

Working Through the Arts

**Building Equitable Relationships with Visual Artists:
A Best Practices Toolkit For Public Galleries & Arts Organizations**



CARFAC
BRITISH COLUMBIA

A four-part toolkit series for visual artists
and those who work with them

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Introduction

The role and responsibility of the visual arts sector to ensure equitable relationships between artists and those hiring them is paramount. Who has the power and access, how are these relationships defined, and what standard is it defined by? What actions are being undertaken to dismantle problematic systems and bring about meaningful change? How is your organization accountable to the artists and communities you serve?

This toolkit is part of a four-part series entitled **Working Through the Arts**, designed by CARFAC BC for visual artists and those who work with them. This document provides guidance and recommendations of best practices for stakeholders such as public galleries, festivals, and other arts organizations whose work involves engaging with visual artists around exhibitions, festivals, fundraising and other events, in order to strengthen our professional relationships and, in turn, increase capacity within our sector in British Columbia. These types of reference materials and guidelines support education and will facilitate ethical interactions, equitable dealings, and healthy and respectful relationships between creators and producers. If your organization's work involves presenting exhibitions, festivals, fundraisers or other events that involve the work of visual artists, this toolkit is for you.

Part of CARFAC's role in advocating on behalf of artists nationally means bringing to the forefront current issues facing artists, including power imbalances in relationships between presenters and creators, inequitable compensation, and a lack of awareness of standards of fair dealings. This

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About CARFAC BC

As the collective voice for professional artists in British Columbia, CARFAC BC represents the interests of visual and media artists across all regions of the province: we are artists working for artists. We are committed to the advancement of the visual arts, artists, and artistic practice in our province. CARFAC is founded on the principles of fair compensation and respect for artists, promoting and advocating for a socio-economic climate conducive to the production of visual arts. We believe that artists, like professionals in other fields, should be paid for their work and share equitably in profits from their work. We value and respect all artists, their rights, their art forms and their cultural diversity. We have a strong commitment to public understanding, awareness and appreciation of artists.

CARFAC BC gratefully acknowledges the financial support of this project by the BC Arts Council.



toolkit can help you to work towards more ethical relationships with the artists you work with, providing you with recommendations on fair dealings including fee guidance, reducing barriers to access and participation by artists, diversifying opportunities, and adapting to the changing cultural climate.

These toolkits are intended as living documents which will help to inform future development of a more formalized Best Practices / Industry Standards guidelines for visual arts, media arts, and the craft sector in British Columbia. As the British Columbia regional chapter, CARFAC BC represents the interests of visual and media artists across all regions of the province: we are artists working for artists.

Paying the Artist

If you're planning to engage the services of a visual or media artist, it's important to understand the baseline of payable fees for their work and to plan to pay accordingly.

A note about those considering asking creative professionals to work for free: please don't do it. Suggesting that someone work "for exposure" undermines not only the artist's ability, services, and time, but the value of all artists. Keep in mind the power dynamic that exists between institution and artist in fee negotiations, and the end of an exhibition when discussing acquisitions and acquiring a piece, or in regards to seeking donations for auctions and fundraisers.

Visual and media artists have economic rights protected in the Copyright Act, which are payable as royalties. Often known as "artist fees", **payment for the use of an artist's copyright is, in fact, a royalty**. This includes payments for the use of an artist's work in an exhibition, reproduction, or other digital uses. These royalties may be paid directly to the artist, or through a copyright collective or film/video distributor. Most public funders require that museums and public galleries pay royalties and fees according to our guidelines. Professional services fees for presentations, workshops, writing, etc. are not royalties; they are compensation for an artist's time and labour only, and only pertain to work carried out by an artist, as an artist.

Minimum Fee Schedule Overview

The **CARFAC-RAAV Minimum Recommended Fee Schedule** is widely recognized as the national standard for remuneration of visual and media artists in Canada, and can be understood as a minimum wage for artists by setting the minimum recommended rates for the use of artwork and certain services that visual artists provide. These payments include royalties for the exhibition and reproduction of an artist's work, as well as various professional services fees.

Canadian Copyright laws provide artists with the right to be paid for exhibitions and reproductions, and most public funders require that museums and public galleries pay royalties and fees according to our guidelines. The payment of the Exhibition Right for the public exhibition of artistic production

became part of federal copyright law in 1988. The Exhibition Fee only applies when the artwork shown is not being actively presented for sale or hire.

When exhibitions, festivals, or other arts events include an artist's talk, a hands-on workshop, or provide a catalogue, refer to the Fee Schedule for guidance with rates for Professional Fees and for Reproductions.

