December 31, 2025

ABlawg Year in Review 2025

By: Admin

As is tradition, ABlawg closes 2025 with a summary of highlights over the past 12 months, including some statistics, examples of ABlawg impact, and a synthesis of topics covered by authors.

The Numbers

In 2025, ABlawg published a total of 71 posts. Over the course of the year, the site recorded 106,898 views across 50,078 visitors. We would like to note that in September, ABlawg experienced malware related issues that temporarily impacted the site's visibility and accessibility. Despite these challenges, ABlawg remained committed to providing a forum for thoughtful legal engagement, and we thank our readers for their continued engagement and support.

The top 5 most viewed posts this year were:

- "Securing the Infrastructure, Straining the Constitution? Bill C-8's Cybersecurity Overhaul" by Dav More and Tulika Bali (4,114 views)

- "Bill C-2 and the Return of Warrantless Access: Same Fight, New Wrapper" by Dav More and Tulika Bali (2,466 views)

- "*Charter* Sections 15 and 25: The Majority Judgment in *Dickson v Vuntut Gwitchin First Nation* and its Application in the Federal Court" by Jonnette Watson Hamilton, Robert Hamilton, and Jennifer Koshan (2,254 views)

- "CEO of the Alberta Energy Regulator Denies Public Hearing Rights on a Coal Application" by Nigel Bankes and Shaun Fluker (2,222 views)

- "*Luciano Lliuya v RWE AG*: Corporate Climate Liability Through the Lens of the Polluter Pays Principle" by Flavia Vieira de Castro (1,828 views)

Several contributors were particularly active over the course of the year. Once again, Nigel Bankes led the way in number of posts, with 19 publications. He was followed by Drew Yewchuk with 17, Shaun Fluker with 9, Martin Olszynski with 7 and Jassmine Girgis with 6. ABlawg depends

on the engagement of all our contributors, and we are grateful to everyone who wrote for the blog this year!

ABlawg Impact

ABlawg's work in 2025 continued to be utilized by courts, scholars, and law reform bodies. As in previous years, ABlawg posts were cited in a wide range of judicial decisions, academic publications, and reports, reflecting the blog's ongoing role as a resource for legal analysis and commentary.

Several posts from Nigel Bankes and Robert Hamilton about UNDRIP and Indigenous law were cited across journal articles, books, and graduate research. Blogs on intimate partner violence, myths and stereotypes, and equality by Jennifer Koshan were cited in both academic literature as well as judicial decisions.

ABlawg's coverage of residential tenancies law by Jonnette Watson Hamilton over the past decade was relied on extensively by the Alberta Law Reform Institute in its 2025 report on the *Residential Tenancies Act*. Several ABlawg posts on access to information by Drew Yewchuk were cited in the Environmental Law Centre of Alberta's 2025 report on access to information and environmental decision making.

This year ABlawg also made appearances in the legislative record! Jennifer Koshan's post "The Nuclear Option: An Update on Alberta's Legislation Targeting Trans and Gender Diverse Youth" was tabled in the Alberta Legislature by MLA Janis Irwin on November 27, 2025. In addition, MLA Naheed Nenshi quoted from a 2023 ABlawg post by Bankes, Koshan, and Olszynski (Hansard, November 19, 2025 at 382) and MLA Irfan Sabir quoted from a more recent ABlawg post by Bankes (Hansard, December 9, 2025 at 344).

Approximately 30 ABlawg posts were cited in journal articles this year, along with 5 citations in books, 7 citations in case law, and 6 citations in graduate theses and dissertations (4 masters theses and 2 doctoral dissertations). An exhaustive review of these sources is beyond our scope, but interested readers can find the list we tracked here.

This year has also seen a significant number of ABlawg reprints.

