



## NEWS RELEASE

British Columbia Civil Liberties Association  
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For immediate release

### **Court of Appeal refuses attempt to save Bill 42**

The British Columbia Civil Liberties Association is pleased that Mr. Justice Lowry of the BC Court of Appeal this afternoon dismissed the application of the Attorney General of BC for a stay of the order pronounced earlier this week holding that pre-campaign third election expense limits were unconstitutional.

The effect of the ruling is to allow election expenditures by third parties up until the writ is issued, likely on April 14, 2009, for the May 12, 2009 election. As a result, British Columbians are free to place election advertisements and to read and hear them until the writ is issued. Thereafter the limits imposed by the government on third party advertising apply to the 28 day election campaign period. This ruling reflects the strength of the value of freedom of expression enshrined in the Canadian Charter of Rights and Freedoms.

BCCLA President Rob Holmes said, "It was sad that the government brought in these restrictions in the first place. They gambled that the courts would not be able to respond in time for the public to engage in full and free debate. The law that the government put in place limited free speech during a time that the Legislature was sitting, a Throne Speech was presented, a Budget was delivered, many bills were introduced and debated, and questions were asked on a daily basis in Question Period. All the while politicians were engaging in debate within the confines of the Legislature Building, the public was limited in what it could see, read, hear and say."

During the course of the submissions and argument presented to the Court today, evidence was led showing that advertising by unions, business groups and others was planned for the remaining 10 days before the election campaign formally begins.

"People should celebrate the fact that issues that concerned citizens and groups want to have put on the public agenda will now get heard," said Holmes. "Politicians have to remember that the public sets the agenda and they are servants of the public. It is essential to democracy that people remain vigilant in ensuring that fundamental democratic value is understood and respected."

#### MEDIA CONTACT:

Robert Holmes, President, o: 604-681-1310 c: 604-838-6856  
David Eby, Acting Executive Director, 778-865-7997