CARFAC and RAAV update these fee schedules yearly through negotiation and usage, while reflecting increases in the cost of living.

What does the Fee Schedule apply to?

- If an artwork is exhibited in a public gallery where the work is not for sale, the artist should be paid a royalty.
- If an artwork is reproduced in a book or on a website, etc. the artist should receive a royalty.
- If an artist is asked to give a presentation, speak on a panel, write an artist statement, install their work, etc., they should be paid a fee for those services.

To help find rates that apply to specific situations, the Minimum Fee Schedule has four sections:

- Section 1 – Exhibition and Screening Royalty Schedule (royalties paid for the use of artists' work in public exhibitions, festivals, and screenings where the work is not offered for sale or hire)
- Section 2 – Reproduction Royalty Schedule – Non-commercial, Non-advertising (royalties paid for reproductions made of artworks for non-commercial, non-advertising purposes; ie. as a work of art)
- Section 3 – Reproduction Royalty Schedule – Commercial and Advertising (royalties paid when work is reproduced in conjunction with a product or institution)
- Section 4 – Artist Professional Services Fee Schedule (compensation that an artist receives for presentation or consultation services, participation on a jury, installing artwork, writing tasks, or preparation of support for an exhibition)

See the Minimum Fee Schedule at <https://carfac-raav.ca/>

Copyright Visual Arts negotiate copyright licenses on behalf of their affiliated members, and their rates sometimes differ slightly from CARFAC Fees. Learn more, and contact them for details:

<https://www.cova-daav.ca/en/>.

Budgeting to Pay Artists

Funding for public galleries is often contingent on the payment of fees in line with CARFAC rates, so the Fee Schedule can help when planning your budget. The Fee Schedule recognizes differences in scale of

the various institutions it serves, and small museums, exhibition centers, artist-run centers, cultural publications, etc., benefit from these categories.

We encourage galleries and arts organizations to provide a letter congratulating exhibiting artists on their exhibition, noting that the fee meets CARFAC recommended rates, and urges them to support CARFAC by joining as a member. See **Appendix A** for a sample letter template.

We Have a Limited Budget... Where Do We Start?

Your small organization may acknowledge that you should be paying CARFAC fees, but are not yet in a financial position to pay the recommended amount as outlined in the Fee Schedule. Here are some things for community arts council galleries and smaller arts organizations that receive little or no public funding to consider when planning to work with visual artists:

CARFAC encourages community arts council galleries and smaller spaces that receive little or no public funding, and smaller arts organizations, to:

- Start by paying honoraria and not requiring membership fees for exhibition in the gallery;
- Set budgetary goals to increase honoraria over time until they align with CARFAC rates, ensuring to factor in fees for things like installation, consultation, compensation for educational materials that artists' work is referenced in, speaking fees, etc.
- Some galleries also budget to cover the accommodations, meals and travel costs of visiting artists;
- Seek sponsors or in-kind donations, or set up a fund to pay CARFAC fees on a regular basis;
- Plan ahead and apply for grants;
- Lobby your MLA and the provincial Minister of Tourism, Arts, Culture, and Sport for adequate funding.

Note that CARFAC has never asked funding agencies to make fees contingent on the size or condition of a gallery space, e.g. climate controls, lighting, wall materials, etc.

In all cases, CARFAC recommends that galleries pay artists their fees by the opening date and the negotiation of all terms, including acquisitions, promotions, or donations far ahead of the exhibition. CARFAC also recommends the use of written contracts whenever possible. For model contracts, we recommend CARFAC Ontario's publication: <https://www.carfacontario.ca/Artists-Contracts>.

Recommended Fees for Online and Hybrid Content

COVID-19 has changed the ways in which the arts have traditionally been accessible to audiences, forcing us to make plans for online and hybrid programming. CARFAC, RAAV, and Copyright Visual Arts developed Recommended Practices for paying artists during the COVID-19 crisis, which were designed to help the visual and media arts community establish standard procedures for paying artists for

cancelled opportunities and new online engagements. As we move beyond pandemic closures, these updates to the Fee Schedule can help to guide organizations as they plan engagement strategies going forward.

The Fee Schedule now includes payment guidelines for **digital** exhibitions, screenings, artist talks, and presentations.

Rates are now provided for:

- A virtual exhibition or digital screening that exists only online, in a non-commercial context
- A virtual visit/tour by a curator or gallery staff of a temporary exhibition
- A virtual visit/tour by a curator or gallery staff of highlights from the permanent collection
- A virtual artist talk
- Digital reproductions

Fees apply if the organization or institutional host organizes, records, and promotes the presentation, and additional royalties may be payable if the presentation includes fully immersive, 3D, or virtual reality components. Remember that use of imagery for promotions includes use on social media; this means that images shared on your social channels should be copyrighted and the artist is being compensated.

