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Protection of Public Participation Act, 2015

Chair: Shafiq Qaadri
Clerk: Tamara Pomanski

Assemblée législative de l'Ontario

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Jeudi 1er octobre 2015

Comité permanent de la justice

Loi de 2015 sur la protection du droit à la participation aux affaires publiques

Président : Shafiq Qaadri
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON JUSTICE POLICY

COMITÉ PERMANENT DE LA JUSTICE

Thursday 1 October 2015

Jeudi 1er octobre 2015

The committee met at 0901 in room 151.

PROTECTION OF PUBLIC PARTICIPATION ACT, 2015

LOI DE 2015 SUR LA PROTECTION DU DROIT À LA PARTICIPATION AUX AFFAIRES PUBLIQUES

Consideration of the following bill:

Bill 52, An Act to amend the Courts of Justice Act, the Libel and Slander Act and the Statutory Powers Procedure Act in order to protect expression on matters of public interest / Projet de loi 52, Loi modifiant la Loi sur les tribunaux judiciaires, la Loi sur la diffamation et la Loi sur l'exercice des compétences légales afin de protéger l'expression sur les affaires d'intérêt public.

The Chair (Mr. Shafiq Qaadri): Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la justice. Colleagues, I call this meeting of the justice policy committee officially to order. As you know, we're here to consider Bill 52.

We have five minutes for opening remarks to be followed in a rotation of three minutes each by each party. The time will be enforced with military precision.

One issue as well, amendments due to the Clerks' office: The deadline is tomorrow, 12 noon, Friday, October 2, and of course in hard copy.

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

The Chair (Mr. Shafiq Qaadri): We'll begin with our first presenter, Ms. Ramani Nadarajah, counsel of the Canadian Environmental Law Association. Welcome, Ms. Nadarajah. Your time officially begins now.

Ms. Ramani Nadarajah: Thank you. My name is Ramani Nadarajah. I'm counsel with the Canadian Environmental Law Association. CELA is a legal aid clinic which represents low-income clients in litigation and undertakes law reform in environmental law.

I have provided the committee with a detailed brief prepared by CELA on Bill 52. I have also attached an article titled The Balance Shifts: The Ontario Protection of Public Participation Act, Free Speech and Reputation Protection. The article was written by Mr. Peter Downard, one of the members of the Anti-SLAPP Advisory Panel, which was established to advise the Attorney General on the content of anti-SLAPP legislation. Mr. Downard's article was written in the context of Bill 83, which was introduced in the previous session of the Legislature.

The test for dismissal in Bill 52 is identical to the one that is set out in Bill 83; therefore, Mr. Downard's analysis is highly relevant to this bill, and I would urge the committee members to read his paper.

CELA is of the view that Bill 52 strikes an appropriate balance between the need to safeguard the public against SLAPPs and the need to safeguard a person's reputation and other legitimate interests. The bill provides an effective legal framework for addressing the growing problem of SLAPPs in Ontario.

While we remain strongly supportive of the bill, we believe it could be improved by adopting a number of amendments, which I have set out in my brief.

The most significant amendment relates to the date of applicability of the bill. Section 137.5 specifies that the bill applies to proceedings commenced on or after the day that the bill received first reading. We recommend that this section be deleted. There is no valid rationale for the provision.

Our second amendment deals with directors' and officers' liability. Quebec's Code of Civil Procedure, which deals with SLAPPs, includes a provision which gives the court authority to require directors and officers of a corporation who took part in the decision to commence a SLAPP to personally pay damages. We recommend that a similar provision be adopted in Bill 52.

It is important to note that the decision to institute a SLAPP by an individual can be made not on his or her own behalf, but rather as an agent with the intent of serving broader interests. A corporate president, for example, can institute a SLAPP with the support and resources from the broader corporation to silence criticism. Therefore, the potential for liability for directors and officers can serve as an important factor in deterring corporations from commencing a SLAPP lawsuit.

Thirdly, CELA also recommends that the bill be amended to give the court authority to prohibit a party from instituting future legal proceedings except with the express authorization and subject to express conditions to be determined by a judge. This would address the problem where a corporation or an individual have demonstrated a pattern of initiating SLAPPs.

Again, we note that Quebec's Code of Civil Procedure includes such a provision.

Finally, we recommend an amendment in relation to the Statutory Powers Procedure Act. We note that Bill 52 requires that submissions in costs before a tribunal be made in writing. We support this provision. However, we also recommend that the bill include a provision which states that an unsuccessful applicant for costs should provide full indemnity to those against whom the cost order was sought. We note that the advisory panel made this recommendation, but it was not adopted in the bill.

In conclusion, I would reiterate that CELA remains very strongly supportive of the bill and urge that it be enacted into law. We believe that this bill is consistent with the measures taken in other jurisdictions, such as the United States, Australia and Quebec, to address the problem of SLAPPs.

Subject to any questions, those are my comments.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Nadarajah. We will begin with questions from the PC side. Mr. Fedeli: three minutes—Mr. Miller.

Mr. Norm Miller: Thank you for your presentation. Five minutes isn't a lot of time to be able to go into too much depth, but we do have your presentation that you've left with us, which is helpful as well.

You talked a bit about the test for dismissal, both in the former Bill 83, I believe it was, and Bill 52, now the current bill. Can you talk a bit about that? Is the test for dismissal adequate in this bill?

Ms. Ramani Nadarajah: I believe that the test for dismissal is the core of this bill. I realize that there have been other deputations that have been made before this committee that have expressed some concern about the test, in particular the submissions from the Advocates' Society. I've had the benefit of reading their handout, as well as their written and oral submissions.

In their oral submission, they have stated that the plaintiff has to demonstrate that the lawsuit is certain to succeed. That is a misstatement of the provision of the bill. Under the bill, the plaintiff does not have to demonstrate that the action is certain to succeed. The plaintiff only has to demonstrate that there are grounds to believe that the plaintiff claim has substantial merit, and the moving party has no valid defence.

The grounds-to-believe test is significantly lower than the standard of proof that normally applies in civil proceedings, which is the balance of probability. So we think that the test actually is quite appropriate in this context and that it provides an effective legal framework to dealing with the problem of SLAPPs.

Mr. Norm Miller: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Miller. I'll pass it to the NDP, Mr. Vanthof.

Mr. John Vanthof: Thank you very much for coming today. I would agree that the test for dismissal is the meat and potatoes of this bill. In lay terms, if a suit is started and it goes through this process, basically, in our view, it's a litmus test to see if this should proceed further. Is that—

Ms. Ramani Nadarajah: Yes. Basically, the test is a screening mechanism to weed out bogus claims. I think it does strike an appropriate balance to ensure that a meritorious action framed in defamation would be allowed to proceed. I think the test, as it's worded, provides sufficient guidance to the court.

You have to remember that when the Anti-SLAPP Advisory Panel held hearings on this issue that this issue formed a significant chunk of the overall hearings. That test was devised after the anti-SLAPP panel, which was chaired by the former dean of the University of Toronto law school along with two of Canada's leading experts in defamation law—they held oral hearings, they got written submissions and made recommendations in relation to that test.

Bill 52 reflects the recommendations made by the advisory panel. We have had two former Supreme Court judges and two judges from the Ontario Court of Appeal who have endorsed the panel's recommendations. The Ontario Bar Association wrote to the Attorney General recommending that Bill 83 be passed and enacted into law, and that bill, as I said earlier, adopted essentially the same test that you have in Bill 52.

So I think it's fair to say that legal experts who have looked at this test think it provides an effective mechanism to deal with the problem of SLAPPs and there is support in the legal community for this bill.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Vanthof. To the government side, Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Thank you, Ms. Nadarajah, for your very succinct presentation. Last week, we heard from a number of different presenters about the idea of justice and access when it comes to this bill.

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I want to ask you, in your opinion, when the court balances the interests at stake between the parties, should it have to take into account the benefit of a plaintiff's access to justice rather than the benefit of the expression of public interest, as the bill now provides?

Ms. Ramani Nadarajah: I think you have to strike an appropriate balance between the right to public participation and the right of a plaintiff, who has a meritorious claim, to have access to justice to move that case forward. If you read the panel's report, they recognize that an effective anti-SLAPP legislation would really calibrate the test in a way that balances these two rights. I think they got it right here.

Ms. Indira Naidoo-Harris: Okay, thank you very much.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Naidoo-Harris, and thanks to you, Ms. Nadarajah, for your presence and deputation on behalf of the Canadian Environmental Law Association.

NORTHEASTERN ONTARIO MUNICIPAL ASSOCIATION

The Chair (Mr. Shafiq Qaadri): I'd now invite our next presenters to please come forward, representing the

Northeastern Ontario Municipal Association: Steve Black, Michael Doody and Roger Sigouin.

Welcome, gentlemen. Thank you. As you've seen, the protocol is five minutes, intro remarks; three minutes, rotation. Please do identify yourselves, as it's part of the permanent record, and Hansard would be most appreciative.

Mr. Michael Doody: My name is Michael Doody. I'm a councillor with the city of Timmins and president of the Northeastern Ontario Municipal Association. With me today are Mayor Steve Black of Timmins; Roger Sigouin, mayor of Hearst; Michel Brière, mayor of Mattice, and Mayor Peter Politis of Cochrane.

To begin with, let me say that I'm not going to be talking on any of the technical aspects of the bill. I'd like to talk about the possibilities of how it will affect communities from Moosonee—making your way down, to give you a broad overlook—to possibly Hearst, Mattice, Kapuskasing, Smooth Rock Falls, Iroquois Falls, Cochrane, Black River-Matheson, Timmins, Kirkland Lake and Temiskaming Shores. These are all communities that, over a hundred years ago, became involved in harvesting properly—and continue today—the natural resources of our community.

The possibility of this bill could drastically affect the lives, the economic viability of these communities and of families who, especially in the communities that I have mentioned, are in the forest industry. Over a hundred years ago, they came to settle northern Ontario, which is 75% to 80% of the land mass of the province of Ontario.

In forestry, if you have job, it's not like punching a time clock in Oshawa or Barrie. For many of the workers, they're going to work at 4:30, 5 o'clock in the morning, through all types of weather, in 45, 50 below. They have developed a culture and a way of living over the past hundred years that they want to continue to do.

Unless you live there—and let me say that I come from a family in northwestern Quebec, in Val-d'Or, Quebec, where it's both forestry and mining. My dad was a prospector. During the first 10 years of their married life, my father and mother built their log cabin and staked claims. That's how the north was built, and it has worked its way now to where we take pride in the way that we harvest the natural resources that the Maker put there for us.

In the last few years, people have learnt, and we're very fortunate that we work side by side, shoulder to shoulder with the First Nations people. We not only work together; we have learnt from each other. We know how valuable it is to reclaim the natural resources the way they should be, and we think we're doing that now.

Let me close by just making a short little statement, and then people here who are with me today are certainly open to answer any questions. For many years, people looked at northerners, pointed at them and said, "Northerners are the hewers of wood and the drawers of water." You're damned right. We do it better than anybody else in the world. We would like to continue doing that. Our children would like to continue doing that and their children. We, together along with the First Nations people—

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Michael Doody: —we're only too glad to be able to do it and for people to say, no matter where you come from, "They're doing it the right way."

We're proud of the way that we do it. When you say that you're a lumberjack or a prospector, you say it with pride. When you take a look at the vast land mass of northern Ontario, our parents and their parents took the gamble to go up there and say, "We're going to make our life here," and we're going to continue doing it there. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Councillor Doody. We now pass the floor to the NDP. Mr. Vanthof, you have three minutes.

Mr. John Vanthof: Chair Doody and members of NEOMA, thank you very much for coming and for expressing your passion for the north, which I share. By coming here, you obviously feel threatened by aspects of this bill. If you could explain or develop a little the particular aspect of this bill that you feel is the biggest threat to your communities.

Mr. Michael Doody: Roger?

The Chair (Mr. Shafiq Qaadri): Just introduce yourself, please.

Mr. Roger Sigouin: My name is Roger Sigouin, mayor of the town of Hearst.

How it's going to affect? Well, it's not really hard to answer. It's going to affect our community. It's going to kill our communities if we start going through these regulations and changing regulation. I mean, we're there for the right reason. I think if we want to talk about the environment, we're the best ones to talk about the environment.

