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[Canada](#) >> [Supreme Court of Canada](#) >>

**Citation:** *Canadian Broadcasting Corp. v. New Brunswick (Attorney General)*, [1996] 3 S.C.R. 480

**NOTEUP**

**Date:** 1996-10-31

**Docket:** 24305

**URL:** <http://www.canlii.org/ca/cas/scc/1996/1996scc98.html>

**Canadian Broadcasting Corporation** *Appellant*

v.

**The Attorney General for New Brunswick,  
His Honour Douglas Rice and Gerald Carson** *Respondents*

and

**The Attorney General of Canada,  
the Attorney General for Ontario,  
the Attorney General of Manitoba,  
the Attorney General of British Columbia,  
the Attorney General for Saskatchewan and  
the Attorney General for Alberta** *Interveners*

**Indexed as: Canadian Broadcasting Corp. v. New Brunswick (Attorney General)**

File No.: 24305.

1996: March 29; 1996: October 31.

Present: Lamer C.J. and La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory,  
McLachlin, Iacobucci and Major JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR NEW BRUNSWICK

*Constitutional law -- Charter of Rights -- Freedom of expression -- Freedom of the press -- Trial judge excluding public and media from courtroom during part of accused's sentencing proceedings -- Whether s. 486(1) of [Criminal Code](#) infringes freedoms of expression and of the press -- If so, whether s. 486(1) justifiable in a free and democratic society -- [Canadian Charter of Rights and Freedoms, ss. 1, 2\(b\)](#) -- [Criminal Code, R.S.C., 1985, c. C-46, s. 486\(1\)](#).*

*Criminal law -- Exclusion of public from court -- Trial judge excluding public and media from courtroom during part of accused's sentencing proceedings -- Whether trial judge exceeded his jurisdiction in making such order -- [Criminal Code, R.S.C., 1985, c. C-46, s. 486\(1\)](#).*

The accused pleaded guilty to two charges of sexual assault and two charges of sexual interference involving young female persons. On a motion by the Crown, consented to by defence counsel, the trial judge ordered the exclusion of the public and the media from those parts of the sentencing proceedings dealing with the specific acts committed by the accused, pursuant to [s. 486\(1\) of the Criminal Code](#). The order was sought on the basis of the nature of the evidence, which the court had not yet heard and which purportedly established that the offence was of a "very delicate" nature. The exclusion order remained in effect for approximately 20 minutes. Afterwards, following a request by the CBC, the trial judge gave reasons for making the exclusion order, stating that it had been rendered in the interests of the "proper administration of justice"; it would avoid "undue hardship on the persons involved, both the victims and the accused". The CBC challenged the constitutionality of s. 486(1) before the Court of

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