The Negotiator, the journal of the Canadian Association of Land and Energy Professionals, republished the following ABlawg posts in 2025:

- The November 2025 Issue of the Negotiator republished Nigel Bankes, "Unlawful Production and Restitutionary Damages" (14 October 2025), online: ABlawg, https://ablawg.ca/2025/10/14/unlawful-production-and-restitutionary-damages/

- The September 2025 issue of the Negotiator republished Nigel Bankes, "An Important Alberta Crown Lease Continuation Decision" (01 May 2025), online: ABlawg, http://ablawg.ca/wp-content/uploads/2025/05/Blog_NB_APL.pdf

The *Energy Regulation Quarterly* (ERQ) republished the following ABlawg posts in 2025:

- 13(4) Energy Regulation Quarterly republished Nigel Bankes and Shaun Fluker, "CEO of the Alberta Energy Regulator denies public hearing rights on a coal application" originally published on ABlawg here
- 13(3) Energy Regulation Quarterly republished David Wright and Martin Olszynski, "Building Canada Act: Move fast and make things, or move fast and break things?" originally published on ABlawg here

- 13(2) Energy Regulation Quarterly republished Nigel Bankes, "The modernization of the Columbia River Treaty: Interim arrangements to implement the 2025), Agreement-in-Principle" originally published on ABlawg here

The *Insolvency Insider* and the *National Creditor/Debtor Review* republished the following ABlawg posts by Jassmine Girgis in 2025:

- "The Automatic Right of Appeal under Section 193(c) of the BIA: The Case for a Narrow Approach in Asset Sale Decisions" *Insolvency Insider* (Dec 2025), originally published in ABlawg here

- "Disgorgement Orders as Non-Dischargeable Debt" *Insolvency Insider* (Nov 2025) originally published in ABlawg here

- "Ponzi Scheme Payouts as BIA Preference Payments" *Insolvency Insider* (Nov 2025) originally published in ABlawg here

- "BIA Preferences: Rebutting the Presumption of Intention to Prefer" *National Creditor/Debtor Review* (Nov 2025) originally published in ABlawg here

- "BIA Preferences: Rebutting the Presumption of Intention to Prefer" *Insolvency Insider* (Oct 2025) originally published in ABlawg here

- "Hudson's Bay in Insolvency Proceedings: Employees' Severance Payments & Directors' Retention Bonuses" *Insolvency Insider* (Apr 2025) originally published in ABlawg here

- "Narrow Interpretations v Commercial Realities: Striking the Right Balance in Poonian" *Insolvency Insider* (Apr 2025) originally published in ABlawg here

Democracy and the Law

In last year's review post, we felt it was necessary to comment on 2024 as an extraordinary moment in time, with democracies across the globe increasingly under attack. At the end of 2025, things are worse for democracy just about everywhere. This seems particularly so in Alberta, as 2025 was a year in which the UCP government repeatedly showed disdain for constitutional rights and freedoms and democratic institutions in Alberta. Some days, it is

difficult to know for sure whether the government believes it is accountable in law to people in Alberta.

Early 2025 will be remembered as a moment when a new world order began to form as the United States slid towards an authoritarian state. The Trump administration profoundly altered global relations with the reduction of support for multinational institutions and the imposition of unilateral trade tariffs. This has significantly influenced changes to public policy and law across Canada. Here in Alberta, the UCP government initially responded to the Trump administration's threat of punitive economic tariffs with appeasement, somewhat out-of-step with 'Team Canada'. In Anticipatory Obedience and Essential Infrastructure at the Alberta-US Border Shaun Fluker explained how quickly the UCP gave away Alberta's portion of the world's longest undefended border, and created a quasi-military zone to satisfy Trump's unsubstantiated assertion of drugs crossing from Canada into the United States (even Premier Smith now concedes, after spending $30 million, that the Coutts crossing is not the "hotbed of trafficking" it was rumoured to be).

In his book On Tyranny, Timothy Snyder (who coincidentally relocated from the United States to Canada in 2025) warns that authoritarians need lawyers and judges to subvert a democracy governed by the rule of law. One path to obtaining that assistance is to attack the independence of the legal profession and the judiciary. In Disaster in the Making: UCP Government Grabs Control of the Alberta Law Foundation's Funding Decisions, Nigel Bankes, Jonnette Watson Hamilton and Shaun Fluker wrote about Bill 39, passed in the Spring legislative sitting, and amendments made to the *Legal Profession Act,* RSA 2000, c L-8, which gave the Minister of Justice control over funding decisions made by the Alberta Law Foundation to support not-for-profit organizations who facilitate access to justice. In the Fall legislative sitting, the UCP government took a step further, and gave the Minister of Justice additional control over the governance and decision-making of the Foundation in Bill 14.

