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February 8, 2016

Via Email: cheryl.oates@gov.ab.ca

Attention: Cheryl Oates

Director, Communications, Press Secretary
Executive Branch
202 Legislature Building
10800 - 97 Avenue
Edmonton, AB T5K 2B6

Dear Ms. Oates:

RE: Rebel Media

We are legal counsel to The Rebel News Network Ltd. ("The Rebel"), a national online news organization. The Rebel has informed us of a disconcerting series of recent events.

First event - 29 January 2016 – Ejection from media lock-up

Holly Nicholas attended the media lock-up for the royalty review announcement. She showed her ID and press badge, identified herself as a reporter for The Rebel, and was admitted to the lock-up. Over an hour later, a government staff member approached Ms. Nicholas and asked if she was with The Rebel. When Ms. Nicholas said "yes", he demanded that she leave, along with Sheila Reid, another reporter for the Rebel who had just arrived, stating that the event was for accredited media only and that The Rebel were not welcome at the media lock-up.

Second event - 29 January 2016 – Removal from the Hyatt

Later that day, Ms. Nicholas and Ms. Reid were in the common area with many other press members. Ms. Reid inquired about entering the stakeholders' room to interview industry stakeholders. A government staff member, who identified herself as Marcella Munro, informed Ms. Reid that not only would she not be allowed to interview stakeholders, but that she and Ms. Nicholas had to leave the common area.

The Rebel had arranged an interview with some industry stakeholders. Due to their removal from the floor, without explanation, the reporters for The Rebel were unable to conduct the interview.

Third event - 3 February 2016 – Refusal to allow access to the Legislature

In order to avoid a similar occurrence at the joint press conference with Premier Notley and Prime Minister Trudeau (the “Conference”), The Rebel asked Darcy Henton (Press Gallery President at the Alberta Legislature) what was required for The Rebel to work in the Legislature’s press gallery. Mr. Henton confirmed that no accreditation was necessary other than being working journalists. The long-standing and accepted practice is to allow any news organization to attend.

Ms. Reid attended the Legislature on 3 February 2016 for the Conference. She identified herself to the security check-in desk as a reporter for The Rebel, per Mr. Henton’s advice. She was informed that The Rebel was on a “no-go” list. When asked why, it was indicated that this order came from the Premier’s office. Ms. Reid requested an explanation. A government staff member came out and asked if she had accreditation. Ms. Reid attempted to describe what Mr. Henton had said, but without allowing her to finish, and without explanation, he instructed a sheriff to escort her off of the property and walked away.

Concerns

These events suggest a concerted effort to prevent The Rebel’s reporters from attending media events dealing with matters of public interest. A greater concern is that no explanation was given for their removal, despite requests from The Rebel’s reporters.

The law in Canada constitutionally guarantees a right to freedom of expression. There is no free speech without free access to information. Free access to information cannot occur when a government restricts who is allowed to receive the information.

The treatment of The Rebel, as described above, is not consistent with these constitutional values.

Our client is concerned that these decisions appear to be based on political considerations, which, naturally, is not a constitutionally viable basis upon which to ban or restrict the lawful activities of media organizations.

Request

Our client deeply values freedom of expression and is prepared to resort to the courts if necessary. However, our client’s primary goal is to ensure that such treatment will not re-

occur. Our client is willing to forego legal action if your office provides written confirmation that:

- a) The reporters for The Rebel should not have been excluded from these events, and
- b) The Government of Alberta will ensure that The Rebel will not be excluded from future media events.

Our client's hope is that the Government of Alberta will continue to not only espouse, but also practice openness and transparency, and show that it values free expression by allowing members of the media to attend important political events, regardless of who their employer is.

We request a reply by February 12, 2016. We look forward to your response.

Yours truly,

REYNOLDS MIRTH RICHARDS & FARMER LLP

PER:



FRED KOZAK, Q.C.
FSK/njwt