

## SUBMISSION TO THE LEGISLATIVE COUNCIL SELECT COMMITTEE – David Obendorf

### TASMANIAN FOREST AGREEMENT

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The latest attempt to end the protracted generational conflict over the social, economic and environmental values of Tasmania's forest estate commenced after the formation of the Labor-Green minority government in April 2010.

Informal talks had already commenced during late 2009 & early 2010 but then received Government imprimatur from both political Parties making up Government although they agreed not to directly take part in the talks. It is acknowledged that Executive Government was influential in the establishment of a stakeholder roundtable process and in the nomination the 7 forestry and 3 environmental organisations to participate in the talks.

During the negotiations both groups – the forestry interests and the ENGOS<sup>i</sup> – also used informal reference group mechanisms to brief their respective membership & affiliates on matters being discussed at the roundtable.

This configuration conveyed to a broader interested community the perception of a feudal form of détente where certain spokespersons parleyed in the main tent whilst interested strategists operated in a second-tier of tents. From my experience, the consequence of adopting this means of deliberation was to undermine community trust and confidence in that process.

In the last days of Tasmania's Parliamentary year 2012, nearly 2½ years after its commencement, the 10 signatories to an Interim Tasmanian Forest Agreement agreed on a deal which required urgent statutory enablement. It was claimed failure to approve the Bill would jeopardise Commonwealth funds and risked Ta Ann closing its Tasmanian operations.

In the haste to ratify this process it was apparent to many that the actual terms of settlement were unrepresentative, anti-democratic and inimical to unifying a polarised Tasmanian community.

The matters in the final deal between the Signatories had become the basis of the *Tasmanian Forest Agreement Bill 2012* (No.30) that passed the Lower House but which was sent to Select Committee by the Legislative Council.

The matter that I wish the Select Committee to consider relates to **conflict resolution**.

It is my view the need for a non-government negotiation process stemmed from (1) long-standing and deep enmity over the model of forestry adopted in Tasmania which had divided Tasmanians from one another and (2) a failure of governance at the political and bureaucratic level to manage the estate. Decades of polarisation in local communities has been corrosive to social cohesion setting the citizenry of forestry workers and conservationists in perpetual conflict which has regularly erupted into open on-site confrontation over contested native forests.

The watching public has been subjected to a constant war of words, bureaucratic band aids and court actions played out over forest management for economy versus forest conversation for ecology.

One missing aspect in this 30-month process – which had initially drafted the Statement of Forest Principles - was the need to involve non-aligned specialists skilled in dispute resolution over long-standing conflict. It is my view that had this fundamental human need for healing been addressed at the outset through moral leadership from the 2010 elected ‘new paradigm’ Parliament, we may not be in the current situation.

Involvement of experienced practitioners in restorative justice, mediation and conflict resolution processes from the outset would, in my view, have established some genuine human parameters to explore the territory of what *peace in the forests* might look like and then begin an honest negotiation process.

Maybe individual roundtable participants knew this and understood the serious consequences of protracted conflict, however, allowing trained professionals to develop what are the human feelings underlying the search for a truce or rapprochement seems so fundamental to lasting success.

In my experience the restorative value of facilitated mediation are totally under-rated in conflict resolution and reconciliation.

The way the Signatories (and the two Governments) conducted themselves – sometimes in secret and then very publicly - conveyed a confusing message to the broader community; one of political construct and hesitancy to negotiate in good faith.

Tasmania’s forests & forestry wars go back to the 1970s and there have been numerous attempts at creating peace over this issue.

Many supportive commentators and participants in the current roundtable process have used the term ‘give peace a chance’ to describe what they view as the framework principles which the *Tasmanian Forest Agreement Bill 2012* would instate.

Clearly the majority of the Legislative Council took the view that more consideration was required via a call for public submissions open to the broader and unrepresented parts of the Tasmanian Community. I accept that such consideration was required before any framework legislation could be ratified by the Upper House.

My attempt is seek a genuine and lasting resolution to this conflict and for all parties in the agreement to sincerely come together knowing that the agreement they strike has struggled over the most difficult journey - *a journey from the head to the heart*.

Tasmania is fortunate in having some exceptional humanists and social thinkers.

Most Tasmanians are wearied by ongoing conflict and disharmony over the contested values of our forests; they would like to see an authentic resolution and genuine friendliness amongst their community leaders over this issue.

At the *heart* of this chronic wounding have been strongly-held views and sectional enmities.

I am convinced that the path to a lasting resolution to this conflict is through **social inclusion**.

Up until October 2012 the Tasmanian Government actually had a **Social Inclusion Commissioner**, however, for budgetary reasons I understand that Office was made redundant. If ever there was a vital purpose for that Office of the Parliament, it is this unresolved conflict.

During critical times in the protracted process moving from the Statement of Principles to an Interim Agreement to the Intergovernmental Agreement to the final Agreement amongst the 10 Signatories facilitation and mediation were only provided by select political operatives (Messrs Bill Kelty, Bryan Green and Tony Burke). From their involvement and through their public interviews it was apparent that their imperative was to encourage signatories to reach an agreement based on the need for a pragmatic compromise.

With respect none of the abovementioned gentlemen are trained practitioners in the deep-seated, heart-felt matters that are at the crux of this forestry knot.

It may be that a form of forestry framework legislation will herald the beginning of a lasting peace process yet some wiser Tasmanians have expressed the view that the original ambit claims for negotiation were ill-conceived and structurally flawed.

I agree with that view.

At the start of 2013 what concerns me is the prospect that there will be no lasting resolution and no genuine reconciliation until *the heart and the head* are both considered, and more importantly acknowledged.

**Social Inclusion** to assist a lasting reconciliation between those communities reliant on forests (the Social) and the intrinsic values of forests for biodiversity, water quality, and carbon capture (the Environmental) is both at the *beginning* and the *end* of Tasmania's great misery.

My single question to the Legislative Council Select Committee is this: Why was *Social Inclusion* and *Conflict Resolution* ignored from the start?

I look forward to hearing your deliberations and reading your report to the Parliament.

David Obendorf, Tasmanian citizen

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<sup>i</sup> ENGOs - Environmental Non-government Organisations