

# CIVIL LIBERTIES IN QUEENSLAND a nonviolent political campaign

by Mark Plunkett and Ralph Summy

With the exception of the anti Vietnam War campaigns of the sixties and early seventies, as well as some protracted industrial disputes, the last few years (1977-80) in Queensland have witnessed Australia's biggest protest movement of the post World War II period.

Moreover, what has become known as the 'Right to March' movement is one of, if not the biggest sustained protest in the entire history of the State of Queensland.

In September 1977, the Queensland Government banned political street marches, thereby triggering off a state-wide civil liberties campaign of defiance that resulted in some two thousand people being arrested, locked up, and fined, and about one hundred being imprisoned. The cost of this enforcement to the State Government amounted to almost five million dollars.

That such dissident fervour could be generated in a state like Queensland, generally regarded as having the most unenlightened politics and most reactionary government of any of Australia's six states, came as a surprise to many people. Its two million population comprises mainly conservative and apathetic citizens whose politics are grounded in an ambience of affluent complacency and non-intellectualism.

This article will focus on the dynamics of the nonviolent political action that characterised the campaign. It will examine how the Queensland civil liberties movement non-

violently challenged Parliament, Government, Police, Courts, Prison and the Public. It will show how the movement, by harnessing nonviolent techniques, was able to:

- 1) twice plunge the Government budget into deficit, and financially break the Queensland Police Force, thereby proving it was cheaper to allow marches than to stop them,
- 2) contribute to the downfall of the leaders of both the State Liberal and Labor Parties,
- 3) cause a great upheaval in the Queensland Coalition Government, the discord spilling over into the federal sphere,
- 4) generate nationwide debate and concern on the issue,
- 5) expose the authoritarianism and injustice of the Queensland political system,
- 6) recruit and radicalise a great number of individuals,
- 7) win widespread third party support from numerous non participants,
- 8) and force ultimately the State Government to relax the march ban.

Despite these successes, the campaign revealed many shortcomings. Since the principles of nonviolence were applied in only primitive form, the movement had far greater potential than it ever realised.

## Short History and Reasons For Ban

The Queensland Premier, Mr. Bjelke-Petersen, publicly announced the march ban on 4 September, 1977 in the following terms:

'Protest marches are a thing of the past. Nobody, including the Communist Party or anyone else, is going to turn the streets of Brisbane into a forum. Protest groups need not bother applying for permits to stage marches because they won't be granted....'<sup>1</sup>

The Premier reaffirmed this position the next day:

'The day of the political street march is over. Anybody who holds a street march spontaneous or otherwise will know they're acting illegally....Don't bother applying for a permit. You won't get one. That's government policy now.'<sup>2</sup>

Under the old Traffic Act an applicant who was refused a permit to march by the issuing authority (*viz.* the police) could appeal to a magistrate. Mr. Bjelke-Petersen swiftly had special laws passed by the Queensland Parliament abolishing the recourse to the court. Appeals now would be made to the Police Commissioner — from Caesar to Caesar, so to speak. Since the previous Police Commissioner had only recently resigned on the grounds of the State Government's political interference in the execution of his duties, and the new appointee was alleged to mirror the views of the Premier, the prospects of securing effective outlets for dissent were not particularly sanguine.

The main purposes of the ban appear to have been: 1) to remove from the growing anti uranium movement a critical forum for mobilizing political pressure; 2) to ensure that shipments of 'yellow cake' (uranium oxide) could be transported from the Mary Kathleen mine to Brisbane and loaded on overseas bound vessels at the Hamilton container terminal without disruption by anti uranium demonstrators; and 3) to provide Mr. Bjelke-Petersen with a law and order issue for the forthcoming state elections.

On this last point, one of the daily newspapers observed: 'With an election due, he needs an issue, and law and order is a guaranteed vote-catcher in Queensland today...Mr. Bjelke-Petersen knows he will lose ground electorally if he tries to campaign on his Government's record...'<sup>3</sup> The march ban was proclaimed only two days before the date announced for the state elections.

On whether the ban was a political ploy, Mr. Bjelke-Petersen originally commented: 'It won't hinder it. It will help it. But we don't need this type of help.'<sup>4</sup> However, after the election the Premier was quick to claim that 'the march ploy was a specific issue in the State election'<sup>5</sup> and to suggest that as the Government had been returned it now had a mandate for the ban.

That the ban was primarily instigated to stifle opposition to the mining and exporting

of uranium appears incontrovertible. The Premier was deeply implicated in the promotion of uranium mining. Further, despite the Federal Government's decision to issue export licenses, a threat to the continuation of this policy existed in the form of an aroused mass movement. As was noted in one of the first civil liberties pamphlets, 'It is precisely these 'mobs' who got Australia out of the war in Vietnam; who stopped relations with South Africa sport; and are now joining with and broadening the trade union opposition to Fraser's uranium policy.'<sup>6</sup> Queensland's Campaign Against Nuclear Power (C.A.N.P.) was gaining momentum with every open air meeting and demonstration it held, while in the southern states the anti uranium movement was beginning to forge the public debate called for in the Report of the Royal Commission into Uranium Mining, 1977 (the Fox Inquiry)<sup>7</sup> — a major recommendation which the Federal Government had chosen to ignore.

Under these circumstances, Mr. Bjelke-Petersen frankly admitted the march ban's link to the uranium issue. 'We were warned', he said, 'that anti uranium demonstrations like the one in Sydney today were being planned for Brisbane. That's why this action has been taken.'<sup>8</sup>

What was most important, from the Government's point of view, was that unionists did not join the protesters in a con-

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Mr. Bjelke-Petersen

certed campaign to prevent the shipment of 'yellow cake'.<sup>9</sup> Immediately prior to the imposing of the ban, protesters, with the assistance of some trade unionists, had blocked rail carriages at the Hamilton container terminal. After the ban's passage, the Premier boasted, on many occasions, that if the Federal Government was having any difficulty shipping uranium out of Australia they should send it through Queensland. His Government had ways of making sure it got through.

With police detailed to the container terminal, the opponents of nuclear power were not able to curtail the shipment of 'yellow cake' abroad. On the other hand, the ban did not succeed in curbing the growth of the anti uranium protest movement; if anything, it fuelled the movement's growth. And, of course, it gave birth to another movement that caused the State Government even greater concern.

During a period of more than two years, tens of thousands of people participated in rallies, pickets, and abortive and secret marches for civil liberties throughout the State — in the capital city of Brisbane and in the provincial cities and towns of Mt. Isa, Townsville, Mackay, Collinsville, Rockhampton, Bundaberg, Maryborough, Toowoomba and Coolangatta. The number of separate protests reached into the hundreds, at which over 2,000 people were arrested and 4,500 charges laid by the police (see Table I). Although countless applications for permits were made by sections of the movement, they were invariably denied, except on one occasion in Mackay and another in Townsville....

That is, until the break-through of Hiroshima Day, 5 August, 1979 when police granted permits in four provincial cities (though they still refused one in Brisbane). Four days later, however, a permit was granted for a Brisbane Nagasaki Day protest march. And the following month, 250 students were allowed to march in support of higher tertiary allowances. And, in November, the privilege was extended to two hundred power workers campaigning for a thirty-five hour week.

More recently, C.A.N.P. demonstrators have picketed and handed out leaflets for two hours outside the offices of the United States Consulate without police interference.<sup>10</sup> As well, a permit was granted to the International Women's Day organisation committee to conduct a city march on a Saturday afternoon.<sup>11</sup> Even the Government's original adversary, the C.A.N.P., was given a permit to hold a march beginning noontime on a Saturday.<sup>12</sup>

Thus there are indications that the march ban has been lifted. At the very least a blanket ban has given way to a selective one. For some of the actionists this is regarded as a victory. For those whose principal goal was to change the law it comes as a disappointment.

However, for others it provides the biggest challenge yet. The Government is seen as having played its last card — i.e., neutralising the movement by acceding to *some* march requests. Since there is no guarantee the ban will not be reimposed, it becomes imperative for the movement to remain alert and retain its organisational framework.

## The Movement and Nonviolent Strategy

The movement consisted of students, radicals, churchmen, parliamentarians, unionists, reformists, environmentalists (the uranium moratorium movement consisted of

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Tom Uren and Senator George Georges  
at a civil liberties rally in Brisbane.

The Courier-Mail

sixty-seven groups), liberals, hard line ideologically oriented left groups and many ordinary, hitherto politically uncommitted, people. Depending on the perspective of each group, different aspirations were involved.

The liberals and reformists wanted a return to the old appeal procedure. To them 'the system' was basically sound and a reversion to the former procedure would restore confidence and enable a truly pluralistic society to function. The radicals wanted to build a united extra-parliamentary opposition, as the formal Opposition Party (the Labor Party) reflected too closely the thinking of the Government. Many ideologically oriented left groups sought recruits for the building of a genuine people's revolutionary movement. Others wanted to focus on developing a class consciousness about the fundamental nature of capitalism in Australia. Churchmen, whose humanitarian impulses were sustained by Christian principles, believed there was a moral duty to speak out against oppressive and violent government (and not merely to bless its victims). Some practised what they called 'liberation ideology'.<sup>13</sup> Pragmatic politicians used the issue to convince the electors that the policy of their political party was preferable to the Government's (although Senator George Georges and M.H.R. Tom Uren were seen more as leaders of the civil liberties cause than as members of the ALP, and Hugh Hamilton was seen as a genuine working class figure than as an official of the

State branch of the Communist Party of Australia).

Although the movement comprised so many different groups, it was, for the most part, united on two key points, viz, the goal of defeating the ban and the need to do so nonviolently.

The nonviolence stemmed from strategical considerations. Only a few actionists were committed to nonviolence in a deeper philosophical sense. The view was generally shared that it was futile to proceed up the conventional channels, as these had been effectively blocked off. Nor was violence a very appropriate response. Not only did the Government have at its command a preponderance of physical force, but one of the arguments it repeatedly cited for invoking the ban was that these 'radicals and ratbags' were violence prone. 'Our society', claimed the Government, 'cannot permit the streets to be turned into a battlefield.'<sup>14</sup> Thus if violence were committed in the streets, it must not come from the actionists whose peaceful behaviour would be the best proof of the ban's irrelevancy. Should violence or strong-arm methods be introduced by the police, this would rebound to the disadvantage of the Government in a process Gene Sharp describes as 'political jiu-jitsu'.<sup>15</sup>

The nonviolent strategy was aimed mainly at inducing third parties to join the opposition to the ban, or for them at least to become

aware of its civil liberties implications and therefore decline to support the Premier on the issue. If the strategy succeeded in getting the public to withdraw its open or tacit endorsement of the Government's policy, then eventually the ban would have to be lifted.

Enlisting such support meant resorting to orthodox political techniques such as lobbying parliamentarians, petitioning parliament, and entering court challenges. Whilst the movement, itself, generally held little faith in the system's ability to respond to moves 'up the right channels', the approach seemed necessary if conservative third parties were to be convinced of the Government's intractability and hence of the need for political leverage outside the conventional sphere.<sup>16</sup> At the same time the point needed to be stressed that the form of the political leverage involved fundamental civil liberties deeply embedded in the British tradition — again, an appeal to conservative values.

On the question of whether the movement should apply for permission to march under the new law, there was much internal division and heated debate. The church and environmentalist groups tended to adopt the position that it was morally and politically desirable to demonstrate good will, so that they went through the motions of seeking and being denied permits. Some even went so far as to lodge appeals, only to have them perfunctorily rejected.

The leadership of the Civil Liberties Co-ordinating Committee, on the other hand, refused to apply for permits, seeing this as an act of collusion with a bad law and of submission to an authority that no longer merited obedience. The CLCC argued for the ideal system that existed in South Australia where persons intending to march were only required to notify the police, and if the police found reason to object, it was *they* who had to show cause before the court. The underlying principle was that marches and demonstrations were a right and not a privilege subject to the discretion of a public servant.

Despite the division within the movement about applying for permits, unity generally prevailed as to the course of action to be adopted once an application had been rejected. An illegal march should be attempted; the movement should knowingly refuse to cooperate with the lawful authorities and deliberately set out to confront them. However, the march, at all times, must be conducted nonviolently.

