



GUIDELINES RE: MEDIA AND PUBLIC ACCESS TO THE COURTS OF NOVA SCOTIA

A guide to the statutes and regulations, the current case law, and the rules, directives and policies of the Courts

In no way does this document interfere with the discretion of the Judges to resolve issues that arise in a specific trial, nor with the Sheriffs' and Court Administrators' responsibilities to resolve security and safety issues.

Developed in collaboration with representatives of the media and adopted by the Courts as of April 1, 2025.

For more information or questions about the policies outlined in this document, please contact the Judiciary's Communications Director at communications@courts.ns.ca.

Please note that the Communications Director cannot provide legal advice.

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PREAMBLE

The Supreme Court of Canada, in several rulings, has recognized that the media, as representatives of the general public, must be given special consideration when applying certain rules and policies of the Courts. As such, although this document applies to members of the public as well as the media, certain exemptions and privileges are afforded to members of the media to enhance their ability to do their work.

In the Courts of Nova Scotia, those privileges include:

- Permission to record audio in a courtroom to augment their notetaking (not for broadcast);
- Permission to record audio while participating virtually in a court proceeding (for notetaking, not for broadcast); and
- Permission to record audio and video and take photographs inside courthouses (not in courtrooms) within Designated Media Areas (DMAs), where these areas exist.

The Courts of Nova Scotia do not credential, nor define media. There is an expectation that media outlets and individual journalists covering the courts will follow professional standards and practices of journalism, including striving for accuracy, fairness, balance, impartiality and integrity.

With that in mind, media representatives are required to read these Guidelines in their entirety and sign an undertaking agreeing to abide by the processes outlined. In situations where someone has identified themselves as an independent journalist, the Courts of Nova Scotia require that individual to sign an undertaking granting them one-time permission to act as a media representative, subject to the discretion of the presiding judge. These media undertakings can be found in the appendices of this document.

1. OPEN COURTS AND THE RIGHT TO A FAIR TRIAL

Canada is a society that places a high value on openness in the justice system. In a 1989 Supreme Court of Canada case, [Edmonton Journal v. Alberta \(Attorney General\), \[1989\] 2 S.C.R. 1326](#), the Court explained the value of open courts:

“The concept of free and uninhibited speech permeates all truly democratic institutions... As a result of their significance, the courts must be open to public scrutiny and to public criticism of their operation by the public.... the public interest in open trials and in the ability of the press to provide complete reports of what takes place in the courtroom is rooted in the need:

- 1) *to maintain an effective evidentiary process;*
- 2) *to ensure a judiciary and juries that behave fairly and that are sensitive to the values espoused by society;*

- 3) *to promote a shared sense that our courts operate with integrity and dispense justice; and*
- 4) *to provide an ongoing opportunity for the community to learn how the justice system operates and how the law being applied daily in our courts affects them.”*

Accordingly, the general rule in Canada is that trials are open to the public and may be reported in full.

A more recent Supreme Court of Canada decision, [Canadian Broadcasting Corp. v. Named Person, 2024 SCC 21](#), confirms these principles and further notes the crucial role that the media plays in informing the general public about what goes on in our courts:

“When it comes to the social and democratic functions of the open court principle, the key role played by the news media cannot be overemphasized. Indeed, without free, robust and independent news media to inform the Canadian public of what is happening in courtrooms, and in the justice system more broadly, open justice is of only limited social and democratic utility. The reason for this is that, in the vast majority of cases, it is the media that serve as “the eyes and ears of a wider public...”

Both the justice system and the public at large are well served when media coverage of hearings and outcomes of specific cases is accurate and complete. Court officials and staff working within the justice system have a responsibility to assist the public, including the media, in obtaining the access to which they are entitled by law to report accurately on Court proceedings.

Members of the Judiciary, while ensuring openness, also have a responsibility to protect the integrity of the judicial process. As such, Judges have common law and statutory authority to set the appropriate balance between the right to a fair trial and the right of freedom of the press.

This guide is a reflection of that balance. It is based on federal and provincial statutes and regulations, current case law, and the rules, directives, and policies of the Nova Scotia Courts.

2. ACCESS TO COURTHOUSES

a) General Rule – Open Courts

The public areas of courthouses and the courtrooms are open to everyone during normal hours of operation. For most courthouses, that is 8:30 a.m. to 4:30 p.m. Some Provincial Courts are open in the evening when matters are scheduled in Night Court. Satellite courts are staffed and open to the public during the daytime when matters are scheduled at that location.

Members of the public and the media are welcome to attend all sessions of the Nova Scotia Courts except in those rare circumstances where legislation requires or a Judge orders that a proceeding, or part of a proceeding, be held in private.

There are exceptions to this general rule, which are outlined in this document.

b) Designated Media Areas (DMAs)

DMAs are areas within the public space of Nova Scotia's courthouses (outside the courtrooms) in which members of the media may operate electronic equipment such as cameras and audio recorders to take pictures, record video and conduct interviews.

From time to time, Sheriff's Officers may need to relocate or resize DMAs for security and safety reasons.

DMAs are not usually demarcated. But floor plans showing these areas are laid out in Appendix A of these guidelines for those courthouses where DMAs have been approved.

In locations that do not have DMAs, the Sheriff's Officers may limit the use of electronic equipment to specific areas of the courthouse. In both cases, the practical operational needs of the equipment operators will be balanced with the security and safety considerations.

c) Use of Electronic Devices in Courthouses (outside courtrooms)

Without permission of the Court, no one (except members of the media) shall use an electronic device, such as a phone, tablet, computer, camera, or audio recorder, inside the courthouse to produce, record, or transmit audio, video, or still photographs. (See Appendices E1-E2 – Policies re: Use of Electronic Devices)

Members of the media are permitted to use audio, video and photography equipment inside courthouses (outside courtrooms) but only in Designated Media Areas (DMAs) in courthouses where these areas exist. (See "Designated Media Areas" 2(d) and Appendix A)

d) General Rules re: Use of Electronic Devices

The following rules apply in all public spaces and areas of Nova Scotia's courthouses:

By convention, jurors are not to be shown in video or photographs that are broadcast or published and are not to be otherwise identified. (See Criminal Code s. 631(6)).

Published and broadcast photographs, audio, and video of people whose identity is protected by a publication ban must not include anything (such as tattoos) that might lead the public to ascertain the person's identity. Typically, the wording of a publication ban prohibits the publication or broadcast of "information that may lead to identification", not just names.

Shooting video and still photographs of the inside of a courtroom through the window of a courtroom door or through the door as it opens is not allowed. This applies while court is in session as well as when Parties are still in the courtroom just after proceedings end. Journalists should not film interviews where the inside of a courtroom or court staff are shown on camera in the background.

e) Note re: Balance of Rights

Judges have a constitutional obligation to balance the right to freedom of the press (as expressed in [*Dagenais v. Canadian Broadcasting Corporation \[1994\] 3 SCR 835*](#) and other judicial authorities) with the right to a fair trial and may, upon notice and (in some circumstances) after a hearing, further restrict the use of electronic devices.

f) Interviews Inside Courthouses

All media interviews are to be conducted within Designated Media Areas only (where they exist). Journalists should not film interviews where the inside of a courtroom or court staff are shown on camera in the background. If a member of the media wishes to arrange an exclusive interview in a quiet location, permission to use an empty courtroom or a conference room should be arranged with the Judiciary's Communications Director, the local Court Administrator, or the local Sheriff's Officer.

g) Courthouses/Courtrooms as Set Locations

Requests to use any part of the interior of a courthouse as a background or a set for film or television productions should be made to the Judiciary's Communications Director, the local Court Administrator, or the local Sheriff's Officer. Requests must always be approved by the Court. In addition, approval must be obtained from the Department of Justice and the Department of Public Works for provincially owned buildings, and with the respective landlord for courthouses in leased facilities.

Depending on the shooting schedule, there may be costs involved if courthouse or security staff are required after hours. Additional measures, such as licensing agreements and insurance, may be required for requests to film in courthouses located in leased facilities. (see Appendix D – Application for Use of Government Premises)

h) Media Rooms

In some courthouses, rooms have been set aside for use by members of the media. Officers or court administration staff can point out the location of media rooms (where they exist).

i) Guest Wi-Fi Access

All courthouses in Nova Scotia have guest Wi-Fi available to visitors, including members of the media. Depending on the location, temporary login credentials are available through Sheriff's Officers at the front desk or the Court Administration Office.

3. ACCESS TO COURTROOMS

a) General Rule

Subject to Sec. 4 of these Guidelines, members of the public, including the media, are welcome to attend all sessions of the Courts except in those rare circumstances where legislation requires, or a Judge orders, that a proceeding, or part of a proceeding, be held "in camera" (without the public and media present). For example, Section 486(1) of the Criminal Code allows for the exclusion of the public/media if the Judge "... is of the opinion that such an order is in the interest of public morals, the maintenance of order or the proper administration of justice or is necessary to prevent injury to international relations or national defence or national security."

Section 278 of the Criminal Code ("Evidence of complainant's sexual activity") is another example of a proceeding, or part of a proceeding, that may be held in camera. Specifically, 278.4(1), 278.6(2), 278.93(3) and 278.94 allows for the exclusion of the public/media when the Court must determine whether such evidence is admissible.

Typically, but not always, closing a courtroom involves an application requesting it, notification to the media, and a court hearing to consider the application and any possible objections.

b) Supreme Court (Family Division) Exception

Proceedings of the Supreme Court (Family Division) are open to the public and the media. However, counsel and/or the parties may petition the Judge to ask everyone present in the public gallery to identify themselves and the Judge may exclude the public.

Under *Civil Procedure Rule 59.60(1)*, a presiding Judge "...who is satisfied on either of the following may exclude members of the public from all or part of the proceeding:

a) the presence of the public could cause emotional harm to a child who is a witness or a participant in the hearing, or is the subject of the hearing;

b) it is in the interest of the proper administration of justice.

Where a proceeding falls under the *Children and Family Services Act* (CFSA), it is open to the public except when the presiding Judge orders the public excluded (s. 93) or when s. 63(4) or 77(1) apply.

c) Youth Court Exception

Section 132 of the *Youth Criminal Justice Act* and Section 31(1) of the *Youth Justice Act* contain similar wording which allows a Youth Court Judge to exclude any or all members of the public from the courtroom. To paraphrase, a Judge may exclude a member of the public from the courtroom who is unnecessary to the conduct of the proceeding if the evidence to be adduced is seriously prejudicial to the young person, a witness or a victim, or if their exclusion is in the interest of maintenance of order or the proper administration of justice.

d) Virtual Court Proceedings

Members of the media are permitted to participate remotely in virtual court, including in-person matters that have a virtual component, with the Judge's permission, on the following conditions:

Participation by Telephone:

- Media must sign an undertaking (see Appendix H1-H2);
- Media must have their cellphone on mute during the proceedings; if using a landline, they must be in a quiet room, so as not to disrupt the proceedings;
- As per the Courts' policies on the use of electronic devices in courtrooms, they may record the proceeding for note-taking purposes only, not for broadcast;
- If journalists do not call in at the set time for a matter or if the call is lost, the Court will not disrupt the proceedings to re-connect them; and
- If a Judge asks what participants are on the telephone, members of the media are expected to identify themselves to the Court.

Participation by Videoconference:

- Media must sign an undertaking (see Appendix H1-H2);
- Media must have their microphone on mute and their video camera turned off during the proceedings;
- As per the Courts' policies on the use of electronic devices in courtrooms, media may record audio of the proceedings for note-taking purposes only, not for broadcast;
- Media are not permitted to record video or take still photographs of the virtual court proceedings. The presiding Judge may require a verbal undertaking on the record to this effect; and

- Media are expected to connect to the virtual court hearing at the set time; however, if the connection is lost or they need to leave the proceeding, Microsoft Teams does allow them to rejoin without disrupting the proceedings.

Members of the media who wish to participate in a court proceeding by telephone or Microsoft Teams should contact the Judiciary's Communications Director, who will work with court staff to provide the details to connect remotely.

Media will not be permitted remote access to restricted matters as outlined in Sec. 3 and Sec. 4 of these Guidelines.

e) Use of Electronic Devices in Courtrooms

Without the permission of the presiding Judge, the use of video and still cameras inside all courtrooms is prohibited. This includes the use of other devices such as smart phones to record video and take photographs.

Members of the media are permitted to use handheld recorders or smart phones in the courtroom to record audio for note-taking purposes only, not for broadcast.

The use of other electronic devices in courtrooms, including to transmit information on social media platforms, is permitted under certain circumstances. For more detailed information, please refer to the Use of Electronic Devices Policies (Appendices E1 and E2 of these Guidelines.)

NOTE: Judges have a constitutional obligation to balance the right to freedom of the press (as expressed in [Dagenais v. Canadian Broadcasting Corporation \[1994\] 3 SCR 835](#) and other judicial authorities) with the right to a fair trial and may further restrict the use of electronic devices inside courtrooms.

f) Cameras in the Court of Appeal

The Court of Appeal has in place a protocol for requesting permission to bring media cameras into one of its hearings. It is outlined in "Webcasting and the Use of Cameras during Proceedings" (see Appendix B).

In part, the protocol requires that anyone wishing to obtain approval to use a camera during the hearing of an appeal shall send a letter or email, no later than fourteen days prior to the date scheduled for the hearing, to the Registrar of the Court with a copy to each party to the appeal.

