

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF QUEBEC)**

Court File No.: 32920

BETWEEN:

**CANADIAN BROADCASTING CORPORATION,
GROUPE TVA INC., LA PRESSE LTÉE and
FÉDÉRATION PROFESSIONNELLE DES JOURNALISTES DU QUÉBEC**

APPELLANTS

and

**ATTORNEY GENERAL OF QUEBEC, ATTORNEY GENERAL OF CANADA, THE
HONOURABLE FRANÇOIS ROLLAND IN HIS CAPACITY AS CHIEF JUSTICE OF
THE QUEBEC SUPERIOR COURT and BARREAU DU QUÉBEC**

RESPONDENTS

and

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PART I – STATEMENT OF FACTS

1. The British Columbia Civil Liberties Association (the “BCCLA”) takes no position on the facts in these appeals.

PART II – QUESTIONS IN ISSUE

2. These appeals concern the extent to which s. 2(b) of the *Canadian Charter of Rights and Freedoms* protects freedom of expression and freedom of the press in respect of the courts. How public does the *Charter* require our courts to be?

3. The BCCLA’s submissions address three questions.

4. First, is *Charter* s. 2(b) infringed by a ban on broadcasting a recording of a hearing or an exhibit entered into evidence? The BCCLA says yes. No positive right is claimed within the meaning of *Baier v. Alberta*¹ and the location of the expression is not government-owned so as to engage the test in *Montréal (City) v. 2952-1366 Québec Inc.*²

5. Second, is *Charter* s. 2(b) infringed by a ban on conducting interviews or using cameras in the public lobbies of a courthouse? The BCCLA says yes. Although the location of the expression in question is government-owned, expression there does not clearly undermine s. 2(b) values. The *Montréal (City)* test is met, and s. 2(b) protects the expression.

6. Third, are blanket bans on broadcasting recordings of hearings, such as those at issue here³ (the “Broadcasting Bans”), justified under *Charter* s. 1? The BCCLA says no. The Broadcasting Bans cover all broadcasting and all hearings indiscriminately and are not even close to minimally impairing. While concerns about privacy and the proper administration of justice may justify a ban on broadcasting in relation to some cases, or some parts of some cases, the Broadcasting Bans are overkill. Those concerns do not arise in the same way in every case and in some cases do not arise at all.

¹ [2007] 2 S.C.R. 673, 2007 SCC 31 (“*Baier*”).

² [2005] 3 S.C.R. 141, 2005 SCC 62 (“*Montréal (City)*”).

³ Namely, Rule 38.2 of the *Rules of practice of the Superior Court of Quebec in Civil Matters* and Rule 8A of the *Rules of Practice of the Superior Court of the Province of Quebec, Criminal Division, 2002*.

7. The BCCLA takes no position on the other questions that arise in these appeals, including whether the Broadcasting Bans, as a matter of interpretation, do or do not prohibit the broadcasting of court exhibits, and whether the bans on conducting interviews and using cameras in courthouse lobbies at issue here⁴ (the “Interviewing Bans”) are justified under *Charter* s. 1.

PART III – STATEMENT OF ARGUMENT

A. Foreword

8. These appeals raise a host of fine doctrinal questions concerning positive rights claims, protection for expression in public places and the various aspects of a *Charter* s. 1 justification analysis. But those questions must be answered in a wider context. From the BCCLA’s perspective, two broad, interrelated principles subsumed within *Charter* s. 2(b), and their practical implications, supply much of that context.

9. The first principle is the “open court” principle: the public is entitled to access to information about our courts and the proceedings within them. This principle is but one specific manifestation of the public’s more general right to information under s. 2(b),⁵ and serves at least three crucial and distinct purposes. First, it fosters the integrity of judicial proceedings, by making witnesses more likely to tell the truth, by ensuring that courts appear independent and impartial and by encouraging public reaction to any injustice. Second, it enables the public to better understand the complex rules and procedures of our legal system. Third, and perhaps most crucial, it promotes public awareness and discussion of matters being adjudicated by the courts, many of which concern the relationship between citizen and state or are otherwise important.⁶

⁴ Namely, Rule 38.1 of the *Rules of practice of the Superior Court of Quebec in Civil Matters* and Rule 8B of the *Rules of Practice of the Superior Court of the Province of Quebec, Criminal Division, 2002*.

⁵ See, e.g., *Harper v. Canada (Attorney General)*, [2004] 1 S.C.R. 827, 2004 SCC 33, at paras. 17-20, per McLachlin C.J.C. and Major J. (in dissent, but not on this point).

