

NEWS RELEASE

British Columbia Civil Liberties Association

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Court of Appeal: Translink Must Accept Political Advertising

The BC Court of Appeal overturned a 2004 decision by BC Transit and Translink to refuse a request by the Canadian Federation of Students to place paid advertising designed to promote youth voting on Vancouver. The Court held that groups such as the Canadian Federation of Students should not be prevented from renting advertising space on the sides of buses simply because their message is too 'political'.

The judgment squarely rejects the notion that Canadians need to be shielded from political debate in public spaces already replete with other messages. It also sends a strong message to all government-related bodies who control speech in public space that they must take Charter rights, including freedom of expression, into account.

Chris Sanderson, Q.C., counsel for the BCCLA: "This decision is significant in at least two respects. First, it clearly establishes that government cannot escape the reach of the Charter by creating quasi-governmental bodies to carry out government work. Second, the decision contains a ringing endorsement of a long held BCCLA position that it is not the business of government to approve or disapprove of what Canadians say unless the government can demonstrate that to do so is justifiable in a free and democratic society, something the government was unable to show in this case. "

MEDIA CONTACT

Jason Gratl, President
Chris Sanderson, Q.C.

604-317-1919
867-678-6385

info@bccla.org
www.bccla.org