

Official Channels or Public Action: Refugees in Australia

Andrew Herd

University of Wollongong

The release of the so-called Palmer Report, *Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau*,¹ again placed the Australian Government's policies on immigration in the media. As with previous controversies over these policies, such as the 'children-overboard' incident, an inquiry was launched. This was seen by many refugee and mental illness advocates as an opportunity to obtain a measure of truth and justice. Were their hopes realized, or has the government managed to reduce the outrage felt in the community over this incident? The backfire model provides a theoretical tool for analysing how groups with power and authority, such as governments and corporations, inhibit the formation of outrage within the community after an unjustified use of power. The backfire model can also be used by activists to develop methods to counter groups with power and authority. This model can be used to analyse the treatment of refugees and immigration detainees in Australia. One of the methods examined in the backfire model is official channels, which contrary to popular opinion can be used by the government to suppress outrage. The Senate Select Committee into a Certain Maritime Incident² and the Palmer Inquiry³ are shown below as examples of official channels used by the government in this manner.

Also analysed in this paper is the change to the composition of the Australian Senate, which has led to a situation where inquiries are now less likely to be a useful tool for activists in their campaign for just treatment of refugees. The importance of public action by refugee support movements is subsequently analysed, demonstrating the importance of popular movements in bringing about changes to the Australian government's immigration policy.

Asylum Seekers In Australia

Australia has a long history of accepting refugees, with the first asylum seekers believed to be Italians in 1881,⁴ and being one of the first signatories to the *United Nations Convention and Protocol Relating to the Status of Refugees*.⁵ Some of the most controversial incidents concerning refugees occurred during the federal election in 2001. The first of these was the rescue by the MV *Tampa* of 433 asylum seekers from the fishing boat, *Palapa*. Once the *Tampa* rescued the asylum seekers, the crew was pressured to head towards Christmas Island, so the asylum seekers could apply for refugee status in Australia. The *Tampa* was refused entry to Christmas Island, and was forced to remain anchored off the coast. After three days the *Tampa* headed toward Christmas Island to request medical assistance for the asylum seekers on board. Australian SAS soldiers boarded the *Tampa*, and the event became an international news event.⁶

Two more major incidents concerning asylum seekers attempting to enter Australia by boat were to produce the most controversial moments of the election, which was called soon after, so much so they became the subject of a Senate Inquiry afterwards.⁷ The first incident was when SIEV 4 (Suspect Illegal Entry Vessel Number 4) was discovered and intercepted, and was then “sailing into Australian political history”.⁸ This boat had 223 asylum seekers on board when its voyage was interrupted by the HMAS *Adelaide*. As the HMAS *Adelaide* attempted to force SIEV 4 to change course and head back to Indonesia, events occurred in what is now known as the ‘children overboard’ incident. Australian Government Ministers reported that asylum seekers had thrown a child or children into the ocean in an attempt to pressure those onboard the *Adelaide* to rescue them and take them to Australia. Although the photographs presented by the Government to support its claims were later found to be an inaccurate reflection of the incident, the public did not know this at the time. It is now known the photographs were taken a day after the incident was reported to have happened.

These events occurred on 7 and 8 October 2001, and reports have now surfaced that by 10 October 2001, officers in the Australian Public Service (APS) and Australian Defence Force (ADF) were aware the photographs were not evidence of the Government’s assertions. Although doubts were raised in the media as to the veracity of the evidence, the Government maintained its claims were accurate. It was therefore able to enter the election on 10

November 2001, a month after the truth was known within the APS and ADF, with the public believing its claims, although it has not been proven whether Ministers were made aware of the inaccuracy prior to the election. A number of other SIEVs attempted to reach Australia during the election campaign, but only one other had the impact of SIEV 4. It became known as SIEV X, which had 398 asylum seekers on board when it sank on its journey to Australia, with 353 of the passengers drowning. After between 16 and 21 hours in the water the survivors were rescued by Indonesian fishermen, and returned to Indonesia.⁹ At the time, John Howard announced, “it sank, I repeat, sunk [sic] in Indonesian waters, not in Australian waters. It sunk in Indonesian waters”,¹⁰ and repeated these claims a number of times before the election, including during the question and answer part of his address to the National Press Club on 28 October.¹¹

