

FRIENDS of GUNNS20

June bulletin

UPDATE on PROCEEDINGS

All defendants have legal representation. The team is of an extremely high calibre and includes five Senior/Queen's Counsel. Herbert, Geer & Rundall, a Melbourne firm, are generously representing seven Defendants on a pro bono basis.

On 8 April 2005, a Directions Hearing took place before Judge Bongiorno of the Supreme Court of Victoria. His Honour made a number of orders following lengthy argument.

The orders relate to the provision of documents referred to in the statement of claim, the provision of further and better particulars and the postponement of the need for the Defendants to lodge their defences.

The statement of claim, which sets out the Plaintiff's allegations, refers to numerous documents. The Defendants had been unsuccessful in obtaining these documents from the Plaintiffs. The result of the hearing was the Plaintiff should produce the documents within 7 days.

"Further and better particulars" will be provided by the Plaintiff and aim to provide additional detail to the statement of claim. The Defendants and the Court should obtain a clearer understanding of what the Plaintiff is alleging and the basis of the allegations from further and better particulars.

Subsequent to the hearing, the Court has designated 4,5 & 6 July 2005 for a further hearing. This hearing may see application by all or some of the defendants to strike out the statement of claim.

"Strike out" refers to the court dismissing the entire or part of the statement of claim. There are several bases upon which to strike out, including that that statement of claim, or paragraphs therein, does not contain a cause of action (a legal basis for the claim) or is vexatious, or is otherwise an abuse of process.

TERMINOLOGY:

Plaintiffs - those who brought the action; in this case Gunns Ltd & Heather and Robin Simons

Defendants - those against whom the proceedings have been brought

Statement of Claim - Document setting out the allegations of the plaintiffs and the legal basis upon which they claim compensation.

www.gunns20.org

CO-ORDINATION

There are now two part-time staff members on board to assist with the legal and administrative demands of the proceedings. Adam Beeson is the legal co-ordinator and Emma Belfield is the administrative co-ordinator.

Adam and Emma can be found in the office on the first floor of 61 Davey St, Hobart. Please note that this office has been established as a resource for the defendants and to manage the legal and administrative co-ordination of the case. It is not a campaign office. This office can be contacted for up to date information about where the proceedings are up to.

Phone: 03 6224 8318.

Email: Adam - gunns20legal@intas.net.au
Emma - gunns20admin@intas.net.au

Hobart supporters: OFFICE WISHLIST

If you have any of these items in your back shed and could loan them to the g20 office, please call 6224 8318 and let Emma know:

- Ergonomic office chairs (2 needed)
- White Board
- Chairs suitable for a meeting room
- Meeting Room Table
- Bookshelves/storage units
- Reading Lamps
- Any other office furniture in good condition
- Lockable office cupboard
- Lockable filing cabinet

the writ in brief

The writ is divided into nine sections and contains allegations of various campaigns or events in which the plaintiff(s) are claiming damages. Each section is briefly described below:

The Lucaston Action

DAMAGES SOUGHT: ~\$700,000

Gunns Ltd (the First Plaintiff) allege a number of defendants conspired to plan and engage in a campaign to disrupt logging operations at Lucaston in 2003, thus interfering with the plaintiff's trade and business by unlawful means. Gunns allege a number of defendants and other protestors staged a blockade near Lucaston to obstruct access to a logging site, thereby halting logging contractors. Defendants and others are alleged to have locked themselves onto various pieces of logging machinery.

Other allegations within this section include public nuisance, trespass, affixing a sign to a fence on crown land, vilification and engaging in dangerous acts. The plaintiffs further allege that one of the defendants used the action as a means of making money through the sale of a film about the action

DEFENDANTS NAMED IN THIS ACTION:

Adam Burling, Simon Brown, Lou Geraghty, Brian Dimmick, The Wilderness Society Inc (TWS), Huon Valley Environment Centre (HVEC), Louise Morris, Bob Brown, Peg Putt & Peter Pullinger

The Hampshire Action

DAMAGES SOUGHT: \$370,000 +

Gunns allege a conspiracy by a number of defendants to interfere with their trade and business by unlawful means in March 2004. Gunns claim a number of defendants and others entered the Hampshire mill site without permission and locked themselves onto various parts of mill machinery, as well as creating a blockade by standing on the road with banners, thereby preventing entry to the mill.

