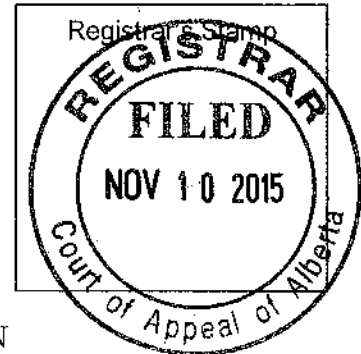


COURT OF APPEAL OF ALBERTA

Form AP-3
[Rule 14.53]

COURT OF APPEAL FILE NUMBER: 1503 0091A
TRIAL COURT FILE NUMBER: 120294731Q1
REGISTRY OFFICE: EDMONTON



APPLICANTS: WOMEN'S LEGAL EDUCATION
AND ACTION FUND INC. &
INSTITUTE FOR THE
ADVANCEMENT OF
ABORIGINAL WOMEN

STATUS ON APPEAL: PROPOSED JOINT INTEVENERS

RESPONDENT: HER MAJESTY THE QUEEN

STATUS ON APPEAL: APPELLANT

RESPONDENT: BRADLEY BARTON

STATUS ON APPEAL: RESPONDENT

DOCUMENT: **JOINT APPLICATION FOR INTERVENER
STATUS**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
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BRADLEY BARTON
In Person

NOTICE TO RESPONDENTS:

**Her Majesty the Queen, Respondent on this
Application (Appellant on Appeal)**

**Bradley Barton, Respondent on this Application
(Respondent on Appeal)**

WARNING

If you do not come to Court on the date and time shown below either in person or by your lawyer, the Court may give the applicant what it wants in your absence. You will be bound by any order that the Court makes. If you intend to rely on other evidence or a memorandum in support of your position when the application is heard or considered, you must file and serve those documents in compliance with the Rules. (Rule 14.41 and 14.43)

NOTICE TO RESPONDENTS:

You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date: November 24, 2015
Time: 9:30 a.m.
Where: Court of Appeal, Edmonton Law Courts, #1A Sir Winston Churchill
Square, Edmonton, Alberta, T5J 0R2
Before: A Single Justice of the Court of Appeal (Rule 14.37)

Nature of Application and Relief Sought:

1. The Women's Legal Education and Action Fund Inc. ("LEAF") and the Institute for the Advancement of Aboriginal Women ("IAAW"), (together the "Proposed Intervenors"), are applying to be joint intervenors in this appeal.
2. The Proposed Intervenors seek an order granting them leave to intervene in this appeal, to file one joint factum of 20 pages or less, and to make oral submissions not exceeding 20 minutes in length, without liability for, or entitlement to, costs. The Proposed Intervenors propose to file their factum on February 5, 2016.

Grounds for making this application:

3. Together, the Proposed Intervenors have significant insight, expertise and experience with respect to the issues raised in this appeal.
4. LEAF has particular expertise and experience in promoting and protecting women's substantive equality, particularly with regards to laws protecting women from sexual assault. To this end, LEAF has been an intervenor in numerous appeals. LEAF has been an intervenor in key Supreme Court of Canada cases and other appeals concerning issues similar to the issues that are before the Court in this appeal.
5. IAAW has special insight into the experiences of Aboriginal women in Alberta, particularly the ways in which Aboriginal women experience violence and the ways in which discriminatory beliefs and biases regarding Aboriginal women perpetuate inequalities. This insight informs IAAW's advocacy and educational initiatives in Alberta and complements LEAF's legal expertise.
6. This appeal raises legal issues regarding sexual assault that transcend the particulars of this case and the Court's decision on those issues will significantly affect the law regarding sexual assault. In particular, the Proposed Intervenors are interested in this appeal because of the precedent it will set and the impact it will have on sexual assault complainants, particularly Aboriginal women engaged in sex work.
7. The Proposed Intervenors seek intervenor status to address the following issues which are encompassed by the grounds of appeal but not fully addressed in the Crown's factum:
 - whether, if a woman consents to a specific sexual activity, she is also consenting, in law, to any degree of force her sex partner chooses to use while performing that activity; and
 - whether it is always incumbent on a trial judge to require an application to be made under s. 276 of the *Criminal Code* before allowing introduction into evidence of a sexual assault complainant's sexual history.

8. The Proposed Interveners' special insight and experience will assist the Court in the resolution of these issues.

Material or evidence to be relied on:

9. The Memorandum of Law and Affidavits of Diane O'Reggio and Muriel Stanley Venne, filed with this application.

Applicable Acts, regulations and rules:

10. Part 14, Divisions 4 and 5, of the *Alberta Rules of Court*, Alta Reg 124/2010, particularly rules 14.37, 14.40, 14.53, 14.54, and 14.58.