In practice, although some situations evolved with a potential for violence due to the movement's tactical shortcomings, the creation of any riot situation was successfully avoided. None of the demonstrators or police was ever hospitalised with serious injury. Some people suffered bruising, strained muscles and shock, but mainly because they resisted arrest or became the victims of rough police handling.

The standard procedure in Brisbane was usually to hold a large public rally at which the various issues would be debated, a vote taken on the tactics to be adopted, and then a march attempted from King George Square into the arms of awaiting police in Albert Street.

At pre-march meetings and during the rallies, detailed proposals for tactics were distributed on roneoed sheets, considered, amended, voted upon and adopted. These contained advice such as: 'avoid actual contact with police', 'at all times do not provoke the police', 'if police openly attack us on the steps, we generally sit down, linking arms', 'move forward slowly', and 'there should be no pushing from the rear section of the march'. Many other suggestions were put forward in order 'to help reduce the possibility of mass hysteria and police violence'. Demonstrators were warned to 'beware of police provocateurs or anyone advocating violence', to 'keep a clear head', to 'remove all sharp or potentially harmful objects from pockets', and to 'not try to push through police lines'. 'Don't resist arrest violently. This will only encourage police to work out their frustrations on you.'<sup>17</sup>

The tactics worked well when protesters, arms held aloft, peaceably delivered themselves to police. When some police in the full blaze of the television cameras roughly pulled down their arms and twisted them behind their back, the point about 'whose violence' was registered more sublimely than words could ever match.

The success of the tactics depended on discipline and dedication. Large numbers of police seemed totally unnecessary when a reporter could comment about the 31st October, 1978 rally:

'True civil rights believers who marched and got themselves arrested out of pure principle also closely observed their leaders' request that it be a passive, non-violent protest. In fact, the early arrests had a quaint air of old world courtesy about them. I saw one policeman just crook his finger at a man marching behind George Georges. The man stopped and proffered his arm which the policeman lightly took. It was almost like selecting partners for a waltz. They moved to the end of a queue forming at an arrest van. They chatted amiably while they waited their turn.'<sup>18</sup>

### *No Marches, Guerilla Marches and Border Marches*

A very effective tactic — because it showed the absurdity of trying to enforce the ban — was the vote not to march. On April Fools Day 1978, over one thousand police (a third of the entire force) stood for over four hours in pouring rain waiting for a march that never eventuated. The rally decided not to march when speaker after speaker argued that rather than donate money to the Premier in fines and lost bail it would be better spent on advertising. Meanwhile, the television cameras focused on the phalanxes of police rimming the Square.

Following a vote by the rally for an April Fools joke, the last speaker advised the dispersing crowd: 'OK, remember now this means Plan B. You all know what this means'.<sup>19</sup> The police, who missed the point, waited anxiously around the Square for another fifteen minutes, apparently suspicious that 'a hard core of near professional demonstrators from communist and left wing organisations'<sup>20</sup> were up to something.



Time Off

Another effective technique was the 'guerilla march'. Simply stated this involved the holding of secret snap marches without giving the police or public any advance warning. There was no way the police could anticipate them or marshal forces quickly enough to stop them. Afterwards the press, if it had not been tipped off in advance, would be apprised of what had happened.

On 1 November, 1978, approximately two hundred striking unionists caught police unawares by marching illegally through Brisbane streets to protest arrests made at a civil liberties rally and march two days earlier. Led by Mr. Uren and Senator Georges, the marchers, who belonged mainly to three maritime unions, marched for about fifteen minutes from the Trades Hall Building to the South Brisbane Watchhouse, a distance of some five kilometers which included crossing the Victoria Bridge. A traffic policeman spotted the illegal marchers, but made no attempt to stop them. When they reached the Watchhouse about twenty uniformed officers had been mustered and a further forty arrived a few minutes later. However, there were no arrests; one headline next day read: 'Unions Spring a March Shock'.<sup>21</sup>

On 7 April, 1979, Townsville police received reports about an illegal march down the main street. Yet when they arrived on the scene, they were unable to find any trace of a march. 'At the first sign of confrontation with the police' the marchers had disappeared into shops and buildings.<sup>22</sup> This was the first in a series of 'guerilla marches' organised by the Townsville Co-ordinating Committee for Civil Liberties.

On 26 April, 1979, two hundred students marched off the University of Queensland campus. Instead of taking the usual Sir Fred Schonell Drive exit, they moved down Carmody Road where police were not expecting them. Hurriedly the police boarded their buses and scouted down suburban streets in pursuit of the students.

The march quickly became a game of manoeuvres with overtones of a student prank. Student spotters, armed with walkie-talkies, kept watch on police movements, and relayed the information to the marchers so they could avoid the main groups of police by escaping down side streets. After many changes of direction and diversionary manoeuvres, the marchers happily disbanded in a park about two hours later. Only three of their number had failed to escape the police net.

Despite these arrests, an element of tolerance and good humour prevailed on both sides. Reporting under the headline 'Queensland Police Led on Merry Chase', the *Sydney Morning Herald* detected shades of the Keystone Cops:

'In a series of almost comic manoeuvres, police in cars and buses passed by the marchers several times as they tried to contain the erratic march. On one occasion a bus load of police waved as they were cheered by demonstrators going in the opposite direction.'<sup>23</sup>

On another occasion in Townsville a permit was granted in the wake of a 'guerilla

march' staged at a local K-Mart shopping centre. Without warning the marchers had set out, but then quickly dispersed when the wail of approaching police sirens could be heard. Shortly thereafter, a permit was applied for in conjunction with the Townsville Pacific Festival's mardi gras weekend. The police were informed that if no permit were granted, a secret procession would nonetheless take place (unbeknown to the police, the plan was to sail a flotilla of sampans down Ross Creek to the city centre).

Coincidentally, a rash of unsolved safe-breakings had been occurring in the city, so that police were under some pressure not to despatch their staff on guerilla spotting exercises. A permit was granted. Although the march was held on a Saturday morning, it did not appear to interrupt the commerce of the city. Interestingly, in this very conservative North Queensland city many of the onlookers applauded the exuberant marchers. Afterwards the festival spirit was continued at a rally, despite the presence of Special Branch Police busily engaged in taking photographs. The following week an application for a permit by M.A.U.M. was denied, but chinks were beginning to show in the Government's defence.

In Brisbane another 'guerilla march' was held on 12 January, 1979 — the occasion of the Premier's tenth anniversary as head of the State Government. A one hundred strong contingent marched through city streets, in full view of late night shoppers, proclaiming the 'march was in honour of ten years of dictatorship in Queensland'.<sup>24</sup> The march proceeded unchallenged along Queen, Albert, Adelaide and Edward Streets to the steps of the Trades Hall. When police finally arrived, the marchers quickly dispersed so as to avoid any arrests.

A third effective variation on the standard abortive march theme was the border march. To contrast the march provisions in the New South Wales law with those that existed in Queensland, two marches were attempted across the border into Queensland. In April, 1978, marchers assembled in the N.S.W. border town of Tweed Heads and headed for the coterminous town of Coolangatta in Queensland. Escorted by N.S.W. police who ensured traffic safety by stopping vehicles, the protestors were met by a wall of Queensland police at the border. A Senior Officer, with one hand held up in the regulation manner and the other holding a megaphone, broadcast across the border to the marchers: 'You are now entering Queensland. You have no permit to march....'<sup>25</sup> As television cameras rolled and reporters jotted their notes, the marchers stopped at the border, having proved their point. Despite having no permit in N.S.W., they had proceeded peacefully, assisted by friendly N.S.W. police. Their demonstration in geo-politics had been graphically registered on the nation's television screens.

The second border march occurred on 29 January, 1979 (deliberately chosen to coincide with Australia Day). A technicality had arisen; under Section 92 of the Australian Constitution free trade and intercourse is guaranteed across state borders. Thus when five hundred demonstrators appeared at the border, they were allowed, in the words of the

police, to 'enter Queensland so there could be no question of police breaching constitutional laws allowing free movement between states'.<sup>26</sup>

In order to protect Queensland citizens the police had mustered 350 uniformed officers along Griffith Street, Coolangatta. More were held in reserve. By contrast, in N.S.W., the police had required only seventeen officers to block the northern lane of the Pacific Highway to ensure traffic safety for the marchers.

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The holiday atmosphere that prevails along this coastal resort soon infected the march which became another entertainment event to be watched by thousands of tourists. *The Courier-Mail* noted that 'many joined in the marchers' ranks'.<sup>27</sup> By the time the march reached the border its numbers had doubled. The newspapers reported it was led by children on skate boards and bicycles carrying anti uranium posters. At the head was a banner saying: 'If you don't fight you lose'.<sup>28</sup> After marching approximately one hundred metres into Queensland, the demonstrators did an about-face, retreating safely back into N.S.W.

The movement also resorted to the technique of ritual. Candle light parades, street theatre, and the carrying of coffins symbolising the death of democracy or representing the victims of radiation were often used. The Eureka flag was defiantly displayed, and the wearing of anti-uranium smocks posed some vexatious legalities for police to unravel. When the Government printed 'Queensland Sunshine State' motifs on the new automobile license plates, the movement put out a sticker with similar lettering and colouring that read 'Queensland Police State' which could be placed over the official inscription. As with those car owners who had displayed 'See Queensland before Joh Sells it' bumper stickers, the use of the police state sticker invariably resulted in the driver being pulled over and issued a ticket. The fate of an untended car could be some smashed windows.

At James Cook University in Townsville, students masquerading as pall-bearers carried a coffin to a plot of ground where with much ceremony they interred it beneath a white headstone bearing the epitaph 'liberty'. Onlooking police were invited to join in the ensuing wake, but declined on the grounds they were on duty to prevent violence. The headstone is still standing as a grim reminder of an unending struggle.

A popular form of nonviolent struggle was to picket the State Executive Building, Parliament House, Police Headquarters, and, of course, the Prison where fellow protesters were incarcerated for refusing to pay their fines.

Lots of novel ideas were considered. At one point a motorcade was suggested, because cars 'would require no permit and would have the police out in force to assist their progress. Mr. Bjelke-Petersen may be Premier, but the motor car is still God!' proclaimed one exuberant protester.<sup>29</sup>

In the end, it was the imaginative 'non-existent', 'guerilla', and 'border' marches that contributed to the relaxing of the ban. They made the Government and police figures of fun and ridicule. It was virtually impossible to ascertain, prevent and contain them without becoming absurd in the process. Even conservative people opposed to the movement were amused by the Keystone Cop antics. In danger of losing their public credibility, the police appealed to the Government for a relaxation of the ban. Their authority had been threatened more by laughter than it had ever been by the anger generated at the King George Square confrontations. Whilst these rallies were critical in the sense that they put the issue on the public agenda and evoked third party concern, they were less effective as *direct* challenges to an imperious government.

On the other hand, a 'guerilla' march, with the police inevitably arriving too late at the scene of the crime, recalled for people across a broad band of the political spectrum the bumbling flat-footed image of the comic policeman of the silent screen. Since no government can afford to have one of its major functionaries openly laughed at and still expect to retain its authority, a reaction from the Bjelke-Petersen Government was clearly called for.

The 'non-existent', 'guerilla', and 'border' marches had the added advantage of being fun for the participants as well as the general public. There was far less potential for unpleasant confrontations and violent police arrests.

A disadvantage of the first two nonviolent methods was that they had to be organised in absolute secrecy, so that they received less publicity. A few of the movement's supporters also objected to them on the grounds that they violated a cardinal principle of non-violent action — viz, openness with one's opponent about intentions and actions.

### *The Police: Opponents or Co-Victims?*

At a weekend seminar prior to the October 30th, 1978 rally, Senator Georges warned actionists that when being arrested they should at all times act humanely, appear as real people and not subhumans, because it is much easier for a policeman to assault someone he does not regard as a person.<sup>30</sup>

This same view has been expressed by non-violent theorist George Lakey: 'The task of the nonviolent campaigners, then, is to get the opponent to see them as human beings'.<sup>31</sup> A follower of Gandhi or a satyagrahi would stress that the police were not the enemy but





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rather co-victims.