Other wrongful acts alleged in this section include trespass, public nuisance and obstruction of a road. Gunns claim damages for the wages and labour costs of employees for the duration of the action. Gunns claim some defendants gained a notoriety through this action enabling them to raise campaign funds and 'further their careers as teachers and trainers of persons engaged in protest action

DEFENDANTS NAMED IN THIS ACTION:

TWS, HVEC, Heidi Douglas, Adam Burling, Louise Morris, Simon Brown, Lou Geraghty & Peter Pullinger

Triabunna 2003 Action

DAMAGES SOUGHT: \$190,000 +

Gunns allege a number of defendants and others conspired to plan a campaign of interference with operations at the Triabunna Mill. Gunns claim some defendants and others entered the mill site without permission and locked onto various pieces of mill machinery.

Other allegations include entering a prohibited area under the Marine & Safety Regulations Act, hindering employees' contracts, injury to Gunns' trade and business through lost production time, conspiracy and damage to equipment.

DEFENDANTS NAMED IN THIS ACTION:

TWS, HVEC, Louise Morris, Simon Brown, Helen Gee & Neal Funnell

Triabunna 2004 Action

DAMAGES SOUGHT: \$180,000 +

Gunns allege a number of defendants conspired to plan an action to injure the plaintiff's trade and business through halting operations on the mill site.

Other allegations include trespass, unlawful entry onto land, lost labour and production costs and interference with employees' contracts.

DEFENDANTS NAMED IN THIS ACTION:

TWS, Alec Marr, Geoff Law, Bob Brown & Ben Morrow

The Styx Action

DAMAGES SOUGHT: \$930,000

Gunns allege a number of the defendants conspired to interfere with logging operations and contracts associated with the Styx 4A coupe by unlawful means. They allege a number of defendants planned a summer campaign of protest in relation to Styx 4A, including meetings held in Sydney and Melbourne and which Bob Brown and others spoke to encourage people to take action in the Styx over the summer of 2003-2004.

The writ also includes allegations about the establishment of a protest camp and series of tree platforms

within the coupe in which defendants are alleged to have encouraged others to participate. Protestors are alleged to have erected platforms attached to machinery, thereby preventing logging operations from occurring. Gunns allege protestors remained on site despite Forestry Tasmania closing the road to the coupe off to public access.

DEFENDANTS NAMED IN THIS ACTION:

TWS, HVEC, Alec Marr, Geoff Law, Russell Hanson, Leanne Minshull, Heidi Douglas, Adam Burling, Louise Morris, Simon Brown, Ben Morrow & Neal Funnell

Burnie woodchip pile Action

DAMAGES SOUGHT: \$675,000

This section alleges Frank Nicklason made certain comments in 2002 about potential health issues in relation to the Burnie woodchip pile. Gunns allege Mr Nicklason's call for a risk assessment of the woodchip pile implies they conduct their business without regard for the health of their employees or the community. Gunns allege this action injured their trade and business and amounted to defamation.

DEFENDANTS NAMED IN THIS ACTION:

TWS, Frank Nicklason, Peter Pullinger & Doctors for Native Forests Inc (DNFN)

The Banksia Awards Action

DAMAGES SOUGHT: \$340,000

Gunns allege the named defendants and others conspired to injure their trade and business by unlawful means through a vilification campaign in response to the announcement that Gunns Ltd had been made a finalist in the 2004 Banksia Environment Foundation Awards for Business Environmental Responsibility and Leadership.

Gunns allege that defendants put pressure on the Foundation to withdraw the nomination of Gunns Ltd as a finalist for the Award by their public comments as

Gunns20 national roadshow

A national roadshow is being planned to respond to the writ. This is a major undertaking to raise awareness of the case and inform the community of how such legal actions may affect their daily lives as well as raise funds for the defence

The roadshow will travel throughout Australia as a mobile public education and engagement exercise, incorporating information sessions about the writ and similar legal cases, guest appearances from a variety of the defendants, public forums and other events

Louise Morris (defendant #8) will co-ordinate the roadshow and is currently working on the travel plans and timelines for this project. For more information or to offer your support, you can contact Louise at louisemorris@graffiti.net

well as providing the Foundation with information about Gunns Ltd.