Another way to undermine the judiciary (especially in a federal state) is to allege that, somehow, federally appointed judges are beholden to those who make the appointments and are less responsive to the values of the jurisdiction in which they serve. This completely misses the point that a judge's duty is to do right according to the law. Nevertheless, Recommendation # 7 of the Alberta Next Panel, chaired by Premier Smith, openly advocates that "Alberta having the authority to appoint the judges to the Alberta Court of King's Bench and Alberta Court of Appeal will mean their decisions better reflect the values of Albertans." One can also see the same approach in Alberta's response to the decision of Alberta's Chief Electoral Officer to refer to the Court of King's Bench the constitutionality of the citizen initiative petition commenced by Mitch Sylvestre of the Alberta Prosperity Project. The *Citizen Initiative Ac*t, c C-13.2 expressly authorized such a reference and indeed prioritized it in the Court's schedule. Both Nigel Bankes and Robert Hamilton commented separately and adversely on the constitutionality of the Sylvestre proposal here and here. But just as argument was concluding before Justice Colin Feasby in the stated case, Mickey Amery, the province's Attorney General, introduced Bill 14 referenced above in the context of the Alberta Law Foundation. Not only does this remarkable Bill (now SA 2025 c22) transfer the power to refer a question to the Courts from the Chief Electoral Officer to the Attorney General for future cases (new s 13.1) but it also purported to discontinue the Sylvestre stated case (new s 71.1(3)). The Attorney General took care to draw

Justice Feasby's attention to this Bill: see *Chief Electoral Officer of Alberta v Sylvestre*, 2025 ABKB 712 (CanLII) (at para 250, Epilogue).

Justice Feasby however chose not to be silenced and gave judgment the following day (including a stinging Epilogue (discussed in Bankes and Yewchuk, A Final Lump of Coal), well before Bill 14 could receive third reading and Royal Assent. Premier Smith in turn responded that the Court's should not act as "gatekeepers" on constitutional referendum questions thereby again seeking to diminish the role of the judicial branch in a constitutional democracy.

Most significantly, the year 2025 also saw the UCP government invoking the *Charter*'s notwithstanding clause four times in less than a month. Shaun Fluker and JD students in the Public Interest Law Clinic wrote about the government's use of s 33 of the *Charter* to end the Alberta teachers' strike and impose labour terms in Back to School Notwithstanding the Charter, noting the extraordinary speed at which the *Back to School Act* was pushed through the legislature. Jennifer Koshan reviewed the use of the notwithstanding clause to override the rights of trans and gender diverse youth implicated in three different statutes in The Nuclear Option: An Update on Alberta's Legislation Targeting Trans and Gender Diverse Youth. As Jennifer explained, only one of the three statutes had been subject to a judicial decision, and it was an interlocutory decision granting an interim injunction against the government based on a prima facie violation of the youth's ss 7 and 15 *Charter* rights. In all four cases the UCP government's use of the notwithstanding clause was thus pre-emptive, seeking to subvert the role of the judiciary as constitutional guardians, before courts had an opportunity to fully rule on the laws' compliance with the *Charter*. Two cases currently before the Supreme Court of Canada will clarify whether such pre-emptive uses of the notwithstanding clause are constitutionally permissible or are an inappropriate exercise of legislative sovereignty masquerading as democratic accountability (see here and here). In the meantime, the Alberta Teachers' Association and Egale Canada and Skipping Stone are challenging the UCP's invocation of the notwithstanding clause in the instances noted above, and ABlawg readers can expect commentary on these developments in 2026.

Book bans by the state are also a sign of democracy in decline. In July 2025, the Minister of Education and Childcare issued a book ban in K-12 school libraries of materials containing sexual content. Commentators accused the Smith government of actually directing the ban at 2SLGBTQ+ content, as part of an ongoing fixation the Smith government has on imposing punitive measures related to gender identity and sexual orientation. As Shaun Fluker explained in New Standards (or is it a Book Ban?) in Alberta K-12 Schools, the terms of the Minister's Order were so poorly drafted that it was unlikely to ever be effectively implemented.

