

# Town urged to lift Gammie ban

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By Scott Dunn

### **SOUTH BRUCE PENINSULA: Council critic not allowed at municipal meetings**

The Canadian Civil Liberties Association has written a letter on behalf of South Bruce Peninsula blogger and council critic Craig Gammie, who has applied to a court to quash town council's order banning him from the municipal hall and all municipal public meetings and from contacting town staff.

The civil liberties association raised concerns about the process used to pass the Aug. 20 council resolution banning him, which the CCLA suggests lacked clear communication of the reasons for the ban and quick and effective appeal options. It's the second letter the organization has written concerning him.

It "is not clear" a council even has the legal authority to impose a ban by resolution, the Nov. 13 letter provided to The Sun Times by Gammie said. Some municipalities implement bans by issuing a trespass notice, CCLA lawyer Cara Faith Zwibel said in an interview.

The letter concluded by calling on council to reconsider its ban or amend its procedures to include "protections that recognize the seriousness of the sanction being imposed."

Municipalities should have policies setting the terms of behaviour that could result in a ban, they should clearly state how they were violated and the polices should say what recourse is possible, Zwibel said. Safety or security concerns or an act or credible threat of violence could justify banning someone, she suggested.

Zwibel said it seems there was a "shift" in SBP's reasons for banning Gammie.

Senior SBP staff did not return calls Monday or Tuesday and a message left for Mayor John Close was not returned Tuesday. But it appears the municipality went some distance to address CCLA concerns.

SBP responded by letter to the CCLA saying council "changed their procedural bylaw to include a code of conduct section for members of the public. And they say it includes an incremental warning system up to and including expulsion," Zwibel said.

"It does provide that council can pass a resolution indicating the terms of the expulsion and return of the individual, at council's discretion." No other details of the terms were included, the letter didn't address whether resolutions were legal or when the changes were made, Zwibel said.

The civil liberties association acknowledged but offered no comment on the merits of legal moves Gammie has made against town officials or the town's given reasons for passing the resolution.

"Municipal governments, like all public bodies, should not have the ability to exclude individuals from a public location because they disagree with the content of the messages conveyed or because of ongoing litigation between the individual and members of the government," the letter said.

"While at times, decisions to limit a person's rights to participate in local government might be warranted, such decisions are exceptional and should only be made in the rarest of circumstances

and following a fair procedure."

Council first banned Gammie in late 2012 after he taped a closed meeting, which he said he did inadvertently. In May a judge temporarily lifted the ban, but council banned him again Aug. 20.

Gammie has brought several legal actions against town officials but has not won any of them in court. He lost two applications and was denied appeal of one of those. He settled two lawsuits out of court. In some cases Gammie has been ordered to pay costs.

Gammie said in an interview he hasn't written a blog about South Bruce Peninsula for at least three months. No date for his application to quash the ban has been set.