

# Public Space and Protest: an Analysis of Protest at Parliament House, Canberra

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The 'new' Parliament House in Canberra, opened in 1988, was designed to both symbolise and house representative democracy in Australia. Both of these functions have made it an important site for protest – it is a place through which claims are made and concerns are voiced by a diverse range of political movements and individuals. But as a public space, it is not only used by protesters to articulate their position in relation to a wider, general public. Parliament House has also acted as a public space through which participants in political movements or 'counterpublics' have negotiated their relationship with each other. Public space, in other words, acts as both a space for representation, and a space for formation, when used by counterpublics engaged in protest.

In this paper, I want to trace the connection between these two aspects of protest at Parliament House. I argue that this dual perspective is useful in understanding the dynamics of protest events. It offers insights for those engaged in protest, as well as those engaged in regulating it.

I want to start by briefly outlining where this dual perspective on public space and protest comes from, by considering the relationship between public space and the public sphere. Next, I describe the space available for protest at Parliament House and its regulatory framework. Then the paper looks at two particular protest events – the rally organised by the ACTU at Parliament House in August 1996, and the Aboriginal Tent Embassy protest in front of Old Parliament House. The paper concludes with some more general thoughts on the relationship between protest and public space.

## The public sphere, counterpublics, and public space

This paper is concerned primarily with understanding the protests of political groups or 'counterpublics' at Parliament House, rather than individuals. The term 'counterpublic' refers to an arena of alternative value formation, "where members of subordinated social groups invent and circulate counterdiscourses to formulate oppositional interpretations of their identities, interests and needs" (Fraser 1992, p. 123). They function as both "spaces of withdrawal and regroupment", and "bases and training grounds for agitational activities directed toward wider publics" (Fraser 1992, p. 124: see also Burgmann and Burgmann 1998).

This concept emerged from recent considerations on the nature of the political public sphere. Critical theorists like Nancy Fraser and Geoff Eley have argued that rather than thinking of 'the public sphere' as a single set of institutions for the formation of a common political will, it makes more sense to think of it as "the structured setting where cultural and ideological contest among a variety of publics takes place" (Eley 1992, p. 306).

So, how do these considerations about counterpublics and the public sphere help us to think about public space? On one level, public space can be treated as a spatial manifestation of the public sphere – in other words, as a space where interaction and contest among a variety of publics takes place. Public space has therefore been seen as a *space for representation* – a space where a counterpublic can "stake out the space that allows it to be seen" (Mitchell 1995, p. 115)

But on its own, this picture is too simple. For counterpublics also must have a space in which alternative

values and opinions can be *formed*, in order for them to be represented. These counterpublics do not necessarily exist as a stable entity with shared values *before* they protest in public space. They also form partly *through* their occupation of public space (Katznelson 1992; Iveson 1998). Public space therefore also acts as a *space for formation*, as well as a space for representation.

In talking about counterpublic formation, I am referring to the *process* of formation, which I take to be an on-going one. The process of formation may have begun elsewhere, and at another time, to a given protest. It also may involve some participants obstructing the formation of a stable counterpublic along particular lines, or negotiating over its future direction.

This complicates our approach to understanding protest. It suggests that we can evaluate public space protests on two distinct but related grounds – their ability to make claims in the wider public, as well as their contribution to group formation and consolidation. As we shall see, there are tensions involved in simultaneously managing both of these aspects of protest.

## Parliament House

The use of a public space like Parliament House for protest is in the first instance structured or constrained by the design and regulation of the space itself. The conduct of protest at Parliament House is regulated by the *Guidelines for Protests, Demonstrations and Public Assemblies within the Parliamentary Precincts* issued by the Presiding Officers of the Parliament. These guidelines attempt to 'balance' the right to protest with administrative and security requirements, and act in conjunction with other laws such as the *Public Order Act 1971*. They proscribe the space in which protests can take place, and their duration. Protest is confined to a space across the road from the main entrance to the Parliament. Permits are required for any permanent structures, in an attempt to limit the potential for protesters to spend any more than a few hours conducting their protest.