The panel or the Chambers Judge may authorize the court-provided webcasting in place of a media or person's camera in the courtroom.

Before moving forward with a request, please read the entire protocol found in Appendix B. There are more important details than outlined above that you need to consider.

g) Publication Ban Signs

In the Court of Appeal and the Supreme Court, whenever a proceeding is covered by a publication ban, a sign will be posted on the courtroom door. This sign reads “Publication Ban in Effect – see Court Clerk for details”.

This means certain elements of the proceeding may not be reported on in publications or broadcasts. It also prevents the sharing of information protected by the ban on social media platforms, blogs, and other communication platforms. Members of the public and the media are still permitted to attend the proceeding, but they must respect the publication ban.

Judges should strive to be as clear as possible on the record about the details of a publication ban. If asked, the Court Clerk can also relay details of the publication ban or sealing order provided to him/her by the presiding Judge. However, the onus is on the members of the media and the public to ensure that information covered by publication bans is not published or broadcast. Some publication bans are imposed under sections of the Criminal Code. (See Sec. 6 - Publication Bans)

There can be serious consequences for breaching publication bans, including criminal charges. As such, every effort should be made to abide by them. If an individual is unable to determine through other means what the details of the publication ban are, they should contact the Judiciary’s Communications Director for assistance.

h) Decorum in the Courtroom

The basic principle is that the court process must not be disturbed.

- i. Out of respect for the process, wearing hats, chewing gum, and consuming food or beverages are not allowed.
- ii. Individual Judges have a significant amount of discretion regarding the activities (not related to the court process) that are allowed or not allowed in their courtrooms while court is in session and may add to the list above – within the parameters set by the Charter of Rights and Freedoms, laws, regulations, case law, Rules, and policies.
- iii. When entering or exiting a courtroom while a trial is in progress, it should be done quietly and unobtrusively. Doors to the courtroom should be closed quietly and gently. Similarly, members of the media participating remotely by telephone or video should be mindful of the conditions outlined in Sec. 3(d) to minimize disruptions.

- iv. On occasion, to protect the court process, a Judge may exercise their discretion and order that no one enter or leave the courtroom. This might happen during the testimony of a witness, during an address by counsel, or when the Judge is giving their decision.

i) Movement Beyond the Bar

No member of the public or the media is permitted beyond the bar in a courtroom at any time without permission of the Court Clerk or a Judge. The “bar” is usually a railing or half-wall between the public gallery and the lawyers’ tables. If there is an urgent need to get a message to the Court Clerk or the Judge, it can be relayed through a Sherriff’s Officer.

j) Media Tables

Some courthouses provide media tables or designated seating for media in courtrooms. Please check with the Court Administrator or a Sheriff’s Officer.

4. ACCESS TO OTHER COURT-RELATED PROCEEDINGS

a) Settlement Conferences

Such proceedings are held in private and off the record, between the parties and a Judge. They are designed to achieve a negotiated settlement without the need for a trial. They are not open to the public or the media. Information relating to such proceedings, and any documentation provided to the Court for consideration, are also not publicly accessible.

Decisions resulting from Settlement Conferences may be confirmed in open court or by order of the Court and thereby become accessible as part of the public record in keeping with these guidelines. However, the content of the settlement agreement may be kept confidential as a condition of the agreement.

b) Pre-trial and Case Management Conferences

These proceedings are held to deal with pre-trial procedures and trial management issues in civil matters. They are sometimes conducted off the record, which means the parties, counsel and the assigned Judge may participate. In these instances, members of the media are not permitted to attend, either in person or remotely.

If the appearance is on the record, members of the media may attend, unless otherwise ordered by the Judge. Documents filed for the Judge's consideration during a pre-trial or case management conference also become part of the publicly accessible court file.

c) Criminal Resolution Conferences

Resolution conferences in criminal cases provide an opportunity to obtain judicial input and assistance for counsel's efforts at resolution. They are intended to facilitate the disposition of cases in a timely and fair manner other than by trial.

Resolution conferences are private. Members of the media are not permitted to attend or participate virtually. All communications within the conference are to be kept confidential. Any material resulting from a resolution conference shall not be placed in the public court file unless it becomes part of the final disposition of the matter on the record in open court.

Should a resolution be reached, the judge will convene court immediately following the conference or at the next earliest opportunity to allow the accused to enter a plea and put a disposition on the record. Members of the media are permitted to participate and report on this stage of the proceedings.

d) Foreclosure Sales

The public and the media may attend foreclosure sales. These proceedings are conducted by Sheriff's Officers or another person appointed by the Court.

The public and the media may record audio and video as well as take still photographs for publication and broadcast during these proceedings.

e) Judicial Mediation in the Court of Appeal

Judicial mediation is a voluntary program available to litigants who have launched an appeal in a civil or family dispute. It is not an option in criminal appeals. Mediation offers parties an opportunity, with the assistance of a judge, to come up with a resolution outside of proceeding with the appeal.

Mediation sessions are private. Members of the media are not permitted to attend or participate virtually. Decisions resulting from judicial mediation are made public through an Order of the Court, available in the court file.

5. ACCESS TO COURT FILES AND RECORDS

General Rule

- i. As a general rule, documents filed with the Courts, exhibits accepted as evidence during proceedings, and audio recordings of court hearings are a matter of public record. However, access to some documents, exhibits, and recordings is restricted by legislation such as the Youth Criminal Justice Act, as well as by Rules of the Courts.

In addition, documents, exhibits and recordings involved in proceedings which are covered by publication bans or by other court-imposed confidentiality orders may be open to public inspection but involve restrictions on the publication/broadcast of their content. Others may be sealed altogether.

- ii. The Court Administration office in each courthouse holds all files and documentation related to cases heard in that location. Except for Supreme Court (Family Division), the public and media may search the file indexes or review documentation in these offices during office hours (generally 8:30 a.m. - 4:30 p.m.) upon paying any applicable fees. See Sec. 5.1(b) of these Guidelines for the process to request access to Family Division files.
- iii. “New filings” are indexed as they come into the courthouse administration office. However, the files associated with new civil filings are not available for viewing by the public and the media until all the related documents have been assembled into one file, prepared, and reviewed by the Prothonotary/Registrar.
- iv. New criminal Informations in the Provincial Court are typically not available until after the matter has been dealt with in court and staff have updated the file.
- v. Some criminal matters proceed to the Supreme Court for trial. In those instances, a new file is opened with that Court and an Indictment is filed. The Indictment is a public document that is available for public viewing after it has been reviewed by the staff in Criminal Scheduling.
- vi. Any viewing of files must be done in the courthouse administration office in the presence of a Sheriff or courthouse staff. In no case is a member of the public or the media permitted to remove documentation from the file or the courthouse administration office.
- vii. If photocopies are required, they will be made by staff or by the individual requesting them (depending on the facilities available). There is a fee per page copied. As well, members of the public and the media may photograph or video tape court documents.
- viii. In satellite courthouses where no permanent staff is present, advance inquiries about access should be made to the Court Administrator at the relevant main courthouse. On-site inquiries may be addressed to the Court Clerk or the Sheriff’s Officer.

5.1 ACCESS TO FILES – BY COURT

a) Youth Court Files

Access to information and files about Youth Court proceedings is restricted under the *Youth Criminal Justice Act*:

118(1) “Except as authorized or required by this Act, no person shall be given access to a record kept under sections 114 to 116, and no information contained in it may be given to any person, where to do so would identify the young person to whom it relates as a young person dealt with under this Act.”

- i. The *Youth Criminal Justice Act* allows courts (s.114), police forces (s. 115) and the government (s. 116) to keep records about a young person who is dealt with under the Act.

The general rule is that information about young persons will not be disclosed if it would identify them as someone who has committed or is alleged to have committed an offence. Accordingly, only those people who are authorized under the Youth Criminal Justice Act may have access to records or receive the information contained in them (s.118(1)).

The Act specifically sets out who may have access to such records (see s. 119(1)(s) which would include media with a valid interest in the record to the extent directed by a judge). Authorized persons, on request, may be given access to a record kept by the court, subject to the Judge being satisfied, pursuant to s. 119(1)(s) that "access to the record is (i) desirable in the public interest for research or statistical purposes, or (ii) desirable in the interest of the proper administration of justice". Authorized persons may also be given access to a record kept by the police or government, within the time periods during which access is allowed (see s. 119(1) and (2)).

After the applicable time period has elapsed, a judge may, on application, order an authorized person to be given access to all or part of a youth record (s. 123(1)) under the conditions specified.

- ii. Youth Court proceedings are open but covered by a statutory publication ban (in the Act) on information which would lead to the identification of the accused youth, youth victims, and youth witnesses. Some restrictions regarding the use of electronic devices also apply during the proceedings. (see Appendix E2 “Use of Electronic Devices Policy” – Youth Court)

- iii. Restrictions on access relating to YCJA matters do not apply if an accused youth is sentenced as an adult. But the restrictions are not lifted until all appeals or appeal deadlines are exhausted, and then, only if the adult sentence stands.
- iv. A person who is required or authorized to be given access to a record under the Act may be given any information contained in the record and may be given a copy of any part of the record (s. 122). In all cases, the publication bans in the Act continue to apply.
- v. Access to Youth Court dockets and information relating to them may be limited in varying degrees (depending on the size and nature of the community in which the Youth Court is sitting). Youth Court dockets may be posted but with initials (names and person numbers) of the accused removed or blacked out). In addition to the initials of the accused, the docket should contain the court file number.
- vi. Limited information about the Youth Court docket, as permitted by the Act, will be provided by courthouse staff upon request using the court file number and/or charges, and/or initials of the accused (or any combination of these pieces of information).
- vii. Access to information and files about Youth Court proceedings is similarly restricted under the YJA, which governs young people charged with provincial offences. Section 32(1) provides that a record maintained by the court concerning an offence by a young person shall not be disclosed unless the disclosure is desirable in the interest of the proper administration of justice. As an added protection, Section 32(2) provides that no disclosure shall be made when two years have elapsed from the finding of guilt unless an application is made to a Youth Court Judge with notice to the young person. Section 33 provides that every finding of guilt ceases to have effect for any purpose two years after the finding of guilt.

b) Supreme Court (Family Division) Files

As per *Civil Procedure Rule 59.60(4)*, anyone, (including the media) who is not a party to the proceedings must notify the Parties in writing of a request to access their files (court documents or audio recordings of court proceedings) (see also Sec. 5.3(g) Audio Recordings and Transcripts). The person seeking access to the file must prepare the notice using the Notice of Proceeding for Access to a Court File form (see Appendix C). This notice will be sent by the Court to the last known addresses of the Parties.

The Parties will then have 20 clear days to file an application with the Court to seal all or part of the file (see *Civil Procedure Rule 59.60(5)*). If none of the Parties respond with an application to seal the file, the Applicant seeking access will be given access to the file. (see *Civil Procedure Rule 59.60(6)*)

If any of the Parties responds with an application to seal the file, the Court will schedule a date to hear the application and direct compliance with the notice requirements of *Civil Procedure Rule 85*. This Rule requires the applicant to notify the media of the application to seal the file, so the media may attend the hearing to argue their case.

c) Historical Family Court Files

As of Jan. 1, 2022, all family law matters in Nova Scotia trial courts are dealt with as per *Civil Procedure Rule 59*. As such, please refer to s. 5.1(b) Supreme Court (Family Division) Files for information on access to family law files after Jan. 1, 2022.

Requests for access to Family Court files that were opened before Jan. 1, 2022, may still be subject to restrictions outlined in the *Family Court Act*. Requests for access to these historical files should be directed to the Communications Director for the Judiciary to assist.

d) Wellness Court Files

In some areas of Nova Scotia, Wellness Courts have been set up to deal with criminal offences substantially connected to an individual's mental health disorders and/or substance use. The programs available in these Wellness Courts vary depending on the needs of the community it serves and the resources available in that region.

These programs are under the jurisdiction of the Provincial Court and administered jointly by the Court, the Department of Justice and Nova Scotia Health. Files accepted into the following Wellness Court programs are not made available to the public or the media.:

- Mental Health Court Program
- Court Monitored Mental Health Program
- Substance Use Disorder Program
- Drug Court Program
- Court Monitored Drug Treatment Program

However, the original Informations from the Provincial Court that outline the charge(s) against an individual are available to the public and media, upon request.

Details of an accused individual's medical history and support plan are discussed by the court team and counsel outside of court. Proceedings in court are open to the public and media under certain publication restrictions and rules regarding the use of electronic devices. (See Appendix E2 "Use of Electronic Devices Policy" – Youth Court and Wellness Court)

e) Court of Appeal Files

All files of the Court of Appeal are open to the public and the media unless the Court has specifically ordered that the file, or some part of the file, not be made available. Such an order, like a publication ban order, may or may not be imposed after the media have been notified of the application to seal the file and they are given an opportunity to oppose the application if they choose to.

Some types of publication bans imposed in lower court proceedings remain in effect if the matter is appealed. In these situations, court staff will endeavor to note any applicable publication bans on the Court of Appeal file. If an individual is unsure whether a publication ban is in effect, or what the details of a publication ban are, they can contact the Judiciary's Communications Director for assistance.

f) Supreme Court Files

All files of the Supreme Court are open to the public and the media unless the Court has specifically ordered that the file, or some part of the file, not be made available. Such an order, like a publication ban order, may or may not be imposed after the media have been notified of the application to seal the file and they are given an opportunity to oppose the application if they choose to.