This point was suggested in one of the many letters to the editor that the campaign elicited (despite its confusion of passivity with nonviolence):

'...It is obvious to everyone who has witnessed the recent confrontations that the majority on both sides shy away from violence. Once a policeman attempts to make an arrest, he must carry it out to the end. Those who resist arrest must expect rough handling — what else? Arms will not be twisted — at least, in the main, not tightly — if there is no resistance, and passivity is the main tenet of the philosophy of non-violent civil disobedience which these groups profess to observe.'<sup>32</sup>

If one overlooks the tone of superiority, Federal Parliamentarian, Mr. Tom Uren, conveyed an aspect of satyagraha when he was arrested at the October 30th rally. He described what happened on ABC Radio:

'Well, the young officer who was on my left was a little excited. He did try to start to turn my wrist back to try and hurt me, and I just said: Look son, I am not resisting you; now behave yourself, and immediately I said that he responded to my request.'<sup>33</sup>

Some of the poster slogans called on the police to identify with the protesters and join the cause ('Police Need Civil Liberties Too', 'Uranium Will Also Kill Cops', etc.). A popular chant when protesters encountered a wall of police was to point out, 'It's Your Freedom Too'.

The Government's rhetoric and actions seemed directed towards promoting a division of 'them' and 'us'. Their opponents were constantly labelled as 'ratbags', 'extremists', 'communists', 'obscene parasites', 'the lunatic fringe', 'the mob', 'radicals', etc., but never depicted as fellow human beings.<sup>34</sup> The Civil Liberties Co-ordinating Committee (CLCC) expressed the view it felt like 'some form of a mindless mass of subhumans'.<sup>35</sup> Even the police, in their official publications, used such terms as 'dissident elements', 'militant groups', and 'minority and radical groups'.<sup>36</sup>

President Derek Fielding of the Queensland Civil Liberties Council (not to be confused with the CLCC) expressed the fear that:

'We are getting very close to a situation where the Government sees the State being divided into two classes — humans and non-humans. Non-humans would be anyone who does something the Government does not approve of.'<sup>37</sup>

After his dramatic resignation from the police force, Constable Michael Egan observed that the police's 'means of coping with the Queensland situation is dependent on the Premier's statements in putting down these people. His description of them as ratbags and radicals, and, you know, not really describing them as people but setting them apart, makes them something different, something lower than people.'<sup>38</sup>

In 1976, following the police batoning of a young women student, a student pamphlet prophetically commented that 'the notion of equality before the law now depends upon whether Joh Petersen regards you as a 'known radical''.<sup>39</sup>

To reach over the Government and contact the police became a major preoccupation of some movement supporters. Addressing a 1977/78 Summer Campaign meeting, university lecturer Peter Wertheim stressed:

'It is, I think, important that we try and develop contacts with — strategies for — the police... I think we should urge the Trade Union movement to develop contacts with the police via the Police Union. In these contacts they should raise...the whole question of police duties and political matters.

'We should, if we can, try and get carefully written matter to ordinary

police concerning *their* civil rights — in respect of things like when they need not obey orders, etc., their duty to stop thuggish action within the force (and the development of adequate procedures through which this can be done by both police and public).<sup>40</sup>

Undramatic, painstakingly slow, and extremely time consuming, this proposal was never taken up. However, at the rallies the organisers repeatedly warned the marchers not to direct their protest against a surrogate group like the police, that the aim was to cultivate their support. Thus Mr. Charles Fitzgibbon, the Secretary of the Waterside Workers Federation, at the December 7th, 1978 rally told the crowd that they 'should not transfer their rage and anger against people who merely were carrying out orders'.<sup>41</sup> At another rally the press reported organisers as proclaiming: 'We are not trying to confront the police. It's not the police we're against, it's the law on street marches'.<sup>42</sup>

As the police lined up waiting for an illegal march to begin, they were like a captive audience — an opportunity that was not missed by some rally speakers. Peter Wertheim and another university lecturer, Dan O'Neill, addressed the police over loud hailer, pointing out that the marchers, too, had spouses and children and after the rally would be going home to their families. They said they appreciated that many police officers did not relish the job they were assigned to do, that some had voted Labor and were opposed to Mr. Bjelke-Petersen, and that the Government had placed them in an untenable position of having to enforce a bad law.

Brian Laver, a staff member of Griffith University, during an abortive march from that University, urged police through a megaphone to discuss amongst themselves the nature of the law they were called on to uphold. In his view 'the street march law was a fascist law', so that 'we have come to ask you on the basis of your political affiliations not to support the policies of the Bjelke-Petersen Government'.<sup>43</sup>

Whilst some minor absenteeism occurred amongst police rostered for duty at the demonstrations, the general response was to explicitly carry out their orders. There was, however, one notable exception.

The young constable, Michael Egan, at the height of a confrontation, threw his hat into the air and intervened between a Special Branch officer and a woman demonstrator, telling the officer to leave the woman alone. In his own words:

'I couldn't stomach any more what was happening...I knew that was it. I knew I'd had a gutful and I didn't want to be a copper any more...from that time'.<sup>44</sup>

He contended that 'most of the violence in the early days was police provoked'. The press reported him as saying he saw incredible things, human chains of police manhandling people. 'I was really disturbed. You'd come home and not feel like eating your tea. You felt like vomiting'. According to Egan,

'some police wanted a 'blue', and moved in while others held back'.<sup>45</sup>

At the rallies he was disturbed that police would not allow demonstrators to disperse peacefully but harassed them as they attempted to leave the Square. He claimed he had resigned out of concern for civil liberties, hatred of the potential violence, and disgust at police fabrication of court evidence.

Among the many accusations he levelled was that at the last demonstration 'the Government was sending in undercover people. The Special Branch runs through the crowd stirring them up, pushing people over and going hysterical. But when you send in undercover, that's something else. Only a cop would recognise it'.<sup>46</sup>

Whilst he was disgusted at the police's general handling of demonstrations — finding it incomprehensible why in other states demonstrations could be controlled by a very small number of police — his resignation was provoked because he knew the woman involved from his early school days.

'It was just that I knew this particular girl which it (*sic*) brought it back on a personal level to me and that was the real crunch, and I could no longer look for any extraneous reasons for trying to justify what I was doing there as a policeman'.<sup>47</sup>

### At one rally it was reported that police even placed sharpshooters on nearby tall buildings overlooking King George Square.

Hence though Egan claimed 'most police-men thought that enforcement of the State's march laws was a waste of time'<sup>48</sup>, the force's only resignation came when the matter was placed 'on a personal level'.

For the most part, the movement was unsuccessful in implementing the nonviolent practice of 'humanising contact' with the opponent and his/her agents. Early rebuffs from the Government discouraged efforts in that direction, and the only successes with the police were based on previous personal relationships. In the towns and in provincial cities like Toowoomba where police and citizenry often knew each other on a first name basis, a much more flexible attitude prevailed, so the stereotype adversary roles tended to break down.<sup>49</sup>

### Shortcomings in Movement's Nonviolent Approach

Whilst it may be unreasonable to have expected the movement to break down the barrier between themselves and the police, culpability in two other broad areas does stand out.

Firstly, the weakness of the King George Square rallies can be summed up in one of Joan Bondurant's nine 'fundamental rules' of satyagraha, namely:

'Progressive advancement of the movement through steps and stages determined to be appropriate within the given situation. Decision as to when to proceed to a further stage of the satyagraha must be carefully weighed in the light of the ever-changing circumstances, but a *static condition must be avoided*.' (our emphasis added).<sup>50</sup>

A second difficulty was the combined lack of discipline, unity, and persistence within the movement. One pamphlet, entitled 'Non Violent; Direct Action', criticised the umbrella movement of the extra parliamentary left in the following terms:

'Poorly planned and spontaneous demonstrations are unrewarding, alienating the uncommitted, and are easily misrepresented by the media; as crude gestures of defiance they may serve to ease the consciences of the participants, with the illusion that they are doing something constructive on the behalf of the Aurukun people, the unemployed or pregnant mothers. The falling-off of support for actions in Queensland has resulted from sustained public apathy and hostility, the internal disagreements and suspicions within the dissident movement, paranoia over the heavy police presence (overt or covert), and growing disillusionment with the lack of results'.<sup>51</sup>

Part of the way towards overcoming these deficiencies, concluded the pamphlet, 'means mental and physical training, during as well as before any action'.<sup>51</sup>

#### a) Failure to Adopt Phased Development

A year ago, with the campaign beginning to lag, a pamphlet appeared calling for the 'need to diversify' as a means of formulating more effective strategy. The pamphlet recognised the value of tying up police resources and imposing high costs, but the mass arrests were proving expensive for the movement as well.

'Some people can no longer afford to be arrested. Rallies ending in mass arrests can promote solidarity and present the image of a united front, but mass arrests can also be frustrating and demoralising (not to mention dangerous)'.<sup>53</sup>

The pamphlet concluded of rallies: 'They are not a means to an end in themselves', and praised the morale boosting guerilla marches.<sup>54</sup>

Increasingly, the mass march attempts were being viewed as manifestations of a mindless knee-jerk leftism that places *all* its faith in the mystique of the mass uprising.

Moreover, there was an element of masochism in the King George Square exercise. As one demonstrator remarked of the successive waves of marchers leaving the Square, 'It was like lemmings into the sea'.<sup>55</sup>

The repeated mass marches were also condemned because they did create situations where violence could erupt. Whether instigated by the bully-tactics of the police or the rash actions of undisciplined demonstrators, any form of violence tended to substantiate, in the eyes of the public, the Government's claim for the need to curb street march activity. This point was argued in a leaflet of the Australian Union of Students:

'Of course the Bjelke-Petersen Government is out to create the impression that street marches are violent. This is a trap we should be very careful to avoid. Obviously repeated and more forceful march attempts time after time, always physically prevented by the police, do fall for this. People start to believe Bjelke-Petersen, and the campaign loses support.'<sup>56</sup>

The alternative, according to the AUS, was 'to involve more and more people until the government cannot any longer turn a blind eye, and leave actual march attempts as a very secondary question'.<sup>57</sup> Such a solution

inferred the need to reach out and cultivate more third party support, as the march attempts had already served their purpose as a catalyst for mobilising widespread opposition.

Not only was it argued that the tactics should be diversified at this stage of the campaign, but one supporter also felt this should be related to a greater focusing on what the public perceived as concrete issues. Wrote the editor of a student newspaper:

'At times one could be forgiven for believing that the only form of action the 'left' in Queensland seems capable of trying is attempting to march out of King George Square into the city streets. Their slogan of 'What do we want? - The right to march' does not readily inspire a public, many of whom have never wished to use their right to march in the first place, and who apparently are also disinclined to appreciate any significant connection between being allowed to march, civil liberties, and the 'concrete' (as opposed to theoretical) realities of their daily existence. By comparison opposition to uranium mining (and development of nuclear power plants) tends to strike a more meaningful chord with the public for obvious reasons.'<sup>58</sup>

