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Press Clippings for the period of April 8-14, 2011
Revue de presse pour la période du 8 au 14 avril 2011

English Media

April 14

Alberta argues against national regulator

Lawyers for Alberta warned the Supreme Court of Canada that allowing the creation of a proposed national securities regulator would dramatically change decades' worth of case law that has affirmed securities oversight is a provincial responsibility.

<http://www.calgaryherald.com/news/Alberta+argues+against+national+regulator/4613160/story.html>

Les Leyne: Teachers score a win in contract battle

Christy Clark was "delighted" to stand in the legislature nine years ago as education minister and deliver a heartfelt defence of some legislation before the house.

Right away, you knew something was fishy. It was Saturday afternoon. During an emergency sitting that went until Monday morning.

<http://www.timescolonist.com/business/Leyne+Teachers+score+contract+battle/4613420/story.html>

Judgement:

<http://www.courts.gov.bc.ca/jdb-txt/SC/11/04/2011BCSC0469.htm>

Teachers win back right to negotiate class sizes

The B.C. Teachers Federation is celebrating a court victory that restores teachers' rights to negotiate class sizes through collective bargaining.

A B.C. Supreme Court judge ruled two laws passed in 2002 by Gordon Campbell's government infringed teachers' constitutionally guaranteed freedom of association.

The ruling by Justice Susan Griffin follows the reasoning in a 2007 Supreme Court of Canada decision in favour of unionized hospital employees, whose rights were trampled by the Liberal government in a similar law rammed through the legislature the same weekend.

<http://www.theprovince.com/business/Teachers+back+right+negotiate+class+sizes/4612888/story.html>

Court sides with B.C. teachers on their ability to negotiate class size

The court rules the Liberal government trampled teachers' rights nine years ago

The B.C. Supreme Court has declared unconstitutional a provincial law that denied teachers the right to bargain class size and class composition.

In a decision released today, Justice Susan Griffin sided with the B.C. Teachers' Federation (BCTF) in finding that the Liberal government trampled teachers' rights nine years ago when it passed legislation limiting their bargaining power and significantly reducing their ability to influence their working conditions.

<http://www.vancouversun.com/business/Court+sides+with+teachers+their+ability+negotiate+class+size/4609577/story.html>

New anti-crime law will hold landlords accountable

The Manitoba government tabled new legislation Wednesday that would make landlords more accountable for illegal activity taking place on their property.

The legislation was introduced by Andrew Swan, minister of justice and attorney general.

When passed into law, Bill 16 would expand the type of illegal activities that law enforcement could bring before the courts under the criminal organization provisions in the Criminal Code of Canada and under the province's Safer Communities and Neighbourhoods Act.

<http://www.winnipegfreepress.com/breakingnews/New--119834964.html>

National regulator no 'slippery slope,' Ontario tells Supreme Court

The regulation of Canada's capital markets is an essential element of Canada's economic well-being, and should be undertaken by a national government, lawyers representing Ontario and investors told the Supreme Court of Canada on Thursday.

<http://www.theglobeandmail.com/globe-investor/national-regulator-no-slippery-slope-ontario-tells-supreme-court/article1985268/>

April 13

Buddhist-style stress-reduction program delayed for government workers

OTTAWA — Justice Canada has abruptly cancelled plans for a taxpayer-funded program that draws on the Buddhist concept of mindfulness to help employees cope with personal and workplace pressures.

<http://www.globalnews.ca/sports/Buddhist+style+stress+reduction+program+delayed+government+workers/4604617/story.html>

Which party will fix our family law system?

Canada's system of family law is decimating us, one family at a time. With nearly 40 per cent of Canadian marriages ending in divorce, our next government needs to stop the bleeding - financial and emotional.

<http://www.theprovince.com/life/Which+party+will+family+system/4605715/story.html>

Ontario judge: Marijuana criminalization unconstitutional

TORONTO — Ontario is one step closer to the legalization of marijuana after the Ontario Superior Court struck down two key parts of the Controlled Drugs and Substances Act that prohibit the possession and production of pot.