Some types of publication bans imposed in the Provincial Court remain in effect if the matter proceeds to trial in or is appealed to the Supreme Court. In these situations, court staff will endeavor to note any applicable publication bans on the Supreme Court. If an individual is unsure whether a publication ban is in effect, or what the details of a publication ban are, they can contact the Judiciary's Communications Director for assistance.

There are some limitations on access to certain documents such as Victim Impact Statements, Pre-Sentence Reports, Exhibits, etc. For example, Pre-sentence Reports are only made public when they become part of the court record during sentencing. (See section 5.2 ACCESS TO FILES – BY TYPE)

g) Provincial Court Files

Provincial Court files relating to adult criminal cases are open to the public and the media unless the Court has specifically ordered that the file, or some part of the file, not be made available. There are some limitations on access to certain documents such as Victim Impact Statements, Pre-Sentence Reports, Exhibits, etc. For example, Pre-sentence Reports are only made public when they become part of the court record during sentencing. (See section 5.2 ACCESS TO FILES – BY TYPE)

h) Small Claims Court Files

In the Small Claims Court, all files are accessible unless the Court has specifically ordered that the file, or some part of the file, not be made available.

i) Probate Court Files

The Probate Court sits under the jurisdiction of the Supreme Court. All records filed in the Registry of Probate are open to the public, after probate has been granted, unless the Court has specifically ordered that the record, or some part of the record, is not to be made available for public inspection.

Such an order, like a publication ban order, may or may not be imposed after the media have been notified of the application to seal the file and they are given an opportunity to oppose the application if they choose to.

j) Bankruptcy Court Files

The Bankruptcy Court is under Supreme Court jurisdiction. All of its files are open to the public unless the Court has specifically ordered that the record, or some part of the record, is not to be made available for public inspection.

Such an order, like a publication ban order, may or may not be imposed after the media have been notified of the application to seal the file and they are given an opportunity to oppose the application if they choose to.

k) Domestic Violence Court Program Files

This program is under the jurisdiction of the Provincial Court and is administered jointly by the Court and the Department of Justice. Medical or “therapeutic” files are not open to the public and the media. Court files are accessible unless the Court has specifically ordered that the record, or some part of the record, is not to be made available for public inspection.

l) Gladue and Healing to Wellness Court Files

The Provincial Court in Wagmatcook First Nation is unique to Nova Scotia and was among the few in the country to incorporate Indigenous restorative justice traditions and customs. It includes a Gladue Court, which deals with sentencing and bail matters, and a Healing to Wellness Court for Indigenous individuals who come into conflict with the law.

Gladue Court and Healing to Wellness Court files are open to the public and the media unless the Judge has specifically ordered that the file, or some part of the file not be made available. There are some limitations on access to certain documents. (See section 5.2 ACCESS TO FILES – BY TYPE)

5.2 ACCESS TO FILES – BY TYPE

a) *Children and Family Services Act (CFSA) Proceedings*

Files pertaining to cases under this Act, such as child protection and adoption, are not open for inspection by the public or media without a Judge’s authorization. Sealed documents in these files shall not be opened by any person, including courthouse staff, without a court order.

Civil Procedure Rule 60A.33 – Access to files and records states:

“Only the following persons may have access to the files and records of the court respecting a proceeding under the *Children and Family Services Act*:

- a) a party, unless the party is a child and the judge at an interim hearing under Rule 60A.10(1)(a), or at any time under Rule 60A.11(3) makes an order to prevent emotional harm to the child;
- b) counsel for a party;
- c) any other person as directed by the judge on the motion of the person, with notice to the parties if the court directs, subject to the judge making an order to prohibit publication of a report of the proceeding or hearing under Section 94 of the *Children and Family Services Act*.

b) Child Abuse Registry

All Child Abuse Registry forms, where these are contained as part of a Supreme Court criminal file, are available for inspection by the public or media. However, there are restrictions on the publishing and broadcast of certain information, typically information that may lead to a child being identified. Access to the actual Registry database is also restricted. (See the *Children and Family Services Act*, Sections 66 and 94)

c) Dockets of the Nova Scotia Courts

Dockets for Wellness Court programs, including the Mental Health Court Program, the Substance Use Disorder Program, the Drug Court Program, the Court Monitored Mental Health Program, and the Court Monitored Drug Treatment Program, are public and posted in the courthouses.

Youth Court dockets are posted daily in the courthouses but may display initials instead of names. (See Sec. 5.1(a) (v))

Dockets for the for the Court of Appeal, the Supreme Court (both General and Family Divisions), and the Provincial Court, including the Domestic Violence Court Program, are posted daily in the courthouses.

Dockets for the Court of Appeal, the Supreme Court, Night Court in Sydney, Halifax and Dartmouth and Bankruptcy Court are posted online at <https://www.courts.ns.ca/operations/dockets-of-nova-scotia-courts>.

Dockets for the Provincial Court are available by email every morning. Individuals can subscribe to this service by visiting the Dockets page on the Courts website.

d) Exhibits

If a trial is ongoing, requests for access to exhibits (physical evidence, including documents, photos, video, weapons, etc.) must be made to the presiding Judge. Some Judges may entertain informal requests. Other Judges may require a formal application to the Court.

The Judge may grant limited access to only those exhibits that have been properly admitted as evidence in open court. They may also restrict what the exhibits may be used for; make them available for inspection but not for publication or broadcast, for example.

Typically, if the presiding Judge has granted permission, media will be allowed to view, photograph or take video of exhibits in a secure area of the courthouse with a Sheriff's Officer or other designate present at a time convenient to the Court and the applicant.

After the completion of the trial, and all appeals (or expiration of appeal deadlines), physical evidence exhibits are either returned to their owners, sent to the Nova Scotia Archives, or destroyed. Any inquiries about access at this point, should be directed to the Court Administrator.

These processes are outlined in more detail in Appendix F – Exhibit Access Policy.

e) Funds in Trust

As per the *Payment into Court Act*, Courts occasionally need to accept funds from a party following a court order for payment in a legal dispute or foreclosure sale. In those situations, the Court holds the funds in trust until there is a second court order to release the funds.

Information regarding Funds in Trust is public; however, as per *Civil Procedure Rule 46.04(3)*, the notice of a payment into court may need to be kept confidential to provide security for an offer to settle or contribute, unless a Judge directs otherwise.

f) Peace Bonds, Emergency Protection Orders

Generally, these are open for inspection by the public and the media unless a sealing order was imposed when they were issued, and that order has been confirmed by the Supreme Court.

Although the files are public, s. 13 of the *Domestic Violence Intervention Act* requires that in all cases the court keep the address of the victim confidential. As such, that information is redacted from documents in the court file. Access to the audio recordings may also be restricted and would require a motion to a Judge for access.

There may be instances where a Judge or Justice of the Peace issues further orders prohibiting the publication of the name of the victim or any other information that may identify the victim. In those instances, a notice will appear on the file indicating there is a publication ban in effect.

Peace Bonds filed in the Family Court prior to the creation of the Supreme Court (Family Division), are not open for inspection unless ordered by a Judge.

g) Pre-sentence Reports

In the Provincial and Supreme Courts, unless the presiding Judge directs otherwise, Pre-sentence Reports become accessible when they become part of the court record during sentencing.

h) Search Warrants

Each Provincial Court in the province keeps a search warrant log and a separate binder containing copies of the log sheets for the search warrants that are available for public viewing.

Typically, when a search warrant is granted, the related paperwork is not publicly available until after the search warrant has been executed and objects found during the search are brought before a Judge. That happens through a Report to Justice.

Search warrants are not publicly accessible if:

- if nothing was seized during a search;
- if a Report to Justice has not yet been filed; or
- if the search warrant was sealed by a Judge or Justice of the Peace.

If a search warrant is sealed, no one, including court staff, is permitted to unseal the warrant packet, except on order of a Judge. Any person, including a journalist, seeking access to a warrant that is not publicly accessible must apply before a Judge in open court, after giving notice of the application to any other known party.

Warrants are routinely added to the public search warrant logs as police file the required Reports to Justice with the court. The logs are available for viewing by members of the public and media by request through the Court Administration office.

If a journalist has reason to believe that a Report to Justice should have already been filed but the documents do not appear on the public search warrant log, they should contact the Communications Director for the Judiciary for assistance.

i) Application for Wire Taps

Applications for wire taps are confidential until such time that charges are laid, and the information becomes part of a public court file. If no charges are laid, those files remain confidential.

j) Sheriffs' Records

Documents referencing Youth Court matters can only be made available by Court Order. Sheriff cell lists containing only adult cases are open for public inspection. Cell lists which include youths' names are not open for inspection.

k) Victim Impact Statements, Community Impact Statements

In Provincial Court and Supreme Court, Victim Impact Statements and Community Impact Statements are accessible to the media and the public once they become part of the official court record, unless otherwise earlier ordered by a Judge.

l) Court Decisions

To promote the open courts principle and enhance public confidence in the Judiciary and the justice system in Nova Scotia, most written decisions of Judges and Adjudicators are publicly accessible.

The Courts self-publish decisions and post them in a searchable database on the Courts' website (<https://decisia.lexum.com/nsc/en/ann.do>). The Courts also offer a daily decision release email service. To subscribe, visit the Searchable Database and click on "Mailing List" at the bottom of the page.

The searchable database is not a complete collection of all the decisions released by the Nova Scotia Courts. It currently contains most of the decisions published since 2003.

Many decisions are delivered orally in court and are not transcribed unless the decision is appealed to a higher court. For oral decisions, media can request a copy of the audio as per the process outlined in Sec. 5.3(g) of these Guidelines.

5.3 ACCESS TO FILES – BY CIRCUMSTANCES

a) Access to Files in Cases of Urgent Applications

Litigants may file applications with the Courts requesting emergency actions such as injunctions. At times, these applications may involve confidentiality issues or even requests for sealing orders which the Court is also being asked to rule on.

These files are not accessible by the public or the media until the Prothonotary/Registrar has reviewed them. Every reasonable effort will be made to expedite this initial review.

Further to this, as per Civil Procedure Rule 85, a Party may make a motion for an interim order of confidentiality until a Judge rules on the application. If that happens, the Prothonotary/Registrar may restrict access to the record of the motion, and to any other record sought to be made the subject of the confidentiality order, for such time as is required to give notice of the motion and bring the motion to a hearing.

If a Party is seeking a publication ban on a file, it the documents may be made available on an undertaking that they must be treated as if the publication ban has already been ordered until a Judge rules on the application.

b) Access to New Files

For the same reasons outlined above, new files are not accessible by the public or the media until the Prothonotary/Registrar has reviewed them. Every reasonable effort will be made to expedite this initial review.

If public accessibility to a given file is one of the issues to be determined by the Court, the file will not be made available until a Judge rules on the application (see *Civil Procedure Rule 85*).

If a Party is seeking a publication ban on a file, the documents may be made available on an undertaking that they must be treated as if the publication ban has already been ordered until a Judge rules on the application.

c) Access to Files While in Transition or During a Trial

Files which are in the possession of a Judge, just before, during, or just after a trial, are not immediately accessible to the public or the media. Requests for access to such files “in transition” should be directed to the presiding Judge through the Judiciary’s Communications Director.

Subject to the Judge’s approval, efforts will be made to provide access to the file at a convenient time – during a break in the court proceedings or the lunch period or just before or after the day’s proceedings.

If there is a need to request access to a file during proceedings, a Sheriff’s Officer should be asked to relay that message to the Court Clerk rather than moving beyond the bar in the courtroom to speak directly to the Clerk.

d) Access to Information in Files

Requests for information about criminal prosecutions (i.e., confirmation of charges, pending court appearances, verdicts, etc.) should be directed to the communications staff with the Nova Scotia Public Prosecution Service. Members of the media can send an email to ppsmediainquiries@novascotia.ca or call the PPS Media Line at 902-476-0294. Text messages to this number are not checked.

Requests for information about court records may be directed to the Court Administration office. Staff will make every effort to locate the file or information being requested based on the identifying details provided. However, in instances where there are multiple entries with the same name, members of the public and the media making such requests may be asked to provide additional information (i.e. birthdates, middle names, addresses) to help staff locate the correct files.

If a search results in the finding of more than one case file containing the same or similar identifying details (e.g. names), all such information and/or files will be provided. The onus is then on the person making the request to determine which case is the one being requested.

Requests for information about civil or appellate court records may be directed to the Court Administration office at courthouses where the superior courts are located. This information may also be available by searching the Civil Index System on the public access computers located at all courthouses.

e) Requests Made by Telephone, Fax or Email

Information such as pending court dates in criminal prosecutions, including the time and place of the hearing, are available by contacting the communications staff with the Nova Scotia Public Prosecution Service.

Members of the media can send an email to ppsmmediainquiries@novascotia.ca or call the PPS Media Line at 902-476-0294. Text messages to this number are not checked.

Court administration staff can also provide this information. It may be requested without cost by telephone, fax or email. In criminal matters, the Act and section number of the charge may also be requested.

