

# **IS THE SOCIAL LEGITIMACY OF PROTEST IN AUSTRALIA IN FLUX?**

**Thought Leadership paper for the  
Australian Reinsurance Pool Corporation**

*by The University of Queensland Business School*



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The University of Queensland Business School, April 2023

This work was co-sponsored by Australian Reinsurance Pool Corporation (ARPC) as part of their thought leadership program.

**Acknowledgements:**

The authors would like to acknowledge the research assistance of Drs Karolina Mikołajewska-Zajac and Thilini Alahakoon who assisted with data gathering and analysis of library and media sources, interview transcriptions, review of legislative changes and searching global databases for reports on protests and other disruptive events. We also acknowledge Rhianna Gallagher and Rosie Gallagher for the final report formatting and layout.

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# EXECUTIVE SUMMARY

Against a backdrop of disruptive and sometimes violent protests on a range of causes globally, this thought leadership paper examines whether the social legitimacy of disruptive protests in Australia is in flux. Protesting is a widely accepted practice giving voice to those who may lack other forms of power, in democratic societies, including Australia. However, society criticises protests that become disruptive and spill over into violence. Hence we ask, ***how do different stakeholders perceive the social legitimacy of disruptive protests in Australia?***

We apply a framework that explains how social movements can be legitimised, attracting widespread approval, or stigmatised, attracting profound disapproval. The dataset is comprised of the ten most disruptive protests in Australia from December 2019 to November 2022. These were COVID-19 and climate change related. 31 participants were interviewed during this research. They represent different stakeholders involved in, or impacted by, these protests. This data source is accompanied by media articles and parliamentary inquiries to extensively analyse the changing perceptions of disruptive protest. To track these perceptions, we build a dominant narrative from the data, that indicates what is widely considered to be a legitimate approach to protest and a counter-narrative that provides a rationale for disruption.

## **The dominant narrative considers protests to be legitimate when they:**

1. Are legal and orderly;
2. Do not disrupt the economy; and
3. Neither cause harm to people nor damage to property.

## **The counter-narrative positions disruptive protests as necessary when:**

1. Existing legitimate ways of protesting are too easy to dismiss;
2. The protest cause is urgent, and protesters cannot afford to wait; and
3. A cause needs attention to gain traction.

We note that the dominant narrative is becoming more alert to the problem of disruptive protests and subsequently attempting to curtail those protests through stigmatisation of the protesters. For example, depicting protesters and their activities as those of fascists and ferals. Legislation has also been introduced that criminalises some types of protest activities. These efforts to contain protest are an indicator of fluxing social legitimacy, as the dominant narrative is under threat and uses stigmatisation to contain those threats. However, these efforts to contain violent protests have generated pushback, including from those who do not consider themselves activists. Our findings show the rise of a moderate counter-narrative that endorses disruption and actively seeks to prevent legislative changes that criminalise protest activities. We therefore argue that the social legitimacy of disruptive protests is indeed in flux. Caught between stigmatisation and legitimacy, disruptive protests are becoming part of a growing moderate counter-narrative that, while it abhors violence, advocates for the rights of protesters to be heard and not to be criminalised. Such flux can herald a tipping point, in which causes gain traction and social legitimacy within a society.

Based on these findings, we conclude with five recommendations for society, policymakers, businesses, and insurers.

**01** Disruptive protests that gain traction in a moderate counter-narrative need to be heeded as an indicator of social change.

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**02** Engage with the affected stakeholders in making laws around protest activities to avoid rapid legislation that appears heavy-handed and invites pushback.

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**03** Reserve legislation that criminalises protest causes and activities for containing the most extreme ideologies, such as those that incite hate and violence.

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**04** Business and industry are part of social movements, such as climate action, and need to be aware that, even where protests may disrupt the economy, their employees and customers may endorse those causes and expect businesses to be in tune with changing sentiments.

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**05** Disruptive protests have insurance implications. Insurers should be clear on whether they offer (and price) or exclude potentially costly business interruption and civil unrest in their policies, as well as whether they anticipate potential growth in demand for products to cover the costs of such disruption. Businesses should also consider their potential losses and liabilities from disruptive protest and whether insurance is a viable means of protection from those losses.

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# INTRODUCTION

In this thought provocation paper, we explain the changing societal acceptance for disruptive protests, protesters, and their causes in Australia from the perspective of multiple stakeholders. We ask, *how do different stakeholders perceive the social legitimacy of disruptive protests in Australia?* This study is relevant to insurers, businesses, policy-makers and the wider public interested in the changing nature of civil unrest in Australia against a global backdrop of increasingly disruptive protests. Unsurprisingly, globally, since 2020 there has been a sharp rise in protest activity in connection with COVID-19 and climate change.

Australia conforms to this global pattern of increased unrest and has responded with legislative changes to limit protest activity [1]. We take a deep dive into this complex and dynamic social issue to understand why and how change in social legitimacy around protesting occurs, which in turn underpins changes in the types of events that may be insured.

Protests are socially legitimate forms of political communication in a democratic society; protests give low-power groups the opportunity to express dissatisfaction over societal issues and assert demands for change. Social legitimacy is not static and combines both social approval and legislation over what activities are accepted. While protest is socially legitimate in Australia, the rise of disruptive protests has attracted significant media attention and legislative changes, indicating that their legitimacy may be in flux. Protests are disruptive when they interrupt the everyday life of a part of society and its business and social activities and when they include violence and or damage to property. While disruptive protests can be sanctioned both socially and legislatively, throughout the course of history, such protests are also often harbingers of societal change, championing causes that may become legitimate over time.

Australia provides a salient setting to study the flux in social legitimacy of disruptive protests given the public response to government policies on both COVID-19 health directives and climate change over the last three years.

Australia's federal and state government policy on implementing COVID-19 health directives have likely contributed to the number of disruptive protests in the last three years. During this period, governments made decisions for all Australians that affected some in deeply personal ways, resulting in feelings of loss of control, inability to plan, and potential disenfranchisement [2].

These changes in personal circumstances, misinformation, and perceptions that mandatory vaccination, wearing masks, and lockdowns restricted personal freedoms or human rights prompted participation in disruptive protests [3].

These protests were joined by some with extremist ideologies where their political communication about 'freedom' aligned.

Climate change was another perceived threat to Australia's way of life that fuelled protest activity during the three-year study period. While climate change protests were not prominent due to COVID-19 related restrictions to public gatherings, there has been a resurgence since the lifting of these restrictions from late 2021.

The emergence of international groups such as Extinction Rebellion, led to coordinated protest action across multiple Australian states where civil disobedience had significant consequences in disrupting everyday activity in Australian cities. While climate change protests had already been happening for several years, the lead up to events such as COP26 and COP27 provided a fertile ground for environmental protesting. While many citizens support action to address climate change, media reports suggest that some resent the disruption that such action brings to their daily life [4]. In Australia, disruptive climate change protests occurred alongside, and at times became entangled with, protests related to controversial COVID-19 health directives.

To answer the research question, we examine ten disruptive protests from the last three years (Dec 2019-Nov 2022). In Section 2, we explain the framework we used to analyse the changing legitimacy of these protests. Our dataset, comprising interviews with protest participants and stakeholder groups, media articles, changes in legislation, and parliamentary Hansard transcripts is described in Section 3. Section 4 distinguishes between the way legitimate and extreme protest activities are perceived. In Section 5, we show that despite these distinctions, there is evidence of a moderate groundswell of support for both the causes and some of the activities of disruptive protest, that suggest legitimacy is in flux. We conclude with five recommendations for businesses, society, policymakers, and insurers.

**‘While democratic societies endorse the right to protest, the legitimacy of protests that are disruptive is in flux’**

## 2. LEGITIMACY, STIGMATISATION AND STAKEHOLDER NARRATIVES OF PROTESTERS AND PROTEST ACTIVITY

In this section, we introduce and define the concepts of legitimacy and stigmatisation to explain the ways that disruptive protests are deemed acceptable or not. Despite the disruptive, and sometimes violent nature of protests, the right to protest continues to have legitimacy in democratic societies, including Australia. Traditional definitions of social legitimacy are based on widespread moral, normative approval within a section of society [5]. Legitimacy involves taken-for-granted assumptions that particular types of activities “are desirable, proper, or appropriate” to many people in a society [6]. However, legitimacy is a continuously evolving process as societal assumptions and expectations change [7]. Therefore, legitimacy exists in a state of flux in which different parts of society award might have quite distinct views on what is appropriate [8]. Furthermore, social legitimacy of some activities can be withdrawn by portions of society [9]; for example, control over women’s reproductive rights within the USA has

recently undergone major legislative change. For a protest activity to be legitimate, it does not need to have the approval of all people, individually, [10] but is expected to have wider collective approval [11]. Approval may be through legislation and/or in the taken-for-granted ways that people talk about that activity in the media and in public life. The legislative nature of legitimacy and the way that protest activities are talked about may vary across stakeholders and may change over time [12]. In contrast to legitimacy, stigmatisation is deeply discrediting, discounting people and their activities as tainted [13] by using labels, stereotypes, and discrimination to signal their moral inferiority [14], [15], [16]. These judgements about the values, norms and ideologies of stigmatised people and their activities [17] have lasting negative social impacts, including disassociation, fear and disgust [18]. Table 1 summarises these conceptual differences between legitimisation and stigmatisation.