⁶ See *Edmonton Journal v. Alberta (Attorney General)*, [1989] 2 S.C.R. 1326, at pp. 1337-39, per Cory J.; *Canadian Broadcasting Corp. v. New Brunswick (Attorney General)*, [1996] 3 S.C.R. 480, at paras. 17-22, per La Forest J.; *R. v. Mentuck*, [2001] 3 S.C.R. 442, 2001 SCC 76, at paras. 51-54, per Iacobucci J.; *Vancouver Sun (Re)*, [2004] 2 S.C.R. 332, 2004 SCC 43, at paras. 23-26, per Iacobucci and Arbour JJ.; and *Named Person v. Vancouver Sun*, [2007] 3 S.C.R. 252, 2007 SCC 43, at paras. 31-33, per Bastarache J. and at paras. 81-88, per LeBel J.

10. The second principle is that the media serves an indispensable role as the public's conduit or proxy when it comes to the courts. Few members of the public have the time to attend court in person. In practical terms, the media are the public's eyes and ears. If the media cannot or do not report on the courts, the open court principle is illusory.⁷

11. The media's reporting on the courts cannot then be regarded as but a hindrance or a bother to be reluctantly tolerated and confined to whatever terms least affect easy management and the *status quo*. On the contrary, if the open court principle is to be respected and the vital purposes it serves are to be fulfilled, courts must embrace the attention of the media, and by extension, that of the public. Provided that other compelling interests are not unduly compromised, courts should do all that they can to encourage the media's interest and to facilitate its coverage in whatever manner the media considers best.

12. This last point is key. While courts are experts in the law, they are not experts in journalism. They have no particular proficiency in identifying what the general public will find significant, nor in determining how it can be presented to the public in an interesting and digestible way. The media, by contrast, depends on the public's attention for its existence. It is intrinsically motivated to engage the public, and well practised in doing so.

13. The courts have a critical role to play in assisting the media to understand the decisions that they render and the way in which our legal system operates, but they are ill equipped to decide what constitutes effective media coverage. They often will not know whether any given restriction on media coverage will or will not affect the quality of communication to the public, to whom the courts and the laws they apply ultimately belong.

14. This is not to say that the media should be unconstrained in their coverage of the courts. Concerns about the proper administration of justice can readily justify carefully honed restrictions on coverage and even access by the media, despite some harm to accessibility. There is no use in pushing openness of the courts to the point of compromising their integrity. There are also

⁷ See *Edmonton Journal v. Alberta (Attorney General)*, *supra*, at pp. 1339-40, *per* Cory J.; *Canadian Broadcasting Corp. v. New Brunswick (Attorney General)*, *supra*, at paras. 17 and 23-26, *per* La Forest J.; *R. v. Mentuck*, *supra*, at para. 52, *per* Iacobucci J.; and *Named Person v. Vancouver Sun*, *supra*, at paras. 89-90, *per* LeBel J. See also *Grant v. Torstar Corp.*, 2009 SCC 61, at para. 52, *per* McLachlin C.J.C.

circumstances in which privacy (another *Charter*-connected interest)⁸ and other pressing concerns will trump even the open court principle. No *Charter* right is absolute.

15. But recognizing the essential nature of public access to information about the courts and the practical reality that such public access can be achieved only through the media, this Court should not countenance sweeping, one-size-fits-all bans on media coverage. A better approach is to rely upon and encourage responsible journalism,⁹ and more tailored or discretionary bans where that is not enough. The potential cost of the alternative – public incomprehension or indifference – is simply too high.

B. Section 2(b) is infringed by a ban on broadcasting a recording of a hearing or an exhibit entered into evidence.

16. This Court has consistently afforded very broad scope to *Charter* s. 2(b), generally protecting all activity that “attempts to convey meaning”.¹⁰ There are only two qualifications, neither of which applies to exclude the media’s broadcasting a recording of a hearing or an exhibit from s. 2(b)’s scope.

