



**Presentation to the Ontario Standing Committee  
on Justice Policy**

*Bill 52 – Protection of Public Participation Act, 2015*

By  
Alan Spacek – Mayor of Kapuskasing  
President of FONOM

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Firstly, I would like to thank the committee for providing me with an opportunity to present the views of the Federation of Northern Ontario Municipalities (FONOM) with regards 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. We also work closely with the Northwestern Ontario Municipal Association (NOMA), which represents 35 municipalities in the Northwest. Collectively, representing 145 municipalities across the North, we share a united voice with respect to the effects 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 it is currently written. While we understand that the legislation arose out of a need in Southern Ontario, my constituents in the North have not expressed a want or need for Bill 52. In fact, they are 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 is commonly referred to, was first introduced as Bill 83 in June of 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 the legislation especially with a lack of response to FONOM'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 will give multi-national 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 for

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, it in fact, only harvests less than half of a percent of the forest each year.

Yet despite this, environmental non-governmental organizations (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 of “public interest,” which Bill 52 does not define. We believe, that a lack of definition has the potential to cause significant harm.

The forest products 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 that 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 forestry companies must operate under are sustainable. Letting Bill 52 proceed as written, will inevitably damage the credibility of the Province in their defense 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 to 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.

To 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 ensure that the real intent of the legislation – the protection of public participation – is addressed.

To the second recommendation, legislating a budgetary limit will allow the Bill to protect the interests of those that the Bill was intended to protect and prevents wealthy multi-national groups from using the legislation against our job creators.

It is imperative that Bill 52 take a balanced approach and that it not prefer the interests of parties engaging in defamation to victims seeking to protect their reputations. Ensuring that Northern industries are able to operate for years to come without the threat of misguided groups attacking their

reputations and targeting their customers is vital to the Northern Ontario economy and must be addressed within this Bill.

We ask that you to take our recommendations into full consideration. Thank you.