**Table 1 Conceptual differences between legitimisation and stigmatisation**

Differences	Legitimisation	Stigmatisation
<b>Overall attitude towards the issue</b>	Positive due to its perceived ‘rightness’	Negative due to its perceived negative impacts
<b>Stakeholder reactions</b>	Results in supportive behaviours	Results in disassociation from, and questioning of, others’ values and existence
<b>Moral judgement based on</b>	Perceived benefits to society	Perceived threat to society



To understand protesters and protest activities as legitimate or stigmatised, we analysed stakeholders' narratives, drawing on a framework of dominant and counter-narratives (Table 2). Narratives are people's accounts of events or issues, which are told to fit their world view [20]. Dominant narratives are the stories we tell ourselves, learn, or share with others, consciously and unconsciously, that also uphold existing power dynamics. They are accepted and circulated widely without much critical thinking or conversation devoted to them. Their 'rightness' is largely taken-for-granted [21].

Conversely, counter-narratives are the stories people tell that offer resistance or alternative world views to those that are dominant [22]. The distinction between a dominant and a counter-narrative is not the issue per se, but how socially legitimate or stigmatised that issue is within a particular cultural context. For example, women's right to vote in many countries is a taken-for-granted part of the dominant narrative, and so does not need to be discussed. It is simply legitimate. Whereas in other countries women do not have the right to vote. Efforts to pursue that right are often perceived as a counter-narrative, with stigmatisation of the cause, actions and people pushing for women's suffrage. The dominant narrative thus represents what is currently socially legitimate in a society, while the counter-narrative is often stigmatised, and, to assert its causes, seeks to undermine the dominant narrative in pursuit of a new social legitimacy [23]. The dominant narrative can be either supported or challenged by external stakeholders such as the media and the ensuing public conflict facilitates the rise of counter-narratives [24]. A counter-narrative has 'succeeded' (is socially legitimate) when it is no longer counter but becomes the dominant narrative.

**Table 2 Conceptual differences between dominant and counter-narratives**

Characteristics	Dominant narrative	Counter-narrative
Attitude	A preferred or widely accepted story	An alternate story that contradicts or defies the preferred story
Conformance	Conformance to cultural norms	A deviation from cultural norms
Outcomes	Confirms existing worldviews, identities, and values	Challenges existing worldviews, identities, and values

Source: Frandsen, Kuhn and Lundholt, 2017 [25].

However, binary views of issues as either stigmatised or legitimised do not reflect the complex, multi-layered nature of different stakeholders' responses to those issues. Hence, we examine the spectrum between dominant narratives and counter-narratives as these display the flux in social legitimacy or stigmatisation of issues that might be the basis for disruptive protests (Figure 1). Stigmatisation and legitimisation are situated on a continuum, in which stakeholder perspectives can shift over time between extremes. Rather than a neutral midpoint being the absence of either stigmatisation or legitimisation [26], a moderate counter-narrative can flourish, in which something that was once stigmatised is granted acceptance, albeit with conditions. This middle ground is often a source of change within the social legitimacy of an issue.

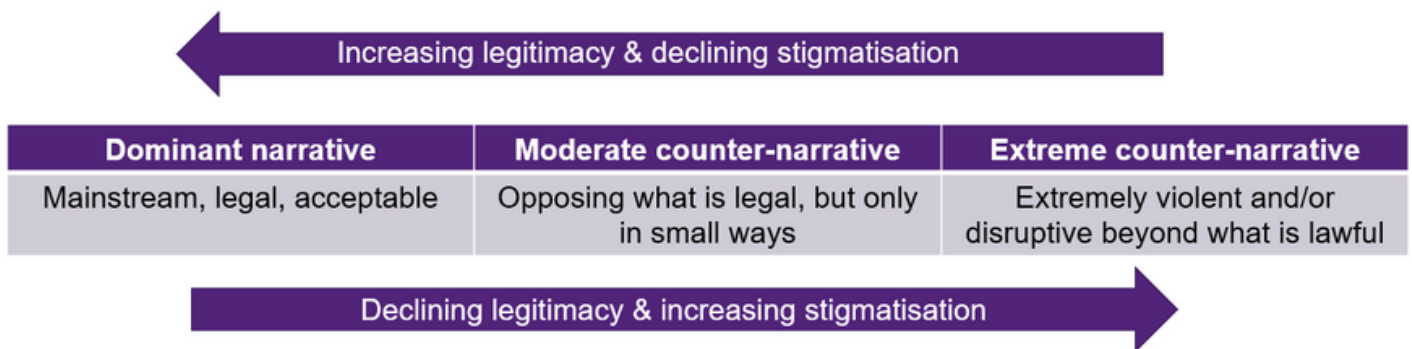


Figure 1. Between legitimate and stigmatised: A spectrum from dominant to extreme counter-narratives (adapted from Frandsen, Kuhn and Lundholt (2017) [27]; Hampel and Tracey (2019) [28]).

# 3. TEN DISRUPTIVE PROTEST EVENTS

This study gathered data on the ten most disruptive protests that occurred between December 2019 and November 2022 in Australia. Our data sources were media articles, attendance at and transcripts of parliamentary enquiries into extremist events, and interviews with multiple stakeholders involved in or affected by disruptive protests whom we identified from the media articles and enquires. Figure 2 provides a breakdown of these stakeholder groups. Of the ten events examined, seven were related to COVID-19 while three related to climate change. Other protest causes were represented, like Black Lives Matter, however, these were less disruptive.

The ten protests were labelled according to their causes as summarised in Table 3. COVID-19 related disruptive protests are those where protesters objected to COVID-19 related restrictions, such as mandatory lock downs, restricted movements, mandatory vaccination, and border closures. Climate change related disruptive protests are those where protesters called for government action on containing climate change. They disrupted transport, including the movement of coal trains and people getting to work.

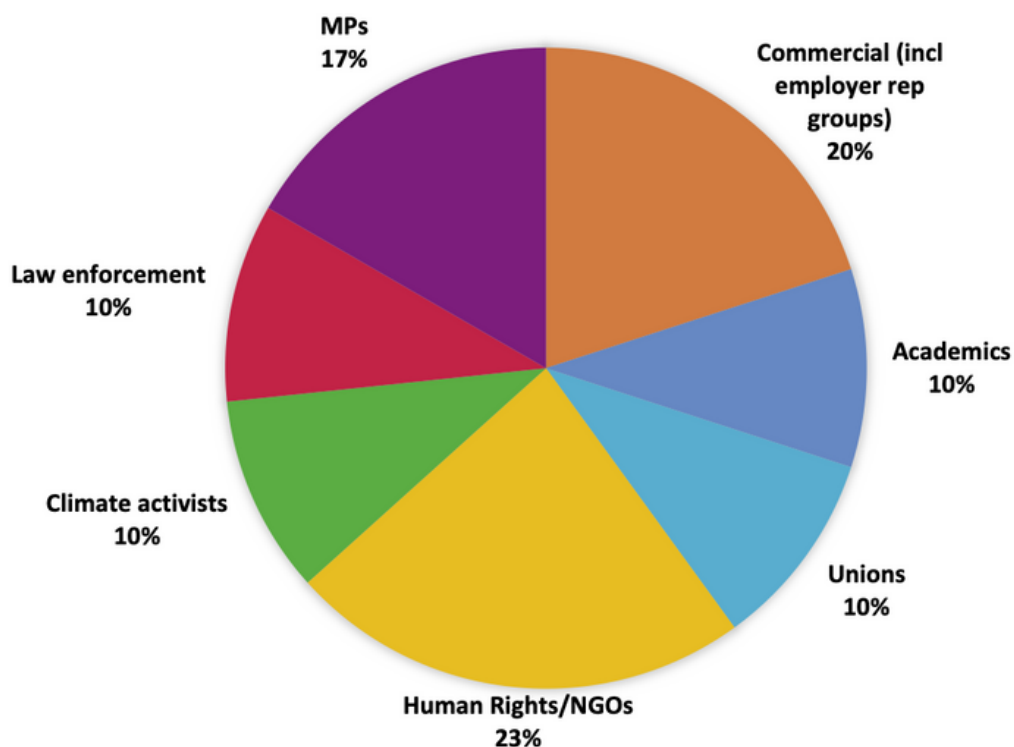
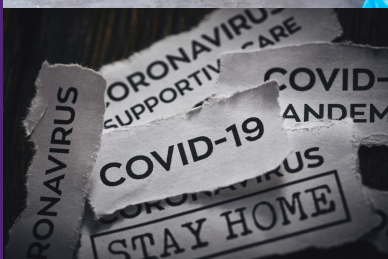
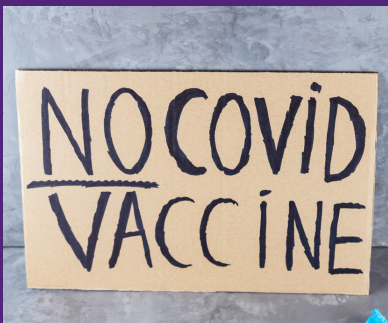