Like Mr. Doody just said, we want to have a better environment for our kids, our youth, to make sure they're going to be able to make a good living in the future. It's not our intention to destroy the forest. The forest is a garden. With this bill, anybody could say what they want to say just to give us a hard time in the north, and those people don't even want to come and live in the north. They've never been to the north.

I think if that bill stays on it's going to hurt, because everyone is going to be able to say whatever they want to say whenever they want. That's not the truth. I challenge anyone who wants to come to the north—I'd make them visit what we've got. Forestry is our garden and we preserve our forests.

I'm really scared of this bill going through because of that. We're there for our own community and we're going to fight for our own community.

Mr. John Vanthof: I would just like to put on the record that I think this issue—it's unfortunate that we have so little time to discuss this because this is a vital, important issue to the people of northern Ontario. It's obvious that there is some misunderstanding of the bill as well, and it's very unfortunate that we are only allowed this much time to speak to it. Thank you, Chair.

Le Président (M. Shafiq Qaadri): Merci, monsieur Vanthof et monsieur Sigouin. Maintenant je passe la parole à M. Potts au gouvernement. Trois minutes.

Mr. Arthur Potts: Gentlemen, thank you very much for coming down here. Thank you again for the passion with which you support the north. I'm the parliamentary assistant for the Minister of Rural Affairs and we take rural economies and rural economic development very, very seriously. We had a group with the Ontario Forestry Association yesterday and we heard very clearly how important the forestry industry is to us.

But what we're discussing here is the importance of also protecting people's individual rights against frivolous actions. Now, you're political people. If you had constituents who were angry at you about something you were trying to do and you responded by putting a slanderous lawsuit against them that had no merit, wouldn't you want them to be protected?

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Mr. Roger Sigouin: Sure, we want them to be protected. We have to look at it both ways. We've got the First Nations; they've been living there for a long time—forever—in the north. I think they do their own job, and doing a pretty good job as well. I think everyone did mistakes in the past because we didn't know any better. But those things change, and we did change a lot.

First Nations are on board with northern communities, and we're talking, communicating. Yes, we still have to improve, but I think the first thing is to protect our people and protect our industry. It doesn't matter if you're First Nation or non-First Nation; we're all equal. It's about having a good economy in the north and respecting our economy, and a bill like this could hurt our economy.

Mr. Arthur Potts: Now, we heard very clearly—I think you were in the room when the previous speaker talked about the test to move forward, if there's merit. If people are speaking untruths, if people are saying things which are lies, I think we heard very clearly that the suits will proceed. But if it's frivolous and it's just designed to shut people up, then there's a mechanism to stop it before people's houses and such were on the line. We've had 60 municipalities in Ontario come forward. As the president of the Northeastern Ontario Municipal Association, don't you think that municipalities also want to protect people against frivolous, non-meritorious lawsuits?

Mr. Michael Doody: I don't think anybody can argue with that. But, certainly, you begin to wonder, when you go to work every day and you've tried to build up a business, whether it's at the municipal level, or like Chief Klyne, that somebody from out there—out there—who doesn't work here, doesn't know the industry and decides to make a claim against those people who are trying to make a living—you begin to wonder.

I didn't come here to get into a snowball fight with somebody that's way out there, but you begin to wonder if your efforts are going unheeded. No one's going to argue with you on the claim that if somebody makes a claim that is—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Potts. Just before I offer the floor to the PC side and Mr. Fedeli, I would just like to announce and acknowledge, on behalf of the committee, the presence of the delegation from Fiji. Welcome, gentlemen. I'm pleased to tell you I have been to Fiji. I had some of the most beautiful scuba diving in the world, and I would certainly encourage you to invite the justice policy committee to Fiji for a fact-finding tour.

With that, Mr. Fedeli, I offer you the floor.

Mr. Victor Fedeli: Thank you very much, Chair. I was very pleased to hear Mr. Potts tell us that he's supportive of the forestry sector. We'll see next week, and the week after, whether the forestry sector amendments that are coming forward will be voted on favourably by the Liberal Party. That will tell us whether these were words or actions today. So I'm very encouraged by that today.

I want to ask a question of Chief Klyne. Welcome. I'm very pleased to have you here today. I want to ask about some of the deputations we have heard. There are well-funded activist groups that are suggesting people use slander and misinformation such as "write a false product review" which threatens northern Ontario businesses. They seem to infer, Chief, that the aboriginal community supports them, and this bill is necessary to protect them. Could you give your comments on that, please?

Chief Earl Klyne: Yes, but first I must introduce myself. My name is Ashawaanaquet, Migissi Dodem, Ogama Chiimaaganing. Chief Earl Klyne, Eagle clan, Seine River First Nation.

The Chair (Mr. Shafiq Qaadri): Chief, would you mind just aiming yourself at the microphone a little bit more, and repeat what you said?

Chief Earl Klyne: Okay. My name is Ashawaanaquet, Migissi Dodem, Ogama Chiimaaganing. Earl Klyne, Eagle clan, chief of Seine River First Nation, Treaty 3 area.

Where I come from, in all business aspects, is that we have a nation-to-nation agreement with Canada, and Ontario has a responsibility in there too. So we deal on a three-government agreement. NGOs do not deal with us; they do not speak for us; they do not tell us what we can do on our lands—never.

This bill here, Bill 52, has not been done properly. This is the first I've known about it. You have not consulted with us. This bill, if passed, will not be honoured by the First Nations. I guarantee it, because I will lead that charge to make sure it doesn't happen. The NGOs have affected our forest industry. As we try to get out of a welfare state—people say First Nations suck up too much money—these NGOs are telling us we can't do things on our own lands, we can't use our resources. Our treaties state 50-50—we share with government responsibility for those. NGOs are not included in that.

Mr. Victor Fedeli: So do you say they don't speak for you, Chief?

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fideli. I do need to pass the time now to Mr. Vanthof. Three minutes, sir.

Mr. Arthur Potts: The NDP gets another three minutes?

The Chair (Mr. Shafiq Qaadri): I'm sorry. Thank you.

Mr. John Vanthof: I'll gladly take it.

The Chair (Mr. Shafiq Qaadri): Gentlemen, thank you very much for your presence. Thank you for your deputation on behalf of the Northeastern Ontario Municipal Association.

MS. MARIA CHMURA

The Chair (Mr. Shafiq Qaadri): I'd now like to invite our next presenter, Maria Chmura, to please come forward. Welcome. Please introduce yourself. You've seen the protocol. Please begin.

Ms. Maria Chmura: I'm Maria Chmura. I'm the daughter of Elizabeth Osidacz, and I'm speaking on her behalf.

Thank you for the opportunity to speak to your committee about my SLAPP. Had I not been frozen with grief and intimidated by the prospect of even more litigation, I might have spoken out. Now I must live with the knowledge that my fear to speak out freely years ago set the stage for Officer Adam Hill to kill teenager Evan Jones on August 25, 2010. The SIU cleared Adam Hill of killing both my son in 2006 and Jones in 2010. However, the circumstances surrounding Adam Hill's use of force are now subject to investigation, re-opened in January 2015.

On August 29, 2006, the government allowed a one-sided, lewd and despicable presentation that was a slanderous attack naming me and my family. This was not a five-minute presentation like mine today, but rather a two-hour deputation to the committee on Bill 89, Kevin and Jared's Law. Members neither questioned the testimony, nor did they offer us an opportunity to respond to the misinformation about witchcraft, incest and bestiality. Instead, the government of Ontario still broadcast this filth in Hansard for the whole World Wide Web to see.

The government also followed MPP Cam Jackson's demand, recorded in Hansard, on September 1, 2006, that a government fund must support the plaintiffs in both their civil and criminal litigation against us. Court documents show that such a fund remained active in 2013. In 2015, we made a request under freedom of information for further disclosure on the Attorney General's fund. That request was denied.

I support Bill 52; however, I want it to be retroactive. I also want there to be consideration for damage and costs awards, assessable against third parties who maintain SLAPPs through a sympathetic plaintiff. This law must apply to the SLAPP still pending against me now for 14 years. In defending this SLAPP, I was billed more than $150,000 in legal fees.

A horrendous event occurred on April 22, 2002. My son's wife charged my son with assault and began ugly divorce proceedings. My son had recorded a powerful, eye-opening video of what actually happened that night. I attach a DVD to my written submission with a copy of this video and the filthy Hansard transcripts describing that same time frame. Despite the recording, his wife and her family continued to harass my son to the breaking point. Andy is dead now, but the animosity has fuelled a never-ending SLAPP against me and my family.

On March 18, 2006, my desperate son, seeing no end in sight, snapped. That's when my eight-year-old grandson, Jared Osidacz, was killed. Also, that same evening, Brantford police officers Adam Hill and Jordan Schmutz shot my son. I watched with my two grandchildren. There was no hostage. There was no warning.

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Our family was still in shock and grieving on May 16, 2006, when she filed the first of multi-million dollar legal claims, including wrongful death claims against me personally. If I survive this ordeal, next May, I will be 80 years old and the SLAPP will be 14 years. All of my retirement years have been spent in and out of courts. I'm pleading for your help.

I ask your committee to make this Bill 52 clearly applicable in my SLAPP case. Please reinstate the retroactive clause removed last December. Also, consider removing the veil of third parties who fund and encourage SLAPPs. This is not just a matter of money and stress. In my case, SLAPP means life and death.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Chmura. We'll begin with the government side: To Ms. Martins, please.

Mrs. Cristina Martins: Thank you for your deputation this morning. The government has no questions at this point.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martins. To the PC side: Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much for being here and for your deputation. We're very sorry for the loss of the life, but we have no questions further at this time.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fedeli. Mr. Vanthof.

Mr. John Vanthof: I'd like to thank you as well. It's obvious that your lives have been deeply affected by the tragedies in your life.

The only question I have is: Do you believe that the retroactivity in this bill would make a big difference? It's not a common policy to make bills retroactive. It's hard to develop a bill to make the rules going back in time, but do you think that it would be worthy in your case?

Ms. Maria Chmura: I believe that, because the bill in its essence is about time frames, not to allow older cases before the court that privilege of this bill I think just defeats the essence of the bill.

Mr. John Vanthof: Okay, thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Vanthof, and thanks to you, Ms. Chmura, and to your mother for your presence and your deputation, as well as the written materials that you've given us.

ECOJUSTICE CANADA

The Chair (Mr. Shafiq Qaadri): I'd now invite our next presenter to please come forward: Mr. Pierre Sadik

of Ecojustice Canada. Welcome. You've seen the protocol.

Mr. Pierre Sadik: I have indeed.

The Chair (Mr. Shafiq Qaadri): Please begin.

Mr. Pierre Sadik: Thank you. My name is Pierre Sadik. I'm a lawyer with Ecojustice Canada. I want to thank the committee for having me here today. Ecojustice Canada has been involved in the ongoing effort to introduce SLAPP legislation in Ontario for several years. We have presented to the Moran expert panel, we publicly released a research report that describes anti-SLAPP legislation in other jurisdictions and in the US, and we've actively engaged with members of this Legislature to call for legislation such as Bill 52.

We believe that Bill 52, while not perfect, strikes a balance between freedom of expression in the public interest and the right to protect one's reputation and economic interests. Now, given the very tight timelines that we're all under here, I'm going to move fairly quickly, perhaps somewhat inelegantly, between the various issues I'd like to address before the committee.

The first issue is the question of the term "valid defence." Some have said that the term "valid defence" is too onerous for the SLAPP plaintiff to meet. First of all, this is the specific wording that the Moran panel, after careful consideration in hearing from stakeholders of all stripes, recommended in the report to the Attorney General, a report that was endorsed by four very senior judges, including Mr. Roy McMurtry.

Second, the alternative that has been proposed, "bad faith," imports a subjective state of mind. Legally, "bad faith" means motivated by ill will. This is a very high evidentiary standard for a SLAPP victim to meet. Moreover, most SLAPPs are brought by corporations and there are additional evidentiary complexities around establishing ill will in the mind of a corporate entity.