These guidelines are informed by a particular perspective on why protesters choose to conduct their protest at Parliament House. In justifying the guidelines for protest, one of the Presiding Officers has argued that:

What we have tried to say is that, by having a demonstration area where people can get their point of view across, generally speaking, that [balance between right to protest and other administrative needs] is achievable. Most people who come here, if they have a legitimate beef, arouse the interest of the media. After all, that is what they are looking to do. They want to capture that ten second grab on the nightly news so that they can get their point across. (quoted in *Inquiry into the Right to Legitimately Protest, Transcript of Evidence*, 1995, p. 195)

It is assumed that protesters form their beliefs prior to protest, and simply use public spaces like Parliament House as a stage from which to voice these opinions.

The regulations have consequences for both aspects of protest identified above. First, there is an attempt to limit the ways in which protesters can *represent* themselves and their issues to the wider public. Protests at Parliament House which attempt to

put claims directly to other members of the public entering the building, or to politicians (all of whom use entrances where protest is forbidden) are discouraged. Protests instead are encouraged to seek a mediated representation of their claims, via the mass media. Protests which involve structures and a long duration are also discouraged. This means that protesters are encouraged to put their point across in as short a time as possible, rather than to develop or *form* their opinions by establishing any physical structures that will sustain interaction among members of a protest group.

Of course, while these regulations provide constraints to protesters, they do not shut down all alternative possibilities. They are negotiated with varying degrees of success by counterpublics using Parliament House as a venue for protest.

### Cavalcade to Canberra, 1996

The Coalition Government elected in March 1996 quickly earned the dislike of union and community sector groups with its program of industrial relations legislation and cuts to public sector spending. The ACTU organised a 'cavalcade to Canberra' on 19 August 1996 with the intention of putting public pressure on the government, by bringing unionists together with community and indigenous groups in a show of general community opposition to the government's direction. It was hoped that up to 30,000 people would attend, and specially commissioned buses and trains were organised for participants from Melbourne and Sydney.

While on some accounts the target of 30,000 was reached, things otherwise did not go according to plan. A stage had been erected in the designated protest area at the top of Federation Mall, facing down the Mall towards Old Parliament House. However, while thousands listened to speeches from a range of community, union and political leaders, others tried to force their way into new Parliament House in what the media quickly dubbed a 'riot'. Some protesters and police officers were injured in the altercations, and some damage was done to the doors and the Parliamentary Gift Shop.

The situation arose when a large group of protesters approached the rally along Commonwealth Drive, rather than from the bottom of Federation Mall as originally planned. There is debate over whether this change of plans was initiated by protesters or police (see *Inquiry into the Right to Legitimately Protest, Transcript of Evidence*, Friday 8 November, 1996, p. 523-531). In any case, the result was that a large group found themselves stuck between the public Forecourt and the back of the stage, rather than in front of the stage further down the Mall. A thin line of police attempted to block their entry to the Forecourt and direct the group back in front of the stage. A bottleneck ensued, and as chants of 'let them through' erupted from the crowd, some members of the group broke through the police line and headed for the public entrance.

The media and the government condemned the violence and sought to attribute blame to the ACTU as rally organiser. Headlines the next day such as "Rioters storm Parliament" (*The Australian*, August 20 1996, p.1), "Parliament besieged" (*The Age* August 20 1996, p.1) and "Bloody Protest" (*The Canberra Times*, August 20 1996, p.1) were all accompanied by graphic pictures of the scuffles and bloody-faced protesters. Editorials proclaimed "Canberra riot a disgrace" (*The Australian*) and labeled it "The ACTU's Responsibility" (*The Sydney Morning Herald*). After inspecting the damage to the Gift Shop, John Howard cut short a planned meeting with ACTU President Jenny George and said:

...never under any circumstances will my Government buckle to threats of physical violence or behaviour of that kind (*Canberra Times*, 20 August 1996, p. 1).

The ACTU leadership had invested so much in securing a

positive media response to the event that they were at a loss to respond to the reporting of the violence. The media's story of the rally as a political disaster came to be accepted as truth. There was very little effort made to recover anything positive from the event, to focus more on the majority who had participated peacefully in listening to the speeches. No doubt this reflected the uphill battle any such effort would have faced in the mainstream press. Bill Kelty was the only official who rather hopefully voiced the opinion of many at the rally who had not participated in the skirmish by declaring it a 'success'. But this only served to further inflame the media and the government, and was not backed up by other officials. They seemed to have accepted the *Sydney Morning Herald's* assessment that "The ACTU will lose – on the Workplace Relations Bill and any other issue – if it abandons reasoned argument for the blunt and dangerous weapon of mass demonstrations" (August 20 1996, p. 13).

