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Greens move to stop SLAPPs

ACT Greens MLA Deb Foskey today tabled the **Court Procedures (Protection of Public Participation) Amendment Bill 2005** in the ACT Legislative Assembly.

“This Bill, if passed, aims to encourage public participation by protecting the right of the public to participate in social and political activity on a range of issues. The need for the legislation arises due to the increasing number of SLAPP litigations in Australia” said Dr Foskey today.

SLAPPs – Strategic Lawsuits Against Public Participation – are lawsuits intended to silence and intimidate public participation on matters of public interest.

“Most often SLAPP cases are substantially lost in the courts – but before that happens it can take years, considerable dollars and emotional strength out of the defendants – while the real public policy matter that started the public debate in the first place is displaced. That's why we need anti-SLAPP legislation.”

SLAPP's are increasing in Australia – with the most recent case being Gunns Corporation against 20 organisations and individuals outspoken against logging of old-growth forest in Tasmania. Gunns Corp are seeking around \$6.4 million in damages. Other examples are the Hindmarsh Island bridge case or the UK McLibel case.

“SLAPPs have the effect of discouraging those who are slapped, as well as others. The weight of the proceedings and the amount of the claims, as well as the length of the legal cases, is usually intimidating. Essentially SLAPPs play a significant role in silencing public commentary.”

“The ACT Human Rights Act recognises the right to freedom of thought and expression. However, it is possible for individuals and organisations with sufficient resources to use the law as a vehicle to attack those rights. The best way to deal with SLAPPs is to try to make sure that the law provides an even playing field – and discourage the rich and powerful from using the law as a sledgehammer. That is what this Bill is about” Dr Foskey said.

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