



No. S097767
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF:

THE CONSTITUTIONAL QUESTION ACT, R.S.B.C. 1996, C. 68

AND IN THE MATTER OF:

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

AND IN THE MATTER OF:

A REFERENCE BY THE LIEUTENANT GOVERNOR IN COUNCIL
SET OUT IN ORDER IN COUNCIL NO. 553 DATED OCTOBER 22, 2009
CONCERNING THE CONSTITUTIONALITY OF S. 293 OF
THE CRIMINAL CODE OF CANADA, R.S.C., 1985, C. C-46

**SUPPLEMENTAL
BOOK OF AUTHORITIES OF
THE ATTORNEY GENERAL OF CANADA
VOLUME V**

**DEPARTMENT OF JUSTICE
CANADA**

BC Regional Office
900 - 840 Howe Street
Vancouver, B.C. V6Z 2S9

Telephone: (604) 666-1276
Facsimile: (604) 666-2639

R. Keith Reimer
Craig Cameron
Robert Danay
BJ Wray
Counsel for the Attorney General of
Canada

**MINISTRY OF ATTORNEY GENERAL
OF BRITISH COLUMBIA**

1301 - 865 Hornby Street
Vancouver, B.C. V6Z 2G3

Telephone: (604) 660-5476
Facsimile: (604) 660-6797

Craig C. Jones
Counsel for the Ministry of Attorney
General of British Columbia



No. S097767
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF:

THE CONSTITUTIONAL QUESTION ACT, R.S.B.C. 1996, C. 68

AND IN THE MATTER OF:

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

AND IN THE MATTER OF:

A REFERENCE BY THE LIEUTENANT GOVERNOR IN COUNCIL
SET OUT IN ORDER IN COUNCIL NO. 553 DATED OCTOBER 22, 2009
CONCERNING THE CONSTITUTIONALITY OF S. 293 OF
THE CRIMINAL CODE OF CANADA, R.S.C., 1985, C. C-46

**SUPPLEMENTAL
BOOK OF AUTHORITIES OF
THE ATTORNEY GENERAL OF CANADA
VOLUME VI**

**DEPARTMENT OF JUSTICE
CANADA**

BC Regional Office
900 - 840 Howe Street
Vancouver, B.C. V6Z 2S9

Telephone: (604) 666-1276
Facsimile: (604) 666-2639

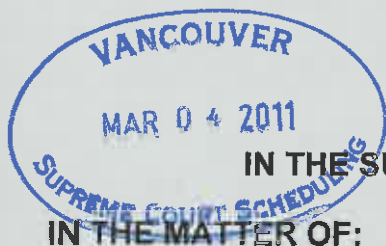
R. Keith Reimer
Craig Cameron
Robert Danay
BJ Wray
Counsel for the Attorney General of
Canada

**MINISTRY OF ATTORNEY GENERAL
OF BRITISH COLUMBIA**

1301 - 865 Hornby Street
Vancouver, B.C. V6Z 2G3

Telephone: (604) 660-5476
Facsimile: (604) 660-6797

Craig C. Jones
Counsel for the Ministry of Attorney
General of British Columbia



No. S097767
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF:

THE CONSTITUTIONAL QUESTION ACT, R.S.B.C. 1996, C. 68

AND IN THE MATTER OF:

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

AND IN THE MATTER OF:

A REFERENCE BY THE LIEUTENANT GOVERNOR IN COUNCIL
SET OUT IN ORDER IN COUNCIL NO. 553 DATED OCTOBER 22, 2009
CONCERNING THE CONSTITUTIONALITY OF S. 293 OF
THE CRIMINAL CODE OF CANADA, R.S.C., 1985, C. C-46

**SUPPLEMENTAL
BOOK OF AUTHORITIES OF
THE ATTORNEY GENERAL OF CANADA
VOLUME VII**

**DEPARTMENT OF JUSTICE
CANADA**

BC Regional Office
900 - 840 Howe Street
Vancouver, B.C. V6Z 2S9

Telephone: (604) 666-1276

Facsimile: (604) 666-2639

R. Keith Reimer
Craig Cameron
Robert Danay
BJ Wray
Counsel for the Attorney General of
Canada

**MINISTRY OF ATTORNEY GENERAL
OF BRITISH COLUMBIA**

1301 - 865 Hornby Street
Vancouver, B.C. V6Z 2G3

Telephone: (604) 660-5476

Facsimile: (604) 660-6797

Craig C. Jones
Counsel for the Ministry of Attorney
General of British Columbia



No. S097767
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF:

THE CONSTITUTIONAL QUESTION ACT, R.S.B.C. 1996, C. 68

AND IN THE MATTER OF:

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

AND IN THE MATTER OF:

A REFERENCE BY THE LIEUTENANT GOVERNOR IN COUNCIL
SET OUT IN ORDER IN COUNCIL NO. 553 DATED OCTOBER 22, 2009
CONCERNING THE CONSTITUTIONALITY OF S. 293 OF
THE CRIMINAL CODE OF CANADA, R.S.C., 1985, C. C-46