The concern raised with the term "valid defence" is, I think, that with probably any activity you can probably find a lawyer who will come up with a defence for you. Bill 52 uses the term "valid defence," not merely "a defence." As with all legislation in this province, the parties will be able to rely on the expertise of the judiciary to make a determination of what actually constitutes a valid defence in the context of the specific case before the judge.

The second issue relates to a question of two-tiered access to justice. Some have argued that the protection from SLAPP suits afforded by the bill should only be available to those individuals and organizations with an annual revenue of under $100,000. This would, in my view, make Bill 52 a two-tiered piece of legislation in an area that I have not seen before in Ontario, or actually anywhere else in Canada.

I have seen legislation that involves financial benefit entitlement, where the entitlement is means-tested—something like the Ontario energy and property tax rebate—but I have never seen legislation that introduces a two-tiered system for access to what is, in essence, the basic right to use all of the procedural tools of the justice system, and it's a slippery slope. What is the basis for the $100,000 figure? This committee has heard from several SLAPP victims that the legal costs associated with defending themselves can easily run into tens of thousands of dollars per month, or even over $100,000 in the context of the entire suit.

Mr. Johnson, the SLAPP victim that the committee heard from last week, pegged his lawyer's fees at $100,000. Is it fair to expect someone who earns $100,000, $120,000 or even $150,000 and whose after-tax income is substantially lower to borrow against their home to fight a SLAPP suit through to the end?

My final issue relates to the question of the so-called retroactivity of the bill. The rationale for limiting the application of Bill 52 to proceedings commenced on or after the day the bill received first reading, which is December 1, 2014, is not apparent. Many victims, some of whom the committee has already heard from, are left out in the cold by this peculiar provision.

In most instances, sound legal principles regarding new legislation specify that the law cannot retroactively change, as you were suggesting, Mr. Vanthof—that legal consequences of actions that were committed before the enactment of the law—in other words, the Legislature should not reach back in time to try to alter the past. But a SLAPP is an on-going act. The SLAPP suits that this committee heard about last week, while they had been launched before December 1, are ongoing lawsuits that continue to impact their victims.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Sadik. I'll pass it to the PC side, to Mr. Miller.

Mr. Norm Miller: Thank you for your presentation. In the short time that I have available, I'd like to talk a bit about the threshold that you mentioned. We've had groups come before us, particularly from northern communities. I believe it's the Federation of Northern Ontario Municipalities that have asked for an amendment so that this bill just applies to the little guy, I guess is the way that I would describe it. We also heard from the Ontario Forest Industries Association. They bring up the example of Greenpeace, a well-funded organization that is counselling people to write untrue product reviews on Best Buy to hurt Resolute Forest Products. So it seems to me that if it's going to just apply to the small guy, this threshold does make some sense.

Can you talk a bit about why—it sounds like you're opposed to the threshold—you don't think that makes sense?

Mr. Pierre Sadik: The threshold, as I said, makes this a two-tiered piece of legislation in connection with access to the justice system. I haven't seen any other two-tiered legislation in this province or in Canada that doesn't deal with benefit entitlements. So there's two-tiered legislation for entitlement to welfare, unemployment income, GST rebate, property tax rebates. I have not seen two-tiered legislation around substantive rights, such as access to the justice system.

The second thing, as I said, is where does the $100,000 figure come from? If someone is earning even

$120,000, your after-tax income right now is probably in the neighbourhood of $55,000, $60,000 or $70,000. A $100,000 SLAPP suit will still sink you.

If you're a $200,000, a $300,000, even a $500,000 organization—let's say a wildlife conservation organization or an anti-tobacco organization—a $100,000 SLAPP suit would mean that this organization would have to lay off staff, perhaps close in its effort to try and defend itself against the SLAPP suit.

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Most SLAPP suits are brought by corporations with multi-million dollar revenues because it takes that kind of revenue to have an extra $100,000 or $150,000 to lawyer up and go after the defendant.

The $100,000 figure is an arbitrary figure. It's a slippery slope, and it makes the first example that I have seen of two-tiered legislation, other than financial benefit entitlement legislation, in this province.

Mr. Norm Miller: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Miller. To the NDP side. Mr. Vanthof.

Mr. John Vanthof: I'd like to continue on the issue of thresholds because, as a former victim of a SLAPP suit and a little guy who had a dairy farm with an overall income of more than $100,000, basically, the $100,000 threshold excludes every small business person in the province from protection from this.

In northern Ontario, and I think other places, a lot of people do feel threatened by very organized and, in many cases, not-understanding environmental groups. They're looking—I don't want to speak for them—for some kind of way to differentiate. Would you have any suggestions on how to do that?

Mr. Pierre Sadik: I have no suggestion for how to do that. I listened in on last week's debate, as well. It was very informative, and at times heartbreaking, from both sides, the folks in the north and the folks who have been victims of SLAPP, like yourself. What I'm hearing is a disconnect somewhere. I'm hearing this piece of legislation being described as the worst thing that ever happened to northern Ontario.

This legislation is not in place. We have had, let's say, three decades of environmentalists in the north and northern resource extraction activity. I have not heard of a single defamation suit brought by the resource sector in the north that has gone through successfully to the end. This was before this bill was in place, so there would have been nothing like this bill to test pre-existing defamation suits. I don't think that this bill is the bugbear that it's made out to be.

I think that there are other issues at play, in terms of the north and the environmental community and others, but I don't think that this is at the root of it. I think other issues, like legislation that was passed in this province and that is being disputed in the courts, may lie at the heart of some of the problems, but I don't think that this is what it's being made out to be. I see a disconnect here. This legislation is a flashpoint, but it's actually a misunderstanding of what this legislation is about, in my respectable opinion.

Mr. John Vanthof: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Vanthof. To the government side. Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Mr. Sadik, thank you so much for your comments. I'd like to get your thoughts on one of the key features of Bill 52. You didn't touch on this, but I do want to talk to you about the 60-day fast-track review process.

Under Bill 52, as you probably know, the defendant can bring a motion before a judge to dismiss the lawsuit. From the date that the defendant files the motion to dismiss, the court has 60 days to hear the defendant's motion. There is no legislated deadline for when the court must render a decision. Do you think that this is an adequate resolution to solving lengthy, expensive, meritless lawsuits?

Mr. Pierre Sadik: What do you mean? Do I think 60 days is enough time or too little time? I'm not sure.

Ms. Indira Naidoo-Harris: I just want to get your thoughts on it. Essentially, there's a 60-day period where a judge has a chance to start looking at things. He doesn't have to render a decision during that time. We've heard from several presenters over the last little while about this issue of 60 days, and I'd just like to get your input on whether or not you feel that this is an adequate process.

Mr. Pierre Sadik: Sure. I think that the 60 days is mildly ambitious but probably appropriate in the context of what this legislation is trying to do. This legislation is trying to get unmeritorious lawsuits out of our over-clogged judicial system. You can't do that fast enough, so the 60-day timeline—I heard Mr. Klippenstein also commenting on that—is doable. It's been done in the context of some other judicial proceedings. He mused about 90 days; I'd like to see us try to do it in 60 days at first.

In terms of when the judge has to render her or his decision, it's always difficult to compel our over-burdened judiciary to write decisions within a set timeline. Judges are the most aware of the backlog in our judicial system. I think that enlightened self-interest would encourage them to write decisions to get unmeritorious lawsuits out of the system as quickly as possible, and to allow those that are with merit and that have met the careful balancing test in Bill 52 to proceed.

Ms. Indira Naidoo-Harris: So you feel it strikes the right balance.

Mr. Pierre Sadik: I think 60 days strikes the right balance, and the discretion that judges have to render their decision in a timely manner is appropriate as well.

Ms. Indira Naidoo-Harris: Chair, I don't know how much time—I guess I don't have any more time.

The Chair (Mr. Shafiq Qaadri): Thirty-nine seconds.

Ms. Indira Naidoo-Harris: Retroactive: Just quickly clarify your thoughts on that.

Mr. Pierre Sadik: Sure. It makes no sense to try to change an act that occurred in the past. It's a legislative principle and it's not permitted by the Canadian Charter of Rights and Freedoms. You can't change the nature of

something that someone already did in the past via legislation.

But a SLAPP has a beginning, a period during which it runs and an end; usually it's a settlement after the SLAPP defendant has knuckled under. If a SLAPP is still ongoing, there's actually nothing wrong with allowing folks to bring the tools of the judicial system—

The Chair (Mr. Shafiq Qaadri): Thanks to you, Mr. Sadik, for your deputation on behalf of Ecojustice Canada.

ONTARIO CONFEDERATION OF UNIVERSITY FACULTY ASSOCIATIONS
CANADIAN ASSOCIATION OF UNIVERSITY TEACHERS

The Chair (Mr. Shafiq Qaadri): I would now invite our next presenters to please come forward, Mark Rosenfeld of the Ontario Confederation of University Faculty Associations and Sylvain Schetagne, the Canadian Association of University Teachers. Welcome, gentlemen. Protocol: five minutes' intro and three-minute rotations of questions, precisely timed, as you can see.

You may please begin.

Mr. Sylvain Schetagne: We would like thank the Chair and members of the Standing Committee on Justice Policy—

Le Président (M. Shafiq Qaadri): S'il vous plaît, mon ami, introduisez—

Mr. Sylvain Schetagne: I was going to in my speaking notes. Thank you. Yes, I will.

I want to thank you for giving us the opportunity to share our perspective on Bill 52. I am Sylvain Schetagne, the associate executive director with the Canadian Association of University Teachers. With me is Mark Rosenfeld, the executive director of the Ontario Confederation of University Faculty Associations. Collectively, we represent academic staff associations across Canada, comprising approximately 68,000 members, including faculty and academic librarians in Ontario.

I want to take a few moments to elaborate on the importance of Bill 52 to OCUFA and CAUT and our members. Mark will speak about how the legislation might be improved to achieve its objectives.

As part of their role as academics, our members are called upon to speak up about issues of concern to residents of Ontario and Canada. Their responsibility extends beyond the boundaries of a university campus. Academic staff members have a long history of contributing meaningfully to public dialogue about important public issues, which is encouraged and protected by academic freedom, a right unique to academic staff. We're not alone in calling for protections of the rights of academics to speak out. Canadian courts at all levels, international conventions and agreements recognize the importance of the academic voice as an essential participant in democracy.

Unfortunately, there is a long history in Canada of academics being targeted by litigation to silence them. We have provided you with a couple of examples in our written submission, but there are many, many more. We support Bill 52 not just because it protects our members, the academic staff at universities in Ontario, but because it protects democracy.

Bill 52 enables a defendant to seek prompt dismissal of a proceeding against him or her. Without it, the threat of a litigation proceeding may silence opposition, even when the proceeding or threatened proceeding is not credible. It is impossible to quantify the chilling effect of such self-censorship, but research indicates that of the cases that are actually launched and which actually proceed to trial, the plaintiff fails to win their case between 77% and 82% of the time. All of this suggests the need for legislation like Bill 52 is real and urgent. CAUT and OCUFA therefore want to commend the government in moving forward to pass Bill 52.

Mr. Mark Rosenfeld: Both OCUFA and CAUT believe that Bill 52 does enhance democracy and ensures protections for voices of dissent, but we want members of the committee to consider incorporating four changes to the legislation that would enable the bill to more effectively achieve its objectives. I'll go through those.

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First, we're concerned that the award of costs or damages are not made until the court has heard and decided the defendant's motion for dismissal of a proceeding. Practically speaking, this means the defendants will not know with certainty whether they will recover their costs until after the court has decided. This may prevent some defendants, we know, from using the procedural motions and measures in Bill 52 to have the proceedings against them dismissed. We believe that the bill can and should do more to redress the financial inequality between the plaintiffs and defendants, including providing options for up front financial assistance, which we can elaborate on if you want to know.

Secondly, the purpose section of the bill, subsection 137.1(2), defines "expression" to include both verbal and non-verbal communication. However we believe the intention of the bill should be made clear and explicit. Expression should expressly be defined to include communication and conduct. Express language, we know, reduces uncertainty, which is particularly important where legislation protects fundamental democratic rights.

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Mark Rosenfeld: Pardon?

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Mark Rosenfeld: Clarity does provide better protection.