17. The first qualification concerns so-called “positive rights” claims, where the expressive activity in question is premised on access to or inclusion in a state-created or -enabled platform for expression – e.g., voting under the federal *Referendum Act*,¹¹ participating in government-organized constitutional reform consultations¹² or running for the position of school trustee under the Alberta *Local Authorities Election Act*.¹³ Since the *Charter* generally imposes a negative obligation on the state, rather than a positive obligation of protection or assistance, this sort of expression will only be s. 2(b)-protected if the claimant satisfies the criteria set out in *Baier* and derived from *Dunmore v. Ontario (Attorney General)*.¹⁴

⁸ See *R. v. Dymont*, [1988] 2 S.C.R. 417, at pp. 426-30, per La Forest J. and *Dagg v. Canada (Minister of Finance)*, [1997] 2 S.C.R. 403, at para. 66, per La Forest J. See also *Godbout v. Longueuil (City)*, [1997] 3 S.C.R. 844, at para. 66, per La Forest J.

⁹ As this Court has very recently done in another context: see *Grant v. Torstar Corp.*, *supra*.

¹⁰ *Irwin Toy Ltd. v. Quebec (Attorney General)*, [1989] 1 S.C.R. 927, at p. 969, per Dickson C.J.C. and Lamer and Wilson JJ.

¹¹ *Haig v. Canada*, [1993] 2 S.C.R. 995.

¹² *Native Women’s Assn. of Canada v. Canada*, [1994] 3 S.C.R. 627.

¹³ *Baier*.

¹⁴ [2001] 3 S.C.R. 1016, 2001 SCC 94.

18. The second qualification is triggered where the “method or location” of expression “clearly undermines the values that underlie” s. 2(b).¹⁵ Hence, violence as a method of expression is said to be excluded from s. 2(b) because of its “extreme repugnance” to s. 2(b) values.¹⁶ In *Montréal (City)*, this Court also said that expression located on some government-owned property will clearly undermine s. 2(b) values and proposed a test to determine when that is so.¹⁷

19. Based on these qualifications, the respondents deny any s. 2(b) protection of the appellants’ broadcasting a recording of a hearing or an exhibit entered into evidence. The respondents rely particularly on the *Baier* criteria and the *Montréal (City)* test. The BCCLA submits that *Baier* and *Montréal (City)* do not bear on this type of expression, so that neither of the qualifications applies.

20. Dealing first with *Baier*, these appeals are not about the appellants’ right to acquire recordings of hearings or exhibits. The bans at issue are premised on those recordings or exhibits already having been acquired. The question of whether the appellants have a *prima facie* constitutional entitlement to acquire them does not arise here. Furthermore, this Court has already answered that question in the affirmative.¹⁸ Nothing in *Baier* suggests an intention to overrule that established answer.

21. When the appellants invoke s. 2(b), they do so not to claim that the state must assist them to acquire the recordings and exhibits they already possess, but rather to complain that the state has banned their broadcast. Put in *Baier* terms, there is no state platform for expressive activity that they claim the government must create or extend. Rather, the appellants claim, in more conventional fashion, that the government must simply leave their expression alone.

22. The Attorney General of Quebec argues that the recordings and exhibits sought to be broadcast by the appellants depend on “la création”, “la constitution” and “la conservation” on the part of the state.¹⁹ That may be so, but it does not make for a positive rights claim. Were it

¹⁵ *Montréal (City)*, at para. 72, per McLachlin C.J.C. and Deschamps J.

¹⁶ *R. v. Keegstra*, [1990] 3 S.C.R. 697 (“*Keegstra*”), at p. 732, per Dickson C.J.C. See also *Irwin Toy v. Quebec (Attorney General)*, *supra*, at p. 970, per Dickson C.J.C. and Lamer and Wilson JJ. and *Montréal (City)*, at para. 72, per McLachlin C.J.C. and Deschamps J.

¹⁷ See *Montréal (City)*, at paras. 56-81, per McLachlin C.J.C. and Deschamps J.

¹⁸ See *Canadian Broadcasting Corp. v. New Brunswick (Attorney General)*, *supra*, at paras. 24 and 26, per La Forest J.; *Sierra Club of Canada v. Canada (Minister of Finance)*, [2002] 2 S.C.R. 522, 2002 SCC 41, at para. 36, per Iacobucci J.; and *Named Person v. Vancouver Sun*, *supra*, at para. 33, per Bastarache J.

¹⁹ Mémoire de l’intimée La Procureure générale du Québec in Court File No. 32920, at para. 34 and Mémoire de l’intimée Sa Majesté la Reine et de l’intervenante la Procureure générale du Québec in Court File No. 32987, at para. 67.

otherwise, *Baier* would be engaged whenever a claimant’s expression pertained to information that the state had generated or organized. A news report on Parliament’s latest bill, the Minister of Justice’s latest judicial appointments or the police’s latest arrest would not fall within s. 2(b) unless the *Baier* criteria could be satisfied. *Baier* did not change the law in this radical way. Its criteria serve as a check on claims for positive action by the state to facilitate expression, not a licence for the state to suppress the dissemination of state-originating or -marshalled information.