The court declared the rules that govern medical marijuana access and the prohibitions laid out in Sections 4 and 7 of the act "constitutionally invalid and of no force and effect" on Monday, effectively paving the way for legalization.

<http://www.vancouversun.com/news/Ontario+judge+Marijuana+criminalization+unconstitutional/4604951/story.html>

Video: Justice system debate

Question: What is government doing about security in Canada, criminals and their life sentences? Michael Ignatieff and Gilles Duceppe debate tough-on-crime policies and crime prevention.

<http://www.theglobeandmail.com/news/video/video-justice-system-debate/article1983344/>

April 12

Ottawa weighs appeal after Ontario judge rules against medical marijuana program

TORONTO - Ottawa is considering whether to appeal an Ontario court ruling that if left to stand could make the possession of marijuana legal in the province, officials said Wednesday.

"The government of Canada is reviewing the decision and will consider its options," Leslie Meerburg, spokeswoman for Health Canada, said in an email.

Justice Donald Taliano gave Ottawa until July to fix the federal medical marijuana program or face the prospect of effectively legalizing possession and production of cannabis.

<http://www.winnipegfreepress.com/canada/breakingnews/judge-rules-against-medical-marijuana-rules-gives-government-3-months-to-fix-it-119744929.html>

April 11

Tough-on-crime laws resonate with public Would the Liberals dare to repeal them?

The winter of 2011 was a busy time for the Conservative government as it moved toward an inevitable meeting with Governor General David Johnston to effect the dissolution of Parliament and return to the people to ascertain the will and the wishes of Canadians.

<http://www.edmontonjournal.com/news/Tough+crime+laws+resonate+with+public/4592710/story.html>

The legal system has been slashed and it needs more money

The crisis in B.C.'s legal system is one of the greatest challenges facing the new administration of Premier Christy Clark.

The priorities of her predecessor have left the system underfunded and seriously listing. For all but the very rich, civil justice in B.C. is a crapshoot for which they can't afford the ante. And a criminal charge could bankrupt you, regardless of innocence, if you can get to trial.

<http://www.vancouversun.com/news/legal+system+been+slashed+needs+more+money+more/4593330/story.html>

Experts can testify at trials involving gang violence, judges rule

Jurors at trials that involve gang violence need experts to help them appreciate how gangs scare the public out of co-operating with police, Ontario's top court ruled Monday.

<http://www.theglobeandmail.com/news/national/ontario/experts-can-testify-at-trials-involving-gang-violence-judges-rule/article1981077/>

More than 1,600 AG staff earn over \$100,000

Every year, the Ontario Ministry of Finance releases the names, salaries, and positions of thousands of public sector employees who earn more than \$100,000.

The most recent list released earlier this month covers salaries for 2010. The Ministry of the Attorney General has the second highest number of Ontario government employees earning over \$100,000. Last year, there were 1,646 of them.

[http://www.lawtimesnews.com/201104118393/Headline-News/More-than-1600-AG-staff-earn-over-\\$100000](http://www.lawtimesnews.com/201104118393/Headline-News/More-than-1600-AG-staff-earn-over-$100000)

Veterans Affairs Canada has a case of premature closure

OTTAWA—Just prior to the election campaign kick-off, Veterans Affairs Minister Jean-Pierre Blackburn showed just how out of sync he and some in the department are with veterans and Canadians, not to mention Canadian law and Treasury Board policies. He recently made a number of public comments in Alexandria, Ont., ("The Review," March 23, 2011) in response to widespread privacy law breaches by Veterans Affairs bureaucrats.

<http://fairwhistleblower.ca/content/veterans-affairs-canada-has-case-premature-closure>

April 10

Nova Scotia court issues landmark decision for abused women

Battered women have won an important legal victory after Nova Scotia's highest court concluded a woman "living in a state of terror" was understandably driven to try to arrange for her abusive husband's murder.

In the landmark decision, the court said the law must be sensitive to the unique plight of women whose lives and well-being are endangered by brutal spouses.