Thirdly, the bill doesn't define an express statutory right to public participation; we believe it should. By including the express right to public participation, the law acknowledges its value importance.

Fourthly—and I realize time's moving on—we believe that there should be an addition of a clause that expressly contemplates personal damages awards against senior

officers, which would have the effect of resulting in more careful review of decisions to commence legislation—

Le Président (M. Shafiq Qaadri): Merci beaucoup pour vos remarques introductoires. Maintenant je passe la parole à M. Vanthof du NPD. Trois minutes.

Mr. John Vanthof: Thank you for taking the time to come here. We would agree that freedom of expression in academia is very important. There is similar legislation that is being discussed here in other jurisdictions. In your experience talking with your peers in other places, does it have the desired effect?

Mr. Sylvain Schetagne: It does exist in Quebec. As you know, it has been in place in BC as well. Unfortunately, I do not have any examples of people in academia that have used those procedures in Quebec and in BC at this stage. The fact that it is in place in Quebec probably helps and we think it does help academics in Quebec to express their views on debates of a public nature. We hope that the government will do the same thing in Ontario.

Mr. John Vanthof: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Vanthof. To the government side: Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Thank you very much for your deputation this morning. I just wanted to ask a question here. There's some concern that by having this legislation apply only to certain groups with a smaller financial backing, it would restrict free speech. What are your thoughts on this? Like, groups that would be—smaller groups and larger groups.

Mr. Sylvain Schetagne: Well, how do you define a group? "University professor" is not a group. If you limit the scope of this legislation to groups only, then it doesn't cover any of our members. That's a big problem. Limiting the scope of this legislation actually defeats the objective of this legislation. It should be applied as broadly as possible.

Mr. Lorenzo Berardinetti: Thank you. I have a second question. This committee has been hearing deputations talking about the issue of retroactivity of the bill. There are some cases already going through the process of being—through SLAPP litigation. If it's applied retroactively, how far back do you think it should go in terms of retroactivity? What are your thoughts on that?

Mr. Mark Rosenfeld: We believe that it would go back to cases that are already in progress. That's where retroactivity should extend to. So obviously the cases that are currently happening and then, obviously, cases going forward—they should be able to avail themselves of the provisions of Bill 52.

Mr. Lorenzo Berardinetti: So anyone that has a case or is involved in this kind of litigation would be able to apply for trying to retroactively bring forward this new legislation, if and when it gets passed?

Mr. Mark Rosenfeld: We would agree with that.

Mr. Lorenzo Berardinetti: Without a time—like, going back several years?

Mr. Mark Rosenfeld: We believe that there should be retroactivity. So, consequently, in terms of how far that goes back, we do believe that they should avail themselves in provisions of fast-tracking.

Mr. Lorenzo Berardinetti: Thank you.

Mr. Mark Rosenfeld: Given also in light of the fact that, as was mentioned, the majority of those cases are dismissed.

Mr. Lorenzo Berardinetti: Yes. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Berardinetti. To the PC side: Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much. Welcome. On page 1 of your deputation, you say that OCUFA and the confederation "have long supported policies which provide robust protection to those who participate in public discourse." You go on to say that the confederation was one of the groups—including Greenpeace, it says here—"which formally urged the Ontario government" to pass this, "in order to protect public debate in Ontario." So you're in some pretty interesting company that you quote here.

One of the presenters last week said that this bill gives professional environmental groups the right to defame. We also heard and received the evidence of emails from Greenpeace Canada's volunteer program, which I'm going to read: "Here are five cyber-activist tasks this month," and they go on through the five things that they want people to do online. Number 4 is, "Write a false product review on Best Buy's website. Be creative and make sure to weave in the campaign issues!"

The campaign, of course, was to try to make Best Buy stop buying paper products from Resolute Forest Products in northern Ontario. It was a very successful cyber-activist approach, because now in northern Ontario, in Iroquois Falls, Resolute has closed the mill. Families are out of work; there's very little work left in the entire town of Iroquois Falls. When our committees travelled through northern Ontario on the pre-budget consultations last January, we were there the week that Resolute Forest Products shut down the mill in Fort Frances and put a thousand people out of work that day.

Is this the protection of the public debate in Ontario: the offer, the suggestion, the command to write a false product review? Is that part of what you think is the action that should be taken?

The Chair (Mr. Shafiq Qaadri): Thirty seconds, Mr. Fedeli.

Mr. Sylvain Schetagne: It is clear that as academics they actually have a role to play in our society and public discourse and defending the public interest. There are different ways that that right has been protected, academic freedom being one; under the charter as well as internationally, it is recognized as a right.

Unfortunately, it doesn't protect them against corporations, for instance, that have, through their capacity—"I can use the tribunals to attack them, to silence them." We think this bill is actually putting together the right balance in order to protect the right of freedom of expression, as well as academic freedom for our members—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fedeli, et merci beaucoup, Monsieur Schetagne—to you

as well, Mr. Rosenfeld—on your deputation on behalf of the Canadian Association of University Teachers and the Ontario Confederation of University Faculty Associations.

The committee is now in recess till 2 p.m. in this room.

The committee recessed from 0958 to 1400.

The Chair (Mr. Shafiq Qaadri): Ladies and gentlemen, I reconvene the justice policy committee. As you know, we're here to consider Bill 52, An Act to amend the Courts of Justice Act, the Libel and Slander Act and the Statutory Powers Procedure Act in order to protect expression on matters of public interest.

MR. BILL FRENCH

The Chair (Mr. Shafiq Qaadri): I invite our first presenter to please come forward: Mr. Bill French, mayor of the township of Springwater. Welcome, Mr. Mayor. You have five minutes for an introductory address, and then rotation by parties for three minutes each. I will be enforcing that vigorously, as you know. I invite you, please, to begin now.

Mr. Bill French: Thank you, Mr. Chair, and committee members. As mentioned, my name is Bill French. I address the committee today not in my position as mayor of Springwater township and not on behalf of our council. My deputation is presented to provide a municipal elected official's perspective on strategic lawsuits against public participation, commonly known as SLAPP suits.

My perspective has been the result of observing what I feel has been a misuse of the judicial system by deep-pocket proponents to have their way, regardless of the many good policies put forward by the government. I've made these observations by following local councils for over six years prior to my election as mayor; sitting on local boards and committees; and participating in a variety of ministry-led hearings and amendments of the provincial policy statement and Places to Grow, all intended to create a better Ontario under the guidance of the Ministry of Municipal Affairs and Housing and the Ministry of Infrastructure.

The easiest way to dissuade an opponent is to empty their pockets with clever legal manoeuvring that could cost an individual, a ratepayers group or a small municipality much more than they are able or prepared to pay. I have witnessed the pressure of deep-pocket parties on individuals, ratepayers groups and small municipalities. Through fear of lawsuits, they sit quietly as the lobbying by proponents at higher levels of government set aside good policies and legislation to make square pegs fit in round holes.

I would ask that the proposed legislation include a clear definition of what is a legitimate claim, and expand the legislation beyond the protection of individuals or ratepayers groups and include municipalities and their local politicians, along with other agencies such as conservation authorities and their members.

SLAPP suits, which has become an industry in itself, have reached far beyond the local ratepayer or ratepayers group and are now impacting those elected to govern. If an action is taken by an individual, a municipality or other agency in good faith and is in the interests of local residents, that action must be given protection in a very broad sense rather than a narrow definition. The legislation should protect them from the high-paid lawyer who will dissect and frustrate an issue, creating unnecessary and expensive litigation. Immunity must be provided to these groups and individuals, to even the playing field.

One of the effective ways a big-money interest can manipulate a local municipal council is by launching SLAPP suits against individual members of council, to a point where those council members must declare a conflict of interest because of potential litigation. This could effectively neutralize a majority of council that might be opposed to an initiative, and shift control of the council to a small minority in support of an unwanted initiative. This is an affront not only to our freedom of expression, but is a direct attack on democracy itself.

The ability to protect the voice of the general populace should not be decided by who has the most money and the best solicitor. It should be determined by providing the opportunity for anyone, including elected officials, to fairly state concerns or defend policies that impact their community.

I respectfully ask that this bill be supported and, ideally, strengthened. We need to ensure a voice is returned to the average citizen or elected official in the province. We must ensure those voices are not muzzled because of the fear of SLAPP suits.

I thank the committee for your time.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. French. The floor now goes to the government side, to Mr. Potts.

Mr. Arthur Potts: Thank you, Mr. French. Thank you for coming in and bringing your perspective from beautiful Nottawasaga territory.

Mr. Bill French: North of it.

Mr. Arthur Potts: Just a little north of it. I meant the river, not the town.

You bring up an interesting point here about elected officials, that if someone were to bring a lawsuit, let's say just before a strategic vote in a council, your sense is that would put you in a conflict. Do you want to expand on that? Has that happened in your experience?

Mr. Bill French: I'll just say that I'm on the border of that happening to me. I might have to declare conflicts in a number of things. My understanding is that has happened in other jurisdictions. I believe you might find a particular case in Caledon a few years ago where basically a number of councillors got sued and an unwanted initiative took place. There was still a quorum, because, as you know, if you declare a conflict, obviously your number is removed from that quorum count. That's one of the concerns.

Mr. Arthur Potts: That's very interesting, because the intent of the bill is to give quick relief against a

frivolous—but if you need relief in two or three days before a council, that would be difficult to do. So that's why you talk about this immunity concept.

Mr. Bill French: Yes. But there's no question. Shortening the period to launch it at least would take you out of that conflict where you couldn't drag it out for a couple of years. Quite honestly, you could sit on council for a four-year term and continually have to declare that one item because it hasn't gone through the courts.

Mr. Arthur Potts: Yes. I appreciate that your fundamental support, though, is that we have to protect against frivolous lawsuits.

Mr. Bill French: Yes.

Mr. Arthur Potts: We've seen other municipal bodies, particularly in the north, who are concerned about how this could devastate economic development. But do you think the tests here are sufficient that inappropriate action will be protected, that frivolous suits will be removed, but that if there is real defamation taking place—or lies and such—it would be covered?

Mr. Bill French: Yes. As a matter of fact, I certainly support legislation or laws that protect people from defamation and slander, but if it is frivolous and vexatious, which a lot of them are—but there's an even bigger problem than that. Sometimes they're launched, just dragged out, and then basically withdrawn. Quite honestly, the person on the lower end of the scale will not even have the money to go and seek remuneration for their costs.

Mr. Arthur Potts: I certainly appreciate this perspective. Thank you.

The Chair (Mr. Shafiq Qaadri): The floor now passes to Mr. Fedeli with the PC side.

Mr. Victor Fedeli: Welcome, Your Worship. It's always a pleasure to have fellow elected officials here.

You talked about this bill and others that should be in place to protect people from defamation, and there's no hesitation that we would completely agree with you on this point. We've had many deputations from associations who are concerned that this gives professional environmental groups the right to defame. One example that has come up frequently is the Best Buy approach that was taken by Greenpeace. I'm not sure if you're familiar with that one.

Mr. Bill French: No, I'm not.

Mr. Victor Fedeli: Greenpeace has sent out emails trying to stop a company, Resolute Forest Products—especially in northern Ontario—from selling products to the Best Buy chain. One of the emails that was sent by Greenpeace Canada is, "Write a false product review on Best Buy's website." This is what they called one of their five cyber-activist requests.

The concern, of course, from northern Ontario organizations—by the way, Best Buy did succumb to Greenpeace's cyberactivity, as they called it themselves, and stopped buying newspaper flyer material from Resolute, who then in turn shuttered their plant in Iroquois Falls, putting the entire community out of work. Shortly thereafter, they shuttered the plant in Fort Frances and put a thousand men and women out of work. That's the context. The groups who have been here are worried about the professional environmental groups having the right to defame.

There are some amendments that would protect the little guy, so to speak, the family, the individual, the councillor, the mayor but not protect a company that has revenues of $300 million a year, leaving them to fend for themselves.

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Would a motion or an amendment such as that, that protects the little guy but makes sure the NGOs aren't out there continuing to defame other Ontario companies, be something that you would see your way clear to?