Some weeks after the rally, the ACTU issued a statement which expressed regret at what had happened, and concluded by stating that:

While the actions of the tiny minority have undoubtedly done harm to the collective union movement, the extent of the union and community opposition displayed that day highlights our determination to continue to campaign in opposition to the Howard Government's industrial relations legislation (quoted in Norington 1998, p. 302).

But after weeks of mainstream attacks on the union movement, these statements and others like them in union and community journals could have little effect in changing the 'truth' of what had happened, even within the union movement itself, let alone in the wider public sphere. In 1998, journalists writing about the Waterfront dispute wrote that the ACTU would be unlikely to support mass rallies in favour of MUA members – after all, "Could the ACTU ... survive another disaster such as storming the doors of Parliament House in 1996?" (Trinca and Norington 1998).

So, within the wider public sphere, the actions of those who broke away from the sanctioned activities were considered as illegal, violent, undemocratic, un-Australian. From the perspective of the union leadership, they were considered to have done irreparable damage to the union movement's reputation, undermining the intentions of the rally by engaging in unsanctioned activities. Both of these perspectives focus on the protest's attempt to use Parliament House as a *space for representation*, in the process of making mediated claims in the wider public sphere.

But the events of the day also clearly demonstrate that the opinions and values of a counterpublic are not entirely formed prior to their actual performance in a protest in public space. They can be read as reflecting more than disrespect for the law, or a lack of political discipline. It could be argued that dissatisfaction with the tactics of the ACTU, in pursuing a media-driven strategy for change, contributed to the actions taken by those who engaged in the attempt to break through the front doors of the Parliament. This dissatisfaction came to be expressed *spatially* by breaking away from the sanctioned speeches across the road. The public space of the Parliament was used by some as a *space for formation* – they rejected participation in a compliant, media-driven protest, and attempted to steer the counterpublic gathered on that day towards more direct action. The ACTU leaders had assumed before the rally that their counterpublic was stable, that it had already existed. On this basis they had provided only one option for participation in the rally – standing in front of the stage listening to speeches. They had not anticipated that there would be some who wanted to express opinions critical of their leadership and that these opinions would be expressed *spatially*. They were proved spectacularly wrong, and their

attempt to represent a wider counterpublic which shared their values and goals through this protest was thwarted.

### Aboriginal Tent Embassy 1990s

The site facing the entrance of Old Parliament House was first occupied by Aboriginal protesters in 1972, with the establishment of the Aboriginal Tent Embassy. This Embassy was later removed, but the site was re-occupied by Aboriginal protesters in 1992 on the twentieth anniversary of the original occupation, in a protest in support of Aboriginal sovereignty and land rights (Wilson 1992). Those who maintain the Embassy in its current form are highly critical of recent negotiated settlements on the native title, and the reconciliation agenda that has been accepted by the Aboriginal and Torres Strait Islander Commission (ATSIC) (see for example Embassy 1999).

Those who re-established the Embassy have used the public space outside Old Parliament House as both a *space for representation* and a *space for formation*. This protest is using the occupation of a public space to make claims in the wider public sphere, and within an Aboriginal counterpublic. The Embassy provides information about Aboriginal claims for justice to passers-by, and represents, according to its occupants, the ramshackle living conditions endured by thousands of Aboriginal people across Australia (see for example Martin 1999). But, as stated above, it is also engaged in a dialogue with Aboriginal leaders and organisations such as ATSIC, who it believes have sold out Aboriginal claims for justice and sovereignty (Embassy 1999). Of course in doing so, the Embassy occupants have ignored planning regulations which discourage the occupation of land in the Parliamentary Triangle in this way.

It is not surprising, then, that as the Tent Embassy site has expanded since 1992, it has been the source of controversy in Canberra and beyond. It was revealed in the press earlier this year that the Commonwealth Government had quietly gazetted a trespass ordinance from 1932, in a move widely seen as part of plans to remove the Embassy (see for example Ludlow 1999; McCabe 1999). Tent Embassy activists strongly opposed such moves, and took their protest to the front of the new Parliament. Their attempts to maintain a protest in this new space were continually thwarted by police, who removed fires and ceremonial structures that had been placed there by the protesters (see Ludlow and AAP 1999). Minister for Reconciliation Philip Ruddock eventually met with the Tent Embassy protesters, who have now moved back to the site facing Old Parliament House.