A cable from the Australian Embassy in Jakarta, sent on 23 October 2001, declassified well after the election, stated, ‘the exact position of vessel at the time of sinking is unknown, but it is judged as no further south than 8 degrees south latitude on a direct line from Sunda St to Christmas Is.’¹² Such a position would place the vessel well outside Indonesian territorial waters, and most probably within the northern boundary of the area patrolled by the ADF.¹³ By informing the public that the vessel sank in Indonesian waters Howard was hoping to demonstrate that the Australia had no responsibility for the search and rescue of the refugees. No further boats carrying refugees have been intercepted between Australia and Indonesia since 16 December 2001.¹⁴ Controversy over the government’s immigration policies have now moved from that surrounding ‘border protection’ to the treatment of refugees in Australia, in particular the policy of mandatory detention.

A number of cases have been revealed in the media, with two of particular interest when discussing official channels as they were investigated in the *Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau*.¹⁵ Cornelia Rau, a German born Australian resident, was detained by police in North Queensland on 31 March 2004, “on suspicion of being an unlawful non-citizen”.¹⁶ Suffering from schizophrenia, Ms Rau gave different names to officials, including Anna Schmidt and Anna Brotmeyer, and was transferred to Brisbane Women’s Correctional Centre, as immigration officials were unable to find details of her entering Australia. Ms Rau was transferred to Baxter Immigration Detention Facility on 6 October 2004¹⁷ and held here until 3 February 2005, after her family realized she was being detained.

The second case which has been in the media spotlight is that of Vivian Alvarez (also known as Vivian Alvarez Solon). Immigration officials first became aware of Ms Alvarez on 2 April 2001, when a social worker “advised them that a physically injured and apparently destitute Filipina had been found wandering Lismore’s streets”.¹⁸ Ms Alvarez told immigration officials a number of stories surrounding her arrival in Australia: being unable to confirm her entry to the country, Immigration deported her to the Philippines on 20 July 2001. A number of efforts were made by Queensland Police to find Ms Alvarez, who had been reported as a missing person, including contacting the Immigration Department the day before she was deported, and on prime time television. The Palmer Report notes that it is clear that immigration officials “became aware in 2003 and 2004 that the Vivian Alvarez removed from Australia on 20 July 2001 was the person publicized on television on 20 August 2003 and she was an Australian citizen”.¹⁹ It was not until early 2005 that Ms Alvarez was found in the Philippines, and has only recently been repatriated in late 2005.

Backfire

To analyse how the Australian government has managed the perception of their policies and actions, it is useful to use the backfire model. The backfire model is based on the concept of ‘political jiu-jitsu’, as developed by nonviolence researcher Gene Sharp.²⁰ Political jiu-jitsu occurs when a violent attack on nonviolent protestors generates outrage and greater support for the protestors. Backfire is a generalisation of political jiu-jitsu, beyond the area of nonviolence, and is the process where a “clear violation of a widely accepted social norm can potentially rebound against the violator”.²¹ The backfire model has been used to analyse the 2003 invasion of Iraq,²² censorship²³ and the beating of Rodney King.²⁴ There are five methods by which those in power may attempt to inhibit outrage from their attacks: cover up; devaluing the target; reinterpreting the events; using official channels; and intimidation and bribery. These methods are not independent, and in most efforts to inhibit backfire authorities will use more than one, with many being used in conjunction with each other, for example, intimidation can be used to promote cover-up. The use of official channels is therefore an important component of efforts to inhibit backfire. An extensive analysis of how official channels are used follows, but first I give a short analysis of how the other four components have been implemented by the Australian government in relation to refugees.

