

20428

Appeal No. ~~20428~~

IN THE SUPREME COURT OF CANADA

(On Appeal From the Appeal Division  
of the Supreme Court of Nova Scotia)

BETWEEN:

HER MAJESTY THE QUEEN, as represented by  
the Attorney General of Nova Scotia

APPELLANT  
(Respondent)

AND:

DORMAN THOMAS SKINNER

RESPONDENT  
(Appellant)

SERVED COPY  
SIGNIFICATION

AND:

THE ATTORNEY GENERAL OF CANADA  
THE ATTORNEY GENERAL OF ONTARIO  
THE ATTORNEY GENERAL OF BRITISH COLUMBIA  
THE ATTORNEY GENERAL OF ALBERTA  
THE ATTORNEY GENERAL OF SASKATCHEWAN

NOV 10 1988

PRODUIT  
INTERVENORS

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FACTUM OF THE ATTORNEY GENERAL OF BRITISH COLUMBIA  
- INTERVENOR -  
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Intervenor

Intervenor

JOSEPH J. ARVAY, Q.C.

COUNSEL

(For names and address of solicitors for the parties  
see inside following title page)

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PART I

STATEMENT OF FACTS

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1. The Intervenor, the Attorney General of British Columbia, agrees with the facts as set out in the Factum of the Appellant.

PART II  
POINTS IN ISSUE

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2. Does s. 195.1(1)(c) of the Criminal Code, R.S.C. 1970, c. C-34, as amended, infringe the freedom of expression guaranteed by s. 2(b) of the Canadian Charter of Rights and Freedoms?

3. Does s. 195.1(1)(c) of the Criminal Code, R.S.C. 1970, c. C-34, as amended, infringe the freedom of association guaranteed by s. 2(d) of the Canadian Charter of Rights and Freedoms?

3. If s. 195.1(1)(c) of the Criminal Code, R.S.C. 1970, c. C-34, as amended, infringes rights guaranteed by ss. 2(b) or 2(d) of the Canadian Charter of Rights and Freedoms, is s. 195.1(1)(c) justified by s. 1 of the Canadian Charter of Rights and Freedoms and therefore not inconsistent with the Constitution Act, 1982?

PART III

ARGUMENT

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4 Does s. 195.1(1)(c) of the Criminal Code, R.S.C. 1970,  
5 c. C-34, as amended, infringe the freedom of expression  
6 guaranteed by s. 2(b) of the Canadian Charter of  
7 Rights and Freedoms?  
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10 5. The Attorney General of British Columbia  
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12 incorporates and adopts the submissions made with respect to  
13 freedom of expression in its factum in Stagnitta v. The Queen  
14 (Supreme Court of Canada, No. 20497, a copy of which will be  
15 served on the parties in this Case who are not parties in  
16 Stagnitta).  
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Does s. 195.1(1)(c) of the Criminal Code, R.S.C. 1970, c. C-34, as amended, infringe the freedom of association guaranteed by s. 2(d) of the Canadian Charter of Rights and Freedoms?

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6. The Attorney General of British Columbia agrees generally with the submissions of the Appellant as well as the Intervener, the Attorney General of Canada.

1 If s. 195.1(1)(c) of the Criminal Code, R.S.C. 1970,  
2 c. C-34, as amended, infringes rights guaranteed by  
3 ss. 2(b) or 2(d) of the Canadian Charter of Rights and  
4 Freedoms, is s. 195.1(1)(c) justified by s. 1 of the  
5 Canadian Charter of Rights and Freedoms and therefore  
6 not inconsistent with the Constitution Act, 1982?

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8 7. The Attorney General of British Columbia agrees  
9 generally with the submissions of the Appellant and the  
10 Attorney General of Canada.  
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PART IV

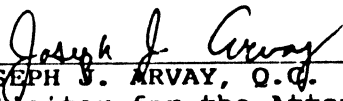
NATURE OF ORDER SOUGHT

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8. The Attorney General of British Columbia submits that the constitutional questions should be answered as follows:

- Question 1: No
- Question 2: No
- Question 3: Yes

ALL OF WHICH IS RESPECTFULLY SUBMITTED

  
\_\_\_\_\_  
JOSEPH J. ARVAY, Q.C.  
Solicitor for the Attorney  
General of British Columbia

DATED: This 1st day of November, 1988,  
Victoria, British Columbia