Senator Ian MacDonald, now Minister for Territories, and the Minister who has driven the current agenda to remove the Embassy and replace it with a memorial, has for some time held a view that the Embassy no longer has a place in the Parliamentary Zone. During an Inquiry into the Right to Protest on Parliamentary Land held in 1995, he asked Lowitja O'Donoghue, then Chairperson of ATSIC:

Wasn't it the idea that it was called an embassy because of the fact that Aboriginal people had no recognition, no voice, no means of getting justice across? (quoted in *Inquiry into the Right to Legitimately Protest, Transcript of Evidence*, 1995, p. 450)

Surely, he asked, the formation of ATSIC alleviated this concern? He might also have added that in front of the new Parliament House, there was a permanent and much more aesthetically pleasing recognition of Aboriginal culture in the form of Michael Jagamara Nelson's mosaic. He went on to suggest that the 'ramshackle' sheds of the current embassy might be replaced with some kind of memorial sculpture – an argument he has repeated in recent public debates (Harvey 1999).

But O'Donoghue and Matilda House of the local

Ngunnawal people rejected this logic. House described the way the current embassy serves as an important meeting place for Aboriginal people coming to Canberra as activists and supporters. According to O'Donoghue, this included people who might not express their views through the political (or artistic?) channels which might suit politicians such as Macdonald:

There are many Aboriginal people outside of the Commission (ATSIC) itself who want to be able to make their voice heard and do not want to necessarily make it heard through the official elected representatives (quoted in *Inquiry into the Right to Legitimately Protest, Transcript of Evidence*, 1995, p. 451).

Of particular interest to me here is that despite the Tent Embassy's criticism of ATSIC, it is nonetheless valued by those such as O'Donoghue who are the targets of such criticism within the Aboriginal counterpublic. The current Chairperson of ATSIC, Gatjil Djerrkura, has also supported the occupants of the Tent Embassy in the recent debates over its status. In a Melbourne *Herald Sun* article titled "We stand by that tent", he wrote:

The tent embassy was established to demonstrate to Australians that Aboriginal people have never ceded sovereignty and to bring to national attention our continuing quest for land. ATSIC shares in these ideals. Where differences are found on our approach to issues we can sit together and reconcile them (Djerrkura 1999).

Because of such differences, a *Sydney Morning Herald* editorial stated:

This division no doubt explains why mainstream Aboriginal leaders have so far been notably quiet about the disturbances at the "embassy". Yet the more the Government is seen to be acting to obliterate the "embassy", the more that moderate Aboriginal leaders will be obliged to support the men with spears who are now engaging the attention of police in Canberra (*Sydney Morning Herald*, 17 February 1999, p. 12).

But the very public support of Djerrkura and others such as Charlie Perkins early in the dispute contradict this statement – Djerrkura's article was published on the very next day, and Perkins had appeared on commercial radio almost one month before. And the history of support for the Embassy suggests that the openness of the Aboriginal counterpublic to internal diversity and debate predates its hand being forced by the current Coalition Government.

The media's response to the violent scuffles outside new Parliament House over the future of the Tent Embassy has been mixed in comparison with the universal condemnation of the ACTU rally, and reflects the degree of support for the Embassy within the Aboriginal community and the wider public sphere. Conservative columnists such as Piers Ackerman in the *Daily Telegraph* have predictably condemned the Embassy – very cleverly telling occupants that "They must be dreaming" (Ackerman 1999). But others in the mainstream press have criticised the actions of the government. The *Canberra Times* editor, for example, has argued that the "Tent Embassy has earned its place" (January 27, 1999, p. 8). Coverage has more often focused on the defiance of Aboriginal people in the face of government attacks, rather than on any accusations of disorderly behaviour or illegality, with headlines such as "Move Tents and We'll Fight", "Outrage at threat to pack up embassy" and "We will not be moved, vows tent embassy" (see for example Harvey 1999; MacDonald 1999; Martin 1999; McCabe 1999; McCabe 1999).

