or more Provinces."

In all the pronouncements by Ottawa, I have never heard Ottawa actually stating that it had exercised its Power under that Section. What I've discovered is that there is, apparently, only, an Order-in-Council PC No. 2016-1069, passed on November 29, 2016 whereby the Governor General-in-Council decided that, pursuant to the Canadian Environmental Assessment Act, the "Trans Mountain Expansion Project is not likely to cause significant adverse environmental effects" and directed the National Energy Board, pursuant to the National Energy Board Act, to issue a Certificate of Public Convenience and Necessity OC-64 to Trans Mountain Pipeline ULC.

To me, that Order-in Council is NOT a "declaration" made by "the Parliament of Canada" as required by Section 92(10)(c) of the Constitution Act. Nor does the Order-in Council contain any language of "advantage" found in Section 92(10)(c). So I'm extremely puzzled.

I bring this to your attention, hopefully, you have staff in your Department, with constitutional expertise, who could check this out. If this is a valid argument, it is something B.C. can raise in the Court cases currently in process.

That's all I can offer to those taking on this battle.

Yours truly,
NR,s.22