

BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

 Annual Report
2000

THE DEMOCRATIC COMMITMENT
CONTINUOUSLY PUBLISHED SINCE 1963

Annual General Meeting ²⁰⁰⁰

The Annual General Meeting of the B.C. Civil Liberties Association will be:

Date: Thursday, March 29, 2001
Time: 7:30 p.m.
Location: YWCA, room 1
4th floor, 535 Hornby Street
Vancouver, B.C.

Guest Speaker: *Vancouver Sun* columnist Stan Persky

Reg Robson CIVIL LIBERTIES AWARD

Each year, this award honours a person or persons who, in the opinion of the Board of Directors, made a substantial and long-lasting contribution to the cause of civil liberties in British Columbia and in Canada.



KIM BOLAN / 2001 RECIPIENT

USUALLY, WHEN WE think of journalists who put their life on the line, we assume they work in some far away country ruled by a despotic regime. Not so with Kim Bolan, a journalist who writes for the *Vancouver Sun*. Her writing, especially her reporting on the local Sikh community, has led to repeated death threats. Her coverage has included the assassination of Tara Singh Hayer, a past Reg Robson Award winner, the controversy over an independent school run by Sikh fundamentalists, and the Air India bombing investigation. She has traveled to El Salvador, Guatemala, Afghanistan and northern India in her work with the *Sun*.

Defying threats to her safety and life, Kim has continued to report on controversial local issues involving the Sikh community. She has won numerous awards, including the inaugural Press Freedom Award from the National Press Club, and the Courage in Journalism Award from the International Women's Media Foundation. The BCCLA wishes to salute Kim's continued and fearless commitment to freedom of expression in B.C. with the Reg Robson Annual Civil Liberties Award for 2000.

Past award recipients:

2000 Gil Puder
1999 Tara Singh Hayer
1998 Murray Warren &
Peter Cook
1997 Janine Fuller

Contents

President's message / page 4

About the Association / 5

2000 Brickbats & bouquets / 6

New positions

Democratic rights for non-aboriginals in First Nation jurisdictions / 7

Senate white paper on police immunity / 7

2000 highlights

Editorial: Vice president John Dixon on Little Sister's and *R. v. Sharpe* / 8

Surrey book ban / 9

New Westminster exclusion by-law / 9

The Bouchard affair / 9

Casework

2000 case statistics / 10

Freedom of speech / 10

Due process, administrative decision-making & children's rights / 12

Police complaints & political rights / 14

Discrimination & privacy / 15

Prisoners' rights / 16

BCCLA people

Board of Directors & Honourary Directors / 17

Staff / 18

Volunteers / 18

Volunteer legal counsel / 19

Membership report / 20

Financial reports

Treasurer's report / 21

Auditor's report and financial statements / 22



**BRITISH COLUMBIA CIVIL
LIBERTIES ASSOCIATION**

425 - 815 West Hastings Street
Vancouver, British Columbia
Canada V6C 1B4
Phone: (604) 687-2919
E-mail: info@bccla.org
Web: <http://www.bccla.org>
Office hours: 9:00 to 4:30
Monday to Friday.

BOARD OF DIRECTORS

Craig Jones, President
John Dixon, Vice President
Alan Rowan, Treasurer
Tanya West, Secretary

Dale Beyerstein, Sam Black
Warren Bourgeois, Walter Block
Alister Browne, Phil Bryden
Jamie Cameron, Steven Davis
Greg DelBigio, Avigail Eisenberg
Alayne Fleishman
Lynda Fletcher-Gordon
Hamar Foster, Jack Q. Giles, Q.C.
Tom Gore, Conrad Hadland
Gordon Ingalls, Andrew Irvine
Stephen Katz, Ross Lambertson
Bob Lane, Mary McDonald
John J. McIntyre
Shona Moore, Q.C., Ann Pollak
Dino Rossi, John Russell
Martin T. Schechter
Bob Seeman, Brenda Taylor
Micheal Vonn, David Sutherland
James M. Williams

STAFF

L.J. Huey, Murray Mollard,
Pam Murray, John Westwood
Lil Woywitka

PRESIDENT'S REPORT / CRAIG JONES



Photo: Alistair Eagle.

THIS YEAR HAS BEEN, as most are, a challenging and exciting one for the BCCLA.

While our financial prospects are notoriously fragile, the Association is perhaps in a more secure financial position than it has ever been before. Moreover, with the recent decisions of the Supreme Court of Canada in two of our cases: *Little Sister's*, where we were a plaintiff, and *R. v. Sharpe*, where we intervened, the Association's position in the public consciousness as an indispensable public citizen has been further cemented. I am particularly pleased that the BCCLA Board of Directors has become steadily both more diverse and younger since I joined six years ago, boding well indeed for the continued vitality and relevance of the Association. The Association has, in the last year, wrestled with an enormous number of complex social and legal issues. These are touched upon elsewhere in this annual report and I will not dwell on them here, except to note, as I always must, the superhuman contribution made by the Association's small but dedicated staff of full and part-time employees and the core of skilled lawyers who argue our cases without fee. They remain, as always, our heart and soul.

But the BCCLA is far more than an important group of people; it is an important set of ideas. Those of us who work as volunteers on the Board or Executive of the Association do so in full recognition that these ideas, like the Association itself, both predate and will outlive us. It has been my immense honour to represent the ideas of the BCCLA to the public during my tenure.

John Dixon has graciously agreed to serve once again, with the members' approval, as president in 2001. John has been for some years the Association's most active and experienced executive member, having variously served as president, vice president, treasurer, member at large, and unofficial Party Whip. John has guided our philosophical and legal course in both *Sharpe* and *Little Sister's*, and these cases provide a remarkable record of the integrity and efficacy of the BCCLA for posterity. The success of the Association in putting across its sometimes unpopular positions to the public is, in large part, due to John's remarkable eloquence and personal credibility. In many ways, the final resolution of these two seminal cases provides a natural point of departure for me, and a good note of introduction (for most of us a reintroduction) to John.

While I will remain an active member of the Association, I hope to spend more time devoted to my practice and my nascent teaching and writing. Finally, if I might be allowed one purely personal note, I would express profound thanks to my wife Amanda, who has put up with what has at times been something of a circus for three and a half years without a murmur of complaint. I owe her a lot of dog walks, dinners and movies, and she can now collect with interest.

Craig Jones
President

About us

WE HAVE GROWN in size and stature from our beginnings in 1962 as a small volunteer organization that met in members' homes. We now have a modest, four person office in Vancouver, relatively stable funding and an active Board of Directors. The work hasn't changed much; it's still as important to have a watchdog protecting our civil liberties as it was when we were founded. After almost 40 years of work, it is impossible to provide even a brief history of the Association's work. Here's a flavour of some of the many issues we've worked on over the years.

Casework

Complaints of civil liberties violations from the public and internally generated cases comprise BCCLA casework. Though we do not provide legal advice to complainants, we try to assist them by attacking decisions and policies that negatively affect not only the complainant, but citizens in general.

Over the years, we've:

- successfully defended a local theatre charged with obscenity for producing the critically acclaimed play "The Beard"
- successfully challenged a provincial government decision to end Medical Services Plan coverage for abortions
- approached the Police Commission with concerns about high speed police chases, police use of "breach of the peace" powers and video-taping police interactions with citizens

Public education

From the beginning, we have devoted considerable resources to producing publications, speaking at public gatherings and interacting with the media. Our public education efforts have included:

- producing and distributing our quarterly journal *The Democratic Commitment*
- publishing and distributing widely read books: *Youth and the Law*, *Discrimination*, *Arrest: Civil Rights and Police Powers*, *Liberties*, *The Privacy Handbook* and *The Citizenship Handbook*

- publishing the brochures "Drug Testing in the Workplace" and "Making a Complaint Against the Police"
- creating a web site to communicate BCCLA positions, resources and efforts to the public.

