



Conflicts in Australian Society

A study of those contemporary issues that presently exist in Australian society which give rise to some form of social conflict, and their possible effect on the nation

**Paper delivered to officers, Enoggera Military Establishment, 10th February 1979, by Plain Clothes Senior Sergeant R. J. Redmond, Queensland Police Department. Senior Sergeant Redmond is the Honorary Secretary of the Queensland Branch of the Australian Crime Prevention Council.*

INTRODUCTION

1. There are many 'issues' which may be said to cause controversy in our society and which not only have local impact — causing social conflict, but involve argument and even demonstrations at a local and Federal level.

To mention but a few 'issues' — we should consider these questions — 'Uranium', 'Conservation', 'Civil Liberties', 'Right to March', 'The Aboriginal Question', 'Police Powers', and the attending factor of 'Military Involvement' as it touches upon the last mentioned issue.

2. The 'issues' are well known and could form the subject of separate detailed debate. I suppose we should look at the rights of individuals to participate in our democratic society in issues which they feel strongly about.

The question arises as to how far persons may go in this area without infringing the law and causing inconvenience and in some cases injury to persons and property.

3. In assessing this perplexing problem we should look at the history of our Commonwealth.

Australia is a nation of cultural minorities. What was once a basically British culture has widened over the years to include large elements of various European and Asian cultures.

Immigrants from all over the world have enriched our children's common heritage with different life styles, language and cultural backgrounds. Our cosmopolitan cities are developing as wide a range of ethnic communities as any city on earth. Australia no longer suffers from the tyranny of distance — the world is coming to us.

We have become aware of the need to tolerate each other's cultural differences. Through what could almost be described as an expression of national guilt, we now encourage the continuing existence of the ancient and proud aboriginal culture.

But there has always been a tendency for some members of the dominant Anglo-Celtic group to congratulate themselves on tolerance whilst expecting members of other ethnic groups to keep in their subordinate places.

Encouraging minority cultures is good so long as it is done through genuine tolerance. There can be no sound basis for a multi-racial society where various ethnic groups are forced to maintain their identity through being alienated, isolated or oppressed on account of a particular cultural origin.

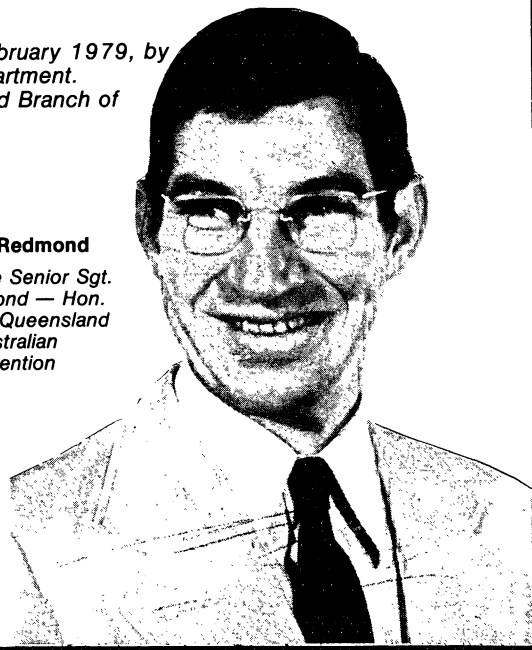
Many present-day Australians have experienced the oppression and terror of intolerance first-hand, having fled from it elsewhere. And, lest we forget, nearly 30,000 Australians died in a war to prevent the horror of Hitler's facism from spreading over the face of the earth.

In historical terms, Australia has only recently shed its White Australia Policy. We are only at the beginning of the road towards a truly multi-racial society. We have, for example, hardly begun to develop the vast area of our rich and underpopulated tropical North, but projects now under consideration envisage a substantial Asian immigration policy.

This lucky country does not suffer from violent racial problems and we should have learned enough about man's inhumanity to man to ensure that it never will.

By R.J. Redmond

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4. The natural follow-on is to look at law enforcement agencies and their role in the scheme of things.

Perhaps no professional group other than police is subjected continually to the range of physical and mental stress under hazardous conditions common in police work. The police are allowed small margin for error in judgment or action and are constantly open to public scrutiny. No other profession is so readily and vehemently criticized when one of its members fails to perform his duties properly.

On the one hand it is expected that our law enforcement officers possess the nurturing, caretaking, sympathetic, gentle characteristics of physician, nurse, teacher and social worker as he deals with school traffic, acute illness and injury, juvenile delinquency, suicidal threats and gestures and missing persons. On the other hand we expect him to command respect, demonstrate courage, control hostile impulses, and meet great physical hazards. He is to control crowds, prevent riots, apprehend criminals and chase after speeding vehicles. The profession demands seemingly opposite characteristics.

As Sir Robert Mark has said, "For those of us actively engaged in the containment of violence, whether at home or abroad, there is only one conclusion we can safely draw: it is that our role is never likely to diminish."

5. In Queensland there have been suggestions that the police operate in a 'Police State' atmosphere, when dealing with issues which may be said to evoke national comment and in some cases cause social conflict.

We should make it clear that the police are a civil authority, sworn to uphold the law as promulgated by Parliament. If the laws are considered to be bad then it is for the electorate to see, through their duly elected representative, that they are changed. The police do not have this authority as a body.

For instance the laws on street marching in Queensland have been the subject of much comment. There is great relevance here to the subject under review.

6. In Queensland, if a body of persons wish to hold a procession, under Regulation 123 and 124 of the Queensland Traffic Regulations 1962, they must apply to the District Superintendent of Traffic for permission to hold any political, religious or other meeting, or street march.

