

Australia:

NSW police attempt to ban anti-government demonstration

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28 July 2003

New South Wales police sought a Supreme Court injunction earlier this month to halt a protest by refugee advocate groups outside the home of Australia's federal Immigration Minister Phillip Ruddock. While the court order was denied, police nevertheless blockaded the Immigration Minister's street during the weekend protest, harassing local residents and arresting three demonstrators.

Application for a demonstration outside Ruddock's home, located in Sydney's leafy 'hills district', was submitted well in advance, in compliance with state laws. Yet New South Wales police sought to ban it, with less than 48 hours notice, using their powers under the Summary Offences Act.

Their application, which was made on the flimsy grounds that the protest would be "disruptive" to local residents, was backed by NSW Premier Bob Carr—further underscoring his state Labor government's support for the political agenda of the federal Liberal government of Prime Minister John Howard.

Organisers of the demonstration from the Refugee Action Group chose to protest in front of Ruddock's home to highlight the plight of thousands of refugees who have been forced by the government into detention centers and stripped of all civil and political rights. Ruddock's name has become synonymous with the Howard government's anti-refugee policies. His frequent and stony-faced statements in support of mandatory detention, including the illegal detention of children, have elicited growing public revulsion.

Justice Carolyn Simpson denied the police motion to ban the July 19 protest, declaring that, "the right to protest is integral to a democratic system of government and way of life." She added, "[m]any might see protesting outside of a person's home as being in bad taste, but this court

does not sit to enforce taste."

An outcry followed Simpson's ruling, with sections of the media and political establishment casting the court decision as an attack on the liberties of politicians. Carr complained the ruling was a "dangerous precedent" which made politicians' homes fair game for demonstrators. "Australia is one of the few nations where politicians can live in suburban streets without causing major disruption."

Needless to say, Carr and his supporters in the federal Ministry had no comment to make on the "disruption" caused to the lives of the many thousands of refugees who have been denied the most fundamental human rights, incarcerated, humiliated and degraded by the brutal practice of enforced detention. Neither did they have anything to say about the "dangerous precedent" set by police, in attempting to ban a legally sanctioned demonstration.

Despite Simpson's ruling, demonstrators were prevented from protesting outside Ruddock's home by a police cordon stretching 50 meters around the residence. When participants attempted to gather outside the house they were set-upon by police. One woman was arrested for verbal abuse and two men charged for failing to move on when police instructed them to do so. Police also threatened a nearby resident who was attempting to reach his home.

Civil Liberties and legal groups have condemned the police tactics as contempt of court. But police claimed they were acting on a "loophole" in the ruling. Eastwood Local Area Commander Frank Mennilli said the wording in Refugee Action Group's application meant demonstrators were able to protest in Ruddock's street but not outside his house.

The Carr government's actions constitute a flagrant

attack on democratic rights—all the more so since the refugee advocates were protesting federal government policies that are *illegal* under international law.

Australia's ratification of the UN Convention on the Rights of the Child (CRC) obliges it to protect children and provide them with humanitarian assistance. Yet the Australian government is the only one in the world that forcibly detains all refugees, including children, indefinitely.

Mandatory detention of undocumented asylum seekers is a serious breach of the CRC. The covenant stipulates detention of children should be used only as a "last resort," yet the Howard government automatically detains them for indefinite periods. There are no charges laid, and no appearance before a magistrate to decide if detention is necessary or appropriate.

The Howard government's flagrant rejection of international law is reflected in its hostility to any legal restrictions on its right-wing domestic political agenda. Last month, for example, the Federal Court ruled that all children in detention should be released. But the government is appealing the decision.

The Carr Labor government's resort to police thuggery against protestors is becoming an increasingly familiar sight. Earlier this year, during the US invasion of Iraq, police assaulted high school students protesting Australia's involvement in the war and later banned a march by students through Sydney's Central Business District.

Since the September 11 terrorist strikes on the US, a sweeping attack on democratic rights has been underway in Australia. The newly adopted ASIO Terrorism Bill, empowering the state to indefinitely detain suspects without charge has overturned fundamental rights in existence for over a century. The measures that have been used against asylum-seekers since the early 1990s, including mandatory detention without trial, will increasingly be used more broadly, by Liberal and Labor governments alike, to quash all opposition to the government's social, economic and military agenda.



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