Cover-up

One method of covering up treatment of asylum seekers is Australia's mandatory detention policy, where asylum seekers, in particular those who have arrived by boat, are detained in detention centres. This makes it difficult for refugee advocates, journalists and lawyers to gain access to the asylum seekers, and to publicize their treatment. John Howard has also refused to guarantee the United Nations access to the detention centres, saying, "The government does not intend a situation to develop where anybody can, on demand, simply say 'I want to go and have a look at Woomera'."²⁵ The children overboard incident is also a good example of an effort to cover up information. By not correcting the public record as to the veracity of the photographs, and as Leader of the Opposition in the Senate, John Faulkner, has noted, "it is crystal clear that Mr Howard, his ministers and his government were prepared to lie and ... cover up to save their political hides".²⁶

Devaluing the target

A popular method of inhibiting outrage over refugees has been to discredit and dehumanize refugees. Various terms have been used to describe refugees, 'boat people', 'queue jumpers', 'illegal immigrants' and 'unlawful' being some of the most often used. "Labelling them 'unlawful' instantly equated them with criminals (stealing our jobs, raping our women, terrorising our neighbourhoods) and removed their individuality and humanity in the process".²⁷ The government has also attempted to devalue Cornelia Rau. Prior to this case, the Australian government was able to portray refugees as 'others', but the detention of an Australian resident meant that the Australian public began to question whether it could happen to them. In an attempt to ensure that Australians did not begin to identify with other immigration detainees, the government has ensured that Ms Rau is described as 'an Australian resident of German origin,' with 'a history of mental illness'.²⁸

Reinterpreting the event

The children overboard incident provides a good example of the efforts of the Australian government to reinterpret incidents relating to incidents concerning refugees. By continuing to claim the photographs as evidence, the government was attempting to reinterpret the incident as the results of actions of the refugees, not the rescue from the ocean they actually represented. The controversy surrounding the location of SIEV X when it sunk is another example of the government attempting to reinterpret the event. By announcing that SIEV X sunk in Indonesian waters, when it was known that this was not true, the government

attempted to devolve itself of any responsibility in the tragedy. In another attempt to reinterpret events, the government “excised certain territories from the ‘migration zone’ (the area in which valid applications for an Australia visa may be made) for the purpose of refugee law”.²⁹ Refugees landing in these territories can now only claim temporary protection visas, with no rights to re-entry or family reunion.

Intimidation and bribery

The incarceration of refugees in immigration detention centres is the most obvious example use of intimidation used by the Australian government against refugees. The government’s strategy has included, “dramatically increasing security at detention centres, by turning them into top-security prisons with 12 metre-high reinforced solid metal fencing”.³⁰ Thus, any refugee who attempts to speak out about their treatment and conditions can be punished by a period in solitary detention. Such punishment may also contravene a number of human rights conventions, with a report that, “asylum seekers on Nauru and Christmas Island were being tortured and subject to inhuman, cruel and degrading treatment”.³¹

How Official Channels Have Inhibited Outrage over Refugee Treatment

Official channels, such as the court system and independent inquiries, are often seen by activists as a method by which they can put forward their argument. This is true, but official channels can be used to inhibit outrage. If people believe that justice is being done they are less likely to join protest groups or take part in direct action. As Bob Brown, an Australian Greens Senator, has noted, “if you lower the number of inquiries you could expect an increase in the number of street protests”.³² A number of investigations into various elements of the Australian government’s immigration policy have taken place. Some of these have been in relation to the management of detention centres,³³ while others have been investigations into specific events. Two of these are Senate Select Committee on a Certain Maritime Incident’s *Report into a Certain Maritime Incident*, and Mick Palmer’s *Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau*.