23. As for the *Montréal (City)* test, it does not apply because the location of the appellants’ expression – *i.e.*, their broadcasting – is not government-owned property. Again, it is not enough that the content of the appellants’ expression relates to matters originating in courts or other government-owned property. For *Montréal (City)* to apply, the expression itself would have to be located there.

24. Accordingly, s. 2(b) protects the appellants’ broadcasting a recording of a hearing or an exhibit entered into evidence. Any ban on such expression, including the Broadcasting Bans, must be justified under *Charter* s. 1.

C. Section 2(b) is infringed by the Interviewing Bans since expression in the public lobby of a courthouse is protected by s. 2(b).

25. *Montréal (City)* applies to one class of expression at issue in these appeals: conducting interviews and using cameras in courthouse lobbies. Courthouse lobbies are government-owned property, and this Court has said that expression on some such property may undermine the values that underlie s. 2(b). Accordingly, the *Montréal (City)* test must be applied “to determine if this is the *type* of public property which attracts s. 2(b) protection”.²⁰

26. Under the *Montréal (City)* test, the “historical function” and “actual function” of the public property serve as “indicator[s]”, “markers” or “factors” to be considered in determining if expression there would subvert s. 2(b) values.²¹ However, “the ultimate question ... will always be whether free expression in the place at issue would undermine the values the guarantee is designed to promote”.²²

²⁰ *Montréal (City)*, at para. 71, *per* McLachlin C.J.C. and Deschamps J. (emphasis in original).

²¹ *Id.*, at paras. 74-77, *per* McLachlin C.J.C. and Deschamps J.

²² *Id.*, at para. 77, *per* McLachlin C.J.C. and Deschamps J.

27. In applying the *Montréal (City)* test here, the place at issue is the lobby of a courthouse. Contrary to the Attorney General of Canada's submission,²³ a distinction must be drawn between that place and the courthouse at large. Most buildings, including a courthouse, can be divided into several areas, some public and some private, with each serving a different function. Free expression will operate differently in some areas than in others. It makes no sense to deny s. 2(b) protection in one area based on the nature of another area, or of the building at large.²⁴

28. The primary function, both historical and actual, of a courthouse lobby is to provide passage to those coming and going from court. Nothing about this primary function is incompatible with free expression. Indeed, courthouse lobbies have an incidental function that actually entails expression since they serve in general terms as a place where litigants, lawyers, witnesses and public onlookers can talk. This has been so for centuries. The lobby of the main courthouse in Paris is called "la Salle des pas-perdus", a clear reference to a collection of people waiting to go to a proceeding and gathering to discuss the goings-on of the courthouse. Much expression has also been seen in the lobby of this Court.

29. As for *Montréal (City)*'s "ultimate question", there is nothing about courthouse lobbies to suggest that expression there will clearly undermine s. 2(b) values. Indeed, absent expression, courthouse lobbies do not promote or facilitate democratic discourse, truth-finding or self-fulfillment. They merely facilitate the flow of people, much like roads or sidewalks. Accordingly, it is difficult to see how expression there would dent, much less clearly undermine, s. 2(b) values. One would more easily say that expression is needed if s. 2(b) values are to be fulfilled.

30. For all these reasons, expression in courthouse lobbies is s. 2(b)-protected under the *Montréal (City)* test, and the Interviewing Bans infringe s. 2(b). The Court of Appeal of Quebec, below, wrongly came to the opposite conclusion because it considered potential justifications for restricting expression in courthouse lobbies as part of its s. 2(b) analysis, rather than under s. 1.²⁵

²³ See Mémoire de l'intimée La Procureure générale du Canada in Court File No. 32920, at para. 53.

²⁴ L'Heureux-Dubé J. indeed recognized this point in *Committee for the Commonwealth of Canada v. Canada*, [1991] 1 S.C.R. 139, at p. 205, albeit in the context of *Charter* s. 1.

²⁵ Robert J.C.Q., writing for the unanimous court on this point, acknowledged as much when he stated "même si je suis d'avis qu'il y a une place, dans les palais de justice, pour la liberté d'expression, celle-ci ne peut y être absolue, sans limites et sans retenues" (para. 65, emphasis added).

