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## NEWS RELEASE

For Immediate Release  
2018AG0032-000918  
May 15, 2018

Ministry of Attorney General

### **New law to safeguard freedom of expression**

VICTORIA – British Columbians’ right to freely participate in debating matters of public interest – without fear of facing unfair litigation and associated costs – will be better protected under proposed legislation introduced today.

The Protection of Public Participation Act will safeguard people from strategic lawsuits against public participation (often referred to as SLAPPs) that limit or prevent the expression of individuals’ or groups’ points of view on matters of public interest.

“Lawsuits that serve to silence and financially exhaust those exercising their right of expression exploit our legal system and only serve those with significantly deeper pockets,” said David Eby, Attorney General. “We’re committed to ensuring a robust, healthy democracy that defends British Columbians’ fundamental rights – in part, by helping people who want and deserve the freedom to peacefully engage in public debate without fear of unreasonable and financially ruinous legal action against them.”

The act strives to improve access to justice and protect freedom of expression, while allowing for legitimate claims that involve real harm.

A key feature is an expedited process by which a defendant may apply to the court to dismiss a lawsuit on the basis that it impinges on the defendant’s ability to speak freely on a matter of public interest. If the court so determined, it would dismiss the lawsuit, unless the plaintiff could satisfy the court that the harm the plaintiff likely would suffer as a result of that free speech would outweigh the public interest in protecting it.

The act would further protect public participation by allowing the court to fully indemnify defendants for costs.

“British Columbians should have the right to participate freely in public debates without fear of retribution,” said Wally Oppal, OBC, QC, former attorney general of British Columbia and former justice of the Supreme Court of British Columbia. “The legal system is vulnerable to so-called SLAPP lawsuits that are intended solely to censor public opinion, to intimidate people and to silence critics. SLAPP lawsuits strategically, and without merit, prevent free discussion on matters of public interest. I welcome today’s legislation.”

In 2001, British Columbia was the first jurisdiction in Canada to enact legislation of this kind, but it was subsequently repealed the same year. The proposed act is based on the Uniform Protection of Public Participation Act, adopted by the Uniform Law Conference of Canada in 2017, which, in turn, is closely based on Ontario’s related legislation.

**Contact:**

Ministry of Attorney General  
Communications  
778 678-1572

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