Report into a Certain Maritime Incident

In response to the children overboard incident, and the subsequent failure to correct the public record regarding the evidence, the Australian Labor Party (ALP) drew up terms of reference for a Senate inquiry. The formation of this inquiry was supported by the Australian Democrats, the Australian Greens and an independent in the Senate, although the Democrats and the Greens were supportive of a broader inquiry.³⁴ The terms of reference were later extended to include an analysis of the arrival of other SIEVs and the “agreements between the Australian Government and the Governments of Nauru and Papua New Guinea regarding the detention within those countries of persons intercepted while travelling to Australia, publicly known as the ‘Pacific Solution’.”³⁵ This inquiry began hearings on 25 March 2002, questioning more than 50 witnesses during fifteen days of public hearings and receiving 28 public submissions. The report was presented to the Senate on 23 October 2002, with the final cost estimated at \$213,266.³⁶ This inquiry therefore took a lot of resources and was important to a large number of people, including a number of members of the parliamentary press gallery who made a submission, and as has been noted, the media “can easily express a viewpoint through normal channels...when it decides to make a submission to the Senate, people should take note”.³⁷

Even before this inquiry began there was a campaign to besmirch it, with John Howard labelling “the inquiry a political stunt”,³⁸ and “politically prejudiced because of the non-Government majority on it”.³⁹ The government also attempted to make it as difficult as possible for the inquiry to question important witnesses, especially ministerial advisers who were in the best position to outline the events. As a Senate Select Committee, advice was given that no members of the House of Representatives (including the Prime Minister or Minister for Immigration) were compelled to appear before the committee, and ex-Minister for Defence, Peter Reith, who had retired at the election, was also not subpoenaed to appear. The question of whether Reith would be required to attend the hearings made a lot of news in the lead-up to the inquiry. The Government Members Report notes that Reith’s attendance was requested four times, and after receiving advice that the committee could summons Reith, the ALP members of the committee voted against a movement put forward by the Democrats member to do so (with Government members abstaining). The reason for this seems to be, “Labor knows that if the Senate forces Coalition ministerial advisers to reveal

information the Government wants kept quiet, then the Senate might well do to the same thing when Labor is in office”.⁴⁰

The findings of the inquiry focussed predominantly on the relationship between the APS and Ministers (and their staffers). The difficulties surrounding the availability of Ministers and their staffers meant it was difficult for the committee to discover who knew what. The major recommendations from the committee surrounded the lack of accountability for ministerial advisers. In relation to the ‘Pacific Solution’, the committee found that it had been effective in its “objective of preventing onshore processing of unauthorized boat arrivals”,⁴¹ but was concerned with transparency and cost. The findings of the committee concerning SIEV X were uncontroversial, with the Government members agreeing with the majority report that, “on the basis of the above, the Committee cannot find grounds for believing that negligence or dereliction of duty was committed in relation to SIEV X”.⁴²

As had happened when the committee was established, the government and its supporters attempted to taint the findings of the inquiry. When the report was tabled in the Senate on 23 October 2001, Senator George Brandis, one of the government members of the committee, described the report as ‘a document which is corrupted by intellectual dishonesty.’⁴³ One commentator in a major daily newspaper described the inquiry as,

nothing more than a political picnic staged by a disgruntled Opposition with the assistance of a handful of conspiratorial malcontents of dubious intellectual credentials’ that, ‘abjectly failed to prove [that the government concocted the children overboard affair for electoral gain] and could do no more than air the nonsensical conspiracy theories propounded by the whackers of the fringe media on various websites.’⁴⁴

As reported in *The Sydney Morning Herald* in an investigation into Senate inquiries, the Senate Inquiry into a Certain Maritime Incident is one of 46 Senate inquiries that the government has ignored during its term of nine years.⁴⁵ It is questionable whether the Senate inquiry has managed to produce the results hoped for by refugee advocates, with Tony Kevin noting that in his opinion, ‘the committee’s report was seriously deficient in respect of SIEV X in terms of its methodology, findings, and recommendations.’⁴⁶ The government has

therefore had some success in inhibiting outrage over the incidents investigated by the inquiry.

Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau

The revelation that Cornelia Rau, an Australian citizen, was detained in immigration detention led to the establishment of the *Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau*, headed by Mr Mick Palmer, a former Australian Federal Police commissioner. According to the terms of reference, ‘the inquiry will investigate, examine and report on matters relating to the case of Cornelia Rau, including in particular the actions of DIMIA and relevant state agencies, during the period March 2004 to February 2005’.⁴⁷ The terms of reference were later extended to the circumstances surrounding the Vivian Alvarez case, but the final report included only the preliminary findings in the Alvarez case, so as to allow the report into the Rau case to be finished in a timely manner. As is noted in the Palmer report, ‘the Inquiry’s comments in this report are not intended to call the policy into question’.⁴⁸ The inquiry was therefore never going to achieve the hopes of many refugee advocates, as at no stage was the inquiry going to challenge the refugee policy, but it may provide a forum for outlining the treatment of refugees while in immigration detention. Such a move could have been beneficial in preventing the dehumanisation of refugees. Cornelia Rau’s sister, Christine, believed the inquiry would ‘be an opportunity to shed some light both on the circumstances of Cornelia’s detention and on ways to rectify flaws in the mental health and detention systems in the four jurisdictions concerned.’⁴⁹

In his report, Mr Palmer outlined 34 main findings and 49 recommendations. These recommendations focus on operational and cultural issues within the Department of Immigration and Multicultural and Indigenous Affairs, along with issues concerning the mental health systems in Queensland and South Australia. As is consistent with the aims of the inquiry, there is no comment on the policy of detaining persons in immigration detention. On release of the report, Amanda Vanstone, Minister for Immigration, described the inquiry as, “an independent and thorough analysis of the matters related to Ms Rau’s immigration detention”.⁵⁰ Vanstone also outlined how some of the changes suggested in the Palmer Report had already been implemented, demonstrating to the Australian public that the government was committed to improving the immigration system, but there was no suggestion of changes to the policy of mandatory detention.

Inhibiting Outrage through Official Channels

The two inquiries above show how inquiries have been used to investigate issues related to refugees and immigration detention. Although these inquiries have their similarities, there are also many differences between the two inquiries which must be acknowledged. One of the major differences between the two inquiries was the role of the Government in their formation. In the case of the Senate Select Committee, the inquiry was brought about by the actions of opposition parties in the Senate. The Government did not support the formation of this inquiry, believing throughout the inquiry it was ‘an undignified sideshow in Australian politics’.⁵¹ The Palmer Inquiry, on the other hand, was initiated by the Government. The scorn the government felt for the Senate Committee led to its lack of support for the Inquiry, which was outlined in the Chair’s Foreword of the Senate Committee hearings, ‘Cabinet decided to fence off ministerial and prime ministerial conduct from the reach of the inquiry by refusing access to ministerial and prime ministerial staff and to public servants serving in ministerial offices at the time’.⁵² Having initiated the Palmer Inquiry, the government cooperated and requested officers in the Department of Immigration to comply with requests from the inquiry.

The support of the government for an inquiry has a number of impacts on the effectiveness of the inquiry and, thus the inhibition of outrage. In the case of an inquiry the government does not support, such as the Inquiry into a Certain Maritime Incident, the government can make it difficult for the committee to obtain the evidence. In relation to the SIEV X incident, Tony Kevin notes, “witnesses representing Australian government agencies were able, at will, to refuse to answer questions, and their agencies were free to decide how much of the documentary evidence they submitted would be blacked out”.⁵³ Not having access to all of the evidence meant the committee was unable to generate conclusive answers, allowing the government to accuse the report of being, ‘based on findings, or what it is pleased to describe as findings, which are unsupported by evidence’ and, ‘ignores vital evidence which explains the sequence in which events took place and then casts doubts on the motives of those involved which could not be cast if the evidence had not been ignored’.⁵⁴

The support of a government, however, does not ensure an effective inquiry. When the government supports an inquiry, and is responsible for developing the terms of reference of

the inquiry, it is possible for the government to control the outcomes of the inquiry. As has been noted, “there is an old adage, familiar to senior public servants - governments don't like to set up public inquiries unless they know what result the inquiry will produce”.⁵⁵ By setting the terms of reference, the government is able to ensure that while the inquiry is undertaken independently, the negative results can be limited. An inquiry which appears to be independent and does not produce results which are overly damaging to the government is one way it is possible to reduce potential backfire.

