

The Flag and Freedom

The Victorian police seem to be more assiduous in their pursuit of sedition and terrorism than even our political leaders. Two recent incidents have shown that not even the current laws are sufficient for them.

Late last year a member of a Geelong photography club was in the process of taking some shots of a particularly beautiful sunset over the Shell oil refinery. Although he was on public land he was approached by a security guard and asked to stop. He did so and went home, only to have the police knock on his door a couple of hours later, telling him that taking photographs of industrial installations was illegal.

The photography club, wanting to stay on the right side of the law, then wrote to the police requesting a list of sites that were out of bounds to photographers. The reply was that such information was secret. The Victorian Government has since denied that there is anything illegal about the taking of such photos, but in Geelong the local police are adamant that they acted correctly and would do so again.

Of course, there are thousands of photographs of Australian oil refineries and other industrial installations readily and openly available in libraries, museums, galleries, bookshops and online.

Last week in the Melbourne suburb of Footscray, police removed a work by visual artist Azlan McLennan from the Trocadero gallery, where it had been on display outside the first floor of the building. As the gallery was closed at the time, they gained access via a cafe next door and a verandah roof.

The artist, who was overseas at the time, has since requested that the work be returned, only to be told that it is being held as evidence in case charges are laid against him or the gallery. Nobody has been told what these charges might be. The work in question included a partially burnt Australian flag.

Despite the efforts of some super-jingoistic politicians such as Bronwyn Bishop, even the Prime Minister has dismissed the idea of making it an offence to destroy a flag. In this case it appears that merely the display of a damaged flag has been enough to arouse the reaction of police who were, according to their spokesman, "acting in response to complaints."

It seems that it is perfectly OK to drape oneself in the Australian flag and chant racist abuse at Sri Lankan cricketers or Lebanese beach-goers, or even, as happened on January 26 with no repercussions, to burn one in public as a political protest. To use it to make an artistic statement, however, is to risk running foul not of the law but of those who are supposed to enforce the law.

A flag is only a symbol. Destroying one example of a symbol affects nothing but that one example. To believe otherwise is either ignorant superstition or evidence of a delusional psychological state in which reality and its representations are confused. A law against the burning of flags would be absurdly difficult to draft, let alone enforce. It would have to be enforced selectively, and therefore it would be more likely to engender further dissent and so prove counterproductive.

The real problem is not so much that there are people who think that taking photographs of an oil refinery or incorporating a burnt flag into a work of art are wrong. It is that people who think like that are allowed to infringe the liberties of others, to seize property and to harass creative and law-abiding members of the community.

The so-called anti-terror laws and the sedition laws we now have represent a dangerous denial of basic human rights. We must fight to have them repealed and we certainly should vehemently oppose any extensions to them. In the meantime, in order to avoid moving any closer towards a police state, we must speak out against those who put themselves above the law.