Cross-Canada\nFREE EXPRESSION REPORTS

BRITISH COLUMBIA
- Poor record keeping leads to failure to respond to information requests

In September 2012, the B.C. Freedom of Information and Privacy Association filed a complaint with Information and Privacy Commissioner Elizabeth Denham, arguing that the province may be failing to keep proper records. The organization suggested this was done so that there would be no need to fulfill access to information requests. The commissioner then went on record highlighting the province’s overall failure to respond to Freedom of Information requests, noting that the premier’s office fared worst of all departments, with a response of “no records found” returned for 45 per cent of requests. The commissioner highlighted the need for proper record keeping to ensure adequate access to information.

ALBERTA
- Freedom of speech on trial

After 11 years, Alberta’s Court of Appeal dismissed the case of Lund v. Boissoin, regarding an inflammatory, homophobic letter to the editor written by Reverend Stephen Boissoin and sent to a local newspaper in June 2002. A 2008 decision by the Alberta Human Rights and Citizenship Commission upheld Calgary professor Darren Lund’s claim that Boissoin violated the hate speech clause in the province’s Human Rights, Multiculturalism and Citizenship Act. In 2009 however, Boissoin appealed his case in the courts, where a Queen’s Bench judge overturned the ruling. The Alberta Court of Appeal dismissed the case on the grounds that the verdict violated Boissoin’s right to free speech. Presiding over the Lund v. Boissoin decision, Justice Clinton O’Brien concluded: “Freedom of speech does not just protect polite speech.”

SASKATCHEWAN
- Sixty-eight-month ATI request causes a stir

In January 2013, Saskatchewan Information and Privacy Commissioner Gary Dickson called the province out on its poor record in responding to Freedom of Information requests, highlighting a case that has been in the system for more than 68 months. Calling the delay “unconscionable,” the commissioner expressed concerns that Saskatchewan was failing to live up to promises of increased transparency and accountability.

ONTARIO
- Information and Privacy Commissioner asks for councillors to be included in freedom of information laws

Ann Cavoukian, the information and privacy commissioner of Ontario, asked the province in February 2013 to amend municipal Freedom of Information legislation to make city councillors’ records accessible to the public. The communications of most elected officials in Canada are not covered by access to information laws, so this change would be a significant move towards greater transparency in Canadian politics.

MANITOBA
- Company halts protest roadblocks

Mining company HudBay won an injunction on March 20, 2013, preventing the Mathias Colomb Cree Nation from holding future protests involving blockades at the company’s Lalor Lake development site, where protests had been held. HudBay is suing the First Nation over rallies its members held on Jan. 28, 2013, as part of the Idle No More national day of action and on March 5 against the company’s development project.

Chief Arlen Dumas argues that HudBay’s injunction violates freedom of expression laws and the First Nation’s treaty right to protest.

QUEBEC
- Freedom of assembly under attack

In February 2012, Quebec students took to the streets protesting proposed increases to post-secondary tuition. As the protests grew, the National Assembly of Quebec attempted to quell them by passing legislation on May 18, 2012, imposing severe restrictions on the right to public assembly in the province. A coalition of Quebec student groups filed a legal challenge to the bill, but the Quebec Superior Court denied the injunction. Montreal also passed a bylaw that restricted individuals from wearing a mask during a protest. In objection to Bill 78’s passage, Quebec residents joined the students on the streets with pots and pans in “manifs des casseroles” (pot and pan demonstrations). In the September 2012 provincial election, Charest lost his seat and Parti Québécois leader Pauline Marois became premier. Two weeks later, the Parti Québécois voted to dissolve the bill.
NEW BRUNSWICK
■ Push for salary disclosure in Saint John

Saint John councillor Greg Norton began a push in February 2013 for the City to publicly post the salary ranges for all public servants. The City of Fredericton began to post salary ranges for particular municipal jobs on its website after municipalities were folded into New Brunswick’s Right to Information and Protection of Privacy Act, and Norton wants Saint John to follow suit. He believes the move would be a positive step toward increasing transparency and access to information.

NOVA SCOTIA
■ Media coverage leads province to boycott legal proceedings

The Government of Nova Scotia boycotted out-of-court hearings in the class-action lawsuit brought by 140 former residents of Nova Scotia’s Home for Colored Children after Halifax newspaper The Chronicle Herald announced it intended to cover the proceedings. The provincial government is arguing that media should not be present at these hearings, but the law firm representing the claimants is arguing that out-of-court proceedings are a matter of public record. The Chronicle Herald’s lawyer argues that the newspaper serves as a proxy for the public and therefore has a right to be present at any stage of the court process.

PRINCE EDWARD ISLAND
■ Provincial legislature still exempt from ATI

In February 2013, the CBC was denied its request for details of the P.E.I. legislature’s spending. As the legislature is exempt from the province’s Freedom of Information and Protection of Privacy Act, it remains unclear how the $6-million budget is spent. Items under this budget include the offices of the speaker, members of the Legislative Assembly the conflict of interest commissioner and the information and privacy commissioner. There is no appeal process in the P.E.I. access to information system.

NEWFOUNDLAND & LABRADOR
■ Draconian law restricts access to information

In June 2012, Newfoundland passed Bill 29, an amendment to the province’s Access to Information legislation. This grants officials the ability to refuse frivolous or trivial ATI requests and those considered to be in bad faith, and includes increased exemptions for cabinet records and cabinet ministers’ briefing notes for five years. The Canadian Association of Journalists called the changes “draconian,” and Newspapers Canada described the bill as Canada’s “biggest setback” in access to information in 2012.

YUKON
■ Long-awaited report on whistleblower protection

In December 2012, an all-party committee produced a report on ways to implement whistleblower protection for the territory’s government employees. The report, which took 10 years to produce, recommends protection from threats or reprisals for whistleblowers.

This report has yet to be translated to legislation.

NUNAVUT
■ Mandatory training for radio announcers

Beginning as early as June 2013, radio announcers in Nunavut will be required to take a training course before going on air. The requirement resulted from numerous complaints from community members to mayors’ offices and the Canadian Radio-television and Telecommunications Commission (CRTC) that certain broadcasts featured slanderous and obscene language.

■ Access to the Internet

Quality Internet access is a challenge for Canada’s northern communities, as connections remain slow and unreliable. In Nunavut, the government instituted a ban on Facebook and YouTube in schools to save on limited bandwidth. Similarly, a lack of adequate bandwidth caused Yukon College to cancel its video conference classes in smaller communities, despite the school’s attempts to increase its use of technologies to attract more students.

Special thanks to CJFE’s Regional Monitors for submitting these stories and tracking important free expression issues across the country.

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