**SUPPLEMENTAL
BOOK OF AUTHORITIES OF
THE ATTORNEY GENERAL OF CANADA
VOLUME VIII**

**DEPARTMENT OF JUSTICE
CANADA**

BC Regional Office
900 - 840 Howe Street
Vancouver, B.C. V6Z 2S9

Telephone: (604) 666-1276
Facsimile: (604) 666-2639

R. Keith Reimer
Craig Cameron
Robert Danay
BJ Wray
Counsel for the Attorney General of
Canada

**MINISTRY OF ATTORNEY GENERAL
OF BRITISH COLUMBIA**

1301 - 865 Hornby Street
Vancouver, B.C. V6Z 2G3

Telephone: (604) 660-5476
Facsimile: (604) 660-6797

Craig C. Jones
Counsel for the Ministry of Attorney
General of British Columbia

**FARRIS, VAUGHAN, WILLIS &
MURPHY LLP**

Barristers and Solicitors
2500 – 700 West Georgia Street
Vancouver, BC V7Y 1B3

Telephone: (604) 661-9332
Facsimile: (604) 661-9349

George K. Macintosh, Q.C.
Counsel and Reference Amicus

**WEST COAST LEGAL WOMEN'S
EDUCATION AND ACTION FUND**

555 – 409 Granville Street
Vancouver, BC V6C 1T2

Telephone: (604) 684-8772
Facsimile: (604) 684-1543

Janet Winteringham, Q.C.
Kasari Govender
Deanne Gaffar
Counsel

BC TEACHER'S FEDERATION

100 – 550 West 6th Avenue
Vancouver, BC V5Z 4P2

Telephone: (604) 632-9644
Facsimile: (604) 632-9611

Robyn Trask
Counsel

BRIAN SAMUELS

1400 – 1125 Howe Street
Vancouver, B.C. V6Z 2K8

Telephone: (604) 602-9979
Facsimile: (604) 602-9978

Brian Samuels
Counsel for Stop Polygamy in Canada

DOUGLAS H. CHRISTIE

810 Courtney Street
Victoria, BC V8W 1C4

Telephone: (250) 590-2979
Facsimile: (250) 479-3294

Douglas Christie
Counsel for the Canadian Association
For Free Expression

MACKENZIE FUJISAWA LLP

Barristers and Solicitors
1600 – 1095 West Pender Street
Vancouver, BC V6E 2M6

Telephone: (604) 689-3281
Facsimile: (604) 685-6494

Robert V. Wickett
Counsel for the Fundamentalist Church
of Jesus Christ of Latter Day Saints
and James Oler

ETHOS LAW GROUP LLP

1124 - 470 Granville Street
Vancouver, BC V6C 1V5

Telephone: (604) 569-3022
Facsimile: 1-866-591-0597

Monique Pongracic-Speier
Counsel for the BC Civil Liberties
Association

MILLER THOMSON LLP

700 – 9th Avenue S.W.
Calgary, AB T2P 3V4

Telephone: (604) 687-2242
Facsimile: (604) 643-1200

Gerald D. Chipeur, Q.C.
Jill W. Wilkie
Counsel For The Christian Legal
Fellowship

DAVID MATAS

Barrister & Solicitor
602 – 225 Vaughan Street
Winnipeg, MB R3C 1T7

Telephone: (204) 944-1831
Facsimile: (204) 942-1494

David Matas
Counsel for Beyond Borders Ensuring
Global Justice for Children

BAKER & BAKER

17th Floor – 808 Nelson Street
Vancouver, BC V6Z 2H2

Telephone: (604) 642-0107
Facsimile: (604) 681-3504

Jonathan Baker
Counsel for Real Women Of Canada

**CANADIAN POLYAMORY
ADVOCACY ASSOCIATION**

1204A – 2050 Nelson Street
Vancouver, BC V6G 1N6

Telephone: (604) 688-4810

John G. Ince
Counsel

HUNTER LITIGATION CHAMBERS

2100 – 1040 W. Georgia Street
Vancouver, BC V6E 4H1

Telephone: (604) 891-2400
Facsimile: (604) 647-4554

Brent B. Olthuis
Stephanie McHugh
Counsel for the Canadian Coalition For
The Rights Of Children and the David
Asper Centre For Constitutional Rights

INDEX

Tab Legislation

1. An Act to restrain all Persons from Marriage until their former Wives and former Husbands be dead, 1604 (UK), 1 J.A.C. 1 C. 11
2. 1928 (U.K.), 9 Geo. IV, c. 31 s. 22
3. 1861 (U.K.) 24 & 25 Vic., c. 100 s. 57
4. An Act Respecting Offences against the Person, S.C. 1869, 32 & 33 Vic., c. 20 S. 58
5. An Act respecting offences relating to the Law of Marriage, R.S.C. 1887, c. 161, s.4