In passing it should be noted that a body of persons constitutes any more than two persons in a public place. This is an opinion of the Queensland Crown Law Office.

The District Superintendent of Traffic may issue or refuse to issue a permit for such meeting or procession; however, his grounds for refusal must be from a traffic safety point of view, and not from any other outside influences.

In the event that the District Superintendent of Traffic decides not to issue a permit for a meeting or a procession, the organisation is duly advised.

Prior to September 1977, such bodies or organisations could apply to the District Superintendent of Traffic and request him to reconsider his decision. If the District Superintendent again refused the application for the permit, the organisation or body could then appeal to the Magistrates Court for a decision in the matter. The Magistrates Court ruling was then the final decision in the matter. On 19th September 1977, a new Section 57a of the Traffic Act 1949 to 1977 was promulgated. This section transferred the right of appeal from the District Superintendent of Traffic to the Commissioner of Police and also revoked the right of appeal to the Court. The Commissioner of Police now has the authority to issue or refuse such permit.

In other States in the Commonwealth the position is as follows:

NEW SOUTH WALES

In Sydney, Wollongong and Newcastle authority is vested in the Commissioner of Police, who shall not refuse the issue of a permit without the concurrence of the Minister for Police.

In all other areas of New South Wales the authority is vested in the Local Government Authority.

In all cases in New South Wales there is no right of appeal.

TASMANIA

In this State all permits are issued by the Transport Commission — always acting on the recommendation of police, although not embodied in legislation.

There is no right of appeal.

VICTORIA

In Melbourne and other areas of Victoria all permits are issued in the first instance by the Melbourne City Council for the City of Melbourne and then by the relevant local authorities.

There is no right of appeal.

WEST AUSTRALIA

All permits are issued by the Commissioner of Police. There is no right of appeal; however, any person aggrieved would have recourse to civil appeal such as a Writ of Mandamus.

SOUTH AUSTRALIA

Here the position changes and here is the area of conflict as the laws appertain in Queensland.

Organisers of the march in that State notify the Chief Secretary, the Commissioner of Police and the Clerk of the Council.

Notice is to be given four days prior to the assembly, together with full particulars of the date, time, place, persons attending, etc. Assembly can then be held. If there are any objections by the Chief Secretary, Commissioner of Police or the Clerk of the Council — they are to be fully set out and the organisers advised in writing at least two days before the assembly and the objections published in a newspaper of general circulation.

An assembly can be held without giving notice; however, the organisers, etc. are not afforded protection against civil liability in the obstruction of traffic, etc.

Where two or more notices are given, only one of the notices shall be valid and effective and the Chief Secretary shall determine finally and conclusively which of the notices is to be valid and effective.

7. Lord Justice Scarman has been credited with saying, "On such evidence as I have seen, there may well be good reason to wonder whether magistrates do always appreciate the gravity of an offence against public order. Abuse of liberty endangers liberty itself; it is a serious offence to depreciate the currency of freedom by resorting to violence and public disorder."

It is a well-known fact that the maintenance of order during political demonstrations has always been the most sensitive problem for police. This was one of the governing factors for the creation of a police force in England in 1829.

Political demonstrations seem to give satisfaction in the main to those taking part. The public as a whole are usually not interested unless affected by inconvenience or aroused by disorder and violence. Nevertheless, the right to hold them is much valued and jealously preserved in the English system demands for more severe punishment and control by permits or licenses which may have previously been thought to be unnecessary.

8. Where do the Military, a disciplined body, fit into this scheme. I think we must look deeply into the needs.

Military aid to the civil power can be an unnecessary emotive procedure in free societies, especially those in which it has rarely been invoked. Emotion and unease arise almost entirely from two factors. The first is the failure of governments to explain the purpose for which military aid is, or ought to be acceptable to everyone as representing no threat to civil liberty. The second is the lack of contingency planning which causes military aid to be drawn from sources which even the general public can see are not appropriate.

It is quite clear that in a free society there is nothing improper in invoking military aid to deal with emergencies or disasters, such as floods, aircraft crashes and so on. The public will accept their participation in the maintenance of essential services.

They have in fact contributed heavily in the past to essential services during times of conflict with no complaint from the union movement.

It is generally held that troops should never be used to confront political demonstrators or participants in industrial disputes. Their support logistically, which is one of their great forte, must be protected by the Police who alone must deal with any violence arising from objection to their supporting role.

Contingency planning by the Military as a support to major police operations is in my opinion of high priority. I refer to terrorist activity, which may be motivated by one of those areas of 'Conflict' previously outlined. This sort of activity where there may be close quarter battle is a task for the Military, not for the Police, who should be used to contain the situation until the Military arrive.

In all societies the Army represents the ultimate sanction of force necessarily available to government in extreme circumstances. The Police, by contrast, serve the people as a whole and they are dedicated to the avoidance of force, or the use of only such force as is likely to be approved by the Courts of the public. Their common bond is that both are devoted to the principle of refusal to give way to force in any circumstances, whether it be motivated politically or criminally.

9. I have endeavoured to be realistic and basic in my approach to the subject. Perhaps I have turned it into an area of discussion regarding the law, as seen through the eyes of a Police Officer and as a contra-Military involvement. Taking the total subject as an exercise in a democratic, rational containment of any situation which may arise out of issues which may give rise to some form of social conflict and the possible effect on the nation.

ASSIGNMENT 1. In the lawful containment of issues which may give rise to conflict in society, what role is seen as appropriate for the Police and Military?

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