Public policy and law reform

The Association's Board of Directors has written over 200 policy briefs, which serve as the principled cornerstones for our work. Our efforts have included:

- playing a major role in the development of human rights legislation, laws on access to information and privacy and police complaint systems
- making a well received submission to the Supreme Court of Canada on allowing public interest intervenors in court cases
- advocating for a provincial Ombudsman and Rentalsman

When our moral suasion efforts are unsuccessful, we sometimes take issues to court, and arrange for *pro bono* counsel for clients, intervene in legal cases or litigate the issue ourselves. We have:

- challenged the mandatory features of the former *Heroin Treatment Act*
- provided counsel for two women who successfully challenged mandatory school prayers under the *School Act*
- launched a constitutional challenge to Canada Customs' censorship powers (see page 9)
- intervened in:
 - *R. v. Butler* at the Supreme Court of Canada on obscenity law
 - *Trinity Western University v. B.C. College of Teachers*
 - *R. v. Cuerrier* at the B.C. court of Appeal and then Supreme Court of Canada on consent to sexual relations.

A more complete history is on our web site:
<http://www.bccla.org/briefhistory.html>.

Our third report of the best defenders of and worst offenders against civil liberties in B.C.

Brickbats&bouquets

BRICKBATS

The Ministry of the Attorney General

for introducing the *Secure Care Act*, which permits lengthy detentions of “at risk” youth when there’s a severe shortage of social services that youth can use voluntarily—a “lock ’em up” plan that is sure to fail.

The University of Victoria

for a recent decision under their harassment policy to ban Lorenzo Bouchard from campus for protesting against aboriginal treaties.

The University of Victoria Student Society

for suspending a student anti-abortion club’s official club status because the club’s views are contrary to the student society’s pro-choice policy.

Statistics Canada

for creating a survey that does not tell people that they don’t have to participate or that their personal health information may be shared with researchers from other agencies.

TransLink

for enforcing its anti-free speech policy on an electioneer during the last federal election.

The City of Vancouver

for enforcing its anti-postering by-law through criminal prosecution, while at the same time failing to provide adequate postering space.

Hope High School (and other schools around the province)

for creating a “drug free zone” around the high school and selling the idea by promising that anyone convicted of possession or trafficking in the zone would face double the normal criminal penalties. The plan also asks students to become police informers.

The Director of Film Classification

for trying to impose video surveillance on an adult store as a condition of business.

The Victoria Police Department

for raiding the Vancouver Island Compassion Society, which acts as a safe source of medicinal marijuana for people suffering from debilitating diseases.

The Surrey School Board

for instituting a club policy aimed at preventing gay-straight student alliances, a policy that undermines freedom of association and student autonomy.

BOUQUETS

The University of British Columbia

for ensuring that the free speech rights of anti-abortion protesters were respected during recent protests on campus.

The Canadian Senate

for creating a special committee to investigate the need for harm reduction strategies, rather than continuing to offer blanket support for a never-ending war on drugs.

Vancouver Police Department and Board

for rescinding billing policies for policing at political demonstrations and for acknowledging police abuse of civil liberties at Symphony of Fire and New Year’s Eve celebrations.

National Citizens Coalition

for its timely court challenge to the federal *Election Act* amendments that would ban all but minimal third party advertising during campaigns.

FOR PREVIOUS YEARS' POSITIONS, CHECK OUR WEB SITE

New positions

Democratic rights for non-aboriginal residents under aboriginal self-government

AFTER MUCH DEBATE in 2000, the BCCLA approved a position supporting non-aboriginal residents' rights to democratic participation in aboriginal jurisdictions. In 1999, the Association received a complaint from leaseholders at the Musqueam Indian reserve that have no political control over the property tax regime created and administered by the Musqueam Band. The BCCLA Board of Directors agreed that the complaint raises civil liberties concerns because property tax under the *Indian Act* is about governance, and that leaseholders have no effective means to participate in the tax regime. The Association decided to take a more general approach to the problem, recognizing the trend towards aboriginal self-government and our prior support of the Nisga'a Treaty. The Board agreed on the following principles:

- Non-aboriginal residents have no inherent right to membership in the aboriginal political community and no right to participate in decision-making that deals strictly with aboriginal matters.

- Conversely, non-aboriginal residents do have a right to participate meaningfully in decision-making that significantly and directly affects them. The justification for this right is that Canadian democracy is founded on the principle that its citizens are a self-governing people who, by definition of their sovereign status, have a right to participate in rule-making, though this right may be modified to respect competing claims of aboriginal sovereignty.

- If a non-aboriginal population outnumbers, is equivalent or close to the aboriginal population, then procedures must be weighted to preserve aboriginal self-determination.
- Advisory boards are not adequate means for non-aboriginal participation unless non-aboriginals themselves consent to such a method of participation. Generally speaking, non-aboriginals must have a seat at the table where decisions that directly affect them are made.

The BCCLA will continue to advocate for these principles as B.C. negotiates treaties with First Nations.



Proposals to expand police immunity to fight organized crime

IN A DEMOCRATIC SOCIETY, there is always a tension between the police's desire for more power to fight crime, and the civil liberties of citizens. In 2000, the federal government proposed legislation that, if enacted, would modify section 25 of the *Criminal Code* and expand the scope of criminal immunity for police officers involved in undercover investigations. Ostensibly, the purpose of this legislation is to allow officers to investigate organized crime more effectively. However, it could also be used for other types of investigations.

In our submission to the government, we argued that the need for effective policing measures must be tempered by respect for the rule of law and for other constitutional standards. We addressed the question of whether police would be more effective, and whether any improvement in policing effectiveness would justify providing the police immunity for a wide variety of offences. We concluded that they would not. In particular, we expressed concern that extending immunity could lead to more police abuse of individuals' civil rights, and that without proper standards of accountability, the police would be allowed to act with impunity, thus threatening the rule of law.

It is uncertain whether the government will introduce the proposed amendments. For the full text of the BCCLA brief, please visit <http://www.bccla.org/positions.html>.

Highlights

THE YEAR IN REVIEW



Photo: Alistair Eagle.

THE SUPREME Court of Canada decision in the Little Sister's censorship case is a clear vindication of the 15 years the B.C. Civil Liberties Association invested in the case. The majority strongly confirmed that Canada Customs systematically

infringed the constitutional rights of Canadians with its program of seizures directed against the bookstore. The Court found that the statutory imposition of a reverse onus on book importers to prove their books are *not* obscene is unconstitutional. From now on, the government must undertake the burden of proof—in civil court—that imported materials are obscene.

Canada Customs must now ask itself, in the case of each and every piece of expression material it seizes: "Do we really want to go to court and make a legal case that this offends the obscenity provisions of the *Criminal Code*?" That consideration, more than any other, underlines the potency of the remedy fashioned by the Supreme Court of Canada in this case.

Nonetheless, it is disappointing that the Court did not simply strike down the

entire statute that involves Customs in the censorship game. This was yet another example of the much discussed "deference" of the present group of justices. They are extremely sensitive to any charge of "activism", and clearly strain to develop innovative remedies to avoid striking down legislation.

Similarly discouraging is the fact that the Court declined our invitation—an invitation strongly supported by leading feminist groups—to reform the silly "standard of community tolerance" test for obscenity. If the function of a right is to shield even hated speech from the predictable intolerance of the community, how can it make sense to legally restrict the right on the basis of a tolerance test? The Court had no appetite for this discussion, and reaffirmed its commitment to the tolerance test.

