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January 28, 2014

Mr. Joseph Hickey
Executive Director
Ontario Civil Liberties Association (OCLA)
e-mail: joseph.hickey@ocla.ca

Dear Mr. Hickey:

Thank you for your recent letter regarding Bill 83, the Protection of Public Participation Act. I am pleased that the members of the Ontario Civil Liberties Association support passage of the bill, as do all the parties in the Legislature and a great number of public interest groups.

I note that the association would like to see the government extend the work of the bill by undertaking a broader reform of the law of defamation.

While it is important to help prevent the abuse of our courts and our legal system through strategic defamation actions, it is reasonable that the law continue to provide some protection to people's reputation as well as to their freedom of speech. Bill 83 seeks to achieve a balance between these competing interests.

Under the bill, if the plaintiff can demonstrate the likelihood of actual harm, not just harm presumed by law, and if the judge finds that this harm outweighs the value of free expression on the interest in question, then the case can proceed. That does not mean that the plaintiff will necessarily win, but the dispute will be heard, not kept out of court.

I appreciate your taking the time to share your views with me and the other members of the Legislative Assembly.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gerretsen".

John Gerretsen
Attorney General