Mr. Bill French: I think one of the issues that I have with that is that you have dual justice. I think there has to be legislation that is fair to everybody. The example that you use, if someone is blatantly telling lies about something, I don't think this legislation is going to help those people that obviously make false claims.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fedeli. The floor now passes to the NDP: Mr. Vanthof.

Mr. John Vanthof: Thank you. And thank you, Mayor French for coming. It sounds like you have some close personal experience with this type of thing. Could you elaborate? I think the problem that we're experiencing here is the difference between an attempt to stifle public participation and an actual slanderous—someone who, or an organization, actually does a slanderous act.

And the line is: Do you get a free pass, do you get kicked out of the system, or is it a worthy lawsuit? Could you expand on that?

Mr. Bill French: What's a worthy lawsuit? I mean, if it's obvious that there are false statements made about an individual or a company that cannot be substantiated, if someone maybe gets upset and calls someone a liar, I'm not sure that's a legitimate claim. If someone says, "He's a liar because he did all of these things" and there is no proof of those allegations, that would be slanderous and libellous in my estimation.

What happens is the individual is being sued because a guy gets frustrated and upset and says, "Well, so-and-so is a liar." Those ones, to me, are the ones that really have to be dealt with really quickly. Quite honestly, if you drag it out for six months or whatever, you can empty the guy's pocket.

I think there is a clear kind of delineation here and, quite honestly, I haven't seen that many from kind of—I've observed a number of ratepayer groups and that. They're seriously interested. They try and gather the facts and basically when they make comments and that, they make them basically I think out of good will. They're not out to assassinate the individual's reputation. I've never seen that, quite honestly. Maybe I'm living in a more sensible area, I'm not sure.

They're legitimate claims but because someone does get upset and calls someone a name—I'll give you an example. Our last council, and one of the reasons that they're gone, wanted to pass legislation. Because I wrote

a lot of articles, they wanted to sue me because I was critical of some of the decisions they were going to make. They were saying that I was calling them names and whatever. They tried to actually pass legislation in our municipality that the township would chase me for a while, cost me $5,000 or $6,000 for a lawyer, and go nowhere.

So we have to bring that type of situation in control.

Mr. John Vanthof: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Vanthof and thanks to you, Mayor French, for your deputation on behalf of the township of Springwater.

ABOVE GROUND

The Chair (Mr. Shafiq Qaadri): I now invite our next presenter to please come forward: Karen Hamilton of the Halifax Initiative. Welcome, Ms. Hamilton. You have seen the program, you have five minutes' intro now.

Ms. Karen Hamilton: Thank you. My name is Karen Hamilton. I'm program officer at Above Ground, an Ottawa-based non-profit, public interest organization. Until recently, the organization was called the Halifax Initiative.

The Halifax Initiative was threatened with a SLAPP suit earlier this year. Before describing the negative impacts this had on the organization, I'd like to first describe our work and how it contributes to informed public debate in Canada. The Halifax Initiative was founded more than 20 years ago. For over a decade, our work has included a focus on corporate accountability.

We encourage companies to respect human rights. Moreover, we encourage the Canadian government to fulfill its legal duty to protect against humans rights abuse by the private sector. Canadian multinational companies are linked to serious human rights abuse and environmental damage overseas. They face a range of credible allegations that include employing slave labour, mismanaging toxic waste and using intimidation tactics to silence opposition to their projects.

International authorities including the Inter-American Commission on Human Rights and several UN treaty bodies have examined the impacts of Canadian companies in foreign countries. Most recently, the UN Human Rights Committee expressed concern about human rights abuses by Canadian mining companies operating abroad and about the lack of accessible remedies for victims of these violations. Eight claims containing allegations of environmental or human rights abuse related to the overseas operations of Canadian mining companies have been filed by foreign plaintiffs in Canadian courts. Three of these cases are currently before Ontario courts. They include allegations of company personnel committing murder and rape and causing injury.

To be sure, Canadian companies are not the only perpetrators of corporate abuse. The UN has called for more robust accountability for all multinational companies, and the UN Human Rights Council is working to establish a legally binding treaty to this effect.

The Canadian government is an important partner to multinational companies. It actively facilitates their operations through a variety of mechanisms, including political support, economic support and the negotiation of commercial treaties. My organization disseminates information and analysis about government programming and raises awareness about the harmful impacts caused by some of the corporations that benefit. We seek to avoid these impacts by promoting greater transparency and accountability in government practice, and we develop policy reform proposals to this end. We build support for these proposals through public education and engagement with decision-makers.

Earlier this year, the Halifax Initiative and its staff were threatened with a SLAPP suit regarding a publication that we produced in collaboration with international colleagues. In late 2014, we published an online report that exposes serious human rights abuse associated with the operations of several multinational companies that receive public financing. The publication was extensively researched, and our claims were substantiated by diverse sources, including testimonials from people directly impacted by the companies' activities.

In January of this year, my colleague and I received a letter from a law firm representing one of the companies mentioned in the publication. Among other things, the five-page letter urged us to remove the publication, publish an unqualified retraction and apology, and cease and desist from publishing any other information about the company without first verifying that information with the company. We were informed that our failure to comply with the demands would result in possible civil and/or criminal proceedings, and the company estimated damages at approximately $200 million.

Our organization took the letter very seriously. We immediately shared it with our international colleagues and initiated a process for deciding how to respond. We also hired a lawyer. Discussions with our international colleagues, our board members and our lawyer took a great deal of time and effectively paralyzed our organization for the next three weeks.

In the end, we felt compelled to withdraw the publication from public circulation. This was a very difficult decision. We felt a genuine obligation to bring information about the company's operations to light and did not want to be intimated by the company's threat. However, we are a small organization with limited resources, and we knew the organization would not survive the demands of litigation. Furthermore, if staff members were sued in their personal capacity, they would not have the financial resources necessary to mount an effective defence.

In discussions with the international colleagues with whom we co-authored the publication, it became clear that relative to other legal jurisdictions, public interest organizations—

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Karen Hamilton: —and advocates are highly vulnerable to SLAPP suits in Ontario. Had legal protections existed in Ontario for public interest

communication, our analysis of the threat the letter posed would have been very different.

We therefore urge you to adopt Bill 52. The measures contained in the bill will allow organizations like ours to continue to contribute to the development of informed public policy. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Hamilton, for your precision-timed remarks. I offer the floor now to Mr. Fedeli of the PCs.

Mr. Victor Fedeli: Thank you very much, Ms. Hamilton, for your presentation—a well-crafted presentation, I might add, and as the Chair said, well-timed. You spoke passionately about corporate accountability, and so I want to put the shoe on the other foot for a moment and ask about NGO accountability, as well—whether they should both be held to an equal standard.

I have used an example a couple of times; I'm going to use it again. When one of the organizations—in this case, it happens to be Greenpeace Canada—wanted to effect a result in having another company, Resolute Forest Products, stop selling product to a company called Best Buy, they resorted, in their own email, to cyber-activist tasks and they gave five cyber-activist tasks to all of the Greenpeace Canada volunteers. The fourth one is, "Write a false product review on Best Buy's website. Be creative and make sure to weave in the campaign issues!" The campaign issues are about the forest.

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But they've asked them to write a false review. As a result of that false campaign against this corporation, Best Buy did succumb to the cyberactivity proposed by Greenpeace and cancelled their contract for newsprint from Resolute Forest Products. As a result of that, Resolute shuttered their plant in Iroquois Falls. When all three parties were visiting Fort Frances last January as part of the pre-budget consultations, Resolute also shuttered their plant in Fort Frances, just before we were there, and put a thousand people out of work.

Earlier today, we heard from another group who said this bill, Bill 52—I'll use their words—isn't "the bugbear" you think it is. It's not bad for corporations.

I cite the Resolute/Best Buy/Greenpeace example, where we are bringing amendments—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fedeli. The floor now passes to Mr. Vanthof of the—

Interjections.

The Chair (Mr. Shafiq Qaadri): Mr. Vanthof, your time begins now.

Mr. John Vanthof: Thank you very much for coming and for giving a very succinct presentation. I think I'm going to follow along Mr. Fedeli's line but, hopefully, I'll actually have a question.

Mr. Victor Fedeli: I would have liked to—

Mr. John Vanthof: Yes. I'm from northern Ontario, as well. I think the issue that a lot of people in northern Ontario are very concerned about is that NGOs aren't allowed, or aren't given the ability, to slander at will.

I would like your opinion on whether this legislation is meant to empower public participation, but does it—should it—go far enough to allow slander? Because the Greenpeace case that we keep hearing about, in my opinion, is a case of slander. Greenpeace slandered Resolute. That should still be a case of slander and shouldn't be impacted by this legislation, because a case of slander should still go ahead. Would you have some comments?

Ms. Karen Hamilton: Yes. I'm not going to comment on Greenpeace in particular, but I do agree with what you say, that a case of slander, under this bill, would move forward.

The perspective of our NGO is that we're not interested in slandering organizations, with no basis. If there is a cause for concern, if we do have legitimate concerns that are substantiated, that is what we want to bring into the public light, not unfounded claims. It's not in our interest, as an organization to put that forward.

Mr. John Vanthof: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Vanthof. The floor now passes to the government side: Madame Martins.

Mrs. Cristina Martins: Thank you, Ms. Hamilton, for being here today. I'm going to go straight to my question, so that I get the question in, in the time that I'm allotted to ask.

As you know, this legislation is intended to protect companies and public participation advocacy groups from meritless lawsuits. Do you feel that legitimate lawsuits for slander would still be able to progress through the courts appropriately, with this piece of legislation?

Ms. Karen Hamilton: In the sense that slanderous lawsuits would not be dismissed?

Mrs. Cristina Martins: Yes.

Ms. Karen Hamilton: Yes. My understanding of the bill is that, yes, a slanderous lawsuit would continue; an unfounded claim would not be dismissed, according to the bill.

Mrs. Cristina Martins: Okay. Those are all the questions that I have.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Martins, and thanks to you, Ms. Hamilton, for your deputation on behalf of the Halifax Initiative.

FEDERATION OF NORTHERN ONTARIO MUNICIPALITIES

The Chair (Mr. Shafiq Qaadri): I now invite our next presenter to please come forward: Mr. Alan Spacek of the Federation of Northern Ontario Municipalities. Welcome, Mr. Spacek. You've seen the protocol. I invite you to please begin now—five minutes.

Mr. Alan Spacek: Thank you. Good afternoon. First, I'd like to start by thanking the committee for providing me with an opportunity to present the views of the Federation of Northern Ontario Municipalities, known as FONOM, with regard to Bill 52, the Protection of Public Participation Act.

Our organization is the unified voice of northeastern Ontario, representing and advocating on behalf of 110

cities, towns and municipalities. Our mission is to improve the economic and social quality of life for all northerners, and to ensure the future of our youth in a sustainable way. We also work closely with the Northwestern Ontario Municipal Association, known as NOMA, which represents 35 municipalities in northwestern Ontario. Collectively, we represent 145 municipalities, and we share a united voice with respect to the effects that Bill 52 will have on our region.

As northerners, we have deep concerns that Bill 52 will negatively impact our livelihoods if it moves forward as currently written. While we understand that the legislation arose out of a need in southern Ontario—well-intended legislation—my constituents in the north have not expressed a want or need for Bill 52. In fact, they're very concerned about the unintended consequences in the north. Regional impacts need to be taken into consideration to balance the legislation.

Since the anti-SLAPP legislation, as it's commonly referred to, was first introduced as Bill 83 in June 2013, FONOM has continued to reach out to the government, asking for northern concerns to be addressed. Despite some cursory dialogue on the need to engage northern stakeholders and to address northern concerns, there has been no meaningful engagement by the government. We fail to understand the need for the government to rush this legislation, especially with the lack of response to FONOM and NOMA's concerns and recommendations.

FONOM supports the principle that legitimate expression should not be subject to intimidation. However, Bill 52 overshoots this mark. The reality in northern Ontario is that Bill 52 would give multinational groups with deep pockets the ability to use misinformation to target and threaten industries that our communities depend on.

The forestry industry in northern Ontario is the economic backbone in many communities within our region, and has consistently been a target of environmental groups. Forestry operations in the province of Ontario must adhere to some of the highest and most respected standards in the world. For example, under these standards, prompt regeneration and long-term monitoring must be undertaken following harvesting activities. As many misguided environmental groups would like you to believe, the industry does not wipe out forests, and in fact only harvests less than one half of 1% of the forest in Ontario each year.