Just after the new year, we also had a Supreme Court of Canada decision in the Robin Sharpe case involving the possession of child pornography. The BCCLA did not represent Mr. Sharpe in his criminal trial and appeals because at least some of the materials involved may have been photographs of the sexual use of children. Our position has long been that even possession of photographic or video representations of the sexual use of *actual* children ought be prohibited.

However, we did intervene in *Sharpe*, at both the B.C. Court of Appeal and the Supreme Court of Canada, to plead that the existing possession statute suffers from unconstitutional overbreadth. By targeting materials that are the product of imagination, like paintings and stories, rather than the abuse of actual children, the law strays far beyond its purpose of protecting children and comes dangerously close to thought control.

The *Sharpe* decision is a minor masterpiece of judicial interpretation, in which the Chief Justice strains to provide a reading of the law that saves it from its constitutional infirmities. Then, rather than strike down the law and send it back to Parliament, Justice McLachlin "reads in" exemptions from its unconstitutional provisions.

This sleight of hand has been generally regarded as evidence of the extreme deference of the McLachlin Court. It might also, paradoxically, be read as showing how determined the Court is to find ways to keep matters out of the hands of potentially hysterical lawmakers—who are, in the end, politicians. We will watch for this tendency in the coming year.

Chamberlain et al. v. Board of School Trustees of School District #36 (Surrey)

In 2000, the B.C. Court of Appeal considered the Surrey School Board's resolution to prohibit classroom use of books depicting same-sex parents.

The BCCLA intervened to argue that the principle of separation of church and state, which is enshrined in a section of the *School Act* that prohibits teaching religious dogma, means that the Surrey School Board could not, as it had done, import the religious views of Surrey parents in its decision-making. In a somewhat strange decision, the Court of Appeal ruled that it was not improper for the Board to consider and be sensitive to the wishes of parents, whether religiously motivated or not, but that it was up to individual teachers,

after consulting with parents and school officials, to decide whether to use the books in the classroom. Both sides claimed victory, but the BCCLA is a little less sanguine about whether this decision upholds the principle of separation of Church and State. We will remain vigilant in ensuring that our public schools are run on a secular basis.

New Westminster exclusion by-law

Despite our best efforts to persuade civic officials that a by-law would violate fundamental civil liberties and be unconstitutional, New Westminster city council passed a by-law in 1998 that banned anyone convicted of street drug trafficking during the previous 12 months from huge sections of the city. Undeterred, the BCCLA launched a *Charter* challenge to force the city to repeal the by-law. Within two weeks of the filing of our challenge, the city backed down and repealed the most offensive sections of the by-law. The city explained that those sections of the by-law were no longer needed because the street level trafficking problem had been cleaned up. The BCCLA takes a different view. We believe that without our legal challenge, the restrictions would remain on the books.

This case is a perfect example of the important leverage court actions play in securing civil liberties. We remain indebted to our legal counsel who provide assistance to the Association in carrying out its mandate.

The Bouchard affair

Lorenzo Bouchard has long made it his personal mission to protest against what he sees as injustices. Well-known in Victoria for his one-man demonstrations outside the legislature, he took his protest over aboriginal treaties to the campus of the University of Victoria. But his sign, with the message "Original treaties only for 100% aboriginal blood" and his "Freedom Flame" newsletter denouncing treaties offended aboriginal students who complained of harassment to the university. To the BCCLA's astonishment, a university harassment panel found he had committed harassment for such actions as staring aggressively at people. To make matters worse, UVic's administration upheld the panel's decision and ordered Mr. Bouchard to stop distributing his messages when he did not have prior approval from the university. The BCCLA condemned the university's actions as censorship of the worst form. UVic has not relented and the Association will continue to press for changes to their decision and policy in 2001. The harassment panel decision is on our web site: <http://www.bccla.org/othercontent/00uvicharass.html>.



Chris Sanderson generously donated hours of pro bono time to work on the Surrey School Board case.

Casework

	2000	1999	1998
Administrative decision-making	10	5	7
Children's rights	5	6	7
Discrimination	3	4	5
Due process	17	19	20
Freedom of speech and association	28	34	40
Patients' rights	1	1	1
Review panels	44	30	49
Police complaints	27	42	35
Political rights	7	8	8
Prisoners' rights	6	6	8
Privacy and access to information	29	34	42
Private offences	7	4	5
Total cases	184	193	227

The B.C. Civil Liberties Association accepts complaints about civil liberties violations if the issue is likely to impact a large number of individuals and we have the resources to provide assistance. Our case acceptance policy is on our web site: <http://www.bccla.org/acceptance.html>.

FREEDOM OF SPEECH & ASSOCIATION

Proposed anti-SLAPP legislation

Strategic Lawsuits Against Public Participation (SLAPPs) have been a source of continuing concern for the BCCLA. In particular, we condemn the use of or threat of legal action by powerful forces to intimidate and silence the less powerful when they speak out on matters of public interest. Thus, we were pleased to participate in a consultation initiated by then Attorney General Andrew Petter to create legislation to prevent SLAPPs. The BCCLA's two submissions to government emphasized that we need to find an appropriate process to ensure, on the one hand, that legitimate lawsuits proceed without prejudice, while on the other, individuals and groups can freely engage in public debate without being harassed by a lawsuit. This is a difficult balance and

one that should be left to the courts to strike, since a judge will be in the best position to assess the relative merits of parties' positions. A provincial election in 2001 leaves the outcome of this initiative uncertain. We hope that whichever party forms a new government will introduce appropriate legislation to protect public expression.

Overbroad anti-protest injunctions

This year the Association took on two disputes over the use of injunctions against protesters. In both cases, the Association was concerned about the overly broad scope of the injunctions and their effects on the free speech rights of protesters. In the Elaho case, forest company Interfor was granted an injunction that prevented protesters from interfering with logging operations, but also banned them from protesting nearby. The BCCLA intervened to challenge the



Thanks to John Dives, our counsel in both the Elaho and Fur-town injunction cases.

injunction because it had not been carefully crafted to minimize the infringement on citizens' rights to protest. Upon review, the Supreme Court of B.C. voided the injunction when it came to the court's attention that the company had obtained the injunction without "clean hands". On a related note, several forest workers have been criminally convicted for attacks on Elaho protesters.

In the Fur-town case, an overly broad injunction had been issued to the owner of a fur store against protesters outside his business. The injunction would have prohibited anyone, including the store owner and his employees, from coming within fifty feet of the store. The BCCLA requested a hearing to challenge the injunction but shortly before the hearing was to take place, Fur-town agreed to modify the scope of the injunction. The new injunction sets more reasonable limitations on protest outside the store. We continue to be interested in cases involving the use of anti-protest injunctions.

Human rights and Citizens' Research Institute publication

Section 7 of the B.C. *Human Rights Code* prohibits the publication of any material that "indicates discrimination or an intent to discriminate". The BCCLA takes the position that this provision is proper as long as it is interpreted to capture discrimination that is otherwise prohibited under the Code—for example, a job advertisement that states "women need not apply". Furthermore, we argue that the law should cover only those persons who are actually in a position to discriminate. In 2000, we made this submission to the B.C. Human Rights Tribunal in the Citizens Research Institute (CRI) case. A group of activists complained to the Human Rights Commission about CRI's "Declaration of Family Rights". This declaration allows parents to request that their children not be exposed to any pro-

homosexual messages in schools. At the hearing of the complaint, the BCCLA took the position that groups like the CRI, a conservative Christian organization, and parents must be free to pitch whatever idea they want to government. Of course, how government responds to a request is constrained by the *Charter* and other legislation that protects against discrimination on the basis of sexual orientation. The BCCLA expects a decision in 2001.

