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TITLE: Imposed silence a threat to... whom?

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Are freedom of speech, freedom of association and the freedom to protest left-wing or right-wing issues? While Senator George Brandis was thundering away this week about the importance of a free press, I'm not sure his liberalism stretches to supporting Julian Assange and the desire of WikiLeaks to "let the information free".

Similarly, while the left typically rages against big corporations using defamation and other laws to silence their critics, last week the Australian Conservation Foundation, The Wilderness Society and Environment Tasmania supported the passage of legislation through the Tasmanian Parliament that seeks to silence other environment groups and stop forest protests.

Before explaining the nitty-gritty of how the so-called "Tasmanian forest peace deal" seeks to silence dissent, it is important to highlight how high the stakes are lest readers who have spent a lifetime ignoring forestry debates stop reading.

First, the centrepiece of the deal is a \$350 million spending program, funded by the Commonwealth, which will be used to "restructure" the forestry industry, compensate displaced forest workers, pay out forest contracts, subsidise regional development projects and help establish and manage the new reserves. Although the details are still sketchy, about \$70-\$100 million of the funding is earmarked for forestry subsidies.

Given that Tasmania's native forest sector employs fewer than 2000 people - and how agitated people get about subsidies for the car industry - you would think in such "tough budgetary times" that this latest round of forest subsidies would have attracted a bit more scrutiny from the opposition and others on the right.

Second, there is the backflip by Prime Minister Julia Gillard. In 2008 she declared that "we don't want to stifle debate, we want to ensure that this country ends up with the best possible policy. This requires us to get the gag off and listen to those who know what's going on".

Not any more it seems. Last week she called on the environment groups that support the deal to gag other environmentalists, stating that "the obligation is on the signatories that first came

together, the parties who started this process, to do everything they can to use their abilities to silence those who haven't gone with the mainstream consensus".

And third there is the issue of the hypocrisy and short-sightedness of the environment groups that have chosen not just to throw their weight behind subsidies for native forest logging but have committed to help the Prime Minister in her quest to silence views that aren't "mainstream".

Oh, how times change. In the late 1990s, the Howard government overhauled the structure of federal environment law when it introduced the Environment Protection and Biodiversity Conservation Act with the help of the Australian Democrats. The Australian Conservation Foundation and The Wilderness Society railed against the legislation for various reasons, one of which was that they were locked out of the negotiations on the bill and that the guillotine was used to end debate in the Senate. Both groups maintained the rage over the undemocratic nature of the process for years and, to this day, resentment remains.

If that wasn't enough, on December 13, 2004, 20 environmental activists, organisations and concerned citizens were sued by Tasmanian logging company Gunns Ltd. The woodchipping company claimed \$6.9 million for actions it claimed damaged their business and reputation. The response from Australian citizens and civil society was as swift as it was furious. Corporations suing individuals for participating in protests to protect native forests was a step too far.

The first six named defendants in what came to be known as the Gunns 20 case were The Wilderness Society and five of its staff. They fought tooth and nail against the action and to defend the freedom to protest. A new organisation, Friends of Forests and Free Speech, was established to lobby for changes to the law to defend the freedom of political communication and two books were published (one by The Wilderness Society) to argue the case. Today, The Wilderness Society's website still sells one of these books; *Gagged: The Gunns 20 and Other Lawsuits* by Greg Ogle.

Despite this history of supporting democratic and inclusive processes, and of opposing those who seek to stifle debate and protest, both the Australian Conservation Foundation and The Wilderness Society have signed up to a deal that actively seeks to shut down debate.

Under the legislation passed by the Tasmanian Parliament, a "special council" will be established made up of representatives from the forestry sector and the anointed environmental groups. This special council will be required to prepare regular "durability reports", which will pass judgment on whether there has been "substantial active protest" or "substantial market disruption" by anyone against the Tasmanian forestry sector.

In the event that the special council deems that those opposed to native forestry have been effective, the promised 500,000 hectares of new forest reserves will not be declared and the minimum sawlog quota will be raised from 137,000 to 300,000 cubic metres. If this occurs, it will mean that, in return for giving Tasmania \$350 million, the Commonwealth taxpayer will get nothing other than the knowledge that it has, once again, perpetuated an environmentally harmful activity by tossing subsidies to the forestry sector.

The Australian Conservation Foundation, The Wilderness Society and Environment Tasmania have been quick to argue that the deal does not impinge upon democratic freedoms - no part of the agreement or legislation directly curbs free speech or prohibits protest. But this is to ignore the effect of the arrangements. Those who choose to protest and speak out, and do so

effectively, must live with the prospect that their actions will trigger retribution against the environment, to say nothing of the economy.

This is analogous to a union negotiating a wage rise on behalf of non-union members that includes a clause that results in people being sacked if anyone strikes or protests for a different deal.

Democracy isn't perfect, but it's better than the alternatives. And democracy is based on the principle that we are free to disagree, debate and protest. The provisions in the Tasmanian legislation that seek to punish those who protest is as unnecessary as it is undesirable. If John Howard had introduced it the left would have been up in arms.

Time will tell whether freedom of speech is a left issue, a right issue, or simply a democratic issue.

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