

Ms Robina Jaffray
Secretary Standing Committee on Legal Affairs
GPO Box 1020
Canberra ACT 2601

Dear Committee members

RE LAWS TO PROTECT PUBLIC PARTICIPATION

As an organisation that engages in debate over matters of public significance we recognise the importance of protecting the rights of citizens to speak and act freely on matters of public interest. Therefore we welcome the ACT Government's commitment to examine options for laws to discourage the strategic use of litigation to silence public debate and are pleased that the matter has been referred to the Assembly Standing Committee on Legal Affairs.

Unlike many European and North America jurisdictions, Australia has not yet addressed this issue, thus the ACT has the opportunity to introduce legislation that could form the model for all states and territories to adopt.

At this stage we would like to bring to your attention a number of broad principles we believe should be incorporated into legislation. The Conservation Council may also comment in greater detail during subsequent consultation processes if appropriate.

We support legislation that provides:

- Immunity from litigation for all civil causes of action with the exclusion of criminal activities, physical violence, damage to property;
- Appropriate deterrence measures;
- A means by which a proceeding which unjustifiably interferes with the right to public participation can be summarily dismissed, expediently and inexpensively; and
- A means by which damages can be recovered when a person's right to public participation is unjustifiably interfered with.

Attached is a law reform proposal prepared by Environmental Defenders Office (SA) – *A Protection of Public Participation Act for South Australia* which outlines these issues in greater detail.

Yours sincerely

Trish Harrup
Director
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