University of Victoria Student Society club policy

This year, the BCCLA was approached by a group of students at the University of Victoria who had been denied club status because of their pro-life position. UVic's Student Society (UVSS) policy required that all clubs not contravene any UVSS substantive policy, including their official pro-choice position. The BCCLA, which supports reproductive freedom, believes that club status should not be denied merely because a club takes a different position than official UVSS policy. We wrote to the student society and objected to their rule on three grounds. First, universities by their very nature should encourage the widest exchange of opinions. Second, since membership in the society is mandatory and some students will always oppose official UVSS positions, clubs should be able to diverge from official UVSS policy. Third, the society's *raison d'être* is not to be an official pro-choice group, and it is not reasonable that they demand clubs have pro-choice views. The BCCLA will continue to press our case to the UVSS.

Anti-postering by-law

As a result of a prosecution of a local individual who postered on Vancouver city property, the Association became concerned over the lack of postering space available within the city. A Vancouver by-law prohibits postering except on designated kiosks. We subsequently wrote the city urging that it provide more space for people who have a message to communicate to the public. The city responded that they had increased the total number of poster kiosks to 105 this year, and will continue to add new ones as funds become available. We will continue to press them to create more space for postering, a time-honoured means of expression.

DUE PROCESS

Marijuana Counter Attack

Recently, we became aware that people who receive roadside suspensions under the *Motor Vehicle Act* for suspected marijuana intoxication are not being provided with information about how to challenge the suspensions. Given the lack of reliable roadside tests for marijuana intoxication, the BCCLA takes the position that those suspended must be given explicit information on appealing a suspension. The lack of notice regarding an appeal is particularly unfair since individuals suspended for alcohol use are given appeal information as part of their ticket. We will continue to pursue this matter with ICBC in 2001.

Transit security and special provincial constable accountability

The BCCLA continues to receive complaints about the conduct of TransLink security personnel. Like the police, transit security officers detain, search and use force against people they suspect of transit rule violations or criminal activity. Obviously, their interactions with the public raise the same concerns about civil liberties. There is a clear need for accountability through a complaint process, especially because there are almost 1,000 special provincial constables in B.C.. Clearly, the issue goes beyond just transit security. The original complaint system for special provincial constables is woefully inadequate. The BCCLA has been lobbying the government to change the system and we expect a new and improved system in place in 2001.

ADMINISTRATIVE DECISION-MAKING

Ministry of Children and Families supervision orders

We received a complaint that government social workers routinely request urine analysis, as a condition of supervision orders, when parents are suspected of drug or alcohol abuse. In some cases, the samples are sent to the United States for analysis, with third-party doctors (unknown to the parents) providing medical

opinions on test results. The BCCLA opposes this practice for two reasons. First, the parent's privacy is invaded when test results are shared with and scrutinized by unknown physicians, who may request additional personal information on which to base their opinions. Second, in bypassing the family doctor who has access to information about what types of legitimate medications the parent may be taking, decisions regarding test results are made in ignorance, and may result in adverse consequences for the parent. The Ministry is creating guidelines for workers on how this process should function. We have discussed our concerns with the Ministry and anticipate more discussions once the guidelines have been produced.

Ministry of Social Development and Economic Security policy

The Association is pursuing a complaint regarding a Ministry of Social Development policy that requires welfare applicants to attend a mandatory orientation meeting prior to filing their application. In our view, the policy is an unfair impediment to individuals receiving benefits, because it requires that they attend meetings in locations that may be far from where they live. No provision is made for indigent people who cannot afford transportation to and from the meeting (except in the case of shelters that request transit money from the government). We will continue to press the Office of the Ombudsman to fight for a fairer policy.

CHILDREN'S RIGHTS

Youth Criminal Justice Act

Bill C-3, the *Youth Criminal Justice Act*, was introduced to the House of Commons in 1999. The bill, had it passed, would have had two major effects on how the justice system deals with youthful offenders. It would have increased the use of diversionary measures for lower level offences, while adopting a more punitive stance towards youth convicted of more serious offences. In response to some of the flaws that we identified in the bill, the BCCLA prepared a submission to Parliament addressing concerns in the following areas: the need to

protect young offenders' privacy, the need to ensure that young people are never placed in custody with adult offenders, our opposition to a lowering of the age at which adult sanctions could be applied from 16 to 14, the need to demonstrate the *mens rea* element for violent offences and our opposition to provisions which make it easier to extract confessions from youth. This bill subsequently died when the federal government called an election. Should it be re-tabled, we will again press our concerns.

Secure Care

In a surprise move, the provincial government introduced the *Secure Care Act* in June, 2000. The Act seeks to assist vulnerable children and youth engaged in harmful activities, such as prostitution and drug abuse, by confining them against their will and

providing treatment. In our view, the legislation is seriously flawed. Rather than the 72 hour period for confinement recommended by the Secure Care Working Group and supported by the BCCLA, the Act will permit

detention for a period of up to 30 days which could be extended to up to 90 days. Despite our best efforts to persuade government officials to amend the legislation to limit the time a youth could be detained (to complete a needs assessment and a plan of care), the amended legislation limits the period to whatever would "assist" the young person. The BCCLA opposes the introduction of this legislation on several grounds including:

1. the lengthy detention period, which we fear will

permit forced longer term treatment of youth with addiction problems (which experts say is generally unsuccessful)

2. the fact that there are already lengthy waiting periods for kids who voluntarily want to get help, and
3. that the age to which the law will apply (18 and under) is too high. Once the legislation comes into force, we expect a legal challenge to the Act.

Drug free zones around public schools

In 2000, the BCCLA became aware of a trend in smaller urban communities to create "drug free" zones around high schools. While the BCCLA supports efforts to educate young people about the dangers of drug use and addiction, we are concerned that the pitch to sell this initiative is based on misleading information. Police and schools officials have sold the idea by promising that anyone convicted of possession and trafficking in such a zone would face double and triple the normal criminal penalties. Yet under our laws, there is no such allowance for increasing penalties (though Crown Counsel can bring to the attention of the court that the accused was trafficking drugs near children's play areas, which can be considered an aggravating factor in sentencing). Moreover, the Association is concerned that public school officials want to saddle youth with criminal records for drug possession, which could have profound negative future consequences for them. This "war on drugs" approach has clearly failed in the United States and, in the view of the BCCLA, should be avoided in Canada. Finally, the BCCLA is concerned that school officials are encouraging students to become police informants.

This initiative is another example of an ill-conceived criminal justice approach to the problem of drugs. The BCCLA continues to advocate treating this matter as a public health issue, which would take away much of the financial incentive for organized crime's participation in the distribution of drugs.

Particularly troubling is the government's refusal to tighten the legislative language to ensure the law doesn't become, as some parents would like, a way to force long-term treatment on children. Forced long-term treatment is overly coercive and simply will not work.

Murray Mollard, *Vancouver Sun*, July 14, 2000 on the provincial government's *Secure Care Act*

POLICE COMPLAINTS

Watching the watchdogs

As much as the police are accountable for their actions, so too are those watchdogs that have the responsibility to police the police. The BCCLA was concerned that police complainants who had their request for a public hearing of their complaint denied by the B.C. Police Complaint Commissioner were not being given the reasons for the decision. The BCCLA has long fought for complainants' right to know the reasons given by the police to dismiss a complaint, as a matter of fairness. The Complaint Commissioner bears an equivalent if not heightened onus, especially given his responsibility for ensuring fairness and transparency in the complaint process and given that a refusal to order a public hearing is the end of the road for most complainants. Police Complaint Commissioner Don Morrison agreed with our concerns and now issues reasons for his decisions not to order a public hearing.

