

**COURT OF QUEEN'S BENCH OF ALBERTA
CIVIL PRACTICE NOTE NO. 12
ORDERS RESTRICTING MEDIA REPORTING OR PUBLIC ACCESS
EFFECTIVE SEPTEMBER 1, 2004
AMENDED AUGUST 16, 2009**

1. Unless otherwise provided for in another practice note, this practice note applies to an application for:
 - a) the use of pseudonyms,
 - b) a publication ban,
 - c) a partial sealing order,
 - d) an order permitting participants in judicial proceedings to testify behind a screen or in some other fashion to prevent their identification, and
 - e) an order for an *in camera* hearing.
2. "Interested parties" include the parties to the lawsuit, the electronic and print media, and any other person named by the Court.
3. Unless otherwise ordered:
 - a) the Applicant must file with the Clerk of the Court three copies of the Notice of Application, as prescribed in Form A and serve the interested parties, except the media, at least 2 clear days before the beginning of the trial, application, proceeding or matter to which the ban or order is to apply; and
 - b) pending implementation of an electronic form of notice, notice to the media shall be given by filing Form A with the Clerk of the Court, who shall post the notice at the place reserved for such notice at the courthouse where the application is to be heard.
4. The application must be made to the judge assigned to hear the case. If that judge is unknown or unavailable, the application must be made to the case management judge. If there is no case management judge, the application must be made to the Chief Justice, the Associate Chief Justice, or a judge they have authorized to hear such applications.
5. The Applicant may apply to the Court for further directions as to the parties to be served and the manner of service.
6. Any party not referred to in para. 2 above and claiming an interest in the proceedings must apply to the Court for standing to be heard at the application.
7. The information that is the subject of the initial application may not be published without leave of the Court until that application is heard.

8. If satisfied that there has been a failure to comply with the requirements of this practice note, the Court, on application or on its motion, may:
 - a) make any of the orders provided for in Rules 599.1 or 704(1)(d);
 - b) require the party or counsel representing the party, or both, to pay the reasonable expenses incurred because of any noncompliance with this practice note, including counsel's fees; or
 - c) make any other appropriate order.
9. An application to seal the entire court file, or an application to set aside a sealing order, must be made to the Chief Justice, the Associate Chief Justice, or a judge authorized by one of them to hear such applications, who will give directions regarding notice and service.

NOTE:

Applications described in para. 1 of Practice Note 12 may be granted upon evidence that it is necessary to prevent serious risk to the proper administration of justice or some other important interest, including a commercial interest, and if the salutary effects of the order outweigh its deleterious effects including the effects on the right to free expression; see *Dagenais v. CBC*, [1994] 3 S.C.R. 835; *Sierra Club of Canada v. Canada* [2002] 2 S.C.R. 522.

Original Dated the 15th day of July, 2004
Amended the 16th day of August, 2009

Allan H.J. Wachowich
Chief Justice

Neil C. Wittmann
Associate Chief Justice