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BETWEEN THE LINES

Welcome to the third edition of *Between the Lines*, The Australia Institute's e-bulletin – selective analysis of the policy and politics affecting the wellbeing of Australians. This edition looks at:

- Government assistance to industry
- new anti-SLAPP legislation in the ACT
- ACMA's recent decision on subliminal advertising
- the need for wellbeing in a climate-changed Australia.

Easy money

The Rudd Government's assistance package to the car industry has been hotly debated this week, but most of the commentary has fallen into the tired old positions of government assistance being 'good' or 'bad'.

The fact is that most big industries receive either direct tax injections or tax concessions from both Commonwealth and state governments. According to the Productivity Commission, more than \$6.5 billion in budgetary assistance was provided to industry in 2006–07.

So how about instead of arguing over whether or not we should assist industry, we have a real conversation about which industries should receive assistance, which kinds of assistance work best and which regions would benefit most from public sector investment.

This raises the issue of government support for the coal-fired electricity industry. The Rudd Government has committed \$100 million to a 'clean coal research institute' and the Victorian and Queensland governments have pledged a further \$400 million.

However, despite the Government's willingness to spend taxpayers' money on such research, the latest ABS figures show that the electricity industry is far less willing to spend its shareholders' funds. In fact, it spent less than one per cent, or \$79 million of \$13.5 billion value added on R&D in 2006–07. By contrast, the manufacturing sector spends \$3.8 billion or 3.7 per cent of its value added on R&D.

Government assistance is not coming back into fashion—it never left. The Howard Government gave billions away to the childcare industry, the agriculture industry and the mining industry, to name a select few. The Bush administration was never serious about free markets and small government; it gave hundreds of billions away to its friends in agriculture, oil and defence.

Hopefully, what is coming back into fashion is the creation of a coherent set of criteria for awarding such assistance, along with some transparency about the likely benefits and some evidence on the actual outcomes. The car industry is now required

to spend its money on making cars green; similar obligations must be placed on the electricity industry.

If Canberra can SLAPP corporate bullies, why won't Rudd?

In 2004, the forestry company Gunns began proceedings against 20 individuals, including Senator Bob Brown and several Wilderness Society staff members, claiming these environmentalists had caused the company a loss of reputation, jobs and profit. The claim was for \$6.3 million. This corporate response to community concern is known as a SLAPP suit (Strategic Litigation Against Public Participation).

Large companies use SLAPP suits to silence their critics by tying up their time, money and emotional energy. The result is often crippling emotional and financial stress and years spent dealing with the court system, time that could have been devoted to advocacy and campaigning. On a societal level, SLAPP suits suppress public participation and protest.

Given that Australians have no constitutional right to free speech, SLAPP suits are a significant problem. As Brian Walters SC says in his book *Slapping on the Writs*: 'The community is not some vague ether in the air — it is the communication between its members. When we stifle public discourse, we stifle community'.

In August, the ACT Legislative Assembly passed the *Protection of Public Participation Act 2008*. Like most pieces of new legislation, it didn't receive much press. This does not, however, mean it wasn't significant. It is the first anti-SLAPP law in Australia, imposing civil penalties on companies engaged in lawsuits undertaken specifically to silence critics and stop public debate.

The Act is a truly non-partisan piece of legislation; it was written by the Greens, amended by Labor and supported by all three parties. In combination with the ACT *Human Rights Act 2004*, it is a bold move towards promoting free speech and an engaged citizenry. What we need now is for mirror legislation to be introduced in all other Australian jurisdictions. If Rudd wants an era of increased federalism, this would be a good place to start.

Subliminal advertising

Companies are willing to spend millions of dollars on advertising for a simple reason—they think it works. Such logic explains why advertisers in Australia want to place subliminal images on our television screens. What is impossible to fathom is why the Australian Communications and Media Authority (ACMA) would allow such a practice.

ACMA recently investigated a complaint against Channel Ten for broadcasting subliminal messages with commercial content during the 2007 ARIA Music Awards. They have now ruled that broadcasters can transmit commercial messages as short as three consecutive frames (or just over one tenth of a second), but not of one or two frames. Apparently one tenth of a second is easy to spot but anything shorter will now be deemed 'subliminal'.

ACMA believes that this is consistent with the prohibition against techniques which attempt ‘to convey information to a viewer by transmitting messages below or near the threshold of human awareness’. The people at ACMA must pay much closer attention than most when they are watching their sitcoms at night if they believe this is the case.

ACMA’s decision will inevitably result in advertising and marketing tactics that, while being technically legal according to their definition (using three or more frames per second), are disingenuous, exploitative and contrary to the need to demarcate advertising content from artistic or other content in ways that are readily apparent to viewers. ‘Human awareness’ of an image being flashed quickly on a television screen does not equate with ‘human awareness’ of the nature of the image being displayed or the commercial intent of the message. Yet ACMA’s decision means that we can expect to see (or not see) more subliminal content on our TV screens in the future.

Quality of life

In order to inform our research program, we recently asked the readers of *Between the Lines* to suggest the sorts of measures they considered would need to be included in a comprehensive measure of wellbeing. We were inundated with recommendations and some themes have certainly become apparent, prominent among them measures of mental health, including prescription patterns for drugs associated with mental health.

The considerable impact that climate change will potentially have on mental health, especially in rural areas and already vulnerable communities, is beginning to be explored by researchers but is not yet being taken seriously by governments. Garnaut did not include mental health in his modelling and touched on it only very briefly in his final report. The report, therefore, underestimates the adverse consequences of climate change.

A recent paper entitled *Hope, despair and transformation: Climate change and the promotion of mental health and wellbeing* (available at <http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2556310>) examines the probable impact climate change will have on populations from three aspects:

1. the direct impact of climate change, for example from severe weather events
2. the resulting disruptions to vulnerable communities, including threats to economic security, the effects of displacement and exposure to violence
3. the on-going emotional distress caused by the helplessness and anxiety that people feel in the face of a global environmental threat.

The authors conclude that the promotion of mental health in the community is important for encouraging people to maintain a positive, hopeful attitude to the challenges that will surely confront many of the most vulnerable amongst us. It is a fundamental component of wellbeing.

But as yet there is no measure of wellbeing and until the Rudd Government provides the Australian Bureau of Statistics with the direction, and the funds, to measure it as accurately as we now measure the economy, we will all have to remain in the dark.

If you have any comments or contributions for *Between the Lines*, please send them to mail@tai.org.au. If you know someone else who needs to read *Between the Lines*, please forward this email. They can sign up to receive it at www.tai.org.au.