

COURT OF APPEAL FOR ONTARIO

The Honourable Justice J. C. MacPherson

) MONDAY, THE 8<sup>th</sup>  
) DAY OF  
) APRIL, 2019  
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IN THE MATTER OF A REFERENCE to the Court of Appeal pursuant to section 8 of the *Courts of Justice Act*, RSO 1990, c. C.34, by Order-in-Council 1014/2018 respecting the constitutionality of the *Greenhouse Gas Pollution Pricing Act*, Part 5 of the *Budget Implementation Act, No. 1*, SC 2018, c. 12

ORDER REGARDING BROADCASTING OF PROCEEDINGS

IT IS ORDERED that the Canadian Broadcasting Corporation (CBC) is granted leave to place cameras in Courtroom 1 to record, live-stream, and broadcast the proceedings in this Reference on April 15, 16, 17, and 18, 2019 for the purposes of allowing the public access to the hearings in accordance with subsection 136(3)(a) of the *Courts of Justice Act*;

IT IS ORDERED that CBC must not record or transmit the following:

- a. Private communication among any members of the presiding panel of the Court in any way that might allow the content of the communication to be understood or ascertained by anyone;
- b. Private communication among any legal counsel or between any legal counsel and their client in any way that might allow the content of the communication to be understood or ascertained by anyone;

- c. Private communication among any court staff in any way that might allow the content of the communication to be understood or ascertained by anyone;
- d. Any document or other record, whether hardcopy or electronic, that is located or visible on the dais, the registrar's desk, at a counsel table, or anywhere in the Courtroom in any way that might allow the text of such document or record to be magnified, read, understood, or ascertained by anyone.

2. **IT IS ORDERED** that to allow CBC to record, live-stream, and broadcast the hearing of the Reference, it may also:

- a. Place up to five cameras in Courtroom 1;
- b. Operate the cameras remotely from outside Courtroom 1;
- c. Use the audio-feed from the Court's microphones and audio system for the purposes of the live-stream and broadcast;
- d. Access the internet through a separate connection provided by the Court;
- e. Have an audio operator, tri-caster, and producer located outside Courtroom 1 to monitor camera views, sound, and live-stream the broadcast;
- f. Set up a production control table behind Courtroom 1;

3. **IT IS ORDERED** that all cameras and other equipment must be in place by Saturday, April 13, 2019 and, once placed, may not be removed or repositioned without leave of the Court to be obtained through the Registrar;

4. **IT IS ORDERED** that no damage must be done to the premises in placing, operating, and removing cameras and all other equipment needed for the recording, broadcasting, and live-streaming the Reference;

5. **IT IS ORDERED** no CBC personnel or cameras may be placed on the dais or in the area behind it;

6. **IT IS ORDERED** that CBC will provide an audio/video live-feed of the broadcast into Courtroom 5 and Courtroom 6 to allow those located in those Courtrooms to watch the proceedings;
7. **IT IS ORDERED** that CBC will provide access to the broadcast and live-stream to a consortium of media organizations;
8. **IT IS ORDERED** that CBC will provide access to the broadcast and live-stream to be available on the Court's website through a link to the CBC website;
9. **IT IS ORDERED** that CBC and members of the consortium of media organizations may use clips of the broadcast for purposes of reporting on the Reference;
10. **IT IS ORDERED** that the proceedings must be recorded and live-streamed in a manner that does not distract the presiding panel or counsel or otherwise interfere with the hearing of the Reference;
11. Nothing in this Order affects the Court's authority to ensure that the proceedings in this Reference are conducted in a manner consistent with the proper administration of justice;
12. Nothing in this Order restricts the power of the Court to impose any conditions or restrictions at any time regarding the use of cameras to record, live-stream, and broadcast these proceedings.

April 8, 2019

ENTERED AT / INSCRIPT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

  
Justice J. C. MacPherson

APR 08 2019

PER / PAR: ST