Interestingly then, this conflict or debate within the counterpublic itself has not wholly compromised the process of making a claim in the wider public sphere. The Tent Embassy's wider claims about lands rights and sovereignty, and its representative function, are supported by a wide range of participants in the Aboriginal counterpublic, including those such as ATSIC leaders whose

tactics are opposed by Tent Embassy occupants. The support of ATSIC and other 'mainstream' Aboriginal leaders is not wholly conditional on the Tent Embassy's compliance with ATSIC policy. The Embassy is supported as a space for representation even as it is used by some who wish to challenge ATSIC as an oppositional space for formation.

The main question now is whether the government will allow Aboriginal people to conduct debates over the future of the Tent Embassy without violent interference, or whether attempts will be made to remove the Embassy from the Parliamentary Triangle. Such actions would surely 'represent' a government intent on imposing its own preferred vision of Aboriginality (in the form of a nice memorial), at the expense of other kinds of Aboriginality negotiated and formed by Aboriginal people themselves. The above analysis suggests that any such attempts will continue to be met with opposition by Aboriginal people and their supporters.

## Conclusions

There are a range of conclusions I want to draw from this analysis. Protest events should be planned and evaluated from a dual perspectives – that is, for the role they play in both representation and formation of the counterpublic in question. I have argued in particular that the ACTU failed to consider how public space is used in formation. The end result was that the process of formation, of debating tactics and aims, was expressed spatially, in a way that affected both how the protest was represented, and whether the counterpublic could be sustained. Attempts by leaders to close down avenues for formation and debate within a counterpublic, so as to present a united front for the wider public sphere, may well be counterproductive, and are unlikely to succeed if other opportunities and spaces for formation and debate are not established.

I am not suggesting that adopting a dual perspective on the organisation of a protest guarantees that it will be successful in both representing the claims of a counterpublic or allowing it to form in an unproblematic way. I have drawn a distinction between the way in which an Aboriginal counterpublic has valued uses of space for formation as well as representation, and the way the ACTU in August 1996 failed to see beyond their own needs for representation. I have also argued that the leadership of the Aboriginal counterpublic have shown stronger political will in backing those who may disagree with their tactics, by supporting the Embassy in the face of attacks by government. But these differences alone have not assured the Tent Embassy protest greater success. The Tent Embassy also has history on its side – police and the government sought to remove it in a provocative way. The Embassy itself also occupies a less important space outside the old Parliament, which has allowed it time to more fully develop as a space for formation. And finally, the Tent Embassy story broke around Australia Day 1999, at a time when the media were already engaged in some discussion of the Howard Government's failure to embrace Reconciliation.

This is another way of restating my earlier claim that the process of managing public space as both a space for formation and a space for representation must be conducted in a context largely set by land managers and the mass media – both of whom are beyond the control of most protesting counterpublics.

But protest organisers can take some control over how they are represented by thinking through how protests are organised from the dual perspective I have presented here. The Aboriginal counterpublic has been successful in this regard. Perth unions who organised a mass rally shortly after the ACTU rally in 1996 against state industrial relations legislation also provided a range of options for participation in their protest – many involving public art tactics, such as street theatre and the construction of a workers

embassy. These art strategies were conceived of as ways to facilitate active participation in the protest, in the hope of better controlling behaviour and consequently the response of the mainstream media. The workers embassy also provided a space for debate in the formation of a movement against conservative industrial relations reform (McAtee 1997). (Of course, there is a fine line here between expression and control.)

Finally, it is worth noting some consequences of this analysis for those engaged in regulating protest activity in public space. In order for state agencies to plan for protest, they need a stable leadership group who can make guarantees on behalf of protest participants. But from the analysis above, this is clearly not always realistic, nor is it necessarily desirable for the counterpublic itself. The ACTU had made such guarantees, which proved to be worthless, because they simply did not represent a stable counterpublic – as I have argued, this counterpublic was in a state of formation during the protest. By contrast, in their dealings with people like Senator MacDonald, Aboriginal leaders such as O'Donoghue and Djerikura have resisted being forced into a position of speaking for all Aboriginal people. But of course, their resolve to value debate within their counterpublic ahead of the needs of the state has made the job of planning difficult. Attempts by state agencies to plan for protest will thus inevitably bring them into conflict with protesters attempting to develop effective protest tactics.

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