Another difference is the type of inquiry. The inquiry into a Certain Maritime Incident was a Senate Select Committee, meaning that although it had the power to call before it current Senators and public servants, it is questionable who else it had the power to call.⁵⁶ Another disadvantage of a Senate Inquiry is the limited protection it affords witnesses, as noted by Senator Brandis (a Government representative on the committee), “Unlike witnesses in courts, witnesses before senate committees are not protected by rules of evidence... there are no rules for the protection of witnesses other than the vague notion of relevancy which is entirely a matter for the discretion of the chairman”.⁵⁷ The Palmer Inquiry, on the other hand, was an administrative inquiry, with hearings in private and the results made public. An administrative inquiry is usually chaired by a retired judge or senior public servant. As Tony Kevin has noted, in the case of an administrative inquiry, the Prime Minister

...chooses the person to conduct the inquiry; sets the scope and terms of reference, and publishes only as much of these as he wishes to; receives the report himself; and decides how much of that report will be made public. It is a very controlled process, whose credibility depends entirely on a public presumption that the Prime Minister is acting in good faith as the custodian of the integrity of federal governance.⁵⁸

There are also similarities in the manner by which the use of official channels has inhibited outrage. An important facet of an official channels that leads to the reducing of negative reaction is the time taken for the results to be made public. In the case of the Senate inquiry, the report was tabled on 23 October 2002, over a year since the events analysed occurred, meaning that much of the original public outrage had dissipated. The terrorist attacks in Bali, in which 88 Australian citizens were killed, occurred on 12 October 2002, and were thus the focus of much public attention, so much so that Senator Cook began his speech, “Today as I

present this report, Australia is grieving the senseless loss of life in Bali”.⁵⁹ The report was also tabled the afternoon prior to a prayer service for those who died in Bali, attended by all members of Parliament. Parliament did not sit again until 11 November 2002, two and a half weeks after the report was tabled. By the time the committee released its report the Australian public’s interest in the results had waned, and much of the outrage had already petered out.

In the case of the Palmer Inquiry, the report was released on 14 July 2005, just over five months after Cornelia Rau was identified. Although a full inquiry would be expected to take this long, it did provide time for the government to pre-empt many of the recommendations in the report. By doing this, the government was able to demonstrate its initiative in fixing the errors evident in the case of Cornelia Rau, and reduce the level of outrage when the report was released, as it had begun implementing some of the recommendations. Another reason why official channels can be used to reduce outrage is the bias they have towards those in authority. This is especially evident in the Senate Select Committee, where no evidence was presented by the refugees involved. The evidence to the inquiry was thus one-sided because, ‘asylum seekers as key players in the event could not have their evidence heard and tested by the inquiry.’⁶⁰ This is true of many official channels, their nature make it difficult for ‘lay-persons’ to participate. Of the witnesses to the Senate committee, almost three quarters were members of the APS and ADF, while the other quarter were representatives of non-governmental organisations, academics and retired members of the APS and ADF. The views of activists and other members of the public are therefore lacking from reports prepared by such inquiries.

Government Control of The Senate

Although it can be seen that both the Senate inquiry and Palmer inquiry were used to prevent backfire, they both had their advantages. The main advantage is that many facts which were not on the public record prior to the inquiry now are, in particular the facts concerning ‘children overboard’ (although it is evident that not all facts were discovered because of government efforts to control which witnesses appeared). The Senate inquiry was established by the opposition parties in the Senate. With a majority in the Senate this allowed the opposition parties to use these committees as a method to hold the government accountable. For over 20 years no Australian government had a majority in the Senate (the government being formed by the party with the majority in the House of Representatives). The results of

the 2004 Federal Election have now given the coalition a majority in the Senate. This means that it not possible for opposition parties to establish a select committee without the support of the government, or at least some members of the government. It is extremely doubtful that the inquiry into a Certain Maritime Incident would have been established under the current Senate, considering the disdain with which the government treated the inquiry. Any inquiries now established by the Senate will be under the control of the government, and inquiries unlikely to critically investigate the actions of the government.