However, this does not apply to matters in Youth Court. Similar information covered by the *Youth Criminal Justice Act* (YCJA) must be requested in person. Restrictions set out in the YCJA will apply. (See paragraph 5.1(a) Youth Court Exception)

Where more detailed information is requested by telephone, fax or email, a search fee will apply – without regard to whether the searcher holds a Bulk Search Punch Card or not. Such information will not be summarized on the phone or in an email. The information can only be provided through a copy of the relevant document (either an electronic scan sent by email or a hard copy mailed or faxed to the individual).

To guard against mistaken identities, members of the public and the media making such requests may be asked to provide more than just the name(s) of the Parties. If a search results in the finding of more than one case file containing the same or similar identifying details (e.g., names), all such information and/or files will be provided. The onus is then on the person making the request to determine which case is the one being requested.

Faxed documents are subject to a per-page faxing fee with an additional charge for long distance calls. Courthouse administration staff will estimate the applicable fees and taxes before proceeding. Members of the public and the media will be billed accordingly.

f) Search, Fax and Copying Fees

Members of the public and representatives of the media have equal rights of access to court records, subject to access restrictions in the YCJA and any fee charged to a member of the public is charged to a member of the media. Likewise, anything a member of the public receives at no cost, the same is provided to a member of the media without charge.

There is no charge for inquiries regarding a pending court appearance date for a particular individual, including the time and place of the hearing. In criminal matters, there is also no charge for inquiries regarding the statute and the section number of the charge.

Search fees are charged if the person making the inquiry requests details beyond the above, such as a full reading of the charge, or hearing, or sentencing information, or if the inquiry requires examination of the file to provide an answer.

The *Costs and Fees Act* provides for specific fees to be charged for inspection of any court record or document by any person other than the litigant or their lawyer, police, the victim of a crime, or a recognized agency inquiring on behalf of a victim. A fee is also charged to prepare copies of court audio. These fees can be paid in person at the courthouse or over the telephone using an accepted credit card.

Persons needing to frequently search court files may purchase a Bulk Search Punch Card. It may be presented in lieu of payment of search fees each time the holder requests access to files. This card may be used at any courthouse administration office within the Province of Nova Scotia. In addition to search fees, charges for copying and faxing documents may be applied to Bulk Search Punch Cards. Courthouse staff will try to estimate the total fees required prior to initiating the search.

When several files are grouped together immediately following a court hearing, the group of files may be searched or inspected, and the fee charged will be the fee for searching one file. Once the files are distributed or filed, a search fee per file shall apply.

Parties to an action, including their lawyers and police agencies involved, and including the victim of a crime or a recognized agency inquiring on behalf of a victim, are entitled to access a file without search fees.

g) Audio Recordings and Transcripts

The Courts do not produce or provide text transcripts of proceedings. They make and maintain audio recordings of their proceedings.

Copies of these audio files are available to the public and the media in most instances. As outlined in Sec. 5.1(c) of these Guidelines, historical proceedings in the Family Court may still be subject to restrictions in the Family Court Act. As such, audio of these types of proceedings is typically not available. These requests should be directed to the Communications Director for the Judiciary to assist. Likewise, and any other recording to which a Judge has applied a sealing order would not be available.

Requests for access to audio files of proceedings in the Supreme Court (Family Division) requires an additional step. Anyone, (including the media) who is not a party to the proceedings must notify the Parties in writing of a request to access the audio files. The person seeking access must prepare the notice using the Notice of Proceeding for Access to a Court File form, which will be sent by the Court to the last known addresses of the Parties. (see Sec. 5.1 and Appendix C, Notice of Proceeding for Access to a Court File)

To order a copy of the audio of court proceedings on USB, the applicant must fill out and sign the form available on the Media page of the Courts website: <https://www.courts.ns.ca/resources/media>. See also Appendix G of these Guidelines. This form must be submitted to the Court Administration office. Members of the media requesting court audio should note their deadline, if there is one, and whether this is an urgent request. A fee is charged for the production of court audio.

These audio recordings of court proceedings are provided on the signed undertaking that the audio will not be broadcast or widely copied and distributed.

Any publication bans or sealing orders related to the case also apply to these audio recordings.

h) Urgent Requests to Listen to Audio Recordings of Court Proceedings

There is a strong public interest in ensuring accurate news coverage of court proceedings. Due to the acoustics in some courtrooms, there may be instances when a journalist is unable to hear what was said in court and must listen to the court audio to ensure accuracy in their reporting.

If the need is urgent, it may be possible to arrange for a journalist to listen to the court recording system in the courtroom during a break in the proceedings, provided there is court staff available to supervise and the request is discussed with the presiding Judge.

It is also possible for a small portion of the proceedings (such as the Agreed Statement of Facts), to be provided as an audio file by email.

Such a request, regardless of where in the province the proceeding was held, should be made to the Judiciary's Director of Communications.

6. PUBLICATION BANS

a) Types of Publication Bans

There are two types of publication bans: mandatory and discretionary. This area of law is a complicated one, and members of the public and media are urged to familiarize themselves with the subject. On occasion, it may be prudent to seek legal advice on whether publication or broadcast is permitted. There can be serious consequences for breaching publication bans, including criminal charges.

The Judiciary's Communication Director can confirm details of a publication ban but is not able to provide legal advice on how to abide by a publication ban.

b) *Dagenais* and Publication Bans

In [*Dagenais v. Canadian Broadcasting Corporation \[1994\] 3 SCR 835*](#), and [*R. v Mentuck, 2001 SCC 76*](#), the Supreme Court of Canada set out the framework for discretionary publication bans. It said Judges may only order a ban when it is necessary to prevent a serious risk to the administration of justice and there are no alternative measures and after weighing its effect on freedom of the press, the right to a fair and public trial and the efficacy of the administration of justice. If a Judge decides a ban is warranted, it is only to be as restrictive in scope and time as is necessary to achieve its purpose. The *Dagenais* decision also said that the media should have standing to be heard and to raise objections in open court when a party requests a non-statutory ban. At the same time, it left a Judge some discretion in deciding if and when the media will be given such standing.

c) Providing Notice to the Media

In Nova Scotia, individuals applying for discretionary publication bans are required to provide notice to the media, usually three clear days' notice or more. This ensures members of the media are aware of the application and have enough time to prepare a challenge if they wish to do so.

The Court of Appeal and Provincial Courts have Practice Directives outlining this process in those Courts. In the Supreme Court, including the Family Division, requests for discretionary publication bans and other forms of confidentiality orders are dealt with under *Civil Procedure Rule 85.05*, which follows much the same process as the Court of Appeal and Provincial Court Directives, and *Civil Procedure Rule 59.60(2)*, which gives the discretion to the trial judge to impose a partial or complete publication ban.

To enable notice to the media, Nova Scotia has an email notification system that allows journalists and other interested parties to subscribe to receive notices of applications for discretionary publication bans, confidentiality or sealing orders, requests for in camera proceedings, and permission to identify parties by pseudonyms.

Members of the media and counsel who want to subscribe to this notification service can send an email to publicationbans@courts.ns.ca.

d) Some Statutory Publication Bans

- i. **Youth Court** – In general, the federal *Youth Criminal Justice Act* and the provincial *Youth Justice Act* prohibit the publication of any information that would lead the public to identify the accused youth or any child or young person who is a victim or witness in a YCJA or YJA matter (not just their name) (see ss. 110 and 111 of the YCJA and s.30 of the YJA). This prohibition does not apply under some circumstances (see s. 110(2) of the YCJA).
- ii. **Matters under the *Children and Family Services Act*** – Information that has the effect of identifying a child witness, a child participant in a hearing, or a child who is the subject of a proceeding held under the CFSA cannot be published or made public. Nor can information that has the effect of identifying a parent, guardian, foster parent, or relative of the child. (See Section 94(1) of the CFSA) A ban may also be ordered if the Court is satisfied that publication would cause emotional harm to a child who is a participant, a witness, or is the subject of the proceeding. (See Sec. 94 (2) of the CFSA)
- iii. **Evidence in a Bail Hearing** – Statutory bans are usually imposed on the publication of evidence presented at a Bail Hearing. They are compulsory if requested by the Defendant and discretionary if requested by the Prosecutor. They cover the content (evidence and information) of the hearing as well as the Judge’s reasons for their decision. However, these bans have an “expiry date”; at the end of a preliminary inquiry if the accused is discharged (not sent to trial) or when the trial has ended if the accused is tried. In the case of a jury trial, the ban expires when the jury is sequestered and/or begins its deliberations. See Criminal Code s. 517(1) for details.
- iv. **Evidence in a Preliminary Inquiry** – Statutory bans are normally imposed on the publication of evidence taken at a Preliminary Inquiry. They are compulsory if requested by the Defendant and discretionary if requested by the Prosecutor. They also expire at the end of the proceedings if the accused is discharged (not sent to trial) or when the trial has ended if the accused is tried. In the case of a jury trial, the ban expires when the jury is sequestered and/or begins its deliberations. (See Criminal Code s. 539)

- v. **Proceedings of a Voir Dire and Other Pre-trial Motions** – In jury trials, no information regarding any portion of the trial at which the jury is not present, including any evidence taken, can be published until the jury has been sequestered and begins its deliberation (See Criminal Code s. 648(1)). Prior to that, only the fact that a Voir Dire was conducted can be published.

- vi. **Admissibility of Evidence of Complainant’s Prior Sexual Activity** – Section 278 of the Criminal Code (“Evidence of complainant’s prior sexual activity”) is another example of a proceeding, or part of a proceeding, that is covered by a statutory publication ban. This ban is broad and even prohibits the publication of the Judge’s decision and their reasons. (See Criminal Code s. 278.4(1), 278.6(2), 278.93(3) and 278.94)

- vii. **Proceedings Regarding Sexual Offences** – The identity of alleged victims, and witnesses under the age of 18, are usually protected by publication bans in such proceedings. The Judge is required to impose the ban if requested by the alleged victim, a young witness or the Prosecutor. (See Criminal Code s. 486.4)

APPENDICES A

DESIGNATED MEDIA AREAS IN NOVA SCOTIA COURTHOUSES

Designated Media Areas (DMAs) are areas within the public space of Nova Scotia courthouses (outside courtrooms). They are the areas in which members of the media may operate electronic equipment such as cameras and audio recorders to take pictures, record video and conduct interviews.

When space in these areas is limited, priority will be given to members of the media. From time to time, Sheriff's Officers may need to relocate or resize DMAs for security and safety reasons. The practical operational needs of the equipment operators will be balanced with the security and safety considerations.

DMAs are not usually demarcated. Floor plans showing these areas for some courthouses are included in Appendix A1 – A8 of these guidelines and are also available in the courthouses.

FLOOR PLANS AND DESCRIPTIONS

Law Courts, Upper Water Street, Halifax

Appendices A1 – A5: Pages 35 – 40

Provincial Court, Spring Garden Road, Halifax

Appendices A6 – A8: Pages 41 – 44

APPENDIX A-1

Floor Plans for “Designated Media Areas”

Halifax Law Courts (Upper Water Street)

Outside the Courthouse

For the purpose of these guidelines the grounds outside the courthouse buildings will be considered generally accessible to the media with the following caution. When attending courthouses throughout Nova Scotia, members of the media and everyone else, should go about their business with the safety and dignity of the other people coming and going uppermost in their minds.

In addition, for security and safety reasons, Sheriff’s Officers may need to set reasonable parameters around the prisoners’ entrance at the back of the buildings beyond which the media may not go.

Stairways

The stairways are narrow and dangerous when overcrowded. In the interest of safety, the operation of all types of camera and audio equipment is not allowed.

Interviews

All media interviews are to be conducted within Designated Media Areas only (where they exist). If a member of the media wishes to arrange an exclusive interview in a quiet location (other than the public areas of the courthouses), permission to use an empty courtroom or conference room should be arranged with the Judiciary’s Communications Director, the local Court Administrator, or the local Sheriff’s Officer.

1st Floor and Parking Garages

There is no taking of still photographs and recording of video or audio allowed.

2nd Floor Administration Office

If you wish to shoot video or still photographs or record audio in the courthouse administration office on the 2nd floor, you must first notify the Court Administrator, the Sheriff’s office or the Judiciary’s Director of Communications.

3rd Floor

The Designated Media Area begins at the front of the pillars (pillars #1 – 5) facing the elevators and extends back approximately two metres towards the windows. This area will be demarcated by benches and/or ropes for cases that attract greater media interest. Otherwise, media will respect the imaginary line created by the five pillars. times. (See 3rd floor plan, Appendix A-2)

4th Floor

The operation of all types of camera and audio equipment is not allowed except for the use of electronic devices inside the two courtrooms. See the Use of Electronic Devices Policy Appendices E-1 to E-2 for prohibitions, restrictions, and permissions regarding the use of electronic devices inside courtrooms.

