

CANADIAN CIVIL LIBERTIES ASSOCIATION

360 Bloor Street West, Suite 506
Toronto, ON M5S 1X1
Telephone (416) 363-0321
FAX (416) 861-1291
Website: www.ccla.org
E-mail: mail@ccla.org



ASSOCIATION CANADIENNE DES LIBERTES CIVILES

360 rue Bloor Ouest, Suite 506
Toronto, ON M5S 1X1
Téléphone (416) 363-0321
Télécopieur (416) 861-1291
Site Internet: www.ccla.org
Courriel: mail@ccla.org

EXECUTIVE COMMITTEE COMITE EXECUTIF

Past Presidents

Présidente Précédents

THE HON. J. KEILLER MACKAY
(1888-1970)
J. S. MIDANIK, Q.C.
(1920-1997)
JOHN NELLIGAN, Q.C.
HARRY W. ARTHURS
THE HON. WALTER TARNOPOLSKY
(1932-1993)
WALTER PITMAN
SYBIL SHACK
(1911-2004)
THE HON. ALLAN BLAKENEY

President

Présidente

MARSHA HANEN

Vice-presidents

Vice-présidents

JAMIE CAMERON
SUSAN COOPER
GISÉLE CÔTÉ-HARPER, Q.C.
MICHAEL dePENCIER
MARLYS EDWARDH
EDWARD L. GREENSPAN, Q.C.
PATRICIA JACKSON
JOHN D. McCAMUS
DELIA OPEKOKEW
THE HON. HOWARD PAWLEY
KENNETH P. SWAN
DR. JOSEPH WONG

Secretary

Secrétaire

SYDNEY GOLDENBERG

Treasurer

Trésorière

ELAINE SLATER

General Counsel

Avocate Générale

NATHALIE DES ROSIERS

BOARD OF DIRECTORS

CONSEIL D'ADMINISTRATION

FRANK ADDARIO
THE HON. WARREN ALLMAND, Q.C.
BROMLEY ARMSTRONG
THE HON. RONALD ATKY, Q.C.
FRÉDÉRIC BACHAND
JOSEPH BOYDEN
THE HON. EDWARD BROADBENT
LEAH CASSELMAN
THE HON. SAUL CHERNIACK, Q.C.
DOMINIQUE CLÉMENT
JANE COBDEN
MICHAEL CONNER
DR. DEBBY COPES
DAVID CRONENBERG
FERNAND DAOUST
BRIAN A. E. EDY
SUSAN ENG
MEL FINKELSTEIN
ROBERT FULFORD
VICKI GABEREAU
THE HON. CONSTANCE R. GLUBE, Q.C.
KATHERINE GOVIER
LOUIS GREENSPAN
HUSSEIN HAMDANI
SHIRLEY HEAFEY
HARISH JAIN
MAHMUD JAMAL
JANET KEEPING
JOY KOGAWA
ANNE La FOREST
CYRIL LEVITT
ANDREW LOKAN
A. WAYNE MACKAY
KEN MANDZUIK
JON OLIVER
PENELOPE ROWE
PAUL SCHABAS
MARVIN SCHIFF
DAVID SCHNEIDERMAN
ERIC TEED, Q.C.
WALTER THOMPSON
THE VERY REV. LOIS WILSON

Director of Education & Administration
Directrice, Éducation et administration
D. S. McLAUGHLIN

Director, Freedom of Expression Project
Directrice, Project de la liberté d'expression
NOA MENDELSON AVIV

Director, Public Safety Project
Directeur, Project de sécurité publique
GRAEME NORTON

General Counsel Emeritus
Avocat Général Émérite
A. ALAN BOROVOY

September 1, 2009

Regina City Council
2476 Victoria Avenue
PO Box 1790
Regina, SK S4P 3C8

Dear Members of Council:

By Mail

Re: The enforcement of the "Tag Day Bylaw" against panhandlers

We are writing to express the concern of the Canadian Civil Liberties Association (CCLA) regarding the City of Regina's Tag Day Bylaw and its enforcement. The Regina City Bylaw No. 9001 ("Tag Day Bylaw") currently prohibits the solicitation or collection of gifts or charitable donations without a Tag Day permit (sect. 8). We suggest that this provision constitutes a violation of the *Charter of Rights and Freedom* and urge you to repeal or amend the By-Law.

Although the issue of responding adequately to homelessness raises difficult public policy questions, it is quite clear that the use of a penal approach to the issue is inappropriate.

First, courts have found that an absolute prohibition on panhandling infringes freedom of expression. Indeed, as both verbal and visual communication, begging is a powerful form of political expression. Panhandlers provide the public with instant messages about unemployment, homelessness, mental illness, and the shortcomings of government programs designed to deal with these issues. As such, it directly contributes to and stimulates a social dialogue about poverty, and constitutes an important contribution to the free marketplace in ideas.¹

Enforcing laws that prohibit panhandling restricts not only the right of the poor to speak about their situation, but also the opportunities for citizens to receive truths about the society in which they live. As the British Columbia Supreme Court has recognized, "in our society there are people who, for a multiplicity of

¹ Arthur Schafer, *The Expressive Liberty of Beggars*, Canadian Centre for Policy Alternatives (Ottawa: September 2007) online: CCPA <<http://www.policyalternatives.ca/reports/2007/09/ReportsStudies1715/>>; Garson Hunter, "Regina's Ban on Panhandling: Sweeping the Poor and Homeless off the Streets", Social Policy Research Unit, Faculty of Social Work, University of Regina (2009).