Figure 2: Stakeholders interviewed

### 3.1 COVID-19 RESTRICTIONS AND CLIMATE CHANGE DOMINATE DISRUPTIVE PROTEST



COVID-19 protesters included individuals, union members in the construction sector, anti-vaccination groups, truck drivers, Freedom Rallies, conspiracy theorists, and members of extremist ideological groups such as Sovereign Citizens, and a Croatian nationalist group, Ustaše: identified by their flags and slogans. COVID-19 disruptive protests took place in Melbourne, Sydney, near the border between New South Wales (NSW) and Queensland, Canberra, and the Gold Coast. Protesters were sometimes specific in their call for the removal of restrictions and directed their anger and frustration toward specific members of parliament, or office holders in the public service, union leaders, or the Premier of that government. In other cases, opposition to restrictions was non-specific and directed toward Australia's government as a whole (Commonwealth and State). Overseas influences from Freedom and Trucker Rallies were felt in Australia. These COVID-19 related protests have eased as health impacts and restrictions eased in Australian states.

Climate change protesters included Students for Climate Action, Stop Oil Now, Blockade Australia, Extinction Rebellion and Scientist Rebellion. Their disruptive protests took place in the Hunter Valley where they sought to impede transport of coal to the port at Newcastle. Other protests took place in Botany, and in the CBD of Sydney as on a major arterial road near the Sydney Harbour tunnel. These protesters seek to disrupt the economic activities causing climate change and to disrupt the routines of people going to work to bring attention to the urgency of what they describe as a climate crisis. Climate change disruptive protests eased somewhat during COVID-19 restrictions that limited public gatherings but increased as restrictions were lifted.

**Table 3 – Ten disruptive protest cases from study period**

Protest ID	Protest location	Date	Rationale or 'cause' of disruptive protest
A	Melbourne	10/5/2020	COVID-19 anti-lockdown: Over 100 people took part in an anti-lockdown protest outside the Parliament House. A police officer was taken to hospital with a rib injury and Victoria Police have arrested ten people.
B	Multiple cities: Melbourne and Sydney.	21/8/2201	COVID-19 anti-lockdown: A 'nationwide rally for freedom, peace and human rights' took place in many Australian cities. The demonstrations in Melbourne and Sydney were the most prominent and the former is believed to have been particularly violent. Victoria Police used the most powerful non-lethal force available to dispel protests. Highest level of non-lethal force deployed at Melbourne protest.
C	Queensland and New South Wales border	22/8/2021	COVID-19 anti-lockdown: Police clashed with thousands of anti-lockdown protesters trying to storm the border between Queensland and NSW at the Gold Coast, after a weekend of demonstrations saw violence erupt in Melbourne and rallies in Sydney and Brisbane.
D	Melbourne	20-25/9/2021	COVID-19 anti-lock down, anti-vax: On 20.9, Up to 500 anti-vaccination protesters attacked the Construction, Forestry, Maritime, Mining and Energy Union's. (CFMEU) Victorian branch over eight hours in ugly scenes that saw some abusing the state secretary John Setka, throwing bottles and crates at his officials and smashing the union's front doors. Victoria Police fired rubber bullets to disperse protesters at CFMEU. Another notable event was a violent gathering at the Shrine of Remembrance on 22.9.
E	Multiple locations in Hunter Valley, NSW	5-16/11/21	Climate action Blockade Australia Climate activists have used their bodies, rope, glue and cars as part of 'destructive action' to block part of the coal supply chain in the Hunter. Among other actions, two climate activists shut down activity at the world's largest coal port on Wednesday morning by climbing on top of machinery at the Port of Newcastle and pressing an emergency safety button, bringing the export of coal to a standstill.
F	Old Parliament House, Canberra	30/12/2021	COVID-19 anti-lock down, anti-vax, anti-government: Victorian man Nicholas Malcolm Reed, 30, faces charges of arson; damaging commonwealth property; assaulting a frontline community service provider; and resisting a territory public official. He is accused of carrying hot coals to the front of Old Parliament House and was captured in social media footage stoking the fire during protests.
G	Convoy to Canberra	02/2022	COVID-19 Freedom convoy: The convoy to Canberra was an anti-vaccine mandate protest in Australia between late January and mid-February 2022, inspired by the Canadian Freedom Convoy protest. Thousands of protesters converged on the Australian capital city of Canberra, camping near the Australian Parliament, National Library and the National Press Club. As with the Canadian protest, the Canberra protest was organised through social media including Facebook, Telegram, and crowdfunding platforms.
H	Multiple cities, Melbourne, Sydney and Gold Coast	12/2/2022	COVID-19 anti-lock down, anti-vaccine: Thousands of anti-vaccine activists, conspiracy theorists and people from the Sovereign Citizen movement protest. Blocking traffic. A small but prominent portion of the protesters has links to far-right extremism and unfounded conspiracy theories.
I	Sydney	21/3/2022	Climate action: The two brothers, aged 21 and 23, were charged after allegedly suspending themselves from poles —the older one on Tuesday over Bombarah Point Road and the younger yesterday along a bridge at the entrance to Port Botany. Both stunts kept freight truck drivers at a standstill, while emergency services worked to remove the men.
J	Sydney	26/6/2022	Climate action: Sydney's morning commute descended into chaos after protesters blocked southbound lanes in the Harbour Tunnel, sparking major traffic jams. Blockade Australia protesters also marched through Sydney's CBD.

# 4. FINDINGS: WHAT ARE LEGITIMATE VERSUS STIGMATISED DISRUPTIVE PROTESTS?

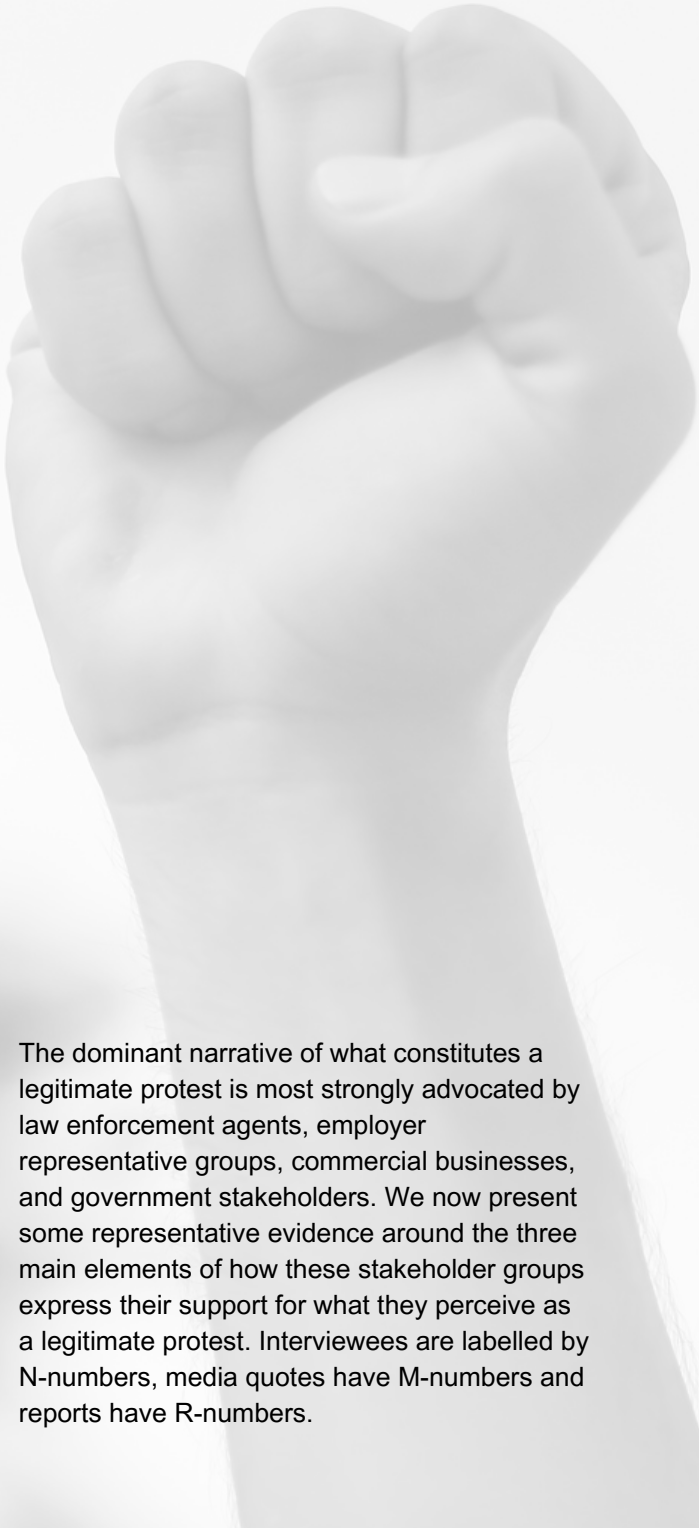
In this section, we present our findings on the dominant narrative of what a legitimate protest entails and the extreme counter-narrative advanced by those who advocate for highly disruptive protests.