DEFENDANTS NAMED IN THIS ACTION:

TWS, Alec Marr, Geoff Law, Russell Hanson, Leanne Minshull, Bob Brown & Peg Putt

The Japanese Customers' Action

DAMAGES SOUGHT: \$2,450,000

This section alleges the named defendants mounted a campaign in Japan criticising the Tasmanian woodchipping industry to its customers (paper companies). Gunns allege some defendants urged Japanese companies to require them to cease sourcing woodchips from old growth native forests.

Other allegations include that some defendants worked with Greenpeace in Japan to approach Japanese paper companies in order to jointly criticise the plaintiff's logging operations and publish material on websites criticising logging practices in Tasmania. Gunns allege it required considerable effort to respond to the queries then raised by their Japanese customers in response to the defendants' campaign.

DEFENDANTS NAMED IN THIS ACTION:

TWS, Alec Marr, Geoff Law, Russell Hanson, Leanne Minshull, Bob Brown & Peg Putt

The Banks Action

DAMAGES SOUGHT: \$270,000

Gunns allege the named defendants mounted a campaign to target banks with major shareholdings in Gunns Ltd (including ANZ and the Commonwealth Bank) to wield their influence to bring about change to Gunns' logging operations in Tasmania.

Other allegations refer to 'ethical shareholder' actions at various companies' AGMs, including tabling resolutions, distributing publicity materials and staging public demonstrations.

DEFENDANTS NAMED IN THIS ACTION:

Alec Marr, Geoff Law, Russell Hanson, Leanne Minshull, Heidi Douglas, TWS, Bob Brown, Peg Putt & HVEC.

The key aims of the roadshow are to inform the Australian community of:

- The importance of protecting Tasmania's forests
- The implications of this lawsuit for broader civil society
- the right to comment, protest and speak out against corporate activities
- Corporate governance
- Attacks on freedom of speech.

The roadshow is being funded by the Wilderness Society (TWS). TWS is a defendant in the writ as an organisation, as are five TWS employees. All proceeds will go into the defence fund for all 20 defendants.

COMING EVENTS

Friends of the Gunns20 Winter Ball

Friday 15 July
The Long Gallery
Hobart
8pm \$40

NOTE: The views expressed at these events are not necessarily the view of the Friends of Gunns20.

This ball promises to be a major fundraising event for the Gunns20. Tickets will cover an open bar and an evening full of entertainment in the Hobart mid-winter.

HELP SOUGHT: Please contact Simon Brown if you would like to help organise this event:
simonleobrown@tasmail.com.au

Assisting with this event will involve organising promotion and ticket sales, procuring items for auction, volunteer co-ordination in the lead-up to the event and on the night and organising a raffle.

A SLAPP in the face of democracy

a FREE public forum on how corporate legal actions try to silence community groups

Friday 17 June 2005
17 Phillip St, Sydney 6-8pm
NSW Law Society (Committee Room 2, Level 2)

SPEAKERS:

BOB BROWN: Defendant; Aust. Greens Senator

PETER CASHMAN: General Counsel, Maurice Blackburn Cashman

ROBIN BANKS: Director, Public Interest Advocacy Centre

A forum to discuss:

- The legal limits of political protest in Australia
- SLAPP suits (Strategic Litigation against Public Participation)
- The \$6.3million writ Gunns Ltd & others have filed in the Victorian Supreme Court alleging damage caused to their business in the course of a forest campaign
- Efforts of the Howard government to push for uniform defamation law, which would allow corporations to sue community groups and individuals for defamation.

Organised by Green MP Lee Rhiannon & the Legal Observers Project, Sydney.

Gunns20 fundraiser

Saturday 18 June 2005
Sirens (upstairs) Hobart \$12 entry
Thursday's Children (Melbourne accapella group)

Czadas & Peter Hicks

A night of music from the accapella, gypsy, Eastern European and Australian folk traditions. To help organise this event, please contact Erin: erin.collins@internode.on.net

Greens/Gunns20 fundraiser

ROD QUANTOCK & KUTCHA EDWARDS
Friday 10 June 2005 \$25/30

Her Majesty's Theatre, Lydiard St Sth Ballarat
an evening of comedy and music. For more details, contact Graham on bischarddrysdale@yahoo.com.
tickets from Majestix: 03 5333 5888