5th Floor

The designated media area begins behind an imaginary line created by the front face (the face closest to the elevators and courtrooms) of the three pillars, from pillar #1 (being closest to public washrooms) to the beginning of the narrow hallway beyond courtroom 502 and extending back approximately two metres towards the windows. The operation of all types of camera and audio equipment is not allowed beyond courtroom 502 towards courtroom 501 and the stairs. (See 5th floor plan, Appendix A-3)

6th Floor

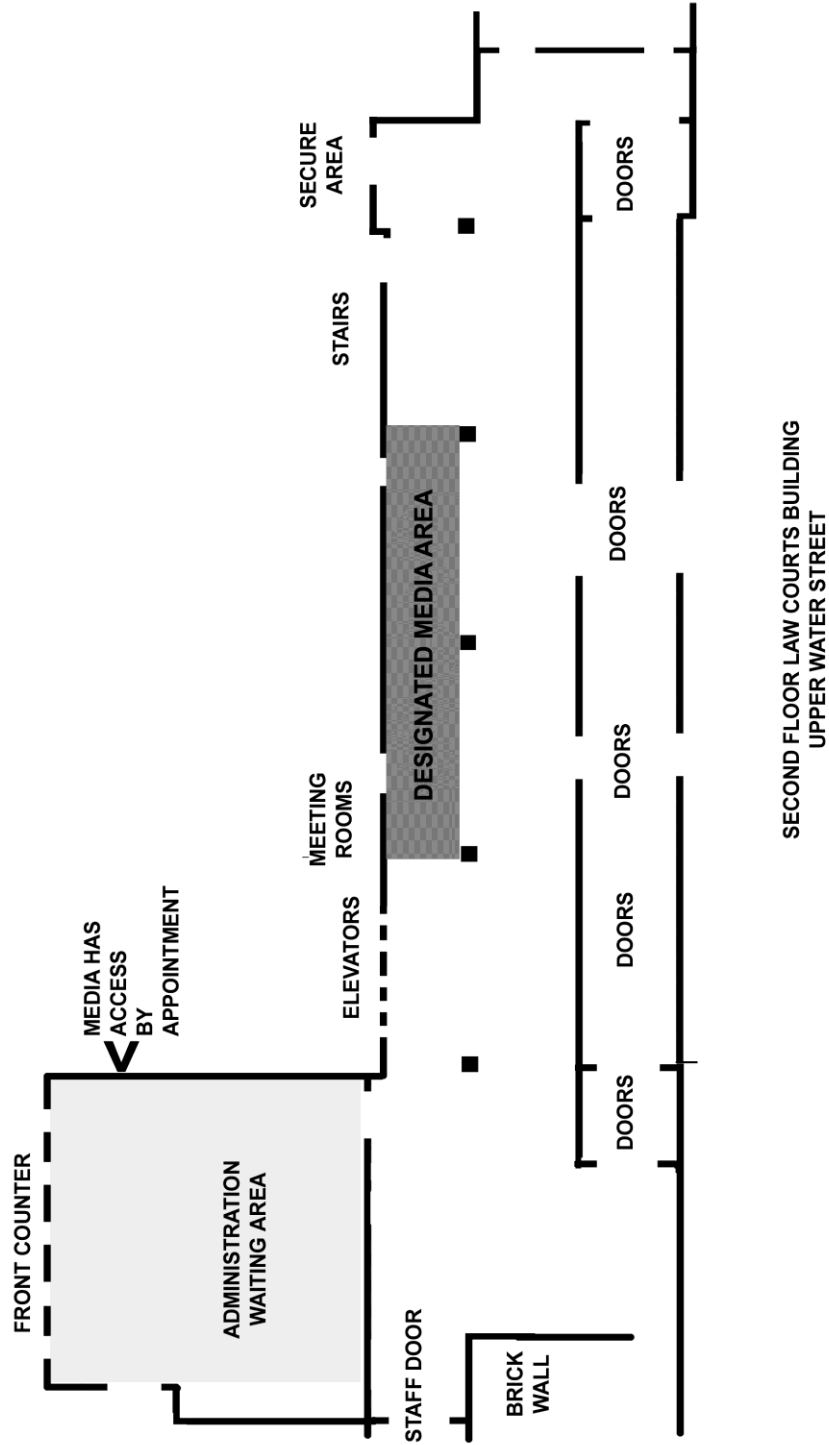
This is secure office space. There is no media or public access.

7th Floor

The designated media area begins behind an imaginary line created by the front face (the face closest to the elevators and courtrooms) of the two pillars and extending from the wall perpendicular to, and to the north of, the elevators to the beginning of the narrow hallway beyond courtroom 701. The operation of all types of camera and audio equipment is not allowed beyond courtroom 701 towards the stairs. Do not block witness rooms or washrooms along back wall. (See 7th floor plan, Appendix A-4)

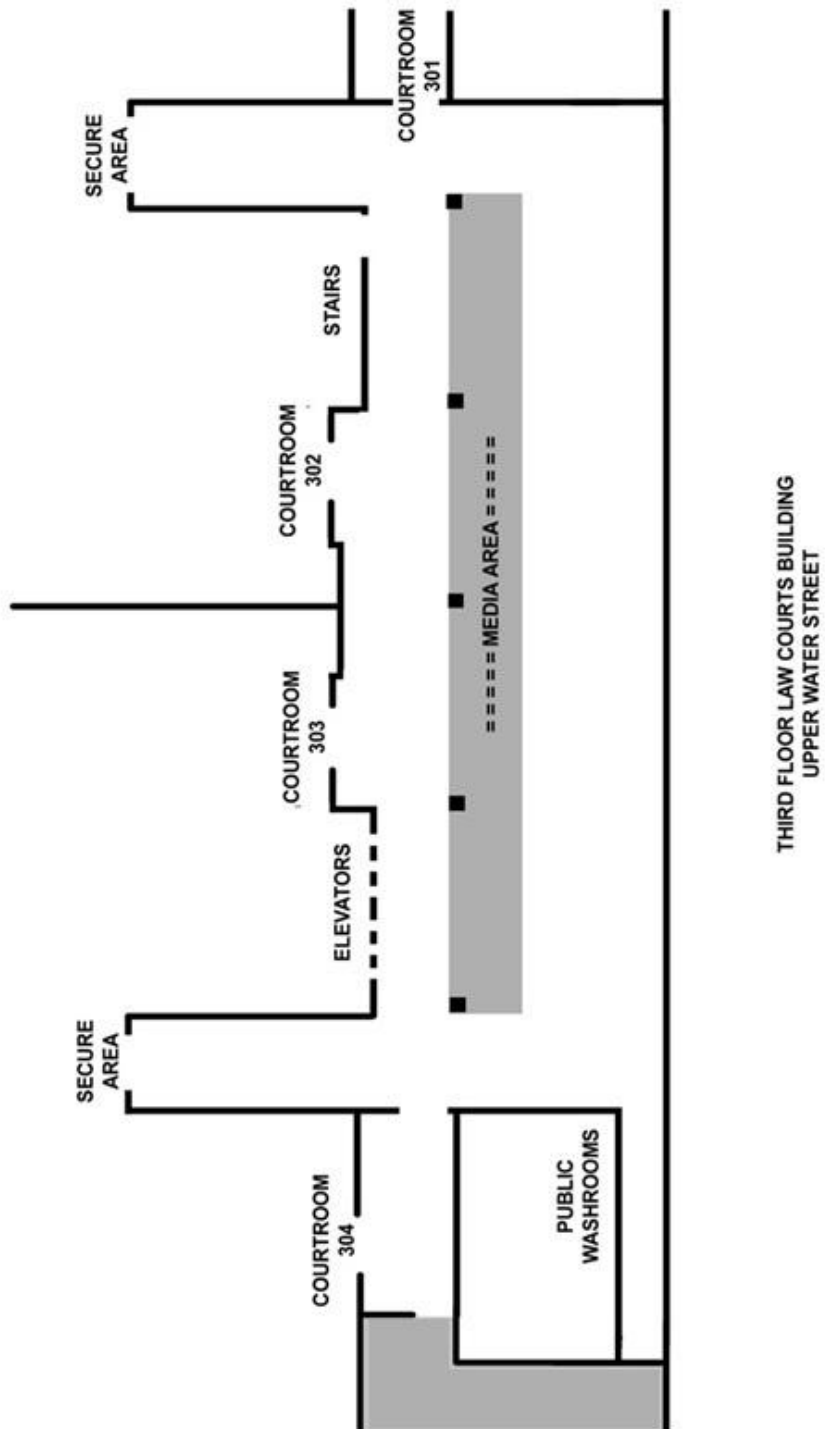
APPENDIX A-2

Designated Media Areas in the Halifax Law Courts (2nd Floor)



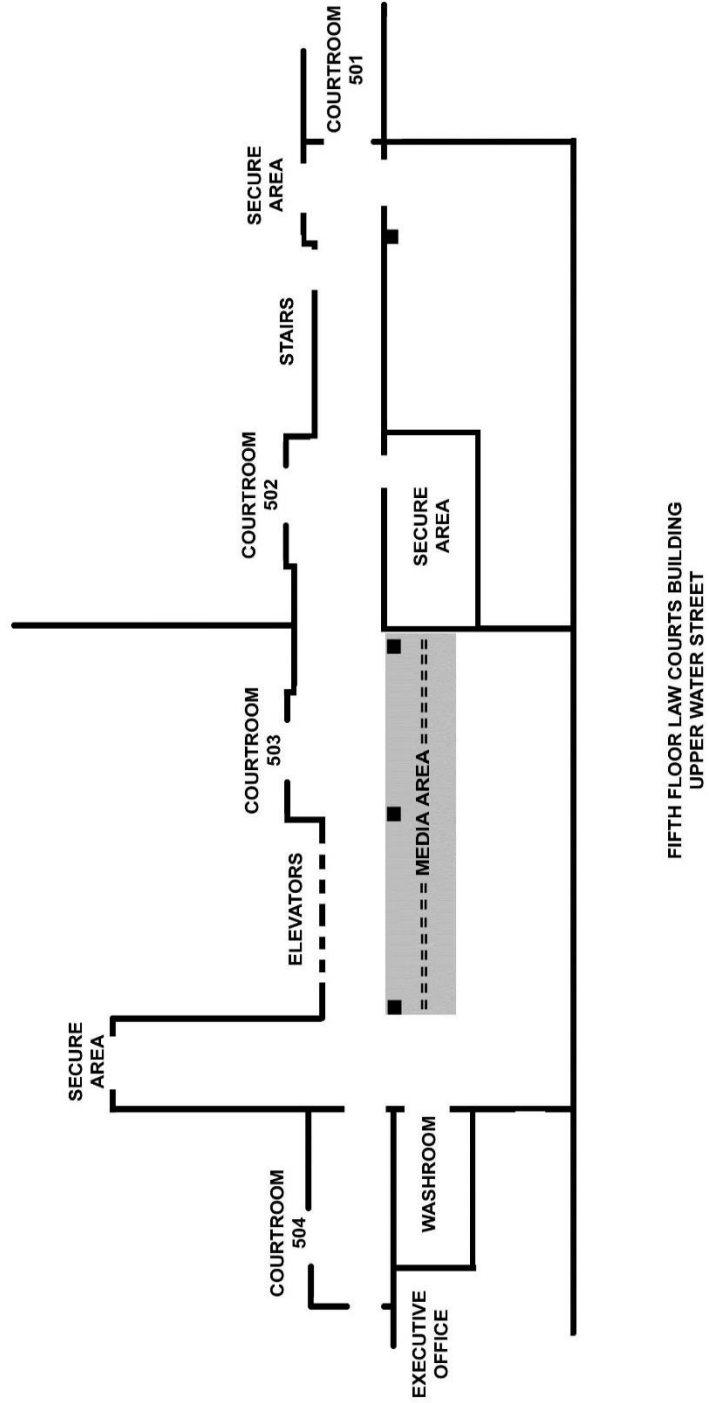
APPENDIX A-3

Designated Media Areas in the Halifax Law Courts (3rd Floor)



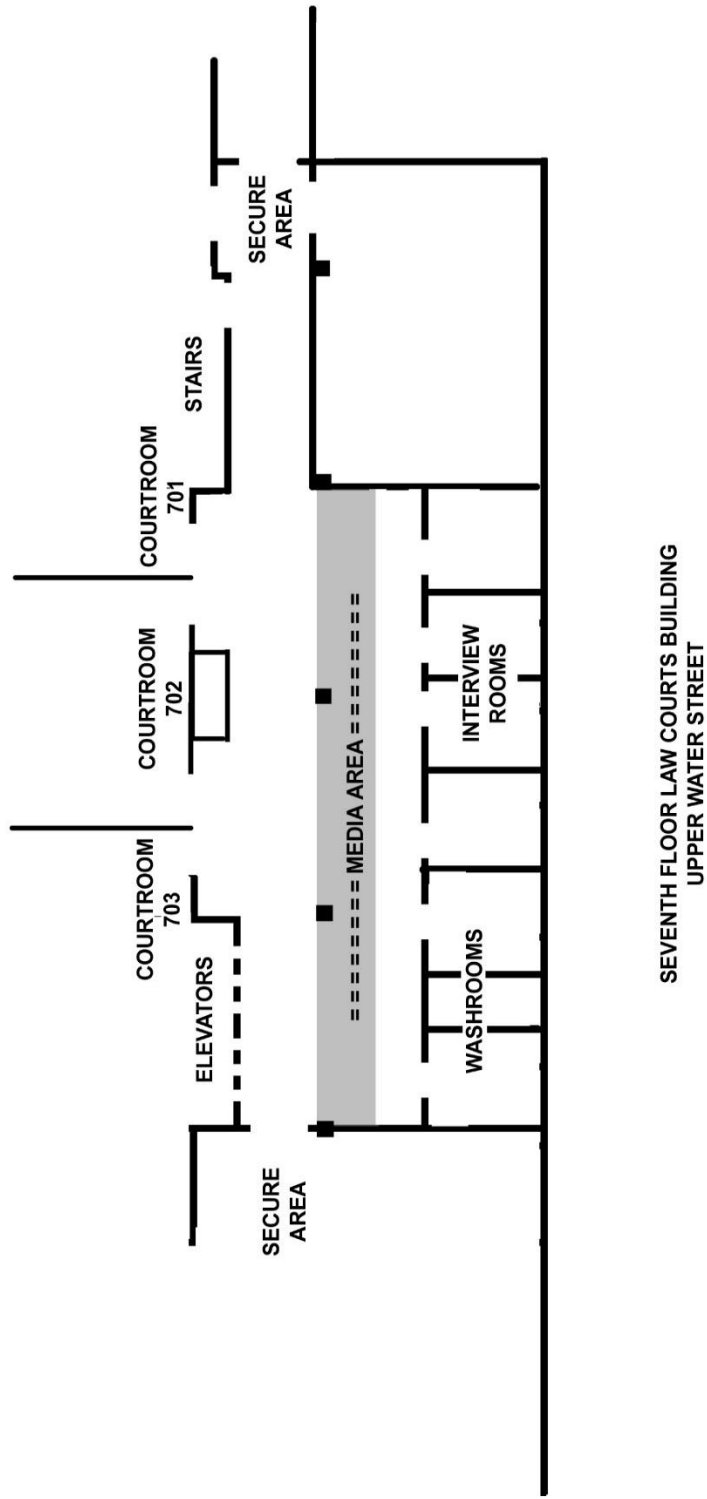
APPENDIX A-4

Designated Media Areas in the Halifax Law Courts (5th Floor)