Despite many pleas of this nature, the movement seemed mesmerised by the con-

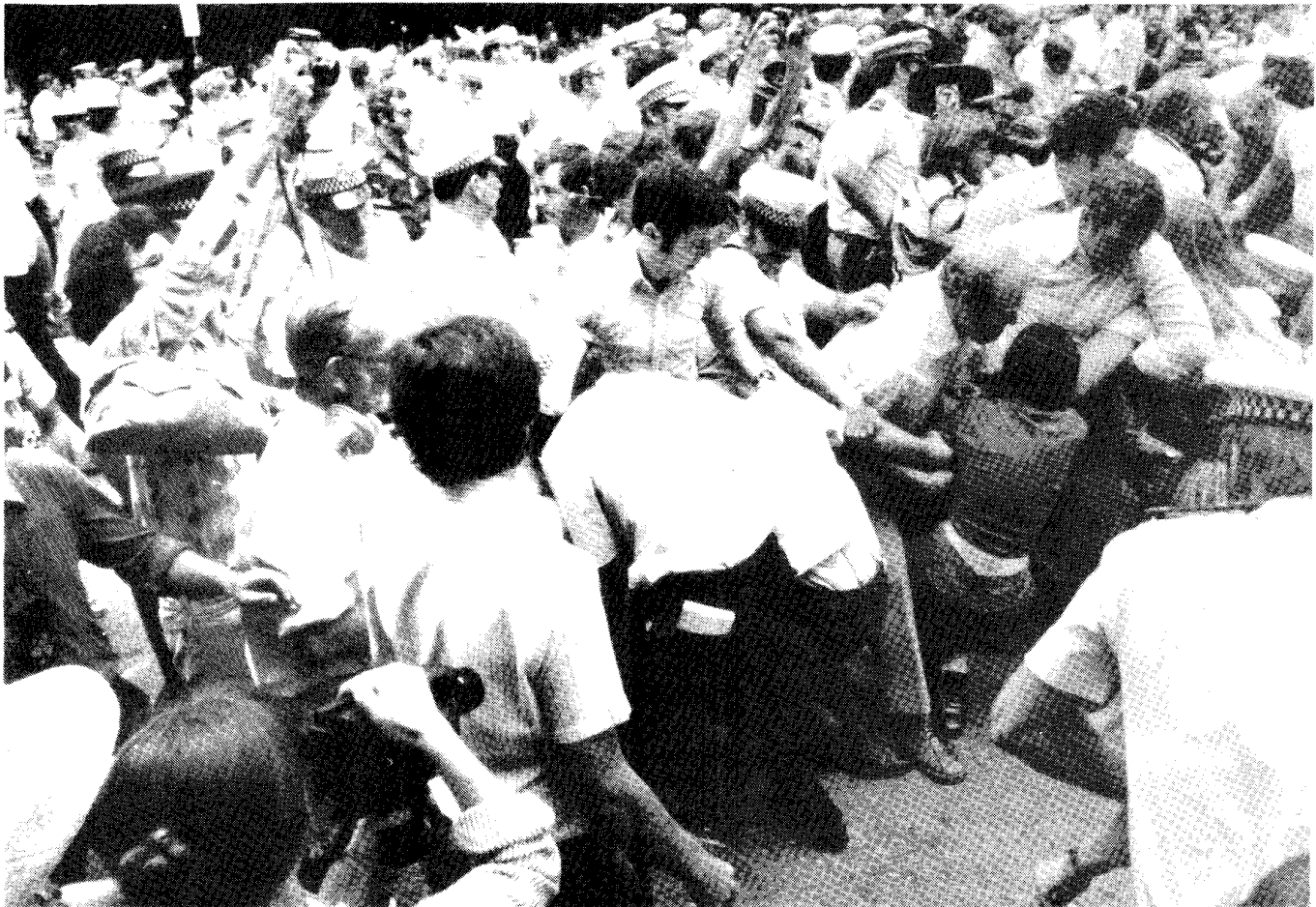
cept of the 'Big Civil Liberties Demo', and continued to devote most of its energies and other resources to this tactic. One supporter described the action as 'continually hitting one's head up against a wall'.<sup>59</sup>

More enterprising and flexible approaches were reflected in the 'no march', the 'guerilla march', etc., as well as some of the individual actions of supporters — e.g., the highly publicised event of the 'lone Bundaberg marcher' who, after being refused a permit, took his dog and marched in a cane field during the early hours of the morning. Such activities were conducted in the spirit of 'phased development'. They were 'concentrating on the weakest points in the opponent's case, policy or system'.<sup>60</sup> They brought down laughter; they evoked ridicule; and some, like the 'no march' and 'guerilla march', not only gave the initiative to the protesters but imposed heavy financial costs upon the opponent at virtually no cost to the movement. In short, they demonstrated both the futility and impossibility of enforcing the ban.

Nevertheless, a systematic programme of Bondurant's 'progressive development' was never incorporated into the movement's strategy.

b) Lack of Discipline, Unity, and Persistence

In his conflict model of nonviolence (which takes on the dimension of suppressed



Bruce McKinlay



warfare) Gene Sharp stresses the critical importance of psychological factors in advancing a campaign towards its goals.<sup>61</sup> Sense of community, tolerance, motivation, high morale, and openness within the movement are some of the factors that contribute to the discipline, unity and persistence so necessary for success.

In this regard, the 'Right to March' movement displayed a mixed record. It exhibited high morale in the spontaneous singing and chanting featured at every rally and in the way audiences joined directly in the street theatre skits. As well, the 'guerilla marches' proved to be occasions of great festive fun.

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**Although the movement comprised so many different groups, it was, for the most part, united on two key points, viz, the goal of defeating the ban and the need to do so nonviolently.**

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On the other hand, the caucusing and scheming engaged in by the more ideologically oriented groups and the manner in which some occasionally attempted to wrest control of the platform to the exclusion of others generated some intense internal hostilities, though never so serious as to jeopardise the movement's existence. More than anything else, such actions diverted attention from the central goal, wasted considerable time and energy, discouraged people on the periphery of the movement, and prevented the actionists from uniting on the need for and then formulating more imaginative tactics.

The problems stemmed from the fact that some factions on the 'political left' believed their macro-analysis of society provided the key to a correct line, so that their leadership was essential to the movement's success. Furthermore, their definition of 'success' extended beyond the goal of gaining the right to march; instead, it was measured by how far the movement had raised consciousness about the class struggle and created the beginnings of a mass movement advancing toward their concept of revolution.<sup>62</sup> In pursuit of this integrated aim, militancy was used as a tool for the recruitment of members.

These groups lacked to a greater degree than most what Gandhi regarded as the *sine qua non* of any nonviolent action — that the means be in accord with the ends (though this was not an ironclad law<sup>63</sup>). Nonviolence was a philosophy or total strategy, not a tactic to be abandoned for reasons of immediate expediency.

The Concerned Christians and other church groups were more in tune with this concept. Although philosophic nonviolence was not shared by most marchers, they did recognise the need in this particular campaign to remain nonviolent at all times.

The differences between the consistent votaries of nonviolence (for whatever reason) and those supporters of the movement less committed to nonviolence surfaced at many of the marches. Thus at the October 30th, 1978 march, the first wave of marchers, led by parliamentarians, trade unionists, churchmen, and a few academics, slowly descended the steps of King George Square, prepared to surrender themselves nonviolently to the waiting police. 'The faces of many of the police indicated they did not relish their job.'<sup>64</sup> Whilst this group was being bundled off by the police, a second wave turned left (rather than right) out of the Square. The police were unprepared and rushed forward. Both sides became excited and eventually agitated. 'A melee ensued, the marchers pressed against the wall having no option but to strike back or be trampled underfoot.'<sup>65</sup> This wave was leaderless, as the marshals contradicted each other. It paid the price of trying to meet the police on their terms. A third desperate wave was launched. Instead of delivering themselves up nonviolently, demonstrators attempted to break through the police cordon that blocked a Square exit. Finally, 'hit and run' tactics by small groups of individuals were undertaken. Not only did these different approaches reflect the fundamental differences in outlook within the movement, but they confirmed the importance of discipline and extensive training in non-violence before embarking on a campaign — a point that has been stressed by all non-violent leaders from Gandhi to Danilo Dolci to Cesar Chavez.

The greater effectiveness of the first wave was not missed by the press. One editorial commented: 'Had all the marchers in Brisbane surrendered to the police without resistance then they would have made their point much more effectively and honestly.'<sup>66</sup>

Another daily referred to the last wave as 'Queensland Kamikazis willing to charge 700 police alone and screaming'. It criticised those demonstrators who were unable to control their frustration, anger and violence, and derisively concluded: 'The crowd was shouting 'the people will never be defeated'. They were starting to believe it.'<sup>67</sup> Such was their frenzy.

The frequent tactic of marching round and round the Square leaving it to the marchers to decide which exit to take was fraught with a potential for violence. At the November 11th, 1977 march, when the marchers broke through, they proceeded up Roma Street. Taken by surprise, the main body of police ran from Adelaide Street across the Square and attacked from behind. Confusion broke out, discipline disintegrated and the march collapsed with people spilling onto a nearby church property, some even seeking refuge from pursuing police in the precincts of the church.

Actions like this, when repeated over a long period, served to disunite the movement and make it exceedingly difficult to mobilise forces for beneficial actions that required dogged determination and persistence.

### Third Party Support

The movement was extremely successful in triggering third party support. If it had not initiated the issue-protest in the streets, it is most unlikely that the debate which eventuated throughout Australia would have ever surfaced. This, in itself, testified to the need for a democracy to tolerate non-violent action.

The ban was condemned by politicians across the political spectrum. In the end, it was even conceded in a report from the organisation of the Queensland National Party that the law ought to be changed.<sup>68</sup> As well, on 27 October, 1979, the National Party's State President, Sir Robert Sparkes, offered to axe the march law in return for a joint Senate ticket with the Liberals following their decision to run a separate ticket.<sup>69</sup>

Not unexpectedly, many ALP politicians, in opposition and government, were eager to undermine Mr. Bjelke-Petersen's ban. They included Labor's cautious N.S.W. Premier, Mr. Neville Wran, who expressed the view that Queensland was becoming a hot bed of fascism and that the march ban was deplorable and unaustralian.<sup>70</sup> At the 1978 Premier's Conference in Canberra he directly attacked Mr. Bjelke-Petersen across the table for his march ban. On numerous occasions the N.S.W. Attorney-General, Mr. Frank Walker, spoke out against the ban, contending that 'no one could ever say in Queensland there is free speech. People', he noted, 'are being arrested in their thousands now for simply demanding the right to express themselves and march. I am afraid there is no real chance of any civil liberties in this country'.<sup>71</sup>

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**In the end, it was the imaginative 'non-existent', 'guerilla', and 'border' marches that contributed to the relaxing of the ban. They made the Government and police figures of fun and ridicule.**

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However, what was surprising was the number of conservative politicians who registered their opposition. The Prime Minister, Mr Malcolm Fraser, indicated that Australia could do better without Queensland's anti-march laws. 'I think it is worth noting that other governments haven't followed the same rules.'<sup>72</sup>

A former Prime Minister, Sir William McMahon, also announced that he did not agree with the ban.<sup>73</sup> Nor did the Defence Minister, Mr. Jim Killen.<sup>74</sup>

The Liberal backbencher, Mr. Hodgman, considered that the ban was 'Mr. Bjelke-Petersen's most degrading McCarthyist outburst'.<sup>75</sup>



Bruce Cowell

Opposition came from countless sources. When queried by reporters, the former Commissioner of the Metropolitan Police Scotland Yard, Sir Robert Mark, said during his first visit to Queensland that he did not agree with the banning of street marches.<sup>76</sup> The Australian Branch of the International Commission of Jurists, led by their President, the Liberal member for Lane Cove in N.S.W., Mr. John Dowd, called for a review of the ban and said there ought to be an appeal to an independent court.<sup>77</sup>

The President of the United Nations Association of Australia, Mr. R. Watson, at a celebration marking the 30th anniversary of the signing of the Universal Declaration of Human Rights, commented: 'In the State of Queensland it seems that human rights are the privilege only of those who choose not to exercise them. The sight of hundreds of police massed in the streets of an Australian city to prevent a march is disturbing and an affront to the time honoured concept of peaceful protest.'<sup>78</sup>

Actor/comedian Spike Milligan, while in Brisbane playing a lead role in the production of a children's television show, was so upset at what he saw happening in Brisbane that he wrote a letter to the local newspaper, in which he expressed aghast:

'I arrive in Brisbane and for a moment I think I'm in a police state; the right to march, the right to lawful assembly is what ANZAC's laid their young lives down for in the last war, yet here I see those basic freedoms being put down by the police on orders of a state Premier! For God's sake Australia, this isn't Chile, but if things don't change it might as well be! 'I was having a drink at the Prince Edward Pub, and was told that three girls had been sacked from there for taking part in the anti-uranium demo, and that is outright victimisation. You can't do such things and call yourselves a Christian democracy.'<sup>79</sup>

Law professors, Tarlo and Sykes, also spoke out in letters to the editor. So did the Professor of Social Work, Edna Chamberlain, and her departmental colleagues.

