

The Honourable Madeleine Meilleur
Ministry of the Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto, ON M7A 2S9

April 4, 2014

Dear Attorney General,

We are writing to congratulate you on your appointment as Ontario's Attorney General. We are also writing to urge you to make Bill 83, *Protection of Public Participation Act, 2013*, a key priority as you take up this new portfolio. As you know, Bill 83 was introduced by the former Attorney General on 4 June 2013 and has been in second reading debates since late September of last year. It appears from statements made in the Assembly that members of all parties support the Bill and its underlying principles but, despite this, it has still not gone to Committee.

You will be aware that the Bill reflects in large part the recommendations made by the Anti-SLAPP Advisory Panel appointed by the Attorney General in 2010, which was made up of legal experts and which sought and received significant input from the public. The Panel concluded that "threats of lawsuits for speaking out on matters of public interest, combined with a number of actual lawsuits, deter significant numbers of people from participating in discussion on such matters."

In light of its importance and generally widespread support for the Bill, we are concerned that the Bill appears to have stalled in second reading. As representatives of organizations that protect and promote the fundamental right to freedom of expression in Canada, we see Bill 83 as crucial to facilitating debate on matters of public interest and to democratic participation and engagement much more broadly. Suggestions that passage of the Bill will give individuals a license to libel are simply untrue. The point of Bill 83 is to create a *process* whereby a court can review a potentially abusive lawsuit early on in the process. Meritorious suits will not be stifled or dismissed as a result of the Bill. This has been demonstrated clearly in the many jurisdictions around the world which do have anti-SLAPP laws. In fact, the reverse is true; with anti-SLAPP legislation meritorious suits proceed, while baseless suits are stopped at an earlier point in the legal process.

Without an anti-SLAPP law we risk becoming a society where the costs of speaking out are simply too high and where those with greater financial resources can control the narrative on important social, political and economic issues. In our view, the level and quality of debate in Ontario will be diminished if Bill 83 vanishes from the agenda.

We urge you, as Attorney General, to make passage of Bill 83 a key priority.

Sincerely,

Cara Zwibel,
Director, Fundamental Freedoms Program, **Canadian Civil Liberties Association**

Tom Henheffer
Executive Director, **Canadian Journalists for Free Expression**

Toby Mendel
Executive Director, **Centre for Law and Democracy**

Carmel Smyth
National President, **Canadian Media Guild**

Mark Calzavara
Regional Organizer, Ontario-Québec-Nunavut, **The Council of Canadians**

Martin O'Hanlon
Director, **CWA|SCA Canada**

Gail Davidson
Executive Director, **Lawyers' Rights Watch Canada**

Tasleem Thawar
Executive Director, **PEN Canada**

Vincent Gogolek
Executive Director, **BC Freedom of Information and Privacy Association**

Cc: The Honourable Kathleen Wynne, Ontario Premier
Andrea Horwath, MPP (Hamilton Centre)
Tim Hudak, MPP (Niagara West--Glanbrook)
Sylvia Jones, MPP (Dufferin--Caledon)
The Honourable David Orazetti, MPP, (Sault Ste. Marie)
Jagmeet Singh, MPP (Bramalea--Gore--Malton)