31. The consideration of justification must come after the s. 2(b) infringement analysis. Since *R. v. Oakes*,²⁶ this Court has developed a clear, flexible and sophisticated analytical framework for weighing *Charter* freedoms against both each other and conflicting state interests under s. 1. This “detailed s. 1 analytical approach ... provides a more practical and comprehensive mechanism, involving review of a whole range of factors for the assessment of competing interests and the imposition of restrictions upon individual rights and freedoms” than an *ad hoc* competition of interests at the rights stage of the analysis.²⁷ Dickson C.J.C. emphasized this point in *Keegstra*:

I agree with the general approach of Wilson J. in *Edmonton Journal* ... where she speaks of the danger of balancing competing values without the benefit of a context. This approach does not logically preclude the presence of balancing within s. 2(b) – one could avoid the dangers of an overly abstract analysis simply by making sure that the circumstances surrounding both the use of the freedom and the legislative limit were carefully considered. I believe, however, that s. 1 of the *Charter* is especially well suited to the task of balancing, and consider this Court’s previous freedom of expression decisions to support this belief. It is, in my opinion, inappropriate to attenuate the s. 2(b) freedom on the grounds that a particular context requires such; the large and liberal interpretation given the freedom of expression in *Irwin Toy* indicates that the preferable course is to weigh the various contextual values and factors in s. 1.²⁸

32. This Court should clarify that the *Montréal (City)* test entails a relatively narrow analysis, aimed at identifying the narrow class of public places in which no expression will be s. 2(b)-protected. The inquiry is not whether certain forms of expression are reasonable or practical there, or even whether there are good reasons for restricting all expression there. These are all matters for s. 1.

D. The Broadcasting Bans cannot be justified under s. 1.

33. Broadly speaking, the Broadcasting Bans appear to be aimed at protecting the proper administration of justice and the privacy of litigants, witnesses, judges and lawyers captured by

²⁶ [1986] 1 S.C.R. 103.

²⁷ *Ross v. New Brunswick School District No. 15*, [1996] 1 S.C.R. 825, at pp. 870-71, *per* La Forest J.

²⁸ *Keegstra*, at p. 734, *per* Dickson C.J.C. See also *B. (R.) v. Children’s Aid Society of Metropolitan Toronto*, [1995] 1 S.C.R. 315, at p. 384, *per* La Forest J. and *Multani v. Commission scolaire Marguerite-Bourgeoys*, [2006] 1 S.C.R. 256, 2006 SCC 6, at para. 30, *per* Charron J.

recordings of hearings. These may be pressing and substantial objectives, but the Broadcasting Bans are far from a reasonable means by which to achieve them.

34. As set out above, there will doubtless be some circumstances in which some restrictions on media coverage of the courts are justified. The *Dagenais/Mentuck* test applied in the context of common law publication bans recognizes this, allowing courts to impose such a ban if it is “necessary ... to prevent a serious risk to the proper administration of justice” and its salutary effects outweigh its deleterious ones.²⁹

35. But the *Dagenais/Mentuck* test also recognizes that each case is different. Different cases will raise different rights, concerns and dangers, and must require different solutions.³⁰ Before any common law publication ban is imposed, the court must consider the specific evidentiary basis before it and weigh the competing interests. Most importantly, it must attempt to restrict the ban “as far as possible” without compromising its effectiveness.³¹

36. This last step corresponds to the minimal impairment branch of the *Oakes* analysis under *Charter* s. 1,³² and it is here that the Broadcasting Bans spectacularly fail. They do not minimally impair freedom of expression or freedom of the press because they do not treat different cases differently: they cover all manner of broadcasting, at any time, of any recording of any hearing, regardless of the privacy and other interests involved and however picayune the threat to the administration of justice. Private counsel’s closing submissions in a breach of confidence case are secreted no more or less than the Attorney General’s in a constitutional one. A judge’s reasons for sentence are as much out of bounds as a *voir dire* concerning the admissibility of a confession in a jury trial. A developer’s testimony in a dispute with a municipality is given the same broad blanket as a minor’s testimony in a child protection matter.

37. While minimal impairment does not require perfection in tailoring infringements – a measure will be acceptable if it “falls within a range of reasonable alternatives”³³ – the Broadcasting Bans

²⁹ *R. v. Mentuck*, *supra*, at para. 32, *per* Iacobucci J.

³⁰ *Id.*, at para. 37, *per* Iacobucci J.

