

The Virtue of Protest: Democracy, Refugees and Australia's Parliament

By [Dr. Binoy Kampmark](#)

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There is no greater single human rights dilemma facing the Australian parliament at the moment: refugees, declining, mouldering, decaying in detention centres in carceral conditions, being shifted, carted, moved from one base to another, from one nation state to another. Camps funded with Australian tax payer dollars. Camps run by privatised security firms and brutal local police forces.

The message from protesters of the Whistleblowers Activists and Citizens Alliance to Parliament was unvarnished in its simplicity: "We are here today because we have become world leaders in cruelty." There were also chants of "close the camps" and "bring them here."

Members of the WACA also managed to superglue themselves to the railings in Parliament's public gallery, while two protesters on Thursday managed to abseil down Parliament House with a banner sporting the message of "Close the Bloody Camps Now".

Appointed doyens of propriety were out there to hector and question the wisdom of these actions. Government senator James McGrath thought the protesters "absolute grubs" and "Kmart Castros".[1] The speaker of the House, Tony Smith, adjourned the proceedings as members of the Australian Federal Police and security forces mopped up the irate protesters.

Our purpose here is to conduct the business of the House and in the period of time we have been suspended it is very clear we are unable to do that and the dignity of the House would have been severely compromised.

Such words: dignity, business, the integrity of the House, like an unsoiled Church of sombre ritual. Generally, the Australian parliament has been a financially minded, dull entity indifferent to the finer points of rights and liberties. Common law and parliamentary wisdoms have tended to make that consideration less important. Taxing backpackers and balancing the budget is of greater interest than abiding by the provisions of the UN Refugee Convention.

Nor does Australia have a clearly enshrined right to protest, despite the High Court's inventiveness to identify a hidden implied right to express opinions on the subject of political communication. Such rights are considered generally cosmetic apparel for the body polity, observed as much in the breach as anything else.

The Australian variant of democracy has tended to be a Westminster hybrid, wedded to the Senate principle of state representation. When confronted about what was meant by democracy in the house, Peter Lalor of the Legislative Council, in a letter the *Ballarat Star* (Jan 1, 1857) thought it merely “opposition to a tyrannical press, a tyrannical people, or a tyrannical government”. He accepted that he was hardly democratic in any Republican, Chartist or communist sense.

The content of how democracy is practiced remains something distinctly linked to politician over citizenry, with the latter’s voices mysteriously exercised through the representative body of parliament after each election. At best, it is a rude compact enshrouded by the pretence of democratic practice.

Deferral to a wise, paternalistic Parliament has tended to be the norm. The result is an unsophisticated form of political engagement, with elected representatives suspicious of protesters as errant children indifferent to the broader interests of Australians.

Prime Minister Malcolm Turnbull was one of the first to take that line. The assumption there was very much in the representative and administrative mould: the voter’s voice is only relevant to the point of casting the ballot for the representative. “We are representatives and our forebears, over centuries, fought and died to preserve our democratic freedoms that are practiced in this Parliament.”

From thereon, the wisdom of Parliament is total, and all other voices are mere noises of unwise interruption, and even disruption. In Turnbull’s words uttered on Adelaide’s 5AA Radio, “What those demonstrators did in the House of Representatives’ gallery, let alone the following day when they actually defaced the Parliament, was not democratic.”[2]

The crude, ruffled response to the protests made clear how quickly the debate became a security one. Forget speaking about the refugees condemned to administrative limbo; Australian Parliamentarians had more serious things to worry about, such as the prospect of a 2.6 metre-high-fence to be erected along the sloping grass lawns, with similar structures to be placed outside entrances to the ministries and the Senate. Then there was the looming Christmas recess.

For all that, Turnbull could still claim that politicians had to “make sure the people’s house... is as open and accessible as it can be and we try to get the right balance there.” The Greens leader, Senator Richard Di Natale expressed some concern that the new security measures would reverse the symbolic significance of Australia’s elected representatives relative to the voter. “The building was designed so that people were able to stand above their politicians. It was designed so that politicians served at the feet of the people.”

Not all of the protests that took place over Wednesday and Thursday can be put down to the insensible nature of youthful anger, the response of middle class scorn. The points were made clearly, the message with merit. The Pacific offshore system of de facto prison camps, appalling resettlement options that deprive the country of enterprising refugees, and an entire world of euphemisms spiced with the cologne of administration, has done Australia no favours.

The country’s officials may well lead in the field of cruelty, as the protesters claim, but when it comes to a vibrant culture of democratic protest, those same officials show scant regard for the limits in placing one’s total trust in political representatives.

Dr. Binoy Kampmark was a Commonwealth Scholar at Selwyn College, Cambridge. He lectures at RMITUniversity, Melbourne. Email: bkampmark@gmail.com

Notes

[1] <http://www.abc.net.au/news/2016-12-01/parliament-house-protesters-return-for-second-day/8082162>

[2] <http://www.abc.net.au/news/2016-12-02/turnbull-condemns-refugee-protests-at-parliament/8087354>

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