APPENDIX A-5

Designated Media Areas in the Halifax Law Courts (7th Floor)



APPENDIX A-6

Floor Plans for “Designated Media Areas” Halifax Provincial Court (Spring Garden Road)

Outside the Courthouse

For the purpose of these guidelines, the grounds outside the courthouse buildings will be considered generally accessible to the media with the following caution: when attending courthouses throughout Nova Scotia, members of the media and everyone else, should go about their business with the safety and dignity of the other people coming and going uppermost in their minds. In addition, for security and safety reasons, Sheriff’s Officers may need to set reasonable parameters around the prisoners’ entrance at the back of the buildings beyond which the media may not go.

Stairways

The stairways are narrow and dangerous when overcrowded. In the interest of safety, the operation of all types of camera and audio equipment is not allowed.

Interviews

All media interviews are to be conducted within Designated Media Areas only. If a member of the media wishes to arrange an exclusive interview in a quiet location (other than the public areas of the courthouse), permission to use an empty courtroom or conference room should be arranged with the Judiciary’s Communications Director, the Court Administrator, or a Sheriff’s Officer.

1st Floor

The Designated Media Areas are located in the hall to the left of the staircase (when facing it) along the side walls while trying not to block any doorways. Care should be taken to avoid including the security screening apparatus in video and still photographs. The area underneath the main staircase facing courtroom #6 is still available for use. Members of the media are asked to avoid blocking the flow of traffic as much as possible.

For security and safety reasons, the media are not permitted to operate their equipment inside the anteroom which is situated in front of the Youth Court (last room on the right along that same hall). This room is part of the courthouse’s public space, however, activity in the room may be subject to restrictions set out in the *Youth Criminal Justice Act*.

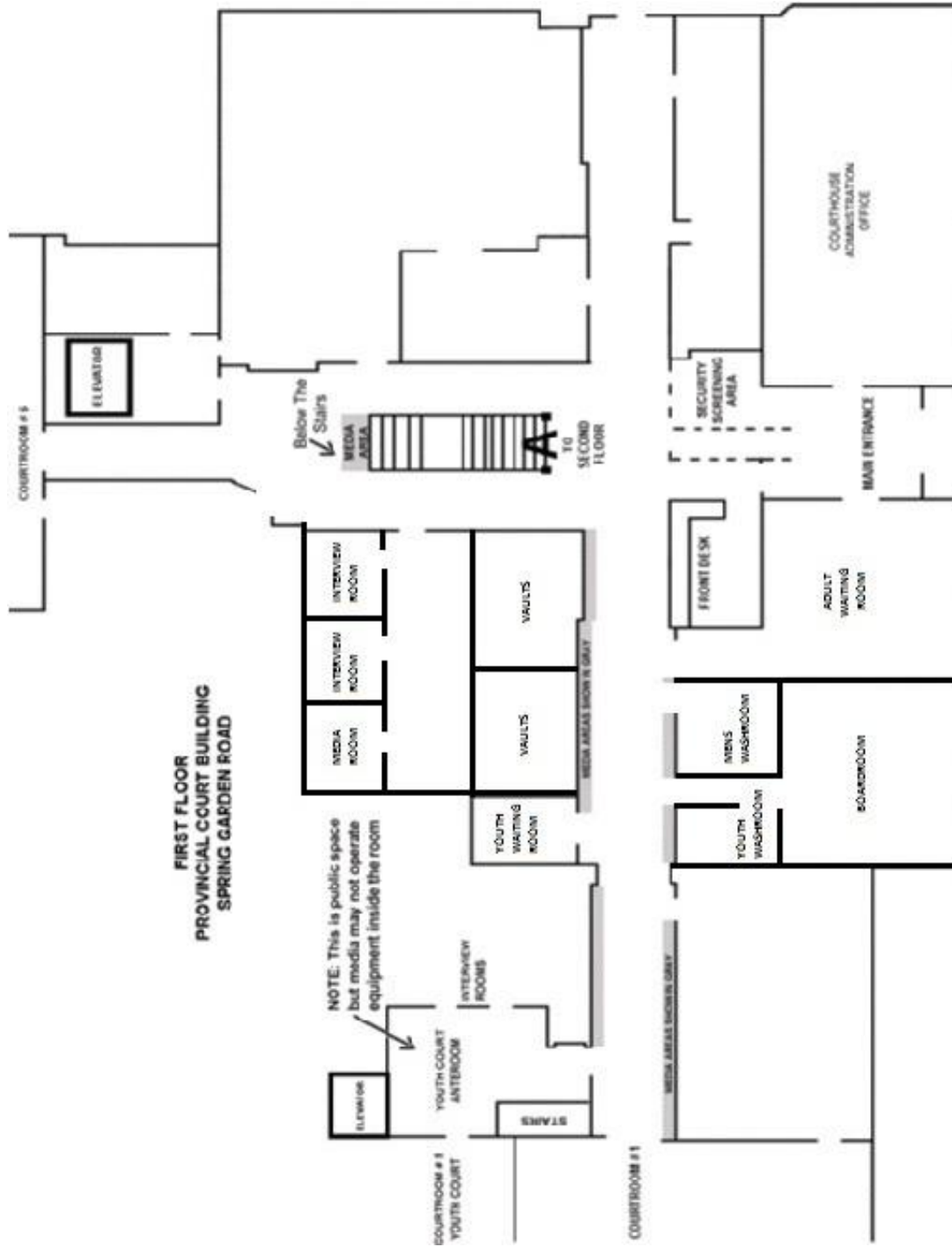
In addition to the prohibition on publishing a young person's name, the Act speaks of not publishing "...other information related to a young person if it would identify..." the young person. This may include visual information, such as unique tattoos or clothing.

2nd Floor

The Designated Media Area extends back from the railing in between the two staircases that come up from the landing towards courtrooms #2 and #4. This is not specifically marked or sized but should be used appropriately based on the number of people and their movements on any given day. The media are not permitted to stand or use equipment on the landing between the main staircase coming up from the first floor and the two smaller stair runs leading to the 2nd floor courtrooms #2 and #4.

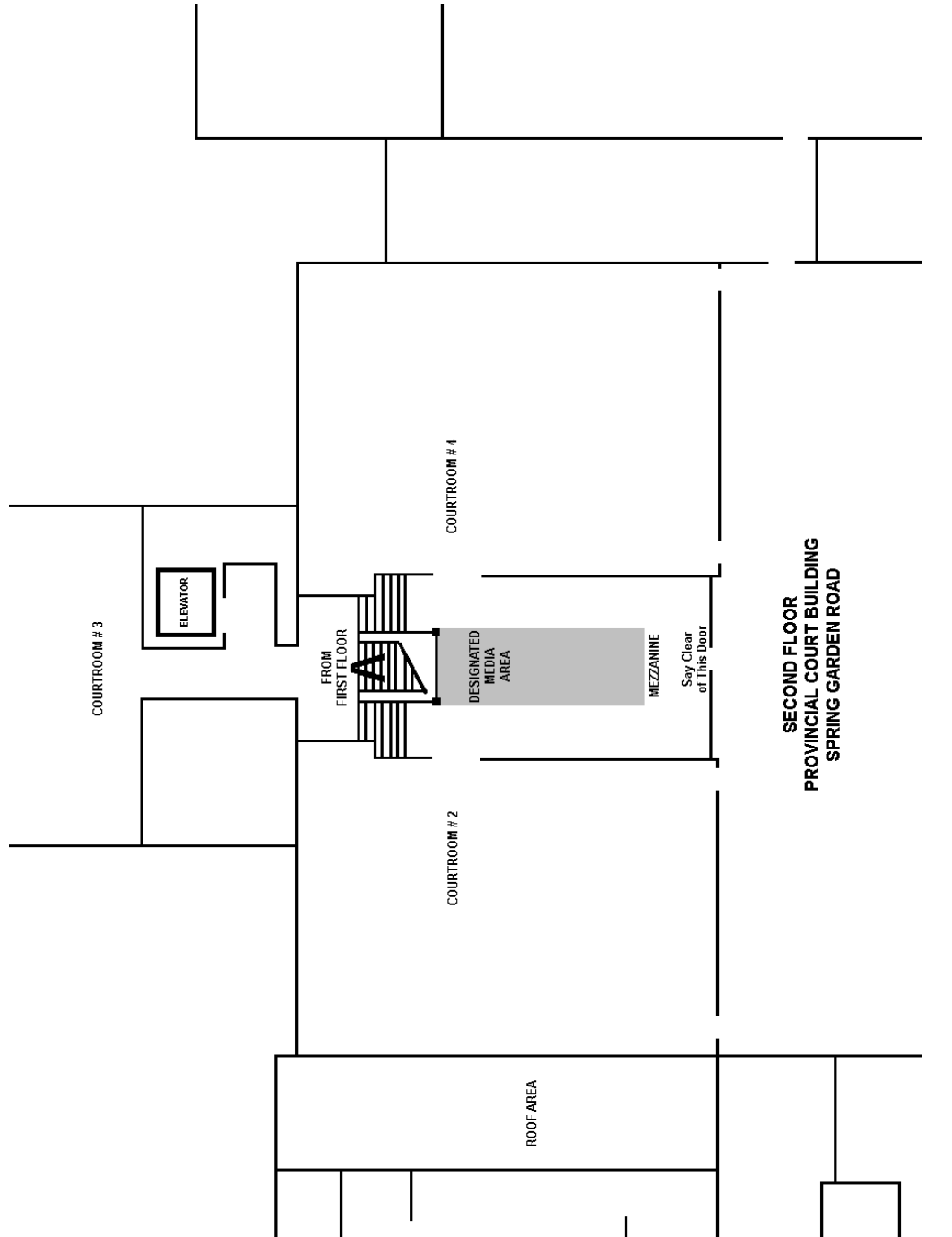
APPENDIX A-7

Designated Media Areas in the Halifax Provincial Court (1st Floor)



APPENDIX A-8

Designated Media Areas in the Halifax Provincial Court (2nd Floor)



APPENDIX A-9

Designated Media Areas in Other Nova Scotia Courthouses

Designated Media Areas in the Supreme Court - Amherst and Truro

In both the Amherst (Victoria Street) and Truro (Church Street) Supreme Court buildings, cameras are accommodated on the 1st Floor only. Camera operators may not film or take photographs on the 2nd Floor or on the stairs/landing.

NOTE: *Designated Media Areas are being developed in all courthouses in the Province. They will be added here as they are developed and approved.*

APPENDIX B

Nova Scotia Court of Appeal Rule Re: Webcasting and the Use of Cameras during Proceedings

(Revised and Approved by NSCA October 2014)

1. During any proceeding in the Nova Scotia Court of Appeal, the use of cameras for any purpose is not permitted without prior written approval as provided for in this Rule, except if the Court or a Judge thereof, on its or their own motion, authorizes webcasting.
2. Anyone wishing to obtain approval to use a camera during the hearing of an appeal shall send a letter or email, no later than fourteen days prior to the date scheduled for the hearing, to the Registrar of the Court, with a copy to each party to the appeal. Anyone wishing to obtain approval to use a camera during the hearing of a motion in Chambers shall send a letter or email, no later than three days prior to the date scheduled for the hearing of the Chambers motion, to the Registrar of the Court, with a copy to each party to the application.
3. The letter or email shall specify the names of the parties, the date of the proceeding, a description of the equipment to be used, what images and sound is to be captured and the intended use of the recording (live broadcast, live webcast, news clips, documentary, etc.). Letters shall be sent to the Registrar, The Law Courts, 1815 Upper Water St., Halifax, NS, B3J 1S7 and emails to Prothonotaryhfx@courts.ns.ca.
4. In the case of the hearing of an appeal, if any party to the appeal objects to approval being granted, they shall send a letter or email to the Registrar, with a copy to the person requesting approval and the other parties, within two clear days of their receipt of a copy of the request for approval. In the case of the hearing of a motion in Chambers, the letter or email of the person objecting shall be sent within one clear day of their receipt of a copy of the request for approval.
5. If the request relates to the hearing of an appeal, the panel of the Court scheduled to hear the appeal shall, with or without an oral hearing as it determines appropriate, after taking into account the public interest and the interests of the parties, make any decision it determines is just in the circumstances. If the request relates to the hearing of a motion in Chambers, the Chambers judge scheduled to hear the motion shall, with or without an oral hearing as he or she determines appropriate, after taking into account the public interest and the interests of the parties, make any decision she or he determines is just in the circumstances. Once made, the decision shall be communicated to the person requesting approval and the parties.