In an article that appeared in the *Courier Mail* the head of the University of Queensland Government Department, Professor Peter Boyce, wrote: 'The executive has improperly interfered with the State's law enforcement authorities and wilfully deepened divisions and confrontations in

society by restricting freedom of assembly.' His conclusion: 'If ever there was a need for moderate responsible citizens to make their collective and individual voices heard it is now'.<sup>80</sup>

A number of full page advertisements, among other things asserting that 'the right to assemble and petition Parliament is a basic democratic right, yet in Queensland this right is denied', appeared in newspapers throughout Australia.<sup>81</sup> The ads were signed and paid for by hundred of individual supporters.

Queensland Solidarity groups were formed in Sydney, Melbourne and Canberra. Composed mainly of ex-Queensland University students, they contributed money and support. The group in Sydney was particularly active holding fund raising functions and many public demonstrations. A popular target for the demonstrators was the Queensland Government Tourist Bureau which they would symbolically march to and then picket.

Whilst the movement triggered considerable third party support, which it then often assisted, it rarely engaged directly in soliciting the initial support. One important exception was the 1977-78 summer campaign conducted by Dan O'Neill and Jane Gruchy

who toured the length and breadth of Queensland, reaching country areas as far away from Brisbane as the Atherton Tableland. The purpose of the tour was to explain to country people (whose media exposure was decidedly one dimensional) the central issues involved and seek their organisational support. The success of the tour can probably be measured by contrasting the extensive degree of protest that subsequently occurred in the provincial cities and towns with that which *rarely* developed during the years of the anti Vietnam War campaign or during the 1971 tour of the Springbok rugby team.

### Churches Rally to the Cause

The greatest ally attracted to the movement's cause was the churches. They played a prominent part in exerting conservative and influential pressure on the Government.

The Action for World Development (Qld. branch) and the Quakers had been involved in the campaign from the beginning. They were among the list of joint applicants who had sought the anti-uranium march permit that sparked off the Government ban. But other church groups were slow to become involved.

What led to their concern was the chance witnessing by some ministers of an abortive march. Whilst attending a city weekend meeting of the Uniting Church Synod, the ministers had taken a stroll during an afternoon tea break, when they came upon what two of their number later described as a 'disquieting scene'. Among the incidents they saw was 'a policeman on the City Square throw a youth heavily onto the concrete and roll him on his face and affix handcuffs'.<sup>82</sup> 'Deeply disturbed', they 'reported this incident to the Synod'<sup>83</sup> where standing orders were suspended and a resolution passed calling on the Government to revoke the ban. In a bitter reply the Premier accused the members of the Synod of 'consort(ing) with atheists and communists'.<sup>84</sup>

His fractious outburst caused the leaders of all faiths to issue a carefully worded joint statement deploring this 'intemperate language' and 'emotional response'. The 'sober comments of the Synod of the Uniting Church...deserve sober, mature response', the church leaders wrote.<sup>85</sup> They defended the role of the church to speak on matters that were dividing the community.<sup>86</sup>

Overnight the issue ballooned from one of freedom of political expression to one involving the role of the church. Henceforth many of the younger, more politically active clergy joined the front ranks of the marches. Other clergymen sent letters to the Queen and the Governor protesting police tactics, particularly police refusal to allow demonstrators to leave King George Square.<sup>87</sup> Individual churchmen made public statements against the ban, some accusing the Premier of 'totalitarian policies more suitable to communist dictatorships'.<sup>88</sup>

In March 1978, Bishop Wicks of the Anglican Church announced that the annual Palm Sunday procession through the streets of Brisbane had been cancelled because the churches did not think they were entitled to favoured treatment in the granting of march

permits.<sup>89</sup> Once again the Premier fumed: 'The archbishops are leaning over so far to be safe they are in danger of falling on their faces.'<sup>90</sup> 'They should realise', he noted, 'that traditional processions such as ANZAC Day and Labor Day were not subject to the ban.'<sup>91</sup>

About this decision of the churches, the *Courier Mail* remarked: 'It is, in fact, a protest but in the opposite form to most. The churches, instead of marching, are refusing to march, a novel form of the sit-down strike.'<sup>92</sup>

About the same time a group that came to play an important role in the movement was formed. Calling itself the Concerned Christians Group, it was chaired by Rev. Ron March, with Rev. Dennis Conomos, the University Chaplain, acting as its secretary. The group applied for a permit and was refused, being told it could promote violence. The refusal was interpreted by the group as implying that religious leaders involved in the campaign were violent and subversive. 'We are nothing of the sort', they countered, 'but we believe as Christians we have a responsibility to express our concern over the erosion of civil liberties in Queensland' and 'at the authoritarian unresponsiveness in high places in the Queensland Government'.<sup>93</sup> The group's leaders said they reserved the right to carry out acts of civil disobedience at the appropriate time and 'in a Christian context; it could take the form of a dramatic presentation like the prophets who chained themselves up'.<sup>94</sup>

Christian discussions, such as those conducted by Father Dick Pascoe, were held in Church precincts on a range of topics related to the perceived undermining of human rights and democracy in Queensland — e.g., in Aboriginal affairs, education, the electoral system, parliament, civil rights, and police actions.

Concern about what was happening in Queensland was not confined to the radical churchmen. For instance, at a meeting of Anglican Churchmen representing ninety parishes, Archbishop Arnott took the opportunity to observe: 'There has rightly been fairly widespread concern about the erosion of civil liberties throughout the world, and in this State in particular.'<sup>95</sup> The remark was greeted with applause from the audience of about 250.

The relationship between church and state reached a dramatic point in April 1978, when the Concerned Christians Group staged a guerilla march and prayer vigil outside Parliament House. Under the direction of the police they retired to Queens Park, the site of the first permanent Anglican Church in Brisbane. Here they began to sing and hum hymns until Special Branch police intervened, arresting thirteen of the singers. Since their offenses were committed on a Sunday afternoon when Brisbane streets are deserted, the courts found the arrests 'tainted with an aroma' and acquitted most of those charged, but not before severely reprimanding the police involved.

Although churchmen of all denominations and political leanings were appalled at the arrests of the thirteen Concerned Christians, differences did arise as to the extent to

which leaders should become involved directly in social-political issues. Such involvement, it was argued, diverted energy away from the performance of pastoral duties and could have a highly divisive effect on congregations. On the other hand, the activist wing, as represented by someone like the Rev. Dr. Noel Preston, believed that the clergy had a simple duty to practice what they preached. Reasoned Dr. Preston:

'The suggestion is made that the clergy confine themselves to stating principles of social justice, but make no attempt to deal with their practical application.

'This admonition to preach but not practice is nonsense. It ignores the truth that not to act is to act; to be silent is to condone.'<sup>96</sup>

### Tension Between the Coalition Partners

Tensions within the Coalition, especially between the Liberal Party organisation and its backbenchers on the one hand and the National Party on the other, mounted greatly over the march ban. In conjunction with some other issues a threat was looming to the Coalition's survival, the most serious in its long history.

At the moment an uneasy peace prevails, due partly to the Government's undeclared decision to relax the ban. The State President of the Liberal Party, Mrs. Y. McComb, has made it unequivocally clear that the street march issue is a price for return to Coalition harmony.<sup>97</sup> Her argument for a return to the magistrate appeal system reflects the thinking throughout most of the Party.

Many Liberal Party branches and area conferences have expressed opposition to the ban — some resolutions even calling for the Liberal parliamentarians to cross the floor on the issue.<sup>98</sup> The Young Liberals have especially been vocal in their criticism.<sup>99</sup> In March 1978, the Parliamentary Liberal Party decided by a large majority to give the right of appeal back to the magistrate<sup>100</sup>, and a few weeks later reaffirmed its position.<sup>101</sup> Newly elected Liberal members, Mr. White (Southport) and Mr. Scassola (Mt Gravatt) attacked the ban in Parliament accusing the government of 'blind stubbornness'.<sup>102</sup> The Liberal Party Director said 'the new law was an ass'.<sup>103</sup> And Mrs. McComb spoke with the strong backing of her Executive.<sup>104</sup>

During the December 1977 State elections the Liberal Party had lost seats and suffered a drop in votes. The Party's staunchest advocate of the ban, Mr. Charles Porter, had incurred a swing against him of nineteen percent. The Party was more vulnerable to the march issue than its rivals, because its base of support came from the middle class metropolitan seats where opposition to the ban was strongest, and because — unlike the Labor Party — it was implicated in the passage of the 'invidious legislation'. (The motion to abolish march appeals had been moved in the joint party room by Liberal Aboriginal and Islander Affairs Minister, Mr. Charles Porter; and in Parliament the Traffic Act Amendment had been moved by

Liberal Transport Minister, Mr. Fred Campbell). Although Liberal parliamentarians have always possessed the numbers, if they joined forces with the Labor Party, to repeal the Amendment, they have refrained from crossing the floor at the insistence of their parliamentary leaders, first Mr. W. Knox and then Dr. L. Edwards, who have wanted to preserve Coalition unity at all costs.

This reluctance continues despite surveys such as the one the Liberal Party itself commissioned in 1978 showing its electoral support declining due to its close alignment with the National Party, especially over the march ban issue. According to the survey analysis, 'Once the march law system was explained, people believed the law should be changed.'<sup>105</sup> Electors 'thought that to appeal from one policeman to another was not justice. If a policeman refused a permit, then it should go to the judiciary.'<sup>106</sup>

There was one area where the Queensland Liberal Party could challenge the National Party, as the matter came under the authority of the organisational rather than the parliamentary wing. In contesting the forthcoming Federal elections the organisation decided to field a separate Senate ticket. National Party members reacted strongly to this decision and appealed to their Party colleagues in Canberra to prevail upon the

Prime Minister to pressure the State organisation to reverse its decision. There were soon rumblings (later denied) of a wider breach extending into the Federal sphere if the Queensland Liberals did not fall into line. Despite Mr. Fraser's efforts at lobbying the officials of the State Branch, they have not relented; in fact, speaking on behalf of the Executive, the Federal Finance Minister, Mr. Eric Robinson, indicated there could be no reconsideration of the decision unless three points of conflict with the National Party were resolved.

At the top of the list he cited removal of the march ban.<sup>107</sup>

### *Deposing of Two Party Leaders*

The protest surrounding the march ban contributed to the rejection of one political party leader and to the resignation of another.

