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Gender wage gap worst in Edmonton. Business, B1



Tour of Alberta gains traction. Sports, D1

# EDMONTON JOURNAL

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THURSDAY, APRIL 24, 2014

## Transgender woman wins court case

Judge rules birth certificate legislation violates Charter rights

MARIAM IBRAHIM  
Edmonton Journal

In a landmark decision released Tuesday, an Alberta judge has struck down sections of a provincial law requiring proof of surgery before a transgender person's birth certificate can be changed to accurately reflect their sex.

The case was brought by a 23-year-old transgender woman referred to only as C.F., who was born a male but completed her transition to female in 2011.

She successfully changed her name to one that reflected her female identity, but when she applied for a new birth certificate, she received a document that still listed her gender as male.

"I found that so hurtful that I literally didn't look at it again after receiving it in 2011. I kept it in an opaque envelope until now," C.F. said in an interview Wednesday. Her identity is protected by a court-ordered publication ban.

She appealed to Alberta's director of vital statistics on the grounds her original birth certificate wrongly listed her sex as male. The director disagreed, prompting C.F. to launch a Charter of Rights challenge against Alberta's Vital Statistics Act on the grounds it discriminated against transgender people.

In his 14-page decision, Court of Queen's Bench Justice Brian Burrows accepted C.F.'s arguments, ruling the legislation violated her rights and is "inconsistent with the provisions of the Constitution of Canada and is, to that extent, of no force or effect."

*"It's like something from ages gone by. It's very disturbing stuff."*

COMPLAINANT "C.F."

Burrows ordered the director to issue a new birth certificate reflecting C.F.'s sex as female within 30 days.

The ruling comes as the Progressive Conservative government signals it will introduce amendments to the Vital Statistics Act that will scrap the requirement transgender people undergo surgery before their documentation can be changed. The amendments are expected to be introduced during the spring legislative session.

Josh Stewart, press secretary to Justice Minister Jonathan Denis, said the province's interpretation of Burrows' decision does not require an immediate change in practice.

Instead, transgender people wishing to have their birth certificates changed will still have to meet a surgical threshold or challenge the requirement in court, he said.

"Birth certificates will continue to be issued with the sex recorded at birth. If a transgender person wants to receive a birth certificate with a different gender designated on it, they can bring a court application as was done in this case, or they can wait for the regulations we're proposing to move forward," he said.

See CASE page A2

## PAIN AT THE PUMPS A RITE OF SPRING



ED KAISER/EDMONTON JOURNAL

Customers discover Wednesday prices had jumped to \$1.25 a litre for regular unleaded at most stations in Edmonton.

## Gas prices spike earlier than usual

**\$0.03** Fill your tank for less than \$3; at three cents per litre for regular unleaded, the price of (heavily subsidized) gas in Venezuela is the cheapest in the world.

**24%** Percentage of Albertans who in 2011 told the Alberta Motor Association they would not change their driving habits no matter how expensive gas gets.

**\$0.454** Average price of regular unleaded in Edmonton in 1994, the year Canadian pop star Justin Bieber was born.

**\$0.88** Drink up: price for one litre of PC-brand water Wednesday at the Superstore in west Edmonton.

**\$1.05** Average price per litre of gas in the U.S.

MARTY KLINKENBERG  
Edmonton Journal

Along with the arrival of the Easter Bunny comes at least two other Canadian rites of spring: the Maple Leafs missing the playoffs and a spike in gas prices.

Pain was common at the pumps Wednesday as drivers awoke to sticker shock across the country. In Montreal, the price for a litre of unleaded regular soared nine cents overnight to \$1.53; in Edmonton, prices were up about five cents to \$1.25.

The national average was above \$1.37 per litre Wednesday, according to price-tracking website GasBuddy.com — a big jump from last year's \$1.23.

**\$1.23** Average price per litre of unleaded in Calgary. And then, of course, you have to live in Cowntown ...

GasBuddy co-founder Jason Toews said the national average price has never been this high at this time of year — although it hasn't surpassed the all-time record of \$1.42 in September 2008.

Increases can largely be chalked up to higher crude prices, the exchange rate, and a bump that normally occurs as companies build their inventories for the summer driving season, said Jason Parent, an analyst for Ontario-based Kent Marketing Services.