6. The panel or the Chambers judge may authorize court-provided webcasting in place of media or another person's camera in the courtroom.
7. Notwithstanding that a decision has been made by a panel or Chambers judge, in appropriate circumstances, a panel or Chambers judge at any time, whether in advance of or during a hearing, may grant, suspend, rescind or vary his, her or its decision.
8. Any person receiving approval to use a camera shall ensure arrangements are made to simultaneously share the "feed" or recording from their camera with anyone wishing to use it.
9. Documents on counsel tables, the clerk's desk and the bench shall not be recorded so that the text can be magnified, read or deciphered.
10. Not more than one camera with one operator shall be used during a proceeding. The camera shall remain on a tripod fixed in one position designated by the panel or Chambers judge and the operator shall not move about the courtroom when court is in session. The camera shall operate without distracting noise and without spotlights, floodlights or other lighting additional to the lighting of the courtroom.
11. When approval is given, statutory publication bans and bans ordered by another Court shall be deemed to be in effect in the Court of Appeal unless revoked by an order of the Court or Chambers judge and shall be observed in all broadcasts or other publication of the hearing.
12. Any recording made pursuant to this Rule during a proceeding, may only be used in accordance with the copyright statement on the Court's website unless otherwise agreed to by the panel or Chambers judge.
13. When approval is given, photographs, video and audio of the courtroom and the court officers may be captured during a period of not more than two minutes immediately before the hearing commences and two minutes after the hearing concludes.
14. Only dialogue between counsel or parties and the bench, and formalities of the opening and closing of the Court, shall be captured. The recording or distribution of solicitor-client communications is prohibited.
15. Transcripts and/or video and audio tapes of all broadcasts of Court of Appeal proceedings shall not be destroyed for a minimum of six months and shall be made available within ten days without cost to the Court upon request of the Registrar.

APPENDIX C

Court File No: _____

20

IN THE SUPREME COURT OF NOVA SCOTIA FAMILY DIVISION

BETWEEN:

APPLICANT

- and -

RESPONDENTS

NOTICE OF PROCEEDING FOR ACCESS TO A COURT FILE

TO: _____

TAKE NOTICE that _____ wishes to obtain
(Name of Non-Party)

access to your Court file and gives 20 days advance notice pursuant to Civil Procedure Rule 59.60(4).

AND FURTHER TAKE NOTICE that any party to the proceeding may apply to the court by way of motion, as provided in Civil Procedure Rule 59.60 (5) for an order sealing all or any part of the Court file.

AND FURTHER TAKE NOTICE that if no such motion is made, the non-party may be granted access to the file, subject to any terms or conditions set by the court.

DATED at _____, Nova Scotia, on _____, 20__.

Please note: your court file, including documents, audio and materials, will be made available to the applicant unless a judge orders otherwise. You are required to file a Motion if you don't wish the Applicant to have access to your court file materials.

Sign name: _____
Print name: _____
Address: _____

APPLICATION FOR USE OF GOVERNMENT PREMISES

DATE	PRODUCTION NAME		
FILM COMPANY			
TYPE OF FILM	<input type="checkbox"/> Feature	<input type="checkbox"/> TV Series	<input type="checkbox"/> Movie of the Week
	<input type="checkbox"/> Stills	<input type="checkbox"/> Documentary	<input type="checkbox"/> Commercial
	<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
LOCATION MANAGER	TELEPHONE ...((.....))-.....		
PRODUCTION MANAGER	TELEPHONE ...((.....))-.....		
LOCATION MANAGER/ SCOUT	TELEPHONE ...((.....))-.....		
BILLING ADDRESS	<i>Name</i>	CONTACT (Billing)	
	<i>Address</i>	TELEPHONE ...((.....))-.....	
		FAX ...((.....))-.....	
		E-MAIL	
FILM LOCATION			
PRODUCTION DESCRIPTION			
.....			
PREPARATION DATE	<i>From (Date/Time)</i>	<i>To (Date/Time)</i>	
FILMING DATE	<i>From (Date/Time)</i>	<i>To (Date/Time)</i>	
CLEAN-UP DATE	<i>From (Date/Time)</i>	<i>To (Date/Time)</i>	
CAST N°.	CREW N°.	N°. PEOPLE AT THE SITE	
Cleaners required?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	ARRIVAL TIME (on site)
WILL YOU BE EATING ON SITE?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
SPECIAL EFFECTS	<input type="checkbox"/> Pyrotechnical Special Effects	<input type="checkbox"/> Wax	<input type="checkbox"/> Spray Paints
	<input type="checkbox"/> Fireworks	<input type="checkbox"/> Smoke	<input type="checkbox"/> Blood
	<input type="checkbox"/> Explosives	<input type="checkbox"/> Gun Shot	<input type="checkbox"/> Other
	<input type="checkbox"/> Smokeless Powder	<input type="checkbox"/> Latex	<input type="checkbox"/> Paint
	<input type="checkbox"/> Electric Matches	*(Please Specify)	
WILL PROPS BE CONSTRUCTED?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	<i>If yes, describe</i>		
WILL FURNITURE BE MOVED?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	<i>If yes, describe</i>		
PARKING REQUIRED?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N°. of Vehicles
BUILDING/CONSTRUCTION			
<i>Construction Changes</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Decorating Changes</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>Access to Main Electrical Room</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<i>Electrician Required on Stand-by</i> <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>Additional Electrical Connection</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<i>If yes, how far from main box?</i>
<i>Supply Proper Tail Ends for Temporary Hookup</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
<i>Power Requirements</i> Amps Volts Cycles
<i>Fire Alarm Disconnection/By-pass/Smoke Detector Zones</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
INSURANCE			
It is expected that the Production Company will pay for, and maintain, a general liability policy in the amount of 5 million dollars. Additionally, they will be required to have automobile insurance, where applicable, in the amount of 2 million dollars. These limits are subject to change at the discretion of the Department of Public Works.			

NOTE: The Producer will be required to pay for the services of a Government representative to attend and be present at all filming on Government property.

APPENDIX E-1

Use of Electronic Devices in the Following Courts:

**Court of Appeal
Supreme Court
Supreme Court (Family Division)**

**Provincial Court
Domestic Violence Court
Bankruptcy Court**

**Small Claims Court
Probate Court**

INSIDE COURTROOMS:

Without permission of the Court, no person shall use an electronic device, such as a phone, tablet, computer, camera or audio recorder, in a courtroom:

- to carry on a conversation while court is in session
- to take still photographs or record video
- to transmit an audio or video recording
- that interferes with the proceedings or the courtroom recording system by producing any noise, vibration or electronic signal.

ALLOWED:

- keeping a phone on in vibrate mode only (but not talking on it)
- receiving or transmitting general text only, if it does not interfere with proceedings or the courtroom recording system
- subject to any publication bans that may exist and excluding Challenge For Cause proceedings during jury selection, transmitting information about court proceedings while court is in session, for publication and by any means (including social media platforms, texting, email, etc.) unless the presiding Judge orders otherwise
- members of the media only may use electronic devices to record the audio (only) of the proceedings to augment their note-taking, but not for broadcasting.

PROHIBITED OR RESTRICTED:

- making or answering a phone call while court is in session
- taking pictures, recording video, recording audio (media may record audio)
- transmitting pictures, video or audio
- during Challenge For Cause hearings while a jury is being selected, transmitting information about the proceedings by any means (including social media platforms, texting, email, etc.) is prohibited unless the presiding Judge orders otherwise
- using an electronic device - or having one on - that disrupts what is going on in the courtroom or interferes with the courtroom recording system in any way.

EXCEPTION:

When official ceremonies such as a swearing-in or robing ceremony, or events such as Law Day, mock trials or civil weddings are held in the courthouse, the prohibitions and restrictions do not apply with regard to those specific events.

INSIDE THE COURTHOUSE, OUTSIDE COURTROOMS:

Without permission of the Court, no one (except members of the media) shall use an electronic device, such as a phone, tablet, computer, camera, or audio recorder, inside the courthouse to produce, record, or transmit audio, video, or still photographs.

ALLOWED:

- speaking on a cell phone
- inputting, transmitting and receiving text only on an electronic device.

PROHIBITED (by members of the public):

- taking pictures
- recording video or audio
- transmitting pictures, video, or audio

EXCEPTIONS:

- Members of the media only may use audio recorders, still/video cameras, and other devices to produce, record or transmit audio, video or still photographs inside the courthouse (not in courtrooms) but only within designated areas where these areas exist.
- When official ceremonies such as a swearing-in or robing ceremony, or events such as Law Day, mock trials, or civil weddings are held in the courthouse, the prohibitions above do not apply with regard to those specific events. However, electronic devices may still only be used within designated areas where these areas exist.

BODY-WORN CAMERAS FOR LAW ENFORCEMENT OFFICERS

Law enforcement officers often attend court to participate in trials and other court proceedings, and to complete other duties related to their daily police work. In those instances, the officers are required to turn off any body-worn cameras before entering the courthouse or court facility.

Body-worn cameras must remain off while the officers are inside the courthouse, unless a security threat or other urgent situation develops that requires the officer to respond and record the interaction.

Officers responding to a dispatched call inside a courthouse or officers arresting an individual inside a courthouse are permitted to have their body-worn cameras turned on when they enter the building to record their interactions with the public, as per their Employer's policies.

Without permission of the Court, officers are not permitted to use body-worn cameras to record inside the courtroom.

PLEASE NOTE: Disagreements regarding the definitions of “members of the media” or “law enforcement officers” shall be resolved by the presiding Judge.

IF YOU HAVE ANY QUESTIONS

Contact the Executive Office of the Nova Scotia Judiciary
Andrew Preeper, Communications Director

Phone: (902) 222-0266

Email: Andrew.Preeper@courts.ns.ca

APPENDIX E-2

Use of Electronic Devices in the Following Courts:

Youth Justice Court Wellness Court

INSIDE COURTROOMS

Without permission of the Court, no person shall use an electronic device, such as a phone, tablet, computer, camera, or audio recorder, in a courtroom:

- to carry on a conversation while court is in session
- to take photographs or record or produce an image
- to transmit an audio or video recording
- that interferes with the proceedings or the courtroom recording system by producing any noise, vibration or electronic signal.

PROHIBITED OR RESTRICTED

Members of the public must turn off and put away all their electronic devices before entering the courtroom.

Members of the media:

- may not transmit information about court proceedings from inside a courtroom while court is in session, for publication and by any means (including social media platforms, texting, email, etc.) without the permission of the presiding Judge
- may not answer or make a phone call while court is in session
- may not take pictures or recording video (but may record audio)
- may not transmit pictures, video, or audio
- may not use an electronic device – or have one on – that disrupts what is going on in the courtroom or interferes with the courtroom recording system in any way.

ALLOWED

- **Only members of the media:**
 - may keep a cell phone on in vibrating mode only (but not talk on it)
 - may receive any content
 - may input and transmit general text only, if it does not interfere with proceedings or the courtroom recording system
 - may use electronic devices to record the audio (only) of the proceedings to augment their note-taking but not for broadcasting

EXCEPTION

When official ceremonies such as a swearing-in or robing ceremony, events such as Law Day, mock trials, or civil weddings are held in the courthouse, the prohibitions and restrictions do not apply with regard to those specific events.

INSIDE THE COURTHOUSE, OUTSIDE COURTROOMS

Without permission of the Court, no one (except members of the media) shall use an electronic device, such as a phone, tablet, computer, camera, or audio recorder, inside the courthouse to produce, record, or transmit audio, video, or still photographs.

PROHIBITED (by everyone – see exceptions)

- taking pictures
- recording video or audio
- transmitting pictures, video, or audio
- transmitting text information about court proceedings for publication and by any means (including social media platforms, texting, email, etc.) without the permission of the presiding Judge

ALLOWED (by everyone)

- speaking on a cell phone
- receiving any content
- inputting and transmitting general text only (not text information about court proceedings) on an electronic device

EXCEPTIONS

- **Members of the media (only)** may use audio recorders, still/video cameras, and other devices to produce, record, or transmit audio, video, or still photographs (subject to any publication bans) inside the courthouse (not in courtrooms) but only within designated areas where these areas exist.
- When official ceremonies such as a swearing-in or robing ceremony, events such as Law Day, mock trials, or civil weddings are held in the courthouse, the prohibitions above do not apply with regard to those specific events. However, electronic devices may still only be used within designated areas where these areas exist.

