

Province to consider anti-SLAPP legislation

By Brock Weir

Ontario's Attorney General took the next steps to 'safeguard' public debate and freedom of expression this week, introducing anti-SLAPP legislation.

Billed as 'protecting freedom of expression', Attorney General John Gerretsen announced the legislation Tuesday morning and due to be tabled in the Legislature that afternoon. If passed, it will implement many of the recommendations made in 2010 by the Province's Anti-SLAPP advisory panel.

SLAPP litigation stands for Strategic Lawsuits against Public Participation, and they have come under scrutiny over the last few years in several areas across Canada, including here in Aurora. Last year, Master Thomas Hawkins ruled a \$6 million defamation lawsuit brought forward in 2010 by then-mayor Phyllis Morris with the authorisation of Council against three local bloggers, among others, was indeed a SLAPP.

According to the Ministry of the Attorney General, the legislation would give courts the mandate to quickly rule whether cases before the courts are SLAPPs before proceeding.

'The proposed legislation would prevent the unwarranted silencing of critics and minimize the time and resources wasted by plaintiffs, defendants and the courts on meritless claims,' said the Ministry of the Attorney General in a statement. 'This made-in-Ontario solution strikes a necessary balance between protecting public debate and allowing legitimate claims to proceed in a timely manner.'

Added the Attorney General: 'We live in a fair and democratic society, and we believe that this law will provide a balanced approach that recognizes both the right to public expression and the importance of protection of reputation.'

The Ministry defines a SLAPP as one party using lawsuits to 'intimidate opponents and reduce their ability to participate in public debate and deter others from participating in discussions on matters of public interests.' The majority of claims, they added, are filed as 'defamation' cases, 'have little or no merit, and are often dropped before proceeding to trial.'

Should the legislation pass, potential SLAPP cases would be fast-tracked through the courts, coming before a judge within 60 days.

Although some Aurora Councillors disagree with the ruling by Master Thomas Hawkins regarding the Morris case, the majority of Councillors passed a resolution earlier this spring to write a letter to the Province expressing their support for the anti-SLAPP recommendations.

While the Attorney General beat Aurora to the punch, Mayor Geoffrey Dawe says it is still important to send the letter, which he expected to be up for Council consideration next Tuesday.

'Our letter, assuming it passes, will simply reinforce what they are doing,' he says. 'I think it is essential we voice our support and [the Town] has to make a very clear statement that this is not acceptable. It is essential that people know where we stand as we are one of the few municipalities, unfortunately, that is closest to this.'