Alcohol seizures at the Symphony of Fire

The Vancouver Police Board released a report on complaints of random searches and alcohol seizures at the 1999 fireworks festival. The Board found that Vancouver Police Department officers did engage in arbitrary searches and seizures, and made several recommendations to the Chief Constable to prevent such actions at public events in the future. In response, police did not conduct random searches at the Symphony of Fire in 2000, and the event was both remarkably peaceful and quiet. The Vancouver Police Department has since issued a public apology for the previous year's actions. Aside from the illegal searches, the BCCLA complained about the remarks of Ann Drennan, media relations officer for the VPD, that the police would recommend cancelling the event if they were not able to continue with the illegal searches. We are pleased to see the Police Board rebuke the department for such flagrant disregard for the rule of law.

West Vancouver Police Department Counter Attack

A *Vancouver Sun* article about West Van police Counter Attack check stops prompted a BCCLA police complaint. The article quoted an officer who claimed his heightened sense of smell allowed him to sniff out marijuana in cars that had been stopped in check stops. Moreover, the article suggested that the West Van police were using check stops for general law enforcement rather than simply cracking down on impaired driving. The BCCLA supports the Counter Attack program, but only when stops are used to catch impaired drivers. Unless there is criminal activity in "plain view" of officers, check stops cannot be used by police to pursue other law enforcement objectives. Such conduct would violate the general rule that citizens are free to go about their business unless the police have reasonable cause to stop and detain them. The West Van Police Department acknowledged our concerns and indicated that officers would be reminded of the limits on their authority.

POLITICAL RIGHTS

Election campaigning on TransLink property

During the 2000 federal election, a candidate and his supporters were attempting to campaign on TransLink's property. TransLink security officials asked them to leave the property and advised them that electioneering is prohibited under TransLink's Safety Rules and Regulations, except with prior permission. These rules also prohibit individuals from engaging in a variety of other forms of expression, including pamphleteering and panhandling. The Association wrote to TransLink to express our concerns about their policy's negative impact on free speech. TransLink property is essentially public property and current TransLink rules are unreasonable and unconstitutional. We have asked that they make appropriate changes to their policy. While we await their response, we will also pursue our concerns with federal elections officials to amend the federal *Elections Act* to protect free expression.

DISCRIMINATION

Policing domestic violence

In response to complaints about unequal application of the law in domestic violence situations where the alleged victim is male, we reviewed the Attorney General's Violence Against Women in Relationships Policy. While the policy is intended to apply to both genders, it is clear that women victims are its primary focus. While the BCCLA recognizes that women are often physically harmed more seriously by domestic violence, we are concerned that the emphasis on women fails to acknowledge the significance of violence against men in heterosexual relationships and men and women in gay or lesbian relationships. Moreover, we are concerned that the policy undercuts normal due process protections for the accused. We met with the former Attorney General early this year, but did not see any action from the Ministry. We recently wrote the new Attorney General and will pursue this issue in 2001.

PRIVACY

New federal legislation for privacy in the private sector

The *Personal Information Protection and Electronic Documents Act* was passed by Parliament in 2000 and was set to come into force on January 1, 2001. Under the Act, companies will now have to get the consent of Canadians before they collect, use or disclose personal information for commercial purposes. Employees of federally regulated companies will also receive new protections. Many of the new rights address BCCLA concerns about privacy in the workplace. In 2000, the BCCLA continued to make submissions to government with respect to appropriate regulations under the Act, which will identify publicly available information and the investigative bodies that receive various exemptions from obligations under the law. The BCCLA encourages Canadians to become familiar with privacy protections in the legislation and to complain to the Privacy Commissioner of Canada if they believe their rights have been violated. BCCLA law reform efforts

will now shift to the provincial sphere, where we advocate parallel provincial legislation.

Canadian Community Health Survey

In 2000, Statistics Canada launched its Canadian Community Health Survey, which is designed to capture Canadians' most intimate health information including history of illness, drug and alcohol use, sexual habits and mental health problems. Though we generally do not object to the questionnaire, except for particularly intrusive questions about suicide, the BCCLA expressed concerns to StatsCan that the agency failed to communicate adequately that the survey is voluntary. Furthermore, we urged StatsCan to obtain truly informed consent from participants to share and link personal health information from the survey with provincial and regional health data. After StatsCan rejected our concerns, the BCCLA, along with the Freedom of Information and Privacy Association and B.C. Coalition of People with Disabilities, went public to denounce StatsCan. Regrettably, StatsCan remains intransigent.

Public video surveillance in Kelowna

The spectre of public video surveillance by the police continues to trouble the BCCLA. Though there have been no further

developments on the proposal by the Vancouver Police Department to set up cameras in Vancouver's downtown east side, Kelowna RCMP went one step further and installed a camera in a public park that is

apparently notorious as a location for drug trafficking. The BCCLA complained to the Privacy Commissioner of Canada that the public was not notified about the camera, as required by the *Privacy Act*. We also expressed general concerns about the use of video surveillance.

“Whether installing security cameras is some kind of magic solution to this particular problem—I doubt it.”

John Westwood on TransLink's proposal to install video surveillance cameras that would tape passenger movements, *Vancouver Sun*, August 22, 2000

Commissioner Bruce Philips investigated and found that there had been no violation of the Act because the RCMP had conducted a two stage project. The first stage was a targeted criminal investigation that resulted in charges. The second stage began with public notification of the camera's existence and its use as a means of general deterrence and abruptly ended when the pole supporting the camera was burned down. The Commissioner also said that he does not oppose public video surveillance as a police tool, though he did suggest conditions on its use. The BCCLA is very disappointed in his findings and uncritical acceptance of public video surveillance as a legitimate law enforcement technique. Mr. Philips has now finished his mandate. We hope that new Commissioner George Radwanski demonstrates greater concern over an intrusive surveillance technique that is becoming all too prevalent.

CRTC hearing to create Service Provider Identification Service

The BCCLA submitted comments to the CRTC regarding an application to create a Service Provider Identification Service (SPID service). With increased competition to provide telephone services to consumers, it is no longer possible for law enforcement officials to know which company provides service to a particular phone number. The police often come across a phone number of interest in their investigations and want to get further information about the subscriber, but can no longer easily identify the service provider. Hence, the proposal for the new service.

The BCCLA argued that subscribers with unlisted numbers and cell phone customers have a reasonable expectation of privacy regarding the identity of their service provider. However, the BCCLA also argued that there is little or no gain to customer privacy in requiring the police to obtain a warrant to force disclosure of the service provider for a particular phone number. Conversely, there will likely be increased administrative costs to the police for them to obtain a warrant for this information. We continue to await the CRTC's decision.

Motion Picture Act

The Association became involved in a challenge to a video surveillance condition imposed as part of a license for an adult store under the *Motion Picture Act*. This condition would have required the store to install video surveillance cameras at the entrance to booths showing adult films and at the entrance to the store. Under the law, the videos could be seized on demand and reviewed by the police. The Association intervened in a hearing before the Motion Picture Appeal Board to argue that the cameras would have an impact on the expression and privacy interests of store patrons. The Attorney General then sought a judicial review of the decision of the Appeal Board to hear "Charter values" arguments by the BCCLA and the appellant. The matter was scheduled to go to B.C. Supreme Court when it was settled by the adult store owner and the Attorney General. We have been assured that there will be no cameras installed in the store.

PRISONER'S RIGHTS

Prisoners' right to vote

This year, the BCCLA filed an application to intervene at the Supreme Court of Canada in the case of *Sauve v. Chief Electoral Officer*. *Sauve* is a challenge to the *Canada Elections Act*, which prohibits federally incarcerated prisoners from voting in federal elections. The Association intends to advance several arguments. The disenfranchisement of federal prisoners, which violates the voting rights provisions of the *Charter*, is a denial of a peaceful remedy for prisoners' grievances. It also violates section 25 of the U.N. Covenant on Civil and Political rights (ICCPR), which guarantees the right to vote. Canada is both a signatory and ratifier of the ICCPR. The Court has granted us leave and we anticipate arguing this case in 2001.