Parent said the pain in the pocketbook is likely only temporary. Analysts say prices usually drop in May. *With files from CP mklinkenber@edmontonjournal.com*

**\$1.39** Average unleaded price in Toronto. And then, of course, there is the mayor ...

**\$1.69** Price of one litre of 2% milk on Wednesday, excluding deposit and taxes, at the Rexall drugstore at 118th Street and Jasper Avenue.

**\$1.528** Average price per litre in Montreal.

**\$1.61** Current average global price.

**\$2.37** Jumpin' Jack Flash is a gas, but the price of regular unleaded in the U.K. isn't.

**\$2.82** Oslo is nice, but, per litre, Norway's gas is the priciest in the world.

TODAY'S WEATHER  
HIGH 5  
LOW 0  
DETAILS D8



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\* Pricing applies to a 2014 Outback 2.5i Convenience (E1) (CP) with MSRP of \$31,300 including freight & PDI (\$1,650), documentation fees (\$395), secure rideaway (\$265) and air and the levies (\$120). Licence, taxes, insurance and registration extra. Dealers may sell for less. The payment of \$198/bi is based on a sale price of \$31,300.00 leased over 24 months at 5% with \$3,500.00 down. Lease end value is \$17,346.00 with total commitment of \$10,251.36. Offer expires April 30th, 2014.

## THIS DAY IN JOURNAL HISTORY



POSTMEDIA/FILE

A University of Alberta pharmacology professor grew belladonna when imports from central Europe were cut off by the war.

### April 24, 1943: Medicinal plant grown to help ease wartime drug shortage

CHRIS ZDEB  
*Edmonton Journal*

A University of Alberta pharmacology professor was credited for "doing the impossible" with the first large-scale production of the medicinal plant belladonna in Canada.

Alberta's soil and climate, combined with the ingenuity and hard work of Dr. A.W. Matthews, resulted in a drug of excellent quality, and with a better appearance than the prewar supplies previously imported from Central Europe, said officials of the company in Eastern Canada where the crop was sent.

Matthews took matters into his own hands a year earlier when drug companies were

forced to start rationing belladonna.

The plant was used to increase secretions of the body, as well as by eye specialists to dilate the pupil. Though widely regarded as unsafe, belladonna is used today as a sedative, to stop bronchial spasms in asthma and whooping cough, and as a cold and hay fever remedy. Also called deadly nightshade, it is also used for Parkinson's disease, colic, and as a painkiller.

Matthews had been cultivating drug plants on a small scale when he heard of the shortage and planted some seeds in a greenhouse. He then leased a vacant lot and planted 5,000 young plants early in June. Four months

of back-breaking work followed as Matthews and his assistant, Mervyn J. Huston, mothered the slow-growing plants through a wet summer, which further delayed their growth.

At the end of the process, Matthews found the harvest yielded 750 pounds per acre, a yield comparable to that obtained under ideal conditions in a large research project being carried out in the eastern United States. But the professor cautioned Alberta farmers about starting to grow belladonna.

"The basis of growing the crop depends entirely upon hand labour and very special care," Matthews said. "The plant is definitely not adaptable to mass production

methods, and with the shortage of labour growing worse every day (because of the war), the planters' difficulties are bound to increase," he added.

Matthews and his assistant hoped some of the drug made from the plants would fill the empty spaces on shelves of western pharmacies.

"Then we will feel that our work has been of some consequence," he said. [czdeb@edmontonjournal.com](mailto:czdeb@edmontonjournal.com)

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### CORRECTION

An item in Liane Faulder's Food Notes column on E6 Wednesday gave an incorrect date for Slow Food's Indulgence event. It takes place June 9.

### LOTTERIES

**Wednesday, April 23**  
**Lotto 6/49:** 22, 25, 35, 40, 45, 46 Bonus: 38  
**Guaranteed Prize Draw:** 32380623-01  
**Western 6/49:** 16, 24, 26, 30, 46, 48, Bonus: 47  
**Pick 3:** 121  
**Extra:** 5208885

Numbers are unofficial. In the event of a discrepancy between this list and the official numbers list, the latter shall prevail.