Another context in which democracy and the law was at issue in 2025 was at the university level. Jonnette Watson Hamilton and Jennifer Koshan commented on consulting firm MNP's Crisis Management Team (CMT) Review of the University of Calgary's response to the May 9, 2024 pro-Palestine encampment on campus and the University's response to the CMT Review (see Thin Gruel: The Crisis Management Team Review). Of concern was the lack of attention to protestors' *Charter*-protected freedom of expression and freedom of peaceful assembly, particularly when compared to the report of Justice Adele Kent on the University of Alberta's

response to a similar encampment on that campus. We can again see the important role of judges in furthering the accountability of public sector actors for potential *Charter* violations.

Finally, Gideon Christian examined the constitutional foundations of adjudicative legitimacy in Canadian public law. In A Court Divided: What an Ontario Court Motion Reveals About Race in the Courtroom, he analyzed an extraordinary Ontario Divisional Court episode in which two judges inadvertently issued conflicting rulings on the same motion, using the incident to illuminate how race, lived experience, and institutional process may shape judicial outcome. In another post, The Political Threat to the Rule of Law in Canada, Gideon confronted the growing normalization of political interference with courts and lawyers, arguing that such practices corrode the rule of law by destabilizing judicial independence and weakening the constitutional architecture that sustains legal accountability.

Access to Information Law

Drew Yewchuk wrote several posts on Alberta's deteriorating access to information law. A post from May described the Information Commissioner's Investigation Report 2025-01 on the Alberta Government's improper rejection of FOIP requests based on improper interpretations of *FOIP*. In June 2025, *FOIP* was repealed and replaced by the *Access to Information Act,* SA 2024, c A-1.4. In a post from November, he described recent changes to the law of *mandamus* that make it unhelpful for addressing the systemic delays of the access to information system.

Environmental Law

Perhaps the biggest news on the environmental law front was the introduction and swift passage of the new *Building Canada Act,* SC 2025, c 2, s 4, which, while a matter of environmental law, actually creates a legal pathway to side step most of Canada‘s cornerstone federal environmental laws for “projects of national interest” (PONIs). David Wright and Martin Olszynski provided a review and critical analysis of that statute in this post. David Wright carried on with two more posts as potential PONIs were trotted out and the new “major projects office” began its operations (see here and here). Also on the federal environmental laws front, David Wright contributed a post taking stock of implementation of the Canada net zero emissions accountability act in light of recent changes and rollbacks in federal climate policy.

Aboriginal and Indigenous Law

2025 was another busy year for Aboriginal and Indigenous law developments, with courts weighing in on *Charter* issues, treaty rights, provincial secession, the *United Nations Declaration on the Rights of Indigenous Peoples,* the Duty to Consult, and the relationship between Aboriginal title and private property. While our commentary on the latter will have to wait until the new year, we had several in-depth posts this year.

Jennifer Koshan, Robert Hamilton, and Jonnette Watson Hamilton began the year by revisiting one of 2024’s seminal Supreme Court decisions, *Dickson v Vuntut Gwitchin First Nation*, 2024 SCC 10 (CanLII). Their post Teaching *Dickson v Vuntut Gwitchin First Nation* analyzed the decision and commented on the challenges and opportunities that the split Court’s reasoning about

the application of the *Charter* to Indigenous governments and corresponding interplay between collective and individual rights raise in the classroom. They followed with two more posts critiquing the Court's approach to section 25 of the *Charter* and summarizing the application of the *Dickson* majority in three federal court cases (*Houle v Swan River First Nation*, 2025 FC 267 (CanLII); *Donald-Potskin v Sawridge First Nation*, 2025 FC 648 (CanLII); *Cunningham v Sucker Creek First Nation 150A*, 2025 FC 1174 (CanLII) in *Charter* Sections 15 and 25: The Majority Judgment in *Dickson v Vuntut Gwitchin First Nation* and its Application in the Federal Court and The Dissent in *Dickson v Vuntut Gwitchin First Nation*: Failing to Accommodate Legal Pluralism.

