

# CROSS-CANADA FREE EXPRESSION REPORTS

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## YUKON

### NEWSPAPER SUES ANOTHER MEDIA OUTLET TO DISCLOSE SOURCE

CBC journalist Nancy Thomson's fears about having to disclose her sources were allayed when she came to an agreement with *Yukon News* in March 2011. Both parties are keeping details of the settlement confidential. A doctor is suing the newspaper for defamation related to an editorial it published in 2004 about Thomson's investigative report on the spike in drug abuse in Watson Lake, Yukon. *Yukon News* said it needed Thomson's sources to defend itself, prompting what may have been the first case of one media outlet suing another over journalist-source confidentiality.



### FREE EXPRESSION RESTORED AFTER 2010 VANCOUVER GAMES

In 2007, the Canadian government passed Bill C-47: *The Olympic and Paralympic Marks Act*, giving organizers exclusive rights over the use of its trademarks and words associated with the Games. The following words were copyrighted by organizers and sponsors between Dec. 17, 2007, and Dec. 31, 2010:

GAMES • 2010 • TENTH • MEDALS  
VANCOUVER • 21<sup>ST</sup> • WINTER • GOLD  
SPONSOR • WHISTLER

Intended to prevent exploitative ambush marketing by non-sponsors, the Vancouver Organizing Committee for the 2010 Olympic and Paralympic Winter Games (VANOC) estimates it handled more than 3,200 cases related to the *Act*, most of which were resolved without publicity.

## BRITISH COLUMBIA

### COURT FILE ACCESS IMPROVED

New access policies released in February 2011 by B.C. courts made all documents under publication bans available to the public, with the onus on the individual or media outlet not to publish. These changes emerged after an investigation by Victoria-based *Times Colonist* raised concerns about inconsistent access practices and an outdated policy that authorized withholding of entire files when a ban protects a name or selected information.

### COURT APPEAL TO KEEP SOURCE CONFIDENTIAL

The *Province* is appealing a December 2010 ruling by the Supreme Court of B.C. that ordered its reporter, Elaine O'Connor, to reveal the source who gave her a report in 2007 alleging Liberal party MP Blair Wilson violated *Canada Elections Act* rules. Wilson was asked to resign from the party after the newspaper published an article about him in October 2007. He is suing for defamation.

## ALBERTA

### NEO-NAZISM IN CALGARY

The leader of neo-Nazi group Blood and Honour, Kyle McKee, was sentenced to 60 days in jail in March 2011 for what the Crown prosecutor called "racist motivated threats" against communist and anti-racist activist Jason Devine. McKee made threats alluding to an attack on Devine at his home in November 2010, for which no charges have been laid. Calgary has the highest hate crimes rate in the country.

## SASKATCHEWAN

### DISSOLVING HUMAN RIGHTS TRIBUNALS

The justice minister of Saskatchewan announced in April 2010 that the provincial government was in discussions with the province's Human Rights Commission in regards to dissolving the Human Rights Tribunal. Cases would instead go before the Court of Queen's Bench. An NDP justice critic believes the government is reacting to previous tribunal rulings not in its favour. Concerns have also been raised about individuals having to pay legal fees to defend their rights in court.

## MANITOBA

### 92.9 KICK FM LOSES CONTROVERSIAL HOST

A controversial radio host in Winnipeg was silenced when “The Great Canadian Talk Show” was cancelled from Red River College’s 92.9 Kick FM in November 2010. Host Marty Gold and his listeners maintain that this is a free speech issue, and claim that the college was pressured to cancel the show by the *Winnipeg Free Press*—a publication that Gold has criticized on several occasions. The college claims the cancellation was part of a wider restructuring process.

### CRIMINAL LIBEL COMPLAINT AGAINST CBC JOURNALISTS

In April 2011, fashion titan Peter Nygård took an unprecedented step in filing a criminal libel complaint against three CBC journalists. Criminal libel is a rarely used section of the *Criminal Code*—if found guilty, the accused faces a possible prison sentence, whereas in civil libel cases the plaintiff sues for damages. Nygård claims there is an international conspiracy to discredit him and alleges the journalists defamed him in a documentary broadcast that depicted him as an abusive boss. The CBC’s lawyer is seeking to have the case dismissed on ground of being frivolous, claiming Nygård is seeking immunity from the public eye.

