

Publisher's Note

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Rossiter

Law of Publication Bans, Private Hearings and Sealing Orders

As the Internet allows information to be instantly disseminated on a global scale, new questions about the need for and effectiveness of publication bans are arising. This book is the only work that provides a comprehensive review of the relevant statutory provisions and common law principles relating to publication bans in Canada. This resource also covers restrictions on access to courts and court information by the public and media.

This release features updates to the case law and commentary in the following chapters: 1 (Open Courts and Freedom of Expression), 2 (Common Law Bans and Access Restrictions), 3 (Civil Courts), 4 (Crime), 5 (Youth Crime), 6 (Family), 8 (Practice and Procedure), and 9 (Television and Other Electronic Access).

Post-Highlights

- **Open Courts and Freedom of Expression – Openness and Freedom of Expression – Openness – Practical Limits on Open Courts** – The convicted man sought a new jury trial on the basis that audiotapes played at trial as evidence could not be heard by everyone present, which contradicted the public nature of the trial. Saskatchewan's Court of Appeal rejected this argument after having found there to have been neither prohibition on who could be present in the public gallery to hear the evidence nor denial of access that might underlie an

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argument of the trial having been closed to the public: *R. v. Nicholson*, 2018 SKCA 62, 2018 CarswellSask 374 (Sask. C.A.).

- **Civil Courts – Administrative Tribunals – Openness of Administrative Tribunals versus Privacy Statutes** – The media sought access to adjudicative records of certain provincially-created administrative tribunals that were both subject to the open courts principle and subject to the presumption against the disclosure of personal information created by access to information legislation. According to Ontario’s Superior Court of Justice, to the extent it applied to the adjudicative records of the provincial administrative tribunals, the presumption of non-disclosure was unconstitutional. Consequently, the court declared it to be invalid: *Toronto Star v. AG Ontario*, 2018 ONSC 2586, 2018 CarswellOnt 6712 (Ont. S.C.J.).