## 4.1 The dominant narrative: What constitutes a legitimate protest?

There is widespread agreement in the media, and among our participants, that protests are appropriate forms of activity in a democratic society. However, alongside this agreement are clear views about what constitutes a legitimate protest, which comprises three main elements.

Legitimate protests must:

- 1 Be legal and orderly.**  
Protests require permission from law enforcement in advance and are expected to be orderly and self-regulating rather than requiring active intervention by police.
- 2 Not disrupt the economy** by obstructing
  - people getting to and doing their work, or
  - business operations, especially mining and forestry from functioning safely and without interference.
- 3 Not cause harm to people nor damage to property.**



The dominant narrative of what constitutes a legitimate protest is most strongly advocated by law enforcement agents, employer representative groups, commercial businesses, and government stakeholders. We now present some representative evidence around the three main elements of how these stakeholder groups express their support for what they perceive as a legitimate protest. Interviewees are labelled by N-numbers, media quotes have M-numbers and reports have R-numbers.



## 4.1.1 Legitimate protests are legal and orderly



Law enforcement stakeholders explained that a key element of legitimate protests is having prior formal approval thus enabling police to allocate resources to support the smooth running of the protest.

*Ideally an organiser or representative will submit what's called a Form One to the police and that outlines what the intended event looks like, how many people are going to be going to it, you know, what hours it's going to operate, all this kind of thing. And then the police will say yes or no, we approve or we don't, and we may or may not provide police to help your event run smoothly. (N24, law enforcement) .*

By contrast, protests without prior approval should be shut down; *“If they don't want to tell us and they continue to take surprise action, then the response is going to be different” (N24, law enforcement).*

Formal legal approval both enables foresight and allocation of policing resources and reinforces a dominant narrative that protests should not detract from other key activities that need police support.

*“If you talk to police about this, they will quite happily support anyone having the right to protest and the right to be heard. ... But where it has serious impact on the rest of the community, that is where they need to intervene and would say that it would become an unlawful protest” (N26, law enforcement).*

Hence, protests requiring additional policing are seen as lacking legitimacy.

For example, protests are not legitimate if they require the police or rescue agencies to *“get people down from those positions over the rail line ... when we're out there doing this kind of thing where it reduces our capacity to respond to things like attempted suicides” (N24).*

Even if such protests have prior permission, they have breached the implicit code for legitimate protests to self-regulate behaviour in an orderly manner.

## 4.1.2 Legitimate protests do not disrupt the economy



The second element of a legitimate protest is that it does not disrupt people from getting to or conducting their work, does not disrupt businesses, and, importantly, does not disrupt sectors such as mining and forestry that are considered key to the economy.

Various commercial stakeholders explained that they endorsed the right of people to protest provided that *“We [don’t] see any impact on ... traffic or visitation, we [don’t] have stores not opening”* noting with approval that one recent protest *“created inconvenience but it certainly didn’t disrupt capitalism that day”* (N1, Commercial). Such stakeholders, even where they supported protests, were concerned that these should not prevent their staff from getting to work, or make their staff feel unsafe. They noted that one protest had not been legitimate because the business had been disrupted by the need to take protective measures for their employees; *“We made sure that for some of the ongoing rallies ... if they were going to be in ... our area, we actually banned our staff from attending the offices just for their protection”* (N4, Union).

Beyond not disrupting the everyday work of the economy, legitimate protests should also not disrupt sectors considered key to the economy, such as mining; *“to ensure that workers who are going about lawful work, could actually attend their workplace safely without mental or physical harm ...and ensure those workers could actually go to work unimpeded”* (N23, Member of Parliament).

Hence, protests, such as climate change protests, that actively seek to prevent or block these industries were seen as illegitimate because of the sectors that they target or their implicit threat to the economy; *“why should we be nice to these people who are massively disrupting infrastructure and resources”* (N24, law enforcement). Regardless of the cause of the protest, the dominant narrative espouses lack of disruption to business and economic activity as a key hallmark of legitimate protest.



### 4.1.3 Legitimate protests are not violent or harmful to people or property



Finally, the dominant narrative is that legitimate protests are not violent and do not harm people or property.

For example, police noted that they had to curtail action by protesters that **“came with violence in mind,”** (M24, law enforcement). Such harm should not occur directly or indirectly.

For example, one law enforcement stakeholder explained that protesters who were blocking a hospital entrance **“didn’t get a lot of public support ... because you got poor mums trying to get into a hospital to see their sick kid and people blocking their way and hurling abuse at them going in”** (N26, law enforcement).

The emotional and social harm generated was seen as an illegitimate way to protest because of its effects upon the public. Similarly, protests that do not fall into the orderly category in Section 4.1.1 are also seen as illegitimate because they have potential for violence that can spill over from the protest and affect the wider public.

One law enforcement agent expressed this need to prevent a protest from escalating into violence, explaining that often the police are **“managing those people who are disrupted and stopping them becoming violent and attacking the people who are protesting as well. So, it becomes a difficult and dynamic situation”** (N26, law enforcement).

A legitimate protest will avoid harm to people, particularly from protests that escalate, and harm or desecrate property and public spaces. As one stakeholder explained, a particular protest had made them fear for the safety of their property and, by association, the damage to people that acts such as smashing glass might generate;

**“security was an issue, the locking of our building and of course like many modern-day buildings, we’re glass everywhere, so that was a particular concern”** (N4, Union).

Similarly, as a law enforcement agent explained, protests should not affect infrastructure, which everybody needs to use, pointing out that in one protest, they had to move quickly to protect infrastructure: **“So the police response to that was fairly immediate because (a) it’s a safety issue, (b) it’s very disruptive”** (N24, law enforcement).

Overall, the hallmarks of a legitimate protest, regardless of the cause, is that it is formally approved, conducted in an orderly manner, does not disrupt everyday work and business or interfere with the economy, and is not violent or harmful to people or property.

## 4.2 What is the rationale for disruptive protest?

In this section, we explain the extreme counter-narrative advanced by stakeholders who consider themselves concerned members of the public, activists, scientists, and human rights professionals. These stakeholders put forward a rationale for disruptive protests that comprises three related elements.

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**Disruptive protests are necessary:**

- 1. If existing legitimate ways of protesting are too easy to dismiss;**
  - 2. When the protest cause is urgent and protesters cannot afford to wait; and**
  - 3. To draw attention to a cause and ensure that it gains traction.**
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These three elements mean that protesters engage in disruption in order to advance a counter-narrative that goes against the legitimate aspects of protest.

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### 4.2.1 Legitimate forms of protest are too easy to dismiss



Some protesters who advance a counter-narrative have expressed surprise to find themselves advocating for disruptive forms of protest. Yet they have felt compelled to do so by the lack of results from protesting in legal and orderly ways identified in Section 4.1.1. For example, one scientist explained that *“You sort of fit into this mould and you just become very obedient and do what’s expected”* (M5).

However, feeling that these legitimate means of protest were being overlooked became *“very frustrating”* leading to active forms of disruptive protest, including those that can lead to arrest, and that previously *“I wouldn’t have considered”*. As this protester emphasised of the need to move beyond existing ways to protest; *“the shackles have come off”* (M5).

Thus, a counter-narrative can arise, even among those who consider themselves mainstream. This includes scientists who, having developed and published on climate data or the environmental consequences of climate change, are frustrated by the ineffectiveness of legitimate forms of protest. Their frustration ties to the following elements of the counter-narrative.

## 4.2.2 The cause being protested is urgent



In both climate change and COVID-19 protests, proponents of a counter-narrative felt that there was a crisis that needed urgent attention. This sense of urgency spurred them on to more active forms of protest that went beyond legitimate bases of protest. For example, one activist explained

*Waiting until the Earth heats up, until it gets to 3 degrees is, it would be disastrous. ... We've waited long enough, and our emissions are still not coming down. And we're already seeing the results of the 1-1.4 degrees in Australia of warming. ... So, we can't wait until it gets worse until we start to act. We have to act now (N15, Activist).*

Urgency was a key feature of climate protests that justified an extreme approach. As Blockade Australia activist, Greg Rolles, stated:

*Blockade Australia recognises that we are currently in the middle of a climate emergency. We're doing far too little to avoid making our planet unliveable and so we've come together as a network to take non-violent direct actions to try to get in the way of the systems that are the causing that problem (M10).*

For those protesting COVID-19 measures, a similar sense of urgency was conveyed, particularly for those concerned about the medical process associated with a vaccination that they did not trust. Feeling forced by **“mandatory vaccination”**, which they saw as imposed upon themselves and their families, and without which they would be excluded from jobs and public life, they felt an urgent need to protest even though this was not legally sanctioned; **“We do not consent”** (M30). Thus, when protesters feel a sense of urgency about their cause, or the need to resist impositions, they can take up a counter-narrative that goes beyond existing, legitimate forms of protest.