Visit <https://carfac-raav.ca/recommended-practices-for-paying-artists-during-the-covid-19-crisis/>.

We encourage presenters who have the resources to consider planning the addition of online content, including exhibitions, screenings, and presentations as a contingency plan, or to supplement their growing digital strategy plan for public engagement going forward.

Opening Up the Arts

Diversifying Support and Opportunities For Artists

For organizations who work with artists, improving opportunities for them to engage with you and to develop their practice will help strengthen your community and the sector. Examples may include providing specific residencies, or exhibition opportunities that fall outside of traditional or government funding models for artists, considering how you can reduce barriers to access through grants or subsidies (e.g. providing childcare as an added support for exhibiting artists, similar to the ways that shipping or travel may be covered). It also can include returning agency to artists in communities by welcoming programming input and helping to fund artist-run initiatives.

Consider if or how your organization holds space for and amplifies the perspectives of artists who have historically been marginalized, excluded, and underrepresented by galleries and institutions, and take

meaningful steps to do better. Trust must be built and earned through a process of meaningful consultation and thoughtful change in order to deepen relationships with the community; these relationships are built over time. Keep in mind the phrase “nothing about us without us.”

Creative Space/Placemaking and Inclusivity

It has never been more important to create, adapt, and maintain inclusive, accessible, safe, and approachable spaces that reflect the needs and demographics of the community, including artists who are Indigenous, Black, POC, LGBTQIA2S+, D/deaf or disabled, from other marginalized or underrepresented communities, and from all economic backgrounds and with all levels of education. The COVID-19 pandemic has also brought to light the challenges of access to the typical arts spaces and forced many to think about alternative modes of connecting with artists and audiences.

Organizations and institutions in service of the arts community should be conscious of the physical, social, and economic barriers to participation that may exist within their current structures which prevent inclusivity and accessibility of their programs and services to artists and community members. This extends beyond the physical spaces that we occupy and includes online environments, and the culture that is cultivated within organizations by boards of directors, advisory committees, and staff of arts organizations.

The current momentum around amplifying Indigenous and Black voices and standing against racism and oppression in all of its forms needs to happen every day through ongoing commitments. Inclusivity goes beyond checking ‘diversity boxes’.

Many arts organizations have been exploring ways to redress historical wrongs and to remove barriers that may prevent equity-seeking artists from participating fully in their programs. A fully engaged organization’s Board, staff, audiences and exhibiting artists will reflect the diversity of one’s community in every way possible. This can take a long time to achieve. Organizations whose members take care to build and expand their own deep, genuine personal relationships with a wide range of representatives from diverse communities are most likely to attract a similarly diverse range of Board members, staff, artists and audiences. Organic, incremental change may be slower, but it has a high chance of success.

Provincial funding may be available to assist your non-profit organization with training, workshops, job placements, mentorships and other ways to assist your organization’s work in relation to justice, equity, diversity, and inclusion. Here are some further recommendations:

- Establish an internal policy around diversity, and share the steps you’re taking publicly;
- Make cultural sensitivity training a requirement for staff, board, and volunteers;
- Program diversity and responding to community needs and interests.

It has become more relevant than ever to make use of different spaces outside of the dominant ‘white cube’ as a display strategy so often associated with visual arts. For visual artists, the traditional white walled gallery space has often been the default. As our province and country go through different processes of decolonization, dismantling systems of oppression, relearning, and expanding the ways that we think about culture, it is useful to question the role that the ways we present artwork has in this process.

How can your organization accommodate artists when physical spaces aren’t accessible or available? When the community was suddenly unable to interact in physical spaces due to the COVID-19 pandemic, artists and arts workers with access, knowledge, and the means to do so sought new ways to engage with audiences digitally. Considering hybrid programming options has become more important than ever – but many individuals and communities across the province face barriers, such as unreliable or limited access to internet service or bandwidth, access to the knowledge, skills and tools needed to take their work online; financial, geographical, physical, mental, or cognitive barriers, and socio-cultural barriers.

Reducing Barriers to Submissions and Artist Participation

Calls for artists can be a great way to really engage with artist communities compared to the often gatekeeping curatorial process. Reducing barriers to access also includes considering the way you invite artists to submit proposals, and how they navigate interactions with your organization in person and online. An open call for submissions doesn’t mean it’s accessible to everyone. Barriers to accessing and responding to a call for artists may include disability, language, writing ability, or time to write a proposal – especially considering applicants are not being paid for their time to write a submission. The following are some suggestions to make your next call for artists more accessible.