Nigel Bankes commented on the BC Court of Appeal's contentious decision on the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples,* arguing that the court's approach was defensible and that criticism has been unwarranted. The sky, as Bankes notes, has not fallen in: Gitxaala and the Conundrum of UNDRIP Implementing Legislation: The Sky Has Not Fallen In. Bankes also joined with Martin Olszynski to discuss Bill C-61, the proposed First Nations Clean Water Act, asking Who's Afraid of the Proposed First Nations Clean Water Act? Perhaps the theme here is the tendency of provincial governments to resist any efforts to empower Indigenous governments and communities, whether through recognition legislation or judicial decisions, even while paying lip service to reconciliation: transparent efforts to maintain the *status quo*.

Hamilton and Bankes also commented separately on the intersection between Alberta secession and Indigenous treaty rights. In "Get the province of Alberta in line": Treaty Promises, Provincial Power, and the Role of Indigenous Nations in Discussions on Alberta Secession, Hamilton summarized the objections to secession voiced by First Nations leaders and argued that their objections were well founded in constitutional law. In Provincial Referendum Legislation, Citizen-Led Secession Proposals, and Non-Derogation Clauses, Bankes argued that Alberta lacks any independent power to take up treaty lands and that the legislation's non-derogation clause purporting to protect s.35 rights was not up to the task. These argument were largely substantiated in *Chief Electoral Officer of Alberta v Sylvestre*, 2025 ABKB 712, where Justice Feasby held that "The consent of First Nations in the Numbered Treaties conferred legal and political legitimacy on the settlement of the western prairies and boreal woodlands. The consent of First Nations must be understood to be, from a legal perspective at least, a necessary condition for the creation of the Province of Alberta nearly three decades after Treaty 6 and Treaty 7" (para 168) and that " Alberta independence would contravene the Numbered Treaties both as a matter of law and as a practical matter by removing Canada and substituting an independent Alberta as the entity responsible for fulfilling treaty obligations" (para 214).

Finally, Hamilton joined with Australian contributor Harry Hobbs of UNSW Sydney in Treaty-Making in Australia and Considerations for Canada to analyze Australia's first State-Indigenous treaty and suggest some possible lessons it could hold for Canada.

Bankruptcy and Insolvency Law

Jassmine Girgis posted six blogs about insolvency law. Two of her posts addressed fraudulent preference payments in insolvency proceedings. In Ponzi scheme Payouts as BIA Preference Payments, she examined how payouts to investors in Ponzi schemes may be clawed back as

preference payments under the Bankruptcy and Insolvency Act ("BIA"). In BIA Preferences: Rebutting the Presumption of Intention to Prefer, Jassmine analysed the Ontario Court of Appeal's contextual approach to assessing creditor pressure under the common law "staying in business" defence.

Jassmine also authored two blogs on non-dischargeable debts. In Supreme Court of Canada Rules that Securities Commissions' Administrative Penalties Do Not Survive Bankruptcy Discharge, and Disgorgement Orders as Non-Dischargeable Debt, she considered the Supreme Court's ruling on whether unpaid administrative penalties and disgorgement orders issued by provincial securities commissions survive a bankrupt's discharge.

She wrote The Automatic Right of Appeal under Section 193(c) of the BIA: The Case for a Narrow Approach in Asset Sale Decisions. Finally, no discussion of insolvency in 2025 would be complete without a post on Hudson's Bay - see Hudson's Bay in Insolvency Proceedings: Employees' Severance Payments & Directors' Retention Bonuses, which addressed employee and governance issues arising in large-scale restructuring proceedings.

Oil and Gas Law

ABlawg commented on three oil and gas cases during 2025: two from the Court of Appeal and one from the Court of King's Bench. In *APL Oil & Gas (1998) Ltd v Alberta*, 2025 ABKB 201 (CanLII), Justice Rick Neufeld granted judicial review of a Crown petroleum and natural gas lease continuation decision. As Nigel Bankes pointed out in his commentary, this is a rare instance of successful judicial review of discretionary Crown resource decisions.

