

From: Trish Harrup [ccserac.director@ecoaction.net.au]

Sent: Tuesday, 15 August 2006 4:34 PM

To: STEFANIAK; 'Deb Foskey'; MACDONALD

Cc: Jaffray, Robina; 'Greg Ogle'

Subject: Bill for Protection of Public Participation

Dear members of the Standing Committee on Legal Affairs

Attached is a copy of a draft Bill for the Protection of Public Participation prepared by SA Parliamentary Council.

This Bill is a synthesis of the Mark Parnell, Brian Walters, and Californian models, and also takes into account the recent changes to defamation law in Australia.

This Bill is simplified compared with the Bill previously considered by the Committee and I believe it addresses the concerns raised by some witnesses at the Committee's public hearing in April.

The Bill Provides for:

- Court orders in the face of legal threats that the conduct complained of was an act of public participation
- Summary dismissal of cases/claims which are inconsistent with the right of public participation
- Payment of exemplary damages where it can be proved that the Plaintiff has brought a case for an improper purpose.

I urge members of the committee to support the introduction of a like Bill in the ACT as an efficient and effective means of protecting the rights of ACT citizens to speak and act freely on matters of public interest and discouraging the strategic use of litigation to silence public debate.

Regards

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