The government is also intending to restrict the area of responsibility of Senate Estimates Committees ‘to only deal with budgetary expenditure.’⁶¹ The Clerk of the Senate has noted that governments will suffer from such a change, “sooner or later they start to suffer from a lack of accountability, because they make bigger mistakes and people try to get away with bigger things”.⁶² The revelation that Vivian Alvarez was deported to the Philippines is an example of the information that has become public because of the operations of a Senate Estimates Committee. As Chris Evans, leader of the ALP in the Senate has said, “that’s the sort of information that governments like to keep secret but estimates has revealed.... We wouldn’t have known about Vivian Solon and the failure to look for her unless we’d had estimate processes that the Government now intends to discontinue”.⁶³ It is now evident that official channels, in particular those under the auspices of the Australian Parliament, will no longer be a source of information and method of protest for activists. Official channels, when established by the Government, in the Senate, the House of Representatives or as an administrative inquiry, will now be a much more useful tool for the suppression of outrage.

Public Action

From the cases outlined above it is evident that official channels have been used to inhibit outrage. The changes in the makeup of the Senate have also meant official channels will, in the future, be more powerful in preventing backfire. It is therefore important for activists to recognize the inhibiting effects of official channels, and to develop strategies for ensuring outrage over injustices continue. In the case of refugee rights a number of methods have been used by activists to bring the plight of refugees to the public’s attention. Large protests are one of the most visible forms of social action by refugee activists. Protests have taken place at a number of the immigration detention centres, including Woomera (prior to its closure) and Baxter.⁶⁴ Protests such as these are an attempt by activists to challenge the cover-up

undertaken by placing such immigration detention centres in inhospitable areas of Australia, far from other centres of population. However, the challenge of cover-up is evident in the “logistical challenges of transport, communications, ‘indy-media’, first aid, food, water supplies, legal observers, waster and hygiene”⁶⁵ for activists who wish to participate in the protest.

Other types of visible protest were also used by refugee activists. Some of these have been undertaken by the organisation Boat-people.org, such as projecting an image of the “tall ships”, similar to those which made up the First Fleet which arrived in 1788, on to the Opera House”.⁶⁶ The intention of this action was to demonstrate to the Australian public the similarity between the arrival of Australia’s first European settlers and recent refugee arrivals. Another event by ‘Boat-people.org’ was the projection of the names of the 353 people who died in the SIEV-X incident on to motionless performers. The intention of both of these actions was to raise awareness of refugees in the public (reducing the possibility of a cover-up) and to demonstrate the similarities between Australians and refugees (making it difficult to devalue refugees).

A number of individuals have also attempted to raise awareness of the plight of refugees detained in immigration. The best known is Merlin Luck, a participant on the prime time television show ‘Big Brother’, who when voted out, taped his mouth shut and held up a sign saying ‘Free th [sic] Refugees’ while the host of the show attempted to interview him. A culture jammer from Perth has designed a kit to allow people to transform traffic signs, “adding the image of a machine gun and an extra ‘E’ allows graffitists to convert benign Refuge Island yellow traffic signs to ‘Refugee Island’ signs: the figure of a man gently leading a female pedestrian is converted to the image of an armed guard leading an unarmed woman”.⁶⁷ Again, the intention of this action is to raise awareness of the violence in Australia’s ‘refugee islands’ that make up the Pacific Solution.

A number of refugee advocate and support groups have also been established in Australia. Some of these include: Rural Australians for Refugees;⁶⁸ Spare Rooms for Refugees;⁶⁹ ChilOut;⁷⁰ and Refugee Action Collective. These groups have attempted to put pressure on the government for better treatment of refugees, while also raising the awareness of the public and demonstrating to refugees the support they receive from the Australian public. The efforts by these groups have gone a long way to ensuring government attempts to inhibit

backfire are not as successful as it could be. They attempted to ensure cover-ups do not occur, refugees are not dehumanized, the government is unable to reinterpret events because the public is aware of the facts and refugees are aware of the support they have within the Australian public, making them more likely to speak out about their treatment. A number of artists in Australia have also attempted to raise awareness of the issues surrounding refugees. Plays dealing with issues related to refugees forming central themes, such as ‘A Certain Maritime Incident’, and ‘Two Brothers’ have been performed, while musicians have also written and released songs about the plight of refugees and immigration detainees.⁷¹ Again, the aim of these actions is to raise awareness in the Australian public, while also attempting to apply pressure on the Australian government.

