

# **Public Interest Lawyers' Statement in Support of Public Participation Law Reform**

As senior lawyers practising, advising and writing in the area of the law of public interest debate, we call on all Australian governments to implement law reform to protect the community's right and ability to participate in public debate and political activity without fear of litigation.

The increasing phenomenon of litigation against community participation in public issues by comment or action has the serious effect of intimidating the community, chilling public debate and silencing voices which should be heard in a democratic society. In addition these lawsuits against public participation create enormous stress and financial burden for the people and groups who are sued and clog our court systems with arguments which belong in political rather than legal arenas.

Free speech and robust public debate, together with the ability to participate in community and political activity without fear of litigation, are fundamental rights in a democratic society. The increasing and widespread use of defamation law, trade practices laws and economic torts laws against public participation must be wound back. It is no coincidence that societies where these rights of public participation are curtailed have historically been burdened with corruption, inefficiency and often disastrous decision making.

Legislation specifically to protect the community's right to public debate and participation has been introduced in 25 jurisdictions in the United States. We call on Australian governments to introduce similar laws and work together to achieve national or uniform legislation in Australia.

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We, the undersigned barristers, solicitors and legal academics and practitioners, similarly call on all Australian governments to implement law reform to protect the community's right and ability to participate in public debate and political activity without fear of litigation.

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