The principal issue in *PrairieSky Royalty Ltd v Yangarra Resources Ltd*, 2025 ABCA 240 (CanLII) by the time the matter reached the Court of Appeal was the question of whether a gross overriding royalty (GORR) carved out of an Alberta Crown petroleum and natural gas lease was a legal or an equitable interest in land. The Court of Appeal concluded that the GORR was a legal interest which therefore binds the whole world regardless of notice. Nigel Bankes' comment on the case suggests that there is something missing in the Court's analysis because at the time the GORR was created the grantor of the interest only had an equitable interest in the png lease. Since a person cannot grant a larger interest than they already have (*nemo dat quod non habet*) Bankes argues that the GORR could only be an equitable interest. As a result, he argues the Court should have examined the question of whether or not the purchaser of the png lease could qualify as equity's darling, the *bona fide* purchaser of the legal estate without notice of the equitable GORR.

The appeal decision in *Signalta Resources Limited v Canadian Natural Resources Limited*, 2025 ABCA 306 (CanLII) triggered a comment from Nigel Bankes on two important questions. The first question related to the right of a Crown oil sands lessee (Canadian Natural Resources Limited (CNRL)) to produce gas cap (or non-solution) gas in the course of producing oil sands (or bitumen) when the Crown has leased the natural gas rights in the same location (and indeed the same formation) to another party (Signalta). The second substantive question related to the legal consequences of the unlawful production of somebody else's natural gas, specifically the assessment of damages for such unlawful production.

ABlawg also commented on an unusual surface rights case which posed the following question: "Can an Oil and Gas Operator Carry On Bitcoin Operations Under The Terms of a Surface Lease?" In *Flowers v Persist Oil and Gas Inc.*, 2025 ABKB 142 (CanLII) the court answered that question in the negative.

Coal and the Law

ABlawg published no less than nine posts on coal this year, reflecting not only the continuing public interest in coal law and policy in Alberta, but also some of the litigation (and out-of-court settlements) that have resulted from the way in the UCP government has repeatedly changed the rules of the game for the coal industry over the last five years. The subtitle of the first coal post of the year by Nigel Bankes and Drew Yewchuk illustrates this perfectly: "Coal Moratoriums: they come and they go." This post commented on Minister Jean's decision to lift the moratorium on regulatory approvals for new coal exploration activities but the commentary also provided an update on the compensation claims made by coal companies because of the moratorium. A later post, also by Nigel and Drew, "Taking Stock of the Grassy Mountain Project and Other Coal Matters: Update 4, October 2025" updated readers on those compensation claims and out-of-court settlements. Perhaps the most important message here is that these settlements have been unnecessarily generous to the coal companies given the speculative nature of their claims and cost-based compensation formula actually provided for in the legislation.

Another focus of the coal posts this year was the unprecedented interference by the Chief Executive Officer (CEO) of the Alberta Energy Regulator in the public hearing process for the Summit Coal Mine expansion. To cut a long story short, the CEO conducted a redetermination of the hearing panel's refusal to cancel the hearing this matter and overturned the panel's decision. Bankes and Shaun Fluker's post on this decision argued that the CEO lacked the jurisdiction to do so. The Court of Appeal has granted the Alberta Wilderness Association and CPAWS (Northern Alberta) permission to appeal this decision: *Alberta Wilderness Association v Alberta Energy Regulator*, 2025 ABCA 389 (CanLII). A second post by Nigel, based on the results of an access to information request by the above two organizations, emphasises the interaction between the proponent of the mine expansion, the AER and the Minister's office in the lead-up to the CEO's unprecedented decision: "Mine 14: It's Worse Than We Thought".

Coal and access to information was another focus of attention for ABlawg with two coal-focussed FOIP posts from Drew Yewchuk in addition to his critique of the amendments to Alberta's Access to Information Act. His first post on this theme has the provocative title "The Public and The Coal Corporations Want to Know: What Was Government Thinking While Messing With Coal Policy?" His later post deals with an attempt by a coal company to use the same legislation to help build its own case against the Government of Alberta: "The Queue-Jumping Problem with Mandamus: *Northback v the Minister of Environment and Protected Areas*".

Another coal post, this time by Nigel along with two guest contributors, David Luff and Neil Kathol has the avowed aim of holding the Government of Alberta's feet to the fire when it comes to living up to the commitments that the government has made to protecting Alberta's water sources from the selenium contamination associated with coal mining activities.

In the final coal post of the year (A Final Lump of Coal for 2025) Drew and Nigel commented on two further developments: the formal Notice of Termination of the federal environmental assessment for the first iteration of the Grassy Mountain Coal Project, and second, Corb Lund's no coal citizen initiative petition.