Board of Directors

THE BOARD OF DIRECTORS is responsible for all matters relating to the organization. In practice, the BCCLA Board debates and approves new positions on civil liberties issues and provides instructions to our legal counsel.

The following individuals joined the Board of Directors in 2000:

- Micheal Vonn, a UBC law student who most recently worked with AIDS Vancouver
- Jamie Cameron, a professor of law at Osgoode Hall Law School at York University who specializes in freedom of expression
- Lynda Fletcher-Gordon, Executive Director of a social services organization in New Westminster
- Shona Moore, Q.C., a lawyer who specializes in labour law
- Brenda Taylor, a lawyer and Coordinator for Simon Fraser University's Harassment Policy
- Mary McDonald, an actor and retired librarian
- Jack Giles, Q.C., a lawyer specializing in general litigation.

Photo: Alistair Eagle.



Board members at a recent meeting (clockwise from top left):

David Sutherland, Micheal Vonn, Steve Katz, John Dixon, Conrad Hadland, Andrew Irvine, Mary McDonald, Alan Rowan and Craig Jones.

The Executive Committee, which is responsible for the organization's day-to-day operations and administrative matters as delegated by the Board, underwent the following changes:

- John Dixon took on the job of Vice President
- Tanya West became Secretary.

Craig Jones and Alan Rowan remained President and Treasurer respectively.

HONOURARY DIRECTORS

The B.C. Civil Liberties Association is proud that prominent individuals from a variety of backgrounds and political persuasions demonstrate their belief in the importance of our work by lending their names to our list of Honourary Directors.

David Barrett
 Ron Basford, P.C., Q.C.
 Thomas Berger, Q.C., O.C.
 Robin Blaser
 The Right Honourable
 Kim Campbell, P.C., Q.C.
 Andrew Coyne
 Hugh Curtis
 Bill Deverell
 F.E. Devito
 David Flaherty
 John Fraser, P.C., Q.C.
 Gordon Gibson
 Patricia O. Hall
 Don Hamilton
 Mike Harcourt
 Walter Hardwick
 Rev. Phillip Hewett
 Art Lee
 Alex MacDonald, Q.C.
 Rafe Mair
 Darlene Marzari
 Harry Rankin, Q.C.
 Father James Roberts
 Svend Robinson, M.P.
 Rev. John Shaver
 Homer Stevens
 David Suzuki



Volunteers

John S. Wilson Jr. once again donated his valuable time to the BCCLA to conduct our audit. Over and above the huge donation of his time and talents, John's thoughtful advice on financial and organizational matters is invaluable to us.

Thanks again to **Helen Daniels** for her continued help sending out donation receipts and keeping an eye on our receipting practices.

Scott Vrecko helped with casework early in the year.

Each year, the Association provides the names of people who act as patient designates for mental health review panels. This year, **Bernie Wolf, Laura Spitz, Garth Barriere, Marie Ingram** and **Renee Miller** generously donated their time to act as BCCLA representatives.

We especially appreciate the generous assistance of **Lynda Hird** and Board member **Mary McDonald**, who copy edited the annual report.



Staff members (clockwise from top left):
Murray Mollard, Lil Woywitka,
Pam Murray and John Westwood

Staff

John Westwood, *Executive Director*
Murray Mollard, *Policy Director*
Pam Murray, *Communications Director*
Lil Woywitka, *Membership Secretary*
L.J. Huey, *Caseworker*

Several people also worked on contract for the Association.
Thanks to:

Lynda Hird, *Project worker*

Eli Basas of Interlink Computer Services
Computer consultant

Roedy Green of Canadian Mind Products,
Computer consultant

Katherine Ruffen of Dragomir Breckner, *Bookkeeper*

SPECIAL THANKS TO THIS YEAR'S...

Volunteer legal counsel

OUR ABILITY TO GO to court to fight for civil liberties, when principled arguments do not persuade government or institutions, is a key weapon in the BCCLA arsenal. We especially salute the efforts of the following lawyers who provided *pro bono* counsel to the BCCLA in 2000:

Tony Saunders and **Lesley Ruzicka** of Guild Yule for representing the Association in our intervention in *Dutton v. Mahmoodi et al.* regarding the legal test for sexual harassment.

Ron Eichler of Watson Goepel Maledy and **John Conroy** of Conroy & Company in *R. v. Sauve* (prisoners' right to vote).

Michael Doherty of the B.C. Public Interest Advocacy Centre who represented us in our intervention in the RCMP Public Complaint Commission hearings on APEC.

Chris Sanderson and **Keith Bergner** of Lawson Lundell Lawson & McIntosh and **Chris Gora** in *Chamberlain et al. v. The Board of Trustees of School District*

#36 (Surrey) regarding censorship of childrens' books portraying same-sex parents.

Ken Duke of Boughton Peterson Yang Anderson provided assistance to a police complainant on behalf of the Association.

John McAlpine, Q.C. of McAlpine & Associates, **Andrew Gay** of Gudmundseth Mickelson and **Bruce Ryder** of Osgoode Hall Law School for representing the BCCLA in *R. v. Sharpe* re: possession of child pornography.

Jim Williams of Smart & Williams and **Jason Gratl**, an articulated student at Alexander Holburn in *Director of Film Classification v. Motion Picture Appeal Board* (administrative agency jurisdiction to hear Charter values arguments).

John Dives of Dives Grauer and Harper in *International Forest Products Limited, et al. v. Barney Kern, et al.* and *Kelowna Fur-Town (1991) Ltd. v. Monika Penner et al.* for representing the BCCLA in our interventions (both cases dealt with injunctions that infringed on protestors' expression rights).

Tim Delaney of Lindsay Kenney in *Trinity Western University v. B.C. College of Teachers* (freedom of religion/association of private religious educational institutions and discriminatory practices).

Bruce Elwood of Blake Cassels & Graydon and **Rick Peck, Q.C.** of Peck & Company for representing the BCCLA in a challenge to New Westminster's by-law prohibiting convicted drug dealers from accessing city streets.

David Sutherland of Sutherland & Associates for representation in *Clark v. Ward* (politicians accused of defamation).

Howard Ehrlich of Bull Housser Tupper for general organizational advice.

Lindsay Lyster of UBC's Faculty of Law for advice regarding the applicability of the *Charter of Rights and Freedoms* to universities.

Joe Arvay and **Irene Faulkner** of Arvay Finlay for representing the BCCLA and Little Sisters Bookstore in *Little Sisters Book and Art Emporium, et al. v. Canada (Minister of Justice)* (Canada Customs censorship of obscene materials).

Art Grant of Grant Kovacs Norell for advice regarding the National Citizens' Coalition challenge to advertising spending restrictions in the federal *Elections Act*.



Counsel (from top):
Michael Doherty and Tim Delaney

Membership report

	2000	1999	1998
Special	213	197	172
Individual	311	284	255
Family (two people)	146	140	154
Organization	6	6	9
Total memberships	676	627	590
Donors only	334	451	514
Total supporters	1,010	1,078	1,104

OUR MEMBERS AND SUPPORTERS are the backbone of the BCCLA, both as a source of the financial wherewithall to do our job, but also for the credibility they give the Association in approaching funding agencies and dealing with government.

Although it is difficult for us to attract large numbers of supporters because we sometimes take quite controversial positions, those who do support us tend to stay on board in the long term, and increase their support as time goes on.

Memorials and bequests to the BCCLA Endowment Fund

The Endowment Fund provides long term financial stability for the Association, and allows us to take on special projects that we could not otherwise afford.