Provide guidance to accompany calls for submissions to reduce barriers to participation/applications. Artists are expected to know what a large digital image is, to know how to document work effectively, understand what an artist statement is vs. an artist bio, etc. Consider offering a workshop or information session to assist artists in navigating an application for the first time. (e.g. grunt gallery: <https://grunt.ca/submissions>; City of Vancouver’s Artist Studio Award Program: <https://vancouver.ca/people-programs/artist-studio-award-program.aspx> and recording https://www.youtube.com/watch?v=HVOC_W66Ujs)

Most gallery websites have a page with information about submissions. Basic details to include are:

- Mandate of the gallery;
- CV, artist statement, proposal (maximum word length);
- Number of images required, optimum resolution, file format, naming convention;
- Deadline for submissions (ongoing or annual date);

- Whether or not you pay CARFAC fees;
- Selection by committee or curator;
- Submission or membership fee;
- Whether or not you use a written agreement;
- Whether framing is supplied or not;
- Whether you cover shipping (one-way or both), travel, and installation;
- Insurance coverage;
- Host opening;
- Artist's talk at opening or another date or not at all (fee paid?);
- Promotion organized by gallery or the artist;
- Percentage of commission charged on sales;
- Floor plan and elevations of the space, along with further accessibility details.

By providing this information, galleries are less likely to waste time reviewing submissions that do not fit their mandate or from artists who may not agree to their terms.

Calls for Entry, program descriptions, catalogues and other publications that contain a high percentage of “artspeak” or academic language may be alienating to artists and potential audiences. Ensure you engage an editor who can proofread your materials and edit for clarity in order to make materials more accessible and attract and engage a wider audience.

Systemic Change

Representation

This is a crucial time for conversations in a professional art context around matters of equity, diversity, inclusion, and social justice within institutions and non-profit organizations, especially considering the power dynamics involved when working with artists.

This topic requires deeper discussion than this toolkit permits, however we encourage all arts organizations—particularly those which are white-led—to consider the ways in which they can improve access, diversity, and inclusivity within the structure of their organization (e.g. staff, board, volunteers), as well as in relation to the artists and the community that you serve. Aim to reflect the diversity of your community within your space and programming in every way possible. Strategic planning, budget considerations, as well as staff and board training (e.g. anti-oppression and unconscious bias courses) may be necessary to take steps towards decolonizing your organization and making your operations more equitable. Consider how you can address this process in your organization's annual reporting. Additionally, consider how your organization can undertake anti-oppression work without causing further trauma to equity-seeking artists and community members.

Commit to increasing the percentage of representation of Indigenous, Black, POC, LGBTQIA2S, D/deaf and disabled artists, and other equity-seeking artists in your programming. This extends beyond the gallery walls, and includes instructors of classes, consultants, staff, volunteers and board members, as well representation in your gift shop, if you have one.

Many galleries and gift shops have been called out in recent years for selling fraudulent Indigenous artworks created by non-Indigenous artists, often appropriated for profit and created from designs taken without permission. Museums and art galleries are accountable for the products they sell in their shops and must ensure they are authentically Indigenous in order to curb cultural appropriation. Researching products to verify authenticity helps Indigenous artists to protect and maintain control over their artwork, and to ensure that the sale benefits artists, as well as their respective communities.

Building Relationships with Indigenous Artists and Communities

Compulsory land acknowledgements and statements of solidarity with local Indigenous groups are not enough to create support or equality within the arts and culture sectors. Hiring an Indigenous person or inviting an Indigenous person to participate in a steering committee is not enough to check the box; inviting an Indigenous person to sit with your organization and/or local governing bodies to engage or consult on a lower level where input is limited is not enough to change the landscape. A difficult and inevitably uncomfortable discussion and education process must be undertaken. Taking the first step in engagement with Indigenous groups at all levels must be the starting point, but it is certainly not the only step that must happen. A true acknowledgement of systemic racism must be an initiating point, a process of inclusivity of the Indigenous groups in assisting with the re-evaluating and restructuring of your governance and policies, to educate on and determine the level of contribution your structures have in the upholding of the systemic racism within the arts and culture sector.

A cultural shift must be initiated by colonial structures through their acknowledgement of their own role in the construction of systemic racism, their acknowledgement and ownership of privilege, ignorance, and complacency that has led to the propping up of the system. It is the process of acknowledgement and ownership that can then open the opportunity for a growing and living process of building trust with local Indigenous groups. Once trust is established, an ongoing process of engagement, consultation, and co-facilitation can take place with Indigenous groups.