Despite this, environmental non-governmental organizations, known as ENGOs, such as Greenpeace, continue to target these industries and their customers by spreading misinformation and producing groundless allegations against the economic drivers of our communities. Bill 52 will allow these groups to avoid accountability for spreading misinformation, so long as the subject matter of the communication seems to relate to a matter which is termed in the legislation as public interest, which Bill 52 does not define. We believe that a lack of definition has the potential to cause significant harm.

The forest product industry has faced significant challenges over the last several years, and is currently experiencing a rebound. Allowing this legislation to pass without any amendments will only set the industry back. It will prevent forestry companies from protecting their reputations and standing up to those who are spreading misinformation about their operations. Furthermore, the legislation would create an unattractive business climate which will discourage investment and growth into the sector and the province as a whole.

The Ontario government, particularly the Ministry of Natural Resources and Forestry, has undertaken efforts to reassure and demonstrate that the provincial standards that the forestry companies must operate under are sustainable. Letting Bill 52 proceed as written will inevitably damage the credibility of the province and their defence of forestry practices in Ontario, and will send a strong signal that the government supports the activities of groups like Greenpeace to the detriment of the forestry sector.

The FONOM membership has passed a resolution in support of two recommendations for Bill 52 to balance the public interest. They include:

—legal action resulting from public participation would need to be reviewed by a judicial officer or other provincially appointed expert prior to being filed; and

—targeting the bill specifically to apply to volunteers and small community organizations with annual budgets of less than $100,000.

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Alan Spacek: The first recommendation: It is important that a robust and thorough process be in place to assess whether a case is a SLAPP suit before the statement of claim is filed. This would ensure that no one is forced to defend themselves against a baseless charge that amounts to a SLAPP suit in the first place, and ensures that the real intent of the legislation—the protection of public participation—is addressed.

It is imperative that Bill 52 takes a balanced approach, ensuring that northern industries are able to operate for years to come without misguided groups attacking their reputations and customers, all of which is vital to northern Ontario.

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The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Spacek. The floor now passes to the NDP. Mr. Vanthof.

Mr. John Vanthof: Thank you, Mayor Spacek, for coming and for being such a good advocate of northern Ontario and of the forest industry. Looking at the handouts you've given—I, as a northerner, and a lot of my constituents depend on forestry—these, in my opinion, would be slanderous.

I think one of the fears of northerners is that often ENGOs misrepresent how northern forests are actually managed. It's not old growth; it's all managed. Is the issue that you, or FONOM and forestry companies, are afraid that what I find to be an obviously slanderous document would pass through, that ENGOs would be allowed to print this at will?

Mr. Alan Spacek: My opinion is that it would encourage them to do more of that. I'm not sure that some of these could be termed as slanderous—

Mr. John Vanthof: No, but they are meant to hurt the sector.

Mr. Alan Spacek: Yes.

Mr. John Vanthof: I think we can agree on that.

Mr. Alan Spacek: You notice they're quite skilful, though, in that, in the case of the Rite Aid one, they're not particularly targeting a company. They're targeting an industry, thus that fear we have about the wording in the legislation that says "the public interest." They could say, "Well, this is in the public interest, because we're not talking about Resolute. We're talking about the forestry sector as a whole."

Mr. John Vanthof: Yes. And could you just confirm for me—the Resolute mill in Iroquois Falls was very important to me—was Best Buy buying newsprint from the Resolute mill in Iroquois Falls?

Mr. Alan Spacek: I don't know that.

Mr. John Vanthof: Because to the best of my knowledge it wasn't. One thing we have to make sure of is that we represent the issues properly as well.

I'd like to thank you for taking the time to come.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Vanthof.

Just before I pass the floor to the Liberal government side, I'd just respectfully remind colleagues that there are matters, as I understand it, before the courts, particularly with regard to Greenpeace. Therefore, deliberations and material that are committed on the record may be material to that. I'd just caution you because, as you know, the directive, the standing orders and the parliamentary procedure is not to comment specifically on court cases.

The floor is now yours, Mr. or Mrs. or Ms.—going once—Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I appreciate your presentation today, but there is a balance struck in the bill so that the frivolous cases will be dismissed. Someone who is being hit with a SLAPP suit—who, let's say, gets a libel suit against them—can go to a judge and have that case dismissed if there are no reasonable grounds to continue that case. We have a test set out here in the legislation.

Is there some issue around that? Do you want to change the bill? Because I think anyone can go and do this, go before a court, if they feel that the case against them isn't really slanderous, or is frivolous and shouldn't be dealt with any further.

Mr. Alan Spacek: I'm not sure I understand your question fully, but maybe it relates to our concern with the term, as used in the legislation, that states "public interest," which is not currently defined in law that we're aware of, as opposed to the term that is well-known in law, which is "bad faith." Maybe that speaks to—

Mr. Lorenzo Berardinetti: Yes, I've heard that before. I've talked to some of my colleagues about this. You would rather have the wording changed in the legislation so that "bad faith" is put in there?

Mr. Alan Spacek: Yes. It was mentioned to me that there was already this type of legislation existing in Quebec and British Columbia. British Columbia repealed their SLAPP legislation—it wasn't working for them—and Quebec used the term "bad faith" in their SLAPP legislation.

Mr. Lorenzo Berardinetti: So you want that included in the legislation here.

Mr. Alan Spacek: Yes.

Mr. Lorenzo Berardinetti: Okay. That's my question. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Berardinetti. We now pass to the PC side. Mr. Fedeli.

Mr. Victor Fedeli: You obviously sat through a couple of the times where I spoke about the Greenpeace issue and the Best Buy issue. This Rite Aid—I have to admit, I've not seen this. This is definitely new to us. You can either choose to expand on that, or I want to talk about the amendments that you propose in this package, the bad faith versus public interest or the $100,000 cap. Your choice on that.

Mr. Alan Spacek: Well, I'll quickly comment on the Rite Aid campaign that's under way now. I think this is just one example of the companies that Greenpeace is targeting to stop doing business with Ontario lumber companies. They've sort of mimicked what Rite Aid, which is a large American pharmacy, uses as a flyer, and they've inserted pictures of what they say are improper logging standards, or endangering animals.

It's one that's very shocking, the pictures are very shocking. I don't have confirmation yet, but the bottom left picture, apparently, is of a logging operation in Kenora, Ontario, but it's about 10 years old. If you look at that area today after reforestation, it's growing in a very healthy state. Again, it's an example of the variation and the intensity that they use when they mount these campaigns.

Mr. Victor Fedeli: How much time?

The Chair (Mr. Shafiq Qaadri): About a minute and a half.

Mr. Victor Fedeli: Did you want to talk, then, about the bad faith versus public interest or the $100,000? Did you want to delve into that?

Mr. Alan Spacek: Well, I've talked about the bad faith. But the $100,000 recommendation that we have, I want to clarify that that doesn't mean that any individual or volunteer group would have total resources of $100,000. They may need significantly more if they're engaged in a legal suit. It was just a guideline as a suggestion to start a discussion about having some limit on who would be protected by the suit.

We do have a two-tier system in Ontario now, where if your income is at a certain level, you qualify for legal aid. We're suggesting that there could be a hybrid version of that for this legislation that would prevent the multi-million dollar multinationals from taking advantage and seeking protection behind it.

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Victor Fedeli: We heard earlier this morning from Mr. Potts. He told us that he's supportive of the forestry sector, so we're obviously looking forward to

him supporting these two amendments that the forestry sector is putting forward today.

We appreciate the time that you took to come from Kapuskasing, Your Worship. I just wish we had more time to delve into this.

Mr. Alan Spacek: Thank you very much.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fedeli. I don't believe that Mr. Spacek is an elected mayor, but in any case, we're happy to extend—

Mr. Victor Fedeli: Yes, he's the mayor of Kapuskasing.

The Chair (Mr. Shafiq Qaadri): Oh, is that right?

Interjection.

The Chair (Mr. Shafiq Qaadri): Thank you. I have him written down as the president of the association. Fair enough.

Your Worship, thank you for your presence. Thanks for your deputation and your written materials.

MIDHURST RATEPAYERS' ASSOCIATION

The Chair (Mr. Shafiq Qaadri): We will now move to our next presenters. Please come forward, Ms. Buxton, Mr. Strachan and Ms. Prophet of the Midhurst Ratepayers' Association. Welcome, and please be seated. Please do introduce yourselves as you speak. I'll let you take your seats just before I begin the time.

Ms. Sandy Buxton: Most courteous of you. Thank you.

The Chair (Mr. Shafiq Qaadri): Ready?

Ms. Sandy Buxton: Almost.

The Chair (Mr. Shafiq Qaadri): All right. Please begin.

Ms. Sandy Buxton: Good afternoon, everyone. Thank you for the opportunity to appear before you. My name is Sandy Buxton. I am president of the Midhurst Ratepayers' Association. With me today are our vice-president, David Strachan, and Margaret Prophet, our secretary and communications director. They are here to assist me in answering whatever questions you may have.

Firstly, it's our wish to thank the province for putting forward this bill and to also thank the huge majority of MPPs who are supporting it.

Ratepayer associations are the backbone of citizen-focused democracy. Their sole purpose is to represent the best interests of their community. Backed by the large majority of Midhurst residents who oppose this mega-development, we have a mandate and a responsibility to continue fighting to stop costly sprawl in our small village, and also to promote financially and environmentally sensitive and pragmatic growth.

In so doing, we have endured a barrage of insults, insinuations and intimidation from the developers over a considerable period of time. Three predecessors have resigned during the last five years—presidents, I'm referring to—due to potential SLAPP suits and developer intimidation. We've also had trouble attracting board members because supporters worry about a similar fate occurring to them.

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On our shoestring budget, we've been forced to pay a huge sum for liability insurance, just in case a SLAPP suit should occur. Some of our most generous donors have requested anonymity, fearing an attack of some kind by the developers. This, ladies and gentlemen, is the climate we operate in.

Our region is familiar with SLAPP suits and intimidation. Cottagers in Innisfil, the infamous Big Bay Point development, were sued—all cases were ultimately thrown out—and residents of Hillsdale were intimidated by the same developer we are facing.

The effects of SLAPP suits are like ripples in a pond: Word spreads, and media coverage ensues. The end result is that an already uneven playing field tilts even more alarmingly. Concerned citizens keep silent, for fear of sharing the same fate as others before them, and a chill descends on public discourse.

Some of the epithets that have been hurled at us by the developers are the following: "self-interested," "self-appointed," "NIMBY," "shameful," "reprehensible" and "a ... pattern of deception." We have been portrayed as liars and obstructers of the democratic process.

We have also been accused of failing to be part of the regulatory process. I can tell you that this is easier said than done. At the OMB, we've either been finessed out of party status as "frivolous and vexatious" or bullied to the point of being afraid to make a participant statement. Of course, the developers have used this against us, trumpeting that we must have agreed with all their points since we didn't participate more fully—a perfect Catch-22.

In the most recent municipal election, in 2014, like other civic-minded organizations, we sought to mobilize residents to vote and to inform them about each candidate's platform. Working from our all-candidates survey, other materials and conversations, we took the bold step of endorsing five candidates for Springwater council. All were on the record as opposing the Midhurst Secondary Plan. As an aside, four of them were elected, including the mayor and deputy mayor.

Predictably, then, residents were bombarded by flashy flyers and full-page ads from the developers—some using our own colours and format, for extra impact—warning that "someone was lying" when saying that the MSP could be stopped. They insinuated that we were not only thwarting democracy but were driven by self-interest.

Our board is made up of respected community members of all ages and stages who devote extremely long hours to preserving and protecting Midhurst for the next generation. I ask you, is that self-interest? We don't think so.

Our struggle continues despite the—

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Sandy Buxton: Thank you. Our struggle continues despite the ever-present jeopardy of a SLAPP suit. Current board members are a tenacious lot and will not give in or walk away. That said, adding the ordinary

citizen's voice to a high-stakes, politically charged topic like sprawl development in rural Ontario should not be this dangerous.