### 4.2.3 Drawing attention to, and gaining traction for, a cause



Finally, and linked to the other aspects of why legitimate protests are seen as insufficient, those advancing a counter-narrative feel that with time running out and no one heeding their cause, desperate times call for desperate measures. As one protester claimed, the COVID-19 restrictions were “*a direct attack on my freedom of liberty, freedom to move*”. Desperate to draw attention to his cause, he participated in an unsanctioned protest, which he felt was necessary as border closures were leading to “*the break-up of the Commonwealth of Australia, it will be the fragmentation of Australia into disparate, fighting, disputing groups and the end of democracy as we know it*” (M113). Similarly, climate protesters with a counter-narrative whom we interviewed feel that radical action is necessary. One protester rationalised the need for extreme measures by referring to the climate emergency.

*Well, if there’s an extraordinary emergency, then you can do things that you’re not otherwise allowed to do. So, you can break a car window to rescue a child or smash down a door to rescue someone from a fire. So, I said that I could block Princess Bridge in order to get action on the climate emergency (N17, Activist).*

Thus, protesters may advance a counter-narrative in which disruptive protests are necessary because they feel that there are no other means to draw attention to the urgency of their causes and give them traction within the timescale for action.

Overall, showing the complexity of social legitimacy in relation to protest, a counter-narrative is very legitimate for that group of stakeholders. Certain stakeholders advance an extreme counter-narrative because the socially acceptable means available to them are not achieving the results they are looking for at the speed they perceive necessary.

This section has established three key tenets of the dominant narrative around what constitutes a legitimate protest to many stakeholders, and the counter-narrative advanced by some stakeholders as a rationale for more extreme or disruptive forms of protest. Table 4 groups stakeholders according to their primary affiliation with either the dominant or counter-narrative, with some groups sitting in one primary narrative as well as a moderate counter-narrative, which we explain in Section 5.2.

**Table 4 Stakeholders’ adopting different narratives**

Dominant narrative	Moderate counter-narrative	Extreme counter-narrative
<ul style="list-style-type: none"> <li>Commercial (incl. employer rep)</li> <li>Senior public servants</li> <li>Law enforcement</li> <li>Unions</li> <li>Academics</li> <li>MPs</li> </ul>	<ul style="list-style-type: none"> <li>Human Rights/NGOs</li> <li>Unions</li> <li>MPs</li> <li>Academics</li> <li>Climate Activists (e.g., Knitting Nannas)</li> </ul>	<ul style="list-style-type: none"> <li>Climate Activists (e.g., Blockade Australia/ Extinction Rebellion)</li> <li>Extremist ideology activists (e.g., Sovereign Citizens; conspiracy theorists)</li> <li>Human Rights/NGOs</li> </ul>

# 5. FINDINGS: SOCIAL LEGITIMACY OF DISRUPTIVE PROTESTS IS IN FLUX

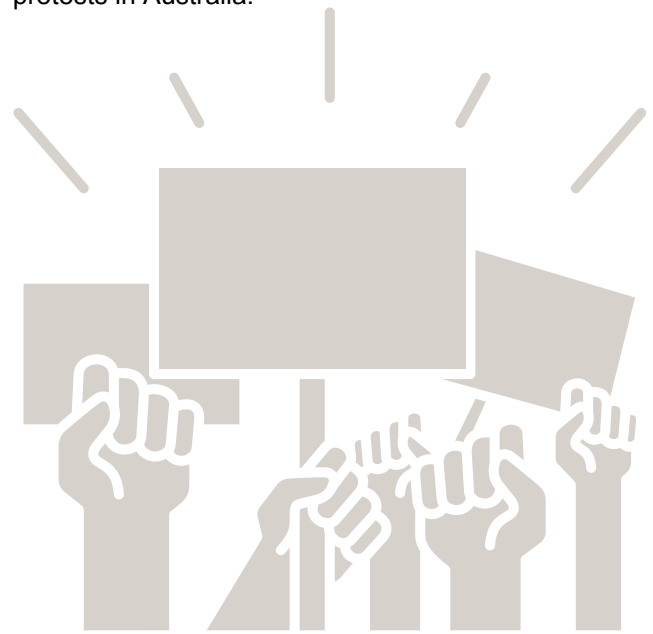
In this section we explain that the social legitimacy of disruptive and sometimes violent protests is currently in flux. Shifts to a 'new normal' for specific causes can take decades of civil unrest and protest, as evidenced by many campaigns such as women's right to vote in the UK, the civil rights movement in the USA [29], or the end of apartheid in South Africa [30]. However, prior to such widespread societal changes, shifting social legitimacy can be seen for both the causes and the nature of the protests that accompany those causes. We find evidence of this in our study, where the social legitimacy of protests, particularly those associated with climate change, is in flux.

Specifically, in Section 5.1 we show that the dominant narrative is shifting to a phase of actively stigmatising the way that disruptive protests are conducted in an effort to contain them. At the same time, in Section 5.2 we introduce the moderate counter-narrative, that supports the protest causes and activities and challenges the efforts made by others to stigmatise them. Taken together, these shifts indicate a fluxing state of social legitimacy over disruptive protests.

## 5.1 A shift to stigmatising disruptive protests

When an issue has widespread legitimacy, it is not remarkable because it has become part of everyday practice. For example, voting rights for all adult Australians is considered an unremarkable part of the everyday fabric of Australia social life, even though indigenous Australians did not gain this right until 1962. Hence, a dominant narrative is often marked by a lack of discussion. Because the issue is already dominant, it is simply maintained within the everyday activities of a society. By contrast, threats to the dominant view are often accompanied by a shift to active dominating, stigmatising these perceived threats in order to curtail them. We find this shift to active dominating in the approach to disruptive protests on both COVID-19 and climate change. Such shifts indicate that the taken-for-granted social legitimacy of those issues are in flux.

A shift to stigmatising is evidenced in the way that protests are talked about (discursive containment), and how they are governed and legislated (structural containment). A discursive shift is traced through a narrative that stigmatises the protesters, their cause, and the protest activities. A structural shift is apparent through formal bodies and legislative changes to monitor, contain and criminalise protest. We now explain these forms of a shift to stigmatising climate and COVID-19 protests in Australia.



## 5.1 A shift to stigmatising disruptive protests

Violent protests were stigmatised in the media, at government inquiries, and by research participants from stakeholder groups that uphold the dominant narrative on what a legitimate protest entails; largely law enforcement, government and commercial stakeholders.

The stigmatising narrative had three key themes:

1. The cause of the protest is misguided;
2. The people protesting are non-performing members of society; and
3. The protest activities are unacceptable.

Stigmatised protests were characterised as, at best, misguided or even anti-government extremism. For example, people spoke of COVID-19 restriction protests varying as *“a hodgepodge of ideas that ... we are victims of conspiracy”* to *“it’s far right extremism”* (N5, Academic), to critiques that the underlying causes were overseas agents *“mounting incursions into other countries in pursuit of their vision” that are “associated with fascism”* (N11, Academic), and *“want to bring down democracy”* (N3, Human Rights/NGO). Such narratives either disparage the cause of the protests as fantastic and so not worthy of a voice, or, more seriously, label them as anti-government extremist causes that should not be allowed to be aired.

At the same time, the people involved in protesting are stigmatised as non-productive, anti-economy criminals or extremists. For example, protesters who go beyond the socially acceptable forms of protest (see Section 4.1) are cast as lawbreakers; *“They believe laws do not apply to them: Australia’s sovereign citizen fringe”* (N6, NGO), social dropouts *“sleeping up a tree”* (N22, Member of Parliament), or extremists *“they’re fascists, right, Ustaše fascists”* (N11, Academic). Indeed, the Victorian opposition leader, Michael O’Brien voiced support for the police who were *“trying to make sure that these ferals can’t stop people going about their lawful business in this state”* [31].

By casting protesters as, at best, not contributing to society and the economy, and even as extremists and criminals, protesters are alienated from mainstream society as ‘ferals’ and ‘fascists’, and their causes and activities are stigmatised. Finally, disruptive protest activities were referenced as dangerous, unacceptable, and extremist. For example, participants felt that protests that had left employees and members of the public feeling unsafe were unacceptable; *“The consequences continue to affect us, the staff and the perception of [the place], they made it seem like this was not a safe place to go or bring family”* (N6, NGO). The symbols used by protesters were also disparaged as abhorrent, such as *“the public displays of the Nazi swastika”* (N3, Human Rights), or as inappropriate uses of key symbols of Australian identity, such as groups that *“inappropriately fly the red ensign flag”* (N6, NGO). Some comments even likened the extreme nature of such protests to *“domestic terrorism”* (N1, Commercial). These types of claims about protest activities emphasise their illegitimacy within Australian society.