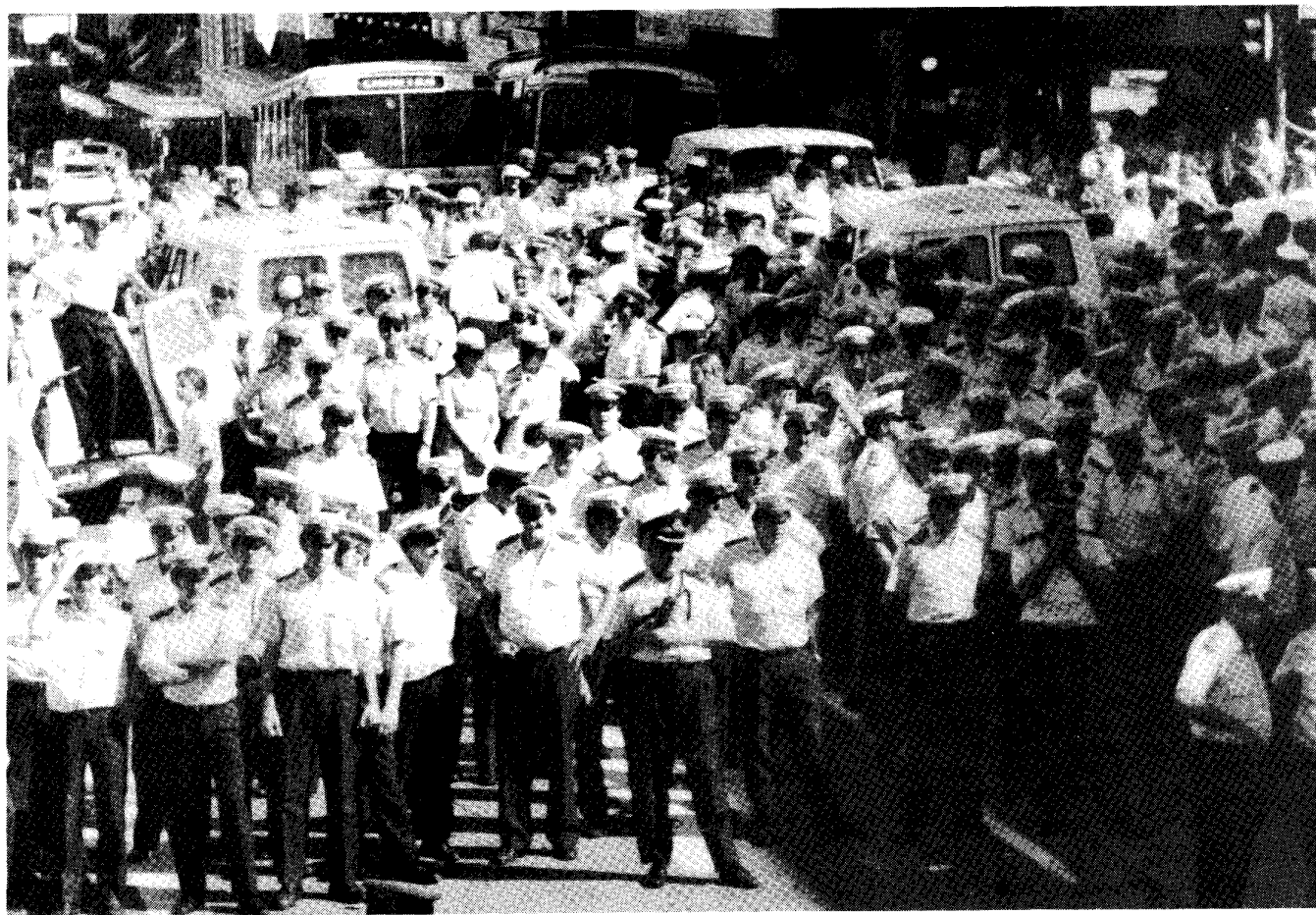
Ousted in late 1978 from his position as Deputy Premier and Leader of the Parliamentary Liberal Party was Mr. W. Knox (later Sir William) who had failed to heed the warnings of Liberal Party electoral researchers and organisers that there were dangers in being too closely aligned with the National Party over the march ban and other issues. Nevertheless, he continued to adopt a pusillanimous position on the march issue, which, in effect, meant supporting the Premier. He seemed to hope that by skirting

the issue somehow it would disappear.

His remarks like — 'I am quite happy with the law as it was. I'm happy with the law as it is. And I'll be happy with the law if it is changed'<sup>108</sup> — only served to heighten the sense of frustration felt by most Liberal Party members.

In the face of disastrous losses at the polls and mounting Liberal Party disaffection, he persisted in his sycophancy towards the Premier. The result was his eventual removal and replacement as leader with a man who projected a more independent and forceful image, Dr. L. Edwards.

The march issue also provoked widespread controversy within the Labor Party. The failure of the ALP parliamentary and organisational hierarchy, including the Parliamentary Opposition Leader, Tom Burns and his successor Ed Casey, to support the civil liberties cause was partly at the root of the Socialist Left and Centre Caucus groups' move to wrest control of the Party from the right wing trade unions. The hierarchy's unresponsiveness on this and a host of other matters eventually led to the recent decision of the ALP's Federal Executive to intervene in the affairs of the State Branch, reorganising its operation so as to make the Party more reflective of rank and file thinking and more electorally attractive.



*The Courier-Mail*



At the height of the civil liberties campaign, the ALP's State Parliamentary Leader, Tom Burns, was publicly depicted by prominent spokesperson for the movement, Dan O'Neill, as 'a moral coward'.<sup>109</sup> The reference was to a number of actions or non-actions that Mr. Burns had taken.

Mr. Burns' strategy for the 1977 elections had been to completely dissociate himself from the protest movement and thus the civil liberties cause. He was chided by the Premier: 'He got cold feet and went to water.'<sup>110</sup> Mr. Bjelke-Petersen also needled him for relenting on a promise to speak at an anti-uranium rally. Mr. Burns' position was to urge all protesters to keep off the streets prior to the elections.<sup>111</sup>

When placard bearing protesters appeared at a Press Club luncheon being addressed by the Premier, they were upbraided by Mr. Burns who commented: 'I received a very peaceful, impartial hearing at the Club on Monday, and the Premier is entitled to the same.'<sup>112</sup> It was as if he, too, were a victim of the Bjelke-Petersen propaganda machine.

His most fatal error, however, dealing a severe blow to morale throughout most of the ALP, occurred about a half year after the elections. The twenty-two man (no women) Parliamentary Caucus had applied for and been granted a permit to march. Yet a week later, with typical impetuosity, he cancelled the proposed march giving the reason that he had heard homosexuals from Sydney were bussing up to Brisbane to join in, and that the ALP 'feared disruption by militant groups'.<sup>113</sup>

His actions had given credence to the Government's argument of dangerous people out to cause trouble who ought not to be allowed to march. Moreover, by applying for and receiving a permit, the Caucus had lent weight to the Government's contention that there really was no ban on political marches.

Finally, in November, 1978, Mr. Burns resigned. As evaluated in the *National Times*, 'The criticism directed at Burns over the right-to-march issue however was the strain that broke the camel's back.'<sup>114</sup>

If the movement thought it had problems with Mr. Burns, its relationship with the new leader, Ed Casey, proved far worse. One of his first promises was to 'take Labor off the streets and back into the electorate to win government'.<sup>115</sup> 'Although the law is wrong and bad', he admitted, 'this did not mean it could be broken.'<sup>116</sup> As far as he was concerned, the demonstrators were only engaging in 'paddy wagon politics'. Despite a gerrymander that condemned the Labor Party to the opposition benches, he insisted that changes in the law could only come through the ballot box. This conservative approach to social change put him directly at odds with some of his federal parliamentary colleagues and the majority of active ALP members in Brisbane. Thus from the day he assumed the leadership, Mr. Casey's security of tenure has seemed less than assured.<sup>117</sup>

Even the securely entrenched Premier was not immune to criticism from within his Party. In July 1979, a confidential National

Party Report entitled 'State Election Prospects 1980' recommended an end to the ban and a repeal of the offensive provision in the Traffic Act. In an embarrassing observation on the Premier's actions, it pointed out:

'Up to the time that the street march legislation became law, there had been no illegal street marches of any consequence. The existence of this legislation is now being seen by a large section of the public as being provocative. It has provided the Communists and other subversive elements with a cause to fight for. At a time when this disruptive activity has almost reached nil proportions, it would be a suitable time to consider repeal of the legislation back to its original form. Politically this could be a wise action and would prove to the public that we are not inflexible in such matters.'<sup>118</sup>

### ***The Economics of March Banning***

By merely assembling at one place the movement was forcing the Government to mount huge police blockades in nearby streets. This continual massing of police numbers was driving the police and ultimately the State into bankruptcy. Whilst the ban cost the State at the very least \$4.5 million in police overtime bills, etc., the direct costs to the movement in fines, forfeited bail and extras was only \$115,000.<sup>119</sup> The economics of the march ban could be reduced to the fact that it was costing the Government about \$2,250 per arrested demonstrator and the movement about \$57.

Thus the ban was proving an expensive luxury. With only a few police required at lawful marches but thousands needed to prevent illegal marches, it was clearly cheaper to allow rather than stop them. It may well be that this factor more than anything else led to the easing of the ban.

Coincidentally the heavy cost to the budget was placing a strain on the policing of real crime in the community. Hence it could be argued that the banning of marches and the attendant high costs were actually creating a genuine law and order problem rather than preventing one.

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### **The march ban was proclaimed only two days before the date announced for the state elections.**

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Obviously embarrassed at the size of the bills<sup>120</sup>, the Government initially refused to disclose the amounts<sup>121</sup>. The first indication of the huge sums involved came in the Auditor-General's Report 1977-78, where increases in police expenses were explained as follows:

'Increases in overtime and pay for statutory holidays, etc., allowances, payroll, and travelling and relieving allowances account for approximately \$1.8 million of the balance of the increase and are attributed principally

to the large numbers of police placed on duty to control meetings or gatherings where legal infringements were anticipated.'<sup>122</sup>

The following fiscal year the Auditor-General reported that \$2.8 million of unforeseen expenditure was 'overtime, weekend and night work principally associated with public demonstrations and the northern cyclone'.<sup>123</sup>

Whilst the Government had budgeted for a surplus in both of these years, the unexpected high cost of the march ban had twice plunged its accounting into the 'red'. In both years the police department had expended well beyond its budgeted allocation, and special treasury advances had to be secured to see it through each of the two financial years.

During the first year the police department lamented in its Annual Report how the costs of the demonstrations were curtailing activities in other areas:

'Some of the activities of the police department were restricted during the year by the lack of available finance... the necessity for the department to expend money at these demonstrations forced a curtailment in other areas in order that sufficient funds for the payment of personnel could be provided.'<sup>124</sup>

The last Queensland Police Annual Report (1978-79) referred to 'the current serious economic situation affecting the ability of the Department to implement all its proposals during the financial year'.<sup>125</sup> It went on to stress:

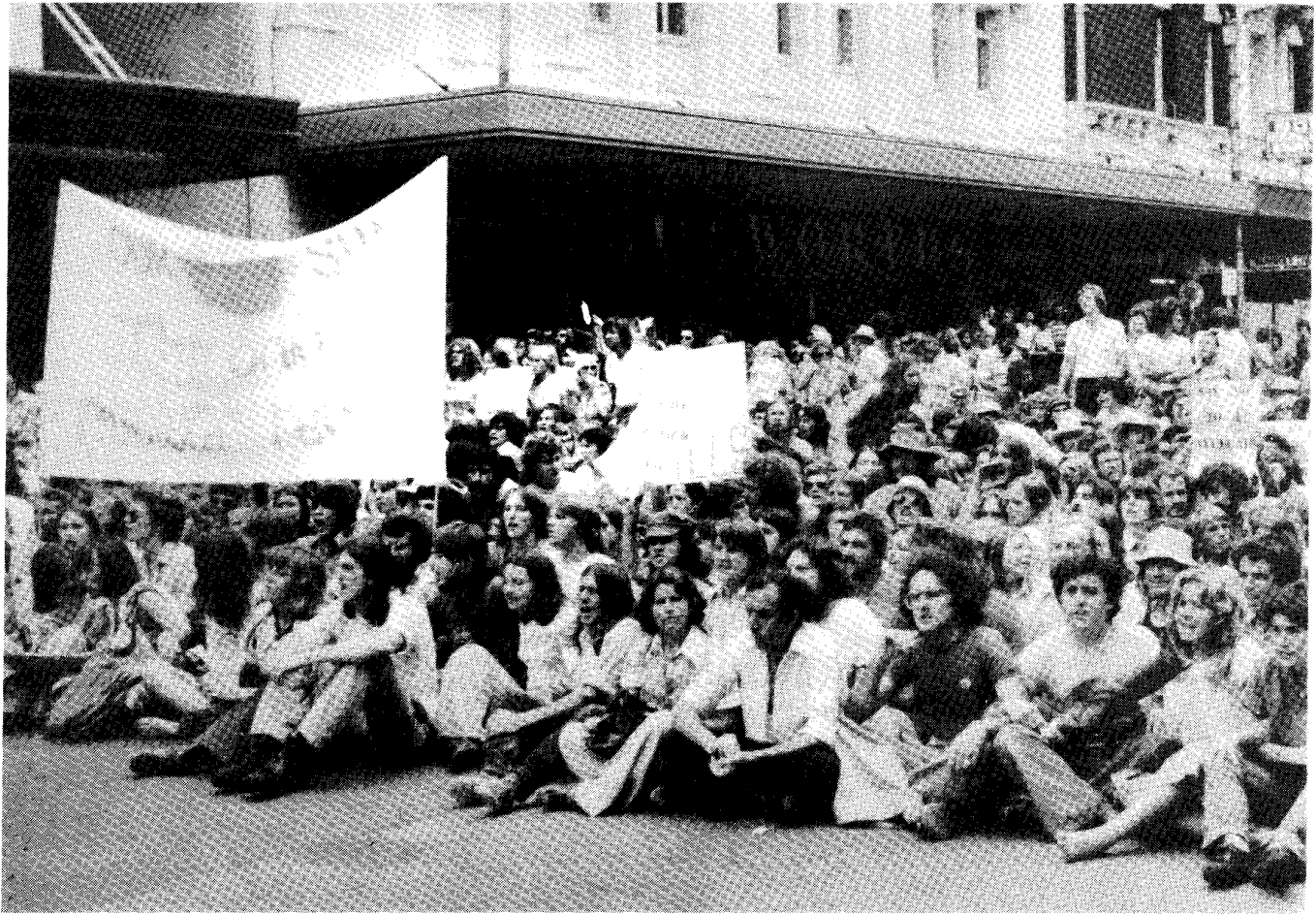
'While the funds originally provided in the budget were restricted, the necessity to maintain a police presence at public demonstrations incurring extensive overtime and related costs had a pronounced effect on normal spending. While the Government appreciated the difficulties confronting the department it was unable to provide all of the funds needed to overcome these difficulties. Major cut backs had to be made in the purchase of equipment in order to meet the greatly increased costs. This is the second year in succession in which the department had no option but to forego the purchase of essential equipment.