One step further and one step that is necessary to the furthering of building strong, equitable and inclusive relationships is to move beyond the initial engagement and invitation to the table of Indigenous groups, and towards restructuring the organizational framework to reach a level of integrated work spaces within the arts and culture sectors. Additionally, ongoing Indigenous-led cultural safety and sensitivity training should be provided to staff and board members to ensure the working environment is a safe space free of bias and racism. Accountability is a necessary action.

The Truth and Reconciliation Commission's Final Report contains 94 Calls To Action to redress the legacy of residential schools and advance Reconciliation. It also includes an important history of the impact of these schools on First Nations, Inuit and Métis people. One can access the reports here: <https://nctr.ca/reports2.php>. We encourage you to use this document as a guide to implement your organization's own goals for reconciliation, and to build relationships by regularly consulting with and working with local First Nations and elders to address priority issues in your region.

Additional Resources

Find additional resources on these topics and more at <https://carfacbc.org/>.

Appendix A

Sample letter from a gallery to an artist, congratulating them on their exhibition, noting that the fee paid meets CARFAC rates, and encouraging them to support CARFAC by joining.

[Gallery letterhead and date]

Dear _____:

Congratulations on your exhibition at _____ [Gallery name]! We hope it is a fruitful and rewarding experience for you.

The Artist's Fee you are receiving for your exhibition is the result of decades of work by CARFAC since its formation in 1968. In 1990, the Exhibition Right, known as "the CARFAC Fee," was enshrined in Canadian Copyright legislation.

Without CARFAC, artists would not receive exhibition fees. Without members, CARFAC would not exist.

With a bigger membership base, CARFAC can build on the significant gains it has won for Canadian artists, such as the Supreme Court victory against the National Gallery concerning the negotiation of exhibition fee scales.

Recently CARFAC has been campaigning for the Artist's Resale Right (ARR), which gives artists in over 70 countries a percentage of the resale of their works at auction (not private sales). This would greatly benefit First Nations, Métis and Inuit artists who may have sold works at low prices early in their careers, as well as benefiting many senior artists.

An affiliate of the national organization, CARFAC BC currently operates with a single part-time staff member. The volunteer Board is made up entirely of working artists and the organization receives no operating funding. Through its relationship with other arts services and coalitions in British Columbia and across the country, CARFAC BC is able to work on joint advocacy initiatives and education programs to support the arts and cultural sector.

Artists have a better chance to improve conditions for all artists in BC by working together. Our gallery supports the advocacy efforts of CARFAC and encourages you to join or renew your membership:

<http://www.carfacbc.org/join/>

Sincerely,

[Name]

[Curator, Director or President]

Acknowledgements

Content of the ***Working Through the Arts*** toolkit series was developed in consultation with emerging, mid-career, and established arts professionals, including artists, gallerists, curators, arts administrators, and policy makers throughout British Columbia, and was informed by many supporting materials. We were aided by advisory notes developed by CARFAC National and provincial affiliates, CARFAC BC's e-book [Artists Talk: A Practical Guide to Emerging as an Artist in Canada](#), [CARFAC – RAAV Minimum Copyright and Professional Fee Schedule](#), as well as Best Practices policies developed by CARFAC National, RAAV, CARFAC Saskatchewan ([Developing Best Practices for the Saskatchewan Visual Arts and Craft Sector](#)), CARFAC Alberta ([Best Practices for Craft, Media, and Visual Artists](#)), CARFAC Maritimes ([Best Practices in Visual Arts, Media and Crafts in Nova Scotia, New Brunswick, and Prince Edward Island](#)) and CARFAC Ontario.

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Join Us!

Consider joining CARFAC BC as a member to access a range of benefits and to help us to continue to advocate for visual artists in British Columbia. In addition to professional artist memberships, student, senior, associate, institution, and corporate memberships



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are also available. United, we are stronger, and we can ensure our collective voice advocating for visual artists is heard on a regional and national level.

While CARFAC BC's office is situated on the unceded and ancestral territories of the Coast Salish Peoples, including the x^wməθkwə'yəm (Musqueam), Skwxwú7mesh (Squamish), and Səlílwətał (Tsleil-Waututh) Nations, we acknowledge that our work in support of artists takes place on the lands of many Nations throughout British Columbia. We acknowledge the strong and diverse Indigenous communities across the province and offer our respect and gratitude for their ancestral and current stewardship of these lands and waterways.

Learn more about CARFAC BC at www.carfacbc.org.

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