One thing that is clear in all of this is that we shall have to publish a second edition of our coal law and policy ebook which we released on January 21, 2025.

Water Law

While coal may have provided the resource focus of the year for ABlawg, other resources did not go without attention. Nigel Bankes published a contrarian post in February arguing that brine hosted minerals in Alberta form part of the "water estate" rather than the mineral estate or the surface estate. And Arlene Kwasniak contributed two water law posts on the UCP government's initiative to change water management legislation. The first post described and critiqued the government's survey designed to inform and buttress proposed amendments to the *Water Act*. The second post (with co-authors David Barrett and Kelly Black) set out and critiqued the amendments in Bill 7, *Water Amendment Act, 2025*, introduced and passed in the fall sitting of the legislature, and coming into effect on proclamation. Major changes included altering legislation to make more water available to existing users, with, as the authors point out, the potential of impacting the historical priority system, and consolidating the Athabasca and Peace/Slave major river basins, which would render transfers between them no longer prohibited without a special Act of legislature. The authors discuss how amendments could further weaken environmental goals aimed at contributing to instream flow needs such as water conservation objectives, by permitting increased consumptive pressure on Alberta's over-allocated and vulnerable water systems.

ABlawg's home in the Bow River Basin may fall to the east of the Columbia River Basin but Nigel Bankes has used ABlawg to provide commentary on developments with this important bilateral water treaty for more than the last decade. This year was no exception. Bankes commented on the interim arrangements that the parties have put in place to implement their Agreement-in-Principle (AiP) on the modernization of the treaty here. Bankes' principal argument is that while the AiP is a balanced document, the interim arrangements systematically favour the US.

Unfunded Oil and Gas Closure Liabilities Law

Martin Olszynski, Shaun Fluker, and Drew Yewchuk continued their coverage of Alberta's oil and gas related environmental liabilities.

On the conventional field liabilities, they started the year with "Grading the 2023 AER Liability Management Performance Report" assessing the AER's reporting on the liability situation. In August, Drew described the rise to an all-time high in the number of orphaned assets in "The Orphan Well Association Annual Report 2024/2025: The Sequoia Settlement Hits the Orphan Inventory". In September, Martin Olszynski, Drew Yewchuk, and Shaun Fluker and described the policy dangers of the Alberta government's planned changes to liability management in "The Mature Asset Strategy for Alberta's Oil and Gas Closure Liability Crisis: Where there is Smoke

[and Mirrors], there is Fire." In October, Drew Yewchuk and Shaun Fluker reviewed the effectiveness of the closure nomination system "A Review of Closure Nomination for Inactive Oil and Gas Sites and AER Updates to Directive 088".

Drew Yewchuk and Martin Olszynski wrote two posts on oilsands mine closure liabilities and the Mine Financial Security Program (MFSP). In March, they provided a review of the dismally ineffective changes made to the MFSP in "Beyond the Pale: The February 2025 Updates to the Mine Financial Security Program" and in October, they summarized the operation of the MFSP for the year (and the pleasant surprise that some money was actually collected for oilsands mine closure): in "The 2025 Mine Financial Security Program Update: Security Collected for Aging Syncrude Mine Offers a First Estimate of Mine Closure Costs"

Martin Olszynski also organized the 1st International Colloquium on Closure Liabilities in the Energy Sector that was held at the Faculty of Law in October, and in November Kaitlin Schaaf, Kathy Cao, Jessica Farrell, Andrew Simmons, Emilia Yassiri, and Martin Olszynski prepared a post summarizing presentations given at the colloquium in The Mess We're In: Insights from the 1st International Colloquium on Closure Liabilities in the Energy Sector.

Closing Thanks

ABlawg's editors and bloggers thank all of our readers for your continued interest in and support of our work. We also wish to give a note of appreciation to our tech support for helping ABlawg get through its malware issues and our student editors in 2025 – Kyrra Rauch (who graduated in 2025) and Sheema Ahmed (who continues editorial work into 2026). Both Kyrra and Sheema provided the timely and trustworthy editorial assistance that makes ABlawg possible. Sheema also monitors ABlawg impact data and assembled the statistics and citations noted in this post.

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