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## Journal goose-cam returns

*Edmonton Journal*

If this year's never-ending winter is making you doubt spring will ever arrive, here's a positive sign of the season: the goose-cam is back.

Go to [edmontonjournal.com](http://edmontonjournal.com) over the next few weeks to check a live webcam trained on a Canada goose nest on a farm just west of Edmonton. If you keep a close watch, you might see the eggs hatch later this season.

The Journal's goose-cam has run every spring since 2008. Virtual birdwatchers from across the country, the United States and even the United Kingdom and Australia have tuned in to check on Patience and her eggs.



BRUCE EDWARDS/EDMONTON JOURNAL

Patience is coming back. We will be streaming live at [edmontonjournal.com](http://edmontonjournal.com) from her nest.

## Push is on for Prentice to run for PC leadership

*Postmedia News*

CALGARY — Will he or won't he?

Speculation is mounting that former federal cabinet minister Jim Prentice will soon reveal whether he will enter the race for Alberta Progressive Conservative leader — and become the favourite to win the premiership.

While Prentice and his aides have been keeping mum since Alison Redford resigned last month, there is no shortage of high-profile supporters urging him to run.

Prentice, 57, served in the Indian and Northern Affairs,

Industry and Environment portfolios under Prime Minister Stephen Harper before resigning to become vice-chairman of CIBC. Earlier this year, he took a post with Enbridge to work with First Nations on issues surrounding the proposed Northern Gateway oil pipeline.

Calgary East MP Deepak Obhrai, a longtime PC member, said there are many people — including himself — pushing Prentice to run.

While the Tories have governed Alberta for more than four decades, the party is at a low ebb after the implosion of Redford's leadership

over expense controversies and caucus unrest. The party has pushed out two leaders within three years, trails the Wildrose party in the polls and is dealing with financial challenges.

"When you're in a position like Mr. Prentice is, these are challenges you overcome, these are not roadblocks that stumble you down," said Obhrai, originally a Reform party MP. He also believes Prentice could ultimately help bring the Tories and Wildrose back together.

Prentice placed second in the race for the federal PC leadership in 2003 under a unite-

the-right platform.

David Higginbottom, who ran Prentice's federal campaign in the 2008 election in Calgary Centre-North, said the former MP is a fiscal conservative who could bridge at least some of the divide on Alberta's centre-right.

"It has to be an outsider. They can't have any of Allison's baggage or the party's baggage — and in Jim's case, he has none of that," Higginbottom said.

PC party members choose a new leader in September. So far, the only declared candidate is Calgary-West MLA Ken Hughes.

## Crown's argument displayed 'stereotyping,' judge says

CASE  
*Continued from A1*

Stewart said pending changes to the act will comply with the ruling, noting it "does put pressure on us to change the law quicker."

In its current form, the Vital Statistics Act requires proof of gender reassignment surgery in the form of two sworn affidavits provided by medical doctors.

"What this legislation requires is that you not only submit to dangerous, risky surgery, but then actually attend for a humiliating genital inspection before two separate physicians, both of whom will make a value judgment about whether your genitals are sufficiently female," C.F. said.

"It's like something from ages gone by. It's very disturbing stuff."

The Alberta government argued that by changing the original sex designation on a birth certificate to an identity a person has subsequently developed, it "sends the message that transgendered people need to hide (or be ashamed of) their true identity as transgendered persons who identify with the opposite sex."

Burrows rejected that argument, which he characterized as "to say the least, remarkable," adding it "demonstrates the very stereotyping of which C.F. complains."

"When asked, at the presentation of this application, how it could possibly matter that a person born male, but who has transitioned and lives female, have a birth certificate that says they are female, counsel for Alberta could offer no answer," Burrows wrote in his ruling.

"People should be willing to stand up for themselves and take these legal steps rather than letting themselves be walked all over," she said.

One of the first things she'll do with her new birth certificate is apply for a passport that reflects her proper gender, she said.

Jan Buterman of the Trans Equality Society of Alberta said the system should be no more onerous than for any other citizen, "which should be that you can show up and say, 'Yes, this is what I live as now, I need to change it. It should take nothing more than that,'" he said.

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PHOTO: JEFF PATRICKSON FOR THE POSTMEDIA NETWORK