## ONTARIO

### PROTESTER ARRESTED AT POLICE FUNERAL

In January 2011, a lone protester stood with a sign at the funeral procession for Sgt. Ryan Russell in Toronto. The sign read “Soldiers Die, Electricians Die and People Die” on one side, and “No Police State” on the other. The protester, Eric Brazau, says he was handcuffed and taken away by police after someone tripped him. The police stated Brazau was arrested for breaching the peace and because of an altercation with a bystander. He was released without charges a few hours later.

### SECURITY CONCERNS HINDER FREE SPEECH AT ACADEMIC INSTITUTIONS

A speech by conservative American lawyer and writer Ann Coulter at the University of Ottawa was cancelled in March 2010 due to alleged security concerns, including fears for her safety. Earlier, Coulter had also received a private and polite letter from the provost of the university, which highlighted Canadian hate speech legislation. Security concerns also hindered events involving controversial figures Norman Finklestein and Christie Blatchford at other Ontario academic institutions in 2010.

## NUNAVUT

### WHISTLEBLOWING FIRE MARSHAL DISMISSED

Tony Noakes Jr., Nunavut’s former fire marshal, was dismissed by the Government of Nunavut just before his one-year probation period ended. Noakes informed reporters that he had been told he would be fired after raising questions about the safety of several buildings, including the Baffin Correctional Centre. Built to hold 48 inmates, the centre held a record 102 inmates in May 2010. The same month, days before his dismissal, Noakes had filed a complaint with the RCMP about conditions at the jail.

## QUEBEC

### QUEBEC MAY DISTINGUISH BETWEEN PROFESSIONAL AND AMATEUR JOURNALISTS

Quebec’s culture minister commissioned a study on strategies to strengthen the province’s media, which was released in February 2011. Among the 51 recommendations was mandatory membership to the Quebec Press Council for all news organizations, creating a body to accredit professional journalists and demanding language testing for those seeking accreditation. The accreditation would create a distinction between professional journalists and amateurs. The report did not suggest what criteria would be used.

### UNION TESTS QUEBEC’S ANTI-SLAPP LEGISLATION

*Le Journal de Montréal’s* workers’ union (STIJM) filed an anti-SLAPP petition (strategic lawsuit against public participation) against the journal’s owner, Quebecor, in December 2010. Quebec’s anti-SLAPP legislation challenges lawsuits that are intended to intimidate and silence critics with the cost of legal defence. Quebecor sought \$125,000 in compensation for defamatory statements allegedly made by a member of the union. Quebec is the only province with this type of legislation in place.

## NEWFOUNDLAND & LABRADOR

### STRENGTHENING WHISTLEBLOWER PROTECTION

In March 2011, St. John’s city councillors were informed that the city’s legal department was analyzing a draft bylaw that would give more protection to whistleblowers. The bylaw is meant to improve the city’s policy and strengthen existing protections. Councillor Danny Breen said the change was not driven by a specific event. The new bylaw will be voted on in council.

## NOVA SCOTIA

### NEW BILL RESTRICTS INTERVIEWS ABOUT PATIENT CARE

Nova Scotia’s strict new Bill 89 could slap journalists with a \$10,000 fine or six months in jail for simply asking about a patient’s health care. Created to protect patient confidentiality, the law requires explicit consent before any inquiry can be made. In a critical assessment submitted to the Nova Scotia Legislative Assembly in December 2010, University of King’s College journalism professor Fred Vallance-Jones said the bill could hinder media investigations into matters of public interest.

## NEW BRUNSWICK

### LIBELLOUS COMMENTS ONLINE

In June 2010, a provincial judge ordered the Moncton daily *Times & Transcript* to disclose the identity of an individual whose online comments were deemed potentially libellous. The newspaper had refused to reveal the identity of the anonymous poster. This decision appears to be part of a growing trend of judges ordering newspapers to reveal anonymous posters in defamation cases. 🍁