Often these criticisms of causes, activities, and protesters are combined. For example, following a Blockade Australia protest that shut down Port Botany, one of the largest Australian container ports, the NSW Transport Minister David Elliott labelled the protest *“nothing short of economic vandalism”*, noting that it *“will not only inconvenience a workforce that doesn’t deserve it but will inhibit our economic recovery”* further casting the protester as selfish *“I can’t imagine a fellow Australian being so self-centred”* [32] The Australian Prime Minister, Scott Morrison, went further, describing climate activists as *“green-collared criminals”* and said *“the full force of the law”* should be used against them [33]. Stigmatising the causes and activities of protest and of protesters, reinforces the dominant narrative about the ‘right’ way to protest (see Section 4.1). Stepping outside these boundaries makes the protest illegitimate and therefore, appropriate to curtail or close down.



## 5.1.2 Structural containment of disruptive protests

The discursive containment of protests in the previous section was accompanied by structural containment that took three forms:

1. The identification of some protest groups as extreme or terrorist organisations;
2. The coordination of law enforcement and intelligence to respond to and close down some types of protest; and
3. Legislative changes that criminalise some protest activities.

We now explain how these structural forms of containment serve to further dominate and curtail disruptive protests.

First, during the period of our study, the following extremist groups were identified as terrorist organisations: Sonnenkrieg division, The Base, and National Socialist Order [34].

A ‘terrorist organisation’ is defined under section 102.1 of the Criminal Code as an organisation that: “is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act”. The identification of an organisation as terrorist immediately stigmatises and, effectively, criminalises any activities carried out in the name of that organisation. Protests and protesters cannot, therefore, legally identify with these organisations or their causes.

Second, law enforcement agencies coordinated intelligence across state and national boundaries to identify those causes, activities, and people that they expected to be associated with socially unacceptable protests. For example, a ‘National Forum on Managing Organised Disruptive Activity’ in September 2022 was attended by delegations of law enforcement agencies from across Australia and New Zealand. According to a government report, the purpose of the forum was “to bring together law enforcement from multiple jurisdictions to showcase and discuss the management and responses to organised disruptive activity” (R12). Such forums support police intelligence and ability to intervene quickly, sometimes even before a protest begins, to manage and contain the potential for disruption and violence from protests.

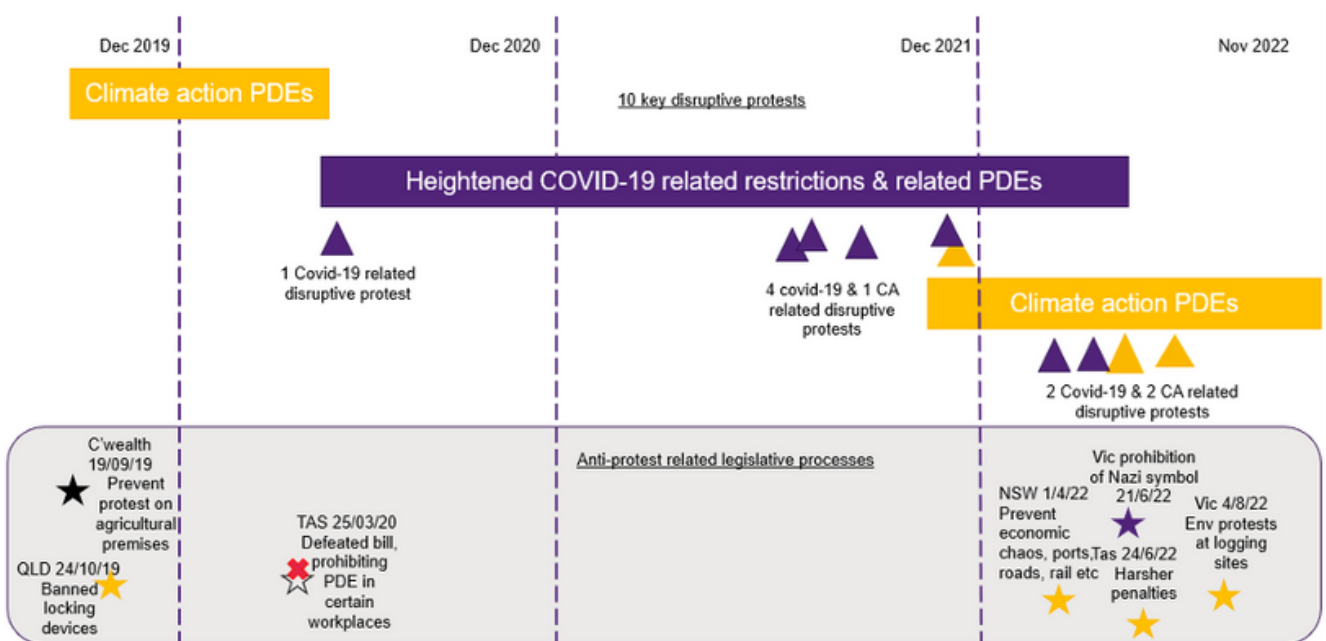


Figure 3 Timeline of legislative changes and key disruptive protests causes (Triangles depict protests and stars depict legislative changes. Purple depicts COVID-19 related issues and yellow depicts climate change related issues)

Finally, as shown in Figure 3, during the period of our study we found seven seemingly unrelated legislative processes that aimed to criminalise some protest activities. Of those, six were successful, including one piece of national legislation to protect agricultural activities, four to protect certain economic activities and related infrastructure from climate action, while another banned the use of a particular symbol. The details of these legislative changes are tabled in Appendix A. These legal changes do not target protests directly. Instead, they target certain protest tactics, such as using lock-on devices, blocking major roads and ports, or trespassing on business premises such as farms or forestry sites. Some of these amendments to the law were triggered by particular protest events and were pushed through at speed with little consultation. For example, the Road and Crimes Legislation Amendment Bill 2022 in NSW was introduced nine days after the protests of Blockade Australia at Port Botany began and was passed within three days. This bill prevents protests from blocking major roads, ports, train stations and other critical infrastructure. Such legislative changes thus support the containment of protest to only those forms already identified as legitimate.

The banning of Nazi symbols in Victoria in 2022 is another illustrative case of the effects of legislative change upon protest. The legislative change prevents the use of symbols associated with far-right groups, thus legally curtailing aspects of assumed ideologies rather than particular protest activities or places of protest. Such legislative changes support wider society in containing protests to those forms already accepted as legitimate. For example, one commercial stakeholder explained of such legislation:

*It strengthens our position to engage with police if we're concerned about something. ... If you're saying it's illegal to have had these kinds of symbols, that just allows us to reach out as legitimate ... to police and say we've seen this in our [business] and they are required to act on it (N1, Commercial).*

At the same time, protesters who might otherwise feel convinced of the need for an extreme counter-narrative can become more cautious because of the sanctions that such legislative changes entail. One activist explained that:

*“You can feel the chilling effect. Activists are actually concerned about running protest and organising protests because they're not sure of how the police will respond and how many people will get arrested” (N10, Activist).*

While some protest groups actively seek arrest as part of their counter-narrative, to draw attention to their cause, for many, a criminal record is a disincentive to some forms of protest that have been stigmatised by law.

Taken together, these discursive and structural ways of curtailing disruptive protests serve to reinforce the dominant narrative about what a legitimate protest entails. However, such efforts at containment indicate that the social legitimacy of such protests is in flux. That is, the ‘right’ way to protest can no longer be taken-for-granted as widespread within society. As the dominant narrative cannot be assumed, discourses and social structures have shifted towards actively stigmatising disruptive protests as a means of containing them. We argue that this shift towards stigmatising is evidence that a challenge to the existing social order is perceived. In the next section, we explain three ways that challenge is manifesting as a push back against the dominant narrative.

**...the ‘right’ way to protest can no longer be taken-for-granted as widespread within society.**



## 5.2 Pushing back on efforts at stigmatising protests

As further evidence of the current flux in the social legitimacy of disruptive protests, we found a push back against the above efforts at stigmatisation. This pushback took three forms:

1. A growing moderate counter-narrative endorsing the causes of protests;
2. Appealing against criminal charges and changes to the law; and
3. Undermining a 'heavy-handed' legislative approach to protest

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### 5.2.1 A moderate counter-narrative endorses protests

As explained in Section 4.2, an extreme counter-narrative is deliberately positioned against the prevailing view, in order to disrupt and generate social change. One sign that a counter-narrative is beginning to take root is its importation into wider society as a moderate counter-narrative adopted by a wider group of stakeholders beyond solely those who would term themselves activists. We found that this moderate counter-narrative is taking hold in Australia in relation to protests, protesters, and their causes. As one stakeholder explained:

*We should always call them [government] out and push back against the encroachment on our rights when they get things wrong. What we saw during the lockdown ... I'm not for breaking the law but I'm certainly for protests. I think in a civic society it's our duty to protest, it's a shout from the rooftops when there was injustice, when government oversteps the mark (N3, NGO).*

Increasingly, such stakeholders appeared to be endorsing disruptive protests. Acknowledging that protest should be peaceful, this growing moderate counter-narrative emphasised that without disruption these important causes would not be noticed.