'These protest rallies and subsequent marches prove very costly in terms of the commitment of a large proportion of police manpower and resources to ensure that the law was not blatantly broken.'<sup>126</sup>

The Auditor-General noted for police that, in 1978-79, \$200,000 for radio and other equipment and \$136,000 in uniforms had to be secured from elsewhere to cover shortfalls.<sup>127</sup>

Similarly the Justice Department showed significant increases in the costs of running the magistrate courts to hear the march charges. In the first year Justice Department costs were up \$923,723, and the following year \$579,014.<sup>128</sup>





Bruce McKinlay

Total Government costs can be broken down into the major components of police costs, court costs, prison costs, and extras.

The police bill between September 1977 and November 1979, on figures available, comes to approximately \$2,000 for each person arrested or a total of approximately \$4,000,000. After consulting with lawyers, the *Australian Financial Review* calculated that it cost approximately \$500 per person for the cost of one day's court proceedings where a demonstration was involved.<sup>129</sup> Since half of those arrested challenged their case in court (Government's figures), total court costs equalled approximately \$500,000. The total cost of running Queensland Prisons during 1977-78 and 1978-79 was \$16,575,395 and \$18,360,632 respectively for about 1,400 prisoners.<sup>130</sup> Hence the average cost per prisoner per week was \$240. Since about one hundred people chose to be imprisoned rather than be fined and the average length of imprisonment equalled one week, then the total cost that can be charged to prisons comes to \$24,000. Finally, the December 1978 Government television, radio and press campaign against the December 7th rally cost the taxpayers at least \$15,000.<sup>131</sup>

In totalling up these figures the *known* Government costs equal roughly \$4,539,000. The total has been estimated conservatively. Undoubtedly there are many

hidden costs. Yet Mr. Bjelke-Petersen claimed the outlay was 'infinitesimal' and 'not the question'<sup>132</sup>, asserting:

'It doesn't concern me that it costs money — that is the job of the government. Anything that's worthwhile in life costs money. It's the cost of freedom and upholding the law.'<sup>133</sup>

Nevertheless the reality of the massive costs could not be dismissed lightly, particularly by men whose measure of social happiness is gauged by a profit and loss sheet. These extra costs were incurred during a period of economic stringency when the Federal Government was reducing its annual allocation to Queensland by \$120 million.

The movement was vaguely conscious of the heavy costs it was imposing, but never really appreciated the extent of its power in this respect. The closest it came to deliberately pursuing a strategy of 'making the Government pay' was when the legal defence committee, led by Maris Element, methodically and arduously contested as many arrests as possible, thus inflating the police overtime bill even further and successfully clogging up the courts for months.

### Conclusion

One of the major issues on the Queensland public agenda over the past two

years or so has been the march issue. Not only has it been a prominent issue in its own right, but it has interacted in critical ways with some of the other important issues. The credit for this 'issue-saliency' must go to the 'Right to March' movement.

Through its initiatives of nonviolent action it activated numerous third parties to become involved in the issue, so that ultimately pressure was brought to bear upon the Premier to relax the ban.

Whether the ban will be reimposed once the pressure eases and the financial position of the police department improves is a moot question that only time can resolve. At the moment permits are being granted, but no one has sought to march at four o'clock on a Friday afternoon when demonstrators would maximise their exposure to both bystanders and nightly TV news audiences.

The attitude of many of the dissenting groups is that for too long the march issue has diverted public attention away from some of the mounting socio-political problems in our society. Therefore, even at the risk of having less than the relative liberty of their fellow Australians in other states, Queensland dissenters (or majority spokespersons) argue they should perhaps get on with the job of ventilating the critical issues.

In retrospect, the march issue has been very beneficial to the progressive minority groups. It has exposed to many people the

depth of violence and injustice that lies beneath the fine rhetoric of some of their leaders and in the workings of their institutions. This process of consciousness-raising creates an 'overlap effect'. It means that more people are prepared to listen to the actual substance of what is being said and done on a range of other issues, and in some cases to even join one or more of the minority groups and actively participate in the proselytizing of new causes.

The march issue has also been beneficial in the sense that it has demonstrated a minority group can reach the public through and over a hostile or trivialising mass media (yet this note of optimism is tempered with an appreciation of the enormity of the communications task). Even on an issue as fundamental to a free society as the 'right to march', the fourth estate offered little in the way of encouragement to the movement and, on occasions, presented lots of opposition.

The editor of Queensland's leading newspaper, *The Courier Mail*, candidly and proudly admitted its ideological perspective. 'The politics of the paper to express it in simple terms', he said, 'is non socialist'.<sup>134</sup> Unfortunately, this ideological perspective often degenerated into crude bias. Thus 'Senator Georges was a bore'<sup>135</sup>; his arrests were making him 'more a figure of public fun than a martyr to his cause'<sup>136</sup>; and he was imputed to be engaging in 'stage-managed showmanship'.<sup>137</sup> One of the paper's editorials sarcastically noted:

'Under the old law illegal marchers won little public sympathy. Now they may be getting it, and further scenes like Saturday's could make them look like martyrs which, no doubt, would suit them.'<sup>138</sup>

At the other end of the State the *Townsville Daily Bulletin* referred to the demonstrators as 'apostles of anarchy'.<sup>139</sup> The media generally accepted uncritically the themes of Mr. Bjelke-Petersen's propaganda, both in their stories and editorials.

Only two exceptions appear to stand out: the University of Queensland based Radio Station 4ZZZ, and the *Melbourne Age*. The latter's correspondent reported he was told on one occasion by Assistance Police Commissioner L.R. Duffy that 'police had a good relationship with the Brisbane press, and he didn't want people from elsewhere upsetting the system'.<sup>140</sup> Presumably this 'good relationship' included the local ABC which exhibited excessive timidity when it refused to run a film showing Special Branch police acting as agents provocateurs by joining with the crowd and voting on a motion to march.

The movement never had any illusions about the media. From the beginning it realised: 'We cannot expect a fair deal from the monopoly-controlled media'.<sup>141</sup> The purpose of the ban had been to silence those people who can only express themselves outside the conventional sphere of politics in nonviolent actions<sup>142</sup> — people 'who need to publicise their interests and demands by marching. They', continued a CLCC pamphlet, 'are the people who can't buy time on TV and don't own newspapers. The ban will not affect Liberal MLA's, company directors or the owners of the monopoly press. You'll still see the propaganda of the Uranium Producers Forum whether or not there's a ban on street marches'.<sup>143</sup>

From his own perspective the Premier conceded this point:

'The people should have the first use of the roads and those who use them for private and commercial use. The first use should not be given to the minority for a grandstand to obtain free publicity over radio and in the press'.<sup>144</sup>

Despite an awareness of the ideological blinkers worn by the mass media, the movement issued countless press releases and used the public telex at the general post office to put its case directly to the media, on the theory that a garbled version was better than no report.

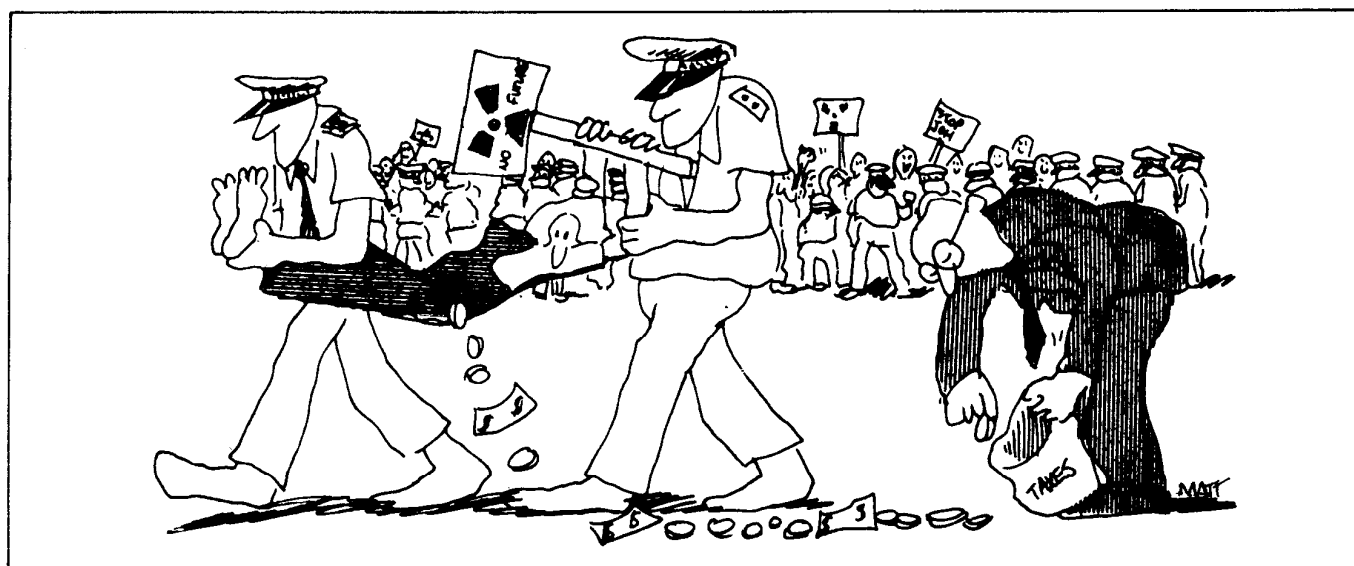
The movement also set up its own media. Demonstrations were video-taped not only to provide evidence at court trials but so students and others could see what the television stations refused to show. A few enterprising actionists set up a pirate radio station 4PR. Known as the people's radio, it made a number of broadcasts in FM at 94 kilohertz.

The movement was able to overcome the resistance of the media (and the obscurantism of the courts which failed to recognize fundamental civil rights)<sup>145</sup>, because it adopted a basically nonviolent posture. Its nonviolence stood in marked contrast to the violence of its opponent and that of the society around it.

The Premier had proclaimed the march ban so as to preserve 'law and order', but the movement by its actions and to a lesser extent its arguments inverted this catch-cry on its head. As the campaign progressed, it became obvious that it was the Premier who acted illegally and disorderly, and whose functionaries perpetrated the serious incidents of violence at demonstrations. Meanwhile, the prevention of the real and increasing violence among citizens that was taking place on Queensland roads (automobile accidents) was ironically listed last in the order of police objectives in the department's Annual Report.<sup>146</sup>

During the period of the march ban 1,194 people were killed and 16,654 were injured out of a total of 45,368 reported accidents on Queensland roads.<sup>147</sup> Police were themselves involved in more than one thousand of these traffic accidents.<sup>148</sup> For the first nine months of 1979 compared with the same period the previous year the Australian Bureau of Statistics showed that Queensland and South Australia were the only two states to have an increase in road deaths.<sup>149</sup> The number of manslaughter offences as a result of traffic accidents rose last year in Queensland by 53 per cent.<sup>150</sup>

While this carnage was taking place on the roads, the police department was allocating four million dollars and devoting over a



quarter of a million man hours to controlling the putative violence of demonstrators. These figures contrast with only 270 designated traffic officers throughout Queensland<sup>151</sup> and an expenditure of a mere pittance per traffic death — cf. \$2,000 per march arrest.