The government’s continued attempts to keep discussion of SIEV-X out of the public sphere have led to a campaign to publicize the event. The public face of this campaign has been Tony Kevin, who has continued to advocate for a Royal Commission into the incident, while also continuing to talk publicly of the incident. A website, www.sievx.com, maintained by Marg Hutton, is also a popular resource for those wishing to learn about the incident and government reaction. This website has archives of all media reports, mentions in Parliament and a chronology of events. Although the government has had some success in keeping SIEV-X out of public discussion, the efforts of this campaign has ensured the issue is still discussed, with the trial and conviction of one of the people smugglers involved leading to substantial media coverage.⁷²

Official channels, such as inquiries, have also been a popular mode of protest for many activists. But as noted above, official channels are one method by which the government has managed to suppress outrage. There are a number of methods by which activists may attempt to ensure an inquiry is not used to inhibit outrage. One method is to ensure the public are aware of the composition of the committee, including any potential conflicts of interest, the powers of the committee, and the terms of reference. Many activists continued to call for a royal commission, which has more far-reaching powers than either administrative or Senate inquiries, in the cases of the Inquiry into a Certain Maritime Incident and the Palmer Report. In doing so they were demonstrating the weakness of the current inquiry.⁷³

According to the backfire model, another important factor to remember when using official channels is to continue to use other streams of protest, and not to rely solely on an inquiry or

court case. This was evident during the Palmer Inquiry when the government relaxed some of its immigration detention laws when challenged by dissidents within its party. Although it was the dissidents, led by Petro Georgiou who finally won these concessions, as has been noted, “the success of the dissenters has many parents but could not have happened without their confidence in the growing community support behind them”.⁷⁴ One method which has been undertaken in Australia is to hold an alternative inquiry. The heads of social work departments in universities convened an open, public inquiry into the case of Cornelia Rau, to “investigate whether there are ‘any more Cornelia Raus’ hidden away in the system, and compile a dossier of cases of detention neglect”.⁷⁵

Conclusion

The treatment of refugees in Australia is an aspect of the government’s policies that many people feel justifiably outraged about. To inhibit this outrage the government has used each of the five components of the backfire model: cover-up; devaluation of the target; reinterpretation of the event; official channels; and intimidation and bribery. Official channels are often seen by activists as a useful manner by which to express outrage and put pressure on the government, but they can also be used by the government to inhibit outrage. The Senate Select Committee into a Certain Maritime Incident and the Palmer Report are examples of inquiries that, although results and recommendations are critical of the government, it is also evident that they were used to inhibit outrage. Although there were a number of differences between these two inquiries, both show how government control of terms of reference, control of witnesses and besmirching of the inquiry can reduce the usefulness of the inquiry for activists.

In the past, public action has been an important element in the struggle for justice for refugees. The importance of public action has increased because of government control of the Senate, meaning that Senate Inquiries which have the potential to be damaging to the government are less likely to be established. Official channels are an important method by which activists can achieve positive results, and their effectiveness should not be forgotten. But activists must also remember the potential for governments to use official channels to inhibit backfire, and other forms of public action also need to be undertaken.

Notes

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- ¹⁶ Palmer, *Inquiry into the Circumstances of the Immigration Detention of Cornelia Rau*
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- ⁶⁹ www.spareroomsforrefugees.com (a database of those people willing to house refugees, even though by doing so they risk ten years imprisonment for abetting escapees).
- ⁷⁰ www.chilout.org which is a group advocating the release of all children from detention, which was achieved in late July 2005.
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