³¹ *Id.*, at para. 36, *per* Iacobucci J.

³² See *Vancouver Sun (Re)*, *supra*, at para. 28, *per* Iacobucci and Arbour JJ.

³³ *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1995] 3 S.C.R. 199, at para. 160, *per* McLachlin J. (as she then was).

show no attempt at tailoring whatsoever. There is no evidence that discretionary bans on broadcasting recordings of hearings would fail to achieve the objectives of the Broadcasting Bans. These bans are regularly imposed in accordance with the *Dagenais/Mentuck* test to prevent any form of publication concerning proceedings. Similar discretionary bans could presumably be relied on to prevent recordings of hearings from being broadcast, where and to the extent that such control is required given the specific interests involved.

38. Assuming discretionary bans were for some reason unworkable, there is also no evidence to suggest that mandatory but more carefully and narrowly tailored bans could not achieve the Broadcasting Bans' objectives without the Broadcasting Bans' excess. Such bans might effect the necessary tailoring in a number of ways, referring to particular types of hearings, aspects of hearings, forms of broadcasting or times of broadcasting.

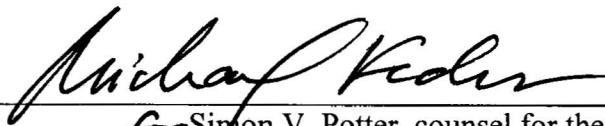
PART IV – SUBMISSIONS CONCERNING COSTS

39. The BCCLA does not seek costs and asks that no costs be awarded against it.

PART V – ORDERS REQUESTED

40. The BCCLA asks that this Court make orders that are consistent with its submissions.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.



for Simon V. Potter, counsel for the
British Columbia Civil Liberties Association



Michael A. Feder, counsel for the
British Columbia Civil Liberties Association

Dated January 8, 2010.

PART VI – TABLE OF AUTHORITIES

	<u>Paragraph(s)</u>
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	<u>Paragraph(s)</u>
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<i>RJR-MacDonald Inc. v. Canada (Attorney General)</i> , [1995] 3 S.C.R. 199	37
<i>Ross v. New Brunswick School District No. 15</i> , [1996] 1 S.C.R. 825	31
<i>Sierra Club of Canada v. Canada (Minister of Finance)</i> , [2002] 2 S.C.R. 522, 2002 SCC 41	20
<i>Vancouver Sun (Re)</i> , [2004] 2 S.C.R. 332, 2004 SCC 43	9 & 36

PART VII – PROVISIONS DIRECTLY AT ISSUE

Canadian Charter of Rights and Freedoms

2. Everyone has the following fundamental freedoms:

...

(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

2. Chacun a les libertés fondamentales suivantes :

...

b) liberté de pensée, de croyance, d'opinion et d'expression, y compris la liberté de la presse et des autres moyens de communication;

Rules of practice of the Superior Court of Quebec in Civil Matters, R.R.Q., 1981, c. C-25, r. 8

38.1 Interviews and use of cameras. In order to ensure the fair administration of justice, the serenity of judicial hearings and the respect of the rights of litigants and witnesses, interviews and the use of cameras in a courthouse shall only be permitted in the areas designated for such purposes by directives of the chief justices.

38.2 Broadcasting prohibited. Any broadcasting of a recording of a hearing is prohibited.

38.1 Prise d'entrevues et usage de caméras. Afin d'assurer la saine administration de la justice, la sérénité des débats judiciaires et le respect des droits des justiciables et des témoins, la prise d'entrevues et l'usage de caméras dans un palais de justice ne sont permis que dans les lieux prévus à cette fin par directives des juges en chef.

38.2 Diffusion interdite. La diffusion de l'enregistrement d'une audience est interdite.

Rules of Practice of the Superior Court of the Province of Quebec, Criminal Division, 2002, SI/2002-46

8A. Any broadcasting of a recording of a hearing is prohibited.

8B. In order to ensure the fair administration of justice, the serenity of judicial hearings and the respect of the rights of parties and witnesses, interviews and the use of cameras in a courthouse shall only be permitted in the areas designated for such purposes by directives of the chief justices.

8A. La diffusion de l'enregistrement d'une audience est interdite.

8B. Afin d'assurer la saine administration de la justice, la sérénité des débats judiciaires et le respect des droits des justiciables et des témoins, la tenue d'entrevues et l'usage de caméras dans un palais de justice ne sont permis que dans les lieux prévus à cette fin par directives des juges en chef.