For example, one Member of Parliament (MP) explained that disruptive protest was necessary;

*How else are you going to get your message across unless you interrupt or disrupt industry? ... if people want to protest and stop the trucks getting to the factories, then that's the only way that the normal person can ... put any pressure ... to change" (N22, MP).*

Some of these stakeholders sought to distance themselves from extreme counter-narratives whilst endorsing their causes. For example, one activist explained of their climate protests "**most of us don't want to be associated with [Extinction Rebellion]**" (N15, Activist), even as more moderate activist groups, such as the Knitting Nannas, backed climate causes on the basis that even those who "**appear to be mild, middleclass and conservative**" can be activists and contribute to change. The basis for these moderate counter-narratives is that, while protests and protesters should not be violent, their causes are important to society, and so, should be supported. A rising moderate counter-narrative indicates that the causes of protest are beginning to permeate wider society, thus countering efforts to stigmatise, while indicating a growing legitimacy for the protests and the protesters.

## 5.2.2 Appealing against changes to the laws and sometimes succeeding

At the same time, efforts to criminalise protest activity through the new legislation highlighted in Section 5.1.2, has attracted pushback by both members of the public and from MPs. We found that pushback involved both the blocking of anti-protest legislation and also support for protesters who had been charged.

First, not all legislation to curtail protest was successful. A bill proposed by Tasmanian liberals in late 2019 sought to prevent the disruption of business activities (Figure 3 and Appendix A) in Tasmania by introducing new offences of **“trespassing on business premises and in or on business vehicles, obstructing public thoroughfares, and threatening to commit an offence to impede the carrying out of business activity”** [35]. The bill also provided police with more powers of arrest with broadened scope of move-on powers. Yet there were many more submissions critiquing the bill than the two that gave support. Human rights organisations argued that because of the very broad definition of business premises including **‘forestry land and mining sites’ the bill would have unintended consequences on people carrying out minor protest activities, such as petitioning or encouraging protests on social media** [36]. Arguments against the bill also included the need to protect Tasmania’s valuable history of social protest. The bill was ultimately rejected by the Legislative Council on 25 March 2020. As one MP emphasised, existing laws were sufficient as the activities that needed protecting **“could have already been done with the current rules they had”** (N22, MP). A later **‘watered down bill’** [37] that sought to protect forestry and mining in Tasmania targeted trespass laws, and this was passed in 2022. This failure to pass anti-protest legislation through both houses of parliament illustrates the push back against efforts to use the law to stigmatise protest activities, even by those who do not position themselves within an extreme counter-narrative.

In a similar form of pushback against legislative change, members of the public and moderate activist groups began to combat the new laws and support protesters charged under them. For example, members of the Knitting Nannas filed a legal challenge against NSW anti-protest legislation due to their concerns over the proposed fines and imprisonment, stating that;

*Australia has a long and proud history of protest, and we have to guard these parts of our democracy with zealously (M11).*

Despite efforts to stigmatise climate protesters as **“green-collared criminals”** [38], members of the public began to display support for those charged under the new laws. For example, one activist noted **“that things are shifting”** (N13, Activist), recounting leaving the Magistrate’s Court after being charged and receiving flowers from a member of the public; **“a passer-by had ... gone and bought some bunches of flowers and gave the flowers to everyone. And that, like, that’s such a contrast to just being shouted at”** (N13, Activist). These changing sentiments towards legislative efforts to curtail disruptive protests show the increasing social legitimacy being accorded to protesters and, particularly, the climate protest cause.

### 5.2.3 Undermining a ‘heavy-handed’ legislative approach to protest

Consistent with the changing public sentiment towards protests and rejection of the criminalisation of protest activities, stakeholders, including MPs and law enforcement agents, began to decry the heavy-handed approach. They pointed out that the laws were being rushed through without sufficient consultation or consideration. Emphasising that protest was part of a democratic society, these stakeholders felt rapid legislation to block some aspects of protest activity were counter productive because they were difficult to enforce and undermining trust in government. One NGO explained that, following a spate of road blockages by climate protesters, the government **“rushed through the legislation”** (N20, Human Rights/NGO). Yet, **“trying to regulate that using very broad legislation, applying to all roads or applying to all bridges and tunnels”** (N20, Human rights/NGO) was ineffective because, as another NGO pointed out,

*criminal law is a blunt instrument to try to achieve societal change* (N8, Human Rights/NGO).

A law enforcement agent expressed frustration at trying to enforce such laws;

*a kneejerk legislation change doesn’t always provide much assistance to law enforcement or anybody that wants to legally protest* (N26, Law Enforcement).

The problem was that the laws, rather than curtailing protests, were generating sympathy for the protesters and their causes.

People also began to feel uneasy about the power imbalance arising from these changes in legislation, querying their role in a democratic society. One law enforcement agent expressed concern over the increasing powers to intervene in activities even prior to protest;

*“if people have the right to protest, then why are we looking at them before they've even gone to one? That sort of profiling [makes] me a little bit uncomfortable”* (N24, Law Enforcement).

Others pointed out that if a government was signing up to climate change policies, then it was inconsistent to criminalise those who were trying to hold them to those policies through their protests;

*“[When a] government is generally positioned ...for strong action on climate change it's hard to match-up the rhetoric around these anti-protest laws ... to ensure that, you know, coal operations continue and forestry continues”* (N10, NGO).

Taken together, these rushed laws, inconsistent messages, and power imbalances can appear heavy handed, un-consensual and so, illegitimate, ways to curtail disruptive elements of protest in a democratic society. Such efforts thus begin to undermine the efforts to stigmatise disruptive protests and can even provide momentum for a counter-narrative.

# 6. RECOMMENDATIONS AND FURTHER RESEARCH

This report has examined whether the social legitimacy of disruptive protests is changing in Australia. Our research, based on media coverage of the 10 most disruptive protests in Australia since the start of 2020, interviews with different stakeholders involved in protesting or in responding to or managing the effects of protests, and on government enquiries into extremism, has enabled us to show that the social legitimacy of both the disruptive nature of protests, and of the protest causes is in flux. Using a framework that explains how social issues shift between stigmatisation and legitimacy, we have demonstrated that disruptive protests are increasingly stigmatised, both socially and legally. However, at the same time, a groundswell of pushback is forming against this stigmatisation, on the basis that disruption is important to build visibility for protest causes. A growing moderate counter-narrative, while it abhors violence, advocates for the rights of protesters to be heard and not to be criminalised. Historical research suggests that such flux can precede or herald a tipping point in social movements, in which causes gain traction and social legitimacy within a society.

Based on our study, we offer the following five recommendations that are standalone but also build from each other.

## 1. Heed disruptive protest as an indicator of social change.

Protesters use disruption to draw attention to their causes when they feel that the orderly and legal means of protest are not generating visibility or action. As shown in Section 4, protesters feel a growing sense of urgency around issues such as climate change. This urgency, accompanied by a sense of lack of action, can foment greater unrest and motivate disruption to focus attention on a cause. Efforts to curtail such disruption, socially or legally, without attention to the underlying sources of disruption are likely to have only short-term success in containing these protests. As Section 5.2 shows, suppressing such protests may even generate a counter swell of sentiment and increase both visibility of the cause and the propensity for disruptive protest. When protesters are motivated to actively disrupt society, beyond the existing vehicles for democratic protests, we recommend that these activities be heeded as calls for social change.

## 2. Engagement is a vital complement to law-making.

As shown in Section 5.1, laws have been brought in to contain aspects of disruptive protest. While these laws provide the ability to criminalise and so curtail protest activities, when rushed through they can be counterproductive, as shown in Section 5.2. Hastily imposed laws may be difficult to enforce, and so complexify the work of law enforcement agents, generate loss of trust in government, and raise public sentiment that contributes to the very protests that those laws seek to contain. We recommend engagement with the target groups who will be impacted by legislative change, including those who are protesting, the businesses and communities affected by the protests and the proposed laws, and those who will need to enforce the laws in the street and in the courts. Such engagement will be an important complement, helping to both ameliorate the pushback from society over perceived heavy-handedness and prevent unintended consequences of law-making around protests.

### **3. Reserve criminalisation for containing the most extreme ideologies.**

While our report found much flux over the social legitimacy of many protest activities and their causes, from protest against COVID-19 restrictions to climate change, we found no appetite or tolerance for violence and extreme ideologies. Indeed, infringing on the rights of vulnerable people, and inciting hatred and violence were widely seen as reasons to stigmatise a cause. In the media, and in private communications with the research team, extremist ideologies have been called out as sources of 'domestic terrorism'. As shown in Section 5.1, some specific overseas extremist movements have been identified as terrorist organisations by the Australian government. Such identification criminalises and removes the legitimacy of these organisations and those who identify with them in Australia. While no homegrown ideologies have yet attracted the terrorist label, it is potentially foreseeable, especially where some ideologies are seen to be associated with anti-government interests, overseas influence, and extreme violence. For law-making and criminalisation to be most effective, we suggest that it is reserved for these most extreme ideologies.