Jurisprudence

6. *Ali v. Canada (Minister of Citizenship and Immigration)*, [1998] F.C.J. No. 1640
7. *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817
8. *Canada (Human Rights Commission) v. Taylor*, [1990] 3 S.C.R. 892
9. *Canadian Egg Marketing Agency v. Richardson*, [1998] 3 S.C.R. 157
10. *Catholic Children's Aid Society of Metropolitan Toronto v. S.(T.)* (1989), 69 O.R. (2d) 189 (C.A.)
11. *Children's Aid Society of the County of Simcoe v. S.*, [2001] O.J. No. 1380 (S.C.J.)
12. *Corbiere v. Canada (Minister of Indian and Northern Affairs)*, [1999] 2 S.C.R. 203
13. *EGALE Canada Inc. v. Canada (Attorney General)* 2001 BCSC 1365
14. *EGALE Canada Inc. v. Canada (Attorney General)* (2003), 13 B.C.L.R. (4th) 1 (C.A.)
15. *Halpern et al v. Attorney General of Canada et al*, [2003] O.J. NO. 2268 (C.A.)
16. *Harper v. Canada (Attorney General)*, [2004] 1 S.C.R. 827

17. *Health Services and Support – Facilities Subsector Bargaining Assn. v. British Columbia*, [2007] 2 S.C.R. 391
18. *Jane Doe v. Toronto (Metropolitan) Commissioners of Police* (1998), 39 O.R. (3d) 487 (Ct.J. (Gen. Div.))
19. *Law v. Canada (Minister of Employment and Immigration)*, [1999] 1 S.C.R. 497
20. *Law Society British Columbia v. Andrews*, [1989] 1 S.C.R. 143
21. *Little Sisters Book and Art Emporium v. Canada (Minister of Justice)*, [2000] 2 S.C.R. 1120
22. *M. v. H.*, [1999] 2 S.C.R. 3
23. *New Brunswick (Minister of Health and Community Services) v. G. (J.)*, [1999] 3 S.C.R. 46
24. *Ontario (Attorney General) v. Langer* (1995), 97 C.C.C. (3d) 290
25. *P. (D.) v. S. (C.)*, [1993] 4 S.C.R. 141
26. *R. v. Advance Cutting & Coring Ltd.*, [2001] 3 S.C.R. 209
27. *R. v. B.E.* (1999), 139 C.C.C. (3d) 100 (Ont. C.A.)
28. *R. v. C.A.M.* [1996] 1 S.C.R. 500
29. *R. v. C.J.F.* (1996), 105 C.C.C. (3d) 435 (N.S.C.A.)
30. *R. v. Clay*, [2003] 3 S.C.R. 735
31. *R. v. Ewanchuk*, [1999] 1 S.C.R. 330
32. *R. v. Hall*, [2003] 3 S.C.R. 309
33. *R. v. Hape*, [2007] 2 S.C.R. 292
34. *R. v. Howard*, [1966] 3 C.C.C. 91 (B.C. Co. Ct.)
35. *R. v. Jobidon*, [1991] 2 S.C.R. 714
36. *R. v. Keegstra*, [1990] 3 S.C.R. 697
37. *R. v. Kharaghani*, 2011 ONSC 836
38. *R. v. Lucas*, [1998] 1 S.C.R. 439

39. *R. v. Proulx*, [2000] 1 S.C.R. 61
40. *R. v. Welch* (1995), 25 O.R. (3d) 665
41. *R. v. Whyte*, [1988] 2 S.C.R. 3
42. *R. v. Wust*, [2000] 1 S.C.R. 455
43. *R. v. Zundel*, [1992] 2 S.C.R. 731
44. *R.B. v. Children's Aid Society of Metropolitan Toronto*, [1995] 1 S.C.R. 315
45. *Re B.C. Motor Vehicle Act*, [1985] 2 S.C.R. 486
46. *Re Church of Scientology and The Queen (No. 6)* (1987), 31 C.C.C. (3d) (Ont. C.A.)
47. Reference re ss. 193 and 195.1(1)(c) of the Criminal Code (Man.), [1990] 1 S.C.R. 1123
48. *RJR – MacDonald Inc. v. Canada (Attorney General)*, [1995] 3 S.C.R. 199
49. *Sauvé v. Canada (Chief Electoral Officer)*, [2002] 3 S.C.R. 519
50. *Smith v. Alliance Pipeline Ltd.* 2011 SCC 7
51. *Suresh v. Canada (Minister of Citizenship and Immigration)*, [2002] 1 S.C.R. 3
52. *Thomson Newspapers Co. v. Canada (Attorney General)*, [1998] 1 S.C.R. 877
53. *Toronto Star Newspapers Ltd. v. Canada* (2009), 94 O.R. (3d) 82 (C.A.)
54. *Toronto Star Newspapers Ltd. v. Canada*, [2010] 1 S.C.R. 721
55. *U.S.A. v. Burns*, [2001] 1 S.C.R. 283
56. *Victoria (City) v. Adams*, 2009 BCCA 563
57. *Winnipeg Child and Family Services v. K.L.W.*, 2000 S.C.C. 48

Secondary Source

58. *Oxford English Dictionary*, 2nd ed. s.v. “conjugal”
59. *Oxford English Dictionary*, 3rd ed. s.v. “polygamy”
60. William Schabas & Stephane Beaulac, *International Human Rights and Canadian Law*, 3rd Ed (Toronto: Carswell, 2007)
61. S. Rosenne, *Practice and Methods of International Law* (New York: Oceana, 1984)