BODY-WORN CAMERAS FOR LAW ENFORCEMENT OFFICERS

Law enforcement officers often attend court to participate in trials and other court proceedings, and to complete other duties related to their daily police work. In those instances, the officers are required to turn off any body-worn cameras before entering the courthouse or court facility.

Body-worn cameras must remain off while the officers are inside the courthouse, unless a security threat or other urgent situation develops that requires the officer to respond and record the interaction.

Officers responding to a dispatched call inside a courthouse or officers arresting an individual inside a courthouse are permitted to have their body-worn cameras turned on when they enter the building to record their interactions with the public, as per their Employer's policies.

Without permission of the Court, officers are not permitted to use body-worn cameras to record inside the courtroom.

PLEASE NOTE: Disagreements regarding the definitions of “members of the media” or “law enforcement officers” shall be resolved by the presiding Judge.

IF YOU HAVE ANY QUESTIONS

Contact the Executive Office of the Nova Scotia Judiciary
Andrew Preeper, Communications Director

Phone: (902) 222-0266

Email: Andrew.Preeper@courts.ns.ca

APPENDIX F – Exhibit Access Policy

**Nova Scotia Court of Appeal
Supreme Court of Nova Scotia
Provincial Court of Nova Scotia**

Media Access to Exhibits

The Supreme Court of Canada has recognized that the media, as representatives of the public, must be given special consideration when applying certain rules and policies of the Courts. Openness and access should be the rule, except in instances when a Judge deems it necessary to limit access to protect the administration of justice.

Although it is acknowledged that journalists should have timely access to exhibits during and after a trial concludes, the Courts need to ensure that access does not interfere with the administration of justice. For that reason, the Nova Scotia Courts have adopted the following policy to maintain the integrity of exhibits and protect the administration of justice, while facilitating media requests for access.

1) Requests for Access During a Trial

- a) During a trial, requests for access to exhibits must be made to the Judge, through the Court Clerk and the Judiciary's Communications Director. The Court Clerk will notify the Judge and the Communications Director will arrange supervision, if the request is approved.
- b) Some Judges may entertain informal requests for access to exhibits. Other Judges may require a formal application to the Court.
- c) If access is granted, the Judge may restrict what the exhibits may be used for (i.e. make them available for inspection but not for publication or broadcast). If the Judge allows full access, those making the request will be allowed to view, photograph or take video of the exhibits. If a journalist makes the request, and if resources allow, court staff should make copies of audio and/or video exhibits for media.
- d) The Judge may grant access to only those exhibits which have been properly admitted as evidence in open court.
- e) If the matter is being heard by a jury, the Judge may grant access to exhibits admitted outside the presence of the jury (i.e. voir dire exhibits); however, their use is restricted by all applicable publication bans or court orders.

- f) In high-profile trials being covered by multiple media outlets, the journalists are encouraged to make an application on behalf of the group. If access is granted, the Court will arrange a time for all interested media to view the exhibits at once.
- g) Access will be arranged at the earliest opportunity, at a time convenient to both the Court and the applicant(s).

2) Requests for Access During a Hearing in the Court of Appeal

- a) During the hearing of an appeal, requests for access to exhibits must be made to the Panel, through the Court Clerk and the Judiciary's Communications Director. The Court Clerk will notify the Panel, and the Communications Director will arrange supervision, if the request is approved.
- b) The provisions of Subparagraphs 1(b) to 1(g) of this Policy apply to requests for access during a hearing in the Court of Appeal, with any necessary modifications and when not inconsistent with this Paragraph 2.

3) Supervision

- a) Media who are granted access to exhibits must be supervised at all times by Court staff in a secure area of the courthouse.
- b) Court staff approved to supervise access include the Court Clerk, Sheriffs, the Prothonotary (or their designate), the Court Administrator, and the Communications Director.
- c) For groups of three (3) or more members of the media, at least two (2) approved Court staff must be present to supervise access.
- d) Supervising staff must record each time access is granted in the Exhibit Access Log Sheet (found at the end of this document). A copy should be included in the court file.

4) Handling of Exhibits

- a) Only Court staff identified in 3(b) are permitted to handle physical exhibits (i.e. drugs, weapons, currency, etc.). Media are not permitted to handle such items.
- b) Absent an order of a Judge to the contrary, media shall be permitted to handle documentary exhibits (i.e. photo books, reports, etc.), one exhibit at a time.
- c) Exhibits must be returned in the same condition and numerical order as they were when granted access.

5) Requests for Access after a Trial, other than during a Court of Appeal Hearing

- a) Once a trial has concluded, requests for access to exhibits that remain in the custody of the Court must be made to the Judiciary's Communications Director or the Prothonotary (or their designate) at the courthouse where the matter was heard.
- b) The same criteria for supervision and handling of exhibits apply for access granted after a trial and after an appeal.
- c) After the completion of a trial and all appeals or expiration of appeal deadlines, the Prothonotary may return exhibits to the party who tendered them, or exhibits may be destroyed or turned over to any person by order of a judge.
- d) Rule 84.04 of the Civil Procedure Rules governs the Prothonotary's role as exhibit custodian for exhibits that remain in the custody of the Court.

APPENDIX G

REQUEST FOR COPIES OF AUDIO RECORDING OF COURT PROCEEDINGS

NOTE: This form can be filled out electronically but must be printed and submitted in hard copy. The time frame for production of digital files can be up to 10 business days.

Case Name: _____ Court File # _____

Date of Proceedings: _____ # of Days: _____

Heard Before Justice/Judge: _____ Courtroom #: _____

Reason For Request: Appeal* Jordan Delay Application Other (please specify)

Type of Proceeding: Decision Only Sentence Only Full Trial

Format Requested: CD or USB Number of Copies: _____

Applicant's Name: _____

Applicant's Address: _____

Applicant's Phone Number: _____

*** IF YOU ARE PURSUING AN APPEAL:** USBs or CDs must be transcribed by a certified transcription service and as per Civil Procedure Rule 90.26 (2)(g) and (3), a copy of the transcript must be provided to the Judge or Tribunal whose decision is the subject of the appeal. The Appellate Courts require numerous copies of the transcript and it is your responsibility to arrange and pay for the transcription and copies.

THE BROADCAST OF ANY AUDIO RECORDING OF COURT PROCEEDINGS, WITHOUT THE PRIOR CONSENT OF A JUSTICE/JUDGE, IS STRICTLY PROHIBITED.

I, the undersigned, understand and agree that the audio recordings to be provided pursuant to this request will be provided subject to the following terms and conditions:

1. that I will not broadcast the audio recording(s) on radio, television, the internet, or any other medium without the prior consent of a Justice/Judge;
2. that I will not distribute the audio recording(s) without the prior consent of a Justice/Judge;

NOTE: The Crown may, without prior judicial consent, provide a copy of the audio recording(s) to an accused person in a criminal proceeding (if self-represented) or to his counsel (if represented) to comply with existing laws respecting crown disclosure to an accused, after obtaining the same "no broadcast/distribution" undertaking from the recipient.

3. that I will not make more than 3 copies of the audio recording(s);
4. that I will not provide the audio recording(s) or copies of same, to any third party who I know, or ought reasonably to know, may broadcast or distribute them.
5. that I will not transcribe or distribute or use any of the Judge's remarks without providing the Judge with a copy of the typed transcript for approval in advance subject to *Civil Procedure Rule 90.26(3)*.

I further warrant that I am authorized to sign this agreement on behalf of the company or organization named below. I understand that this agreement is binding upon me personally and upon that corporation or organization.

Signature _____

Print Name _____

Company/Organization: _____

Date of Request: _____

SUBMITTING THE FORM:

Completed, signed request forms are to be submitted to the administration office of the courthouse where the court proceeding was held, in person or by fax. Requests are filled on a first-come-first-served basis. The time frame for production of digital files on USB or CD can be up to 10 business days. We will call you as soon as your audio files are ready to be picked up.

COSTS & DEPOSITS:

1. Each USB or CD = \$22.57 + HST
2. One log sheet = \$1.00 + HST. (The log sheets provide a written outline of the court proceeding and are necessary for transcription purposes).
3. A deposit towards the full cost of providing the audio file(s) of the court proceeding may be required at the time of the request. The amount of the deposit to be determined by the Court Administrator or designate, based on their estimate of the total number of USBs or CDs required to complete the request.

RESTRICTIONS:

1. The release of copies of audio recordings in relation to Young Persons' matters/hearings are subject to the provisions of sections 116 to 129 of the Youth Criminal Justice Act, or to the provisions of the Young Offenders Act, the Youth Justice Act, or the Children and Family Services Act.
2. Recordings of matters pursuant to the Domestic Violence Intervention Act are not available to anyone other than the parties or their lawyers without prior consent of the Prothonotary of the Supreme Court.

If you have any questions regarding this form or its requirements contact the court administration office in the courthouse where the court proceedings were held.

**To find contact information for Nova Scotia courthouses, go to:
www.courts.ns.ca/Courthouse_Locations/Courthouse_Locations_Map.htm**

APPENDIX H-1



COURTS OF NOVA SCOTIA

UNDERTAKING AND AGREEMENT OF MEDIA

The Supreme Court of Canada, in several rulings, has recognized that the media, as representatives of the general public, must be given special consideration when applying certain rules and policies of the courts. As such, certain exemptions and privileges are afforded to members of the media to enhance their ability to do their work and report on court proceedings accurately and completely.

Accompanying those privileges is the expectation that media outlets and individual reporters covering the courts follow professional standards and practices of journalism, including striving for accuracy, fairness, balance, impartiality and integrity.

Media access to the Courts of Nova Scotia is guided by the [Guidelines re: Media and Public Access to the Courts of Nova Scotia](#) (the Guidelines). This document is a guide to the current statutes and regulations, case law, and the rules, directives and policies of the courts.

Privileges afforded to media who undertake to abide by these Guidelines, include:

- permission to record audio in a courtroom to augment their notetaking (not for broadcast);
- permission to record audio while participating virtually in a court proceeding (for notetaking, not for broadcast); and
- permission to record audio and video and take photographs inside courthouses (not in courtrooms) within Designated Media Areas (DMAs), where these areas exist.

By signing this undertaking, I confirm that I have read the Guidelines in their entirety and agree to abide by the processes outlined in them. I also acknowledge that the Guidelines do not interfere with the discretion of Judges to resolve issues that arise in a specific trial, nor with the Sheriffs' and Court Administrators' responsibilities to resolve security and safety issues in courthouses.

I acknowledge that if I breach this undertaking, I may be subject to legal sanctions, including proceedings for contempt of court.

_____ (Print Name)	_____ (Signature)
_____ (Phone Number)	_____ (Email Address)
_____ (Date)	_____ (Organization/Media Outlet/Publication)

The signatory of this undertaking may be required to renew the agreement if their employment status changes, or substantive changes are made to the Guidelines. This Courts' Media Liaison Committee will determine what constitutes 'substantive changes'.

APPENDIX H-2



COURTS OF NOVA SCOTIA

Case Name:								
Case No:								
Court:	<input type="checkbox"/>	Appeal	<input type="checkbox"/>	Supreme	<input type="checkbox"/>	Provincial	<input type="checkbox"/>	Other
Courthouse:								

UNDERTAKING AND AGREEMENT OF INDEPENDENT MEDIA OBSERVER

The Supreme Court of Canada, in several rulings, has recognized that the media, as representatives of the general public, must be given special consideration when applying certain rules and policies of the courts. As such, certain exemptions and privileges are afforded to members of the media to enhance their ability to do their work and report on court proceedings accurately and completely.

Accompanying those privileges is the expectation that media outlets and individual reporters covering the courts follow professional standards and practices of journalism, including striving for accuracy, fairness, balance, impartiality and integrity.

Media access to the Courts of Nova Scotia is guided by the [Guidelines re: Media and Public Access to the Courts of Nova Scotia](#) (the Guidelines). This document is a guide to the current statutes and regulations, case law, and the rules, directives and policies of the courts.

Privileges afforded to media who undertake to abide by these Guidelines, include:

- permission to record audio in a courtroom to augment their notetaking (not for broadcast);
- permission to record audio while participating virtually in a court proceeding (for notetaking, not for broadcast); and
- permission to record audio and video and take photographs inside courthouses (not in courtrooms) within Designated Media Areas (DMAs), where these areas exist.

The Courts of Nova Scotia do not credential, nor define media. In situations where someone has identified themselves as an independent reporter, the Courts of Nova Scotia will require that individual to sign this undertaking.

By signing this document, I undertake and agree that:

- I have read the Guidelines in their entirety and will abide by the processes outlined in them;
- this undertaking will be provided to the presiding judge and added to the public court file for this matter;
- this undertaking does not impact the presiding judge's discretion to determine whether I should be afforded the special privileges under the Guidelines for members of the media;
- the Guidelines do not interfere with the discretion of Judges to resolve issues that arise in a specific trial;
- the Guidelines do not interfere with the Sheriffs' and Court Administrators' responsibilities to resolve security and safety issues in courthouses;
- I am being granted one-time permission to act as a media representative in the above matter; and
- I am not a party to the above matter, nor am I acting for a party in the above matter.

I acknowledge that if I breach this undertaking, I may be subject to legal sanction, including proceedings for contempt of court.

(Print Name)

(Signature)

(Phone Number)

(Email Address)

(Date)

(Organization/Media Outlet/Publication)