Gifts and bequests to the Endowment Fund are placed in the capital account, held in perpetuity and invested in stable funds. Only the interest from our investments is available for the Board of Directors to fund special projects or smooth out funding fluctuations.

We acknowledge with gratitude the following:

Bequests

Bequest: Francis Earl Bertram
 Bequest: Roderick Lionel
 Bequest: Winona Grace MacInnis
 Bequest: David Bruce Morgan
 Accelerated Bequest: Dr. Cecil K. Stedman
 Bequest: Dr. Cecil K. Stedman

In Memoriam

In memory of John B. (Jack) Bryan
 In memory of Robert E. Jefferson
 In memory of Merril Lathan
 In memory of Chrysta McCarron
 In memory of David Bruce Morgan
 In memory of R.E. Morgan (Founding Member)
 In memory of Roger Robson
 In memory of R.A.H. (Reg) Robson (Founding Member)
 In memory of Karl Siegfriend
 In memory of Kay Aronstam Stockholder

Treasurer's report



Photo: Alistair Eagle.

WE SURVIVED! The first year of the millennium is behind us, and I am happy to report your Association is well. We continue to run a lean and fiscally efficient operation. As well, carrying the liberties torch is a crack team that has seen the BCCLA emerge as the pre-eminent organization of its

kind in the country, and enjoy a reputation far exceeding its size or financial clout. We have arrived here because the Association has, over the years, attracted people who have brought to bear some dynamic skills and talent. It is a testimony to them and their vision that we continue to flourish.

For the Board and Executive, this is volunteer time, given of conviction. The staff also has given a donation of spirit, which guides us day-to-day, as well as an inherent belief in our work. This is work that needs and deserves to be done, and done well. I salute them all, for their belief, hard work, and good spirit.

Our overall finances are soundly managed. We get excellent bookkeeping services and financial advice from Katherine Ruffen of Dragomir Breckner, our accounting firm. And John S. Wilson conducts our yearly financial audit *pro bono*. This is a huge job, and one that he has taken on for many years. John deserves our heartfelt appreciation for this generous contribution.

I would now like to take a moment to acknowledge our main funders. Foremost among these, we salute the Law Foundation of British Columbia for their ongoing and sizable grant to our core operations. Their respect for our work in public legal education and law reform allows us to take on issues that cry out for our attention. Recent better times have allowed the Law Foundation to increase our grant by ten percent after some years of struggles at the same funding level. This is a most welcome increase, as

inflation in B.C. over the last four years has totalled nearly five percent. We are most grateful to the Board of Directors and staff of the Law Foundation, especially Pat Pitsula and karima budhwani.

Close to our hearts, and next in dollar importance, lie you, our valued members and supporters. You who continue to believe in the cause of civil liberties in Canada, and who continue to back up that belief with your money. We thank you and will strive to maintain your trust and continued financial commitment. Although we have more members this year, our total number of donors is down again, in spite of our profile and success. If you know of some sympathetic souls who would benefit from knowing more about us (who wouldn't?), please sow the seed. Similarly, anyone planning an estate would rest easy knowing that a bequest to our endowment fund would assist us in our goal of one day becoming self-funded.

Once again in 2000, we received a generous grant from the B.C. Gaming Commission, money which is derived from gaming proceeds. For another year, this funding covered many of the costs associated with our community and education work. We thank the Commission, without whose generosity this work would not get done.

I must also take a moment to salute and honour the lawyers who have acted *pro bono* for the Association in 2000. These men and women who so generously give of their time and expertise allow us to fight the fight in the courts, where so much of our important work has been accomplished.

Finally, the outlook for 2001 is good on the financial front. Expenses have been brought under control, and funding, while never guaranteed, appears stable. We approach the coming year with hope and a keen eye on the often turbid waters of the civil libertarian sea.

A handwritten signature in blue ink, appearing to read 'Alan Rowan'. The signature is stylized and fluid.

ALAN ROWAN / TREASURER

Auditor's report

I HAVE AUDITED the statement of financial position of the British Columbia Civil Liberties Association as at December 31, 2000, the statement of operations and changes in fund balances and the statement of cash flows for the year then ended. These financial statements are the responsibility of the organization's management. My responsibility is to express an opinion on these statements based on my audit.

Except as explained in the following paragraph, I conducted my audit in accordance with generally accepted auditing standards. These standards require that I plan and perform and audit to obtain reasonable assurance whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures on the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In common with many not-for-profit charitable organizations, the British Columbia Civil Liberties Association derives revenue from memberships, donations and grants, the completeness of which is not susceptible of satisfactory audit verification. Accordingly, my verification of those revenues was limited to the amounts recorded in the records of the organization and I was not able to determine whether any adjustments might be necessary to memberships, donations, grants, excess of revenue over expenses, assets and net assets.

In my opinion, except for the effect of adjustments, if any, which I might have determined to be necessary had I been able to satisfy myself concerning the completeness of the memberships, donations and grants referred to in the preceding paragraph, these financial statements present fairly, in all material respects, the financial position of the organization as

at December 31, 2000, and the results of its operations, the changes in its fund balances and its cash flows for the year ended in accordance with generally accepted accounting principles applicable to not-for-profit organizations.



JOHN S. WILSON / PUBLIC ACCOUNTANT

FEBRUARY 23, 2001

Financial statements

Statement of operations and changes in fund balances as at December 31, 2000

	General Fund	Legal Defence Fund	Little Sister's Fund	Endowment Fund	Total 2000	Total 1999
Revenues						
Memberships and donations	82,567				82,567	84,870
Law Foundation operating grant	122,088				122,088	122,088
Legal Defence donations earned		100	-		100	-
Specified grants and donations	23,621		7,610		31,231	72,487
Capital grants earned	4,010				4,010	3,881
Gaming revenue earned	46,736				46,736	41,927
Interest	1,324			15,462	16,786	15,114
Miscellaneous	622				622	1,611
	280,968	100	7,610	15,462	304,140	341,978
Expenses						
Salaries and benefits	189,228				189,228	180,677
Rent and utilities	25,765				25,765	18,137
Office operating	25,891				25,891	23,198
Contract services	11,777				11,777	7,226
Insurance, interest and bank charges	4,184			-	4,184	2,110
Fundraising	5,768				5,768	6,006
Publications and printing	7,055				7,055	42,112
Legal defence	4,711	2,078	11,738		18,527	49,529
Miscellaneous	8,215				8,215	5,506
Amortization	4,139				4,139	3,783
	286,733	2,078	11,738	-	300,549	338,284
Excess (deficiency) revenue over expenses						
	(5,765)	(1,978)	(4,128)	15,462	3,591	3,694
Fund balance, January 1	5,770	1,978	8,061	273,280	289,089	283,813
Endowment contributions				35	35	1,582
Interfund transfers	5,765	-	-	(5,765)	-	-
Fund balance, December 31	5,770	-	3,933	283,012	292,715	289,089

See the notes to the financial statements.

Statement of financial position as at December 31, 2000

	General Fund	Legal Defence Fund	Little Sister's Fund	Endowment Fund	Total 2000	Total 1999
Assets						
Cash and short-term deposits	39,261	-	-	935	40,196	49,584
GST, interest and other receivables	3,276		1,691	1,233	6,200	5,403
Due from operating fund		-	2,242	14,604		
Prepaid expenses and supplies	7,060				7,060	9,536
	49,597	-	3,933	16,772	53,456	64,523
Non-current assets						
Investments				266,240	266,240	265,852
Capital assets (note 3)	15,001	-	-		15,001	11,480
	15,001	-	-	266,240	281,241	277,332
	64,598	-	3,933	283,012	334,697	341,855
Liabilities						
Accounts payable and accrued liabilities	13,033		-	-	13,033	13,885
Due to other funds	16,846					
Deferred contributions (note 4)	15,106	-			15,106	28,083
Deferred contributions related to capital (note 5)	13,843				13,843	10,798
	58,828	-	-	-	41,982	52,766
Net assets						
Invested in capital assets	1,157				1,157	679
Externally restricted		-		93,027	93,027	101,053
Internally restricted		-	3,933	189,985	193,918	182,265
Unrestricted	4,613				4,613	5,091
	5,770	-	3,933	283,012	292,715	289,089
	64,598	-	3,933	283,012	334,697	341,855

See the notes to the financial statements.