### **4. Business and industry are part of a social movement.**

Businesses and industries affected by the disruptive protests in our study, and sometimes even specifically targeted, have reasons to want to curtail the effects of these protests. However, business and industry are part of, rather than separate from the social movements taking place. Research shows growing levels of employee activism as employees expect their companies to 'walk the talk' of their claims for social responsibility [39]. In addition, consumers expect to see greater social accountability from the companies that they use. Our research shows a groundswell of approval for some causes, such as climate action, from otherwise moderate groups in society. Hence, even as businesses seek to manage the implications of disruptive protest by preventing harm to employees and customers, they should remain aware that there are increasing calls upon them, both internally from employees and externally from consumers and the wider public, to demonstrate that they are in tune with the changing social legitimacy of some causes.

### **5. Civil unrest has insurance implications.**

Growth in disruptive protest, and in the impression that protest has become more disruptive, has implications for insurance. Civil unrest that causes business interruption is a potential growth category for insurers, given the costs that may accrue from such disruptions. This type of event, known as strikes, riots, and civil commotion (SRCC), does not appear to have generated significant costs in Australia at this stage. However, costs can be significant, particularly when key industries such as marine and cargo are affected [40], or when sections of a city close down and businesses are damaged during riots. For example, the 2020 Black Lives Matter protests in the USA were reported to generate losses in excess of \$2.7 Bn AUD [41]. Insurers should consider whether SRCC events are defined within their policy wordings [42], and how such events are covered or excluded. In addition, they may wish to expand their ability to provide cover if business demand grows. Businesses might also consider what insurance cover they have for disruption if Australia experiences extensive civil unrest. In addition, in a changing legislative environment surrounding protest activities, the potential for liabilities may also increase, indicating that businesses, governments, and insurers should actively consider SRCC as part of the insurance context within a country.

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# APPENDICES

## Appendix A - Summary of evolving protest-related legislation in Australia (as at November 2022)

Jurisdiction	Trigger for legislative amendment	Timeline dates 1. bill was first tabled, 2. Parl debate, 3. Final bill	Title of bill	Revision (nature of amendments) title	Purpose of Bill, i.e., key activity to be legislated & other insights (e.g., Opposing views).	Rationale, values or benefits, beneficiaries
AUS	Aussie Farm protests on industrial farms, associated with the launch of an interactive and collaboratively produced online map (with GPS coordinates) in January 2019.	1. 4.07.2019 2. 1.08.2019 House of Representatives 11.09.2019 Senate 3. 19.09.2019	The Criminal Code Amendment (Agricultural Protection) Act 2019	1. Sen. Nick McKim (Greens) proposed to withdraw the legislation (9 Senators in favour, negated). 2. Sen. Ciccone (Labour) proposed that Government carefully monitors the new law for unintended consequences and urgently amends the law if needed (negated after an equal number of votes in favour and against). 3. Sen. Bridget Mackenzie (National Liberals), Minister for Agriculture, introduced an amendment to include wood processing facilities in the bill's scope (agreed in Senate, including Labour). <sup>1</sup>	Strengthening criminal trespass laws to protect agricultural premises by penalizing the use of communication services that are believed to incite trespassing, damaging or theft from agricultural premises. <sup>ii</sup> Whistle blowers and journalists are exempted from this law.	1. Safety of farming families and businesses. 2. Freedom from interference in privacy and correspondence 3. Ensuring a safer food system (targeting breaches of biosecurity protocol). <sup>iii</sup>
QLD	1. Climate protests, especially Extinction	1. 19.09.2019 2. 3 <sup>rd</sup> reading: 24.10.2019	The Summary Offences and Other Legislation	Amendments added in the 3 <sup>rd</sup> reading by Mark Ryan (Labour MP, Minister for Police) to	To deter people from using dangerous attachment devices.	1. Danger to the first responders and to the



Jurisdiction	Trigger for legislative amendment	Timeline dates 1. bill was first tabled, 2. Parl debate, 3. Final bill	Title of bill	Revision (nature of amendments) title	Purpose of Bill, i.e., key activity to be legislated & other insights (e.g., Opposing views).	Rationale, values or benefits, beneficiaries
	<ul style="list-style-type: none"> <li>1. Rebellion in August 2019.</li> <li>2. Coal mine protests.</li> <li>3. Animal rights protests.</li> </ul>	3. 30.10.2019	Amendment Act 2019 <sup>iv</sup>	clarify definitions of attachment devices and improve police accountability.  (See <i>protocol below for details</i> ).	<i>Please see details in the protocol below.</i>	<ul style="list-style-type: none"> <li>1. protesters themselves.</li> <li>2. Disruption to business.</li> <li>3. Quality of life costs to the broad public (e.g., those working in Brisbane CBD).</li> </ul>
NSW <sup>v</sup>	<ul style="list-style-type: none"> <li>1. Climate protests (especially in Port Botany in early 2022).<sup>vi</sup></li> </ul>	<ul style="list-style-type: none"> <li>1. 30.03.2022</li> <li>2. 31.03.2022 – Legislative Assembly (3 readings)</li> <li>31.03.2022 and 1.04.2022 – Legislative Council</li> <li>3. 1.04.2022</li> </ul>	Roads and Crimes Legislation Amendment Bill 2022 <sup>vii</sup>	Amendments introduced by Labour in the Legislative Council (1.04.2022) exempted certain types of protest (industrial action) and locations (Parliament House and offices of MPs) and were accepted.  (See <i>protocol below for details</i> ).	<ul style="list-style-type: none"> <li>To prevent protests from blocking major roads, ports, train stations and other critical infrastructure.</li> <li><i>Please see details in the protocol below.</i></li> </ul>	<ul style="list-style-type: none"> <li>1. Curbing 'economic vandalism'<sup>viii</sup>, protecting business activity.</li> <li>2. Preventing disruptions to the general population.</li> </ul>
Tas	<ul style="list-style-type: none"> <li>1. <i>Brown vs Tasmania</i> in 2017: most prohibitions in Workplaces (Protection)</li> </ul>	1. 14.11.2019	Workplaces (Protection) from Protesters)	Cassy O'Connor (Greens MP in the House of Assembly) proposed withdrawing	To amend the Workplaces (Protection from Protesters) Act of 2014 to ensure the protection of	Protecting lawful business activity, businesses and their employees

Jurisdiction	Trigger for legislative amendment	Timeline dates 1. bill was first tabled, 2. Parl debate, 3. Final bill	Title of bill	Revision (nature of amendments) title	Purpose of Bill, i.e., key activity to be legislated & other insights (e.g., Opposing views).	Rationale, values or benefits, beneficiaries
	Amendment Bill 2022 in NSW. 3. <i>Brown vs Tasmania</i> in 2017.					situations when a driver almost kills a protester without any such intention.
Vic	1. The increased display of the Nazi swastika in public and the Vic government's concern about that. 2. The recognition that there are gaps in Victoria's hate speech laws.	1. 11.05.2022. 2. 9.06.2022 (Legislative Assembly) 21.06.2022. (Legislative Council) 3. 28.06.2022	The Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022	Amendments in the Legislative Assembly from Labour MP Natalie Hutchins revolved around quicker commencement of the law (within 6 months and not a year). It became part of the law.	To make the public display of Nazi symbols an offence, in the wake of a recent surge in use of the swastika in protests in Victoria, and thereby to assist in combating racism, far-right extremism and vilification.  The bill excludes other swastikas which are not the Hakenkreuz, thereby strengthening cultural and religious communities which use this ancient symbol. The bill promotes education.	The cohesion of the multicultural society in Victoria, especially given that the state has the largest per capita number of Holocaust survivors outside Israel.  Reclaiming the swastika symbol for Hindu and other communities.  Raising social awareness and improving education about what is (and what is not) a hate symbol.

Jurisdiction	Trigger for legislative amendment	Timeline dates 1. bill was first tabled, 2. Parl debate, 3. Final bill	Title of bill	Revision (nature of amendments) title	Purpose of Bill, i.e., key activity to be legislated & other insights (e.g., Opposing views).	Rationale, values or benefits, beneficiaries
Vic	'Dangerous protest tactics' in tree harvesting zones, but no particular events were mentioned in the introductory speech.	1. 24.05.2022. 2. 23.06.2022. (Legislative Assembly). 4.08.2022. (Legislative Council). 3. 9.08.2022.	Sustainable Forests Timber Amendment (Timber Harvesting Safety Zones) Bill 2022	A minor amendment from Nationals exempted dogs owned by authorized person in the harvesting zone. It did not enter the legislation.	Prevent logging protests in timber harvesting safety zones, especially using 'dangerous tactics'. Authorities are given additional powers to search containers, bags, and vehicles. They are also in power to issue banning notices.	The bill is oriented at creating safe working environment for forestry workers. Mental health considerations were mentioned in particular, as workers are at risk of getting hurt or unintentionally hurting others.

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The University of Queensland Business School, April 2023