

7 June 2022

Premier Daniel Andrews
The Hon. Mary-Anne Thomas, Minister for Agriculture
The Hon. Ingrid Stitt, Minister for Workplace Safety

Dangerous changes to forest protest laws

Dear Premier Daniel Andrews, and Ministers Thomas and Stitt,

Victorians have a long and proud history of peaceful protest. The freedom to protest sits at the heart of our democracy. It allows those without financial means or access to politicians and platforms to be able to be heard and effect change. In the context of a climate crisis, continued destruction of First Nations Country, and collapsing ecosystems, we need to protect this right more than ever. For these reasons, we call on you to withdraw the *Sustainable Forests Timber Amendment (Timber Harvesting Safety Zones) Bill 2022*.

These laws are set to increase fines to up to \$21,000 or 12 months in jail for those seeking to protect forests. They would also introduce powers to search vehicles, confiscate personal belongings and ban people from being in public forests based on the mere suspicion of an offence. No evidence has been provided to demonstrate the need for this new law and we are deeply concerned that it is disproportionate and lacks sufficient safeguards and oversight.

Your government's plan to end logging by 2030 is inadequate, particularly after the devastating Black Summer bushfires of 2019/2020. Despite widespread public support in Victoria for an immediate end to native forest logging, Aboriginal sovereignty, and strong action on climate, your government is attempting to demonise community members for peacefully protesting with heavy-handed fines and possible imprisonment.

While you work to further criminalise protest, VicForests – your government's logging agency – has repeatedly broken logging laws. The recent decision of the Full Federal Court in *Friends of the Leadbeater's Possums v VicForests* confirmed that VicForests contravened six state environment laws in 66 areas of forest and unlawfully logged, including by failing to avoid serious and irreversible damage to the vulnerable Greater Glider, failing to protect the critically endangered Leadbeater's Possum and destroying protected tree species. VicForests is currently subject to nine community legal cases arguing serious breaches to Victorian and national environment laws.

In recent months we have seen action to undermine the democratic right to protest in New South Wales and Queensland, with climate protesters the main target. A similar law to Victoria's is currently before parliament in Tasmania as well. Across the country these laws are set to undermine our rights to protest destructive practices like logging, mining, fracking and gas exploration, all of which fuel the climate crisis and worsen its devastating impacts. Peaceful protests have long been used by communities to protect important environmental and civic values.

The freedom to protest is also protected by the implied freedom of political communication in the *Australian Constitution* and Victoria's Charter of Human Rights and Responsibilities. In 2017 the High Court invalidated an anti-protest law in Tasmania in the case of *Brown v Tasmania*. We are concerned that the lack of necessity and proportionality in this draft law raises constitutional and *Charter* issues.

We are writing to you on behalf of organisations and citizens from a wide range of backgrounds, including legal, civil society and environmental groups, to express our deep concern about the draconian *Sustainable Forests Timber Amendment (Timber Harvesting Safety Zones) Bill 2022*. We call on Premier Andrews to withdraw the Bill immediately.

Yours sincerely