<http://www.theglobeandmail.com/news/national/nova-scotia-court-issues-landmark-decision-for-abused-women/article1979375/>

April 9

To prevent crimes, we must stop bullying

On Dec. 26, 2005, 15-year-old Jane Creba was hit and killed by a stray bullet on Toronto's Yonge Street, and her image was immediately seared into the national consciousness. The bullet had been fired during a gunfight involving as many as 10 to 15 men, and consequently led to a national discussion about guns and gangs.

The incident also occurred during a federal election campaign and likely led to increased support for the Conservatives, who had promised to implement legislation guaranteeing more and longer prison sentences for those convicted of a great variety of violent and non-violent crimes.

<http://www.vancouversun.com/news/prevent+crimes+must+stop+bullying/4587917/story.html>

April 8

Decriminalizing prostitution would corrupt society, prosecution to argue

The Ontario Crown has reached for the moral high ground in a battle over prostitution laws, arguing that society will be corrupted if prostitutes are permitted to sell their bodies openly.

Tipping their strategy for the first time before a landmark appeal, prosecutors insist in a brief filed this week in the Ontario Court of Appeal that decriminalizing prostitution would seriously undermine the cause of gender equality.

<http://www.theglobeandmail.com/news/national/decriminalizing-prostitution-would-corrupt-society-prosecution-to-argue/article1975707/>

Conservative majority would hustle crime bills into law all at once

Stephen Harper is promising a majority Conservative government would bundle all the law-and-order legislation it's been trying pass into one omnibus bill – and pass it within 100 days of taking power.

<http://www.theglobeandmail.com/news/politics/conservative-majority-would-hustle-crime-bills-into-law-all-at-once/article1975719/>

Médias francophones

14 Avril

Unité anticorruption sans procureur

MONTRÉAL - Exclusif - L'unité anticorruption débarquera à l'hôtel de ville de Montréal sans procureur de la Couronne. L'Association des procureurs aux poursuites criminelles et pénales confirme qu'aucun de ses 460 membres n'a postulé à cette unité.

<http://lejournaldemontreal.canoe.ca/journaldemontreal/actualites/national/archives/2011/04/20110414-155645.html>

Poursuites pour corruption à l'étranger : le Canada traîne de la patte

Le Canada doit de toute urgence intensifier ses efforts en matière de poursuite concernant les cas d'infractions en matière de corruption transnationale, selon un rapport de l'Organisation de coopération et de développement économiques (OCDE).

<http://www.lesaffaires.com/monde/monde/poursuites-pour-corruption-a-letranger-le-canada-traîne-de-la-patte/529670>

12 Avril

La dématérialisation des procédures pénales en droit comparé

L'étude des démarches engagées depuis quelques années en matière de dématérialisation des procédures pénales laisse apparaître un bilan mitigé dans les pays étudiés. Si des programmes ont été mis en œuvre dans plusieurs pays par les services de police, les autorités de poursuite et les juridictions, les différents acteurs de la chaîne pénale n'ont pas envisagé de cohérence d'ensemble.

http://www.justice.gouv.fr/art_pix/gt_dc_2010_dematerialisation.pdf

9 Avril

Quand la vérité devient «dégoûtante»

Quelle blague. Un candidat libéral dit la simple vérité sur la justice criminelle et ça devient une «gaffe». Des propos «inacceptables» et «dégoûtants», selon Michael Ignatieff, qui réclame immédiatement des excuses. Et qui les obtient.

<http://www.cyberpresse.ca/chroniqueurs/yves-boisvert/201104/08/01-4388185-quand-la-verite-devient-degoutante.php>

8 Avril

L'épuisement professionnel des procureurs en augmentation depuis la loi spéciale

MONTRÉAL - Plusieurs procureurs de la Couronne sont en congé de maladie depuis l'imposition de la loi spéciale forçant leur retour au travail, le 22 février dernier, a appris TVA Nouvelles. Une absence alarmante tant la charge de travail est importante.

<http://lejournaldemontreal.canoe.ca/actualites/national/archives/2011/04/20110408-202702.html>