The disproportionate allocation of funds assumes 'criminal' proportions at the Government level when it is realised that an official police document indicated there never was a significant problem with demonstrators in the first place. According to the police department's Annual Report for the twelve months ending 30 June, 1977 (two months before the march ban was declared) public order in the streets was well under control:

'Public behaviour in the streets during the year under review has been generally good throughout the State... It is also encouraging to report that the people taking part in demonstrations also showed restraint... Police permitted all lawful demonstrations to take place, but ensured that they were under control at all times and that there were only isolated cases of minor conflict between police officers and groups of demonstrators in the streets.'<sup>152</sup>

Although this Report, together with the Police Commissioner's cover letter explaining that 'preservation of public order at an acceptable level did not impose too heavy a burden during the year'<sup>153</sup>, was presented to the Government by October 31st (well before the 1977 elections), it was withheld from public circulation until five months later.

The Government was culpable of other dubious practices. It introduced the march ban with no prior warning, public debate or consultation with the people. The ban was not born of any legislative enactment, nor was it declared in any executive proclamation; it was given expression in a mere press release.

Moreover, the theoretically supreme forum, the Parliament, was unable to reverse the decision. This is all the more incredible considering that over fifty per cent of the Parliament opposed the ban, as both the Liberal and Labor parliamentary parties passed motions of opposition in the party rooms. The role of Parliament, as it turned out, was to provide the ban's minority proponents with the cloak of parliamentary privilege so they could denigrate and slander with impunity the movement's leaders and the churchmen who had spoken out.

This violence and disorder perpetrated by the government took diverse forms. For instance, the issue that had initially given rise to the ban — the mining of uranium — threatens to unleash the greatest violence that has ever engulfed humankind. The yellow cake that the Government wants so anxiously to ship out of Queensland can produce toxic substances capable of killing all life on this planet (except certain kinds of insects). The Concerned Christians noted this fact in one of their pamphlets, but expressed the point in the positive form that 'a nonviolent world is a non nuclear world'.

While the Government denounced the opponents of nuclear power for their failure to obey the law as well as their proclivity to violence, it was entertaining proposals from the French Atomic Energy Commission to set up a uranium enrichment plant in Queensland. In 1974, Australia took France to the International Court of Justice in the Hague which ordered the French to stop atmospheric nuclear testing in the Pacific. It can well be asked not only whose violence but also whose lawlessness is being protested.

However, it was in the streets against the nonviolent demonstrators that the Government, through its agent, the police, most strikingly revealed its hypocrisy. Senior police officers when briefing police prior to an attempted march created the impression of an impending 'riotous situation'.<sup>154</sup> The Queensland Police Journal, official organ of the Queensland Police Union of Employees, ran articles on the Brisbane riots of 1919, 'in order to afford our readers an opportunity of forming an opinion of the recent upheaval in our midst'.<sup>155</sup> One article referred to the heavy police casualty list, detailing bayonet wounds, lacerations, broken ribs, and bullet wounds to the feet and backs of heads.

In such an atmosphere it is not surprising that the police overreacted and created the violence they were supposed to prevent.<sup>156</sup> At one rally it was reported that police even placed sharpshooters on nearby tall buildings overlooking King George Square.<sup>157</sup>

The Queensland Secretary of the Australian Journalist Association, Norm Harriden, described the strong-arm way in which the police made their arrests.

'They were twisting people's arms up behind their backs so they had to react and then a couple of other policemen would move in on the arrested person. That's a technique they haven't been using recently.'<sup>158</sup>

If protesters saw the police roughing up a fellow marcher, they would shout, 'Assault! Assault!'

The leader of the Australian Democrats,

Senator Don Chipp, commented in the Australian Senate that 'Senator Georges did not create the force and violence, the police did'.<sup>159</sup>

Perhaps the worst aspects took place under cover. The Special Branch police engaged in spying, surveillance, clandestine photography, intimidation, and harassment of protesters. The break-ins that occurred during rallies into the homes of leaders were thought to be the work of the plainclothes force. Their invasions into people's privacy would presumably have been conducted to give them information not only for containing the movement but also for preventing certain people's entry into or promotion in the state public service.

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Against the full panoply of the Bjelke-Petersen regime's heavy-handed lawlessness and violence, the nonviolent strategy of the movement, no matter how imperfectly conceived and executed, was bound to attract some third party support. The regime's arrogance and ignorance played directly into the hands of the movement.

However, chastened now after its first encounter with nonviolence, the regime may devise a more sophisticated approach if it projects the conflict into a second stage. Should this occur, an imperative will exist for the movement to counter with a deeper understanding of nonviolent theory and a more judicious use of the armoury of non-violent methods.

The use of nonviolent means against violent repression creates an asymmetrical conflict situation in which the two forces are using different weapons systems.<sup>160</sup> The skilful, determined and extensive application of nonviolent techniques will throw a violent opponent off balance. His/her violence will rebound against him/her, as in jiu-jitsu.

According to Gandhi, the process is similar to that of a person violently striking water with a sword; it is the person's arm which becomes dislocated.<sup>161</sup>

Table I

1977	Nos Arrested	1978	Nos Arrested	1979	Nos Arrested
September 22	21	March 4	50	March 10	23
October 12	7	March 6	11	April 26	3
October 22	418	March 11	50	September 4	5
November 11	166	April 1	3		
November 12	7	April 14	5		
November 18	5	May 31	8	July 26	90
November 22	9	July 15	1	August 6	No
November 23	1	July 22	40	August 9	Arrests
November 24	7	August 21	169	September 13	
December 3	204	September 4	5		
December 12	1	September 16	1		
		October 30	284		
		December 7	310		
	846		942		121

\* These figures represent the Brisbane total. Two or three hundred more should be included for marches conducted in provincial cities and towns.

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5. **Ibid**, 24 November, 1977.
6. **Pamphlet** distributed at 22 September, 1977 march, n/d.
7. See **Report of the Royal Commission into Uranium Mining** (the Fox Inquiry), pp. 6 & 186.
8. **The Courier-Mail**, 6 September, 1977.
9. In this respect the Government's crack-down on demonstrations proved very successful. During the march ban period over 2,000 short tons of uranium concentrates valued in excess of \$100 million were exported from the Queensland ports of Brisbane and Townsville (CPD, H.R., Answer to question no. 4624, not yet published). By the mid eighties Australian uranium mines are expected to be turning out between 9,500 tonnes and 17,000 tonnes of uranium oxide a year, worth between \$800 million and \$1,500 million in export income at current prices (S.M.H., 2 January, 1980, p 13).
10. **The Courier-Mail**, 1 March, 1980.
11. **Ibid**, 6 March, 1980.
12. **C.A.N.P. leaflet, Stop Uranium Mining and Enrichment**, n/d.
13. **The Courier-Mail**, 18 May, 1978.
14. **Ibid**, 24 October, 1977.
15. See Gene Sharp, **The Politics of Non-violent Action**, Porter Sargent Publisher, Boston, 1973, pp. 109-115 & pp. 657-679.
16. Three broad spheres of political action can be discerned in which a ruler's power is contested: 1) the society's institutional and conventional arrangements, e.g. parliament, parties, lobbying groups, ombudsman, etc.; 2) the area where the threat or use of violence is pitted against that which the ruler can muster at a particular time and place, e.g. rioting, terrorism, coup d'etat, civil war, international war, etc.; and 3) the area of non-violent action which may take the form of protest and persuasion, noncooperation, and intervention.
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27. **Ibid**.
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39. **Pamphlet**, Public Rights Committee, University of Queensland Student Union, c.1976.
40. **Meeting at University of Queensland**, 6 December, 1977.
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43. **Ibid**, 25 April, 1979.
44. **Ibid**, 12 March, 1979.
45. **Ibid**, 20 March, 1979.
46. **ABC Radio, PM**, 12 March, 1979.
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52. **Ibid**.
53. **Pamphlet**, c. 12 May, 1979.
54. **Ibid**.
55. Heard by Mark Plunkett at rally, 30 October, 1978.
56. **AUS (Qld. Region) pamphlet**, 4 March, 1978.
57. **Ibid**.
58. Bruce Dickson, **Semper Floreat**, 19 July, 1978.
59. Reported to Mark Plunkett at rally, 21 August, 1978.
60. Ralph Summy, **Political Jiu-Jitsu and the Street March Issue, Semper Floreat**, 8 November, 1978, p.14.
61. Sharp, **op.cit**, esp. Chaps.9, 10 & 11.
62. The International Socialists were the most prominent group in this respect.
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142. See fn. 16.
143. CLCC pamphlet, 22 March, 1978.
144. QPD, 18 May, 1978.
145. That Queenslanders did not have fundamental rights was spelled out by Judge Dunn in *Fisher v Douglas* (1978), Qld.St. Rep. 27 at 45. It was noted that, 'In Queensland, because of the sovereignty of Parliament, the subject does not have guaranteed rights. Those who describe themselves as champions of civil liberties frequently speak of such liberties as though there were no such thing as the Sovereignty of Parliament,

and, when they address themselves to the uncomprehending and the emotional, they mislead their audience.'

Queensland's highest court, the Full Court, upheld the validity of the ban (*Coleman v Haywood*, OSC, 4 1978; Qld.St. Rep. No.29, 29 July, 1978, p.609 also *Lawlor v Mackerell*, Ex parte Lawlor OSC/1978).

The implications of the law as endorsed by a series of court judgements led one legal scholar to comment: 'the common law right to walk upon the street or footpath has in some circumstances been transformed into a *prima facie* statutory liability which the walker must disprove.' Thus in Queensland, if a person is walking on a road or a footpath with other people with whom the individual shares a common purpose, he/she is *prima facie* guilty of an offence. The absurdity of such a proposition is plain enough especially with regard to the everyday shopper or commuter waiting at a bus stop. (See Frank G. Brennan, *Gods and Beasts, Independent Lawyer*, Vol.1, No.3, Publication of Independent Lawyers of Victoria, pp.8-10; the same article appeared in revamped form in *Social Survey*, October, 1978.

For more on the legal ramifications of the march ban, see R. v. Bjelke-Petersen; Ex parte Plunkett (1978), Qld. St. Rep 305-314; criticised by F.G. Brennan in *Melb. Univ. Law Review*, Vol.12, December 1979, pp.284-291. Also *Case Notes* (1978) in *Australian Law Journal*, Vol.52, p.386; R. Baxt, *Annual Survey of Law*, 1978, Law Book Co., pp.317-318; and E.R. Sykes, *General Principles of Administrative Law*, Butterworth.

Despite the controversy generated by these court cases, the High Court of Australia refused to entertain an appeal on the grounds that important questions of law were not raised.

146. *Qld. Police Department Annual Report*, 1978-79.
147. *Ibid.*, p.41, & *Annual Report*, 1977-78, p.29.
148. *The Australian*, 1 January, 1980.
149. *The Sunday Mail*, 23 September, 1979.
150. *Ibid.*
151. *Annual Report*, 1978-79, p.41.
152. *Annual Report*, 1976-77, p.12.
153. *Ibid.*, p.1.
154. See *The Australian*, 8 December, 1978; *Adelaide Advertiser*, 8 December, 1978, S.M.H. 8 December, 1979; and *The Courier-Mail*, 6 September, 1977 & 7 September, 1977.
155. *Qld. Police Journal*, Vol. 20, No. 9, September, 1978, pp.39-43.
156. Descriptions of the police violence can be found in *The Canberra Times*, 23 July, 1978; *The Age*, 27 July, 1979; *Sun Herald*, 4 December, 1977; *Brisbane Telegraph*, 31 October, 1978; and *The Australian*, 1 November, 1979 & 8 December, 1978.
157. *The Australian*, 8 December, 1978.
158. *The Age*, 31 October, 1978.
159. *CPD, Senate*, 4 April, 1979, P.1317.
160. Sharp, *op. cit.*, pp.109-110.
161. M.K. Gandhi, *Non-violent Resistance*, Schocken Books, N.Y., 1957, p.57. ●