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Court sides with citizens rights. Town's Claim thrown out of Court

Posted on Saturday, July 15 @ 09:43:54 EDT by [editor](#)

April 7, 2006

Halton: An Ontario Superior Courts judge, today, dismissed a civil claim launched by the Town of Halton Hills, who was suing The Halton Herald's editor, Al Kirouac for defamation.

The Halton Herald had published a series of stories regarding the injudicious conduct of Halton Hills Council, as well as publicly criticizing the professional discriminating practices of a number of the town's key administrators.

An F.O.I. (Freedom of information) application disclosed that then Town Administrator, C.A.O. Bob Austin and Mayor Bonnette sought-out legal advice from a Town Solicitor and advised council they could sue its outspoken public critic, the Halton Herald's editor, Al Kirouac for "slander".

Using taxpayers money, administrators of The Town of Halton Hills launched a civil claim for defamation against the Herald's editor, Al Kirouac. In essence, stating: by defaming government employee Terry Alyman, the Herald also defamed the government, therefore, the government has a right to sue.

Mr. Kirouac's attorney, Mr. Gilliland, asserted in his motion to the court;

"The Corporation of the Town of Halton Hills is a municipality and, as such, is not entitled to claim for defamation. It is contrary to freedom of expression to allow a democratically elected governmental body a cause of action in defamation. Such a claim would inevitably have a chilling effect on public criticism of elected officials and governmental bodies."

Ontario Supreme Court Justice J. Corbett agreed, ordering in his *Disposition*; "the claim of the Town of Halton Hills be dismissed".

Justice J. Corbett went on to cite;

"The reason for the prohibition of defamation suits by government lies not with the use of taxes, or with some abstruse theory about the indivisibility of the state and the people who make up the state. Rather, it lies in the nature of democracy itself. Governments are accountable to the people through the ballot box, and not to judges and juries in courts of law. When government is criticized, its recourse is in the public domain, not the courts. The government may not imprison, or fine, or sue, those who criticize it. The government may respond. This is fundamental. Litigation is a form of force, and the government must not silence its critics by force."

Justice J. Corbett, in his decision, also ordered The Town of Halton Hills to pay \$5000.00 to the defendent, Al Kirouac.

Terry Alyman still has a right to pursue his lawsuit against The Halton Herald's editor for defamation. The court's decision merely reaffirms our constitutional right to criticize our governments, but does not provide anyone the right to unjustly publicly defame any individual. What has changed, is public employees will no longer be using taxpayers money to protect their personal reputation from public criticism.

The Halton Herald looks forward to defending its assertions and having the injudicious professional conduct of public servant, Terry Alyman, judged in the peoples courts.

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UPDATE:

Circumventing Justice Corbett's decision, while condradicting the Town's own "Personnel Policy", Halton Hills Town CAO -Dennis Perlin LLP, informed Mr. Kirouac in a meeting on April 10th, 2006, despite the Judges decision to strike the Town's claim and his reasons for doing so, The Town of Halton Hills will be using taxpayers money to finance Town's Director -Terry Alyman's personal claim against Al Kirouac.

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