Once our testimony is published, as we know it will be, we expect the developers may well resume writing us nasty letters. They may also write to this committee, to our local—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Buxton. The floor now passes to the government side: Signor Berardinetti.

Mr. Lorenzo Berardinetti: Thank you, Ms. Buxton, and your ratepayers association, for coming here today. So you're generally supportive of this legislation. You want it to come—

Ms. Sandy Buxton: I cannot hear you, sir. Could you speak closer to the mike?

Mr. Lorenzo Berardinetti: You're supportive of this legislation.

Ms. Sandy Buxton: Absolutely, we are, yes.

Mr. Lorenzo Berardinetti: Okay. The other question I had for you is, some people have talked about retroactivity, like making the bill apply to people who are in situations where they're being sued—

Ms. Sandy Buxton: Where SLAPP suits are under way—is that your point? Yes?

Mr. Lorenzo Berardinetti: Yes. Do you have any thoughts on that?

Ms. Sandy Buxton: It's our considered view that there should be retroactivity, for all the reasons that you've been hearing endlessly from many parties, including ourselves. Those people are in a terrible situation, and their pockets are being drained dry and their lives put under a huge cloud while this is going on. So, yes, we definitely support retroactivity.

Mr. Lorenzo Berardinetti: Those people are still in the midst of legal proceedings—

Ms. Sandy Buxton: That's correct.

Mr. Lorenzo Berardinetti: —and spending money on lawyers to defend themselves.

Ms. Sandy Buxton: That's right, and it's a highly expensive and personally fraught experience.

Mr. Lorenzo Berardinetti: Yes, okay. Those are my questions. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Berardinetti. To the PC side: Mr. Hardeman.

Mr. Ernie Hardeman: Thank you very much for your presentation. It was very interesting. I was going to say, for the little time I have left, maybe I should just give you that time to finish your presentation.

Ms. Sandy Buxton: That's most kind of you, sir.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Hardeman. To the NDP side: Mr. Vanthof—

Ms. Sandy Buxton: I believe I'm–

Mr. Ernie Hardeman: No, she's using my time.

The Chair (Mr. Shafiq Qaadri): Oh, I'm sorry. Please go ahead then.

Ms. Sandy Buxton: It's short. There will still be time for you.

Once our testimony is published, we expect the developers may well resume writing us nasty letters. They may also write to this committee, our local and county governments, MPPs and key ministers, maligning us once again as self-interested, inconsequential, uninformed and "too late to the party." Why ditch a tactic that distracts from the facts and might isolate us from supporters?

We underdogs need a fighting chance to carry out the will of the people. Please protect public participation so that we can do that.

Thank you.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Shafiq Qaadri): Time is ceded, Mr. Hardeman? All right. Now the floor passes to the NDP: Mr. Vanthof.

Mr. John Vanthof: Thank you very much for coming and relaying—

Ms. Sandy Buxton: Please speak into the mike, sir. I have a hearing problem.

Mr. John Vanthof: Oh, sorry. Thanks very much for coming and for relaying, in a very brief time, your history. Just to be clear, you have tried to participate in all of the OMB stuff. You've done your best to do that and have still run into these roadblocks?

Ms. Sandy Buxton: That is correct. It's onerous for a small organization like ours to appear at the OMB. Party status usually requires having a lawyer in order to make any headway, and those folks cost money. So that's one issue.

In the particular case where we had accepted that we could only be a participant because we couldn't afford a lawyer, I personally was intimidated physically by a group of developer lawyers hanging over me no further than the end of this mike, like this, and told, "You'd better think carefully about what you've going to say. I'm telling you, Sandy"—or Mrs. Buxton, whatever they said—"you're going to be cross-examined severely. You are going to get a rough ride. Think about this."

Between the menacing behaviour—I don't tolerate people interfering with my personal space to that degree, where they're here and they're all around me—the language they were using and the looks on their faces, I thought, "Even I can't go through this. I have not got a lawyer and I am scared, completely scared, to get on the stand." That's wrong. That's anti-democratic.

Mr. John Vanthof: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Vanthof, and thanks to you, Ms. Buxton, and to your colleagues for your representation on behalf of the Midhurst Ratepayers' Association.

Ms. Sandy Buxton: May I add one short point?

The Chair (Mr. Shafiq Qaadri): Only—

Ms. Sandy Buxton: Really short.

The Chair (Mr. Shafiq Qaadri): Go ahead.

Ms. Sandy Buxton: You're generous, and I appreciate it.

We did not come with prepared material for you. We have a lot of it. We have letters, we have flyers, where it

has been said in black and white that we're liars—and we fact-check, as was recommended earlier. If at any time, any people on the committee would like to have that material, we would be glad to supply it to you. We were not sure, as ordinary citizens, what was expected of us today. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Buxton. What I would just say is that any materials that you feel the committee should have, you may submit a single copy or multiple copies to our Clerk by 6 p.m. today, and it will distributed. Thank you very much.

CANADIAN CIVIL LIBERTIES ASSOCIATION

The Chair (Mr. Shafiq Qaadri): I'd now invite our next presenter to please come forward: Cara Zwibel of the Canadian Civil Liberties Association. Welcome, Ms. Zwibel. Please be seated. You've seen the protocol. Please begin.

Ms. Cara Zwibel: Thank you. I'd like to thank the committee for inviting the Canadian Civil Liberties Association to speak to you today about Bill 52.

As you may know, CCLA has been around for over 50 years and has been working in Canadian courts, Legislatures and classrooms to promote and protect the fundamental rights and freedoms of Canadians. We are an organization with a strong and proud history of defending freedom of expression, and we welcome the introduction of the Protection of Public Participation Act, 2015.

I know my time is short, so I want to make a few brief points and, hopefully, share some information and thoughts with the committee that you may not have heard from other witnesses.

First, I know that the committee has heard from a lot of environmental NGOs about the need for this bill. I want to stress to the committee that while the bill is certainly important for these groups, they are by no means the only ones that stand to benefit from this legislation, nor the only ones that need it to protect vital free speech interests.

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The CCLA hears from individuals not just in Ontario but from across the country who are facing lawsuits or are being threatened with litigation because they are critical of their locally elected governments, because they engage in community activism or because they choose to boycott businesses whose practices they disagree with. There are some examples in our written brief, which I think you have. Some of them relate to individuals who have already addressed this committee.

This kind of expression that I've just mentioned is the mark of engaged citizens. There shouldn't be a punishment or a price tag for being engaged in important matters of public interest. To the contrary, this kind of expression deserves significant protection, and the early dismissal mechanism created by the bill is an important form of that protection.

Second, I know that there have been suggestions that jobs will be lost and businesses taken down by this bill. I would submit to you that there's no evidence that this is the case, and also that it's worth noting that some of the most business-friendly states in the United States have enacted anti-SLAPP legislation. Indeed, many businesses have taken advantage of that legislation.

The CCLA does not agree with some of the witnesses who have suggested amendments to restrict the availability of the early dismissal procedure to individuals or organizations with a certain sized budget or annual revenues. In my view, if you add an amendment that limits the availability of this procedure in that way, the bill, with respect, won't be worth the paper it's written on.

The bill is designed in part to recognize the resource imbalances that often exist between plaintiffs and defendants in these kinds of cases, but it is also there to ensure that no one is forced to defend, over many years and spending many dollars, a lawsuit that has little merit and that chills or hinders debate and discussion on matters of public interest.

Third, the bill does not, contrary to what some say, grant a licence to libel. Cases with merit will proceed. Here I think it's important to understand a bit about how the law of defamation works. As it is right now, the law of defamation heavily favours the plaintiff. It is a strict liability tort, which means that a plaintiff has to prove only that a defamatory statement about them, one that might harm their reputation, was published or republished. After they've done that, the burden shifts to the defendant. There's no need for the plaintiff to prove that the defamatory statement was false and there's no need for them to prove any specific damages.

The early dismissal procedure is an important counterbalance to that overall system. I know you heard from some witnesses that the test should be tweaked and that perhaps the "no valid defence" part should be removed or there should be a bad-faith requirement added; the CCLA disagrees. The law would only require a plaintiff to prove reasonable grounds to believe that there's no valid defence. They don't have to prove that a victory for the defendant is an absolute certainty. This is not an unreasonable bar given the burden I mentioned on a defendant if a defamation case goes to trial.

We appreciate the concern that the law might have unintended consequences—

The Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Cara Zwibel: —which is why we've suggested a five-year review clause be put in the bill so that this committee or the Legislature could assess the overall effectiveness in a few short years.

Finally, we urge the committee to allow the procedural changes contemplated in the bill to apply to any ongoing proceedings. In our view, there's no reason to immunize existing litigation from the early dismissal procedure, but many reasons to allow courts to dismiss cases that hinder public participation and that lack substantial merit, regardless of when they were commenced.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Zwibel. The floor now passes to the PC side. Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much. Were you finished or did you have a bit more?

Ms. Cara Zwibel: I just wanted to say that we believe it has the power to effect positive change in Ontario, and we urge swift passage of the bill.

Mr. Victor Fedeli: Your earlier last sentence—can you just elaborate on what you mean by that, not in lawyers' terms, just in lay terms?

Ms. Cara Zwibel: Sure.

Mr. Victor Fedeli: If you don't mind.

Ms. Cara Zwibel: You mean the retroactivity piece?

Mr. Victor Fedeli: Precisely.

Ms. Cara Zwibel: The issue is that there are lawsuits ongoing right now that, had they been started after this bill had been introduced, would benefit from this procedure and might be dismissed. Because of the timing, they won't be and the defendants in those cases will be forced to proceed, possibly all the way to a trial where they may ultimately be successful, but not until after years of having a lawsuit hanging over their heads and having to pay lawyers to engage in the process. So there is no reason, in our view, that this procedure—because that's what it is; it's a procedural change to the law, not a substantive change—shouldn't apply to existing litigation.

Mr. Victor Fedeli: How far back would you go? Twenty years? Fifteen years?

Ms. Cara Zwibel: If there's litigation that was started 20 years ago and still isn't resolved, then yes. But to the extent that that's the case, it really exemplifies the need for this kind of legislation.

A plaintiff can initiate an action and just let it sit. It can just sit for years. Before you can get a court to dismiss it even just for delay—even just on the basis that the plaintiff hasn't done anything to move it forward—it's often many years before a court will do that. To have a $7-million lawsuit or a $100,000 lawsuit hanging over your head for two or three or four or five or six years is a pretty significant thing for most people.

Mr. Victor Fedeli: Thank you, Chair.

The Chair (Mr. Shafiq Qaadri): To the NDP: Mr. Vanthof.

Mr. John Vanthof: Thank you for taking the time to explain your viewpoint of the bill; you've done a very good job. If you would have any other viewpoints—I have no questions, so if you'd like to take a couple of minutes—

Ms. Cara Zwibel: I would like to address the suggestion about the bad-faith requirement and why I think that would be a problem. I think already our civil litigation rules allow for courts to dismiss cases that are frivolous—or vexatious, as they call it; that's the language in the rules. Usually that's where a bad-faith consideration might come in. To get a dismissal under that procedure is difficult, and it's hard to prove what's in someone else's mind. I think that the Anti-SLAPP Advisory Panel that looked at this issue recognized that the dismissal procedure shouldn't be based on a plaintiff's motives for bringing litigation, because it's hard to tell why people bring litigation. So I would encourage the committee not to consider an amendment that would make that requirement.

Mr. John Vanthof: Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Vanthof, and thanks to you, Ms. Zwibel, for your deputation on behalf of the Canadian—

Mr. Arthur Potts: Don't we get a chance to have a word, Chair?

The Chair (Mr. Shafiq Qaadri): Thank you. You do. Please.

Mr. John Vanthof: A bit too efficient, Chair.

The Chair (Mr. Shafiq Qaadri): Yes. Thank you. All yours, Mr. Potts, or Ms. Naidoo-Harris.

Ms. Indira Naidoo-Harris: Thank you, Chair. Thank you, Ms. Zwibel, for coming in and speaking with us today.

I'd like to talk to you a little bit about the 60-day judicial review process. Tell me, do you believe that that 60-day judicial review process is an adequate system of checks and balances that ensures that organizations, as well as companies, do not have a right to slander?