Statement of cash flows for the year ended December 31, 2000

	Total 2000	Total 1999
Cash flows from operating activities		
Cash received from general contributions	82,567	84,870
Cash received from specified donations	7,710	29,294
Cash received from the Law Foundation (operating)	122,088	132,262
Cash received from the British Columbia Gaming Commission	42,279	43,000
Cash received from Law Foundation (other)	20,619	17,671
Cash received from Simons Foundation	1,000	
Cash received from Multiculturalism B.C.	3,525	8,150
Cash received from Labatt's Breweries		3,289
Cash received from Student Summer Works		1,092
Cash received from Vancouver Foundation		19,060
Cash received from other sources		2,521
Cash received from publications and miscellaneous	622	1,611
Investment income received	1,324	628
Cash paid for salaries and benefits	(189,228)	(180,677)
Cash paid for materials and services	(102,420)	(92,940)
Net cash generated through (used for) operating activities	(9,914)	69,831
Cash flow from financing and investing activities		
Cash contributions for Endowment Fund	35	1,582
Income received from Endowment Fund investments	9,390	10,022
Purchases investments	(24,362)	(68,610)
Proceeds on sales of investments	30,266	4,768
Project donations returned	(52)	(3,481)
Cash paid for services from lawyer's trust	(12,111)	(49,529)
Cash received from Gaming for capital acquisition	5,021	5,349
Cash paid for capital acquisition	(7,661)	(5,902)
Net cash provided by (used for) financing and investment activities	526	(105,801)
Net increase (decrease) in cash and short-term deposits	(9,388)	(35,970)
Cash and short-term deposits, January 1	49,584	85,554
Cash and short-term deposits, December 31	40,196	49,584

See the notes to the financial statements.

Notes to financial statements for the year ended December 31, 2000

1. Purpose of Organization

The British Columbia Civil Liberties Association (BCCLA) is a provincial organization operating programs and providing services to promote, defend, sustain and extend civil liberties and human rights. The BCCLA is incorporated under the *Society Act* of British Columbia as a not-for-profit organization and is a registered charity under the *Income Tax Act*.

2. Significant Accounting Policies

The BCCLA follows the deferral method of accounting for contributions.

FUND ACCOUNTING

Revenues and expenses related to program and service delivery, administrative activities, special projects, legal services and capital assets are reported in the General Fund.

Revenues and expenses related to the *Little Sister's Book & Art Emporium et al. v. Minister of Finance et al.* lawsuit are reported in the Little Sister's Fund.

Endowment contributions are reported in the Endowment Fund. Investment income earned on resources of the Endowment fund is reported in the Endowment fund and may be used for BCCLA programs and services as directed by the Board of Directors.

The BCCLA board wound up the Legal Defence Fund during the year. All amounts received as donation were spent on legal fees. Legal fees will be a part of the general fund unless a special fund is created for a specific case.

The Recall Fund was also wound up during the year and the \$32 balance absorbed into the general fund.

REVENUE RECOGNITION

Restricted contributions are recognized as revenue of the appropriate fund in the year in which related expenses are incurred. Unrestricted contributions are recognized as revenue of the appropriate fund when received or receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Endowment contributions are recognized as direct increases in the Endowment Fund balance.

Restricted investment income is recognized as revenue of the appropriate fund in the year in which the related expenses are incurred. Unrestricted investment income is recognized as revenue when earned.

Publication revenue is recognized when a sale has occurred and there is a reasonable expectation of collection.

CAPITAL ASSETS

Purchased capital assets are recorded in the General Fund at cost. Contributed capital assets would be recorded in the General Fund at fair value at the date of contribution. Amortization is provided on a straight-line basis over an asset's estimated useful life, which is six years for furniture and equipment, and three years for computers. Amortization expense is reported in the General Fund.

INVESTMENTS

Investments are recorded at cost. The cost of non-interest bearing coupons is increased by the annual amortization of discounts.

CONTRIBUTED SERVICES

Volunteers contribute about 600 hours per year to assist the BCCLA carry out its program and service delivery and administrative activities. Because of the difficulty in determining their fair value, contributed services are not recognized in the financial statements.

3. Capital Assets

	<u>2000</u>	<u>1999</u>
Cost	56,790	49,129
Less accumulated amortization	<u>41,789</u>	<u>37,649</u>
Net book value	<u>15,001</u>	<u>11,480</u>

4. Deferred Contributions

Deferred contributions reported in the General Fund are restricted funding that was received in the current period or a prior period, but which will be earned in a subsequent period. Changes in the deferred contribution balance reported in the General Fund are as follows:

	<u>2000</u>	<u>1999</u>
Balance - beginning January 1	28,051	18,782
Add amounts received in the year	57,412	97,869
Less amounts recognized as revenue in the year	<u>(70,357)</u>	<u>(88,600)</u>
Balance - ending December 31	<u>15,106</u>	<u>28,051</u>

5. Deferred Contributions Related to Capital Assets

The deferred contributions related to capital assets in the General Fund include the restricted contribution with which some office and computer equipment has been purchased.

	<u>2000</u>	<u>1999</u>
Balance - beginning January 1	10,798	8,778
Add amounts received in the year	6,920	5,349
Less amounts recognized as revenue in the year	<u>(3,875)</u>	<u>(3,329)</u>
Balance - ending December 31	<u>13,843</u>	<u>10,798</u>

6. External Restrictions on Fund Balances

External contributions to the Endowment Fund must be kept in perpetuity.

External contributions to the Little Sister's Legal Defence Fund must be used for legal costs incurred related to the Little Sister's case.

7. Internally Restricted Fund Balances

The BCCLA Board of Directors has internally restricted \$3,933 to continue the Little Sister's lawsuit.

The Endowment Fund contains \$189,985 in internally restricted funds, part of which is income generated on investments and part of which has been transferred from the general fund in previous years.

8. Contingent Liabilities

The BCCLA involves itself in selected court actions involving civil liberties. In many of these cases there is the possibility that the courts could order the BCCLA to pay costs. There are no outstanding orders to pay costs and the amount that may become a liability of the BCCLA cannot be determined.

9. Little Sister's Case

The BCCLA is a co-plaintiff in the Little Sister's case and is responsible for lawyers' fees and disbursements only to the extent that donations are received specifically for these legal costs. The case has been decided and some costs have been awarded. If the costs awarded exceed the balance of the fees owing any surplus will be divided equally between the co-plaintiffs. The amount receivable cannot be determined.

9. Revenue Canada Audit

In December 1998 Revenue Canada informed the BCCLA that it would conduct an audit of the Association for the year 1997. Such audits include a review of the procedures for issuing charitable donation receipts and the charitable purposes of the Association. The results of this audit are unknown.

**The mandate of the B.C. Civil Liberties Association
is to promote, defend, sustain and extend civil liberties
and human rights in the province of British Columbia.**

For additional copies of this report or more information about our work, please contact:

British Columbia Civil Liberties Association
425 - 815 West Hastings Street
Vancouver, British Columbia
Canada
V6C 1B4

phone: (604) 687-2919
fax: (604) 687-3045
e-mail: info@bccla.org
web site: <http://www.bccla.org>