



NEWS RELEASE

Bill 42 Restrictions on Non-Party Election Advertising in Pre-Election Period Unconstitutional

The British Columbia Civil Liberties Association is pleased to report that this afternoon the Honourable Mr. Justice Cole of the Supreme Court of British Columbia advised counsel in the Bill 42 litigation that he would be issuing reasons for judgment on Monday, March 30, 2009 ruling that the provisions of the *Election Act of B.C.* that restrict election advertising by non-parties in the 60 day period prior to the issuance of a writ calling a provincial general election were contrary to the protection provided by section 2(b) of the *Charter of Rights and Freedoms* concerning freedom of expression, were not saved by section 1 of the *Charter* as they were not a reasonable limit on a *Charter* right or freedom, and were therefore unconstitutional and invalid.

The BCCLA intervened in the Bill 42 litigation, which was brought by the BC Teachers Federation and the BC Nurses Union. The BCCLA argued in court that the restrictions on election advertising were invalid and is pleased that the court has indicated that its ruling will so order, at least to the extent of the pre-writ period.

Robert Holmes, President of the BCCLA was counsel for the BCCLA on this case, said, "The government's efforts to squelch freedom of expression through Bill 42 remain a stain upon our country's history. The restrictions should never have been brought in, much less at a late date calculated by the government to limit the ability of citizens to bring the matter to court and have them subjected to judicial review. The decision by Mr. Justice Cole shows how an independent and impartial judiciary is necessary to ensure that government does not trample on people's rights. The people of British Columbia will be better off having their right not just to speak out, but also to hear the views of others on matters of public importance raised and debated, in a full and free manner."

In May 2008, when Bill 42 was first introduced by the government, Holmes said that the government's effort to manipulate and control what people hear in the period leading up to an election "is patently offensive to democratic principles. While banning advertising by concerned citizens and groups, the government gives itself free rein to fill the airwaves and newspapers with 'feel good' advertising promoting itself at public expense and promote itself further with taxpayer-subsidized political contributions. Governments should be held to account at all times through free and full public debate. People should be trusted to make informed judgments. Politicians need to remember that they are public servants and the people are the masters, not the other way around."

The BCCLA will have further comment on the case once the full text of the judge's ruling is provided on Monday, March 30, 2009.

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