Ms. Cara Zwibel: My understanding is that the 60 days starts to run from the day you file your notice of motion. The goal is that you would call the court and get a court date before you file that notice, so that when you serve it on the other side, you'd have a date already.

I think it might be the case that the parties involved would agree that they actually might need more time to pull together the kind of evidence that's required for this motion. If that's the case, and they agree and consent to it, our rules of civil procedure allow for deadlines to be extended on that basis.

I think that there are some cases where the 60 days will be adequate and where it will be important—because you'll have defendants who really can't afford any legal assistance much beyond that period of time—and other cases where more time might be required, and that can be accomplished by the parties under the existing rules.

Ms. Indira Naidoo-Harris: Okay, great. So you really feel that the 60 days is enough time to hear the defendant's motion, but when it comes to rendering a decision, that will be after that time, and there's adequate space there, in order to get the job done—

Ms. Cara Zwibel: The decision will come whenever the court decides. If the Legislature could legislate some timelines on when courts have to render decisions, certainly I know many lawyers would appreciate that, but I don't think that's how the system works. Judges decide when they're ready to give their decision, and they'll do that.

Ms. Indira Naidoo-Harris: Thank you very much.

The Chair (Mr. Shafiq Qaadri): Thanks to you, Ms. Zwibel, for your deputation and presence on behalf of the Canadian Civil Liberties Association.

Ms. Cara Zwibel: Thank you.

MS. LOUISETTE LANTEIGNE

Le Président (M. Shafiq Qaadri): Je voudrais maintenant inviter notre prochaine présentatrice : Louisette Lanteigne. Bienvenue. Welcome.

Ms. Louisette Lanteigne: Hi.

The Chair (Mr. Shafiq Qaadri): As you've seen the protocol, you have five minutes and then a rotation by questions. Thank you for your written materials. Please begin.

Ms. Louisette Lanteigne: Very good. My name is Louisette Lanteigne. I live at 700 Star Flower Avenue in Waterloo, Ontario.

I support anti-SLAPP motions within 60 days to reduce duress on all sides, and I would like it applied for retroactive cases too. I want the law accessible for individuals and groups, regardless of their budgets, based on the merits of the case, not the size of the wallet.

I built a blog site specifically to report environmental and labour law infringements that I witnessed. It featured photos, addresses and times. It was shared with the city of Waterloo, the region of Waterloo, MNR, MOE, Ministry of Labour and the TSSA. Labour Minister Steve Peters said that my work contributed in 39 charges and 309 stop actions and I had letters of thanks from municipal officials and ministry officials.

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On the website was a letter written to Minister Dombrowsky mentioning a leaky diesel tank across from a children's school. It said: "Again, this is on the property of the same developer." That was the mistake I made, because the housing company sign was on the property, and that housing company was owned by a certain developer when they built my subdivision and did similar infringements. When I saw that sign again, I assumed it was still owned, but it had been sold off to another party. There was no reasonable way I could know that, but for that simple error, I was sued for $2 million. I could defend by absolute and qualified privileges, but I was told that it would cost $40,000 to $70,000 in legal costs and without anti-SLAPP laws, there was no chance of recovering that fund. We made too much for legal aid, too little to keep our home. I had three kids, a family. This was an attack on my husband's savings; I was a stay-at-home mum.

It was the first time a blog site ever got SLAPPed so the news went international. I was overwhelmed by public attention, embarrassment and fear. I tried to find a local lawyer but they had conflicts, and that's par for the course for many developers. I found a solicitor in Toronto who asked me to bring my mortgage document, but I didn't know why. The developer was suing me with the lawyer who closed the mortgage on my house and he didn't bother to tell me my rights because he was interested in the publicity.

The day before the mediation, I was stopped at a stoplight with my baby in the back seat. A guy in a truck raced out of the parking lot and rammed into the side of my vehicle. He then backed out and rammed a second time, this time pushing me into oncoming traffic. It took two hours for the police to arrive; it was the middle of winter. My car was a write-off. They didn't investigate. It wasn't worth it; my car was that cheap.

At the mediation, my lawyer told me to leave the room so he could talk to the developer's solicitor. When I went back in, there was an apology I did not write on the table. I told them that I took no issue with admitting the error I made, but this other statement was false. Basically, the apology stated that they didn't do anything in my subdivision. I had photographic evidence and I had city council meetings to prove it, and I showed it to them. But in spite of that, my lawyer comes up to me and says, "If you don't sign, they're going to bleed you dry."

I could not afford to fight for the wording I wanted. I was under duress mentally, physically, emotionally. I had no car and $8,000 in legal costs up to that point to pay, so I signed. I didn't pay a single penny, but I'll still regret doing that for the rest of my life, because it was a lie and the conditions came with a gag order that I could not talk of any of these things.

I was instructed to post the apology on my website and in the press. My solicitor was excited about the prospect of the publicity. He actually called my home saying, "Hey, have you read anything?" I could not understand how anyone can legally force a person to lie, but when I saw the apology in the paper, I threw up. The body is not designed to take this. I suffered a nervous breakdown. My mum had to come in and watch my kids.

The result was a form of reverse defamation. I was removed as a guest panelist at the 75th anniversary of Nature Canada. I was a delegate because of my advocacy work. I was one of the panellists and I was removed because of this scandal. My reputation with the newspaper and the public was ruined.

Two years later, a SLAPP lawsuit—I couldn't raise funds; nobody trusted my opinion; right? Two years later, I went to the OMB against this same developer. There were over 20 people at the mediation and when I started to speak about my issues, the OMB-appointed mediator interrupted me and asked me to go into a separate room. He tried to talk me out of the process. He literally said that going to the OMB was akin to walking into a chainsaw. I stated that my issues have merit and I have experts, and I am in the process of refinancing my home. They rushed the mediation process without merit. Without my consent, he went back into the room and cancelled the meeting. It was the only chance I had to resolve the issues, and for that, I was sued with a motion to dismiss—well, not sued.

I survived the motion to dismiss hearing and I won that OMB appeal based on the scientific merits. We won by way of the experts' minutes. Then, we had a hearing to quash the summonses because the issues were resolved, and the press printed that I lost the OMB appeal. Since this time, 10 years later, the OMB refuses to publish my ruling on their website—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. Lanteigne. I need to pass the floor now to Mr. Vanthof.

Mr. John Vanthof: Thank you very much for coming and relaying your experience. I have no questions, if you would like to—

Ms. Louisette Lanteigne: Yes. Six months after—

Mr. John Vanthof: —further use my time?

Ms. Louisette Lanteigne: Oh, I'm sorry.

Mr. John Vanthof: Oh, no. That's fine.

Ms. Louisette Lanteigne: I've been waiting 10 years.

Six months after I witnessed the violations to the conditions of the ruling, I filed a certified copy of the OMB decision after witnessing them doing cut-and-fill operations and de-watering of the creek when they were supposed to begin the hydrostatic tests—they were supposed to put a mini-piezometer in the creek to determine the water flow. Instead, they did a reverse-flow of the creek, emptied it out and then they put the piezometer in.

I called every level of ministry. There's no enforcement for OMB. Even the OMB stated, "The most we can do is shelve your complaint unless you want to take it out of pocket in contempt of court."

So I went to the Attorney General and I went to the courthouse. I said, "What is the protocol to proceed with contempt of court because I've already filed the ruling?" Nobody would tell me. All agencies said, "Get a lawyer." After spending $27,000 to secure my ruling and winning it, I had no money for compliance. There was nothing. It was a kangaroo court.

I care about these issues because a moratorium should be applied on development activities until matters are resolved when it comes to issues like this. I had workers call my home and tell me how scared they were about the fact that the building inspector was beaten up here, and there was an article to support that. My sister had a Ministry of Transportation guy who came to our house bloodied up, and they fixed him up. He was too scared to report this particular developer to the police.

I had former employees telling me about illegal workers from Portugal, and the reason why they're falling off the roof unharnessed is because they get paid by the hour and the harness slows them down. When they fall off, they're bought off because they're not registered to work in Canada, which explains why my dryer vent was bricked over, my garage is illegally sized and my next-door neighbour's house didn't have insulation in the bedroom. Her house sank to the point that the support beam needed replacing.

My other neighbour had to have their house rewired, and they were evacuated during that time because it was a fire hazard, and it goes on. We had floods. We had water pressure issues. I had E. coli from the broken water main. They set the chloride levels to that level. When they fixed the pipe, our chloride was so strong, it wasn't fit for human consumption. I found out because my girlfriend makes money making scarves—the chemicals augmented her colour. She had the water tested, and it wasn't fit for human consumption. This was my water. My baby is drinking it, and me.

So I fought them, and I continue to this day, to secure the safety of people in communities. And that's my story. It's the first time in my life I've felt the courage to speak the truth in 10 years' time. I would say words like "mafia-ish" to explain the process. Having been sexually abused—it's similar.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Vanthof. I need to pass the floor to the government side. Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Thank you for coming forward today with your story. We really appreciate it. There's a lot of material here that I went through, and I tried my best to speed-read through it. Is there anything else—you proved what was in the case.

Ms. Louisette Lanteigne: There's a lot, yes, because I tried to find out what was happening with this firm. Why would they come down so heavy on a non-issue? There are only 15 individual people who visited the website when they filed their statement of claim, and my husband and I are two of them. So there are only 13 people who saw the site.

I started digging and I found out illegal banking and fraud charges from Germany. I went to the RCMP and the local police and they said, "We can't do anything. It's hearsay." Everything is hearsay. Everything I was told by the workers and the former employees—I can't submit that. I encouraged them to go to the labour minister, though. I encouraged everybody I could, but because I was not a shareholder, it means nothing.

So I followed the trail. There's a lot of money from Germany coming into Canada for property investment and development, and a lot of 'Ndrangheta going into Germany to do it. That's how they launder money. It's in the press. I didn't know—I don't know to this day—if that even played a role or if that was just something completely on the side or how these things are, but I tried to convey all these articles. I don't know if it has relevance or not. I honestly don't. I'm not in a position to even understand it. All I know is I was scared and odd things happened and I did my best to work around it. I was scared so much today, I brought this to the police and I said, "If I disappear, I want you to have it in hand." That's the kind of fear you get after these things you go through.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Berardinetti. We'll now pass it to the PC side. Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much. It's obviously—

Ms. Louisette Lanteigne: Traumatic.

Mr. Victor Fedeli: —very traumatic for you, but it appears to have been a bit of a release for you as well.

Ms. Louisette Lanteigne: Yes. Look at my hair—shorn—because it's so much similar to sexual abuse. You just don't want to make yourself a target. I cut off all my hair. I was so under duress, just to speak.

Mr. Victor Fedeli: Are your legal issues over?

Ms. Louisette Lanteigne: Yes. I have no malice against these people. I never meant to harm them. All I was trying to do was say where the diesel spill was so they could clean it up. To the best of my ability, I gave every bit of information. I thought I was truthful. I

certainly wouldn't have gotten the kudos from the ministry for something false or defamatory or mean. I didn't want that. I didn't want to hurt anybody.

The minute I got the statement of claim, I called the lawyer up and I said, "Please meet with me. If I can make amends, I'll gladly do so. I don't know what I did. Just meet with me." They never returned my call. They went to my parish priest to act as a mediator—he's now a monsignor. I never met with them because I thought it was vulgar that they went to my place of worship.

Mr. Victor Fedeli: You've obviously been through a very traumatic incident.

Ms. Louisette Lanteigne: On many levels, yes.

Mr. Victor Fedeli: We commend your bravery for being here today and sharing that story with us.

Ms. Louisette Lanteigne: Thank you, sir.

Mr. Victor Fedeli: Thank you, Chair.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Fideli.

Ms. Louisette Lanteigne: Thank you, all.

The Chair (Mr. Shafiq Qaadri): Thanks to you, Ms. Lanteigne, for coming forward and sharing your very personal and trying story as well as your written deputation, which is in my pocket right now. Thanks very much for coming.

The amendment deadline is for 12 noon tomorrow.

I would just once again call the attention of the justice policy committee to remind them that this is approximately the last official duty of our Clerk in the Legislature of Ontario.

Committee is adjourned.

The committee adjourned at 1512.

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